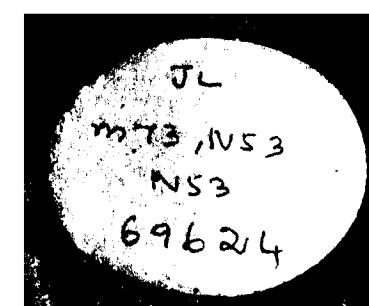


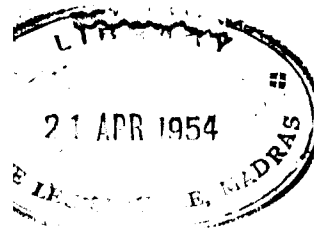


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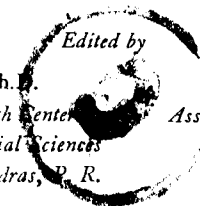
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PUERTO RICO

A STUDY IN DEMOCRATIC DEVELOPMENT

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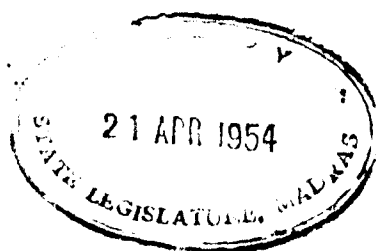
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FOREWORD

WHEN James Boswell returned from a tour of Corsica in 1765 he wrote: "It is indeed amazing that an island so considerable, and in which such noble things have been doing, should be so imperfectly known." The same might be said today of Puerto Rico. Although more familiar to the general public in January 1953 than it was in January 1941, when "noble things" began to happen in the island, Puerto Rico is still imperfectly known in the United States.

The purpose of this volume is to remedy that defect. The essays attempt not only to describe in some detail the remarkable doings of the last twelve years but also to explain their significance for the world at large. Puerto Rico's achievements are significant because its problems are at once common and grave. They are to be encountered in many parts of this troubled globe, and nowhere are they being attacked so confidently or so successfully that lessons cannot be drawn from the Puerto Rican experience.

Like so many other places, Puerto Rico is an underdeveloped area. Before 1941 its economy was almost exclusively agricultural and devoted primarily to the cultivation of a single crop; its resources were meager save for manpower, and that was inadequately used; its widespread poverty was apparently endemic and ineradicable. Since 1941, however, strenuous and imaginative efforts have been put forward to raise the standard of living, to introduce industrialization, to diversify and increase agricultural production, and to discover new resources and make the most of those that were known.

Again like many other parts of the world, Puerto Rico has a population problem. A steadily high birth rate combined with a steadily declining death rate during the first four decades of this century had produced a tidal wave of humanity beating ever more destructively against the economic foundations of the island. Virtually unrecognized twelve years ago, the population pressures are today the object of serious concern and constructive planning.

In yet another sense Puerto Rico exhibits a not uncommon modern problem: that of accommodating a long-established culture, basically Old World in character, to the unsettling forces of rapid Americanization. Spanish in language, culture, and outlook for four centuries, the island suddenly in 1898 became subject to strong influences from the United States. The impact of these influences has increased each year, but the conflict between the old culture and the new has gradually lessened as patterns of adjustment have worked themselves out. During the last decade the island has become a training center for Latin American and other seekers after North American "know-how."

Finally, Puerto Rico presents (or rather did present until recently) a fairly typical instance of the world-wide problem of colonialism. From the early sixteenth century until the day before yesterday, the political status of the island was that of a dependent area. Under the jurisdiction of the United States since the close of the Spanish-American War, Puerto Rico learned the theory and (to the extent allowed by its American governors) the practice of democracy. Knowledge of democracy bred aspirations for self-rule; but awareness of economic difficulties inherent in the traditional goals of independence or statehood led to the creative

search for a third alternative. That search was rewarded on July 25, 1952, when the Commonwealth of Puerto Rico came into existence.

As this volume of *THE ANNALS* appears, a new era begins in Puerto Rico. For on the second day of January 1953, the Puerto Rican people inaugurate the first Governor to be elected under the Constitution which they themselves drafted and adopted for the new Commonwealth. In view of the results achieved during the past twelve years of democratic development, the future of the Commonwealth promises still more noble things to come.

MILLARD HANSEN
HENRY WELLS

Development Through Democracy

By LUIS MUÑOZ MARÍN

LANGUAGE was given to man to enable him to make himself understood by his fellow man. But one of the frailties of language is that there are some words which for a time prevent understanding. In Puerto Rico *patria*—the homeland—has been such a word. At first blush this may seem strange, as there is no people of the earth who love their native land more profoundly than do the people of Puerto Rico.

To the Puerto Rican, *patria* is the colors of the landscape, the change of seasons, the smell of the earth wet with fresh rain, the voice of the streams, the crash of the ocean against the shore, the fruits, the songs, the habits of work and of leisure, the typical dishes for special occasions and the meager ones for everyday, the flowers, the valleys, and the pathways. But even more than these things, *patria* is the people: their way of life, spirit, folkways, customs, their ways of getting along with each other. Without these latter things *patria* is only a name, an abstraction, a bit of scenery. But with them it is an integral whole: "the homeland *and* the people." Those who profess to love their country while taking an irresponsible attitude towards the destiny of its people suffer from spiritual confusion. The implication of their attitude is that we must save the country even though we destroy the people!

Love of country must mean love of all of the country—both the *patria* and the people. But some of us confused love of the homeland with the narrow

and bitter concept of the national state. We felt that love of Puerto Rico had as a necessary corollary the desire for separate independence. We had not yet comprehended that no law, divine or human, commands that countries must be suspicious, vain,* and hostile, that they must live separate from other countries whose peoples are a part of the broad equality which the Lord created on the earth. Because of the rigidity of our thinking, we could not disentangle the concept of love for our country from the fixed idea of separate independence. Anything other than independence seemed to clash with our love for Puerto Rico.

THE DAWNING LIGHT

The difficult process of clarifying these ideas began when the Tydings bill was introduced in Congress in 1936. On the one hand, this bill offered the separate independence for which many of us had asked because of our feeling for the abstract idea of the *patria*. On the other hand, it condemned the people of our homeland to extreme poverty from which they could never hope to escape. Suddenly what had seemed to be an integral idea—the homeland and separate independence—turned out to be two conflicting ideas: one, acceptable as an abstract idea; the other, a mortal enemy of the people. The Tydings bill would have made Puerto Rico independent; but it would have shackled the people with economic misery.

It was not easy to change our views on this subject. Our minds could grasp the point that if we could have separate independence only under the economic conditions of the Tydings bill, it would

* This is a speech delivered July 17, 1951 at Barranquitas, Puerto Rico. The speech has been translated into English and revised slightly for publication in *THE ANNALS*.

be not independence but a living death of hopeless poverty for Puerto Rico. Yet our emotions led us to search for other economic conditions under which independence would be possible.

At the time, our emotions were stronger than our powers of reasoning. Rationalization works where understanding is the servant instead of the master of emotion. Instead of using reasoning objectively to seek the truth, we used it to justify our emotions. Just as one might confuse the glittering uniform of a doorkeeper with that of a king, our powers of reasoning were led astray by rationalization induced by our emotions. We were the victims of wishful thinking in believing that separate independence would be feasible if the economic conditions in the Tydings bill came into effect over a period of ten years instead of immediately. This was also inadequate; but it served for a time to protect, in the minds of many of us, the preconceived idea of separatism.

THE UNTAUGHT WISDOM

We were gripped with this emotional confusion—wanting independence but not wanting economic upheaval—when the campaign to found the Popular Democratic party was running its course between 1938 and 1940. At this point, well aware of the great economic needs of our people, and knowing our simple people well, I set out to talk with them. I learned many things from these talks.

I learned that there is a wisdom among the people in the towns and in the countryside which education may lead, but cannot improve, in its magnificent human essence. I taught many of them something, but they taught me more. I learned that the people are wise—wiser than we think. I learned that to them freedom is something deep in the heart, in the conscience, in every-

day life, in personal dignity, in the furrow, the plow, and the tools. I learned that among the simple people the nationalistic concept does not exist, because in its place there is a deep understanding of freedom. I learned that in their wisdom they prefer—if they have to choose—one who governs respectfully from a distance to one who governs despotically from nearby. And that understanding is the unequaled basis and root of every great federalist concept, of great unions between countries and between men which cut across climates, races, and languages. The nationalistic concept prefers the despotic government of the nearby to the democratic government of the remote. Naturally, democratic federalism requires respect and liberty in the local as well as in the federal levels of government.

I learned many things, probably many more than I think I learned; for we learn by planting things in the mind which later bear fruit in understanding. And I learned better something I already knew: that it is unworthy of the conscience, that it is the denial of all ideals, to risk, for abstract concepts, the hope for a better life, the deep belief in the integral freedom of the good and simple people who populate the long paths, which sometimes cross the streets and squares, which are Puerto Rico. I learned all this, and I also learned that the great majority of the people of Puerto Rico prefer close association with their fellow citizens of the American Union and with all men on earth, to the bitter narrowness of separation.

I realized that with a program calling for separate independence we would never obtain the support of the people for economic development—equitable distribution and production—which the people needed so much. The profound intuition of the people was quick to point out the contradiction in a program which on the one hand talked

about the struggle to reduce their extreme poverty and on the other hand talked about separate independence which would destroy any hope of ever conquering that extreme poverty—which in fact would rapidly aggravate the seriousness of that poverty.

From the instinct of the people which I observed in my journeys among them, from the doubts in my own mind and the minds of others, and from the compulsion to deal with the great economic and social problems of so many good people in Puerto Rico, there emerged the formula which made possible everything that was to come, the formula that “the political status is not in issue.” The votes in favor of the Popular Democratic party would not be counted either for separate independence or for federated statehood; they would be votes in favor of an economic and social program. Our political status would be decided by the people on another occasion, wholly apart from the regular elections—presumably in a plebiscite.

This new concept of separating the economic from the political problem of Puerto Rico liberated the Popular Democratic party from a platform which was its own worst enemy—a platform in which the political plank could destroy the economic planks with the devastating fury of a tropical hurricane. This liberated those of us who had suffered from an intolerable perplexity of spirit. It enabled us to tackle the economic problems of Puerto Rico in a way that introduced a new, large movement of reform, creation, and hope. We are still engaged in that great task; in spite of the great deal which we have accomplished, there is much more to be done.

THE EITHER/OR CONCEPT PERSISTS

However, we were free of this perplexity of the spirit for only a short period. We continued to be preoccupied

as a collective group with the notion of a plebiscite in which we would be required to choose between separate independence and federated statehood—despite the fact that under either alternative the economic life of our people would be gravely threatened. It must be understood that it was not the people who were insisting on this course. This came from the political assemblies, who in this respect were not so representative of the people as they were in economic questions.

Those of us who participated in these assemblies were not insincere. With more learning and less wisdom, we continued to believe, although assailed by anguished doubts, that the choice must be between separate independence and federated statehood under economic conditions different from those in the Tydings bill and from those which existed for the states of the Union. We persisted in this view without examining closely the question of whether it would be possible to obtain these necessary economic conditions without any deviation from the two rigid alternatives. We were impaled on the horns of the dilemma which seemed to force an inexorable choice between separate independence and federated statehood. Actually, the instinct of the people used the idea of a plebiscite between these two classical forms of government to provide time for a better and autochthonous solution of the problem to appear. We can see this now. It was not easy to see it at that time.

In the 1944 campaign the promise to the people that the political status was not in issue was repeated. However, it was still imperative that we find a solution for that problem. The wisdom of the people, which I have mentioned, does not consist in a belief that the question of political status is of no importance whatsoever. Rather, recognizing that man does not live by bread

alone and is in part a political being, the people have wisely refused to be bound by the intellectual strait jacket of rigid and preconceived formulas which stifle the creative will and energy of men. It was this instinct of the people, which at times their leaders must channel into action, which engendered the happy thought that the solution might well lie in some form other than the two inflexible formulas upon which the political assemblies had long focused their attention.

A THIRD POSSIBILITY RECOGNIZED

We were thus one step farther along the road to reality: in a request to Congress for a plebiscite we used language which permitted consideration of solutions other than the two rigid classical alternatives. True, we committed the error, at the insistence of some of the members of the political assembly, of inserting a deadline; we asked for a solution of the problem when World War II ended. But we had freed ourselves from the tyranny of the labels, separate independence and federated statehood. We were making progress.

In 1945 I went to Washington for discussions on the question of the political status of Puerto Rico. As a result of this visit, a bill was introduced in the Senate by Senator Tydings and in the House of Representatives by Resident Commissioner Piñero. That bill presented *three* alternatives: separate independence, federated statehood, and dominion status. In the provisions for separate independence and dominion status the economic conditions were completely different from those of the original Tydings bill and from other Tydings bills. Under either of these alternatives, free trade between the United States and Puerto Rico would continue, the internal revenue taxes which now revert to the Treasury of Puerto Rico would continue to be cov-

ered into our Treasury, and federal aid for roads, hospitals, school lunchrooms, and many other public works and services would be extended for a long period of time.

During these consultations in Washington I became aware that such a bill could not pass. However, it did serve to present graphically to Congress and to the people of Puerto Rico the minimum economic conditions we needed in order to survive, irrespective of our political status.

THE OBJECT LESSON OF THE PHILIPPINES

In April 1946 I again went to Washington as a member of the Status Commission which was created by the Legislature of Puerto Rico and on which all the political parties with members in the Legislature were represented. Once more we tried to find a solution to the problem of status as we then saw it. During that time hearings were being held before congressional committees on a bill to establish the economic relations which would exist between the United States and the Philippines when the latter became a republic. I read carefully the record of those hearings because of their obvious bearing on the question we were raising. It convinced me that Puerto Rico would never obtain the right to choose separate independence in a plebiscite except under economic conditions which would be disastrous to the welfare of the people of Puerto Rico and which would destroy any hope of continuing to improve their standard of living. The most important factor which led me to this conviction was the most-favored-nation clause found in trade treaties between the United States and many other countries.

The plan at the time was to give the Philippines economic treatment which would preserve for them the advantages of union with the United States for only

eight years; this preference would be gradually reduced until the Philippines had no privilege whatsoever in their economic relations with the United States. The principal reason for this treatment of the Philippines was the most-favored-nation clause in trade treaties to which the United States is a party. Under this clause the United States is required to give each nation with which it has a trade treaty containing the clause the most favorable economic treatment provided in a treaty with any other nation.

Obviously, the United States could not maintain its present good economic treatment of Puerto Rico, which is vital to our continued development, if we acquired a status which had all the legal paraphernalia of separate independence. It became clear that only under some form of status in association with the United States in which we retained our American citizenship could we preserve the good economic conditions which are necessary for our survival as a people. It could not be gainsaid that any status for Puerto Rico which connoted loss of American citizenship and disassociation from the American Union meant the discontinuance of our present favorable economic conditions, except perhaps for a few years on a diminishing graduated scale. The hard fact was that the present free trade between Puerto Rico and the United States could not be continued if Puerto Rico were a separate, independent nation. To provide for such free trade would require the same treatment for all the most-favored-treaty nations. And this, of course, was out of the question. Moreover, added to our economic situation was the affection and mutual respect which had developed between the peoples of Puerto Rico and the United States within our common citizenship.

We concluded that we must stop wasting time groping for a solution to the problem of political status which we

knew beforehand was impossible for Puerto Rico to attain—impossible not for the American Union, but for us! The Philippines, with their greater territory and natural resources in relation to population, could manage under such stringent economic conditions. Our destiny lay in a different direction. It was incumbent upon us to devise creatively a realistically free form of political status which would not be at war with the solution of the economic problems of Puerto Rico and yet would protect the dignity of our people within our association with the American Union.

THE PATH OF PROGRESS

Once we forthrightly faced this task in the middle of 1946, things began to happen. The political status lost its role of enemy of the solution of our economic problems; instead we considered it in the light of and in harmony with the effort to solve the great economic difficulties of our people. We moved at an unprecedentedly accelerated pace which proved beyond peradventure that the log jam on status had finally been broken.

There had been no progress in self-government for Puerto Rico since 1917. Less than two months after this new approach to the problem of status had been adopted, the President of the United States appointed Jesús Piñero, who had been elected by the people of Puerto Rico as their Resident Commissioner in Washington, to the post of Governor of Puerto Rico. And it took only four years for Congress by Public Law 600 to offer to create a relationship between Puerto Rico and the United States based on a compact approved by the people of Puerto Rico and on a constitution written by the people of Puerto Rico themselves. Less than two years later, by means of a series of elections, the people of Puerto Rico approved the compact, elected delegates

to a Constitutional Convention, and approved the terms of the Constitution, which went into effect on July 25, 1952.

The wisdom of halting the divisive and futile debate on status, which paralyzed our progress towards self-government from 1917 until 1946, has been dramatically demonstrated by the swiftness of the events which occurred between 1946 and 1952. With this hindrance removed, the long-repressed political energy of our people soon created a new form of status, a new form of political relationship in the American Union and in all America, a new form of political freedom in harmony with the economic freedom of our people, in place of the rigid and sterile formulas which threatened the full development of Puerto Rico and which had immobilized for generations the great creative political powers of its people.

It should be made clear that what we have done has been to initiate a process of political creation in Puerto Rico, and not merely to invent just another formula. Precisely because it needs to grow in so many phases of its life as a people, Puerto Rico cannot become entangled in formulas. It must use its energy in development and continuous growth. Nothing could enslave us more than handicapping our great drive towards a happy future with a rigid, obsolescent, unprogressive, or inapplicable formula.

INTERPRETATION OF THE CONSTITUTION

Every constitution is subject to different interpretations which are made in good faith. But our thesis is that by their votes in the referenda in which Public Law 600 and the Constitution were approved, the people adopted the interpretations of these documents advanced by those who campaigned for their approval. We submit that when the time comes for judicial review of the compact and the Constitution, they

should be interpreted in accordance with the understanding of the people as to their meaning and scope when they approved them. We are confident that such interpretations will prevail, and that they will yield the results which will be most favorable and liberal to Puerto Rico and which will promote fraternal understanding between Puerto Rico and the American Union.

We are proud of the strictness with which the Constitution protects the rights of individuals and of minorities. By minorities I mean not only political minorities, but all minorities which are a part of every community: political, religious, racial, intellectual. Democracy implies that individuals have rights which cannot be destroyed by the will of the majority. The rights and duties of the majority are to legislate and execute plans of action in every area in which the public interest is involved, without impairing the basic rights of individuals or of minorities—including, of course, those basic rights without which minorities could never be converted into majorities. I refer to freedom of speech, of religion, of peaceable assembly, of petition: all the rights which a minority needs to convince a majority to adopt its points of view and its collective proposals. To be sure, some of these rights are safeguarded by the Constitution of the United States; but our Constitution goes further in the protection it gives these rights. In doing so it expresses the will of our people to reinforce the protection afforded to these rights.

EMPHASIS ON DISTRIBUTION

I turn now to economic questions. At the beginning of the present stage of our history, only twelve years ago, Puerto Rico was in the grip of the most extreme poverty. We had very poor distribution of the small amount we produced, and the resulting extreme poverty of the great majority of the people

was reflected in the relative poverty of other economic groups and the general insufficient prosperity of all the people.

In considering what measures were required at that time, we were more aware of the unjust distribution of what we had than of the insufficiency of what we produced. It was easier to be angered by men's injustice to one another than to be angered by the insufficiency of nature to provide us with abundance, especially when it was difficult to admit that our own carelessness in cultivating the land might be the root of the trouble. And so at first we expended more energy in correcting injustices than in increasing production.

We began to distribute land, and the first proportional benefit farms were established. The eight-hour law was improved, and the principle of minimum wages was initiated. The tax burden was redistributed so that those farther away from poverty would pay higher taxes for the general welfare of the people. The program of free school lunches and milk stations was quickly developed. A modest but much appreciated system of aid for the old and infirm was devised. Health centers were multiplied and improved for those who must depend on the government to safeguard their health. Labor legislation was modernized, extended, and fortified. But beyond these measures, an attitude of democracy and democratic effort towards the solution of their own problems and the protection of their rights was created in the spirit of our people. This gave strength, form, and practical expression to the instinctive dignity of the Puerto Rican people.

EMPHASIS ON PRODUCTION

As time passed, it became clear that we must also devote a great deal of effort to the creation of production. The constant increase of population, among other things, made it clear that it was

not enough to distribute one pound of bread among twenty people. We also had to produce more bread to mitigate the hunger of the twenty. As I pointed out in a speech, "Justice can distribute what there is, but it cannot distribute what has not been produced." Accordingly, we began the battle of production. Our position was that Puerto Rico must have all possible means for increasing production with four aims: first, to accelerate its speed in order to keep pace with the increase in population; second, to diminish the unemployment which already existed when this program started; third, to continue raising our standard of living above the subsistence level; and fourth, eventually to dispense with the substantial federal aid which is now required to assure the survival and development of the people of Puerto Rico.

Our first step in this direction was taken in 1941, when the Legislature enacted a statute providing for a partial exemption from income tax for anyone investing money in new industries and thus increasing employment in Puerto Rico. In 1942 the law was passed which created the Economic Development Company. We acquired a factory from the federal government and began the construction of four other factories in order to increase industrial production in Puerto Rico. We soon discovered that the Government of Puerto Rico would never have enough money under any conceivable circumstances to build government factories which would increase production and opportunities to the point needed and expected. The first factories served as pilot plants for us to obtain understanding of the difficulties of industrialization and to acquire that industrial know-how which had been unknown to Puerto Rico.

Experience has demonstrated that in order to expand industrialization we must provide stimuli for the private in-

vestment of capital and for the creation of new wealth. We wish to increase our new productive capacity and to expand new sources of employment for our people. In order to achieve this end we have been changing, improving, and intensifying the battle of production through tax exemption for certain new industries, through aid in the construction of factory buildings, through financial aid to whoever is willing to invest his own money in new production, and through a practical demonstration that the Government of Puerto Rico has the ability to maintain peace and order while adhering strictly to the protection of the democratic rights of the people and to democratic principles.

We have been fighting on many fronts at the same time: building roads and factories, fostering health improvement, raising our standard of living. This makes not only for a happier and more hopeful people but for a stronger people—one able to deal with their problems and to solve them at every level. We have tried whatever means were legitimate and promising for the general welfare. While we have made mistakes, we have learned from them. As we travel along this difficult road, we correct our mistakes and press forward. We still have a long way to go.

A STURDY POPULAR SUPPORT

If the people had not grown in understanding, we should have been unable to come this far, and it would be impossible to go farther. Our people have shown their democratic understanding

by supporting a difficult program while facing the demagoguery which feeds on criticism of whatever is difficult to understand and difficult to accomplish.

One form of demagoguery is to propose the easy way: easy programs easy to understand and easy to attempt. This way solves no problems. Any community can adopt an easy program; but in order to give support to one which is difficult and not rapidly attained, we need a people sustained by simple spiritual wisdom and great democratic power. Happily, these are the traits of the Puerto Rican people.

Another form of demagoguery is to criticize changes and to insist that whatever was started in a certain way must continue in that way though it lead to disaster. This is sometimes due to inordinate pride of opinion, despite the fact that thousands or millions of people suffer from it. It may be aptly called loyalty to error itself. But in pursuing our program we must make many changes by whatever honorable means exist. We must be always changing, adapting, improving, enlarging, and intensifying our way of doing things to keep it dynamic. This is so because, although we have a flexible means of attaining our objective, the objective is fixed and unchangeable. It has always been the same and will always be the same: it is to bring economic freedom, real freedom, full freedom, to the flesh-and-blood human beings who are our people, to the *patria*—"the homeland and the people." God willing, we shall achieve that freedom for the people of Puerto Rico.

*Luis Muñoz Marín, San Juan, Puerto Rico, is the first elected Governor of the Commonwealth of Puerto Rico. He was elected to the Senate of Puerto Rico in 1932. In 1938 he founded and became President of the Popular Democratic party, which became the majority party in 1940. He was president of the Senate of Puerto Rico from 1941 to 1948. After graduation from Georgetown University, he started his career as a journalist, and served as editor and publisher of various newspapers in Puerto Rico. He is author of *Borrones* (1917) and *Madre Haraposa* (1917); of a section on "Porto Rico, the American Colony" in *These United States* (1925); and of articles in many American periodicals.*

Puerto Rico and American Policy Toward Dependent Areas

By RUPERT EMERSON

THE postwar drive to put a speedy end to colonialism has produced not only a number of new and independent states but also a search for new inventions which would make it possible to maintain some of the old ties and at the same time remove the curse of colonial inferiority—or at least the appearance thereof. Despite the attractiveness of a slogan of full independence for all colonies, it is evident that there may be very real advantages for both sides in a continued association on terms of equality or some reasonable approximation of it. To devise the forms in which such an association should clothe itself is by no means an easy task.

Great Britain had an ideal instrument already at hand in the Commonwealth; but even in her case it has been necessary to create, or to adapt from the earlier experience of India and Ceylon, new transitional institutions such as those now being worked out for the Gold Coast, Nigeria, and the West Indies, among others. France has established the French Union with its several different types of component units, and the Netherlands has achieved at least a temporary union with Indonesia and is exploring new relationships with the Antilles and Surinam. For the United States the corresponding venture is the newly established Constitution of Puerto Rico, "in the nature of a compact" with the United States.

COMMONWEALTH STATUS IN PUERTO RICO AND ELSEWHERE

The new status which has just been gained by Puerto Rico is one for which it is difficult if not impossible to find

precedents anywhere, and certainly none can be found in the constitutional experience of the United States. "Commonwealth" is a rich and admirable word, of which it can perhaps be said that it bears so many connotations that, while it has an aroma all its own, it rouses such diverse memories as to wander off into diffuse uncertainty.

These lines are written in the Commonwealth of Massachusetts, but in this context the term can have no other meaning than that of state in the American Union, a status to which some Puerto Ricans may still aspire but which they have obviously not secured. Within the American orbit the word has also been used to describe the interim position of the Philippines in the last stages of the transition from colony to independent sovereignty; but in both substance and intent, the Puerto Rican position is markedly different from its Asian counterpart. In the remoter past there is the Commonwealth of Cromwell, and, to add confusion, the Commonwealth of Australia is a member of what until recently was called the British Commonwealth.

Nor does it greatly aid in securing a more precise definition or understanding of commonwealth status to turn to the Spanish phrase *Estado Libre Asociado* which the Puerto Rican Constituent Assembly declared to be, in the particular case, "equivalent to and an appropriate translation of the English word 'commonwealth.'"

In the traditional constitutional pattern of the United States there existed only two basic types of status: the states which were the equal components

of the federal union, and the territories which were bodies passing through an apprenticeship destined to fit them for a statehood assumed to lie closely ahead. The burst of imperialism of 1898 left us in command of peoples whose place in our system has always been something of an anomaly and whose status we have never been able properly to assimilate to our sense of the constitutional fitness of things.

The Insular Cases of 1901 attested to our difficulties and confusions but succeeded in laying the foundations for a series of decisions and legislative acts which piece by piece built up the legal and constitutional structure for the American empire. Gradually a pattern emerged which enabled us, if somewhat uneasily, to house our new imperial wards in a framework not limited to the old territory-state dichotomy.

So ample was the freedom which was left to Washington that in the case of the Philippines a door could be opened to full independence, and in the case of Puerto Rico another door led to the present unique experiment of a new-model Commonwealth, not to mention the cases of Guam and Samoa which were left to cool their heels indefinitely in the Navy's anteroom.

FEATURES OF NEW PUERTO RICAN STATUS

To identify briefly the distinctive features of the new Puerto Rican status is no easy matter, both because it is a complex and in some respects uncertain situation and because the different elements vary in importance depending on the angle from which they are viewed.

Implications for Puerto Ricans

From the standpoint of the Puerto Ricans it may well be, since they had already been conceded an elective legislature and governor, that the most dis-

tinctive element is that they now have for the first time in their history given themselves a constitution and given their free consent to their relationship with the United States. It was a striking feature of the ceremonies attendant upon the formal establishment of the Constitution on July 25 that so large a share of attention was focused upon the raising of the Puerto Rican flag, freely chosen by the Puerto Ricans themselves, side by side with the American flag. It is arguable that the status which they now have does not differ greatly in substance from that which they had before; but to press that argument too far would be to ignore the great symbolic effect of entering into a compact with the United States and of governing themselves under an instrument of their own fashioning.

From the standpoint of the outside world, much of what has taken place in Puerto Rico must seem an almost insoluble puzzle. According to all accepted maxims, colonial peoples should rise and do battle for their national independence; but the Puerto Ricans in the mass appear to take pride in reaffirming their union with the United States. An elected governor and legislature, untrammelled by the control or even the symbolic dignity of any representative of Washington in the island, should mean that independence has been either wholly or approximately realized; and yet, under the peculiar conditions of American federalism, the federal authorities and agencies operate as fully in Puerto Rico as they do in the forty-eight states, and the foreign relations and defense of the island are exclusively in Washington's domain. What has been achieved is clearly not statehood in the American sense, because there is neither full representation in Congress nor participation in Presidential elections by residents of Puerto Rico. Nor, equally clearly, is it statehood in the

international sense; but it is certainly far nearer the former than the latter. Despite the appealing Spanish title of "free associated state," the superficially tempting comparison with the British Dominions is wholly ruled out by the inclusion of the island within the American federal system.

Implications for Alaska and Hawaii

To Alaska and Hawaii the change which has been made in Puerto Rico's status presumably appears as a menace, rather than as an advance to be envied. Coveting statehood which has several times seemed almost within their grasp, these territories have lingered under organic acts dating four or five decades into the past and providing for Washington-appointed governors and other restrictions on their autonomy in domestic affairs. In company with Puerto Rico, they lack full congressional representation and are excluded from Presidential elections. Fiscally they are at a disadvantage in that, unlike Puerto Rico, they neither receive exemption from the federal income tax nor secure the return to their own treasuries of internal revenue taxes and customs duties. But the one goal to which they aspire is statehood, and it would be the coldest of comfort to them to think that they might be put off by having accorded to them the favor newly devised to meet Puerto Rico's needs. In its bearing on their own position, they could applaud the Puerto Rican solution only in the unlikely event that their own claims to statehood would receive kindlier treatment because of the removal of Puerto Rico from the list of current aspirants to the prize of becoming the forty-ninth state.

Comparison of status with Philippine Commonwealth

In the American experience the nearest approach to the Puerto Rican Com-

monwealth is the Philippine Commonwealth which came into being in 1935. The differences are, however, more striking and significant than the occasional similarities. Where the fate of Puerto Rico had always been uncertain, there had from the outset been the assumption in the case of the Philippines that the American connection was temporary and would in due course give way to independence. The nationalist aspirations of the Filipinos, which have never found a mass counterpart among the Puerto Ricans, served to emphasize the vast distance of these Asian islands from the United States, in contrast to Puerto Rico's location on the fringe of the strategically vital Caribbean.

Both Philippine and Puerto Rican Commonwealths came into being as the result of congressional legislation which authorized the election of constitutional conventions to draft new constitutions for submission to the electorates; but it is perhaps significant that in the Puerto Rican case congressional as well as Presidential approval of the new constitution was required. The intent of Congress in the two cases was, however, very different. The Tydings-McDuffie Act of 1934 proclaimed itself to be an act "to provide for the complete independence of the Philippine Islands" and specifically laid it down that American sovereignty would end ten years after the inauguration of the new government; whereas the corresponding Public Law 600 of 1950 was explicitly based on the assumption that the fundamental relations between Puerto Rico and the United States would remain unchanged. The Philippine Constitution of 1935 in its two final articles made provision for the forthcoming independence; the Puerto Rican Constitution of 1952 in its preamble affirms that the new Commonwealth is created "within our union with the United States of America."

The differences in status between the

two commonwealths are in keeping with the flat opposition of objectives. Where the Philippines was given full jurisdiction over all domestic functions and powers of government (foreign affairs remained under the direct supervision and control of the United States), Puerto Rico remains subject to all federal legislation not locally inapplicable; and in principle federal agencies operate there as in the states. Puerto Ricans retain the American citizenship bestowed on them in 1917 and have free access to the United States, while the Philippines was considered a foreign country for immigration purposes. Similarly, the inclusion of Puerto Rico within the tariff wall of the United States remains unchanged, whereas a series of progressive limitations were imposed on Philippine access to the American market.

In contrast to the Puerto Rican situation where the appointed governor gave way under congressional legislation adopted in 1947 to an elected governor, the governor generalship of the Philippines was in a sense divided in two, the executive power passing to the elected Philippine President and the representation of the United States to a newly created High Commissioner, appointed by and representing the President of the United States. Although the direct powers of the High Commissioner were virtually nonexistent, he filled a highly important role both as the principal point of liaison with the American government and as the watchdog of the complex set of restrictions and restraints imposed upon the Philippines by the Tydings-McDuffie Act. In general terms it might be said that the President of the Philippines was the executive head of an almost independent country, watched over by the American High Commissioner, while the Governor of Puerto Rico is the close counterpart of the governor of a state.

No other territory or possession of the United States has been accorded treatment comparable to that of Puerto Rico. Alaska and Hawaii, trapped in the webs of congressional politics and racial fears, have stayed within the traditional framework of the organized incorporated territory, symbolized by the appointed governor responsible to Washington.

Comparison of status with the Virgin Islands

The Virgin Islands, since their acquisition from Denmark in 1917, have moved slowly ahead on the path of self-government but are still behind Puerto Rico, Alaska, and Hawaii. Although American citizenship was bestowed upon their inhabitants in 1927 and they were transferred from Navy to Interior Department jurisdiction in 1931 (at approximately the same time that President Hoover labeled them "an effective poorhouse"), it was not until 1936 that an organic act was adopted which gave them a governmental structure and status roughly equivalent to the usual territorial pattern. They have not, however, been accorded the right to be represented in Congress by a voteless but vocal Resident Commissioner on the model of Alaska, Hawaii, Puerto Rico, and the Philippines prior to independence.

Early in 1952 the House Subcommittee on Territories and Insular Possessions held hearings on a bill to revise the Virgin Islands Organic Act, but the bill failed to make any substantial progress. Under its terms the islands would be given a status within hailing distance of that of Puerto Rico under Public Law 600, being empowered to elect both a Governor and a Resident Commissioner, and (a much-desired step) securing the return to the insular treasury of taxes collected under federal internal revenue laws. It is hazardous to seek to fore-

tell congressional action, but there seems little reason to think that so far-reaching a measure will be adopted by Congress in any near future without serious modification.

Comparison of status with Guam

Of the more remote Pacific islands, only Guam has achieved the dignity of an organic act, although American Samoa and the Trust Territory of the Pacific Islands are promised similar favors. For more than half a century Guam was governed by the Navy under the authority of an Executive order; but the events of World War II, the extension of American control over the neighboring Japanese mandated islands, and the new view of colonialism reflected in the United Nations Charter all combined to make both the administration and Congress more mindful of the need for change. In consequence the Navy gave way to the Interior Department as the controlling agency, as was also the case for Samoa and the Trust Territory, and Congress in 1950 adopted an organic act for the island which gave it much the same status as the Virgin Islands. American citizenship was bestowed upon the people of Guam, and their liberties were for the first time formally protected by a bill of rights.

The essential political structure consists of an elected unicameral legislature and a governor appointed by the President. As in the Virgin Islands, and in Puerto Rico prior to the establishment of the new constitution, under the Guam Organic Act bills which are re-passed by two-thirds of the legislature over the governor's veto may be referred by the latter to the President, with whom the final decision rests. No such Presidential veto exists for Alaska and Hawaii, but for all the territories there exists the right of Congress, which has never been exercised, to annul any ter-

ritorial legislation of which it disapproves.

As far as formal status is concerned, Guam was declared to be an unincorporated territory, and the legislative history makes it clear that there is no commitment as to statehood, express or implicit. Indeed, Governor Carleton Skinner went on record in a letter to the Senate Committee that "the people of Guam do not envision or desire statehood," and held that their political ambitions were satisfied by the Organic Act. It may be that at some future time the status devised for Puerto Rico will prove a useful instrument for giving Guam a larger measure of self-government.

THE PUERTO RICAN EXPERIMENT AND THE REST OF THE WORLD

Unique in the American experience, the Puerto Rican experiment may come to attract substantial attention in the world at large. The Latin American countries have inevitably watched with interest the fate of a people belatedly detached from Spain and hitched to the American imperial star, and Communists in those countries and elsewhere have made more than the most of every sin with which they could conceivably charge American rule in the island.

Furthermore, in the last decade the impressive progress which Puerto Rico has made in every sphere, and particularly in economic development, has established the island as one of the show places for technical assistance, Point Four, and similar enterprises. In the fiscal year ending June 30, 1952, a total of 273 persons were brought to Puerto Rico, under technical assistance programs of the United States and the United Nations. Of this number 222 came from Latin America and the Caribbean, but it is significant that a considerably larger number than previously came from other parts of the world: 31

from Asia, and 10 each from Europe and from the Near East and Africa.

If Puerto Rico's potentialities as a link between Latin America and the United States have been by no means exploited to the full, the developments of the last decade have brought a very considerable improvement, and the island's new status should serve to produce a different climate of Latin American opinion, at least for those who are not committed to opinions regardless of the facts of the case.

In inter-American relations the role of Puerto Rico, retaining its Spanish heritage and now freely consenting to its association with the United States, can be a real and substantive one; in the United Nations the issues raised by the island's new status are likely to be debated on more formal grounds but not without the possibility of heat and vehemence.

The U.N. and Puerto Rican-U. S. relations

Under Chapter XI of the Charter the United States has accepted the obligation not only to develop self-government and to do other good deeds in territories for which it is responsible and "whose peoples have not yet attained a full measure of self-government," but also to report regularly to the Secretary General concerning conditions in such territories. In the past the United States has scrupulously observed its obligations, reporting on all the areas over which it has jurisdiction, including Puerto Rico, Hawaii, and Alaska. It has now become an urgent problem to decide whether or not Puerto Rico continues to be a non-self-governing territory or has graduated to a point of self-government which makes continued reporting unnecessary and undesirable.

The lack of any fully agreed-upon criteria, and dispute as to where the

power rests to make such determinations, render peculiarly complex and uncertain an issue already complicated by the somewhat equivocal status of Puerto Rico. As the culmination of a long series of debates arising from the earlier action of other powers in unilaterally withdrawing several of their territories from the domain of Chapter XI, the General Assembly at its last session adopted Resolution 567 (VI), giving tentative approval to a list of factors which should be taken into account in such cases. This list, which lays proper emphasis on the necessity of the expression of the free will of the people of the territory in any change in status, is broken down into two main categories of territories which have achieved independence or have freely united or associated themselves on an equal status with other component parts of the metropolitan country.

Since Puerto Rico has obviously not achieved independence. (Governor Muñoz Marín has in fact contended that Puerto Rico is "part of the independence of the United States") its claims must be examined under the second of the two categories. Two general criteria specified by the Assembly appear to raise no problems: the Puerto Rican people have adequate political advancement to enable them to decide their destiny with due knowledge, and their repeated votes in connection with the Constitution testify to their free acceptance of the new status by informed and democratic processes, although it must be conceded that the choices which Congress was prepared to open to them were sharply limited, including neither statehood nor independence.

With one outstanding exception, the other factors listed by the Assembly, such as citizenship, suffrage, local rights and status, and local legislative autonomy, meet the Puerto Rican case

without undue stretching; but the exception is a troubling one. One of the essential factors listed is: "Representation without discrimination in the central legislative organs on the same basis as other inhabitants and regions." Here Puerto Rico clearly falls down, since it has not been brought into the American Union on terms of equality with the other component parts. The difficulty is made worse by the fact that the American delegates at the Assembly supported the inclusion of this factor, in part because of its general soundness, but also in part with an eye to the achievement by Alaska and Hawaii of their long-sought statehood.

Taking this factor alone, the best argument for the exclusion of Puerto Rico from the orbit of Chapter XI is that since the island is not subject to federal taxation, there is no taxation without representation, and that therefore—a large leap over a dangerous void—there is perhaps no need for representation. This argument ignores both the ticklish question of the great reserve powers of Congress under the Constitution to legislate across the board for the territories (query: is Puerto Rico still technically a territory?) and the more normal legislative powers of Congress, as, for example, in the highly important sphere of conscription. The factor of representation cannot, however, be taken alone, and the Assembly stated that no single factor could be regarded as decisive, and

that the circumstances should be studied separately in each particular case.

RECOMMENDATION: WITHDRAWAL FROM DEPENDENCY LIST

On net balance it seems a reasonable conclusion that the United States should withdraw Puerto Rico from the list of non-self-governing territories. The danger that other countries will cite the American precedent as justifying their similar withdrawal of territories but on lesser grounds of substantial validity is outweighed by the clear intent of both Congress and Puerto Rico to lift the island to a new status of dignity and equality. It is true that Puerto Rico has not achieved a status identical with the states of the Union, but as an area separated from the mainland by sea and inhabited by people of different language, having a distinct cultural heritage—to cite phrases from the Assembly's resolution—it has won a place fitting to its particular circumstances, acceptable to its people, and conferring certain special advantages. It is the contention of Governor Muñoz Marín that colonialism has been ended and that a new era of free association between Puerto Rican and continental Americans has been inaugurated within the American Union. The symbolism of freedom, dignity, and equality in status is of vast importance, and it would unquestionably be impaired by the continuance of Puerto Rico in the formal role of a dependency.

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From Colony to Commonwealth

By ANTONIO FERNÓS-ISERN

PUERTO Rico has been three times a colony and twice a commonwealth or associated autonomous state.

It began as a "colony" of Spaniards who settled the island, subdued and absorbed the Indian, and brought in the Negro. After three centuries of slow growth as a part of the Spanish Indies, it evolved into a province of the unified Kingdom of Spain, as proclaimed under the Spanish Constitution of 1812.

Thence, through the short Spanish constitutional periods of 1812-14, and 1820-23, as well as through the absolutist periods of 1814-20 and 1823-36, it continued to have an equal status within the realm with its sister provinces of the European peninsula.

From 1836 to 1868 the Spanish Constitution provided a special status for the overseas provinces. They were to be governed under special laws to be enacted by the Spanish Parliament. Pending the enactment of such laws the absolutist regime continued in Puerto Rico and Cuba. Both were deprived of representation in Parliament. The special laws supposedly intended to set up some degree of self-government never were enacted. In fact, from 1836 to 1868 there existed a constitutional regime in European Spain and an absolutist regime in Cuba and Puerto Rico. Again Puerto Rico was a colony; but this time it was colonial in the more modern sense of the word; it was subordinate and inferior.

The Spanish revolution of 1868 brought Puerto Rico back into the Spanish national councils, and it continued to be so represented until 1898. From 1868 to 1898, Spain went through a provisional government, a liberal mon-

archy with an Italian King, the First Republic, and the Restoration of the Bourbons. Under the restored monarchy a new constitution was adopted in 1876. Puerto Rico participated with the peninsula in its adoption. In 1897 Puerto Rico became autonomous.

In 1898 the Spanish-American War brought to an end the political ties which for four hundred years had existed between the island in the New World and the peninsula in the Old. Sovereignty over Puerto Rico was ceded by Spain to the United States. Puerto Rico became a "possession," this time under the rule not of a king or kingdom, but of a free people and a republic—the United States of America.

From the first day of settlement to the end of the Spanish *ancien régime*, which ended with the Napoleonic invasion, there was no attempt at separate self-government in Puerto Rico. Neither was there during the brief constitutional periods of the early part of the nineteenth century. It was only at the very end of the absolutist regime, ended for the island in 1868, that separation began to take hold in the minds of a few Puerto Ricans. While Spanish America broke away from the venerable empire at the beginning of the century, Puerto Rico remained loyal and, in fact, the haven of the loyalists who fled from Venezuela, Santo Domingo, and other parts of the seething Main.

POLITICAL CHANGES THROUGH THE NINETEENTH CENTURY

With the nineteenth century the rhythm of population growth in Puerto

Rico gained momentum. To the heavy immigration of loyalists was added an influx of French settlers leaving Haiti and Louisiana. Migration from Spain, theretofore directed to the Spanish Main, swelled the population of the island. This migratory stream from Spain, continuous throughout the nineteenth century, did not stop with the change of sovereignty. It was stopped only by the application of the United States immigration laws to Puerto Rico at a later date.

In September 1868 the idea of separation from Spain led to an abortive revolt in a mountain town of Puerto Rico. It was put down in twenty-four hours. The bulk of the population remained indifferent. However, from then on, although never too popular, the idea of independence gained strength.

Self-rule as an autonomous province or state within the realm was advocated by the people of Puerto Rico for the first time in 1887. Political parties had been first organized in Puerto Rico about 1868, when Puerto Rico was called back to participation in the national political life on an equal footing with the rest of the nation. From 1868 to 1887 there existed a conservative and a liberal party. The conservatives oscillated between the idea of the status quo and that of ultimate assimilation; the liberals, from immediate liberal reform to governmental decentralization or complete assimilation as an alternative.

Assimilation was soon found not to be the answer. Spanish electoral laws, as applied to the island, were restrictive enough to give undue advantages to the Tories. Puerto Rico's representation in the Spanish Parliament was thereby mostly controlled by the conservatives; laws adopted by the Spanish Parliament did not satisfy the liberals of Puerto Rico. The local administration, technically controlled from Madrid, actually was in the hands of the Tories of

Puerto Rico, regardless of political changes in Madrid.

By 1887 the creed of self-government, after the British pattern already operating in Canada, became the platform of the liberals. The conservatives denounced the move as disguised separatism. Ten years later, through the rationalization of the Puerto Rican self-government party, which became affiliated with the Spanish Liberal party, and on the latter's rise to power in Spain, self-rule was granted to Puerto Rico.

Under the self-government Constitution of Puerto Rico of 1897 certain national laws would continue to apply in Puerto Rico. Otherwise the Puerto Rico Parliament would exercise full legislative authority. This included monetary matters, the mails, banking, tariffs, and taxation in general. There would be a preferential trade system, on the basis of agreement, between Spain and Puerto Rico.

The Governor General would represent the Crown and the national government in Puerto Rico; but no act of his would become effective without the approval of a responsible minister. There would be a responsible cabinet; an elected house and an upper chamber with a majority of elected members. In fact, Puerto Rico became an autonomous state, federatively associated with its former metropolis.

CESSION TO THE U. S. UNDER THE TREATY OF PARIS

The Spanish-American War ended with the Treaty of Paris. The treaty provided for the cession to the United States by Spain of its sovereignty over the territory of Puerto Rico. With sovereignty, the royal domain was also ceded. But the properties of the province, of the municipalities, or of individuals were not transferred to the United States. The political status—the nationality—of the inhabitants of

Puerto Rico was to be determined by the Congress of the United States.

Therefore, the cession of Puerto Rico did not carry with it the same implication as, for instance, the cession of Louisiana. Puerto Rico was separated from Spain, but under the treaty it did not become integrated into the United States, although subject to United States sovereignty.

What authority the Crown of Spain and its government had in Puerto Rico was acquired by the United States under an international treaty. As to the authority that the Crown of Spain and its government had relinquished to Puerto Rico as an autonomous state, it does not seem that Spain could cede it, nor that the United States could acquire it from Spain. It potentially remained with the people of Puerto Rico, against whom no war was fought by the United States.

Since the Congress was to determine the political status, the nationality, of the people of Puerto Rico (theretofore Spaniards under the Spanish Constitution), it was deemed inescapable that the new national relationships would be predicated on no less autonomy than they already possessed. Therefore, not only did the people of Puerto Rico expect to retain, under the United States sovereignty, all political authority that Spain had relinquished to them as an autonomous state in 1897, but they looked forward to added freedom, if for no other reason than that the change of political allegiance meant a change from a monarchical system to a republican democratic regime.

It was obvious to the Puerto Rican people that a change from membership in a monarchical system to membership in a republican congressional system could not be made without a readjustment of relations. The fact that under the military rule of 1898 to 1900 the autonomous government of Puerto Rico

was dissolved and replaced by a temporary governmental organization created by the military did not alarm them very much. They expected early congressional action, and also that such action would be taken as a result of agreement with the people of Puerto Rico. In other words, they reasoned that if the transfer of authority from Spain to the United States was the result of a treaty between the United States and Spain, the relationships to exist between Puerto Rico and the United States as the new sovereign power should also be the result of an agreement, this time between the United States and the people of Puerto Rico.

CONGRESS FAILS TO RECOGNIZE PUERTO RICAN AUTONOMY

Therefore, it was a great disappointment for the people of Puerto Rico to see that the United States Congress, in its first legislative act for Puerto Rico, took the position of an absolute sovereign, and that, without consultation with the people of Puerto Rico, it created a governmental structure for the island and established political, economic, and fiscal relationships between Puerto Rico and the United States Government. The people of Puerto Rico were declared to be citizens of Puerto Rico under the protection of the United States.

By judicial decision Puerto Rico was declared "to be appurtenant to" the United States, albeit not a part of it—a mere possession. Apparently it was assumed that congressional authority over Puerto Rico, a possession, stemmed from Article IV, Section 3, Paragraph 2 of the Constitution of the United States, which reads:

"The Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; . . ."

Sovereign and proprietary rights and authority were apparently taken to mean one and the same thing as respecting Puerto Rico. Congress would be restrained only by basic injunctions to be found in the Constitution of the United States. Otherwise its authority over Puerto Rico and its people appeared almost unlimited. It is to the credit of Congress that it used this authority with an evident sense of benevolent paternalism.

Upon the change of sovereignty, and while Puerto Rico was still under military rule, the old parties dissolved and two new political parties were organized. Both declared their acceptance of the change of sovereignty and acknowledged need for a program of readjustment of the governmental structure and its relations in order for Puerto Rico ultimately to enter the Union as a new state. They expected United States nationality to take the place of Spanish nationality, and thought of statehood as full nationality.

Membership in a federal system, with local self-government, had been the philosophy of the Puerto Rican in aspiring to and attaining autonomy within the Spanish monarchy. The United States had been their model of freedom and democracy. To enter the Union now would simply mean the full attainment of their dreams. It would not only accomplish self-government; it would also bring about a republican form of government, essentially democratic and federal. Besides, it would mean membership in one of the most prosperous economies of the world.

ATTITUDE CHANGES TOWARD POLITICAL AFFILIATION WITH U. S.

That this unanimity of the people of Puerto Rico in their welcoming of political affiliation with the United States so rapidly disappeared, that admission into the Union as a goal was abandoned

by the majority of the people, and that separation and independent sovereignty became the romantic dream of many until very recent times must be ascribed primarily to the type of government set up under the Organic Act of 1900 and to the way it was administered.

The Governor and his Cabinet were to be appointed by the President. They had full executive powers and no responsibility to the people. In addition, the Supreme Court was appointed by the President.

The upper legislative chamber was made up of the Cabinet members plus five additional councilors also appointed by the President. A House of Delegates was elected by the people. Not until 1914 was there a majority of Puerto Ricans appointed in the Council, nor was a Puerto Rican appointed as a Cabinet member.

Legislation which would reflect the will of the majority of the people was next to impossible with an upper chamber so integrated. The results of these early mistakes are still to be found in Puerto Rico, even with the great progress in democratic development of later years.

Congress in 1900 tried to protect the people of Puerto Rico from being dispossessed of their land. Agricultural corporations were limited by law to five hundred acres; other corporations, to no more land than they would need for their fundamental purposes. However, this law was ignored by successive administrations. In a few years more than half of the best agricultural land of the tiny island, with one of the densest populations of the world, was owned or controlled by four sugar absentee corporations, whose local governmental influence kept taxes and wages down and would-be strikers within "law and order." In many ways a big sugar corporation was a state within the state. Thus the benefits of economic union

with the United States were largely lost to the people of the island.

1917 AMENDMENTS BRING SOME RELIEF

In 1917, after seventeen years of unceasing protest on the part of the majority of Puerto Ricans, Congress amended the Organic Act of 1900. The amendments were limited in scope, but they afforded relief.

The Executive Council was stripped of its legislative functions. Its membership was reduced to the Cabinet members. It was collectively to act in an advisory role only. An elective Senate was provided for. Four of the six Cabinet members were to be appointed by the Governor, with the advice and consent of the Puerto Rican Senate. Two Cabinet members were still to be appointed by the President, as were the Auditor and the Supreme Court of Puerto Rico. The Governor continued to be appointed by the President. Not until 1946 was a Puerto Rican appointed to that position.

The legislature could not override a Governor's veto. It could only take an appeal to the President. Most important, the constitution of Puerto Rico continued to be a mere Organic Act, a law Congress could amend at will. Congress continued to be an absolute sovereign over the people and the territory of Puerto Rico, albeit a benevolent sovereign.

Citizens of Puerto Rico were declared to be citizens of the United States. This gave them full standing as such citizens if they became residents of the United States, but of itself United States citizenship brought no changes as to civil or political rights to be enjoyed by the residents of Puerto Rico. This was so decided in fact by the United States Supreme Court.¹

¹ Balzac v. People of Puerto Rico, 258 U. S. 298 (1927).

Since 1900, under both the Foraker and the Jones Act, the people of Puerto Rico were to elect a Resident Commissioner in the United States, to be recognized by the executive branch of the United States Government. Under a House Rule adopted in 1904 he was given recognition in the House of Representatives in a position parallel to that of a territorial delegate.

No changes of any consequence took place from 1917 to 1947.

1947 AMENDMENT MAKES GOVERNORSHIP ELECTIVE

In 1947 the Jones Act was amended to make the office of Governor of Puerto Rico elective. All members of the Cabinet were now to be appointed by the Governor, with the advice and consent of the Senate of Puerto Rico. The Auditor and the Supreme Court judges continued to be appointed by the President.

It should be noted, in considering the governmental organization of Puerto Rico throughout these years, that the so-called insular government, as above described, had a scope of authority comparable to that of a state government. "The People of Puerto Rico" was a body politic by itself. The federal government, as such, operated in Puerto Rico separately from the insular, as in a state. Thus there always existed in Puerto Rico a Federal District Court, and federal agencies under the federal executive departments have operated under federal law equally as in the United States. With few exceptions, federal laws apply in Puerto Rico as in the United States.

Except for an annual report to be submitted by the Governor to the President and except for the fact that a federal executive department in Washington (Interior) acted as liaison between the insular and the federal administrations, the government of Puerto Rico

functioned as independent of the federal government, and the federal government as independent of the insular, as if Puerto Rico had been a state.

The so-called Organic Act of Puerto Rico could be said to consist of two parts: first, it created a structure of government for Puerto Rico; and second, it established the *modus operandi* of the federal government in Puerto Rico and the relationship of Puerto Rico and its people with the United States.

1950 LAW RETURNS LOCAL GOVERNMENT TO PEOPLE

Public Law 600, approved July 3, 1950, is based upon the above fact. That part of the former Organic Act which referred to the *modus operandi* of the federal government in Puerto Rico and the relationships between the government and people of Puerto Rico and the United States is continued as a Statute of Federal Relations. All sections of the former Organic Act which created a local governmental structure in Puerto Rico were repealed. This area of government was left for the people of Puerto Rico to occupy. The Commonwealth of Puerto Rico, created by the people of Puerto Rico under a constitution of their own adoption, has moved in and the former insular government has ceased to exist.

This change has come about as the result of a compact between the people of Puerto Rico and the Congress. By its terms, the people of Puerto Rico have given their consent to the Statute of Federal Relations and the continued exercise of federal authority as prescribed in said statute. On the other hand, the Congress, in approving the Constitution of the Commonwealth of Puerto Rico, has acknowledged the existence within the territory of Puerto Rico of a free and associated body

politic, whose political authority is limited by the coexistence of federal authority within the island, as prescribed by the Statute of Federal Relations.

Thus, government by consent has been established in Puerto Rico both at the Commonwealth and the federal level. The people themselves have created the Commonwealth and have accepted a federative association between them and the United States. Fundamental provisions of the Constitution of the United States as well as the Statute of Federal Relations, as determined by Public Law 600 of 1950, and the Joint Resolution of 1952 approving the Constitution of the Commonwealth of Puerto Rico, create such relationships.

Puerto Rico, after finding itself three times in the status of a colony and once in that of a commonwealth, finds itself again in this latter status, now federatively associated with a republican federal union, with Union citizenship as a common bond. The difference between the Commonwealth of 1897 and the present one is enormous. In place of membership within a monarchical system whose political institutions could not escape the effect of the decay and ruin into which the old realm had fallen, Puerto Rico now lives in equality, dignity, and security within the great republican system of freedom, democracy, opportunity, and security of the United States of America, with whose citizenship all Puerto Ricans are so proud to be invested.

ADDENDA

The foregoing refers to the evolution of the people of Puerto Rico from a benevolent colonial regime to the status of a community of free citizens, federatively associated, on the basis of mutual consent and common citizenship, to a larger free community. But the story of this development and the resultant picture would not be properly presented

if some reference were not made to the social and economic aspects of this evolutionary process.

With the first Organic Act for Puerto Rico, enacted in 1900, Puerto Rico was included within the United States tariff system, and free trade was established between the United States and Puerto Rico.

However, although tariff rates on foreign imports are the same in Puerto Rico as in the United States, customs collections in Puerto Rico are covered into Puerto Rico's Treasury, and United States Internal Revenue laws are not applicable to Puerto Rico. There exists, therefore, an actual customs union between Puerto Rico and the United States on the basis of the United States tariff.

United States statutory laws apply in Puerto Rico as in United States, except tax laws. Federal agencies operate in Puerto Rico equally as in the United States, but the Puerto Rican people are not taxed to support them. They are supported wholly by the federal government, without cost to Puerto Rico. Nevertheless, there is a contribution

Puerto Rico gladly makes to the Union: its share in the armed defense of our common heritage of freedom and democracy, within the framework of our federative republican institutions.

The economic and fiscal relationships, established at the beginning of the century, have not been altered by the creation of the Commonwealth. In fact they are now included in the compact; they are to be found in the Puerto Rican Federal Relations Act.

Within this economic and fiscal relationship Puerto Rico has been able to develop its sugar industry to tremendous proportions. Lately it has embarked on a diversified industrial program which holds promise to do away with the chronic unemployment problem. Education and public health have made amazing strides in Puerto Rico.

The creation of the Commonwealth represents, therefore, a political development, starting in 1900, which parallels the economic, social, and educational development. It means an outstanding victory for good will, mutual understanding, democracy, and freedom in these parts of the New World.

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Congressional Conservatism and the Commonwealth Relationship

By PEDRO MUÑOZ AMATO

THE real meaning of the new political relation between Puerto Rico and the United States has yet to be clarified. But the unfolding of this meaning, whatever the nature of its outcome, will inevitably have significance in the present setting of world tensions. It is obviously a test for democracy and for American leadership in international affairs.

DEMOCRATIC DEVELOPMENT IN PUERTO RICO

Puerto Rico has emerged from anonymity in the last decade. After a long history of colonialism and poverty, its people are engaged in an enthusiastic effort to meet their formidable problem of economic scarcity in the face of a very dense and prolific population. And they go about this task with intense democratic fervor, making full use of the representative processes and protecting the individual and group rights that are indispensable in a system based on the control of government by the people.

These are not mere generalizations but concrete realities, easily confirmed by careful observation. Since 1938 the proofs of democratic development have grown more and more in their convincing impact. The eradication of vote selling, the intensive participation of the masses in political activity, the orderly and clean procedures of elections, and the protection of minority rights are all symptoms of the gradual improvement in the cultural constitution, in the collective climate that decisively determines the quality of politics.

These democratic forces have produced a general consensus that strongly favors government activity for the orientation of the economic processes, in order to increase production and make its distribution more equitable. The "popular will" has been manifested in the overwhelming majorities of the Popular Democratic party, which has been in power since 1940. In 1948 it elected all but three insular legislators and lost only one municipal administration. Last November it won in every municipality and representative district, electing all its candidates. The ideology has also affected the opposition parties, so that now their economic and social tenets are very similar to those of the Popular Democratic party.

The program has been in operation for twelve years, and the people are reassured in their political trust when they see that, unlike formerly, the objectives are not mere dreams or plans or rhetorical tricks, but result in proportional benefit farms, higher wages, more schools, new factories, and many other real gains. For in the process of this collective transformation, a factor of tremendous importance—both as cause and as effect—is the administrative effectiveness of the government.

The reforms in public administration started their new impetus in 1942 with the establishment of the Planning Board, the Bureau of the Budget, the Industrial Development Company, the Government Development Bank, the Land Authority, the Water Resources Authority, the Transportation Authority, the Communications Authority, and other agen-

cies. Since then the movement has multiplied in its momentum and specificity, including such landmarks as the development of the merit system in personnel administration, the launching of the industrialization program, the improvement of the University of Puerto Rico, and the rigorous intensification of honesty in the administration. Puerto Ricans are justifiably conscious of the fact that their government is an example of democracy, honesty, and effectiveness.

The problems of economic scarcity still remain. Although per capita income has increased by approximately 70 per cent in real terms since 1940, it is still one-half of that prevalent in the poorest state of the Union. Unemployment persists at a high 13 per cent, with partial and seasonal gaps affecting about one-third of the labor force. Net population growth is 28 per thousand every year, since the death rate has been reduced to 9.9, while the birth rate has declined only to 38.5. Migration has absorbed about two-thirds of the increase during the last six years, but this solution is precarious enough to leave the population problem as a serious menace.

It is in this context of democratic struggle against misery that the true significance of the new constitution and federal relations of Puerto Rico must be appraised.

CONGRESSIONAL CONSERVATISM

Public Law 600, passed July 3, 1950 by the Eighty-first Congress, stated in its preamble:

That, fully recognizing the principle of government by consent, this Act is now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption.

In accordance with Sections 2 and 3, the Puerto Rican voters accepted the

act, elected a constitutional convention, and ratified a constitution, which was then found by the President of the United States to conform with the applicable provisions of Public Law 600 and the federal Constitution. The Constitution of the Commonwealth of Puerto Rico was finally approved by Congress, after some debates and amendments. It now supersedes the Organic Act of 1917, except for those provisions which were continued in force by Section 4 of Law 600, under the name "Puerto Rican Federal Relations Act."

The Constitution of the new Commonwealth is a faithful interpretation of the trajectory now followed by the Puerto Rican people, and its central theme is well expressed in the preamble:

We, the people of Puerto Rico, in order to organize ourselves politically on a fully democratic basis, to promote the general welfare, and to secure for ourselves and our posterity the complete enjoyment of human rights, placing our trust in Almighty God, do ordain and establish this Constitution for the Commonwealth which, in the exercise of our natural rights, we now create within our union with the United States of America.

In so doing, we declare:

The democratic system is fundamental to the life of the Puerto Rican community;

We understand that the democratic system of government is one in which the will of the people is the source of public power, the political order is subordinate to the rights of man, and the free participation of the citizen in collective decisions is assured;

We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice

our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles.

In its Bill of Rights and in the articles organizing the legislative, executive, and judicial branches, the basic law incorporates the best elements of the great liberal-democratic tradition and provides the framework for the efficient functioning of an active government that is engaged in an ambitious program of democratic planning. Thus the opportunity to frame their own constitution has been intensively used by the Puerto Rican people and their leaders. It is a constituent act of great consequence in terms of real self-government.

Has Congress recognized constituent authority?

But the question was raised in Congress whether the constituent authority of the Puerto Rican people is to be fully recognized or not. The Constitution of the Commonwealth, as ratified by the Puerto Rican voters, contained a clause providing for amendments to be initiated by the insular legislature (or by a constitutional convention called by it) and ratified by the electors in referendum.¹ The United States Senate passed a modification of this clause which simply destroyed the meaning of the constitutional process. This modification stated:

No amendment to or revision of the constitution of the Commonwealth of Puerto Rico shall be effective until approved by the Congress of the United States.²

In a cablegram protesting against the Senate decision, Governor Luis Muñoz Marín said:

¹ Article VII.

² *Congressional Record*, Vol. 98, No. 110 (82d Cong., 2d sess., June 23, 1952), p. 7983.

... People here are dismayed with amendment that nullifies the significance of the whole constitutional process. To the limitations rightfully imposed on State constitutions and on the Puerto Rican Constitution the amendment adds an obvious colonial touch. The people of Puerto Rico in voting to accept law 600 in the nature of a compact, in which the principle of government by consent was "fully recognized" certainly had no idea they were consenting to any trace of colonialism. No self-respecting people would. Free men may live under such circumstances but they will certainly not go to the polls and vote that they love and cherish them. I fear that if the matter cannot be remedied in conference great moral harm will be done to our people and some moral harm to the good name of the United States in the world. You can rely on us to protect the good name of the United States.³

Fortunately this change of the Constitution's amendment clause was rejected by the Conference Committee, and in its stead the following was recommended by the committee and approved by the Congress:

... That except for the purpose of adopting the amendments to section 5 of Article II and to section 3 of Article VII as herein provided, Article VII of said constitution likewise shall have no force and effect until amended by the people of Puerto Rico under the terms of said article by adding to section 3 of Article VII the following new sentence: "Any amendment or revision of this constitution shall be consistent with the resolution enacted by the Congress of the United States approving this constitution, with the applicable provisions of the Constitution of the United States, with the Puerto Rican Federal Relations Act, and with Public Law 600, Eighty-first Congress, adopted in the nature of a compact. . . ."⁴

Thus, the Congress recognized that it is the exclusive right of the Puerto

³ *Ibid.*, No. 111 (June 24, 1952), p. 8060.

⁴ Conference Report (H. Rept. 2350) in *ibid.*, No. 115 (June 28, 1952), p. 8525.

Rican people to amend their own constitution. This it had not expressed before. However, the Constitutional Convention had worked on the assumption that the right was implied in the provision of authority to "organize a government pursuant to a constitution of their own adoption."

Past congressional behavior towards Puerto Rico

It is now clear that the amendment clause of the Puerto Rican Constitution prevails. But the fact that the Senate at first agreed to require congressional approval of amendments, seen in the light of all the deliberations, reveals how precarious is the understanding of Congress as to the right of the Puerto Rican people to govern themselves democratically, under a constitution of their own adoption, and in free association with the United States. This is more alarming, indeed, if we take into account the past history of congressional behavior towards Puerto Rico. It has been characterized many times by ignorance, indifference, and disregard of Puerto Rican ideals. There is ample proof of this in the Foraker Act of 1900, in the Jones Act of 1917, and in the way Congress resisted until 1947 the continuous demands for reform of the political relations.⁵

In this connection it is important to note that the will of the Puerto Rican electorate was further ignored by the decision of Congress to eliminate section 20 of the Bill of Rights, which read as follows:

Section 20.—The Commonwealth also recognizes the existence of the following human rights:

⁵ A detailed statement of this critical appraisal may be found in Pedro Muñoz Amato, "Major Trends in the Constitutional History of Puerto Rico, 1493-1917," *Revista de Derecho, Legislación y Jurisprudencia del Colegio de Abogados de Puerto Rico*, XII (1949), No. 3, pp. 242-99.

The right of every person to receive free elementary and secondary education.

The right of every person to obtain work.

The right of every person to a standard of living adequate for the health and well-being of himself and of his family, and especially to food, clothing, housing and medical care and necessary social services.

The right of every person to social protection in the event of unemployment, sickness, old age or disability.

The right of motherhood and childhood to special care and assistance.

The rights set forth in this section are closely connected with the progressive development of the economy of the Commonwealth and require, for their full effectiveness, sufficient resources and an agricultural and industrial development not yet attained by the Puerto Rican community.

In the light of their duty to achieve the full liberty of the citizen, the people and the government of Puerto Rico shall do everything in their power to promote the greatest possible expansion of the system of production, to assure the fairest distribution of economic output, and to obtain the maximum understanding between individual initiative and collective co-operation. The executive and judicial branches shall bear in mind this duty and shall construe the laws that tend to fulfill it in the most favorable manner possible.

This clause, essentially a declaration of ideals to orient future development, was based on Articles 22, 25, and 26 of the Universal Declaration of Human Rights approved by the General Assembly of the United Nations on December 10, 1948. The Senate Committee on Interior and Insular Affairs thought it was "unrealistic, confusing and misleading" because its provisions did not assert enforceable rights and duties.⁶ After several members of both houses repeatedly criticized it as contrary to American ideals of government, and

⁶ S. Rept. 1720, 82 Cong., 2d sess., submitted June 10, 1952, to accompany S. J. Res. 151, pp. 1-2.

even as "socialistic" and "communistic," the Congress excepted Section 20 when passing the resolution for approval of the Commonwealth Constitution. The Puerto Rican convention and electorate had decided that Section 20 was necessary in order to state some fundamental human rights not immediately enforceable but which the people in their constitution should endorse as obligations for the government to fulfill in the future.⁷

These examples illustrate the important fact that the whole arrangement of the new political relationship is just a compromise between the democratic aspirations of the Puerto Rican people and the conservative disposition of Congress when surrendering its imperialistic authority.

AMENDMENTS TO THE FEDERAL RELATIONS STATUTE

Only with this historical perspective can the true import of the Federal Relations Statute be grasped. The Statute preserves those sections of the Organic Act of 1917 which refer to American citizenship, federal property, applicability of federal laws, free trade with the mainland, exemption from payment of United States internal revenues, the refund of internal revenues to the Insular Treasury when paid on Puerto Rican products brought to the continent, the refund of customs dues collected in Puerto Rico on foreign imports, the position of the Resident Commissioner in Congress, the Federal District Court in Puerto Rico, the relation of the insular and federal judicial systems, the privileges and immunities of United States citizens, the imposition of taxes on exports, the sale of Puerto

⁷ Report of the Commission on the Bill of Rights, published in *Revista Jurídica de la Universidad de Puerto Rico*, XXI (1951), No. 1, pp. 1-32.

Rican bonds in the United States, and the reports of the insular to the federal government.

It also preserves some clauses which affect the local political organization and contradict the principle of self-government—for example, the one which defines the jurisdiction as extending "to the Island of Puerto Rico and to the adjacent islands belonging to the United States"; the one that fixes the limit on public indebtedness of Puerto Rico and its municipalities at certain percentages of the aggregate tax valuation of total property; the one which determines the qualifications for Puerto Rican citizenship; those that assert the applicability of congressional legislation; and others of less importance.

However, despite these exceptions, Congress ceded much authority when it repealed the other sections of the Organic Act, now superseded by the Constitution. Altogether, this has meant granting the Puerto Rican people self-government in local matters "pursuant to a constitution of their own adoption." But the cession has not been complete, because of two main reasons: (1) it is not yet clear whether the Federal Relations Statute will be amended exclusively by Congress, or bilaterally in consultation with the Puerto Rican people; and (2) Puerto Ricans do not have voting representation in Congress, although its laws are applicable to them.

Neither in the text of Public Law 600 nor in the congressional deliberations is it possible to find a definitive answer to the question of how the Federal Relations Statute will be amended.

By compact or unilaterally?

In its first article, Law 600 is defined as a "compact," and "the principle of government by consent" is recognized. Therefore, all the subsequent provisions, including those of Article 4 on the Federal Relations Statute, should

be considered part of the compact. When the people of Puerto Rico ratified the Law in a referendum, they understood that the federal relations clauses were included in the covenant, as had been emphasized by the leaders of the majority party.

If the Federal Relations Statute can be amended unilaterally by Congress, then there is no compact with the Puerto Rican people on these matters. Either it never existed or it is destroyed by the unilateral action, since the essence of a covenant is that it can be modified only by agreement of its parties.

If the compact was merely that the Puerto Rican people consented to the authority of Congress over the federal relations in exchange for the right to frame their constitution as to local matters, then the basis of the new political relation must be reappraised in its real worth, without exaggerating its democratic quality. It is well known from the history of liberalism and democracy that the passive consent of the governed is not equivalent to their democratic participation in the framing of the laws and the selection of the representatives that are to rule over them.

Considering that Puerto Rico does not have voting representation in Congress, the only democratic basis for amending the Federal Relations Statute would be to give the Puerto Rican people, through referendum or action of their legislature, the right to participate in the framing of the amendments.

This has to be clarified. The question was not raised in the Constitution. The congressional record on Law 600 and on the Puerto Rican Constitution does not reveal that the Congress has made a commitment to consult the Puerto Ricans. On the contrary, it contains evidence against the thesis favoring bilateral agreement for the amendments. But the Constitutional

Convention of Puerto Rico, in its Resolution No. 23, made the following "final declaration" upon approving the Constitution:

... Nothing can surpass in political dignity the principle of mutual consent and of compacts freely agreed upon. The spirit of the people of Puerto Rico is free for great undertakings now and in the future. Having full political dignity the commonwealth of Puerto Rico may develop in other ways by modifications of the Compact through mutual consent.

... The people of Puerto Rico reserve the right to propose and to accept modifications in the terms of its relations with the United States of America, in order that these relations may at all times be the expression of an agreement freely entered into between the people of Puerto Rico and the United States of America.

Will the Supreme Court decide?

The clarification may evolve in practice through the course of time. This is a normal way in the development of constitutional norms. It is even conceivable that the United States Supreme Court will sanction the obligatory force of the compact not only as to the sanctity of the Puerto Rican Constitution with respect to local matters, but also as to the bilateral nature of the Federal Relations Statute.

When, at the turn of the century, it was necessary to give Congress power over the new possessions acquired in the Spanish-American War, the Supreme Court found ways of reconciling the considerations of expediency involved in the imperialistic venture with the fundamental postulates of American constitutionalism and democracy. The Insular Cases recognized that Congress could legislate for the territories without being bound by all the individual rights and democratic principles promulgated by the Constitution as essential to the American system of government. As usual, the judicial conclusions were

reached on political and economic grounds, to fit the spirit of the time.

The same flexibility of the constitutional norms might be used now by the Supreme Court justices to derive from the principles of American constitutionalism the logical consequence that the compact made by Congress in this case implies the procedure of bilateral agreement for its modification.

Will Puerto Rican leaders insist?

But it is very doubtful that the Supreme Court will take this initiative. Most probably, it will follow the leadership of the political organs of the federal government. Those in Puerto Rico who now hope for a judicial clarification of the problem should not allow their juridical optimism to obscure the fact that these matters have to be settled in the political processes. If the relations with the Congress and the federal administration are conducted on the basis of mutual agreement and respect for local autonomy, practice may eventually be translated into constitutional norms. It is worth while to consider the possible advantages of an institutional device to channel and symbolize these activities. An amendment to the Federal Relations Statute may be proposed to Congress—to be ratified in a referendum of the Puerto Rican people as was Law 600—to the effect that the preamble and Article I of Law 600 be incorporated in the Statute. It would then read as follows:

Whereas the Congress of the United States by a series of enactments has progressively recognized the right of self-government of the people of Puerto Rico; and

Whereas under the terms of these congressional enactments an increasingly large measure of self-government has been achieved: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, fully

recognizing the principle of government by consent, this Act is now adopted in the nature of a compact to determine the relations between the People of Puerto Rico and the People of the United States.

Another clause would provide that any amendment to the Statute shall "be submitted to the qualified voters of Puerto Rico for acceptance or rejection, through an island-wide referendum to be held in accordance with the laws of Puerto Rico," as expressed in Article 2 of Law 600. The remaining sections could be modified to eliminate the contradictions to the principle of self-government noted above, of which the most offensive is that defining the jurisdiction with the phrase "islands belonging to the United States."

Puerto Rican leaders are rightly conscious of the risk that submitting this or a similar proposal to Congress would entail. It would be too great a risk not only in terms of the probable failure of the Puerto Rican request, but also in terms of the respectability of Congress before the eyes of the world. The role of the United States in the defense of democracy is a major consideration for the Puerto Rican leadership, one which has been repeatedly cherished, sometimes to the detriment of the right of the Puerto Rican people to govern themselves democratically. However, the ideals of the democratic world will be better served in the long run if the Puerto Rican aspirations are defended in Congress with the greatest possible vigor.

LACK OF REPRESENTATION IN CONGRESS

Puerto Ricans do not have voting representation in Congress. Their Resident Commissioner is a member without vote in the House of Representatives. Yet, Congress legislates for Puerto Rico.

This is not a case of "taxation without representation," because federal

taxes are not imposed on the residents of the island. By the Foraker Act free commerce between the island and the mainland was established, internal revenue laws were declared inapplicable, and all customs duties collected in Puerto Rico plus all taxes on Puerto Rican merchandise entered into the United States were ordered to be refunded into the Insular Treasury.

These special fiscal arrangements, which actually went into effect in 1901, were made possible by the Supreme Court decision that Puerto Rico was a nonincorporated territory and that, in legislating for it, Congress was not bound by the constitutional clause requiring the uniformity of taxation.⁸ Precisely, one of the main reasons why the majority party and other groups in Puerto Rico do not favor statehood is that the fiscal obligations required by such a status would impose too heavy a burden on the poor economy of the island.

Congress so far has had authority to legislate for Puerto Rico beyond the limits which the Constitution fixes with respect to the states. For this reason the special taxation arrangements have been permissible, and the Taft-Hartley Act—for example—has applied generally in Puerto Rico, without being limited to interstate and foreign commerce. The ratification of Law 600 as a compact and the approval of the Commonwealth Constitution may have affected this situation so that Congress can no longer treat Puerto Rico as a nonincorporated territory.

POSSIBLE LEGAL INTERPRETATIONS

If the interpretation of some insular leaders prevails, the relation of commonwealth in "free association" with the United States imposes on the federal government limitations similar to those that protect the states, except in

⁸ *Downes v. Bidwell*, 182 U. S. 244 (1901).

so far as they are modified by compact in the Federal Relations Statute. This is a logical consequence of the postulates of self-government in internal affairs and mutual consent in federal relations. Whether it will be accepted by Congress and the administration remains to be seen. It is conceivable, although improbable, that the United States Supreme Court will find constitutional sanction for this interpretation.

From the judicial point of view, there is a more acceptable contention: that the approval by Congress of the Puerto Rican Constitution implicitly amends previous federal laws so that they no longer have effect in the island beyond the limits protecting local self-government. If the analogy of state jurisdiction is taken as the criterion to define the scope of local government, then the Taft-Hartley Act, for instance, can apply only to commerce with the territories, states, and foreign countries, and not to internal commerce. A reasonable construction of Law 600, the Constitution of the Commonwealth, and its ratification by Congress would support this conclusion that internal matters, as in the states, are to be governed by local legislation, with the exceptions agreed upon in the compact, specifically in Law 600 and the Federal Relations Statute.

It should be noticed that this argument is not based on the thesis (discussed above) of a constitutional impediment to the authority of Congress which would be general, permanent, and prospective, but rather on the premise that Congress has amended its previous enactments. Besides, it should be clear that these two interpretations are not presented here as mutually exclusive, but as complementary alternatives with different degrees of judicial probability. One obvious way of testing either one would be through proceedings in the Puerto Rican or the National Labor Re-

lations Board concerning the relative effect of the Taft-Hartley Act and the Puerto Rico Labor Relations Act.

In any case, even if congressional legislation has the same effects and limits in Puerto Rico as in the states, the lack of representation in the framing of these laws is contrary to the essence of democratic government.

The relation of "commonwealth" or "free associated state" demands an answer to the question of the applicability of federal laws. And, incidentally, this will be the most difficult obstacle if a petition is presented by the United States delegation to the United Nations for the exclusion of the Commonwealth from the list of non-self-governing territories.

One possible solution would be to give the legislature of Puerto Rico the authority to approve, reject, or modify such legislation, so that it will not become effective until mutually agreed upon. It is possible to arrange administratively, through a joint committee or the Resident Commissioner, the process of consulting the legislature of the Commonwealth. Without a participation of this kind, the reality of the "free associated state" is incomplete.

RECOMMENDATION: FREE ASSOCIATION WITHOUT STATEHOOD

Of course, it is easy to avoid these problems by providing either statehood or independence. But this would also imply discarding the present ideals of the Puerto Rican people. The outcome of the last two elections is evidence that the large majority prefer association with the United States to independence. It is, on the other hand, true that statehood does not command the support of the majority.

The referenda to approve Law 600, elect the Constitutional Convention, and ratify the Constitution prove that

the popular consensus is overwhelmingly favorable to the "free associated state" formula of the Commonwealth. It fits the special economic and cultural position of Puerto Rico within the American federation, making possible the ideals of association with democratic self-government. If these ideals are given full effectiveness in practice with respect to the Federal Relations Statute and congressional legislation in general, even more support will be created. The value of the compact, as the backbone of self-government and free association, will be vindicated. Then the new form of political relation can be proclaimed as an example for other dependent areas.

The democratic development of Puerto Rico is of great significance to the United States people. To a large extent, the collective achievements that have taken place in the island are due to the impact of the Anglo-American culture on the Latin American heritage. The fusion of the two cultural currents has already resulted in notable examples of respect for individual freedom, dignity, and security; intensive utilization of the representative processes; stable, honest, and efficient government; systematic democratic planning for the enrichment of the collective patrimony and the more equitable enjoyment of it by all; initiative for the use of science and technology in the development of productive enterprises; and a general climate of enthusiastic effort, so vividly synthesized in the slogan "Operation Bootstraps."

The proper cultivation of these creative forces is the responsibility of all American citizens, whether in the island or on the mainland. It is the birth of a new form of political association, whereby economically underdeveloped areas may join richer nations without surrendering their cultural idiosyncrasies or their aspirations for self-government. And, furthermore, it represents

a people rising above the insignificance of its material resources and power-status to fulfill an opportunity for greatness. Its collective pride is not the nationalistic prejudice of political exclusivism and cultural superiority. It is a feeling of devotion to the ideals of

human dignity and freedom, and to the principles of democratic organization of society, as conducive to the free association of states. The Congress of the United States still has to decide in the case of Puerto Rico whether it is willing to accept association on these terms.

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The Commonwealth Constitution

By VICTOR GUTIÉRREZ-FRANQUI and HENRY WELLS

THE political evolution of Puerto Rico during the last half-century has recently culminated in a triad of significant contributions to democratic statecraft. Though closely interrelated, each of these contributions—symbolized by the terms commonwealth, compact, and constitution—provides a model for political development elsewhere.

Puerto Rico as a commonwealth signifies something unique in the realm of bodies politic. Defying classification in any of the familiar categories, it is no longer a colony, and yet it is neither an independent nation nor a state assimilated within a larger union. Nor is it a dominion in the British sense: although similar to the constituent parts of the Commonwealth of Nations in being free and self-governing in local affairs, Puerto Rico differs from them in preserving legal ties with the former metropolitan power. The advantage of the latter arrangement is that it enables Puerto Rico to enjoy economic benefits which both statehood and independence would deny; yet it does not impair full local self-rule.

The legal basis of this ingenious form of political association is another happy invention: a compact between Congress and the people of Puerto Rico. Described more fully below, the compact represents on the part of Congress a voluntary and irrevocable vesting of power in the people of Puerto Rico with respect to the internal government of the island. It also implies that relations between Puerto Rico and the United States are no longer matters to be determined unilaterally by Congress but have become subject to consultation between Congress and Puerto Rico and

to determination on the basis of mutual agreement and consent.

These first two concepts, commonwealth and compact, may well prove useful to dependent peoples elsewhere as devices for achieving self-government in economic circumstances that preclude self-sufficiency. The third, the constitution, is likely to prove useful as a model for future constitution-makers in the states of the Union. Exhaustively considered and carefully drafted, the Constitution of the Commonwealth embodies the best contemporary thought on what a workable and democratic American constitution should contain. The following pages attempt to make clear its contribution to the enrichment of the American constitutional tradition.

THE LEGAL BASIS OF THE CONSTITUTION

For more than fifty years prior to becoming a commonwealth, Puerto Rico had been an unincorporated territory of the United States. As such it had had no constitution of its own, locally drafted and adopted, but had instead received its fundamental law from Congress in the form of Organic Acts. The gradual extension of local self-government under those acts, described elsewhere in this issue of THE ANNALS, signified congressional recognition of the ever increasing political maturity of the Puerto Rican people. But even the latest and most liberal concession of political rights, the "elective governor" act of 1947, left Puerto Rico in the status of a dependent body politic. Congress still retained the right to amend the Puerto Rican organic law as it pleased, and the law itself continued

in effect various federal controls over the government of the island.

Since 1950, however, these vestiges of colonialism have disappeared. Under the terms of Public Law 600 of the Eighty-first Congress, adopted July 3, 1950, Puerto Rico's status has changed from that of involuntary dependency to that of voluntary association. The federal controls and limitations have been superseded by a fundamental law drafted by the people of Puerto Rico. As a consequence, the Puerto Rican people's right to govern themselves is no longer based upon privileges conferred by Congress but rather upon the principle of the consent of the governed.

Public Law 600 could work this transformation because it was no ordinary Act of Congress. Rather, it was a compact between Congress and the people of Puerto Rico. Its first section declared the law to be enacted "in the nature of a compact," and its second section provided that the act as a whole could take effect only if approved by the Puerto Rican people. In the referendum of June 4, 1951 they voted overwhelmingly to approve Public Law 600, and thus made themselves a party to the compact and consented to its terms.

Provisions of the compact

Specifically, the people of Puerto Rico consented to the provision authorizing them, through representatives of their own choosing, to draft a constitution for Puerto Rico. They also consented to the provisions stipulating conditions which the constitution must fulfill: that it establish a republican form of government, that it contain a bill of rights, and that it be in conformity with the applicable provisions of the United States Constitution and with the provisions of Public Law 600. They consented to the provision that the constitution be approved by the people of Puerto Rico and, after certification by the President

of the United States as to its conformity with Public Law 600 and the Constitution, that it be submitted to Congress for its approval.

In ratifying Public Law 600 the people of Puerto Rico thus also gave consent to its last two sections, which taken together, in effect repealed the Organic Act and created a new system of relations between Puerto Rico and the United States. Section 5 lists a number of sections of the Organic Act relating to purely local affairs and provided that they would be automatically repealed when the constitution went into effect. Section 4 provided that the remaining sections of the Organic Act almost all of which dealt with relations between Puerto Rico and the federal government, would constitute the "Puerto Rican Federal Relations Act."

Although the provisions of the Federal Relations Act are identical with those of the Organic Act which were not repealed by Section 5 of Public Law 600, they actually represent a new basis for relations between the Commonwealth and the federal government. The Organic Act provisions were adopted only by Congress, whereas the provisions of the Federal Relations Act were adopted in a significantly different way—by being approved both by Congress and by the people of Puerto Rico. The latter gave their approval when they ratified Public Law 600. Hence the Puerto Rican Federal Relations Act, no less than the Commonwealth Constitution, is part of the compact embodied in Public Law 600.

FRAMING AND ADOPTING THE CONSTITUTION

On August 27, 1951 the people of Puerto Rico again went to the polls—this time to select delegates to a Constitutional Convention. They elected ninety-two delegates representing three of the island's four political parties; the

fourth, the Independence party, representing less than 10 per cent of the electorate, did not nominate candidates, and hence none of its adherents participated in the drafting of the Constitution.

The convention began its work on September 17 and was in continuous session for four and a half months. Its committees prepared preliminary drafts of articles after careful study of American and other precedents and after consideration of lay and expert opinion expressed in public hearings. The committee drafts were then debated and often substantially revised in open sessions of the convention.

Adopted by the convention on February 6, 1952, with only three dissenting votes, the Constitution was thereupon submitted to the people of Puerto Rico. In a referendum held on March 3, they ratified it by a vote of 373,594 to 82,877. The Constitution then went to the President, who found it to be in conformity with Public Law 600 and with the applicable provisions of the Constitution of the United States. In transmitting it to Congress on April 22, 1952, he recommended its immediate approval.

After committee hearings and floor debates in each house, Congress passed a joint resolution ratifying the Constitution on the condition that three minor clarifying changes be made in the document. In the process of adopting the joint resolution Congress considered but rejected certain changes that would have nullified the compact. Hence, the net effect of the approval resolution was to reaffirm the compact and to make its terms irrevocable by unilateral action on the part of Congress.

The President signed the resolution on July 3, 1952, and the Constitutional Convention then proceeded to study the proposed changes. Inasmuch as they were of minor importance, the conven-

tion regarded them as reasonable counteroffers in the final negotiation of the compact and readily accepted them in the name of the Puerto Rican people. Its action signified the fulfillment of the terms of the compact by both parties, and on July 25, 1952 the existence of the Commonwealth of Puerto Rico was officially proclaimed.

THE NATURE OF THE CONSTITUTION

The Commonwealth Constitution embodies the characteristic features of American constitutionalism. Like the federal and state constitutions on which it was modeled, it contains a bill of rights that guarantees the traditional liberties of the individual and the traditional protections of private right. Also like its models, it provides for the separation of governmental powers into three branches and for the balancing and interaction of those branches. Mr. Justice Jackson's recent description of the Constitution of the United States applies equally to that of Puerto Rico: "[it] enjoins upon its branches separateness but interdependence, autonomy but reciprocity."¹

Although squarely within the American constitutional tradition, the Constitution of the Commonwealth is no slavish copy of any American document. It departs from its models in a number of significant details in order to provide a fundamental law that is workable in terms of Puerto Rican traditions and consistent with contemporary Puerto Rican needs. Its bill of rights, for example, is broader in scope than traditional bills of rights, which tend to include only restraints upon governmental action. It not only increases the protections normally afforded to private rights but also goes beyond them to guarantee certain social and economic

¹ Concurring opinion, *Youngstown Sheet and Tube Co. et al. v. Sawyer*, 343 U. S. 579, 635 (1952).

rights that require positive governmental action for their fulfillment. Similarly the Constitution introduces certain innovations in the structure of the three branches in order to create a government competent to deal with the complex problems of an expanding and increasingly industrialized economy, and yet a government limited in power and responsible to the people.

As a result of this combination of modern and traditional elements, the Commonwealth Constitution is well designed to protect both individual and social rights, to promote the effective and responsible dispatch of public business, and to permit full local determination of purely local affairs.

THE BILL OF RIGHTS

The bill of rights, Article II of the Commonwealth Constitution, contains the fundamental guarantees of individual rights found in the federal and state constitutions. It expresses many of those guarantees in exactly the same language as that of their counterparts in Sections 9 and 10 of Article I of the federal Constitution and in its first ten amendments. Use of the same phraseology incorporates into these provisions of the Puerto Rican Constitution the wealth of meaning that has been built up around them during a hundred and fifty years of interpretation in the federal courts.²

In certain cases, however, the traditional guarantees are enlarged upon. For example, the familiar clause from the First Amendment respecting freedom of religion is amplified by the state-

² The Organic Act of 1917 also contained a number of clauses in its bill of rights (Section 2) which were copied verbatim from the federal Constitution. Interpretation of these clauses in the Puerto Rican courts prior to the establishment of the Commonwealth contributed to the new Constitution a body of meaning complementary to that provided by the federal courts.

ment that "there shall be complete separation of church and state." Freedom of the press is made more specific by a novel provision which prohibits the condemnation of printing presses and other publishing equipment and permits the condemnation of buildings in which they are housed only after a judicial finding of public convenience and necessity. A clause from the Fourth Amendment occurs in the constitutional provision guaranteeing security against unreasonable searches and seizures, but a modern note appears: "wire-tapping is prohibited." Evidence obtained in violation of this clause is declared to be inadmissible in the courts.

The Commonwealth bill of rights also contains protections for individual or private rights not ordinarily found in American constitutions. Equality before the law is emphasized in a provision which prohibits discrimination "on account of race, color, sex, birth, social origin or condition, or political or religious ideas." Two examples of the practical importance of this provision are that women have now become eligible to serve on juries and that illegitimate children born after the Constitution took effect have the same rights as those of legitimate offspring, including the rights of inheritance. Another provision gives constitutional dignity to the right of privacy.

Economic rights

In the field of social and economic rights the Commonwealth Constitution follows a number of state constitutions in prohibiting child labor in occupations detrimental to health or morals, and in recognizing the rights of employees. Such provisions mean that the bill of rights not only imposes restraints upon government but also requires positive governmental action, for only through the latter can social and economic rights be guaranteed.

The Puerto Rican bill of rights acknowledges the right to equal pay for equal work, the right to a "reasonable" minimum wage, and the right to an eight-hour day, with extra pay for extra work. It also recognizes labor's right to organize, to bargain collectively, to strike, to picket, and "to engage in other legal concerted activities." In recognizing these rights, however, the Constitution specifically states that they apply only to employees of private businesses and to employees of governmental enterprises of a business nature. Hence constitutional protection of the right to strike cannot be invoked by the police or other public servants engaged in ordinary governmental functions. The constitution also declares that these rights do not in any way impair the authority of the legislature "to deal with grave emergencies that clearly imperil the public health or safety or essential public services."

THE GOVERNMENT OF THE COMMONWEALTH

The broad outlines of governmental structure and powers as defined by the Commonwealth Constitution are so familiar that they do not need description or justification. Suffice it to say that they are based upon the tripartite system of checks and balances found in the Constitution of the United States and in the constitutions of all the states. Within this traditional framework, however, the Constitution of the Commonwealth introduces certain new features that deserve mention. All the changes are designed to make the traditional American system work as effectively and democratically as possible. To some extent they involve the adaptation of continental American experience to the rather different facts of Puerto Rican political life. To a greater extent, however, they attempt to improve upon the American experience by taking advan-

tage of the lessons it teaches and by putting into practice the suggestions of some of its more constructive and responsible critics.

The legislative branch

One of the striking features of Article III, "The Legislature," is its unique method of safeguarding minority representation. Special protections for minority parties were thought to be necessary because of Puerto Rico's electoral history. During most of its fifty-two years as a territory, local politics was dominated by one or another political party or coalition. The workings of the electoral system under the Organic Act often permitted the dominant party or group to capture nearly all the seats in the legislature despite strong minority-party opposition at the polls, and thus to become considerably overrepresented in each house.³

In order to mitigate the debilitating effects of this system upon minority parties, the Constitutional Convention included in the Constitution a formula for automatically increasing the number of minority-party Representatives or Senators (or both) whenever the results of an election show one party to have gained as many as two-thirds of the seats in either house. The formula in essence provides for the seating of enough additional legislators from the minority parties to make their strength in each house roughly proportionate to the strength shown by their respective candidates for Governor in the gubernatorial election.

³ For example, in the 1948 election the candidates of the Popular Democratic party won 38 out of 39 seats in the House of Representatives and 17 out of 19 seats in the Senate, or 94.8 per cent of all the seats in the Legislature. In the same election the party's candidate for Governor received only 61.2 per cent of the votes cast for the governorship—a percentage roughly comparable to that which resulted in the election of 94.8 per cent of the legislative seats.

natorial contest. The operation of this new scheme, which incidentally was proposed and warmly supported by the Popular Democratic majority in the Constitutional Convention, is expected to strengthen minority criticism and opposition—an essential element of the democratic process.

The Commonwealth Constitution improves upon most state constitutions in its provisions regarding legislative sessions. Many state legislatures can convene in regular session only once every two years and must end the session within two or three months. Such limitations usually lead to the last-minute adoption of a mass of ill-considered legislation and to frequent special sessions. The Commonwealth legislature is spared these difficulties by being declared a continuous body for the whole of its four-year term, by being required to hold regular sessions annually, and by being authorized to determine for itself the duration of its regular sessions.

Another feature of the legislative article that represents a great improvement over the Organic Act and over comparable provisions of a number of state constitutions is the section which establishes a clear distinction between accounting and auditing functions and assigns primary responsibility for the latter to the legislative branch acting through a controller.

The executive branch

Under the Organic Acts the Governor of Puerto Rico was in some respects a figure of more consequence in the political life of the island than a state governor normally is in the political life of his own state. Article IV of the Commonwealth Constitution attempts to provide for a chief executive more in keeping with the traditional American pattern. It does not restore the Governor's ties with the federal government

that were severed by Section 5 of Public Law 600, nor does it grant him the unusual powers that he enjoyed under both Organic Acts. No longer, for example, does he have the authority to suspend the writ of habeas corpus when in his judgment the public safety requires its suspension in case of rebellion, insurrection, or invasion. Section 13 of the bill of rights grants this authority exclusively to the Legislative Assembly. Similarly, Article IV decreases the Governor's power to declare martial law. Under the Organic Act his declaration of martial law stood unless countermanded by the President. Under the new constitution it must be immediately reviewed by the legislature, which can either approve or revoke it.

The powers granted to the Governor are in the main those traditionally associated with American chief executives. As to the power of appointment, Article IV follows the federal Constitution and the Organic Act in authorizing the chief executive to appoint the heads of the executive departments, all of whom hold office at his pleasure. Many state governors lack this power because their department heads are elected by the people for fixed terms. The latter arrangement is regarded as undesirable by virtually all advocates of administrative reform. The Puerto Rican system, on the other hand, is highly recommended, for it makes possible the coordination of executive departments and the concentration of administrative responsibility in one official, the Governor, whom the people can hold accountable for the performance of his subordinate officers.

An interesting departure from the American tradition, though not from the Puerto Rican tradition under the Organic Acts, is the provision that an appointed rather than an elected official succeeds to the governorship in the event of a vacancy in that office before

the expiration of the four-year term. In such circumstances the Secretary of State, ranking member of the Governor's cabinet, becomes Governor.

After considering methods of succession used in the states, the Constitutional Convention came to the conclusion that electing a Lieutenant Governor was an unsatisfactory solution to this problem. It could waste the talents of a good man if no vacancy occurred; it could catapult into office a weak man if a vacancy did occur. Filling the office by special election was also rejected: the expense involved, the disruption of public business that would ensue, and the possibly undesirable political strife that might develop, all counted against this method.

The appointive method, on the other hand, seemed to lack these defects and to afford positive advantages. The Governor could select as his possible successor a person in sympathy with the program which he was elected to carry out. That person as a department head would have duties in the executive branch and would be familiar with the over-all problems and policies of the administration. Finally, the government would be carried on with a maximum of continuity and efficiency if a vacancy in the office of Governor should occur.

With these considerations in mind, the convention decided that the successor should be the Secretary of State, that he should be appointed by the Governor with the advice and consent of both houses, and that he should have the same qualifications as those specified for the Governor elsewhere in Article IV.

The judicial branch

In drafting Article V, the Constitutional Convention sought to establish an independent judiciary and to assure the prompt adjudication of cases on

their merits rather than on technical questions of procedure or jurisdiction. These aims involved a thoroughgoing reform of the Puerto Rican judicial system as it existed under the Organic Acts. The groundwork for that reform was laid in the Constitution, and its details were filled in by a Judiciary Act of the Puerto Rican legislature which became effective on July 25, 1952, the day the Constitution took effect. Article V and the Judiciary Act together constitute an almost revolutionary reorganization of the court system and embody reforms well in advance of those adopted by even the most progressive states.⁴

Independence of the judiciary from the other two branches and from political and economic pressures is substantially achieved under the Constitution and the Judiciary Act. Together they provide for the appointment rather than the election of judges, for adequate tenure and salary, and for the transfer of administrative control over the court system from the executive branch to the judiciary itself. Article V also prohibits political activity on the part of judges: they cannot contribute to campaign funds or party coffers, participate in campaigns, hold party office, or run for public office without having resigned from the bench six months prior to nomination.

Under the Organic Act the administration of justice left much to be desired. Crowded dockets made for long delays in the adjudication of cases. Jurisdictional pitfalls and procedural snares beset the path of litigants. All too many cases were decided, if at all, on technicalities rather than on their merits.

⁴ See Charles E. Clark and William D. Rogers, "The New Judiciary Act of Puerto Rico: a Definitive Court Reorganization," *Yale Law Journal*, Vol. 67, No. 7 (Nov. 1952), pp. 1147-71.

The Constitutional Convention met the problem by unifying the court system for purposes of jurisdiction, operation, and administration. Most of the details of this general reform were left to legislative determination and have since been supplied by the Judiciary Act. The result is a modern and efficient judicial structure that may well serve as a model for the states.

The most original feature of this reform is unification of the courts for purposes of jurisdiction. It means that questions can no longer arise concerning the jurisdiction of the court in which a case is filed. All courts have the power to hear any case (though a change in venue may be in order), since all of them are parts of a single unified court.

Unification for purposes of operation means that the whole court system functions under the supervision and control of the Supreme Court. Article V grants to the Court the important power of adopting rules of evidence and of civil and criminal procedure for all the courts. The Judiciary Act authorizes the Chief Justice to assign judges from one bench to another when necessary to keep dockets clear, equalize case loads, and minimize delays costly to litigants. Although every judge, as in the past, will primarily serve his own community, he can be used elsewhere as needed.

Article V provides for unification for purposes of administration by authorizing the Supreme Court to adopt rules for court administration, by designating the Chief Justice as the administrative head of the court system, and by requiring him to appoint an Administrative Director. The functions of the latter are defined in the Judiciary Act, which makes him head of the Office of Court Administration. His duties include the collection of statistical data

on the state of dockets and the work of the courts so that the Chief Justice can assign or transfer judges as needed and otherwise co-ordinate the administration of justice.

THE AMENDMENT PROCESS

Article VII vests the right to amend the Constitution exclusively in the people of Puerto Rico and their representatives. This provision is the heart of Commonwealth status. It makes manifest the irrevocable relinquishment by Congress of power over the purely internal affairs of Puerto Rico.

Had Congress approved the Constitution on the condition that amendments to it be subject to congressional ratification before becoming effective, a proposal supported by certain Senators but finally rejected by both houses,⁵ the compact embodied in Public Law 600 and accepted by the people of Puerto Rico would have been nullified. Such action on the part of Congress would have constituted a unilateral and retroactive modification of the terms of the compact, and it would have reduced the people of Puerto Rico to the role of a drafting agency for Congress.

This is not to say, however, that Article VII permits the Puerto Rican electorate to amend the Constitution in any manner whatever, without restriction. Section 3 prohibits repeal of the bill of rights and alteration of the republican form of government. It also requires all amendments to be consistent with the provisions of the congressional joint resolution approving the constitution, with the applicable provisions of the Constitution of the United States, with the Puerto Rican Federal Relations Act,

⁵ See *Congressional Record*, Vol. 98, No. 92 (May 28, 1952), p. 6187; No. 110 (June 23, 1952), pp. 7981-83; No. 115 (June 28, 1952), pp. 8525-26; No. 116 (June 30, 1952), p. 8669; No. 117 (July 1, 1952), pp. 8905-6.

and with Public Law 600. These requirements safeguard the terms of the compact between Congress and the people of Puerto Rico upon which the Constitution itself is based.

PUERTO RICAN STATUS RESULT OF INVENTIVE STATESMANSHIP

The development of commonwealth status was foreshadowed as long ago as 1914 by Felix Frankfurter. "One of the great demands upon inventive statesmanship," he wrote, "is to help evolve new kinds of relationship so as to combine the advantages of local self-government with those of a confederated union. Luckily, our Constitution has

left this field of invention open."⁶ Public Law 600, the compact embodied in it, and the Constitution of the Commonwealth resulting from it together provide the new kind of relationship that Frankfurter saw the need of nearly forty years ago. Thanks to inventive statesmanship both in Puerto Rico and in Congress, a combination of the advantages of self-government with those of a confederated union has at last been achieved.

⁶ Quoted in *Hearings before the Committee on Public Lands, House of Representatives, 81st Congress, on H. R. 7674 and S. 3336* (Washington: Government Printing Office, 1950), Serial No. 35, p. 54.

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The World Significance of the New Constitution

By CARL J. FRIEDRICH

THE significance of constitution-making in our time is not so self-evident as Americans are prone to assume. Even in the heyday of constitutionalism, critical voices maintained the conservative view so persuasively set forth by Burke that sound constitutions cannot be made, but must grow. If Savigny doubted the calling of his time, a hundred years ago, for legislation, men of his general outlook might well be perplexed by the earnestness and determination with which men have set about in recent years to make constitutions. France, Italy, a dozen German states, the German Federal Republic, and India, not to mention the so-called people's republics of the Soviet orbit, have given themselves constitutions, and the six nations of the European Coal and Steel Community (Schuman plan) are now at work in the same pursuit.

Yet the spirit of all this activity is neither optimistic nor enthusiastic. Surely the temper of the men now setting about the European constitution is, in the words of *The (London) Observer*, "cool and set." Although many of these efforts are revolutionary in their implications, the outlook of contemporary constitution-makers is devoid of revolutionary élan; they are much more sure of what they wish to avoid than of what they expect to achieve; negations predominate in their thought about these constitutions.¹

AIMS OF CONSTITUTION-MAKING

If one inquires into the motivation of a number of these resolute constitution-

makers, he discovers that they are desperately determined to find some modus vivendi that will give them a workable government and protect them, internally and externally, against totalitarian conquest and subjugation. The classic constitutionalism which the United States Constitution ushered in was a decidedly hopeful effort to transcend traditional authoritarian forms. Its revolutionary pathfinders were animated by a profound faith in the rational potentialities of man. But there were several sharp differences between the United States Constitution and those made in France in that period. Among these, one has received less attention than it perhaps deserved. The United States Constitution sprang from an effort to organize an effective government where there had been none before, whereas the French constitutions sought to organize a constitutional, republican government to take the place of the antecedent autocracy. As events proved, the latter is a much more difficult task and one which is not likely to succeed at the outset.

This contrast between constitutions organizing a first government and constitutions replacing an overthrown government has continued since that time. Wherever a people living in colonial dependency has thrown off the yoke or emerged by stages from its dependent position, a constitution has been made and that constitution has usually lasted: Canada and Australia are outstanding examples. When people have tried to constitute themselves as a republic after overthrowing the established authorities, failure has often been their fate: Germany and China may be cited here.

Since the Second World War, a new

type of constitutional effort has made its appearance: the collapse of the counterrevolutionary totalitarian autocracies has generated an intense will to establish constitutional systems that will be able to deal with the totalitarian threat by making a government at once strong and incapable of abusing its powers. Here the German case has, of course, been particularly instructive; for the Weimar Constitution proved weak, and yet it enabled Hitler to abuse his powers with great facility.

Within this general context of post-war constitution-making, the Constitution of Puerto Rico appears as a clear case of the kind of self-liberating instrument by which a people who has lived in colonial dependency achieves genuine self-government. This augurs well for the permanence of the new charter. It puts it into the family of which the United States Constitution is the most ancient and most illustrious member.

POLITICAL STATUS OF PUERTO RICO

However, the Constitution of Puerto Rico should not be misinterpreted in this connection. Everyone in Puerto Rico is, of course, vividly aware, and most Puerto Rican citizens are keenly in favor, of the island's status as an integral part of the United States. The constitution itself leaves no doubt on this score, but emphasizes this status. Not only the United States constitution, but the applicable laws of the United States are by the Puerto Rican Constitution made the law of the island. That the Spanish version speaks of Puerto Rico as a free and associated state further emphasizes this close relation.

Thus, the Dominion analogy which crops up in various discussions about the status of Puerto Rico is very misleading. Typically, a Dominion is not under the constitution or the laws of the United Kingdom at all. No Do-

minion representative participates in the work of the House of Commons. No Dominion citizen serves in the armed forces of the United Kingdom; and so forth. Puerto Rico has come closer to the continental United States, because an associate is tied by adult sentiments of loyalty, solidarity, and common purpose which are often lacking in the relation of a dependent.

To be sure, the Puerto Rican has been a citizen of the United States since the Organic Act was adopted in 1917. But only the adoption of the Constitution of Puerto Rico has made of him a citizen roughly comparable in status to the citizens in the states of the Union. Sometimes it is stressed in opposition writings that he lacks the right to vote for the President or a member of Congress. This is true only as long as he remains on the island, and it is equally true of any other American citizen who goes to the island to live. On the other hand, any Puerto Rican who moves to the continental United States does participate in these elections. It is an anomalous situation, to be sure, but it does not alter the fundamental fact that Puerto Rico has achieved democratic self-government and a free and co-ordinate position within the American commonwealth.

Unique features

But let us not minimize the extraordinary features of the new status. Not only is it an unprecedented development within the ancient constitutional structure of the United States—something the men of Philadelphia certainly did not envisage—but it is also a novelty within the history of western constitutionalism in its entirety. Never before has a distinct community achieved constitutional self-government in just this form. Algeria is perhaps the closest approximation, but its sphere of autonomy is much more limited, while its

¹ See my "The Political Theory of the New Democratic Constitutions" in *Constitutions and Constitutional Trends since World War II*, edited by Arnold J. Zurcher, 1951.

participation in the government of metropolitan France is decidedly greater.

The status of Puerto Rico creates a new dimension of the federal principle, in that it places the old principle of "unity with diversity" on a new basis. It thus conceivably provides a striking model for future developments in the sphere of the liberation of colonial peoples who do not wish or may not be able to organize themselves as independent political communities. Substantial portions of Africa may thus become associated in the future with the European federation that is in the making. Significantly, the proposals for its constitution envisage the possibility that such dependent territories may in the future apply for membership in the federation.

SEPARATION OF POWERS

To a fair number of political scientists it may come as a surprise that the Puerto Rican constitution-makers opted for the American system of separation of powers rather than the parliamentary system, so-called, in which the executive branch depends upon the confidence of the parliament for its continuation in office. As a matter of fact, there never was any serious discussion of this alternative in the Constitutional Convention. It must be remembered that the Puerto Ricans had become accustomed to the United States pattern during the half-century of their political development under United States tutelage. When in 1948 the office of the Governor was made elective, and the leader of the dominant party, Señor Muñoz Marín, was chosen by the people in a free election, the idea of this type of executive leadership had already become so firmly established that a return to a system under which the Governor might have been at the beck and call of the legislature seemed inconceivable.

At the same time, a legislative body

composed of two houses had become quite generally accepted, even though there were no particularly deep-rooted divisions of the island that called for separate representation. Just as in many American states so also in Puerto Rico the idea of two houses had become associated with the thought of a separation of powers that would avoid the concentration of too much power in the hands of any one man or group of men.

Many a writer, enamored of the alleged responsibility of the British system of cabinet government, has argued that a single house controlling the executive would necessarily give more effective government, as well as sounder legislation. Now there can be no question that the government of Great Britain has been among the most effective in the modern world. On the other hand, it is striking that it has worked well only where Britishers have constituted the prevalent element in the population: the United Kingdom, Canada, New Zealand, Australia. What is more, with the coming of labor into power, some serious difficulties have made their appearance. Still, it works well in these countries. But the people of Puerto Rico were well advised to avoid this experiment, which has given unsatisfactory results wherever Latin peoples have attempted it.²

FAVORABLE FACTORS

The question remains, of course, whether the constitutional democracy of the United States type *will* work. In a number of Latin American countries, constitutions of the United States type have led to dictatorships, as most Europeans will assert is inevitable. The concentration of authority in the hands

² On this whole subject, see the author's *Constitutional Government and Democracy* (new and completely revised edition, 1951), especially Chapter XVIII, "Chief Executives and Cabinet Systems."

of a single man resulting from his election by a popular majority could easily be thus abused, but such abuse appears a remote contingency in the case of Puerto Rico.

For one thing, the people of Puerto Rico seem deeply attached to the democratic heritage. Furthermore, their new constitution contains strong judicial safeguards which are usually lacking in Latin America, and these are reinforced by a good deal of common-law thinking that has found its way into Puerto Rican judicial decisions. Also, the authority of the United States Supreme Court extends to the island and could be called upon to check any serious abuse of powers. Finally, the military power which has so often played a decisive role in the revolutionary coups d'état of Latin America remains firmly and completely in the hands of the federal authorities (as in all states of the Union), and can therefore not only not be employed for the overthrow of the constitutional authorities, but is available for their continuing and effective support.

All these considerations do, of course, *ceteris paribus*, apply to the chances of survival of any other constitutional pattern that the Puerto Ricans might have adopted. Still, with a strong party commanding a very substantial majority, the gubernatorial system ought to work well, as it will not be afflicted by the dangers of a deadlock that at times have made it appear in an unfortunate light in some of the states.

NEED FOR OPPOSITION

At the same time, one must hope that a more vigorous opposition will come into existence in the near future. The present situation, wherein the majority party is so strong numerically that it has to have recourse to various artifices in order to secure any kind of opposi-

tion at all, surely is not healthy.³ The situation suggests that a large part of the electorate is not as mature politically as a functioning two-party system requires it to be. It is well known that the present situation causes considerable concern to some of the wiser leaders, like the Governor himself.

The new constitution provides some rather sharp limitations on the Governor's power; in relation to emergencies, it is perhaps too much hedged about by limitations. One may ask whether it is sufficient that he can call out the militia in order to prevent or suppress a rebellion, invasion, or *any serious disturbance of the public peace*. These phrases have an antiquated ring. Some of the most serious problems of an emergency nature present themselves to modern communities in quite different garb from disturbances to the public peace. Be that as it may, when taken together with the absence of any really effective opposition, some rather troublesome situations may arise.

It would seem that a governor's council would have been more satisfactory than a senate in this connection. It would have made it possible to grant the Governor broader emergency powers, when acting together with his council, while at the same time clarifying the electoral picture so as to enable a relatively inexperienced electorate to crystallize an effective opposition.

INNOVATIONS

It would be interesting to analyze the many significant innovations which the Puerto Rican Constitution contains. Certainly, from a strictly constitutional viewpoint, it must be placed in the front rank of American state constitutions. Its provisions for the judiciary, for example, while not so perfect as was at

³ See Constitution of the Commonwealth of Puerto Rico, Article III, Section 7.

one time hoped, are in line with most advanced thought in the United States.⁴ Similarly, the establishment of an independent commission of three, headed by the Chief Justice, to deal with reapportionment is a distinct advance and ought to help to avoid the usual politicking in this field. Against these forward-looking provisions must be set certain omissions, such as the failure to provide for the merit system in the civil service, and the perhaps even more serious failure to provide adequate autonomy for local self-government.

BILL OF RIGHTS

The fact that the United Nations Declaration of Human Rights had been approved by the Congress of the United States caused some leaders in Puerto Rico to include substantial portions of this declaration in their drafts of the constitution. It was felt that the Congress could not in fairness reject what it had once accepted. Eventually the convention adopted a somewhat altered version of these rights, which takes account of the island's limited resources. The formulation chosen speaks of the progressive development of the Puerto Rican economy, but enjoins the people and the government to do everything in their power to realize these rights.

In spite of the fact that every one of these provisions is found in either constitutional or unchallenged ordinary legislation somewhere in the United States, these progressive provisions caused sharp criticism in Congress, with some critics going so far as to claim that this section "departs completely

⁴ In this connection, mention might be made of a very interesting comparison prepared by Gutiérrez-Franqui and Henry Wells showing the parallel paragraph by paragraph between the Puerto Rican Constitution and other American state constitutions. See also for further detail the article by the same authors in this volume.

from the whole philosophy of the Bill of Rights of our own Constitution." The claim is unsound on the face of it, especially in regard to education and social security. That the eighteenth-century framers of the Constitution did not include them has not prevented the United States from wholeheartedly developing them since.

But since the Congress insisted, the Puerto Rican convention was reassembled and struck these provisions from the constitution (as well as two others of minor importance). It was felt, however, that this congressional demand was so definite a challenge to the self-governing authority of the people of Puerto Rico that it was decided to re-submit this section to the people for formal amendment of the draft they had approved earlier.

It is generally expected that the amendment will be approved. But the very fact that such a referendum will have to be held will dramatize the unwisdom of Congress in making such a stipulation. Surely, the democratic rationale of the entire undertaking argued firmly for accepting the draft unless the objections were justified by clear and incontrovertible unconstitutionality. It is unfortunate that by this action, the generosity, the imagination, and the good faith of the Congress in enabling the Puerto Ricans to make their own constitution and thereby achieve the novel status of an associate state should have been put in jeopardy. Is it not also regrettable that by this action of Congress the United States should have been prevented from being the first country to embody substantial portions of the International Declaration of Human Rights in positive law?

The vision of Puerto Rico was entitled to greater sympathy than it received, surely. But even so, the new constitution is testimony to the remarkable flexibility of the American consti-

tutional system. It also is testimony to the fact that democracy can find ways of liberating colonial peoples by a gradual process of democratizing them. Here lies the world significance of the new constitution.

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Transforming the Economy

By HARVEY S. PERLOFF

IN economic matters, as in most human affairs, the "little fellow" can often manage as well as others, provided that he has some sort of "equalizer." Puerto Rico, a small, crowded island with practically no natural resources other than its hard-worked soil, today provides for its people a level of living comparable to that of the richest nonindustrialized countries—that is, those nations which, like neighboring Cuba, enjoy great natural advantages and a favorable population-resource balance. Puerto Rico's "equalizer" arises out of its economic ties to the United States, the quality of its political leadership, and the political maturity of its people as characterized by the widespread and consistent support of a rational program of economic development.

That the latter aspects have been crucial is evident from the fact that forty years after Puerto Rico was brought within the United States economic sphere, it was still a poverty stricken island with a sick and stagnant economy. It was not until the internal elements were forged into a force for progress that the tie to a rich metropolitan power could be turned to net advantage. Any estimate of future expectations and possibilities must consider these equalizing elements as well as the many disadvantages of the negligently natural endowment and the still unfavorable population-resource balance.

FOUR DECADES OF U. S. RULE

The year 1941 marked a turning point in the economic development of Puerto Rico, as in so many other aspects of Puerto Rican life. It was in that year

that the people of the island, under a new leadership, undertook the task of transforming their economy and of providing the means for achieving their aspirations for higher levels of living.

Puerto Rico had been brought within the monetary and tariff structures of the United States at the turn of the century, and this, together with the large inflow of mainland capital, served to mold the insular economy. Under the protection of the tariff, the sugar industry, which had had a secondary role during the Spanish regime, grew rapidly until it dominated the entire economy. Not only did it provide the main outlet for employment and investment, but it gave the impetus for the development of a network of servicing industries—transportation, communications, power, banking, and others.

A number of other agricultural industries, especially tobacco and tropical fruits, also experienced some growth through the stimulus of mainland capital, but these never achieved more than a minor place in the economy. Coffee, which had been the primary crop during the nineteenth century, did not enjoy the protection of the United States tariff, and after a series of hurricanes and the loss of European markets, it became a bankrupt industry. Manufacturing did not attract a large volume of either external or internal capital, and its development was limited to the processing of sugar and the production of a small number of items chiefly for the home market. Needlework achieved some importance in the 1930's and provided a meager but much needed supplementary income for thousands of families.

In spite of the fact that the limitations of the natural resource base, together with the directing force of the United States tariff, had turned the Puerto Rican economy into an essentially one-crop one-industry economy, total output and income grew at a fairly rapid rate during the first three decades of American rule. Unfortunately, the economic expansion was outpaced by the growth in population, and the gains in total income were largely absorbed by the increases in the number of consumers. Thus, in spite of the sizable economic development which took place, underemployment and poverty continued to be the lot of the average Puerto Rican during this entire period. The economic situation, which even during the most prosperous years was far from favorable, deteriorated very much with the drastic fall in production, employment, and income which accompanied the Great Depression. Throughout the 1930's, most of the people of Puerto Rico experienced great distress.

AT THE TURNING POINT

By the end of 1940, when the newly formed Popular Democratic party was making its first bid for office, and at a time when most other areas had already achieved substantial recovery from the depth of the depression, the insular economy was still in a seriously depressed state and, more significantly, revealed dangerous imbalance and structural difficulties.

The sugar industry, the backbone of the economy, had stopped growing. Whatever inherent potentials for expansion it might have retained—and at best these were limited because most of the best land in the island was already in sugar cultivation—an actual lid on its growth had been imposed by the sugar quota system. Other agricultural industries were also past the peak of

their growth for a variety of reasons; the tobacco industry was suffering from the long-term shift to cigarette smoking and was in a disorganized state; fruits had lost out to mainland and offshore competition.

The important sectors of agriculture were subject to land monopoly and absentee ownership. According to the 1940 census, about one-half of 1 per cent of the farms contained one-third of the total arable farm land, and this was the best land in the lowlands. There was little effort at diversification, and when sugar production was limited, much of the land simply lay idle. The small farmer, characteristically owning or renting two or three acres on the side of a hill, found it difficult to make ends meet or to feed his own family. Most of those in agriculture were landless farm laborers dependent on a few months of low-paid work.

With the end of the period of growth of the major agricultural industries, employment in agriculture had leveled off, so that no more persons were employed in farming in 1940 than had been so employed in 1920.

Few new employment opportunities outside of agriculture were being created. The sizable flow of mainland capital during the earlier period had been sufficient for a spillover into a rather wide variety of local economic activities, but outside investment practically ceased with the advent of the depression. Internal savings were very limited, and whatever local capital there was shied away from any but the traditional investment outlets, in agriculture, real estate, and commerce. With a few exceptions as in the case of sugar and rum, the local manufacturing industries that were already in existence were generally small, poorly organized, and characterized by very low labor productivity. They rarely could develop markets outside the island, and often had difficulty

competing with goods from the mainland.

The labor force had increased by over 40 per cent between 1920 and 1940, yet no important new processing industries had been developed to help fill the large employment gap. The only significant expansion in manufacturing took place in sugar milling and in home needlework. Manufacturing employment, outside of these two categories, was at the same level in 1940 as it had been twenty years earlier, while total employment in manufactures reported by the census of 1940 was hardly greater than it was at the time of the 1930 census.

As a result of the divergent population and employment trends, some 18 per cent of the labor force was unemployed in 1940, while a large share of those who did find employment were working only a few months of the year or were engaged in peripheral service and trade jobs. Wages were pitifully small. Sugar workers, who averaged fifteen cents an hour, were the highest-paid in agriculture. Home needleworkers rarely received more than four or five cents an hour. In the face of the special difficulties arising out of the economic conditions and the severe unemployment, labor was poorly organized and its bargaining position was relatively weak. As a result of all these factors, poverty and distress were widespread. As late as December 31, 1940, some 40 per cent of the island's families were certified as "needy" by the Work Projects Administration.

Federal contributions in the form of relief expenditures and loans during the depression years were substantial, amounting to about \$230,000,000 between 1933 and 1941. Yet, in spite of the efforts of some of the federal agencies to develop new sources of income, the federal contributions were essentially relief handouts and did little

to strengthen the foundations of the economy.

The most striking characteristic of the total situation was a prevailing sense of hopelessness. Aside from the (sometimes) heroic efforts of the federally sponsored Puerto Rico Reconstruction Administration, very little was being done to create conditions conducive to economic development. Puerto Rican politics traditionally revolved about the political status of the island, and political parties formed and reformed about this issue without developing or carrying out any programs aimed at providing a foundation for economic expansion. The utility structure was inadequate and poorly organized; illiteracy was fairly high and very few workers had any technical training; sanitation and medical services were sufficient to keep the death rate surprisingly low (considering the economic conditions), but not sufficient to prevent the prevalence of debilitating diseases; credit for risk-taking new investment was practically nonexistent; government administration in general was not such as to generate confidence.

REFORM AND DEVELOPMENT

Upon taking office, the Popular Democratic party, which had abandoned political tradition to run on a platform of economic and social reform, undertook a series of programs and activities which over time was greatly to modify many of the basic aspects of Puerto Rican life. The various programs, as they have evolved over the past twelve years, have contained three main features.

The first of these is what might broadly be termed "social reform," and is concerned essentially with distributive justice. The Organic Act of 1917 provided that no corporation might acquire more than five hundred acres of land. This was not seriously enforced;

but under the Land Act of 1941, a substantial part of the land held in violation of that provision has been acquired and used to establish proportional benefit farms (with profits divided among the workers), small owner-operated family farms, and subsistence plots or lots for homes for *agregados* (landless farm workers). Other measures have been aimed at preventing abuses and bringing about a more equal distribution of income. These have included measures to protect workers and to strengthen the position of labor unions (the establishment of a minimum wage board and an insular labor relations board was motivated in large part by these objectives), to provide public assistance and the beginnings of a social security system, to regulate basic industries, and to develop a more progressive tax structure.

A second feature has been the improvement of the public services and facilities, both to lay the foundations for economic expansion and to encourage social progress. Thus, electric power facilities have been greatly expanded and an island-wide grid developed; transportation, communications, water supply, and sewerage have been made the concern of separate governmental "authorities," and the facilities have been continually improved and expanded; a substantial share of the public budget has been devoted to the expansion and improvement of education and health services; and a large-scale slum clearance and public housing program has changed the living conditions of many families.

A third and central aspect of the overall insular program has been the direct promotion of economic development, the attempt to enlarge sources of income and employment through the creation of new industries and economic activities, improvement and expansion of the

resource base, and an increase in investment and productivity. In the face of the reluctance of private enterprise to take risks in untried fields, the insular government in 1942 created an Industrial Development Company for the purpose of opening up new manufacturing opportunities and pointing the way for private enterprise. At the same time, it established a Development Bank to fill the need for a source of long-term investment credit.

The earlier phase of promoting industrial development through the activities of government-built and -operated plants gave way after World War II to another approach, which centered on the attempt to attract mainland industries and capital to the island through tax exemption, industrial services, the provision of factory buildings, loans, and special assistance in various forms. As a result of this effort, something in the vicinity of two hundred manufacturing plants have been established in Puerto Rico, with a heavy concentration in the textile and apparel fields and in assembly. An attempt to improve the situation of local industries has been made through promotional programs (especially for rum and beer), industrial research, and the provision of special services, including labor training.

The insular government has also sought to promote agricultural development through a wide variety of activities, including land reclamation, agricultural research and extension, marketing services, distribution of free improved seeds, conservation and crop insurance programs, a "tobacco adjustment program," tick eradication, land use studies, and an attempt to develop new crops and new agricultural processing industries. However, progress in increasing and diversifying agricultural production has been painfully slow.

A significant aspect of the far-reach-

ing developmental effort has been the institutionalization of co-ordinating and directing devices in the form of a Planning Board and a Budget Bureau. These staff agencies, through their central role in the design of governmental programs and in the guidance of public expenditures, together with strong executive leadership and a high degree of party discipline, have served to tie the widespread activities of the insular government into what can justifiably be characterized as a program of planned development. Certainly, measures and expenditures which have been made for purely political purposes have played no unimportant role. Yet it is the extent to which the essentially rational and planned features have predominated in public activities, especially in comparison to most other underdeveloped areas, that has given the special flavor to the Puerto Rican program of economic development.

The Puerto Rican economy has made great gains over the past twelve years. It has become substantially more productive. Output per man-hour has been increasing at an average rate of 4 per cent per year. Twice as much is being produced in goods and services as was produced a decade ago. Total income, in current prices, is more than three and a half times as large as it was in 1940. In real terms—that is, using constant (1939–40) prices as a measure—income per capita has almost doubled over the past twelve years. The material level of living of the average Puerto Rican is higher today than it has ever been in the past.

EVALUATION

It is evident that Puerto Rico's economic future is closely tied to trends and developments on the mainland. The most important elements in the island's prosperity at the present time and in the foreseeable future—the ex-

port value of sugar, textile, and needlework products, the volume of mainland capital invested in the island, and the flow of Puerto Rican migration to the continent—are dependent on business conditions in the United States. The very high level of economic activity in the United States since the end of World War II has clearly been a crucial element in the recent development of Puerto Rico. The strong continental market for the major Puerto Rican products has been the main factor in sustaining the relatively high postwar farm income; the attractiveness of the island location to continental businessmen has been correlated with the tightness of the mainland labor market and the rise in United States taxes; and the level of out-migration has closely followed the increase in employment opportunities on the continent. The volume of migration since the end of World War II has been sufficient to absorb most of the net annual increase in the labor force, so that the new job opportunities created on the island could serve to reduce the amount of unemployment. The number of workers leaving Puerto Rico within the past two years has been so large, in fact, that not only has the pressure on jobs been greatly relieved but significant increases in productivity have been registered largely due to the reduction of "hidden unemployment."

While it is true that the level of prosperity enjoyed by Puerto Ricans is in largest part outside their control, it should be noted that this is also true in greater or less degree of most other countries in the world today. Moreover, within the general economic conditions created by the external forces—what the economists refer to as the exogenous factors—the people of Puerto Rico can enjoy less or more family income, less or more economic security, less or greater scope for personal de-

velopment, depending on the effectiveness of their efforts to raise the productivity and income levels of their economy.

Certainly, the accomplishments to date have been substantial. An outstanding job has been done in building up the service and utility foundations for economic development and social progress, in transportation, electric power, water, education, health, research facilities, and so forth. An overall atmosphere conducive to economic development has been created: there is confidence in the stability of government, the honesty of administration, the sustained governmental interest in the success of private enterprise; also, there is a well-established tradition of orderly labor relations and a growing interest in economic development on the part of all sectors of Puerto Rican society. Substantial amounts of mainland capital have been attracted to Puerto Rico and many new job opportunities have been created by the effectively executed industrial development program. Most of all, there is hope in the island of Puerto Rico. There is a spirit of building and pioneering and there is justifiable pride in accomplishments to date.

UNFINISHED TASKS

Inevitably, in the face of the poverty of natural resources and the tenacity of traditional ways of living and working, many economic problems elude rapid solution. Also, when so much has to be done on so many fronts to initiate and sustain progress under difficult circumstances, it may be expected that certain measures and programs will not be altogether successful and some of the less pleasant tasks will remain undone. Among the more elusive problems and unsolved tasks, the following would seem to be the most important:

1. The problem of population growth

has not yet been tackled directly. The high rate of out-migration is giving the island a breathing spell in terms of the pressure on jobs, but it seems evident that it is difficult to make a rapid transition to a progressive economy and society when birth control is class oriented and when many parents have no choice as to the number of children they have to raise. It has been pointed out by some of those who have studied the problem that a policy of dependence on migration has three serious limitations: its continuance is uncertain, it may have unfavorable social and political repercussions in the United States, and it is likely, if present levels continue, to affect adversely the productive capacity of the island.

2. Institutions and techniques for generating internal savings are not as yet adequately developed, but the ability to tap the savings of the mainland keeps this from being as great a source of weakness as it might otherwise be. Local private entrepreneurship has not developed on anything like an adequate scale. Reliance on mainland business initiative is logical in the face of the lack of production know-how in Puerto Rico and the difficulty of opening up, from the island, market outlets in the States; but there are many disadvantages in making this a total reliance. For one thing, production for the home market is likely to remain underdeveloped. For another, the pace of economic development would tend to depend more on the specific conditions existing on the mainland (say, the tightness of the labor market) than on the general developmental opportunities in the island. Also, a continental businessman is likely to require more of a cost differential to make the island location attractive than would a local businessman. For these and other reasons, the speed with which native entrepreneurship can be developed will be a determining factor in the

long-range success of the economic development program.

3. Inadequate attention has been paid to the growth potential of industries. The government has encouraged and subsidized industry more or less on a catch-as-catch-can basis. This is understandable considering the urgent need for additional job opportunities, but the result is that the island has been attracting chiefly the stabilized or declining industries, which must now rely on cheap labor to survive. It has not been able to attract the growing industries and has not yet developed a policy to do that.

4. The effort to increase and diversify agricultural production has had only limited success. Here the strong force of tradition has to be reckoned with, and it may well be that there has been a certain impatience with the types of measures called for by the situation. When compared with the results obtainable in industry, where vested interests are relatively few and there is no drag of tradition, the inputs of time and money required to obtain even small improvements in agriculture seem disproportionately large. And yet improvements in farming are basic to economic development, especially since agriculture is still the mainstay of the Puerto Rican economy and since it pro-

vides practically the only local raw materials for processing.

5. The distribution sector of the economy remains extremely inefficient and greatly increases the problem of raising levels of living in the island. Possibly this has been the most neglected sector of the economy. The lack of success of an early and poorly conceived program aimed at promoting distributive efficiency and at lowering prices of foodstuffs to consumers through the establishment of a small number of government-sponsored retail grocery stores seems to have discouraged further attempts in this direction. Yet it is evident that the system of distribution is in very great need of improvement.

As suggested above, it is inevitable that certain obstacles to economic development should be especially resistant and that certain tasks should remain undone. The really significant thing, however, is that the spirit prevailing in Puerto Rico today is such that most of the problems tend to be accepted as a challenge and the subject of continued effort even after a series of setbacks. Under such circumstances, one cannot but view the Puerto Rican situation in an optimistic light despite the very great difficulties which the people of Puerto Rico continue to face.

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Puerto Rican Lessons in Economic Development

By J. K. GALBRAITH and CAROLYN SHAW SOLO

THE general revival of interest in economic development and change makes it certain that the experience of Puerto Rico will be searched closely for clues to the broad problem of development. To the extent that current Puerto Rican efforts to promote industrialization meet with success, they are likely to become a model to be recommended elsewhere. The same is true of agricultural programs, improvements in social services, reforms in market organization, and other innovations. It is very interesting that at precisely the moment when the United States proclaimed its interest in Point Four, the people of Puerto Rico constituted themselves a kind of pilot plant to demonstrate the process.

The task of this paper is to explore the extent to which Puerto Rico constitutes a satisfactorily controlled experiment. We will urge that there is, indeed, much to be learned from the experience of the people of the new Commonwealth. We will also urge that, in drawing lessons for the underdeveloped world at large, it will be well to bear in mind some very marked peculiarities in Puerto Rico's situation. These latter we commend especially to those liberal enthusiasts who, having once performed the valuable service of putting Puerto Rico on our national conscience, are now suggesting that it is a beacon light or at least a spotlight for the whole underdeveloped world.

PROBLEMS IN COMMON WITH OTHER UNDEVELOPED COUNTRIES

At first glance, or even at second, the parallels between the problems of Puerto Rico and those of undeveloped lands are

deceptively numerous. Puerto Rico has behind it a long history of poverty and, as far as autonomous forces within the island community are concerned, of stagnation. This, as in the case of India, Indonesia, and South America, is related to a history of colonialism. The island is predominantly agricultural, and it is evident that there is an association between agriculture and economic stagnation. There is no industrialized country in the world that one would describe as static; there are not many agricultural countries which, while remaining agricultural countries, appear to have a strong predisposition to change.

There is in Puerto Rico a characteristically unsatisfactory relationship of people to land. Not only must a very large number of people make a living from the given land resources, but most of them are landless laborers. This problem is common to much of the undeveloped world, and in Puerto Rico it has a certain special intransigence. In much of South America there are large estates that could be broken up, and in many countries either such estates or lands now in public ownership have a great potential for increased production. In Puerto Rico the good land is now producing at something reasonably close to both its technical and its economic optimum.

Some very recent varietal developments possibly apart, there is no large reservoir of opportunity for increasing the efficiency of sugar production; there is no tenure pattern and no alternative land use which would return to those who work the land as much real income as cane cultivation by the present plantation system. The sugar industry in

Puerto Rico has not been unprogressive; on the contrary, it has maintained its position vis-à-vis its competitors in the United States market by a reasonably high rate of technical adaptation. While there are unexplored possibilities in Puerto Rican agriculture, the sugar economy is in no sense undeveloped. Hence, unlike many of the undeveloped areas, there are no great physical opportunities which are being held in suspense by the usual admixture of capital shortage, ignorance, a repressive tenure system, and the power interests of a landed ruling class.

There are three further obstacles to economic change which Puerto Rico faces in common with many undeveloped countries. There is, first, its tropical location. Anything that suggests belief in climatic or geographical determinism is an invitation, we have discovered, to a peculiarly indignant dissent. Yet it is evident that technological cultures, as distinct from other types, have not as yet flourished in the tropics. The fact that there is no major autonomous¹ industrial development in the belt surrounding the earth between the Tropics of Cancer and Capricorn must at least be marked down as interesting.

Puerto Rico also has an accumulation of social and cultural attitudes that reflect hostility or at least disinterest toward economic change. These perhaps manifest themselves most importantly in attitudes toward entrepreneurship—attitudes which are averse to risk-taking or even to excessively hard work, and which value the comfortable and secure revenues of real property ownership above those of a factory. Such attitudes appear common among the masses of the people as well as among the landowners. Theirs, too, is an

¹ That is, not related to the provision of materials or of market outlets for industries situated elsewhere.

amiable live-and-let-live approach which accommodates itself with difficulty to the disciplines of competitive enterprise, and which, incidentally, no one should identify with a lesser commitment to civilized values.

Finally, Puerto Rico shares with other undeveloped countries a Malthusian problem of starkly classical form. This is being dealt with elsewhere in this volume, and there is no need to speak further of it here.

A final word must be added, however, about natural resources. It is by no means clear that poverty in resources is the common misfortune of undeveloped countries. There is more than a presumption that some of them are exceedingly well endowed. Moreover, the correlation between resource endowment and development is exceedingly indistinct. But it must be made clear that nothing that is now happening in Puerto Rico, or that is likely to happen, can be explained by the richness of its natural resource base. There must be few parts of the world which Nature has endowed more sparingly. Fewer than two thousand workers are needed in all of the island's mines, and these contain clay and gravel rather than more valuable minerals. There is no coal, no oil, and no great potential of undeveloped water power.

ITS POLITICAL STABILITY UNIQUE AMONG UNDEVELOPED COUNTRIES

Having in mind these similarities—or special disadvantages—of the Puerto Rican case as compared with the other undeveloped lands, it is now possible to turn to the differences. By far the most important of these concerns the political context of Puerto Rico's development. It is doubtful if any country has launched itself on a durable program of economic development except under the aegis of a stable government. The problem of stability is a peculiarly difficult

one, for change must involve a series of attacks on vested positions which are invariably associated with the exercise of political power. Time and again, in Latin American countries especially, progressive governments have been overthrown because the change they sought was distasteful to those who possessed economic and ultimate political power.

In Puerto Rico this danger that the government might be overthrown has not existed. The Muñoz Marín administration, in the process of coming to power in 1940, did a singularly effective job both of defining the issues facing the Puerto Rican people and in developing a popular understanding and identification of the people with solutions and goals. This was a political achievement of the highest order. It must frankly be doubted, however, if even this inspired work would have ensured survival in other Latin American communities. The new government took from older vested groups the valued right of a monopoly of political power. In addition, its social welfare, land, housing, health, education, and even industrialization programs were, in varying measure, a threat to comfortably entrenched positions and prerogatives. There is an excellent likelihood that in another South American country, either the Muñoz Marín government would have spent a very large amount of energy keeping the army on its side, or control of the army would have passed to its enemies and the government would have been ousted.

This could not happen in Puerto Rico, because the island was within an extended framework of the United States constitutional process. This process allows elections to be bought—and the elimination of vote buying was fundamental in the appearance of the new administration, and one of its signal achievements. But the United States constitutional process also requires rea-

sonably honest counting of votes, and it requires that the results of the election be respected for four years. Thus, where other popular leaders might have to worry about reactionary seizure of the instruments of power, the Puerto Rican administration had no such worries. (Its nearest equivalent concern was the hearing that its enemies might get in Washington.) The sizable armed forces in Puerto Rico, as far as they were a factor at all, provided some kind of passive assurance of law and order and constitutional action.

OTHER ADVANTAGES—ECONOMIC AND SOCIAL

While the political context is the most important feature of the Puerto Rican case and one which, in combining growing autonomy with security for popular government, reflects a good deal of incidental credit on United States policy, there are other features of the Puerto Rican case which are also different. It need hardly be emphasized that the Commonwealth has been the beneficiary of a technical assistance program of considerable cost and exceptional duration. This has been implicit in the work of federal agencies on the island—the Department of Agriculture, the Puerto Rican Reconstruction Administration, and others—and more informally in the constant exchange of personnel between island and mainland.

One important result was that when the new administration came to power, it had a cadre of trained and expert administrators on which to draw. The University of Puerto Rico, the agricultural services, and the existing government departments were all in a position to contribute to the group of young, able, and vigorous administrators who have been so important in the work of the last ten years. The advantages of such a nucleus of trained administrators have been made evident by its presence

in other countries—most notably perhaps in India—and by its absence in many others.

Puerto Rico also has the advantage, important although not entirely unique, of a culturally homogeneous population in which racial and other tensions are at a minimum. Well-deserved attention has been given to the unpleasant legacies of Spanish colonialism, but, as compared with the situation in Anglo-Saxon areas, a taut color line is not one of them. Finally, there are the economic differences in the case of Puerto Rico which derive from its special relationship to the United States. These are well recognized.

PUERTO RICO IN THE U. S. ECONOMY

Puerto Rico is, of course, within the tariff, monetary, and—in a somewhat special form—fiscal systems of the United States. The first means that, as compared with all other areas seeking industrialization, Puerto Rico is in a unique position in its relation to the United States market. Its access to the mainland sugar market in the past has contributed an important measure of stability to the sugar industry, as compared with that in countries that have had to rely on the open market or resort to the dubious protection of international commodity arrangements.

While free access to the United States market is critical for the Commonwealth's hopes for industrialization, it should not be supposed that the advantage for industrial products will take the same form as for agricultural products, or even that it will be as nearly unqualified. For one thing, access to the mainland market means reciprocal competition from the mainland. Any judicious fostering of infant industries with the aid of a tariff is excluded, although an approximate equivalent of this policy—tax advantages—is feasible

and is being used. Moreover, the fact that Puerto Rico is part of the commercial system of the United States means that its lower wages, as a competitive weapon, are a transitory (although not for that reason an unimportant) advantage. Mainland tastes and standards, unions, and minimum wage legislation all operate against any permanently large wage differential in favor of Puerto Rico.

Puerto Rico's position within the monetary and fiscal system of the United States also gives it a position that is clearly unique. Both the extent of federal subventions to Puerto Rico and the role of federal payments—most notably for defense purposes—in the balance of payments of the island open up a large and somewhat disputable subject. There is some evidence from recent investigations at the Social Science Research Center at the University of Puerto Rico that the balance has been less heavily in the island's favor than has frequently been supposed. Thus, about 7 per cent of the total net income of Puerto Rico originates in federal government expenditures, as compared with 12.5 per cent of the United States national income. The application of federal grants-in-aid to the Commonwealth government is commonly limited, and these funds, on a per capita basis, are only a fraction of the grants to the forty-eight states.

In principle, there can be no shortage of capital for Puerto Rican development; theoretically there is a free flow of capital between the mainland and the island. The presence in the Commonwealth of branches of two large New York banks as well as of the Royal Bank of Canada emphasizes the point. In fact, however, there are impediments to capital flow to Puerto Rico. Interest rates for commercial paper are higher in Puerto Rico than on the continent in circumstances where there is no evi-

dent difference either in administrative costs or in risk premium. Apart from these institutional frictions or rigidities, which would repay careful study, there is the more important barrier of knowledge. Most capital moves into Puerto Rico in combination with specific entrepreneurship. It seems unlikely that much arrives "on its own" in response to high marginal efficiencies that are being exploited by local initiative. Nonetheless, the position of Puerto Rico in relation to capital supply is not only fa-

vorable in comparison with other undeveloped communities, but, again, is unique.

APPLYING LESSONS FROM PUERTO RICO

If the efforts now being put forward by Puerto Rico succeed, as everyone must hope they will, they will be worth watching for their lessons. But they are lessons which, in their application to other countries, will have to be applied with discrimination. Puerto Rico is a special case.

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Industrial Development in Puerto Rico

By TEODORO MOSCOSO

DEVELOPMENT problems in Puerto Rico have, of course, their own special framework. In 1940 this was the framework of an island limited in natural resources, with a large and rapidly growing population, a low level of living, and scarce savings out of which to secure capital for the increase of productivity. As a possible offset against these disadvantages, Puerto Rico was linked to the United States of America, lying within its tariff area and enjoying a small share of the services and aids provided to the states and territories by the federal government.

During the early forties the island was still under the influence of the depression years that had brought us to the brink of disaster, and the outlook for a permanent solution was somewhat pessimistic. The outbreak of World War II, which brought relative economic prosperity to the continent, brought us unrestricted submarine warfare that almost severed our lifelines to the mainland. More than once our foodstocks fell to near starvation levels, and exports too were sharply cut.

EARLY PLANNING

The first planning for government action looking toward economic development grasped this nettle firmly. It was clearly recognized that increasing efficiency in agriculture would mean that the available land could not support many more people and that, while long-run influences might perhaps diminish the rate of growth of the population, there would be a substantial increase in the labor force for many years to come. The provision of alternative sources of employment, primarily indus-

trial employment, was therefore recognized as the most pressing need of the insular economy, and the Puerto Rico Industrial Development Company was created to deal with the problem.

Moreover, in the existing situation it is not surprising that early planning for industrial development had a strong emphasis on self-sufficiency. In the local market the problem of dealing with competition from the mainland was scarcely felt, since continental shipments, limited by defense priorities and blocked by enemy submarines, reached us only in dribbles. In industry, as in agriculture, our earliest thinking looked in the direction of making us less dependent on outside sources for our basic necessities.

The Development Company was organized along the lines of the Chilean Development Company which preceded it by several years, but without substantial initial capital appropriations. Its first and largest resource was the cement plant built by the Puerto Rico Reconstruction Administration, a federal agency, in 1939. The common stock participation of the insular government in this venture was transferred to PRIDCO, and thereafter the federal participation was paid in full out of profits. When, during the later war years, the revenues of the insular government began to rise rapidly as a result of the increasing taxes on sales of rum in the continental United States, appropriations were made bringing the capital of the company up to \$19 million by 1946.

As the capital of the company increased, it began to put into operation its planning for the construction and

operation of industrial facilities on the island. The cement plant was expanded considerably to meet the acute shortages of construction and road-building materials. A glass-container plant was constructed primarily to ensure shipments by the expanding rum industry, an important source of government revenue. A paperboard plant was built, and used machinery was installed, to provide material for the shipping cartons. Toward the close of the war a clay-products plant was planned to provide other building materials and to meet the anticipated shortage of sanitary ware. In the immediate postwar period a shoe factory was constructed to serve the local market, and plans were completed for a modern textile factory, also to produce for the local market.

EXPERIENCE WITH GOVERNMENT OPERATION

Operation of these factories provided interesting and constructive experience. The cement plant, protected as it was by the high cost of shipping cement from the continent and the scarcity of the product there, proved to be a consistently profitable operation, and it has provided a sound basis for the physical development of the island. The glass and paper factories met increasing difficulties immediately upon the conclusion of the war, with the decline of the continental rum market. The glass plant had been constructed to provide containers for the 1940 rum production capacity; but when the market collapsed, its capacity became temporarily too large. Operation of the paperboard mill became economically unfeasible because its jute board could not compete with the kraft board imported from the mainland. The sanitary ware section of the clay-products plant was never able to meet continental competition and had to be discontinued. In 1948 the operation of the shoe plant proved to

be unprofitable because the diversity of styles required for the local market meant too frequent changes in production setups.

Government operation of these plants also brought to the fore difficulties at the highest policy level. The Popular party had been elected with the vigorous support of industrial and agricultural workers who pressed for a strong social welfare program. Although the operations of the Development Company never became, as has often been the case in other countries, an object for political spoils and favoritism, over-all government orientation undoubtedly did influence the administrative policies of the company. Its production workers, for instance, were among the most highly paid in Puerto Rico. While desirable as a goal of economic development, this political determination of wage levels in plants under government ownership generally impaired the freedom of management in making such decisions, because of their political repercussions. This contributed to the difficulty of putting the plants on a profitable operating basis, thus limiting earnings that could be reinvested.

This experience vividly illustrates the problem in a "mixed economy"—such as exists in many areas to a far greater extent than was ever the case in Puerto Rico—in which the legislators and government supporters tend to be unwilling on the one hand to see government enterprises pursue a vigorous management policy, yet on the other hand insist that such enterprises be profitable and solvent.

AIDS-TO-INDUSTRY PROGRAM

Aside from the difficulties inherent in government management of diversified enterprises in a mixed economy, the leadership of the company began to realize as early as 1945 that the resources of the insular government in themselves

would not be sufficient to solve the problems that lay ahead. As a rough indication of the magnitudes involved, the employment provided directly by the existing government plants cost in the neighborhood of \$10,000 per job in capital expenditures, while total unemployment amounted to over 125,000. Even if the capital per worker were halved, and if one additional nonmanufacturing job sprang up for each factory job created, the cost of providing the necessary jobs would exceed \$300,000,000. Such an expenditure could not be attained in the face of the foreseeable decline in wartime rum revenues, nor could the government possibly acquire the highly diversified production and marketing know-how at the accelerated rate that circumstances required. The company therefore determined upon a policy designed to secure expanding capital participation from the United States, tapping a small part of the huge sums that are annually devoted there to plant expansion. This program was to be accomplished through the provision of aids such as rental buildings, long-term loans at favorable rates of interest, and other incentives.

Owing largely to the inexperience of the company and to the limited available resources, the program of industrial aids developed slowly. Not over ten small concerns were established with the assistance or guidance of the Development Company prior to 1947.

In 1946 and 1947, however, the company recommended passage of two industrial tax exemption acts, the second of which is still in force as a substitute for and a liberalization of the first one. The latter grants complete exemption from the Puerto Rican income tax, property taxes, and municipal license taxes for new industries and designated old industries and tourist facilities until 1959, and partial exemption until 1962.

Inasmuch as Puerto Rico is not subject to the federal Internal Revenue taxes (including income tax), the exemptions proved to be an effective inducement to industrialization, and it is expected that tax incentives to economic expansion will become a permanent part of the policy of the Commonwealth.

PERIOD OF 1947-50

As the aids-to-industry program began to mature, the policies of the Development Company (PRIDCO) underwent a gradual but thorough transformation. During this period the company was entrusted with the development of two new programs whose importance became increasingly apparent to the insular government. The first of these was rum promotion, the need for which was brought home by the devastating drop in postwar rum sales in 1947-48. PRIDCO received and managed insular government appropriations, which run to \$1,000,000 per year for the promotion of rum sales on the continent, with very successful results. The second program was tourism, the potential for which had long been recognized on the island. The company recognized, however, that without bold leadership and the provision of modern facilities, the visitors' trade would grow extremely slowly. It therefore decided to commit a large part of its resources to the construction of the Caribe Hilton Hotel—a decision which fortunately contributed to the desired effect. The expansion of the tourism program required at the same time the organization of a promotional campaign with annual expenditures approaching \$250,000.

Experience of the company with these new programs demonstrated that increasing effectiveness of the aids-to-industry program would require promotional activities in the continental United States. The company expanded

its public relations activities to acquaint Americans in general with Puerto Rico and its problems. At the same time it established an industrial promotion office on the mainland designed to present the specific advantages of Puerto Rico as an industrial location directly to mainland investors. A small office of industrial services was established to facilitate the solution of problems for industrialists who had already decided to locate in Puerto Rico.

Meanwhile, company operations expanded but in a changing direction. The shoe plant was closed temporarily and reopened under lease to a private concern producing shoes for the mainland market. A textile plant was constructed under agreement for sale to Textron Inc., and a similar arrangement was made with Crane China Company for the construction of a plant to produce institutional chinaware. In these cases, investment by the mainland corporations—the first large corporations to participate in the industrial development of Puerto Rico—was relatively small and the terms of the lease or purchase mortgage were generous to an extent not subsequently repeated. But these firms served as important illustrations and as bellwethers for future development.

Investment in these three large establishments, in the company's own operating subsidiaries, in the Caribe Hilton Hotel, and in a few smaller industrial buildings tied up the bulk of PRIDCO's operating capital. Few additional buildings could be constructed for lease or long-term sale. At the outset new small firms established on the island were able to find vacant industrial space, but by 1950 it became apparent that lack of suitable buildings was proving a serious bottleneck in the development program. At this time the legislature resumed appropriations on a small scale

to PRIDCO's capital fund and granted tax exemption to lessors of industrial buildings as an incentive to private construction.

The promotion campaign was becoming effective, but because of the untried nature of Puerto Rico as a site for industrial location, the industries attracted during this period were in most cases lightly capitalized and more heavily concentrated in the apparel trades than seemed desirable for a balanced economic development.

THE ECONOMIC DEVELOPMENT ADMINISTRATION

The experiences of the Development Company, referred to above, provide illuminating side lights on problems of public administration that can only be touched upon lightly here. Administration of its manufacturing activities proved to be much more difficult than administration of similar private enterprises. On the other hand, the public corporation may have been less than the ideal vehicle for managing the government-type programs. Public relations, rum promotion, tourism, industrial promotion, industrial services, and research accounted for expenditures of over \$1,500,000 in 1949-50, of which only \$1,000,000 was provided by prior appropriation. The other funds were expanded by the Development Company on a reimbursable basis but without prior control and commitment on the part of the legislature. The company found that not all expenditures would be considered reimbursable.

Because of these and other difficulties inherent in corporate management of government functions, it was recommended in 1950 that the industrial development program be reorganized. The Economic Development Administration was created as a regular department of the insular government, operating with

funds appropriated annually by the legislature. The administrator was vested with the powers of the Board of Directors of the Industrial Development Company, which thus became in essence a corporate subsidiary of the administration. At the same time, the previously independent Transportation Authority was made a part of the administration under precisely the same terms, with a view to consolidating further the development functions of the insular government and reducing the number of independent corporations reporting directly to the Governor.

The Development Administration itself was to discharge the functions of rum promotion, tourist promotion, industrial promotion, industrial services, industrial research, and economic research, and it was also to provide general management for PRIDCO and the Transportation Authority. In this way the Economic Development Administration was fully integrated into the budgetary process of the insular government and partially subjected to central controls over personnel, travel, and purchases.

The regular appropriation procedure has limited the uncontrolled growth of expenditures. But this control under procedures designed for old-line government organizations is proving incompatible with the dynamism and flexibility required of a development program. The Economic Development Administration and the central service agencies of the government are therefore actively seeking a more satisfactory solution to this problem. Moreover, inclusion of programs such as economic statistics in the Economic Development Administration and the operation of buses in the San Juan metropolitan area under the Transportation Authority has tended to cause a spreading of effort and a preoccupation with matters extraneous to the central problem of in-

dustrial development. Such a diversity of problems has tended to blunt the edge of the Development Administration's activities.

INDUSTRIAL DEVELOPMENT SINCE 1950

At the time that the Economic Development Administration was formed, a number of other new organizational steps were taken by the insular government, including the formation of the Economic Division of the Puerto Rico Planning Board. This division rendered its first report to the Governor in January 1951, bringing into sharp focus the developments of the preceding ten years, the role of the insular government policy in guiding these developments, and some of the problems that the economic development program would face during the succeeding ten years. The immediate effect of this report was to consolidate the feeling in government circles that agriculture and industrial development required considerably increased emphasis during the coming years if the goals of the people of Puerto Rico for increased employment and income were to be achieved. The report also furnished detailed confirmation of the correctness of the aid-to-industry program in its aim to attract private investment to accomplish a goal which was beyond the reach of the insular government resources.

As a result of this report, and of the general thinking in government circles that had preceded its preparation, the insular legislature appropriated for fiscal 1951-52 capital funds of \$8,300,000 for PRIDCO, \$400,000 for special incentives, and an increased operating budget for the Development Administration. In the following year this policy was continued with an additional capital appropriation of \$8,000,000 for PRIDCO, plus a continuation of the incentive fund. At the same time, the develop-

mental role of the Transportation Authority was increased through an appropriation of \$4,250,000 for the first steps in the construction of a waterside market facility designed to serve in a mutually supporting way the needs of agriculture, ocean transportation, and the development of water-based industries. This facility, together with the new international airport under construction since 1949, should greatly strengthen the connections of the island of Puerto Rico with other parts of the world.

The four manufacturing subsidiaries still held by PRIDCO in 1950 have been sold to private enterprise, which is now operating all four on a profitable basis. This sale, together with the new appropriations, has substantially increased PRIDCO's liquid assets, and these funds have been increasingly devoted to the provision of industrial buildings. Since the earlier stages of the program it has proved largely unnecessary for the Development Company to provide loans for capital equipment or working capital, especially since the Development Bank has begun to take an increasingly active role in this type of financing. Consequently, in recent years less than one-sixth of PRIDCO's available funds have been committed to loans other than mortgage loans on buildings constructed for private enterprise.

These buildings are of two types—those constructed to meet the specific needs of a given enterprise, and those constructed as standard buildings available on completion for widely varied types of industries. Specialized buildings must be constructed to meet the needs of a particular firm after a contract has been signed, and this entails delays of as much as one year between commitment and start of operations. Standard buildings (5,000, 10,000, and 20,000 square feet in area) are constructed without advance commitments.

Construction is more rapid and occupancy is quicker. Because these standard buildings are proving to be highly acceptable, PRIDCO is attempting to maintain a stock of approximately thirty of them in various stages of construction.

OVER-ALL RESULTS OF THE PROGRAM

As of June 30, 1952, the direct results of the industrial development program were roughly as follows: Somewhat over 200 new industrial firms had been recruited and established on the island, of which roughly 20 have gone out of business and 18 had not yet started operations. The 166 firms in operation had a total employment in excess of 12,000 persons, and annual payrolls approaching \$10,000,000. Potential employment of all firms recruited, at capacity operation, probably exceeds 20,000. Of the 12,000 people actually employed, 2,000 were home workers. The 10,000 factory workers constitute not only one-sixth of the total factory employment on the island, but also the bulk of the increase in factory employment since 1940.

Recent studies indicate that the 184 firms operating or getting ready to operate as of June 30, 1952 have assets totaling more than \$65,000,000, of which not more than \$20,000,000 will have been provided by the government. This total exceeds actual capitalization by the amount of loans and accounts payable, but it represents a correct measure of the total capital set in motion by the program. Capitalization per worker will thus average between \$3,000 and \$4,000. This is above the present capitalization of Puerto Rican industry, which leads to the fact that generally the jobs provided under the program provide higher wages than other manufacturing jobs on the island.

The foregoing is only a beginning of what we believe to be possible. Present

economic conditions in the continental United States, with a high level of activity and a shortage of available labor in many areas, are extremely favorable to the formation of new firms in Puerto Rico, especially in labor-intensive industries. As a result, 60 per cent more plants started operations in Puerto Rico last year than in any preceding year. Also, in the second half of fiscal 1952 (January to June, 1952) the number of businessmen inquiring about opportunities in Puerto Rico was higher than in any preceding full year. Moreover, an improvement in the industrial composition of the new firms is beginning to become apparent with an increasing number of producers of plastics, electronic equipment, metal goods, and so forth among those starting up and making inquiries. These indications of success may lead within a few years to a complete revolution in the Puerto Rican industrial scene.

PROBLEMS OF INDUSTRIAL DEVELOPMENT

The foregoing historical outline illustrates in itself many of the aspects of industrial development which are important in any general consideration of the problem. While the experience of Puerto Rico must be taken in the light of the peculiar circumstances of the island, which have both their negative and positive aspects, much of it is of value, directly or by analogy, to other areas.

The windfall income of Puerto Rico during the war years from the greatly expanded rum trade corresponds roughly with income which may become available to primary producing areas, such as Venezuela, from the exploitation of resources. The Government of Puerto Rico wisely chose to invest this windfall income primarily in economic development, and such a course should be

recommended to any other area with similar good fortune.

Welfare versus development

The problem of spending income, whether derived from windfall sources or not, also implies a judicious determination of the appropriate balance among various programs. A progressive, welfare-oriented policy has strong internal pressures for increasing expenditures on housing, schools, roads, aqueducts, sewers, and other services on purely humanitarian grounds, and without relation to the development implications. The implications of such a policy are manifold. First, these services, though manifestly desirable, are not inherently productive. Their provision diminishes the sums available for development activity per se. In the second place, such facilities generally, though not always, incur future operating charges which may be difficult to meet. These very drastic qualifications on the desirability of welfare must be constantly borne in mind, but not to the extent that they reduce such expenditures below the level compatible with economic development, as when the health and education of the labor force are not improved with sufficient speed. Thus the appropriate point of balance is very difficult to determine.

The welfare outlook of progressive thinkers and specialists in physical planning derived from sympathetic study of the experiences of well-to-do nations, and the preoccupation of Keynesian economists with the maintenance of purchasing power through welfare schemes, tend to predispose the solution in favor of more rather than less attention to welfare than is compatible with current resources. Despite the fine record of Puerto Rico in this respect, it may be noted that less than 20 per cent of the capital appropriations to insular gov-

ernment agencies during the forties were for economic development per se.

A special case of contradiction between development policy and welfare policy arises if economic development is to be financed largely by private sources. The modern tendency to finance welfare schemes through progressive taxation then comes into conflict with the necessity for high profits to provide both an incentive for capital investment and a fund out of which such investment may be expanded in the future. As has been indicated above, there is some difficulty hindering government participation in industrial ownership so as to engage directly in this capital accumulation, certainly short of an all-out socialist program. Such a socialist program, for its part, would probably seriously hinder eliciting the participation of outside capital in most cases.

Government participation and industrial climate

In a number of developing areas, the government has provided strong guidance and assistance to new industries by participating as a minority stockholder, and has thus at the same time reaped unusual benefits in successful cases. This has been specifically precluded in Puerto Rico by the law establishing the Development Company, which, probably with a view to political implications, does not permit PRIDCO to participate in any industrial enterprise without a controlling voice in the management. We would recommend that this limitation be avoided in other countries undertaking to set up development companies.

The entire problem of establishing a suitable "industrial climate" has been the subject of much discussion in planning and economic circles inside and outside Puerto Rico. Our experience leads us to believe that there are per-

haps three major elements in this climate. The first is the physical facilities which are available, the second is the human material, and the third is the governmental climate, including tax and other incentive policies. Each of these deserves brief discussion.

Physical facilities

I have previously touched on the bias in favor of providing physical facilities to excess. This problem is complicated by the fact that, once industrialization gets underway, there is a strong tendency for the population to gravitate towards large urban centers, often one urban center in a region. It is disputable whether in the long run the expense of providing adequate urban facilities is greater than that of providing adequate rural facilities, including roads and electricity; but the new urban resident undoubtedly reaches a high level of expectations rapidly upon arrival in the city. Hence, in a transitional period, efforts should be made to keep the population in the country as long as possible consistent with the mobilization of an adequate labor force. This objective, with the consequent dispersion of industry, conflicts with the tendency of industry to cluster, and with the cost of providing transportation and other facilities to scattered industrial establishments. The solution of this problem is ticklish both in concept and in execution, and we certainly cannot claim to have resolved the difficulty in Puerto Rico.

A special twist to the problem of location is given by the psychology of management. Insofar as foreign managers must be expected to bring know-how and capital at the start of industrialization, it may prove difficult to persuade them to locate far from the metropolitan zone, where they may find accustomed amenities. Even there, the

level of such amenities may be unsatisfactory. In this event, the simultaneous development of tourist facilities, where possible, has proved to have an excellent effect.

The human element

The human element is undoubtedly the most important single factor in the development process, outweighing in the long run even the availability of resources. Underdeveloped areas like Puerto Rico come to the twentieth century with a heavy burden of cultural tradition and family patterns that are not well suited to industrial living and production. In general, education, nutrition, and physical welfare aspirations are low in such areas. The lack of aspiration is an obstacle to the growth of sound work habits. Ignorance and low income create barriers to family limitation and intensify the population problem. The lack of opportunities for advancement dulls the desire for literacy, competence, and self-improvement. The prevailing low wages and lack of skills hinder the installation of labor-saving equipment and advanced technology, and thus perpetuate the low wages.

Here again, Puerto Rico is beginning to find its way out of these concentric vicious circles as a result of long years of relative prosperity, education, and sanitation under American auspices. The problem, however, is still so acute that the Development Administration must maintain an extensive program of worker selection, technical training, and guidance to manufacturers to facilitate the establishment of high levels of productivity and factory discipline.

Governmental climate

Those who are familiar with industrial operation under modern government know that the manufacturer has many responsibilities to different gov-

ernment agencies. These responsibilities are necessary and unavoidable, but insofar as there is a lack of co-ordination among departments of the government, the burden of compliance may be excessive. This problem can be satisfactorily resolved only where the urgency of economic development is recognized and strong efforts are made to co-ordinate and harmonize the policies of the various government agencies.

Another aspect of co-ordinated development policy involves the revision of legislation and administrative regulation which has been outmoded by economic events. Puerto Rico's commercial code and corporate law, for example, were written in another era and require drastic revision for effectiveness under present conditions. The same may readily apply to labor law, construction codes, marketing controls, tariffs, financial and insurance law, and similar matters, each of which may place unnecessary barriers in the way of development.

Most governments have at their disposal, in addition to the various powers of regulatory agencies, a most powerful tool in the management of fiscal policy. Puerto Rico's experience with tax exemption has demonstrated that tax incentives can be a powerful inducement to investors, like those in the United States who would otherwise be subject to heavy taxation. We believe, also, that tax incentives can help break down local traditional preference for investment in real estate and trade.

It is clear, however, that tax exemption, even for a limited period, is destructive of equity and progressivity in the tax structure per se, but that this effect may be more than offset by higher income for the economy as a whole. It must also be noted that the encouragement of local investment is an important political objective in most areas and that, in view of strong traditions

impeding investment in manufacture and in view of the small size of local savings, some price must be paid for the achievement of this objective.

Government officials and policy makers who are familiar with the traditions of their own area but unfamiliar with the traditions and conditions in advanced nations often regard the steps necessary for industrial development as favors extended to a special class of persons. Thus necessary measures frequently become politically unpopular, and this opposition tends to slow the elaboration of a comprehensive and effective industrialization policy.

In Puerto Rico we have fortunately been in contact with the American industrial scene and can see the many re-

spects in which our local conditions do not match American standards of opportunity for the investor. We realize that many of the measures we are undertaking to hasten industrialization are not incentives or subsidies in the true sense of the word, but represent equalizing measures to help bring conditions here toward par with those in the United States. Of the entire industrialization program, it is probable that tax exemption, coupled with the ready availability of labor, is the primary incentive for industrial expansion in Puerto Rico. The provision of buildings, loans, training, and other facilitating efforts does no more than reduce the disparity between our conditions and those on the continent.

Teodoro Moscoso, Santurce, Puerto Rico, is administrator of the Economic Development Administration of Puerto Rico, and from 1942 to 1950 was president and general manager of the Puerto Rico Industrial Development Company. Prior to that he served variously as general manager of Moscoso Hno. & Company, Inc., as president of the Porto Rican-American Drug Company, Inc., and as vice chairman and executive director of the Ponce Housing Authority.

The Role of Planning in Puerto Rico

By RAFAEL PICÓ

PLANNING is a process as old as mankind. In Puerto Rico, planning began in the days when the first towns and villages were laid out following a fixed pattern of rectangular streets in checkerboard fashion, as provided in the regulations established in the sixteenth-century Spanish "Laws of Indies" for the establishment of communities. Consequently, the existing similarity between the old sections of towns and cities in Puerto Rico and throughout Latin America is no mere coincidence.

In 1942 the Puerto Rico Planning, Urbanizing and Zoning Board was established by Act 213 of that year. The Planning Board guides the development of Puerto Rico through its master plans, co-ordinating the work of many different agencies within the framework of policy set by the Legislature and the Governor, and by acting as staff adviser to the Governor in matters of economic and social development, broad fiscal policy, and public works.

The Board is composed of three full-time members, the Chairman acting as executive officer of the staff. The Board has a technical staff organized in five line divisions: Urban Development, Finance and Special Studies, Economic, Engineering, and Bureau of Permits. In addition, there are the Administrative and Legal Divisions, and the Office of the Secretary.

The activities of the Puerto Rico Planning Board can be grouped into four major headings:

1. A main function of the Board is the preparation of master plans that constitute the basic policies adopted by the Board to guide the physical and economic development of the island and

its cities. They are also utilized by the Board to co-ordinate capital improvement projects of all government agencies.

2. The Board acts in an island-wide capacity as a city planning center for all its seventy-six urban communities. The Board guides the development and growth of urban areas through regulations, based on the master plan, controlling land subdivision, zoning, and ancient and historic zones, and by means of official maps of streets and roads.

3. The Board participates in the formulation of the fiscal policy of the Commonwealth of Puerto Rico by adopting every year a six-year financial program that is submitted to the consideration of the Governor and the Legislative Assembly of Puerto Rico.

4. Economic and social planning is a vital function in which other government agencies also participate actively, as in most of the planning process.

MASTER PLANS AND PROJECT REVIEW

The preparation and adoption of a Master Plan for the Development of Puerto Rico and the study of referrals are basic functions in the planning activities carried out by the Board.

The master plan is not a single document, but rather a set of plans, each dealing with a particular aspect of the development of the island and adopted after public hearings where all are free to express opinions and objections. The Board has already adopted five sections of this master plan, namely: district hospitals, major thoroughfares for the San Juan metropolitan area, insular and municipal roads, airports, and rural

communities. Furthermore, there are preliminary master plans for the physical development of the urban zones of Caguas, Carolina, Bayamón, Mayagüez, Ponce, and Aibonito, specially prepared for use in connection with the urban redevelopment program under the National Housing Act of 1949. On a regional basis there is a preliminary master plan for the San Juan metropolitan area. There are also sketch master plans for the urban development of twenty-four other towns of the island.

Master plans, even though projected towards the future, serve as a basis to guide current projects for capital improvement. According to the provisions of Article 22 of the Planning Act and Planning Regulation No. 2, the Board reviews all capital improvement projects submitted by agencies of the Commonwealth of Puerto Rico and the municipalities. In the last ten years the Board has approved 6,406 projects that represent an investment of approximately \$343,984,175. Many of these projects have been completed or are in the process of construction. Through this function of co-ordination and revision, the Board has saved the government over \$26,000,000 of public funds in the 797 projects it has disapproved.

The Planning Board is not only interested in preventing conflicts between the interests of the various government agencies, but is also concerned with preventing overlapping and with getting the most out of every improvement in which the government invests public funds.

URBAN PLANNING

In its regulatory aspect, city planning concentrates on the preparation and enforcement of subdivision and zoning regulations for urban areas, establishment of ancient and historic zones, and preparation of official maps for streets and roads.

As provided in the subdivision regulations, all subdivision of land must comply with certain standards of services and facilities that the subdivider has to provide in each new development before the Board gives its final approval. Since September 1944, when the subdivision regulations went into effect, 137 major subdivisions have been approved, including 16,429 new lots, which, added to the 17,688 simple subdivision cases approved, make a total of 34,117 new lots provided with facilities at a cost of more than \$12,500,000.

This represents an investment of private funds in minimum facilities necessary to modern living, such as streets with adequate pavement, curb, and gutters, sidewalks, aqueduct and sewerage systems, fire hydrants, and electrical distribution systems for the use and benefit of the future property owners and the community as a whole. Moreover, these facilities and services provided by the subdivider relieve our municipalities of a burden that they had to bear in the past. It should be noted significantly that all subdividers donate 5 per cent of the total area to be subdivided, for recreational purposes. Up to June 30, 1952, this provision had contributed 124.26 acres of land for parks, already dedicated and transferred to the Public Recreation and Parks Administration for the construction of recreational facilities.

The Board has adopted zoning regulations that are applicable to all urban areas of Puerto Rico, but they do not go into effect until a zoning map for a particular urban area is prepared. At present, zoning is in force in the entire San Juan metropolitan area, which includes the capital and adjacent towns, with a population of over 400,000 inhabitants.

The zoning regulations are applied by the Bureau of Permits, a dependency of the Puerto Rico Planning Board, whose

main functions are (1) to issue building and use permits for land and buildings and (2) to enforce the Board's regulations and all other laws and regulations affecting building construction in Puerto Rico.

Since 1946, when the Bureau of Permits was established, it has issued about 30,700 construction permits for buildings costing \$269,047,915.

Subdivision and zoning regulations aim to check the haphazard development of the urban areas and guide their future growth along orderly lines. They are mostly negative in character; that is, they regulate and restrict bad growth, but they do not compel the elimination of slums, the sore spots of our cities. The Planning Board is working closely with the housing authorities on plans for the elimination of slums and at the same time is working with the various agencies concerned with guiding the economic development of Puerto Rico so that people can afford better housing.

The Board estimates that some 18,000 families will have been moved out of San Juan slum areas by 1956. In the San Juan metropolitan area 3,298 low-cost dwelling units have already been completed since 1940 and there are 11,000 more scheduled for the coming four-year period. As of June 30, 1952, Puerto Rico had under construction, under the auspices of the National Housing Act, 8,799 public housing units costing some \$44,000,000.

The Puerto Rico Planning Board was the first in the United States to prohibit any kind of permanent development in slum districts until a plan for the improvement of those districts as a whole could be put into effect. This device, provided in the zoning regulations for areas shown on the zoning maps as the "M" districts, is in effect since 1946, and has been applied to local slum districts such as "El Fanguito" ("The Little Mud"). Plans for redevelopment

of this and other areas are well under way following the provisions of Title I of the National Housing Act of 1949, that also has been extended to Puerto Rico.

Another important feature in urban planning is the preparation and adoption of official maps of roads and streets. This process preserves, without immediate acquisition by the government, the rights of way for the construction of planned thoroughfares included in the master plans. This process is indispensable in a community that is not sufficiently rich to destroy valuable properties to make way for a needed traffic artery. For the past six years the Board has been working on official maps for the San Juan metropolitan area, and to date it has adopted official maps for thoroughfares having a total extension of 68.12 kilometers.

The regulation of ancient and historic zones is in effect since May 26, 1951. It aims to preserve the historic buildings and areas of Puerto Rico as a measure to stimulate tourism. Under the terms of this regulation and subsequent to a public hearing, Old San Juan was declared an ancient or historic zone. All new construction, reconstruction, and improvement have to be in harmony with the predominant colonial architecture of the zone.

FISCAL PLANNING

The Planning Board participates in fiscal planning for the Commonwealth of Puerto Rico through its six-year financial program. This document, which covers all phases of the financial structure of the government, is prepared after consultation with all government agencies and after public hearings are held. The financial program offers a picture of the island resources and expenditures projected for the following six years. It includes an analysis of the public debt, current expenditures, capital im-

provements, and contributions to public service enterprises. Thus, in a single document, government officials, as well as the public, have access to vital information as to public finances. The program is revised annually in order to take into consideration changes in the insular fiscal picture and the development of specific programs.

To date, nine financial programs have been submitted to the Legislature and they have served as a basis for most of the fiscal legislation and the expenditures approved during the last decade.

ECONOMIC PLANNING

Activities on economic planning are carried out by the Economic Division of the Board. Its work consists in studying the trends and developments in the Puerto Rican economy and making available information that would be useful in the formulation of economic policy. An additional function is to provide guide lines for the government's economic development programs. Industrial and agricultural committees collaborate in these activities.

In January 1951 the Economic Division prepared an economic report entitled *Economic Development of Puerto Rico, 1940-50; 1951-60* that includes a review of the economic development of Puerto Rico for the 1940-50 decade and sets forth a program of accelerated economic development for the coming decade. The Governor referred very favorably to this report in his annual message to the Legislature that convened in February 1951.

In the 1951 economic report, the Division reviewed the development goals proposed in the previous report and concluded that it did not call for any basic shift in development policy, but justified a strengthening of the development efforts in the agricultural field. On the basis of the review the 1951 economic report outlined an economic

development policy which, briefly stated, includes recommendations for increased budgets for all direct development programs; tax incentives and establishment of investment facilities to divert private capital from trade and real estate and enlist it in manufacturing and agriculture; development programs, for both industry and agriculture, that are not only broader and stronger in themselves, but also much more closely linked together for mutual support and stimulus.

These recommendations are all in consonance with the aims of "Operation Bootstrap," whose success depends on allocating judiciously limited funds available, according to the developmental value of the various government programs, and in making sure that the programs themselves are soundly conceived and vigorously executed.

THE PROBLEM OF PRIORITIES

The preceding paragraphs offer a picture of the functions carried out by the Board in the planning of Puerto Rico's physical, economic, and social development, and some of the accomplishments during the last decade.

The Board has conceived a development program whose final objectives are social but require an intensive economic activity. The real ultimate goal is not just to improve the economy, but to raise the standard of living of our people for longer life, higher income, better nutrition, more and better homes, and higher educational and cultural achievements.

The island's development program has been framed to give major emphasis to industrialization as a fertile source of opportunities for employment and economic activity, and to the resurgence of an intensive agriculture both for export and for local consumption.

Experience has clearly shown us that in our environment and stage of development the central government has to

take an active part to achieve more industrialization and a better-balanced agriculture. In addition to the traditional services without which economic development would be impossible, the government must invest part of its resources together with private capital, and very often before private capital.

The everyday problem that confronts planners and administrators is how much should be invested in direct economic development and how much should be allotted to the essential services required by that economic development. Priorities for the investment of funds and resources are a flexible concept, varying in the light of specific situations in each area. Priorities for an underdeveloped area, for example, are necessarily different from those to be applied to a mature economy, inasmuch as an underdeveloped area normally needs to devote a larger share of its income to the enticement of investment capital.

Before an attempt is made to sketch a priority system, it is necessary that the economic and social conditions be inventoried and development goals established. The adoption of a system of priorities entails a profound analysis of the Puerto Rican reality. Such an analysis would show that:

1. The island is a part of the continental economy and there are no legal barriers between Puerto Rico and the mainland.

2. Our industrial development program depends on the continental capital market as the main source of industrial investment. It should be pointed out, however, that our industrial investment requirements constitute a negligible fraction of the annual industrial investment in the States, amounting to less than $\frac{1}{7}$ of 1 per cent. This is more easily understood in per capita terms. Annual industrial investment in the continental United States is about \$160 per inhabitant. This same per capita theoretical

distribution of the continental industrial investment would channel an annual investment of more than \$350,000,000 to the island. However, our capital requirements amount to only about \$30,000,000 annually.

3. The continental investor and his top technical personnel are accustomed to a high level of essential services, such as dependable and inexpensive electric power, good external and internal transportation facilities, an adequate level of academic and vocational education, and a good system of communications. These services are essential ingredients of what might be called an "industrial climate."

It is easy to overlook the role of services in a development program. The undeniable fact is that investors are not attracted unless conditions are offered which are commensurate with the risks and the difficulties of operating under different and comparatively unfavorable conditions. We must reasonably reduce the differential between the continental United States "climate" and our own if we are to enhance the importance of our advantages for economic development.

A BALANCED PROGRAM

The problem of the economic development of Puerto Rico, thus, is unique and does not necessarily follow an orthodox pattern of development applicable to other underdeveloped areas. It is evident that production comes first. It is also obvious that production, even though it comes first, does not arise in a vacuum, but must be very skillfully stimulated by attracting the necessary investment to develop the economic structure. Even for countries enjoying a wealth of natural resources, a development program entails very serious problems; for there are a multiplicity of factors of an essentially legal, political, economic, social, and psychological character that, taken as a whole,

give shape to the concept of an industrial climate. The development of this climate is one of the basic problems facing a country when it embarks on a program of industrialization.

The content of a balanced development program, which should be the goal of a good system of priorities, is not properly defined by the single word "production." It is considerably more

difficult of definition. The question is not one of public services versus production, for both are parts of the same picture. The real question is how much of what services are essential for production and attracting investments and how much of what kinds of services represent unessentials.

Planning's basic role is to determine this ideal balance and to try to obtain it.

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The Puerto Rican Economy Linked with the Mainland

By WALTON HAMILTON

A FLASH from the front brings a message of victory for Puerto Rico. For the first time since births and deaths were first set down in the shorthand of statistics, the current year will show no net increase in population. A hope, as fervently as skeptically held, has become a reality. Policy, rather than rampant Nature, is in the saddle; at last the people of the island are in command of their own destiny.

The news item is more significant as symbol than as fact. As the island came to us from Spain, it brought along no more than a potential problem of population pressure. A colonial status has its own way of limiting numbers, for it matches an excessive birth rate with a negligently high death rate, and creates an equation whose terms are misery and poverty.

THE DEMOGRAPHIC IMBALANCE

As the island was reoriented towards the American Continent, the demographic balance, unstable and unhealthy as it was, could no longer be preserved. The urge to procreation was little touched by the techniques which elsewhere impose a merciful barrier between human impulse and the end Nature would have it serve. But the drive of science, though rampant in a host of technologies, in time claimed medicine; and the ways and means of sanitation, prevention and early detection of diseases, and up-to-date therapy were brought to the island. In due course, while the birth rate clung to the lower 40's in the gracious old Spanish way, the death rate began to drop and did not stop its decline until the continental

low of about 10 or less per thousand was reached.

A clash of cultures emerged, manifest in one of the most difficult problems in all human statecraft. The birth rate, indigenous to the island and blessed by Spanish tradition, was violently at odds with the upstart death rate imported from the mainland. Take the simple figure of 40 as the minuend; set the magic number 10 down as the subtrahend; a literal indulgence in subtraction gives as the remainder the startling figure 30. If for any year of the last twenty this remainder is multiplied by as many thousands as then made up the population, the product will show how very mischievous such a continuing figure can be.

At the turn of the century, the standard of life in Puerto Rico was nothing appropriate to a book on Utopia. As year has followed year, the squeeze play of this sequence of 30's has threatened the men and women of the island with an "iron law" as inexorable as any economist of the old school ever exhibited. However large the harvest of crops and of commodities, the harvest of babies was even larger. A threefold problem emerged: the flood of immigrants from Heaven had to be abated; jobs must be had, on the island or overseas, for a host of new workers; and the standard of life had to be driven ever upward.

TWO RETARDING FACTORS

A question of population pressure never exists in isolation. It has its demographic habitat and it is always conditioned by the culture within which

it is set. In Puerto Rico, two factors, which in another situation might be of little consequence, pile hazard on hazard to arrest its solution. The one is that Puerto Rico is an island; the other, far more serious, is the threat of insularity.

The geographic status of island is not in itself fatal. A people must possess an economy with which to provide the necessities, the comforts, and (is it too much to ask?) something of the frivolities of life. As a condition of existence, an island may continue to create its own economy. If, however, it is small, and Nature or Nature's god has failed to provide resources in adequate variety and quantity, it cannot in these modern times go it alone. It must step out into the world, accept the good old rule of catch-as-catch-can, and look about for a prosperous industrial system with which to fuse its own economy.

It is, however, distance, with its threat of insularity, which presents the greater barrier. Let some Heaven-sent catastrophe uproot the island and set it down intact as a peninsula off the eastern shore of Maryland, or even an island a score of miles off the New Jersey coast, and the distinctive problems of Puerto Rico would disappear over night; for then persons, the materials of manufacture, and commodities ready for human use would easily and cheaply move between island and mainland. But, as Nature has contrived it, distance now spells separation, the long journey, the ocean haul, movement beset with inhibitions, high expense, and vexations.

On the mainland the industrial systems of the several states are linked and their identities lost in a national economy. On the mainland the operation of the industry, agriculture, and commerce of the several states presents little need for the formulation of public policy and rarely becomes a matter of critical concern. In contrast, Puerto Rico must effect such linkage as it

can with the continental economy across twelve to sixteen hundred miles of ocean. To its people and government, the fusion of the insular into the mainland economy is a first—and ever conscious—objective of public policy.

LINES OF PUBLIC POLICY

Thus the pressure of population upon a people pent up in a small island, distant from the mainland, fixes the lines of public policy. The three answers to the instant question are a decrease in the birth rate, an exodus of surplus workers, and the provision of an expanding number of jobs. But each of these gives rise to other questions, until the whole orbit of policy is encompassed.

The reduction of births presents a kind of closed circle; for "planned parenthood" depends upon knowledge, education, and an advanced standard of life which it is the very purpose of the fall in the birth rate to effect. If migration is to provide a safety valve, passage must be available, reliable, and cheap—and Puerto Rico must consciously strive to make it so. If more and more jobs are to be found, industries must be brought to the island; and they do not come unless overseas markets for their products are assured. The whole design in industrial development must be shaped to overseas demand, and the agricultural system of the island must be made to provide peoples at a distance with fruits and vegetables which they cannot grow for themselves.

Thus, escape from a sentence to poverty can be had only along the long, narrow, and expensive avenues which stretch away from the island. These avenues have become tentacles, which, stretching out from an insular focus, hold in their grasp the destiny of Puerto Rico. They constitute a series of "life lines" which it is the dominant aim of public policy to cherish and enlarge.

CONTRAST WITH THE MAINLAND

The problem facing Puerto Rico has no likeness on the mainland. The several states have been the children of Providence. A continental area, an abundance and variety of resources, and an advancing technology blessed with the Midas touch have made the United States a land of potential plenty. To convert resources into wealth, men have needed only to seize the chances spread before them. The national economy has emerged as an unplanned entity shaped into greatness by an infinity of small plans. The detail of tasks essential to the creation of industrial empire has in general been left "to whom it may concern." The fixing of targets has had little place in public affairs; and in the creative process the craft of statesmen has had at best a minor role.

With the Commonwealth of Puerto Rico it has not been so. Nature has not handed it out on a silver waiter; its gifts have been so scanty as to demand of the people that they create their own opportunity. It could leave neither the creation of its own economy or its linkage with an over-all industrial system to fortune or to "the invisible hand" which guides money-making to appointed ends. If there was to be progress, there was no escape from the long-time view, the use of statecraft, the drawing and constant revision of plans, the fixing and attainment of targets. It could not entrust its destiny to persons, natural or corporate, whose dominant concern was with their own balance sheets and whose principal interests lay elsewhere.

Puerto Rico had alert, enterprising citizens, plenty of them; but their efforts had to be given direction. Individuals had to act for themselves, as they do in all free countries; but they had to act towards forging an economic

instrument which would ensure an ever advancing march. To this end the people made the government an agency of its will and entrusted to it the task, not of dominion, but of leadership in a co-operative venture. In response to public demand, a political structure emerged, with its complement of departments, agencies, and authorities, each of which had, as its distinct task, responsibility for a facet of public policy. And these various policies constituted a program for removing the insularity which distance had created.

In this venture Puerto Rico has driven the arts of statecraft to their very limits. It has had to brush off and furbish up for new uses techniques of political economy which had long been in repose. It was also compelled to play by ear, to improvise, and to invent, as its program was driven towards its goal. An initial question was to determine which way to face. Even if a choice is clear, the people of Puerto Rico like to be asked. Here, as elsewhere, the inevitable must be a matter of free will.

DIRECTION OF POLICY

Three alternatives, at least in form, were available. Puerto Rico might have directed policy towards the attainment of independence or of such an affectation of independence as Cuba sports. It might have aimed at becoming the hub of a great Caribbean economy. Or it might have sought industrial union with the continental states.

The sentimental case for independence was strong. There was too much pride in a traditional culture and too much reverence for the ancient liberties of Spaniards for Puerto Rico willingly to accept a colonial status. But on the material side, little was to be said for going it alone. At best, as a sovereign among sovereigns it could win for itself only a small and insecure place. An attempt to go it alone would have under-

written the fact of isolation. Independence, as a ranking official of the government puts it, "is a grand gospel for a man who has never studied economics."

A commercial primacy in the Caribbean was an all but impossible goal. Flags were many; a host of political barriers stood firm; and there was no instrument of transport adequate to the task of empire building. The alluring prospect was not to be forgotten; but for the immediate future, it could not be looked upon as the main chance.

The decision to look to the mainland, inevitable as it was, was not attained without a struggle. At first it seemed to involve a choice between economic union and political independence. The economic assets were all on the side of union; the arguments against union were all political in character. An advance in the standards of life could be achieved only through a place in a larger industrial system; but the people of Puerto Rico were unwilling to surrender, even to their fellow citizens of the several states, the power to shape their own destiny.

As late as 1949 there seemed no way to escape the dilemma. Puerto Rico was not content to remain a possession, a colony, or even a territory of the United States. Yet it was not ready or able to take on the responsibilities of a state of the Union.

Confronted with the necessity for choice, the people of the island resorted to political invention. In co-operation with the Congress of the United States, they set about creating for Puerto Rico a distinctive place in the federal union, shaped alike to its necessities and to its aspirations. The Organic Act was replaced by a Federal Relations Act; the citizens were endowed with the power to write their own constitution, establish their own system of self-government, and secure for themselves and their posterity the ancient liberties of

a free people. Faced with a question of "either or," they elected to have both.

MEANS OF TRANSPORTATION

But long before the constitution was ratified by the record-breaking vote of a politically minded people, the program for economic union was well under way. On the mainland we take for granted our avenues of trade and our instruments of transport. Although in times of crisis we have set up commissions, in normal times we are not disturbed at the capture of these agencies by the very interests they were set up to control. But to the people of the island, means for the movement of people and of cargo are more than mere facilities. They are alike instruments of policy and, in the insular language, "bridges" to the mainland. It is impossible to think of an item in the government's far-reaching and forward-looking program which for its realization does not demand access to adequate, inexpensive, reliable, and economical means of carriage.

This need is as imperative as it is obvious. On the continent people can move in short trips, and a handful of dollars is usually enough to get from here to there. Between island and mainland there must be a long journey or none at all, and for the ordinary persons the pinched savings of months are necessary to pile up the half-hundred dollars or more for passage money.

On the continent there are always at hand the alternatives of airplane, Pullman or railroad coach, highway bus, or a hitchhike. Between island and mainland, the railroad does not run; automobiles, whether of modern design or ancient vintage, are not available; and as the Governor has paraphrased Kipling, "There ain't no buses running from the Bronx to Mayagüez." So the airplane and the ocean carrier alone are at hand; and necessity has effected a

division of tasks between them. Although airplanes carry freight, the rates are prohibitive save for articles of high value and small bulk. And although one boat makes fortnightly trips between San Juan and New York, and all freighters have space for a few passengers, the ocean liner is outmoded as a carrier of persons.

EFFECTUATING AIR CARRIAGE

It follows, therefore, that air and ocean carriage present targets of public policy. From 1943 down to this date, the Government of Puerto Rico has been engaged in a struggle to secure to its people adequate and reliable air transport at rates they can afford to pay. Without such a service, executives of government and of business cannot easily come and go; the provision of jobs on the island is arrested; the tourist trade cannot cater to persons with modest purses; and the result is want of a means of sending the surplus of willing workers to jobs on the mainland.

At the end of World War II, Puerto Rico was badly served by a single air carrier. San Juan was not exactly a whistle stop on the way to Latin America, but rates were very high, schedules were inconvenient and not lived up to, and accommodations were bad and hard to get. There was in Puerto Rico a backlog of passengers for whom it would have taken months to find seats.

At the end of the war, surplus military planes became available to veterans at low prices. As a result, a number of nonscheduled carriers appeared to offer service at reasonable rates, to make available travel by air to thousands to whom it had been only a dream, and to break the congestion. In 1946 the Government of Puerto Rico had to intervene to prevent the Civil Aeronautics Board from grounding these

nonscheduled carriers. In 1948 the government instituted a proceeding before the Civil Aeronautics Board asking for the certification of a carrier to fly a "sky-bus" service between San Juan and New York, and of another regular carrier as a competitor to Pan American.

Almost at once, relief from isolation was forthcoming. Hardly had the petition been filed when Pan American announced a tourist flight at a figure of \$90 one way. As hearings on the petition piled up evidence of insular needs, Pan American reduced this tourist rate to \$75. The decision of the Board, announced early in 1951, granted Eastern a certificate to fly in competition with Pan American; and at once Eastern, in addition to its regular flights, announced a tourist service at a one-way rate of \$64, and Pan American followed suit. Riddle was also given a temporary certificate to carry cargo over the New York-Miami-San Juan route.

The tourist services thus forced upon Pan American and Eastern by the Government of Puerto Rico have served the reluctant carriers well. Eastern carries far more tourist than regular passengers; and the New York-San Juan run—a 1,200-mile flight without a stop—has become the most profitable leg in the Pan American imperium.

The officials of the government, however, have regarded a one-way rate of \$64 as no more than an intermediate point. It is far more than the masses of the people can afford to pay, leaves huge layers of potential traffic untapped, and imposes a barrier against the migration of workers to the mainland and the creation of new jobs at home. A series of careful calculations has indicated that a sky-bus business can be operated safely and soundly at a rate not to exceed \$42.50 each way.

On two occasions chairmen of the Board have suggested to officials of the insular government procedures by which

such a sky-bus service might be authorized; on each occasion the government, in applications to the Board, has followed these suggestions—only to have its petitions denied. Although the need has been acknowledged, the Civil Aeronautics Board has been studiously careless about implementing it. As this is being written, a third petition to the Board is being drawn.

FACILITATING OCEAN SHIPPING

The government has been likewise mindful of ocean shipping. Here, too, it has resorted to invention to give effect to its policy. The island reaches across the water for a large part of its food supply; brings in the greater amount of the materials which it fabricates; and sends to mainland markets the bulk of the crops and the commodities which it produces. As the level of shipping costs rises, the island is pushed away from the mainland; as it falls, the island is drawn closer.

In 1946 an arrangement was entered into, by the terms of which all tariffs are to be made by a process of collective bargaining between representatives of the government and of the ocean carriers. The procedure opens the carriers' books to the other party, provides for discussions with all interested groups, and eventuates in a series of joint meetings at which the schedules take shape.

The concern is alike with the level and with the structure of rates. It has been possible through this method to see to it that the total burden of costs is distributed among commodities in such a way as to be most easily borne. Promotional rates are granted to industries just getting started on the island, and food products for insular consumption are carried at the lowest rates which circumstances allow. Once framed, the tariffs are submitted to the Federal Maritime Board; and thus far they

have been approved promptly and without resort to formal hearing.

The whole realm of transportation reveals no precedent for this arrangement, no similar instance of the shaping of a tariff by all who are concerned.

A further venture in joint responsibility was recently taken. In August last, ranking officials of the government sat down with the high officials of the ocean carriers in the Puerto Rico trade for a three-days conference. This conference was held in New Orleans on the long-time problems of the Puerto Rico trade. The dominant theme was how costs—and accordingly rates—could be held to the lowest possible level. There was discussion of how a system of docks designed to serve a colonial port could be revised to meet the needs of a modern industrial community; of how ships could be scheduled to reduce the time of the turnaround; of how new methods and new devices could be made to speed and to cheapen the handling of cargo; and of how wastes could be eliminated and a new efficiency brought to the ancient arts of loading and unloading. It used to be said that "shipping follows the cargo"; it was the sense of the meeting that ocean shipping is an instrument for industrial development and the creation of cargo.

NECESSITY FOR TRADE

It is, however, not enough to broaden the "bridges" which connect island and mainland, or even to shorten them with every declining carriage charge. It is necessary also to take thought about the number of persons and the composition of the stream of cargo which can be made to pass across the stretch of water. On the eve of the first industrial revolution a Scot named Adam Smith argued that free play should be given to a division of labor, the pattern for which had been woven by Nature itself. As the second industrial revolu-

tion roars on, the target of Adam Smith stands as firm as ever; but the gifts of Nature and a hands-off policy by the government are no longer adequate to its realization. We know now that Nature provides only inert materials; that it is "the progress of the useful arts" which turns these stuffs into usable resources; and that it is only by taking thought thereto that a community can win for itself salvation.

It became obvious years ago that if Nature was allowed to take its course, Puerto Rico might as well cancel its date with destiny. If a people is to go it alone, Nature must be prodigal with its gifts. If, instead, a people is willing to set out into a world economy, a dearth along the physical front is not of necessity a handicap. In days of old it was Thebes, not Athens, upon which Nature had smiled; yet it was Athens, not Thebes, which became great in commerce and greater in culture.

The wealth of Malaya is today due in large measure to the cultivation of the rubber tree—a plant not even indigenous to the region. The great event in Malayan history has been the advent of the automobile in the United States—an event which a people halfway across the globe was quick to capitalize to its own advantage.

Scotland, as poor a land as ever the sun shone on, at the beginning of the eighteenth century piped down on its national glories, traded in its parliament for full rights in the rising British economy, and within a hundred years created for itself a highly skilled population which proceeded to conquer the Empire.

Providence has not lavished gifts upon Switzerland; yet the people who inhabit that mountainous region have managed to win for themselves as high a standard of life as any in all Europe. There was a beginning in the export of the Swiss Guard—as there was to the north

in the export of skilled archers. A way was found to export scenery by bringing in people to view it. The skill of eye and hand was developed; a host of handicrafts grew up. As skills increased, the products in which they were embodied became more valuable.

Today it is the value added by manufacture to products which go abroad that fetches in return the materials for living well and advancing culture. England was a sheep pasture headed for nowhere in particular, until it felt the quickening touch of overseas trade, which in turn led to an industrial revolution which converted it—for a glorious century and a quarter—into "the workshop of the world." Only as a people has forgotten its insularity and sought to discover for itself a set of tasks which it could perform in a larger economy, has opportunity come to knock at the door.

AGRICULTURAL TRADE

It has been necessary, therefore, for Puerto Rico to take stock of what the island had, or could contrive, to offer to the continental market. In keeping with its past, the inventory began with agriculture.

Under Spain there had grown up a plantation system with sugar as the staple crop. But, like the kindred staples of corn, wheat, cotton, and tobacco, sugar fell on evil days and became a candidate for farm relief. If a fair price was to be assured, there had to be a check on tropical growth. So Puerto Rico was content to accept the quota fixed under a succession of Sugar Acts. Although more acres were available and technical advances were still raising the yield per acre, sugar could no longer be depended upon to take care of the increase in population or to advance the art of living.

A coffee culture, which had been allowed to decline, was revived. By the

creation of species adapted to the local habitat, a pineapple industry was built up.

It was not, however, until 1949 that a program for the maximum utilization of soil resources moved into its stride. The growing season in Puerto Rico is an all-year-round affair. For that reason, the island can provide fresh fruits and vegetables even in the months in which the Rio Grande Valley lies fallow. Here air transportation, which is becoming available, allows Puerto Rican products of superior quality to reach Atlantic and midwest markets in a state fresh enough to command premium prices. An outgrowth of the recent New Orleans meeting is a venture which aims at the discovery of fruits and vegetables, easily grown on the island, for which a market exists, or can be created, in the region of the Gulf and the Mississippi River. Here, as always, the target of public policy is the creation of an agronomy as far as possible complementary to—rather than competitive with—that of the several states.

INDUSTRIAL DEVELOPMENT

But a population of two and a quarter million cannot live by agriculture alone. As with the England which sought to find a place for itself in the world, roles must be created for merchant adventurers and for honorable companies which will make the island their home. So the Industrial Development Company, an agency of public policy, was set up and given the all but impossible task of luring plants across the ocean to a land with an ancient tradition, where the requisite raw materials are hard to come by, and kindly channels of trade have not yet been driven. The advantages of insular location had to be demonstrated; an incentive had to be provided in exemption from taxes for a limited time; and

technical advice of many kinds had to be offered.

At first the Industrial Development Company went into the production of various articles—cement, glass, paper. But presently it became clear that the functions of the government and of private enterprise were complementary, not competitive. It was the office of the state to look ahead, to discover opportunities, to fit ventures into a flexible pattern which had meaning; it was the task of the company which came to the island to carry on as a going concern.

But from the first, industrial development has not been a thing apart, but an aspect of a larger program. It is a creature of population pressure and came into being to provide jobs to willing workers. If commodities are to be produced for which there is a continental market, it is imperative that "the new industry" make the maximum use of the insular labor supply.

The drive must take into account the most basic of all facts—that the dominant resource of Puerto Rico lies in the skills of its people. It must sell its labor in the mainland market in the form of value added by that labor to the raw materials of manufacture. Long ago, Scotland, England, and Switzerland learned that in the export trade, the value added to an article by unskilled labor is of little account; that it is the value added by highly trained skills that enhances the market price and brings real purchasing power in return.

The people of Puerto Rico are rich in potential skills; these skills are being made actual by expenditures on education, which represents a larger part of the government's income than is devoted to so creative a purpose by any state in the Union. It is for this reason that the reiterated beat for the program for industrial development falls not upon tall smokestacks and heavy investments, but upon the number and

the high degree of skills in the jobs brought into being.

SIZE OF THE TASK

All of this makes it clear that in Puerto Rico public policy has had to take on a gigantic assignment. In the cases of Scotland, Switzerland, and even England, time was indulgent, and centuries were allowed for gracious accommodation. The pressure of a population never adapted to its habitat commands haste. In recent years the task has been made easier by an exodus of thousands to the mainland. Here it is better for the island that those who migrate should be the unskilled; for skills are more easily picked up in the States, and the island cannot afford to squander training upon workers who do not remain.

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It is inevitable that the birth rate will experience a progressive decline. As its task of providing for additional souls becomes lighter, Puerto Rico will be free to direct its public policy at the larger target of advancing and enriching its standard of life. Value added by skilled labor to the commodities sent to mainland markets will bring in return an increasing stream of purchasing power. For Puerto Rico, the way to progress and prosperity lies in the conversion of dormant capacities into human skills and the employment of its highly trained labor in the production of commodities and services which all the people of the several states want. A proud people, true to its tradition and proud of its American citizenship, is hammering at the barriers of insularity. It lies ahead—but Puerto Rico is arranging its own rendezvous with destiny.

Labor's Role in Industrialization

By SIMON ROTTENBERG

IN the literature of the theory of location of economic activity, manufacturing industries are classified as materials-oriented if they tend to locate close to the source of raw materials; market-oriented if they tend to locate close to the market for the finished product; and labor-oriented if they tend to locate close to the supply of labor to be employed. In the special circumstances of Puerto Rico, in which natural resources which are commercially exploitable in the present state of the art of production are scarce, and in which per capita income is low and style consciousness is underdeveloped, it is residually true that manufacturing industry which locates in the island will be labor-oriented.

Labor-oriented industries are those in which materials and products are high in value, relative to weight and volume, and in which labor cost is a large part of the total cost of production. Industries of this kind search for low-priced labor. The entrepreneur who contemplates expansion of an old enterprise or the creation of a new one will calculate the cost of labor per unit of output in alternative places, and if he is rational he will locate where labor cost is least.

THE PRICE OF LABOR

With any given set of production techniques, labor cost is not a function of the wage rate but rather of the price of labor. The price of labor is the wage rate per unit of worker efficiency. A low wage rate in these terms becomes a high price for labor where workers are indolent, unenergetic, careless, and unskillful. Since the successful industrialization of Puerto Rico hinges on the achievement of lower labor cost, in

labor-oriented industries, than can be experienced in other places, it is quite clear that labor must be perseverant, energetic, careful, and skillful.

Comparison of wage rates in different places can be made with some assurance that truth is approximated, although even here large variation in job content, even where job titles are identical, raises comparative measurement problems of first-order magnitude. Comparison of the prices of labor in different places has not yet been done successfully, even at the level of approximation, because worker efficiency involves components which do not now seem capable of being measured. We know nothing, therefore, in objective terms, of the efficiency of the Puerto Rican worker compared to other workers in other places. Some research has been done in the comparative labor productivities of selected industries in Puerto Rico and the United States, but the statistics of labor productivity tell nothing about worker efficiency, since a host of other relevant variables are not held in *ceteris paribus*.

Despite the lack of objective evidence, we have a right to expect that the wage differential between this low-wage-rate island and other, higher-wage-rate, economically developed, places will be consumed at least in part by differential worker efficiency in favor of the higher-rate area. This is true of all cultures not dominated by the Puritan ethic and in which the history of industrial experience is short. However, the question which is relevant to industrial location and therefore to the prospects for industrialization of Puerto Rico is whether the rate differential is in fact consumed *only in part* or whether it

completely disappears. We know that the hourly wage rate in manufacturing in Puerto Rico is about 45 cents; in the United States it is about three times as high. What we do not know and what seems almost incapable of measurement is whether the ratio of worker efficiency in the two places is also one to three, or less or more than this.

If we cannot measure the components of the price of labor, we can at least speculate upon them. In the social sciences, informed and reasoned speculation, fortified by perceptive observation, may bring us to judgments as close to truth as we can come.

THE WAGE RATE

It has already been indicated that something is known about the wage rate component of labor's price in Puerto Rico. The general level of rates, compared to those in the United States, is low in all sectors of the economy. Prevailing rates tend to cluster at or just above the minimum rate established by federal and insular law; and the evasion of the legal minimum through extensive use of learners' certificates for the first months of employment and by violation of the law is widespread. It is not uncommon for establishments to pay a uniform hourly rate to all, or almost all, of its workers, and in these firms the wage structure consists of a single rate.

This practice may express the conviction of management that relative wages paid by the firm to variant occupational classes is not relevant to worker job satisfaction and worker output, because workers do not respond to wage incentives, or because their concept of justice is not related by them to the plant's wage structure. Or it may express a lack of awareness by managers of the influences that motivate workers to exert effort.

The economic explanation for these tendencies is clear. In an economy of chronic unemployment of human re-

sources, where labor is abundant relative to capital, wages will be low. The number of unemployed who are counted in a labor force survey will vary with the definition of unemployment and of in-the-labor-force status, and with the integrity with which enumerators use the agreed-to definitional standards. Counted as they are in labor force survey practice in Puerto Rico, about one-sixth of the labor force is unemployed, with seasonal variations above and below this as the time for taking in the cane crop comes and goes. Change in the age composition of the population over time and large-scale out-migration from the island in the past five years have not altered this proportion, or, if they have, the situation has been hidden by enumerative nonuniformities.

With unemployment as common as this, an enormous depressive pressure is exerted on the wage level. If trade unions could seal off job areas from these pressures, as they have successfully done on San Juan's water front, for example, they could force wages up beyond the general community level of rates for work of given skill; but it is difficult for unions to operate in closed shop ways when there is intense competition for available jobs.

Comparative wage level movement over time, as well as the level of prevailing rates at a given moment, is significant for the understanding of the locational problem and of the prospects for industrialization of the insular economy.

The same differential economic influences which cause rates to be low in Puerto Rico, relative to the mainland, also widen the absolute cents-per-hour gap between the two.

At this writing, the federal legal minimum wage in the United States is 75 cents per hour for industries producing for commerce. For most industries this rate is of academic interest, and prevailing rates for even their lowest wage

categories have moved past this figure. In Puerto Rico the 75-cent rate has no blanket application. The Administrator of the Fair Labor Standards Act has been authorized by Congress to set lower legal minimum rates, upon recommendations of tripartite committees which are assigned particular industries for which they are required to give their counsel. For most industries the legal minimum wage falls far short of 75 cents.

Since the supply of labor is large relative to the supply of capital in Puerto Rico, prevailing rates tend to be determined by the legal minimum rates, and the latter determine the volume of employment in the industry. The specific legal rates which are set for particular industries are affected by a constellation of complicated and psychological factors which need not be discussed here. It suffices to remark that upward wage movement by law has occurred at much less frequent intervals and in much smaller steps in Puerto Rico than has upward wage movement by nonlegal forces on the mainland. As a result, wage differentials have tended to widen rather than narrow, and it should have become more rather than less advantageous to locate in Puerto Rico than on the mainland, comparative worker efficiency being given.

What can be said of the nonwage components of the price of labor?

RECRUITMENT OF WORKERS

In some societies it has been difficult to recruit workers for wage employment of any kind, or for particular classes of employment, because of powerful influences which have obstructed the adaptation of the supply of labor to changes in the demand. These obstructions have tended to dampen the power of relative prices to allocate available labor among alternative employments, and have frequently brought economic development to a halt.

In total numerical terms, no recruit-

ment problem is encountered in Puerto Rico. Employment for wages is deeply rooted in the insular culture; the relatively well-to-do people are not encumbered by real property that restricts their movement; the practice of kinsfolk care of children loosens the tie to the family early in life; and there are no traditionally established ties to neighborhood or town. Internal population movement is old in the island.

The ease with which the people move may, however, have produced a new problem. Large-scale out-migration to New York City since the mid-1940's has created a Puerto Rican community there of such magnitude as to exert an attraction on those who have remained on the island. As this community grows in size, as families become broken between domicile in the island and domicile on the mainland, and as tales flood back to the island of employment opportunities to which high earnings attach, the "pull" on the island's inhabitants becomes more powerful.

If the propensity to mobility is enlarged by industrial experience, so that Puerto Ricans with a history of work in manufacturing establishments are more easily moved to go by virtue of their training, because they think they will be successful in the competition for jobs on the mainland, the island's economy may be a net loser from the out-migration.

Hand needlework crafts aside, there are no reserve pools of trained labor in the manufacturing arts in Puerto Rico. If a worker who has acquired operative skill is lost in the migration movement, he can be replaced only by the training of a green worker. To this problem the only solutions are either vast overtraining by giving skills to larger numbers than are needed, which involves cost to the community; or selective out-migration, which is difficult to administer in a free society in which people choose their vocations according to in-

dividual calculations of the net advantages of different employments; or the tying of workers to jobs by such a device as paying premium rates for length of service.

PSYCHOLOGY OF WORKERS

Training of green workers anywhere involves travail. In Puerto Rico, managerial and supervisory personnel must approach the task with perseverance, understanding, and compassion. Most workers in Puerto Rico are young. The median age of the population is about 19 years, compared to a median for the United States of about 30. Most workers brought into new manufacturing establishments will have had little previous work experience. If they are women and have been previously employed, they are likely to have been employed casually in needlework at home. If they are men and have been previously employed, they are likely to have been employed casually in agriculture or in a variety of self-employed or odd-job ways.

In casual employment, the worker chooses his hours of work and the effort he will exert in each hour. The casual quality of much of the employment in the island has had a profound influence upon the work habits of the people. Training of green workers, therefore, means not only transferring job skills, but also transferring the values which adhere to disciplined forms of work. On the mainland these values are already part of the culture of the worker community, so new workers have assimilated them in the subtle ways of informal learning.

The atmosphere of casualness leads the worker to find causes which he considers warrant his absenting himself from work. The absence rate will also be affected by the relationship between income levels and income aspirations. If a worker earns in four days what he aspires to earn in a week, and if he

can absent himself from a fifth day of scheduled work with impunity (without hazarding the right to earn for four days), he will tend to do so. Some have said that the earnings of workers in new plants in Puerto Rico are so high as compared to past earning experience and therefore as compared to their earning aspiration levels that precisely this phenomenon has occurred.

On the other hand, the opposite judgment suggests itself. At currently prevailing wage rates, daily earnings may be so low in relation to earning aspirations levels that the worker considers it more worth while to take the fifth day at leisure than to earn the marginal income to be derived from a fifth day of work. If the price of the day's leisure were eight or ten dollars, rather than three, the worker might consider it too high to pay. Which of these two hypotheses is relevant for the Puerto Rican worker is really not yet known, and indeed there may be individual differences in motivation for absence.

What other problems arise in pioneer plants in industrial frontier communities such as Puerto Rico?

WAGE INCENTIVES

There is, first, the problem of incentive wage administration. The special advantage of piecework over timework is that the former creates an incentive for greater output by paying the worker earnings in proportion to the quantity he produces. Assuming that workers are income responsive, an incentive wage system will telescope the period which transpires before the green workers in a pioneer plant have achieved output standards equivalent to those which prevail in the older industrialized regions. In the absence of wage incentives to output, this period will be prolonged.

The universal problem of incentive wage administration is to find the piece rate that will be high enough to moti-

vate the worker to apply maximum effort at work and at the same time low enough to prevent earnings that will be out of line with those of hourly rate workers in the same firm and with those of workers in other firms in the same labor market who are at similar levels of skill.

The problem is difficult to solve in pioneer plants, and it is quite common for the wage system in these plants to be administered in ways which cause it to lose its incentive effects.

Incentive wage systems are usually overlaid on base timework wages established either by law, by collective bargaining, or by administrative decisions of firms, unilaterally made. For a piece rate to constitute an incentive, it must be sufficiently high to enable the worker to exceed his guaranteed base timework rate with somewhat better than average effort. If enormous effort is required to bring earnings above the guaranteed base, the worker ignores the piece rate. The earnings are then determined by the base hourly rates, with worker output at a relatively low level.

As a matter of course, we can expect that green workers will produce little, since the capacity to produce in volume is something which develops with time and experience. A very high piece rate is necessary if the worker is to have an opportunity to exceed the base earnings which are guaranteed to him. If the piece rate is set high in the beginning, however, it may be too high when the worker has developed speed with the passing of time.

It is clear from the experience of American firms that rates do not fall easily. Frequently they cannot be reduced at all, without impairing management-worker relations, except by changing the job assignment so that the change in job content can be used as a pretext for the change in the rate.

The problem cannot be solved in a pioneer plant by finding the "correct"

piece rate, as it can be in an old plant. The rate which is "correct" for the green worker is wrong for the experienced one, and green workers will become experienced. There is no solution short of a willingness on the part of the workers to accept downward piece rate revision as they acquire skill.

WORKLOADS

Second, a problem occurs in the pioneer plant with respect to workloads and work assignments. In American plants, workloads, once established, become traditionally fixed. A worker who is asked to accept a workload higher than the standard of his community or his plant will feel oppressed and resentful and he will be subjected to the subtle social pressures of his work group, organized or unorganized, which will have defined, out of its own experience, what is considered to be a "fair day's work." Fast workers are slowed down to the group-accepted standard. But move a worker to a place where a higher standard prevails and is accepted by the worker community, and he will freely perform a volume of work which he would formerly have represented to be abusive.

In pioneer plants workloads are low. The green worker simply cannot handle large numbers of machines simultaneously. High workloads will cause machine stoppages, breakdowns, and unproductive operation. To assign too many looms to a weaver will mean that too many will be down while the weaver is repairing yarn breaks.

This is, of course, true of green workers even in old plants. But in the old plants, where the workload standards are relatively high, the green worker understands from observation that he will be expected in the end to tend the same number of machines as are tended by the experienced workers, and that the worker community accepts the high workload as proper and just.

In the pioneer plant, however, all the workers in the plant are tending few machines. Observation and experience tend to give traditional validity to the low workloads. Here the danger is that low workloads will become established in the work group's understanding of what is acceptable, and that every machine added to a worker's assignment will be considered oppressive and unfair.

The problem in the pioneer plant, therefore, is to find a way to make workers understand that the workloads assigned to them as inexperienced workers are temporary and tentative and that the goal standards are very much higher. Here, as in the case of the piece rate, labor relations policy needs to be pointed towards keeping standards flexible and preventing traditions from setting.

RURAL VALUES

Third, the pioneer plant quite frequently faces problems growing out of rural community value systems.

If the qualitatively superior part of the labor supply prefers to be placed in nonindustrial occupational capacities because work in industry makes a man a social pariah, only the rejects are available for the pioneer plant. If sharp interclass lines reduce social mobility and set upper limit rungs beyond which persons of lower-class origin may not climb on the occupational ladder, the pioneer plant must select personnel for particular classes of work from clusters from which some persons of talent have been excluded.

Precisely these situations have im-

portant influences in rurally dominated cultures. Own-account work on the land or work in the trades and service industries pays psychic wages; only "lintheads" go into the mills. Well-ordered rank associations of particular persons with particular stations in life limit the culturally realizable job aspirations of workers.

Both of these aspects of the rural value system have depressive effects on productivity prospects in the pioneer plant. Here is perhaps the most fundamental of all the problems of the industrial frontier—the problem of achieving the subtle envelopment of the frontier community by a culture pattern and value system which are favorable to industrial performance.

Envelopment of this kind means making revolutions in men's minds. In part it can be achieved quickly and through formal learning processes; in part it must come with a gradualness that the impatient must find distressing. Whether it will ever come to any society dominated by rural traditions depends, in great measure, upon the intelligence with which managers approach the task of managing.

The method of the whiplash, the order, and the menacing threat will not succeed. Neither will the transference into the factory of relationships implied in status systems defined by differentiated class origins of workers and managers in the extra-factory community. The charge of worker inefficiency is too often a cover for management blindness to some of the most elementary principles of sound and productive human-relations practices.

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Financial Institutions in Puerto Rican Development

By BEARDSLEY RUMI

ECONOMIC development in Puerto Rico proceeds irregularly along four distinguishable but related fronts—agricultural, industrial, distributive, and financial. Perhaps the professional should be mentioned—doctors, lawyers, engineers, accountants, and artists—but necessary as these talented people are to a workable society, it stretches the concept of economic development a bit thin to include them within it. Mineral resources and their development would be an element of the economic program, except for the fact that there are no known minerals in Puerto Rico worth mentioning.

Agriculture has long been a subject of developmental concern in Puerto Rico, and remains a major element in the Commonwealth's economic program. More recently, industrial expansion has been strongly emphasized and is recognized as essential in raising the level of living in a densely populated area devoid of important mineral resources. With agriculture, industry must contribute to a satisfactory balance-of-payments relationship which can support a better way of life for the people.

Distribution has long been seen as a problem of the first importance. Costs of goods at retail are high, availability is unsatisfactory, and those engaged in trade, by and large, do not profit greatly from their efforts. By modern standards, distribution in Puerto Rico is wasteful and inefficient, and it is a heavy burden on general economic development. But in spite of acute awareness of the problem, and persistent efforts of the government, the accomplishments in improving the system of distribution are negligible. Beyond the

technical difficulties, there is the fact that distribution is embedded deep in any culture in ways that are not strictly economic, and changes can be made only slowly and with difficulty. The causes that have prevented progress in distributive efficiency persist and will continue to make this area a tough one for economic development. A higher per capita income, the results of the educational program, and the heavy migration to and from continental United States will gradually produce a setting in which progress in the distributive arts can occur.

IMPORTANCE OF FINANCE

The financial aspects of economic development seem now to afford the greatest new opportunity for growth in the Puerto Rican setting. The adoption of the Constitution has given confidence in the political status of the Commonwealth and has opened the way to legislation that can facilitate the establishment and growth of financial institutions that are indispensable to a high-level industrial society.

The role of finance in economic development is not so often emphasized as are agriculture, manufacture, and distribution. Perhaps this neglect is because finance is less well understood, and appears to be a mysterious witchcraft that is somehow operated from London, Paris, Zurich, and New York in a manner both profitable and a bit sinister. And yet when the financial problem strikes agriculture or industry or distribution, it is as real as chemistry or physics or arithmetic; and until the financial problems are solvable, it is

impossible to get ahead properly with economic development.

The financial institutions important to the economic development of Puerto Rico are both governmental and private.

One government bank has been established, the Government Development Bank for Puerto Rico. This is not a "central bank," since Puerto Rico is not a sovereign state and does not have its own currency. The Federal Reserve System operates for Puerto Rico as for continental United States in the area of over-all monetary policy. The Development Bank is the fiscal agent of the government of Puerto Rico and handles the financing of security issues of the central government, of the several specialized authorities, and of the municipalities. It also is active in making loans to business in Puerto Rico, but these loans are made strictly on a prudent investment basis, except that the duration of the loans may be longer than that of a commercial bank. They are not a vehicle for indirect subsidy of economic development, no matter how appealing a particular case may be. Subsidies, in the form of uneconomic risk-taking from a banking point of view, are the concern of specialized agencies, such as the Puerto Rico Industrial Development Company, which have been organized and financed for that purpose, among others.

PRIVATE FINANCIAL INSTITUTIONS

Several types of private financial institutions have a part to play in economic development. These are (1) commercial banks, (2) specialized lending agencies, (3) savings organizations, (4) investment companies, and (5) international investment and trading enterprises.

Commercial banks

The basic functions of commercial banks are well understood. Puerto Rico

is adequately provided with these facilities, both by strong insular commercial banks and by well-equipped branches of major banks of continental United States and Canada. Projected growth of Puerto Rican industry and commerce will require additional capital for the local banks at some point if they are to hold their own with the resident branches, but such new capital may be expected to be available when needed, since the banks are profitable now, and growing business will make them even more so.

Specialized lending agencies

Specialized lending agencies serve the functions of factoring, acceptance, and discounting of assets arising in the process of production and distribution. These assets may take the form of inventories, work in process, accounts receivable, or other forms of customer liability. This form of intermediate capital is necessary to most businesses, and it is indispensable in any situation where development and expansion at a rapid rate are called for. It is obvious that the economic development of Puerto Rico on the scale and at the rate required by public policy makes the growth of these specialized lending agencies a matter of urgent necessity. At the present time, such facilities are rudimentary and the legal basis is inadequate. High on the agenda of new legislation should be laws that will encourage these specialized financial institutions.

Savings organizations

A program of economic development requires emphasis on increasing the savings of the people and channeling them into appropriate constructive use. This is necessary both to increase the money capital available for investment of all kinds and also to reduce the demand on existing output which would be currently

consumed. Governor Muñoz described the situation vividly in his address to the Seventeenth Legislature at its Second Regular Session on February 23, 1950. He said:

We must exercise our will power in order to invest as much as possible and spend as little as possible, since this is the way to put an end to the present situation, to enable our people to free themselves from want as quickly as possible, and achieve a modest degree of prosperity and security. . . . In pointing out the priority which investing should have over spending, I refer not only to the fundamental policies of the government, but also to policies which ought to take root in the whole community of Puerto Rico. At the most humble level, some grain for the furrow, not all for the loaf. On a higher level, fewer useless luxuries, more concentration of capital in the furrow of dynamic production.

Savings of the people are naturally a present element of the economy, but a better program for the future can be devised. More public emphasis on the desirability of saving and better methods of picking up small savings are in order. Attention should also be given to channeling savings into development. For example, on June 30, 1949 United States Postal Savings in Puerto Rico amounted to \$8,031,628. There were then 17,646 Postal Savings accounts with an average of \$455.15. It is understood that Postal Savings deposits in the island are increasing at a rate of about \$500,000 a year. Excellent as this instrument is for the individual saver, only a small part of the proceeds goes to help meet the investment needs of the Puerto Rican economy.

Investment companies

A financial instrument not now existing in Puerto Rico is the investment company which has proved so useful and so popular in the United States. The investment company serves a dou-

ble purpose: (1) it makes it possible for individuals with relatively small amounts of money to invest to place these sums in a diversified list of securities under continuous and expert management, and (2) it provides a pool of capital available for risk-taking equities. It would be possible in Puerto Rico to eliminate certain weaknesses in the continental United States laws affecting investment companies, particularly with respect to the treatment of capital gains.

With good laws, investment companies would flourish in Puerto Rico. Even though there be no limitation on the geographical location of an investment company or the residence of the stockholders (and there should be at most only a nominal one), the mere position of an investment company in Puerto Rico would attract the attention of the managers to opportunities for investment in Puerto Rican enterprise, and competition would inevitably result in flow of capital into local economic development that would otherwise not be available. Investment companies in Puerto Rico would improve the position of the Puerto Rican investor. It is not inconceivable that in time these companies would contribute strongly to making Puerto Rico an important financial center in a truly general sense.

International enterprises

An opportunity also exists to provide the legal basis for investment and trading companies which could operate all over the world outside continental United States. Such companies would contribute only indirectly to the economic development of Puerto Rico, but they would add to the prestige of Puerto Rico as a financial center. And if they were subject to even a minimum franchise tax, perhaps as small as 5 per cent on profits, they would contribute

a new and significant source of revenue to the Commonwealth government.

THE LONG VIEW

From the point of view of economic development of Puerto Rico, these financial institutions should be considered as means to an end—not yet as ends in

themselves. The time is not ripe for looking to Puerto Rico as a new financial center. However, there is no reason to think that over a period of time a new and powerful financial center will not arise, in view of the traditions of Puerto Rico and the unusual advantages which the Commonwealth affords under its new Constitution.

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Culture Patterns of Puerto Rico

By JULIAN H. STEWARD¹

URBAN CHANGES

All segments of the Puerto Rican population have been influenced by industrialization, but the town and urban centers have responded most uniformly. Urbanization, itself a major trend, has entailed a number of characteristic changes. Not only do towns become much larger and comprise an ever greater percentage of the total population, but their functions and internal composition are being altered. The local communities mediate the national institutions to the countryside by serving as centers for marketing, wholesaling, retail trade, and credit; for governmental administration and for education, farm extension, health, and other public services; for the servicing and building trades and the transportation workers; for local political parties and labor unions; for religious and recreational functions; and for the distribution of certain mass media of communication.

While these new urban functions tend to create greater similarity between towns, they also differentiate the population within each town into special segments, classes, or sociocultural groups: wealthy commercial and professional personnel; civil servants, transportation workers, and servicing and building trades groups; and skilled and unskilled laborers. Most characteristic of these are the new middle classes of varied occupation and income. They represent a new trend, a new set of values which ascribes major importance to the symbols of personal achievement and wealth. Upward mobility in the socioeconomic hierarchy becomes a cru-

THIS essay will deal primarily with the culture patterns or life-ways of certain classes or segments of the Puerto Rican people, with special attention to how the processes of industrialization have modified a predominantly agrarian population. The term "industrialization" used in connection with rural people refers rather broadly not only to their involvement in a system of cash crop production and of consumption of mass manufactured commodities, but also, at least in the Western world, to the development of political democracy, an augmented role of the state in controlling and directing change and in providing services to its people, religious freedom, and other patterns which have accompanied technological progress and the growth of economic free enterprise.

In Puerto Rico, industrialization has produced certain general trends which provide a kind of common denominator to all classes of people. These trends began during the nineteenth century, but they were greatly accelerated during the twentieth century after the island came under United States sovereignty. Industrialization in Puerto Rico today is developing rapidly, and it involves not only general tendencies but certain economic patterns, a political ideology, a legal and governmental system, and other features specific to the United States.

¹ The present essay is a résumé of a forthcoming two-volume study written not only by the present author but by those who did the field research in Puerto Rico: Robert A. Manners, Sidney Mintz, Elena Padilla, Raymond L. Scheele, and Eric Wolf. My co-workers should share full credit and responsibility for the analyses herein offered.

cial goal; and individual effort, thrift, education, and utilization of governmental services and opportunities become means to the goal.

RURAL CHANGES

The rural population also is affected by these industrial trends. Cash crops or wage labor provides money with which to purchase desired items in the rising tide of manufactured goods offered by the town merchants, and to maintain a standard of living that carries prestige. The farm population is acquiring a cash-oriented value system, which is supplanting the older rationale of personal relations and services. The traditional patterns of labor exchange between small farmers, of personal favors and perquisites between landowners and laborers, and of kinship and ritual kinship duties and obligations are disappearing or being seriously modified.

However, the sociocultural groups created in the rural areas by industrialization are less uniform than those in the urban centers. Each rural region has a distinctive environment and therefore particular crop potentials. In each region the productive arrangement—the kind of crop, mechanization in field production or in processing, land tenure, capitalization and credit, and the nature of labor and of owner-worker relations—has created distinctive subcultures among the people involved. The present article is primarily concerned with the subcultures of the rural workers.

PUERTO RICAN CULTURE AND SUBCULTURES

In order to understand the cultural patterns of contemporary Puerto Rico, it is necessary to view the processes of industrialization against the background of the cultural tradition of the island. For four centuries the culture was essentially Hispanic, both in its national institutions and in its folk aspects.

Early in the island's history there were probably important subcultural differences between landowners, ecclesiastical and lay officials, craftsmen, merchants, subsistence farmers, and other groups. For an undetermined period there were probably also differences between ethnic groups—Indians native to Puerto Rico and from the continent, Africans, and Europeans of various origins and classes. But true ethnic minorities are not now important. The Hispanic heritage, however, was the basis of Puerto Rican culture and subcultures, and, despite the effects of industrial trends, many features of the tradition survive today: the Spanish language, certain familial patterns, religious practices, forms of recreation, food habits, and others.

Today, the Puerto Rican subcultures, or special regional and class groups, represent distinctive interactions between the Hispanic patterns, the local productive arrangements, the effects of industrialization, and the specific influence of Americanization. The subcultures are many and varied. Only certain of the more important types were selected for analysis: a representative *municipio* of the small farmers of subsistence crops and tobacco in the mountains, the so-called *jibaro*, who are in the tradition of the isolated and independent farmers of the island; the growers of coffee, both landlords and workers, who are of interest because they exemplify the traditional Hispanic paternalistic pattern of two closely interrelated classes; the sugar-cane workers on a corporate plantation and on a government-owned, profit-sharing plantation, both groups of whom comprise a rural proletariat; and the insular upper class, which consists of a few hundred families who live in San Juan, the capital, who represent United States commercial enterprises, and who are by far the most Americanized of any segment of the population.

In spite of these subcultural differences there is an over-all Puerto Rican culture, in that the Hispanic heritage provides a common background, the processes of industrialization are creating insular-wide trends, and most of the Puerto Rican people feel a sense of common origin and destiny. But the cultural common denominator can be overemphasized. The following pages will be concerned with the more important subcultures which have emerged from Puerto Rico's complex historical background.

THE SMALL FARMERS

The mountain farmers who grow their own foods as well as a cash crop of tobacco are of interest not only because they are numerically important but because they exemplify the adaptation of a formerly self-sufficient, isolated, and independent folk society to the demands of modern industrialization. During much of its history, Puerto Rico was somewhat distinctive among Spanish possessions in lacking important mineral wealth and in having little access to markets for such crops as it could grow. Until the nineteenth century the country was underpopulated, and there was ample opportunity for squatter farmers of Indian, Negro, and white ancestry to clear lands in the interior where they lived in comparative self-sufficiency and isolation from the state, the church, and the currents of world economy.

During the last century, however, world trends began to reach these farmers. Improved communications drew them more into the orbit of national affairs. The lure of manufactured goods stimulated their desire for cash, which they obtained primarily through growing tobacco. Tobacco can be grown at little risk, it can be rotated with other crops on small plots, and it requires no

expensive field or processing machinery. Moderate credit facilities will carry the producer over a year. Neither losses nor profits can be great. Owing to market restrictions, Puerto Rican tobacco production has not run to large plantations. It is the small farmer's source of cash income, whether he be landowner or share cropper.

Our study of a tobacco *municipio* shows that certain changes have accompanied the introduction of the cash crop. As the people still grow their own food, subsistence is not so vital a problem as it is in the monocrop sugar area, where all food must be purchased from wages. But cash goals have led to individualization of landownership, and, since population has increased beyond the agricultural resources, farms tend to be divided among heirs to the extent that individual holdings are often insufficient to support the family. This individualization of landownership has been a major factor in disrupting the extended family. Duties and obligations to the extended kin group have become secondary to responsibility for the immediate family.

The trends in land use and landownership have reduced the functional household and familial unit to the nuclear family. The somewhat patrilineal and patrilocal traditional Hispanic family has been modified in that residence and affiliation tend to follow lines of property, which may be inherited on either side of the family. The nature of the marital union, moreover, is affected by economic and social considerations. Where property or social status is involved, marriage is usually religious or civil; where neither counts, it tends to be consensual.

These tobacco farmers have a new value orientation based on monetary standards and the importance of individual effort. It is known that upward mobility in the socioeconomic scheme

can be achieved, and the people are eager to take advantage of all aids: education, farm extension services, health facilities, and the like. Simultaneously, interfamily relations based on labor exchange and other services lacking a monetary standard have declined. The goal of upward mobility has been facilitated by the constant fragmentation of landholdings, for it is possible for a thrifty and successful small farmer or sharecropper to purchase small parcels of land. Although few persons can acquire great wealth, there is considerable opportunity for upward as well as downward mobility in the socioeconomic hierarchy.

Social, political, religious features

The socioeconomic mobility in the tobacco region has influenced social relations. Class lines cannot be sharp, even though there are differences in wealth and corresponding differences in social participation, recreation, standard of living, and other features. Comparative equality is manifest in various ways, including the nature of the *compadrazgo*. *Compadres* (coparents, that is, godparents of one's children) are selected from among one's economic superiors and inferiors as well as among one's equals.

Political ideology of the tobacco farmers is consistent with other aspects of their culture. They are independent in their political as well as economic and social attitudes. Since they are actual or potential landowners, they stand less to gain than the proletariat of the sugar areas from a political program designed to benefit landless workers. The greatly expanded governmental services have been to their advantage, and they have utilized them perhaps more than any other rural group. But in the 1948 election, a much larger portion of the tobacco farmers than of any other rural group voted for the rather militant *Independientistas* rather than for the domi-

nant Popular Democratic party which has stood for rural and social reform.

The small mountain farmers are traditionally and nominally Catholic, but Protestant sects have begun to penetrate the area. It is perhaps too early to appraise this trend, but a factor which appears to favor the new faiths is the ideal of individual initiative and the concept of individual responsibility—the "Protestant ethic," which is part and parcel of the new socioeconomic trends. Another aspect of religious change is that the Catholic festivals, although still observed, have assumed a recreational rather than religious character.

THE COFFEE HACIENDA CULTURE

The coffee haciendas are of interest less because they involve large numbers of persons today than because they still exemplify in many ways a typically Hispanic pattern which once characterized much of the sugar area as well as the coffee area. The earlier pattern has been perpetuated through several factors.

First, coffee cannot be the poor man's cash crop, for it requires a fairly large capital outlay. Unlike tobacco, which can be grown on plots of any size and during brief periods, coffee requires a fairly large acreage in order to justify the processing equipment; and, since it does not bear for several years after planting, the owner must have resources to carry him over. There are a few small and medium coffee farms, but the tendency is toward large holdings which are worked by peasants or landless laborers. Because needed capitalization for coffee production has increased, coffee haciendas tend to become fewer and larger.

Second, since coffee production can be carried on profitably in isolated areas which lack improved roads and communications, the farm population tends

to remain socially and culturally isolated from the urban centers. Public services, political ideologies, and the effects of mass media of communication have been slow to reach the coffee workers.

Owner-worker relations

The productive arrangements of the large haciendas set the framework for the survival of the traditional culture. The owners are largely Spaniards, often third or fourth generation, and they constitute a well-defined upper class of highly educated and sophisticated persons who maintain close ties with the town. The laborers, both peasants and landless workers, are mostly native Puerto Ricans. The relationship between owner and worker is typically paternalistic, personal, face to face, and variable, as compared with the impersonal wage-based and legalized relationship in sugar production. Between owner and laborer there is a mutual dependency, a system of personal understandings and perquisites. The laborer is paid in wages, but since work is seasonal he is also granted favors in lieu of wages, such as a subsistence plot on which to grow foods, or the chance to burn charcoal on shares. The owner takes a personal interest in him, advising him in his affairs and looking to his welfare. In return, the worker renders unpaid services to his landlord and may even supply daughters as servants in the landlord's household.

The culture of the workers and peasants reflects the isolation and traditionalism perpetuated by the productive arrangement. The family is strongly paternalistic. The father manages its property and income, directs the labor of all its members, including the children, who usually perform useful tasks, and dictates the social behavior and marriages of his offspring.

Solidarity and reciprocity within the

working class are manifest in many traditional ways. There is labor exchange based on reciprocity rather than on monetary standards; there is visiting and participation in socioreligious events; there is choice of *compadres*; and there is intermarriage.

Between owners and workers, relations are reciprocal but unequal. They include the system of favors and services already mentioned. The workers seek *compadres* among the owners in order to strengthen their position, but the reverse is not true. They look to the owners for leadership in political as well as economic and social affairs. They are not yet sufficiently sophisticated to recognize the program of the Popular Democratic party as their own. They have too little economic opportunity to place value on individual effort, too little access to and use for education to recognize it as a means of upward mobility, and too little chance to utilize governmental services to feel that these are vital to them. They depend upon their landlord rather than upon unions, political parties, or the government.

Religion

The coffee workers are perhaps the most thoroughly Catholic of all farm people, but their Catholicism is not wholly orthodox. Partly because of limited contact with the church and the priests, the religion tends to center in a cult of saints. Formal church rites and priestly administrations are secondary to a system of household and village saints which constitute the principal supernatural functionaries. These saints receive prayers and supplications, and if they fail to respond they may be punished. At the same time, certain church rites such as baptism sanction *compadre* relationships and hence have great sociological importance. Moreover, the many religious festivals pro-

vide a traditional form of recreation, in contrast to other regions, where social dancing and sports have become popular.

SUGAR PLANTATION CULTURES

The sugar regions of Puerto Rico exhibit the most pronounced effects of industrialization upon the rural cultures. Since sugar is produced competitively for an outside market, it is necessary that the most modernized methods be used in field production and processing. The mills cost a half-million dollars or more, and in order for them to operate at maximum efficiency, cane from a vast acreage must be fed into them. Sugar, therefore, tends to be monocrop, and subsistence farming, which is so vital to the rural people of other areas, is virtually eliminated.

Earlier in Puerto Rican history, when sugar plantations had ox-driven mills and simple steam boilers, they were family owned. At one time they depended partly upon slave labor; later upon free labor. The productive and social arrangement was the family hacienda type. As technology advanced and the necessary capital outlay increased, there became fewer and larger mills and plantations. Less opulent families, which could not afford mills, contracted to have their cane ground at the large plants. On the arid south coast, however, where cattle ranching had prevailed and where irrigation projects were essential to sugar expansion, the costs were best met by corporate credit. Meanwhile, through its program of land reform, the government finally bought up many production units and made them into profit-sharing mills and plantations.

The corporate sugar plantation

The corporate community on the south coast consists almost entirely of a very homogeneous group of workers

who have a considerable Negro admixture, having descended in part from slaves. There is no upper class today, for the private owners have sold out and moved away. Their economic functions have been taken over by a handful of managers representing the American corporation. The middle classes of the community are small, for many of the services they would normally perform are carried out by the corporation.

The working class differs profoundly from that of the tobacco and coffee regions. It consists entirely of wage earners, whose employment is seasonal and whose income is barely adequate for survival. There are no subsistence plots, and there is no system of personal favors between owner and worker, as on the family hacienda. The workers even have difficulty to find dwellings. They live in clusters of houses on small plots on some of the older hacienda centers, along public highways, and on the beach.

There is remarkable similarity among all members of this class, since opportunities for advancement are absent, and the position of everyone is fixed by a uniform system of wages and agreements. The ideal of self-improvement which characterizes the tobacco farmers is absent. Escape from the fixed socioeconomic status can be achieved only through out-migration or through winning a stake in illegal gambling or bootlegging, both of which would be regarded by the highland people as unwarranted risks rather than as opportunities.

The sugar workers place little value on individual initiative. Their hope is not to achieve upward mobility through education, thrift, or effort, for the job hierarchy holds no place for them. Instead, they seek common goals through the collective means of the labor union, which not only is used to bargain with management but which is a political in-

strument that lends mass support to the Popular Democratic party in its legislative struggle for improvement of wages, hours, and working conditions.

In the typical labor-class family, all members who are old enough work for wages, which gives a measure of independence to each individual. Since neither property nor considerations of religious orthodoxy are important, marriage unions are largely consensual. Because divorce is frequent and children generally remain with the mother, the family has a matrilineal and matriarchal character. The *compadrazgo* has proliferated among the sugar workers, and a person may have thirty to forty *compadres*. *Compadres* are always chosen within the working class, however, for the American managerial staff will have no part in such arrangements. Ritual kinship, therefore, instead of binding together members of different socioeconomic classes as in the tobacco and coffee areas, serves as a surrogate for extended kin ties and as a means of furthering the security of the individual within his class.

The homogeneity and solidarity of the working group is also expressed to some extent in religion. Here more than anywhere else on the island, evangelical sects of Protestantism have made considerable progress. This seemingly reflects in part the traditional association of orthodox Catholicism with the ruling upper-class whites, and in part the need for a common emotional outlet which such religions frequently provide insecure groups. Despite the large Negro element in this community, no religious beliefs or practices of unquestioned African provenience were found.

The profit-sharing sugar plantation

The culture patterns and the attitudes of the workers on the government-owned, profit-sharing sugar plantations are very similar to those of the corpora-

tion employees. The workers do not have a sense of proprietorship and participation in plant affairs, because they do not manage the plant. In fact, they speak of it as "the corporation." The line of authority from worker to mill runs a devious course. The worker belongs to a union and supports the Popular Democratic party through the local organization. The party controls the government, which in turn appoints the plantation managers. The workers bargain directly with the managers through their union.

Two features distinguish the profit-sharing plantations from the corporate ones, but these have made little difference in the lives of the workers. First the workers receive proportional benefits, but this provision has been counterbalanced by the need to spread work as widely as possible, so the labor force is several times as large as it need be, and individual income is very low. Second, subsistence plots have been provided the workers, but since little value is attached to owning land and growing one's own food, the people turn during the "dead" season to activities which yield cash, and make slight use of their plots.

Fixed essentially in a proletariat class, the workers constitute a fairly homogeneous sociocultural group. The processes of industrialization have not affected them as deeply as on the corporate plantation, for they were fairly recently on family haciendas, and the older patterns survive in slight degree. But the nature of the family, life goals, economic activity and union organization, and political attitudes are substantially the same as under the corporation.

The greatest difference between government and corporation workers is in religion. The saint cult survives in some strength among the former, and there is considerable fear of witchcraft. A plausible explanation of witchcraft is that the general insecurity of the peo-

ple has led them to channel hostility toward competitors—in this case especially migrants from the highlands seeking jobs—into a fear of supernatural measures rather than to express it overtly.

THE UPPER CLASS

The Puerto Rican upper class is limited to a few hundred families which are distinguished by their wealth, their social prominence, and their extreme Americanization. Their income is usually over \$10,000 a year. Most of them are engaged in commerce, especially as representatives of United States business firms, although some also derive income from the land. Unlike the wealthy agrarian families such as the coffee growers, the primary economic allegiance of these families to the United States has been a major factor in their Americanization.

The necessity of carrying out business activities on American terms has profoundly affected the lives of the upper-class people. Children are indoctrinated at an early age in the status and role they will assume. They become accustomed to luxurious housing, automobiles, servants, and other evidences of a very high standard of living. They are educated in American social customs and business practices. Many of them are sent to the United States for their high school education and most of them for college education, which is taken in the business and professional fields. As adults, they are largely business executives.

Cultural characteristics of the Hispanic heritage are rapidly disappearing among upper-class families. They are bilingual, but it can hardly be said that they are bicultural. The nuclear family of man, wife, and children is acquiring independence of the extended kin ties, just as it is in the United States. There is a great love of children, but the num-

ber of children has decreased despite prevalent Catholicism which disapproves of birth control.

These families must deal with Puerto Ricans in their business activities, and consequently they understand Puerto Rican behavior. But to a large extent they force their own terms upon business associates and thus become an acculturating influence.

In their relationship to one another, the upper-class families constitute a strong in-group which moves in restricted circles. They belong to highly exclusive social clubs, and their patterns of visiting and entertainment involve only their equals. Social and recreational activities have assumed a predominantly American character. Political attitudes are conservative. The upper class has been opposed to the program of the Popular Democratic party, but since the latter seems to have moderated its social reform program, most of the class has supported it. These classes may also be described as conservative in religion, in that Catholic orthodoxy continues to characterize them.

SOME CONCLUSIONS

The acculturation of the upper-class families has resulted not only from the general processes of industrialization but also from conscious borrowing of the patterns of upper-class business families of the United States. These Puerto Rican families, however, have played only a minor role in acculturating other local groups. They have, no doubt, strongly influenced the lower echelons of the business classes with whom they have direct contact, but their subculture presupposes an economic basis and opportunities which are absent among the workers, the peasants, and the small farmers.

The tobacco farmers and the sugar workers are similar in many respects to

their counterparts in the United States, but the similarities are less the result of borrowing (these groups have had little contact with one another) than of the industrial trends which have introduced national institutions of a North American type into Puerto Rico. Many North American culture elements, such as manufactured goods, clothes, sports, and motion pictures, have also spread very widely in Puerto Rico, but they have been incorporated in local subcultures which are patterned quite differently.

This article has emphasized the subcultural differences, the distinctive life-ways, found among certain segments of the rural population, rather than the common denominator of Puerto Rican culture. There is, of course, much that all Puerto Ricans share. All groups speak Spanish, and they have in common something of the Hispanic tradition of familial patterns, the Catholic religion, the *compadrazgo*, music, dancing, and recreation. They were all once under Spanish political, economic, and

religious domination, and they have been under United States sovereignty for a half-century.

The new goals, values, and patterns created by industrialization have been mediated specifically by the United States, but they would undoubtedly have been much the same under any other sovereignty. They have set up new currents of political, social, economic, and religious activity. Fundamental and rapid change is always disturbing. Most Puerto Ricans quite understandably react to some degree against these trends; that is, they exhibit evidences of insecurity. Some are openly antagonistic to the United States, which they hold responsible for what is happening to them. If Puerto Rico can be said to manifest nationalism, however, it is a form of cultural rather than overtly political nationalism. It is the spontaneous and inevitable reaction of all segments of the population to profound changes brought about by a set of institutions which has been imposed upon them from the outside.

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The Transformation of the Spanish Heritage

By FRANCISCO AYALA

WHEN I am asked to make a study of the distinctly Spanish elements in Puerto Rican culture and of the continuities and mutations of the Spanish heritage, so as to point out the transformation it has undergone, I believe it is necessary first of all to establish the fundamental facts which are generally unknown.

The particular nature of this island's political relations with the United States has hindered the knowledge of such facts to the point that today very little is known about Puerto Rico in the United States or in the Spanish-speaking countries; and even in Puerto Rico itself, false estimates are made of the effect caused by factors capable of influencing its cultural situation.

These political relations have spread widely the idea that Puerto Rico represents a field of cultural hybridism, a meeting place as well as a place of fusion of North American and Spanish "culture." An example of this wrong idea is the question put recently by Congressman E. H. Hedrick of West Virginia to Mr. Antonio Fernós-Isern, the Resident Commissioner of Puerto Rico, asking if the majority of the Puerto Ricans *still* speak Spanish. Mr. Fernós-Isern answered: "The community language of the island is Spanish. Puerto Rico is a community of Spanish extraction completely. Naturally, the people speak Spanish in the family, from father to child, as English is spoken in the United States." He added that about 30 per cent speak English fluently, and that "most of the population understand English to the

extent to which they have been educated."¹

The picture of a Puerto Rico where the Spanish language is retreating before the advances of English is widespread also in the Spanish American countries. The Puerto Ricans themselves exaggerate and dramatize their alleged idiomatic tragedy, considering the contamination of their language as something peculiar to them and a result of their political relations with the United States, whereas on the contrary it is a quite general phenomenon.

The language problem, to which I shall come back later, presents to us in the clearest form the subject of the alleged cultural collision in Puerto Rico.

AN INTRACULTURAL RELATIONSHIP

But before taking a stand on this problem, it seems wise to examine strictly the facts to be considered. First, let us discuss to what degree we may talk about "cultural collision" between the United States and the Spanish American countries. The opposition between the two is emphasized by the difference in language and especially by the historical conflicts of power; but it would be incorrect to postulate in absolute terms a true cultural dualism, the sole base from which it is legitimate to trace every problem by cultural impact.

In relative and indefinite terms it is acceptable, no doubt, to refer to a Spanish culture, as well as to a Puerto Rican, Colombian, New England, or Californian culture. This points out local

¹ *Congressional Record*, Vol. 98, No. 92, May 28, 1952.

variations, and there is no harm in it; we all understand each other. But in more precise terms, and taking the word "culture" in a strict sense, the United States and the Spanish American countries, together with England, France, Spain, and others, belong to the same Western culture, internally diversified, of course, until it reaches the social atoms which are human individuals. We may properly speak about impact, collision, overlapping, or assimilation, only when cultures of completely different and independent roots come into contact. This concept of acculturation or transculturation would be valid, for example, to study the relationships of the European conquerors, colonizers, or immigrants with the Indians of the Americas.

The cultural relations between Puerto Rico and the United States are of a very different nature, because when political contact started with the American invasion of the island, Puerto Rico was already a territory perfectly and completely incorporated into the Western culture, within the Spanish branch, just as the United States was, under the Anglo-Saxon branch. The cultural imbalances which the political dominion could have caused—which we shall examine in detail—would be, rather, maladjustments between two sections of the same culture, and only in these relative terms should they be considered.

Not even in the very fundamental aspect of religion should we speak about an impact of different cultures; for even though in one country the Reformed churches are prevalent while in the other it is the Catholic Church, they are both forms of Christianity, and the prevalence of each church is moderated and balanced by the respective influence of the strong North American Catholic minority and of the Puerto Rican Protestant minorities.

The second question to be made clear

is this: To talk about cultures as something immutable and stable is a result of mental simplification, since every culture is in motion, in evolution, and subject to constant changes. We have to examine, then, to what degree those supposed cultural imbalances of Puerto Rico under the political dominion of the United States are only minor disagreements within one culture essentially the same. We also have to consider whether or not the few or many alleged cultural influences of the United States on Puerto Rico are nothing else than the result of historic-social changes which the Puerto Rican community would have undergone anyway as part of the common Western culture.

THE POLITICAL SYSTEM

Having said this, let us now proceed to consider, in a very brief way, what I believe to be the decisive points in this case.

One primary factor of positive influence is that of government relationship. It was in this respect that the American dominion produced the most immediate and effective impact on Puerto Rico, since with the transfer of power all relationships of Puerto Rican society with the official authorities had to fit into the pattern of the American political system. The inevitable result was an adaptation of the island's political customs to American institutions and practices.

To attempt an evaluation of this cultural influence it is necessary to keep in mind that this division of culture—namely, political institutions and government procedures—is really a technique of social control. It is as communicable as any other technique. Countries often adapt their political regime to a definite model adopted from the outside. For instance, we see the influence of British constitutionalism over the rest of the world, that exer-

cised by the French Revolution, and that of the North American pattern itself over the constitutional law of Spanish America. History does not lack an example of a country which willingly adopts the constitution of another.

It is true that in the case of Puerto Rico there was no spontaneous imitation of institutions, but a forced inclusion in the American political order. But even so, this operation did not imply a violent distortion of well-rooted norms of political life—which did not exist—but rather a procedure of accelerated adaptation, imposed by necessity, to a regime which was then generally estimated as close to the ideal goal. However, an independence movement rose against it, nourished ideologically by the nationalist dogmas, and sentimentally by aversion towards the North American people or at least disgust towards a feared absorption. But that movement, which has no doubt had considerable influence on the further political development of the island, could not prevent its adjustment to the American institutional order, determined by the pressing requirements of reality.

We should ask ourselves whether that is a deplorable result. Personally, I do not think so. Puerto Rico has taken from American politics the sanest principles and practices, without yet spreading in the island certain pernicious aspects of continental politics. On the other hand, the liberal spirit of that system has permitted the development of a growing political autonomy of the island. This is reflected in the recent Constitution of the Commonwealth, which is subject only to the limitations of keeping the republican form of government and individual rights (limitations which I wish were imposed by international norms in my own country and in all countries, not excluding, of course, the United States), unless we

should consider it insupportable to be unable to show some attributes of that "sovereignty" which has become little more than symbolic to the great pre-war powers, and which would be ridiculous in the true conditions of an independent Puerto Rico.

THE LEGAL SYSTEM

Closely related to the political status of the island is the legal system in force. The presence of the Spanish system together with the American and with the new norms developed by insular legislative practices offers jurists and theorists of law a very interesting subject for study. Of course, even today, when the judicial order is declining everywhere, the juridical norms are still influencing social life a great deal.

The legal possibility and consequent practice of divorce may serve as an example of the effect of juridical institutions on the patterns and values of a community. The large number of divorces in Puerto Rico is usually attributed to North American influence, and many similar examples could be cited. But the truth is that these are social changes experienced with greater or less intensity everywhere by a spontaneous movement of the social body, placing the traditional patterns of society in contrast with new ones which evolve within it.

When sometimes we find in the same edition of a Puerto Rican newspaper news about the granting of divorces and judicial complaints based on American concepts, together with other news describing perhaps a criminal reaction caused by the old concept of sexual honor, or the use of the word "dishonor" referring to violation or seduction, we must not forget that similar contrasts can be found in the press of Spanish American countries not bound to the United States. In Cuba and Mexico divorce is practiced very much

in their middle and upper classes, while in the lower classes, as in Puerto Rico, there is not much divorce because originally the conjugal union was informal.

ECONOMIC RELATIONS

Together with the political and judicial consequences from the relationship between Puerto Rico and the United States, we should place the economic relations as a factor of cultural influence. Here as in the other aspects, I shall have to limit myself to some general indications.

To affirm that Puerto Rico is, from this point of view, a colony of the United States, could be admissible in the voluntarily imprecise terms of political propaganda, but not when we wish to describe reality with a certain rigor. Actually, there is nothing which could be interpreted as economic exploitation of Puerto Rico by that metropolis. The concrete terms of the economic relations between them might be criticized; whatever is detrimental to the island's interest should be improved; but, honestly, we cannot say that the United States is exploiting it. The existing problems in this respect are those characteristic of any relationship between a very powerful and highly industrialized economy, like that of the United States, and a basically poor and rural economy, which now starts its process of industrialization, such as Puerto Rico.

Substantially, the situation is identical with that prevailing between the United States and the rest of the Spanish American countries. I believe that the political links which exist here are reflected in a rather favorable way in the economic relation, so that Puerto Rico may be considered, given its limited resources and very bad prospects, in a privileged position as compared with the other countries in the American orbit. To mention just one aspect,

the migration of its excessive population to the United States is evidently favored by the existing political agreement.

CULTURAL EFFECT OF INDUSTRIALIZATION

Most of the influences considered as American in Puerto Rican culture are derived from these economic conditions. The introduction of products of an industrialized economy is reflected in the way of life of the people, imparting to them new attitudes, and thus giving origin to new patterns of conduct in all orders. The use of products of modern industry, which has developed so rapidly during the past decades, places human life within a net of devices which affects all our activities and which therefore modifies our whole experience, largely affecting the total culture.

The changes Puerto Rico has experienced at the beginning of industrialization are incomparably faster and more violent than the gradual changes of a society whose economy has not reached this technical stage. And that is why the countries at the head of this process, in which social life has first experienced the corresponding transformation, are considered by those left behind as the "guilty"—leaders by example in an alteration in the customs which is really caused by technological changes introduced everywhere little by little. Even in highly industrialized countries, as England or Germany, they talk of "Americanization" of customs to describe social transformations which occur in their midst. That influence will be felt even more where almost all products of industry are of American manufacture; not only in Puerto Rico, but in all countries in the North American orbit.

Technological advance brings changes not only in types of conduct but also in words. The new objects of common

experience have English names, and the techniques related to their management are often characterized by English words.

MODIFICATION OF LANGUAGE

And here we have once more the language problem, which, as we said at the beginning, presents in the clearest form (and perhaps also in the deepest form) the question of cultural relations between Puerto Rico and the United States.

To begin with, the smallness of the country, its isolation with respect to the Spanish-speaking world during the last half-century, and the speed of its industrialization in the last ten years have no doubt stimulated the introduction of English words—mainly related to technical and administrative procedures—into the common language. It lacked the resistance of a community relatively large and sure of its future, and the genius of its own language has taken the pitiful revenge of putting into Spanish the words introduced (*reportarse*, *chequear*) or of mispronouncing them. It is nevertheless curious to note that, while in the southern part of the American Continent they pronounce the word "nylon" in the English way, in Puerto Rico they call it "nilón."

But there have been other factors operating in the same way and contributing to the deterioration of the language of Puerto Rico. The main one was perhaps the attempt (prolonged for several years and of which some traces are still left) to teach everything in English. I shall not examine that attempt, which has been sufficiently studied and discussed by those who know the problem better than I do. But I shall point out the results of the educational confusion it produced, with the only evident profit of making the Puerto Rican hesitate whenever a name learned in English as a student comes up in the conversation. These are usually names of tools, places,

or institutions; in general, all those which are beyond the everyday experiences. The Puerto Ricans hesitate between the English word taken from their school texts and the corresponding Spanish word of which they are almost never sure.

However, the Puerto Ricans evidently exaggerate and dramatize the seriousness of their idiomatic situation, considering it very exceptional and attributing it completely to the political circumstances of their country. We have already seen that these only serve to intensify the invasion of Anglicans, which constitutes a phenomenon found also in all the other Spanish-speaking countries, not excluding those of the Iberian peninsula.

In short, the idiomatic situation of Puerto Rico differs only in value and degree from that observed in other countries of the same geographic zone. Therefore, we cannot talk of bilingualism (for this consists of the indistinct and alternative use of both languages), and much less of hybridism. The native language of the island is Spanish; and English is learned as a second language. Its knowledge is essential for practical and cultural reasons, so it is a general aspiration that it be spread and perfected as much as possible.

COMPARISON WITH PHILIPPINES

This situation may seem strange to those who, not well informed, compare the case of Puerto Rico with that of the Philippine Islands. These islands fell under American rule at the same time as Puerto Rico, and in them the English language is now predominant to Spanish. But the Philippine Islands were in very different cultural conditions. There, for reasons which we do not need to mention now, the Spanish colonizers, particularly the clergymen, preferred to adopt the policy of learning the local dialects, especially Tagalog,

instead of imposing Spanish; and when the transfer of power took place, most of the native population still spoke—as today—their own languages. When the Philippines were given their independence, Tagalog became an official language together with English and Spanish.

Therefore, we are dealing here with a true case of acculturation; for the Western culture, first brought by the Spaniards and then by the Americans, is penetrating little by little into a country of foreign culture. Once more the language problem is a revealing sign of cultural circumstances. Long before the American troops arrived, Puerto Rico had ceased to be a colony, sociologically speaking, and had become a territory perfectly incorporated into the Western culture under the Spanish branch.

CONCLUSIONS

Finally, from what we have said, we may arrive at the following conclusions:

1. Puerto Rico has kept intact the nucleus of the Spanish cultural tradition. The native tongue of the Puerto Ricans is still Spanish, although a great

number of them have learned and possess in a very variable scale—from a few words to a complete command—the English language.

2. The traditional culture of Puerto Rico is not static, of course; it has changed with time. The evolution experienced by Puerto Rico is parallel to the general line followed by other Spanish countries and by the rest of the world. The relationship of the island to the United States has no doubt stimulated and accelerated that evolution.

3. There is not a contrast of opposition between Puerto Rican and North American culture. The adaptations of the former to the latter, in certain points, were necessary to enable the sociopolitical conditions of Puerto Rico to profit from association with the United States.

4. For this same reason, the political links of Puerto Rico to the North American federation develop—as they are developing today—in satisfactory terms which permit most Puerto Ricans to feel comfortable holding American citizenship and participating in its common values.

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Training and Research in Puerto Rico

By MILLARD HANSEN

RESearch and training in Puerto Rico are especially creative, effective, and economical.

CHARACTERISTICS OF PUERTO RICO

The Commonwealth of Puerto Rico is a frontier state on the border between North and South America. As Governor Muñoz Marín said in December 1950:

Puerto Rico is a Latin American country consisting of good citizens of the United States. It is united to the north by fraternal political ties, to the south by fraternal racial and historical ties; and to both by the cultures flourishing and mingling upon its soil.¹

Geographically, Puerto Rico is a cross-road between the continents of the New World and between the New World and Africa. The great planes flying south to Caracas, Port of Spain, Natal, and Rio, or east to the Cape Verde Islands or to Dakar on the coast of Africa, or north to New York, or west to Port-au-Prince, Kingston, Havana, and Miami, carry travelers, students, and the civil and military officers of government through Puerto Rico.

Politically, Puerto Rico is a Spanish-speaking commonwealth governing itself under its own constitution, which nevertheless is not separate from but rather freely associated with the United States: the Constitution, courts, citizenship, and many laws of the United States have effect here in no way different from that in the forty-eight continental states; and yet Puerto Rico is not a state of the Union. Since the establishment of the Commonwealth, Puerto Rico is not a

state of the Union, not a separate republic, and not a dependent territory; a new kind of polity is being created which, because it is new, fits awkwardly into the old familiar categories of political science.

Economically, Puerto Rico stands wholly within the tariff, money, shipping, and market boundaries of the United States, but it is on the border between the highly developed industrial economy of the United States and the less developed raw materials economies of Latin America, Africa, and Asia. Whereas there are 10 males per square mile employed in agriculture in the United States and 382 in Egypt, there are 170 in Puerto Rico.² Whereas in the world movement to industrialize, most Latin American economies are struggling to create the basic transport, public utility, and financial bases for industrial activity, Puerto Rico already has these foundations which are serving the growing number of factories; albeit, neither the services nor the factories are nearly as extensive as those of the United States.

As the head of the Planning Board said, "A decade ago the island would have been considered a typical underdeveloped area. . . . Now Puerto Rico may properly be called a country in an intermediate stage of development."³

Culturally, Puerto Rico, located on the border between the dominant cultures of the New World, displays a

² Kingsley Davis, "Population and the Further Spread of Industrial Society," *Proceedings of the American Philosophical Society* (February 1951), pp. 8-19.

³ Rafael Picó, "A Program of Technical Assistance to Economically Underdeveloped Countries," October 1950.

fusion of both. Nearly every inhabitant speaks both Spanish and English to some extent, and all the better educated—except the North Americans, who tend to remain monolingual—speak both languages with entire ease and fluency. Institutional structure, customs, and the underpinning values all display their dual origin and frequently the mark of innovation.

THE CREATIVE ELEMENT

The frontier is often a creative place, as Frederick Jackson Turner explained in 1892:

For a moment, at the frontier, the bonds of custom are broken and unrestraint is triumphant. . . . each frontier did indeed furnish a new field of opportunity, a gate of escape from the bondage of the past; and freshness, and confidence, and scorn of older society, impatience of its restraints and its ideas, and indifference to its lessons, have accompanied the frontier. What the Mediterranean Sea was to the Greeks, breaking the bond of custom, offering new experiences, calling out new institutions and activities, that, and more, the ever retreating frontier has been to the United States directly and to the nations of Europe more remotely.⁴

If Turner's insight is sound, Puerto Rico, this frontier, this border state and culture and economy, should display a creative ferment of innovation. It does. It is virtually a social science laboratory where in the compactness of 3,435 square miles and two and a quarter million people the scholar may study all the facets of rapid social change as well as the fusion and conflict of different cultures. For the same reasons, Puerto Rico is a technical assistance training ground of proved effectiveness.

⁴ Frederick Jackson Turner, "The Significance of the Frontier in American History," *American Historical Association, Annual Report* (Washington, 1893), pp. 199-227.

TRAINING GROUND FOR POINT FOUR

A few days after President Truman in January 1949 established the Point Four goal of technical assistance to the less-developed regions of the world, Governor Muñoz Marín offered the assistance of Puerto Rico, primarily as a training ground. Later, his office described the advantage of Puerto Rico for this purpose:

Puerto Rico is a unique example of an underdeveloped area, with all the problems common to such regions, in the early stages of an integrated development program. It provides, therefore, a working model of Point 4 in operation. . . . But Puerto Rico is more than an example of just a testing ground for the use of technical know-how to raise economic levels. It reveals, in microcosm, the problems and aspirations of all people who live in overcrowded and underdeveloped regions. It is irrefutable evidence of the practicability of militant democracy under such circumstances.⁵

The governments of the United States and of Puerto Rico then made an agreement for the joint administration in the island of a Point Four training program, and Puerto Rico appropriated \$50,000 to initiate the program.

Point Four, technical assistance, development, industrialization, all refer to a world movement of prime importance: the movement to narrow the gap between the prosperous, free, powerful nations enjoying the benefits of high-level industrialization and the advanced culture of modern western civilization, and the starving, usually authoritarian, weakly dependent nations still detained in the primitive economies of agriculture and mining and either ignorant of or hostile to the creative elements of western civilization. The United States, other advanced states, and the United Nations adopted the policy of technical assistance in the faith, at least

⁵ "The Point 4 Program," Office of the Governor, October 1950.

¹ "A People Moves Ahead," U. S. Information Service.

on the part of the United States, that the program would work against communism and military aggression within the underdeveloped regions and would strengthen them as allies of the West.

The underdeveloped regions seek the assistance and the development, whatever their reservations about industrialization and the western civilization as ways of life in contrast to their traditional cultures, because they prize the comfort, the freedom, and the power obviously associated with and presumably derived from industry and western culture. Arnold Toynbee suggested the proposition, which may be one of the profound insights of our time, that the rapprochement between the industrialized western world and the other regions may be the central challenge of our moment in history.

SCOPE AND EXTENT OF TRAINING PROGRAM

Students and government officers from the less-developed places of all the world have recently come to Puerto Rico to study, observe, and participate in the development and educational programs of the island. They have come from Chile, Uruguay, Japan, India, Haiti, Dominica, Trinidad, Colombia, Mexico, Brazil, Paraguay, Indonesia, Burma, France, Egypt, Pakistan, Singapore, Israel, Formosa, Guam, the Philippines, Jamaica, St. Vincent, Santa Lucía, Honduras, Antigua, Guadalupe, Curaçao, Tortola, Barbados, Cuba, the Dominican Republic, Costa Rica, Panama, and Nicaragua. Mostly they have come from Latin America.

These visitors have been concerned with electric power, water supply, road construction, agricultural practice and research, soil erosion and water development, organization and tenure of the land, capital and labor problems of industrialization, government planning, all the aspects of education, social work,

labor unions, and co-operatives. And many observers and students have been concerned with the total program of democratic development, searching for its basic principles, key relationships, and those central factors and patterns which speed or delay the whole development of the society.

In the University of Puerto Rico alone during the year ended in June 1952, there were 82 Latin American students (and one from Spain) from 17 different nations. They were studying twelve different programs: education, social sciences, public administration, medical technology, natural sciences, agriculture, engineering (chemical, civil, and mechanical), basic education, home economics, vocational education, the co-operative movement, and the role and management of trade unions.

In 1951 a total of 138 foreign students and observers came to acquire technical assistance training in Puerto Rico, in sharp contrast with the 43 in the island in 1950. Ninety-seven arrived in Puerto Rico for this purpose in the first three months of 1952, indicating a figure for the year much greater than that for 1951. The magnitude of the training program is expanding with astonishing speed.

VALUE OF TRAINING GROUND

The value of the Puerto Rican training ground is attested by the rapid expansion of its use. James P. Davis of the United States Department of Interior wrote:

With Puerto Rico—itself in the midst of a well-planned, integrated program to overcome poverty and economic limitations—serving as their laboratory, a number of technicians from Latin American countries are learning how development problems can be tackled and worked out in practical ways.⁷

⁷ U. S. Department of the Interior, "Point 4 in Action."

Dr. Alberto Lleras Camargo, Secretary General of the Organization of American States, recently expressed a similar judgment.⁸ A Costa Rican government official studying in Puerto Rico called the island "the predestined bridge for uniting the Hispanic-American peoples," and said he found here the institutions needed in his country to encourage development.⁹

The effectiveness of the training ground for Latin Americans is clear. The Puerto Rican development process can be as easily communicated in Spanish as in English. The scale of the development is more commensurate with the countries from which the students and observers come. (One of them told me of his depression upon seeing the Tennessee Valley Authority, and of his hope upon seeing in Puerto Rico a small hydroelectric installation which he could imagine reproduced in his country.) Puerto Rican development is in the process, which the observers must learn, and not merely a product which they seek. In Puerto Rico there are innovations which may be models for other lands with similar resources and aspirations. The Community Education program is teaching adults. The Land Authority suggests ways of organizing the tenure and management of the land without sacrificing efficient production or the poor countryman's desire for control of his own land. The Planning Board and the Economic Development Administration show what public authority can do to set goals and standards, to integrate and encourage and facilitate economic development.

Puerto Rico also extends its training influence into Latin America. Its delegation recently led a conference on home economics in Trinidad.⁹ The Technical Cooperation Administration

orients here technicians being sent to posts in Latin America.¹⁰ A large number of Puerto Ricans serve in Latin America; for example, Dr. Julio Morales, chief of the Department of Economics and Rural Welfare, Inter-American Institute, Turrialba, Costa Rica, who is being assisted by seven Puerto Rico associates.¹¹

A RESEARCH LABORATORY

Puerto Rico is a research laboratory as well as a training ground, and is one of the most fruitful places in the world to study development, swift social change, and the culture fusion of a border society. This is recognized by public authority, which supports research as fully as its resources permit, and which understands the necessity for accurate knowledge as the condition of successful policy and program. It is recognized by the eminent scholars who have devoted part of their time to the direction of research projects in the University of Puerto Rico within the last four years: Carl Friedrich, J. K. Galbraith, Paul Hatt, George Hill, Reuben Hill, Walter Isard, Wassily Leontief, Eleanor Maccoby, Daniel Marx, Jr., Harvey Perloff, Clarence Senior, Harry Shapiro, and Julian Steward. It is attested by research grants by the Carnegie Corporation, the Office of Population Research at Princeton, and the Rockefeller Foundation.

Some of the crucial questions of development and social change have been and are being investigated by government agencies and by the School of Public Administration and the Social Science Research Center, both of the College of Social Sciences in the Uni-

¹⁰ *Puerto Rico*, a Bulletin of the Office of the Government of Puerto Rico, Washington, May-June 1952.

¹¹ Dr. Ismael Rodríguez Bou, "Puertorriqueños en la América Latina," *Revista de la Asociación de Maestros de Puerto Rico*, April 1952.

⁷ *El Mundo*, July 28, 1952.

⁸ *El Mundo*, August 10, 1952.

⁹ *El Mundo*, July 14, 1952.

versity of Puerto Rico. What are the cause and the remedy for the disastrous spurt in population increase always associated with development, which reduces the incidence of death far more rapidly than the incidence of birth? What are the magnitude, the cause, and the consequence of migration? How can local and external capital be encouraged to spark the growth of industry? What are the priorities of investment between production and social and economic services—the utilities, housing, transport, health, and education which are required to service factories and to create a labor force able and willing to work in the factories? What change must the labor force undergo, and how can this be encouraged? How can well-administered trade unions be developed, and how can they find the wisdom to avoid the dilemma that excessive demands will discourage investment and diminish jobs, and timid demands will permit injustice to workers? What can co-operatives do to hasten development, and how will they influence the changing culture? What are the physical character and present use of the land? How should the land be used so that the half-acre per capita of arable land can sustain the people? How can the market system be improved to raise the real standard of living? What is the income distribution, is it just, can it be modified? How can the federal relations of governments of diverse levels and functions be organized and administered best, especially with respect to the Commonwealth of Puerto Rico, a new kind of polity associated in a new way with the American Union? What happens to the structure and function of the family in the midst of social change and economic development? What changes occur in the class system under the pressure of new modes of earning a living and the new values associated with them?

And for all these research problems, there is the necessity of adequate statistical measurement to show the magnitude and relation of the variables concerned and to mark the direction and rate of the changes occurring. There is the problem of what role government planning and operation should play. There is the problem of the schools and the university; what they can do for the changing society, what share of the public funds they should have.

ECONOMY AND STAFF

A good research laboratory needs more than adequate support and the presence of important problems; it requires economy and sufficient staff. Research in Puerto Rico is economical because of the scale of the field of investigation. The space of the island is 100 by 35 miles, and can be seen more coherently by the scholar than can the vast space of the United States. The time of the development process is compact; at most two decades, and in its decisive stage only one decade. The numbers of units to be studied are smaller—people, enterprises, dollars. The economical scale of research is indicated by the sufficiency of a sample of 6,000 for the study of the entire labor force, and a stratified sample of 13,000 for the study of the entire population. An input-output table of the economy can be made for less than \$30,000, and the consumer co-operative movement can be described and analyzed for about \$20,000. The facilities, the methods, and the costs of the external transportation system can be studied in about 8,000 man-hours.

Staff for the Puerto Rican laboratory has been available. The 719 members of the University of Puerto Rico faculty, nearly all with graduate research training, are a constant source of research workers, albeit the heavy teaching duties of a rapidly growing institu-

tion prevent their extensive use. Research workers have been obtained by more than a dozen government agencies, and the Agricultural Experiment Station is devoted exclusively to research. The Social Science Research Center maintains close bonds with several large United States universities and has invited, in the last three years alone, eleven United States scholars to work more than a year each in Puerto Rico and eight scholars to spend several weeks annually in the island and to provide consultation from their home station throughout the year.

SUMMARY

The Commonwealth of Puerto Rico is a small frontier society at the cross-

roads between North and South America and midway in the process of development. Increasingly used as a training ground for technical assistance programs, it puts to efficient use its mixed culture, language, economy, and polity. And its crossroad, mixed-culture characteristics provide in a small, economical laboratory rich opportunities for needed research. Important during four and a half centuries as the most strategic military base in the Caribbean, and then a famous example of how a country can rapidly transform its culture and make its way from colony to commonwealth, Puerto Rico is currently proving its merit as a technical assistance training ground and a superlative social science laboratory.

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Puerto Rico: A Crowded Island

By KINGSLEY DAVIS

BY almost any definition, Puerto Rico is a "crowded island." With approximately 2,285,000 inhabitants in 1952, the island has 668 persons per square mile, a density exceeding that of Japan or the United Kingdom. If continental United States were as densely settled, it would have 1,989 million, instead of 157 million, inhabitants.

But from an economic standpoint, sheer land surface is not important. Some crowded countries such as Belgium and England are prosperous, while some of the less crowded ones such as Costa Rica and New Guinea are not. Is Puerto Rico crowded, then, in relation to its resources? Yes; it has 1,473 persons per square mile of arable land, whereas the mainland has only 220. Furthermore, Puerto Rico depends on its agricultural land for the support of its people more heavily than does the mainland. As of 1940 it had 58.3 per cent of its occupied males in agriculture, as compared with 22.3 in continental United States. The crowded character of its agriculture can be seen from the fact that Puerto Rico has approximately 170 agriculturally employed males per square mile of arable land, as compared with 9.6 on the mainland. With respect to nonagricultural resources Puerto Rico is even more crowded, because the island has no fossil fuels, a relatively small amount of potential hydroelectric power, and few ores. By any index, Puerto Rico has an exceptionally high ratio of people to resources.

THE GROWTH OF NUMBERS

Puerto Rico's present crowded condition is the result of an extremely rapid

population growth. Under the Spanish regime there was a fast increase, but it had begun to taper off toward the end of the nineteenth century. After the United States took over in 1898, the rate of increase again went up, as shown in Table I. It is clear that the

TABLE I—POPULATION INCREASE

Year	Puerto Rico		United States
	Population (Thousands)	Annual Per Cent Increase	Annual Per Cent Increase
1899	953		
1910	1,118	1.45	1.95
1920	1,300	1.56	1.44
1930	1,544	1.69	1.47
1940	1,869	1.94	0.70
1950	2,211	1.69	1.36

Puerto Rican growth was so fast that the population was doubling itself every forty years. The rate of increase, in fact, was higher on the island after 1910 than it was on the mainland. Such an exceptionally rapid population growth is all the more remarkable when it is realized that Puerto Rico has generally been a country of emigration, whereas the mainland has been a country of immigration. In other words, so great has been the island's natural increase that thousands could leave each year and yet the home population could double itself every four decades. Furthermore, this rapid growth was taking place *after* a high density of settlement had already been reached.

Puerto Rico's rate of natural increase—the excess of births over deaths in relation to population—has risen steadily during the last twenty years. The average annual natural increase per 1,000

population is as follows: 1932–36, 19.1; 1937–41, 20.1; 1942–46, 26.1; 1947–51, 28.7. The rate has recently been one of the highest in the world. The average rate for the decade 1942–51 is so high that, if continued without migration, it would double the population in approximately 26 years. This would give the island nearly 9 million inhabitants by the end of the century, nearly 18 million in 75 years, and soon there would literally be standing room only.

Obviously, such a trend could not persist very long. It would be impossible for Puerto Rico's population to grow so fast for more than two or three decades. Even if the rest of the world devoted itself exclusively to the task of maintaining Puerto Ricans, it could not long support such a rapid population increase on the island, for that would become not only economically but also physically impossible.

As a matter of fact, no fixed rate of population growth could be sustained indefinitely. The only difference between a fast and a slow rate in this regard is that the former must cease more quickly. In Puerto Rico, with its already crowded condition, the recent rate of natural increase would yield a population growth impossible to sustain for more than a short time. Anyone who doubts this does not understand the formula for compound interest.

Actually, of course, Puerto Rico's population has not been growing as fast as its natural increase would imply, because its people have been leaving the island for better opportunities in a less crowded land. During the 1940–50 decade, when the natural increase was at its height, there was a net loss of something like 222,000 persons, nearly all of whom came to the mainland. This amounted to more than a third of the natural increase for the decade, and consequently the population did not grow so rapidly between

1940 and 1950 as it did during the previous decade (the decade of the 1930's), when the natural increase was less but emigration was also smaller. Emigration has been Puerto Rico's demographic escape valve. In the future, unless emigration continues on a large scale, the rate of natural increase will inevitably be reduced, either by a drop in fertility or by a rise in mortality.

The reason for Puerto Rico's excessive natural increase is plain. Since 1900 great effort has been made to reduce the death rate, and this effort, as Figure 1 demonstrates, has been remarkably successful. The crude rate of 9.9 per thousand in 1950 and 1951 was only one-third of what it was prior to 1900, and less than half the average rate for the decade 1910–20. The greatest gain in saving lives has been made recently—since 1940. In less than one decade after that date the crude death rate dropped from 18.0 per thousand—a level typical of rates in the United States in the late 1800's—to almost the level that prevails on the continent today. This achievement is the result of modern sanitation, better medical treatment, and a higher level of living.

The five leading causes of death in 1932 all experienced sharp declines. The death rate from diarrhea and enteritis, the leading cause, dropped by two-thirds in only a few years. The rate for tuberculosis and pneumonia, the second and third causes, was cut in half. The most spectacular reduction was in malaria. This disease, the fourth most important cause of death in 1932, was reduced virtually to zero by 1950. Nephritis, the fifth most important cause in 1932, was reduced by 75 per cent by 1948. As a result of the improvements, the average expectation of life at birth rose from 38.5 years in 1919–21 to 55.5 in 1946–48. Thus Puerto Rico has telescoped into a few years the health

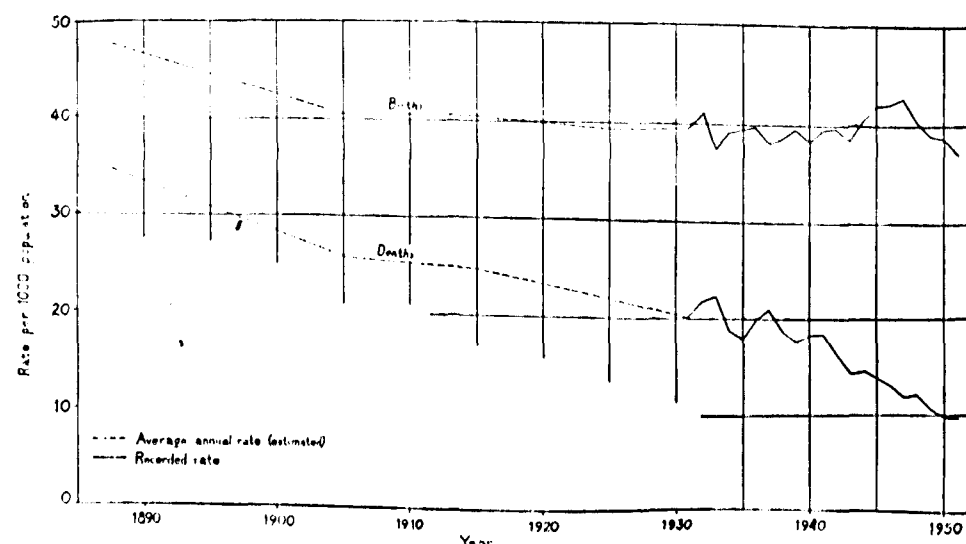


FIG. 1.—Birth and Death Rates in Puerto Rico, 1887-1951.

progress made in advanced countries over several decades.¹

Fertility, on the other hand, has until now been virtually static. As Figure 1 shows, the crude birth rate has remained almost unchanged for fifty years. A bit depressed in the 1930's, it rose somewhat with the postwar boom in marriages and has declined slightly but steadily since the high point of 42.7 per thousand in 1947. The crude rate of 37.2 in 1951 was the lowest recorded on the island since 1932, the year when birth registration became accurate. This figure, however, was still 53 per cent higher than that for the mainland in the same year. For the whole period from 1932 to 1951 the average crude birth rate on the island was 39.6, or double the average (20.0) for the United States proper.

There are signs that Puerto Rican fertility may soon start declining. The

¹ See Jose L. Janer, "Population Growth in Puerto Rico and Its Relation to Time Changes in Vital Statistics," *Human Biology*, Vol. 17 (Dec. 1945), pp. 267-89. A treatment of mortality will be contained in a book on Puerto Rico's population now in preparation by Jerry W. Combs, Jr., and the writer.

birth rate is becoming slightly sensitive to economic changes; the groups with the lowest fertility are expanding as a proportion of the total population; and there is a clear desire on the part of Puerto Rican women to reduce their fertility.² Yet there seems no likelihood that fertility will decline rapidly enough to reach very soon the low level already reached by mortality. One must therefore anticipate a high rate of natural increase on the island for at least three or four decades, resulting in continued competition between numbers and the level of living.

The rapid growth of population in Puerto Rico, although exceptional from the standpoint of past human history, is quite typical of what has been happening recently in the world. Public health has in the last few years brought

² See J. W. Combs, Jr., and Kingsley Davis, "The Pattern of Puerto Rican Fertility" and "Differential Fertility in Puerto Rico," *Population Studies*, Vol. 4 (March 1951), pp. 364-79, and Vol. 5 (Nov. 1951), pp. 104-16; Paul K. Hatt, *Backgrounds of Human Fertility in Puerto Rico* (Princeton: Princeton University Press, 1952), Chaps. 2-7. The Combs-Davis articles contain other references.

spectacular declines in mortality to such agrarian regions as Formosa, Ceylon, Cyprus, Malaya, Jamaica, El Salvador, and Mexico, without affecting the birth rate and therefore without avoiding extremely heavy increases in numbers. Not only have the declines in mortality been more rapid in many cases than they were in the industrial nations at an earlier period, but the progress of industrial and social development has not accompanied the decline to the extent that it did earlier.

The orthodox theory has been that the reduction of mortality is a product—and in many cases a late product—of the industrial revolution. But now, because of the international character of science, public health, and public aid, areas which are not noticeably industrializing are nevertheless experiencing a rapid growth in population. This circumstance will make it difficult to maintain the level of living in these areas and hence, in the long run, to maintain the gains in mortality. One fears that more people are being kept alive in order that they may live badly, and that this is necessarily a temporary condition, because the level of living cannot be reduced much without causing mortality to rise again to its former level.

EMIGRATION AS AN ESCAPE VALVE

In two respects, however, Puerto Rico is luckier than most crowded and rapidly growing areas. She has, first, an open door for migration into the world's richest country, and she has, second, a lively program of economic development. Although neither of these advantages can nullify the depressing effect of natural increase on the level of living, they at least temporarily alleviate this effect and strengthen the prospect of an ultimate decline in fertility.

As mentioned above, emigration is taking away a sizable proportion of the

natural increase. In recent years this proportion has been increasing. Whereas during the 1930's and during the late war there was little emigration, the movement assumed major proportions from 1944 on. During the eight years 1944 through 1951, approximately 240,000 left. The excess of births over deaths during the same period was 486,000. Thus for a period of eight years emigration from the island (nearly all of it going to the mainland) has taken almost half the natural increase. In the peak year of 1951, which saw some 50,000 leave the island, the emigration was equal to four-fifths of the natural increase.

This way of measuring the effect of emigration, however, is not adequate. The migrants are mostly in the young adult ages. If they had stayed on the island, they would have increased the birth rate and decreased the death rate. Their absence has therefore cut population growth more than the sheer number of migrants indicates. A conservative estimate of how much they have lessened the increase of population can be obtained by assuming that the emigrants would have had the same natural increase as the general population (actually, of course, they would have had a higher natural increase). The result is that if no emigration had occurred, the island would have added during the eight years 1944 through 1951 about 270,000 more to its population than it actually did. In other words, substantially more than a third of the island's theoretical natural increase during the period in question was conveniently lost through emigration.

Had this outward movement not occurred, Puerto Rico's plight would have been even more difficult than it was. Emigration has helped the island not only demographically but economically, because the emigrants earn more than those who stay at home, and they send

money back to the island. Furthermore, the net figures do not tell the whole story. It is well known that there is a substantial *seasonal* migration of farm labor to the mainland. In short, the island has been alleviating its demographic impasse, not at home but on the mainland.

ECONOMIC DEVELOPMENT AS A PALLIATIVE

To many observers, Puerto Rico already appeared hopelessly overpopulated in the 1930's. Yet the population continued to grow, as we have seen, and the level of living has risen. During the ten years between 1939-40 and 1949-50 the value of goods and services, in terms of constant prices, rose by 95 per cent. The net income of the island was doubled, and the gross output per man-hour probably increased by 46 per cent, or 4 per cent per year.³ As a result, the Puerto Ricans were living better in 1950 than they were in 1940, despite the fact that there were 342,000 more of them on the island.⁴

Does this mean that the island was not overpopulated in the 1930's, or that it is not overpopulated now? No. The concept of overpopulation does not imply that no rise in the level of living is possible, but rather that a lesser rise is possible with an increase of numbers. There is every reason to believe that the economic development of Puerto Rico, impressive as it has been, has been retarded and hindered by the growth of numbers, and that the level of living is much lower than it would have been had the population not grown at all. Evidence for this conclusion derives from (a) an examination of the manner in which the economic advance has occurred, (b) a comparison of per

³ Puerto Rico Planning Board, *Economic Development, 1940-50, 1951-60* (San Juan, Office of the Governor, 1951), pp. 7-16.

capita and national income, and (c) an assessment of the prospects for holding the gains.

The greatest single factor in stimulating economic improvement on the island was World War II, for it was then that nearly all the gain in output and income took place. During the postwar years there has been a definite leveling off. "Between 1939-40 and 1944-45, the value of goods and services produced on the island increased by 152 per cent. Between 1944-45 and 1949-50, a period of exactly the same length, the increase in output was less than 11 per cent." The expansion in the war years "was due almost entirely to the tremendous expansion of federal government activities in connection with defense and war." The net income from these activities increased by almost 550 per cent, whereas that from all insular sources increased by only 108 per cent.⁴ Seen in this light, the recent economic advance in Puerto Rico rests on a largely artificial and temporary basis.

It is true, however, that the insular government has vigorously promoted economic development and that it has had some success. Its developmental activity was made possible by the large budgetary surpluses built up during the war, chiefly from the rum tax. With these surpluses the government originated public enterprises which became a substantial part of the total economy, laid the basis for new private industries, and attracted mainland capital.⁵ Private business was also stimulated by the drawing down of assets accumulated by Puerto Ricans during the war in United States bonds, postal savings, and banks.

⁴ *Ibid.*, p. 18.

⁵ See W. Arthur Lewis, "Industrial Development in Puerto Rico," *Caribbean Economic Review*, Vol. 1 (Dec. 1949), pp. 153-76; K. Davis, "Population and Progress in Puerto Rico," *Foreign Affairs*, Vol. 29 (July 1951), pp. 627-31; Puerto Rico Planning Board, *op. cit.*, pp. 20-21 ff.

The result was a continuation of economic development after the war, but at a slower pace.

WARNING SIGNALS

Plainly, despite the advances made after 1940, there are several warning signals ahead.⁶

First, the postwar activity has resulted largely from the drawing down of assets (both public and private) accumulated during the war. As these are used up, Puerto Rico will have to depend more on its own economy to generate capital; but there is evidence that the assets may have been used too heavily to expand consumption and commerce rather than to build industry and capitalize agriculture.

Second, Puerto Rico's terms of trade have remained unfavorable and her trade balance negative. The rise in the level of consumption and in the total number of consumers has forced the importation of food and other consumption items at the expense of machinery and other capital goods. To make up her trade deficit, she has depended heavily on federal government transactions.

Third, Puerto Rico continues to bear a heavy burden of unemployment and underemployment. From 1946 to 1950 inclusive, the unemployed averaged more than 14 per cent of the labor force; the underemployed, 20.6 per cent.

Fourth, the productivity of Puerto Rican agriculture, trade, and manufacturing is still low, partly because of low capitalization and partly because of inexperienced management.

Fifth, despite the rise in output and the level of living, the average per capita income is still less than one-fourth that of the United States. Puerto Rico is still a poor country by modern standards.

⁶ The facts in this section are drawn from Puerto Rico Planning Board, *op. cit.*, *passim*.

DEPRESSING EFFECT OF POPULATION GROWTH

In most of these warning signs the role of excessive population growth on an already densely settled island can be seen. The most important evidence is the fact that the circumstances causing the insular net income (measured in constant prices) to double between 1939-40 and 1949-50 provided a rise of only 68.6 per cent in per capita income. "In other words, almost a third of the gain was absorbed by the increase in the number of consumers."⁷

Another evidence is found in the inability of even rapid economic advance to employ all Puerto Ricans. Although massive emigration occurred during the period in question, removing at least 115,000 workers from the island, there were still 103,000 unemployed in June 1951. There have been in recent times approximately 16,000 new entrants into the labor force each year; yet the eighty new industries added to the insular economy between 1942 and 1950 had only 13,715 employees in the latter year.

Modern economic advance means the substitution of equipment and inanimate power for human labor. The growth of population in Puerto Rico, by multiplying human labor, is making such substitution difficult. Moreover, the multiplication of human beings in relation to resources causes assets to be spent on direct consumption rather than on income-generating industry. During the decade from 1939-40 to 1949-50, the share of food products in all imports (by value) increased from 27.8 per cent to 31.4 per cent. At the beginning of that decade 46 per cent of all food locally consumed was imported, and by the end of it 54 per cent was imported.

The conclusion seems inescapable that the island is struggling against a strong current. Progress is being made, but it

⁷ *Ibid.*, p. 16.

would be much more rapid and secure if, despite emigration; an average of 30,000 to 35,000 were not being added to the population each year. Assuming that the island cannot dump *all* of its natural increase on the mainland, and that it does not wish a rise in mortality, the only way out is a lowering of the birth rate. Otherwise, one cannot help wondering whether the fortunate devel-

opments from 1940 to 1952 will prove temporary. The birth rate seems likely to fall in the next thirty years, but not fast enough to prevent rapid population growth. Only if the decline can be hastened deliberately, with continued stimulation of economic development and continued massive emigration, can the level of living keep on rising in the next few decades.

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Social Structure as Affecting Fertility in Puerto Rico

By ARNOLD S. FELDMAN and PAUL K. HATT

THIS article will not discuss the actual nature of a low fertility policy for Puerto Rico. Rather it aims at investigating the role of certain aspects of social structure as they at present affect fertility and related value areas. It assumes a low fertility policy, and asks the question: If *minimum* changes were made in socioeconomic levels, education, and urban-rural population balance, what accompanying changes might be expected which would produce or facilitate lower fertility behavior?

The important word in this question is "minimum." In other words, if we ask what would happen if major changes of this nature were to result in a heavily industrialized, highly educated population, with a well-developed middle class, we are not posing a realistic question. Internal fertility and value differentials associated with these variables have been shown to exist, but still, at best, one can only say that eventually, a high standard of living and greatly increased urbanization would probably lower the present crushing load of fertility.

However, it is clear that Puerto Rico's "bootstrap experiment" cannot hope for such major changes except as they are long-range prospects. And time, at present rates of natural increase, may make such achievements impossible. We aim, therefore, to see some of the ways in which fertility-related behavior and values are differentially distributed as between the very poor, the very uneducated, and those just above them, rather than the differences between the

extremely small middle-class group and the masses below them, and also to assess the importance of urbanization and age differentials.

We do not assume that were Puerto Rican standards of living to be lifted as a whole, fertility levels and values would necessarily change in the desired direction, though this is possible. What we suggest is that if the current efforts to raise the level of living for the most depressed classes were to succeed, it seems likely that their fertility behavior and values would come to approximate those of the classes just above them in the present social scale.

THE DESIGN

The data for this paper are from a survey done on the island in 1947 under the auspices of the Princeton Office of Population Research and the University of Puerto Rico's Social Science Research Center. The sample was composed of about 5,500 households selected on an area probability basis.

The present sample selected interviews in such a way that heads of households were included only when (1) married but not more than once, (2) married for at least nine years, (3) married between the ages of 19 and 29, and (4) reporting their age as between 27 and 49. These restrictions reduced the number eligible to 471. These in turn were sorted into groupings of those born in the country and residing in the country, who report no migrations (278 cases); those born in cities and residing in cities, reporting no migrations (104 cases); and those born in the country but residing in the city, reporting only one migration (89 cases).

¹ The authors wish to express their gratitude to the Northwestern University Graduate School for its assistance in making this research possible.

TABLE 1—MALES MARRIED ONCE, AT LEAST 9 YEARS, AGED 19-29 AT MARRIAGE

Years School Completed	Monthly Rent	Age	Rural Birth and Residence	Urban Birth and Residence	Rural Birth and Urban Residence
Less than 6	Less than \$3.00	27-38	88	17	7
		39-49	106	18	8
	\$3.00 or more	27-38	20	11	8
		39-49	32	23	16
6 or more	Less than \$3.00	27-38	11	4	8
		39-49	7	3	1
	\$3.00 or more	27-38	6	7	26
		39-49	8	6	30
Grand total, 471			278	89	104

Table 1 shows these groupings when further classified by level of education, monthly rental,² age, and rural or urban birth and residence. Males only are studied, since, as has been shown elsewhere,³ fertility behavior approaches more closely values held by men than those held by women. The restrictions on marriage and age are simply to provide an adequate and internally comparable amount of marital experience since World War I. The rural-urban classification is aimed at distinguishing various degrees of exposure to urban life. The split of education at six years of completed schooling and monthly rental at three dollars is as close to median values of the sample as was possible. The age categories are broken at the median, age 38, which provides a distinction between younger and older adults, with whatever implications this may have for change in time.

Within the above framework, this article aims to discover whether or not certain types of fertility and fertility-related value differentials exist. To this

² Paul K. Hatt, "Some Social and Psychological Aspects of Fertility in Puerto Rico," in *Approaches to Problems of High Fertility in Agrarian Societies* (New York: Milbank Memorial Fund, 1952), p. 46.

end, a measure of fertility and nine other variables already shown to be related to the problem were selected.⁴

1. *Fertility.* The index used here was the mean number of pregnancies within the first nine years of marriage in each of the categories. This has been shown to be a reliable predictor of subsequent fertility behavior.⁴

2. *Ideal number of children.* These were reported as actual numbers, except that nine or more were grouped together and also included such responses as "as many as possible" or "as God wills."

3. *Number of children in excess of ideal.* The expectations were estimated by adding the number of children presently living to the number which the respondent said he expected to have in the remainder of his marriage. These were grouped into seven class intervals ranging from (1) five or more children fewer than the expressed ideal to (7) five or more children greater than the expressed ideal.

4. *Acceptability of family limitation.* This was represented by values of 1

³ Paul K. Hatt, *Backgrounds of Human Fertility in Puerto Rico* (Princeton: Princeton University Press, 1952), *passim*.

⁴ *Ibid.*, pp. 294-95.

TABLE 2—INTERCORRELATIONS OF THE TEN VARIABLES*

Variables	1	2	3	4	5	6	7	8	9	10
1. No. pregnancies in first nine years of marriage	—									
2. Ideal number of children	.69	—								
3. No. of children in excess of ideal	.61	-.20	—							
4. Acceptability of family limitation	-.18	-.36	.09	—						
5. Acceptability of employment of women outside the home	.07	-.29	.01	-.30	—					
6. Ideal age for marriage of women	-.03	-.29	.09	-.10	.10	—				
7. Ideal age for marriage of men	-.03	-.19	.19	.03	-.05	.68	—			
8. Actual age at marriage	-.13	-.02	-.31	.22	.01	.01	.07	—		
9. Personal importance of religion	-.03	-.01	.10	-.20	.20	-.20	-.10	.21	—	
10. Amount actual age at marriage exceeds ideal age	.06	.13	-.10	-.06	.31	-.40	-.66	-.43	.05	—

* These are tetrachoric coefficients of correlation.

through 4, ranging from complete rejection, through qualified acceptance, to complete acceptance.

5. *Acceptability of employment of women outside the home.* This, again, is a four-point scale, ranging from complete rejection, through qualified acceptance, to complete acceptance.

6 and 7. *Ideal age at marriage.* These values are the actual reported ages expressed as ideal marriage ages for both men and women.

8. *Age at marriage.* These entries are simply the actual ages at marriage reported by the sample.

9. *Personal importance of religion.* This is reported as a five-point scale ranging from strong opposition to religion to the feeling that "religion is the most important thing in my life."

10. *Amount actual age at marriage exceeds ideal age.* This is reported as seven class intervals, ranging from five or more years less than the ideal to five or more years greater than the ideal.

The intercorrelations of these variables are shown in Table 2. It is possible to identify a chain of relationships by examining those coefficients which are significantly different from zero.⁵

⁵ The values in the table which reach .15 are significant at the 1 per cent level and are shown in italics.

Thus it is apparent that fertility behavior is directly related to the ideal number of children, the number of children in excess of the expressed ideal, and the acceptance of family limitation practices.

Fertility behavior is also, however, indirectly related to the acceptability of the employment of women outside the home through its correlation with ideal number of children and the acceptability of family limitation; to ideal age at marriage through correlation with ideal number of children and the number of children in excess of the ideal; to actual age at marriage through its correlation with number of children in excess of the ideal and the acceptability of family limitation; and to the personal importance of religion through its correlation with the acceptability of family limitation practices.

Still further removed from a direct relation to fertility behavior is the amount actual age at marriage exceeds the stated ideal age, since this is correlated only with four of the already indicated indirectly related variables.

If we consider, therefore, that the nine fertility-related variables were to be made the object of public policy, we should guess that they could be arranged from a tactical point of view,

TABLE 3—AVERAGE WEIGHTED MEAN DIFFERENCES AND THEIR *t*-VALUES FOR SELECTED PAIRS OF MAIN EFFECTS ON TEN VARIABLES

Variables	UU- RU	UU- RR	RU- RR	Younger- Older	Low Ed.	High Ed.	Low Rent	High Rent
					Low Rent- High Rent	Low Rent- High Rent	Low Ed.- High Ed.	Low Ed.- High Ed.
1. No. pregnancies in first nine years of marriage								
Difference.....	-.04	-.41	-.38	-.25	.01	.17	.59	.73
<i>t</i> -value.....	.25	4.00	3.16	4.16	.10	.71	4.92	4.50
2. Ideal number of children								
Difference.....	.02	-.28	-.33	-.33	.01	.17	.45	.64
<i>t</i> -value.....	.29	2.80	3.30	13.25	.10	1.42*	2.05	5.34
3. No. of children in excess of ideal								
Difference.....	-.07	-.17	-.24	-.24	.04	.26	.10	.12
<i>t</i> -value.....	1.10*	2.30	3.30	11.50	.67	2.60	.59	1.50*
4. Acceptability of family limitation								
Difference.....	-.11	.12	.09	-.19	.10	-.35	.06	.27
<i>t</i> -value.....	2.75	.50	3.43	13.17	2.32	5.83	1.03*	8.28
5. Acceptability of employment of women outside the home								
Difference.....	-.07	.09	.08	.09	.14	.03	-.15	-.23
<i>t</i> -value.....	1.09*	1.50*	2.00	3.33	3.50	.22	1.87*	3.90
6. Ideal age for marriage of women								
Difference.....	-.01	.05	.38	.01	.19	.46	.44	.07
<i>t</i> -value.....	.10	.21	2.11	.01	.79	.42	.73	.20
7. Ideal age for marriage of men								
Difference.....	.65	.52	.18	-.16	-.21	-.04	-.30	-.02
<i>t</i> -value.....	1.09*	1.00*	.46	.73	.07	.04	.64	.06
8. Actual age at marriage								
Difference.....	.22	.03	.03	-.01	-.02	-.08	-.04	-.06
<i>t</i> -value.....	1.22*	.01	.22	.50	.12	.01	.50	.15
9. Personal importance of religion								
Difference.....	.10	-.11	-.24	-.12	.11	.15	.03	.13
<i>t</i> -value.....	5.00	6.87	20.00	20.00	5.50	2.75	.78	6.50
10. Amount actual age at marriage exceeds ideal age								
Difference.....	-.14	.03	.10	-.54	.02	.17	.06	.21
<i>t</i> -value.....	.83	.16	1.02*	9.00	.12	.50	.22	.15

* Not significant at the .05 per cent level for indicating direction but reaching that level for size of difference.

much as they are ordered in Table 2. It is of further importance, in considering these variables as possible objects of public policy, to see the way in which each is related to the conditions of life considered as main effects in Table 1. This analysis will constitute the remainder of the paper.

ANALYSIS OF MAIN EFFECTS

The technique employed in the analysis of the simultaneous effects of age,

socioeconomic status, and birth-residence type is a modification of the usual factorial design, employing a *t*-test presented by Nathan Keyfitz⁶ as an application of F. Yates's analysis of multiple classifications with unequal numbers in the different classes.⁷

⁶ Nathan Keyfitz, "A Probability Sample for Family Size," unpublished paper presented to the Society for Social Research, Chicago, July 12, 1952.

⁷ *Journal of the American Statistical Association*, Vol. XXIX (1934), p. 51.

Table 3 presents the results of these tests. The symbols R and U in columns 1, 2, and 3 stand for *rural* and *urban*. The first of each pair describes the birthplace and the second the place of present residence. Thus, RU refers to persons born in the country but residing in the city. Urban is defined as places of 2,500 or over, and rural as open country only. The definitions of all other headings can be seen in Table 1.

The entries in the rows designated as "difference" are to be read as showing the amount of difference with the sign referring to the top member of each pair designated in the headings. Thus the entry in column 1, row 1, shows that a negative value of .04 of a pregnancy is, on the average, associated with urban birth and urban residence when this characteristic is compared with rural birth combined with urban residence. The *t*-values are one-tailed and in italics where they reach or exceed the .05 level of confidence which in this case lies at 1.97. This means that wherever the value is in italics, we can be reasonably certain not only that the two weighted means are different, but that one is significantly greater than the other.

The weighted differences between means are an average of the differences of the several sets of comparisons within each main effect, weighted by the relative numbers included in each comparison. Thus, within the urban-rural differences, eight sets of differences are used. For age there are twelve, and for each status difference, six.

Fertility and directly related variables

The fertility index and the number of children stated to be ideal show an identical pattern with the main effects. In these cases migrants to the city show the behavior and values of the urban

born residents, and both are significantly lower than those of the purely rural population.

The younger adults also show definitely lower fertility behavior and values than do the older people with respect to these two variables.

The analysis of the indexes of social status shows that education, rather than economic factors, is dominant in determining the low fertility pattern. Thus, even with education broken between five and six years of schooling, the greater amount results in significantly lower fertility behavior and values.

The number of children in excess of the stated ideal is the second variable directly correlated with pregnancy rates. However, its incidence pattern differs slightly from the ideal number of children as described above. While the two are identical with respect to the rural-urban factors and age, they differ with respect to the status variables. Thus urban residents, regardless of birth, show greater consonance between ideal and real fertility than do younger adults when compared with their elders. Whereas it is more education that determines lower fertility values, it appears that economic considerations are more important in connection with agreement between real and ideal fertility behavior.

The third variable directly associated with pregnancy rates is the approval of the practice of family limitation. Here a rather different pattern emerges. In this case the pure urban type is not significantly different from the pure rural type; but the migrants to the city are decidedly more accepting than either of the other groups.

Older adults are more willing than younger adults to accept the practice of contraception. It is also clear that both higher education and higher rental are associated with greater willingness to condone the practice of birth control.

Fertility and indirectly related variables

Age at marriage, whether real or ideal, for women or for men, seems not to be significantly related to any of the aspects of social structure here considered. The only exception to this is that urban migrants have a significantly higher ideal age at marriage for women than does the purely rural type.

The acceptability of women's employment outside the home is most clearly seen in the comparison between the urban migrants and the purely rural category, with the former the more accepting.

It can also be seen that approval of such employment characterizes the younger rather than the older people, and both extremes of the combined status indexes. Thus it appears that acceptance increases with low rent when education is low and with high education when rent is high, and approaches significance with education when rent is low.

The personal importance of religion is greater for the purely rural category than for the purely urban type. For both, however, it is definitely higher than for the urban migrants.

Older adults are more seriously concerned with religion than are the younger, as, in general, are those of lower than those of higher status, with respect to both rent and education.

The congruence between desired and actual age at marriage shows little relation to any of the main effects except that it is greater for the younger than for the older adults.

SUMMARY

It has been shown that none of the four variables dealing with age at marriage are significantly related to any of the aspects of social structure with which this paper is concerned, with only

the two exceptions noted above. Since these were generally found to show significant relationships when the whole population was considered in an earlier report,⁸ some observations on this should be made.

In the first place, the selection of cases in this study excluded persons who had married before age 19 or after 29, persons who had married more than once, persons reporting an age of 50 or over, and multiple migrants. It is quite possible that the loss of each of these increased the homogeneity of sample with respect to age at marriage, both real and ideal. In the second place, it was shown in the earlier report that age at marriage was generally more significant for women than for men. Since women are not included here, one would expect the relationships to be less marked.

This leaves six variables showing some sort of significant patterning with respect to the relevant aspects of social structure. When these variables and their related structural factors are simultaneously considered, four general propositions relating to policy can be formulated.

1. Urban residence, regardless of origins, is significantly related to low fertility itself and to its two most closely associated variables. More interesting, however, is the finding that rural-to-urban migrants show significantly lower fertility values than either pure type with respect to the acceptability of either birth control or the employment of women, and the personal importance of religion. To the extent that this represents the selection of the most secularized among rural residents for urban migration, it will have little net effect on fertility. To the degree, however, that it reflects the consequences of city life, it should have a depressing effect on pregnancy rates.

⁸ P. K. Hatt, *op. cit.*, *passim*.

2. Since, with only one exception (acceptability of birth control), the younger adults who are presently, and will in the near future be, contributing most of the island's births show both lower fertility and lower values, one would expect a decline in fertility, other things being equal. The one exception indicates the likelihood that education concerning the merits of a birth control program would be useful among the younger adults. It may be that its acceptance requires a longer period of exposure to learning than is desirable or necessary, since the older adults are the more accepting at the present time.

3. It is clear that the differences between the educational levels are real and substantial. Regardless of rental level, low education appears to be most

powerful in maintaining high fertility levels and values. One would conclude from this that raising the average level of education some three or four years would have the net effect of substantially reducing fertility within a generation.

4. Raising the economic level, as reflected by rental value, would apparently also aid in reducing fertility values. Its net effect, however, has to be seen as more long-range and indirect than that of education.

In general, then, this study should add weight to the argument that minimal changes in the rural-urban balance, the level of education, and the standard of living should have a measurable net effect in depressing the present high fertility level in Puerto Rico.

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Migration and Puerto Rico's Population Problem

By CLARENCE SENIOR

MIGRATION is contributing greatly to the reduction of population pressures in Puerto Rico. It is the only means, short of widespread death, of directly reducing the present population. That such reduction is needed to give the industrial, agricultural, educational, and other reconstruction programs a chance to work seems clear. The limits of the contribution migration might make to the long-range solution of overpopulation are not so obvious. Out-migration as the cure for overpopulated areas has been long debated. Puerto Rico's experience offers some clues as to the factors which must be considered.

THE DIRECTION OF OUT-MIGRATION

All but a handful of Puerto Ricans who move their homes from the island go to the continental United States.¹ There is little reason to assume that any significant numbers of them will go to the so-called countries of immigration in Latin America. Nationalistic restrictions on foreigners in the labor force, visa and customs difficulties, transportation costs, and other obstacles limit the possibilities, although there are Puerto Rican groups in the Dominican Republic, Cuba, Venezuela, Mexico, Brazil, and several other Latin American countries.² Probably a factor at least as im-

portant as American citizenship is the widespread acceptance of the ideas and aspirations flowing from the continental United States since the third quarter of the nineteenth century. Even before this country took over from Spain, there were Puerto Rican communities on the continent.

These factors have meant that the main migratory current has been directed toward the continental United States. There are only two significant exceptions aside from the Latin American countries already mentioned. Hawaiian sugar growers recruited cane-field workers on the island in the 1890's and thus laid the basis for a "colony" in those Pacific islands which numbers about 10,000 today. A minor current has flowed to the United States Virgin Islands in recent years, primarily to replace a dwindling labor force on the sugar-growing island of St. Croix. Interestingly enough, the Puerto Ricans are in demand largely because of the long-continued out-migration of those inhabitants of St. Croix who are in the productive age categories.³

By 1930 the census reported Puerto Rican-born persons in all forty-eight states. The largest numbers found by the 1940 census were in New York 63,281; California 1,892; New Jersey 780; Pennsylvania 607; Maryland 294; District of Columbia 289; Florida 272; Illinois 259; Texas 254; and Michigan 208. They were predominantly (96.3 per cent) city dwellers, and the over-

Senior, *Puerto Rican Emigration*, Río Piedras: Social Science Research Center, 1947, 166 pp.

³ Clarence Senior, *The Puerto Rican Migrant in St. Croix*, Río Piedras: Social Science Research Center, 1947, 42 pp.

whelming majority were living in New York City. Only six other cities contained more than 200 each: San Francisco, Philadelphia, Washington, Chicago, Baltimore, and Los Angeles, in that order.

RECENT MIGRATION

Only since World War II has net out-migration helped significantly to reduce population pressures. About 4,000 persons per year were lost through migration between 1908, when dependable figures first became available, and 1945. The annual net outflow since has been as follows: 1945, 13,573; 1946, 39,911; 1947, 24,551; 1948, 32,775; 1949, 25,698; 1950, 34,703; 1951, 52,900.

A combination of factors produced the sharp upturn:

1. The disposition to migrate was founded on the heavy unemployment on the island, with all it implies in terms of low wages, lack of opportunities for advancement, and so forth. This provided the "push" which is found in all migrations.

2. The "pull" was provided largely by plentiful job opportunities on the continent at a time when unskilled and semi-skilled labor was in demand. The favorable labor market attracted those whose aspiration levels had been raised by schools, radio, newspapers and magazines, and the example of relatives, friends, and neighbors who had previously migrated and had advanced themselves economically.

3. The cost to the migrant influences the strength of the "pull." Boats, which took 4½ to 5 days and which cost around \$150, were largely replaced after the war by planes which made the trip in 8 to 10 hours. This resulted in the "first airborne migration in history." Much of the ensuing publicity has, in fact, arisen from the dramatic features of the movement rather than the num-

bers involved, which have never been large. Competition between the non-scheduled companies forced reduction of the fare to as little as \$35, but safety standards were also driven down. Several wrecks costing many lives led the insular government to add its own inspection requirements to those of the federal government. Now two regularly scheduled companies furnish passage for \$64 on 6½- to 8-hour flights.

Two streams of migration flow from the island; they differ significantly in origin, destination, and length of stay. One flows up in the spring and back in the fall; the other is "permanent." The first consists of farm workers; the second of city people.

THE FARM WORKERS

The Puerto Rican sugar cane season lasts from late fall to late spring, and thus workers are available when needed here. Most of them come under a work agreement formulated and enforced by Puerto Rico's labor authorities, and return at the end of the continental farm season. They are placed in areas of agricultural labor shortages in co-operation with the federal Farm Placement Service. Through the work agreement, the Puerto Rican Department of Labor strives to protect the workers from the abuses still so widely characteristic of labor relations in agriculture, which lags at least a century behind industry in this field.⁴

The work agreement provides that the local prevailing rate of wages shall be paid, and that the worker shall be guaranteed 160 hours of work or wages per month and acceptable housing, rent free. It requires the employer to bring the migrant under workmen's compen-

⁴ See *Migratory Labor in American Agriculture*, Report of the President's Commission on Migratory Labor, Washington: Government Printing Office, 1951, 188 pp.

¹ The only direct information on the outflow to other areas indicates that only 1.7 per cent of those leaving went to other countries. "Encuesta Sobre las Personas que Salieron de Puerto Rico en Noviembre de 1946" (San Juan: Negociado del Presupuesto, 1947), p. 11.

² The question is examined in Kingsley Davis, "Future Migration into Latin America," in *Postwar Problems of Migration*, New York: Milbank Memorial Fund, 1947; and Clarence

sation, since most states do not require such insurance for farm labor. It also requires the posting of a performance bond and the opening of the employer's books to the agents of the insular Department of Labor. The Migration Division of the Department, with offices in New York and Chicago, has a staff to investigate complaints, secure enforcement, and help both employer and worker to solve their problems. The chairman of the Senate Subcommittee on Agricultural Labor has praised the program as unique in the field and as tending to improve labor standards.⁵

The numbers involved in the farm-workers stream are increasing. Those protected by the work agreement numbered 3,000 in 1947 and had risen to 12,500 in 1952. Several thousand others established satisfactory relations with their employers during their first season or two, and now come each summer on their own. One obstacle to the program is the private labor contractor who wants to help some employers to secure workers without paying prevailing wages or assuming the responsibilities required by the agreement. Last season eight such agents were jailed for illegal recruiting on the island.

Continued high levels of employment on the continent will result in a chronic farm labor shortage for which the Puerto Rican supplies a highly satisfactory answer. Most of the season migrants work on sugar cane during the winter. Swinging a machete is heavy, grueling work in the tropical sun. Most of the "stoop labor" tasks on farms in the continental

United States are less exacting. The Puerto Rican worker is widely accepted as making an outstanding contribution throughout the Middle Atlantic and New England states, where he is best known.

THE URBAN MIGRATION

The other stream flows from the cities of the island to the cities of the mainland. It is the migration for settlement in a new environment; it accounted for a net outflow from the island of 249,918 persons in the decade 1942-51. These migrants enter urban service, trade, and industrial occupations. They settle in the industrial centers. About 80 per cent now live in New York City. The 1950 census showed 246,300 first- and second-generation Puerto Ricans there. The Welfare and Health Council of New York City estimated that on April 1, 1952 the figure was 321,000. Contrary to the general impression, the Puerto Ricans are not all concentrated in one or two areas, but are found in 351 of the 352 health areas into which the city is divided.⁶

Outside of New York the migrants are found in relatively small clusters in Bridgeport, Newark, Passaic, Trenton, Camden, Philadelphia, Pittsburgh, Buffalo, Youngstown, Cleveland, Lorain, Gary, Chicago, Aurora, Joliet, Savanna, and Milwaukee, and "points west" as far as Utah, Arizona, and California. The tendency is toward dispersion, and the government's policy is to encourage and facilitate such movement.

CHARACTERISTICS OF THE SETTLERS

What kind of person migrates? How does he compare with the rest of the population? A good deal of light can

⁶ *Population of Puerto Rican Birth or Parentage, New York City: 1950*, New York: Welfare and Health Council, 1952, 57 pp.

be shed on these questions. The answers will help us to evaluate migration as a long-range means of alleviating population pressure. The migrant is much more likely than the "average" Puerto Rican to come from an urban area; he is above his compatriots in literacy, in skill, and in occupational standing. He is slightly older than the average and is more likely to be in the labor force. He was, while on the island, employed more regularly than his peers, and he received a slightly higher than average income.⁷

The whole life pattern of the migrant displays urban characteristics as opposed to those of the Puerto Rican peasant. Ninety-one per cent of all persons in the sample had lived in the island's urban centers before coming to New York, compared with the 28 per cent of the total population classified as urban in the 1940 census. The two largest cities, San Juan and Ponce, accounted for the majority of the migrants. Overwhelmingly (79 per cent), they had been born in the urban centers and were not recent migrants from farm or village.

Occupational history reflected the urban origin: only 5 per cent had ever engaged in farming, although 39 per cent of Puerto Rico's workers were so occupied in 1940. Even more important is the contrast between the migrants and the 1940 labor force on the basis of skill: skilled workers, migrants 18

⁷ This picture is drawn from the results of two studies which agree closely on major features. One interviewed a sample of all persons migrating in November 1946 ("Encuesta," etc., *op. cit.*); the other analyzed the characteristics of 5,000 persons in 1,113 households in the two core areas of Puerto Rican settlement in New York City in 1948. (C. W. Mills, Clarence Senior, and Rose Goldsen, *The Puerto Rican Journey: New York's Newest Migrants*, New York: Harper & Brothers, 1950, 238 pp.) This study was more detailed than the one made in 1946, so data from it will be cited below.

per cent, island 5 per cent; semiskilled workers, migrants 41 per cent, island 20 per cent; unskilled workers, migrants 21 per cent, island 50 per cent. Thus it can be seen that skilled workers are represented among the migrants over three times as frequently as in the general population, the semiskilled twice, but the unskilled less than half.

Fifty-four per cent of the migrants were in the labor force, compared with 52 per cent of the urban adult population and 35 per cent of the total population. Only 4 per cent of those in the labor force were unemployed when they left the island, in sharp contrast to the 10 to 20 per cent annual average in recent years. Most of the migrants had quit jobs to make the change, and 71 per cent of those had worked steadily for the full year prior to their departure. The income of those who came just before the war averaged about 25 per cent above that of the island's industrial workers, but the gap narrowed during the war.

The schooling of the migrant is superior to that of the average islander; only 8 per cent of the migrants were illiterate, contrasted with 32 per cent on the island. The migrant is thus seen to be the end product of a selective process which has chosen those who, on the average, are superior to the average Puerto Rican in significant respects.

CONTRIBUTIONS OF MIGRATION

Migration from Puerto Rico makes both direct and indirect contributions to the economy of the island. Directly, the economy benefits from the draining off of part of the numbers added each year to a population which cannot now be supported adequately. This may be demonstrated by the following table showing year by year the percentage which net out-migration represents of the total annual natural increase during the past decade:

Year	Per Cent	Year	Per Cent
1942	3	1947	41
1943	6	1948	59
1944	21	1949	42
1945	26	1950	56
1946	74	1951	85

Thus, 1951 without migration would have showed an increase of 62,151. The outflow of 52,900 persons lowered the population increase to 9,251.

The direct loss for the decade 1942-51 was 249,918. The actual loss was greater, of course, since those persons would have contributed to the natural increase. Probably the predominantly urban origin of the migrants would have counterbalanced the concentration in the ages of greatest fertility, since the urban dweller in Puerto Rico has achieved lower birth rates. Thus, the rate of increase would presumably have been about the same as that of the general population. Therefore, if the migrants had remained at home, there would have been about 320,000 more persons on the island at the end of 1951 than there actually were; that is, the population would have been 14 per cent larger.

Planning Board calculations for the 1940-50 decade give a dramatic account of the meaning of migration for the labor force and unemployment:

From April 1940 to April 1950, the labor force increased by 160,000. Sufficient work opportunities were created in the island to absorb that increase and an additional 11,000 of the balance of unemployed at the beginning of the decade. Without emigration during the decade, everything else being equal, the present labor force would have been 886,000 instead of 786,000 and unemployment would have amounted to 201,000 as compared to an actual unemployment figure of 101,000 in June 1950. . . . The economic implications of such a contrast are obvious.⁹

⁹ *Economic Development, 1940-1960* (San Juan: Puerto Rico Planning Board, 1951), pp. 43-44.

There is an even more direct, financial, contribution now being made by the migrants. The seasonal farm workers under contract in 1951 earned about \$6,300,000. This amount was earned during a period when the vast majority would have had no income whatsoever. Not only did they support themselves; they sent home to their families between 2 and 2½ million dollars.⁹

Money orders from both rural and urban migrants have helped to reverse the balance of payments in the section of remittances. The 1949-50 money order payments were \$12,635,832; the following year they had risen to \$16,983,235.¹⁰

These direct results which are economic in character are paralleled by others of long-run importance. Returning migrants bring not only whatever money they may have saved, but also ideas, attitudes, and techniques of value to a developing economy.

QUESTIONS FOR THE FUTURE

The contributions are real and readily apparent. However, it would be the part of wisdom to keep certain questions in mind, even though data for the answers may not now be available.

First, what effect on the composition of the remaining population will a constant drain of the young, vigorous, better-trained, and more ambitious have?¹¹ It should be remembered that the major reason for the Puerto Rican migration to St. Croix is the lopsided age-sex

⁹ Figures based on a sample of payrolls taken by the Migration Division plus employer and post-office estimates of the amounts sent back to the island on paydays.

¹⁰ Data secured from postal authorities by the Balance of Payments Section, Economic Development Administration.

¹¹ The Netherlands is now raising the same question. See G. Beijer and J. J. Ondegeest, *Some Aspects of Migration Problems in the Netherlands* (The Hague: Martinus Nijhoff, 1952), pp. 22-28.

pyramid in St. Croix caused by continued out-migration over many years.

Second, the experience of the rest of the civilized world is that migration, industrialization, agricultural diversification, and education can raise levels of living only if, step by step with these developments, there is an increase in the foresight with which a family plans for the health and welfare of its children. This personal assumption of responsibility for living within one's means helps to reduce population pressures at the source, in the circumstances in which Puerto Rico finds itself. The migrants, however, come predominantly from those sectors of the population which have already to a considerable extent learned that consideration for the future of one's children is the mark of a humane and intelligent person. Thus their educational influence is removed just when it is needed as a supplement to the developmental program.

Finally, the possibility of a depression on the continent should never be ignored. Such an event would undoubtedly cause a reverse flow of migration to the island, as it has done in each of the major slumps since data became available.

Migration, it should be apparent, can and does contribute greatly to a solution of population pressure. It cannot be expected unaided to provide the solution; as in any other complex human problem, there is no simple solution.

GOVERNMENT POLICY

Labor shortages on the continent after World War II, coupled with expanded and cheaper transportation facilities from Puerto Rico, made the island a happy hunting ground for private, fee-charging, recruiting agencies. These agencies accepted fees from Puerto Ricans with little or no regard for the interests of the workers or the

continental communities in which they were placed. Many abuses resulted. Men and women were recruited for areas where they were not needed. Not only was there no work for them when they reached these areas, but the absence of such work and lack of funds created community problems of caring for stranded people. The picture was further complicated when the fee-charging agencies tied in with travel agencies whose interest was solely in selling tickets.

These abuses and the exorbitant charges of the recruiting agencies resulted in a 1947 law regulating labor contractors and abolishing fee-charging agencies in Puerto Rico. All contracts for workers recruited on the island must be approved by the insular Secretary of Labor. One basic policy decision was that no Puerto Rican worker could be recruited for the continent unless a labor shortage was certified by the responsible local, state, and federal labor officials.

These considerations, along with those steps already described which were taken for the protection of agricultural workers, apply to those recruited on the island. However, the majority of the migrants come on their own in search of "greener pastures." The official policy is that generally the government neither encourages nor discourages such migration. It early recognized, however, that the voluntary migration of substantial groups often gives rise to personal problems for the migrant and friction in his new community. It therefore maintains a Migration Division in the Department of Labor.

The Division co-operates with the 1,800 state and local offices affiliated with the United States Employment Service, to help Puerto Ricans move to labor shortage areas. It helps to interpret the economic and cultural back-

ground of the migrant to the local community and endeavors to speed the adjustment process by explaining to the migrant the new attitudes and habits required in his new situation. It maintains a staff of placement specialists, social workers, labor inspectors, community organizers, educators, and bilingual speakers to serve employers and workers and civic, labor, and social welfare organizations. It issues literature in both English and Spanish, produces and distributes educational films, organizes radio programs and conferences, and strives to build and maintain an atmosphere of good will and understanding between the migrant and the community.

Forecasts of widespread and serious continental labor shortages at the outbreak of the Korean war led the government to call the attention of employers and manpower officials to the presence of a substantial reservoir of unemployed and underemployed on the island. An Employment Development Section was created in the Economic Development Administration to canvass prospective employers outside of New York City, and a fund of \$100,000 to

underwrite transportation expenses advanced by the employer was voted. The failure of widespread shortages to develop hampered the program, and it was ended.

THE MIGRANT IN HIS NEW HOME

The situation the migrant faces either in New York City or outside is not essentially different from that faced by most of the 40,000,000 immigrants who have helped to build the United States. It is complicated at present by war-born shortages of housing, schools, and recreation and other community facilities. It is made somewhat easier by a more widespread realization today of the realities of culture contact and conflict and by the existence of a number of organizations seeking better understanding between ethnic groups.¹² The co-operation of such groups has been of inestimable value in helping to smooth the adjustment process and in aiding the migrants to enjoy the rights and responsibilities of full citizenship.

¹² Examples of such civic action are cited in Clarence Senior, *Strangers and Neighbors: The Story of Our Puerto Rican Citizens*, New York: Anti-Defamation League, 1952, 54 pp.

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The Prospects of Birth Control in Puerto Rico

By J. MAYONE STYCOS and REUBEN HILL

WITH a quarter of its population illiterate, with an annual per capita income around \$400, and with about 85 per cent of its people Roman Catholic, the prospects for birth control in Puerto Rico would seem negligible. Such statistics, however, not only conceal the great material progress which the island has undergone within the past decade, but, perhaps more importantly, conceal striking attitudinal changes. Such changes have not only corroded many traditional impediments to the small-family mentality, but have largely replaced them by positive desires to practice family limitation.

Three major factors may be cited to explain the new outlook of Puerto Ricans: (1) Widespread government birth control stations and indirect propaganda have largely dispelled ignorance of the possibility of contraception. (2) Catholicism is or has become nominal and does not affect the majority of the population as regards birth control. (3) Rapidly changing social patterns in Puerto Rico have directly encouraged the adoption of small-family ideals.

These favorable factors are to some degree offset by the persistence of certain cultural patterns which are less susceptible to change. Such patterns frequently result in psychological blocks against the utilization of particular means of contraception. A differential rate of change among the various social institutions in a society is not peculiar to Puerto Rico, but here the situation appears to have reached the point at which a slight tipping of the scales would precipitate the population into a fertility decline. This paper addresses itself to a brief analysis of the positive

and negative cultural aspects of birth control in an effort to assess what can be done to ease the way for widespread adoption of birth control methods.

FORCES FAVORABLE TO BIRTH CONTROL

In many underdeveloped countries of the world, the lower classes are in ignorance of modern methods of birth control. While this situation is still characteristic of some of the rural lower class in Puerto Rico, it is by no means typical of the island as a whole. Both birth control stations and indirect propaganda have done much to eradicate sheer ignorance of the means to control births.

Attempts at birth control clinics were stifled as early as 1925, but in 1935 an active insular-wide program was initiated by a federal agency, the Puerto Rican Emergency Relief Administration. Mobile units with a physician and a social worker visited all the towns on the island several times per month, and considerable publicity in the way of leaflets and public meetings attracted lower-class Puerto Ricans into the clinics. However, pressure from Republicans fearing the power of the agency and from the Catholic hierarchy on the continent rapidly brought this program to a close.

Private funds continued the work until a court decision in 1939 legalized the distribution of birth control materials by physicians for medical reasons. Then 160 prematernal clinics were established, authorized to give free contraceptive materials to all individuals who desired them and who met broadly interpreted medical criteria. Although the private facilities were in some ways

expanded, the publicity given to the clinics was discontinued.

Equally or more important as a source of information for the lower class has been the propaganda against birth control issued by the Catholic Church and groups opposed to the present government. The barrage of pulpit and newspaper statements by the hierarchy and fervid laymen has undoubtedly informed many individuals of the possibility of means to limit their families. One physician, for example, reported that his clinic was swamped with inquiries the day following a pastoral letter read in the churches of the island. Moreover, the tabloid catering to lower-class readers has produced the largest headlines condemning the government's program. Copies of this newspaper are often passed from family to family, and have undoubtedly been a major source of information for lower-class families.

In the past two years, scores of articles attacking birth control, sterilization, and the overpopulation thesis have appeared in the insular newspapers, and several religious organizations have devoted all or a large share of their endeavors to anti-birth-control activity.¹ Certain political groups have joined with the church in attacking the government for its alleged program of sterilization. The leader of the *Independentistas*, for example, has accused the government of class genocide (the attempt to solve the problem of poverty by eliminating the poor)² and of using the poor as guinea

¹ The most virulent group is the *Unión pro Defensa de la Moral Natural*, which, among other things, has campaigned for the prohibition of divorce, artificial insemination, birth control teaching and propaganda, diffusion and sale of birth control literature and contraceptive materials, sterilization, and premarital medical examinations. Letter to the Committee on the Bill of Rights for the Constitution, *El Imparcial*, Oct. 5, 1951.

² *El Imparcial*, Aug. 25, 1951.

pigs in "clandestine experiments" (on birth control).³

Ineffectiveness of Catholicism

If pulpit and press have helped to alert Puerto Ricans to birth control, how have they affected attitudes toward it?

In using the birth control program as an issue with which to cudgel the Popular Democratic party, the opposition politicians are working on an erroneous premise—that the Catholicism of the Puerto Rican will be offended by a birth control program. Precisely the contrary is true.

It is readily apparent to any observer who attends Catholic services in Puerto Rico that religion "*es cosa de mujer*" (is a thing for women). It is customary for Puerto Rican males to remark that they are "not fanatic" about religion, or that they are "religious in their own way." But even women are hardly exemplary in performance of the mandates of the church. According to a study of 13,000 cases, close to three-quarters of the women attend church services less than once a month.⁴

For the lower classes, at least, Catholicism has become a series of rituals to be combined with social festivities, and a cult of saints to bring good fortune. As the Bishop of Ponce recently complained:

It is a situation that concerns us deeply, when we see in our pastoral visits how many people . . . do not even keep in touch with the most elementary principles of our sacrosanct religion. It is an indisputable necessity to defeat that ignorance if we do not want to continue losing more ground.⁵

³ *El Mundo*, Oct. 24, 1951.

⁴ Paul Hatt, *Backgrounds of Human Fertility in Puerto Rico* (Princeton: Princeton University Press, 1952), Table 23.

⁵ *La Milagrosa*, Jan. 10, 1951.

The preceding paragraph would suggest that large segments of the population either are not aware of the Catholic position on birth control or are aware and disagree. Results from several studies support these hypotheses. Hatt found less than 13 per cent of the population denying a couple the right to limit the size of its family.⁶ Cofresí found that among several thousand objectors to birth control, religious objections accounted for less than 5 per cent.⁷ In a study of 144 men and women of the lower class, a lengthy interview on birth control elicited mention of religion in less than one of every ten cases.⁸

The lack of objections stems partly from ignorance of the church position, but mainly from opposition to it. Thirty Catholic respondents were asked directly about the Catholic stand. Eighteen of the thirty were aware that the church was opposed to birth control, but fifteen disagreed with the church. The twelve cases who did not know the church position were asked what they would do if the church opposed the use of birth control. All twelve said it would not make any difference.

Despite the presence of 160 health units which have been dispensing free contraceptives for over a decade, highly vocal resistance from the Catholic Church has occurred only recently. Whether this effort has been due to recent dramatic increases in steriliza-

tion, to the church's interest in an issue to unite backsliding Catholics, or to political motives, cannot be ascertained.

Changing family ideals

In most agricultural societies, a high premium is put on having a large family. Not only does the large family yield economic benefits, but kudos is usually paid to the fecund man and woman. For the most part, however, neither the economic nor the social advantages of the large family exist in present-day Puerto Rico. Landlessness, child labor and child support laws, an early age of marriage, separate residence at marriage, and weakening family ties have considerably decreased the economic advantage of a large number of sons. There seems also to be a growing awareness that most sons either cannot or do not support their parents in present-day Puerto Rico. Moreover, the landless agricultural worker sees education as the only means of upward mobility for his children, and is equally aware that a large family will preclude this.

Perhaps for these reasons and the fusion of American cultural patterns, the high social value once placed on the large family is disappearing. One type of evidence is the relative absence today of female fears of sterility. Of 72 women questioned as to how they would feel if called barren, most were indifferent, and 10 per cent said they would be only too glad to be so called. Again, far from wanting "all the children God sends" (the statement which is usually attributed to all the Puerto Rican lower class), the average ideal family size as expressed by the lower class is three.

Another evidence of the desire for smaller families is the unusual number of sterilizations performed in Puerto Rico. In 1949, for example, 19.3 per cent of all hospital deliveries on the island were followed by sterilization. In

⁶ Hatt, *op. cit.*, Table 60.

⁷ Emilio Cofresí, *Realidad Poblacional de P. R.* (San Juan: Imprenta Venezuela, 1951), Table 36.

⁸ This study, directed by the authors, is the source of most of the generalizations used in this paper. For more detailed project descriptions see J. Mayone Stycos, "Family and Fertility in Puerto Rico," *American Sociological Review*, Oct. 1952; and "The Dynamics of Birth Control in Puerto Rico," *Revista Mexicana de Sociología*, forthcoming.

some hospitals the rate was as high as 70 per cent. In many places on the island, hospital bed space for sterilization is a plum held by the local *políticos*, and both they and local physicians complain that the demand far exceeds the available facilities.

For several reasons, sterilization has not yet greatly affected the birth rate. First, although the percentage figure quoted above appears high, the majority of Puerto Rico's deliveries occur in the home rather than in hospitals. Second, sterilization is a relatively recent development, dating back only a few years as far as large numbers are concerned. Third, most sterilizations occur relatively late in the childbearing period.

THE EXTENT OF BIRTH CONTROL

The incidence of birth control practice in Puerto Rico is not known precisely. The prematernal clinics distribute, among other contraceptives, several thousand diaphragms and over a half-million condoms per year. The authors' study suggests that a considerable amount of birth control is occurring. Despite the paucity of cases (72 families), these were chosen at random from lower-class members of seven rural and urban areas in the northeastern section of the island, and provide a possible indication of the general trend. Of this group of 72 families, 54 have practiced some method of birth control during at least some period in their marital histories.⁹

Unfortunately, this high incidence of birth control does not have striking effects on fertility. Despite the fact that the median age of the 54 women who

⁹ Two other studies have found that over a third of the women have at some time used birth control methods. Cofresí, *op. cit.*, Table 32; Gilbert Beebe and José Belaval, "Fertility and Contraception in Puerto Rico," *Puerto Rican Journal of Public Health and Tropical Medicine*, Vol. 17 (Sept. 1942), Table 4.

have practiced birth control is only 29, the median number of pregnancies for this group is 4. This indicates that birth control, while practiced, is not practiced very effectively. Beebe and Belaval found similar ineffectual use of birth control in their study of clinic patients.¹⁰

Two questions now require explanation: (1) Why is there a sizable proportion of the population who never attempt birth control? (2) Why among those who use it does it seem to be relatively ineffectual?

FORCES UNFAVORABLE TO BIRTH CONTROL

One of the strongest impediments to birth control is the complex of superstitious beliefs harbored principally by women but to some extent by men. Fears of developing cancer, and fears of failing health in general, prevent many women from trying contraceptives. Apart from the phobic mechanisms frequently constructed by the uneducated as defenses against a technical world, such beliefs have been encouraged and instigated by misinformed or biased medical advisers and by special interest groups.¹¹

But there are resistances more deeply imbedded in the culture and personality of the lower-class Puerto Rican, resistances which are the product of institutional structures peculiar to this or at least to Latin American culture.¹² For

¹⁰ *Ibid.*, p. 50.

¹¹ For example: "La Pia Union de Esposas y Madres Cristianas of San Germán . . . is currently active in carrying out orientation programs among the country women of that region, trying to prevent these women from being deceived and trying to convince them of the immorality of sterilization and Neomalthusian methods, which, in addition to being a most grievous sin, usually are causes of many diseases." *El Mundo*, Sept. 11, 1951.

¹² For more detailed discussion see J. Mayone Styco, "La Psicología Social del Control Poblacional," *Memorias de la Sép-*

example, men and women enter marriage with entirely different sets of attitudes and experiences toward sex. During childhood and adolescence the male is given a great deal of freedom in sexual matters, whereas the female is rigidly cloistered in the home and forbidden sexual expression. Consequently, in adulthood many women desiring birth control information are too modest to ask for it at public health centers, not only because there is a taboo on sex discussion for the female, but because they fear a vaginal examination by a man.

Many lower-class females transfer the fear and respect with which they regarded their fathers to their husbands, regarding the latter not as an equal but as a superior. Both modesty and status, then, put communication barriers between the couple, so that the wife is both afraid and ashamed to discuss matters of sex and birth control, even when she knows about these. Over half of the women in our sample do not discuss such matters with their husbands. As one woman put it, "I heard of the condom from a married friend, but did not dare discuss it with my husband. I don't discuss such matters with him; I am ashamed."

Husbands are equally uncommunicative. One reason is the corollary of the wives' attitudes; that is, the husbands tend to "respect" their wives, drawing a sharp distinction between prostitutes, easy women, and their wives. The former are women to be enjoyed because they are evil. The wife, on the other hand, is like one's mother—holy, pure, and saintly. This desexualization of the love object frequently helps to block communication on sexual matters.

Suspicion and hostility also impede communication, but frequently lead more directly to discouraging birth control. *última Convención de Trabajo Social de Puerto Rico*, to be published.

Husbands seem concerned about the fidelity of their wives and the chastity of the daughters to an almost phobic extent. The wives, well indoctrinated with the husbands' anxieties, tread extremely lightly so as never to incur the suspicion of their husbands. To put birth control in the hands of the women (who are by nature weak, according to the men) makes them "liable to use it for illicit purposes."

Defensiveness of the male

In the patriarchal type family which characterizes most of lower-class Puerto Rico, the wife's opinions on birth control count far less than those of the husband, since the latter's word is law. This makes examination of the husbands' attitudes on birth control strategic, for not only do they control the time and the frequency of intercourse, but they decide whether or not birth control shall be used.

First, there is the conception prevalent among many males that to allow the woman to use contraceptives robs the man of authority. Since it is the male who controls all significant family behavior, to allow the woman control over conception threatens the male sense of superiority. The threat to authority plus the idea that it gives the women sexual freedom (another prerogative of the male only) causes many men to react unfavorably to female methods of birth control.

But what do men think of *male* contraception? In our present sample of families, two out of every three men mentioned some objection to condoms. Two of the most frequent reasons were, (1) they give less pleasure and (2) they are dirty or for prostitutes.

We can understand these objections only by turning again to cultural factors. It is taken for granted that men will have sexual relations before and after marriage, but not with "good"

women; that is, not with virgins or with the wives of respectable men. For illicit sexual relations the male must turn to "bad" women or prostitutes. With these women he will use the condom to avoid both children and disease, and use it without complaint. In such cases the man uses contraceptives as a taken-for-granted technological instrument to achieve his ends. It is part of the normal, secular world, much as a machete is a taken-for-granted instrument for cutting cane.

When it comes to his wife, however, he enters another world—the world of the sacred. A combination of culture, religion, and psychodynamic mechanisms throws a veil of sacredness around the wife. Since he has already learned that the condom is to be used with the prostitute, he cannot bring himself to use this with the wife. It would be bringing the profane into the realm of the sacred, or much like bringing his machete to the altar rail.

Thus, to the *bokio*-sheltered *jibaro*, who lives without running water and standard sanitary facilities, the condom is dirty psychologically—not physically; and when he reports less pleasure from it, he means not only pure physical sensation, but diminished psychological pleasure because of the associations we have described above.

In some cases these mechanisms may prevent a family from using birth control at all. In others, despite the fact that birth control is used, the social-psychological obstacles are so strong that the methods will be used too late or too erratically. A major task of public agencies will be the removal of such psychological blocks to allow the full realization of small-family ideals.

SHORTCOMINGS OF EXISTING FACILITIES

There are few agencies in Puerto Rico which make any attempt at disseminat-

ing family planning ideals. Even their efforts are cautious, unsystematic, and timid. The only real program is in the hands of the Department of Health, whose 160 birth control clinics form one of the most extensive public services of its kind in the world. Nevertheless, the number of individuals who regularly avail themselves of its facilities has not been sufficient to affect the island's birth rate markedly. With due respect for the legal, political, and personal difficulties under which the Department of Health is laboring, an exposition of the weak spots in the prematernal program seems indicated.

There is no full-time staff devoted to the prematernal program in any of the public health units. The prematernal clinic is squeezed into a program including as many as nine other clinics. Clinics on venereal disease, prenatal and *post partum* care, tuberculosis, and crippled children are some of the weekly sessions which compete for the physicians' and nurses' time. Most prematernal clinics are open only half a day per week, and in some areas only one day per month.

Since the clinics are open so infrequently, many mothers are discouraged from attending. In many communities a woman will have to walk and climb many miles to reach the clinic. If shopping time does not coincide with clinic time, the prospects of another such walk will hardly promote regular attendance. Additionally, modesty patterns create a resistance to attending clinics at a particular morning or afternoon of the week, since the town gossips will know for what reason the patient has entered the health station.

As a general rule, the principle of local autonomy for health units operates to maximize the motivation of physicians and their associates. In this instance the very flexibility of the centers brings about an emphasis on programs

other than the prematernal clinics. The pressure of other clinics competes not only for time, but also for the interest of the staff. Physicians tend to emphasize the clinics which deal with their areas of training and interest, and few men have been trained in gynecology or obstetrics sufficiently to be vitally interested in birth control services. The prematernal clinics suffer in those centers where the members of the medical staff prefer work with venereal disease, tuberculosis, or crippled children. This is seen in the criticisms that have been made of the program by its officers:

1. A physician who is not particularly interested in the program will be careless about replenishing supplies of contraceptive materials. Since supplies are sent by the Health Department only upon request, an indifferent health officer may intentionally or unintentionally sabotage the program.

2. Whereas a physician interested in the program will refer many of his patients from other clinics to the prematernal clinic, an indifferent physician will treat only those who directly ask for advice and materials.

3. Visiting nurses are expected to appraise the home situations of both patients and nonpatients, and recommend visiting the clinics if a health reason indicates that such would be helpful to the family. Lack of sensitization to the problem, however, frequently causes such nurses to concentrate on more routine matters.

Program ignores husband

An obvious shortcoming of the existing program is its failure to take into account the vital role played by the husband in family limitation. The centers concentrate their entire attention upon mothers. This unhappy situation has come about because the law requires the center to determine a health reason for providing contraceptive information and

materials. Consequently, the male, who is the real barrier to effective birth control, is not made part of the co-operative arrangement between the center and the family.

Disregard for modesty patterns

Although manned by native Puerto Ricans, the centers appear to ignore the deeply ingrained modesty patterns of Puerto Rican women. These patterns make the prospects of a medical examination by a male physician something to be avoided at all costs. Yet the program requires that every woman who applies or is referred to a prematernal clinic be given a vaginal examination by a physician, who then decides whether or not birth control is indicated. Since there are few female physicians on the island, these examinations are conducted by male physicians. There is abundant evidence that women avoid the public health units precisely because they object to such examinations by male physicians. The husband feels even more strongly than the wife about the impropriety of such examinations.

If the modesty impediment is to be overcome, female physicians need to be trained and placed in these clinics, and nurses must be used wherever possible to replace the male physicians. This can probably be done profitably in the fitting of the diaphragm, thus freeing the physician for other, more technically medical, duties.

Seeming passivity

The program presents a curious paradox. It is one of the most ambitious and widespread programs of birth control in the world, and yet it is basically neutral in the educational approach to people. Relatively little initiative is taken in getting people into the clinics. The staff members of the clinics see themselves as passive instruments to be

used by those who desire to use the center's facilities. This seeming passivity is probably the program's most serious drawback at the present moment.

PROSPECTS

Studies by the authors and by others have left no doubt that the majority of the Puerto Ricans desire to limit their families, and that religious and moral objections are minimal factors in the frustration of such a desire. While rapid changes in Puerto Rico have supplanted the large-family ideal with desires for the small family, other cultural complexes have not changed so rapidly. Indeed, superstitious fears, modesty complexes, marital mistrust, lack of equality in marriage, and so forth, remain highly effective in preventing the realization of the small-family ideal. Existing medical and educational services, while fairly adequate in terms of sheer supply, do little to combat anticontraceptive prejudices, since by and large they service indi-

viduals who have already conquered many of these prejudices.

A large-scale campaign designed to crack the resistances outlined above would of course provide the quickest solution to the problem. A co-ordinated program might involve mass media, discussion groups, sex education, and premarital counseling. But even effective expansion of present facilities would go a long way. Doctors and nurses in public health clinics should be motivated to take a greater interest in the birth control aspects of their program, and measures should be taken to reduce reliance on the personal inclinations of the staff. Greater use of nurses and female physicians, greater attention paid to males, specialization of staffs, and added increments of clinic time are among the possible improvements.

Without such measures, Puerto Ricans will achieve their family ideals slowly but surely. With such measures, a rapid drop in the birth rate may be predicted.

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What Next for Puerto Rico?

By R. G. TUGWELL

SELDOM—in my experience or in my reading—have I encountered instances of such sudden, determined, and effective moods of enterprise as have risen and persisted in Puerto Rico during the last decade. Moreover, the movement seems to pervade all phases of economic, political, and social life, and by now to have reached so firm a resolution as to have more than an even chance of constituting the beginning of one of those progressive spirals that social theorists are learning to treat with so much respect. It is not too much to say that a transformation is in process which for a long time will be one of the wonders of human history.

It is entirely possible, of course, that I am too enthusiastic and that I exaggerate the possibilities in what is taking place. This could be because of my close association with the beginnings of the change from the old lethargy to the new enterprise, and because of my affection for so many of the Puerto Ricans involved in the transformation. But I do not think it is so. My disposition is skeptical rather than optimistic in such matters. And until rather recently I was not persuaded that the revolution had found a grip on the realities necessary to sustain it. Even now it seems to me that some of the policies being pursued are mistaken ones, in the sense that they contribute little or nothing to the establishment of a firm foundation; and that some others which are not being undertaken could contribute much. But these are reservations to a major admiration.

This admiration has gone on at some distance now since 1946. I have agonized some over what I believed to be

errors in public judgment. But I have had a growing conviction that the movement as a whole was gaining momentum and taking on an experimental quality which would carry it through inevitable bad moments and serve to find correction for errors.

Naturally, being familiar with the early incidents, and having followed the subsequent developments closely, what has happened seems less a miracle to me than it evidently does to some other observers. I can, I think, even understand a good deal about why events happened as and when they did—matters appropriate for an exploration I may not undertake here. Here my interest is to set down what seem to me to be the best—or the likeliest—developments for the immediate future in view of the present position.

POLITICAL STATUS

To speak of politics first and briefly, it is possible that what may seem to many Puerto Ricans an advance into very forward ground during the past years, and perhaps a status satisfactory for some time to come, may prove to be only preliminary to a much more radical step to be undertaken presently. Puerto Rico, I think, is likely to become a state.

I think this is so because no proud and achieving people can go on being excluded from participation in the highest political processes of the nation of which it is a part. It is ridiculous that Puerto Rico should send delegates to conventions which choose Presidential candidates but that the people in Puerto Rico should not be able to vote for the candidate chosen. And it is even more

ridiculous that they should be citizens of the United States and yet not entitled to participation in the national legislative activities, many of which affect them as vitally as they do other citizens. For instance, in questions of military service, once a decision is made, the responsibilities of Puerto Ricans are the same as those of others. Also in matters of trade policy, of social security, and of agricultural planning, they have an equal stake along with others.

The argument against statehood is well known. I have used it myself many times. I used it, however, with reference to the conditions at a particular time; and those conditions are changing. They were economic. And I was always clear that they were not political. I simply felt that, a decade ago, the insular economy could not bear the burden of the contributions to the federal union involved in statehood. But I think the time is coming soon when these burdens can and must be borne in the interest of self-respect and perhaps even of equal justice. For before long, Puerto Rico may well be more prosperous than many other regions of the Union.

I regard the decision against independence to be a final one. And I think, after long observation, that the well-known underlying hostility to the United States, so publicized by many observers, has proved to have an even deeper phase, closely akin to fellow feeling. In other words, Puerto Ricans, somewhat to their own surprise, have discovered that they have after all become part of us. We may be mutually critical; but our mutual criticism is much like that which Texans and New Englanders would also feel for each other, and not the bitter xenophobia that might well have been expected in an insular people held more or less in colonial condition for half a century.

There was, up to and including the Winship governorship, a good deal said by extremists on both sides, much of it for political purposes, which turns out not to have reflected any very deep conviction in the popular mind. And as for the Spanish cultural tie, its attenuation as a political phenomenon has tended to go on, even while Spanish scholarship has deepened at the University of Puerto Rico. There has been the same discovery made by other Americans, that pride in origin and the cultivation of inherited culture are not inconsistent with the development of an ardent Americanism. All the rest of us have a foreign origin, too, sometimes recent. We are not called on to regret it or to consider that it lessens our oneness with the New World nation. So too with Puerto Ricans.

I say Puerto Rico must become a state, even after apparent settlement on what is now called a commonwealth, because statehood is the recognized status worked out in discussion, in legislation and court decision, even in civil war, as our characteristic operating relationship. This relationship has evolved and is still evolving. It is not static and unchanging. But to be equal and responsible, Puerto Rico must enter with the rest of us, co-ordinately, into our future political experience, whatever it may be. This is the stable status which none of the advances of the past years reached, genuine though they were.

POLITICS AND ECONOMICS LINKED

There will perhaps be those who think that continued political progress until the further evolution of Puerto Rican institutions is merged in that of the whole nation is not so important in the insular complex as the economic changes which more directly affect the levels of living. In a way, they are right. Yet this is a more important matter to Puerto Ricans than most other Ameri-

cans realize, partly because until the 1940's political progress had seemed to be arrested and had acquired a psychological weight out of proportion to its living value. It is not accidental, I believe, that new political stirrings and accomplishments were concurrent with startling economic changes. Their interaction was very important. Consider, for instance, the significance to younger Puerto Ricans of escaping from the Washington psycho-complex of their elders and setting about to transform life at home without habitually asking for favors—or feeling that it was hopeless to ask for them if they were matters of justice.

Puerto Rico has been fairly treated in many respects in the last decade by the nation—not in all, in my opinion, but in many. The sugar quotas are inequitable, the ocean freight rates too high because of the coastwise shipping monopoly, the Navy has behaved very badly in Vieques, the Army has hardly met its responsibilities to the Puerto Rican establishment, and the Veterans Administration has even worse counts against it.

But admission to several titles of the social security arrangements without corresponding obligations has been generous. The development of education, vocational training, and agriculture has been, on a basis of equality with the states. These matters have been and are very important, and, together with the returned excise taxes on rum, have contributed very importantly to the favorable fiscal position of the government even while it undertook onerous engagements of new sorts in the interest of the economic transformation which was the basic objective of policy.

These were all political matters, more or less, and need not have been as they were. They were contributions to a complex of arrangements which had to be established before the revolution

could be said to be at all secure. It will be some time before that security will be stabilized. But that it is now much more likely to be stabilized than not to be, seems to me clear. When it is, the merging of Puerto Rican with national evolution can be made complete, and this, of course, will furnish an even firmer guarantee of permanence.

START OF INDUSTRIALIZATION

I have mentioned the word "complex." This is the key to consummating the ambitious economic aspirations which from the early forties were regarded as the *sine qua non* of the movement then being begun. To industrialize has now become a favorite—if sometimes inappropriate—cliché with planners for the underdeveloped areas of the world. But it was not so overused a cliché in 1942 as it has since become, and it has turned out to be realizable in Puerto Rico as it will not be in many other places.

There were those who thought it unrealizable in Puerto Rico. Most of the public dissent was, however, so obviously interested as to be subject to heavy discount. The sugar interests, so predominant then, felt very strongly that they had much to lose and little to gain from industrialization, and they were active in opposition to undertaking any program which relied on it. This opposition was very useful to its proponents, for never had a class or group been more thoroughly discredited for shortsightedness and downright selfishness than these sugar interests in Puerto Rico.

At any rate, it was determined by the new group then coming into dominance that industrialization was the means by which escape could be made from the long overlordship of the plantocracy. It was also, as was gradually seen, the means of escape from the exploitation of the monopolistic circle of merchants so characteristic of insular economies,

and the way to development of a responsible labor movement which, if it escaped from captivity and political sychophancy, could contribute much to a freely functioning system of enterprise. These last were incidental, perhaps, but they had a reciprocal relationship with the main complex, which was important.

There were some favoring circumstances which, if taken advantage of, might be helpful. Temporarily Puerto Rico might be attractive to outside enterprise because labor was cheaper and taxes less than on the mainland. These never seemed to me reliable attractions. For one thing, the labor troubles incident to the early stages of trade union growth were certain to be so exasperating, and perhaps would be so costly, as to overcome the attractions of lower wages. And industries attracted by tax favors were likely to be those which would disappear when the favors were withdrawn. But both might be of some minor psychological assistance in attracting capital and in getting enterprises started.

These starts were in themselves important. They tended to show that there were possibilities; and they assisted in establishing a labor and minor management force which would be indispensable to any considerable success. And all the efforts of this sort to attract outsiders have proved to be justified on these grounds. But I argued that there were two sources of enterprise which would prove most remunerative. One was the spreading into Puerto Rico of parts of the going enterprise system of the mainland; the other was the development of a local enterprising group who not only discovered possibilities other than sugar, but risked their capital and their careers in them. These, I think, are and will prove to be the most reliable and creative members of the complex now coming into being.

But Puerto Rican planners need to make more strenuous efforts than they have made in the past to create a rounded, reciprocating organism of the industries they are attracting and helping to establish. It is of some obvious use merely to have miscellaneous factories. But these do not necessarily fit into the interacting network which will survive the artificial attractions of tax remission and wage differential. What is needed—and can be had—is a group of industries which buy from and sell to each other, can exchange members of the management and labor forces, and have a mutual interest in helpful government, in efficient and low-cost public utilities, and in vocational education.

ECONOMIC OBJECTIVES

Studying Puerto Rican progress through its amazing last decade, I have become even more convinced than I was when I was Governor that to ensure the continuity of the upward spiral there need to be clear and consistent economic objectives. The need for centering on the complex idea was one of these, but that was more methodological than substantive. The kind of complex to be developed is even more important. And here, I think, the promotional efforts are most to be criticized. The hopelessly miscellaneous nature of the first hundreds of industries is obvious. The promotional efforts not only do not form a complex, but they do not show any predilection for what is possible and permanent as against what is improbable and therefore very likely impermanent.

What promoters and planners must come to, I feel, in view of this insular situation, their geographic location and their demographic condition, is development with two objectives always in mind and rejection of all competing ones. One is those industries of small and medium size which specialize in

fabrication. These are relatively insensitive to location, because their materials and products show a growing tendency to move by air freight in any case, and are common to heavier industries which are very widely scattered. These smaller industries, also, are dependent on a skilled and specialized labor force far more easily developed in an insular situation, if earnest effort is made, than in any other. It is not very widely realized how necessary this type of industry has become and what its requirements are. As we reach the stage of industrialization at which computers, robot controls, and locked-series operations characterize the heavy trades, the manufacture of the control mechanisms becomes a more and more important specialty. There is an opportunity here, already seen by many Puerto Ricans and even tentatively exploited, which ought to be made a matter of deliberate and perhaps exclusive public policy.

INTENSIFIED AGRICULTURE

But there is another obvious field, and this, it can be seriously charged, has been unaccountably neglected. This is an intensified agriculture. It is a repetition of old pleas for me to insist that this neglect is inexcusable, and I risk a violation of the ex-Governor's code in reproaching my former colleagues for allowing an energetic beginning to be stifled. There was once a Puerto Rican Agricultural Development Corporation with at least the right intentions. It ought to have been made to work. Instead, the easy way of bowing to prejudice was taken. In this field it is hard for practical islanders to believe that anything but sugar can be important; and to an almost incredible degree, agricultural technology has centered on the production and processing of cane.

To this concentration I have only the objection that it is not nearly enough,

and that it is risky for an excellent reason: Puerto Rican sugar is high-cost sugar which can be produced only because it is artificially supported in competition with other areas—notably Cuba and the Philippines. There are other possibilities, not at all competitive with cane for land, which need to be explored and developed. To do this would require resolution, persistence, and prolonged capital expenditure; but I do not regard the results of such a program as in the least doubtful.

The world is entering on a time when, as the result of population growth and the exhaustion of good unused lands, foods and fibers are to be at a premium. This is a situation which may well affect the now accepted principle—one hitherto entirely justified—that industrialization is the means of salvation for underdeveloped areas. It is quite likely that shortly it will be recognized that an intensified agriculture is much more practical. What is involved in this, although the idea is for some reason yet novel, is not so different from the inducement of progress through industry. As a matter of fact, the new kinds of agricultural production are so like industries as to be indistinguishable. They rely on research and standardization and on reciprocal relations between various stages of growth and processing, and they need skilled management and labor, and not mere brutal work.

Puerto Rico is in an ideal situation to develop several specialties in great and growing demand—fruit products, for instance. But even more important, the climate and the labor force favor the development of what is certain to be an immense industry as protein shortages grow—the hydroponic culture of appropriate high-protein plants. For these, sun, water, and skill are needed as well as a high degree of capitalization. Puerto Rico is furnished by nature with

the first two, is intent on specializing on skill, and is committed to infusions of capital by government.

It has rather sadly to be said, however, that there is an unreasonable reluctance to open up this obvious resource—a reluctance which only leadership can overcome. One effort at development was allowed to die. And the vested interest of agricultural technologists is still powerful. It has been my contention that neither specialties, such as pineapples for continental consumption, nor hydroponic proteins for a malnourished world need to compete with sugar. The one grows generally where cane is least productive; the other is so intensified as to require but little space—surely an important consideration is Puerto Rico; but, in spite of these facts, there is a persistent reluctance to be overcome. If the same effort that has gone into the rejuvenation of coffee-growing had gone into more rewarding crops, their development might now be well under way. As it is, almost everything still remains to be done.

BASIC REASONS FOR ACTION

That there are imponderables in such an occurrence as the Puerto Rican uplift is quite obvious. That they are the most important component of the movement I would contend. This leads to saying that they ought not to remain imponderable. If they can be identified and made explicit, what is now a mystery may become much less that. It is even possible that by analyzing such developments, the now unknown principles of induced economic development may be revealed. That will not necessarily mean that duplication in other places is possible; but it could certainly mean that less capital and effort would be wasted, and that results—now not very encouraging for current efforts—could be improved.

As I look at the whole Puerto Rican

occurrence, I am impressed with its almost explosive nature. Such explosions do not happen spontaneously. There must have been prepared conditions. In Puerto Rico there most certainly were. In the first place, there was political tantalization built up by contact with free American institutions, persistently kept just out of reach by irresponsible congressional control. This induced patriotism of an intensity seldom equaled except in very similar circumstances elsewhere—in Ireland, for instance, or in India. The determination to expend every resource of intelligence and energy possessed in the service of Puerto Rico was completely characteristic of a whole group of patriots.

That this was most characteristic of intellectuals had its own results, because these intellectuals did not hesitate, in the service of patriotism, to abandon their careers and undertake the tasks required for revolution. The rise of the Popular Democratic party, and the acceptance, not only by the masses but by the ablest intellectuals, of the leadership in it of Muñoz Marín, furnished a necessary discipline, and within the discipline a rationale, which shaped up into a formidable movement. The intellectuals, together with Muñoz, worked out the program, and his leadership gained wide support for it. As a consequence, there were fewer of those mistakes, half-successes, and compromises than characterize most democratic efforts.

From this it may be concluded that political frustration and a popular movement to escape it is a desirable starter. But there was another situation in Puerto Rico which was equally important. The misery of the people was very nearly as deep as that of any people in the world. They were malnourished, were housed in squatter shacks, and lacked any hope of betterment. Their children died like flies; educa-

tion was available for only a few; and they themselves lived the precarious existence of the chronically unemployed.

All this was, however, in juxtaposition with—indeed under the political jurisdiction of—the most prosperous people in the history of the world. The intellectuals were part of that prosperity. They had continental education; their homes were characteristic of the American level of life. But they and their families were islands in a rising sea of filth, poverty, and starvation. They would have been less than men if they had not reacted by dedicating themselves to change. This too is perhaps a necessary ingredient—an able and conscientious elite, so determined to eliminate misery that if necessary it will participate in overthrowing the vested interests in the perpetuation of poverty, even if it involves the charge of traitorousness to class.

ELEMENTS OF SUCCESS

Such a stirred and sin-convicted group may induce and carry through miracles of change if they are given the opportunity. In Puerto Rico they were. But they are not always experienced or wise enough—being mostly young—to realize the necessity for rigorous planning, for self-discipline, and for converting fervor into administration. So such movements are often wasted and futile. The sophisticated observer awaits with some skepticism passage from the one stage to the other. Will what has been a natural political reaction to conditions of oppression and poverty become actually a rejuvenating movement?

It is the most interesting thing about the Puerto Rican case that this transition was successfully made. There were two elements necessary to success, and both were present. The first was that the temptation to play on xenophobia should be rejected; and the second was that the elements of recon-

struction should be rigorously conceived and persistently pursued. The conceptions were formulated by that exceptional group of intellectuals I have mentioned, and were made explicit by the organization of a thoroughly supported Planning Board. The persistence was furnished by an immediate reorganization of the administrative services and the enlargement of sources of future supply in the University of Puerto Rico.

But it was not enough that temptation to blame everything on outsiders, so characteristic of colonial demagoguery and once so prevalent in Puerto Rico, should be rejected by Muñoz and the others. It was necessary that the whole responsibility for change should be accepted and centered in themselves. Such risks politicians do not like to take. It is much safer to prepare a retreat by stressing opposition and difficulties. Muñoz, in contrast, has always said that Puerto Ricans had to find their own salvation, that under his leadership they could, and that if they did not he could be blamed. He even took the step so many powerful bosses are reluctant to take—he assumed the title along with power and became the first elected Governor. This was an admirable gesture. It gave the operators of the program a renewed sense of identification and responsibility which had been all along so notable a feature of the revolution. Together with the work of the planners and their commitment to rational direction, it completed the transition from fervor to administration.

The Puerto Rican effort is now centered in the endless and fruitful exploration of better things to do and better ways to do them, which is characteristic of a mature high-energy economy. That it will succeed, I, at least, have no longer any doubt. But there are some auxiliary occurrences, quite outside the Puerto Rican orbit of influence, which will help immeasurably in what might

otherwise have been a more distressing uphill fight on the part of the devoted operators. The world is entering on a period in which population growth will be much more easily controlled, in which power will be more cheaply produced and more universally available, and in

which size or resources or location will not count nearly so much as devotion to research and reason, to good administration and to social conscience. How fortunate this is for the Puerto Ricans may be easily seen. It will give a brave effort support from unexpected sources.

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Constitution of the Commonwealth of Puerto Rico

We, the people of Puerto Rico, in order to organize ourselves politically on a fully democratic basis, to promote the general welfare, and to secure for ourselves and our posterity the complete enjoyment of human rights, placing our trust in Almighty God, do ordain and establish this Constitution for the Commonwealth which, in the exercise of our natural rights, we now create within our union with the United States of America.

In so doing, we declare:

The democratic system is fundamental to the life of the Puerto Rican community;

We understand that the democratic system of government is one in which the will of the people is the source of public power, the political order is subordinate to the rights of man, and the free participation of the citizen in collective decisions is assured;

We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles.

ARTICLE I

THE COMMONWEALTH

Section 1.—The Commonwealth of Puerto Rico is hereby constituted. Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America.

Section 2.—The government of the Commonwealth of Puerto Rico shall be repub-

lican in form and its legislative, judicial and executive branches as established by this Constitution shall be equally subordinate to the sovereignty of the people of Puerto Rico.

Section 3.—The political authority of the Commonwealth of Puerto Rico shall extend to the Island of Puerto Rico and to the adjacent islands within its jurisdiction.

Section 4.—The seat of the government shall be the city of San Juan.

ARTICLE II

BILL OF RIGHTS

Section 1.—The dignity of the human being is inviolable. All men are equal before the law. No discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas. Both the laws and the system of public education shall embody these principles of essential human equality.

Section 2.—The laws shall guarantee the expression of the will of the people by means of equal, direct and secret universal suffrage and shall protect the citizen against any coercion in the exercise of the electoral franchise.

Section 3.—No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof. There shall be complete separation of church and state.

Section 4.—No law shall be made abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Section 5.—Every person has the right to an education which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. There shall be a system of free and wholly non-sectarian public education. Instruction in the elementary and secondary schools shall be free and shall be compulsory in the elementary schools to the extent permitted by the facilities of the

state. No public property or public funds shall be used for the support of schools or educational institutions other than those of the state. Nothing contained in this provision shall prevent the state from furnishing to any child noneducational services established by law for the protection or welfare of children. (Compulsory attendance at elementary public schools to the extent permitted by the facilities of the state as herein provided shall not be construed as applicable to those who receive elementary education in schools established under non-governmental auspices.)

See footnote.

Section 6.—Persons may join with each other and organize freely for any lawful purpose, except in military or quasi-military organizations.

Section 7.—The right to life, liberty and the enjoyment of property is recognized as a fundamental right of man. The death penalty shall not exist. No person shall be deprived of his liberty or property without due process of law. No person in Puerto Rico shall be denied the equal protection of the laws. No laws impairing the obligation of contracts shall be enacted. A minimum amount of property and possessions shall be exempt from attachment as provided by law.

Section 8.—Every person has the right to the protection of law against abusive attacks on his honor, reputation, and private or family life.

Section 9.—Private property shall not be taken or damaged for public use except upon payment of just compensation and in the manner provided by law. No law shall be enacted authorizing condemnation of printing presses, machinery or material devoted to publications of any kind. The buildings in which these objects are located may be condemned only after a judicial finding of public convenience and necessity pursuant to procedure that shall be provided by law, and may be taken before such a judicial finding only when there is placed at the disposition of the publication an adequate site in which it can

Section 5 above shall have force and effect when amended to include the sentence inserted in parenthesis.

be installed and continue to operate for a reasonable time.

Section 10.—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated.

Wire-tapping is prohibited.

No warrant for arrest or search and seizure shall issue except by judicial authority and only upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the persons to be arrested or the things to be seized.

Evidence obtained in violation of this section shall be inadmissible in the courts.

Section 11.—In all criminal prosecutions, the accused shall enjoy the right to have a speedy and public trial, to be informed of the nature and cause of the accusation and to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, to have assistance of counsel, and to be presumed innocent.

In all prosecutions for a felony the accused shall have the right of trial by an impartial jury composed of twelve residents of the district, who may render their verdict by a majority vote which in no case may be less than nine.

No person shall be compelled in any criminal case to be a witness against himself and the failure of the accused to testify may be neither taken into consideration nor commented upon against him.

No person shall be twice put in jeopardy of punishment for the same offense.

Before conviction every accused shall be entitled to be admitted to bail.

Incarceration prior to trial shall not exceed six months nor shall bail or fines be excessive. No person shall be imprisoned for debt.

Section 12.—Neither slavery nor involuntary servitude shall exist except in the latter case as a punishment for crime after the accused has been duly convicted. Cruel and unusual punishments shall not be inflicted. Suspension of civil rights including the right to vote shall cease upon service of the term of imprisonment imposed.

No *ex post facto* law or bill of attainder shall be passed.

Section 13.—The writ of *habeas corpus* shall be granted without delay and free of costs. The privilege of the writ of *habeas corpus* shall not be suspended, unless the public safety requires it in case of rebellion, insurrection or invasion. Only the Legislative Assembly shall have the power to suspend the privilege of the writ of *habeas corpus* and the laws regulating its issuance.

The military authority shall always be subordinate to civil authority.

Section 14.—No titles of nobility or other hereditary honors shall be granted. No officer or employee of the Commonwealth shall accept gifts, donations, decorations or offices from any foreign country or officer without prior authorization by the Legislative Assembly.

Section 15.—The employment of children less than fourteen years of age in any occupation which is prejudicial to their health or morals or which places them in jeopardy of life or limb is prohibited.

No child less than sixteen years of age shall be kept in custody in a jail or penitentiary.

Section 16.—The right of every employee to choose his occupation freely and to resign therefrom is recognized, as is his right to equal pay for equal work, to a reasonable minimum salary, to protection against risks to his health or person in his work or employment, and to an ordinary workday which shall not exceed eight hours. An employee may work in excess of this daily limit only if he is paid extra compensation as provided by law, at a rate never less than one and one-half times the regular rate at which he is employed.

Section 17.—Persons employed by private businesses, enterprises and individual employers and by agencies or instrumentalities of the government operating as private businesses or enterprises, shall have the right to organize and to bargain collectively with their employers through representatives of their own free choosing in order to promote their welfare.

Section 18.—In order to assure their right to organize and to bargain collectively, persons employed by private businesses, enterprises and individual employers and by agencies or instrumentalities of the govern-

ment operating as private businesses or enterprises, in their direct relations with their own employers shall have the right to strike, to picket and to engage in other legal concerted activities.

Nothing herein contained shall impair the authority of the Legislative Assembly to enact laws to deal with grave emergencies that clearly imperil the public health or safety or essential public services.

Section 19.—The foregoing enumeration of rights shall not be construed restrictively nor does it contemplate the exclusion of other rights not specifically mentioned which belong to the people in a democracy. The power of the Legislative Assembly to enact laws for the protection of the life, health and general welfare of the people shall likewise not be construed restrictively.

ARTICLE III

THE LEGISLATURE

Section 1.—The legislative power shall be vested in a Legislative Assembly, which shall consist of two houses, the Senate and the House of Representatives, whose members shall be elected by direct vote at each general election.

Section 2.—The Senate shall be composed of twenty-seven Senators and the House of Representatives of fifty-one Representatives, except as these numbers may be increased in accordance with the provisions of Section 7 of this Article.

Section 3.—For the purpose of election of members of the Legislative Assembly, Puerto Rico shall be divided into eight senatorial districts and forty representative districts. Each senatorial district shall elect two Senators and each representative district one Representative.

There shall also be eleven Senators and eleven Representatives elected at large. No elector may vote for more than one candidate for Senator at Large or for more than one candidate for Representative at Large.

Section 4.—In the first and subsequent elections under this Constitution the division of senatorial and representative districts as provided in Article VIII shall be in effect. After each decennial census beginning with the year 1960, said division

shall be revised by a Board composed of the Chief Justice of the Supreme Court as Chairman and of two additional members appointed by the Governor with the advice and consent of the Senate. The two additional members shall not belong to the same political party. Any revision shall maintain the number of senatorial and representative districts here created, which shall be composed of contiguous and compact territory and shall be organized, insofar as practicable, upon the basis of population and means of communication. Each senatorial district shall always include five representative districts.

The decisions of the Board shall be made by majority vote and shall take effect in the general elections next following each revision. The Board shall cease to exist after the completion of each revision.

Section 5.—No person shall be a member of the Legislative Assembly unless he is able to read and write the Spanish or English language and unless he is a citizen of the United States and of Puerto Rico and has resided in Puerto Rico at least two years immediately prior to the date of his election or appointment. No person shall be a member of the Senate who is not over thirty years of age, and no person shall be a member of the House of Representatives who is not over twenty-five years of age.

Section 6.—No person shall be eligible to election or appointment as Senator or Representative for a district unless he has resided therein at least one year immediately prior to his election or appointment. When there is more than one representative district in a municipality, residence in the municipality shall satisfy this requirement.

Section 7.—If in a general election more than two-thirds of the members of either house are elected from one political party or from a single ticket, as both are defined by law, the number of members shall be increased in the following cases:

(a) If the party or ticket which elected more than two-thirds of the members of either or both houses shall have obtained less than two-thirds of the total number of votes cast for the office of Governor, the number of members of the Senate or of

the House of Representatives or of both bodies, whichever may be the case, shall be increased by declaring elected a sufficient number of candidates of the minority party or parties to bring the total number of members of the minority party or parties to nine in the Senate and to seventeen in the House of Representatives. When there is more than one minority party, said additional members shall be declared elected from among the candidates of each minority party in the proportion that the number of votes cast for the candidate of each of said parties for the office of Governor bears to the total number of votes cast for the candidates of all the minority parties for the office of Governor.

When one or more minority parties shall have obtained representation in a proportion equal to or greater than the proportion of votes received by their respective candidates for Governor, such party or parties shall not be entitled to additional members until the representation established for each of the other minority parties under these provisions shall have been completed.

(b) If the party or ticket which elected more than two-thirds of the members of either or both houses shall have obtained more than two-thirds of the total number of votes cast for the office of Governor, and one or more minority parties shall not have elected the number of members in the Senate or in the House of Representatives or in both houses, whichever may be the case, which corresponds to the proportion of votes cast by each of them for the office of Governor, such additional number of their candidates shall be declared elected as is necessary in order to complete said proportion as nearly as possible, but the number of Senators of all the minority parties shall never, under this provision, be more than nine or that of Representatives more than seventeen.

In order to select additional members of the Legislative Assembly from a minority party in accordance with these provisions, its candidates at large who have not been elected shall be the first to be declared elected in the order of the votes that they have obtained, and thereafter its district candidates who, not having been elected, have obtained in their respective districts

the highest proportion of the total number of votes cast as compared to the proportion of votes cast in favor of other candidates of the same party not elected to an equal office in the other districts.

The additional Senators and Representatives whose election is declared under this section shall be considered for all purposes as Senators at Large or Representatives at Large.

The measures necessary to implement these guarantees, the method of adjudicating fractions that may result from the application of the rules contained in this section, and the minimum number of votes that a minority party must cast in favor of its candidate for Governor in order to have the right to the representation provided herein shall be determined by the Legislative Assembly.

Section 8.—The term of office of Senators and Representatives shall begin on the second day of January immediately following the date of the general election in which they shall have been elected. If, prior to the fifteen months immediately preceding the date of the next general election, a vacancy occurs in the office of Senator or Representative for a district, the Governor shall call a special election in said district within thirty days following the date on which the vacancy occurs. This election shall be held not later than ninety days after the call, and the person elected shall hold office for the rest of the unexpired term of his predecessor. When said vacancy occurs during a legislative session, or when the Legislative Assembly or the Senate has been called for a date prior to the certification of the results of the special election, the presiding officer of the appropriate house shall fill said vacancy by appointing the person recommended by the central committee of the political party of which his predecessor in office was a member. Such person shall hold the office until certification of the election of the candidate who was elected. When the vacancy occurs within fifteen months prior to a general election, or when it occurs in the office of a Senator at Large or a Representative at Large, the presiding officer of the appropriate house shall fill it, upon the recommendation of the political party of

which the previous holder of the office was a member, by appointing a person selected in the same manner as that in which his predecessor was selected. A vacancy in the office of a Senator at Large or a Representative at Large elected as an independent candidate shall be filled by an election in all districts.

Section 9.—Each house shall be the sole judge of the election, returns and qualifications of its members; shall choose its own officers; shall adopt rules for its own proceedings appropriate to legislative bodies; and, with the concurrence of three-fourths of the total number of members of which it is composed, may expel any member for the causes established in Section 21 of this Article, authorizing impeachments. The Senate shall elect a President and the House of Representatives a Speaker from among their respective members.

Section 10.—The Legislative Assembly shall be deemed a continuous body during the term for which its members are elected and shall meet in regular session each year commencing on the second Monday in January. The duration of regular sessions and the periods of time for introduction and consideration of bills shall be prescribed by law. When the Governor calls the Legislative Assembly into special session it may consider only those matters specified in the call or in any special message sent to it by him during the session. No special session shall continue longer than twenty calendar days.

Section 11.—The sessions of each house shall be open.

Section 12.—A majority of the total number of members of which each house is composed shall constitute a quorum, but a smaller number may adjourn from day to day and shall have authority to compel the attendance of absent members.

Section 13.—The two houses shall meet in the Capitol of Puerto Rico and neither of them may adjourn for more than three consecutive days without the consent of the other.

Section 14.—No member of the Legislative Assembly shall be arrested while the house of which he is a member is in session, or during the fifteen days before or after such session, except for treason,

felony, or breach of the peace. The members of the Legislative Assembly shall not be questioned in any other place for any speech, debate, or vote in either house or in any committee.

Section 15.—No Senator or Representative may, during the term for which he was elected or chosen, be appointed to any civil office in the Government of Puerto Rico, its municipalities or instrumentalities, which shall have been created or the salary of which shall have been increased during said term. No person may hold office in the Government of Puerto Rico, its municipalities or instrumentalities and be a Senator or Representative at the same time. These provisions shall not prevent a member of the Legislative Assembly from being designated to perform functions *ad honorem*.

Section 16.—The Legislative Assembly shall have the power to create, consolidate or reorganize executive departments and to define their functions.

Section 17.—No bill shall become a law unless it has been printed, read, referred to a committee and returned therefrom with a written report, but either house may discharge a committee from the study and report of any bill and proceed to the consideration thereof. Each house shall keep a journal of its proceedings and of the votes cast for and against bills. The legislative proceedings shall be published in a daily record in the form determined by law. Every bill, except general appropriation bills, shall be confined to one subject, which shall be clearly expressed in its title, and any part of an act whose subject has not been expressed in the title shall be void. The general appropriation act shall contain only appropriations and rules for their disbursement. No bill shall be amended in a manner that changes its original purpose or incorporates matters extraneous to it. In amending any article or section of a law, said article or section shall be promulgated in its entirety as amended. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

Section 18.—The subjects which may be dealt with by means of joint resolution

shall be determined by law, but every joint resolution shall follow the same legislative process as that of a bill.

Section 19.—Every bill which is approved by a majority of the total number of members of which each house is composed shall be submitted to the Governor and shall become law if he signs it or if he does not return it, with his objections, to the house in which it originated within ten days (Sundays excepted) counting from the date on which he shall have received it.

When the Governor returns a bill, the house that receives it shall enter his objections in its journal and both houses may reconsider it. If approved by two-thirds of the total number of members of which each house is composed, said bill shall become law.

If the Legislative Assembly adjourns *sine die* before the Governor has acted on a bill that has been presented to him less than ten days before, he is relieved of the obligation of returning it with his objections and the bill shall become law only if the Governor signs it within thirty days after receiving it.

Every final passage or reconsideration of a bill shall be by a roll-call vote.

Section 20.—In approving any appropriation bill that contains more than one item, the Governor may eliminate one or more of such items or reduce their amounts, at the same time reducing the total amounts involved.

Section 21.—The House of Representatives shall have exclusive power to initiate impeachment proceedings and, with the concurrence of two-thirds of the total number of members of which it is composed, to bring an indictment. The Senate shall have exclusive power to try and to decide impeachment cases, and in meeting for such purposes the Senators shall act in the name of the people and under oath or affirmation. No judgment of conviction in an impeachment trial shall be pronounced without the concurrence of three-fourths of the total number of members of which the Senate is composed, and the judgment shall be limited to removal from office. The person impeached, however, may be liable and subject to indictment, trial judg-

ment and punishment according to law. The causes of impeachment shall be treason, bribery, other felonies, and misdemeanors involving moral turpitude. The Chief Justice of the Supreme Court shall preside at the impeachment trial of the Governor.

The two houses may conduct impeachment proceedings in their regular or special sessions. The presiding officers of the two houses, upon written request of two-thirds of the total number of members of which the House of Representatives is composed, must convene them to deal with such proceedings.

Section 22.—The Governor shall appoint a Controller with the advice and consent of a majority of the total number of members of which each house is composed. The Controller shall meet the requirements prescribed by law and shall hold office for a term of ten years and until his successor has been appointed and qualifies. The Controller shall audit all the revenues, accounts and expenditures of the Commonwealth, of its agencies and instrumentalities and of its municipalities, in order to determine whether they have been made in accordance with law. He shall render annual reports and any special reports that may be required of him by the Legislative Assembly or by the Governor.

In the performance of his duties the Controller shall be authorized to administer oaths, take evidence and compel, under pain of contempt, the attendance of witnesses and the production of books, letters, documents, papers, records and all other articles deemed essential to a full understanding of the matter under investigation.

The Controller may be removed for the causes and pursuant to the procedure established in the preceding section.

ARTICLE IV

THE EXECUTIVE

Section 1.—The executive power shall be vested in a Governor, who shall be elected by direct vote in each general election.

Section 2.—The Governor shall hold office for the term of four years from the second day of January of the year follow-

ing his election and until his successor has been elected and qualifies. He shall reside in Puerto Rico and maintain his office in its capital city.

Section 3.—No person shall be Governor unless, on the date of the election, he is at least thirty-five years of age, and is and has been during the preceding five years a citizen of the United States and a citizen and *bona fide* resident of Puerto Rico.

Section 4.—The Governor shall execute the laws and cause them to be executed.

He shall call the Legislative Assembly or the Senate into special session when in his judgment the public interest so requires.

He shall appoint, in the manner prescribed by this Constitution or by law, all officers whose appointments he is authorized to make. He shall have the power to make appointments while the Legislative Assembly is not in session. Any such appointments that require the advice and consent of the Senate or of both houses shall expire at the end of the next regular session.

He shall be the commander-in-chief of the militia.

He shall have the power to call out the militia and summon the *pasce comitatus* in order to prevent or suppress rebellion, invasion or any serious disturbance of the public peace.

He shall have the power to proclaim martial law when the public safety requires it in case of rebellion or invasion or imminent danger thereof. The Legislative Assembly shall meet forthwith on their own initiative to ratify or revoke the proclamation.

He shall have the power to suspend the execution of sentences in criminal cases and to grant pardons, commutations of punishment, and total or partial remissions of fines and forfeitures for crimes committed in violation of the laws of Puerto Rico. This power shall not extend to cases of impeachment.

He shall approve or disapprove in accordance with this Constitution the joint resolutions and bills passed by the Legislative Assembly.

He shall present to the Legislative Assembly, at the beginning of each regular

session, a message concerning the affairs of the Commonwealth and a report concerning the state of the Treasury of Puerto Rico and the proposed expenditures for the ensuing fiscal year. Said report shall contain the information necessary for the formulation of a program of legislation.

He shall exercise the other powers and functions and discharge the other duties assigned to him by this Constitution or by law.

Section 5.—For the purpose of exercising executive power, the Governor shall be assisted by Secretaries whom he shall appoint with the advice and consent of the Senate. The appointment of the Secretary of State shall in addition require the advice and consent of the House of Representatives, and the person appointed shall fulfill the requirements established in Section 3 of this Article. The Secretaries shall collectively constitute the Governor's advisory council, which shall be designated as the Council of Secretaries.

Section 6.—Without prejudice to the power of the Legislative Assembly to create, reorganize and consolidate executive departments and to define their functions, the following departments are hereby established: State, Justice, Education, Health, Treasury, Labor, Agriculture and Commerce, and Public Works. Each of these executive departments shall be headed by a Secretary.

Section 7.—When a vacancy occurs in the office of Governor, caused by death, resignation, removal, total and permanent incapacity, or any other absolute disability, said office shall devolve upon the Secretary of State, who shall hold it for the rest of the term and until a new Governor has been elected and qualifies. In the event that vacancies exist at the same time in both the office of Governor and that of Secretary of State, the law shall provide which of the Secretaries shall serve as Governor.

Section 8.—When for any reason the Governor is temporarily unable to perform his functions, the Secretary of State shall substitute for him during the period he is unable to serve. If for any reason the Secretary of State is not available, the

Secretary determined by law shall temporarily hold the office of Governor.

Section 9.—If the Governor-elect shall not have qualified, or if he has qualified and a permanent vacancy occurs in the office of Governor before he shall have appointed a Secretary of State, or before said Secretary, having been appointed, shall have qualified, the Legislative Assembly just elected, upon convening for its first regular session, shall elect, by a majority of the total number of members of which each house is composed, a Governor who shall hold office until his successor is elected in the next general election and qualifies.

Section 10.—The Governor may be removed for the causes and pursuant to the procedure established in Section 21 of Article III of this Constitution.

ARTICLE V

THE JUDICIARY

Section 1.—The judicial power of Puerto Rico shall be vested in a Supreme Court, and in such other courts as may be established by law.

Section 2.—The courts of Puerto Rico shall constitute a unified judicial system for purposes of jurisdiction, operation and administration. The Legislative Assembly may create and abolish courts, except for the Supreme Court, in a manner not inconsistent with this Constitution, and shall determine the venue and organization of the courts.

Section 3.—The Supreme Court shall be the court of last resort in Puerto Rico and shall be composed of a Chief Justice and four Associate Justices. The number of Justices may be changed only by law upon request of the Supreme Court.

Section 4.—The Supreme Court shall sit, in accordance with rules adopted by it, as a full court or in divisions. All the decisions of the Supreme Court shall be concurred in by a majority of its members. No law shall be held unconstitutional except by a majority of the total number of Justices of which the Court is composed in accordance with this Constitution or with law.

Section 5.—The Supreme Court, any of its divisions, or any of its Justices may hear in the first instance petition for *habeas corpus* and any other causes and proceedings as determined by law.

Section 6.—The Supreme Court shall adopt for the courts rules of evidence and of civil and criminal procedure which shall not abridge, enlarge or modify the substantive rights of the parties. The rules thus adopted shall be submitted to the Legislative Assembly at the beginning of its next regular session and shall not go into effect until sixty days after the close of said session, unless disapproved by the Legislative Assembly, which shall have the power both at said session and subsequently to amend, repeal or supplement any of said rules by a specific law to that effect.

Section 7.—The Supreme Court shall adopt rules for the administration of the courts. These rules shall be subject to the laws concerning procurement, personnel, audit and appropriation of funds, and other laws which apply generally to all branches of the government. The Chief Justice shall direct the administration of the courts and shall appoint an administrative director who shall hold office at the will of the Chief Justice.

Section 8.—Judges shall be appointed by the Governor with the advice and consent of the Senate. Justices of the Supreme Court shall not assume office until after confirmation by the Senate and shall hold their offices during good behavior. The terms of office of the other judges shall be fixed by law and shall not be less than that fixed for the term of office of a judge of the same or equivalent category existing when this Constitution takes effect. The other officials and employees of the courts shall be appointed in the manner provided by law.

Section 9.—No person shall be appointed a Justice of the Supreme Court unless he is a citizen of the United States and of Puerto Rico, shall have been admitted to the practice of law in Puerto Rico at least ten years prior to this appointment, and shall have resided in Puerto Rico at least five years immediately prior thereto.

Section 10.—The Legislative Assembly shall establish a retirement system for judges. Retirement shall be compulsory at the age of seventy years.

Section 11.—Justices of the Supreme Court may be removed for the causes and pursuant to the procedure established in Section 21 of Article III of this Constitution. Judges of the other courts may be removed by the Supreme Court for the causes and pursuant to the procedure provided by law.

Section 12.—No Judge shall make a direct or indirect financial contribution to any political organization or party, or hold any executive office therein, or participate in a political campaign of any kind, or be candidate for an elective public office unless he has resigned his judicial office at least six months prior to his nomination.

Section 13.—In the event that a court or any of its divisions or sections is changed or abolished by law, the person holding a post of judge therein shall continue to hold it during the rest of the term for which he was appointed and shall perform the judicial functions assigned to him by the Chief Justice of the Supreme Court.

ARTICLE VI

GENERAL PROVISIONS

Section 1.—The Legislative Assembly shall have the power to create, abolish, consolidate and reorganize municipalities; to change their territorial limits; to determine their organization and functions; and to authorize them to develop programs for the general welfare and to create any agencies necessary for that purpose.

No law abolishing or consolidating municipalities shall take effect until ratified in a referendum by a majority of the qualified electors voting in said referendum in each of the municipalities to be abolished or consolidated. The referendum shall be conducted in the manner determined by law, which shall include the applicable procedures of the election laws in effect when the referendum law is approved.

Section 2.—The power of the Commonwealth of Puerto Rico to impose and collect taxes and to authorize their imposition

and collection by municipalities shall be exercised as determined by the Legislative Assembly and shall never be surrendered or suspended. The power of the Commonwealth of Puerto Rico to contract and to authorize the contracting of debts shall be exercised as determined by the Legislative Assembly.

Section 3.—The rules of taxation in Puerto Rico shall be uniform.

Section 4.—General elections shall be held every four years on the day of November determined by the Legislative Assembly. In said elections there shall be elected a Governor, the members of the Legislative Assembly, and the other officials whose election on that date is provided for by law.

Every person over twenty-one years of age shall be entitled to vote if he fulfills the other conditions determined by law. No person shall be deprived of the right to vote because he does not know how to read or write or does not own property.

All matters concerning the electoral process, registration of voters, political parties and candidates shall be determined by law.

Every popularly elected official shall be elected by direct vote and any candidate who receives more votes than any other candidate for the same office shall be declared elected.

Section 5.—The laws shall be promulgated in accordance with the procedure prescribed by law and shall specify the terms under which they shall take effect.

Section 6.—If at the end of any fiscal year the appropriations necessary for the ordinary operating expenses of the government and for the payment of interest on and amortization of the public debt for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation acts for the objects and purposes therein specified, so far as the same may be applicable, shall continue in effect item by item, and the Governor shall authorize the payments necessary for such purposes until corresponding appropriations are made.

Section 7.—The appropriations made for any fiscal year shall not exceed the total revenues, including available surplus, esti-

mated for said fiscal year unless the imposition of taxes sufficient to cover said appropriations is provided by law.

Section 8.—In case the available revenues including surplus for any fiscal year are insufficient to meet the appropriation made for that year, interest on the public debt and amortization thereof shall first be paid, and other disbursements shall thereafter be made in accordance with the order of priorities established by law.

Section 9.—Public property and funds shall only be disposed of for public purposes, for the support and operation of state institutions, and pursuant to law.

Section 10.—No law shall give extra compensation to any public officer, employee, agent or contractor after services shall have been rendered or contract made. No law shall extend the term of any public officer or diminish his salary or emoluments after his election or appointment. No person shall draw a salary for more than one office or position in the government of Puerto Rico.

Section 11.—The salaries of the Governor, the Secretaries, the members of the Legislative Assembly, the Controller and Judges shall be fixed by a special law and, except for the salaries of the members of the Legislative Assembly, shall not be decreased during the terms for which they are elected or appointed. The salaries of the Governor and the Controller shall not be increased during said terms. No increase in the salaries of the members of the Legislative Assembly shall take effect until after the expiration of the term of the Legislative Assembly during which it is enacted. Any reduction of the salaries of the members of the Legislative Assembly shall be effective only during the term of the Legislative Assembly which approves it.

Section 12.—The Governor shall occupy and use, free of rent, the buildings and properties belonging to the Commonwealth which have been or shall hereafter be used and occupied by him as chief executive.

Section 13.—The procedure for granting franchises, rights, privileges and concessions of a public or quasi-public nature shall be determined by law, but every concession of this kind to a person or private

entity must be approved by the Governor or by the executive official whom he designates. Every franchise, right, privilege or concession of a public or quasi-public nature shall be subject to amendment, alteration or repeal as determined by law.

Section 14.—No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation authorized to engage in agriculture shall by charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture.

Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title.

Corporations not organized in Puerto Rico, but doing business in Puerto Rico, shall be bound by the provisions of this section so far as they are applicable.

These provisions shall not prevent the ownership, possession or management of lands in excess of five hundred acres by the Commonwealth, its agencies or instrumentalities.

Section 15.—The Legislative Assembly shall determine all matters concerning the flag, the seal and the anthem of the Commonwealth. Once determined, no law changing them shall take effect until one year after the general election next following the date of enactment of said law.

Section 16.—All public officials and employees of the Commonwealth, its agencies, instrumentalities and political subdivisions, before entering upon their respective duties, shall take an oath to support the Constitution of the United States and the Constitution and laws of the Commonwealth of Puerto Rico.

Section 17.—In case of invasion, rebellion, epidemic or any other event giving rise to a state of emergency, the Governor

may call the Legislative Assembly to meet in a place other than the Capitol of Puerto Rico, subject to the approval or disapproval of the Legislative Assembly. Under the same conditions, the Governor may, during the period of emergency, order the government, its agencies and instrumentalities to be moved temporarily to a place other than the seat of the government.

Section 18.—All criminal action in the courts of the Commonwealth shall be conducted in the name and by the authority of "The People of Puerto Rico" until otherwise provided by law.

Section 19.—It shall be the public policy of the Commonwealth to conserve, develop and use its natural resources in the most effective manner possible for the general welfare of the community; to conserve and maintain buildings and places declared by the Legislative Assembly to be of historic or artistic value; to regulate its penal institutions in a manner that effectively achieves their purposes and to provide, within the limits of available resources, for adequate treatment of delinquents in order to make possible their moral and social rehabilitation.

ARTICLE VII

AMENDMENTS TO THE CONSTITUTION

Section 1.—The Legislative Assembly may propose amendments to this Constitution by a concurrent resolution approved by not less than two-thirds of the total number of members of which each house is composed. All proposed amendments shall be submitted to the qualified electors in a special referendum, but if the concurrent resolution is approved by not less than three-fourths of the total number of members of which each house is composed, the Legislative Assembly may provide that the referendum shall be held at the same time as the next general election. Each proposed amendment shall be voted on separately and not more than three proposed amendments may be submitted at the same referendum. Every proposed amendment shall specify the terms under which it shall take effect, and it shall become a part of this Constitution if it is

ratified by a majority of the electors voting thereon. Once approved, a proposed amendment must be published at least three months prior to the date of the referendum.

Section 2.—The Legislative Assembly, by a concurrent resolution approved by two-thirds of the total number of members of which each house is composed, may submit to the qualified electors at a referendum, held at the same time as a general election, the question of whether a constitutional convention shall be called to revise this Constitution. If a majority of the electors voting on this question vote in favor of the revision, it shall be made by a Constitutional Convention elected in the manner provided by law. Every revision of this Constitution shall be submitted to the qualified electors at a special referendum for ratification or rejection by a majority of the votes cast at the referendum.

Section 3.—No amendment to this Constitution shall alter the republican form of government established by it or abolish its bill of rights. (Any amendment or revision of this constitution shall be consistent with the resolution enacted by the Congress of the United States approving this constitution, with the applicable provisions of the Constitution of the United States, with the Puerto Rican Federal Relations Act, and with Public Law 600, Eighty-first Congress, adopted in the nature of a compact.) See footnote.

ARTICLE VIII

SENATORIAL AND REPRESENTATIVE DISTRICTS

Section 1.—The senatorial and representative districts shall be the following:

I.—SENATORIAL DISTRICT OF SAN JUAN, which shall be composed of the following Representative Districts: 1.—The Capital of Puerto Rico, excluding the present electoral precincts of Santurce and Río Pie-

Except for amendments to section 5, article II, and to section 3, article VII, article VII above shall have force and effect when section 3 above has been amended to include the sentence inserted in parenthesis.

dras; 2.—Electoral zones numbers 1 and 2 of the present precinct of Santurce; 3.—Electoral zone number 3 of the present precinct of Santurce; 4.—Electoral zone number 4 of the present precinct of Santurce; and 5.—Wards Hato Rey, Puerto Nuevo and Caparra Heights of the Capital of Puerto Rico.

II.—SENATORIAL DISTRICT OF BAYAMÓN, which shall be composed of the following Representative Districts: 6.—The municipality of Bayamón; 7.—The municipalities of Carolina and Trujillo Alto; 8.—The present electoral precinct of Río Piedras, excluding wards Hato Rey, Puerto Nuevo and Caparra Heights of the Capital of Puerto Rico; 9.—The municipalities of Cataño, Guaynabo and Toa Baja; and 10.—The municipalities of Toa Alta, Corozal and Naranjito.

III.—SENATORIAL DISTRICT OF ARECIBO, which shall be composed of the following Representative Districts: 11.—The municipalities of Vega Baja, Vega Alta and Dorado; 12.—The municipalities of Manatí and Barceloneta; 13.—The municipalities of Ciales and Morovis; 14.—The municipality of Arecibo; and 15.—The municipality of Utuado.

IV.—SENATORIAL DISTRICT OF AGUADILLA, which shall be composed of the following Representative Districts: 16.—The municipalities of Camuy, Hatillo and Quebradillas; 17.—The municipalities of Aguadilla and Isabela; 18.—The municipalities of San Sebastián and Moca; 19.—The municipalities of Lares, Las Marías and Maricao; and 20.—The municipalities of Añasco, Aguada and Rincón.

V.—SENATORIAL DISTRICT OF MAYAGÜEZ, which shall be composed of the following Representative Districts: 21.—The municipality of Mayagüez; 22.—The municipalities of Cabo Rojo, Hormigueros and Lajas; 23.—The municipalities of San Germán and Sabana Grande; 24.—The municipalities of Yauco and Guánica; and 25.—The municipalities of Guayanilla and Peñuelas.

VI.—SENATORIAL DISTRICT OF PONCE, which shall be composed of the following Representative Districts: 26.—The first, second, third, fourth, fifth and sixth wards and the City Beach of the municipality of

Ponce; 27.—The municipality of Ponce, except for the first, second, third, fourth, fifth and sixth wards and the City Beach; 28.—The municipalities of Adjuntas and Jayuya; 29.—The municipalities of Juana Díaz, Santa Isabel and Villalba; and 30.—The municipalities of Coamo and Orocovis.

VII.—SENATORIAL DISTRICT OF GUAYAMA, which shall be composed of the following Representative Districts: 31.—The municipalities of Aibonito, Barranquitas and Comerío; 32.—The municipalities of Cayey and Cidra; 33.—The municipalities of Caguas and Aguas Buenas; 34.—The municipalities of Guayama and Salinas; and 35.—The municipalities of Patillas, Maunabo and Arroyo.

VIII.—SENATORIAL DISTRICT OF HUMACAO, which shall be composed of the following Representative Districts: 36.—The municipalities of Humacao and Yabucoa; 37.—The municipalities of Juncos, Gurabo and San Lorenzo; 38.—The municipalities of Naguabo, Ceiba and Las Piedras; 39.—The municipalities of Fajardo and Vieques and the Island of Culebra; and 40.—The municipalities of Río Grande, Loíza and Luquillo.

Section 2.—Electoral zones numbers 1, 2, 3 and 4 included in three representative districts within the senatorial district of San Juan are those presently existing for purposes of electoral organization in the second precinct of San Juan.

ARTICLE IX

TRANSITORY PROVISIONS

Section 1.—When this Constitution goes into effect all laws not inconsistent therewith shall continue in full force until amended or repealed, or until they expire by their own terms.

Unless otherwise provided by this Constitution, civil and criminal liabilities, rights, franchises, concessions, privileges, claims, actions, causes of action, contracts, and civil, criminal and administrative proceedings shall continue unaffected, notwithstanding the taking effect of this Constitution.

Section 2.—All officers who are in office by election or appointment on the date

this Constitution takes effect shall continue to hold their offices and to perform the functions thereof in a manner not inconsistent with this Constitution, unless the functions of their offices are abolished or until their successors are selected and qualify in accordance with this Constitution and laws enacted pursuant thereto.

Section 3.—Notwithstanding the age limit fixed by this Constitution for compulsory retirement, all the judges of the courts of Puerto Rico who are holding office on the date this Constitution takes effect shall continue to hold their judicial offices until the expiration of the terms for which they were appointed, and in the case of Justices of the Supreme Court during good behavior.

Section 4.—The Commonwealth of Puerto Rico shall be the successor of the People of Puerto Rico for all purposes, including without limitation the collection and payment of debts and liabilities in accordance with their terms.

Section 5.—When this Constitution goes into effect, the term "citizen of the Commonwealth of Puerto Rico" shall replace the term "citizen of Puerto Rico" as previously used.

Section 6.—Political parties shall continue to enjoy all rights recognized by the election law, provided that on the effective date of this Constitution they fulfill the minimum requirements for the registration of new parties contained in said law. Five years after this Constitution shall have taken effect the Legislative Assembly may change these requirements, but any law increasing them shall not go into effect until after the general election next following its enactment.

Section 7.—The Legislative Assembly may enact the laws necessary to supplement and make effective these transitory provisions in order to assure the functioning of the government until the officers provided for by this Constitution are elected or appointed and qualify, and until this Constitution takes effect in all respects.

Section 8.—If the Legislative Assembly creates a Department of Commerce, the Department of Agriculture and Commerce shall thereafter be called the Department of Agriculture.

Section 9.—The first election under the provisions of this Constitution shall be held on the date provided by law, but not later than six months after the effective date of this Constitution. The second general election under this Constitution shall be held in the month of November 1956 on a day provided by law.

Section 10.—This Constitution shall take effect when the Governor so proclaims, but not later than sixty days after its ratification by the Congress of the United States.

Done in Convention, at San Juan, Puerto Rico, on the sixth day of February, in the year of Our Lord one thousand nine hundred and fifty-two.

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INTERNATIONAL RELATIONS AND WORLD GOVERNMENT

TANSILL, CHARLES CALLAN. *Back Door to War: The Roosevelt Foreign Policy, 1933-1941*. Pp. 690. Chicago: Henry Regnery Company, 1952. \$6.50.

In the aftermaths of the world wars of the twentieth century it is the function of "revisionist" historians to reassess the record and, more often than not, to show that villains were heroes, heroes were villains, and all that happened was altogether different from what contemporaries assumed it to be. This task, when well performed, is useful and necessary for it serves truth by correcting the undocumented passions of foresight with the documented wisdom of hindsight. Among worthy contributions of this kind have been the writings of Harry Elmer Barnes, Sidney Fay, Charles A. Beard, and Charles C. Tansill, professor of American diplomatic history at Georgetown University, in his earlier work, *America Goes To War* (1938), dealing with 1917.

Professor Tansill's new book is, in form, in the best tradition of diplomatic historians (including the unorthodox scholars, who are obliged to be twice as scholarly as the orthodox), for it is replete with footnotes, bibliography, a good index, and based upon "access to the copious correspondence in the confidential files of the Department of State." Its purpose is to prove that the

Roosevelt Administration, while championing peace, was bent upon war and succeeded in inducing an isolationist Congress and public to accept war by the calculated device of provoking the enemy to attack the United States.

All of this is true. And it is good to have a fully documented account of the tale couched in these terms. This volume is nevertheless disappointing because the author, despite his scholarly eminence, displays no awareness whatever of what United States foreign policy is about or of what Fascist foreign policy was about.

American policy-makers, reluctantly supported by a confused citizenry, decided in 1940, as they had decided in 1917 and even in 1813 (see Jefferson's comments) and again in 1947-52, that American security would be endangered if any one Power or combination of Powers should conquer Europe and/or Asia. This balance-of-power calculus could not be presented to the populace in terms of power politics, which the American public equates with sin, and had to be clothed in legalistic-moralistic verbiage about "freedom of the seas," "the war to end war," "the war to make the world safe for democracy," the "Atlantic Charter," the "Four Freedoms," and other irrelevancies. The validity of the decision itself is open to question, though no one ever questions it. Fascist totalitarianism, by virtue of its inner dynamics,

could not stop, until smashed by superior force, at anything short of the conquest of the globe.

Dr. Tansill, unhappily, is innocent of any suspicion of these obvious facts of life—with the result that his monumental work is almost meaningless in its central thesis. Despite vast erudition, the thesis not only fails to challenge the basic assumptions of the Roosevelt administration but is warped by the narrowly conceived purpose of the author into the elaboration of a set of dubious or preposterous propositions. The first sentence of the book asserts: "THE MAIN OBJECTIVE in American foreign policy since 1900 has been the preservation of the British Empire." Among the last sentences are: "Was the preservation of the British Empire worth the blood, sweat, and tears not only of the men who would die in the agony of Pearl Harbor but also of the long roll of heroes who perished" all over the earth? Between these terminal points the author is obliged by his naïve thesis to argue, contrary to all reason, that "if we had not entered the war in 1917, World War I would have ended in a stalemate" (p. 9); "Germany had been baited into a war with Britain and France when she would have preferred a conflict with Russia over the Ukraine" (p. 557), causing one to wonder whether Tansill has ever read *Mein Kampf*; "the Nazi regime is placed upon an uneasy defensive" (p. 284); "Ickes widens the breach" (p. 350); "Beneš postpones too long a policy of appeasement" (p. 389); "Russia instigates war in the Far East" (p. 456); "Japan proposes a joint search for world peace, but Hull declines" (p. 481); "Stalin lights the fuse" (p. 525); "Roosevelt seeks a pretext for war with Germany" (p. 584); "Japan is maneuvered into firing the first shot" (p. 616); and others.

That all of this is nonsense is a great pity, since Americans need, now more than ever, a revaluation of foreign policy in the light of careful documentation and full awareness of the realities of world politics. Dr. Tansill is terrific at documentation and wholly ignorant of realities. He thus demonstrates anew that scholarship without perspective is sterile. Some day perhaps

some perceptive scholar will reassess the American record in the world wars of our time in terms useful for the future. This Tansill has altogether failed to do.

FREDERICK L. SCHUMAN

Williams College

CHANG, TSE CHUN. *Cyclical Movements in the Balance of Payments*. Pp. x, 224. New York: Cambridge University Press, 1951. \$3.75.

This inquiry into the fluctuations of international economic transactions consists of three parts. Part I begins with a theoretical analysis of how transactions on income and capital account in different types of country respond to changes in home and world income. Later chapters deal statistically with the foreign-trade multiplier and with the income and price elasticity of the imports and exports of a considerable list of countries. Parts II and III are devoted to case studies of the balance of payments. A detailed statistical analysis of Great Britain (a highly industrialized country deficient in raw materials) is followed by briefer studies of the United States (a highly industrialized and broadly self-sufficient economy), Sweden (a less extreme variant of the same type), Australia (an agricultural country), Chile ("a typical mining country"), and Canada (a "mixed" economy).

Dr. Chang relegates the classical price and species-flow mechanism to a minor role. He finds that the quantity of imports of a country is predominantly determined by movements of its national income, while the quantity of its exports is determined by the movements of world income. The principal influence of prices is not on the quantities that enter into trade, but on their values. If the real income of a country rises, it transmits an upward thrust to other nations by the expansion of its imports. If the real income of the rest of the world rises, the given country will soon benefit by expanding its exports. Thus the "foreign-trade multiplier" induces a tendency toward international synchronism of prosperity and depression. As far as income transactions go, industrial and mining countries "generally tend to show an alternate surplus and deficit in relation

to general world prosperity and depression; whereas the agricultural type tends to have the opposite pattern." But the transactions on long-term capital account are also geared to the world cycle, and they tend to offset the fluctuations in the income transactions. When the net import (export) of capital equals the deficit (surplus) on income account, a country's balance of payments is in "cyclical equilibrium." A tendency toward such a "natural harmony" exists, but it does not always prevail, and movements of gold or short-term capital therefore become necessary.

These, in briefest compass, are some of the broad conclusions of Dr. Chang's inquiry. They are bound to excite considerable discussion. How cogent is the theoretical or statistical argument in behalf of a natural tendency toward cyclical equilibrium in a country's balance of payments? Is the income of a nation determined solely by its home investment and exports, as Dr. Chang supposes? Do monetary and price changes receive their full weight in his analysis? What of tariffs and other political obstacles to free international traffic in commodities, services, and securities? Are the numerous equations, correlation coefficients, multipliers, and elasticities a reliable guide to economic prediction or policy? Are they even a reliable summary of past experience? Not all these questions would be answered in Dr. Chang's favor by the present reviewer. Nevertheless, I definitely feel that his bold and pioneering investigation deserves the careful scrutiny of all students concerned with its intellectual range.

ARTHUR F. BURNS

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AMERICAN GOVERNMENT, HISTORY, LAW, AND POLITICAL THEORY

MOOS, MALCOLM. *Politics, Presidents, and Coattails*. Pp. xxi, 237. Baltimore: Johns Hopkins Press, 1952. \$4.50.

Many books have been written about the election of presidents, but the election of congressmen has attracted comparatively

little attention from our book writers, either popular or academic. The general neglect of congressional elections in the literature of American politics may reflect the lesser interest of the voters themselves in their representatives in the legislative branch of government. Successful candidates for the presidency, according to Professor Moos's calculations, have received on the average 7½ per cent more votes than their fellow candidates for the Congress, and even the unsuccessful presidential candidates have generally led their congressional tickets. Who these numerous but obscure voters are, that take the trouble to go to the polls in order to vote for a president, and then will not bother to vote for a congressman, Professor Moos does not say. Evidently they are not greatly interested in political parties or deeply concerned about the practical operation of our constitutional system of checks and balances.

Professor Moos is interested in both these topics, but his primary interest is in the relationship between the voting for presidential candidates and that for congressmen. The question, whether candidates for Congress should hope to ride into office on the coattails of popular presidential candidates, may not be important in the nearly three-fourths of the congressional districts in which the victory of one party or the other is practically certain in advance. But in the more than 100 districts which are ordinarily closely contested the answer to this question is important to practical politicians. Professor Moos makes it seem important also to political theorists. His conclusion, from an impressive array of statistical evidence, is that coattail influence is not a critical factor in national elections.

More important to most students of American politics will be Professor Moos's conclusions concerning the nature and tendency of the American party system. He has taken a close look at the election returns for some years back and convinced himself that what he calls "party politics—free style," that is, the traditional system of "principle-less" partisanship, is superior to the system of more strictly disciplined parties, which might result from a realign-

ment on a more rational basis, as advocated by some of our professional political scientists, notably the authors of the report of the Committee on Political Parties of the American Political Science Association. Professor Moos's argument in support of his opinion is vigorous and is supported with fresh evidence derived from the election returns. It is also set forth in a more lively style than is generally found in statistical treatments of political questions. This is a book which deserves the attention of all serious students of American politics, both amateur and professional.

ARTHUR N. HOLCOMBE

Harvard University

HOOVER, HERBERT. *The Memoirs of Herbert Hoover*. Vol. III: *The Great Depression, 1929-1941*. Pp. xv, 503. New York: The Macmillan Company, 1952. \$5.00.

Essentially this third volume of Hoover's *Memoirs* is his justification of his handling of the Great Depression. If he is conscious of a single error in his methods, he does not confess it. Ironically enough he had, throughout the 1920's, warned against the credit policies of the Federal Reserve Board that contributed to the market crash of 1929. To his everlasting credit he had no sympathy with Andrew Mellon's depression formula which he says was: "Liquidate labor, liquidate stocks, liquidate farmers."

Hoover spent most of his four presidential years inventing and applying devices to counteract the harrowing economic trend. In this he was limited by his inflexible social and economic philosophies. "National stability," he writes, "required that we balance the budget." So galloping deflation was accelerated by increased taxation and reduced federal spending. A similar policy in the Eisenhower administration, in case of even a recession, would probably finish the Republican party.

Sixteen months after the market crash Hoover was insisting: "The basis of successful relief in national distress is to mobilize and organize the infinite number of agencies of self help in the community," and this was said when personal incomes were wilting away. At the same time he was asserting the responsibility of local

governments for relief just when their dwindling revenues and borrowing potentialities were confronting them with impending bankruptcy.

Yet Herbert Hoover is convinced that he had whipped the depression by 1932. "If the New Dealers had carried on our policies instead of deliberately wrecking them and then trying to make America over into a collectivist system, we should have made complete recovery in 18 months after 1932, as did all the other dozen nations with a free economy." He points out what all the economic charts indeed confirm—that only World War II finally got us out of depression conditions.

A man from Mars landing on earth and having no other source of information about Franklin Roosevelt than this book could scarcely believe that such an earth being was possible. If President Roosevelt possessed one redeeming trait, Herbert Hoover apparently never noticed it. Roosevelt would appear to have been something of an economic moron particularly in his monetary manipulations. His misrepresentations of Hoover's dealing with the depression are thoroughly and convincingly documented. Under the circumstances the ex-president can be pardoned for frequent use of the epithet "lies," although he does suggest that Roosevelt was misled by his ghost writers. Hoover proudly declares that he never delivered a ghost written speech.

The meticulous care with which Herbert Hoover solemnly demolishes, detail by detail, the misrepresentations of Franklin Roosevelt, whether as a campaigner or as President, reveals Hoover's overestimate of the rational nature of the human race. He may be unaware of his own application to those who have philosophies different from his of such epithets as "demagogues," "pseudo liberals," "socialistic," "communist," and "fascist," to mention but a few. Moreover that still historically young institution, "free enterprise," is assumed to be the absolute ultimate in economic evolution, which only a potentially aberrant human race can prevent from prevailing when Gabriel trumpets the Judgment Day.

WILFRED E. BINKLEY

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CORSON, JOHN J. *Executives for the Federal Service: A Program for Action in Time of Crisis*. Pp. xii, 91. New York: Columbia University Press, 1952. \$1.50.

John Corson's *Executives for the Federal Service* has two unusual qualities—you can read it at one sitting, and the whole book makes good sense. The book is the result of a very workmanlike analysis of the "distressing scarcity" of top-level leadership to administer the increasingly diverse functions of the United States government. It is a successful attempt to establish some constructive guides to remedy our shortage of able public executives.

The author is herein concerned with the 3,300 executives (1950 estimate) required for the management of the executive branch. Although this group receives only 2 per cent of the federal salary budget, John Corson correctly stresses the great impact which, for better or for worse, this small cadre has upon the productivity and enterprise of the entire 2,250,000 members of the public service.

Consideration is first given to the "market" of supply and demand for executives where the supply does not now and never has equaled the demand. Mr. Corson suggests that one reason has been the lack of organized machinery to identify available and competent individuals with the peculiar talents required of those who assume key jobs in the Federal departments and emergency establishments.

As another problem in obtaining a favorable balance in the executive "market place," Corson points to the inability, and hence the hesitations, of many persons in private business to handle with a sure hand the appallingly complex tasks of government.

One of the most interesting parts of the book is the analysis of why individuals refuse to accept appointments to important and influential positions offered them. In addition to such "avowed reasons" as the inadequacy of compensation and unwillingness to accept the abuse which may fall upon public officials, Mr. Corson ferrets out some of the underlying, though rarely articulated, reasons. Among these are the inability of the prospective appointee to visualize the nature of the work to be

undertaken, the lack of a sense of genuine emergency need, the inability of some agency heads to attract and command the respect of competent subordinate executives, and the lower prestige which has developed for the public service as a result of destructive criticism of government and general indictment of public employees.

In addition to these, I should like to add what I have come to believe is the principal reason for failure of citizens to respond to a call to public duty: I refer to the lack of a sense of responsibility which has become so prevalent as Americans have become increasingly materialistic in their orientation. Acquisition of material possessions, self-indulgence, getting ahead, "making a killing" are values which are not only taking firm root in the market place but too often are the dominant note in our universities as well. When we have more unselfish, devoted, and concerned citizens, the reasons given by Mr. Corson will still be important factors requiring action, but they will not prevent the government from securing the services of persons it needs.

To alleviate these deficiencies, Corson sets forth a constructive program designed both for the immediate "executive crisis" and for the drawn-out state of emergency which is ahead. He stresses that an awareness of the critical emergency now existing must be created among the country's business and educational leaders. More specifically he proposes: (1) Better utilization of executive ability already within the government; (2) more resourceful methods in recruiting qualified persons from private fields; (3) rotation of individuals in top-level jobs; and (4) in the absence of a suitable salary structure, service without compensation. The key ingredient in each of these steps is provision within the federal government of adequate leadership to carry them out.

One incentive which Corson points to as important for the long pull in both attracting and retaining able individuals is that of establishing salary levels more comparable to those of private industry (where responsibilities in most cases are much narrower). Among nonmonetary incentives, attention is given to sabbatical leaves, provision for participation in professional

meetings at government expense, and other means for broadening experience and associations.

In recommending that a "pool of career administrators" supplemented by a "public service reserve" be established, the author places appropriate emphasis upon the continued necessity of a high degree of accountability on the part of government executives.

I would add, also, that both the pool and the reserve should be provided with an easily operated valve to let out those who will inevitably turn out poorly or otherwise develop attitudes and orientations which are inimical to the public service. Moreover, we should guard vigilantly that priceless fluidity of our civil service which permits entry into the federal government at all levels of persons from private institutions and state and local agencies. Efforts to *require* promotion from within in filling vacancies strike at the heart of this essential.

It is gratifying to learn that philanthropic foundations and professional organizations have been impressed with the merit of Mr. Corson's final recommendation for a thorough inquiry into this whole field. This splendid volume should provide a solid basis for the dual need of further study and current action.

DONALD C. STONE

Economic Cooperation Administration
Washington, D. C.

HARDIN, CHARLES M. *The Politics of Agriculture: Soil Conservation and the Struggle for Power in Rural America*. Pp. 282. Glencoe, Ill.: The Free Press, 1952. \$4.00.

Beginning with the depression following World War I there has been a very great increase in the relationships between government and agriculture. Farmers, as individuals, found themselves helpless to deal with the financial problems with which they were confronted following the sudden collapse of the prices of farm products in the early twenties and again in the early thirties. Their plight had a serious impact upon the entire economy of the country. To remedy the situation farmers organized more thoroughly than ever before in the

history of the country. As a result, they were in position to present their plight to the public and to the government more effectively than ever before. All parties concerned were convinced that something had to be done. But what?

This interesting, well-written, and well-documented study by Charles M. Hardin, associate professor of political science at the University of Chicago, gives a well-balanced picture of the efforts to find solutions to these problems which have been made to date. Part I deals with "The Interests" involved—the interests of farmers, the College of Agriculture, the Soil Conservation Service, and the Production and Marketing Administration. Part II takes up the Process of Policy Formation—the conflicts between the "interests" listed above, their attempts to "sell" Congress on the merits of their respective solutions to farm problems, the Hoover Commission and its task force for Agriculture, and the 1951 reorganization of the Department of Agriculture. Part III consists of recommendations and general interpretations.

It is an interesting story, impartially presented, of an exceedingly important period in the evolution of our governmental machinery for dealing with the problems of agriculture in the modern world.

As the curtain is drawn at the close of the book, one is left with the feeling that he is still in the midst of the play. The final outcome of this struggle for power is by no means clear. In our ponderous, slow-moving democracy the last act may take another quarter of a century. This reader was left with the hope that the author will write the final act in due time as a sequel to the present volume.

RICHARD BRADFIELD

Cornell University

CALKINS, FAY. *The CIO and the Democratic Party*. Pp. xiii, 162. Chicago: University of Chicago Press, 1952. \$4.00.

There are few tougher questions facing labor leaders today than those having to do with the extent and manner of labor participation in partisan politics. It is all very well to say "reward friends and punish enemies," but the question remains how best to do this in the countless particular

power situations which constitute American politics.

This book consists of five case studies of the way various units of the Congress of Industrial Organizations Political Action Committee (CIO-PAC) tried to answer that question in 1950. Each illustrates a different kind of interest group-political party relationship. In Ohio, PAC supplemented the Ferguson campaign against Taft, without success but with sufficient vigor to draw fire upon itself as a "radical" group which had captured the Democratic party. An extremely close competition between the two parties in Steubenville, Ohio, permitted PAC to organize independently and hold the balance of power. In Chicago, PAC in coalition with another liberal group entered the Democratic primary, only to fail resoundingly in its attempt to nominate a state senator in opposition to the machine candidate. The Rockford, Illinois, PAC entered the county party and formed a coalition with an Italian group; together they elected top party officers and controlled the party. A liberal coalition in Michigan, in which PAC was the strongest single group, captured the state party and elected a governor.

The author recognizes the limitations of the case-study method, and she does not claim that these cases are even representative. The five PAC's were chosen because they were, among the most active in the country; their relationships with the party therefore bring into sharp focus the kinds of decisions political activists in labor must make. In all the cases the same variables are examined; the studies can be integrated readily into further research. The data certainly support the author's conclusion that an interest group has to determine in each situation what relationship with the party will best serve its needs, and that it "operates at its best when it selects the most influential alternative it can afford with its limited political resources."

The book has neither notes nor index, but this is not so serious as it sounds: the book is brief and clearly organized, and the essential data are in the text.

The author seems undecided about her public for a moment in the beginning, when she addresses herself to the "average

American" who shudders at the mention of the word "pressure group." But the book is not for him; it is sophisticated scholarship, written with remarkable economy. It ought to be read by both the professional conservative and the professional liberal, who fume respectively at labor's menacing political power and labor's inexcusable political impotence. It may of course be ignored or received without gratitude by them, but not by those who can appreciate the value of sound empirical research in an area in which so many have been content to play by ear.

RALPH K. HUITT

The University of Wisconsin

BOLLENS, JOHN C. *Appointed Executive Local Government, The California Experience*. Pp. xi, 233. Los Angeles: Haynes Foundation, 1952. \$3.75 cloth; \$3.00 paper.

This is perhaps the most detailed study of appointed local government executives yet made in any state. Besides, it is extremely interesting reading and should be most helpful to all those who are actively promoting or considering the appointive executive for their municipality, county, or local unit.

There are two sorts of such executives in California: the manager and the chief administrative officer (CAO). One hundred and nineteen municipalities in the state, about two-fifths of the total of 306, are appointed executive local governments. Almost nine-tenths of all city inhabitants are living in these communities. More than one-fifth of California counties, thirteen to be exact, with 69 per cent of the population of the state, also operate under such governments. Of the grand total of 132 local units under appointed executive governments, 85 have managers and 47 have chief administrative officers. There have been 26 abandonments of the manager plan and 16 of the chief administrative officer set-up. The manager in California dates from 1914, the chief administrative officer since 1930.

The differences between a manager and a chief administrative officer, while real, are relative in character. The office of manager is more formal in its legal setting,

and the manager has a more complete administrative authority. The duties of the chief administrative officer are described in more detail and are more confined in scope. The most important differences are that the manager generally has the specific right to appoint and remove a considerable number of administrative employees including department heads, whereas the CAO are usually confined to making recommendations on such matters to the governing bodies. Likewise, managers have power to prepare the annual budget, while CAO collect departmental estimates and submit them to the governing body with their suggestions. But even in such cases, there is much similarity in actual practice depending upon the personalities concerned. The CAO is likely to increase his powers after two years of successful administration when the governing body has gained confidence in his work. This is an important point for consideration in other states. Communities first dubious of a manager-council plan might be willing to adopt a CAO as a starter; others not satisfied with the manager plan could adopt the less formal CAO. In California, there were eleven conversions from CAO to manager and nine transfers from manager to CAO.

The contents of this book cover the general field of this relatively new development in local government in a broad way. They include the growth of the council-manager and CAO plans within the state, the methods of adoption, and case studies thereon, the characteristics of appointed executives and their jobs, and the part they plan in intergovernmental and community affairs. The experiences in California, the leading state in adoptions of the appointed executive, are well worth extensive consideration throughout the nation.

HAROLD F. ALDERFER

The Pennsylvania State College

JORDY, WILLIAM H. *Henry Adams: Scientific Historian*. Pp. xvi, 327. New Haven: Yale University Press, 1952. \$5.00.

William H. Jordy's *Henry Adams: Scientific Historian* is a detailed and excellent analysis, not only of the work of the enigmatic Brahmin, but of his personality as

well. Jordy is much to be commended for his courageous recognition of the fact that while the pattern of a man's accomplishments and of his significance takes form only as the man himself begins to emerge, the finer subtleties of an extremely complex subject may defy category. Obviously, having presented a full roster of facts, Jordy might be excused—possibly even praised—for drawing the threads of his evidence together, however loosely, into a composite picture. Instead, he wisely leaves it to the creative reader to evoke his own image, recognizing, as Adams himself would have, the futility of forcing an Adams on a merely passive audience.

This delicate approach does not, however, preclude some exceedingly astute observations on Mr. Jordy's part. After the inevitable first chapter on the nomenclature to be used, the reader examines, with Henry Adams' penetrating eye, the problems facing science, history, art, and the world of practical affairs. These are seen within the context of one, who, however in advance of his age he might be in some respects, was nevertheless imprisoned within the emotional and intellectual climate of the nineteenth century. Add to this the peculiar background of the perfectionist who felt at once repelled by the realities of actual existence and drawn, both by family example and by his own inclination, into a belief that the function of an enlightened leadership was that of dominating the public will. Within this framework, the *raison d'être* of Adams' search for unity and meaning through a scientific history becomes evident.

Equally obvious is the resulting dilettantism of Adams' work, which, however fascinating, never quite attains a professional level. The man who sought to establish the university as the central core of a trained leadership, was himself unable, in the last analysis, to rise above the level of the cultivated amateur. His romantic conviction that learning would detract from the fullest realization of aesthetic values goes far in explaining his reluctance in adopting, without reservations, his own formulas; and it certainly, in Jordy's view, helps to explain the paradox, the sense of frustration, and the later pessimism of

Adams. It explains too, along with the Hamletian qualities of vacillation so characteristic of Adams, his ultimate reliance on intuition rather than on scientific method. That this could lead only to "failure" in the conventional sense in no way lessens the fundamental greatness of the man. Without in the least minimizing any of Adams' shortcomings, Jordy is able to portray the essential integrity and the substantial if erratic accomplishments of an outstanding transition figure in American history.

DOROTHY RICHARDSON RUDY
Cross River, New York

CARMAN, HARRY J., and HAROLD C. SYRETT. *A History of the American People*. Vol. I: *To 1865*; Vol. II: *Since 1865*. Pp. 746, xxi; 812, xxv. New York: Alfred A. Knopf, 1952. Text \$5.75 per volume; trade \$15.00 for boxed set.

This history of the United States from the time of the discovery of the American Continent up to the war in Korea is intended for the use of students, and it is truly the kind of a history which students should have.

First of all, it is dispassionate and objective. With few exceptions the account of events and the authors' comments upon them are severely judicial rather than argumentative. Then, too, the emphasis is all on economic, social, cultural, and religious developments rather than on wars and military personalities. Even though we Americans have been embroiled in fighting oftener than one would expect of a peace-loving people, yet it has not been along such lines that either our ethos or our principal growth has seemed to lie.

This fine even-handedness has been violated on only two occasions. When relating the political maneuvers which attended the early years of the Republic, I cannot help feeling that the scales have been tipped somewhat in favor of the Hamiltonian philosophy at the expense of Jefferson's ideas, so that the latter's stature diminishes unduly and John Adams emerges a more significant figure than most students adjudge him to be.

What seems to me a common error in evaluating Reconstruction measures ap-

pears here also. Emphasis is invariably placed on the uncompromising harshness of the final legislation, without giving sufficient importance to the constant evasions by the former Confederate States of the milder, looser regulations which preceded this.

But these blemishes are more than balanced by the virtue mentioned above, as well as by the brilliant fashion in which the authors have avoided the pitfalls rarely missing when historians essay to write about contemporary history. The story of the Roosevelt and Truman administrations has been told dispassionately yet warmly, and will, there is every reason to believe, stand up stoutly under the test of time.

ALPHONSE B. MILLER
Philadelphia, Pennsylvania

JOHNSON, GERALD W. *Pattern for Liberty: The Story of Old Philadelphia*. Pp. 146. New York: McGraw-Hill Book Company, 1952. \$7.50.

This book is certain to be popular. It is grateful to the eye, with its large clear text, its generous margins, and its spirited pictures in color. But it is grateful alike to the ear; for the story is told by an expert newspaper man who knows the value of direct approach, conversational ease, apt illustration, and epigram. One has the feeling of an experience in television—words and pictures going hand in hand, and all shrewdly timed. The reading can be accomplished in an evening. Perhaps, indeed, it is better that way. For this is not only a description of the Quaker City in the old time, though it is much of that; nor yet is it only a narrative of stirring events, though there are these in large measure. It is a story built about a two-fold pattern: first, that only in a new country, so situated, so peopled as America was then, could have been promulgated so dangerously novel a form of government as that outlined in the Constitution, at least without sanguinary repercussions. And second, that Philadelphia, because of the temper of its people, was ideally fitted to the proper shaping of that document.

Everyone will agree with the first theme, and it is pleasant to have the tale retold well. With the second one is more dubious.

Philadelphia was chosen as a meeting place for the delegates because of its central position. But that its people were gifted with such moderation as to make them a balance-wheel between the radical democracy of the North and the aristocratic tradition of the Southern states is quite another matter. One has only to read, alas often, of the violent, almost sanguinary quarrels that rent it almost in twain, to doubt whether the citizens were the comfortable, middle-of-the-road people the author finds them.

Mr. Johnson also states, oddly enough to one of Quaker City blood, that Penn's Green Country Town was a merry place. Now the Quakers who formed a large part of its population—a governing part—were sober folk. They allowed no pictures or ornaments in their homes. They eschewed finery in dress. And they made war quietly but effectively against such worldly diversions as the opera, the theatre, and dancing. They smiled. They hardly laughed. It is true that during the Captivity the city was decidedly gay. But that was due to the British officers, led by Major André. When they went, gayety went with them, along with the jollier Tory girls who left as their wives. And we have foreigner after foreigner to iterate his feeling of ennui with the primness of both architecture and entertainment. It looks a little as if the author were fitting his facts into a preconceived plan.

But the charm of the book lies not in its arrangement, but in its story. The author knows the value of little things. And just as E. F. Benson, in his study of Edwardian England, begins with a humble bead-cushion, so here we start with a chair and a carved sun upon it, that Franklin interprets as a rising sun: There is the theme. A young, adventurous people are given you: the shipbuilders and townfolk in the background; the merchant-adventurers like Morris, artists like Peale, inventors like Fitch, doctors like Rush, in the middle foreground; and the great national figures on the front stage. A complete and telling picture.

Pattern for Liberty will be of interest primarily to Philadelphia folk. But it will have its appeal also to any good American

who looks with pride on the sunrise of his country.

WILLIAM PAGE HARBESON
University of Pennsylvania

ROSSMAN, KENNETH R. *Thomas Mifflin and the Politics of the American Revolution*. Pp. xiii, 344. Chapel Hill: University of North Carolina Press, 1952. \$5.00.

This is the only published biography of Thomas Mifflin, with the exception of a brief sketch of twenty pages which was printed over a century ago. The neglect of Mifflin may have been in part a reflection of disapproval of the career of a man who was threatened with court-martial as quartermaster general at the time of Valley Forge, who was involved with Horatio Gates in the Conway correspondence, and who, on other occasions as late as 1793, was condemned by George Washington. However, a biography now seems well warranted for a man who was a prominent Philadelphia merchant, major general in the Continental Army, President of Congress under the Articles of Confederation, and three times governor of Pennsylvania.

Professor Rossman has used the few and widely scattered Mifflin manuscripts, but most of his sources have of necessity been drawn from state papers and the letters of Mifflin's contemporaries. In the first hundred pages the reader is in danger of losing Mifflin in the rapid summary of colonial life and the politics of the Revolution. Even here, however, there are gems, such as the following quotation which so well documents for the Colonial period the comments of Estes Kefauver (*THE ANNALS*, Vol. 280, p. 2) on the evolution of ethical standards of public morality. In considering civil government the fifteen-year-old Mifflin wrote in his school notebook: "... Men who have property will not be excluded from a Share of Power & Men in Power will exert it one way or other to obtain Property to support themselves."

Mifflin's conduct in resigning as quartermaster general is described as "unpardonable and almost criminal," but the reasons and excuses for it are explored. The analysis of his contributions to the Conway "Cabal" tends to confirm the more recent

interpretations of this episode, holding that cabal is too strong a word to use in describing the activities of those who criticized Washington during the winter of 1777-1778. Washington apparently understood, for he was a friendly associate and at times a guest in Mifflin's home during the next 20 years when Mifflin was prominent in Pennsylvania politics. The last 200 pages of this volume are devoted to Mifflin's career as a political leader in Pennsylvania, and provide one of the best analyses of local politics during the early Federal period.

A minor detail serves to illustrate the caution necessary to the researcher who uses newspaper accounts as sources. The "immense crowd" from Philadelphia never met Citizen Genet at Gray's ferry. The plans for the reception miscarried, but the editor of *The General Advertiser* did not change type on the excellent story he had set in advance. Both Jefferson and Hamilton mentioned Genet's entrance into Philadelphia under other circumstances in their letters written at that time.

CHARLES M. THOMAS
The Air University
Maxwell Air Force Base, Alabama

SYDNOR, CHARLES S. *Gentlemen Freeholders: Political Practices in Washington's Virginia*. Pp. ix, 180. Chapel Hill: University of North Carolina Press, 1952. \$3.50.

Aristotle rationalized the Greek city state into the perfect form of political organization. Professor Sydnor has nearly accomplished this task for the county government of colonial Virginia, not as applicable to other regions and other times, but for the social conditions of eighteenth-century Virginia. He has, indeed, made a very appealing case for the political system which produced Washington, Jefferson, Madison, Marshall, and Monroe. He describes a typical election in eighteenth-century Virginia, in which the gentry dominated, but where they were generous enough to "swill the planters with bumbo," an alcoholic drink.

The most important contribution of this study is an analysis of the county oligarchies. Here the prestige of family, long tenure, and irresponsibility to the people

did not lead, as one might expect, to bad government but to a remarkably successful system of federalism in local government. Despite his approval of this system, on the basis of results, Professor Sydnor has presented the opposite side as Thomas Jefferson saw it. Perhaps there is a lack of extant source material, but surely there must have been much other adverse criticism. All phases of government in the eighteenth century were firmly controlled by "the gentlemen of long-tailed families." But they seldom used their power to oppress the people, partly because Virginia was a homogeneous agricultural community and because government only lightly touched the citizens and provided few opportunities for exploitation of one class by another.

Professor Sydnor holds that the Virginia government of the eighteenth century was a happy blend of aristocracy and democracy. The only time that the people could vote was at the election of burgesses, and only a small minority did vote. Professor Sydnor has brought forward the interesting contention that a property qualification in the eighteenth century was actually intended to curb the influence of great landowners over their tenants and laborers who, under a system of oral voting, could be forced to vote according to the will of the landlord. This study of gentlemen freeholders in Virginia is written with charm and is a valuable contribution to the understanding of the eighteenth century in America.

CLEMENT EATON
University of Kentucky

BRIDENBAUGH, CARL. *Myths and Realities: Societies of the Colonial South*. Pp. xiii, 208. Baton Rouge: Louisiana State University Press, 1952. \$3.25.

In this volume, an outgrowth of his Walter Lynwood Fleming Lectures at Louisiana State University, Professor Bridenbaugh divides all the Late Colonial South into three distinct parts: the Chesapeake Society, the Carolina Society, and the Back Settlements. He sets off the Back Settlements as the area settled by many folk from Pennsylvania, largely Scotch-Irish and German, a region west of

the Monocacy River and the Blue Ridge Mountains as far south as Albemarle County where it spilled over into the Piedmont of Virginia, the Carolinas, and Georgia. The Chesapeake Society is defined as being situated east of the Back Settlements in Maryland, Virginia and northern North Carolina. The Carolina Society is a label reserved for the coastal region in southern North Carolina, South Carolina, and Georgia. The Chesapeake Society is described as being in an economic depression and the Carolina Society as being in a boom. Both are depicted as being intellectually passive, absorbing most of their culture from European centers—an indictment that was probably about as true of the rest of Colonial America.

Professor Bridenbaugh makes many excellent points and various penetrating evaluations of the societies of the Colonial South, but some authorities will probably disagree with a few of his conclusions. His emphasis, for instance, upon ruralness and slavery as most important influences in shaping the distinctive nature of Chesapeake Society may be regarded as a mild over-simplification, since tobacco culture, which was certainly of significance, developed before slavery and would have continued without it, and since ruralness was virtually a universal characteristic of Colonial America. Also, his assertion that "the toleration born of the Enlightenment and voiced by some liberal Tidewater Anglican gentlemen had no interior echoes before 1775" (p. 185) will likely evoke some scholarly polemics.

Professor Bridenbaugh challenges as a myth the belief that a political feud existed prior to the American Revolution between the Chesapeake Society of Virginia and its Back Settlements concerning the creation of new western countries, stating that he has "searched fruitlessly for evidence that before 1776 political sectionalism—western resentment of eastern overrepresentation and rule—was an issue, either open or covert, in Maryland or Virginia" (p. 157). His position seems a precarious one. Landon Carter, for instance, who was long a prominent political leader of the Chesapeake Society of Virginia, complained to Washington in 1776 against legislative en-

actments that placed all the tobacco warehouses at the heads of the rivers, adding: "The lowland men can fight against laws that oblige them to starve, as well as upland men can fight for them because they are made to please them. I foretold this effect from the constant dividing back Counties long ago" (*Tyler's Magazine*, XIII (1931), 255). Moreover, inhabitants of western areas repeatedly had to petition the colonial assembly to create new counties for them.

The statement that the men of South Carolina had shorter lives than the women because of their great intemperance and even less gentlemanly excesses (p. 85) makes one wonder if Professor Bridenbaugh made any allowance for the normal shorter life expectancy of males or took into account the greater exposure of the men of colonial South Carolina to malaria as they went about their duties in swamp and field.

ROBERT LEROY HILLDRUP

Mary Washington College

BINKLEY, WILLIAM C. *The Texas Revolution*. Pp. ix, 132. Baton Rouge: Louisiana State University Press, 1952. \$2.50.

Without essential modification this book reproduces four lectures delivered at Louisiana State University in 1950 in the Walter Lynwood Fleming series. They are based on researches dating back to Professor Binkley's graduate school days. Though undocumented, they obviously rest on the scholarly work that has been directed to this chapter of Texas history by various men, including Binkley, as in his edition of the *Official Correspondence of the Texan Revolution*. What is offered is primarily an interpretation of the institutional factors and development.

The essential cause of the revolution is found, not in any deliberate design, but in the interaction of a group conditioned by the Anglo-American frontier and a group and government stemming from centuries of autocratic Spanish rule. Points of friction accumulated, some of them political and others economic and social; indeed, there was an ominous piling-up of unsolved problems, which came to a climax in 1835 and 1836. One problem was how to relate

Texas interests with the contest between Centralists and Federalists in Mexico. The decision to resort to force was precipitated by the coming of a Mexican army, but military command and planning were most haphazard and the war aims were ill-defined. In November, 1835, the consultation voted for a goal short of independence. Two months later the provisional government split disastrously over whether to send a diversionary force to Matamoros. In the anarchy that ensued, the forces under Travis, Johnson, and Fannin—four-fifths of them recently arrived volunteers from the United States—could not withstand Santa Anna's army.

These military disasters, however, clarified the issue of the resistance and led to the declaration of independence. Chaotic uncertainties continued. With a hastily drawn constitution, the convention installed an ad interim government, which ruled in theory while Houston made his strategic retreat to San Jacinto. Even the victory there did not end the confusion. With after-the-battle volunteers from the United States predominant in the army, a deadlock developed between the military and the civil governments, and a crisis was only averted by a new menace from Mexico and the return of Houston as candidate for the presidency.

On a smaller scale, and perhaps with more gyrations, Texas between one autumn and the next had gone through a development roughly analogous to that of the United States between 1775 and 1789. Binkley's analysis of this experience in practical political science is both shrewd and lively. It is more than a working outline for a large book that might be written on this subject.

JOHN W. CAUGHEY

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ECONOMICS AND INDUSTRY

BAUMOL, WILLIAM J. *Welfare Economics and the Theory of the State*. Pp. 171. Cambridge: Harvard University Press (published for the London School of

Economics and Political Science), 1952. \$4.25.

The belief that the perfectly competitive market tends to maximize the economic welfare of the community is based on a simple consideration. Actions that will promote the welfare of an individual A depend either on A himself or on somebody else. In the former event, A will clearly undertake the action. In the latter event, A will try to induce B, on whom the action depends, by an offer of compensation to undertake it, and B will accept the offer if it covers his cost. If all these bargains are possible, as they would be in a perfect market, then all actions will be undertaken which benefit one individual more than they burden him or others. Hence a situation will result from which any change could only be for the worse; in the precise terms of Mr. Baumol's analysis, "any reallocation of resources . . . will so affect the various members of the economy that those who are better off as a result of the change will be unable to compensate those who are worse off as a result of the change and at the same time make a net gain for themselves" (p. 26).

Starting from this point, the author explains why many of the bargains that would be necessary to achieve maximum welfare through the competitive market are in fact not possible because the market is not perfect. Sometimes the obstacle is the technical difficulty of establishing contact among widely diffused interests—as in the case of the inhabitants of a city who would all wish to keep the air clean but who are just too many and too disperse to combine for an offer to the factory owners to buy them smoke consuming equipment. (The municipal government, of course, might interfere—but then we are no longer in a laissez faire society.) In other instances, an adequate compensation offer or other serviceable action may be prevented by the inability of many individuals to determine whether they are interested in a particular effect, and to what extent. In still other cases the attempt of individual members of an interested group to let the others pay for the desired action may frustrate a useful project, as might happen with farmers who all would profit from rain making but

each of whom wants the others to bear the cost of cloud seeding.

Through the impossibility of mobilizing all persons actually interested in a particular effect for concerted action, measures (or omissions) frequently become profitable for the individual on whom they depend although they benefit him less than they harm others. As Mr. Baumol shows, his scheme of deviations of social from private costs gives a place to many of the major weaknesses which critics have pointed out in the atomistic order: monopolistic restriction of output, inadequate provision for the future, waste of human and material resources by such socially useless practices as excessive advertising. Only inequality of incomes, as not being a property of an atomistic order per se, and the occurrence of depressions, as an essentially dynamic phenomenon, are not fully accounted for under Baumol's categories. Thus he has written a fairly comprehensive and excellently organized Bill of Particulars against the unregulated market economy. But in spite of some doubts about the concept of "consumers' sovereignty" as traditionally used in the comparison of economic systems, Baumol does not assume any superindividual goal: for him social action, like individual action, is intended to satisfy individual desires, and collectivism, insofar as he approves of it, remains a matter of method, not of ultimate ends.

The author has shown that welfare economics—that branch of economic theory which tries to clarify the concept of "material welfare of the community" and to determine the economic arrangements that would maximize this welfare—can do more than wrestle with its preliminary conceptual issues and the underlying philosophical problems. Although his claims are more modest, Mr. Baumol has supplied a number of important bricks for the construction of a theory of economic state functions. His excellent book has only one major limitation: the preponderance of arguments taken from economic statics. Baumol does not assume a stationary state of the economy, yet his analysis does not go deeply into economic dynamics, although the merits and demerits of a competitive as compared with a collectivist order stand

out more clearly when economic development is considered.

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EGLER, WALTER P. *Economic Stabilization: Objectives, Rules, and Mechanisms*. Pp. xii, 264. Princeton: Princeton University Press, 1952. \$4.00.

Professor Egler has made an important contribution to the analysis of governmental policies designed to maintain economic stability. Students of public economic policy, especially those responsible for its further development and administration, will greatly benefit from it.

In the past, governmental stabilization policies have been carried out within a framework of relatively loose and undefined goals, such as the general prevention of depressions or inflation. The neglect of detailed analyses of goals stands in sharp contrast to a heavy emphasis on methods. It is the author's basic thesis that these goals are too indefinite and that, instead, the government's stabilizing efforts should be guided by a clearly defined objective, which becomes a binding target, a guarantee.

The author fully realizes that such an objective is inevitably political. He visualizes a great public debate, which would give the Congress guidance on the kind and degree of stabilization the American people want—that is, what the margin of tolerable fluctuations should be. After examining various indexes which would define such a margin, the author suggests that a constant or slowly rising price level should define the ceiling, while the floor should be set by an acceptable unemployment level. He finds these indexes most suitable from the point of public appeal, simplicity, compatibility with the long-run objectives of efficiency and growth, and ready availability of statistics.

Professor Egler puts great emphasis on permitting a relatively wide margin of fluctuations. He definitely wants no "full employment" policy, even though he seems to be willing to retain the slogan. The need for permitting economic swings within a relatively wide margin arises primarily

from possible inconsistencies between economic stabilization and other high ranking values, such as an extensive scope for collective bargaining, increasing productivity, a relatively limited governmental role, and political and economic freedoms. It is the balance between these values which is the essence of the required political decision.

The government must, of course, be given adequate authority to guarantee attainment of the objective. The author's interest in the necessary tools is clearly secondary, and his contribution here is less imaginative. He hopefully puts major reliance on monetary and fiscal controls, but would expand the President's authority to include "executive action under legislative veto," so as to permit imposition of controls after due notice to the Congress, and in the absence of a Congressional veto. The author recognizes the possible need for public investment to prevent unemployment above the maximum allowed, as well as for limited direct price and wage controls; in addition, "the highly monopolistic capitalism which we now have" must be made more competitive.

The study deals with such a great variety of problems that most readers will be disappointed in the treatment of some of them. Some may feel that the problem of long-run underemployment is more closely interwoven with economic stabilization than here presented. Others will regard an approach on the less ambitious level of eliminating the cumulative aspects of cycles as more desirable and "realistic." Still others will see in his recommendations a sure road to a planned economy—or away from it. All, however, will find Professor Egler's analysis significant and thought provoking.

HANS A. ADLER

Washington, D. C.

TINTNER, GERHARD. *Econometrics*. Pp. xiii, 370. New York: John Wiley & Sons, 1952. \$5.75.

Econometrics is the branch of economics which aims at formulating economic theory so that it can be tested statistically, and then going to the statistical data to perform the tests indicated. Mathematical economics need not be econometrics; it may simply formulate theories in mathematical

terms with no reference to observable variables, and therefore without involving any possibility of testing. Economic statistics need not be econometrics either; it may accumulate data and examine them for uniformities without any reference to economic theory adduced in other methods. Econometrics, then, combines one form of mathematical economic theory with one form of economic statistics to produce a distinctive compound of its own.

Both the study and the application of econometrics have grown by leaps and bounds in the 20 years since the formation of the Econometric Society. The subject is now studied formally in lecture courses and seminars at most of the leading graduate departments of economics in the English-speaking countries; it is sometimes introduced even to selected undergraduates. Econometric research units are active not only in the universities but in many government departments, international economic bodies, and in some private corporations as well.

The advance of econometrics, however, has been delayed by the paucity of suitable introductory textbooks. It is this lack which Professor Tintner has sought to fill. While valuable as a reference work, however, both his approach and its mathematical prerequisites make this book somewhat less satisfactory as a general textbook for the student whose primary interest is economic than is the recent translation from the Dutch of Professor Tinbergen's classic introduction to the subject. Tintner, after a beautifully complete and marvelously documented—if overconcise—Part I, considers econometrics mainly as an application to economic data of modern methods of mathematical statistics. Tinbergen, remaining throughout on the mathematical level of Tintner's first part, looks at the subject as an economist whose primary interest is the summary and criticism of the work being done in the field. The mathematician and statistician will probably find Tintner's approach preferable; the economist will probably disagree.

Tintner's *Econometrics* would have been better received, perhaps, had it followed rather than preceded Tintner's promised volume on mathematics for economists.

As university curricula in applied mathematics are set up (pointed primarily to the natural sciences and engineering), a master's degree in mathematics is probably a minimum essential to any sort of understanding of most of Tintner's Parts II and III. It is hoped that Tintner's forthcoming volume may fill the gap which exists between, say, Allen's standard text in mathematics for economists and the requirements of econometrics as represented by the volume under review.

The careful reader should obtain from Professor Tintner or his publishers a lengthy list of errata which is available in mimeographed form. As is inevitable in works of this type and degree of difficulty, errors in numbers and notation, while trivial individually, would otherwise mar the understanding of the text.

M. BRONFENBRENNER

University of Wisconsin

JORDAN, ELIJAH. *Business Be Damned*. Pp. xiv, 267. New York: Henry Schuman, 1952. \$4.00.

This wordy, provocative book represents a philosopher's scorn of business. The vigor of the indictment seems intended to shock the reader. "Business came into existence," says Professor Jordan, "through the exploitation, by private self interest, of the world's natural resources, by means of force and fraud. These exhausted, business proceeded to the exploitation and destruction of human resources and struck at life itself." "We are now witnessing," Professor Jordan concludes, "the final rape of culture by the businessman. He is now engaged in the destruction, by exploitation, of government and the public order and the entire institutional heritage which the ages have created."

As the argument proceeds, one finds touches of Veblen and John Ruskin in the analysis. Business has overtaken industry—unintelligent and immoral business. "Work is no longer the instrument of moral and esthetic expression and thus the means through which culture is effected. The harder and faster we work, the meaner the product, the more fraudulent, the less satisfying, the more irritating, the more degrading. In an infinite process of deg-

radation, a point has already been reached at which maintenance of any significant degree of culture is virtually impossible." Special condemnation is heaped upon the financier who "sits in the temple and corrupts and pollutes the stream of life at its source. . . . The stupidity of the banker is egregious, phenomenal, monstrous. He is the hijacking racketeer of the process of distributing goods."

In a word, business is, by Professor Jordan's standards, essentially immoral. It defrauds the consumer by producing a multiplicity of ever more shoddy goods. It destroys culture in all its forms, permeating education, politics, religion, and art.

The remedy is stated to be "to eliminate the owner, the power-monger, the bread-monger, the rent-monger, and, above all, their prostitute offspring, the advertiser and salesman. There can be no reason why any object, if a good, should ever be owned or sold." As a substitute, "rationalized industry" is suggested in which "every process is made a public function." Without the compulsion of ownership or the necessity of labor, the product will become a work of art. Industry would then "take its place in the scheme of culture along with politics and morals and education and religion and art." Then "the airplane would be a toy maintained as a relic of bestial crudity, like a whipping post. The automobile and the telephone would be forms of punishment for crime in a decently ordered world." The "monstrosity of business with its accompanying cupidity would give way to the Good Life. . . . The New Man steps forth upon the New Earth."

While Professor Jordan makes clear that his quarrel is not directly with the businessman as such but rather with the mechanism within which the businessman is pictured as operating, the volume abounds in unflattering references to that guild. The charges are completely undocumented.

Indeed, as one reads the work, the author spoils his case by his failure to allow room for distinctions between businessmen. Might it not be barely possible that a businessman, for example, might wish to sell a superior product and thereby gain consumer preference? Might there not be

an honest banker? Is all advertising completely deceitful? Does no salesman have a place in the economic system? Are all products lacking in artistic value?

Professor Jordan's book appears a refreshing but unconvincing touch of Ruskin tucked into the middle of the twentieth century. As a description of the economic process and as a guide to the future, it possesses scant merit. As a literary document, moreover, it is heavy, dull, and repetitious. While a forceful case can be made concerning the perversion of contemporary values by many business groups, this can more effectively be done by specific citations rather than by picturing an abstraction such as business as a monster and then decreeing that it should "be damned."

COLSTON E. WARNE

Amherst College

HANEY, LOUIS H. *How You Really Earn Your Living: Every Man's Guide to American Economics*. Pp. vi, 282. New York: Prentice-Hall, 1952. \$3.00.

The principal purpose of Professor Haney's little book is to persuade the reader that free competition is a Good Thing and that many of the policies now being undertaken by our government should be reconsidered. To do this he presents a simplified picture of the way in which a competitive economy based on private property would discharge the functions commonly attributed to an economic system. He then goes on to argue that policies such as abandoning the gold standard, incurring a large national debt, using taxes and subsidies to tamper with the allocation of resources and the distribution of income are Bad Things because they interfere with the "incentive to work, to save, to invest, and to engage in business—the cornerstone of the free enterprise system."

Those who believe with Professor Haney that "a gold standard has worked . . . better than any other that has been tried," that "the definite policy should be to keep [government] spending within the limits of taxation," that "it is within the bounds of possibility that once social controls over medical service were established . . . the leaders would decide that . . . experiments

in breeding a 'master race' would begin," such people will find much in this book to applaud. Those who do not agree with such statements, however, will find little to persuade them that they are wrong.

No one can object if an author chooses to make recommendations for public policy so long as his recommendations are related to a set of explicitly stated and consistent values. When other competent economists have advocated quite different policies for the achievement of similar values, however, an author is under some compulsion to demonstrate that policies opposed to his will not achieve the stated values or, if this cannot be done, that his recommendations are preferable on other grounds. This Professor Haney has not done. Instead he prefers to deal with his opposition by misrepresenting their views. For example, he dismisses all socialists by saying that "the essence of all their schemes is to abolish economic competition, and to put in place of free markets somebody's decision as to what we need or want." In his view, "the theory of the 'New Welfare Economists' . . . differs [from communism and socialism] chiefly in that it attempts to use mathematics for the central control of a managed economy. . . . They ignore important differences among us and assume equal incomes." Such statements are inaccurate and misleading. They suggest that Professor Haney is unfamiliar with the work of those he criticizes.

While many parts of *How You Really Earn Your Living* are satisfactory, they are overshadowed by those portions which are simplified to the point of error and those which are biased by Haney's private policy prejudices. These defects will disturb many of his colleagues. It is to be hoped that readers who are noneconomists will also recognize that this book does not present "the full story of our system of free enterprise, and the challenge it offers each of us."

JOHN BUTTRICK

Northwestern University

EINZIG, PAUL. *Inflation*. Pp. 223. London: Chatto and Windus (distributed in the U. S. by The Macmillan Company), 1952. \$2.50.

Dr. Einzig has made a name for himself as the author of some 40 books on economic and financial problems. Lively, informative, and generally devoted to some important issue of current interest, his works are models of economic literature addressed to the general reader. At the same time there are few specialists who will not find something stimulating and interesting in them. The present book, which follows upon Einzig's profound study of "Primitive Money"—written as a diversion during the war—again proves his astuteness and analytical insight as critical observer of the current scene. He is concerned with the general rise in prices which followed in the wake of World War II, a phenomenon so universal in its incidence that its discussion by Dr. Einzig is bound to have a large audience in England as well as in this country. Together with the famous series of articles on "The Age of Inflation" which the *Economist* published in the fall of 1951, chapters from Dr. Einzig's book should be required reading in any course on current economic problems.

The author starts out with an account of the various factors which have contributed to the price upheaval of the past decade. He then goes on to examine a number of public policies designed to resist inflation, and in a concluding chapter he discusses inflation from the point of view of individual financial hygiene. In the introductory chapter on the nature of inflation Dr. Einzig submits a number of standard definitions to a searching analysis. He finds fault with all those definitions which ignore the possibility of inflation of prices as distinct from monetary inflation, pointing out that frequently the expansion of money and credit lags behind the rise in prices instead of preceding it.

Reliance on faulty definitions of inflation, Dr. Einzig holds, has on occasion been responsible for inadequate public policies. In his discussion of these, a distinct note of resignation is conspicuous at places, calling to the reader's mind statements made in this country to the effect that stable prices, strong labor unions, and full employment are goals which it is hard to reconcile with one another. In another connection, Dr. Einzig scrutinizes the allegedly disinflation-

ary nature of high taxes, and he comes to the conclusion that severe taxation, especially if combined with increasing public expenditure, may well be inflationary rather than deflationary. His contribution to the current debate on the relationship between taxation and inflation is a substantial one and merits attention.

HENRY WILLIAM SPIEGEL
Catholic University of America

CLINARD, MARSHALL B. *The Black Market: A Study of White Collar Crime*. Pp. xvii, 392. New York: Rinehart and Company, 1952. \$5.00.

This description of so-called white collar crime, written by a Professor of Sociology at the University of Wisconsin, who was for almost three years a part of the enforcement staff of the Office of Price Administration, is a frank presentation of certain very unsavory aspects of American life which came to the front when restrictions of rationing, allocation of commodities, and price and other wartime controls set a limit on many cherished areas of individual action.

As one reads this book, he gains the impression that there was a general failure to co-operate in winning the war by submission to the various controls. Violations were rampant. Black markets were common in meat, gasoline, tires, sugar, and other commodities, while violations of rent control existed on every hand. The author believes that these things took place perhaps not so much because of low standards of ethical business conduct as because of failure to understand and to sympathize with the purposes of rationing and other controls. This reviewer, as he looks back over his experience as the chairman of a "local war price and rationing board" throughout the rationing period, shares this belief.

There is no way of measuring the extent of the black market. Statistics of violations are both incomplete and misleading. One OPA estimate was that over-the-ceiling prices on food added upwards of 5 per cent to the food budget. A similar percentage of gasoline seems to have passed through illegal channels by use of counterfeit or stolen coupons. The author believes

that a common estimate that one out of each five business concerns was in violation of control regulations of some sort is too low. Many violations were due to lack of information, inability to understand very complex regulations, or merely careless record keeping. Tie-in sales by wholesalers were a common practice, as was up-grading of many commodities. Counterfeit gasoline and sugar stamps were common in the earlier stages of controls, but later bogus meat stamps became the real problem.

A careful analysis of enforcement methods leads the author to conclude that they were ineffective to an alarming degree. Not enough paid enforcement men were available. Attempts to gather price violation information by committees of housewives assigned to local boards were a dismal failure. Businessmen, as a whole, were not willing to bear witness, even though many of those who refused claimed that they were themselves "being driven out of business" by advantages gained by their competitors who violated price or rationing controls. Publicity appeals to citizens generally to obey controls were effective, perhaps only with those who would not willingly have violated even the slightest control device. It seems to be certain that some troubles arose from the complexity of many regulations. Over six hundred price regulations were issued, as were about twenty general rationing orders. Some critics believe that the entire set-up was so complex as to defeat itself.

What has been learned? The experiences of World War II should have given a realistic start in the enforcement of price controls "after Korea." After a period of voluntary compliance failed, just as it did a decade earlier, regulations were issued without having either an experienced or a trained staff to promulgate and enforce them. Perhaps only the dire necessity of co-operation should atomic bombing take place in this country will bring about a realization of both the necessity for wartime controls, and, even more, realistic compliance with them. The consequences of not doing just this might, in another emergency, be more costly than in World War II.

H. H. MAYNARD
Ohio State University

CAMPBELL, W. GLENN (Ed.). *Economics of Mobilization and War*. Pp. v, 196. Homewood, Ill.: Richard D. Irwin, 1952. \$3.25.

This is a brief "analysis of the economic problems and policy alternatives that will be met in various stages of defense mobilization." It is designed primarily for use in college courses in elementary economics and in the economics of mobilization. The six contributors were formerly associated as teaching members of the Department of Economics at Harvard University. Mr. Campbell, the editor, is now research economist for the United States Chamber of Commerce.

The discussion is arranged in eleven chapters: Basic Problems, Organization, Productive Potentials (2 chapters), Production Controls, Inflation, Prices, Wages, Fiscal Policy, Monetary Policy, and Economic Aspects of International Security. Factual data and policy statements are drawn from official documents, such as: Reports of the Council of Economic Advisers, the Economic Reports of the President, Reports of the Joint Committee on the Economic Report, and Quarterly Reports of the Director of Defense Mobilization. Reference is also made to policy statements of private groups, such as the Committee for Economic Development and the United States Chamber of Commerce. For general ideas the authors rely heavily on the current work of Chandler, Galbraith, Hart, and Harris.

The authors accept the Wilson-Keyserling thesis that the American economy can sustain, with only minor adjustments and no untoward consequences, four concurrent booms—civilian consumption, capital formation, military production, and foreign aid. When economists thus accept uncritically the self-serving dictates of military planners, big business, and politicians, they abdicate a major professional responsibility. It is not for them to judge military strategy and requirements, but it is their proper function to determine the economic feasibility of military demands on the national economy. Unless they do so, economic policy decisions gravitate by default into the hands of militarists and their business and political allies.

Although the authors refrain from specific policy recommendations their analysis runs toward minimum interference with business. They would rely on the free price system to allocate resources; on indirect rather than direct controls; on subsidized capital formation; on limitation of consumer demand through sales taxes and increased taxation of low and middle incomes; on fiscal and monetary controls to combat inflation. The latter is a great evil, and fiscal and monetary controls alone will not suffice to contain it, but concern for preservation of the price system precludes more rigorous methods. Confronted with a hard choice between inflation and direct governmental controls, they seemingly prefer the former as a lesser risk.

HORACE M. GRAY

University of Illinois

ALLEN, EDWARD L. *Economics of American Manufacturing*. Pp. ix, 566. New York: Henry Holt and Company, 1952. \$5.25.

The purpose of this book is "to concentrate the emphasis on our industrial plant as it exists today." Nineteen industries ranging from aluminum to synthetic fibers "have been selected for detailed description and analytical treatment" (Preface).

There is a fine bibliography, covering fourteen double-columned pages, divided into sources of current statistics, periodicals, pamphlets, books, government publications, and trade associations. In this reviewer's opinion the last chapter "Sources of Data on Manufacturing Industries" lives up to the promise implicit in its title. The researcher and the report writer should be grateful for its inclusion. Two hundred and four photographs from 55 sources enrich the text. Identical end papers show maps of the iron and steel industry of the United States on January 1, 1951. The numerous charts, graphs, and tables are as up-to-date as they can be. There are a few cut-away reconstructions and models to show flows of materials and processes more clearly than any words can explain. Occasionally there are maps. A mistake in location is found on the map "Sources of Iron Ore" (p. 97) where one of the leading

iron mining regions is placed in western Cuba in Pinar del Rio, when the region is actually in the southeast in Oriente. But to point out this error is being captious in the face of the tremendous detail mentioned and shown by the varied methods of presentation employed.

The organization of the writing itself seems excellent. Each of the nineteen industries are subjected to the following treatment: relative size and importance, use pattern, export-import relationship, relations with the federal government, corporate ownership and control, location of the industry, technology of manufacture, input and cost factors, prices and pricing policy, profits, and future outlook. These treatment-headings are the author's. Where there is slight variation from the above, it is useful in view of the differences in industrial patterns.

In addition to being a treasure of information for almost anyone who is at all interested in our vast and rather wonderful productive equipment, the book has academic uses. It is far more than a textbook in manufacturing processes. In fact, it may not be sufficiently specialized for that. But it would serve admirably as the basic reading in a course introducing American students to manufacturing. The business student should have had his economic geography and his introduction to economics. Then this volume would be most useful. Another use would be found in the college library reference room. A shelf of six to a dozen copies should be a worth-while adjunct to many a business course (for example, introduction to business, government and business, and corporation finance). Professor Allen has rendered his colleagues an important service in marshaling his many facts in an interesting and significant way.

ROBERT ROCKAFELLOW

University of Rhode Island

WESTMEYER, RUSSELL E. *Economics of Transportation*. Pp. viii, 741. New York: Prentice-Hall, 1952. \$8.65.

This carefully written book is one among no less than six recent general textbooks (or revisions thereof) for college students

in the field of transportation. It contains 33 chapters classified into seven parts primarily on an agency basis: part one, the significance of improved transportation and the early history of domestic transportation in the United States; part two, railroad transportation; part three, highway transportation; part four, domestic water transportation; part five, air transportation; part six, pipe line transportation of petroleum and indirect carriers, such as freight forwarders, railway express, postal service, and Pullman service; and part seven, national transportation problems and policies. More space (fifteen chapters) is devoted to the railroad than to any other agency of transportation, as is proper, but four chapters each deal with highway, water, and air transportation. The material is organized in a parallel manner for each mode of transport, treating in order its development, regulation, and major problems and policies.

Like other writers of textbooks of reasonable length, the author of the present book has had to face the problem of relative emphasis upon different aspects of transportation. His treatment of the place of transportation in the economy and its relation to the organization and location of industry and to prices is sketchy, and he assigns less than half as many pages as two other leading texts to rates and rate making; but all the major facets of transportation are covered, and the analysis of transport problems and policies, especially with respect to the newer agencies of transport, is particularly thorough.

The discussion of problems and policies is judicious. The pros and cons of questions are impartially presented, and the author draws his conclusions only after a careful weighing of the evidence. Most students of transportation will probably agree with the majority of these conclusions, such as the need for an over-all national transportation policy and a system of user charges; but some people, including this reviewer, will question the wisdom of transferring any of the major functions of the Interstate Commerce Commission, except possibly safety regulation, to a Department of Transportation. Another de-

batable recommendation is the creation of an entirely new regulatory body. Furthermore, the author apparently has more faith than some writers in the creation of integrated transportation companies as a means of achieving operating co-ordination. Much can be accomplished in this direction without general approval of such companies.

Although competition among college textbooks in transportation is now keen, it is to be expected that the book under review will receive favorable consideration for adoption as the principal text for the beginning course in transportation, especially by instructors who prefer the agency as distinguished from the functional approach. Where it is not used as a basic text, it should prove valuable for collateral assignments on the problems of transportation.

TRUMAN C. BIGHAM

University of Florida

MANGUM, CHARLES S., JR. *The Legal Status of the Tenant Farmer in the Southeast*. Pp. ix, 478. Chapel Hill: University of North Carolina Press, 1952. \$7.50.

This highly technical treatise is primarily of interest to the student of law, but it fills a gap in the literature on the southern tenancy problem by contributing concise knowledge about the contractual relationship between landlords and tenants under southern statutes, and on the precedent of appellate court decisions.

First the nature of the tenancy relation and types of contracts and their duration are analyzed. Next holding over, possessory actions, eviction of tenants, and other processes are discussed. Seven chapters are devoted to all sorts of liens in favor of both parties to the contract. Chapter XXI treats peonage. The final chapter offers reforms to alleviate the plight of farm tenants and suggests modernizations pertaining to the landlord-tenant relationship.

As an agricultural economist with experience in the legal reform of Continental European farm tenancy and the conduct of litigation and arbitration of claims, this reviewer is impressed by several features of

the legal status of the tenant farmer in the Southeast made apparent by the author's lucid presentation.

Having grown from local custom and individual court and appellate court decisions, southern farm-tenancy law is replete with intricate technicalities, and in many instances lacks sufficient codification with reference to the many specific rights and obligations emanating from the lease contract. This helps to explain tenants' prevalent feeling of insecurity and the ill-advised wholesale condemnation to which the vital institution of farm tenancy has been subjected in this country. The laissez-faire philosophy underlying the legal arrangement of the landlord-tenant relationship in the United States maintains that the essence of the land-lease contract is the protection of private property rights.

Farm tenancy legislation in England, Denmark, Sweden, Holland, and Germany today emphasizes the prosperity of the farm enterprise as the common goal in which both partners, landlord and tenant, have a mutual interest. This concentration upon the functions of the farm enterprise also provides the synthesis between the public and the private interest.

The absence of consideration of this profound change disappoints the student of agricultural policy and rural sociology as he reads Mangum's final chapter. The author begins: "As the world has changed during the last two hundred years, the tenancy laws have remained more or less static. In fact there has probably been less development here than in any other important field of our jurisprudence" (p. 444). He does not point out that this situation prevails almost solely in the United States; he only surveys the mediocre attempts at the ill-oriented reform undertaken since 1933, with suggestions here and there for corrections; and he does not explore the basis for genuine reform.

While the last chapter does not live up to the promise of its title, this book is important reading for those wishing to deal with that chapter's subject, which remains a persistent challenge.

KARL BRANDT

Food Research Institute
Stanford University

MASON, LUCY RANDOLPH. *To Win These Rights: A Personal Story of the CIO in the South*. Pp. xvi, 206. New York: Harper & Brothers, 1952. \$3.00.

In 1937 Lucy Mason, middle aged, white haired spinster daughter of a distinguished Episcopalian minister, offered her services to John L. Lewis for the great organizing drive of the Congress of Industrial Organizations in the South. This book is an account of her experience in the labor movement in the past fifteen years principally in attempting to secure fair play for the labor movement in the South. This work she views as a continuation of the work of her great-great-grandfather, George Mason, who wrote the Virginia bill of rights.

Both enthusiasts and critics of the labor movement should be able to agree that Miss Lucy has been worth her weight in gold to the labor movement. Many a professional public relations expert should also turn green with envy at her accomplishments. Eminently respectable, related it would seem to almost everyone of any consequence past or present in the South, Miss Lucy has been able to present the cause of organized labor in the higher Southern circles of religion, law, and business to which the ordinary labor leader would not have access. Through the utilization of these groups she has been able in some instances to secure for ordinary people the rights that her distinguished relative sought to assure by law.

But Miss Lucy also relates instances of beatings, arbitrary arrests, and terror that have sometimes occurred in Southern communities when businessmen and local officials decided to stop the formation of unions. What may surprise many readers is that Miss Lucy's account of such instances of terror tactics does not end with the 1930's, but continues down to date. In the background limiting such activities, however, has apparently been the fear by local officials of the power of the federal government in regard to civil rights. Miss Lucy has made it her business to spell out for many a local official what the bill of rights means for Americans.

A foreword by Mrs. Roosevelt and several comments by other eminent Americans

on the dust jacket pay tribute to this remarkable woman who has fought hard and intelligently for our democratic heritage.

A. MORGNER

Agricultural and Mechanical
College of Texas

COTTRELL, R. H. (Ed.). *Beet-Sugar Economics*. Pp. xiii, 379. Caldwell, Idaho: The Caxton Printers, 1952. \$5.00.

This book, copyrighted by the Amalgamated Sugar Company of Ogden, Utah, is "the outgrowth of text material prepared for presentation to employees' classes in technology and economics." Mr. R. H. Cottrell wrote some thirteen of the twenty chapters. The remainder were contributed by industry specialists.

Comprehensive industry studies have a unique place in economic literature because they cut sharply across traditional subject matter lines and escape the compartmentalization of analysis and thought which so often characterizes the work of specialists.

Some of the chapters accomplish this integration in a very interesting manner, especially those dealing with managerial control. Other chapters, however, written on special topics by specialists, fail to realize the potentialities of the approach. The subjects dealt with range from human nutrition, agronomy, seed breeding, and chemistry of the refining processes through corporation finance, accounting, and personnel relations to government control. Due to the orientation (for classes of employees), the treatment of subjects is by and large elementary, and a great deal of procedural detail is included of little interest to the general reader.

Because of the original purpose for which the text materials were prepared, the wording is occasionally that of the personnel officer in the inspirational talk before new employees, and the authors' personal views of "the politician, the lobbyist and the theoretical economist" have not been retouched from employee lectures.

Nonetheless there appears from time to time a healthy note of self-criticism, and it is encouraging to note that the authors look hopefully to technological progress in both beet sugar fields and refineries to free

the industry from its present dependence on government quotas and subsidies.

The economist who vainly hopes to be taken into the secret places where actual cost data are shown and the inner workings of the pricing processes are revealed by industry spokesmen will find that these authors understandably stop short of taking him there. Lamborn and Company, sugar brokers, go to great length in the last chapter to demonstrate that arrangements under the Sugar Act of 1948 have not completely insulated the domestic sugar market from large economic forces operating outside territorial United States. In Chapter Six Mr. Cottrell discusses the price of beet sugar as being based on prices established by the large seaboard cane sugar refineries, a practice which gives inland mills some freight earnings or freight absorption. There are but nineteen corporations engaged in the processing of beet sugar in the United States, and the manner in which price changes spread throughout the industry reveals some oligopolistic traits.

There are some statistical difficulties, such as the use of official exchange rates in computing comparative prices of sugar, but the chapters dealing with managerial control and the attempts of the industry to balance elements of cost so as to maximize profits will provide interesting reading to students of management.

Although suffering from duplication and the slanting toward employee training, the total effect of this volume is to give a good impression of the complex of human, technological, and governmental problems which confront industry in present day America.

WILLIAM A. NEISWANGER
University of Illinois

DIES, EDWARD. *Behind the Wall Street Curtain*. Pp. 153. Washington, D. C.: Public Affairs Press, 1952.

Roughly half of this volume is about Wall Street personalities of a by-gone period. There are brief sketches of the early days of New York and the financial activities of Jefferson, Hamilton, and Burr, of later speculators and gamblers, such as Drew, Gould, Cornelius Vanderbilt, and

James Fisk, Jr., of capitalists such as Andrew Carnegie, John D. Rockefeller, and J. Pierpont Morgan.

The subject of the book changes with Chapter 11 from people to events. There is an excellent although brief survey of the 1920's with the boiling cauldron of speculation and the tragic events of the early 1930's, a brief side-trip to the wheat pit, and then four sober chapters on money and politics, the Wall Street dilemma, small investors, and "our money," in which the thesis is maintained that the stock exchange is a symbol of free enterprise and of democracy.

It is difficult to characterize this volume. Much of it consists of a series of short sketches, but there are also words of common sense on such subjects as government regulation and how to buy stocks. This volume is not a reference book and will probably never inspire many footnotes, but it is interestingly written and well worth reading by anyone with even a casual interest in stock exchanges.

FRANK P. SMITH

University of Michigan

ISARD, WALTER, and VINCENT WHITNEY. *Atomic Power: An Economic and Social Analysis—A Study in Industrial Location and Regional Economic Development*. Pp. xi, 235. Philadelphia: The Blakiston Company, 1952. \$4.75.

Amid the euphoric predictions set forth by most laymen and many scholars when they deal with the future of Atomic power, it is a pleasure to submit oneself to the astringent skepticism of this volume. Possibly some readers will think it excessively pessimistic, but this reviewer is inclined to regard it only as realistic. With a relatively rigorous and systematic analysis, combined with a modest sense of the limitations of the available data, the authors have torpedoed most of the current myths about nuclear fission as a possible source of energy for industrial uses.

The volume opens with a lucid and concise examination of the technical background, an introduction that will probably prove more enlightening for those who have forgotten most of their chemistry and physics than, say, the now famous Smyth

report; nevertheless, even this elucidation is no short-cut gloss on the technical problems involved but a useful little summary essay in its own right. The authors then go on to consider various cost estimates for atomic power and the probable consequences of atomic power for location of industry and industrial development under certain specified assumptions. There are special case studies of the cement, glass, iron and steel, and aluminum industries and of industry in Brazil to indicate, if not the answers, at least some of the relevant questions. Simply as a contribution to the theory of industrial location, the book appears to have significance.

Among other things the authors point out that:

(1) No satisfactory costs estimates can be made at present. (It is true that since this book was completed several Atomic Energy Commission contractors—in particular Monsanto Chemical Company—have evidently made considerable progress in constructing reactors for power production, but it is doubtful if the public information so far available would modify the authors' conclusion about the unpredictability of costs at this stage.) Although one might assume that, once this is established, there is little point in discussing atomic power further, some important if tentative conclusions can be drawn by postulating certain cost estimates.

(2) Even under the most favorable assumptions, nuclear engineers will have to bring about major changes before atomic plants can compete with modern conventional sources of power.

(3) For most industries, power is such a small proportion of total costs that few changes will be brought about even in the unlikely event that atomic power is significantly cheaper than conventional sources.

(4) Even among industries where power costs are an important component, so many other factors affect industrial location that predictions are hazardous.

(5) It is not necessarily true that cheap atomic power would lead inevitably to de-concentration and decentralization. The effect will vary with the industry. With aluminum, for example, the result would be increased concentration and integration

around large marketing areas, in order to avoid the heavy transportation costs now imposed by the need to separate alumina plants from the aluminum plants located now at cheap power sites.

(6) Low-cost atomic power would not necessarily stimulate industrialization of underdeveloped areas. Heavy capital costs, need for highly skilled technical, engineering, and labor forces, the economies of large scale operations, cultural resistances, and other factors might well mean that the heavily industrialized or industrializing areas like the United States and the Union of Soviet Socialist Republics would, and underdeveloped areas would not, exploit this new source of energy. Hence instead of leveling out existing inequalities in production, atomic energy might merely stimulate them.

There are many other equally suggestive conclusions, all set forth with careful attention to the available information and a disarming admission of the inadequacy both of the data and of any conclusions drawn from them.

ROBERT A. DAHL

Yale University

ANTHONY, ROBERT N., assisted by JOHN S. DAY. *Management Controls in Industrial Research Organizations*. Pp. xviii, 537. Boston: Harvard Business School, Division of Research, 1952. \$6.75.

Despite the title, notice of this book is appropriately given in a social science publication. Though the cases discussed are drawn primarily from the chemical, biological, electrical engineering, and other technical laboratories maintained by American companies, the control problem considered is familiar to a director of research in any field of inquiry: How does one maintain the environment of freedom and flexibility which fosters creative research and at the same time achieve a stated program or at least achieve it within a given financial budget? Or in Dr. Anthony's words, how does one "find the proper balance between . . . direction from the top [and] freedom at the laboratory bench."

Nor should this book be solely of interest to research administrators. It deals intimately with the operation of a relatively new social institution—the research

laboratory. To a large extent the quest for new knowledge, at least about the physical world, has become an organized activity. Therefore the problem of finding a proper balance between direction and freedom within a research agency is not merely a matter for "shoptalk" by research personnel; it is also a matter of grave concern to the nation. Though organization brings resources that the scientist could never hope to command, the price would be too high if it generally stifled creative imagination. In the words of an industrialist quoted by the authors ". . . if a research laboratory is to produce results, the men must be allowed freedom to be a bit crazy."

The Anthony-Day study is essentially a report and commentary on present control practices in industrial research based on information received in a special survey from 405 industrial laboratories and 41 commercial or consulting laboratories. Practices considered include the use of a formal annual project program and financial budget and interim progress and spending reports. Such formal devices are weighed against more personal methods such as the informal conversation between worker and supervisor. The authors observe, in this connection, "The real process of controlling the progress of technical work in most laboratories takes place in conversation and meetings of one kind or another."

Four areas of spending are singled out for special discussion: personnel, procurement, material carried in inventory, and travel. These are of course the most important areas of research cost; in addition their control, unless wisely administered, will at least seem to invade the personal prerogatives of a professional scientist. One contributing reason is that the laboratory may often have to conform to practices of a parent organization which is engaged in production rather than research. It will seem familiar to almost any director of research, regardless of field, to read, "Friction between the research organization and the purchasing department is common. Usually the friction arises from misunderstanding."

One gains the impression from this report on current practice that there is con-

siderable awareness among managers of industrial laboratories of the control problem, but few if any feel that they found satisfactory solutions, which is perhaps a wholesome thing. The authors do point out, however, that the functions most susceptible to formal control often receive little attention from laboratory managers because of their orientation toward research; these are the service and support activities such as technical or model-building shops, technical library, drafting offices, and motor transport. Yet industrial laboratories apparently are finding it necessary to increase the proportion of their budget devoted to these and other supporting purposes. The example was cited of one large laboratory for which over the twelve-year period, 1937 to 1949, salaries of technical personnel dropped from over half to about 27 per cent of the total budget.

HIRAM S. DAVIS

University of Pennsylvania

SOCIOLOGY AND EDUCATION

COWELL, F. R. *History, Civilization and Culture: An Introduction to the Historical and Social Philosophy of Pitrim A. Sorokin*. Pp. xii, 259. Boston: Beacon Press, 1952. \$4.50.

This book is a highly praiseworthy attempt by an English historical writer to interpret and at the same time to evaluate the theories of the character, development, and decay of human societies which have been presented by Professor Sorokin in a number of significant works published since 1937, particularly his *Social and Cultural Dynamics* (1937); *Society, Culture and Personality: Their Structure and Dynamics* (1947); and *Social Philosophies of an Age of Crisis* (1950).

The first chapter contains a short survey of earlier explanations of historical change and a brief statement about Sorokin's life and writings. In the next chapter, the author explains Sorokin's view of the standards in evaluating cultural systems of the past, and expounds his theory of "three main types of 'socio-cultural super-systems'—the ideational, the idealistic, and

the sensate, to which all intermediate and variant types can be related. Chapters three to eight inclusive are devoted to an examination of the evidence which Sorokin has assembled to show that his "super-systems" are distinctive patterns of human culture whose unity finds consistent and integrated expression in the art, architecture, literature, religion, ethics, law, justice, and economic and social conditions of each. In chapters nine and ten, Cowell discusses Sorokin's study of wars and internal disturbances in connection with his cultural systems, and the relationship between the latter and types of personality and behavior. The concluding chapter sets forth clearly Sorokin's theory of the causes and character of cultural and social change.

It is quite evident that Cowell is most favorably impressed by Sorokin's theories and logic. He considers them to mark a distinct advance over those of Sorokin's predecessors. But he is very careful to point out the limitations of the evidence, particularly that of a statistical nature upon which the conclusions are based, although he holds that this evidence is more complete and dependable than that collected by other interpreters of the history of civilization. He also emphasizes that Sorokin's theories have been worked out only for Greece, Rome, and Western Europe, although they take account of some developments in Egypt and Asiatic countries.

The reviewer finds Cowell's work an extremely dependable and serviceable interpretation, but, as he believes the author would readily admit, no substitute for a careful study of Sorokin's own writings, as some readers unfortunately will assume it to be. There are numerous useful illustrations in the form of plates, charts and tables, and indexes of subjects and persons.

A. E. R. BOAK

University of Michigan

MONTAGU, ASHLEY. *Darwin Competition & Cooperation*. Pp. 148. New York: Henry Schuman, 1952. \$2.50.

In no field of human thought perhaps have we suffered so much from the tyranny of words as we have in our consideration of the factors which brought about our own

evolution. Practically everything about evolution capable of being misunderstood has been, and Darwin's hypothesis of natural selection is no exception. Indeed, men were not lacking who spent considerable effort to help along the inevitable misunderstanding. As we know, the more conservative religious groups reacted violently against what they called the "brutality" of evolution, and the poet Tennyson supplied the reactors with all the necessary horror words and phrases. We were told that we should "let the ape and tiger die" within us if we wished to be moral, and that the "Nature" of the evolutionists was "red in tooth and claw."

Natural selection, or the struggle for existence, was pictured as a sort of gladiatorial combat in which the loser was slain and the winner took all. But this was not all; natural selection was also attacked by the Communists, for Marx and Engels had set their party line in biology and had deplored Darwin's use of Malthusian population pressure as a selective agent. Today Lysenko, the leading Russian authority on Marxian biology, has gone so far as to deny that there can be any intraspecific selection or competition at all.

The role of Darwinian selection would have been settled long ago, of course, by the routine method of an honest evaluation of the available data if it had been purely a scientific hypothesis—one with no emotional or political overtones. Our records of the time show, however, that to many men of good will all data on the subject were simply irrelevant, and this non-logical attitude has persisted to the present. The author of *Darwin Competition & Co-operation* cites no crucial data at all. He confines himself merely to quoting the *conclusions* of a selected number of biologists who turn out in general to be quite humane fellows after all. He expresses high hopes for the conversion of individual biologists to a philosophy of sweetness and light although he is not so optimistic concerning the science of biology itself. He writes (p. 43) ". . . the orthodox canon of biological thought yet remains unaltered, namely, that the central doctrine of evolution is the principle that those organisms which are better adapted to their environ-

ment replace through competition the less well-adapted individuals of the species."

The technique of quoting the conclusions of biologists and not the evidence they have collected, and of quoting them as authorities rather than as sources of data seems a rather odd scientific method, somewhat out of date in our time. On the other hand, if the author had cited the data so that the reader could check his conclusions the book would have been several times its present size, and it would have cost the reader much more. Worst of all, it would have been understandable only to those who were technically equipped to judge biological data. Apparently an adequate technical presentation of the problem hardly seemed practical, but such a treatment is the only one which really protects the reader. It might be very interesting to determine how many different and contradictory conclusions could be reached on any subject by the method of quoting a collection of individual scientists as authorities.

In brief, the author holds that Darwin and Huxley and all the biologists who accepted their concept of natural selection were wrong. He maintains that the competition between the different variants which constitute a species and the consequent differential death rate was not the major factor in evolution although he admits that evolution is caused by the different reproduction rates of the several types. He even suggests differences in fertility as a possible factor which causes evolution to occur.

Actually the role of competition and co-operation in evolution is most complex. Any number of instances can be cited where the members of a biological group will both co-operate and compete with one another and do so at the same time. The very ability to co-operate itself has arisen through competition in that those who could gang up were able to defeat or displace those who could not. Gregariousness itself has evolved, and we can show that it has come into being and persists because it has survival value. But these are technical matters. If evolution impresses some as a vicious process, a case of nature being red in tooth and claw, there is no reason

why others might not consider it to be all love and kindness. If anyone must oversimplify, and apparently some must, we recommend the stand taken by Professor Montagu. His simplification is at least humane.

CONWAY ZIRKLE

University of Pennsylvania

LEVY, MARION J., JR. *The Structure of Society*. Pp. xvii, 584. Princeton, N. J.: Princeton University Press, 1952. Paper, lithoprinted, \$5.00.

This book is one of the latest contributions to a form of sociological literature which has undergone a considerable expansion in the past decade—that literature, namely, in which the central effort is devoted to the precise definition and systematic ordering of sociological concepts. As an intellectual and academic movement, it stems in considerable part from the leadership of Talcott Parsons; and in his preface and in footnotes Levy indicates indebtedness to Parsons, Robert K. Merton, and Kingsley Davis, among others.

That better-formulated concepts and more logically ordered theoretic systems are among the prime needs of social science will be agreed to by many sociologists; that the task of meeting this need involves difficulties not altogether apparent on the surface is a proposition that will also find wide acceptance. Nor is it clear that this, that, or the other method of procedure is best adapted to advance us toward the goal of an adequate theoretic system (or systems) for the science of sociology. The present reviewer finds it impossible to characterize in terms that he can be reasonably sure are correct and fair to the author, the method(s) by which Levy has arrived at the concepts and suggestions for a theoretic system which he offers (in an emphatically tentative way) in the present volume.

The countersuggestion may be ventured, however, that perhaps what is needed in the present stage of development of social science, and before we can proceed very far on the road of satisfactory system-building or conceptualization, is a great deal more effort devoted to the characterization of experienced or observed social phenomena in terms of a relatively low order of ab-

stractness and generality—terms conforming rather closely to the vernacular. When we have human society and its processes described at a low order of generalization, we may be in a better position to frame rigorous theoretic systems for the further analysis of these matters. I have some feeling, as I read and reread parts of Dr. Levy's book, that he has stated in unfamiliar terms, or in terms to which he has assigned (carefully stated) unfamiliar meanings, generalizations that are among the commonplaces of recent sociology; and that it would be more helpful, for the present, to keep the discussion as far as possible in the vocabulary of ordinary highly literary speech.

Nevertheless, there are numerous acute insights and distinctions set forth in this book. It is the fruit of a type of endeavor which, I am personally convinced, needs to be carried on vigorously; and Dr. Levy is to be commended and complimented both for his effort and for his accomplishment. Those teachers and advanced students of sociology who have the time and patience to give this book the sort of careful, thoughtful study that it needs, will be rewarded for their pains.

FLOYD N. HOUSE

University of Virginia

MILBANK MEMORIAL FUND. *Approaches to Problems of High Fertility in Agrarian Societies*. Pp. 171. New York, 1952. \$1.00 (paper).

If the modern techniques of food production and disease control are made available to the so-called "undeveloped" or "backward" peoples of the world, will the death rate drop so much more rapidly than the birth rate that the expanding population will shortly press even more dangerously upon the limits of its resources than it does now?

The answer of the papers which comprise this book is that it will, and this answer throws a cloud over all the fluorescent hopes of the many plans to help these vast areas of the world.

This is the problem of the "demographic gap," the spread between human fertility and mortality, between the birth rate and the death rate.

When Europe and the British Isles were in such a period of expansion the broad lands and rich resources of the Western Hemisphere were at hand to render their demographic gap harmless—but for the peoples of Asia and the Near East there is no such cushion today. Any population surpluses must be used within their borders, for the lands and markets of the world are open no more. Without new land, agricultural production will increase but slowly; without new markets, there will be no international trade of goods for food.

There seem to be but two choices—to die of disease now, or of starvation later. Most of the papers in this book suggest, however, a third possibility—to take quick and vigorous measures to reduce the birth rates commensurately with the death rates. It is a weak possibility, an outside chance, but it is still real. The major obstacles seem to be two: a change of value systems or basic attitudes which would approve birth control measures, and the development of some much more inexpensive and universally available technique suitable for use by relatively poor and unsophisticated people than exists now.

In general, the attitude changes may not be so difficult as has been assumed. Arthur Bunce, on the basis of years of Korean living, states "I do not think there would be any basic antagonism on the part of Oriental women toward fertility control." Paul Hatt reports a Puerto Rican study (5,739 households) which indicates an approximate two-thirds approval of birth control for the combined reasons of personal desire and economic necessity. N. V. Sovani of Poona, India, is more pessimistic; for that country he feels the "mental and social atmosphere is generally hostile to the spread of contraception," but he notes that there is much discussion of it. John Durand describes a very thorough study to be made in Italy by the Department of Social Affairs of the United Nations which should help to clarify knowledge of the situation.

Mexican factory workers, according to Wilbert E. Moore, tend to favor fertility control. Irene Taeuber and Marshall Bal-four report favorable attitudes in Japan, together with Japanese government activi-

ties toward furthering "eugenic protection."

The development of a truly cheap, easy to use, and widely available technique for birth control emerges from these papers as perhaps a more important matter than the change of attitudes. Clair Folsome and Warren Thompson emphasize this. The successful technique must be effective in the presence of lack of money, lack of skill, lack of storage facilities and lack of privacy in the family situation among these peoples who need it most. The suggestion is that some pill or other medicine to be swallowed might be the solution; or a change in the diet, or a sure and simple means for determining the most fertile point of the monthly female cycle.

Since publication of the book success in the use of a pill for fertility control has been reported on an experimental basis in the October 10 issue of *Science* by Dr. Benjamin Sieve of Boston. This may bring us nearer to the desired technique than we were at the time of the 1951 conference.

In any event this book, a presentation of the papers given at the 1951 Annual Conference of the Milbank Memorial Fund, teaches the reader that the way of the reformer, like the way of the transgressor, is hard.

Let us hope that in this case it is also sure.

WILLIAM G. MATHER

Pennsylvania State College

TEDROL, PETER. *500 Years of Hate*. Pp. iv, 116. Dallas, Tex.: Tol. Higginbotham & Co., 1952. \$1.50.

Mr. Tedrol has written a book on "the Negro problem." The problem, he says, "is realistically as simple an issue of whether you are for or against the United States becoming a nation of half-breeds." The Southerner, according to Mr. Tedrol, understands this problem. He also understands the Negro. Following are some random gleanings from Mr. Tedrol's understanding:

On the Negro's unhappiness away from Dixie: "Yes, the Negro likes the greater freedom of movement in the North, but when he is away from home he mourns the loss of the feeling of being watched over by his 'white folks.'"

On the run of Negroes: "... a high rate of social diseases in the ancestral background . . . has either diminished or prevented the development of the Negro's mentality. . . ."

On the occasional "smart" Negro: "Maybe the elite Negro is as smart as his white counterpart, but, to me, that is a disgrace and a thing of shame to society; not something to brag about."

On segregation in schools: "The Southerner is determined in his belief that should he allow a break-through at college level of his segregation laws . . . the effect on the lower echelons would ruin his entire school system instantaneously."

On Negroes in white collar jobs: "There have been many wild claims about the Negro's clerical, administrative, and executive ability. I have seen isolated cases where this is true, but by and large the Negro has no more business in an office than a piano has in a leg show."

On the morality of the Negro: "This condition (that Negro women outnumber Negro men) naturally makes the marriage and divorce laws nothing more than useful terms for the Negro's use in describing his status of two people living together and later making a change in their arrangements. This is not to say that no Negroes marry in a lawful manner, because many of their marriages are both lawful, moral and permanent."

Mr. Tedrol's plan for dealing with the Negro problem is to set up within each state having more than 100,000 Negroes a Commission for Negro Affairs—a part of the executive office—with the following commissioners:

An industrial commissioner "to determine . . . the actual possibilities and desirabilities for the Negro's industrial development."

A public health commissioner to oversee the "clean-up, patch-up, and build-up jobs on the Negro's blood stream, genitals and stomach."

A commissioner for Negro psychiatry to "develop programs for the correction of the Negro's emotional and mental imbalances, with special emphasis on developing the Negro's racial pride."

A commissioner for Negro education who

would give special emphasis "on training the Negro for natural occupational abilities."

A commissioner for Negro legal affairs to determine the "Constitutional rights and legislative needs of the Negro. . . . His duties would be separate from the Attorney General entirely."

A commissioner for Negro sociology to "investigate the Negro's natural social requirements, and logical position in the white man's society."

A commissioner for Negro philosophical development ("our clergyman under a fancy title") to determine "what true morality actually is where the Negro Problem is concerned."

Mr. Tedrol dedicates his book to "Mamie and Romie—and my many other friends of the Negro race who have honored me with . . . Their affection, their respect, and, most of all, their confidence—their thoughts."

E. W. KENWORTHY

The New York Times

WILNER, CHARLES. *Alimony, the American Tragedy*. Pp. xiii, 329. New York: Vantage Press, 1952. \$3.50.

If the author of this book had been content to call alimony an American tragedy, most of us would have agreed with him. To call it *the* American tragedy is to fall into the particularistic fallacy. There is little doubt that courts tend to favor women, that many women are punitive and vindictive in their alimony demands, that they use it to exploit men, and that a good deal of injustice results. But to claim that many women are deprived of the opportunity for marriage because men fear the alimony racket is to fly in the face of statistical trends which show a growing proportion of the population married, a larger proportion, indeed, than in many other countries. To see in alimony laws a plot of feminists to revenge themselves on men and control them seems a bit far fetched. To trace inter-racial mixture—which he deplures—to the evils of alimony can have its absurd aspects. To claim that alimony laws, by subordinating men to women, lower them to the point of effeminacy, is to court being taken lightly.

And to see in alimony a factor in juvenile delinquency stretches the data a bit thin.

The author has read widely, although a large part of his references are to old and outmoded works. The basic assumption on which much of the argument rests—that women are biologically weaker than men—has long since been refuted. One gets the feeling that whatever he has read over the last 40 years has become grist for his mill; if it did not fit in, he dragged it in. One looks in vain for firm documentation of his claims. Serious students of marriage and the family will probably not accept his theories however much they may agree with his purpose, the modernization of the concept and practice of alimony.

JESSIE BERNARD

Pennsylvania State College

GOODENOUGH, WARD H. *Property, Kin, and Community on Truk*. Pp. 192. New Haven: Yale University Press, 1951. \$2.50.

This ethnographic monograph, the first publication to come out of the war-born Coordinated Investigation of Micronesian Anthropology, represents a happy marriage of practical necessity and theoretical precision in the social sciences. The project began as an effort to prepare Civil Affairs Handbooks for use by military government personnel after the formerly Japanese Mandated Islands were occupied by the American forces. If the problems of reconstruction and peacetime administration were to be solved with dispatch and efficiency, those charged with the responsibility of such a task had to be well informed about the peoples with whom they were concerned. Thus, ethnographers became important from the point of view of the down-to-earth administrator of islands held under United Nations trusteeship.

Interestingly, this practical emphasis resulted in a more rigorous job of social science analysis than might otherwise have been the case. Goodenough writes:

"The problem of rendering an ethnographic account that can be of practical use to administrators boils down . . . to trying to give the reader a basis for learning to operate in terms of the culture described in somewhat the same manner

that a grammar would provide him with a basis for learning to speak a language. . . .

To summarize materials in the form of statistical means or modes is inadequate for such purposes. While they characterize a sociological situation at a given time, they do not state the cultural rules whose application results in that situation. . . . the ensuing account of Trukese social organization has sought to formulate rules and state the conditions governing their application in such a way that none of the available information contradicts them at any point" (pp. 10-11).

Scorning to pursue the will-o'-the-wisp, Trukese culture "as it really is," Goodenough has been remarkably successful in making a very complex society comprehensible by presenting it as his sophisticated analysis reveals it. He deals successively with the problem of property, the matrilineal kin groups through which lineage is traced, the system of kinship, the interrelations of status systems and kinship behavior, the role and development of residential kin groups as they involve the nuclear and extended family, and the type of territorial and political organization that defines the Trukese community. Throughout there is a close attention given to the social rules governing the behavior appropriate to various kinship statuses, to various relationships to property, and to the lines of authority and responsibility through the community organization of Truk. Not only the modal laws of "correctness" are clearly set forth, but the exceptional situations are adumbrated in some detail and with a full presentation of their logic within the framework of Trukese culture as a whole.

Anthropologists will value this monograph both for its reporting of culture materials and for its elaborated and sophisticated methodology. Other social scientists, in spite of the book's technical nature, will find it useful as one more demonstration that rigor is quite possible within the disciplines of man and that rigor is the most effective route to practical employment of the social sciences in the solution of human problems.

EDWARD JOSEPH SHOEN, JR.

Columbia University

BRODRICK, ALAN HOUGHTON. *The Tree of Human History*. Pp. 253. New York: Philosophical Library, 1952. \$4.75.

Writers as persons often are disappointing shadows of their rich and sprightly work, but one is eager to take his chances with Mr. Brodrick. *The Tree of Human History* reads like excellent talk and reflects a personality that is serious but never solemn and a mind that is well stocked and orderly with never a trace of pedantry. Rarely has so much archaeological erudition been worn with such gaiety or with so much explicit feeling for its significance for the troubled present.

While scholars themselves can read this book with profit, Brodrick introduces it as a "popular" work directed at a lay audience. Its purpose is the presentation of "a connected account of the events which led up to the appearance of civilizations and their arts." Thus, the book's concern is with protohistory, the study of those cultural epochs which antedate the development of writing.

After reviewing in successive chapters the archaeological knowledge available with respect to the major cultures of antiquity, Brodrick summarizes in a single chapter present thinking on the physical evolution of man and gives a general outline of prehistoric cultures. Finally, there is a postscript which invites the reader to participate in thinking through some of the possible resolutions of such queries as these: Why do some cultures rise rapidly in their complexity and richness whereas others develop slowly or hardly at all? Is there any evidence that any one people is more inventive than any other? Can we legitimately speak of any such thing as a "pattern" of history? What happens when cultures collide?

While primarily offering the main facts as they are known and allowing his audience to draw its own conclusions, Brodrick is by no means silent on what he considers to be some of the central ideas related to these vastly important problems. He suggests that peoples are equally inventive and that the ways of life that they evolve are dependent essentially upon the complex interactions among the circumstances with

which they must cope and on which they may capitalize. He scores purely economic interpretations of history as quite unable to account for such accomplishments as the modification of art forms, the evolution of writing, and the development of magical and religious beliefs. He suggests on the basis of the great variety in the social development of antique cultures that the "logic of history," far from being an immutable and transcendent force, is substantially a fiction seized upon by polemicists to support preconceived value theories.

While he makes a strong case for his own views, Brodrick cannot be charged with the least taint of dogmatism, and his charming, learned, and humane performance may well invest archaeology with new significance for both laymen and scholars in other fields who have for long regarded it as the most ivory-towered of intellectual cousins.

EDWARD JOSEPH SHOEN, JR.
Columbia University

EISLER, ROBERT. *Man into Wolf: An Anthropological Interpretation of Sadism, Masochism, and Lycanthropy*. Introduction by Sir David K. Henderson. Pp. 286. New York: Philosophical Library, 1952. \$6.00.

This is a very unusual book; it is not a book at all, but an astonishing agglomeration of very worth-while knowledge presented in the form of notes. It is like a structure consisting of a very widely spread and luxuriously finished basement, and very little above that level. The theses of this book are the following: (a) Masochism and sadism are basic patterns of sex behavior. This thesis, while not absolutely new, is interesting and, in fact, might be used to establish the presence of psychosexual activity—for example, in criminal procedure. (b) Sadism and masochism are connected with different archetypes. The author thinks that following Jung's terminology he has gained new insight into the genesis of these two basic sexual attitudes.

In this reviewer's opinion, the main value of this publication is in the valuable source material which might be used by future scientists.

W. G. ELIASBERG
New York City

HARTLEY, EUGENE L., and RUTH E. HARTLEY. *Fundamentals of Social Psychology*. Pp. xix, 740, xvi. New York: Alfred A. Knopf, 1952. \$5.50.

The now trite truism that the cultural lag of the social sciences behind atomic physics and experimental biology not only stands in the way of a cultural Utopia but even threatens culture itself has led to a mushroom growth of new college texts in the social sciences. Of these, social psychology particularly will have to play a key role if modern cultural dilemmas are to be resolved. Consequently any new treatment of this genetically somewhat hybrid offspring of psychology, sociology, anthropology, economics, and political science must be seriously considered.

The Hartleys have given us a large text which is, on the whole, up-to-date, catholic in its purposes and scope, readable, and scholarly. A brief review cannot subsume the arguments of a book, which, although not pretending to be encyclopedic, approaches this on the problems it chooses for particular emphasis. In brief the three parts of the book include the following:

Part I (*Communication, the Basic Social Process*) covers the rapidly accumulating literature on the topic much more thoroughly than is usual in the elementary text. But it is uneven. Some of this material seems to me to be of the first importance. Perhaps even more is very dismal busywork, which describes social communication processes, obviously describable in English, in Teachers' Collegese at its worst.

Part II (*Socialization—The Group and the Individual*) gives a more conventional presentation of the subject matter. It is a little weak in its discussion of the contribution of both the psychoanalysts and the social anthropologists to the topic. Furthermore I fail to understand why Chapter XII, on "Delinquency" (in itself very good), was included to the exclusion of discussions of other a- and anti-social processes.

Part III (*The Individual and the Group*) is again somewhat more conventional than Part I. Its discussions on "social norms" and "role taking" are excellent. Again, however, two long chapters of Ethnic Attitudes exclude any adequate discussion of

conservatism, radicalism, fascism, communism. (Of these only radicalism appears, with only one page reference, in the index.)

My chief, and perhaps most meaningful, criticism of the book is concerned with the authors' bias. I feel that a social psychology which is going to have prognostic value and possible application should stress both the psychobiological and the psychosocial aspects of human behavior. I think the Hartleys are much too biased towards environmentalism—at times even a naïve environmentalism. This is particularly true in the so-called applied sections of their book. Appeal is made to well-meaning rationalism, to the neglect of some of the more deep-seated aspects of the human personality.

If I were offering a course in social psychology currently I might well adopt this text. But I would see that my students had a solid supplementary reading list of the more psychobiologically oriented theorists.

J. F. BROWN
Hollywood, California

CHAMBERS, M. M. *The Colleges and the Courts, 1946-50*. Pp. x, 202. New York: Columbia University Press, 1952. \$3.00.

This volume is the fourth in a series of publications prepared by Dr. Chambers covering decisions of state and federal courts affecting universities and colleges in the United States over a period of approximately a century and a half. "The basic volume, *The Colleges and the Courts*, published in 1936, carried the story of the early nineteenth century through 1935." The three supplementary volumes, of which this is the latest, carry the study down to 1951.

The 190 cases reviewed in the current study are presented in five categories: (1) university and college personnel, (2) state and municipal institutions, (3) privately controlled institutions, (4) fiscal relationships with governmental units, and (5) financial support from private sources, institutional property, and other matters. The author's summary statements, conclusions and legal projections are presented in a short introduction under the caption, "Some Trends of 1946-1950." The volume

carries also a short foreword prepared by Edward C. Elliott, President Emeritus, Purdue University, a table of cases, and an adequate index. Documentation is limited to case citations.

The volume is not a digest of cases, nor is it strictly speaking a commentary. It is rather a series of summary statements of essential facts, legal principles, and court decisions held together largely by the organizational scheme of the volume. Appraisal, criticism, and other editorial comments are infrequent. Editorial emphasis has likewise been minimized. Both significant and insignificant cases are given textual prominence. Cases turning on obscurity and unimportant procedural points receive attention equal to that accorded those cases raising significant and highly controversial constitutional issues.

As has been indicated, some of the 190 cases raise significant and controversial issues. The recent decisions bearing on racial segregation in state-supported institutions "did much to elaborate, implement and effectuate" the earlier judicial rulings which interpreted "equal protection" as requiring equal educational opportunities and facilities. The Supreme Court has not outlawed segregation, but it has consistently held that delays, evasions, institutional discriminations and make-shift facilities constitute denials of equal protection. Under the pressures of judicial mandates and financial burdens, "several Southern state universities have begun the practice of admitting Negroes to their graduate and professional schools. . . ."

The alleged intrusion of legislative authority upon the constitutional independence of some state-supported institutions is a continuing source of litigation. The rendering of certain peripheral services by some institutions and the financing of self-liquidating projects raised some interesting if not novel issues. Of special interest, in terms of modern educational trends, are the issues involved in institutional projects providing low-cost laundry and dry cleaning services and "the practice of charging students fees for water, heat and power on the campus, thus putting these utilities into the self-liquidating category."

An appraisal of the book is difficult. It

presents a useful collection of cases, provides ready reference to sources, and bears evidences of skilled workmanship. It is not a definitive and scholarly study; it was not intended to be. With few exceptions, the cases of the past five years have revealed no new legal concepts or demonstrated startling departures from established law. Many of the cases have been decided or dismissed on points of procedure, and those which have required disposition on their merits have been conveniently fitted into some branch of traditional law. In other words, there is little evidence of a developing law of higher education. Evidences of preferential treatment for educational institutions appear, but on the whole the courts have, as revealed by these cases, sought always to promote the general welfare by balancing the general public interests against the more highly specialized educational interests. Mr. Chamber's book may not reveal "the increasingly important part that education plays in shaping society," but it does provide an excellent summary of the impact of court decisions on current educational policies.

HAROLD M. DORR

University of Michigan

ABRAHAMSEM, DAVID. *Who Are The Guilty? A Study of Education and Crime*. Pp. xi, 340. New York: Rinehart and Co., 1952. \$5.00.

This book, written by a psychiatrist, represents an attempt to delineate the main essentials of an effective crime prevention program founded upon the social, physical, psychological, and emotional variables believed to be responsible for criminal behavior.

The first seven chapters are devoted to the presentation of the etiology of criminal behavior. The main theme of this discussion is succinctly stated by the author in the following paragraph:

"Every human being has as his conscious or unconscious goal the obtaining of pleasure and the avoidance of pain, but this goal is determined by his emotional strivings. These emotional strivings are rooted in the biological structure of man, and are always influenced by environment. As

the child grows into adulthood, his emotions are colored, consciously or unconsciously, by his biological experiences in childhood. Thus the psychological phenomena present in everyone, whatever form they take as social and antisocial behavior, arise as a result of the interplay between basic physiological needs and the influence surroundings have on those needs" (page 32).

As may be readily surmised from this statement of causation of criminal behavior any specific criminal act, according to the author, is the result of the interplay of a variety of factors. These factors are five in number and are called: constitutional, predispositional, nonpsychological (physical), emotional, and precipitating. Crime, according to Abrahamsen, like disease is a function of these different variables (pages 51-52). The author suggests that not all of these factors need always be present in order for a criminal act to occur; he does insist, however, that an understanding of criminal behavior must be predicated upon a thorough analysis of the way the several factors are related. The causation of crime according to Abrahamsen is a relative concept. This point of view leads the author to formulate three laws for criminology: (1) criminal behavior is the result of a multiplicity of causative factors which vary both in quality and in quantity in producing any specific criminal act; (2) different criminal acts are produced by different patterns of causative factors, thus precluding the development of any single explanation of criminal behavior; and (3) "A criminal act equals the product of a person's criminalistic tendencies elicited by the momentary situation, all of which results in his mental resistance being so decreased that he carries out the criminal act" (p. 67).

The remaining four chapters are devoted to a discussion of what may and should be done in order to make more effective attempts at the prevention of crime. The suggestions made stem from and are tied to the author's concept of crime causation. In this section the reader will find a great deal which is both sound and stimulating. Abrahamsen's discussion of the present prison system is especially penetrating and well done.

Whether we agree with the author's analysis of the factors employed to explain criminal behavior in the several cases employed as illustrations throughout the first section of the book should not detract from the value of Abrahamsen's treatise. The reader will find many things in the book which are thought provoking and interesting even though Abrahamsen's orientation is frankly psychoanalytical. •

ELIO D. MONACHESI

University of Minnesota

HIRSH, JOSEPH, with the assistance of SELMA G. HIRSH. *Alcohol Education: A Guide-book for Teachers*. Pp. 107. New York: Henry Schuman, 1952. \$2.50.

This 75-page booklet (plus 30 pages of index and bibliography) undertakes (1) to explain the need for education on the role of alcohol in human life; (2) to give historical, physiological, psychological, social, medical, political, economic, and other pertinent opinions and facts; (3) to present a blueprint to professional educators on how to prepare a course, integrate it with needs of students and the life of the community, and teach it; and (4) incidentally to comment on a program of action about alcohol problems in our time.

The very breadth of treatment makes the booklet impractical as a guide for professional educators. Only one chapter is concerned with educational policy, planning, and procedure. The attempt to do too much and to serve a popular as well as professional audience has left too little room for advice on a professional level by which teachers might profit.

The great breadth of purpose in a small book has had a similar effect on the bibliographies of films, filmstrips, and books. The films and filmstrips, some of highly questionable value for the student or teacher, are overgenerously recommended. Only two of the 20 books in the bibliography can be useful for teachers—*Alcohol and Social Responsibility* and *The Alcohol Problem Visualized*, but the 1950 rather than the 1948 edition of the latter. In addition, Montague and Spalding's *Alcohol and Human Affairs* and, especially, the Science Research Association pamphlet *Facts About*

Alcohol should be included. Strangely omitted are the activities, programs, and publications of the state departments of education—for example, the new and revised teaching manuals in Mississippi, Utah, Oregon, New Hampshire, and Connecticut.

Finally, educators should be defended against the author's unjust charge (p. 13) that, if they do not do better, "the schools of America can be held in large measure responsible for adding immeasurably to society's burden in connection with problem drinking and other problems associated with alcohol." The schools and teachers are not more responsible than anyone else for crime, race discrimination, unemployment, war, immorality, or problem drinking. Furthermore, they are more restricted than most groups in any attempt to lead new movements in attitude or action. It is doubtful that such threats win friends and influence teachers.

Educators do need background materials, classroom materials, and conceptual orientation in this field. But the author's excellent purpose has been dissipated both by the attempt to condense within 75 pages so much that has been written by a variety of authors on many subjects for all sorts of audiences and also by trying to combine in one booklet a popular highlighting of major facts and concepts, a background and stimulus for research, a guide for teachers, a text for students, and even a program for general amelioration of alcohol problems, especially alcoholism. Perhaps a Dewey could accomplish such a task, but I doubt it.

SELDEN D. BACON

Yale University

PHILOSOPHY AND RELIGION

SCHRÖDINGER, ERWIN. *Science and Humanism: Physics in Our Time*. Pp. 68. New York: Cambridge University Press, 1952. \$1.75.

Professor Schrödinger, one of the supreme living masters of physics, presents his conception of the total human significance of scientific inquiry in words of the mystic Plotinus. The value of science con-

sists in whatever ability it may have to answer the ineluctable question posed by thinking humanity and phrased by Plotinus as: "And we, who are we anyhow?" (pp. 4, 51). The thoughtful physicist addresses his audience: "I am born into an environment—I know not whence I came nor whither I go, nor who I am. This is my situation as yours, every single one of you" (p. 4). Unlike Plotinus, Schrödinger is prone to overlook, I think, that what man can do is not separable from what he is. (Burke somewhere observes that "art is man's nature," although he was no "progressive" instrumentalist and was a most impressive critic of "mass-society.") There surely exists too much "barbarous" specialization, but the keenest specialization is, after all, with comprehensive vision a prerequisite of valid integration. There is, however, a most instructive paradox suspended in Schrödinger's final reflections. He confesses his conviction (pp. 51, 67) that the present outcomes of microphysics are rather irrelevant for the proper characterization of the relation of morally free humanity to its puzzling world.

En route to his main conclusion he informatively sketches the evidence upon which many investigators of nature's fine structure have concluded that materialism's conceptual basis—continuous and complete determinism of cleanly individuated atoms—is now without meaning. For the contemporary reader he incisively raises issues concerning verification, theory construction, and human freedom which have long agitated philosophers. Typical of his masterly exposition are those paragraphs which most authoritatively report on the coexistence within wave mechanics of incomplete knowledge concerning observables and complete continuous determinism of "something" not sensuously observable (pp. 40–41). Occasionally there is a hasty pre-judgment of a philosophical problem such as the possible individuation of things and events by "shape" alone, or the permanent failure of ideally approachable models, or the "mysteriousness" of the mathematical continuum (pp. 19, 25, 34).

When he returns to the haunting question of Plotinus, Schrödinger confronts it chiefly in terms of freedom. The argument

of Jordan that Heisenberg's uncertainty principle can assure moral freedom to man is uncompromisingly rejected. It is judiciously contended that chaos cannot be the "correlate" of moral coherence. Hard inventive thinking is still a desideratum, Schrödinger perceives, to place such complex entities as free persons in a world determinate enough even in the image of wave mechanics (p. 61). As creative masters of science continue to philosophize sincerely a happy symposium of philosopher and scientist may yet, despite the vogue of positivism, re-examine an interpretation of science in which every crisis of science is essential to its heroic movement forward. "What we can do" might be incorporated into the complete conception of "what we are" by nicely relating "what we can do" to "what we ought to do." Kant's dictum: "You can, for you ought to" may still have its precious meaning, in microphysics and beyond.

HENRY A. FINCH

Pennsylvania State College

DODDS, E. R. *The Greeks and the Irrational*. Pp. xi, 327. Berkeley: University of California Press, 1951. \$5.00.

The Greeks have the fame of being more rational than other folk. Yet there was unreason in their lives, and their ways of dealing with it varied. The study of these is not easy, for little of this literature survives, and much has been misinterpreted. In Dr. Dodd's book the principal periods and topics are treated in eight chapters, each no longer than an hour's lecture, supplemented by notes and digressions, and by appendixes on "Maenadism" and "Theurgy" similarly enhanced. All this is only one aspect of Greek religion, in which the last century was little interested; but it has been revived by recent anthropology and psychology, which have found ancient Greeks as liable as modern folks to "primitive" modes of thought.

Homeric views have seemed remote from religion or morality, but recently F. Robert has restated them as beliefs of "believers," and Wölfel as showing how such personal gods came into being at all. Accepting them as rationalizing a large part of Greek experience, Dr. Dodds ex-

amines other parts which remained unrationalized—*Atê, Thymos, Menos, Moira, Erinys*, indeterminate *daimon*, nameless *theos*, easily recognized in the background of simple peoples. Following Nilsson (1924) he finds these "psychic interventions" so far externalized that Greece was "saved from daimonism" at the small cost of impulsive behavior such as the "heroes" display.

To distinguish "Homeric" from "Archaic" the terms "shame-culture" and "guilt-culture" are used, without very clear definition or explanation of the change. Admittedly much persisted. What was new after the "conquests" was a feeling of insecurity and helplessness. Deity is "jealous" and interfering; man, ignorant and clumsy, resents this. Yet gods, however reluctantly, had to maintain justice. Family solidarity, misused, is now resented too, and individual responsibility appears. The world is also now full of pollution; purification is necessary and possible, to avert *Atê* and other evil spirits, and there is personal destiny, guided by Zeus. Social conditions may explain much; perhaps also the loosening of family ties; and unacknowledged desires crave relief in the individual.

This is the beginning of a new process of struggle with irrational experience which continues throughout classical times. Major problems are what are here called the "Blessings of Madness," consigned to particular gods, and other things like epilepsy. Dreams change their character, from Homeric to classical, and types are undistinguished. Herodotus lets Artabanus perform the first dream-experiment; Hippocrates physiologizes; Aristotle's approach is at last purely scientific. But meanwhile incubation has become popular and is exploited.

From dreams it is easy transition to shamanism, which may have reached Greece from beyond the Pontus, where it is endemic. But in Greece what is significant is the relation between corpse and ghost, and between separable soul and body. Aristides, Epimenides, Pythagoras, and Empedocles illustrate various aspects and functions. Orpheus was Thracian like Zalmoxis, but Dr. Dodds separates him from Orpheus, which he inclines to think deep seated in

Greece, and responsible in a "guilt-culture" for Greek "puritanism."

The climax of fifth-century rationalism, the reaction of the many, in magic indifference and wartime hysteria, are more familiar ground. The central figure of Plato, trying both to liberate reason and to make the world safe for the old order, is judiciously presented, though his proposals were not carried out. And the "fear of freedom" which defeated the later philosophers presents an instinctive close to a learned and suggestive book.

JOHN L. MYRES

Oxford, England

ROBACK, A. A. *History of American Psychology*. Pp. xiv, 426. New York: Library Publishers, 1952. \$6.00.

Dr. Roback divides his *History of American Psychology* into four parts. In the first he passes from the founding of Harvard University in 1640 to the 1880's which witnessed the introduction of the German trained Doctor of Philosophy into the American psychological scene and the initiation of the vast developments of the last seventy-five years. In the second part the author deals at length with James, Hall, Cattell, Baldwin, Titchener, and Munsterberg as personalities and as psychologists. The third part contains an extensive treatment of the era of the schools of psychology with the author's attention being given (principally) to McDougall, Angell, Woodworth, Lewin, Freud, Wertheimer, Köhler, and Koffka. Again, each is considered as personality as well as psychologist. A final part, much briefer than the others, describes the various branches of contemporary psychology and lists the names of leading authorities in these branches.

Apart from its merit in bringing together materials which hitherto have been scattered in various places (one thinks of Fay's treatment of American psychology prior to the time of James, Boring's *History of Experimental Psychology*, and such works as Woodworth's *Schools of Psychology*, in this connection), Roback's history is of interest for various reasons. It is materially enriched by the author's personal contacts with the men and issues under

discussion. It contains an account of Thomistic psychology in the present day, a subject which is little known to those who are in the mainstream of contemporary psychology which is so strongly conditioned by antischolastic presuppositions. Also it succeeds in a way which neither Fay nor Boring could have succeeded (because of the nature of the tasks which they set themselves) in bringing contemporary American psychology into focus as the end-product of a crucible into which French, English, Scottish, German, and Austrian metals have been poured and from which has emerged that alloy which has no competition as the leading psychology of contemporary times.

The work has both name and subject index as well as 28 portraits of leading American psychologists and several tables and graphs which are helpful in perceiving ideological and temporal relationships.

MALCOLM G. PRESTON

University of Pennsylvania

STRAUSS, LEO. *Persecution and the Art of Writing*. Pp. 204. Glencoe, Ill.: The Free Press, 1952. \$4.00.

Professor Strauss aptly characterizes his book as a contribution to the "sociology of philosophy." No book is ever written in a social vacuum, and Professor Strauss proves that philosophical discussions have been no different—that, in other words, a surprisingly large number of philosophers felt constrained to write with full consciousness of the social as well as intellectual milieu in which they lived. The difference which this made is more evident in Moslem and Jewish than in Christian philosophical writings, because philosophy among the Christians was bound up with theology, so that its orthodoxy was assured, whereas Islam and Judaism made Law the center of life, so that a Jew or a Moslem was much freer to speak his mind on a philosophical subject. Consequently, Professor Strauss illustrates his thesis by analyzing the works of Maimonides, Halevi, and Spinoza.

The first essay, from which the book takes its name, is general in its discussion. It points out the likelihood that people adhering to views which may offend the

ruling powers of their day will "write between the lines." This would be true especially during periods of persecution or when power is in the hands of official guardians of the faith; but it may also be true of such philosophers as have a sense of responsibility toward their social group and hesitate to disrupt it by permitting their opinions to upset the majority and thus endanger social stability. In such cases authors tend to write books which may appear quite in harmony with commonly accepted ideas; read between the lines, however, the books teach something altogether different. Only the very astute and careful student of such writings, alive to every nuance of understatement, exaggeration, arrangement, and omission, will know what to discard as meant only for the comfort of the masses and what to retain as meant for the instruction of the thoughtful few. He will, in other words, learn to read between the lines.

The essay on "The Literary Character of *The Guide for the Perplexed*" illustrates the principles set forth in the previous chapter. In writing this book Maimonides faced the problem of how to point out the superior value of philosophy without hurting the basic attitude of Judaism which places Law above speculation. The nature of the *Guide*, the term *hibbur* by which Maimonides referred to it, its structure, its headings—Professor Strauss uses all of these to show that its author was as eager to hide his teachings from some as he was to guide the comparatively few others who were his specific concern.

An analysis of the *Kuzari*, the subject of the next chapter, shows that Judah Halevi likewise modified his presentation to conform to the social and intellectual situation of his day. His object was to defend Judaism specifically and religion in general. None but a pagan king, Professor Strauss proves, could serve Halevi's purpose in the first part of his task. As to the defense of religion, Halevi appears to have decided that the participation of an argumentative philosopher might hurt rather than aid it.

Spinoza's case was somewhat different. It has been assumed that Spinoza in his *Theologico-Political Treatise* attacked the Jewish Bible and Jewish dogma because he

was more familiar with this material than with the analogous Christian material. Professor Strauss denies this. The real motive was apprehension lest the ordinary adherents of the dominant faith would be stirred to opposition. Philosophically minded people, on the other hand, were bound to see that an attack on miracles and dogmas in Judaism applied equally to miracles and dogmas in Christianity. Spinoza wrote for those who could read between the lines.

These are inadequate simplifications of a few central ideas in this small but significant book. One derives rare intellectual satisfaction from reading it, with its documentation and fine analyses at which a review can only hint. The book demands concentration, but if carefully read it is lucid, absorbing, and convincing.

SOLOMON GRAYZEL

Philadelphia, Pennsylvania

BRADEN, CHARLES SAMUEL. *The Scriptures of Mankind: An Introduction*. Pp. xiii, 496. New York: The Macmillan Company, 1952. \$6.50.

In view of the growing interest in objective study of religion in colleges and universities and the increase in recent years in courses on religions of the world, *The Scriptures of Mankind* should find a large audience. The author says in his preface that he has long felt the need for such a book in his teaching of the history and literature of the world's religions to college students. Doubtless many others, particularly college teachers of religion, have felt this need. It is the belief of this reviewer that Dr. Braden's book will be useful to secondary school teachers of world history and world literature who are increasingly concerned with the role of religion in human affairs.

This book is not an anthology, as the title suggests, but a reading guide for college students to the sacred books of the living religions of the world. Here the student will find very limited selections from these many Bibles of mankind, each in a context of history, interpretation, and evaluation which constitutes the greater portion of the book—features largely omitted in anthologies. Copious documentation

should help the student make efficient use of the available anthologies and other translations of the various scriptures themselves. Each chapter is followed by a bibliography of the better known sources.

It is an ambitious task to present even an introduction to the sacred literature of the world within the confines of 500 pages. Frequently the author finds it necessary to explain why he must omit much that merits study. But he succeeds in opening vistas and providing the guides to great adventures.

The range is vast. The first chapter discusses the criteria which the author has applied for determining which writings should be considered sacred literature and how books become or fail to become part of the canon of the different religions. Not all the selections considered measure up to all four of the criteria, but he explains why they should be included in his survey nonetheless. The second chapter is devoted to preliterate sacred literature, which appears to be a contradiction of terms, but emphasizes the historical development of religions and the process by which the spiritual insights, accumulated wisdom, and moral codes of the past have been passed on to succeeding generations for centuries by story tellers, signs, paintings, inscriptions, and the folkways of peoples before they became embodied in written records.

But these chapters are background for and orientation to separate chapters which in turn are devoted to the sacred literature, or what has served the purpose of sacred literature, of the Egyptians, the Babylonians, the Hindus (Vedas, Upanishads, Epics, Gita, Puranas), the Buddhists (Hinayana, Mahayana), the Jains, the Sikhs, the Chinese (Confucianism, Taoism), the Japanese (Shintoism), the Persians (Zoroastrianism), the Hebrews and Christians (Old Testament, New Testament, versions of Old and New Testaments), the Moslems (Islam), and a brief treatment of modern sacred books of new sects (modern sects of Shinto, Bahai, Christian Science, The Church of Jesus Christ of Latter-day Saints, and the Father Divine Peace Mission).

CLARENCE LINTON

American Council on Education

LYTTLE, CHARLES H. *Freedom Moves West: A History of the Western Unitarian Conference, 1852-1952*. Pp. xx, 298. Boston: The Beacon Press, 1952. \$3.75.

No one is so well fitted to write the history of Western Unitarianism as is the author of this volume, for he has occupied the Professorship of Church History at the Meadville Theological Seminary for more than twenty-five years, and might fittingly be characterized as Mr. Unitarian. The appearance of this handsome volume also brings to a fitting close Professor Lyttle's long and influential relationship to the Meadville Seminary, since its publication date synchronizes with his joining the ranks of the emeriti.

It has been stated that the Unitarians are represented in *Who's Who in America* in larger proportion to their membership than any other religious body in the nation, which would seem to indicate that the Unitarians are far more influential than their small numbers would seem to warrant. Those who have previously written on American Unitarianism have confined their attention almost exclusively to the region around Boston, the home of its origin in America. This book therefore serves as a welcome corrective and tells the story, in great and sometimes tiresome detail, of the beginnings and development of Unitarianism in the Middle West. In the South, outside a few cities such as New Orleans and Louisville, it is nonexistent.

Unitarianism was first brought to the Middle West almost entirely by individual emissaries from New England, through whose efforts Unitarian societies were formed in Cincinnati in 1830 and in the same year in Louisville, Kentucky. James Freeman Clarke, the foster grandson of James Freeman who turned King's Chapel in Boston into the first avowed Unitarian Church in America, might fittingly be called the father of the Unitarian movement in the West. Other congregations were formed in St. Louis in 1835; in Alton, Illinois in 1836, and in numerous other towns on the upper Mississippi, as well as in west-central New York. The next step after the organization of these Midwestern societies was the formation of the Western Uni-

tarian Conference in 1852. It was a declaration of independence from the American Unitarian Association—irked by its failure to give the assistance and leadership which the western societies needed. It was the multiplication of Unitarian congregations in the Middle West which had already given rise to a movement to establish a theological seminary which would better serve the region. This led to the opening in 1844 of Meadville Theological Seminary at Meadville in western Pennsylvania, which in 1927 was moved to a site adjoining the campus of the University of Chicago.

Strange as it may seem to those outside the Unitarian fold, Unitarianism seems to have had more than its share of internal dissension. Though objecting strongly to formal creeds there have been from time to time numerous creeds proposed in the attempt to find some formula upon which they could agree. Professor Lyttle has labored valiantly and in great detail to make these differing positions understandable to the uninitiated. The most recent cause of Unitarian ferment is religious humanism, which is non-Theistic, and centers at Meadville Theological Seminary, and which, we are told, is now embraced by at least half of the Unitarian ministers of the Western Conference.

WILLIAM W. SWEET

Pomona College

COMMONWEALTH OF NATIONS

CAMPION, GILBERT, L. S. AMERY, D. W. BROGAN, J. J. CRAIG HENDERSON, ARTHUR SALTER, H. E. DALE, IVOR THOMAS, F. W. LASCELLES, E. C. S. WADE, CECIL CARR, A. L. GOODHART, and G. M. YOUNG. *Parliament: A Survey*. Pp. vii, 296. London: George Allen & Unwin (distributed in U. S. by The Macmillan Company), 1952. \$5.25.

This book is based upon a series of lectures given in 1950 under the auspices of the University of London by a group of well-known parliamentarians, lawyers, historians, and civil servants. The authors of this admirable collection of essays under-

take to determine how the ancient British parliamentary system is operating under the challenging conditions of the world today. Every important aspect of the system is examined in an objective spirit, without conscious political bias, yet with a common reverence for parliamentary traditions. The subjects selected for study are: the Cabinet, the civil service, and political party organization, considered in their relation to Parliament; the functions and procedure of the House of Commons and the problem of a Second Chamber; constitutional problems connected with the courts of law, subordinate law-making authorities and nationalized industries. The British is compared with the French and American parliamentary systems. Separate essays are devoted to the dangers and difficulties of the present phase and to the nature and future of British parliamentary government.

Several long-run trends are shown to be at work in the English system: a shifting of power from Parliament to the Executive, the rising burden of legislative business resulting from the continually widening scope of state activity, the steady growth of party organization and party discipline, and the changed status of representatives as a result of the doctrines of popular sovereignty and the "mandate."

In a lucid comparison of the three principal parliamentary democracies, Sir Arthur Salter shows the dangers of each: instability in the French system, deadlock in the American, and now Cabinet tyranny in the British. The causes of "Cabinet bureaucracy" are attributed to the two great wars with their concentration of power in the Executive, replacement of laissez-faire by planned economy, extension of the social services, a great growth of delegated legislation, the development of party discipline and organization, and the semi-professionalization of the House of Commons.

To make the governmental machine more efficient and to restore parliamentary control, certain remedies are suggested. These include: further development of the "Cabinet Committee" system, decentralization of policy decisions to local authorities, close delimitation of delegated powers, and the

formation of subject-matter committees in the House of Commons.

Thus would these authors redress the balance of power between Cabinet and Parliament. This excellent and readable volume contains much of interest to students of American government.

GEORGE B. GALLOWAY

Library of Congress
Washington, D. C.

MONCK, BOSWORTH. *How the Civil Service Works*. Pp. vi, 258. London: Phoenix House (distributed in the U. S. by The Macmillan Company), 1952. \$5.00.

The political literature and learning of any democratic country are enriched when one of its distinguished public servants, especially one with wide experience in a variety of posts, publishes a comprehensive critical analysis of its civil service. Great Britain is fortunate in having such a contribution in this book by Mr. Monck, who earlier was also chairman of a group which prepared the Fabian Society's *Reform of the Higher Civil Service*.

The title does not connote the breadth found in the actual contents. Although the last half of the volume covers a detailed description of functions and organization of each of the principal government departments, the first half embraces a critical review of parliamentary appropriation and legislative processes, the workings of the cabinet, political parties, and all the interrelationships thereof—as well as a comprehensive picture of the British personnel system and the position of civil servants vis-à-vis the public and “the Government of the day.” This first half would indeed be an admirable supplement to any text on British government or comparative government. The title might well have been: “How the Government Works.”

It is significant that the author refers to this section of his book as an effort “to describe the sort of people involved—all administration is fundamentally a human problem” and “to illustrate the processes of consultation.” Consultation, he observes, is “the heart of democracy.”

He says that “civil servants in general seem to me to be just as conscientious and

honest as they are reputed to be, and of much higher intelligence.” One of the conditions that receives the strongest adverse criticism is “the almost fantastic mumbo-jumbo of the State's accounting procedure” which is a whole century out of date and which, along with the demands imposed by Members of Parliament, accounts for the bureaucrats' traditional fussiness about detail.

The detail and analysis presented on the entrance to and constitution, pay, and handling of the administrative class, the professional service, foreign service, and other main categories of personnel constitute probably the most illuminating picture on record. The analysis is interspersed with constructive criticism.

Many facets of the book will be of special interest to Americans for comparative purposes. For example, the wider freedom for civil servants in the political arena contrasts sharply with our Federal Hatch Act restrictions and loyalty program. British civil servants can ordinarily serve on local councils, can take some part in party activities “provided no use is made of official knowledge,” and may even belong to the Communist party, the only prohibition being against “very active membership” in the latter organization.

Mr. Monck's general conclusions regarding the British service are favorable, but he observes: “The principal defect of the civil service . . . is that it is not a single service but a series of departmental services with certain common standards in such matters as pay and recruitment but no common standard of performance even in so simple a matter as filing. The organization and hierarchy of the civil service are such that while the top civil servants are overworked, the lower echelons are underworked, and the chain of command, save at the top, lacks clarity, thus neglecting the factor of morale in relation to purpose.”

O. GLENN STAHL

Washington, D. C.

LEWIS, BEN W. *British Planning and Nationalization*. Pp. xi, 313. New York: The Twentieth Century Fund, 1952. \$3.00.

Professor Ben W. Lewis of Oberlin has long been familiar with the British scene, and his knowledge of the economic and social background was of great value in enabling him to give a broad picture of the developments in nationalization and the social services which occurred under the two Labour Governments from 1945 till the autumn of 1951. The present survey opens with a discussion of postwar economic planning in Britain. The author then considers the general issue of nationalization in the light of the various arguments which were put forward to promote the policy. This is followed by short studies of the nationalization of the coal, transport, electricity supply, and iron and steel industries. Turning to the social services, Mr. Lewis describes recent developments in town and country planning, including control over the location of industry, the national health service, and housing. Lastly he deals with agriculture.

This is a very large assignment which no one could deal with adequately in a book of less than 300 pages of text. It would be insincere to suggest that Professor Lewis has succeeded in providing more than a superficial account of the principal measures which marked the successive administrations of Prime Minister Attlee, and we feel sure that the author would not claim to have done more than that. But, although necessarily superficial, the book reaches an exceptionally high standard of accuracy. Moreover, the author's comments on the events which he describes are usually to the point and often extremely shrewd. For example, in his chapter on economic planning he rightly concludes that British planning is tentative and hopeful; there is, he points out, “far more of prayer and prediction in its make-up than of project and precept.” Amplifying this statement, he says that criticism of government economic planning in postwar Britain has come on the one hand from those who regard it as an assertion of bureaucratic power, and on the other from those who believe it is wishful rather than effective—“a cloak for planners too unimaginative and too timid really to plan.” Professor Lewis believes that the second ground of criticism is

nearer the truth than the first, and the reviewer is disposed to agree with him.

The book was made possible by a grant from the Twentieth Century Fund which enabled Professor Lewis to visit Britain in the summer of 1949 and provided him with other facilities. The result is to provide a useful introduction to the subject.

W. A. ROBSON

London School of Economics
and Political Science

BENTHAM, JEREMY. *Bentham's Handbook of Political Fallacies*. Edited by HAROLD A. LARRABEE. Pp. xxxii, 269. Baltimore: The Johns Hopkins Press, 1952. \$4.75.

This work exhibits Bentham's passion for system and classification and his usual insistence on precise definition as a means to avoid semantic confusion. At the same time, it escapes the labored heaviness of some of his legal and psychological treatises. Its reading requires, nevertheless, close attention, despite some judicious editorial pruning of irrelevancies and simplification of Bentham's language, though the changes and omissions are not indicated or emphasized in the text as a scholarly edition would properly demand. Bentham, it is worth noting, has been quite often unfairly abused for clumsiness and polysyllabic inventions by critics who were impatient readers or who lacked appreciation for the propriety of sacrificing misplaced elegance for real, as against pseudo-, scientific accuracy. The present work demonstrates very convincingly Bentham's acknowledged ability to write on occasion forcefully, and even with mordant wit, as well as his proper refusal to abandon requisite precision for popularity, or in the name of that easy reading which brings no returns save the delusion of comprehension.

In this *Handbook*, Bentham was at pains to distinguish his position from that of Gerard Hamilton. The latter's *Parliamentary Logic* was the work of a contemporary sophist whose intent was to teach men how to achieve political victory through debate, regardless of rightness. Bentham, convinced that the right was the useful, exposed error that others might use knowledge and awareness thereof to do

good. He failed, however, to see that the good motive which inspired his analysis was no guarantee against abuse by others of the analytical tools he himself provided. The very clarity of his disinterested vision could indeed equip sinister men with a better guide and aid to their own fell ends than could the biased practicality of one whose criterion was simply immediate success.

Nevertheless, as Larrabee also points out, the conviction that reason is man's most valuable instrument and a sustained determination to seek and ensure its effective use were no mean virtues, as our own time is slowly and belatedly coming to appreciate. Whether our statesmen and citizens will have the patience to read Bentham's still relevant analysis one may doubt. Nor, unfortunately, is a clear understanding of the fallacies he reveals any guarantee either that they will be spotted when used in the course of political oratory and parliamentary debate; or, what is more important still, that they will be effectively combatted when spotted.

On this score, as well as for scholarly illumination, it is to be regretted that Mr. Larrabee did not, even at the risk of delivering the indolent from the need to read the book, provide both a summing up and a critical evaluation of its main themes. Since this work, for all its relevance to present-day politics, and indeed to the politics of all times, is unlikely to be a best-selling aid to the practicing politician, or even to those categories of persons generally designated informed citizens and intelligent lay readers, it would have been very desirable, in making available again a legitimate classic in the method and psychology of politics, to do a thorough, but not merely heavy and burdensome, job of scholarly commentary and interpretation. For, while the work itself is the thing, and scholarship should not come between reader and text in such a way that the latter is overwhelmed and lost, the book here edited is today sufficiently unknown to make a genuinely popular reprint unlikely to succeed for the present. The edition here offered, for all its inevitable value, unfortunately falls between two stools. It is not the cheap edition; it is also not a job of

full scholarly rehabilitation and interpretation. Mr. Larrabee, one senses from his very nice introduction, has the talent for both tasks. It is unfortunate that he did not here perform the second.

THOMAS I. COOK

The Johns Hopkins University

CROSSMAN, R. H. S. (Ed.). *New Fabian Essays*. Pp. xv, 215. New York: Frederick A. Praeger, 1952. \$4.00.

The name of "Fabian" carries high prestige, in part because the famous essayists of 1889 indicated the direction and method of social changes which climaxed in the great legislation of the first Attlee government. These changes were followed, however, by a certain loss of momentum and the question of "What's Next?" This new series attempts a re-examination of socialist theory and an answer to the query.

R. H. S. Crossman's opening essay, "Towards a Philosophy of Socialism," maintains, contrary to Marx, that socialism is not the inevitable successor to capitalism; left to itself the historical process leads to totalitarianism and exploitation, so that the managerial society (the Soviet Union is classed as such) may be the normal outcome and socialism the exception. The latter has to be imposed upon immoral society by human will. C. A. R. Crosland, likewise disagreeing with Marxists, points out in "The Transition from Capitalism" that, instead of collapsing, Western capitalism has continued to expand and actually raise the standard of living of the working classes. The result has been not socialism but a mixed form of society retaining some capitalist features of ownership, but managerial in control and largely socialist in distribution. The goal of the classless society is still to be reached. The concept of equality is analyzed in Roy Jenkins' essay; it is advocated as an object of educational reform in that of Margaret Cole. Indeed, whereas the British have formerly spoken much of political liberty, the notes of equality and fraternity sound loudly throughout this volume. Austen Albu deals with the problem of democracy in industry; Ian Mikardo would change the outlook of the trade unions from that of defense against exploitation

to the more positive one of builders of the socialist commonwealth. These Fabians, unlike their predecessors, do not ignore foreign policy, so Denis Healey writes on "Power Politics and the Labour Party." His views will jolt those who have had faith in simple "utopian" solutions such as pacifism or mutual aid, because Healey is a realist who concludes that a successful socialist foreign policy will depend upon an understanding of power politics, on Britain's own strength, and upon a continuation of close ties with the United States. In the last essay John Strachey sums up the achievements of the British Labour government.

Even though there is no Fabian literary successor to G. B. Shaw, these essays are lucid and stimulating. The Marxist will find many of his fundamentals questioned. The American will find a friendly appreciation of his country's effort to shoulder new responsibilities.

CARL F. BRAND

Stanford University

BROAD, LEWIS. *Winston Churchill, 1874-1951*. Pp. xx, 611. 3rd ed. New York: Philosophical Library, 1952. \$6.00.

Although it is not so indicated on the title page, the book under review is the third edition of a work which appeared first in 1941. Five years later Mr. Churchill's war record was added to the story; this last installment carries the account through 1950. Each edition includes the earlier one practically unchanged and adds a new section which brings the story up to date. In the third edition is a sketch of Mr. Churchill's activities as leader of the opposition, 1945-1950.

The amount of printed material relating to the life of Mr. Churchill is enormous; he himself has taken good care that the public should become acquainted with what he has done, said, and thought throughout a long life. It is therefore not surprising that Mr. Broad bases his book wholly on printed sources. His story is well organized; significant episodes and incidents are skillfully chosen, and apt quotations enliven a narrative which moves forward easily and gracefully. The author wisely refrains from offering fanciful analyses and

interpretations of his hero's actions, moods, and motives. This reviewer deplures, however, the author's decision to speak of Mr. Churchill as "Winston"; thereby he injects a jarring note of false intimacy.

In common with the late Philip Guedalla, Mr. Broad is mainly interested in Mr. Churchill as a fighting man. His connections with the British fighting services, with wars, and with international politics are treated quite fully; but his work connected with British social and economic reforms is passed over lightly. Nearly one-half of the text is allotted to Mr. Churchill and World War II. Appendixes give his election record, his public offices, his books, and a listing of his family.

Mr. Broad belongs to the host of Mr. Churchill's great admirers. His book is not so scintillating as Guedalla's *Mr. Churchill*, but it is more informative. Both books have some of the characteristics of the best type of campaign biographies. Mr. Broad's *Winston Churchill* is interesting as well as useful for students of recent British and world history.

PAUL KNAFLUND

University of Wisconsin

WEBB, BEATRICE. *Beatrice Webb's Diaries, 1912-1924*. Edited by MARGARET I. COLE. Pp. xxviii, 272. New York: Longmans, Green and Co., 1952. \$5.00.

Faithful followers of the Boswell tradition give posterity an intimate picture of their period as well as insight into the intellectual achievement and character development of the diarist. Perusal of the pages written by Beatrice Webb from September 1912 to February 1924 (her personal journal was continued until ten days before her death, and additional portions will be published later) casts fresh light upon her brilliant partnership with her husband, her complex personality, her unabated ardor for social investigation, and, above all, her abiding faith in the Fabian Society and the Labor party.

The Webbs' role, as Beatrice once outlined it to her husband, Sidney, was to provide the labor movement with "middle-class brains." A recent English visit reinforces this reviewer's conviction that their influence continues in the Labor

party, the Fabian Society, the London School of Economics and the *New Statesman*, and elsewhere—notably in the general acceptance of the premise of a national minimum of income, health, housing, education, and leisure. Although some of their disciples are gone—Cripps, Keynes, and Laski, to mention but a few—the Webb philosophy is a motivating force wherever intellectual ideas and idealism are honored. Significantly, their many accomplishments were attained, as Lord Beveridge points out in the present volume's introduction, largely without official position or political influence, for the Webbs concentrated more on people than on palaces.

The *Diaries* have important implications for this generation of Laborites and Conservatives who are struggling to revive the flagging British economy. One would seem to be the necessity of discovering an intellectual partnership capable of carrying forward the Webb researches into modern times and, especially, of recasting some of their Socialist premises in the light of Labor party experience from 1945 to 1951. These tasks would fall most happily within the province of Margaret I. Cole, the editor of the volume under review, and her husband, Prof. G. D. H. Cole, of Oxford University, Chairman of the Fabian Society.

This initial instalment of Mrs. Webb's diaries concludes with the formation of the first Labor government in 1924, the writer expressing her foreboding that it might fail to measure up to her dreams of an orderly, efficient, and humane society. It is part of the rich heritage of the Fabian Society and offers great wisdom to the British Labor party, irrespective of whether it is at the helm in Whitehall or in the post of Her Majesty's Loyal Opposition.

MARY E. MURPHY

Los Angeles State College

ROTH, CECIL. *Benjamin Disraeli, Earl of Beaconsfield*. Pp. xi, 178. New York: Philosophical Library, 1952. \$3.75.

This book can be read as a case study in cultural dynamics. The author defines his target not as a biography but as an analysis of the Jewish factor in the career of this Prime Minister who was a Christian.

There appear to be four Jewish elements in Disraeli's cultural dynamism.

1. His heredity. The extraordinary personality who became the Earl of Beaconsfield had an amazing and complex hereditary background. Five generations of English citizens anteceded him. But Disraeli's family tree included the forebear who, in a time of contemptuous persecution of Jews, proudly chose the name *De Israel*, to be sure to be known as a Jew, as well as Italians, Spaniards, and Germans. The fires of Benjamin's Jewish cultural pride were kindled by social rivalry with politicians of distinction who boasted of their non-Jewish lineage, and expressed contempt of Disraeli's antecedents. It was only then, past the halfway mark in his life, that he paid attention to the Jewish aristocrats in his cultural heritage. Identification with the people of Moses, Solomon, and Jesus gave added power to his personality.

2. The psychological factor. Benjamin was baptized a Christian when fourteen, for then a dispute divorced his father from the synagogue. Benjamin remained a Christian for life, punctiliously attending to Christian observances and disciplines. The Christian world, however, never let him forget that he was Jewish. While religiously and politically a Christian, psychically he remained a Jew. Disraeli tried to bridge his bicultural existence by a fantastic Aryan racial theory which served only to reveal his deep subconscious concern and struggle.

3. The political factor. The English citizenry did not intend to have a person of Jewish culture enter Parliament. Until 1829 Roman Catholics were restricted from Parliament by law. Jews were barred until 1858. It was only Disraeli's accidental baptism at fourteen that made him eligible for exclusive schools, restricted social circles, and political involvement which led to election to Parliament. From that vantage point, however, the force of Jewish prophetic teaching about economic righteousness and political justice made its impact on English custom and law through Disraeli.

4. The religious factor. Disraeli's cultural experience led him to emphasize uni-

versal teachings. Every religious culture exerts two impulses: (a) the exclusive, with exclusive claims, restricted beliefs, and separatist practices; (b) the universal, with a vision relating its members to an integrated universe, a transcendent, divine nature, one brotherhood of man under a single moral law. This vision Disraeli supplied for the nineteenth century as the twin peaks of Judaism and Christianity in the same towering range of spiritual humanism.

Roth concludes his book with an intellectual claim for Disraeli's immortal influence upon Churchill's party today. "The Conservative Party that can accommodate itself to the spirit of the twentieth century, that can claim to look to the working man for support, that can provide a program which may be an effective alternative to the Socialist pattern, that can attempt to reconcile progressive social legislation with the maintenance of traditional institutions, that can propose the most far-reaching constitutional changes without any incongruity . . . is basically the creation of Benjamin Disraeli."

And the Earl of Beaconsfield was "a Jewish boy who, without forgetting his origins, became Prime Minister of England."

EVERETT R. CLINCHY

National Conference of
Christians and Jews
New York City

COBDEN, RICHARD. *The American Diaries of Richard Cobden*. Edited by ELIZABETH HOON CAWLEY. Pp. xv, 233. Princeton, New Jersey: Princeton University Press, 1952. \$4.00.

Richard Cobden's youthful and mature observations of the formative nation at two critical stages (1835 and 1859) provide a significant source for American social and economic history. Wide interests, sympathetic understanding of the American experiment, and rare adeptness in getting facts at all reaches and levels give definiteness and credibility to his findings. Organization, technique, labor systems, and management of farm and factory are recorded with the preciseness of an official survey. His overconfident investments in

the stock of the Illinois Central made him a participant in New World speculative promotion as well as an associate of the best business and legal minds of the period. Social mores and conventions, with standards of well being and of conduct, were no less his concern. Comparisons were shrewdly drawn for the regions visited as well as for the Republic and the Dominion. Appreciation of the strategy of the Great Valley leads to the confident prediction, in the Jacksonian era, that "here will one day be the head quarters of agricultural & manufacturing industry here will one day center the civilization, the wealth, the power of the entire world. . . ." The conditions and standards of both New World peoples were constantly contrasted with the Old, usually to the credit of the New.

As a relentless crusader for social reform, Cobden was especially interested in educational systems and opportunities. In the public schools of Albany, Boston, New York, and Dubuque, Iowa he observed systems and methods that he vowed to reproduce, in essentials, in England. The more conventional colleges seemed to interest him less than the popular foundations of Peter Cooper and Stephen Girard.

While recognizing the crudities and foibles of the adolescent nation, in contrast to the average foreign traveller, he was a frank admirer of the Americans and their institutions, at any rate of the free sections to which his journeys mainly extended. His errors of judgment were rather on the side of appreciation than of detraction.

The editor has evidently undertaken her task conscientiously and enthusiastically. Maps trace clearly the course of the travels, and numerous explanatory notes seek to identify persons and episodes, not always as definitely and discriminatingly as might be desired. The introduction, occupying well over a third of the volume, is a questionable addition to its value. For so well known a historical character a biographical sketch is superfluous. The detailed summaries of the diaries but anticipate information and conclusions that the reader can better get for himself. Most of the introductory material might well have been replaced by pertinent collateral cor-

respondence and other writings of Cobden and by representative contemporary comments on his visits.

EARLE D. ROSS

Iowa State College

WILKINSON, B. *Constitutional History of Medieval England, 1216-1399*. Volume II: *Politics and the Constitution, 1307-1399*. Pp. viii, 340. New York: Longmans, Green and Co., 1952. \$4.75.

This book represents historical work of the finest sort. Certainly it is no manual for a beginner, and its distinction can be recognized only by readers already possessing considerable knowledge of English history. The informed student and the scholar will note at once the excellence of all that is provided. Here they will find no dogmatic presumptions; no conclusions presented with an air of finality. The work is one of complete modesty, reflecting an awareness of limits imposed by the state of contemporary scholarship.

More than conscious of living in an age of tensions, we are perhaps more appreciative than were our forefathers of the achievements of the fourteenth century. One of these was the triumph of limited monarchy in England. From the story back of this triumph the historian, the social scientist, and the average man have much to learn. It is a century-long tale of bitter conflicts between the king and his people. It involved presumption on many sides; false resuscitation of outmoded claims; stress and strain of war on political, economic, legal, and feudal institutions; the deposition of one king and the murder of another; a contest to determine if England were to bow to the will of an absolute sovereign or to enjoy eventually a limited monarchy, permitting the preservation of ancient rights and allowing innovations with changing times.

Professor Wilkinson's aim has been to bring the study of fourteenth century problems close to the documents. He has enough experience, wisdom, even common sense, not to assume that difficult sources, which have long perplexed scholars, are to be correctly understood if read by themselves without aid such as he supplies. He writes first a lengthy essay to introduce

and comment upon the issues involved. If readers may wish that this could have been expanded, they will admire nevertheless the skill that provides so much in restricted space. These essays are ones to be studied again and again. Nine chapters contain selected pertinent documents for major episodes in the constitutional struggles of the fourteenth century. Each chapter has its own introductory essay, and references are given for recent literature pertaining to each subject. The importance of these is obvious. The topics discussed and for which topics are given are: The Coronation of Edward II; The Ordinances of 1311; The Statute of York, 1322; The Deposition of Edward II; The Crisis of 1341; The Good Parliament of 1376; The Crisis of 1386-7; The Merciless Parliament of 1388; The Deposition of Richard II. Professor Wilkinson's book is a rich treasure. It will aid the learned, guide the less well-informed, and challenge every thoughtful reader.

GRAY C. BOYCE

Northwestern University

RICHARDSON, W. C. *Tudor Chamber Administration, 1485-1547*. Pp. xv, 541. Baton Rouge: Louisiana State University Press, 1952. \$6.50.

The popular portraits of Henry VII, the skinflint mulcting his grumbling subjects, and of Henry VIII, the spendthrift playboy, have of course long disappeared from the historian's gallery. Now Dr. Richardson in his learned monograph tells us in detail exactly how these monarchs raised sufficient income to carry on domestic administration, diplomacy, and war. It is however important to note that, while the modern state was being created, the source of income was in the main medieval: the crown lands and the feudal rights of the monarch. Moreover, while the inefficient corrupt Exchequer was bypassed, the first Tudor used the ancient medieval household office, the King's Chamber, for the collection and auditing of his income. This change of procedure of course required honest and meticulous management, and Henry was shrewd in his choice of such men as Bray, Lovell, Heron, Belknap, and even the much-maligned Dudley and Emp-

son to administer this new treasury department. But the King himself was the chief supervisor and the final auditor of the Chamber's accounts.

During the reign of Henry VIII there was a gradual supercession of the simple Chamber treasury by a bureaucratic organization of four quasi-independent treasury departments. As long as a strong king was at the helm, this system worked fairly well, and it looked indeed as if the monarch had solved the problem of a "living of his own." But, if the revenues were to be controlled by the crown, constant vigilance was necessary, and after the fall of Henry's powerful minister, Cromwell, this was lacking. The corruption and laxity of the Chamber system of financial administration in Edward VI's reign led to its downfall and the Exchequer resumed its place as chief treasury of the kingdom. And yet the work of the new courts of revenue had not been in vain, for the Exchequer took over some of the more effective methods of collection and audit worked out over the past half century.

This carefully documented monograph will be of great interest to specialists in Tudor history; it should be equally important to the historians of the seventeenth century, who will find here so many of the financial expedients employed by the early Stuarts with consequences unfortunate for them, but fortunate for the political future of England.

ELMER A. BELLER

Princeton University

HERD, HAROLD. *The March of Journalism: The Story of the British Press from 1622 to the Present Day*. Pp. 352. London: George Allen & Unwin (distributed in the U. S. by The Macmillan Company), 1952. \$5.00.

If journalism is a romantic calling the explanation probably can be found in the fact that its history reveals an almost bewildering galaxy of editors who achieved greatness through their ability to appeal to the broad public through the printed word. Mr. Herd's scholarly and fascinating history of English journalism makes this point clear. From the founding of Defoe's *Review* in 1704 until quite recent years the development of the British press—both

newspaper and periodical—was largely the product of a number of men who became editors of great influence. This was particularly true in the nineteenth and twentieth centuries when editors like W. T. Stead, J. L. Garvin, C. P. Scott, and Alfred Harmsworth (Lord Northcliffe) fashioned the British press system into one of the greatest in the world.

Recent years, as Mr. Herd points out, have produced a change; one in which the publisher-owner of great chains of London and provincial newspapers has increasingly usurped the once dominant position of the editor. The history of the American press shows the same upheaval.

Mr. Herd deserves great praise for the manner in which he compresses in a scant 327 pages of text the tremendously fact-laden history of the British press. He does this by a judicious selection of those names and events which tell the basic story from 1622, when the newsbooks appeared, to the present.

With the exception of the periodicals, the British press attained little stature during the first 150 years of its existence. Newspapers were first licensed and then subjected to a stamp tax. They were, as the author stresses, superficial in content, poorly managed, and lacking in integrity. The periodicals, in contrast, benefiting from the writings of men like Defoe, Addison, and Steele, were of a much higher standard.

The nineteenth century brought great improvements in the editorial and business standards of the newspaper press, and the groundwork was laid for the emergence of an influential and powerful group of mass-circulated publications.

While the author makes no effort to draw parallels between the history of the British press and its American counterpart, the American reader of *The March of Journalism* can hardly but note them. Basically, there is a striking similarity in the two historical patterns: a beginning period of weakness, followed by the emergence of great editors who introduced a true popular journalism, climaxed by the ascendancy of the owner-publisher whose role is possibly best epitomized by the term "chain journalism." Differences, of course, are obvious,

and three deserve mention: (1) the tremendous influence of the periodical in English journalism, (2) the rather slow but steady conversion of English newspapers to American practices in physical presentation of content, and (3) the extremely close watch maintained by the British parliament and courts on the conduct of the press.

FREDERIC E. MERWIN

Rutgers University

DODDS, HAROLD W., LOUIS M. HACKER, and LINDSAY ROGERS. *Government Assistance to Universities in Great Britain: Memoranda Submitted to the Commission on Financing Higher Education*. Pp. xiii, 133. New York: Columbia University Press, 1952. \$2.50.

These memoranda, prepared for the Commission on Financing Higher Education by three distinguished educators, describe and comment upon the methods by which the British Government supports universities. While the devices employed are probably inapplicable to institutions in the United States, they are interesting for purposes of comparison, and their use raises questions of the relation between the state and the universities which have relevance to our own situation.

British, like American, colleges have been faced with the problem of rising costs and shrinking income. Particularly since the close of World War II it has become apparent that endowments, tuition, and private gifts are entirely inadequate even to maintain the status quo and of course are insufficient to permit expansion. In consequence, although with some reluctance, the universities have turned to the government for aid.

This aid has been supplied in a variety of ways, but most significantly through the University Grants Committee, an organ of the Treasury established in 1919. By a system truly British—that is, something completely incomprehensible which somehow works—recurrent grants for normal university requirements, earmarked grants for special programs, and nonrecurrent grants for capital expenditures are made according to plans worked out by the committee in co-operation with the universities both individually and collectively. Largely

due to this aid, the British universities have been able to survive the difficulties of the postwar era.

The memoranda comprising this book describe the various programs and indicate the essential character of the assistance which they have given. Dean Hacker has contributed the most detailed exposition of the whole subject, and his statement is replete with tables and analyses which clearly reveal the financial aspects of the problem. Professor Rogers has concerned himself with the operations of the University Grants Committee, while President Dodds deals largely with the basic policy questions involved.

To American readers the most significant question is the extent to which government aid may or will deprive the universities of control over the educational process and limit their freedom of inquiry. It seems to be the consensus that the government to date has made every effort to avoid even the appearance of dictating educational policy. This is said to be true largely because of the personal interest which members of the U.G.C. have in the universities and the informal process of reaching decisions through consultation, which is made possible by the pleasantly muddled organizational arrangements which prevail.

Among the three observers, President Dodds seems most fearful that the "thin wedge" of assistance through grants may ultimately result in government control. Growing pressure for more detailed accounting to Parliament and the necessity for increased training in certain areas are cited as indications of such a tendency.

Be this as it may, public assistance is undoubtedly essential to the survival of the universities. It is to be hoped that the traditional British good sense and dislike of uniformity will attain a balance between independence and control.

CHARLES B. NUTTING

University of Pittsburgh

ROYAL INSTITUTE OF INTERNATIONAL AFFAIRS. *Great Britain and Egypt, 1914-1951*. Pp. viii, 216. Rev. ed. London and New York, 1952. \$2.25.

This important digest of Anglo-Egyptian relations is timely, owing to the recent

abdication of King Farouk of Egypt and continuance of the anti-British demonstrations in that country. The first such pamphlet appeared in 1936, covering the period 1914-1936. The new edition revises the former study and continues the record of relations down through the abrogation of the Anglo-Egyptian alliance in October, 1951.

While recounting the political and economic relations of Britain and Egypt the digest reveals in clear detail the continuous stream of difficulties confronting British policy in Egypt. The difficulties arise in the first instance from the nationalist upsurge among Egyptians. Nationalist feelings have been given forceful expression (and sometimes with violence) by partisans of the Wafd, Egypt's national party, ever since the ending of the British protectorate in 1922. The difficulties arise secondly because Egypt strategically links the Mediterranean and the western half of the Indian Ocean. Egyptians are inclined to dispute the primary place which Britain assigns to Egypt as a vital link in the chain binding the empire strategically. They discount the strategic factor, considering their own home problems as of paramount importance. The solution of these, they say, would be better if they were left to themselves. Thus in many ways the record of relations represents a detailed chronology of British attempts to circumvent the Wafd. Moreover, the Sudan has represented a very special bone of contention between Britain and Egypt.

The highlight of Anglo-Egyptian relations was their alliance of 1936, an arrangement which resulted from the threat offered by the expansionist policy of Fascist Italy. This treaty has had an uneasy life. The British, perhaps inevitably, have wished to make permanent a position regarded as advantageous to themselves; the Egyptians were just as intent on ridding themselves of a role which they considered humiliating.

Many new factors are affecting Anglo-Egyptian relations since the Second World War, among them a strengthening of the growing nationalism of the entire Middle East with the creation of the new state of Israel. As a sidelight, Britain's insistent claim to share with Egypt the defense of

the Suez Canal was once compared with the Soviet demand in 1946 to share with Turkey the defense of the Dardanelles.

This digest is based largely on British official documents and the British press and only to lesser extent on Egyptian sources. Thus it fulfills its avowed intention of giving the British point of view in greater detail than the Egyptian. The frequent footnote citations of references and the documentary appendix will be welcomed by all students of international affairs.

VERNON J. PURYEAR

University of California

ABBAS, MEKKI. *The Sudan Question: The Dispute over the Anglo-Egyptian Condominium, 1884-1951*. Pp. xix, 201. New York: Frederick A. Praeger, 1952. \$4.25.

Mekki Abbas is well prepared by background and training to write upon the subject of this book. He is a Moslem Arab who was born in the Northern Sudan; he was educated in the Sudan and has spent most of his life working in significant teaching and governmental positions in the Nile Valley. He went to England from 1948 to 1951 on a Rhodes grant to conclude the research for this study. It is one of a series on colonial and comparative studies being edited by Margery Perham, senior fellow at Nuffield College, Oxford, England.

The book addresses itself particularly to the dispute over the Anglo-Egyptian Condominium from 1884 to 1951. In the past books dealing with colonial problems usually have been written by citizens of the colonial power; if prejudice has entered into the interpretation of the historical events or of existing problems the coloring has been shaded to the benefit of the colonizing nation.

This book makes its approach from the other side. Whereas the author presents his material in a straight-forward and objective way the uncolored facts reveal the "positiveness" or domination which lies back of almost any colonial governing.

The Nile area is divided into three major divisions: Egypt, the Northern Sudan, and the Southern Sudan. The Northern Suda-

nese are the product of Arabic, Caucasian, and Negroid crossing; the Southern Sudanese are Hamitic Nilotes (pp. 14-15). There have been disputes between the Sudan kingdoms and the people of Egypt ever since the fourth century B.C. At times the civilization and the strength of the Sudan seemed to equal or threaten those of Egypt (p. 26).

England entered Egypt in 1807 and has maintained a political foothold there ever since. In 1820 Egypt conquered the Northern Sudan areas and began a process of general exploitation (pp. 26 f.). Britain aided Egypt in the control of the Sudan, and by 1898, with the fall of Khartoum, England and Egypt gained control of the full length of the Nile. In 1899 England and Egypt set up, as a government over the Sudan, the Condominium which was a joint rule between them with the essential power in the hands of England (Chapter IV).

It can be seen at once that many problems ensued. In the first place there was disagreement about the use of waters of the Nile. If the Sudan peoples took out too much for irrigation purposes in the dry season the people of Egypt who lived farther down the river could be totally pauperized. On the other hand if the Sudanese diked up the Nile banks in the wet season to avoid Sudan floods, Egypt could be inundated, in fact almost washed into the sea (Chapter VII). Secondly, as the Sudan progressed their products, particularly cotton, were in competition with Egyptian products for European and world markets (p. 93). Finally, the growing educational achievements of the Sudanese led them to dissatisfaction with any outside rule and particularly a Condominium in which the two parts were not in accord with each other (Chapter X). This conflicting condition still prevails; tensions grow higher both between Egypt and England and between the Sudan and her disagreeing overloads.

Mr. Abbas suggests as a solution to this the immediate unification of the entire Nile Valley (p. 145). This could be done under the Egyptian government or under Egyptian direction, with a United Nations trusteeship, looking forward eventually to

a representative form of government for the entire valley (p. 152).

The book is well written and sets the problems forth clearly and with fairness. It is a valuable addition to the study of the Sudan.

D. W. BITTINGER

McPherson College

SACHS, E. S. *The Choice Before South Africa*. Pp. ix, 220, New York: Philosophical Library, New York, 1952. \$5.75.

The race problem in South Africa is one of those hardy perennials productive of a growing body of literature. As these appeals to reason multiply, one uneasily concludes that the final effort at a solution of the problem will be by resort to force. For more than 40 years the policy makers of the disturbed lands of South Africa have been getting a good deal of free advice as to what should be done; and they have been hearing dire predictions of an inevitable explosion if nothing is done. This book keeps to the tradition.

The author grew up in South Africa, where he has been long engaged in organizing labor unions, particularly those which do not discriminate between Europeans and non-Europeans. He is Secretary of the Garment Workers' Union of South Africa; his activities here and elsewhere have made him the sworn enemy of the Nationalist Government of Dr. Malan. To Sachs the Nationalist Premier and his followers are men of arrogance and ignorance, Fascist, Nazi, disciples of Hitler, and so on. The author repeats his conviction that there can be no progress for South Africa until the Nationalists are ousted from power. One is not surprised consequently to learn of Sachs's long record of difficulties with the various governments of the Union and of his very recent arrest under the Suppression of Communism Act, a law which he warmly condemns in the book.

It would be wrong to conclude from all this that the book is without value. It contains much of importance concerning industrial progress, agriculture, industry, mining, and labor organization, with statistical tables on population, urbanization, annual per capita income, mine workers, produc-

tion in mining and agriculture, and other subjects. The emphasis is on the economic. The author believes that the racial problem is more economic than racial. The policy of *Apartheid*, he says, is in effect a way of securing a reservoir of cheap labor for mines and farms. "The entire destiny of the South African people," he writes, "seems to have been sacrificed to the greed of a handful of international financiers and to the backwardness of a few wealthy landowners." Just when the reader is brought to the point of expecting unqualified condemnation of all that big business does, he experiences something of a jolt at reading of the great satisfaction felt by Sachs and others with the efforts of Sir Ernest Oppenheimer of the Anglo-American Corporation to set up a village system for native mine workers that would enable them to do more skilled work and to earn higher wages.

Here and there are clear suggestions for solving the problems. The oppressed colonial peoples must be accorded full democratic rights or they will be taken by force. Millions of Africans in the Reserves will make progress only after a radical alteration in the cheap labor policy of the Union government; general economic conditions will improve when the state takes over mining and encourages needed industries by a high tariff policy. Sachs tells his countrymen they are in error to believe that the natives, when they get democratic rights, will behave towards the Europeans as the Europeans now behave towards them. Some of this seems a bit unrealistic and suggests that other than economic elements enter into the thinking of the author.

HARRY R. RUDIN

Yale University

DVORIN, EUGENE P. *Racial Separation in South Africa: An Analysis of Apartheid Theory*. Pp. xii, 256. Chicago: University of Chicago Press, 1952. \$4.50.

Few national policies have occasioned greater international apprehension in recent years than the racial separation policy of the National government of South Africa. The policy with its implementive program, which came into prominence with the rise

of Dr. Malan's Nationalist government in 1948, is built on the theory of "Apartheid," according to which the peaceful coexistence of whites, blacks, and Asiatics in South Africa depends on their being effectively isolated from one another. Apartheid calls for the "parallel development of two groups of people in the union (the European and non-European). Each group is to be strictly segregated socially, politically and economically—only in this manner can either group attain its fullest development."

To Americans preoccupied with the melting-pot solution of their minority race problems the theory sounds intolerant, reactionary, and quite out of line with "one world" trends. To Indians, Malaysians, North Africans, and other dark skinned peoples, measurably successful in their quest for recognition of equality with the whites. Apartheid is an affront and an incitement to solidarity. To the two and three quarters millions of South African whites, however, surrounded and in danger of being swallowed up by 11 million non-Europeans of inferior culture, it seems more defensible, practical, and necessary than any variation of the melting-pot program.

Mr. Dvorin has undertaken a timely and dispassionate study of the traditional rootage of Apartheid, the logic of its development, its rationalization, its sanction by the Dutch Reformed Church, its effects on the non-European groups involved, and the significance of the issue it has created for other colonies in Africa and for other countries of the world. He undertakes neither to condone nor to condemn the policy but to present an unbiased analysis of it for the popular reader. Perhaps within 200 pages that is all that could be expected. It leaves the reader with many unanswered questions, particularly about the relationship of white and Bantu in industry under the new program. It is this phase of the program with which the native is most intimately concerned. In spite of the brevity of the book it is intriguingly interesting, readable, informative, and well documented, and it presents a synthetic bird's eye view of South African race relations since 1948.

CHARLES W. COULTER

University of New Hampshire

SLAVIC COUNTRIES

SMAL-STOCKI, ROMAN. *The Nationality Problem of the Soviet Union and Russian Communist Imperialism*. With a preface by Lew E. Dobriansky. Pp. xxv, 474. Milwaukee: The Bruce Publishing Company, 1952. \$6.00 cloth; \$5.00 paper.

Professor Smal-Stocki has drawn up a severe indictment of American scholars in the field of Slavic studies for their neglect of nationality problems in the Soviet Union and of American foreign policy vis-à-vis the Soviet Union for its studied indifference towards the fate of the national minorities in that country. The charges the author makes are grave and include nearly all the well-known institutions and individuals concerned with Slavic studies in this country. In conclusion he calls for a complete overhauling of research and teaching in the Slavic field and a frank reversal of policy on the part of the government towards the national minorities in the Soviet Union.

There was for long evident in academic circles in this country a certain tenderness toward the Soviet Union and its policies, domestic and foreign, that went far beyond even benevolent neutrality. This was, however, as nothing to the ultra-generous treatment extended to the Soviet Union at the conclusion of the war by the Government of the United States which bestowed far-reaching territorial and economic concessions in Asia and acquiesced in the absorption of half of Europe. This benevolent attitude has now ceased, but the harm done by this generosity at the expense of other peoples remains, and we now feel the lack of staunch allies we might otherwise have had. But Professor Smal-Stocki raises the further question whether czarist and communist propaganda have not during the past century or more accustomed us to accepting their great empire as one indivisible national whole, rather than as a vast congeries of people forcibly incorporated within its boundaries and kept there against their will—whether these peoples are as entitled to the rights of self-determination as those satellites brought forcibly within the Soviet orbit in recent times; he holds that such a crime cannot be outlawed by time or

condoned through the acquiescence of nations that might have been expected to protest. But he goes even further and makes the claim that in the field of scholarship, this program has been continued by many *émigré* Russian scholars, most of whom are Great Russians who, despite their hostility to the Soviet regime, are at one with the Communists in claiming the indivisibility of the former Russian empire and in rejecting the claims of those nationalities, especially the Ukrainian, to self-determination.

We feel that the author has made out a strong case for some revision of our programs of Slavic studies on the question of nationalities in the Soviet Union; we agree with him also that the current policy of the State Department which frowns on exploiting national differences is a mistaken one and will have to be revised. But we cannot help feeling that he has been far too all-inclusive in his arraignment of those engaged in Slavic studies in this country. Many of our mistakes in policy are the result of ignorance and naïveté in approaching the problems of the Soviet Union.

Incidentally this book contains, so far as this reviewer knows, the only intelligent explanation in English of the Marx theory of linguistics, so long dominant in Russia and of the political reasons for this dominance. Though it has been ostentatiously discarded, Professor Smal-Stocki makes the point that this is a mere change in the Party line made necessary by the bringing into the Soviet orbit of so many non-Russian peoples (not least of all the Chinese). Yet contradictory as it may seem, this theory and its successor both were regarded by the Communists as one means towards making Russian the dominant language of the world.

STUART R. TOMPKINS
University of Oklahoma

GURIAN, WALDEMAR. *Bolshevism: An Introduction to Soviet Communism*. Pp. 189. Notre Dame, Ind.: University of Notre Dame Press, 1952. \$3.25.

On 105 pages of text plus 84 pages of well chosen quotations from the classic works of Marxism as modified by Lenin and Stalin, Professor W. Gurian performs

the remarkable deed of saying everything an educated man, but not a specialist in the history of ideas of political science, ought to know about Bolshevism. Bolshevism is a term used by Dr. Gurian to connote the Russian modality of Communism. He demonstrates its double root, Western and Russian. Already in the West, Marxism became a "political religion," a substitute for vanishing faith. In Russia, it met a kind of "religion of revolution" created by the intransigent opposition of the intelligentsia to the czarist government which, after all, in the days of Peter the Great embarked on the Westernization of Russia and thus made the rise of the intelligentsia possible. In Lenin's writings, Marxism was liberated of all its sophisticated features and became an instrument for political action. This trait, still accentuated in Stalin's works and deeds, has exerted an enormous attraction on Western intellectuals while the laboring masses, in Russia, in the West and now also in Asia, have been attracted by Bolshevism as a political religion promising them justice and freedom from want, a kind of earthly paradise.

Of course, nothing very new is told by Dr. Gurian. But he has brought together telling evidence, excellent quotations, and strictly logical reasoning to integrate knowledge already existing. He does not limit himself to Bolshevism as a theory, but shows how its characteristic traits helped it gain mastery over Russia, how its flexibility has helped Lenin and later on Stalin preserve and expand power in adverse conditions, and how it has become the world menace of today.

The only objection the present reviewer would like to raise against Dr. Gurian's image of Bolshevism is his overemphasis on consistency and continuity of the doctrine. It is true that the goal of the international Communist revolution has not been abandoned. But the meaning of the goal has been profoundly modified because the Communist society of present-day Russia and the satellites resembles but little the one Lenin wanted to build when seizing power. Religion is a recognized institution, the family is strong, Russian nationalism, at least on the official level, is stronger than

ever. These deviations from Communist orthodoxy are now seventeen or eighteen years old; they have lasted as long as the earlier phases of Bolshevism characterized by all-out efforts aiming at the realization of Lenin's views on the society of the future. They are not temporary deviations, but parts of a new pattern which displays the tendency to persist. Therefore, the goal is now world dominance to be exerted by those Russian leaders who seized power in the name of Communism, independently of whether the earthly paradise of Communism can or cannot be built up.

N. S. Timasheff

Fordham University

O'BRIEN, C. BICKFORD. *Russia Under Two Tsars, 1682-1689: The Regency of Sophia Alekseevna*. Pp. xiv, 178. Berkeley: University of California Press, 1952. \$3.50.

The period from 1682 to 1689, during which Peter the Great and Ivan V reigned but did not rule and Regent Sophia ruled but did not reign, is generally treated by historians as a rather unpleasant and messy prologue to the Petrine age and therefore one to be passed over as rapidly as possible. Professor O'Brien, in his *Russia Under Two Tsars*, sets himself the task of demonstrating that the seven-year regency was one of such positive accomplishments that it deserves rehabilitation by historians.

The argument that those years merit serious attention is convincingly presented by the author. On the basis of a wide study of the printed sources and secondary materials, he has shown that they were marked by extensive economic and cultural growth and change, by internal political consolidation, and by the strengthening of Russia's position abroad. In addition, he has shown that many of the policies and accomplishments of Peter had their antecedents in the regency.

Russia Under Two Tsars whets rather than sates the appetite. On the whole, Professor O'Brien has been more successful in fulfilling the promise of the title of his book than that of its sub-title. For what seem to be adequate reasons, he has chosen to give a rounded picture of economic and political institutions, intellectual develop-

ment, and foreign policies of the Russia over which Sophia ruled; but he has given little space in his monograph of less than two hundred pages to the personality and policies of Sophia herself. Nevertheless he has provided the student of Russian history with what appears to be the best and fullest study in English of Russia during her regency. His work, together with those of R. H. Fisher and G. V. Lantzeff (like the author, students of Professor Kerner), offers a broad and dependable introduction to an important but much neglected period in Russian history, the seventeenth century.

SIDNEY HARCAVE

Champlain College
State University of New York

VUCINICH, ALEXANDER. *Soviet Economic Institutions: The Social Structure of Production Units*. Pp. x, 150. No. 1 in Hoover Institute Studies, Series E: "Institutions." Stanford: Stanford University Press, 1952. \$1.75.

In modern times an economic system is commonly defined in terms of the economic institutions that are characteristic of it, or are considered essential to its continued operation. Having listed these institutions, some writers proceed to explain how they operate and perhaps "justify" them in terms of specific functions performed.

In Vucinich's treatise the approach is somewhat different. Although he gives a detailed description of five Soviet institutions (the factory, the kolkhoz, the sovkhos, the machine and tractor station, and industrial and artisan co-operatives), it is not his purpose to enumerate all economic institutions, nor is he concerned with all the functions performed by each institution. The subtitle—"The Social Structure of Production Units"—indicates in part, but only in part, the author's purpose.

As clearly stated at the outset, Vucinich's aim is to analyze certain production units "as social organizations, as loci of minutely ramified systems of social interaction, and as integral parts of the whole texture of Soviet society" (p. 1). He accepts "as established that it is the Politburo which directs the Soviet state and society," then proceeds to examine the

methods used by it to "actually govern one-fifth of mankind and remold . . . society . . ." (p. 2). This is accomplished in part by a detailed analysis of "the multitude of power instruments in Soviet society," which may be classified in terms of functions served as managerial instruments, control instruments, and instruments of social activism or social mobilization, and which, in terms of organizations, take the form of government agencies, Party agencies, public organizations (trade unions, the Komsomol), and "voluntary" associations.

The author points out that the five production units discussed fall into two basic types: state enterprises, illustrated by the factory, and co-operatives, by the kolkhoz. The factory, because of its bureaucratized structure and clearly defined status hierarchy, represents the Soviet ideal, and is viewed as an example of "consistent socialism." The co-operative, on the other hand, is regarded as a temporary concession to the backwardness of the peasant artisan and is used as a "school" for converting the peasant artisan into the desired Soviet man who will fit readily into the bureaucratic hierarchy of consistent socialism.

As a result of his detailed examination of each production unit and of the various policies and procedures followed in the numerous agencies and organizations, Vucinich concludes that there has been a systematic (and successful?) attempt "to establish a clear-cut differentiation between peasants, workers, and intelligentsia, as well as some differentiation within each group" (p. 3). There has also been a systematic attempt "to widen the spread in rewards and to eliminate equalitarian tendencies." Finally, he points out the growing dominance of the intelligentsia—a widening range of top positions restricted to them, and a greater tendency for them to dominate the Party.

Despite the difficulties involved in securing an accurate picture of what has taken place and is taking place behind the Iron Curtain, the author's conclusions appear sound. We can assume that most of the twists and turns that characterize Soviet policy have been taken into account—at least, up until the recently convened

Party Congress. The twelve-page bibliography includes at least fifty items bearing publication dates of 1950 or 1951.

Despite its limited aim, the present volume should prove quite acceptable as collateral reading in a standard course in comparative economic systems because of the wealth of information presented on the five production units covered.

CHARLES P. WHITE

University of Tennessee

WESTERN CONTINENTAL EUROPE

CLARK, J. G. D. *Prehistoric Europe: The Economic Basis*. Pp. xix, XVI, 349. New York: Philosophical Library, 1952. \$12.00.

This well-written, well-documented, logically organized, accurate book is concerned with early European man's competition with other forms of life since the end of the Pleistocene Ice Age—not just how he survived but how he raised his standards. In order to accomplish this aim, the author tackles his problem from two points of view—from that of the natural scientist and from that of the historian. His hope is that the book will prove to be interesting to the archaeologist, the geographer, the ecologist, and the historian. Here the reader sees the close interplay of several disciplines and realizes how impossible it is to present a thesis depending upon a single one.

The history of man differs from that of all other species in that it has been one of progressive emancipation from the thralldom of instinctive conformity with a pattern imposed by external forces.

The sustenance of prehistoric European man was drawn entirely from wild life—from plants, insects, eggs, and shellfish; from birds, fish, and mammals. Even after man learned to farm he did not discontinue hunting and food gathering; he could not neglect other sources of food.

According to the author, the most significant change in temperate Europe was the decline of the pig and the rise to importance of the sheep and horse, a change reflecting the progress of forest clearance

in the primary area of settlement. Since livestock depend for their existence on plant food, it can be assumed that, before the introduction of fodder crops in comparatively modern times, a particularly intimate relationship must have existed between the composition of flocks and herds and the character of the vegetation near settlements. This in turn must have resulted from the interaction between such factors as soil and climate and the effects of human activities like forest clearance, cultivation, and grazing.

Asserting that it was by their hands that the early Europeans dragged themselves out of the primeval mire of savagery and struggled up the long slopes of barbarism, the author then devotes much time and space to prehistoric man's working of flint and stone and later with metals.

In our present "Age of Steel" it might seem strange that iron, whose ores were so widespread and so easily reduced, should not have supervened directly on the working of flint and stone instead of following a stage of copper and bronze. However, a technique had to be devised for toughening the forged metal.

Prehistoric Europe is made more meaningful by the use of many excellent photographs, maps, and drawings. Without the maps, the reader would be completely in the dark and would quickly lose interest. At the end of the book is an excellent bibliography and an unusually complete index.

C. LANGDON WHITE

Stanford University

BONN, M. J. *Whither Europe—Union or Partnership?* Pp. 207. New York: The Philosophical Library, 1952. \$3.75.

This volume by a noted economist and political scientist is a brilliant study of the focal problem of contemporary Europe. In thirteen well-written chapters, the author considers: what is Europe, the parting of the continents, the partition of Europe, Atlantic reunion, the great rehearsal, European patterns, founders of western union, customs unions, the two Germanies, the defense of Europe, union or league, mid-continental union, and Asia's impact on Europe's union. Dr. Bonn has succeeded

in writing a monograph which has an appeal for the general reader and also for the specialist in international affairs.

In trying to view the problem against the historical background the author makes a number of breath-taking generalizations, didactic statements and comments. He points out incidentally the American flair for collecting and organizing relevant information and at the same time misunderstanding it. The "inglorious end of the United States' China policy" is cited as an example. Having proved that Americans worship documents, the learned doctor proceeds to marshal his own European documents, draw instructive parallels from the past, and then deviate from accepted conclusions.

The author tells us that European culture is neither an abstract concept nor a name but has its locus in the mid-continental area, that a customs union must precede a political union or a military unification, that the greatest obstacle to the Soviets as well as the greatest danger to their policy is nationalism, and that the fate of the European Union will be decided by Russia.

The core of this book is the scholarly analysis of the central problem of the two Germanies. In dignified prose, the author reviews the impact on central Europe of the various supranational agencies which were set up after 1945. His own proposed system of "multiple partnerships, joint institutions and limited working arrangements" recalls the Schachtian shackles which once isolated Germany from the economic complex of the western world. "The doctrine," states the author, "that a country must forego the particularistic national advantages with which it is endowed for the benefit of neighbors who do not reciprocate, is untenable."

Dr. Bonn presents in detail an impressive argument against the need for a Western European Union on a federal or American pattern. In fact he forecasts that it will take a long, long time for the United Nations of Europe to make the decision to call themselves the United States of Europe.

This book is stimulating, realistic, highlighted with good humor, and a commendable contribution to informed thinking

about the future of the European continent.

RALPH HASWELL LUTZ
Stanford University

SNYDER, LOUIS L. *German Nationalism: The Tragedy of a People—Extremism Contra Liberalism in Modern German History*. Pp. xiv, 321. Harrisburg, Pa.: The Stackpole Company, 1952. \$3.75.

One of the effects of the cold war in the last five years has been the decline, in quality and quantity, of German studies. During World War II, the literary market was flooded with analyses of the German problem, most of which were rather ephemeral in character and journalistic in approach. Yet at the same time the realization grew among more serious students of modern history and politics that the German problem was not conclusively solved by the military defeat of Nazism, and that no realistic long-term policies with regard to Germany could be formulated without a sound understanding of her background and history. The coming of the cold war so shortly after World War II put an abrupt end to the development of German studies on a broad basis, because the issue of communism and the policies of the Soviet Union increasingly attracted an almost monopolistic attention. Professor Snyder's *German Nationalism* is therefore doubly welcome as a serious and scholarly contribution at this time.

The author holds that the recent German catastrophe was deeply embedded in the pattern of German history, and that, in particular, there was "little new in Nazism other than the fanatical and ferocious method of genocide used to implement its ideology" (p. 19). Snyder judiciously concedes that there were German liberals, but—and this is the central fact of German politics—"they were always a relatively small and isolated group with voices crying in the wilderness" (pp. 19–20).

The work is supported by a wealth of carefully selected supporting evidence, refreshingly drawn, not only from conventional disciplines like history and literature, but also from anthropology, psychology, and the arts. Professor Snyder discusses in his introductory first chapter the issue of

a German "national character," and then dissects the specific forces that went into its shaping, such as education, literature, politics, historiography, music and art, religion, philosophy, and militarism. The last chapter on "Friedrich Meinecke's Historicism and the Tragedy of German Liberalism" is one of the most interesting in the entire work, showing the extent to which the thought of Germany's leading historian of the twentieth century was permeated by the Hegelian tradition of the cult of state.

Professor Snyder does not indulge in prophecy, and he refrains from providing a prediction of things to come in Germany. He is aware that the problem of Germany has, in some respects, become part of the larger problem of East-West relations, but the wealth of facts and ideas in *German Nationalism* is an indirect commentary on the complexity of the German situation. All in all, *German Nationalism* is a timely and valuable contribution to the field, and is likely to demonstrate its usefulness as time goes on. The limitation of the work is its stress on intellectual history as the key to an understanding of Germany rather than on social and economic forces; but within the self-chosen limitation Professor Snyder has performed an excellent piece of work.

WILLIAM EBENSTEIN
Princeton University

ANGLO-JEWISH ASSOCIATION. *Germany's New Nazis*. Pp. x, 76. New York: The Philosophical Library, 1952. \$2.75.

In the spring and summer of 1951, as major steps were taken to integrate the German Federal Republic into the political, economic, and military complex of Western Europe, the Foreign Affairs Committee of the Anglo-Jewish Association, feeling the need for reliable information and opinion on the political health of the Republic, commissioned the preparation of this booklet. The authors address themselves to questions which have been the subject of serious discussion among foreign officials and newspaper correspondents resident in Germany during the past two years. How firmly rooted are democratic institutions in western Germany? Is the danger greater from the radical Right or from the radical

Left? Should the federal and state governments be more aggressive in combatting manifestations of neo-Nazism? What can one expect from the newly organized veterans' groups? What is the significance of the electoral successes scored by Remer and his Socialist Reich party in Lower Saxony and Bremen? In summary form this booklet presents the facts and evaluates them.

While the presentation and discussion are objective and generally sympathetic toward the democratic forces operating in Germany, it is apparent that the authors are disappointed by the failure of responsible political leaders to take more positive and aggressive action against extreme nationalist and neo-Nazi elements. However, it should be noted that since this book was written, in the summer of 1951, a number of new and significant facts have been added to the chronicle of events in Germany. The personnel administration of the Bonn Foreign Office has been investigated by a Bundestag committee and a number of former Nazi party members dropped; the organized veterans have not become a strong national political force; the work of organizations, such as the Society for Christian-Jewish Cooperation, has made good progress; each of the four Land governments in the United States Zone has made generous lump-sum settlements with the Jewish Restitution Successor Organization (JRSO) in the difficult matter of heirless Jewish property; and quite recently an agreement was reached between the federal government and Israel on a claims and restitution settlement amounting to 822 million dollars. Meanwhile, on the political front, the Socialist Reich party has voluntarily disbanded (probably to go underground) on the eve of an expected decision by the Federal Constitutional Court on the legal power of the government to ban a political party. There is then today more solid ground for optimism than during the spring and summer of 1951.

In the reviewer's opinion, based upon two years of close observation in Germany, the crucial question with regard to neo-Nazism is this: Is it a historical survival, or is it a wave of the future? At

present it is the former rather than the latter. It is doubtful if warmed-over National Socialism can become a major political force. The danger in the German situation lies in the possibility that radical rightist groups may arouse and exploit latent German nationalism. This will depend upon the shrewdness and skill of their leaders plus the development of conditions foreign and domestic that would favor their purpose. West Germany has not presently reached that stage, and it need not reach it if political common sense, courage, and sound politics prevail.

ORON J. HALE

University of Virginia

VON DIRKSEN, HERBERT. *Moscow, Tokyo, London: Twenty Years of German Foreign Policy*. Pp. 288. Norman: University of Oklahoma Press, 1952. \$4.00.

This is an eye-witness account of the development of Germany's foreign policy from 1918 to 1939, presented in the form of personal memoirs by a former German career diplomat, whose experience in the Foreign Service and Foreign Office (1918-1928) and as Ambassador to Moscow (1928-1933), Tokyo (1933-1938), and London (1938-1939) amply qualify him to write authoritatively on the subject. Although this book does trace the development of German foreign policy during a crucial 20-year period, its primary purpose, according to its distinguished author, is "to give an account of a political career spent almost exclusively in Eastern European and Far Eastern countries" in an effort to determine "whether the task of an ambassador is limited in our technical age to that of a letter-carrier. . . ."

Unlike so many treatments of this subject, von Dirksen's work is not based merely upon an analysis of documents to which the usual scholarship and hindsight have been applied. It is rather a clear and accurate description of historical events which shook the world, written in the best traditions of classical autobiography by a man who was a very real participant in those events over a 20-year period. It is, in fact, far more than that. This work is a fascinating intimate account of events, conferences, daily business and social con-

tacts with world-renowned political and diplomatic personalities of many nations, and the burdens and pleasures of diplomatic life. Throughout, Dr. von Dirksen succeeds in blending skillfully his experiences in private life with an acute appraisal of social conditions and cultural habits in the world capitals in which he served, all of which add life and luster to his account of official experiences.

Unfortunately, it is not feasible in a review of this type to detail the many interesting revelations which appear. At best one can only highlight some of his observation and contemplate with amazement the extraordinary career of the author whose experiences appear to have left him slightly embittered but much the wiser.

Concerning Hitler, he has this to say: "No question has been addressed to me so frequently as that about my impressions of Hitler and my conversations with him. In all truth, I must confess that he failed to impress me at all. . . . Whilst I was keenly aware of the demonic spell which he was able to cast over his audiences by his gifted oratory, . . . he failed to introduce this hypnotism into intimate conversation, at least so far as I was concerned. He lacked the self-assurance and dignity of a truly strong character—qualities which are entirely independent of social standing."

Von Dirksen's contempt for National Socialism, Hitler, von Ribbentrop, whom he considered Hitler's errand boy, and the entire inner circle is undoubtedly sincere. Like so many of his associates with backgrounds of Prussian aristocracy he could not stomach their lies, deceit, and high-handed methods which he felt would bring disgrace to his beloved country. Although displaying considerable naïveté for a man of his experience, he is willing to place the blame where it may well belong. Thus, he states that "with the seizure of power by National Socialism, other principles came into force in shaping Germany's destiny, namely, the laws of revolution. Men of different caliber were washed up to the surface and occupied commanding positions. Fanatical revolutionaries, thoughtless demagogues, disregarding of law, decency, or the well-being of the nation, steered it on a course bound to lead to disaster. It is the

German people's tragedy that this company of revolutionaries was not replaced by men of the second and moderate line, as is the usual course of revolutions. It was Chamberlain's tragedy that he came to power too late to carry out his plans, which were sound in themselves; that he trusted men who were not statesmen, aware of their responsibilities, but nihilists, fanatics, and mad revolutionaries."

Characterizing his service in the three capitals, Dr. von Dirksen writes that the role of an ambassador depends largely upon the personality of the man concerned and upon the political situation of his country and of the country to which he is accredited. As to his own role, he observes that "the reader may come to the conclusion that I played an active role in Moscow, whereas in Tokyo I was merely an observer. . . . The task assigned to me by Hitler in London was that of a letter-carrier. My efforts to break the shackles imposed on me and to oppose a policy which was bound to lead to the catastrophe of the Second World War proved futile."

Concluding the main portion of his work which was written in 1947 and 1948, Dr. von Dirksen sounds the following warning: "Let the precept be taken to heart by statesmen of the post-war period, that the erection of a new Europe must be brought about before the voice of post-war Germany, a Germany willing to cooperate, has died away." Recent events have amply demonstrated the wisdom of this statement.

All in all, Dr. von Dirksen has written an important and worthwhile book which will amply repay those interested in the subject for their trouble in examining its contents.

ELI E. NOBLEMAN

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LANTER, MAX. *Die Finanzierung des Krieges: Quellen, Methoden und Lösungen seit dem Mittelalter bis Ende des zweiten Weltkrieges 1939 bis 1945*. Pp. 217. Lucerne: Verlag Eugen Haag, 1950. No price.

In this University of Zürich dissertation, Dr. Max Lanter has set himself the ambitious task of investigating the sources, methods, and solutions of war financing

problems from the Middle Ages to the end of the Second World War. Now, there is a real need of a comprehensive study of this sort to fill the lacunae in the literature on war finance; regrettably, however, Lanter's study does not meet this need. Because of the author's attempt to cover too large a field, his slim volume is a rather superficial and, in some respects, deficient treatment of the subject.

The two parts are preceded by a brief introductory section containing some general observations on the relation of war financing to national economies, particularly in the era of total war. Part I, entitled "Ideas and Solutions of the Past," is a discussion of the theories of leading economic writers and a comparative analysis of the development of war financing in the major nations in different historical periods. The author's objective is to discover how far the ideas of the economists have stood the test in time of war. Individual chapters are devoted to: "The Middle Ages"; "The Period until the Close of the 18th Century"; "The 19th Century until the First World War"; and "The Period since 1914." The latter is subdivided into the First and Second World Wars. Part I serves as a clarification of the problems involved in financing war and as a background for the author's formulation of the "Theory of War Financing" in the second part of the work.

Lanter distinguishes two broad eras of war finance: the era ending in 1914, when, in general, economists predominantly stressed the state's accumulation of monetary means for financing war—although the methods proposed varied in the aforementioned historical periods—and the era beginning with World War I, characterized by total war which demands the effective mobilization of all of a nation's resources. His interesting and lucid presentation of the ideas of the economists and his analysis of the empirical experiences before 1914 show that in the course of the centuries the original representations of the theories were only partially fulfilled in time of hostilities. It was always necessary to resort to "sources, methods and solutions" which were never considered before war came. It is indeed remarkable that, as late as the

beginning of the First World War, in none of the belligerent countries had economists previously thought through, or even had a presentiment of, the possible financial and economic effects of a conflict between major powers.

Although the treatment of the period ending with the First World War is, on the whole, satisfactory, the deficiencies of Lanter's study become apparent in his consideration of the experiences with war financing of Germany, Great Britain, France, the Soviet Union, the United States, and Japan in the Second World War. This discussion—covering roughly one-third of the text—is primarily factual and statistical. Unfortunately, however, the author has relied on such secondary sources as the annual reports of the Bank for International Settlements and the periodicals *The Economist* (London) and *Bankwirtschaft*, among others, for the facts and statistical data. There is no intention here to impugn either the authoritativeness or reliability of these sources; but, surely, in a dissertation published in 1950, the reader has the right to expect that the author has researched the wealth of official documents and other materials that have become available since the end of the war.

Lanter makes no original contribution in the "Theory of War Financing." All that can be said is that the theory contains a critique of the prewar German discussion on the subject, which, as a reaction to the disastrous experiences in the First World War, emphasized the material resources of the nation—the "Krieg ohne Geld" idea, and that it presents a good, convenient summarization of recent thinking which lays stress on the importance of maintaining in war financing a proper balance between the volume of money on the one hand and the supply of goods on the other.

Die Finanzierung des Krieges is not for the serious student; the general reader should find the book instructive.

ARTHUR LEON HORNIKER
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VON PÖLNITZ, GÖTZ FREIHERR. *Jacob Fugger*. Vol. I: *Kaiser, Kirche und Kapital im oberdeutschen Renaissance*. Pp. xii, 662. Vol. II: *Quellen und Erläuterungen*.

Pp. xi, 669. Tübingen: J. C. B. Mohr (Paul Siebeck), 1949 and 1952. I: DM. 19.80; II: DM. 49.40.

Volume one of this massive two-volume work is an exhaustive and superb biography of Jacob Fugger, largely based on hitherto unused documentary material dispersed in many archives and collections throughout Europe. The author, Dr. Götz von Pölnitz, a professor of history and director of the Fugger Archives in Augsburg, has spent twelve years in writing this biography, often under the most adverse circumstances. His study is of the highest scholarship and quality, and a magnificent literary production. It will remain an authoritative reference work on the life and time of Jacob Fugger for many years to come.

Von Pölnitz, in contrast to other biographers, is not interested in drawing a one-sided and exclusively economic picture of his hero—Jacob Fugger as the type of *Grosskapitalist* or captain of industry of the era of *Frühkapitalismus*. Throughout, he focuses his attention squarely on the real personality of this extraordinary man who stood on the threshold from the Middle Ages to modern times. Von Pölnitz writes with great sympathy of and deep insight into the character of Jacob Fugger.

Jacob Fugger (1495–1525) emerges from these pages a great and formative figure of his age. Deeply rooted in the Middle Ages from which he drew his religious and ethical strength, but also permeated by the spirit of individualism and rationalism of the Italian Renaissance, he contributed through his thinking and activities to the disintegration of his own and to the building of a new world. He carried on his work unperturbed by the political changes and by the vicissitudes of the times (his long life spanned the last years of Frederick III, the reign of Maximilian I, and the beginnings of Charles V), unperturbed by the violent criticism which his activities aroused everywhere, and in a steadfast belief in the righteousness of his ways. Von Pölnitz shows in great detail how Jacob Fugger created the historical alliance between emperor and capital through a powerful system of "political finance," fed largely from papal and church funds, and "under the protection of the House of

Habsburg" extended the international net of his enterprises throughout the European continent, thereby raising the Fugger firm to world prominence and to great influence on church, state, and society of the early German Renaissance.

The second volume is an unusual source book on Jacob Fugger and his era. It provides explanatory notes, excerpts from documents, and archival references for practically every page and every paragraph in the biographical volume. This serves to complete, as well as to enlarge, the scope of volume one. The second volume is designed principally to assist foreign scholars who may be stimulated to undertake further researches in the field. (Von Pölnitz already is at work on a "history of European and colonial politics, economics and culture in the 16th century.") The usefulness of this volume is enhanced by the fact that it contains numerous documents from archives which, unfortunately, were destroyed by the ravages of World War II, or have since the war become inaccessible to Western scholars.

The volume also contains a 47-page index of persons and places and a subject index of 26 pages to both volumes, and an interesting map of "Establishments and Trade Routes of the Fuggers in the Period from 1495–1525." The whole work is further enriched by a number of reproductions of portraits and paintings of Jacob Fugger by Albrecht Dürer, Hans Holbein, and other great artists of the German Renaissance.

The publisher J. C. B. Mohr (Paul Siebeck) in Tübingen is to be commended for the very fine technical production of this work.

ARTHUR LEON HORNIKER
Washington, D. C.

CHUDоба, БОHDAN. *Spain and the Empire, 1519–1643*. Pp. ix, 299. Chicago: University of Chicago Press, 1952. \$5.00.

This volume covers the period from the beginning of the reign of Charles V to the defeat of the Spanish army in the Thirty Years' War as an inevitable result of Philip II's life-long struggle against the Protestants. The author is associate professor

of history at Iona College. His previous books have been published in Czechoslovakia. His interest in the Spanish domination of Europe in the "Golden Century" started about 1931 when he began to see Spanish expansion through the eyes of the sixteenth century Europeans, much as Western Europeans today view with growing alarm the expansion of the Union of Soviet Socialist Republics. This personal interest of the author has led him to publish in the past twenty years a number of special articles on the Spanish influence in Europe between the discovery of America and the Thirty Years' War. The present volume represents the culminating synthesis of this interest.

In preparing this volume Professor Chudoba has examined original documents in the archives in Spain, Italy, France, Germany, Austria, and Bohemia. He does not claim to have produced a definitive work, but he has contributed a fresh viewpoint of the events he describes and of the actions and opinions of the contemporary participants. The result is an analysis of the Spanish will to lead and to control the defense of Europe and of Christianity in Europe and in the Americas.

The author writes: "The most puzzling aspect of the story of Spanish preponderance is the change of the battle fronts on which the Spaniards were successively engaged; the change from the defense against the Turks, which had culminated in the victory of Lepanto, into the conflict with the Protestants, which resulted in the defeat of Rocroi" (p. viii).

"The one hundred and twenty-five years covered by our story comprise an epoch which to many an observer may seem a time of transition. Old institutions were abolished, and new were created. Everything was on the move. The age which saw the quiet religious reformations and the Thirty Years' War was an age in which hardly anything appeared permanent. . . . The epoch of Spanish preponderance, however, has remained outstanding precisely because of its agitated course, of which the pandemonium of the Thirty Years' War was the culminating point." "Compared with the epic of Spanish conquests in Mexico, in Peru, in Chile, and in Cali-

formia, ours is perhaps a less adventurous narrative. The romantic haze of the high seas and of distant unknown countries is certainly absent from it. Nevertheless, it has other qualities that make it none the less interesting. What it lacks in risky undertakings of sailors and explorers it possesses in ambitious designs of kings and ministers. And the daring of the conquistadors is more than equaled by the intrepid faith of the protagonists on the European stage. The discovery and colonization of America has certainly immense importance for the subsequent expansion of Christian civilization. But the contemporaneous happenings in Europe were shaping and determining that civilization."

This study contains the portraits of the great actors of the sixteenth century, not the least of whom were Charles V and Philip II. It constitutes an interesting and intelligent approach to an oft-told tale. Moreover, the author has produced a coordinated story of Spanish and European backgrounds which can be read with profit by all students of the history of Spain in America.

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OTHERS

CALDWELL, JOHN C., in collaboration with Lesley Fröst. *The Korea Story*. Pp. xii, 180. Chicago: Henry Regnery Company, 1952. \$3.00.

Here is a hard-hitting account of events in Korea between the end of World War II and June 25, 1950, the date of the North Korean invasion of South Korea. It is written in simple, straightforward prose and appears to have been designed for the general reader. The author, John C. Caldwell, was born in China of an American missionary family which had been engaged in this activity for several generations. His is "a story of great opportunities not seized upon, of mistakes made and not corrected . . . [and] is in many respects an aftermath of our tragic mistakes in China." The result of this series of blunders is, in Mr. Caldwell's

opinion, the betrayal of the Koreans with tragic consequences to the United States.

Together with his Korean-born wife, also the child of American missionaries, Caldwell helped to establish a United States Information Service in Korea, assisted in directing South Korea's first democratic election, and worked among the numerous refugees from North Korea who used to stream over the Thirty-Eighth Parallel in the days before the fighting commenced in 1950.

Despite the presence of a horde of 2,000 Americans (some of whom were "misfits, security risks, and incompetents, not to mention alcoholics and homosexuals") to staff the American Mission in Korea, the net results of their labors was a huge failure which played its part in bringing on the war and which threatens ultimately to lead to the loss of all Asia. Appalling political stupidity, widespread weakening of morality, and sheer lack of organization combined to produce this debacle.

The chief target of the author's criticism is the State Department at whose doorstep he unhesitatingly lays the blame for a most dismal performance by the Americans in Korea. His charges are serious and not few in number. For example, he asserts that the State Department was informed two years before the invasion that the Chinese Communists would enter any conflict between North and South Korea. He is most unsympathetic toward State's efforts to picture to the American people the reason for China's entering the conflict as due to its security being menaced. Furthermore, he holds that it was a tragedy for the State Department to take over American operations in Korea at a time when the Department was still full of "the same naïve notions that had already lost us China."

Caldwell bemoans the failure to have presented the aims and ideals of the United States strongly and intelligently enough and feels that, at the same time, we neglected to understand the culture and inherent nature of the people with whom we were dealing. This combination of a firm presentation of our position and a sympathetic comprehension of the way of life of the people with whom we are dealing is, in the

author's opinion, the key to a successful American foreign policy, something our operations in Korea were woefully inadequate to achieve. Alien peoples can never be understood if they are considered to be "gooks" who are unfit for association. It is a strong point in Caldwell's bill of particulars that all Americans were forbidden to eat in any Korean restaurant or home and that Korean hotels and homes were off-limits to all American personnel.

The book, as can be seen from the above, is essentially critical although constructive suggestions are made from time to time. Favorable things are said about the work of the missionaries in Korea, both Protestant and Catholic, and General MacArthur appears to be deeply admired by the author. Whether you like something as unpalatable as this fare or not, you must conclude that it provides considerable food for serious reflection.

THOMAS H. D. MAHONEY
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RIGGS, FRED W. *Formosa Under Chinese Nationalist Rule*. Pp. ix, 195. New York: The Macmillan Company, 1952. \$2.75.

Formosa has been under the rule of the Chinese Nationalists since 1945. Until 1949, when the fortunes of the civil war in China compelled the retirement of the National Government from the mainland to Formosa, the island was governed as a province under provincial officialdom appointed from the mainland. After 1949 it had to support both the National Government and its armies and its own provincial establishment brought immediately under the eye of the National Government. The new situation raised two questions: (1) whether Formosa under Chinese Nationalist rule could maintain such a dual regime, developing and maintaining sufficient strength to prevent Communist conquest of the island; and (2) whether the Nationalists could organize and develop Formosa sufficiently so that it could serve as a base from which they could operate to overthrow the Communist regime on the mainland.

The author of "Formosa Under Nationalist Rule" presents an analysis of and

data on Formosa since 1945 designed to establish a basis for finding an answer to these questions, from the military (Part I, Ch. 2), the political (Part II, Chs. 3-4), the economic (Part III, Chs. 5-8), and the social (Part IV, Ch. 9) points of view. Under all four heads he presents a disillusioning analysis of the use made of power by the early regimes, but finds military, political, economic, and social improvement since 1950. This has resulted from a combination of reform and American assistance and the method of administering it.

The continuing importance of the American assistance to the Formosa economy, however, raises a serious question as to whether or not, even if improvement continues as a result of new Nationalist policies, Formosa itself can develop enough economic strength to support a continental invasion. If it cannot, the present verdict of the civil war can be reversed (1) only if the Nationalists can re-establish themselves among mainland Chinese, on the basis of their record on Formosa, as a satisfactory alternative to Communist rule, or (2) if the United States gives sufficient additional assistance to the Nationalists to enable them to stage a successful invasion of the mainland. The answer to the question, if there is any answer available in advance, can best be found in the sort of analytical study that Mr. Riggs has made in this volume.

The book, it should be noted in conclusion, has the merit of giving the reader the Nationalist view directly through statements and reports which constitute appendixes to the text itself.

HAROLD M. VINACKE
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FITZGERALD, CHARLES PATRICK. *Revolution in China*. Pp. ix, 290. New York: Frederick A. Praeger, 1952. \$4.50.

Professor Fitzgerald of Canberra University has written a stimulating, if somewhat controversial, book about the Chinese People's Republic towards which he seems favorably disposed. Reference to authority or other source material has been deliberately omitted so that at best the book is only an expression of opinion based in

some measure upon personal experience. It is written in more of a journalistic than scholarly style. For example, the author says that, at the time of the Opium War, "The Westerners banged heavily upon the barred door of the Chinese world; to the amazement of all, within and without, the great structure, riddled by white ants, thereupon suddenly collapsed leaving the surprised Europeans still holding the door handle" (p. 18).

The main thesis, which appears correct, is that Chinese history teaches that China can be ruled successfully only when the rulers have the support of both the peasants and the scholars. As the Communists seem to have had this support, the author is convinced that they will continue to dominate because "to suppose that a Chinese party [Chiang] which could not retain power when all was in its hand could now regain it with limited foreign support, is to fly in the face of all history and, indeed, of common sense" (p. 213). To this reviewer, it seems a little premature to be so certain that the Communists will retain for long the voluntary support of the scholar (who by this time may have lost his intellectual freedom and become somewhat disillusioned) or even of the peasant (who may by now be heavily taxed).

The Kuomintang is painted too black and is criticized for "the attempt to modernize China without interfering with the land system, the endeavour to fit some rags of Confucian doctrine to a party dictatorship which itself was supposed to be temporary, to deny the practice of democracy and still pretend to be preparing the people for it, to proclaim and teach nationalism and yield to the national enemy" (p. 73). No credit is given the Kuomintang for the mass education technique of James Yen to which approving reference is made, or for the New Life Movement or numerous other progressive activities for which it was responsible. On the other hand, the Communists seem to be painted too white (or "red") when it is said: "Towards individual members of the people, the Communist is kindly, courteous, helpful and indulgent . . . the nature of the Communist good works is as closely related to the central doctrine of their faith as Christian

charity is to the Sermon on the Mount" (p. 150). One may perhaps be permitted to observe in accordance with the Chinese doctrine of Yin and Yang that the "coin may have two sides."

The author properly indicates that Russian communism is based upon the worker while Chinese communism is founded upon the peasant, the scholar being considered the "brain worker." He also asserts that communism in Asia is more national, and not so much interested in world revolution as in the expulsion of the foreign imperialist; that the strength of Chinese communism is derived in large part from frustrated nationalism; and that Mao has been able to accept or decline Russian advice at will. An attempt is also made to prove that the interests of America and China are now in conflict while those of Soviet Russia and China coincide. Whether or not one agrees with Professor Fitzgerald, his book is exceedingly interesting and should be read by all those who want to hear all opinions before passing any judgment upon Communist China.

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DE GAURY, GERALD. *The New State of Israel*. Pp. 260. New York: Frederick A. Praeger, 1952. \$3.95.

The establishment in 1948 of the State of Israel aroused a great deal of enthusiasm in all parts of the world not only among Jews. Since then much of this enthusiasm has died down. Attempts to revive it by means of euphemistic propaganda seem to be not too successful.

It might be that a sober and unbiased statement of facts will be better able to enhance understanding and in this way produce more satisfactory results. A statement of this kind is Gerald de Gaury's *The New State of Israel*, which confines itself to a well-documented description of how the New State actually works. In this sense, the book offers itself as an up-to-date compendium on the Constitution and the political system of Israel; its leading government agencies, such as the Ministries of Interior and Justice; its religious organizations; its education and health system; its finances and economics; its de-

fense and military forces; its industry; its agriculture, fisheries, irrigation, and forestry; its transport and communication network; and its cultural life.

Two main issues emerge from this description: unprecedented immigration and unbalanced economy with its concomitants, excess of import over export and rampant inflation. The trouble with these two issues, De Gaury states, is that they exist together. "There are not enough goods for export or consumption, and there are too many people . . ." (p. 161). Since immigration, even if it might be somewhat dammed for a time, has to continue, Mr. De Gaury sees the problem as "very nearly insoluble." It probably is insoluble in terms of any normal economy. But the very circumstances under which the small country won its independence in a battle against overwhelming enemy forces show that what happens in Israel may not be measured against normal standards. In spite of all disenchantment, there still is a dreamlike air about Israel. The country is young, and so are its people; the spirit of utmost sacrifice is still alive; there is a strong will to make a go of it, as well as enough intelligence to support it; and there is an undaunted optimism which expresses itself in the phrase most common today in Israel: "Yihye tov," or: "It will be all right." Even a sober observer like Mr. De Gaury apparently cannot escape the contagion of the dreamlike quality of this optimism. For after having reviewed all the encouraging as well as the "almost alarming" prospects of the new state he still expresses his belief in a saving *Deus-ex-machina*. "History [he concludes], not economics, suggest that Israel will neither be destroyed by inflation nor immediately expand in the Middle East" (p. 173).

HENRIK F. INFELD

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SCHECHTMAN, JOSEPH B. *The Arab Refugee Problem*. Pp. xi, 137. New York: Philosophical Library, 1952. \$3.00.

This volume is an expansion of Dr. Schechtman's study *Arab Refugees: Facts and Figures and Resettlement Prospects*

made in 1949. Much of the material also appeared in the publication *The Arab Refugee Problem* which was submitted to the General Assembly of the United Nations in December 1951, and sponsored by a large number of prominent Americans. This is therefore largely a repetition of material already made known by earlier studies of the same author.

The book contains ten chapters which follow a chronological order. Chapter I, the Arab Mass Flight, lays the blame for the refugee problem on Arab leaders. Chapter II quotes various sources on the numbers of refugees. Chapter III states that repatriation is impossible, and a fait accompli in redistribution in Arab states must be accepted. Chapters IV-VII trace the efforts at United Nations negotiation over the thorny problem of repatriation versus resettlement in new areas and conclude that Arab refugees will be happier if they do not return to Israel. Chapter VIII argues that the Arab states need the refugee manpower and would do wisely by absorbing them. The last two chapters concern Arab refugee property in Israel and the new impasse which developed at the Paris United Nations session in 1951.

Dr. Schechtman's book should be read along with another appearing about the same time on the same subject. It is Fayez A. Sayegh's pamphlet *The Palestine Refugees* (1951), which follows somewhat similar forms in studying this problem. Both books are highly documented and replete with footnotes and give the same appearance of scholarly objectivity. Yet in their judgments and conclusions they are at opposite poles. The only conclusion that the thoughtful reader can reach is that a process of selectivity appears in the choice of materials. So much has been said by so many different speakers and writers that almost any conclusion could be "proven" by references selected from the mass of quotations—many of them by irresponsible authors—which form the raw research material on the Arab refugee problem.

An earlier publication of Dr. Schechtman's, *Population Transfers in Asia*, published in 1949, has an interesting summary of various older ideas about ridding Pales-

time of its Arab population. Dr. Schechtman (pp. 116 ff.) quotes from the words of various writers beginning with Israel Zangwill in 1919, followed by Dr. Weizmann, David Ben Gurion, the new Zionists, Sir Norman Angell, Walter Clay Lowdermilk, John Gunther, Herbert Hoover, and others who all advocated, at one time or another previous to 1947, that the Arabs should be transferred out of Palestine and thus make way for a purely Jewish population. Referring to the principle of Arab-Jewish exchange of population, Dr. Schechtman concludes: "It is the only constructive, long range solution. Other more orthodox solutions . . . are in reality no solutions at all. They lead nowhere" (p. 136). There one suspects is the dogma which governs the principle of selectivity when it comes to choosing source material. Therefore that material is collected which goes to prove this theory. He concludes this study by placing the blame for the present stalemate directly on the Western powers, who, he intimates, should impose and pay for the implementation of his solution on the Arab states.

EDWIN M. WRIGHT

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STRONG, WILLIAM DUNCAN, and CLIFFORD EVANS, JR. *Cultural Stratigraphy in the Viru Valley, Northern Peru: The Formative and Florescent Epochs*. Pp. xx, 373. New York: Columbia University Press, 1952. \$8.50.

This book is an admirably thorough presentation of the results of a scientifically controlled archeological survey and excavations. Typography is of the very best, far excelling the average archeological report. The 81 figures (many of them full page), 18 tables, 29 plates, three large detailed appendixes on Pottery Types, Plant Remains, and Textiles, the Bibliography, and the Index add up to a solid job.

The greater part of the text, however, is for specialists in Peruvian archeology, presenting in full detail the results of the excavations. Fortunately for the less cognizant, each section is followed by a resumé. The final chapters on "Cultural

Configurations in the Viru Valley . . ." and "Wider Cultural Relationships in Coastal Peru during the Formative and Florescent Epochs" embody the important results and conclusions of the authors and are the parts that will be most carefully read.

The book presents the results of the work of the Columbia University Expedition in the Viru Valley of northern Peru in 1946. This was one unit of the co-operative Viru Valley Project of the Institute of Andean Research. This Project envisioned the determination of the complete archeological history of this small valley. Expeditions from other collaborating institutions studied other temporal phases and are publishing their results.

The Formative and Florescent Epochs of Peruvian pre-history were two of the earliest phases, beginning with the introduction of maize and pottery and including the period of the maximum development of technique and art. The authors, probably wisely, refuse to assign dates, but less cautious students estimate the span as from 1250 B.C. to about A.D. 500. The best-known of the cultures of this period are Chavín, Salinar, and Mochica on the north coast, Paracas and Nazca on the south. In the Viru Valley Gualaquiza encompasses Chavín, and its Chicama Valley phase Cupisnique; Puerto Moorin is the local representative of Salinar; the earlier Mochica periods are replaced by Gallinazo, and the later ones represented by Huanaco. There seemed to be no temporal and practically no cultural break between the Incipient Agricultural Period (as represented at Cerro Prieto) and Early Gualaquiza. The latter period is divided into Early, Middle, and Late. Maize and pottery were introduced in the Early Period, llamas in the Middle Period; there was marked cultural advance in the later periods. The Puerto Moorin (Salinar) Period seems to have been a relatively short one and not certainly continuous with Gualaquiza. In the Viru Valley the Gallinazo Culture was long, important, and probably derived from Salinar. The earlier Mochica periods are apparently missing in the Viru Valley where the Moche seem to have arrived as the result of a sudden military conquest in full-blown or even decadent stage. The occu-

pation was brief and abruptly terminated, as if by some internal breakdown.

J. ALDEN MASON

University of Pennsylvania

EALY, LAWRENCE O. *The Republic of Panama in World Affairs, 1903-1950*. Pp. xi, 207. Philadelphia: University of Pennsylvania Press, 1952. \$4.00.

This little book is probably a condensation of a doctoral dissertation in the field of history or of political science. There are eleven short chapters each followed by a long list of footnote references. These references, over 500 of them in total, cover some 30 pages, and an extensive bibliography and index 21 more. The exposition as such covers only about 150 pages. The book can be read in an evening by an informed and interested person.

After a short introductory chapter the author covers the history of Panama's participation in international political affairs during the half century since independence was gained in 1903. More specifically he deals with Panama's position in the Inter-American system during the first two decades of her national existence; her relations with other states during the First World War; her participation in the League of Nations, and in the Inter-American system during the years 1923-38; her relations with the United States, Germany, Japan, and other nations during the Second World War and her contribution to the war effort; her participation in the formation and work of the United Nations and in the Pan-American movement during the past few years. In the final chapter there is a brief discussion of present-day problems and prospects.

While this study is more historical than analytical in character it is a well-integrated work and one which evidences a high level of scholarship. There is the meticulous handling of details and references which often characterizes a doctoral dissertation. The author is acutely aware of the stresses and strains in the relationships between Panama and the United States. He is sympathetic with the desire of Panama to maintain a position of full sovereignty despite the overpowering weight of the United States and the absolute

necessity of close co-operation between the two nations. Panama's full support of all international organizations and her participation in them has been stressed. The author apparently believes that this is a reflection of an almost instinctive feeling among Panamanian leaders that international organizations serve as a counterbalance to the influence of the United States; that Panama is somewhat less vulnerable if there is the possibility of appeal to an international group if disputes arise with more powerful nations of the Americas. Still there is evidence in the history of Panama's participation in these groups that her leaders firmly believe in international co-operation quite aside from the possibility of immediate benefits. The author has named these leaders and followed in detail their work and influence in activities and decisions of various organizations.

Despite the difficulties encountered in the years 1946-48 over the continued use of military bases by the United States on Panamanian territory the author feels that there is only "a lingering, latent antipathy toward the United States in Panama" and that it will not prevent full co-operation between the two countries in the future; also that Panama will continue loyally to support and participate in the work of the United Nations and the Organization of American States.

D. M. PHELPS

University of Michigan

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT. *Surinam: Recommendations for a Ten Year Development Program*. Pp. xxvi, 271. Baltimore: Johns Hopkins Press, 1952. \$5.00.

For those who believe that colonies are invariably exploited by the governing country and that they constitute an asset to the metropolitan power, Surinam stands as an object lesson to the contrary. Ever since 1863 Surinam has had trade deficits, and for nearly every year of this period there were large budgetary deficits. During the decade from 1931 to 1940, government expenditures exceeded revenues by an average of 40 per cent. The budgetary deficits were

met by contributions by the Netherlands government. While economic conditions have improved markedly during the past decade, largely as a result of the rapid rise in the production of bauxite, Surinam is still an economically backward country.

The people of the dependency quite naturally felt themselves neglected by the Netherlands. In the Netherlands there prevailed a feeling of hopelessness about the future of their Western dependency. Plans for the economic development of Surinam were repeatedly advanced and government surveys made, but all to no avail. In 1947, the Dutch government established a Prosperity Fund with a grant of 40 million guilders, to promote the economic and social development of Surinam. Part of the fund was used to establish a Planning Bureau whose function is the formulation of proposals for a development program. The Bureau prepared a preliminary report for a ten-year development program, which was submitted to the International Bank for suggestions. The Bank thereupon sent a mission to Surinam to examine its present economy and its potentialities for development. With the help of the Mission's report, the Bureau will formulate a definite ten-year program. The International Bank may be called upon to help finance a part of the program.

Surinam, with an area of over 55,000 square miles and a population of little more than 200,000 people with a low per capita annual income, is definitely an underdeveloped country. Can its standard of living be raised by a long-term economic program? The Mission believes that by the reconditioning of existing farm lands, the opening up of new lands, the extension of cattle-breeding and fisheries' production, and the development of the country's immense forest resources, Surinam could, within a decade, put an end to its dependence on external subsidies and grants while not only maintaining the present standard of living but slightly increasing it each year. The recommended measures would require a public expenditure of about \$53 million.

Colonialism, except in the Soviet satellite countries, is practically dead, but the social and economic problems of the former

colonial areas remain. The West is now determined to solve these problems by co-operative effort. We have here an example of the new determination and procedure.

AMRY VANDENBOSCH

University of Kentucky

MAY, STACY, JUST FAALAND, ALBERT R. KOCH, HOWARD L. PARSONS, and CLARENCE SENIOR. *Costa Rica: A Study in Economic Development*. Pp. xiv, 374. New York: The Twentieth Century Fund, 1952. \$3.00.

This book is the report of a study mission sent out in 1950 by the Twentieth Century Fund to assess the degree of economic development in Costa Rica and to suggest measures for improvement, with special reference to those which might involve outside assistance. This study is the third in a postwar series, the others dealing with Turkey and Brazil.

The introductory section of the report includes a rather general description of Point Four, a plea for case studies such as this one, and a brief sketch of the Costa Rican economy. The bulk of the report, including nine of the twelve chapters, surveys the economy and economic policy, stressing resources, problems, and projects. This survey encompasses agriculture; other extractive industries; manufacturing and processing; utilities and commerce; health and welfare; foreign trade and payments; capital investment and savings; and banking policy, government finance, and foreign exchange. The concluding chapter contains the mission's conclusions and recommendations, which urge a development program calculated to increase the efficiency of agriculture and to diversify the economy. Costa Rica would bear the primary responsibility, but foreign assistance would also be needed.

This report is a useful description of the Costa Rican economy, and it is also a careful if occasionally discursive analysis of that nation's economic problems and what can be done to solve them. This remains true despite the rather uneven quality of the chapters dealing with specific sectors of the economy, and the generally unquestioning attitude shown by the au-

thors toward the performance of foreign capital.

Despite the substantial merits of this report, it may not wholly merit the label of case study. The authors do rather casually explain their selection of Costa Rica as a case, but this explanation tends to make that nation far from representative—especially in its democratic political and social structure. The report, as a case study, also lacks focus. There is much detail but little generalization, and the reader learns more about Costa Rica than about the basic problems which she and many other countries confront. Neither is this analysis a case study in the application of Point Four, although that program is extensively discussed at the beginning of the book, mentioned again in the final chapter, and referred to incidentally throughout. One feels that this emphasis is somewhat contrived and that the report would be about the same if Point Four did not exist.

C. ADDISON HICKMAN

University of Illinois

LETTERS TO THE EDITOR

Sir:

Professor Conway Zirkle has been kind enough to send me a carbon of his review of my book *Darwin, Competition, & Co-operation*. This review seems to me so wrongheaded I should be obliged to you if you will permit me to comment upon it.

Professor Zirkle attributes to nineteenth-century "conservative religious groups" the view that the "Nature" of the evolutionists was "red in tooth and claw," and also the view that "Natural selection or the struggle for existence was . . . a sort of gladiatorial combat." May I point out that "Nature" was pictured as "red in tooth and claw" by Tennyson even before Darwin's *Origin of Species* was published, and that natural selection as a gladiatorial combat was the image coined and used by Thomas Henry Huxley. As for natural selection being attacked by the Communists, it was welcomed with such enthusiasm by Karl Marx that he thought of dedicating *Das Kapital* to Darwin. In 1860

Marx reported to LaSalle and later declared to Engels, "Darwin's book is very important and serves me as a basis in natural selection for the class struggle in history." One of the gods of the Communist pantheon has always been Darwin. What contemporary Communists abhor is not Darwinism, but Neo-Darwinism.

In my book I have stated the theory of natural selection in terms which, I believe, most contemporary biologists, living outside the orbit of Communist domination, accept. Professor Zirkle makes no reference to this, but on the other hand concentrates his attention upon putting me in the camp of the Lysenkoists, whom I took particular pains to repudiate, and he does so in a particularly objectionable manner, not by direct assertion, but by association.

I am berated for citing the conclusions of biologists and not the evidence they have collected. Does Professor Zirkle question the soundness of these conclusions? If he does not, what point is there to citing the evidence in a book which claimed to be no more than an essay calculated to induce the reader to hang a question mark on a theory which he has, perhaps, too long taken for granted? In the book the nature of the evidence is made quite clear, and the conclusions of the authorities cited by me were presented as evidence of the fact that leading contemporary biologists challenge the soundness of certain of Darwin's original views. In essence, the evidence produced in the book is calculated to show that the Darwinian concept of natural selection put the whole understanding of the evolutionary process out of focus because too much emphasis was placed on an undefined competition and not enough attention given to co-operation and other factors.

Finally, in a journal which attracts so many readers from the social sciences Professor Zirkle says nothing of the historical sociological discussion which the book contains concerning the origin of Malthusian-Darwinian ideas and their extraordinary reception in the world of the nineteenth century. If Professor Zirkle's piece is a review, then this letter is a Greek tragedy.

M. F. ASHLEY MONTAGU

Rutgers University

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JUDICIAL ADMINISTRATION AND THE COMMON MAN

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FOREWORD

THE Common Man of our title has little glamor because he is thoroughly anonymous. His condition is not much improved when he masquerades, as he sometimes does in these pages, under the somewhat more rakish name of the "man in the street." It must be confessed, too, that he has less definition than his colleague the Reasonable Man, who has been pictured over and over again in judicial decisions. All that we can say by way of justifying his appearance here is that he serves as a convenient stand-in for the flesh-and-blood and quite individual if unexceptional people with whom the law deals in the usual course.

The first article in this symposium seeks to describe the attitudes past and present of the common man toward the legal system. Then a number of contributors in Part II consider how law impinges on him as litigant or party in various familiar settings ranging from the traffic court to the probate court, and from the small claims court to the court of general jurisdiction in which he brings his once-in-a-lifetime "big" accident case. But the common man is not only a subject and object of law; he is also a helper, as witness and juror, in carrying on the adjudicative process. He is examined as such in the articles in Part III, where a forthcoming piece of research into the jury as a working institution is also discussed. The costs of justice for the common man are analyzed in Part IV from a number of points of view. Part V, to some extent renewing and enlarging upon themes of reform which are sounded elsewhere in the volume, deals with certain improvements in the less esoteric reaches of legal procedure and with methods of bringing them about. The series ends with an article emphasizing the value of continuous inquiry into the actual consequences of legal administration.

It is well to note that our concern is with administration or procedure as distinguished from substance, although our contributors have wisely chosen not to limit themselves strictly. (The records of the Better Business Bureaus are a homely reminder that the common man may not be perfectly served by the substantive law.) And civil rather than criminal justice is at the focus; this follows from the traits we attribute to our protagonist. Yet he does turn up all too often in the inferior criminal court and the traffic court, and therefore the symposium takes in those institutions. Finally, we concentrate on courts as distinguished from other adjudicative agencies. This boundary is inconvenient, for not only is the common man affected intimately by the other agencies of law, notably various boards and commissions, but it is a natural and significant question whether the courts have anything to learn from the other agencies with which they are in a sense competing. We have invited some crossing of the boundary in connection with workmen's compensation and labor arbitration.

According to the habit of law teachers, the editors are content to leave the framing of conclusions to the reader, and especially so (to speak with candor) since they doubt that they have the art to impose any novel generalizations upon the totality of these separate studies. It would surprise no one, for example, to be told that in the second half of the twentieth century legal procedure still falls far short of reasonable and reasonably attainable goals.

It is equally plain that there are more than stirrings of reform in the field of procedure. The hardy spirit that brought about the well-known Federal Rules of Civil Procedure of 1938 still appears to be abroad in the land. The law has in fact reflected over a considerable period of time that special concern with process or procedure which, we are told, characterizes modern philosophic and scientific thought. But the common man seems as yet to have benefited less from this awakening than his more exceptional brethren, as witness the still unregenerate and dilapidated condition of so many of our local courts in the cities and counties, courts with which the public has closest contact.

It is evident also that there is a large amount of agreement among specialists and men of good will generally on the shape of useful reforms. Despite some differences among our contributors, they could, if put in one room, rather speedily construct a blueprint of many necessary and practicable improvements in the temples of justice. About the means of getting such reforms adopted, about the methods of promoting legal change, there would perhaps be less agreement and there is certainly less knowledge, although it is now accepted that broad public support is helpful and may even be indispensable. One field of investigation thus far little ploughed is the history of movements to reform procedure. Recognizing that there are variables from case to case we may still believe that from the history of changes made and changes aborted something can be learned about the mechanisms for bringing about change.

One need not be visionary to think that the profession and the public are coming around to the belief that there is a vast amount of legal procedure that can be safely approached in a frank spirit of experiment. The techniques for finding, measuring, and assessing the consequences of particular rules and practices are building up; so also is the scholarly and general interest in the ways in which diverse jurisprudential systems go about their daily business of handling cases. In all these signs and portents lies the hope for steady improvement in judicial administration.

BENJAMIN KAPLAN
LIVINGSTON HALL

Changing Popular Views About Law and Lawyers

By WILLARD HURST

THROUGH the nineteenth and into the early twentieth century, most people, when they thought of "law" or "going to law," thought of a proceeding in court, whether between a private plaintiff and defendant, or between a public prosecutor and an accused. The court was the law. Or, more accurately, the court as the arena of a lawsuit was the law. Some people and many corporations were interested in getting statutes passed or in trying to keep them from being passed; but these were usually specialized interests, remote from everyday living. Of still narrower interest was executive action, except as it was represented in the policeman—and the meaning of the policeman was that he might land you before the judge.

This popular focus on courts and lawsuits fitted our deeply ingrained middle-class belief in constitutionalism. Our greatest inheritance of social order from England was the idea that all life in society was lived under law. And this included the government and its officers, whom the citizen could call to account for unlawful actions. People believed in a law which they felt to be in being, ready to be invoked to stand for order and fair dealing. Our appeal for our "rights" in the years of tension with England strengthened popular conviction in the existence of legal principles which needed only to be authoritatively declared and applied. By tradition, and by virtue of being handily on the spot and in regular session, the courts were natural agencies to find and apply law. By easy identification, the courts became the law in the general view.

THE JUDICIAL POWER

This popular identification of the courts with the law had practical im-

portance for the power of judges in our society. Laymen do not think of judges as policy makers, but as officers whose business is to see to the fair application of legal doctrine which they find already at hand. It is still largely the special sophistication of lawyers to realize how much judges have made law. This means that the popular strength of the judiciary rests in people's confidence in judges as guarantors of fair procedure: procedural due process of law is the special trust which laymen have confided to courts. It is consistent with this that almost invariably, when courts have become a political storm center in our country, it has been—as in the case of the "court packing" fight of 1937—over judges' efforts to make policy, rather than over their application of law in particular cases.

This point has special meaning for this symposium. These essays deal mainly with the work of courts in applying the law to individual situations. That is, they deal with the kind of work which has given judicial power its distinctive legitimacy in the minds and hearts of our people. Insofar as these essays point to serious shortcomings in judicial administration, they deal with matters of peculiar danger to the general legitimacy of government in our society. Defective judicial administration concerns the institution that, for most of our national life, has been the chief popular symbol of the whole legal order.

OUTSIDE FORCES PLAY ON LAW

That everyone (including the official) is under law, and that law means fair application of the rules, are only two of many important values that knit our society together. Other widely held ideas or attitudes—some less law-cen-

tered than these two—have affected the role of law and of the courts as the symbol of law.

Three such points of view which have relevance to the place of the courts in the history of our society have been (1) our generally instrumental attitude toward all social institutions, (2) our increasing stress on the rationalizing, rather than the moralizing, of social relations, and (3) the greater importance we have begun to give to trying to prevent trouble, as compared with picking up the pieces that trouble leaves. On the whole, these attitudes or trends have had meaning for the social role and efficiency of the courts, not because they consistently affected the courts, but because, over a considerable lag in time, they failed to affect them.¹

After 1776 we marked our break with the colonial past by making constitutions. From this, and especially from the canonizing of the Federal Constitution, we reinforced a confidence natural to the Enlightenment, that we could ourselves make the structure of our society. In the relative simplicity of the early nineteenth-century United States, government was not and did not appear to be remote from ordinary living. Jeffersonian and Jacksonian Democracy preached that government was very literally the people's government: they made it, they could unmake or reshape it, it was nothing mysterious or calling for unusual talent, and the more often and widely government office was shared among the people, the healthier.

¹ "Is there any point to which you would wish to draw my attention?"

"To the curious incident of the dog in the night-time."

"The dog did nothing in the night-time."

"That was the curious incident," remarked Sherlock Holmes. (A. Conan Doyle, "Silver Blaze," in *The Complete Sherlock Holmes* [New York, 1936], p. 397.)

THE LAW AS A TOOL

Thus, at the same time as it took constitutionalism as a basic value, this agrarian-minded society treated the law with commonsense practicality as just one tool among other tools. If a worker finds that one tool is not suited to materials or job, he lays it down and picks up one that is suited, and he finds no troublesome problems of morals or justice in deciding which tool to pick. This attitude, rather than some inherent "lawlessness" in the American make-up, helps to explain a good deal of rather cavalier treatment of the law in our past.

Consider, for example, the "claims associations" which were once familiar in new-settled areas of this country. Squatters settled on public lands in defiance of law. But within their own communities, by their own election, they set up officers with whom to record their land claims and from whom to obtain decisions of conflicting claims. They abided by these records and these decisions, among themselves. On the other hand, on the day that the government land officer put up at public auction the tracts which these trespassers held, their "claims associations" assembled in force to frighten off free outside bidding and to see that no squatter had to pay more than the legal minimum. But, standing by the records and decisions of their own "association" officers, the squatters likewise did not try to contend with each other at the public sale; each man bid, or had the claims association representative bid on his behalf, only for the tract to which he had an association-validated claim.

These people took it on themselves to set aside federal land law policy because it did not fit their deep conviction that public land was for those who opened

it up. The same people set up their own system of land law and courts, and supported their system by overwhelming community opinion. There are elements hard to reconcile in such episodes, but two things are clear: (1) these people acted on the belief that law was made for them, and not they for law; and (2) they stood by what they regarded as fair application of law legitimized by popular consent.

THE WEDGE OF SEPARATION

The late nineteenth century saw us turn into a society whose dominant ways were urban instead of agrarian. One product of this change was a great shift away from the older, matter-of-fact, instrumental way of looking at law and courts. Like other institutions, law and its agencies became more remote from the daily knowledge and experience of city dwellers. Knowing men were emboldened to bring pressure on courts for favors such as they would have hesitated to seek in simpler communities where official activity was under closer public scrutiny.

Immigrants flooded our cities, wrenched from a background of peasant living. Unlike the American farmer, the European peasant had no experience of law as his tool. To the peasant, law was an alien and always oppressive force; the appearance of its officers always meant hard taxes or confiscation or the seizing of sons for the army. His experience taught him that his only help in trouble too big for the village to handle was to seek the aid of the man in the manor house to intercede for him outside of official channels. The peasant brought this attitude to his contacts with law in our cities. His was not the unabashed agrarian effort to shape law to his own purposes; rather, the bewildered immigrant found it natural to take his troubles to the ward

leader, who would "see" the magistrate off the bench or in the party clubhouse.

Moreover, the costs of seeking justice in court mounted with more complicated organization and the delays of crowded city dockets. This worked further to make the courts seem remote from the average man's service or concern.

So, while the times brought heavier challenges for the courts, circumstances cut them off from our traditional instrumental insistence on checking institutions to see that they worked properly as tools for people's well-being. This was heightened by the necessarily greater technical elaboration of doctrine and procedures that went with more complex affairs. Judicial administration was comparatively untouched by broad legislative reform, while sweeping changes remade the executive branch to produce the modern administrative process.

EFFICIENCY EXPERTS—BUT NOT FOR THE COURTS

The civil service reform movement of the late nineteenth century groped toward the expression of another popular attitude than the desire for "good" government. We had begun to turn away from the Jacksonian exaltation of the amateur; we were turning back toward the respect for professional competence in government that had had substantial place in public opinion in the generation of the Founding Fathers. As we moved into the twentieth century the statute book reflected a steady broadening of this tendency in the new categories of sanitary, labor, trade practices, conservation, and welfare legislation.

The new social legislation expressed two new value judgments: (1) In a society living closer, elbow to elbow, we had to pay more attention than before to the chain of cause and effect in so-

cial relations; a given event or practice might have wider ramifications than in a simpler day; and it took more specialized competence than before to trace and deal with these more intricate patterns of cause and effect. (2) As we became more crowded, and as we raised our notions of what made a satisfactory standard of living, we moved toward a cost consciousness that was new to Americans. We began to be uneasily aware that in many ways we had been living on our capital instead of on our income. We learned that "private" activities might have public costs. The statute book expressed a new conviction, that realism called for social cost accounting alongside of private cost accounting.

This was a working pragmatism, a matter-of-fact rather than a moralistic way of looking at life. It made us budget-minded as well as cost-minded. It produced the executive budget and the item veto, revised accounting and auditing procedures, and the study of public administration. On the national scene, it led us to conservation laws. On the local scene, it led us to ask what we were getting for our money in police and fire protection, streets and sewers. It was a major element in the growth of an enlarged and professionalized executive branch.

The drive for rationalization was slow to touch either the legislative or the judicial branch. As the arena of large-scale pressure conflicts, the legislature did not seem reducible to the terms of the efficiency expert. As an arena of professionals, hedged about with their own procedural mysteries and technical jargon, the courts presented a forbidding front to the questioning layman; cloaked with the dignity of an older tradition, which made them the very symbol of law, they could not readily

be asked blunt questions about costs and efficiency.

Only within the last thirty years have there been substantial movements to rationalize judicial organization. We have some recent beginnings of reliable and meaningful statistics of court business; but in most states it is still true that there would be a major political scandal if the legislature knew as little about the spending of executive appropriations as it does about what the public is getting for the money appropriated for the courts. We have some recent samples of centrally administered court systems, where a chief judge may shift judicial manpower and skill according to the demands of business; but most trial courts still run as one-man shows, accountable to no one for their industry or effectiveness. Rationalization has most touched the court system in the now common grant to appellate courts of a broad authority to make rules of procedure; but in most states there has been no very venturesome change under such powers.

PREVENTION BETTER THAN PENALTY

The stock nineteenth-century model of a legal rule was the admonition to be good, coupled with a penalty for being bad. Twentieth-century law saw a major shift toward preventive, positive, framework-building use of the power of the political community. This was a natural corollary both of the social facts that pressed us to rationalize social institutions and of the value that experience with rationalization taught us to put upon it.

Instead of leaving the debtor to plead the defense of usury when the loan shark sued to collect, we put lending practices under license and administrative scrutiny. Dissatisfied with the social costs of personal injury lawsuits,

we substituted compulsory insurance for employers' liability laws, and manipulated workmen's compensation awards and insurance premiums to induce factory safety campaigns. In the Tennessee Valley Authority, the Federal Deposit Insurance Corporation, and the Securities and Exchange Commission, we spelled out efforts to build social environments which would forestall waste, loss, or imposition, minimizing occasions for the law to step in to restore order or repair damage done.

Agrarian America had not been too discontented with the drama of lawsuits at the county seat. These did not cost too much, and they gave entertainment and gossip to lighten humdrum days. Urban America had plenty of cheap commercial entertainment, and it found the delays of litigation more and more costly, and the returns dubiously worth the outlay. Moreover, court remedies did not fit some of the socially costly troubles of a society which relied on broad, impersonal markets to supply its needs and luxuries. It was worth no man's while to sue for a small short-weight in the packaged product bought at retail; yet, taken the market over, the fraud spelled a big item in the social account.

Professional tradition, defining the "judicial power" which constitutions gave to courts, severely limited the kinds of action courts could take. Judges hold no roving commission to seek out and forestall trouble; typically, their business is to handle trouble which people bring to them, as far as the trouble can be reduced to the terms of a lawsuit. Judicial remedies are mainly negative—damages, forfeitures, penalties. The judges' main preventive weapon, the injunction, is available only where immediate and irreparable injury threatens a well-defined interest; only in late

years have the judges been armed with the additional device of the declaratory judgment.

Left to their own devices, courts lost ground in popular esteem in comparison with new-style administrative agencies which the legislatures endowed with flexible, affirmative powers. There were industrial commissions to help with factory accidents and wage claims; securities commissions to thwart the swindler; banking commissions to curb the loan shark; and the legislature authorized simple arbitration procedures to prevent costly lawsuits over business contracts.

Legislators' tardiness in equipping the courts with resources to play a more positive, preventive role cost the judiciary a good deal in terms of closeness to everyday life. Insofar as it cut costs, the drive of recent years to rationalize procedure and judicial administration helped to bring courts back to the people. But more direct effort was necessary, and in recent years we have had some useful experiments. There are new, specialized, simplified courts for small claims or traffic offenses. There are specialized courts staffed with aides drawn from other fields of expertness than the law: domestic relations courts, women's courts, juvenile courts. There are specialized courts with procedure and remedies focused on diagnosis, prevention, cure, education: the domestic relations and juvenile courts, and the best of the new traffic courts. But such innovations in judicial organization are still far from standard equipment the country over, and few of the experiments have been backed with budgets really adequate to fulfill the promise of new directions.

HOW PEOPLE LOOK AT LAWYERS

Courts have been the less able to serve the people effectively because law-

yers are poor businessmen and because lawyers as a group do not have good public relations. As far as concerns the average man, the economics of legal service is organized today pretty much as it was 150 years ago, despite the great shifts in the social environment. Legal aid societies have provided new kinds of legal service for charity cases. Big corporation law offices in large cities have developed new facilities and specialties, new methods of serving big business clients and wealthy individuals. Between these extremes, people needing a lawyer's help today get it, if at all, from the same stubbornly individualistic, one-man or small-partnership, general-practitioner office as would have served the client's great-grandfather.

Law practice today requires bigger and more costly law libraries. A lawyer needs a competent, relatively highly paid secretary. Service to even a small business client involves fields of specialized knowledge—taxation, labor relations, claims on government, workmen's compensation, common carriers—and it is expensive in time, effort, and books to keep abreast of any of these specialties. Cities of any considerable size generate business (landlord-tenant questions, for example) which is not novel because it is highly specialized in nature, but is novel because of its volume.

Looking at such facts, some lawyers have urged the need for experimenting with pooling of library and staff facilities, and with the creation of low-cost legal clinics for everyday clients, bringing specialists under one roof and perhaps offering economies gained by the specialist's capacity to turn out sound, routine work fast and in volume. But neither individual lawyers nor the organized bar has shown much initiative or willingness to venture capital of time or money in experiments. There are honorable exceptions (the "neighbor-

hood law offices" in Philadelphia, the Chicago Bar Association's "referral" system), but they are few and of limited scope.

Samplings of people of modest income show that there is probably a large amount of legal counseling and service that people need but are not seeking. Especially, the samples show a very large amount of preventive work that is not being done. The few studies we have tend to agree that ordinary people do not go to lawyers more, because (1) they have exaggerated notions of the cost of legal service, and many do not realize that they can pay simply for advice without committing themselves to more; and (2) they are ignorant of elementary legal aspects of everyday dealings which can get them into serious trouble (in connection, for example, with buying a house, assuming long-term credit obligations, or making a will). Very properly, the canons of professional ethics forbid an individual lawyer to advertise for business. But in the light of what the sample studies show, the bar as a whole has been failing in service to the community because of its failure to communicate better to laymen what legal service they ought to have, and on what terms they may expect to get it.

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Thus, in mid-twentieth century the courts stand in an ambiguous position as to the general public. The old attitudes, which practically identify "the law" with courts and lawsuits, are tough and endure. But swift currents of change in popular attitudes toward social institutions, accompanying our transition from an agrarian to an urban society, have only belatedly touched judicial organization. Hence over the past seventy-five years the courts have been more and more out of touch with every-

day life. Given their important place in our political symbolism, this is an unhealthy state of affairs. Remodeling our judicial structure thus concerns values that reach far beyond immediate issues of administrative efficiency.

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The Inferior Criminal Courts in Action

By MORRIS PLOSCOWE

TO the general public, a city magistrate, or police court judge, is first and foremost an enforcer of the traffic laws. It is in connection with traffic violations that most of the noncriminal public has its first experience with courts. All sorts of people drive automobiles, and all varieties of individual skills, personalities, and stages of irresponsibility are to be found among drivers.

The traffic rules prescribe minimum standards of safety and convenience. The rules are honored more in the breach than in the observance. It is common practice to break the traffic rules, and nobody likes to be haled into court to answer for the breach. In terms of sheer numbers, more traffic offenders are brought into our inferior criminal courts than those of any other category. In 1951, for example, of a total of 1,280,797 cases handled in the magistrates' courts of New York City, approximately 1,000,000 were traffic offenses.

A large proportion of these offenses were breaches of parking regulations. But large numbers of these violations are more serious in character. They run the gamut from passing red lights to dangerous driving, from going through play streets to speeding, from failing to give the right of way to emergency vehicles to leaving the scene of an accident, from disregarding stop signs to drunken driving and vehicle homicide. The consequences to individual defendants in these cases may be quite serious, ranging from substantial fines to imprisonment of varying duration, and revocation of drivers' licenses.

EXCUSES AND PRESSURES IN TRAFFIC CASES

A traffic court judge is inevitably besieged by many kinds of excuses and pressures. He does not have very much difficulty in dealing with the excuses, for they generally follow certain stereotypes. Traffic offenders are not usually endowed with much imagination. Cars in front of hydrants were pushed there, red lights change as the driver reaches the corner, doctors are on an emergency call when they are stopped for speeding, and so forth.

The pressures, however, are much more difficult to deal with, and can go far to ruin any scheme of traffic law enforcement if the judge is weak, supine, or in the habit of doing favors. Some plain, forthright honesty at the beginning of a career as a traffic court judge quickly discourages the "fixers" and the favor seekers. One then sees the remarkable sight of politicians queuing up to pay traffic fines, like ordinary citizens.

THE COURT AIDS THE ADMINISTRATORS

Any large American city is dependent, for the structural safety of its buildings and for the convenience and health of its residents, on the enforcement of a highly complex set of rules and regulations embodied in building codes, multiple-dwelling laws, and landlord-and-tenant statutes. Because of the chronic shortage of housing, many landlords have been operating their buildings in flagrant disregard of such rules, regulations, and statutes. It is the inferior criminal court that acts as the enforce-

ment arm of municipal departments that seek to obtain adherence to legal standards in the maintenance and operation of buildings. The criminal penalties that may be imposed upon landlords are the means of inducing them to make the repairs and alterations in their buildings or provide the services for tenants which the law requires.

Results are what counts in this area of law enforcement, and legal technicalities or niceties must be disregarded in order to bring about compliance with legal rules. Only too frequently, landlords seek to insulate themselves behind the corporate fiction. It becomes necessary to pierce the corporate veil and deal with individuals. Individuals may be sent to jail for failure to comply with legal standards. Corporations can only be fined, and this method may prove to be illusory, because the mechanism for collecting fines from corporations is ponderous and complex.

By bringing pressure upon individuals, compliance with legal regulations can be secured, not only in the area of building codes but also in the enforcement of health regulations, labor laws, workmen's compensation statutes, and other fields. The ordinary individual has a deep-seated repugnance against going to jail. The immediate threat of jail by the inferior criminal court judge is able to procure a compliance with regulations, which administrative officials alone are unable to achieve.

LIMITED POWERS OVER FAMILY DISPUTES

The husband-and-wife cases are hardy perennials in the inferior criminal courts. The underlying factors in these cases include unhealthy matrimonial relationships, alcoholism, nonsupport, brutality and sadism, psychopathy of one or both partners, temperamental incompatibility, and disagreements over children, moth-

ers-in-law, relatives, religion, recreation, and other points. The charge which brings the husband or wife before the court is usually assault or disorderly conduct. It is obvious to any judge who handles husband-and-wife cases that the criminal sanctions of jail or fine are next to useless in dealing with problems of marital discord. The imposition of criminal penalties simply embitters the family dispute.

In some courts the attempt has been made to come to grips with the factors underlying the matrimonial disputes. In the magistrates' courts of New York City, for example, the Home Term Court has been set up, staffed by probation officers, social workers, and a psychiatrist. These officials operate upon the notion that if a sick marriage can be restored to health, there will be no need for the imposition of jail or fines.

The efficacy of a progressive approach of this character, however, is marred by the fact that the inferior criminal court has only limited powers to deal with problems of the family. The Home Term Court of New York City, for example, cannot grant divorces or separations, nor can it grant custody of children, rights of visitation, or orders of support in nonsupport cases. The exercise of these powers is entrusted to the Supreme Court and the domestic relations courts. All that the Home Term Court can do is to try to persuade reluctant husbands and wives to live up to their obligations.

Thus, even under the best of conditions, an inferior court judge may do an unsatisfactory job in dealing with family disputes; for when persuasion fails, as it does in a large percentage of cases, there remain only the blunderbuss weapons of jail and fines. Actually, family disputes should be taken out of the inferior criminal courts entirely and turned over to a fully equipped do-

mestic relations court with plenary power to deal with all problems of the family.

HANDLING ALCOHOLICS

Every inferior criminal court handles large numbers of alcoholics. They are brought in under various charges—vagrancy, disorderly conduct, sleeping in the subway, begging, public drunkenness, and occasionally even larceny. The specific charges, however, are not very important. The inferior criminal court judge must be able to distinguish between the chronic alcoholic and the occasional drunk, between the person who needs a short period to sober up and get cleaned up and the individual who needs a long-term process of rehabilitation.

Even with alcoholics, there must be selectivity. Jail is not the panacea for alcoholism. A considerable proportion of alcoholics have not reached the hopeless stage. An intelligent city government can make the task of an inferior court judge a great deal easier by providing medical-social work screening facilities to distinguish between the various types of alcoholics. It will also provide clinics for alcoholics that can be rehabilitated, and vocational-agricultural colonies for the chronic, unclaimable alcoholics.

Unfortunately in most cities such facilities are lacking, and the inferior criminal court judge has the alternative of pronouncing a short jail sentence or sending the alcoholic back on the streets. The inevitable results of this policy are seen in the "skid rows" of our large cities, which are the principal depositories of the human slag caused by alcoholism.

A COURT OF EQUITY

People who have grievances run into the inferior criminal courts. The grievance may have nothing to do with crime.

But the inferior criminal court represents law and order to the average citizen, and he brings his grievance there. The mechanics are simple: a tale told to a clerk which may possibly involve a violation of a criminal statute, the issuance and service of a summons, and the appearance of the defendant. Through this means, the court is compelled to hear various kinds of complaints: cases of neighbors who annoy each other or fight over children, landlords who fight with tenants, merchants who receive bad checks, customers who feel that they have been "gypped" by merchants, the disputes of castoff boy friends and girl friends, lodgers who have been locked out of their rooms, and so forth.

The summons bears the criminal charge—assault, disorderly conduct, larceny, or malicious mischief. But what is required in the vast majority of these cases is no invocation of the ponderous machinery of the criminal law, but an attempt to do substantial justice, without too much regard for the niceties of civil and criminal jurisdiction. Bad checks should be made good; where property is destroyed, it should be paid for; injured persons should be compensated for damages sustained; neighbors should be instructed in their duties to each other, and directed to keep the peace.

In these cases an inferior criminal court judge sits as a sort of court of equity. It is the nearest approach to justice in the market place of the Oriental tradition. If the inferior criminal court judge has ever envisioned himself as a Solomon, his dreams will encounter brute reality in attempting to settle the disputes brought to court by the issuance of these civilian summonses.

Many of the disputes that come before the inferior court judge in these cases are insoluble, for both sides may demand the kinds of relief which the

law will not authorize. Many of the protagonists in the disputes are cases for a psychiatrist, rather than for an inferior court judge. However, good will, good judgment, the employment of unorthodox techniques to achieve equitable results, and a judicious combination of moral indignation, threat of punitive sanction, and persuasion, can do a great deal to settle many of the conflicts and perform the basic function of the inferior criminal court judge—that of conserving the peace of the community.

THE TRIVIAL AND THE SERIOUS

The inferior criminal court is the first court of contact with the large number of arrests which occur in every large city. These arrests take place for all kinds of offenses, from the person who has argued not wisely but too well with a police officer to the individual who is charged with armed robbery or homicide.

In dealing with these arrests, an inferior criminal court judge soon discovers that large numbers of ordinary people, who are not criminals, manage to get themselves embroiled with the law. Drunkenness, bad temper, a convenient weapon, or an inconvenient police officer is frequently the basic ingredient of many arrests of normally law-abiding citizens.

In many arrests, moreover, the seriousness of the criminal charge has little relation to the actual facts involved. More than one person has been charged with felonious assault because of a minor scuffle with a police officer. A police officer may overvalue an article stolen, so his record will show an arrest for felony rather than for a misdemeanor.

Many persons are also arrested and brought into court who are not guilty of any crime, or against whom no crime can be proved with the evidence avail-

able. When five adolescent youngsters are found in a stolen car on a joy ride, all five are arrested, although only one may have taken the car for the purposes of the ride. When card players gather around a table for a game of poker or pinochle for money, they may be arrested and brought to court on the wholly unprovable charge of disorderly conduct, making noises to the annoyance of neighbors.

It is obvious, as arrests are paraded before the inferior criminal court judge, that he must distinguish between the trivial and the serious, without too much regard to the offense charged in the complaint. He must handle differently the peccadilloes and wrongdoing of the ordinary citizen, and the crimes of the person who has had previous experience with the criminal law. He must be able to dismiss cases where the legal evidence of guilt is not present, whatever his opinion on the facts may be. He must not succumb to the judicial allergy against making decisions, or yield to the ever present temptation to "pass the buck" to the grand jury and the higher courts. Where an inferior criminal court judge has done his job well, the higher courts and the grand juries will not be overloaded with trivial or badly founded cases.

THE STEADY CUSTOMERS

Space does not permit any detailed analysis of many other categories of cases that are handled by the inferior criminal courts, through arrest or otherwise. Steady customers of the inferior criminal courts are the bookmakers, the policy collectors, the slot machine operators, and other violators of gambling laws.

The prostitute with her supporting cast of pimps, procurers, and madams is ever present in these courts, to teach a naïve inferior criminal court judge the facts of life in a large city. Sometimes

the prostitution that is charged is of the homosexual variety, though the inferior criminal court judge sees more frequently the nonprofessional homosexuals, drawn from all walks of life, who simply cannot restrain the public expression of their impulses.

Some of the most pitiful cases brought to the inferior criminal courts are the drug addicts, who appear on charges of possession of drugs or of larceny. Over and over again, parents come to these courts, pleading for help with adolescent wayward boys or wayward girls, who seem to be taking the first steps toward perdition. Frequently it is the inferior criminal court judge that first spots the serious mental disorder or psychopathy of an individual before him.

All of the aforementioned classes of cases present serious problems of adjudication. Perjury is an inevitable concomitant of many of these cases. But it is far easier to deal with perjury than with the paucity of treatment facilities and treatment techniques which a judge may require who has no illusions about the virtues of jail as a solution to all the ills of human society in a metropolitan community.

It is obvious that the burdens on a conscientious inferior criminal court judge are many and varied. These burdens are increased immeasurably by the fact that decisions must be made quickly, under constant pressure, and usually without help from lawyers, probation officers, or other auxiliary personnel. Mistakes are inevitable, but the judge cannot worry overmuch about

them—there is always the next case to be considered.

SUIT THE ACTION TO THE WORD

Dissatisfaction with the operation of the inferior criminal courts is inevitable in view of the character of the problems confronting them and the conditions under which they must operate. This dissatisfaction has been the moving factor behind numerous investigations that have been made of inferior criminal courts in various parts of the country from time to time. It is easier to investigate the courts than to devise remedies for unfortunate conditions, and easier to devise remedies than to secure their adoption.

It has been said that the inferior criminal courts are the most important tribunals of the land, because they influence for better or for worse far more lives than any other court. But this recognition accorded to the inferior criminal courts occurs in bar association speeches. It does not result in the adoption of better methods of selecting judicial personnel, better means of assuring judicial independence, and the more adequate organization of the inferior criminal courts. Nor does it secure the psychiatric, social work, probation, and institutional facilities without which even the best of judges is seriously handicapped. Until a community recognizes the importance of the inferior criminal court in these terms, it will continue to have an inferior level of performance from its inferior criminal courts.

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The Traffic Problem, Traffic Laws, and Traffic Courts

By JAMES P. ECONOMOS

TRAFFIC cases exceed the combined total of all civil and other criminal cases filed in all the state and federal courts. Today the courts are gravely concerned with the traffic problem and they are actively participating in the efforts of the American Bar Association and President's Highway Safety Conference to improve the handling of traffic cases.

THE TRAFFIC PROBLEM

The traffic problem is created by congestion and collisions. Inefficient use and overcrowding of the highways, poor planning for parking facilities, and inefficient traffic control and supervision all contribute to congestion and collisions.

The three elements in the traffic problem consist of the highway, the vehicle, and the driver-pedestrian. To appreciate their extent, it is necessary only to outline the following:

The highway

3,300,000 miles of highway in all.
38,700 miles comprise the interstate system considered the nation's vital road network in peace and war.
518 billion miles of travel in 1952.

The vehicle

54,521,679 vehicles of all classes registered in 48 states and D. C. in 1951.

The driver-pedestrian

64,443,781 licensed operators in 47 states and D. C. (South Dakota has no driver's license).
150,000,000 potential pedestrians.

This combination of factors produced accidents for 1951 as follows:

32,500 accidents resulted in 37,300 fatalities.
950,000 accidents resulted in 1,300,000 nonfatal injuries.
3,300,000 accidents involved property damage over \$25.
5,100,000 accidents involved property damage of less than \$25.

At the end of 1952 the fatalities aggregated 38,000; nonfatal injuries 1,350,000; and property damage amounted to \$3.5 million. Since the invention of the automobile, more than one million have lost their lives in traffic accidents. The millionth death occurred in December 1951.

Any reduction in accidents by improving the safety of the highway or the vehicle must be accomplished through engineering. If all the latest engineering techniques were applied to make each highway as safe as the safest highway, the current estimates of some traffic safety experts indicate an over-all maximum reduction in accidents of only 5 to 10 per cent. While the percentage appears small, it nevertheless means a substantial reduction in quantity. With more than nine million accidents in 1951, a 10 per cent decrease for that year would reduce the total by more than 900,000.

Engineering more safety into motor vehicles until all vehicles are as safe as the safest vehicle would also produce a 5 to 10 per cent decrease in accidents. Periodic inspection would also assist in reducing the volume.

The only other way to achieve substantial cuts in the number of traffic accidents is to improve the perform-

ance of drivers and the habits of pedestrians. Through educational means and adequate enforcement there appears to be an opportunity to secure a maximum reduction of 80 to 90 per cent in traffic accidents. Therefore, while there is need for highway and vehicle improvement, there are greater opportunities for numerically greater reductions through improvement of the driver and the pedestrian.

It is in this latter respect that the traffic court can make its contribution. The traffic court should be used as a classroom and adequate corrective penalties should be assessed to achieve voluntary observance of traffic laws.

Bring violators into court

In order for traffic court judges to educate while adjudicating, they must have an opportunity to see the violators who are apprehended through traffic law enforcement. At the present time the number of traffic violators appearing in person in traffic courts is at a minimum. The exact number is not known, but there are sufficient statistics available to permit a reasonably sound approximation.

In 1951, 729 cities out of a total of 1,371 having a population of over 10,000 reported that 12,921,709 traffic cases were filed. Of this number only 3,213,293 were court cases, and the remainder of 9,708,416 were processed through the traffic court violations bureau procedure. Among the cases processed through the bureau there were 2,211,346 "moving violations" consisting of speeding, failure to stop at stop signs, failure to obey traffic signals, improper passing, and so forth. The total of all moving violations reported was 5,424,639.

These figures may be compared with those produced by the semiannual bulletin of the Federal Bureau of Investigation. The FBI reports for 1951 that

in 1,695 cities having a population of 52,424,704, traffic and motor vehicle violations were charged against 15,396,081 people. Approximately two-thirds of these violations arose out of non-observance of parking regulations; the remainder (approximately 5,000,000) arose from the breach of some rule of the road commonly called a moving violation. Any moving violation may be considered hazardous and should be subject to court action.

There is a way to determine the number of persons who should have been brought into court for corrective action. The guide used is known as the "enforcement index." This is the quotient of the number of convictions with penalty for hazardous moving violations divided by the number of personal injury and fatal accidents. An enforcement index of 15-25 is considered desirable. Using an enforcement index of 15, it would have been necessary for the courts to try enough cases involving moving violations to aggregate convictions of at least 15 times the total number of accidents resulting in fatal and nonfatal injuries. As there were about 982,500 such accidents in 1951, there should have been about 14,737,500 convictions.

It is apparent that, nation-wide, the traffic courts are able to exercise a deterring influence upon only about one-third of the maximum number of persons that should be charged with a traffic violation. Consequently, the opportunity of the courts to exercise a corrective influence on the violating public has been reduced.

Analysis of violators

To determine the kind of corrective influence that the judges should exercise, they must analyze the kind of defendants that appear before them and ascertain the primary cause of the violation. Traffic safety experts have sug-

gested that, considered from the standpoint of driver-improvement methods, there are three types of delinquent drivers—the "Can'ts," the "Don'ts," and the "Won'ts."

The "Can'ts" are those operators of motor vehicles who because of some physical or mental defect are unable to operate properly. Persons with defective eyesight, defective hearing, and other physical impairments are included in this group. Those with mental handicaps are also included. Neither a jail sentence nor a money fine will correct any defective physical or mental condition. To achieve any correction here, it will be necessary to re-examine the operator to determine the exact extent of the disability. If his defect is not correctable, the driver licensing authority should bar the driver from the use of the highways either upon its own action or upon the recommendations of the judge.

The "Don'ts" are those who lack knowledge in one of three respects: the rules of the road; ordinary skill in the operation of the vehicle; experience in operation. Again, jail sentences and money fines will have an inadequate corrective effect. Here the court can use its ingenuity in supplying the opportunities to eliminate the underlying defect. Traffic schools, the writing of essays, and additional driver's safety education may be suggested. There is a growing appreciation of the need for driver education for adults to improve driving habits, develop additional skill, and correct specific faults.

The "Won'ts" are those who because of a faulty attitude refuse to accept personal responsibility for obeying traffic laws and ordinances. They may lack respect for traffic laws because of some prior unfortunate experience. Their attitude may be due to the lack of uniformity in the enforcement of traffic laws. It may be due to bad handling

on the part of the judge, the prosecutor, the clerk, or others serving the court. It may be due to faulty traffic engineering which is not justified by conditions existing at the time and place, such as low speed limits on modern highways with wide pavements, divided parkways, and no intersecting highways. It may be due to poor police enforcement. The repeaters will most often be found in this group, and here the traditional fines, jail sentences, and license suspensions and revocations can be effective. There can also be effective use of the educational devices mentioned above.

The percentage of "Can'ts," "Don'ts," and "Won'ts" is not known exactly. However, the estimates of several judges from widely separated areas indicate that the "Can'ts" should not exceed 10 per cent, and that the "Don'ts" and the "Won'ts" are about equally divided, with many violators partaking of characteristics applicable to both groups.

To accomplish this analysis more personal attention must be devoted to each case, and this obviously may require more judges and prosecutors. The exact increase in judicial personnel cannot be ascertained, because there are no available statistics to determine the maximum case load that one traffic court judge should hear during any particular week, month, or year. Until those figures are available, the problem will have to be met in each city on the basis of trial and error until a sufficiently flexible formula has been worked out to accommodate to the needs of the particular community.

TRAFFIC LAWS

The first tool of fundamental importance is uniformity in traffic laws. With increasing interstate travel, there are driving practices which are legal in some states but which result in violations of the laws in other states.

To illustrate this divergence, the Na-

tional Committee on Uniform Traffic Laws and Ordinances, in its pamphlet entitled "60 Million Drivers Want Uniform Traffic Laws," supplied various examples of which only two need be cited:

Has your heart ever popped into your mouth as the driver ahead signaled for a left turn and then deliberately turned right—or suddenly braked to a stop? Well, the signal he gave is legal in about a dozen states!

Going straight through an intersection on the green light, have you ever been forced to swerve or slam on the brakes, because of a vehicle turning right from a cross-street? Laws in some states permit turning right on a red signal.

The need for complete uniformity in text of the rules of the roads has been spotlighted by the President's Highway Safety Conference and many other organizations. This "word for word" conformity will ease the task confronting the traffic courts in their educational work.

Adoption of the driver licensing provisions of the Uniform Vehicle Code is another requisite to assist in supervising and disciplining the drivers. While all jurisdictions except South Dakota have some form of law on this subject, their administration often leaves much to be desired.

The other parts of the Uniform Vehicle Code should be followed substantially to provide an effective regulation of the use and operation of vehicles upon the highways. Cities should also check their ordinances to ascertain the degree to which they conform with the Model Traffic Ordinance. Changes in both state and municipal laws to make them follow the nationally accepted standards on this subject will alleviate the court's task in dealing with the "Don'ts" and should reduce the number of "Won'ts" whose attitude is attrib-

utable to resentment against the lack of uniformity.

There is need for greater reciprocity in the administration of the driver licensing laws of the several states in order to secure more uniform respect for the issuance of court process designed to compel attendance of violators in traffic court through the suspension of driving privileges until appearance in court or other disposition. This problem is very acute, and was the subject of a special resolution presented by traffic court judges at the last meeting of the President's Highway Safety Conference in Chicago, October 18, 1952.

Uniformity of traffic laws, coupled with impartial enforcement without favoritism or special privileges, is essential to all improvements in the traffic courts.

TRAFFIC COURTS

There is an annual increase in the number of citizens who observe the American system of justice through their appearance in court to respond to an invitation—an invitation in the form of a traffic ticket. If the citizen is "fortunate" enough to be cited to one of the better traffic courts, the experience will be worth while and beneficial. If cited to one of the many unenlightened traffic courts, this contact with the law may be extremely disappointing.

Traffic violators—in great numbers—have firsthand knowledge of the operation of the traffic courts. To them this is the judicial system, because they rarely see any other court. As Chief Justice Arthur T. Vanderbilt of the New Jersey Supreme Court has so aptly stated in his David Beecroft Memorial Award address:

What they see and hear—and sometimes smell—in these courts does not tend to create respect for law or for the judges and lawyers administering law. And people are coming to these courts by millions each

year as defendants or as witnesses in traffic matters—20 million as defendants in 1951—in comparison with the relatively small number who experience justice from the courts of last resort in the state house. These local tribunals collectively can do more to undermine respect for law than the appellate courts can possibly overcome, try as they will. From the judicial point of view this aspect of the work of the traffic courts is quite as significant as the necessity of curbing the constantly growing loss of life and property. Thoughtful judges and lawyers do not need to be told that our kind of government cannot exist long, once respect for law is destroyed.

Traffic courts are all courts which have any jurisdiction over the violation of traffic laws and ordinances. The bulk of the violations are handled by trial courts of limited jurisdiction, such as municipal courts, city courts, magistrate courts, and similar courts found in urban areas, and justices of the peace, trial justices, trial magistrates, county magistrates, and other courts usually found in rural areas.

Sound state structure

The essential elements of a sound state structure of courts handling traffic cases would embody the viewpoint expressed by the Conference of Chief Justices during the annual meeting of the American Bar Association in New York City on September 16, 1951.

The first essential is full integration of these courts into the state judicial system. This should be followed by supervision of the work of these courts of first impression through the Chief Justice or some administrative director or official assigned to this task. Judicial statistics should be collected, collated, analyzed, and published to reflect the manner in which the work of these courts is being dispatched. By analysis of judicial statistics it is possible to upgrade efficiency and secure greater uniformity and simplicity of procedure.

It is imperative that rules of uniform procedure regulating the trial of traffic cases should be promulgated by the Supreme Court or any other agency charged with this responsibility. To keep all traffic judges in the state abreast of current developments, annual judicial traffic court conferences should be held and all judges and prosecutors assigned to these courts should be required to attend.

The model ticket

The final element in an improved system of state courts is predicated on the use of the "Uniform Traffic Ticket and Complaint" which has been developed by the American Bar Association Traffic Court Program. In New Jersey all enforcement agencies are required to use it, under a rule of the Supreme Court. In the state of Michigan 130 cities and 6 counties are using a similar kind of uniform traffic ticket and complaint. Cities in 22 other states are also using the American Bar Association model ticket. The experience gained in all these jurisdictions justifies the conclusion that the adoption and use of the model form by every enforcement agency in the state—including the city and the county—would improve traffic law enforcement even if none of the other suggested improvements were adopted. There are educational features to the ticket which have an appeal for the public and most officials connected with traffic law enforcement.

The model ticket sets out six violations which are the principle causes of accidents: speeding, improper left turn, improper right turn, disobeying traffic signal when light turned red, disobeying stop signs, and improper passing and lane usage. There are three degrees of seriousness set out in the form. To these are added conditions which increase the danger or hazard involved in the violations: slippery pavement, dark-

ness, other traffic present, caused person to dodge, just missed an accident, and in an accident. The form has places for showing whether the violation was committed in a business, industrial, school, residential, or rural area, and it classifies highways by type.

The Uniform Traffic Ticket and Complaint (1) permits uniform interpretation of traffic laws by all officers; (2) permits uniformity of instructions to all officers and administrative personnel within the police department; (3) permits prosecutors to secure more consistent and uniform case preparation; (4) acquaints the violator with the exact nature of the violation charged; and (5) acquaints the public with the kind of unsafe maneuvers which result in accidents.

If the premise is established that issuance of traffic tickets by police officers initiates the judicial process, control can be exercised by the courts over enforcement agencies which in and of themselves have no immediate responsibility for the administration of justice. Requiring a quarterly report on the issuance and disposition of traffic tickets will eliminate traffic ticket fixing provided the judge will use the power of contempt to discipline anyone tinkering with court process.

At present the only state which can boast of a system as complete as we have here suggested is New Jersey. California, under the state-wide reorganization of trial courts of limited jurisdiction which was in full effect on January 5, 1953, is next in line. The rest of the states present a rather weak picture under the criteria outlined above.

Steps in local improvement

But improvement need not await total reorganization. In most instances it is possible for a municipality, by action of

the traffic court judge alone, to improve the handling of traffic cases measurably.

A traffic court imbued with the desire to obtain the benefits of approved national standards would have to take the following steps:

1. Adopt the Uniform Traffic Ticket and Complaint, issue it to the police department, set up master controls to secure accountability, and require periodic reports.

2. Establish and promulgate rules of court to govern the procedure in traffic cases, patterning them along lines suitable for state-wide use.

3. Separate the trial of traffic cases from all other court trials in order to emphasize the importance of this type of case and to permit an evaluation of the relative seriousness of traffic offenses by comparison of similar offenses.

4. Provide for further separate sessions for the handling of juvenile violators.

5. Require the personal attendance of all persons charged with moving violations.

6. Organize a traffic violations bureau to handle all parking, standing, and nonmoving violations; assume responsibility for its operation; select the best "public relations" personnel to administer the work of the bureau; establish a schedule of graduated fines for first, second, and subsequent offenses, with mandatory court appearance, together with the requirement of written pleas of guilty, waiver of appearance and trial for all violations permitted to use this procedure.

7. Arrange for the assignment of a traffic court prosecutor at all traffic court sessions to assist in the prosecution and presentation of traffic cases.

8. Require the keeping of books, dockets, and records which will provide statistics on the work of the court and

its violation bureau, and analyze and publish the statistics.

9. Improve the appearance of the courtroom if need be, to achieve dignity and impressiveness; be certain that the courtroom is equipped with an American flag and either the state or city flag, whichever is more appropriate.

10. Participate in a traffic court conference sponsored by the American Bar Association, the Traffic Institute of Northwestern University, and one of the law schools co-operating in this program, and make certain that the prosecutor does likewise.

11. Furnish information requested in the American Bar Association Traffic Court Contest and endeavor to follow the suggestions submitted in the analysis delivered subsequently.

12. Suggest that the police receive additional and more adequate traffic police training, if needed, and encourage in-service training by the local police department.

13. Revise court procedure, if necessary, to provide for the following:

- a) Formal opening and closing ceremonies.
- b) Appropriate remarks about traffic safety at the beginning of each traffic session.
- c) Instructions on the rights of the defendants, the nature of a plea of guilty, and other court procedures.
- d) Administering the oath individually to each person testifying.
- e) Blackboards, traffic boards with model cars, and other aids to the explanation of traffic cases.
- f) Explanation of the reason for decision.

14. Create a traffic school to assist the court in the correction of violators, wherever necessary.

15. Arrange to obtain the defendant's record of previous convictions to be used after the finding of guilt in order to assess an adequate corrective penalty on repeaters.

16. Establish a procedure for immediate service of warrants whenever persons fail to appear in response to a traffic ticket.

17. Require prompt reporting of convictions of all violations called for by the driver's license, and instruct all clerks to comply rigidly with this provision.

18. Take adequate steps to select proper personnel for the court with immediate training in the responsibilities attached to the position and its importance to the judge and the administration of justice.

The judge's role

Beyond all this, the judge establishes the pattern of conduct of everyone in the courtroom by the manner in which he pursues his daily work.

The conscientious judge will not always be appreciated nor will he always be supported in his efforts to administer justice fairly and efficiently. The traffic problem, although acute enough, is still not serious to the average individual. He gives lip service to his demand for strict traffic law enforcement as long as it is for everyone but himself.

The court's activity needs public support, and leadership in initiating it must fall on the judge. Once he has generated public support, he must assist until the public group can stand on its own feet. Thereafter he may withdraw gracefully and permit the group to function independently—free to support the judge as long as he merits support.

Traffic courts, involved in the enforcement of the regulation of laws pertaining to the use of one of the most

popular machines ever made available to the public, have assumed an important place in the judicial sun. They require, and must receive, the benefit of the best court structure and best judicial personnel available.

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The Small Claims Court in the District of Columbia

By FRANK H. MYERS

THE small claims court was made a "national phenomenon" when Congress in 1938 established a Small Claims Court and Conciliation Branch in the Municipal Court of the District of Columbia.¹ In THE ANNALS for September 1939 Judge Nathan Cayton² reviewed the background of the small claims movement and analyzed the provisions of the congressional enactment.³ I shall not repeat what was said there, but shall rather examine the operations of the District of Columbia court as a going institution.

One organizational change may first be mentioned. When the Police and Municipal Courts of the District of Columbia were consolidated into the new Municipal Court in 1942, the Small Claims Branch was retained as part of the Civil Division of the new court.⁴ One result of the merger has been to make available to each branch of the new court thirteen judges sitting in rotation.

During the fifteen years of its operation, this Small Claims Court has been acclaimed as one of the most far-reaching and effective of modern legal reforms. More than 325,000 cases have been filed and disposed of in a forum where informality of procedure and a minimum of delay, confusion, and expense have been the watchword. Here the ordinary citizen of limited means has been given opportunity to secure a

prompt decision of his claims according to law. Here also defendants have been given an opportunity to be fully heard in opposition to any unjust claim filed against them. The unanimously favorable report of the District Committee of the United States Senate included this comment which bears repeating at this time:

The purpose of this bill is to improve administration of justice in small civil cases and make the service of the municipal court more easily available to all of the people whether of large or small means; to simplify practice and procedure in the commencement, handling, and trial of such cases; to eliminate delay and reduce costs; to provide for installment payment of judgments; and generally to promote confidence of the public in the courts through provision of a friendly forum for disputes, small in amount but important to the parties.

That the congressional intent has been fully realized is attested by the widespread approval of the court, in legal as well as in communal circles.

DISTINCTIVE FEATURES

One of the outstanding features of the system is the provision which authorizes the clerk of the Small Claims Branch to assist all individual litigants appearing in their own behalf in the preparation and filing of their claims. This is a special service performed for individual plaintiffs only, at no additional cost to them; it is not extended to corporations, partnerships, or associations. Over the fifteen-year period the clerk has given counsel and assistance to over 9,900 litigants, primarily to plaintiffs but also to defendants, in the matter of the proper handling of their claims and de-

¹ Act approved March 5, 1938, 52 Stat. 103, c. 43, § 1 *et seq.*, District of Columbia Code, Title 11, § 801 *et seq.*

² Now Chief Judge, Municipal Court of Appeals, District of Columbia.

³ Volume 205, pp. 57-64.

⁴ Act approved April 1, 1942, 56 Stat. 190, c. 207, § 1 *et seq.*, District of Columbia Code, Title 11, § 751 *et seq.*

fenses. This is a striking example of a new departure in public service in the legal field and is a most effective and practical form of legal aid. The procedure has met with the approval of litigants and lawyers alike, for few members of the legal profession can afford to undertake representation of clients with such small claims.

The statute creating the court authorized, in addition to service by the United States Marshal (the only process-serving agency in the District of Columbia), a simplified method of service by registered mail. This means has been found most effective. Over the period since the court was established, 225,802 cases have been served by registered mail as compared to 59,386 cases by the marshal. In a test case involving the legality of registered mail service, the United States Court of Appeals for the District of Columbia in 1940 settled the point.⁵ Recognizing that constitutional rights must be preserved, the court upheld the legality of registered mail service as provided in the statute and implemented by conforming rules of the court⁶ "as sufficient to satisfy the requirements of due process of law."

By shortening the notice period, providing registered mail service, and refusing continuance except for illness or equally satisfactory reason, it has been found possible to bring the great majority of cases to a decision promptly. The granting of continuances remains, as elsewhere, within the discretion of the court. Over the years, however, the record shows that approximately nine

out of ten small claims cases have been decided on the return date.

Any litigant in the Small Claims Court who makes demand therefor by the return date of the case is entitled to jury trial. It is reassuring to note that this privilege has not been abused. A deterrent has perhaps been the \$10 fee which must accompany every jury demand. The records over the past fifteen years disclose that demands have been made for jury trial in only 282 cases, and of these only 171 have resulted in actual jury trials—a very impressive record.

APPEALS

When the Small Claims Court was first established, right of appeal was by application for a writ of error to the United States Court of Appeals. Four years later Congress created a new Municipal Court of Appeals for all local litigation. Included in the appellate jurisdiction of that court is a special procedure for review of judgments of the Small Claims Court.

Again the individual litigant who desires to appeal may seek the counsel of the clerk of the court, whose duty it is to prepare the application on a standard form couched in simple language and to file it within three days from the date of the entry of judgment. The present statute provides that if any one of the three appeals judges is of the opinion that the appeal should be allowed, that is done and the case is given a preferred status on the appellate calendar. If all three judges conclude that the appeal should be denied, the denial stands as an affirmation of the trial court from which there is no further appeal.⁷ This has assured full and fair appellate review, without promoting a litigious atmosphere.

Generally, appeals have been allowed

⁷ District of Columbia Code, Title 11, § 772(a).

when there has been a showing of apparent error on a question of law which has not been but should be decided by the appellate court.⁸

I shall have occasion below to show by example that the Municipal Court of Appeals has been at pains in its decisions to preserve the simple and informal procedure in the Small Claims Court, but that this objective has been furthered without any distortion of the principles of substantive law to accommodate to the fact that the claims are small in amount. The appellate opinions have indeed been meticulous in applying the substantive law and have been so clear as to serve the judges of the Small Claims Court as legal guideposts.

CONCILIATION MANDATORY

In one of the early cases it was pointed out that the trial judge, prior to trial, is required by statute to make an earnest effort to settle the controversy by conciliation. The court said:

The Congressional edict is mandatory; so is the rule. The judge is required in every case to do two things before ordering any case for trial: (a) to elicit from the defendant the nature of his defense; and (b) to make a real, not perfunctory, effort to compose the differences of the parties and if possible to bring them together in a mutually satisfactory settlement. In this the judge is more than a mere umpire. He is the "guiding spirit and the controlling mind" of the proceeding. He is charged with the positive duty of maintaining a conciliatory influence, and of inducing and arranging settlements whenever possible. From even a casual reading of the Act and the rules, it is apparent that *no exception was intended in this regard*. Conciliation procedure is mandatory in every case and the judge had no right to order the case tried without first making a real, "earnest" effort to settle the matter on a friendly

⁸ Ionescue v. Dettmers, 53 A.2d 287 (1947); American Storage Co. v. Briggs, 56 A.2d 557 (1948).

basis. Only when he had failed in his role as conciliator was he authorized to order a trial.⁹

In another case the court held that the small claims judge could not decide a case without hearing the defendant's testimony and that summary dismissals without a full hearing of both sides were not justified save in exceptional cases.¹⁰ Every litigant is entitled to his "day in court" which should be easy, accessible, understandable, and, as far as possible, a single, decisive day.

SUBSTANTIAL JUSTICE ACCORDING TO SUBSTANTIVE LAW

The Small Claims Branch is not bound by rigid rules of evidence; so, for example, a water bill prepared by an official charged with the duty of keeping records and collecting charges for water services was held to be admissible and to make a prima facie case.¹¹

On the other hand, the desire for simple and expeditious procedure should not lead to mechanical, assembly-line dispositions. Thus in 1951 the appellate court held that a refusal to grant a plaintiff a delay of ten minutes to produce records for trial was an abuse of discretion. After reviewing the number of small claims cases for the month involved and the customary procedure of the branch, the opinion pointed out that "dismissing the case for want of prosecution solved nothing and helped no one," for it would not prevent filing a second suit, and defendant's interests would have been better protected by waiting ten minutes and giving him a trial on the merits that day.¹²

⁹ Potomac Small Loan Co. v. Myles, 34 A.2d 609, 611-2 (1943).

¹⁰ Hodgkins v. Beckner, 32 A.2d 113 (1943).

¹¹ Simmons v. Quick, 37 A.2d 656 (1944).

¹² Hollywood Credit Clothing Co. v. Hamdon, 79 A.2d 163, 164 (1951).

⁵ Wise v. Herzog, 72 App. D. C. 335, 114 F.2d 486 (1940); see also Makto v. Hill, 32 A.2d 706 (D. C. Mun. App. 1943).

⁶ The statute gave the court power "to make rules of practice, pleading and procedure, not inconsistent with law, and to modify and change the same from time to time, to insure the proper administration of justice." 41 Stat. 1310, Municipal Court Act, 1921.

The meaning of the rule that "the judge shall conduct the trial in such a manner as to do substantial justice between the parties according to substantive law" is that the substantive law is to be followed in order that substantial justice shall be done. Some examples will illustrate this meaning.

In one case it was held that the trial court could not ignore the substantive law rule that a holder in due course of a negotiable instrument was entitled to recovery in the full amount; it could not limit him to the unpaid balance on a note less the usual discount charged by holders for purchase of notes.¹³ So also it has been held that a prior judgment between the same parties acts as an estoppel on the cause of action;¹⁴ and that the mere proof that a watch had rusted and was not operating at the end of six months from the date of its repair did not sustain the burden of proving a breach of warranty.¹⁵

Under the rule of court permitting the judge, upon motion, after judgment based on a claim for wages for personal services to order the appearance of a judgment debtor for supplementary examination as to financial ability, the expression "personal services" was held not to have a wider meaning than the word "wages"; it did not include professional services rendered by a physician, dentist, or attorney at law.¹⁶ A judgment entered against an infant defendant was reversed by reason of the failure of the small claims judge to appoint a suitable and competent person as guardian *ad litem* to defend the action.¹⁷

In an action for a balance of \$11.95

¹³ Interstate Bankers Corp. v. Kennedy, 33 A.2d 165 (1943).

¹⁴ Smith & Gottlieb, Inc. v. Cheatham, 31 A.2d 676 (1942).

¹⁵ Livingston v. Fuhrman, 37 A.2d 747 (1944).

¹⁶ Price v. Quill, 46 A.2d 311 (1946).

¹⁷ Gray v. Droze, 55 A.2d 340 (1947).

on the purchase of a \$15 pair of shoes by a laborer earning \$18 per week, the small claims judge stated that the plaintiff store had undertaken "either a gamble or a terrifically poor business judgment" and ruled that neither the act creating the Small Claims Court nor the rules thereof justified him in assuming jurisdiction. The appellate court reversed, holding that

there was no evidence in the record that the purchase was induced by fraud, misrepresentation or duress, or that the purchaser did not understand the transaction . . . an improvident or extravagant purchase may not be rescinded simply because it is contrary to the dictates of good judgment.¹⁸

The last-cited case serves to emphasize that while procedure in the Small Claims Branch should be informal, cases should not be decided on the basis of "personal justice" or sympathy for or prejudice against either party, but on the evidence and the law.

THE COURT IS NOT A GUARDIAN

Washington has its share of small furniture, clothing, and appliance stores selling on credit. They are frequent plaintiffs in the Small Claims Branch, suing for small balances due on purchases by persons in the low income brackets. Human nature being what it is, many such people buy beyond their means. This is due to high pressure salesmanship, or to an overwhelming desire for ownership of goods which the prospective purchasers feel they can secure only by installment payments. This weakness on the part of the buying public is not limited to persons of modest means. Frequently persons in higher income brackets are brought into court on claims for balances due on houses, motor cars, television sets, ex-

¹⁸ Universal Jewelry Co., Inc. v. McIver, 68 A.2d 226 (1949).

pensive clothing, and furs and jewelry, which they cannot afford and should never have bought.

All will agree that it is not the function of any court to act as guardian of the general public in determining the limit of each individual's buying ability. The law permits every citizen to contract freely even if unwisely. Of course, when duress or misrepresentation induces a purchase, all courts, including the Small Claims Branch, are in a position to protect the unwary buyer. But there is no principle of substantive law that permits any court to limit the buying capacity of the purchaser in accordance with his income and financial abilities. It is the privilege of every American to buy beyond his means, and he frequently exercises this privilege, as the records of all courts disclose.

Criticism has often been directed at credit stores because of their policy of overselling and entering into conditional sales contracts with individuals of limited financial means without first ascertaining their ability to pay. Much of this criticism seems justified, but correction of such abuses would seem to be the responsibility of the merchants themselves. Trade associations, credit associations, and civic groups like better business bureaus can also exert a moderating influence. Education of the buying public is another remedy,¹⁹ though no doubt this would be neither easy nor quick. The most that a small claims court can do is to keep a watchful eye on every transaction brought before it and invoke every legal (or equitable) defense that the evidence may justify.

PROPOSED AMENDMENTS REJECTED

There has been no occasion to amend the present Small Claims Act. In 1951

¹⁹ This was the suggestion made in the opinion of the *McIver* case, *supra* note 18.

a proposal was made to Congress for certain amendments to give the judge more "personal" latitude in deciding cases. This was rejected on the recommendation of the Board of Judges of the Municipal Court. Another suggested amendment proposed an increase in jurisdiction of the Small Claims Branch from \$50 to \$100. The report of the Judges on this point stated:

It must be conceded that as the amount of the jurisdiction increases, the court becomes less and less a "small claims" tribunal, where the poor litigant can come in without benefit of counsel and have his claims respecting wages or amounts due him, determined summarily, without delay, and by simple procedure. An enlarged jurisdiction will bring lawyers with jury demands; dilatory practices can be expected to follow when fees of more or less large amounts become involved. The presence of lawyers on both sides of cases changes the court into a "lawyer's" court and the flexible, easy procedure of the Small Claims Court, as originally established, does not lend itself to the orderly expeditious handling of these cases. Experience in several other jurisdictions has shown that when the small claims jurisdiction is enlarged the benefits of informal proceedings are lost and also the inevitable result is that it becomes a lawyer's court with all the resultant technicalities et cetera.²⁰

There is some belief that the jurisdiction could safely be increased to \$100, but no higher. However, the Judges' report opposed the increase at the time, and Congress left the jurisdictional limitation at \$50.

²⁰ From a written report dated May 14, 1951, prepared by Associate Judges Walter Casey, Thomas D. Quinn, and Frank H. Myers, approved by the Board of Judges June 7, 1951, and filed with the United States Congress in opposition to bills S. 1368 and H. R. 33.

CRITICISM REFUTED

Some criticism has been made that the Small Claims Branch has been used as a "collection agency" for the smaller stores. But the records will show that it has not acted in this capacity any more than other courts where the collection of larger amounts is involved. Its jurisdictional amount necessarily brings within its doors the collection of a greater number of small debts and accounts. The fact that the smaller stores have more of these unpaid accounts and bring more of these suits than the larger stores is not remarkable and should not be surprising. It must be remembered that if there were no small claims court, credit houses would continue filing just as many of these claims in other courts, where all the advantages are on the side of the plaintiff and none on the side of the defendant.

There seems to be universal agreement that it is far better to have these claims channeled into a small claims court where the defendant has the benefit of lower costs, assistance by the clerk, night sessions when necessary, minimum loss of time, mandatory conciliation by the judge, informal trial procedure, the privilege of installment payments, and the other attributes of a system which gives assurance that justice is not too expensive for the poor.

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CONCLUSION

The operation of the Small Claims Branch for the past fifteen years has definitely proved it to be an outstanding success in the judicial and social fields.

The poor litigant now knows from experience that he can have his day in court at minimum cost, his case informally and expeditiously handled without delay or confusion, and yet be assured that the same substantive law will be determinative of his case, whether he be plaintiff or defendant, as is applied in the higher courts in cases involving much larger amounts and the expense of legal counsel. As the late Justice Wiley Rutledge of the Supreme Court of the United States said:

We have a fine illustration in the District of Columbia of what can be done through establishing small claims courts. . . . The result is that the citizen does not feel that the system of justice is a system for the rich and the well-to-do, and not one for the average or poor man. He has entry to a tribunal which disposes of business, expeditiously and justly. . . .²¹

²¹ From an address by Judge Rutledge (then an Associate Judge of the United States Court of Appeals for the District of Columbia) before the Fifth Open Meeting of the Committee on Legal Aid Work at the Claypool Hotel, Indianapolis, Indiana, September 29, 1941.

Family Problems and the Court

By EARL LOMON KOOS

A PRESSING problem confronting the American social order is that of preserving and strengthening the family. It is no exaggeration to say that satisfactory family life is basic to all adequate social relations; for a primary function of the family is its contribution to the development and fulfillment of human personalities, and personalities that are inadequately developed or unfulfilled are incapable of assuming membership in the society.

It is no exaggeration, either, to say that American families have in recent decades been subjected to extraordinary stresses, and expected to meet unusual demands. The increasing urbanization, industrialization, and mobility of our society, the lessening of sacred controls upon our ways of thinking and doing, and the increasing and sometimes ill-defined emphasis upon personal freedom—coupled with the social effects of two world wars and a continuing "police action"—have all posed problems of impressive dimensions for the family.

Our society's efforts to aid the family have often been sketchy, sometimes ill advised, and rarely co-ordinated. Each discipline which views the family as its responsibility has moved with only a partial interdependence "to do something about the family." Governmental agencies have assumed responsibility, to an increasing degree, for measures aimed at stabilizing and guaranteeing the economic function of the family through social security measures of one sort or another. Social agencies have increasingly assumed responsibility for providing the family with counseling for its interpersonal problems, the school with guidance and therapy in the rearing of

its children, the church with religious indoctrination for its members, and so on. But divorce, desertion, nonsupport, and other evidences of family instability continue to exhibit themselves at an alarming rate, and with no significant decreases in sight.

FUNCTION OF THE FAMILY COURT

It is evident, then, that something must be done if the family is to perform adequately the tasks that are essential for the future welfare of the society. The answer lies, apparently, not simply in providing more and better social aids to the family, but in developing some one focal agency that can serve as an integrating and co-ordinating functionary. It is the thesis of this article that the family court (however named), differently conceived as to philosophy and revised as to function, may serve that purpose.

Such a thesis is based on two convictions that are shared by most people in our society: (1) that any complex society can function only within a framework of ordered, recognized, and accepted authority (which is not at all antithetic to democratic living), and (2) that the court, by virtue of its socially sanctioned position in the community, can move purposively in helping to solve human problems as no independent social agency can (which does not deny the rights inherent in personal freedom in democracy).

The latter statement may be countered with "You can't make people do what is good for them." In reply it need only be said that in matters where the public welfare is involved (for example, in matters of public health and

education), society constantly "makes" its members pursue certain courses of action by defining and enforcing penalties for noncompliance. No court can "make" its petitioners move from misery back to happiness, but it can insist that they expose themselves to such measures as may aid them in so moving. The final choice lies with the family members, but they will have been helped at least to the extent that they are able to accept and use that help. Beyond this point, no democratic society can go.

LEGAL CONCEPTS INAPPLICABLE

In considering the relation of the court to family problems, two concepts basic in law appear to need sharp modification. The concept of *guilt* appears to have little place in matters dealing with family interrelationships, since responsibility for the distortion of such relationships is very rarely unilateral; yet the courts are presently required to view family situations in terms of the guilty and the aggrieved, regardless of the evidence (implicit, if not introduced). Secondly, the concept of *justice*—now basic in the usual court actions regarding family problems—needs modification, since the family in trouble is less in need of "a determination of the rightfulness or lawfulness of conduct" than it is of having the family members *brought into a working relation with each other* in the light of their aspirations, drives, roles, and personality needs.

To the family sociologist, the latter appears to be the sine qua non of any effort to deal with the problems of the family. For the family in trouble is one in which the interrelationships either have never been adequately developed, or, once having been developed, have been forced askew by one or another happening, either intra- or extra-mural. The need of a family in trouble, therefore, is not to have guilt or innocence

adjudicated and the lawfulness of conduct established, but rather to have (1) the causes of its troubles assayed, (2) the social and psychological milieu evaluated for its strengths and weaknesses, and (3) proper institutional aids¹ made available in the correction of the conditions that create the problems.

SCOPE OF COURT ACTIVITY

To suggest that the court become the "nerve center" for the treatment of all family problems is to be unrealistic. The problems to which the family is heir range over a broad continuum. At one end are situations in which the maximum values of family life are not attained, but which have only very indirect social consequences. For example, in family A (representing this end of the continuum) the husband and wife have difficulties in their interpersonal relations because of an inadequate sexual adjustment. This couple have no desire to break the marriage; their children are neither abused nor neglected; their contributions to society continue. At the other end of the continuum is family B, in which the husband and wife have little in common, seek satisfaction of their needs outside the marital relationship, neglect their children (and contribute to *their* delinquency in so doing), and will do almost anything to break off the family relationships.

Family A's problem is hardly within the scope of court activity, unless we are willing to extend our philosophy of the place of the state in the life of the individual and the family. Family B's problems, in contrast, involve a violation of the laws or stateways—those expected ways of behaving deemed so important for the common good as to require definition and enforcement by the

¹ As used here, institutional aids are those agencies and professional personnel constituted by society for the alleviation of human needs.

state through the law and the courts. Family A's problem requires assistance if it is to be solved (or at least not to develop further), and society provides increasingly for such assistance, through clinics, social agencies, and professional personnel. Family B's problems, in contrast, require the intervention of the court, which is also provided by society. The clinic and the social agency would probably be inadequate to meet the needs of family B, just as the services of the court would not be required for meeting family A's problem at its present stage.

It is possible to draw a reasonably definite line between the cases to be served by the court and those to be treated in other ways, for there is a distinction between cases that involve violations of the law and those that do not. It is not possible to draw a sharp line between the professional resources to be used by the court and those to be used by other agencies: the court, in attempting to meet family B's problems *must bring into play the same resources that can meet family A's problems*, since the petition by a family member for annulment, separation, or divorce is itself a symbol of a need for more than adjudication.

ADJUNCT SERVICES NEEDED

It is no reflection upon the court (or its agent, the lawyer) to suggest that "outside" resources are needed for the meeting of family problems. As Judge Paul W. Alexander has indicated:

Too often when the lawyer relies on his own skills to reunite the estranged couple, he merely postpones the denouement. He hears all about the symptoms, the overt acts and omissions. But he does not discover the causal factor or factors and eradicate or change them. He corrects nothing. He effects no cure. He sends the same two people back together, the same as when they separated, and the same un-

derlying cause is still lurking there to get in its deadly work.²

It is precisely this need to "discover the causal factor or factors and eradicate or change them" that psychiatrists, marriage counselors, and family casework agencies are professionally equipped to meet. It is no disparagement of judges or lawyers to say that they are not equipped to make such discoveries or to effect such changes. Lawyers are specialists in one field; behavior scientists and practitioners in quite different fields.

This is not to suggest that "never the twain shall meet" or understand one another; it is to say that each specialist brings his own particular interests, abilities, and techniques to bear upon any given marital problem. Since marital problems rarely have a single or simple cause, more than one specialist needs to be brought into the picture.

Alcoholism, for example, may be the *precipitating* factor which moves a family into the position where divorce appears to be the only solution of the problem; but what factors underlie the "guilty" person's resorting to alcohol as a way out of his difficulties? And what means can be employed to restore this moribund marriage? The psychiatrist, the marriage counselor, the psychologist, the social worker, and even the internist—two or three or even more of these may have to be brought into the picture if the marriage is to be restored.

If the court grants a divorce after establishing only the "superficial" *fact* of alcoholism (as is necessarily the case in most jurisdictions today), it does nothing to further the lives of the individuals involved; *it only certifies the family's failure*. And failure of the family to achieve its goals is the very thing society hopes to prevent. It appears,

² "Public Services by Lawyers in the Field of Divorce," 13 *Ohio St. L. J.* 13, 19 (1952).

therefore, that the court, dealing as it does with those cases in which the problems of the family have become so acute as to involve violation of the stateways, needs to invoke all the extralegal services that it can command.

The court that can adequately serve the family cannot work in an icy apartness from such social agencies as the community affords. It would be naïve to suggest that the court contain within its own structure all the manifold services needed for meeting family problems. This would be unnecessary duplication of effort, and uneconomical of both money and personnel. It would, in fact, be almost impossible, since there is an acute shortage of most types of personnel needed for meeting family problems.

The need, then, is (1) that such a court be thoroughly conversant with all the services available for meeting family problems, (2) that it recognize its own limitations in providing diagnosis and treatment, (3) that it be willing to see treatment *per se* taken outside the confines of the court, and (4) that the social agencies be helped to see and to develop their possible contributions to the family *within the jurisdictional framework*.

FAMILY-RELATED DIFFICULTIES

To this point the discussion has been concerned with the problems associated with or expressed in marital relationships. These show themselves in the usual petitions: for divorce, separation, annulment, and so on. Other problems severe enough to involve violation of the stateways—and therefore the concern of the court—are equally related to the family's *not* being a "unity of interacting personalities."

The child brought into children's court for stealing, the father haled into police court as a result of his weekly "spree"

—these are only two examples of the antisocial behavior which can result from family dysfunction. Both of these individuals may have their aberrant behavior rooted in family situations. The child's delinquent behavior may be an unconscious compensation for his family's disaffection; the father's spree an unconscious effort to gain release from the tensions of living in too few rooms with too many children and a chronically ill wife. It surely is not enough to find the individual not guilty or guilty, to free or to punish him, and to assure him due process of law.

Society has long since accepted the idea that the child should be dealt with as an individual, and that the services of extralegal personnel should be brought to bear upon his problem. In at least a few cases, the psychiatrist and the psychologist have joined the probation officer-caseworker as members of the staff of the court. Time and interpretation have erased the early criticism of the "warping of the function of the court," where children are concerned, and the underlying philosophy of the juvenile court has been accepted as socially provident.

In some cases, similar acceptance has been accorded the so-called family court, although to a less degree. It needs to be kept in mind, however, that most of these so-called family courts are usually conceived of as marital-relations-problems courts. Their purpose is broadly defined, but their field of operation is narrowly confined.

COURT JURISDICTION

It is our conviction that such courts must be established where they do not now exist (at least in urbanized areas), and also that the family courts now functioning must be enlarged, as to both philosophy and jurisdiction. In a recent article, Judge Paul W. Alexander

TABLE 1—COURTS WITH JURISDICTION OVER VARIOUS FAMILY PROBLEMS*

Problem	Trial Court	Equity Court	Domestic Relations Court	Juvenile Court	Felony Court	Police Court	Probate Court
Nonsupport, neglect of child	..	..	x	x	x	x	..
Support of indigent parents	x	..	..	..	x	x	..
Abuse of child	x	..	x	x	x	x	..
Abandonment of child	x	..	x	x	x	x	..
Child labor violation	..	..	x	x	x	x	..
Harboring runaway child	..	..	x	x	x	x	..
Contributing to dependency	..	..	x	x	x	x	..
Contributing to delinquency	..	..	x	x	x	x	..
Abandonment of spouse	..	..	x	..	x	x	..
Bastardy, paternity	x	..	x	x	x	x	..
Award of custody	x	x	x	x	..	..	..
Adoption of children	..	..	x	x	..	..	x
Illegal placing for adoption	..	..	x	x	..	x	..
Fixing support orders	x	..	x	x	x	x	..
Excluding mate from home	x	x	..	x	..	..	..
Assault, battery by spouse	..	..	x	..	x	x	..

* This table is abbreviated from that given by Judge Paul W. Alexander in his "The Family Court of the Future," 36 *Journal of the American Judicature Society* 38 (1952). Used by permission of the author and the Journal. This is a bird's-eye view of the national picture. The jurisdiction of particular courts varies from state to state.

has pointed up the multiplicity of courts whose jurisdictions encompass family problems (see Table 1).

It is apparent from this compilation that there is not only a duplication of jurisdiction, but also—and more important—an uneven application of justice. Other things being equal, the quality of justice is likely to be lower in a mayor's or justice of the peace court than in a superior court; yet both of these (and three other types of courts) may adjudicate a case of bastardy. The picture is even more disturbing when it is realized that such a case may be "treated" in a court using specialized techniques, mentioned earlier (domestic relations or juvenile court), or adjudicated in the catch-as-catch-can atmosphere of the justice's court.

It is therefore sad but true that under the existing system there is no such thing as equal justice; the quality of justice depends upon the court in which the family happens to find itself. When this is coupled with the fact that only

the domestic relations and juvenile courts ordinarily use even in part the specialized techniques suggested, the plight of the family with problems involving the stateways is seen to be a serious one.

Many of the cases now reaching the broad array of courts are in no sense family-engendered; others are directly related to the family's dysfunction. In many of the latter it does not take a skilled family diagnostician to learn of the effective presence of a "family situation." Any police court judge, for example, can tell of innumerable cases in which the dysfunction of the family was apparent in the evidence placed before him. But he will also say that "it isn't my job to do anything about the prisoner's family"; "I've got only a few minutes to deal with the case, anyway"; "the prisoner broke the law or he didn't—that's all I have to decide; the rest is none of my business."³

³ These are the reasons given by a police court judge to the writer's students for his

There is no suggestion that the police court should deal with the family aspects of such problems, for we have already indicated that this is a matter for specialists. There is every reason to suggest, however, that such a case should not be allowed to end in police court, but should be referred to an appropriately staffed family problems court—not for adjudication of the act which placed the individual in jeopardy, but for possible assistance in meeting the family's situation. In effect this means that the several courts of the legal system become *channels* through which cases involving family problems reach a "court of treatment" rather than simply a "court of justice" (in the latter case with the family problem ignored or inadequately handled).

It will immediately be suggested that such an arrangement is in effect placing the individual in double jeopardy—that is, subjecting him to two adjudications for one offense. Such a suggestion can be made, however, only if one ignores the earlier statement that the function of the family-problems court is not one of determining guilt or innocence, but of providing a socially sanctioned milieu within which treatment can be had, if the individuals concerned are willing to accept such treatment.

PROBLEMS TO BE FACED

It is admitted, in this connection, that problems involving the interrelationships of the several courts must be faced, but these would appear to be no greater than those faced in past years as new courts and new procedures were introduced into the legal system.

It is also admitted that society faces an even more fundamental problem—that of defining the areas in which

neglect of "social" factors in hearing a case at which they were present.

courts function as adjudicative and as treatment agencies. It should be re-emphasized that the concepts of guilt and justice are of secondary importance in a consideration of the family's problems. As society accepted the philosophy of the children's court, so must it accept an even broader philosophy of the family-problems court. Instead of giving "serial consideration" to cases which involve family relationships, the emphasis will necessarily be upon a collateral consideration of those problems, as was suggested earlier.

It is fairly obvious that not all of this can be done under existing constitutional provisions, but the necessary changes are not impossible to make if contemporary social conditions require them. There is ample evidence in the history of American constitutional government to warrant this statement. It is in this area that the legal profession is challenged to do its most original and provocative pioneering, and to overcome the cultural lag that characterizes much of our thinking regarding the family and its problems.

JUDGE AND LAWYER

Given the necessary changes in the traditional, constitutionally validated concepts, and with the problems associated with the interrelationships of the several courts solved, the family-problems court may still fall short of its goals. No court, however well conceived, can perform its functions if the judge thereof does not accept its basic philosophy or is incapable of guiding its activities. Whether the judge of such a court can best be chosen through a competitive general election or by special appointment is a moot question, but that the judge must have special qualifications seems indubitable.

The role of the judge in a court such as is here envisaged requires not only

a knowledge of the law and an ability to apply Aristotelian logic to the intricacies of a case, but also—and equally important—an intuitive sensitivity to the subtle nuances of human relationships. This last quality is not taught in law school; it is not learned; it is a component of a unique type of personality. In other words, not every judge, however competent he may be, is able to assume the roles demanded of the judge in a family-problems court.

The role of the lawyer in such a court is a minor one. It is doubtful, however, that the "technological unemployment" resulting from the establishment of such courts will be of serious moment, except in a few instances and a few localities. The lawyer is still needed for those aspects of the family's troubles that are handled by trial courts, and takes a minor role only in those aspects handled by the specialized court here proposed.

Also, as the writer has shown,⁴ there is a tremendous unmet need for legal services which will be satisfied only as the legal profession makes better known the scope of its supportive services to the "normal" family.

In summation, then, the family that is deep in troubles which involve the law and are family-engendered needs not justice and the fixing of guilt, but the skills of the counselor—the psychiatrist, the psychologist, and the caseworker. To provide these, society can only redesign its court structure so that cases with family dysfunction are channeled to a court which conceives its job to be that of aiding the family to re-establish itself, rather than of certifying its inadequacies.

⁴ See the writer's *The Family and the Law*, mimeographed, 1949. See also the article by Emery A. Brownell in this volume.

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Labor Arbitration and the Individual Worker

By LOUIS L. JAFFE

LABOR arbitration is bringing law into the life of the individual worker in a new, intimate, and exciting sense. Here due process for the individual is being made vividly real with the most surprising economy of means, and with an innocent simplicity which masks the significance of the achievement as it also glosses over the inevitable dangers which condition accomplishment.

We do not refer to the determination by arbitrators of the provisions of the labor agreement. However important that may be in settling from period to period the general terms of the worker's employment, his representatives rather than he are the actors in the drama. It is legislation rather than adjudication. But the day-to-day working relationship begets all sorts of questions—some of them questions of interpreting the basic agreement, some of them questions essentially of the worth and performance of the individual man. In the arbitration of such disputes—particularly the latter—the worker may have a distinctly personal stake.

ARBITRATION AN ADJUNCT OF COLLECTIVE BARGAINING

However, even when the arbitration concerns an individual worker, not he but a trade union is the formal party to it. Arbitration as an institution is an adjunct of collective bargaining. The situation is thus comparable to an international dispute, where, though the subject matter concerns the interest of individuals, the parties are sovereign states. It is, of course, possible for an employer and an employee to agree to arbitrate a dispute. But the worker

acting alone would have little chance to compel the employer adversary to agree to the appointment of an arbitrator. An employee's only resource is to quit or suffer discharge. In cases where he is seeking to retain his employment on his own terms, these devices are ordinarily ineffective. If the employer has broken a contract with the employee, the employee can appeal to the expensive process of the courts. But most individual employments are at will, and the discharge, however inequitable, is not a breach of contract.

There has been a phenomenal increase in the arbitration of labor disputes due to the growth of trade union strength. It was estimated in 1946 by the Bureau of Labor Statistics that fifteen million workers were covered by collective agreements; and, according to very recent estimates, 90 per cent of these agreements contain arbitration provisions. In 1947 a National Academy of Arbitrators was organized with 36 charter members. Today there are roughly 175 members. This growth is very recent, a product of the New Deal and the Wagner Act. During World War II the War Labor Board, partly in response to union demand, partly to relieve the industrial system of unsolved disputes, and partly to reduce its own dockets, ordered employers to agree to arbitration clauses.

Traditionally, labor has sought a contract, and—at least in recent years—as part of the contract, an agreement to arbitrate disputes arising under and during the life of the contract. One of the objectives has been to curb the absolute power of employers to discipline and discharge. The contract may con-

tain a specific clause prohibiting arbitrary layoff or discharge; but even where it does not, the agreement to arbitrate "grievances" will usually suffice to ground jurisdiction of a claim that a layoff or a discharge is arbitrary. Arbitration clauses vary, and some (for example one limited to questions of "interpretation" of the agreement) may be held to exclude questions of individual worker performance.

THE UNION CONTROLS ACCESS TO ARBITRATION

It follows from what has been said that the union controls the worker's access to the arbitration process. This is only the more obvious where there is not a permanent arbitrator, and the employer and the union must agree on an arbitrator for each dispute; but in any case, it is a corollary of the fact that arbitration is a term of the contract to which the employer and the union are the contracting parties. Furthermore, the union pays part of the arbitrator's fee, whether it is per arbitration or an annual stipend. The aggrieved employee must seek the good offices of the union.

Occasionally a union may arbitrate a claim which it believes ill founded, in order to please or placate the grieving employee. Thus the arbitrator, an outsider to the enterprise, is brought in to relieve the union of its primary responsibility of decision. This is thought by some to be an abuse of the process; but it may in some measure be justified insofar as arbitration is conceived of as individual rather than group protection. If the griever is not a member, the union may refuse to arbitrate his grievance. This may be a tactic to induce him to join. Even if he is a member, the union may believe that the claim is unfounded and may refuse to arbitrate, either because it is impolitic to harass

the employer or because it is not worth the expenditure of funds.

A claim of one employee—as in the interpretation of a seniority provision—may be essentially a claim against a fellow employee. The union may refuse to process the claim because it prefers one interpretation to another. In so doing, it may be acting in good faith or it may be favoring one group or person at the expense of another.

I do not make these points to belittle the great worth of arbitration to the individual, but rather to make clear the basic structure of the institution. Labor arbitration makes a vitally important contribution to individual justice, but the individual receives justice (when he does) as a member of a group whose mediation he must secure.

It is true that the Supreme Court has imposed limits on the power of a collective bargaining agent. It will be remembered that under the Wagner Act a union chosen by the majority of a bargaining unit is the exclusive bargaining representative of all employees whether they be members of the union or not. Indeed, it has been held at least by some administrative authorities that a union may be the exclusive agent of employees, Negroes for example, whom it refuses to admit to membership. But the Supreme Court has held that the union cannot unfairly discriminate against any of the employees it represents. Therefore, a nonmember might complain of outright refusal to make arbitration available. This is an important and valuable principle. But in practice, judicial action to compel equal treatment is clumsy and ineffective because of the necessarily large area of discretion of the union and its officers.

This whole situation once more illustrates the proposition that in many crucial areas of our society the individual's interest is protected only insofar as the

dominant groups are able and willing to give protection. Here it is they who establish the substance of the employee's rights and control the tribunal for their enforcement. It is true that a worker may secure a negotiated settlement without the intervention of the union, but the union is likely to resist being bypassed in this way.

The contract normally provides a route for processing grievances before resort to arbitration. The grievance procedure is divided into steps, each step involving a conference between a union official and a member of management of comparable rank. If the grievance is not resolved at the lower level by, let us say, a conference between a union shop steward and a foreman, it must go one step higher.

A union frequently demands that grievances be processed exclusively by its officials. It argues that the settlement of grievances is part of the collective bargaining process, and that, as the exclusive representative for collective bargaining, it alone is competent. But under the Taft-Hartley Act the employer is free to settle a grievance directly with an employee, though the union is entitled to intervene to prevent discrimination or misinterpretation of the contract. It is not clear, however, that the employer has any obligation to treat directly. When the employer's relation to labor is mature and effective, its policy may be to deal solely with the union.

ARBITRATION PROTECTS JOB RIGHTS

From the point of view of the individual worker, labor arbitration has two aspects. The more obvious and tangible is the creation and enforcement of job rights. Less obvious is the employee's participation in the enforcement process itself. The agreement ordinarily provides for rates of pay, overtime, job

classification, vacations, and seniority. Seniority may apply only to layoffs, or it may apply to promotions as well.

THE PROBLEM OF CONTRACT INTERPRETATION

Such provisions, however well drafted will from time to time require interpretation as unforeseen circumstances arise. The question may concern a great number of employees or only a few or one. I choose from my own experience as an arbitrator one case to illustrate the character of such disputes and the basic nature of the problem involved in them.

A corporation regularly engaged in engineering operated (during the last war) a foundry on leased property. The labor agreement provided that employees who had been "in continuous service one or more years as of July 1, 1946" should receive a vacation with pay at the employee's rate for the 8 weeks preceding July 1. The employee, to be eligible, must have worked at least 40 weeks during the year in question. Vacations were to be taken between July 1 and September 15. Early in June the company decided to discontinue the foundry operation permanently, and gave quit notices between June 14 and June 29. The union argued that the vacation was earned if 40 weeks had been worked in the year ending July 1. The company argued that the workers must be employed "as of July 1." It was clear that the parties drafted the agreement on the assumption that the plant would be in operation on July 1. The contract was drafted in March. Though it was known that the lessor would probably terminate the lease, it was apparently assumed (by the union at least) that another location would be found.

I decided the case in favor of the company.

Question of jurisdiction

One of the perennial problems of contract law is what to do when unforeseen circumstances arise. How far should a court seek from the specific contractual arrangements to generalize the purpose of the parties and from that generalization work out a solution which the parties might have made or which is "fair" as the court sees it? As far as the courts are concerned, there is no standard "answer" to this problem. But it takes on an additional dimension of difficulty in arbitration. It is argued by some that an arbitrator is meant to have broader powers "to do equity" than a judge, that he is to create solutions pursuant not only to the spirit of the contract but even pursuant to sound principles of labor relations. On the other hand, it is argued that the arbitrator's jurisdiction is to "interpret" or "apply" the agreement.

It is almost impossible to discover the expectation of the parties in this connection, or whether, indeed, they have a fixed expectation. Perhaps, since labor is usually the griever, it more often appeals to the "spirit" as against the "letter." But arbitrators have observed that labor can be as technical, indeed as ingeniously technical, as any lawyer when its purpose is thus served. This may be mere self-serving, but it may also be the layman's idea of "playing the game."

In every layman there is the root of a lawyer, sometimes unpruned and unmitigated by the potentially domesticating effect of a legal education. From time immemorial, the layman has easily fallen prey to word fetishism; and, after all, he argues, a contract is technical, precise, defined. This is his act. It is not for the arbitrator to substitute a different one.

Furthermore, it should be remem-

bered that a labor agreement resolves a large number of disparate issues. Agreement has probably been reached by compromise. Therefore, some of the solutions are arbitrary; that is, they fall short of the principles they may be thought to exemplify. If the arbitrator, then, isolates one provision and by reference to a generalization of its purpose shears that provision of its arbitrary excrescences, in appealing to the spirit of the provision he may be violating the spirit of the bargain.

The mood of the contract

Another way of putting the problem is that before a judge knows whether to decide according to the letter or the spirit he must (if he is to respect the autonomy of the parties) discover in what mood the contract was negotiated. There is thus no single right "mood" for parsing a contract; it may vary from plant to plant, from union to union, and from time to time.

This whole ambivalence of the parties concerning the arbitrator's role is one of its chief hazards. To maintain authority the arbitrator must accept the premises which in the view of the parties are the foundations and operative principles of his authority. The arbitrator who is thought to have violated either the letter or the spirit may be put down as pro-employer or pro-union, and his authority vanishes. Accordingly, there has in the past been a considerable turnover among arbitrators. Perhaps as arbitration becomes more common the parties will come to recognize that there is an ineluctable dilemma here which cannot be resolved by a mere change of arbitrators.

The permanent arbitrator may have an advantage in this respect, as he does in others. Because of his greater opportunity for observing the parties, he can discover their premises, and by ar-

gument and example he may enable them to arrive at a satisfactory consensus.

The vacation case

Was my decision in the vacation case contrary to the "spirit" or the underlying purpose of the agreement? Yes, if vacation is conceived of as no more than a contemporaneously earned increment to regular pay. No, if vacation is conceived of as a time for refreshment within the context of an ongoing relation.

This conflict in possible major premises shows the not uncommon difficulty of devising a substitute bargain for the one that the parties appear to have made. The assumption on which the contract was based had failed, but I had no assurance what the contract would have been had the circumstances been foreseen. I took note that many contracts of the time provided specifically for the treatment of termination or layoff and sometimes made different vacation provisions for such a situation.

I am not, however, insisting that my judgment was correct. My lawyer friends were in violent disagreement; and I found it the most troublesome of my cases. I offer it by way of illustration, not of self-justification.

THE DILEMMA OF JOB PROTECTION

The most significant of all cases for the individual worker arises when the employer seeks to discharge or penalize him for misconduct or inefficiency. Typically the American industrial worker has been employed at will and could be fired for any or no reason. It is still the case that he is not protected against layoff for lack of work. But the collective agreement may protect him against unfair discharge or penal layoff. This job protection is of growing importance in a society in which security has become a predominant concern. Further-

more, the collective agreement may provide a number of collateral advantages which depend on tenure, such as paid vacations, sickness benefits, and old-age pensions.

But if this is the most vital area of arbitration, it is at the same time the most sensitive and problematic. The infinite patience and pliability of the machine may blind us to the fact that at bottom the able and willing worker is an irreducible element of production. Responsibility for production must be squarely assigned, and under our system it is assigned to the employer. This responsibility is ultimately sanctioned by the financial success or failure of the enterprise; though, of course, many judgments can be made without fear of the ultimate sanction, and in large oligopolistic enterprise the day of judgment may be of almost Biblical remoteness.

Ability or willingness—or their absence—may to a considerable degree be measured or manifested by objective tests of performance and by commonly accepted signs. But there remains an area of the intangible where judgment must derive from an expert intuition. This is particularly true of those qualities of character which are necessary to the discipline and good order of the plant. A disposition to discredit management or sour the morale of the plant may be more easily detected than demonstrated.

Hazards of arbitration

There are obvious dangers, as there are advantages, in forcing management to submit its decisions to the overriding judgment of an outsider. The arbitrator will insist that management justify its activities by records and outward signs. Since by definition he is outside of the situation, he is removed from the cumulative effect of the infinite detail whose sum is intuition. Generally this

insistence on signs has great value, because it prods management to keep better records, to discover new devices for measurement, and thus to increase the resources for objective judgment. The arbitrator, too, if chosen permanently, may penetrate sympathetically through the overdefined surfaces to the stuff of the case. But the hazards of arbitration are unavoidable: the arbitrator cast in the seat of judgment is subject to the strong pressure of a particular man fighting for his job and his reputation, an interest more humanly appealing than the abstractions of management prerogative and responsibility.

Furthermore, the area of management power is undergoing continuous reinterpretation under pressure, for example, from the unions and the very arbitration process itself. The power necessary to ensure responsibility and the power which will be tolerated are in part determined by tradition, but the tradition is itself under attack. Arbitration is, therefore, a perilously intuitive process.

The gear-cutter case

I can perhaps illustrate the point in a small way by a case which I handled some years ago. A worker had, over a period of six years, progressed through the successive grades of gear cutter; that is, from the cutting of small standard gears to the cutting of large, expensive, custom-made gears. His work had for six years been exemplary; but eight months after going on the large gears he began a series of costly errors, two in May and the final one in September. The company discharged him, and then by way of settlement offered him a job as grinder, which was inferior to all the gear-cutter jobs. He refused the offer.

I decided that the worker was properly removed from the cutting of large

gears, but ordered that he be returned to cutting of small gears. It appeared to me that he was under the influence of some unexplained tension of a possibly temporary character; that his six years of good work should not go for naught, and that his skill should at least be tried out under circumstances involving less tension for him and relatively inconsequential risks for the company.

I was told that both union and company were much dissatisfied with my award; but only some years later, on the occasion of writing these remarks, did I inquire why. I found first that the parties had agreed to ignore my award and settle the controversy by putting the worker on a job just a notch above common labor, involving no skilled responsibility whatever—a job which he still holds.

The company believed that once I had found that he was not competent to hold his job, my function was exhausted; in assuming to "solve" the problem of future relationship I had exercised a responsibility and a jurisdiction that were not mine.

The union's explanation was more curious. The local union, it appeared, had decided that the grievance was not meritorious and had refused to process it. The worker had then appealed to international officers and they had brought pressure to bear on the local. My award put them in the wrong.

The reason, by the way, as it would now seem, for the worker's poor performance was that he was secretly working another shift in some other plant!

I do not mean to confess error, but the case is another example of how difficult it is for the arbitrator to determine his role. The arbitrator runs the risk of supplanting the responsibility not only of management but (as it appears here) of the union as well. The question of jurisdiction is not a mere quarrel over

technical phrases; it is the question of the effective allocation of spheres of responsibility.

So much, then, for the substantive aspects of arbitration as it affects the worker. It has its dangers and its costs, but it is among the most significant institutions in developing a jurisprudence for the rational protection of the ordinary man's job status, which of all his economic interests is the most central and pervasive.

ARBITRATION IS CHEAP AND EXPEDITIOUS

But the process itself has an interest for the ordinary litigant which among legal processes is probably unique. First let it be said (though this is not the primary point) that by the usual tests the procedure is extraordinarily effective and efficient. The individual, of course, pays nothing for it directly, though the union's share of the cost is covered by dues. But arbitration is comparatively cheap for the union. Arbitrators' fees are modest (with occasional exception). The case is presented by a group of union officials, some of them fellow employees and a few international officers whose salaries are also modest. Sometimes, but not often, a lawyer is brought in. The arbitration may be held in the plant. If neutral ground is desirable, a hotel room is hired. There is usually no stenographer. The number of awards appealed to a court is almost infinitesimal.

The process is exceptionally speedy: an arbitrator may be had on notice of a week to four weeks; the hearing itself will average a half-day (one to four hours); the award will be made in one to four weeks.

To all of these figures there may be striking exceptions, but they give, I think, a fair idea of the average. Nothing cheaper or speedier in the administration of justice could be imagined.

ARBITRATION IS EDUCATIONAL

Arbitration (and here is the point) is a school, an arena, a theater. Everyone both participates and observes. The whole company of actors—arbitrator, union and employer officials, the griever, and the witnesses (mostly employees)—sits at one table. Argument, assertion, testimony, charge and countercharge, even angry abuse—sometimes spontaneous, sometimes "for the record"—flow freely in quick, continuous intercourse. The arbitrator may let the discussion take its head for a moment, then rein it in; an occasional question, a request for clarification. Because the process is relatively free, it may assume many forms, some quiet and orderly, some volatile and discordant. The form is in fact a function of the general labor relations—of the maturity, the degree of mutual understanding and respect, the intelligence, of the opposing officials.

The administration of justice can be educational in a profoundly important sense. It attempts not merely to settle a dispute, but in settling it to exemplify the social premises in a fashion intended to heighten understanding and adherence. From this point of view, arbitration has advantages over the judicial process.

The court is by design raised above the stream of life, enshrined in a dignified temple, petitioned through a learned caste. Though it commands his respect, it may chill and baffle the understanding of the simple man.

Arbitration takes its stand in the very current of industrial life. The scene, the dramatis personae, the vocabulary, being familiar, raise no barriers to comprehension. The worker sees his case analyzed by his leaders, among whom I include employer as well as union officials. They reveal the clashing propositions at the heart of the grievance. The arbitrator relates his answer to

basic industrial premises. The worker is provoked to think and to feel in general terms, to see his predicament, as it were, *sub specie aeternitatis*.

Though the cost of the lesson may be too great to make it acceptable to the grieving worker, we must not forget that the arbitration is a co-operative, an organizational, process involving co-workers and supervisory staff. Everyone, too, may play a part in the actual proceeding, free of the hindrance of rigid judicial protocol—an opportunity for expression which is valuable in itself. Under optimum conditions arbitration can be an integral part of the industrial process, rationalizing it to the worker in a way to win his understanding and acceptance.

THE PERILS OF ARBITRATION

In all this there are great potential gains. We can hope that the two twin aims are promoted: the maintenance and recharging of the industrial process itself and a broadening of the base of personal satisfactions. But, because the arbitration process satisfies our postulates of self-expression, rationalization, and judicialization, because its forms appear to express the means and ends we loosely label "democratic," we must not be smugly oblivious of its dangers.

The success of an industrial enterprise, as of any other, requires a basic minimum of loyalty and identification, a willingness to co-operate. Our system vests in management the dispositive power and responsibility for production, with at most a veto in labor. Thus, one of the most powerful incentives to organization loyalty, the sense of participation, may operate weakly on labor. Labor may fail to cultivate a sympathetic understanding of the conditions necessary for effective operation, and is easily alienated.

Arbitration under favoring conditions

may promote the necessary understanding. A management and international union officials gifted in the arts of exposition and persuasion may find in arbitration an impressive forum. But the contentious character of arbitration does not always promote the psychology of integration. It originates in a sense of grievance, it intensifies personal factors. The articulation of differences is likely to exaggerate them. It emphasizes the dramatic moment of conflict at the expense of the ongoing process.

The worker, too, however shrewd or ingenious, may have a relatively limited experience and knowledge. He may lack the comprehension necessary for the understanding of the conditions of the enterprise or of enterprises in general. He may be unable to understand or accept as just a resolution of his very personal problem in terms of large generalities.

Arbitration shares with the judicial process certain weaknesses in fact-finding which are characteristic of litigious investigation. In some respects it exaggerates them. Self-interest is a notorious distorter. But loyalty to the worker group, and fear of it, operate more powerfully in arbitration than in court. It is sometimes pathetic to see a worker witness struggling with the truth in the presence of his co-workers. The very strength of arbitration, its closeness to the life situation, is here its weakness. The arbitrator lacks some of the judicial resources for coping with it. There is no formal sanction for truth-telling. Testimony is rarely given under oath. The arbitrator commands but few of the awesome resources of the judge, his principal reliance being his own personal moral authority. The fact-finding process is strongest where it rests on technical data, on a continuously observed sequence; weakest where disinterested observation is required.

A LITTLE ARBITRATION IS BETTER THAN A LOT OF IT

Arbitration has thus a limited utility. Frequent resort to it, particularly where marked by irascibility and ill will, may be a sign not of the triumph of law but of poor labor relations. Under such conditions arbitration at best provides a moment of uneasy truce, and at worst only exacerbates hostility.

In short, arbitration cannot itself undertake the task of evolving effective

labor relations. That rests on the creation by the parties themselves of the conditions of continuing agreement and co-operation. But once given these conditions, the occasional use of arbitration and its very availability sanction a rational, equitable application of the basic charter. Within certain limits, then, labor arbitration effectively protects the industrial interest of the individual worker. These private tribunals are among the best expressions of the American conceptions of democracy and due process of law.

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The Problem of Administering Small Estates

By PAUL E. BASYE

WHEN the head of a household passes away, one concern of his surviving family is quite naturally to obtain with minimum delay such resources as may be available in order to facilitate re-establishing its stability as a social unit. Distribution procedures are subject to considerable variation, however, not only according to the value of the estate but also geographically. Legislative revisions of procedure occur from time to time, based on the admixture in different degrees of such factors as efficiency and general progress. Study of existing legislation and of trends suggests that increasing attention is being paid to extending aid to dependents confronted with the necessity of seeking new sources of income for sustenance and for the schooling of children.¹

Every lawyer is familiar with laws of inheritance or succession and with laws of administration relating to distribution of funds and property left by the de-

cedent or brought into being by his death. The effectiveness of these laws in expediting the rehabilitation of surviving persons or family groups is of paramount importance and deserving of our best attention. Admittedly, every situation cannot be met with perfect foresight, but the fullest application of our legislative process to the problem should nevertheless be the goal.

SUCCESSION TO PROPERTY WITHOUT ADMINISTRATION

Life insurance

First, the decedent may have left life insurance. At the present time 75 per cent of all families in the United States own life insurance of some kind.² Indeed, more families own life insurance than own any other form of savings. For 1951, life insurance protection averaged \$5,500 per family,³ which corresponds closely to the annual average of national income per family.

Most American families have felt the need to maintain an insurance program, even though it be but a small one. Fortunately for many employees, group life insurance policies are now frequently available as a part of the usual employment relation, whether the individual is otherwise insurable or not. In addition, small industrial policies purchased on

¹ According to *Economic Almanac 1951-1952* (New York: National Industrial Conference Board, 1951), p. 183, the total amount of personal income received in the United States in 1950 was \$224,700,000,000. According to the United States Census for April 1950 the total population was 150,697,000 persons. This would give an "average" income of approximately \$1,500 per person. The average "household" was also given as 3.39 persons (*Economic Almanac 1951-1952*, p. 25). This would indicate annual earnings of approximately \$5,000 per "household." The *Life Insurance Fact Book 1952* (New York: Institute of Life Insurance), p. 12, estimated the national income per "family" to be \$5,500 for 1950 and \$6,200 for 1951. The sources given for these estimates were *Institute of Life Insurance*, *Speculator Year Book*, and *United States Department of Commerce*.

² *Life Insurance Fact Book 1952*, pp. 7-8. Ordinary, group, and industrial life insurance in force in the United States for 1951 approximated \$253 billion. This does not include U. S. Government life insurance of over \$2 billion in force in 1950 on 484,793 individuals. See *Statistical Abstract of the United States 1951*, p. 215.

³ *Life Insurance Fact Book 1952*, p. 7.

the basis of weekly or monthly premiums are not negligible in amount.⁴

Life insurance is payable directly to the beneficiary designated in the policy, and does not form part of one's estate which must be "administered." Furthermore, the proceeds may be paid out to the beneficiary in periodical installments similar to salary. The advisability of having insurance funds received in this manner will depend upon the amount of insurance involved, the age and needs of the beneficiary, and other factors peculiar to the particular family.

Social security benefits

Second, benefits payable under the United States Social Security Act⁵ constitute important resources available to surviving families. In addition to providing old-age benefits, this act provides insurance benefits to a surviving widow or widower and for certain dependent children. This important source of income becomes available to a decedent's family at the time of his death. In 1950 survivorship benefits totaling \$300 million were paid to slightly more than a million recipients under the Social Security and related programs.⁶ These also are usually payable directly to the surviving beneficiaries without administration. They, too, may be payable in monthly installments.

Joint tenancy property

Third, nearly every family owns or holds some property in "joint tenancy," or an equivalent form of ownership, such as tenancy by the entirety. Ordinarily upon the death of either owner the other immediately becomes entitled

to all such holdings. To the student steeped in the folklore of property law, this right of survivorship, or *jus accrescendi* as Blackstone termed it, follows from the proposition that during the joint lives of both tenants, each tenant is seised of the whole and not merely of a share.⁷ A survivor merely continues that seisin unencumbered by a like seisin of the deceased tenant. Here is another means of transmitting property directly without administration.

Among families of ordinary means, some form of joint ownership of property is the rule rather than the exception.⁸ It applies not only to real property, such as the family residence, but extends to bank accounts, shares of stock, deposits in building and loan associations, bonds, and in some states even to the contents of safe deposit boxes. United States Bonds may also be held in a form of co-ownership. Where small amounts of property are involved, this form of ownership has much to recommend it, because it enables the surviving joint tenant to obtain control promptly. With larger amounts it may be undesirable because of the possible effects of income tax, if the surviving joint tenant realizes a profit on the disposition of the property.

Succession by other means

There are other methods for bringing about the transfer of property at death, some effective and others totally ineffective, or questionable at best. People often make out, sign, and acknowl-

⁷ 2 Blackstone, *Commentaries* *183.

⁸ From recent studies made in Wisconsin it appears that more persons within the younger age groups than in older age groups hold property in joint tenancies. It also appears that there is no significant difference among persons of different occupations as to the frequency with which they hold property in joint tenancy. See Edward H. Ward and J. H. Beuscher, "The Inheritance Process in Wisconsin," 1950 *Wis. L. Rev.* 393, 397-399.

⁴ According to the *Life Insurance Fact Book* 1952, p. 8, there was \$58 billion of group life insurance and \$35 billion of industrial life insurance in force in the United States in 1951.

⁵ 12 U.S.C.A. §§ 301-1355.

⁶ *Economic Almanac* 1951-1952, p. 514.

edge a deed to the person they desire to receive their property after death. Only if these deeds are actually delivered do they accomplish their intended purpose. If an executed deed is never delivered, the hopes of the grantor will certainly fail. Similar observations apply to other attempted transfers, including stock and negotiable instruments in particular. Title companies and stock transfer agents will refuse to recognize the transferee as owner, if they know that the grantor has died or are suspicious of the circumstances.

Several well-recognized methods, however, do make transfers of property effective at death. A deed may be irrevocably delivered in escrow to be given to the grantee upon the grantor's death. If this is done, it is advisable to have clear, written evidence as to the delivery and of the grantor's intention as to its irrevocability.

Also, property may be conveyed reserving a life estate in the grantor. Property is often conveyed to a grantee with an oral agreement that the grantor shall have its use during his lifetime, but the possibility of the grantee's violating such agreement makes this method undesirable. Or property may be transferred to a trustee to pay the income derived from it in any designated way and ultimately to transfer it to the desired beneficiaries.

No probate or administration is necessary upon property transferred in any of these ways, although each may have certain disadvantages under particular circumstances. They should be employed only after legal advice and counsel.

Avoidance of administration

It is not necessary that the estate of every decedent be administered. Many persons, particularly young children, die without leaving property justifying for-

mal administration. Surveys made some twenty-five years ago showed that for approximately every four deaths only one required administration.⁹ More recent surveys indicate one administration for approximately every two deaths.¹⁰ According to the latter study, made in Dane County, Wisconsin, administration was had on 42.2 per cent of the estates of all decedents who died in the selected years 1929, 1934, 1939, 1941, and 1944. In four of the five years studied, professional people and proprietors as a group had the highest proportion of estates administered, with an average for all years of 66.2 per cent. Women had the smallest proportion, with an average of 33.1 per cent. The average for all other decedents was 45.6 per cent.

The highest frequency of administration according to age of decedents was in the age group 70-90, and the lowest in age group 20-50.

The average size of estate administered in the Dane County study was slightly more than \$10,000, but 45 per cent had a net worth of less than \$5,000.¹¹ The similar study made by Powell and Looker in 1930 indicated that between 62 and 70 per cent of estates in New York City courts had a value of \$5,000 or less.¹²

According to a recent study in Denver, Colorado, there were 2,100 administrations of estates out of 4,260 deaths in 1949. There were approximately 4,000 inheritance tax applications filed in that year, suggesting that substantially all decedents left some kind of estate, even

⁹ Richard R. Powell and Charles Looker, "Decedents' Estates," 30 *Col. L. Rev.* 919, 922, 923 (1930). See also Thomas E. Atkinson, *Law of Wills* (St. Paul, 1937), p. 538 n. 53.

¹⁰ See Ward and Beuscher, *supra* note 8, at 396.

¹¹ *Ibid.* at 399.

¹² Powell and Looker, *supra* note 9, at 937-38.

though formal administration was not always required.¹³

We have seen that putting one's property in joint tenancy, conveying it during lifetime, or creating a trust may be legitimate means to avoid administration. Doubtless there is some dishonest or illegal avoidance, but even when persons leave property normally subject to administration, it has frequently been found legally possible to avoid it.

It is understandable that persons succeeding to property do not wish to wait six months to two years before having it distributed to them, as is required in most states to give creditors time to present their claims.¹⁴

Furthermore, there is a prevailing feeling that administration expenses will consume an excessive portion of the estate. This fear is not fully justified. The Wisconsin study cited above indicated that administration expenses, including court costs and fees of the personal representative and the attorney, ranged from 16.8 per cent in small estates from \$10,000 to \$15,000, to about 3 per cent in estates over \$15,000.¹⁵ However, much could be done to reduce these expenses. Meanwhile the feeling continues, and unquestionably accounts

¹³ Merrill A. Knight, "Simple Devices for the Transfer of Assets without Administration," 27 *Dicta* 277 (1950).

¹⁴ The trend is toward shortening this period. It has been reduced to four months in some states or in small estates. For a survey of these periods see Lewis M. Simes and Paul E. Baeye, *Problems in Probate Law* (1946), p. 325. For a factual study of the time consumed in one community, see Ward and Beuscher, *supra* note 8, at 403.

¹⁵ In almost every instance and particularly in the small estates, court costs exceeded the fees of the personal representative and the attorney combined. Much of this is paid out for legal publications and appraisers' fees. Many executors and administrators and also attorneys handle at cost or less estates for families who cannot afford to pay fees commensurate with the work required. See Ward and Beuscher, *supra* note 8, at 403-404.

for some avoidance of formal administration.

SUCCESSION TO PROPERTY BY ADMINISTRATION

Property subject to administration

Consideration now turns to property owned exclusively by the decedent as his own separate property and in his own right. As with life insurance and jointly owned property, the surviving spouse frequently feels automatically entitled to this property also. In certain instances the survivor is so entitled, but in many instances not, for children or other relatives may be entitled to a part.

But whoever is entitled, it does not follow that the right of possession can immediately be given effect. There are actual or possible creditors of the decedent, whose claims must be satisfied out of the property which constitutes the estate before the remainder can be turned over to the persons ultimately entitled to it. To determine the existence of claimants and the amount of their just and prior claims, American law employs the device of "administration," or "probate." These claims include funeral expenses, expenses of the last illness, and estate, inheritance, and income taxes, as well as ordinary debts which the decedent incurred during his lifetime.

Probate courts and judges

To carry out this process of administration some relative or other person is appointed as an executor if there is a will designating him; otherwise an administrator is appointed. This fiduciary is known as a personal representative. He functions under the direction and supervision of a special court established or designated in every state for this purpose.¹⁶

¹⁶ For a history and description of the various courts exercising probate jurisdiction see

It is probable that the amount and value of property annually subject to administration in probate courts often equals or exceeds that in controversy in other courts.¹⁷ It is unfortunate, however, that many probate courts are courts of inferior jurisdiction in some degree. It is also unfortunate that in some states the qualifications of probate judges have been extremely low; persons who know little or nothing about law have often occupied the position of probate judge. The desire to make the probate court close to the people no longer justifies this condition, if it ever did.

In other states, however, probate courts occupy a position equal to or coordinate with that of courts of general jurisdiction. A few states have vested their general superior courts with probate jurisdiction, providing for well-qualified judges who have adequate knowledge and experience to perform the important function imposed on them. They are not less close to the people, and they can do a much more effective job in helping to preserve estates and in seeing that they are eventually turned over intact to the persons entitled thereto. The trend is clearly toward probate courts of superior jurisdiction and probate judges adequately qualified to perform their task.

Simes and Baeye, "Organization of the Probate Court in America," 42 *Mich. L. Rev.* 965, 43 *id.* 113 (1944), reprinted in Simes and Baeye, *Problems in Probate Law* (1946), p. 385.

¹⁷ A study made by a Committee on Analysis of Probate Proceedings, Trust Division, California Bankers Association, shows that there were more than 7,000 estates administered in Los Angeles in 1937. Of these, 1,138 were in excess of \$15,000, with a total value of \$94,264,139. In addition there were the remaining estates of less than \$15,000, and those administered by the public administrator which alone had a value of \$552,347.

The process of administration

Normally, the first step in the administration process is for some member of the decedent's family or other relative to file a petition for the probate of the will, if there is one, and for the appointment of a personal representative. If the will names an executor, that person ordinarily is appointed. If the will does not name an executor or if there is no will, the court will appoint an administrator. The eligibility of the surviving kindred and the order of their priority are designated by local statute. Furthermore, certain qualifications, such as residence, age, intelligence, and morality, are often prescribed.

The essential duties of the personal representative are to collect the assets of the estate, pay the claims of creditors, and distribute the rest of the estate to the persons entitled. If there is no will, the law designates the persons who are entitled to the estate and the proportions in which they take; and if there is a will, the beneficiaries named will usually take the shares according to its provisions. But even here the law may require that certain relatives, particularly the surviving wife, be given a specified share. Otherwise she may elect to take what the law prescribes in spite of the will.¹⁸

In the process of administering the estate the personal representative will prepare and return an inventory and appraisal of the estate. He will also see that any estate or inheritance taxes which become due are paid and that income tax returns, both for the decedent and for his estate, are duly filed. He may do other acts in completion of contracts of the decedent.

At the conclusion of these duties the personal representative customarily files

¹⁸ Thomas E. Atkinson, *Law of Wills* (1937), p. 84.

a full report and account of his activities and requests permission to make final distribution of the remaining property. If he has faithfully performed his duties and his account is in order, the court will order distribution accordingly.

The whole process serves two purposes: (1) to protect creditors, and (2) to ascertain the persons entitled to the estate and to make orderly distribution.

These are the duties of the personal representative for the simple estate. In large estates his problems often become more complex and involved. He may need to apply to the court for authority or instructions as to various matters. There may be actions to prosecute or defend. Even in medium-sized or small estates his problems require much time and effort. Traditionally the law does not extensively distinguish between the large and the small estate. In most states, regardless of hardship to survivors, the same amount of time must always elapse between the time creditors are notified to present their claims and the time final distribution can be made.¹⁹

SIMPLIFYING ADMINISTRATION OF SMALL ESTATES

When an estate is small, there is a feeling that it should be made available to the decedent's family without the usual administrative procedure, for their need for it is likely to be great. If it can be shown that there are no unpaid debts or claims against the estate or if the rights of the family are paramount to those of claimants, there can be no justification in subjecting it to the usual expenses and delay of administration. A survey of existing statutes reveals considerable legislation adopted to achieve this very objective.

¹⁹ For a collection of all statutes on this subject see Simes and Basye, *Problems in Probate Law* (1946), p. 325.

Summary settlement by personal representative

First, rights of homestead and exemptions granted to the head of a household in the interests of family security are commonly transferred to the widow and minor children after his death. It is also usual for the probate court to authorize the personal representative to pay a family allowance in an amount sufficient to give a maintenance and support to the family members during the period of administration and until final distribution of the estate may be made. The amount of this allowance will vary according to the number of persons in the family, their standard of living, and the size of the estate.

To the extent that the property is subject to homestead or exemption laws or to the payment of a family allowance, it is not subject to the claims of creditors. Hence, if the total value of all property of the estate is less than would be required to satisfy these rights, it should be set off to the family immediately without requiring the full course of administration. Provision is made in approximately a dozen states for this procedure. When the personal representative distributes all assets of an estate in this fashion, he is then discharged and the estate summarily closed.

A similar type of legislation designed to accomplish this same purpose but dependent upon a stated money value of the estate has been adopted in an approximately equal number of other states. Values range from \$500 to \$3,000. If the estate does not exceed the stated amount, the court may order it distributed to the surviving wife or children and summarily close the estate. The money or property thus distributed is granted in lieu of a family allowance. Under laws of this kind there is lit-

tle ground for controversies over the amount to be granted as a family allowance.

In Texas the persons entitled to the estate may require the personal representative to distribute it to them upon furnishing bond in twice its appraised value conditioned to pay all claims which may be allowed against the estate. If an estate is entirely distributed, the personal representative is discharged and the administration is declared closed.

Four states—Texas, Washington, Arizona, and Idaho—permit an independent executor acting under a nonintervention will to function without judicial control and supervision in the absence of controversy. This settlement device is quite extensively used in Texas and Washington.²⁰

Summary settlement without personal representative

Abbreviated administration proceedings of the kind above described are complete. Early distribution to the family is possible because the small estate is entirely consumed in being set off as homestead and exempt property or in lieu of a family allowance. The existence of creditors or even of other heirs or beneficiaries under a will is unimportant here.

If these results are available for small estates under the control of a personal representative, it may well be inquired why they may not be achieved in one simple step by one order of court setting off the entire estate to the widow or children of the decedent without the

necessity of appointing a personal representative. As a matter of fact, legislation to this end has actually been developing.

The first legislation of this kind was adopted in Missouri in 1877 at the suggestion and under the sponsorship of Judge J. G. Woerner, judge of the probate court of the City of St. Louis, and author of the well-known work on *American Law of Administration*. Under this statute, if the estate of the decedent is less than that allowed by law as the absolute property of the widower, widow, or minor children, the court may officially determine that administration is unnecessary and order that no letters of administration be issued. The property is set off by the court to the widower, widow, or minor children, who are entitled to collect, sue for, and retain all property belonging to the estate. The existence of debts against the estate is immaterial, since the surviving spouse or minor children are entitled to the entire estate absolutely. Such legislation is necessarily confined in its operation to small estates. Nevertheless, it offers another inexpensive and expeditious procedure.

Similar statutes are now found in some twenty states, many of them modeled after the Missouri statute. All represent attempts to provide a direct and highly desirable method for the collection and distribution of small estates in the interests of the family of the decedent. The slight amount of judicial contact and judicial control over the estate under all these statutes is to be contrasted with that under statutes requiring a personal representative to be appointed.

Under legislation of this kind the estates must not exceed a stated amount in value. These values range from \$100

²⁰ For a description of legislation described under this topic see Basye, "Dispensing with Administration," 44 *Mich. L. Rev.* 329, 336-357 (1945), reprinted in Simes and Basye, *Problems in Probate Law* (1946), pp. 565-92; Comment, "Streamlining the Administration of Small Estates," 49 *Mich. L. Rev.* 111 (1950).

to \$3,000, most states ranging from \$100 to \$500. Obviously these limits need revision upward at the present time.²¹

Informal family settlements

Despite the existence of an established procedure for the administration of estates, heirs do not always avail themselves of this procedure. If the decedent leaves no debts or only such as the heirs are willing to pay, there may be no one to insist upon administration. And if the heirs can actually gain possession of the decedent's property or divide it among themselves amicably, there may be no real justification for administration.

It has often been said that the law looks with favor upon family agreements for the settlement of estates. That countless numbers of informal family settlements have been effected successfully is within the experience of most lawyers. Sometimes, however, difficulties of collection or distribution are encountered; occasionally unexpected creditors' claims interpose obstacles; or problems of marketable title to land, registered securities, or similar property arise long afterward.

Ability to make collection of assets belonging to an estate is obviously essential for a successful informal settlement. If the heirs are already in possession of all property or can gain control of it, the possibility of avoiding administration is good. But if some portion of the estate consists of property in the possession of, or claims against, third persons, these persons will hesitate to turn over property or pay money directly to the heirs, because they know that they may be asked by a personal representative appointed at

²¹ For a description of legislation described under this topic see Basye, *supra* note 20, *Mich. L. Rev.* pp. 357-84. *Problems in Probate Law* pp. 592-613.

a later date to turn over that same property or to pay that same debt again.

Nevertheless, the practice of requiring administration in many small estates which are not indebted or are but little indebted seems an unnecessary burden on the decedent's family. Ordinarily, assets of these small estates are made up of wage claims, bank accounts, or insurance, which would be not more than sufficient to pay funeral expenses and perhaps a small family allowance. Often they would be less than the amount to which the surviving family would be entitled as exempt property. In these instances means should be available to permit collection of these assets by the surviving family or other relatives, irrespective of the existence of debts against the estate. Administration could only decrease the net amount available to them and prolong the time of its realization.

A survey of existing legislation reveals that numerous statutes have been passed, particularly during the last decade or so, authorizing the payment of small bank accounts, wage claims, savings and loan shares, and proceeds of insurance policies to designated surviving members of the decedent's family. These statutes vary considerably in the kind of debts and property and in the amount or value which they permit to be paid without administration. All represent wholesome legislation, although the maximum amounts of money provided in many of them are appallingly small.

The singling out of particular kinds of property or debts for allowing payment direct to the heirs seems an unsound practice. Much of such legislation appears to be banking or employer legislation, rather than probate legislation. A better method would be to permit the payment, delivery, or transfer of any kind of debt or property where the total

amount of the estate does not exceed a stated sum. This is done in California, Delaware, Florida, Illinois, Montana, New Jersey, North Carolina, South Carolina, and Virginia. In some states, however, the amount thus payable must not exceed \$300. California and Illinois are more liberal, with a maximum of \$1,000. If administration is later granted, the person receiving such funds must account for them to the personal representative. In the great majority of small estates no administration is granted, and the collection and application of the money by the surviving spouse or other relative is never questioned or disturbed.

The procedure contemplated is for some member of the family to present an affidavit to the debtor to the effect that the total amount of the decedent's estate does not exceed the statutory amount. The debtor is thereupon entitled to accept and rely upon the facts stated in the affidavit.

When an estate consists partly or entirely of real property, another problem arises—that of marketable title. The heirs may be in perfect accord and may even make division and distribution among themselves. There is no one to question the validity of such a procedure. In fact, the heirs may continue to possess and enjoy the property so allotted to them for many years. Only upon a future sale to some third party will the question of the validity of the family settlement be presented. This future purchaser will want to know that the land is not subject to claims against the decedent and that those who participated in the settlement constituted all the heirs of the decedent. The passage of time will suffice in some states and a marketable title can actually be conveyed, if the owners can satisfy the purchaser that they are the rightful heirs. A proceeding to determine heirship is now available in a num-

ber of states. Elsewhere, only an administration proceeding carried to its conclusion can furnish a memorial of the passage of title to the heirs.²²

CURRENT EFFORTS TOWARD SIMPLIFICATION

The adoption of legislation designed to minimize the delay and expense in dealing with small estates has been gradual and sporadic.²³ On a national basis the pattern has varied greatly. Simplification in probate procedure in general has long been the wish of many thoughtful lawyers and judges. In 1940 the Section of Real Property, Probate and Trust Law of the American Bar Association proposed the preparation of a model probate code. After some consideration and planning, arrangements were made to have the research and drafting done by the research staff of the University of Michigan Law School in co-operation with a committee of the American Bar Association.

After more than two years of study and drafting, conferences and redrafting, the Model Probate Code was presented to the Real Property, Probate and Trust Law Section of the American Bar Association in 1945 and approved

²² For a description of legislation described under this topic see Basye, *supra* note 20, *Mich. L. Rev.* pp. 385-408, *Problems in Probate Law* pp. 626-58.

²³ Current interest in this field is obvious from very recent legislation, summarized in Comment, *supra* note 20. It is also suggested by a number of recent articles on the subject. See Gilbert T. Stephenson, "Streamlining the Settlement of Small Estates," 83 *Trusts and Estates* 478 (1946); L. H. Roseberry, "Streamlining Legal Requirements and Administrative Procedures in the Handling of Small Estates" (address before 21st Regional Trust Conference of the Pacific Coast and Rocky Mountain States, San Francisco, October 22-24, 1947); Harry S. Fox, "Summary Settlement of Small Estates," 1948 *Wis. L. Rev.* 453; LeRoy B. Staver, "Suggested Simplification of Laws for Administration of Small Estates," 29 *Trust Bulletin* 3 (October 1949).

in 1946.²⁴ This code was the product of a comparative study of all codes throughout the United States, combined with a consideration of appropriate modern procedural methods for administering estates of deceased persons.

Since the promulgation of this code, consideration has been given in several states to its adoption, either in whole or in part. There have been some adoptions, and interest in improving probate laws is growing.²⁵

In the specific matter of simplifying and improving the administration of small estates, further reform was suggested in 1949 by the National Conference of Commissioners on Uniform State Laws. The commissioners consulted the University of Michigan Law School, which had done the research and drafting of the Model Probate Code. It was finally decided to undertake the preparation of a Model Small Estates Act. The actual research and the drafting of this act were done by Professor Lewis M. Simes of the University of Michigan Law School, who had been in charge of the work of the

Model Probate Code, and by the author of this article. It was presented to the commissioners in 1950 and approved by them in 1951.²⁶

This act presents four distinct procedures for simplifying or dispensing with administration. First, it provides for the transfer of personal property without judicial proceedings in estates not exceeding \$1,500.²⁷ Second, it provides for the determination of title to real property without judicial proceedings in estates not exceeding \$1,500.²⁸ Third, it provides for a summary, but judicial, distribution of estates not exceeding \$3,500 to a surviving spouse or minor children without the necessity of formal administration.²⁹ Fourth, it provides for a simplified procedure which, in the discretion of the court, may be employed in the administration of any estate not exceeding \$10,000.³⁰

This act will not solve all the problems of every small estate. It can, however, greatly simplify and speed up the entire process of administration as it now exists. And it will call fuller public attention to the fact that the whole proceeding of administration can be readily streamlined to serve modern needs more efficiently. Plans are under way to introduce this latest act in legislatures this year in the belief that its accomplishments can extend over a wide area. The need for such improvement becomes ever more apparent.

²⁶ Model Small Estates Act, as published by National Conference of Commissioners on Uniform State Laws (1951).

²⁷ *Ibid.*, §§ 2 and 3.

²⁸ *Ibid.*, § 4.

²⁹ *Ibid.*, §§ 5-10.

³⁰ *Ibid.*, § 11.

²⁴ Model Probate Code (American Bar Association, 1946), reprinted in *Problems in Probate Law Including a Model Probate Code* (University of Michigan, 1946). Discussions of the Model Probate Code may be found in Russell D. Niles, "Model Probate Code and Monographs on Probate Law: A Review," 45 *Mich. L. Rev.* 321 (1947); Frank H. Tweyffort, "The Model Probate Code," 22 *N. Y. U. L. Q. Rev.* 63 (1947); Max Rheinstein, "The Model Probate Code: A Critique," 48 *Col. L. Rev.* 534 (1948).

²⁵ See *Proceedings of Probate and Trust Law Divisions*, Section of Real Property, Probate and Trust Law of American Bar Association 1950, p. 28; *id.* 1951, p. 17.

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Workmen's Compensation and the Claimant

By SAMUEL B. HOROVITZ

FOR many years the average layman thought of workmen's compensation as a new system of law creating a panacea for the injured worker. And so attractive was the "contagious principle of workmen's compensation" that many people clamored for its extension to automobile, railroad, and seamen's accidents.

But the last decade has cast considerable doubt on the wisdom of extending the compensation principle. The Congress of Industrial Organizations has published a pamphlet entitled "Workmen's Compensation—A Story of Failure."¹ Recently an American Federation of Labor newspaper editorial attacked workmen's compensation as "shockingly inadequate."² A group of over 2,500 lawyers, organized as the National Association of Claimants' Compensation Attorneys (NACCA), now opposes any extension of workmen's compensation principles to the tort, railroad, or admiralty fields.³ It is being persuasively argued that the tort remedy in the railroad field is superior to workmen's compensation.⁴

Where, then, lies the truth? Have the expected benefits of the workmen's

compensation system been realized? Is it efficient and inexpensive? Are adjudications fair? What do the injured worker and his dependents, after actual contact with the system, think of it?

The writer has specialized in the trial of workmen's compensation cases for over thirty years, almost entirely on the injured workmen's side. It is the claimants' or workers' viewpoint that will find expression in this article.

COMMON LAW FAILS TO PROVIDE AN ADEQUATE REMEDY

With the burgeoning of great industries and the development of high-speed machinery, work injuries multiplied. Yet, in the early business era, corporate and other employers felt that the cost of human accidents should not be saddled on them—that the worker usually brought the injury upon himself. They argued, moreover, that the risk of injury in dangerous employment was reflected in increments in the wages paid.

Courts were early led to believe that financial ruin would overtake these budding industries unless stringent common-law tests were applied to all work injuries. The courts declared that the employer was not liable, no matter how serious the injury, unless he was at fault, that is, negligent. And even if the employer was negligent, the worker forfeited all recovery if he contributed, even in a slight degree, to his injury: "contributory" negligence was a bar. Furthermore, the injured worker could not collect where he rightly could be said to have "assumed the risk"—a broad phrase with many meanings but almost always signifying that the injured worker could not recover.

¹ Pamphlet 202, reprinted from January 1952 issue of *Economic Outlook*, published monthly by the CIO, Washington, D. C.

² *The Weekly Dispatch*, Nov. 14, 1952, p. 2. Published by an AFL union, San Antonio, Texas.

³ 9 *NACCA L. J.* 271-72 (1952); 10 *ibid.* 32-33 (1952).

⁴ See B. N. Richter and L. G. Forer, "Federal Employers' Liability Act—A Real Compensatory Law for Railroad Workers," 36 *Cornell L. Q.* 203 (1951); cf. A. F. Conard and R. I. Mehr, *Costs of Administering Reparation for Work Injuries in Illinois* (Urbana-Champaign, 1952).

And finally, the courts sanctioned the so-called "fellow-servant" defense: it was the employer who had to be negligent; if the negligence was that of another employee, the employer was insulated against liability. In large establishments it was generally the fellow worker that caused the accident. No wonder, then, that the fellow-servant defense was cherished by employers; and no wonder, under the common-law system, that 80 per cent of the cases were lost or went uncompensated, and in the 20 per cent of successful cases the lawyer's fees, doctor's bills, and other expenses often ate up a substantial part of the award.

THE GREAT DEBATE

The workers wanted an entirely new system—one in which negligence, contributory negligence, and all the restrictive common-law rules were forever banned. They wanted speedy justice, without litigation and without delays. They wanted employers to pay adequate damages for work-incurred injuries, so that industry, not charity, should bear these losses. And the damages, they hoped, would include full wage loss, medical bills, pain and suffering, and the like.

In the early 1900's legislative committees were appointed to study the problem. They learned that Germany had adopted a workmen's compensation act in 1884, and England in 1897. The English act appealed to many. Negligence was there abolished as the basis of liability; it was enough that the employee received "a personal injury by accident arising out of and in the course of employment." In such a situation he received a weekly compensation payment, plus his medical expenses, to tide him over until he returned to work.

American employers and insurance companies opposed the introduction of these foreign ideas. They argued that

the costs would be ruinous to our industries; that it was unconscionable, un-American, and unconstitutional to make an employer pay for injuries for which he was not to blame; and that negligence had so long been the basis of liability that even legislatures could not create this new liability, unrelated to fault.

The workers and their friends, however, argued that when a machine broke down, the employer replaced it, regardless of who was at fault, and charged the cost to the buyer of his product; that work injuries were inevitable in a fast-moving industrial world; that when a human being was injured, the industry responsible therefor should make him whole as far as money and medical treatment could do it; that the employer could and should pass the cost on to the consumer of his goods; and that this could readily be done through private or self insurance, or through a state agency—a state fund—acting as insurer.

WORKMEN'S COMPENSATION STATUTES A COMPROMISE

The compensation acts were compromises. Employers insisted, and the state legislatures provided, that the workmen's compensation remedy was exclusive: as long as the injury was a compensable one under the workmen's compensation system, the employee could no longer sue his employer on any other basis. At present, in every one of the forty-eight states the compensation-insured worker must accept his compensation payments, no matter how small or inadequate they may be, and has no other recourse against a negligent employer.⁵

On their part, the employers agreed, in theory at least, to give up all their

⁵ Employees may still sue an employer for willful injuries, and in a few states for gross negligence. 10 *NACCA L. J.* 126-29 (1952).

former common-law defenses and pay workmen's compensation even where they were not at fault, as long as the injury arose out of the work. But the employers refused to pay full tort damages. They would pay reasonable medical bills and they would pay subsistence, but not full wages. To this extent, industry would relieve charity of industry-produced burdens.

Further, early legislators were urged to begin cautiously. It was feared that full benefits might ruin industry; it was urged that payments should start on a low basis and gradually increase as industry could afford them. So another compromise, allegedly temporary, was accepted: arbitrary maxima were put on the amount of the weekly payments of compensation and medical benefits, and on the duration and total of these payments. Massachusetts, for example, started with a maximum of \$10 a week, not to exceed 500 weeks or \$3,000, whichever was less; medical treatment was not to exceed two weeks.⁶

Time marched on, and every state in the Union adopted a compensation act (Mississippi was the last to join in 1949). In 1952 our gross national product of goods and services rose to the amazing total of \$350 billion. In the same year industry's profits after taxes stood around \$17 billion. But how did the rights of the workers grow?

PERSISTENCE OF ARBITRARY RESTRICTIONS ON AWARDS

A few jurisdictions kept their promise, in part at least, to remove the arbitrary restrictions. Arizona wiped out attempts to maintain benefits at poverty levels, and today pays 65 per cent of he wage, up to \$150 weekly. Alaska allows 65 per cent of wages without fur-

ther limitation. Federal employees may now get up to \$121.15 a week.⁷

But arbitrary maxima have continued in the other states. Attempts by labor unions and others to remove them have been countered by the argument that increases would drive industry out of the state. As of January 1952 the shocking truth was revealed that forty-seven states pay less than subsistence amounts. Although a family of four needed over \$60 weekly merely to subsist⁸—to live in a low form of decency, not in comfort—the maximum benefits averaged less than \$30 weekly. Alabama was still paying only \$23 weekly; Arkansas, Kansas, Mississippi, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Vermont, and West Virginia had a \$25 maximum; and others ranged from \$24 in Georgia to \$32 in New York, \$36 in Connecticut, and \$30 in Massachusetts for a worker without dependents. A married worker in Massachusetts receives \$2.50 additional for his wife and for each child.

Equally appalling was the limitation on the total payments possible. Unfortunately many men and women have been totally and permanently disabled through industrial accident by loss of both legs, arms, or eyes, or otherwise. Their working days have been forever ended. Eighteen states recognize their right to weekly compensation for life; but thirty states throw them on the

⁷ 10 *NACCA L. J.* 32 (1952); U. S. Department of Labor, Bulletin 125, Table 7 (Sept. 1950). For recent U. S. Department of Labor statistics on workmen's compensation payments nation-wide, see *State Workmen's Compensation Laws, Revision of tables 4, 5, 6 and 7 in Bulletin No. 125* (pamphlet dated April 1, 1952), showing legislative changes through January 1952.

⁸ The publication *supra* note 1, states (p. 2) on the basis of budget studies of the Department of Labor that \$78 per week "is necessary to maintain a city family of 4 at an 'adequate but modest' standard of living."

⁶ Mass. Stat. 1911, c. 751, pt. II, §§5, 9.

charity scrap heap—often after inadequate payments week by week—when the total payments reach a stated amount, usually less than \$10,000. In Alabama, permanent total disability payments do not exceed \$9,200; in Arkansas, \$8,000; Maryland ordinarily stops at \$10,000, Mississippi at \$8,600, New Hampshire usually at \$9,000, South Carolina at \$8,000, Tennessee at \$7,500, and Virginia at \$7,800. Yet similar permanent total disabilities in eighteen states paying compensation for life may produce weekly benefits exceeding \$50,000, and in a few instances, adding medical costs, have actually cost insurers as much as \$100,000.⁹

In Massachusetts the loss of both legs gives the worker with a wife and three children, earning \$60 a week, the right to \$40 a week for life, reducible as the children reach the age of 18. Assuming a life expectancy of twenty years, the worker receives about \$40,000 plus \$10,000 additional in specific benefits for the amputation or loss of use of the legs, plus \$2,500 for the disfigurement—a total of about \$52,500. Insurance officials have published statements showing that over \$100,000 is theoretically possible. Yet just across the line in New Hampshire the maximum would be \$9,000, and in Vermont \$6,500.

These inequalities have no rational justification. Where the unions and employees' groups are strong, the amounts slowly approach the subsistence level; where they are weak, insurance and employers' lobbies succeed in maintaining the arbitrary maxima, and impoverishment of injured employees continues.

⁹ See *Guse v. A. O. Smith Corp.*, 260 Wis. 403, 51 N.W.2d 24 (1952); \$56,837.46 paid, including medical benefits. But for a maximum of \$7,500 for loss of both legs, see *Keffer v. Capitol Transit Co.*, 182 F.2d 808 (D. C. Cir. 1950).

MEDICAL PAYMENTS

The medical-payment picture is more encouraging. By September 1950, thirty-one states had removed arbitrary maxima on such treatment. Injured workmen in those states can now receive medical treatment as long as necessary, provided the industrial commission so orders. But seventeen states still insist on cutting off assistance either after a given length of time or after a given amount of money has been spent. For a broken back or other injury requiring treatment for life, Kansas still stops medical benefits at 120 days or \$100 (whichever is cheaper for the insurer), with the right reserved to the commissioner to extend the amount to \$750. Alabama remains at \$500 and 90 days; Tennessee at \$800; and Pennsylvania has a shocking limit of 90 days and \$225 for doctors, and a like amount for hospitals.

THE SERIOUSLY INJURED AND SURVIVORS

Fortunately the bulk of the two million injuries annually suffered in industry are of short duration, and the medical bills in such cases are usually less than even these low maxima. But for the serious injuries, as far as both weekly payments and medical treatment are concerned, in the great majority of states, workmen's compensation has become a snare and a delusion. Starved week by week, deprived of medical treatment in a few months, and their compensation cut off completely in a few years in the majority of states, many of the permanently injured workers can only await an early death to relieve them of both financial and physical wreckage. And this occurs in the richest country on earth!

Why our healthy industries in thirty states allow such injustices to continue

when for a slightly increased premium they can join the eighteen states giving compensation for life is hard to explain. It is difficult to understand this callousness and indifference to human suffering.

The plight of the widows and orphans is equally bad. Only in eleven states do widows receive compensation until remarriage or death. In Oklahoma, which has the best death statute, dependents obtain \$13,500 in a lump sum. In thirty-six states they are given pitifully small amounts weekly (a maximum of \$11.54 in West Virginia plus \$3.46 for each child; \$32.20 in Ohio), ceasing usually on death, remarriage, or receipt of a total amount ordinarily less than \$9,000. In Vermont \$6,500 is the maximum; in Virginia \$6,600. Yet in actual payments, because young widows usually remarry and old ones die, the "average case cost" to insurers for the death of the breadwinner is less than \$5,000 in the majority of states. In an average state such as Illinois it is \$3,972; and in one of the highest states, New York, which pays compensation for life, it is \$8,828.¹⁰ The *Economic Outlook* gloomily remarks: "A human life, if it is lost during working hours, apparently isn't worth very much under our workmen's compensation system."¹¹

¹⁰ See S. A. Riesenfeld, "Basic Problems in the Administration of Workmen's Compensation," 8 *NACCA L. J.* 36 (1951). The *Atlantic Journal* of March 23, 1952, in an article entitled "Worker Compensation Loss Heavy," complains that in Georgia in 1949-50 the average cost of a death claim rose from \$3,720 to \$4,270, and permanent total disability from \$5,960 to \$6,850. To us it seems shameful that a life is worth so little in a world where "prize bulls sell for \$200,000; race horses, violins, and famous pictures have been known to bring as high as \$500,000." 10 *NACCA L. J.* 764 (1952).

¹¹ *Supra* note 1 at p. 4.

"DECEPTIVELY SIMPLE AND LITIGIOUSLY PROLIFIC"

The early promise of "slot machine" justice, without litigation, without lawyers, without judges, without delays¹² has withered and died. As long as there is a profit motive in workmen's compensation insurance, litigation is inevitable.

It was once thought that if the statutes used words already interpreted by the English courts, our courts would have little work to do. So most acts adopted those essential words: "personal injury by accident arising out of and in the course of the employment." For the resulting "disability" the worker was to get his weekly payments and medical treatment.

These words now give rise to over 100,000 *litigated* cases a year. The defenses raised by insurance company ingenuity baffle description. Persistence by astute insurance attorneys has persuaded some courts to make the followings rulings:

Personal injury. Dupuytren's contracture of the hand caused by handling tools for fifteen years is not a "personal injury," but merely noncompensable "wear and tear."¹³ The breaking of wooden legs, false teeth, and the like are not personal injuries, but "property" damage,¹⁴ and not chargeable to the employer or the insurer.

By accident. A broken or injured back due to the heavy lifting usual on the

¹² J. Bear, "Workmen's Compensation and the Lawyer," 51 *Col. L. Rev.* 968 (1951).

¹³ See *Reardon's Case*, 275 Mass. 24, 175 N. E. 149 (1931); but see *Marathon Paper Mills v. Huntington*, 203 Wis. 17, 233 N. W. 558 (1930), hernia from twenty years' work.

¹⁴ *London Guaranty & Acc. Co. v. Industrial Comm.*, 80 Colo. 162, 249 P. 642 (1926). But see new legislation in Minnesota, Utah, and Wisconsin: 8 *NACCA L. J.* 254 (1951).

job, without a slip or unusual twist, is an injury, but not "by accident."¹⁵

Arising out of. A man sent on an errand during a storm is struck and killed directly by lightning. This is an act of God,¹⁶ and the widow and children whose home was far away from the storm, where the husband would have been safe, must look to charity for their support.

In the course of. A workman en route to work slips on the icy sidewalk in front of the factory. There is no liability,¹⁷ as he was not yet "in the course of" his work. Again, a worker is obliged to enter the factory by crossing a railroad track adjacent to the factory, and is struck by a train. A leading court ruled that there was no liability,¹⁸ as the railroad track belonged to a third party, and the case is like the sidewalk case.

The employment. A worker chops wood for a compensation-insured city or town in order to earn his weekly welfare allowance. He gets hurt. There is no compensation, as the employment was not for "wages" but was required by statute, and the victim was a mere "ward of his municipality."¹⁹

Disability. Tens of thousands of hearings are held annually to determine

¹⁵ *Jeffrey v. Sager Co.*, 198 App. Div. 446, 191 N. Y. Supp. 354 (1921), *affd.* 233 N. Y. 535, 135 N. E. 907 (1922); *but see Maase v. James H. Robinson Co.*, 301 N. Y. 34, 92 N.E.2d 56 (1950).

¹⁶ *Kelly v. Kerry County Council* (1908) 42 Ir. L. T. 23 (Ct. App. Ir.); *Garner v. Couchman* (1911) 1 K. B. 351, *affd.* (1912) A. C. 35 (H. L.); *Robinson's Case*, 292 Mass. 543, 198 N. E. 760 (1935).

¹⁷ *Otto v. Independent School Dist.*, 237 Ia. 991, 23 N.W.2d 915 (1946).

¹⁸ *Bell's Case*, 238 Mass. 46, 130 N. E. 67 (1921); *but see Bountiful Brick Co. v. Giles*, 276 U. S. 154, 48 S. Ct. 221 (1928).

¹⁹ *Donnelly's Case*, 304 Mass. 514, 24 N.E.2d 327 (1939); *but see Blake v. Dept. of Labor*, 196 Wash. 681, 84 P.2d 365 (1938); *Hendershot v. City of Lincoln*, 136 Neb. 606, 286 N. W. 909 (1939).

whether the injured worker is "disabled."²⁰ The insurance carriers, with their vast funds, find it easy to obtain doctors to testify that injured workers are not disabled but merely suffering from a "discomfort," or, if they are disabled, that the disability is traceable to something other than the employment or injury. In many states the insurer does not pay for the first week of disability (the "waiting period"), and thereby escapes payment in many thousands of cases.

Students of workmen's compensation problems have rightly labeled this branch of the law "litigious."²¹ The flood of decisions coming down each year is not subsiding. There is need for able judges and lawyers on both sides to try to bring common sense into statutes intended to abolish the common law.

COSTS AND RATES

Insurance companies are engaged in a fierce struggle with labor unions on the problem of costs. Insurers claim that they are efficient and need 40 per cent for overhead expenses, including administration and acquisition costs. Unions retort that insurance companies do not belong in the field of social security; that the state which compels compensation coverage should supply the vehicle—an exclusive state fund—at cost, without profits to anyone; that exclusive state funds exist in seven states and operate at costs of 3.76 to 11.7 per cent.²² Employers' associations and

²⁰ S. B. Horovitz, "The Meaning of 'Disability' under Workmen's Compensation Acts," 1 *NACCA L. J.* 32 (1948).

²¹ *Murphy, J. in Cardillo v. Liberty Mutual Ins. Co.*, 330 U. S. 469, 479, 67 S. Ct. 801, 807 (1947): "deceptively simple and litigiously prolific."

²² *Stop Profits from Human Misery*, joint pamphlet of Mass. Federation of Labor and Mass. State CIO, Boston, issued in connection with their bill (H. R. 1037) for an exclusive state fund. Competitive state funds exist in

chambers of commerce usually side with the insurers on the principle of private insurance, though recently an employers' group, enraged at the ever mounting rate increases, engaged insurers in legal battle and won in the Minnesota Supreme Court.²³ This group produced evidence that rates were based on actuarial theories in which the insurers consistently guessed in their own favor, collecting an excess premium of \$9,676,451 in five years.

Some students of workmen's compensation, interested solely in the injured worker, and not in unions or insurers, feel that the rate problem is only indirectly of importance. They prefer \$30 a week in a private insurance state to \$25 a week in a jurisdiction with a state fund. It is not the vehicle of insurance, but the amount thereof, that interests them. That state funds charge the employer lower rates is hardly arguable; that state funds are better for employees is still an open question in the minds of many workmen's compensation experts.

FAIRNESS OF ADJUDICATIONS

In most states adjudications are by commissioners, usually appointed by the governor. Many of the commissioners are laymen. Five states still have court administration, and in seven states jury trial is still possible.

Claimants' lawyers generally favor a system in which jury trial is available on appeal from a commission determination. The right to such a trial is a safeguard against decisions by overconservative commissioners. Commissioners, desiring a large measure of administrative

eleven states. See also U. S. Department of Labor, Division of Labor Standards, *Progress of State Insurance Funds under Workmen's Compensation*, Bulletin 30, by J. B. Andrews, 1939.

²³ *State ex rel. Minnesota Employers' Assn. v. Faricy*, 53 N.W.2d 487 (Minn. 1952).

finality on the facts, generally oppose appeal to a jury. Insurers by and large prefer commissions to juries. They usually resist legislation designed to provide jury appeal, and are seeking to abolish jury trials in Texas and elsewhere.

However, regardless of the agency by which workmen's compensation cases are heard, lawyers on both sides agree that, viewed on a nation-wide basis, adjudications in the majority of cases are fair and equitable.²⁴ Complaints have been made against individual commissioners and particular judges; but the consensus of opinion is that most administrators and judges are conscientiously trying to do an adequate job.

THE WORKER'S VIEWPOINT

In states where the fees to claimants' attorneys in workmen's compensation cases are large enough to attract able counsel—15 to 25 per cent of the recovery would figure as adequate for this purpose—claimants feel that they can get justice. Unfortunately in some states administrators allow such low fees²⁵ that it is almost impossible for a poor man to obtain representation in a litigated case. Insurers never suffer from lack of attorneys, investigators, doctors, or claims men. Unequal representation arouses bitterness, and workers often feel that the cards are stacked against them.

And even if satisfied with his lawyer, the seriously injured worker is rarely satisfied with the poverty levels of workmen's compensation payments. Loss of a leg or an arm in the majority of states actually gives the worker a compensation of less than \$5,000, and

²⁴ *Horovitz on Workmen's Compensation* (1944), p. 390.

²⁵ See *Thatcher v. Industrial Comm.*, 115 Utah 568, 207 P.2d 178 (1949), 5 per cent fee held inadequate; see 4 *NACCA L. J.* 100-107 (1949).

two legs less than \$8,000; at the same time he reads in the paper that other workers receive \$50,000 or more for like injuries.²⁶ To be told that his brother workers come under a different law, and that this explains the tenfold or greater recoveries, does not strike him as a satisfactory explanation. His leg is as indisputably gone as the railroad worker's or the seaman's.

In respect of minor injuries—and fortunately these represent over three-fourths of the injuries—the workers usually feel that they are getting a fair measure of justice from workmen's compensation. Generally these cases are not litigated. Often it is cheaper for the insurer or the employer to pay than to contest. Weekly checks are usually prompt, and the worker is back on the job before he feels the financial pinch too keenly. And usually the insurer or employer pays all the medical bills, which in these cases are likely to be smaller than the statutory maxima.

But the complaints of workers are increasing daily in regard to cases involving months or years of disability, for compensation allowances have failed to keep pace with increased costs of living. The great labor unions have finally decided to do something about the matter; the NACCA group of lawyers has become active; and insurance companies, fearing inroads on their profits and even a challenge to their existence, have begun attacks on the unions and NACCA.²⁷ So the problem

²⁶ See *Affolder v. New York, Chicago & St. Louis Rd. Co.*, 339 U. S. 96, 70 S. Ct. 509 (1950), \$80,000 for loss of one leg; *Southern Pac. Co. v. Guthrie*, 186 F.2d 926 (9th Cir. 1951), \$100,000 for loss of right leg between hip and knee, 58-year-old engineer; *Kieffer v. Blue Seal Chem. Co.*, 196 F.2d 614 (3d Cir. 1952), 10 *NACCA L. J.* 265 (1952), \$250,000 for burns and blindness.

²⁷ "Swift Rise of NACCA and Portent of the Big Award," *The National Underwriter*, July 10, 1952, p. 17; "And Then—Sudden

of compensating injured workers, believed to be on the way to solution a generation ago, seethes anew.

PORTENTS AND PROPHECIES

The solution is still far from clear. England thought she solved her problems some years ago when in 1946 the government ousted private insurance companies from workmen's compensation and placed the subject matter under its state-administered social security scheme. In Canada all provinces have state funds exclusively. But neither in England nor in Canada are workers completely satisfied, for weekly payments are below decent subsistence. Litigation has been reduced to a minimum in Canada by making fees of claimants' attorneys so low as effectively to discourage such legal practice and by substantially wiping out appeals from administrators' rulings. But this has not reduced the dissatisfaction of workers denied their compensation.

In this country both the AFL and the CIO have come out for exclusive state funds and for increase of weekly payments to subsistence levels. The great majority of claimants' attorneys agree with the latter objective but are not convinced that state funds are themselves a solution, for state fund jurisdictions have their share of litigation and low benefits. Claimants' attorneys are directing their efforts toward making benefits tie in with costs of living. They believe also that there should be a right of appeal to court and jury, and, finally, until compensation benefits are adequate, that there should be restored to the injured worker his common-law right to sue a negligent employer, the amount of compensation payments to be deducted from the tort judgment.²⁸

Ruin," *Reader's Digest*, Sept. 1952, p. 79. Cf. 10 *NACCA L. J.* 17, 295, 334, 335 (1952).

²⁸ England deducts only one-half of the workmen's compensation paid, since employees

Insurers argue that state funds are the beginning of socialism. They contend, despite recent increases in rates, that their necessary administrative costs and payments to injured workers are tending to put them in the red.

Employers feel that the rates are too high and that they cannot afford to increase workers' benefits; and so they join the insurance lobby in the fight against keeping benefits abreast of living costs.

We can predict for the long range either that the employers and insurers will yield to the demands of seriously

contribute to the compensation premiums. John Munkman, *Employer's Liability at Common Law* (London: Butterworth & Co., 2d edition, 1952), pp. 21-22, 422-25.

injured workers and pay real subsistence benefits, forgoing the luxury of litigation in close cases and charging reasonable rates based on actual losses and not on self-favoring guesswork, or that disgusted legislators will eventually follow England and wipe out private insurance in workmen's compensation.

Alternatively, legislatures may give workers a tort suit for negligence as an additional remedy. It is not beyond possibility that they will replace the workmen's compensation principle with a new one, the nature of which will depend on the current legal climate.

But for the immediate future we see the prospect of constant strife before legislatures and public opinion on the question of decent subsistence allowances.

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Workmen's Compensation and the Insurance Carrier

By LESLIE P. HEMRY

THE common man has a great stake in the workmen's compensation laws and their administration, and insurance carriers play an important part in administering these laws. Therefore the common man has a substantial and quite legitimate interest in the way in which compensation insurance carriers operate and in their current problems, which are many. In order properly to discuss the problems of insurance companies, it is necessary to locate them in the over-all compensation system and touch upon the things which they do and do not do.

Workmen's compensation insurers are groups of highly skilled and experienced specialists rendering a variety of services while at the same time acting as a conduit of funds collected from employers and distributed to employees. As a business, workmen's compensation insurance is peculiarly subject to governmental control. The carrier's product is an insurance policy by which it agrees with an employer to discharge his obligations under the compensation statute and aid him to prevent accidents. In a sense, the company's product is largely designed by the state legislatures, its distribution processes are supervised by another branch of the state government, the Industrial Commission, and its prices are controlled by a third branch, the State Insurance Commissioner.

ACCIDENT PREVENTION

The carriers are particularly proud of the job they do in the area of accident prevention. The accident rate in American industry has been reduced to one-third of the rate twenty-five years ago, and the severity rate has been reduced

nearly as much.¹ While many factors have combined to bring about this improvement in safety in American industry, insurance carriers have made a very substantial contribution.

The pooling nature of insurance has enabled carriers to develop, and make available to insured employers, expert safety engineering service superior to that which any but the very largest employers could individually afford. And the carriers have done effective research in analyzing the causes of industrial accidents, have developed effective and economical safety devices and procedures, and have educated employers and employees in accident prevention. They have developed and placed in general use merit rating plans which create a strong financial incentive for employers to co-operate in accident prevention. Their problems in this area center largely around a determination of how best to expend the limited funds allowed for accident prevention in their regulated rates.

It is obvious that the worker is better off when injury is avoided than when receiving benefits, and the carriers' achievements in industrial safety are unquestionably their most significant contribution to the common man.

MEDICAL CARE AND THE PROBLEM OF LIMITS

But in spite of the best efforts of employers and insurance carriers, thousands of work accidents occur. After

¹ In 1926 there were 31.87 disabling injuries per million man-hours of work in all major industrial groups. In 1951 the rate was 9.06. The severity rate decreased from 2.50 to .97 in the same period. National Safety Council, *Accident Facts* (1952), p. 28.

the accident, the carriers step into the shoes of the employer to discharge his statutory obligations, the first of which is to furnish or provide medical care. They advise employers in setting up first aid facilities, furnish technical manuals and textbooks for the first aid personnel, and arrange for the doctors to be supplied or consulted.

The degree to which carriers participate in selection of the attending doctor varies from state to state. As a general rule, they agree with the employer as to the doctor to be furnished. However, some compensation laws prohibit the employer or his carrier from designating any doctor, and the injured employee has the free choice of all doctors on the panel approved by the Industrial Commission. In this age of specialization in medicine, it would seem that a carrier is in an unusually good position to select and secure the services of the most expert and experienced doctors, and most carriers feel that the free choice doctrine frequently results in less expert treatment, which is uneconomical in the long run.

More and more the insurance carriers' objective in regard to medical care is becoming that of industrial rehabilitation. This involves not only the injured worker himself but members of the injured worker's family, the first aid worker or nurses, the employer, the physical therapist, the occupational therapist, the vocational counselor, the placement officer, and others. All must work together. The insurance carrier co-ordinates the activities of the many technicians and social agencies involved, serving as a clearing house for information and acting as a guide to the worker as he goes through the long and often arduous rehabilitation process.

The states do not seem to agree as to whether or not compensation statutes should place an upper limit on the amount an employer should be com-

pelled to pay in medical costs. Eleven states and the District of Columbia place no limit on required medical payments. There is a limit in the time or the amount of medical payments required in the other states, although in fourteen of such states the administrative authority may require unlimited additional payments.²

Where there is a substantial chance of rehabilitation, unlimited medical treatment is justified on purely economic grounds, and frequently employers and insurers have voluntarily exceeded a statutory limit in such cases. Where unlimited medical treatment is required by statute, carriers have found that medical costs of \$50,000 or \$100,000 or more per case are not unusual. Many cases are completely hopeless, and rehabilitation is out of the question. From a humanitarian standpoint, all would agree that workers should receive medical care; but the states which have limits on medical payments apparently feel that costs over the limits should not be charged against the employer.

Somewhat the same considerations are involved in the question of whether amounts payable in permanent total disability cases and in pensions to dependents of workers killed should have any upper limit, and here again the laws vary.³

In general, workmen's compensation theory has accepted limitation on benefits as a matter of practical economics. If there is any limit to the cost industry can bear, then there is a very real social and economic question whether the over-all purposes of the workmen's compensation acts would not be better

² U. S. Chamber of Commerce, *Analysis of Provisions of Workmen's Compensation Laws and Discussion of Coverages* (1952), p. 12 and Chart VII. All private accident and health insurance plans place a limit on the total amount of medical benefits payable.

³ U. S. Chamber of Commerce, *supra* note 2, Charts I and II.

served by spreading the extremely high amounts sometimes paid to or on account of one injured worker among other injured employees in the form of higher weekly benefits.

BENEFIT PAYMENTS: SPEED AND CERTAINTY

The second employer obligation discharged by insurance carriers after injury occurs is payment of the cash benefits provided by the compensation laws when they become due. The author believes that insurance carriers have made a sincere effort to interpret workmen's compensation laws as remedial statutes for the benefit of the injured worker and his family. Recognizing that the injured worker's income usually ceases at the time of the injury, every effort is made to make payments promptly when due. There is a great deal of competition among carriers in this regard, stimulated by the industrial boards of certain states which publish statistics on relative promptness of payment by individual companies.

In view of the practical difficulty in assembling the information necessary for the first payment, the over-all record is good, although there is still room for improvement. The following table, drawn from reports by the state agencies, shows the percentages of first payments made on or before the due date in the first six months of 1952:

	ALL CARRIERS	SELF- INSURERS	STATE FUND
Michigan	75.2	72.8	33.9
New York	75.4	70.8	84.6
Wisconsin	88.1	87.3	no S. F.

One of the objectives of workmen's compensation acts was to reduce controversy and litigation by clearly defining the injured employees' rights to benefits, and this objective has been accomplished to a substantial degree. Because of variations in the laws, no

precise generalization can be made; but as an example Wisconsin can be cited, where hearings were held in 4.1 per cent of the cases disposed of in 1951.⁴

It is perhaps inevitable that there will be some differences of opinion in individual cases between the employer who pays and the injured employee who receives the benefits and these are troublesome cases for insurers, employers, and administrators alike. In general, the insurance carrier's economic interest in regard to specific cases is somewhat closer to the interest of the employer than to that of the injured worker, as the insurer assumes the employer's obligation. But the final burden of payment rests with the employer, and through the operation of merit or experience rating plans, the insurer's economic interest in disputed cases is largely insulated.⁵

NONMERITORIOUS CLAIMS

One of the more troublesome types of cases is the so-called "indeterminate" case, where it is difficult or impossible to determine when disability has ended—the back cases, head injuries, and neuroses where there are no objective symptoms but only subjective complaints of pain. Insurers are morally satisfied that millions of dollars a year are paid out on claims of this nature which are not meritorious, and additional thousands are spent in adjudicating these cases. It would certainly seem that very substantial sums could be saved here and made available to other, more deserving, claimants without increasing the economic burden of the acts. One ap-

⁴ Wisconsin Industrial Commission Release, Insurance 102, April 22, 1952.

⁵ Experience rating plans are widely used, and are of two types. Prospective experience rating plans increase or decrease the employer's premium in future years to reflect benefits paid in the current period. Retrospective experience rating varies the current premium to reflect current benefits paid.

proach would be to establish more rigid "rules of thumb," even though such rules might work hardship in a few deserving cases.

The payment of nonmeritorious claims can be encouraged by the attitude of the appointed agencies set up to administer the acts and adjudicate claims thereunder. Most of the workmen's compensation boards and industrial accident commissions are appointed by the governors of the particular states. Taken as a group, these boards are unquestionably either dominated by or definitely oriented to the employee interest.

Such an orientation is proper in interpreting and resolving legal questions as to the coverage of the acts, and is in fact directed by the "liberal interpretation" provisions of most acts. However, these boards also determine disputed questions of a factual nature, and any bias in the determination of matters of fact is questionable. It seems self-evident that no social purpose is served by compensating malingerers, and that it was not the intent of the legislatures to grant higher benefits to an injured worker than have been prescribed for the disability which in fact exists.

Where the issue between the parties is factual, the proper standard of judgment required by the acts or implied by the legislative policy is that of determination in accordance with the weight of the evidence. While the record varies from state to state, and within each state, carriers and their attorneys feel that some hearing officers determine questions of fact in favor of the injured worker and against the employer if there is any conceivable way of doing so, or if there is any scintilla of evidence to support the worker's claim. To the extent that this situation exists, it encourages the submission of questionable and exaggerated claims.

The author feels that a very strong case can be made for the thesis that if a better balance in orientation and a more evenhanded justice in administrative agencies were general, employers or their insurance companies would prevail in a higher percentage of the disputed cases. This would again tend to make additional funds available for deserving claimants.

The remedy probably lies in several directions: in reforms made by the administrative agencies themselves, in legislative consideration of the administrative fact-finding function, and perhaps in legislation making possible more effective review of administrative findings of fact by courts of law.⁶ In passing, it may be pointed out that most carriers agree that the "direct payment system" (in general hearings only on disputed cases) of administration as typified by the Wisconsin and Michigan laws is far superior to the "hearing system" (in general hearings on all cases) as typified by the New York law.⁷ Carriers have perhaps been too much in the background in fighting for administrative reforms, because of reluctance to antagonize the administrative tribunals which rule on disputed claims.

These, then, are some of the things insurance carriers do, and some of their problems in administering the benefit provisions of the compensation laws.

⁶ A recent study in California revealed that less than 1 per cent of the cases appealed were eventually reversed by the courts, and that 80 per cent of the appeals met with a summary denial. Mort L. Clopton, "The Extent of the Right of Review in Workmen's Compensation Cases" (paper read before the Insurance Section of the American Bar Association, San Francisco, September 16, 1952).

⁷ Marshall Dawson, "The Development of Workmen's Compensation Claims Administration in the United States and Canada" (paper delivered at the August 1951 convention of the International Association of Industrial Accident Boards and Commissions).

RATE STRUCTURES

Carriers also function as conduits of funds collected from employers and distributed to employees, and they have pricing problems related to this function.

Workmen's compensation rates are more highly regulated than any other line of insurance. This has been true for many years, in fact since the original workmen's compensation laws were passed. The result of this regulation plus the keen competition—not only among insurance companies themselves but also among insurance companies, self-insurance, and state funds—has been the development of rates and rating plans which are more scientific and elaborate than any others in the field of insurance.

Rating techniques are complicated, but in essence, manual rates by types of employment are set in advance by predicting the benefits to be paid and adding a percentage for the operating expenses of insurance companies. This percentage is tailored very closely to the needs of all stock companies. The prediction of benefits to be paid is made by taking the aggregate amounts of benefits paid and incurred for the latest policy years for which figures are available, and adjusting such amounts for known changes in the benefit levels and some known trends. These manual rates are very closely fitted to the actual experience of the industrial groups, and the manual rates are further tailored to the actual losses of individual employers through the use of experience rating plans. Thus workmen's compensation insurers do not make much money, and very little margin remains for *unforeseen* developments.⁸

⁸ The total country-wide premium collected by all companies reporting to the National Council on Compensation Insurance from the inception of the acts in the various states

It should be noted that the money allowed insurance companies for their cost of doing business comes from a rating structure which treats expenses as a percentage of the amounts paid out in benefits and which adjusts itself more or less automatically to benefits actually paid out. Hence, the higher the benefits, the greater the total amount or fund allowed insurance companies for paying their operating expenses.

This rating system functions with a high degree of accuracy to adjust rates for known or foreseeable changes, such as legislative increases in the benefit levels. Hence carriers and their trade associations have consistently taken the position that the benefit levels are issues to be determined by the state legislatures after hearing the arguments of both employer and employee interests.

Companies freely give their estimate of the cost of proposed benefit levels on the request of any of the interested parties, including labor unions; but they have not actively participated in the battles which have raged over the benefits provided, and they should not be blamed for inadequacies in the benefit level.

Nevertheless, labor union spokesmen have blamed insurance carriers as a reason for urging monopolistic state funds which would take private insurers out of the picture. They argue that the state can perform the insurance function more cheaply than private insurers, and that insurers oppose benefit increases. Perhaps the weakness of both arguments is the reason why the active

until December 31, 1951 made provision for losses which exceeded the losses actually incurred by an amount equal to only 1.37 per cent of such premium. The National Council, which compiled these figures, is the national rate-making organization for workmen's compensation insurers, and makes or participates in making the officially approved rates in practically all states where private insurance is permitted.

opposition of insurance companies to these proposals has been so generally effective.

RATES AND DEFERRED LOSSES

Insurance companies' rate problems relate to the unforeseeable developments, rather than the foreseeable, and to certain other areas of the rating system. There is a problem, currently important to carriers, of getting deferred loss developments into the rates. Compensation benefits are payable over a long period of years in many cases, while the rating and pricing practices assume that the total costs of an accident will be charged to the year in which it occurs, by means of an estimate of future benefits, or a reserve. Carriers now find that the estimates which they made years ago, then reasonable on the basis of past experience and known factors, are inadequate in the aggregate, and now must be increased.

Increases in these estimates made shortly after the accident year are recovered through the operation of "loss development factors" in the rates, but much of the increases in the reserves for accidents that occurred years ago is lost in a rating system justifiably tied to more recent accident years. A part of this loss development is attributable to the increase in medical costs now payable in old open cases.⁹ An important part, too, is traceable to awards for disabilities that continue beyond the period indicated by past experience.

The problem is most acute in those states whose laws make it easy to hold open or reopen cases. If, as has been alleged, this is a conscious or uncon-

⁹ For example, the index of Hospital Rates in the United States has increased from less than 110 in 1941 to over 280 in 1951. U. S. Department of Labor, Bureau of Labor Statistics, Consumers' Price Index, Miscellaneous Section.

scious retroactive liberalization of the laws by administrative action, it is difficult to defend. Neither employers nor their insurers charged prices contemplating such retroactive adjustment of their costs long after the accidents occurred.

RETROACTIVE INCREASES OF BENEFIT LEVELS

A somewhat similar problem would arise if any of the legislative proposals to increase benefit levels for accidents which have occurred in past years should be adopted. These proposals involve profound social and economic questions, for it is obvious that industry has not been able to pass on the cost of such retroactive increases to the consumers of the products gradually in the years of the accidents. Nor have insurers or self-insurers set up reserves for such increases in benefits chargeable to old cases.

Insurers as a whole probably could collect sufficient funds from employers to pay for retroactive increases, although the charge to employers might be high. But there would be difficult rating problems to be recognized and solved to ensure that the total costs would be fairly charged to the proper individual employers and made available to each insurer proportionately as it had assumed the individual employers' obligation to pay increased benefits.

AN EMERGENT QUESTION

Compensation for industrial loss of hearing was at one time restricted to cases of traumatic damage to the auditory mechanism. More recently this has changed and some courts have allowed recovery for loss of hearing not causing any loss of time from work or any loss of earnings.¹⁰ And very many

¹⁰ Particularly in New York and Wisconsin. See *Slawinski v. J. H. Williams & Co.*, 298

claims have been filed alleging temporary or permanent partial disability because of some degree of deafness resulting from noise in employment.

The cost of compensating all loss of hearing is potentially very high. Carriers can raise their rates to cover these costs, but some industries are very noisy, and the necessity of suddenly compensating loss of hearing gradually developed in the past might bankrupt some employers, since no allowance was made in the price of their products already made and sold. Nor have insurance carriers set up reserves for these cases. This problem is similar to the silicosis problem existing in the 1930's, and the general solution then adopted was a legislative scale of benefits low at first and gradually increasing over a period of years.

The author suggests that the problem of whether and how loss of hearing should be compensated might best be solved by the legislatures after consideration of all the practical and social problems involved—measuring loss of hearing, relating loss of hearing to industrial noise and to noise on a particular job, and determining the effect of total or partial deafness on earning capacity.

N.Y. 546, 81 N.E.2d 93 (1948); but see *Green Bay Drop Forge Co. v. Wojeck*, Circuit Ct., Dane County, Wis., Nov. 10, 1952. (The Wisconsin Circuit Court reversed the Industrial Commission award. Appeal will probably be taken.)

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CARRIERS CAN HELP TO IMPROVE THE LAWS

While all three problems arising from unpredictable developments, just described, either have caused or might cause serious financial difficulties, they will yield to reasonable rate-making procedures and to fair and understanding consideration by the public authorities involved. Carriers perform the necessary servicing functions under workmen's compensation acts expertly and economically. As rating problems yield to solution, companies tend to become mere conduits of funds. They occupy a middle ground between the differing viewpoints of workers and employers, and to some degree are insulated from the financial effect of changes in benefit levels and patterns.

Such insulation should breed objectivity, and the author believes insurers can make constructive suggestions so that the acts will better serve their social purposes in a compensation system which is not yet finished or perfect but which is dynamic and does adapt to conditions. These adaptations create problems for the three important private groups directly concerned: employees, employers, and insurers. If each of these groups would consciously strive for a better understanding of the legitimate interests of the other two, solutions would be easier to find. Such solutions would also be the best solutions for the common man.

Accident Litigation: The Common Man Sues

By JOSEPH SCHNEIDER

THE attitude of the common man in the field of accident litigation is as varied as human beings are different. It is impossible within the scope of a short paper to give one's impressions, gained after almost thirty years in the preparation and trial of injured people's cases, of what the injured person thinks, what he wants, and what, in the last analysis, the lawyer who represents him thinks is best for him. I will therefore limit this paper to the history of one common man's accident, and give some general impressions in connection with that case.

THE ACCIDENT

On July 19, 1950, William Doherty, 45 years of age, a longshoreman, was admitted to a hospital with injuries to the lower back and legs, sustained by his being struck by a truck while he was at work. He suffered fractures of his right ankle, fractures of the great toe and the second, third, and fourth toes of the right foot, and a dislocation of the left hip. He was in the hospital four months and three weeks.

When Mr. Doherty had been in the hospital for one week, a representative of the company which carried the longshoremen's insurance came to visit him and asked him whether he would like to receive the allowance of \$35 a week. Mr. Doherty had never had any experience with accident claims before, and wanted to know what his rights were. He was informed that he could receive longshoremen's compensation up to a limit of \$10,000 if he were disabled long enough to accumulate this total; or, in the alternative, that he had a right to sue the company that operated

the truck and whose employee had carelessly run over him, in an ordinary accident suit, where the limit would be not \$10,000 but the fair compensable value of his injuries. Mr. Doherty, after he had been in the hospital one week, had a nurse telephone me to visit him there, which I did.

FIRST INTERVIEW

The lawyer's first interview with the common man seriously injured and beset by the problem of making a decision in a matter involving his entire future is one calling for sympathetic understanding and appreciation of human nature, qualities which are found developed to the highest degree in the mature physician at the bedside of a person who is critically ill and who has hidden in the recesses of his mind the fear of impending death. In this interview the lawyer usually finds anxiety and suspicion in the injured person—anxiety often heightened by the specter of inability to support himself and his family because of his loss of earning capacity; and suspicion that it is not the primary purpose of the unknown lawyer, or of anyone else who has approached him, to serve the best interest of the injured man.

It is the lawyer's duty at the first interview to dissipate these fears as far as he reasonably can, by making full disclosure of the legal probabilities in the light of the information then available, and to allay all suspicion that the attorney has any other desire than to serve with the greatest fidelity the best interest of the injured person, to the end that his economic life may be saved. Cool and dispassionate explana-

tion, some well-warranted encouragement, and illustrations from the lawyer's experience with other injured people whose prospects were as dark and forbidding as this man's and whose cases were successfully handled, are reassuring ingredients of a proper first interview. There must be no hurry, impatience, or lack of sympathy with the injured person's disturbed mind.

At this hospital interview, I carefully read and explained a form of power of attorney and discussed the charges to be made for legal services, all in the presence of the man's wife and a friend in whom he reposed confidence. A form of authorization to obtain police reports, hospital reports, doctors' reports, and information from his employer was also submitted and signed. At the conclusion of this interview, the common man, who had appeared lost and forlorn, had some hope restored and his faith renewed. His outlook was not so bleak as he had first thought, for he had assurance that his rights would be prosecuted with diligence and fidelity to duty.

PREPARATION OF THE CLAIM

The preparation of the claim was now in order. An investigator was engaged who is adept and experienced in obtaining information in a form which can be useful at a subsequent time, whether in negotiating for settlement or in presentation of the claim in a courtroom. The police report was examined, upon which appeared the version of the accident given by the driver of the truck, the measurements and observations made by the police who were called to the scene of the accident immediately after the accident had taken place, and the names of witnesses who had seen the accident. It was learned that there were newspaper versions of the accident, and that while no photographs had been taken by the news-

papers or the police, an amateur candid-camera enthusiast had taken some pictures of the man as he lay injured and of the truck as it stood immediately after the accident.

WITNESSES' STATEMENTS

In the preparation of a case for settlement or trial, the statement of a witness should be taken in his own language, and preferably in his own handwriting if this can be managed. For the thought must be kept in mind always that the statement, both in its language and in its thinking, must reflect the personality of the witness who is ultimately to appear in the courtroom to testify.

These statements, when taken properly, are of great value. They give the lawyer the feeling of the atmosphere which may be created in the trial court. They inform him of the strength or the weakness of the person giving the statement. If favorable, they encourage a strong bargaining attitude in the settlement of the case; if dangerous to the injured person's cause, they warn the lawyer not to push too hard. They have value in the event that the witness dies before the trial, being made admissible in evidence by statute in many states as the statements of deceased persons made on their own knowledge and in a bona fide attempt to tell the truth before the court litigation has started. They also serve the useful purpose of preventing the witness from becoming hostile and the subject of improper advances. Finally, they are a record of the witness' memory, made when it is fresh, and may be used to refresh his recollection if either intentionally or otherwise he suffers a lapse of memory in the courtroom.

COMPLETING THE PROOF OF LIABILITY

Copies of the police records were obtained, particularly copies of the

sketches, so that they might not be lost, as sometimes happens in the maelstrom of police record-keeping. The candid-camera enthusiast was interviewed and prints of the various pictures he took were obtained, together with his affidavit of the circumstances under which he took the pictures, verifying the authenticity of the pictures, stating that they were fair representations of what he actually saw, and fixing the precise time he took them.

The names of all employees working with the injured man were obtained from his employer, and every employee was interviewed so that all available witnesses who knew anything affirmatively were recorded, and those who did not know anything about the accident were eliminated as possible sources of danger in the future.

Pictures of the general location were taken so that a pictorial record of the place could be preserved in the event that changes took place before the trial of the cause which would make a view of the location of dubious value.

A transcript of the work record prior to the accident was obtained from the injured person's employer, showing the man's industrial record, the continuity of his work and his average earnings, so that this information would be readily available both in the negotiations for settlement and for purposes of trial.

All this work was done with a view to preparing evidence on the liability aspect of the action. There are always two aspects of an injured person's claim: the fault of the party against whom the claim will be asserted, and the extent of the injuries and the consequences to the injured person.

NEGOTIATING A SETTLEMENT: BIDDING TIME

The next matter to be considered in the handling of the injured person's case is, When should the attorney start

to negotiate a settlement of his client's claim? Here is the rule which I follow. I call it the antithetical rule of "Bide your time and hot pursuit." Much has been said about the injured person suffering as long as his claim remains unsettled, and in some books on psychiatry and neurology we find men in the medical profession even classifying a group of symptoms as litigation neurosis, and attributing a great many symptoms to malingering. This may be true in some instances. The fact remains, however, that the injured person's claim cannot be taken up for settlement before it is possible for qualified medical men to forecast his future probable course with a high degree of certainty.

It is, of course, always best to settle a case as soon as reasonably possible. This is in the best interest of the injured person, both to ensure his peace of mind and to put him on an economically sound and secure basis. But the lawyer of experience must remember that many an injured person's claim has been settled in haste, only to have the injured person develop consequences directly traceable to the injuries received in the accident, for which recovery could have been had if settlement had been properly deferred. So I follow the course of "bide your time" with respect to the injury.

Biding your time in a major case thus means that you are not discharging your duty to the injured person if you attempt to settle his case before you are reasonably satisfied that you can evaluate the full extent of his injury.

THE DOCTRINE OF HOT PURSUIT

But the antithetical principle of "hot pursuit" must not be forgotten.

What is this concept? In my experience it means the use of all energetic measures to pursue the remedy to bring about compensation for the wrongs

visited upon the injured person in the earliest possible time allowed by law. This is not to say that you should institute suit the day you are retained as counsel. Bring the suit when you know approximately, within reasonable limits, what your case is worth. The doctrine of hot pursuit is that a person who has his property stolen from him has a right to use reasonable force to recover it if he runs after the thief and grabs him with the stolen goods. This is an analogous situation. There is no moral turpitude involved, but if you have been wronged you must pursue the wrongdoer with great diligence and intensity and you must bring the writ in an amount which will allow for all the recovery you may reasonably expect—the outside limit—but not a fantastically high figure, because the day of reckoning comes when you step before a court and jury to make your opening.

There are many reasons justifying an early institution of suit and the adoption of the most energetic measures in its prosecution.

In most counties in my state there is a delay of approximately three years between the time a suit is instituted and the time it will be reached for trial. It can be readily seen that where the injured person is indigent, this long delay is a very great factor in bringing about inadequate settlements, settlements which reflect the claimant's inability to bargain on even terms with an insurer or corporate defendant who merely has to say "No" to any figure that the claimant is willing to take. As time goes on and his need increases, the injured person is compelled to bid against himself in an effort to get some financial relief. The institution of suit at the earliest moment at least tends to level out this inequality as far as the attorney can do this, and puts his client's claim in numerical order to be reached in its turn as soon as possible.

In the last few years in my state there has been an added reason for early institution of suit, namely, that the verdict carries with it an additional amount equal to 6 per cent per annum on the verdict from the date the suit was begun. This amount is added to the verdict as an administrative act by the clerk of the courts.

This remedial legislation was calculated to act as a compelling factor upon the insurer or the corporate defendant to make it more amenable to settlement negotiations at the earliest possible time in order to save the "interest penalty" added to the verdict. In large measure, it has not had the beneficent effect envisioned by the legislators. It is the experience of most counsel for injured people that a good bargain must be made in favor of insurers or other corporate defendants to bring about a settlement. Otherwise, they make up the interest while the litigation is pending, merely by having the money in their possession and invested in securities yielding income at a rate approximating the interest, so that they just about break even.

THE LONGSHOREMAN'S CASE

In the case of William Doherty, whose accident took place on July 19, 1950, and who retained me on July 26, 1950, I was able, after several consultations with the surgeon in charge of Mr. Doherty, to come to some fair basis of evaluation, and, leaving myself sufficient latitude, I instituted suit on July 28, 1950. This is an example of a little hotter pursuit than is customary, but it was warranted here because of the definite nature of the injuries sustained and the reasonable definiteness of the medical prognosis.

The suit was entered the first Monday of September 1950. The defendant's answer, filed in the required twenty-one days, pleaded the usual general denial

and contributory negligence. It was now necessary to file promptly a set of interrogatories eliciting from the defendant under oath all the information available to it.

In my state, attachments are permitted at the institution of all suits. This was done when this suit was started. It goes without saying that in a case of such serious consequences a thorough investigation of the financial resources of the defendant was made as part of the original investigation. We were thus assured that whatever insurance coverage there might be, the financial responsibility, for all practical purposes, was unlimited. An attachment of generous proportions was made of defendant's real estate holdings to safeguard and ensure the collectibility of any judgment which the injured person might ultimately receive.

TIMING THE SETTLEMENT TALKS

When should the settlement negotiations be started? Recall that we must not attempt settlement of the case unless we have definite assurance from qualified medical men of what the future of the injured person will be. It is necessary for the lawyer to exercise great restraint upon the injured person, who is usually financially beset and distraught and whose importunities for settlement become more frequent and more cogent as his necessity increases.

In William Doherty's case, the first effort to negotiate a settlement was made around January 15, 1951, about six months after his injuries were sustained. At that time there was available a photostatic copy of the entire hospital record, and there were in the file written opinions from an eminent surgeon and an eminent neurologist, each giving a fairly definite prognosis.

In the meantime, I went to the injured person's home and observed for myself what his conditions were. I talked with him and his wife about

their financial situation, and found that through the years by dint of unremitting industry and economical living, if not sheer frugality, they had accumulated savings which were adequate, in their opinion, to sustain them in their station in life for possibly one year longer.

While this information indicated to me that there would not be any undue pressure upon me to negotiate a settlement at least during 1951, any delay beyond that time might militate against my ability to negotiate a fair settlement. I therefore set about giving the insurance company all the information available to me, including copies of the hospital records and the doctors' reports. I allowed the injured person to be examined by a physician for the insurance company, and at the end of a further wait of nine months, in September 1951, I granted the insurance company a second medical examination to have it determine the condition of the injured person, who was still disabled from his work.

THE SETTLEMENT FIGURE

In January 1951, six months after his accident, although I had made as full a disclosure of everything that was in my file as was possible, I got no further than merely being asked how much I had in mind for settlement.

A lawyer with experience in trying cases will be very circumspect in putting a figure on the value of a case in his first talk with the insurance company or corporate defendant. He must keep in mind that everything he says to the representative of the insurance company or the defendant goes into a file. It is recorded, and unless there are circumstances which very strongly warrant an increase in the figure at a later date, he is met with the amount he asked for originally as a ceiling on the value of the case. How can one arrive at a figure early enough to get a sub-

stantial settlement in a serious case and yet not overestimate the value of the claim or put so high a figure on the claim that it stops all negotiations? The formula I have evolved is the expectation of a favorable result times the probable collectibility of the ultimate recovery. While this formula sets up the two factors which dominate one's thinking, it is entirely a different thing to use this standard of measurement and see eye to eye with the person paying the money.

THE CRUCIAL NEGOTIATION

The intervening nine months to September 15 were spent largely in checking with the doctors as to the progress of the injured person's condition. Then, after the case had been in the courts for about a year, in order to bring the case closer to a successful conclusion, I made a motion to advance it for speedy trial on the grounds of the continuing total disability of the injured person and the necessity for financial relief in the not too distant future. This was allowed, and in December when the case was reached for trial and sent into a court session, the negotiations to dispose of the case took a very realistic turn. The insurance company, which carried a \$30,000 policy, offered its entire policy. The defendant corporation which was financially responsible added \$15,000. In light of the disability of the client for a period of about a year and a half, and his hospital and medical expenses, it was my opinion that a jury would probably give him a verdict of somewhere between \$40,000 and \$60,000.

I have always recommended to the injured person that a settlement of 75 to 80 per cent of the probable recovery

should be accepted. I have always felt that the uncertainty inherent in every personal injury lawsuit and the wide spread in the verdicts of variously composed juries compel the acceptance of such an offer. In this instance the injured person accepted my recommendation, and the case was brought to a successful close.

A FURTHER RESPONSIBILITY

I felt that I had a responsibility beyond serving the injured person up to the time of the distribution of the money. As the sum was a substantial one and a large portion of it would be left in his hands after the payment of all outstanding charges, I recommended, and the injured person accepted my advice and suggestion, that he invest his money in widely diversified investment trust certificates so that he would have a monthly income which was sufficient to cover most of his needs. It had been determined at the time of the settlement that, within three to six months after the settlement, the injured person would be able to do clerical work, such as checking or keeping time records, or other work connected with the longshoring business, although it was highly uncertain whether he would ever be able to be a longshoreman and do the laborious work of that trade again.

The lawyer's gratification comes from his knowledge that the client is satisfied with the way the lawyer has handled the case and the client. In Mr. Doherty's case, after having made the charge which is customary in my community for legal services rendered in this type of action, I received in the new year of 1952 an eloquent symbolic expression of his satisfaction, a fine box of cigars.

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Accident Litigation: The Insurance Carrier Defends

By WALLACE E. SEDGWICK

INSURANCE is the foundation of the credit structure of the country. Credit is indispensable to production and distribution and to our way of life. Money will not ordinarily be loaned on uninsured property, and collateral of many kinds and types must be insured before credit can be extended upon it. No factory could operate without insurance on its workers and its physical properties and to cover its other legal liabilities. It has been said that without insurance freedom would be lost because only a few of the wealthy could hire men or borrow capital; there would be no labor unions; and the economic structure upon which our system of free enterprise and opportunity is based would be impossible.

Why then have juries been so frequently tolerant of efforts to dissipate the assets of insurance companies on unmeritorious claims? One answer may be that because of the nature of the business many persons continually pay insurance premiums for which they receive no actual individual return. In any case, records indicate that during recent years many courts and juries have been unduly generous in distributing insurance company reserves without careful consideration of the merits of the claims involved. When the insurance company defends accident litigation, this is one of its problems. It must begin by recognizing also that the justness and correctness of its position must be very clearly demonstrated if it is to succeed in a lawsuit.

THE ECONOMIC PROBLEM OF ACCIDENT INSURANCE

Casualty companies have lost hundreds of millions of dollars on liability

insurance during the past decade. While stock companies in this field have shown an over-all underwriting loss for the past 30 years, the increase in such losses during recent years from automobile liability insurance is of particular significance.

An adequate insurance market must be available to the average automobile owner for a price which he can afford to pay. If rates continue to increase substantially, there is danger that private automobile insurance will be priced out of the market, or else that the private insurance industry will not be able to provide an adequate market to supply the demand for automobile insurance. The result of either alternative would be socialized automobile insurance, with the consequent creation by statute of various bureaus, commissions, or boards to hear and adjudicate claims. In this event, the word "insurance" would no longer have the same meaning. It would mean compulsory and semicom-pulsory taxes, collected and administered by politicians who are too often actuated by motives other than a true interest in the welfare of the general public.

Meanwhile mass production has made it financially possible for most people to own automobiles, and the number of accidents increases yearly. The questions of who did what to whom and of how and by whom resulting damages are to be paid have become important to greater numbers of people.

THE THEORY OF LIABILITY

Can a person injured in an accident recover money damages from another for the injuries sustained? The common law holds that an injured person

may be so compensated only when the other party was negligent and the injured person himself was free from fault contributing to his own injuries. This is still our fundamental theory, and proponents of socialistic concepts advocating changes in the direction of liability without fault have found little favor or support.

Accident cases fall into one of the three following categories:

(1) The plaintiff has a meritorious case and should be reasonably compensated for the actual injuries sustained. This type of case should be settled if possible without the expense and delay of litigation.

(2) The plaintiff has a meritorious case for liability, but a good defense is available on the question of damages, since the injuries claimed are nonexistent or grossly exaggerated.

(3) The defendant has a meritorious defense against liability, and under the law and facts plaintiff is not entitled to recover any damages at all. This type of case should usually be defended through trial if necessary.

Fortunately, during the past several years it has become an increasingly rare experience to meet a claims representative or defense attorney who adopts the attitude that only a very few claims are legitimate and that nearly all claims should be denied and opposed. The vast majority recognize the economy of disposing of fair and legitimate claims upon an equitable basis without delay. This is the theory on which insurance claims practice is today predicated.

It will be possible in this article only to comment briefly upon some outstanding features in the settlement and litigation procedures in accident cases as seen through the eyes of counsel for the insurance company.

PRETRIAL INVESTIGATION

When an accident is reported to an insurance company, its first action, after verifying the fact of coverage, is to assign the case for preliminary investigation. After interviewing the insured, the adjuster will endeavor to talk to all known witnesses and attempt to obtain signed statements regarding the facts of the accident. He will also usually attempt to interview the injured person if he is not yet represented by counsel and if his physical condition will permit such an interview. In a large percentage of cases the injured party is represented by an attorney prior to the time the insurance company receives its first report of the accident.

If photographs are indicated, arrangements for them are made promptly. If the case is one in which scientific evidence may be of value, qualified experts are employed in order that any observations, tests, or experiments can be made that may be helpful as a foundation for later expert testimony.

The day is past in most areas when the defense attorney could confidently assume that the investigation of the accident made by the insurance company would be made earlier in point of time, and be better and more complete than that available to his adversary. In actual fact the contrary is now often true.

SETTLEMENT NEGOTIATIONS

Upon completion of the preliminary investigation, supervising claims personnel carefully review the facts and information developed. They then make a decision as to the merits of the claim from the standpoint of liability and also attempt to determine its reasonable settlement value. A reserve is established,

the amount of which reflects the supervising official's estimate of the approximate value of the claim.

The adjuster then attempts to institute settlement negotiations either with the claimant direct or with his attorney if or when he is represented by counsel.

The majority of cases are settled before suit is commenced. Many more are settled before actual trial. Insurance companies are usually anxious to settle claims before the expense of litigation is incurred. In the very nature of the situation there is room for a wide divergence of honest opinion as to the value of a particular claim. There is no exact rule for measuring damages or for accurately forecasting what a jury will do in a given instance. There are many imponderables in any case, and emotional factors often cloud the issue. Conscientious company claims representatives may undervalue a particular claim. Conversely, the injured party or his attorney may vision the pot of gold at the end of the rainbow. Serious bodily injury or death to a loved one is one of the most real of human experiences, and the strong consequent emotional disturbance frequently makes a dispassionate discussion of the actual value of the case extremely difficult.

FILING SUIT

If the case cannot be settled, or if suit is filed while negotiations are still in progress, then the case is referred to defense counsel. There is a rapidly growing custom developing among plaintiffs' attorneys in accident cases of filing suit immediately upon being employed. One reason for this procedure is the crowded condition of court calendars in many localities; suit must be filed promptly to bring the case to trial with least delay. And especially with the spirited competition among lawyers for this type of business, an early report of tangible progress may be thought

advisable to satisfy the client. This tactic increases the number of actions filed, but does not necessarily affect the number of cases actually tried.

DILATORY TACTICS DISCOURAGED

Following receipt of the insurance company's file and a review of the pleadings and investigation reports, the defense counsel will usually confer with the adjuster or investigator who has previously handled the case. He then prepares a preliminary written report to the company giving his analysis of the fact situation and any legal questions involved; and requesting additional investigation if necessary. Thereafter the defense attorney and the insurance company representatives work closely together in their joint efforts either to make an equitable settlement or to prepare and try the case to a satisfactory conclusion.

Insurance companies and their attorneys are concerned about the increasing cost of litigation and thus are reluctant to perform unnecessary legal research, or to file motions and make court appearances on matters that do not materially contribute to the actual disposition of the case on its merits. Nevertheless, defense counsel must first satisfy himself that coverage under the policy is in order as to the particular defendants he is to represent and that proper service of process has been made upon them. He must also consider the question of jurisdiction and venue. But dilatory tactics and technical motions and procedures are not favored.

Too often the indiscriminate use of motions or demurrers serves only to increase the cost of litigation, which no client appreciates, or to educate opposing counsel as to the dangerous or the weak points of his case or mistakes in pleading. These can usually be corrected by amending the pleadings and revising the theory of the case; thus the

opponent's position may be strengthened without any particular advantage to the moving party.

DEPOSITIONS

The most common device of pretrial discovery is the deposition. It is almost universal practice now to take the depositions of all adverse parties. It is particularly valuable for defendants to take the depositions of all plaintiffs. The facts of the accident can be inquired into minutely and the plaintiff's theory of liability fully disclosed and explored. All claimed items of loss and expense may be elicited and investigated. The plaintiff can be questioned in detail regarding the nature and extent of all injuries alleged, treatment received, and complaints still existing. The deposition of the plaintiff is not only the finest source of information available to the defendant, but it also serves to crystallize the theory of the plaintiff's case and his contention as to damages and, in general, to establish permanently the facts upon which the plaintiff must rely at the trial. In addition, it affords the defense attorney an opportunity to observe the opposing parties and form an opinion as to their credibility and value as witnesses and the impression they are likely to make upon a jury.

PHYSICAL EXAMINATIONS

In most states in an action for personal injuries the defendant is allowed an examination of the plaintiff by a physician prior to trial. Usually there is a right to obtain reasonably necessary X rays and other diagnostic tests not involving surgery or unreasonable danger to life or health. This is one of the most valuable pretrial procedures available to the defendant and is often a major factor in the decision as to settlement or trial.

Cases known to be completely fraudu-

lent are relatively rare, but they do appear occasionally. The development of scientific evidence and techniques has done much to defeat the fraudulent claimant.

Much more serious in the over-all picture are the malingerer and the person who consciously or unconsciously grossly exaggerates his complaints and injuries. Here again a major defensive procedure is the medical examination. It is most effective when made after the plaintiff's deposition has been obtained and hospital records reviewed so that the examining physician has much information in his possession at the time of the examination. Usually a defendant is allowed only one such examination. If trial is necessary, it is highly important to the defendant that his one medical witness be a man of recognized integrity and ability.

Summing up on the pretrial stage, it is now generally recognized that the thoroughness and efficiency of the preparation are all-important whether the case is destined for settlement or trial.

SELECTION OF JURORS

The selection of the jury presents many interesting problems. The majority of insurance attorneys believe in and support the jury system. With all its faults, they usually prefer to have cases decided by a jury rather than by a judge. Most people called as jurors will try to perform their civic duty honestly and conscientiously. The exceptions are persons whose lack of intelligence prevents practical understanding of the issues involved, persons of poor health, persons socially maladjusted whose background or environment has created strong prejudices or antagonisms, and persons who do not understand the purpose and duties of a jury as an integral part of the judicial process.

A most peculiar situation often arises

when the plaintiff's lawyer is questioning prospective jurors. Nearly all courts in the United States have held that it is improper for the plaintiff's attorney to ask questions or make statements during the trial informing the jury that the defendant is protected by liability insurance. However, these same courts allow plaintiff's attorney while questioning prospective jurors to ask them if they have any financial interest in a liability insurance carrier and usually even permit them to name a particular insurance company. The effect of asking such a question is to inform the jury that the defendant is insured and that any judgment will be paid by an insurance company and not the named defendant. In many cases the amount asked by the plaintiff far exceeds the amount of insurance protection afforded the defendant by his insurance policy, but this fact cannot be divulged to the jury and is generally overlooked by them.

Many able defense lawyers take the view that after the plaintiff's attorney has asked this question defense counsel should inform the jury that the defendant is in fact insured and then freely question prospective jurors as to whether the fact of insurance will affect the juror's decision in the case. It is felt that jurors will resent the obvious effort to influence their decision. Other defense counsel believe it is better just to ignore this situation. They assume that most people will suppose the defendant is insured, but believe that to make an issue of it merely emphasizes the interest of the insurance company.

OPENING STATEMENTS

The plaintiff's counsel usually makes a rather long and detailed opening statement of the facts intended to be proved on behalf of the plaintiff. The defendant's right to make an answering opening statement should not be neglected.

It is the defendant's first real opportunity to present his side of the case to the jury. It can be of great value in assisting the jury to understand, correlate, and evaluate the evidence as it is presented. Moreover, first impressions when strongly implanted are difficult to overcome. Hence defendant's counsel will usually try to present his side of the story to the jury at the earliest opportunity.

NEW TRIAL TECHNIQUES

There is an increasingly successful program throughout the country to educate and train plaintiffs' lawyers in techniques and procedures calculated to assist in obtaining more and larger verdicts. The emphasis at present seems to center around a popular catch phrase, "demonstrative evidence." The use of this kind of evidence is not new, but the manner and extent of its use as now advocated and practiced are new.

Literally hundreds of plaintiff's lawyers from all over the country attend national or regional meetings each year and receive an intensive, concentrated course in traumatic and forensic medicine. They get a short but very practical course in up-to-date courtroom technique and tactics, evidence, pleadings, oratory, and other categories of both substantive and procedural tort law.

More specialized legal information and additional medical knowledge in the hands of honest and conscientious attorneys can be of great value. They can aid in the proper presentation of meritorious cases, and are of benefit in realistically and sensibly evaluating cases for settlement purposes. However, such information in the hands of unscrupulous practitioners can be extremely dangerous. It can lead to exaggeration and misrepresentation with the consequent stifling of settlement negotiations, or it may result in a verdict excessive for the actual injury sustained.

This is a very human problem. The tendency of some people to exaggerate testimony in the hope of personal gain is a recognized factor in personal injury litigation. The amounts involved are now often so large that the temptation is strong to exaggerate or color facts concerning the happening of the accident and the various elements of damage claimed.

The trial of an accident case today bears little resemblance to the type of proceeding most lawyers were accustomed to some years ago. It is not uncommon now to see in court complete neurological skeletons; wax dummies with come-apart sections; colored photographs showing various injuries; positive photographs of X-ray negatives, sometimes colored; artists' drawings of injured portions of the body, graphically illustrating the type of injury alleged; motion pictures; and other similar means of presenting evidence to the jury dramatically and sensationally. An observer must often receive the impression that he is watching a well-managed stage production instead of the traditional dignified courtroom procedure.

Plaintiffs' attorneys often use several blackboards for the trial of a case. One blackboard may be used to illustrate a long opening statement. On it may be listed the names of all witnesses that are to be called, a list of the injuries claimed, the amounts of special damages alleged, and computations showing how the general damages figure is estimated. These may include calculations based on a certain number of dollars per day for pain and suffering for the period of life expectancy of the person involved. The purpose is to influence the jury by leaving these figures constantly in front of their eyes during the progress of the trial. The assumption is that visual impressions are stronger than those received through the ear.

EXPERT TESTIMONY

In the presentation of medical evidence, a plaintiff has a distinct advantage over the defense. The physician who actually attended or treated the plaintiff from the time the accident occurred is in the best position to testify regarding the character and duration of the injuries. Plaintiff may also have as many special examinations as is desired, and thus produce as witnesses as many doctors as he feels advisable. He may have specialists in several different fields, and take many X rays and other diagnostic tests. All these X rays and records are readily available to the plaintiff. The defendant usually is allowed only one medical examination, and has no access to early X rays or information regarding other tests until after the plaintiff produces this evidence at the trial.

Consequently, the cross-examination of the plaintiff's medical expert is a delicate and important part of the case for the defense. Most doctors are honest and competent. Long and vigorous cross-examination of one who is both honest and competent is dangerous and often futile and harmful. The most successful cross-examination of such a witness is usually short and intended only to bring out evidence favorable to the cross-examiner which was avoided on the direct examination. Exaggerations or opinions based on misinformation may profitably be developed and used as foundation for contradictory evidence later. But the generally accepted rule is to avoid attempting to prove the defendant's medical case by cross-examination of the plaintiff's expert medical witnesses.

The use of expert testimony is developing and expanding at a rate difficult for the lawyer to follow. The types of expert testimony familiar to most at-

torneys are in the fields of medicine, handwriting, and building construction. But the use of experts is becoming more and more common in other fields.¹ This is a real contribution to finding the truth.

Experiments performed both in and out of court have become a strong weapon of the defense both in determining and demonstrating the true facts. The value of this type of evidence, carefully prepared and presented, cannot be overemphasized.²

CLOSING ARGUMENTS

The plaintiff ordinarily has the privilege of opening and closing the arguments. The defendant must make his summation before the plaintiff has made his closing argument.

The plaintiff's final argument presents peculiar difficulties to the defense lawyer. He must try to anticipate plaintiff's closing remarks and also, as far as possible, refrain from giving plaintiff's attorney new ideas for an effective closing argument.

The summation for the defense should rarely be a long one. More cases are won with short arguments than with long ones. Unimportant details should be ignored. The day has long since passed when loud and flowery oratory was convincing to a jury. Logical, orderly, and restrained discussion of the facts of the case is now far more effective. Belief in the justness of one's own

¹ These include accounting, agriculture, animal husbandry, aviation, chemistry, physics, lumbering, surveying, mechanical and electrical engineering, combustion, electronics, navigation, public health, mining, photography, radiography, plastics, and pharmacy.

² Experiments have been used successfully to show the cause, force, and extent of an explosion; the cause and result of failure of machinery; the strength and weight-bearing load of structural members; stopping distances of vehicles under varying conditions; how far sounds could be heard.

side of the case is essential, as few men have the ability to convince others of the truth and justice of a proposition in which they do not themselves wholeheartedly believe. Courtesy and sincerity are the keynotes of most successful arguments or summations.

INSTRUCTIONS TO THE JURY

The court's instructions to the jury regarding the law to be applied to evidence are considered by many eminent authorities to be the most unsatisfactory part of a jury trial. The language used in many instructions is archaic and practically unintelligible to laymen. Efforts are now being made by leading educators and lawyers to improve this situation. Certainly there is great room for improvement, and drastic changes of procedure will no doubt be made in the foreseeable future.

To illustrate the confusion which the instructions leave in the minds of many jurors, Judge Cook of the Circuit Court of Missouri recounts in an article for the Missouri Bar³ the statement made to him by a juror following a case in his court:

"You see, Judge, it's like this—we all talked about the instructions a long time and didn't seem to be getting anywhere. John Doe had gone off to college for a couple of years, so we asked him to read them and see what they meant. He went over in the corner while the rest of us talked about the case. We got in a terrible argument about the defendant carrying insurance; some of us thought he had insurance, some others said there wasn't any evidence about insurance and that that lawyer was just trying to trick us by asking us those questions about the insurance company. I knew ———"

³ Cook, "Instructionese: Legalistic Lingo of Contrived Confusion," 7 *Journal of the Missouri Bar* 113 (1951).

wouldn't ask us about insurance if he didn't have insurance. Finally Doe came back over and said if he had more time maybe he could figure them out, but there were just too many 'if so's' in there for him. So the instructions didn't help us. We were about evenly divided on the insurance. But we didn't have any trouble deciding who caused the accident and how much the plaintiff should get."

Judge Cook concludes:

"Still, after half a century, we find ourselves in the embarrassing position in regard to instructions to the jury in plain, ordinary automobile accident cases, in which the lawyers do not know how to write the instructions, the trial judges do not know whether or not they are correct, and only God understands them."

Court decisions in recent years in the accident field have shown great liberality on questions of coverage under insurance policies, rules of evidence and

substantive law, and amounts of judgments. It is most unusual today for a court to grant a nonsuit or directed verdict in defendant's favor. The defense of contributory negligence survives on the books, but in practice the trend is toward some form of "comparative" negligence. To this liberality on the part of the courts must be added the policy of the insurers themselves to attempt to make some settlement in almost all injury cases. And with medical payments coverage available for many motorists, persons injured in an automobile accident by and large have a practical opportunity to secure a fairly compensable settlement.

The problem of discovering and defeating fraudulent, exaggerated and unmeritorious demands remains. Available resources for equitable payment of proper claims should not be dissipated on unworthy cases.

Greater public understanding of the problems of accident litigation can do much to promote social justice.

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Automobile Accidents and Financial Responsibility

By FRANKLIN J. MARRYOTT

IF the American motorist occasionally thinks about how different things are today from what they were twenty years ago, he probably thinks about changes in the appearance and mechanical design of the automobile he drives and about changes in the concept of what constitutes a modern highway system. If he is a thoughtful fellow, he may also reflect upon the enormous increase in the number of privately owned automobiles (today there are about 52 million in this country, or about one for every three people¹) as an indication of the extent to which the twentieth-century American revolution has progressed toward its ever moving goal of more of everything for more and more people.

Perhaps he also has some awareness of the price society has been paying, in terms of injuries and deaths from highway accidents, for this increase in the number of vehicles being operated and the failure of our society to become indignant as well as appalled at the mounting human toll and to demand full use of all available knowledge of how to reduce the number and severity of accidents. The 1952 figures may show an all-time high of 40,000 deaths and 1,250,000 injuries.²

That the statistics are not worse is a tribute to the highway safety work which is being done. Much more can be done to reduce the toll; but it can hardly be expected that we shall ever reach the point where the problem of compensating the victim of the highway

accident is not one which demands solution.³

LEGISLATIVE CONCERN

But even if the average motorist is strangely apathetic on this problem, our legislatures have become increasingly aware of and concerned with it.

From the viewpoint of the victim of an automobile accident, the question of payment for his damages or injuries is paramount.

Unless a prompt settlement is offered, he must face a very unfamiliar problem. Should he bring a lawsuit? The answer to this question, if it is to be arrived at on a practical basis, will require him to determine whether the defendant is financially able to pay the judgment for damages which may be obtained. "Is the defendant financially responsible?" is quite as important a question as "Is the defendant liable?" And in a very large number of cases, the first question translates into "Is the defendant insured?"

If the defendant is financially responsible on the basis of his own personal wealth, the question of insurance becomes less important to the victim, but

¹ F. M. Kreml, "Traffic Law Enforcement," *Public Safety*, November 1952, p. 18.

² National Safety Council, *Accident Facts* (1952 ed.), p. 60.

³ Even in Detroit, Los Angeles, and Seattle, where excellent safety programs produced reductions in traffic deaths of 41, 38, and 28 per cent respectively (Kreml, *supra* note 1), the traffic deaths in 1951 were 227, 269, and 47 respectively. National Safety Council, *supra* note 2, p. 67. In New York, where the death rate per 10,000 registrations had dropped from 13.2 in 1931 to 5.1 in 1951, there were 2,101 traffic deaths in 1951. Industry Committee on Motor Vehicle Accidents, Foreword of *Program for Highway Safety in New York*, Nov. 18, 1952.

it becomes vital to the defendant. From his viewpoint, the presence or absence of insurance may determine whether he faces financial disaster and the end of his dream of economic security. That these dreams may be fulfilled is not only his personal goal but the goal of much of what has been going on these last twenty years, and it would be strange indeed, during an era when the desire of people for security has been at least partially fulfilled in so many respects, if the subject of security for automobile accident victims, and for defendants in automobile cases, had not

occupied the attention of the legislature of every state.

The most frequent legislative response has been to enact some sort of "financial responsibility" legislation.

For present purposes let us take this term as referring to a law which encourages all automobile owners to become financially responsible with respect to damages arising from automobile accidents. None of the laws require that the purchase of automobile liability insurance be the means to the end, but since this way of quickly becoming "financially responsible" is so

TABLE 1—PERCENTAGE OF TOTAL MOTOR VEHICLES INSURED, 1950, BY STATES

Percentage	Type of Financial Responsibility Law			
	Type 1 ^a	Type 2 ^b	Type 3 ^c	Type 4 ^d
90 or over (8 states)	District of Columbia	Delaware, Maryland Virginia, Washington	New Hampshire New York	Massachusetts
80-89 (14 states)		California, Colorado Connecticut, Illinois Iowa, Ohio Pennsylvania, Wisconsin	Indiana Maine Michigan New Jersey Oregon Vermont	
50-79 (20 states)	Kansas Missouri New Mexico No. Carolina So. Dakota	Arizona, Idaho Kentucky, Minnesota Nebraska, Nevada No. Dakota, Oklahoma Rhode Island, Tennessee Texas, Utah West Virginia, Wyoming	Florida	
Less than 50 ^e (7 states)	Arkansas	Alabama, Georgia Louisiana, Mississippi Montana, So. Carolina		

^a Old type financial responsibility law requiring no security to satisfy any judgments rendered, but only proof of future financial responsibility, and that only after judgment or conviction.

^b Financial responsibility law requiring security, but not proof, following accident.

^c Financial responsibility law requiring both security and proof following accident.

^d Massachusetts has a compulsory automobile insurance law.

^e Of the states having less than 50 per cent of motor vehicles insured, Louisiana, Mississippi, and South Carolina had no financial responsibility law prior to 1952; and Alabama, Georgia, and Montana enacted the modern type law after 1950. Arizona, Connecticut, Delaware, New Jersey, Ohio, Rhode Island, Texas, Utah, and West Virginia have adopted modern type laws since 1950.

TABLE 2—PERCENTAGE OF TOTAL MOTOR VEHICLES INSURED, 1950, BY AREAS

Area	Total Registrations	Number Insured	Per Cent Insured		
			Minimum	Maximum ^a	Midpoint
Massachusetts	1,088,629	1,088,629	100	100	100
New England (except Mass.)	1,482,422	1,083,180	73	81	77
N.Y., Middle Atlantic, Ohio, West Virginia	12,322,761	9,785,926	79	88	84
Middle West	13,752,534	9,717,774	71	79	75
Pacific Coast	7,246,677	5,381,816	74	82	78
South	7,676,567	3,807,103	50	56	53
Southwest	4,405,288	2,174,156	49	54	52
Total	47,974,878	33,038,584	69	77	73

^a Based on reducing total registrations by 10 per cent to adjust for duplication in registration counts.

conveniently available, the laws have sometimes been referred to as "semi-compulsory insurance" laws. Indeed, administrators and legislatures are inclined to measure the degree of success of such a law in terms of the percentage of automobile owners who have purchased automobile liability insurance as a result of the persuasions it creates.⁴

Such laws now exist, in some form, in all states except Massachusetts, which has a compulsory automobile insurance law. Not all of these laws are of a modern type, but the number of up-to-date security type financial responsibility laws may be larger by the end of current legislative sessions.

It is believed that in 1950 about 33 million automobiles were insured for automobile bodily injury liability—73 per cent of the then total. The distribution by states is shown on Table 1, and by areas on Table 2. Probably the 1951 percentages are somewhat higher, and there seems to be no good reason why a percentage of insurance of 90 or more should not finally be attained under modern type financial responsibility laws if good enforcement exists.

⁴ N. Y. Commissioner of Motor Vehicles, *Safety Responsibility Annual Reports* (1944-51).

THE NEW YORK LAW

Let us have a closer look at a modern financial responsibility law. For this purpose we shall select the New York law,⁵ which has been notably successful in that the percentage of automobile owners carrying automobile liability insurance increased from about 30 per cent in 1941 to about 95 per cent in 1951.⁶

The New York law became effective January 1, 1942. It provides that every person operating a motor vehicle which is involved in any accident resulting in personal injury, or damage to property of some person in excess of \$50, must report that fact to the commissioner within 48 hours. Not less than 10 days nor more than 60 days after receipt of this report the commissioner shall suspend the license of the operator and registrations of the owner unless and until (1) security is given to satisfy any judgments which may be recovered by any person suffering such injury or damage, and (2) proof of "finan-

⁵ N. Y. Vehicle and Traffic Law, Art. 6A. The first law of this general type was enacted in New Hampshire in 1937.

⁶ N. Y. Commissioner of Motor Vehicles, *supra* note 4.

cial responsibility" for the future is furnished.

The requirement that security and proof be furnished does not apply to any owner or operator who had in effect at the time of the accident a standard-provisions automobile liability insurance policy which provided bodily injury limits of at least \$10,000 to \$20,000 and a property damage limit of \$5,000.

Proof of financial responsibility for the future may also be required of a person who is convicted of certain offenses involving the suspension or revocation of his operator's or chauffeur's license.

The statute likewise requires the commissioner to suspend the operator's or chauffeur's license and all registration certificates issued to any person upon receiving an authenticated report that he has failed for a period of 15 days to satisfy any judgment for bodily injury or for property damage in excess of \$50 arising out of his operation of an automobile in any state or Canadian province.⁷ A person who has been required for any reason to furnish proof of financial responsibility under the statute is ordinarily relieved of that requirement after three years since such proof was furnished if he has not within that period been convicted of a violation of the motor vehicle law and has no charges of such offenses pending against him.

The statute also provides that a person whose license or registration was suspended or revoked on account of an accident may secure the issuance of another license or registration without furnishing proof of financial responsibility if (1) one year has elapsed since the accident, (2) nine months have elapsed since the compliance with any order of suspension made against him

⁷ A discharge in bankruptcy is not under the terms of the law an adequate satisfaction of any such judgment.

because of such accident, (3) he has not paid or agreed to pay anything for damages resulting from such accident, (4) no suit for damages in respect to the accident has been brought against him, and (5) he has not been otherwise required to furnish or maintain proof of financial responsibility.

Proof of financial responsibility may be made by posting a bond in the same limits as the insurance required or by a deposit of cash or securities of \$25,000.

The distinguishing features of the New York type law are the requirements that security, in the form of cash or equivalent, be posted respecting the accident which has happened, and that proof of future financial responsibility be furnished, unless motor vehicle liability insurance was in effect at the time. The obvious inconvenience of being required to post cash or equivalent sufficient to pay for the accident, as contrasted with becoming financially responsible in advance through the purchase of automobile liability insurance, is the source of the persuasion which the New York law applies.

SECURITY AND PROOF REQUIREMENTS

Older type financial responsibility laws lack the "security" requirement⁸ and several fairly recent laws lack the "proof for the future" requirement.⁹ The older laws provide that a person who has been in an accident which resulted in an unsatisfied judgment against him shall not be permitted to operate in the future without insurance or its equivalent.¹⁰ These are the so-called "first bite" laws and are relatively ineffective, largely because few claimants will go to the trouble of securing a judgment against an

⁸ See the laws of the states under Type 1 on Table 1.

⁹ See, e.g., the recent enactments in Mississippi, Rhode Island, South Carolina (all effective January 1, 1953), and New Jersey (April 1, 1953).

¹⁰ See, e.g., the North Carolina law.

uninsured financially irresponsible defendant.

Both the older type laws and the security type require proof of financial responsibility for the future in the event of convictions for certain offenses, such as drunken driving, reckless driving, and leaving the scene of an accident.¹¹ These provisions have not served to accomplish very much in terms of persuading people to carry automobile liability insurance, apparently because relatively few motorists are convicted of such violations, and because fear of such conviction is not a persuasive force.

The Uniform Motor Vehicle Code, drafted and recommended by the National Committee on Uniform Traffic Laws and Ordinances, now includes as Act IV a model financial responsibility act. Act IV has contained, since the 1944 revision, the "security" provisions which distinguish the newer laws from older types.¹² It requires "proof for the future" (three years only) for certain convictions or failure to pay judgments, but not for accident involvement itself.¹³

Financial responsibility laws do not make any effort to change the existing rules of law applicable to motor vehicle accident cases. They are superimposed upon the existing legal system, which requires that the claimant prove that the defendant is legally liable, that is, that he was negligent. However, as a result of a high percentage of insurance, most victims are paid; but this is because insurance companies settle a very large percentage of all claims made against their policyholders. In a very great majority of the cases payment is made

¹¹ Compare the North Carolina and New York laws.

¹² National Committee on Uniform Traffic Laws and Ordinances, Report of Subcommittee on Financial Responsibility; Proposed 1952 Revision, Act IV, Uniform Motor Vehicle Safety Responsibility Act, §24.

¹³ *Ibid.*, §43.

promptly, but with heavily congested court calendars in some areas, very long delays sometimes occur. And of course there are many cases in which no payment is made because the defendant was not at fault or because the plaintiff was guilty of contributory negligence.

WEAKNESSES OF THE SYSTEM

From the viewpoint of the victim, financial responsibility legislation is not a wholly satisfactory answer. It may be the best available answer, but certainly it is not perfect, and it should not be expected that it can cure such difficulties as are virtually inherent in applying the common-law rules of negligence and courtroom procedures to automobile accident cases.

From the viewpoint of the insured defendant, who is not himself injured in the accident, the financial responsibility system is fairly satisfactory. His need for protection from the possible economic disaster of a judgment against him is admirably met by modern broad-coverage insurance. From the viewpoint of a defendant, the shortcomings of the system are that its persuasions, being rather indirect, may have failed to cause him to do what he should have done, namely, become financially responsible by purchasing insurance, and that the minimum limits named in the law are too low to safeguard him against the jumbo-sized verdicts so common today.¹⁴ Also, it is barely possible that

¹⁴ For examples in recently reported cases, see *Garippa v. Wisotsky*, 108 N. Y. Supp. 2d 67 (1951), *affd.*, 113 id. 772 (1952) (\$75,000); *Loerzel v. Carnright*, 279 App. Div. 825, 109 N. Y. Supp. 2d 400 (1952) (\$75,000); *Robinson v. Butler*, 234 Minn. 252, 48 N.W.2d 169 (1951) (\$54,000); *Dworgansky v. Glenn Cartage Co.*, 192 F.2d 166 (2d Cir. 1951) (\$65,000). There are many cases not reported in the law books. For some examples, see *Oakland Tribune*, July 14, 1951 (*Allen v. Eoff*—\$200,000); *Oklahoma City Times*, Dec. 18, 1951 (*Fielder v. Landry*—\$116,584); *Houston Post*, Feb.

the accident is not covered by the policy. If the defendant himself is injured, his usual desire is for something more than protection against liability. Under such circumstances, his need and desire are that payment be made. But the common-law negligence system itself, rather than any defect of the financial responsibility system, is the reason why the negligent defendant is not compensated for his own injuries.

The most obvious shortcoming of the financial responsibility system is that it fails to produce 100 per cent coverage. It appears that a gap of about 10 per cent will remain in a state in which enforcement procedures are about normal and in which there are no special circumstances. Some of the worst cases have a perverse way of falling within these gaps, with the resultant publicity directing fresh attention to the fact that the problem is not completely solved.¹⁵ Legislator-lawyers with clients who cannot collect for their injuries are not easily answered by the statement that such instances are rare.

STRENGTHEN THE SYSTEM, OR CHANGE IT?

Thus, one of today's pressing problems is whether and how far to move from where we are. Should we push toward 100 per cent insurance coverage or its equivalent? Should we now close the gap in such states as New York where the financial responsibility law has been in effect for a long enough time and has been well enough enforced to indicate that its approximate maxi-

mum effect has been attained? If we should, how can it be done? Or should we consider some other system, perhaps a system based on the workmen's compensation idea, which would contemplate that all automobile accident victims would be paid even though they could not establish negligence on the part of the one causing the damages or injuries?

Obviously, no financial responsibility statute can be completely effective. Those initially persuaded that insurance should be carried may drop the coverage before the accident occurs, and some who were insured at the time of accident involvement may be uninsured at the time of the next accident. Some further device is needed if we retain the system but want the gap to be closed.

One way of closing the gap is to move from the status of semicompulsory insurance that exists under modern financial responsibility laws into full compulsory insurance, as has existed in Massachusetts since 1927.¹⁶ Many insurance people are opposed to the Massachusetts system, holding that the difficulties which have prevailed in Massachusetts (inadequate rates, low commission scales for agents, constant and unjustified criticism including threats of a state fund from some politicians, tight markets causing considerable public inconvenience, and so forth) are likely to be attendant upon outright compulsion. There is also some question as to whether a compulsory insurance system will bring about a lower total of insurance protection in force, because people may decide to buy only the minimum coverage required by law. And there are those who feel that compulsory insurance smacks of socialism and thus is somehow evil in itself, and, being evil, should not receive serious consideration as a solution.

¹⁶ Mass. Gen. Laws (Ter. Ed.), c. 90, §1A, as amended.

22, 1951 (Jenkins v. Arnold Transp. Co.—\$200,000).

¹⁵ Deputy Superintendent George H. Kline and Special Assistant Carl O. Pearson in a report to Superintendent of Insurance Alfred J. Boblinger under the title *The Problem of the Uninsured Motorist* (1951), p. 10, note that of 1,450 accident files in fatal cases reviewed, 246 (17 per cent) involved uninsured owners and operators.

It should be added that there are those who believe that compulsory insurance got off to a bad start in Massachusetts because it came at a time when only about 30 per cent of cars were insured, thus making the transition much too abrupt; and it is said that the unsatisfactory conditions there are not likely to occur elsewhere. Many people see nothing inherently wrong with the idea that financially irresponsible persons should be denied the use of the highways, or that insurance or its equivalent should be required as a condition precedent to registration.¹⁷

Another and very interesting method of increasing the percentage of motor vehicle owners who allow themselves to be "persuaded" to make themselves financially responsible has been employed in British Columbia¹⁸ and in Manitoba.¹⁹ It is the enactment of "impoundment" statutes, that is, laws which require the impoundment of uninsured vehicles involved in accidents.

Another device which might be used, but has not been regarded with favor, is that of requiring those involved in accidents while uninsured to establish proof of future financial responsibility on a permanent or at least a long-term basis. This shares the unpopularity of the compulsory insurance approach. It is, however, on a very selective basis, and would arouse resentment, if it did so at all, only among a comparatively small

¹⁷ Governor Dewey has recommended the enactment of compulsory automobile insurance legislation in New York. His January 7, 1953 message states his belief that "the time has come to challenge the right to drive of that small minority who continue to operate vehicles without insurance or other evidence of ability to recompense the victims of their accidents," and that there would be "no necessity to increase the coverage or limits now provided in the standard automobile liability insurance policy."

¹⁸ Chapter 227, Revised Statutes of British Columbia, 1948, as amended.

¹⁹ Manitoba Highway Traffic Act, Chapter 23, Statutes of 1945, as amended.

group—uninsured persons involved in accidents. It would seem that this device would, over a period of years, have the effect of materially lessening the number of uninsured automobile owners.

There would remain the problem of how to persuade new owners to become insured, because in a sense all financial responsibility laws permit a sort of "first bite" before they compel anything.

In 1951 New York made an effort to get at this particular gap by enacting a compulsory insurance law applicable to registrants under twenty-one years of age.²⁰ Perhaps this narrow area of compulsion could be broadened somewhat, say to age twenty-five; and if in such form it served to require almost all new owners to carry insurance, its effect when combined with a stiff "future proof" provision in the financial responsibility law would be to produce very close to 100 per cent coverage by methods a little short of the sweeping compulsions of the Massachusetts law.

AN UNSATISFIED JUDGMENT FUND

A scheme not for closing the gap but for dealing with the cases which would be within the gap is the creation of some sort of an unsatisfied judgment fund out of which judgments against the financially irresponsible could be paid.

New Jersey has the perhaps dubious distinction of being the first populous state to enact an unsatisfied judgment fund law.²¹ It did so in 1952. The

²⁰ This has since been broadened and now applies to minor operators as well as owners. N. Y. Vehicle and Traffic Law, Art. 3, §§11a, 20a. See also Art. 4, §41a, requiring insurance as prerequisite to registering motorcycles of minors.

²¹ Laws of 1952, c. 174. North Dakota has had such a fund since 1947 (Revised Code, c. 39-17). It applies to judgments in excess of \$300 and to residents only. Since 1951 it is also applicable to "hit and run" cases (H.B. 585). The *Journal of Commerce*, Nov. 19, 1952, reported that the fund "may be depleted before the year runs out."

law contemplates that there will be a fund managed by the state through a board on which employees of insurance companies will serve along with the State Treasurer. The fund will be created, beginning in 1954, by charging uninsured registrants a fee of \$3.00 and insured registrants a fee of \$1.00, and by a tax on insurance carriers of $\frac{1}{2}$ of 1 per cent of premiums. This tax will find its way, of necessity, into the rates for insurance and will thus be paid by insured motorists.

Judgments in motor vehicle cases which are not collectible from the defendant will be paid by the fund. Cases will be investigated by insurance companies, and presumably the costs incurred in these cases will likewise find their way into the rates paid by those who do insure. Defendants who do not pay up will be off the road.

Not all plaintiffs can collect. If the plaintiff is driving or riding in an uninsured car owned by himself, his spouse, his parent, or his child, he is not permitted to collect from the fund. Those who are entitled to workmen's compensation benefits because of the injury in question cannot collect from the fund. No nonresident can collect from the fund unless he owns a motor vehicle registered in New Jersey. Those entitled to life insurance, accident and health insurance, or other benefits cannot recover their full damages, the amounts of such benefits being deducted from any possible recovery from the fund. The first \$200 in damages are not recoverable from the fund in any event. The spouse, parent, child, or guest occupant in the motor vehicle operated or owned by the judgment debtor cannot collect.

OBJECTIONS TO NEW JERSEY LAW

Objections to the New Jersey law, apart from questions as to its constitutionality, are that it is grossly unfair

because it puts the burden of paying all judgments on those who voluntarily insure, instead of trying to induce the irresponsible to become responsible, and that it does not prevent the economic disaster which the irresponsible defendant sustains when he cannot pay a judgment and loses his right to drive motor vehicles, upon which his livelihood may depend. Also, there will still be some economic catastrophes among injured claimants, because many of them can collect nothing from the fund and will be as badly off as before.

The fairness of a law which makes those who are entitled to workmen's compensation benefits and those who have provided benefits for themselves (such as accident and health beneficiaries) ineligible for its full benefits has also been a subject of discussion. It must be admitted, however, that the New Jersey system will assure the payment of some cases which would not be paid under a successful financial responsibility law. Whether the method will seem, upon further consideration, to be too obnoxious in terms of fairness, or too expensive to responsible motorists, or to involve overmuch statism, is an unsettled question.

LET US NOT BE HASTY

While much of the discussion in recent years has pointed up the ultimate dilemma of what to do about the gap which remains after a modern financial responsibility law has accomplished its maximum result, it may be that a complete solution of this particular problem should be deferred a little while. Certainly we need to know what effect an impoundment act will have in a state like New York when, effectively enforced, it is superimposed upon a modern well-enforced security type financial responsibility law. We need to know how far we get with a compulsory insurance law applying to minor (or

young) owners. And we must not make the mistake of requiring an abrupt transition.

It is, of course, entirely possible that public impatience with the shortcomings of the negligence system as applied to automobile accidents will compel changes in the system itself. Such changes would not necessarily take the form of complete abolition of the negligence basis for recovery and the substitution of a system similar to a workmen's compensation system.²² The formal adoption of some type of comparative negligence doctrine, a curb upon excessive fees of lawyers, special courts for automobile accident cases, much better use of pretrial procedures, the development and use of simple and reliable methods for the detection of the faker and the malingerer, the use of court-chosen medical experts, a curb on flagrant courtroom histrionics, and better education and instruction of jurors, are all matters which should receive careful study before concluding that the present system cannot be made to produce satisfactory results in automobile accident cases.

Insurance carriers are prone to identify

²²No state now has a system which requires payment to automobile victims regardless of fault. It is reported that Mr. Arthur A. Ballantine, who in 1932 advocated a compensation system for automobile injuries, has modified his views and now favors an impoundment statute along with a strong financial responsibility law. This formula is also recommended by the Association of the Bar of the City of New York, Report dated December 7, 1952. See *Journal of Commerce*, December 29, 1952.

themselves with their policyholders in establishing their own motivations. Thus, insurance carriers are sometimes inclined to seek the correction of shortcomings of the present system, such as long delays, excessive verdicts, high contingent fees for lawyers, occasional unsavory "hookups" between doctors, lawyers, and claimants, false or exaggerated claims, and witnesses with superperfect memories. How to obtain public support for needed reforms without placing the system itself in jeopardy is not only a delicate problem in public relations but one which few would wish to resolve on a pragmatic basis.

But much can be done without making, and perhaps should be done before making, ultimate choices. There are still several states without modern security type financial responsibility laws. Thus it would perhaps be well if the emphasis for the next few years could be upon changing old type financial responsibility laws into new type laws, and upon effective enforcement, rather than upon closing anticipated ultimate gaps. Placing the emphasis upon speeding this process may result, in the aggregate, in much progress in making it possible for more victims to be paid and for more defendants to avoid economic catastrophes. Narrowing by proved methods the substantial gaps which exist in several states instead of becoming preoccupied with ultimate complete solutions will also make for a much easier transition to whatever system we shall finally evolve as a solution of the motor vehicle accident problem.

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The Jury System in America

By CURTIS BOK

A GREAT many people attack the jury system as if they thought it could be abolished. To do that would require constitutional amendments whose passage no sane politician would be brave enough to attempt.

The right to trial by jury exists in the national Constitution and in the constitutions of the states, and stems directly from the common law of England. Like the rights of due process and of free speech, religion, and assembly, it is such a familiar column of our liberties that a direct attack upon it would arouse a furor out of all proportion to its merits and demerits as an actual working system.

The nature of our legal system must not be forgotten. Having no divine origin, the common law developed by a sort of capillary attraction from case to case, and the applicable rule emerged as a consensus of judicial opinion over the years. When these rules were hoisted out of the reports and codified, their essential nature transferred to the code. It was primarily a pragmatic effort to solidify the past and guide the future; and either way, the law, code or common, has grown to be the anvil on which we hammer out our social experiments. The solidified past is the tougher anvil, but our rapidly changing mores compel us to beat upon it with unrelenting vigor.

As long as the jury system lies on the anvil, it is proper to subject it to both attack and defense; but to lift it off and throw it away is another matter. Our books are littered with the corpses of dead laws. Possibly we neglect to repeal them on the analogy of the old pair of shoes—they may come in handy some day. Our interest ceases once the social experiment has beaten the life from a law, and we leave it where it lies, the victim of an occasional, after-thoughtful whack, or to serve by way of analogy for a further experiment.

LIMITED USE OF JURY

Time will take care of the jury system, one way or the other. At the present, it appears to be in a state of slow disintegration. In England it is disappearing rapidly: in civil cases it is rarely used, and in criminal cases it is used only for the major ones. It never existed, in either England or the United States, in equity cases (except most infrequently and then only as advisory to the chancellor's conscience), or in admiralty, which administers the law of the sea. Congress has very rarely granted the right to try cases against the United States before a jury. In certain parts of this country juries are used almost as infrequently as in England, and the growth of nonjury civil trials and of misdemeanor trials on waiver of jury proceeds steadily. In some jurisdictions it may be waived in the criminal trial of major felonies short of first degree murder. It persists very strongly in capital cases, and in most civil cases it can be demanded by one party. Nonjury trials are quicker and help to clear the docket.

The massive growth of arbitration and of practice before administrative tribunals has resulted in the settlement of disputes whose number would sink the courts twelve judges deep if they had to be solved within the legal system, with or without juries. Hence in proportion to the number of existing human disputes, those now settled by juries have shrunk to a small minority. Most of these are criminal cases: of the civil cases, from 75 to 85 per cent are accident cases.

ENTERTAINMENT AND ILLUSION

The courts were once the country's greatest theater. People came from miles around and hung on every syllable while the lawyers talked for days.

Happy was he who could sit in the jury box and be directly thundered at. The resulting public hangings drew huge crowds, with choice window seats going at fancy prices. Court term in country districts brought in the neighbors to see the artful lawyers and hear the speeches even for the ordinary calendar. It is not generally recognized that the change in the courts' status from theater to workshop has been a major revolution within the legal system. There were fewer rules a century ago, either statutory or decisional, and hence there was greater play for the ingenuity of lawyers. Nowadays the great new problems that arise from the changing economy are matters of law for the court: they do not filter down to the jury box.

Justice has always been entertainment. At its noblest, it is education of the soul or mind: at its lowest, burlesque. Universally it is what the litigants and the spectators take home with them from court—the shoddy, the covered Grail, or the balance of divided truth. And to some extent, greater or less, justice is an illusion. Even in the clearest cases about specific bits of property or obvious promises, the hinterland has all the peaks and valleys of human pressure that produce the most impersonal-looking legal situations. A promissory note may be given in the routine course of business or it may be a desperate man's last hope; but the law merchant applies evenly to both cases, and the man who purchases such notes in good faith takes them free of their unequal equities. The goddess with the bandaged eyes and the scales can be either a prophet or a vixen. Her eyes are covered and so we cannot know which, nor do we always want to know, since the law does not pretend to do more than keep average conduct average. A host of illusions arise from that fact alone, and our best wisdom, pend-

ing slow improvement, appears to be content with it.

A child of eight is killed by a train. The law says that its heirs are entitled to the economic value of its life. An appalling situation at once confronts the fact finder, whether judge or jury, and even those who assert that the law is a science approve what must be done. The facts and only the facts are to be found, directly or by inference from other facts. The following are considered facts: the child's earnings until it should have become of age, minus what must have been spent to keep it; its pain and suffering, if it lingered for a while in agony before dying; the loss of its earning power throughout its probable life, often determined with the help of mortality tables; in measuring its loss of earning power, consideration must be given to the kind of person it was likely to grow up to be, the sort of labor, trade, or profession it was likely to enter, the slowing down of ability and activity towards the end of its mythical life, the amount of illness it was likely to endure, the possibility of its marriage, and similar bits of prophecy.

In such situations the Greeks went to the oracle at Delphi. We go to the jury, and the jury sits down, perhaps for the first time in its experience, to figure out what the average life is worth. All it has to go on in the way of actually proved facts are a few words from the child's parents to show their walk of life, the neighborhood in which they live, their economic level, and perhaps a picture of the child. And once the lost earnings are evaluated, the jury must reduce them to their present worth, a mysterious procedure without help from the court, to reflect the general idea that a lump sum given now is more valuable than a long series of future wages paid weekly.

One further illusion we cling to. It is that the jury will do its necromancy

accurately and with unassailable logic. We usually require of it only what is called "the general verdict," which means the announcement of a result, without reasons. If we required a reasoned argument in support, the jury system would blow up in a week; and hence we wisely do not require it. Judges look with alarm even upon asking a jury to answer special questions, and do so only in complex and difficult cases.

No less illusory is the jury's choice between two verbal recitals of a case, each diametrically opposed to the other. How the jury unravels truth from fiction, with all the shadings of both, is a mystery around which we reverently draw a curtain.

All of this brings hollow laughter from the opponents of the jury system, who would like us to grow up and be done with childish nonsense. Instead of a jury, the court, composed of one or more judges, should apply their trained minds to the findings of fact. This can certainly be done, even if a judge's mind may be less well trained to the ways of the alleys and the back fences than the minds of the neighbors. Judges are as good at necromancy as anyone else, and better at rationalizing the process: they could give splendid reasons, out loud or on paper, and when they, rather than the jury, find the facts, they are in effect required to give their reasons. Maybe that is why the public regards its judges with reverential awe and mistrusts them not a little. People are suspicious of a clever head unless they are first assured of a good heart under it.

The real trouble is with finding facts. Hauling facts out of the past into the present is one of the most refractory processes known to man, and is directly responsible for our constant juggling with procedure in the effort to let the slippery things through with the least distortion.

LAW AS SCIENCE

Talk about the law as a science is at a minimum among the judges and the lawyers who work the trial courts. Science accepts nothing as a law until it has been proved by experiment to govern the given material without error or exception. There are few legal rules that fill this bill. We present to a jury an assorted set of facts and ask it to apply a legal principle and decide if it fits. To do that with a chemist would be to invite him to blow himself up. Not even appellate judges work like scientists. They are given a set of facts fixed by the jury and are expected to find the handiest legal principle that applies. To do this in the laboratory would be to invite the next chemist who handles similar material to blow himself up: in court the next batch of material is only similar, not like.

The law has been called a science "because its principles have been classified and digested and arranged so as to be available for use." Few courtroom professionals think much of that idea: as well call restaurant cooking a science because there is a menu, or railroading because there are timetables.

The law tried to be a science at least once. The early English system of pleading that penalized the omission of a stamp or a videlicet and erected a neat system of rejoinders, surrejoinders, rebutters, and surrebutters brought about such an intolerable pattern of injustice that the system of equity was invented to counteract it. Hard cases make bad law, but the law is capable of making hard cases possible. Nor does it follow that easy cases make good law.

Furthermore, good law is not necessarily the most efficient law. If the law were scientific, it would also be efficient. It could be made so. If we took three months over the case that now takes three days to try; if we checked the

background and record of every witness; if the court had the unlimited help of doctors, psychiatrists, social workers, investigators, and crime laboratories; if five judges instead of a jury had to sit on every case; if each trial were put on film for use on appeal; if a host of other gadgetary innovations were applied—if all these things were done, we should undoubtedly reach more accurate results. But the road to naked efficiency leads to dark places, and the German legal system under Hitler was well on its way. Why not sterilize, castrate, or simply kill off the difficult people? And who are the difficult people if not the enemies of efficiency? Certainly they are whoever are opposed to those who have power enough to be thoroughly efficient.

Thus far the argument sounds like a defense of the jury system, but it is intended as a defense of only two ideas: one, that the jury system cannot be abolished by law but only by the attrition of time, and, two, that democratic society has an inherent efficiency of its own in the conduct of essentially human institutions like the trial of cases.

THE RIGHT TO TRIAL BY JURY

The point lies in the constitutional guarantee of the right to trial by jury. It is the right, and not trial by jury, that is guaranteed. Had trial by jury been guaranteed, we could easily get rid of it, and probably would have done so long since. It would be crippling if every trial had to be before a jury, since the march of progress has shown many kinds of dispute to be too complex and difficult to be solved by an assortment of the neighbors, and has created many other kinds that are solved apart from the legal system entirely.

The public seems willing to experiment with different ways of settling litigation, as long as it has the right to use the old one when it feels the need. It

felt the need very urgently during the days of prohibition, when the neighbors rather than the judges could be counted on to acquit even in the face of the tightest evidence. Juries had as much as anyone to do with the repeal of prohibition; and the idea that prohibition bred a disrespect for the law may have been true at the political level, but not in the courtroom. With undiminished and perhaps increased respect for the courts for doing their duty, juries listened soberly, turned almost everybody loose, and probably went home to their own bootleg.

It is the existence of the right to trial by jury that makes possible experiments with other methods. There is considerable thought being given in the profession to the abolition of the grand and coroner's juries, which in various jurisdictions are not within the constitutional right and seem pretty clearly to be near the end of their usefulness. There is discussion of verdicts by a majority of the petit jury. The rules of evidence are less strict than when the courts were good theater, and cases are tried more briefly, with fewer objections, and with a minimum of drama. There is respectable opinion that the exclusionary rules of evidence should be further relaxed, and the neighbors in the jury box trusted with the full story, fair and unfair, relevant and irrelevant, to the end that they might decide cases in court as they do in their business, their neighborhood, and their homes. It is indeed odd to keep from jurors a bit of hearsay as if it carried the black plague, but at the same time to trust them to grasp the full significance of complex legal rules when the judge charges them at the end of a case.

QUESTION OF CONTROL

The truth is that the jury system is like the tooth nerve that retreats before a deepening cavity. It remains useful

in its accustomed area, but the area is shrinking. Much of the criticism of juries comes from acquittals in criminal cases. There is no redress whatever, since the accused may not be tried twice for the same offense; but the lack of redress is to a degree counterbalanced by the fact that in most cases the public rather likes to see the hunted elude the hounds. But in the few instances where the public looks for blood, an acquittal can raise a storm. Witness the M'Naughten Rules, now over a century old, by which we still measure the defense of insanity in criminal cases: these rules resulted from an acquittal in a famous English case.

In other types of cases there is a fairly effective control, despite the mystery of the general verdict. Convictions can be reviewed at the request of the accused, and the courts can make a pretty shrewd guess at what influenced the jury. Even if they cannot, but are shocked by the result, a new trial can be granted even on the court's own motion. In civil courts most cases of any importance are reviewed at the request of the loser, and while the facts as found by the jury are usually considered binding, palpable injustice can be corrected either by the trial court or by the appellate courts.

POSSIBILITIES OF THE JURY SYSTEM

Since trial by jury cannot be abolished, it is important to use it as well as possible and abide the event. Partly because a system built for efficiency would take too much time and cost too much money, and partly because people feel instinctively that justice is relative, the public wisely does not want the best of all possible systems in the best of all

possible worlds. What the public has is a reasonably effective way of getting close to the truth but not too close. Absolute truth is something that no one wants to face: the covered Grail, and only a little of that, is quite enough, and we prefer faith, our most necessary commodity, in the unseen.

The best improvement of a going system like trial by jury is exquisite use. At its best, a trial is the joint effort at top capacity by judge, lawyers, and jury. A noble person on the bench, earnest and able lawyers at the tables, and conscientious jurors in the box can be counted on to produce a quality of justice quite splendid enough for most human needs. The judge can make the law clear and simple if he puts his mind to it, and his character can raise the whole tone of the trial. The lawyers can present all available facts with orderly clarity. The jury, if chosen from a true cross section of the neighborhood, can be counted on to pay good attention and provide shrewd solutions. It is a pity to make the jurors the whipping boy for the ills of the jury system: judges, lawyers, and the public must share the blame for its defects and take part in its evolution.

The jury system is not necessarily a bad system. If it fails, it will be because it is worked at less than top capacity and intensity, which is the reason why most things fail. Even so, it might no longer be considered flexible enough to fill the bill. In that event, legal solutions will be left to judges or to fixed administrative tribunals; but whatever happens, the social fabric will not be rent asunder. Thus far no better guaranteed method has been found than a verdict by a jury of the vicinage.

Hon. Curtis Bok, Philadelphia, Pennsylvania, has worked with juries since 1937 as President Judge of the Court of Common Pleas No. 6 of Philadelphia County, Pennsylvania. He is the author of The Backbone of the Herring (1941) and I, Too, Nicodemus (1946).

A Projected Study of the Jury as a Working Institution

By BERNARD D. MELTZER

THE proposed study of the jury system, which I have been asked to describe,¹ is one of four projects in a research program in law and the behavioral sciences to be undertaken at the University of Chicago Law School. This research, which has been made possible by a grant from the Ford Foundation, will be conducted over a three-year period. The program "will represent a major effort to bring to bear on the problems of law the research techniques of the behavioral sciences and, at the same time, to enrich the behavioral sciences by a study of legal institutions."²

AN INTERDISCIPLINARY STUDY

Trial by jury is a many-sided and controversial institution, which is a promising subject for interdisciplinary study. The jury plays an important role in the administration of justice. It is also a powerful symbol of our democratic faith, with an important place in our political theory. Furthermore, the jury, as an *ad hoc* collection of amateurs who generally must act unanimously to resolve a dispute, is a dis-

tinctive group which can be of special interest to students of small-group interaction.

The jury³ has so often been called the "palladium of our civil rights" that this phrase has found a place in our dictionaries. At the same time, there has been continuous and lively criticism of the fitness of jury trial for some types of modern litigation.⁴ As a result, there have been significant reforms, both in this country and in England, and proposals for additional reforms.

The discussion has often involved untested assumptions about the actual workings of the institution and community attitudes toward it. In addition to such matters, which can be illuminated by empirical investigation, the debate involves fundamental and pervasive issues, such as the proper role of the expert and the amateur, the proper distribution of power between the official and the citizen, and the extent to which particular values represented by basic institutions should override any operational inefficiencies which they may involve.

Such issues cut too deep into our social fabric to be resolved by even the

¹ This paper reflects the work of a faculty committee at the University of Chicago Law School. This committee has consisted of Walter J. Blum, Harry Kalven, Jr., Hans Zeisel, and the writer of this paper. More recently, Philip B. Kurland, who will soon join the University of Chicago Law School faculty, and Dale Broeder, research associate, have participated in the committee's discussions. In addition, this paper reflects many suggestions made by our colleagues on the law faculty, by social scientists and psychologists at Chicago and elsewhere, and by lawyers and judges.

² See Levi, "The Development of a 'Missing Fundamental,'" 41 Ill. Bar J. 89 (1952).

³ The term "jury" or "jury system" is obviously an abstraction which, although convenient, is misleading insofar as it suggests that separate juries are equivalents. The use of this abstraction is, of course, not intended to obscure the varying composition of particular juries, or the varying problems raised in different regional areas (for example urban and rural) and in different types of cases (for example criminal cases generating major public interest as contrasted with complicated commercial cases).

⁴ Because of space limitations, no effort will be made here to acknowledge the pertinent literature.

most comprehensive study. But a study could give us a store of reliable information about the actual workings of the jury in various contexts, and the rules and usages which tend to promote or frustrate the various purposes ascribed to the jury. It could, for example, shed light on the criteria which should control eligibility for and exemption from jury service; on those rules of evidence which are based on assumptions about jury behavior; and on the proper application of elastic concepts, such as "reversible error," which are also based on such assumptions. In addition, a study could make clearer the actual impact of particular rules of substantive law when they are to be applied in the end by a more or less random group drawn from the community.

SOME SUBJECTS OF STUDY

From the many facets of the jury system which might be examined, the following have been selected for initial emphasis in the study:

1. The functions assigned and imputed to the jury.
2. The principles, if any, on which jury trial is or is not made available to litigants; the assumptions behind the decisions of litigants to elect or to waive a jury; identifiable classes of cases in which jury trial appears to involve special inconvenience.
3. The legal rules, the administrative practices, and the litigants' choices, which determine the composition of particular juries.
4. The decisional process—the determinants of the jurors' individual judgments; the nature and effect of group deliberation.
5. Workable criteria for appraising particular verdicts.
6. The rules and usages which promote, or interfere with, informed and rational jury determinations or the efficient use of the jury in adjudication.

7. The significance of the jury as a form of democratic participation—community attitudes regarding the jury.

8. The social and individual costs of the jury system in various classes of litigation.

9. A re-examination of the functions of the jury in the light of data regarding its operations.

In a paper of this length it is possible only to illustrate an approach to some of these questions.

FUNCTIONS OF THE JURY

With respect to the first question, the functions assigned or imputed to the jury are of two types: First, there are those explicitly defined in formal rules. Under these rules, the jury's primary function is to adjudicate the facts and to apply the law according to the judge's instructions. Another explicit function, but one which in theory is more limited, is that of making interstitial rules for particular cases where the controlling legal rule is so general that the jury must complete or particularize the rule for the case at hand. The most familiar and prominent example of this is the jury's role in the negligence case, where it must make more precise the general standard of reasonable care.

Beyond these formally defined functions, commentators have ascribed a number of more sophisticated tasks to the jury. Most familiar is the idea that the jury is to mitigate the general rule of law when it operates harshly in the particular case, and the related idea that the jury is to adjust the law to the morality of the man in the street. It is striking that particular juries are expected to perform these and other sophisticated functions even though they are in effect forbidden to do so by the judge's instructions.

Several questions are suggested by this conflict between what the jury is expected to do and what it is told to

do. The first is whether and to what extent particular juries are aware of these subtle and, in a sense, illicit functions which they are expected to perform. Is the reliance on the jury as "the safety valve" of the legal system misplaced because particular juries will accept the judge's more restricted definition of their duty? Another question relates to the competence and the values which are represented in the random group which is expected to apply and reshape the law. Finally, to the extent that a random group of amateurs, unconstrained by the traditions which limit a judge's discretion, reshapes the law, what is the impact of such law-making on legitimate expectancies, on the ideal of equality under the law, on the volume of litigation, on explicit and public changes in the law?

There is need for both a searching analysis of the functions assigned and imputed to the jury and a re-examination of those functions in the light of data about the actualities of jury behavior.

ASSUMPTIONS ABOUT JURY BEHAVIOR

The most distinctive and challenging aspect of the study will be a sustained attempt to shed some light on these elusive actualities—on the nature and significance of the deliberative process and on the determinants of verdicts in particular cases. This is the area of greatest controversy, greatest uncertainty, and greatest importance to an understanding of trial-by-jury as a working system.

A useful starting point for this phase of the study is the rich and conflicting body of assumptions about jury behavior. These are dealt with in a substantial literature and in a substantial number of judicial opinions. In addition, there is an unwritten body of know-how or myth which is passed on to each new generation of lawyers by

the administrators of the jury system—jury commissioners, bailiffs, court reporters, as well as judges and lawyers.

These assumptions, whatever merit they may have, influence lawyers both in their selection of juries and in their attempts to persuade them. These assumptions also influence the application and reformulation of the rules relating to the composition of juries, to their deliberations, and to the kind of proof and persuasion which may be presented to them. For these reasons, and because they are the working hypotheses of the system, these assumptions should be systematically examined. They can be derived from treatises, from judicial opinions, and from interviews with representative groups of professionals.

RECONSTRUCTION OF JURY OPERATIONS

These assumptions about jury behavior will first guide the study of jury operations in particular classes of actual cases and then will themselves be re-examined in the light of the resultant data. Since the jury room is not open to direct observation and since the general verdict, which is the usual form of a jury verdict, discloses nothing more than a general conclusion, it will be necessary to attempt to reconstruct the operations of the jury indirectly.

A variety of techniques may prove useful for this purpose. First, cases will be classified according to various criteria, which cannot be spelled out here. These cases will be studied prior to trial and observed in court by a lawyer and a social psychologist. After the jury has returned its verdict, the individual jurors will, with the permission of the courts involved,⁵ be inter-

⁵ For a report of jury interviews which were permitted by the Ohio courts, see Hunter, "Law in the Jury Room," 2 *Ohio St. L. J.* 1 (1935); but cf. the report of greater difficulties in Judge Jerome N. Frank's introduction to Hoffman and Brodley, "Jurors on Trial," 17 *Mo. L. Rev.* 235 (1952).

viewed under conditions assuring anonymity and with appropriate safeguards worked out with the courts.

These interviews will be based on two types of questions: (1) a general set of questions reflecting general presuppositions about the determinants of jury behavior in particular types of cases, and (2) a set of questions prepared by the lawyer-sociologist team based on the specific events of the trial.

These interviews should reveal the response of individual jurors to the trial; their capacity to follow and organize evidence, and to understand and apply the judge's instructions; the nature and effect of the group deliberations; and the determinants of, or influential factors in, particular verdicts. These interviews should also yield data regarding the general personality and skills of the individual jurors and the impact of jury service on their attitudes regarding the jury and the administration of justice.

Some of the difficulties raised by the techniques described above deserve mention. Many of the cases on the jury calendar are settled before or during the course of the trial. The time spent on the study of a case which is settled will not, however, be time lost. The study of such cases promises to shed light on this dark corner of the law-in-action. It should, for example, disclose how expectations regarding jury behavior and the trial process affect the process of real or spurious compromise.

Another difficulty is that individual jurors may not be wholly aware of, or may not be able to reconstruct accurately, either their personal responses or the group activity. An even more fundamental difficulty relates to the possibility of fruitful generalization, given the complex of variables from case to case.

However formidable these difficulties may be, it seems likely that this phase

of the study will produce a much clearer and more useful picture of the actual operations of the system than we now have.

PARALLEL BENCH VERDICTS

The data produced by intensive case studies of jury behavior will be supplemented by data designed to disclose the differences between judge and jury determinations. To facilitate such comparison, judges presiding over jury cases will be asked to keep records of such cases, to indicate, prior to the return of the jury verdict, the verdicts they would have reached if they had absorbed the jury function, and to suggest explanations of significant differences between their "as-if" and the real verdict. In order to deepen the study of particular cases, the judges' parallel verdicts will be sought in cases which will be the subject of interviews with the jurors. In some cases, the judge may, of course, wish more time for reflection than is taken in the jury room. A record of such cases and the judge's subsequent "verdict" would be instructive.

Judges on their own initiative have in the past undertaken such comparisons, and we look forward to their cooperation in this and other phases of the study. We recognize that the judge's as-if verdict may diverge from the verdict which he might have reached if he were in fact disposing of a man's liberty or property. But the fact that judges often sit without a jury reduces this difficulty. The traditions and habits which produce the real verdict will presumably not be abandoned for the simulated verdict.

It is not suggested that the judge's parallel verdict will be a criterion for judging the quality of the jury verdict. Such an assumption would beg the essential question—the proper role of the citizen in dispute settlement—which underlies the debate about the jury sys-

tem. The comparison would indicate differences in approach and result where the judge supersedes the jury. It would also produce insights as to how the judge conceives his role in cases where the jury has been waived. Does he, for example, attempt to react as he believes a jury would?

SIMULATED JURIES

The study will use not only simulated bench verdicts but also simulated juries. A variety of techniques, which can only be mentioned here, may prove useful. A simulated jury drawn from the same general group as the real jury or from special groups or from both could be asked to follow an actual trial and to assume the role of the real jury. This device would permit direct access to the simulated jury room and would facilitate subsequent interviewing. Mock trials would serve a similar purpose and would be more manageable. Movies with interchangeable parts, designed to test the effect of variables such as wealth or race, are also being considered.

All of these devices involve the risk of the distortion which may be inherent in the simulated situation. This risk will be appraised in the light of the experience with both the real and the simulated juries. In any event, the contrived situation should at least indicate the group's capacity to understand the material and the issues before it, and the usefulness of devices such as note-taking by the jury or written instructions by the judge.

Psychological tests may also yield useful data on the capacity of groups composed like the jury to follow the judge's charge and to perform the other tasks imposed on the jury. In addition, such tests may throw light on the incidence and the persistence of different forms of bias in various segments of the commu-

nity. These tests will be so devised as to reflect the consideration that the juror's comprehension may increase as the particular trial unfolds and that antecedent bias may yield to the events and the ceremony of the trial.

EVALUATION

The data produced by the foregoing techniques as to how and why particular verdicts were reached will furnish a basis for appraising the quality of both the methods and the contents of jury verdicts. Definitive appraisal obviously requires generally accepted criteria, which are lacking. But here, as in other areas of legal analysis, the absence of authoritative standards need not inhibit critical evaluation. It should, for example, be possible to determine whether particular juries relied on considerations outside the record and extraneous to the issues before them.

It should also be possible to assess the jurors' understanding of the key events in the trial, to assess their inferential processes and the premises of fact and values underlying them, and to determine whether the procedures of the jury room were conducive to rational deliberation. Indeed, one useful test may be whether the jurors' comprehension and their inferential and deliberative processes were conducive to an informed and rational decision. Juries, like others, sometimes reach "good" decisions by apparently illogical routes. Hence this test, while relevant to the rational component of the jury process, will not serve in itself as an index of the quality of the final verdict.

GENERAL PROCEDURES

It is necessary to pass over the specific techniques which will be used in tackling the other topics listed above, in order to touch generally on procedures which will be employed throughout the study. There will be a sustained at-

tempt at close and concrete collaboration between the lawyers and the representatives of other disciplines, at every stage of planning and execution. Such co-operation should enrich both the study and all of the disciplines involved. It should also serve to test generally the usefulness of interdisciplinary techniques in the examination of legal institutions and to suggest other areas where they might effectively be employed. In addition, there will be close working relationships with the bar and the judiciary. This again should serve to promote useful co-operation in other areas of inquiry. Finally, as a further aid to the program, the law school will appoint advisory committees drawn from other universities, the bar, the judiciary, and the several relevant disciplines.

One final word about method: Initially, the emphasis will be on the workings of the jury in a particular community. This will make it possible to relate the resultant data to the general structure of the community and to search for the ways in which the various parts of a working system are accommodated to one another. Thereafter, the study will be broadened and enriched by the use of the comparative method. A variety of practices prevailing in various American states, in England, and in continental legal systems will be critically examined. These will range from the modification of the requirement that jury verdicts in civil cases be unanimous, in states such as New York and Ohio, to British reforms making the availability of the jury in most civil cases a matter for the judge's discretion.

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SOME DIFFICULTIES

It is tempting to speculate more concretely on the final form of the study and on its possible impact both on the administration of justice and on legal education and research. But there has already been too much prophecy in this paper. It seems more appropriate to turn to some of the difficulties presented by the study which have general implications.

Not the least of these is a more or less explicit feeling that ignorance about the jury may be bliss. This is a curious notion in a society which is based on free inquiry and yet which is relatively uninformed about the operations of its key institutions. There is a related notion, that the examination of an important legal institution is necessarily animated by hostility to the institution, which is completely inapplicable to the projected study.

Neither of these notions should be or will, we believe, be accepted by the bar, the judiciary, or the other interested disciplines. Because of their common interest in a better understanding and a continual improvement of the administration of justice, we are confident of getting their indispensable co-operation.

Any description of a plan for research is more an exercise in prophecy than in reporting. Accordingly, this prospectus is presented with the caveat that it is tentative and that my colleagues have saved their rights. This prospectus also carries with it an unrestricted invitation for critical comment. Indeed, it is the hope of such comment from lawyers and nonlawyers alike that is the primary justification for this premature delivery.

Why the Good Citizen Avoids Testifying

By A. S. CUTLER

IT was a bright, clear day. The traffic light ahead was an unblinking, undeviating green. He was driving just under the legal speed limit of forty-five miles. He observed that the car which had been following him at a respectful distance for some miles was also being driven by a conservative, who had not attempted to pass. This was refreshing. Nearly always he was being impatiently honked off the road because he was one of the few who obeyed speed laws.

He had just passed the intersection. The light was still brightly green. Without warning, a car drove out of the crossroad against the light, narrowly missed his car, and smashed full tilt into the unlucky automobile just behind him.

He had always thought of himself as a good citizen. He made sure to vote regularly, was president of his civic organization, and insisted that his wife be active in the parent-teacher association. He was scrupulous about paying his income taxes, though he unfailingly grumbled about their size, and was a stanch advocate of the reciprocating privileges and duties of good citizenship.

He took his foot off the accelerator for a moment. Wasn't it his duty to get out and assist a fellow human in distress? Was it not his solemn obligation to stop and report the occurrence? An innocent victim had been either maimed or killed. But for the grace of a few feet and a fleeting fraction of a second, it might well have been himself. How could he proceed when he was probably the only eyewitness to a vicious, unprovoked assault?

Nevertheless, his foot pressed down again on the gas pedal. He continued

his journey as though nothing had happened.

WHY DID HE SHIRK HIS DUTY?

Why did a man who prided himself upon being a good citizen fail so significantly in his civic, legal, moral, and social obligations?

The answer is simply that experience in court proceedings has unfortunately persuaded otherwise excellent neighbors to avoid being involved in any matter wherein legal procedure may eventuate.

Not very many years ago, we would help a stranger in distress, even at the risk of our own lives. A man riding a horse or walking through the woods would unhesitatingly go to the aid not only of the fair damsel, but of any other person who was being assaulted or robbed or hurt. In this effete civilization, where radio, television, airplanes, monorail trains, and high speed cars are all commonplace, the desire to help another in distress has sped out of the hearts of the citizenry. Perhaps in a more leisurely age we took the time to be compassionate and vigilant to aid another. Can it be that the electric age has shocked and paralyzed the American sympathetic nervous system?

Why does the average good citizen fear and deny his impulse to help, to stand up as the innocent bystander, or to stop and assist when he observes a flagrant violation of another's peace, security, and bodily welfare?

We repeat. The answer is, experience has taught even the highest-minded witness to avoid being snarled up in the red tape of judicial procedure. For the truth is:

THE WITNESS VICTIMIZED

The truly forgotten man at the trial is the innocent bystander, the witness who is compelled to come forth and testify because by the coincidence of time occurrence he happened to be present.

The court zealously guards the rights of the litigants. He genuinely takes a fatherly interest in making sure that the jurors are comfortable and relaxed. His tender solicitude for the lawyers is manifested frequently throughout the trial. But no one seems to consider the poor forlorn witness under subpoena, compelled to testify because of happenstance only. To that poor unfortunate, it is as though time means nothing. No matter how busy he is, or how important his personal affairs, he is annoyed and bothered by strangers armed with the court's subpoena, until he vows never to get mixed up again in a lawsuit.

First he is interviewed by the lawyers, investigators, and emissaries, both for the plaintiff and for the defense. They inundate him with cleverly worded statements, so that the simplest phrase needs a Philadelphia lawyer to interpret it. He is importuned to change his version of the occurrence. His memory is refreshed by photographs and charts and maps. He is frequently sworn at pretrial examinations and compelled to weigh every word, knowing that one counsel or the other will pounce upon him if he nods for a moment.

Then he is compelled to wait around the courthouse, under subpoena, for days on end. Everybody else's time is zealously guarded. His time is of no moment to anyone.

And finally he accomplishes his fullest measure of civic duty by taking the witness stand at the trial. Are his troubles over then? Not at all. They have only begun.

DIRECT EXAMINATION

Having been carefully coached by the side for whom he is testifying favorably, simply because he is telling the truth, his direct examination is fairly easy. Even then, contretemps occur which serve to make him lose faith in judicial procedure. The famous story frankly told on himself by the great trial lawyer, Henry W. Taft, is illustrative of what may happen to a witness even on direct examination.

Mr. Taft was trying a case for a defendant steamship company. Plaintiff had fallen down a hatchway because of the claimed negligence of the defendant as to the appliances furnished and the danger in the place where plaintiff had to work.

Mr. Taft's main witness was a carpenter. After his witness had furnished his name and address, Mr. Taft's preliminary question was, "What were you doing there at the time of the occurrence?" The witness was supposed to answer, "I was a carpenter doing my work." Instead, misunderstanding the intent of the question, he said, "I was just standing there."

"What were you doing?" persisted Mr. Taft. The witness, becoming a bit more red-faced, repeated his answer. Mr. Taft, likewise vexed at the seeming stupidity of his own chief witness, repeated, "Won't you tell the court and jury what you were doing there that day?"

If he had had the foresightedness to ask the witness, "What was the nature of your employment on that ship?" the answer would have been forthcoming immediately. Instead, the witness persisted, "I was standing there."

Whereupon the great trial advocate really and truly exasperated at last stepped nearer to his witness, waved menacing finger under his nose, and repeated, "Can't you tell us what you

were doing there?" To which the witness, perhaps just as exasperated, replied, "You know I was standing there so I could be a witness for the steamship company when the case came to trial."

Yesterday in court, a lawyer not in Mr. Taft's category, but nevertheless experienced and able, instead of making his witness relaxed and comfortable, at least during questioning on the direct, was dissatisfied with his own witness' answer.

Instead of smothering this feeling and saying, "I am sorry. I don't seem to be very clear myself this morning. It's my fault. Let me put the question in another way," this exasperated counsel admonished a witness appearing in court for the first time in her life: "Don't you know better than to repeat your answers? You just listen to me and maybe you will learn how to answer questions. I will put the question again, word for word. Pay attention and try to understand. Don't be so stupid."

That his witness collapsed entirely and went into a fit of hysteria, from which she did not emerge until an adverse verdict had been rendered, was entirely the lawyer's fault, and not that of the poor unprotected witness.

Good lawyers, of course, realize that direct examination is not so glamorous as the opening address to the jury, not so spectacular as cross-examination, not so dramatic as a summation. It is the direct examination, however, the putting in of your own evidence, that makes or breaks your case. The less the lawyer says, and the more the witness is permitted to say, within limits of materiality, the better the direct case. That is why leading questions are proscribed, not prescribed.

ODIOUS OBJECTIONS

Furthermore, short, simple questions serve another useful purpose. They prevent an opponent from having any valid objections to your questions, and thus prevent him from confusing the jury. Nothing can be so irritating to the layman as the rapid-fire shooting of objections all through the testimony. How can the jurors get a connected story? First they hear one lawyer, then they hear another attorney objecting at great length. At last the court rules upon the objection. By then the witness has forgotten the question, and the jury is surely lost in the vast uncharted sea of words.

In English courts, objections seldom interrupt a trial. No wonder their cases are tried so much faster than ours. The pepper of objections is sparsely used, whereas in our country the heavy hand of too much seasoning irritates and infuriates our juries.

If the lawyers only realized the effect of an objection on the jurors, the bulk of objections in American trial procedure would be vastly reduced. After all, if the jurors feel you are trying to hide something from them by an objection to a question, you have done your client no service even if your objection is sustained. Too many objections, even if sustained, spoil a good case, as too much cream spoils the flavor of a good cup of coffee. If the jurors think of a lawyer as an obstructionist, they are likely to pay slight attention to the merits of his cause.

We repeat, good lawyers know this by bitter, painful experience. Nevertheless, the lot of the average witness in a courtroom today is not improved and comforted by the hair shirt of omnipresent objections.

The layman, and indeed many lawyers, think that the lawyer talks too much. "Oh, he is making a speech again" is the standard reaction of the layman to the lawyer in every gathering.

BULLIED BY THE CROSS-EXAMINER

Usually, of course, a tender consideration for his own witness is considered good trial tactics by the experienced advocate. But the cross-examiner feels bound by no such limitations. Indeed, he has usually persuaded himself that if only he can confuse and anger and prod the witness into losing his temper, this is the ideal way in which he can beat down the chief witness against him and win his case.

So he begins. First he takes up the question of time. "Exactly what time was it that this happened?" While most of us are aware of the passage of time in a general way, it is almost impossible for us to remember the precise time of an occurrence that happened years ago. Even if the impossible occurs and the automobile clock is working, a driver's attention should be glued to the road rather than to the clockface.

Then comes the question of place. Elaborate blueprints are drawn from the lawyer's capacious brief case as a magician draws rabbits from a hat. A witness was peacefully and legally driving along on a road where he had the right to be. He knew where he had come from, and to what place he was proceeding. He had not taken the trouble to observe every single landmark or intersection on the road. He can quickly become confused.

Then comes distance. How far was he from the intersection when he first observed the defendant's car? How far past the light had he gone? One would suspect that he should have a surveyor's level with him on his journey and stop

every few seconds to check the distance.

But that is only the beginning. He is asked the confusing question, "Did you speak to anyone about this case before you took the stand?" He thinks quickly. Apparently, if he admits he did, that renders his testimony less veracious. So he quickly answers no, and has fallen into the trap which is still successfully sprung hundreds of times daily in courtrooms throughout the nation. "Do you mean to say you spoke to no one about the case?" The witness becomes more stubborn and sticks to his negative answer. Precious minutes are then consumed to show that he is willfully lying; that he must have told someone, or he would not have been subpoenaed. He must have signed a statement for someone. He must have spoken to the lawyer who put him on the stand. Therefore, his testimony is unworthy of credence.

Then his own personal life is exposed before an eager and avidly curious dozen of laymen. "Why were you proceeding to your destination?" "With whom were you riding?" The questions are not quite so devastating as "When did you give up beating your wife?" but they are just as embarrassing. If he was alone, he was asleep while he was driving. If he was with a customer or a business associate of the feminine gender, the implication is that he was out on a party. And isn't it a shame to leave one's wife and poor little children to go out on a drunken debauch, just so one can be a witness in a lawsuit?

Soon the issue before the court seems to be not whether the defendant was negligent in grievously injuring the plaintiff, but rather whether the witness is a person of high moral character, or a low-life.

Is it any wonder that the witness becomes confused and disgusted? It seemed so simple to come forward and

tell the truth. But apparently that is not what the lawyers and the courts desire. Otherwise how could he be subjected to humiliation and chagrin for merely doing his duty as a good citizen?

As long as such tactics are tolerated by a court on the pretense that the cross-examiner is entitled to test a witness' credibility, so long will the innocent bystander be reluctant to come forward and testify.

THE POSITION OF THE JUDGE

A firm, courageous judge can do much to defeat unfair tactics of trial lawyers. A more alert and understanding attitude on the part of our trial judges would prevent sharp practice and unfair maneuvers in our courtrooms against witnesses. There are certain stock situations which every lawyer and judge recognizes almost by instinct. Should a judge hold the scales of justice so evenly that he refrains from taking any part whatsoever in the trial?

We know an upstate judge who, when a wily advocate would ask "Did you discuss this case with anybody before you took the witness stand?", would immediately say, "Of course, you know that he must have discussed this case with the lawyer, or the lawyer would not have permitted him to take the stand."

Supine judges allow this and other stock situations to occur every day, with the result that many of the witnesses, inexperienced on the stand, finally wind up confused and discouraged, even though they are only telling the exact truth as they remember it.

Similarly, the lawyer who rushes up to within a foot of the witness and gesticulates under the witness' nose and tries to browbeat him by his menacing and ferocious manner should be admonished by an alert court. As the great English philosopher Jeremy Bentham said long ago, "Browbeating is

that sort of offense, which can never be committed by any advocate, who has not the judge for an accomplice."

Judicial conduct has at least as much effect on the willingness of witnesses to come forward as any other one cause. Should a judge be a mere arbiter with a do-nothing attitude? Or should he be more like the third man in the ring, who is there not only to see that the rules are obeyed, but to prevent fouls and unfair practices on the part of either contender? A referee deems it his duty to warn a boxer who is guilty of unfair tactics. Should a justice be any less a referee in the contest taking place before him?

THE WITNESS IS ENTITLED TO PROTECTION

After all, although there is a plaintiff and a defendant in each lawsuit, there is a third entity interested in the outcome of the litigation. We mean the public interest that justice be done. And public interest should include a genuine protection of the witness. The court should not permit a Roman holiday to be made of the witness. He is not an imprisoned animal or slave to be baited into hysteria and then made way with or callously thrust aside.

Our rules of evidence, developed over the centuries, have striven to be more than fair to the litigants and the lawyers. But in their public workings they have been manifestly unfair to the innocent witness. We realize it is difficult for lawyers and judges to change their habits. They cling tenaciously to the rules of evidence, so laboriously learned in the classroom and by bitter experience in the courthouse. That is their stock in trade, and they do not relish being threatened with deprivation.

But we here suggest a remedy which requires no constitutional amendment, no world-shaking change in reported

opinions. There will be no genuine limitation upon the freedom of the trial lawyer to show out of the mouth of a witness, if he can, that the latter is not telling the truth.

We merely advocate a greater awareness on the part of the court of the proposition that an innocent witness is entitled to the judge's protection. A ward of the court is entitled to his guardian's solicitous attention. Is not a truthful witness a ward of the court?

There are many lawyers who are scrupulously fair in their treatment of witnesses, and who are always gentlemanly, courteous, and considerate. Too often, however, do we meet the other kind, who ride roughshod over a bloody and battered witness only by reason of the court's unwillingness to interfere.

We respectfully suggest that the court's attitude should be positive. If the jewel of truth is a rarity, we should guard it carefully. Under legal procedure the truth can be heard only from the witnesses and the documentary and physical evidence. In order to make the innocent bystander come forward, instead of reluctantly running away, our courts should zealously protect everyone trying to tell the truth on the witness stand from the assault of too clever counsel.

It is a truth, sadly to be admitted in our innermost hearts and minds, that an honest, hesitant, reluctant, confused witness frequently will be misunderstood and discredited by a jury. At the same time the glib, prepared, clever, forewarned liar gives such a cloak of verisimilitude to his story on the witness stand that the jury eagerly swallows it.

If the court unbent and acted more like a game warden, instead of blind justice merely holding the scales, more legal fish would remain in our unpoluted streams of justice. The poachers upon our legal preserves would be discouraged.

When that time comes, our citizens will eagerly come forward to testify to the truth. They will know they can rely on an enlightened judiciary in the few cases where shrewd, unscrupulous lawyers attempt to take advantage of legal maneuvers.

TO MITIGATE THE PUBLIC DUTY

The court could also prescribe rules preventing unnecessary waste of time of a witness, either in pretrial procedure or at the courthouse.

The matter of his physical convenience is entirely ignored. He is compelled to sit on a hard bench in a public courtroom for hours and days at a time. No one seems to care that his business is necessarily neglected in the interim, and the sacrifice he makes to perform a public duty is emphasized by the treatment he receives.

Why could not his time be conserved in more businesslike fashion? Why need he be actually summoned until a few moments before he mounts the witness stand? Why need he wait while all the court red tape is unwound before him? Should he not be given a part of a room with a desk and a telephone, where he can work on his interrupted business affairs, when a necessary and unexpected delay in putting him on the witness stand occurs?

These suggestions might tend to make the task of the innocent bystander who wishes to testify to the truth, convenient and painless, instead of aggravating, annoying, and exasperating.

There is a growing tendency in American jurisprudence to liberalize the rules of evidence. In an ancient day all these formalized precautions were essential to assure justice to the litigants. In modern times the tendency to allow the triers of the facts, whether a court alone or a court and jury, to hear all the evidence and sift out the wheat from the

chaff is becoming more and more pronounced. In arbitration, the triers of the facts are not limited by rules of evidence. They hear what they wish to hear, sort out the relevant from the irrelevant, and pass on the essential facts of the controversy in their findings.

Perhaps in the not too distant future the witness will be accorded the right to tell his own story in his own way, untrammelled by parol evidence and hearsay rules and other artificial restrictions. We have enough faith in our fact-finding bodies to believe they will have

enough sense to weed out the garden of facts to produce the most flourishing flora of justice, right, and truth in their verdicts, judgments, and findings.

Enough has been shown, we submit, to justify the consideration and study of the question, "How can we induce the witness to come to court and tell the truth, as an integral and most important function of the judicial process?"

But we must act before it is too late—before the genus Willing Witness shall have disappeared from the courtroom.

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The Impact of Expense on Injury Claims

By ALFRED F. CONARD

THE expenses of controversy enjoy a position in legal literature somewhat like that of sex in Victorian society. We all know the expenses are there; we think about them a good deal, and some of us make a pretty good thing of them; but we do not seriously discuss them.

When, for example, a legislature provides for liability for wrongful death, it decrees in one breath what the defendant shall pay and what the claimant shall receive. If the claimant is entitled to receive \$10,000, then \$10,000 is the amount which the defendant is liable to pay. Legal philosophers express this idea when they say that a "right" is correlative to a "duty," meaning that the law entitles the claimant to receive the same sum which it commands the defendant to pay.¹

THE FALLACY OF LOSS-SHIFTING

This symmetrical theory of justice has been carried on in the functional analysis of legal processes. Dean Roscoe Pound in his professorial days described the processes of compensation laws as a procedure for "loss-shifting."² According to this interpretation, when an injured claimant has suffered a loss

valued at \$5,000, we make the defendant pay this sum, thereby "shifting the loss" from the claimant to the defendant.

The concepts of "right-duty" and "loss-shifting" have given us an important perspective on the tangled skeins of controversy. At the same time, they have directed our eyes away from a large constituent of the tangle—the element of expense.

The expense of controversy appears in many forms. One I will mention first because we can set it aside. That is the expense to taxpayers, who pay judges and jurors in order that the more litigious of us may have our disputes settled. I will not further discuss this expense item, because it has little or no impact on the payment of claims.³

A second element of expense is the claimant's expense in prosecuting his claim. When a law says that a careless driver must pay a careful one whom he has injured, it does not automatically result in the payment's being made; it merely gives the claimant a tool to force the payment. To use this tool he must at the very least spend time, taken either from his work or from his leisure. Usually he must spend money, too. If the injury is to the claimant's body, he must procure doctors to testify to its extent; if it is to his automobile, he must procure appraisers to prove his damage. If overtures of settlement fail, he must hire a lawyer.⁴

³ See the article by Leland L. Tolman in this issue.

⁴ See section on "Administration of Liability Acts by a Process of Bargaining," in U. S. Railroad Retirement Board, *Work Injuries in the Railroad Industry 1938-40* (Chi-

Suppose then that the defendant pays \$5,000, and that this is the precise amount which, by law, the claimant should receive. The claimant does not get it. He gets the remainder, after deducting his expenses for lost time, expert witnesses, and attorneys.

A third element of expense is the defendant's claims expense—what it costs the defendant to determine the extent of his liability and to resist demands for more. He too loses time—usually the time of employees who report on the accident. To obtain the facts, he usually hires "adjusters" who investigate and make reports. In addition, he pays expert witnesses who testify on the issues of personal or property damage. Finally, he too pays lawyers if the controversy reaches the stage of litigation.

Supposing still that the defendant pays out \$5,000 to the claimant, this is only a portion of the defendant's total cost, to which must be added his expenses in handling the claim.

A fourth element of expense, for the great majority of defendants, is insurance expense. This item is not incurred by the few large companies—especially the railroad companies—which are prepared to cover any possible liability out of operating funds. They are known as "self-insurers." But most defendants—the great mass of small business enterprises and private automobilists—cannot bear the risk of a large claim against them. They pay insurance companies to bear the risk. The insurance companies in turn incur expenses in selling insurance, administering their affairs, and returning a profit to their investors.

In consequence, each amount paid out to discharge an ordinary defendant's liability is accompanied by the expense of maintaining insurance to do the job.

With these kinds of expense in mind, let us look again at the effects of lia-

bility laws. As Dean Pound observed, they do result in relieving the claimant of some part of his primary loss and imposing it on the defendant. That is, they do "shift" a part of the primary loss. But they also impose on the defendant at least three types of secondary loss—the claimant's claims expense, the defendant's claims expense, and the defendant's insurance expense. These secondary losses are just as real a burden on the defendant as that part of the claimant's primary loss which is relieved. But they are not created by the original injury. They are created by the laws of liability.

Liability laws, we must recognize, do not result merely in loss-shifting; they result also in loss-multiplication. The loss which is incurred in the process of shifting a part of the primary loss, I will call the "operating expense" of liability enforcement.⁵

HOW HIGH IS EXPENSE?

In individual cases, expense of administration reaches extreme ratios. In one case, thousands of dollars may be spent to prosecute and defend a case on which the ultimate payment is only a hundred dollars. In another, a settlement amounting to tens of thousands may be made although less than a hundred dollars has been spent to investigate and adjust it. In the former case the expense ratio would be several hundred per cent, while in the latter it would be less than one per cent. Hence, expense ratios in individual cases mean

⁵ The RRB survey used the term "administrative cost" to comprise claimants' and defendants' "administrative expenses," but at another point used "administrative cost" apparently to describe only the expenses of the government. See RRB survey, pp. 180-84, 215. The expense problem is described under the general term of "wastefulness" in Walter F. Dodd, *Administration of Workmen's Compensation* (New York, 1936), pp. 21-23. Hereafter cited as "Dodd."

cago, 1947), pp. 47-51. Hereafter cited as "RRB survey."

little. Only as aggregates or averages for large numbers of cases do the ratios gain significance.

Probably the best-known liability expense ratio is the one reported for New York employers' liability, before the adoption of workmen's compensation.⁶ According to the commission, the ratio for insured defendants was \$175 in total expense (insurance and claims handling) for every \$100 paid on claims.⁷ Claimants had about \$23 of expense per \$100 of claims paid,⁸ so the whole system showed \$198 of expense to parties for every \$100 paid in gross claims.⁹ The commission naturally found the ratio disgraceful, and recommended adoption of a workmen's compensation system.¹⁰

In 1932 a distinguished committee reported on a study of automobile liability, showing that defendants were spending \$85 in expense for every \$100 paid out on claims,¹¹ while claimants'

⁶ New York Commission to inquire into the question of Employers' Liability, First Report to the Legislature (1910), hereafter cited as NYCEL. This report is very scarce, but has been influential through quotation in Dodd, and standard labor economics books.

⁷ NYCEL, p. 31. The report showed that \$36.34 per \$100.00 of insurance premiums was applied to pay claims. The rest of the hundred dollars—\$63.66—was "expense," and equaled 175 per cent of \$36.34.

⁸ NYCEL, p. 30, taking the largest and most conservative of several samples reported. The estimate of claimants' expense is not based on the same sample as the estimate of defendants' expense.

⁹ "Expense to parties" excludes expense to the government. Estimates of government expense in relation to claims are reported in the Illinois study (note 20 *infra*).

¹⁰ NYCEL, p. 19. The NYCEL ratios are very dubious by modern standards, being apparently based on claims paid and premiums received. In a period of increasing dollar volume, the time lag between the two figures results in a gross understatement of the loss ratio and overstatement of the expense ratio.

¹¹ Report by the Committee to Study Compensation for Automobile Accidents (Philadelphia, 1932), p. 51, hereafter cited as "Comp.

expenses ranged from 25 to 50 per cent in litigated cases.¹² They recommended a switch to a compensation system.¹³

In 1947 a comprehensive study of employers' liability in the railroad industry appeared, with an indicated ratio of defendants' expense to claims paid of 17 per cent, while claimants were incurring expenses equal to 9 per cent of aggregate claims paid.¹⁴ Total expense therefore equaled 26 per cent of the gross claim payments.¹⁵ These figures were far less than automobile liability had shown, and incomparably lower than reported for New York employers' liability in 1910. But the surveyors found them shockingly high, and recommended substitution of a compensation system.¹⁶

Expense of workmen's compensation

Meanwhile, most writers seem to have assumed that workmen's compensation was free of the expense curse.¹⁷ How-

Auto. Acc." The report cites a ratio of 54 per cent for claims incurred to premiums earned in public liability automobile insurance; this indicates an expense-to-premium ratio of 46 per cent and an expense-to-claims ratio of \$85 per \$100, as stated in the text.

¹² Comp. Auto. Acc., p. 152. The study offers no estimate of ratio of total claimants' expenses to total paid claims.

¹³ *Ibid.*, p. 217. The committee was chiefly concerned with nonpayment of claims by uninsured defendants, and was probably willing to increase defendants' expenses to the end of increasing defendants' claim payments (pp. 202-6). But the committee evidently thought claimants' expenses would drop under a compensation system (p. 152).

¹⁴ RRB survey (note 4 *supra*), pp. 180-84.

¹⁵ *Ibid.* The survey also reports the ratio of expense to net benefits, which was 29 per cent.

¹⁶ *Ibid.*, pp. 183, 187 *et seq.*

¹⁷ Dodd (note 5 *supra*) and the RRB survey (note 4 *supra*) both made extensive reports on parties' expenses in "employers liability" systems, but made no comment on parties' expense in "workmen's compensation" systems.

ever, published expense ratios of insurance companies, available since 1914,¹⁸ would have shown to anyone interested that most buyers of workmen's compensation insurance were paying almost as much for operating expenses as for claims.¹⁹ A study of certain Illinois companies, published in 1952,²⁰ showed that claimants' and defendants' expenses combined amounted to \$105 for every \$100 paid on workmen's compensation claims.²¹

With such wide variations in expense ratios, there are only a few things we can say definitely. First, there is no evidence that the features of a statutory system, like workmen's compensation, make it any less expensive than a common-law system, like employers' liability or automobile liability. Second, a large part of the expense in most systems is the expense of insuring; the only modern system which indicated a total expense substantially less than 100 per cent of claims was the railroad employers' liability system, which operates without insurance.²² Third, there

¹⁸ Alfred M. Best Co., *Best's Insurance Reports—Casualty and Miscellaneous, 1914-1952*, and *Best's Fire and Casualty Aggregates and Averages, 1940-1952* (New York, annual). Hereafter cited as "Best's Reports" and "Best's Aggregates," respectively.

¹⁹ Best's shows claims and claims expense combined amounting to 31 per cent of premiums in 1913 (Reports, 1914, p. 5), 62 per cent of premiums in 1939 (Aggregates, 1940, p. 112), and 64 per cent of premiums for 1940-49, as the average for stock companies. Reasonable assumptions regarding adjustment expense would place claims at 50-55 per cent of premiums for recent years.

²⁰ A. F. Conard and R. I. Mehr, *Costs of Administering Reparation for Work Injuries in Illinois* (Urbana-Champaign, 1952), based on observations of the years 1946-49, inclusive. Hereafter cited as "Illinois study."

²¹ Illinois study, p. 43. The study shows expense totaling 108.2 per cent of claims, including taxpayers' expense. Eliminating taxpayers' expense reduces the total to 104.6 per cent of claims.

²² See Illinois study, p. 43.

is no report of any system of liability operating without substantial administrative expense.²⁴

HOW EXPENSE AFFECTS CLAIM PAYMENTS

While analyzing expense, we have deliberately indulged a fallacy of our own. We have treated "claims" (paid or incurred) as a concept interchangeable among liability systems.

But claims vary widely in relation to losses suffered. Some claims are paid which are complete frauds; some wholly meritorious claims are never paid at all. In the best of faith, parties' estimates of the economic loss which an injury will cause are likely to vary 50 per cent in either direction.

Knowing these facts, we have good reason to believe that different samples of claims also vary widely. One company may be "easy pay," passing a host of overpayments and even fraudulent mispayments. Another may be a hard bargainer, turning away penniless the softer claimants, and underpaying a good part of the others. A few companies fail to pay claims because they are insolvent and uninsured.

What determines the level of claims payments? The answer is simple: *expense*. Any company can lower its level of payments by spending more money to combat claims. Any company can save claims expense if it is willing to pay claims at a higher rate. For every solvent company there is a break-even point, at which additional dollars spent on claims expense fail to save additional dollars on claims payments. For an insolvent defendant, the solution is sim-

²⁴ The lowest expense ratio on record is that for uninsured employers under the New York Employers' Liability Act, which was excoriated for wastefulness! Defendants' expenses amounted to only 11 per cent of total gross benefits (cash and medical) to injured workmen. See figures in NYCEL (note 6 *supra*), p. 29.

pler—to pay neither claims expense nor claims themselves.

These facts should be remembered when we are tempted to jump to quick conclusions about the wastefulness of insurance. On paper, it looks very expensive; but there are at least three justifications for it. First, many of the small defendants who carry it would not be able to pay their claims at all if they were uninsured. Second, the same small defendants would not be able to handle their claims, if they tried to, with the low expense ratios which large self-insurers show. Finally, insurance companies probably settle claims cheaper, on the whole, than do self-insurers. They maintain highly skilled and equipped organizations for combating excessive claims, and they are little tempted to settle "high" just to get rid of a case.

Claimant's position weaker

Expense works for claimants too. When a defendant has decided to fight, the claimant gets paid only by spending money on investigators, lawyers, doctors, and other witnesses. If the claimant is willing to spend neither his time nor his money, he will be paid on the facts as the defendant sees them—which may mean no payment at all.

This does not mean that every claimant has to advance money to back his claim. Injury claims are generally taken by lawyers on contingent fees. But claimants—or a substantial portion of them—have to be prepared to split their take with a lawyer, and prosecute their claims. This is the threat that makes defendants settle.

Though expense works on both sides of each controversy, it does not work in just the same way on both sides. The claimant who has not hired a lawyer is in a weak bargaining position. If he does hire a lawyer, he expects to part with one-third of his claim payment. Therefore he had better accept one-

third less than he thinks a jury would give him if the case were tried. Moreover, having no lawyer he has little ability to guess what a jury would give him, except on the basis of what the defendant's adjuster tells him.

After the claimant's case is in the hands of counsel, the claimant's position is slightly stronger. The lawyer is presumably a more sophisticated bargainer than the claimant himself. However, it is he who will have to advance the money to pay court fees and investigators' wages, and sometimes to sustain the claimant himself during the long period before trial. He too will settle for less than he expects a verdict to yield.

On the defendant's side, expenses have less softening effect. Most defendants are represented by insurance companies. To an insurance company, an expense is justified not by what it saves in a particular case, but by what it saves in an infinity of cases which may be influenced by the result of one test case. Hardly any expense is too great to defeat an "out-of-line" claim. The large self-insurers, such as the railroad companies, view the matter in a similar light.

The small claims

For these reasons, the usual effect of expense is to lower the settlement level below what a court would award.²⁷ One important exception to this rule is the small claims which are said to have "nuisance value," because it costs more to fight them than can be saved in even a considerable number of settlements. A tendency to overpay small claims has been observed in relation to automobile liability,²⁸ and is indicated also in rail-

²⁷ See RRB survey (note 4 *supra*), pp. 47-51, with table, p. 50, showing differences between initial offers and final payments, and between cases with and without attorney representation.

²⁸ Comp. Auto. Acc. (note 11 *supra*), pp. 56-57, 78.

road injuries.²⁷ This tendency probably does not result in an aggregate overpayment of all small claims, since there is also a tendency to omit payment on a larger percentage of the small claims.²⁸ This perhaps is a reflection of "nuisance un-value." To nonlitigious claimants, small claims may not be worth asserting.

In short, small claims as a class probably produce a larger percentage of both overpayments and underpayments. Both phenomena are a function of expense—resulting from the fact that neither side feels it can afford to determine the "true value" of all the small claims.

"Just value" not obtained

The over-all effect of expense is, therefore, to cause most claims to be settled for less than a court would order paid. If we take court orders as the standard of justice, the average claim is settled for less than its "just value." The claimant, after paying his expenses, gets even less than the settlement figure. At the same time, the whole affair (including the defendant's expenses) may cost the defendant considerably more than the "just value" of the claim against him.

THE FIGHT AGAINST EXPENSE

History records a few abortive attempts to eliminate the expenses of controversy by doing away with lawyers. A contemporary essayist informs us that legal fees were forbidden in ancient Rome, but that grateful clients evaded

²⁷ See RRB survey (note 4 *supra*), App. C, Tables C-23a and C-23b showing overpayment of wage loss in "temporary total" cases by as much as 200 per cent both under "employers' liability" and under "workmen's compensation."

²⁸ See *ibid.*, Tables C-22a and C-22c, showing percentage of unpaid injuries decreasing as length of disability increases, both under "employees' liability" and under "workmen's compensation."

the law by showering their advocates with munificent gifts, and the prohibition became a dead letter.²⁹

A more realistic approach to the expense problem is seen in attempts to shift the expense of controversy to the defendant. This is done by making the claimant's attorney fee taxable to the defendant in the event that the claimant wins. An old legislative favorite is one which provides that when livestock is killed on a railroad which the company has failed to fence, the farmer can recover an attorney's fee as well as his monetary damage.³⁰ Other statutes have made railroads liable for fees as well as direct damages arising from fires set by locomotives, from overcharges for freight, and from failure to furnish cars.³¹ Insurance companies have also been regarded as fit subjects for attorney-fee liability, as have governmental agencies in eminent domain cases.³² All these defendants are natural candidates for burden-bearing, whether we apply the crude philosophy of "soak the rich" or the more sophisticated one of "shifting the expense to the person best able to distribute it."

Defendants without the same aptitude for loss-bearing have also been made the butt of expense-shifting, but only in the interest of specially favored claimants. Attorney fees have been awarded to successful claimants in wage claims and mechanics' liens.³³ Only one statute has been uncovered in which an attorney fee is awarded to a personal injury claimant. This law imposed the fee upon an employer who had failed to

²⁹ Ben W. Palmer, "Fees—Prohibited and Elusive," 38 *Am. Bar Ass'n J.* 1003 (1952). Mr. Palmer does not cite his sources for this alluring report.

³⁰ See Annotation, "Validity of Statutory Provision for Attorneys' Fees," 11 *Am. L. Rep.* 884, at p. 886 (1921).

³¹ *Ibid.*, pp. 890, 892, 893.

³² *Ibid.*, pp. 900, 896.

³³ *Ibid.*, pp. 897-900, 906.

accept the provisions of the workmen's compensation act.³⁴

Results unknown

We have no information on the working of these devices. The ideas we have gained from careful observation of personal injury cases lead us to expect that the devices would greatly increase the bargaining power of claimants against defendants. If small injury claims are frequently overpaid, as some evidence indicates, they are likely to be even more overpaid in the presence of these "corrective" devices. The large claims, which are generally underpaid in personal injury cases, should be underpaid less often when attorneys' fees are imposed.

The most noteworthy feature of the devices for shifting loss to the defendant is their apparent disregard of the amount which a defendant should be forced to pay. If a defendant has caused an "economic loss" of \$25, he may be forced to pay \$100. If the defendant passes on his costs to his customers, as economists generally assume, the customers foot the bill for much more than the primary loss caused by the satisfaction of their demands.

A glance at the infrequent laws in which these cost-shifting means have been employed suggests that they are accepted only where lawmakers are moved by an unusually strong desire to deter or punish the defendants.³⁵

Expense need not be shifted only to defendants. If claimants are being overpaid, defendants' expense may be shifted to them.³⁶ This is a rare device, but

³⁴ See *Marshall v. Foote*, 81 Cal. App. 98, 252 Pac. 1075 (1927).

³⁵ When laws imposing attorney fees on a losing defendant are challenged on constitutional grounds, the standard justification is that the law imposes a "penalty" for statutory violation. See Annotation, note 30 *supra*.

³⁶ See Annotation, note 30 *supra*, at p. 894; also *Scherzer v. Keller*, 321 Ill. 324, 151 N.E.

was recently adopted in New York and other eastern states to protect corporation officers and directors from the demands of discontented shareholders.³⁷ The result has been, naturally, a substantial reduction in shareholders' suits.³⁸ So far as I know, this technique has not yet been applied to protect railroads from suits of injured workmen, or employers from their employees.

Can expense be distributed?

Instead of shifting expense from one unfortunate party to another, we might prefer to distribute it widely among an affected class. This in effect is done by most defendants, through the medium of insurance. As we have suggested, the system gives defendants a considerable advantage in bargaining power. Presumably claimants could likewise increase their bargaining power if they could contribute to a joint prosecution fund—for instance, by hiring a lawyer from union funds who would represent any claimant. Although this may appear to be only the converse of what defendants do, it is presumably illegal because it involves a nonprofessional organization (the union) in the practice of law.³⁹

An alluring solution of the expense problem might be to pay both parties' expenses from public funds, thus spreading the cost of justice among the entire population of taxpayers. I cannot find that this has been tried either in Com-

915 (1926), assessing defendant's attorney fee against plaintiff on dissolution of injunction obtained by plaintiff against defendant.

³⁷ E. Merrick Dodd and Ralph J. Baker, *Cases and Materials on Corporations*, 2d ed. (Brooklyn, 1951), pp. 666-68.

³⁸ George D. Hornstein, "New Aspects of Stockholders' Derivative Suits," 47 *Col. L. Rev.* 1, at p. 5 (1947).

³⁹ See *People ex rel. Chicago Bar Ass'n v. Chicago Motor Club*, 362 Ill. 50, 199 N.E. 1 (1935), holding motor club must not hire lawyers to defend accused motorists.

munist Russia or in Socialist England. In the early days of the Soviet, Hazard reports that lawyers were salaried by a public agency; but even then, the litigant paid a fee to the Commissariat. Subsequently, payment of attorneys seems to have reverted to the familiar basis of fees paid by litigants.⁴⁰ Under the English legal assistance plan, successful claimants' attorneys' fees continue to be assessed against losing defendants, just as before the plan was adopted.⁴¹

Whether expense be "shifted" or "distributed," we may be sure that the "shift" will involve secondary expense, just as the primary expense was occasioned by attempts to shift the original loss. The secondary expense may in turn be shifted, but only at the price of tertiary expense. So perfect justice eludes our pursuit.

REDUCING EXPENSE

While a good deal of ingenuity has been exercised in pushing the burden of expense from one party to another, lawmakers have given little attention to the possibilities of reducing the burden. However, the protagonists of workmen's compensation from 1910 to 1950 seemed to believe that the bulk of the expense would be eliminated by a switch to workmen's compensation. The New York Commission on Employers' Liability complained of the expenses of the employers' liability system,⁴² and the Railroad Retirement Board Survey made like complaints of a much lower expense ratio thirty-seven years later.⁴³ The RRB Survey denounced these expenses as "inherent in the [employers' liability] system, which compels both

⁴⁰ John N. Hazard, "Law Practice in Russia," 35 *Am. Bar Ass'n J.* 177 (1949).

⁴¹ Note, "Costs and Practice under the Legal Aid Scheme," 101 *Law J.* 129 (1951).

⁴² NYCEL (note 6 *supra*), pp. 29-31.

⁴³ RRB survey (note 4 *supra*), pp. 180-84.

parties in many instances to employ legal counsel to protect their respective rights."⁴⁴

In the same year in which the RRB Survey was denouncing the wastefulness of employers liability and advocating workmen's compensation, an English barrister was denouncing workmen's compensation in almost the same terms. He observed:

Money, time and professional skill have for nearly half a century been squandered in a scandalously wasteful manner in settling these [workmen's compensation] claims. The fundamental reason is that, instead of a claim being determined on the grounds of public interest, it is opposed and obstructed at every stage by the adverse interest of the employer or his insurance company.⁴⁵

The hopes of workmen's compensation protagonists were based in part on eliminating the troublesome question of "negligence."⁴⁶ Experience has shown that the circumstances of the accident now enter into controversy under the question of "arising out of and in the course of the employment."⁴⁷ Hopes rested also on the thought that the schedule of payments would eliminate the arguments of medical witnesses.⁴⁸ The schedules list the amounts to be paid for loss of a leg, an eye, or a finger joint. This would solve all problems if

⁴⁴ *Ibid.*, p. 183.

⁴⁵ William A. Robson, *Justice and Administrative Law*, 2d ed. (London, 1947), p. 196.

⁴⁶ See RRB survey (note 4 *supra*), p. 205.

⁴⁷ See observations on time devoted to this question in Illinois study (note 20 *supra*), pp. 50-53. See also remarks of judges on this "litigiously prolific" phase assembled by Samuel B. Horowitz in "Current Trends in Basic Principles of Workmen's Compensation," 12 *Law Soc. J.* 508 (1947), reprinted as separate volume under same name (Boston, 1947), p. 508.

⁴⁸ See RRB survey (note 4 *supra*), p. 205, stating that if a compensation act had been in effect for the injuries surveyed, "payment under it would have been uniform and predictable."

accidents would come in the form of clean surgical severances at the joints enumerated in the statute. Coming as they do in the form of mangling, shock, lingering pain, and elusive failures to regain strength, they give the medical witnesses the same causes for dispute that they had before.⁴⁹

The earliest reports on workmen's compensation suggest that it was at least as expensive as employers' liability had been. Insurance companies reported a loss ratio (which is inverse to an expense ratio⁵⁰) of 31.3 per cent for 1913,⁵¹ as compared with 36.34 per cent for employers' liability in 1906-8.⁵² In recent years, workmen's compensation leads the parade in loss ratios with a 64 per cent average for 1940-49, in stock companies.⁵³ Even so, it is only a few points ahead of automobile liability for the same period, which shows 61.4 per cent.⁵⁴ Other figures indicate that where comparison is possible, workmen's compensation is slightly less economical than employers' liability

⁴⁹ See RRB survey (note 4 *supra*), App. C, Tables C-22c and C-23b, showing substantial variations in payment for similar injuries under workmen's compensation. See also Illinois study (note 20 *supra*), pp. 50-53.

⁵⁰ A "loss ratio" is usually a ratio of claims to premiums, or claims-plus-claims-expense to premiums. I have used "expense ratio" to mean the ratio of premiums-less-claims to claims.

⁵¹ Best's Reports (note 18 *supra*), 1914, p. 5. This is a ratio of claims-plus-claims-expense to premiums, but may be based on claims paid, rather than claims incurred. See comment in note 10 *supra*.

⁵² NYCEL (note 6 *supra*), p. 31. This is reported as a ratio of claims (without adjustment expense) to premiums, so the gap between the two systems was even greater than the figures show.

⁵³ Best's Aggregates (note 18 *supra*), 1950, p. 109; compare automobile liability (61.4 per cent) and liability other than auto (47.4 per cent). These loss ratios include claims expense.

on the railroads.⁵⁵ Apparently the expense ratio improves as the concentration of units increases, regardless of the structure of the reparation system.

Some unexplored areas

A coolheaded attack on expenses, based on careful observation of claim-handling processes, remains as fresh an idea in 1953 as it was in 1910. Because it has never been tried, there is still reason to hope it would succeed.

The most encouraging single factor is the great variation in expense ratios of different companies. One insurance company is spending \$70 to process each \$100 claim, while another is charging \$90.⁵⁶ Immense gains could be made merely by bringing the highest down to the level of the lowest.

Another contrast which invites study is the gap between expense ratios of uninsured defendants and insured defendants. Possibly many more defendants could qualify as self-insurers if the law encouraged them;⁵⁷ the third of their premium dollar which now goes to insurance expense might be saved, or used for higher claim payments.⁵⁸

"The battle of the experts"—the war of words between claimants' and defendants' physicians—calls for analysis and experimentation. Lawmakers have

⁵⁵ Illinois study (note 20 *supra*), pp. 42-46. Of course figures must be adjusted to eliminate "insurance expense" before comparison is made.

⁵⁶ Comparisons of companies may be found in Best's Aggregates (note 18 *supra*), or with somewhat greater detail, but for a smaller sample of companies, in National Bureau of Casualty Underwriters, Insurance Expense Exhibit (New York, annual).

⁵⁷ Some states require all employers to contribute to a state fund; others require all to acquire private insurance; others permit self-insurance subject to difficult financial and administrative requirements.

⁵⁸ See calculation of insurance expense in Illinois study (note 20 *supra*), Appendix, pp.

at various times called for the hiring of "impartial experts," but no active use of them has been reported.⁵⁹ No one knows what might result from a vigorous application of this device.

While sources of expense are studied, effects on settlement levels cannot be ignored. Expense ratios may be easily enough reduced by opening the doors to all kinds and conditions of claims. Study of expense must be accompanied at every step with a study of the direct costs of claim settlements.

CONCLUSIONS

Operating expense is the enemy of justice. Expense prevents the claimant from getting enough, at the same time that it makes the defendant pay too much.

⁵⁹ An experiment in the use of impartial experts now under way in New York is outlined in the article by William C. Hecht, Jr. in this issue.

In the last half-century of "reform" in administration of injury claims, not much has been done about expense. Those who have been concerned with it have accomplished little because they imagined it was something that would melt away with a more rational reparation system. Those who understood it—because they made their living from it—have not devoted themselves to its abolition.

A productive approach to expense must start with recognizing that it is here, and will always be here. Like other kinds of expense, the expense of controversy can probably be reduced by scientific management. This must start with observation of the activities in which expense is being incurred. There are considerable variations in expense experience of different defendants, and of the same defendants under different conditions. These variations give rise to justified hope that average expense ratios can be greatly reduced.

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Availability of Low Cost Legal Services

By EMERY A. BROWNELL

IN dealing realistically with the ever changing problem of judicial administration, there is one inescapable constant: the necessity for the expert service of lawyers. No system of law was ever devised that managed to avoid for long the development of a specialized professional group to advise the citizen of his rights and responsibilities under the law, and to assist him in the pursuit of his legal remedies through the appropriate tribunals. It is reported that although the organized bar of Russia was officially abolished by the Revolution in 1917, Soviet jurists from the outset recognized that ordinary citizens required assistance in the courts, and tolerated a form of law practice which has since attained a formal and disciplined status in the courts.¹

Under the American concept of democracy, whose strength stems from individual rights and equal justice, the law plays a more vital and indispensable role in the everyday life of the citizen. Moreover, changes in our economy and way of life are increasing the number and the complexity of the laws which guide our multiplicity of relationships: the relations of employers and employees, of buyers and sellers, of landlords and tenants, of husbands and wives, of parents and children, and many others. It is an unavoidable growth, consistent with our belief in the use of law instead of force in preserving individual freedom and opportunity. But it puts the citizen in greater need than ever of expert legal counseling.

¹ J. N. Hazard, "Law Practice in Russia," 35 A. B. A. J. 181 (1949).

PUBLIC RELUCTANCE TO CONSULT LAWYERS

The need for legal assistance now goes beyond affairs of business. Recourse to lawyers can no longer be viewed as a last desperate step when an individual's rights are actually invaded or threatened and a lawsuit is imminent. The preventive legal services are of equal importance to our well-being: advice, investigation of facts, negotiation, the drafting of documents, and the settling of disputes without litigation. Professor Koos's study for the Survey of the Legal Profession, conducted in six typical American cities, showed that two of every five representative families in the lower and middle income brackets had one or more problems which called for the help of a lawyer.² It is significant that three-fourths of the families having such problems recognized their need, even though only about half of them consulted a lawyer. An Iowa poll of public opinion resulted in similar findings.³

Legal aid organizations, which in this country have had a seventy-five year history of observing the legal needs of people with the smallest means, have long been aware of this expanded need for lawyers' services on the part of the rank and file. Although their own services were strictly limited to those unable to pay the fees of the lawyers in their communities, these organizations saw

² E. L. Koos, *The Family and the Law*, mimeographed, 1949.

³ Iowa State Bar Association, *Lay Opinion of Iowa Lawyers, Courts and the Law*, April 1949.

that many persons of middle income circumstances, well able to pay the fees involved, were being put to needless personal and property loss for failure to consult a lawyer. Despite the traditional willingness of the legal profession to render services on a generous basis of ability to pay—or perhaps because of it—the average citizen has tended to seek the help of a lawyer only in a crisis clearly related to the law. In this respect there is similarity with the experience of the doctor, who not so long ago was consulted only when a physical ill was acute and clearly beyond home or amateur remedies.

This failure on the part of the public to use lawyers' services preventively may be due partly to the popular misconception of the law as being punitive and restrictive rather than a constructive and helpful framework for better relations between individuals, and partly to an unwarranted fear of the costs involved. But it must be said in all fairness that the profession itself has not until recently been aware of the lawyers' broadening field of responsibility. Much of the gap between the public's real need for legal service and its relatively narrow use of so basic a service is due to the lack of effective public relations and the difficulties of adapting the profession to modern conditions of practice.

As the Standing Committee on Lawyer Referral Service of the American Bar Association puts it:

In an age of drum beating and salesmanship, we are unable, without violation of the canons of ethics, to tell people of their need for advice. At a time when the complexities of the simplest form of existence challenge the ingenuity of the specialist in a multitude of fields, nothing like the chain store has been grafted into the legal profession to enable it to cope with the perplexities of people in all walks of life. As a result, until very recently the clientele of the attorneys of this country was little

broader than it was in the days of the Civil War.⁴

EXTENT OF NEED IN CIVIL CASES

Considering first the field of civil practice and the experience of legal aid organizations, an average of 461,000 persons a year who are unable to pay fees need legal service in the United States.⁵ This is a minimum figure for cities having a population of 25,000 or more, and is based on the records of forty-three representative legal aid organizations over a twelve-year period, 1936-47 inclusive, showing an over-all average of 7.5 cases per thousand of population.⁶ Since a number of the reporting organizations were not well established, and other facilities for free legal service existed in some of the cities represented, the potential is substantially higher. Although many of these cases require no more than a consultation, well over 20 per cent of them on the average require more involved services, including representation in court. It should be noted that there is also a need, as yet unmeasured and probably somewhat less, for some form of organized legal aid service in smaller places.

There is every reason to believe that the need for legal services among persons able to pay fees is very much greater. In the first place, there are four times as many persons able to pay fees as there are persons unable to pay fees, because the legal aid clientele is drawn almost exclusively from the 20 per cent of the population at the lower end of the economic scale. In the second place, the mode of living of people

⁴ *Handbook on the Lawyer Referral Service*, 1952.

⁵ Using the U. S. Bureau of Census population count of 61,425,669 for cities of 25,000 or more as a base.

⁶ A. Fisher and E. M. Woods, *A Standard of Measurement for Determining the Need of Legal Aid Services in Urban Areas*, mimeographed, 1948.

of larger means, their social and business activities and property concerns, generate more legal problems. Eliminating the group served by legal aid and an estimated 10 per cent who might be considered to have lawyers on a retainer or regular consultative basis, there are approximately 105,500,000 persons or 34,700,000 families in the United States whose needs for legal service are not now being adequately met.⁷ On the basis of the Koos study already cited, this means a potential of nearly 14,000,000 families with legal problems, of which only about half are using lawyers. There are no figures on the actual volume of private law practice, but assuming the need of the middle income group to be only slightly greater than that of the legal aid clientele, it is abundantly clear that there exists an unhealthy gap in the availability of lawyers' services.

EXTENT OF NEED IN CRIMINAL CASES

What about the need in criminal cases? Most persons now take it for granted that every person accused of crime ought in the interest of justice to have counsel represent him. The right to counsel in criminal cases, as a legal principle, is, however, not fully established, although each year courts and legislatures extend its protection to more types of cases or to more jurisdictions. Mr. Justice Sutherland succinctly stated the need in an opinion:

The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of

⁷ Calculated on a total U. S. population of 150,679,000 and an estimate of 49,580,000 families. U. S. Census Bureau Report, Series PC-7, No. 1, February 1951.

evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one.⁸

Regardless of the matter of principle, it can be stated categorically that a person needs a lawyer when he is charged with any offense which may affect his record, his property, or his freedom. In 1951, according to *Uniform Crime Reports*, there were 1,882,160 arrests made on criminal charges in the United States. A high proportion of the defendants in these cases—at least 60 per cent⁹ and possibly 80 per cent¹⁰—were unable to employ attorneys. How many of the others actually engaged a lawyer is conjecture; presumably most.

FACILITIES AVAILABLE FOR LEGAL AID

In the legal aid field on the civil side there has been a steady and recently accelerated growth in the number of organizations. For the most part, they have been established as privately supported community services. At the present time there are 123 legal aid offices and 53 volunteer legal aid committees of bar associations in the United States, and in 1951 these organizations provided assistance in over 200,000 cases. This represents a growth from 33 offices in 1920 to 110 in 1950. In the single year 1951, there were 13 new offices opened for service.

The most common type of legal aid organization is the incorporated chari-

⁸ *Powell v. Alabama*, 287 U. S. 45, 68-9, 53 S. Ct. 55, 64 (1932).

⁹ M. V. Callagy, "Legal Aid in Criminal Cases," 42 *Journal of Criminal Law and Criminology* 589 (1952).

¹⁰ J. E. Lumbard, Jr., "For Equal Justice—A Public Defender," *New York Times Magazine*, No. 2, 1947.

table society of which there are now 75 in the country. Others include bar association offices (23), departments of social agencies (11), law school clinics (8), and public bureaus (6).¹¹ Included in these figures are only those law school clinics which provide direct and independent service to clients.¹² There are 21 other clinics which are conducted co-operatively by a law school and one of the legal aid organizations classified above.

Financial support for these organizations comes 60 per cent from community chests, 9.5 per cent from tax funds, 8.5 per cent from bar associations and lawyers, 6 per cent from clients, and 14 per cent from other contributed funds.¹³

The organization of facilities for providing adequate legal service in criminal cases has not progressed so uniformly or so rapidly. As reported in a study made for the Survey of the Legal Profession, published in 1951:

Fewer than half of the counties of the United States provide paid counsel to indigent persons accused of major criminal offenses. In a majority of these the fee paid is not compensatory and takes no account of expenses incurred or time consumed for investigation. A small proportion of other counties, 15 per cent of the total, provides legal assistance on a paid basis only in cases where the punishment is death or life imprisonment. In 38 per cent of the counties, no help whatever is provided except the private charity of individual lawyers.¹⁴

Defender offices, similar to legal aid offices on the civil side with paid staff

¹¹ National Legal Aid Association, *Statistics of Legal Aid Work in the United States and Canada*, Year 1951.

¹² For information as to types of law school legal aid clinics, see Q. Johnstone, "Law School Legal Aid Clinics," 3 *Journal of Legal Education* 553 (1951).

¹³ E. A. Brownell, *Legal Aid in the United States* (Rochester, 1951), p. 237.

¹⁴ *Ibid.*, p. 246.

attorneys, have grown from 5 in 1917 to 38 at the close of 1951. Of these, 31 are public, tax-supported services and 7 are privately supported offices of which 4 are conducted by legal aid offices and 3 are independent organizations.¹⁵

The conviction is growing that the only practical, effective way to provide counsel for indigent defendants in the larger cities is by a defender office. The assigned counsel system, adequate when cities were more isolated and the country less highly industrialized, is becoming more and more discredited. There are relatively few lawyers specializing in criminal practice, and yet an adequate defense to balance the modern, specialized prosecutor's office requires a high degree of proficiency. Assignments of counsel in most jurisdictions are made only in the more serious offenses and then not until after most of the consequential steps have been taken, the impecunious and usually friendless defendant meantime being confined without opportunity to investigate the charges or examine possible witnesses, although he is theoretically presumed innocent under the laws prevailing in every state.

LAWYER REFERRAL SERVICES

For the great number of people who can pay fees, there is a rapidly growing system being fostered by bar associations to overcome the bogey of high costs and make it easier for the uninitiated to find a lawyer. The plan recognizes the fact that the great majority of people in all the larger communities do not know a lawyer and are ignorant of their legal rights or what constitutes a legal problem. Essentially, it is nothing more than a bar association mechanism for the introduction of persons who need legal advice to qualified members of the bar. For a fixed fee ranging from \$5.00

¹⁵ *Op. cit. supra* note 11.

for a half-hour in some of the larger cities down to \$2.00 or \$3.00 for a full hour's consultation in some of the smaller places, people who do not have a lawyer are encouraged by various publicity media to call or visit the lawyer reference service of the local bar association. There, with a minimum of formality and a maximum of consideration for the needs of the applicant, referrals are made to individual lawyers on a rotating basis.

This practical and logical adaptation of professional service to the needs of the times is the combined fruit of legal aid experience, the wartime legal assistance program of the armed forces, and a number of individual experiments among which the Neighborhood Law Office plan of Philadelphia was outstanding. For years legal aid organizations had found it necessary in the interest of public service to develop referral lists in co-operation with their local bar associations for applicants who were ineligible for legal aid but who did not know any attorney and whose circumstances made it difficult, if not impossible, to find a lawyer willing and able to assist at the fee that could be paid.

A wartime measure

The recognition by the War Department that the legal problems of servicemen constituted a serious threat to morale resulted in the establishment of a comprehensive, uniform system of legal aid service in co-operation with the American Bar Association, state and local bar associations, and established legal aid offices. Launched officially by War Department Circular No. 74, March 16, 1943, and subsequently Navy Department Bulletin R1164, July 1, 1943, the plan created legal assistance offices throughout the two services where military and naval personnel and their

dependents could obtain legal advice and assistance from lawyers in the service (designated as Legal Assistance Officers), and provided for the reference of cases to civilian attorneys and legal aid organizations where court appearances or other services away from the serviceman's station were required. When the Air Force acquired a separate status, it adopted the plan.

The objective was the prompt furnishing of counsel to those who needed it, with the question of compensation secondary. Where payment of a fee was not possible or would work a hardship, service was given by legal aid organizations and war work committees of bar associations. State and local bar associations accepted general responsibility for the referral of all matters whether or not a fee was possible. Although the undertaking was prompted and sustained by a deep sense of patriotism and a desire to help the war effort, the experience clearly demonstrated that the ordinary citizen was beset with many more legal problems than even the bar suspected, and that the citizen not only needed the help of lawyers but would seek that help if the way was made easier.

It remained only for another of the reports of the Survey of the Legal Profession¹⁶ to distill the fundamentals and thereby guide and encourage the formation of lawyer reference services in a fast growing number of cities. In 1949, when that report was published, there were approximately 20 referral plans in operation. Since then the number has increased to 45 in cities of 100,000 or more population, in addition to several state-wide plans and a number of services in smaller communities.¹⁷ It is reported that clients are applying to these

¹⁶ C. O. Porter, *Lawyer Reference Plans, A Manual for Local Bar Associations* (1949).

¹⁷ T. Voorhees, "The Outlook for the Lawyer Referral Service," 38 *A. B. A. J.* 193 (1952).

services at the rate of around 35,000 a year.¹⁸

OUTLOOK

Let no one be deceived by the progress which has been made in establishing up-to-date means of making needed lawyers' services more readily available. Much remains to be done—especially, as has been indicated, in criminal cases. Two significant developments, fortunately, give promise that the encouraging rate of achievement of the past several years will continue for at least several more years and that the momentum will carry the program eventually to fulfillment.

In the fall of 1949 the National Legal Aid Association was incorporated, absorbing and extending the usefulness of two predecessor organizations that had served the national field since 1911. As now constituted, the association provides an effective instrument for coordinating the legal aid work of national, state, and local bar associations, the interest of individual leaders of the bench and bar and other organizations concerned with improving the administration of justice, and the spirit and practical experience of the personnel attached to the growing number of legal aid agencies themselves. That association has already instituted a large-scale plan for extending and strengthening legal aid service in both civil and criminal fields and is currently engaged in raising funds to implement the plan.

The immediate objective is the establishment or reorganization of legal aid facilities in about a hundred large cities which now either have no such service or are poorly served by makeshift volunteer efforts. The long-range goal comprehends the following specifics set forth in the report *Legal Aid in the United States*:

¹⁸ *Ibid.*, p. 195.

1. In every city with a metropolitan area population in excess of 100,000 and in smaller ones which are definitely urban in character, a legal aid office should be open at least 30 hours a week at regular times, and not less than one full-time attorney with the necessary clerical assistance should be present except as his duties take him away from the office.

2. In every other city or county with a population in excess of 50,000 there should be an office with some paid clerical personnel open for at least 12 hours a week at regular times, and preferably with a lawyer in constant attendance during those hours except when taken away from the office on business. The lawyer may, however, be a volunteer or one of several volunteers operating on a division of time basis. In large counties with separated centers of population, the plan of operation may need to be modified further to provide for more than one office for the reception of cases.

3. In every other county a committee or volunteer lawyer or other agency should exist to take care of legal aid matters throughout the county. Such service will usually require no more than a chairman or secretary with sufficient clerical assistance of his own either to undertake a case himself or to see that it is referred to a lawyer able and willing to handle it.

4. In every state there should be a state bar association committee to supply overall supervision and support.

5. In all of the larger cities there should be an organized defender service for criminal cases, conducted either as a co-ordinate function of a legal aid office or as an independent publicly or privately supported agency, to provide competent counsel at every stage of the proceedings in all felony cases and other serious offenses.

6. Adequately compensated assigned counsel, of equivalent character and coverage, should be provided in all counties not served by a defender office.¹⁹

The second promising development is the awakened and determined interest

¹⁹ *Op. cit.* *supra* note 13 at p. 249.

of the organized bar and the steps that have recently been taken by that group to provide continuing leadership for the establishment of both legal aid and lawyer reference services on an adequate basis. The American Bar Association and its influential Committee on Coordination of Bar Activities have made this one of their major long-range projects. In turn, the Conference of Bar Presidents and a substantial number of the larger state bar associations have undertaken programs to foster interest and encourage the setting up of needed facilities. Two strong standing committees of the American Bar Association—one on legal aid and one on the lawyer reference plan—are providing direction and drive within the profession.

Emery A. Brownell, Rochester, New York, has been executive director of the National Legal Aid Association since 1940. He was executive attorney of the Rochester Legal Aid Society from 1927 to 1950, and has lectured on law and social work at the University of Rochester and served as chairman of the Judiciary Section of the Post War Planning Council of Rochester. He is author of Legal Aid in the United States (1951).

THE PRICE OF FREEDOM

Underlying all these efforts is the conviction expressed by Harrison Tweed, president of the National Legal Aid Association, shared also by those who are advancing lawyer reference plans:

The world seems to be divided into two camps—in one the individual is of no concern, he is completely subservient to the state; in our camp the individual citizen with his rights and privileges, is the first concern. But the price of freedom as well as of peace is eternal vigilance. In upholding the high principle of equal justice for all and in striving to furnish the needed legal services to everyone, the legal aid lawyer stands in the front ranks of the fighters for freedom.²⁰

²⁰ 10 *Legal Aid Brief* Case 114 (1952).

The Taxpayers' Stake in the Courts

By LELAND L. TOLMAN *

ALTHOUGH relatively few Americans ever participate as plaintiffs or defendants or as witnesses or jurors in a case in court, yet most of them as taxpayers have a substantial financial stake in the judicial establishment. Indeed, aside from the direct expenses of litigation, attorneys' fees, court costs, and similar expense necessarily incurred by those who prosecute or defend their cases in court, the cost of the judicial process is largely borne by the tax-supported public treasury. This being so, the quality of the administration of justice is a direct responsibility of the taxpayer and depends to a large degree upon his dollar support.

As one of the three co-ordinate bodies of American government, the judicial branch, like the legislative and executive branches, cannot function as it should unless it is adequately staffed and equipped. Judges, clerks of court, bailiffs, probation officers, interpreters, stenographic reporters, secretaries, law clerks, and librarians all ought to be paid enough to attract and hold persons of ability, and there ought to be enough of them to permit the work of the courts to be done with efficiency and dispatch. Courthouses should be dignified, functional, and adequately furnished and equipped. Lawbooks, which are such important instruments of the profession, must be made available to the judges in sufficient quantity and variety. These and a myriad of other

daily necessities must be obtained from the public fisc, and without them the judicial institution as we know it will not function.

COST OF FEDERAL COURT SYSTEM

But in the over-all public appropriation for government, the share allowed the judicial branch is only a small fraction. In the federal system, the estimated expenditures for the courts in the fiscal year that will end on June 30, 1953 total approximately \$27,500,000. This is to provide for the support of all the federal district and circuit courts, the Supreme Court of the United States, and such special tribunals as the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court. While as an absolute sum it is a large amount, yet in reality its relative bulk in the estimated expenditure for the federal government as a whole in 1953 is only $\frac{1}{27}$ of 1 per cent of the \$74.6 billion total; and even if military expenditures are deducted, the judicial expense will be only $\frac{1}{11}$ of 1 per cent of the \$30.2 billion that remain.¹

Furthermore, even this amount is offset to some extent by the earnings of the courts. Fees charged to litigants for services in cases concerning them and amounts collected as fines and penalties by the clerks of court are turned into the Federal Treasury as earnings of the courts. It is estimated that in 1953 the total receipts in these general accounts will amount to over \$4,500,000, and that the special accounts from fees

* In view of the author's connection with the Administrative Office of the United States Courts he desires to note that the views expressed here are not necessarily those of that office or of any of the officials of the federal judiciary, and they are not responsible in any way for the accuracy of the facts stated.

¹ Judiciary Appropriation Act, 1953, approved July 10, 1952, Public Law 495, 82d Cong., 2d sess.; Budget of the United States, 1954, pp. M8, M12, 37 ff.

in bankruptcy cases, from which all salaries and expenses of the referees in bankruptcy of the federal courts are paid, will total in the neighborhood of \$2,500,000.²

Thus the actual cost to the taxpayer for the operation of the federal court system is now running at the rate of approximately \$20,000,000 a year. And there are those who argue with great force that this amount is far from enough.³

COST OF STATE AND LOCAL COURT SYSTEMS

The costs of maintenance of the court systems of the various states and of the local governments seem to be much the same in their relative proportion of the total costs of the governments of which they are a part. In New York State, for example, the judiciary is shown by the annual report of the State Comptroller to have required a total expenditure from general state funds of something over \$7,500,000 in the fiscal year ending 1952, out of a total state budget of about \$994,000,000, which includes state funds appropriated for the financial assistance of units of local government. Thus the share of the courts in the cost to the state of all governmental services was $\frac{3}{4}$ of 1 per cent of the total state budget.⁴ And in California in the fiscal year 1952, out of total expenditures of \$1,055,000,000 from state-controlled funds for the cost of government, the amount allotted to the

judicial establishment was only \$1,258,000, or $\frac{1}{8}$ of 1 per cent.⁵ In Florida, in the fiscal year 1951, there was spent for the judiciary, including the supreme, circuit, and other state courts, a total of \$1,049,000, or about $\frac{1}{5}$ of 1 per cent of total state disbursements of \$463,029,000.⁶

These figures are of course not fully comparable among the various states. In California, for example, the judicial appropriation includes only the supreme and appellate courts, the Judicial Council, and the state's share in the retirement fund for judges of the supreme and appellate courts; and so it excludes the very much more substantial expenditures for the operation of the trial courts throughout the state. These basic judicial expenses appear to be borne in many states entirely from the funds of the local units of government where they operate. In 1951, New York City spent for city and county judicial purposes a total of \$20,137,500 out of an aggregate cost of city government of \$1,237,843,000. Thus the proportion for the judiciary of the total local government cost was about 1.6 per cent.⁷ The aggregate amount spent for the courts in New York City alone was somewhat greater than the cost in that year of the entire national judicial system, including both the trial and appellate courts.

It would require an extended and entirely uncharted study to develop from the greatly diversified budgets and financial systems of the forty-eight states and of the thousands of local governmental units complete data on the costs of the judiciary that could be used accurately

for comparison with similar items in the federal budget. This seems to have been a field of research overlooked or at most only touched upon by students of government. Scholarly examination of all the facts in this regard might yield useful results not only by improvement of the efficiency of the courts but also in the general public service and in better utilization of the tax dollar. However that may be, the figures now available do show a startling disproportion in the share for which the courts are accountable in the over-all costs of government. And experience in the federal system in recent years has demonstrated that with greater financial support from the appropriating bodies, the courts are better able to provide for the public the prompt and careful judicial service and the essential protection of public and private rights that it is their function to furnish.

MAIN ITEMS OF EXPENSE

An accurate analysis of the items of expense that comprise the total cost of upkeep of the judicial department is impossible without the data, which are not now available in any usable form, to show the condition in the courts maintained by state and local governments. But the elements of cost in the judicial system of any governmental unit are essentially the same everywhere. For our present purpose, the components of the judicial appropriation in the federal system will serve to show approximately what it is that constitutes the cost of maintenance of the American court structure in general.

In the federal system, as in many of the states, there are three primary layers of courts. At the top is the Supreme Court of the United States, with nine justices. In 1952 the estimated expenditures of that Court were \$1,302,050. The aggregate salaries of the justices and the officers and employees of

the Court, which totaled \$980,000, were the largest single element of expense in the appropriations made to the Court. Other costs, including the expenses of printing and binding court opinions, the care of the building and grounds, and a small item for miscellaneous expenses, round out the total amount.⁸ Also, the Court receives an appropriation through the Library of Congress (\$22,500 in 1952) for the maintenance of its library.⁹ In addition to the nine justices, the personnel of the Court consists of the law clerks and secretaries of each of the justices, the librarian and the library staff, the reporter of decisions and his staff, the marshal of the Court and his staff, and the clerk of the Court and the other employees in his office.

Next in the federal judicial hierarchy are the United States courts of appeals, one for each of the eleven judicial circuits into which the United States has been divided. These are the intermediate courts, and in most cases their decisions are final. In 1952, the total cost of operating these courts was approximately \$2,735,526.¹⁰ This included principally \$1,253,486 for the salaries of the sixty-five circuit judges and \$414,204 for the salaries of the clerks of the courts and their deputies and assistants and the court librarians; \$738,431 for the salaries of law clerks, secretaries, messengers, and other miscellaneous employees; \$170,612 for impersonal services, such as lawbooks, office equipment, and the like, and for printing and binding (chiefly the printing of opinions of

² Budget of the United States, *supra* note 1, Special Analysis C, pp. 1094 ff.; 1954 Budget estimates as submitted to the Bureau of the Budget, Administrative Office of the U. S. Courts, October 15, 1952, Statement of Receipts (not paged).

³ See, for example, Harold M. Stephens, "The Administrative Affairs of the United States Courts," 38 A. B. A. J. 555, 621-22 (1952).

⁴ Annual Report of N. Y. State Dept. of Audit and Control, Legis. Doc. 1952, No. 13, pp. 23, 62.

⁵ Annual Report of Comptroller, State of California, fiscal year ended June 30, 1952, pp. xx, 151.

⁶ Report of Comptroller, State of Florida, fiscal year ended June 30, 1951, pp. 12, 90-91.

⁷ Annual Report of the Comptroller of the City of New York, fiscal year 1950-51, pp. 34-35.

⁸ Budget of the United States, *supra* note 1, p. 38.

⁹ *Ibid.*, p. 30.

¹⁰ These figures and all those that follow are prepared from material in the files of the Administrative Office of the United States Courts. The author is greatly indebted to Mr. John C. Brown, Jr., the chief of the Budget and Accounting Section in that office, for his careful compilations of these statistics.

the court); and \$90,190 for travel expense of judges and their employees.

The courts of first instance in the federal judicial system are the United States district courts. In 1952 there were 215 judges serving in these courts in 86 federal districts scattered throughout the forty-eight states and in five similar courts in the District of Columbia and the territories. The total cost allocable to the maintenance of all the district courts in 1952 was about \$19,640,652. Of this, \$3,727,849 was for the salaries of active and retired judges; \$4,461,378 was for the salaries of the clerks of the courts and their deputies and assistants; \$2,354,510 was for the salaries of probation officers and their clerks, who supervise the conduct of persons convicted of crime and placed on probation without imprisonment or released from imprisonment by parole before expiration of their sentences; \$544,359 was for salaries of court criers who serve as bailiffs and messengers; \$591,000 was expended for the compensation of United States commissioners who serve on a fee basis as the committing magistrates in criminal proceedings in the federal courts; \$3,032,000 was for the compensation, subsistence, and travel of trial and grand jurors; \$2,169,004 was for the salaries of law clerks and secretaries of the judges, interpreters, and the like; \$619,967 was for the costs of travel of the judges and court personnel incident to the holding of terms of court at places away from their official residences, and for other required travel; \$577,217 was for the provision of impersonal services such as office equipment and lawbooks; and \$1,071,028 was for salaries of the 218 official shorthand reporters who record verbatim all trial court proceedings.

SPECIAL ITEMS OF EXPENSE

In addition, there were expenditures from special funds of the bankruptcy

system collected from litigants in bankruptcy cases and earmarked in the National Treasury for support of the bankruptcy officials of the district courts: somewhat less than \$2,000,000 for the salaries and expenses of the 103 referees in bankruptcy and their 304 clerical employees.

Aside from these items of expense, the judicial system of the United States Government includes a number of special courts, for which the appropriations are separately maintained. Serving all of them (except the Supreme Court which is self-administered) is the Administrative Office of the United States Courts, which, under the direction of the Judicial Conference of the United States, performs the essential house-keeping duties such as preparing budgets, auditing accounts, and fixing salaries of supporting personnel, collects statistical information on the condition of the judicial business, and makes studies of the judicial procedure in all the courts. The total cost of this office in 1952 was \$560,943, or about 2.5 per cent of the total appropriation for the courts.¹¹

The mere recital of these figures is not very informative, but it may serve as well as any method to show what it is that the public pays for when tax-

¹¹ For a description of the duties of this office, which acts under the direction of Mr. Henry P. Chandler, see his article "The Administration of the Federal Courts," 13 *Law & Contemp. Prob.* 182 (1948). See also for details of the federal judicial system the Annual Reports of the Director of the Administrative Office of the United States Courts, and the Reports of the Judicial Conference of the United States (published together), 1940, 1941, 1945-1952. Data as to the number of personnel employed in the federal judicial system and the nature of their duties appear in the 1952 report at p. 48. Each report contains a table of amounts available, expended, and unexpended by the Administrative Office during the fiscal year at Table H 1 (1952 Report, p. 193).

collected funds are expended for court maintenance; and it indicates the relative size of each of the various essential items that make up the total.

There are items of expense not listed above, which bulk large in the over-all costs. These include the services of the custodial force of the Post Office Department and the General Services Administration, which are responsible in the federal government for the care and upkeep of all federal buildings. In the same category is the cost of the construction and outfitting of courthouses and other quarters for the courts, which are similarly provided from appropriations made to the Post Office Department and the General Services Administration. It is impossible to allocate to the judiciary a reasonably accurate proportion of the total federal expense incurred for such services, but certainly it is a very considerable sum and a most essential expenditure.

HARD TO DETERMINE COST PER CASE

To those who have an interest in the cost of the judicial system, the question most often presented and generally unanswered concerns the cost per unit of judicial business. The attempt to answer involves some preliminary explanation of the difficulties involved.

In measuring statistically the work of any court, the case is the unit that is counted. But the burden of individual cases upon the court in terms of the amount of work which each requires is extremely variable. In most courts, particularly those in heavily populated industrial areas, many of the cases that are begun are ultimately settled by agreement of the parties without trial or other court action. Others are disposed of with relatively little trouble at some intermediate stage of the litigation process. Some of them cannot be concluded without the taking of evidence and the final judgment of the

court either upon a jury verdict or upon findings of the judge sitting without a jury. Most trials of this character are concluded within a few days, but a few last for months or even years. The trial of the eleven Communists before Judge Harold R. Medina in the Federal District Court in New York City is a well-known example of this sort of case.

Thus it is difficult to say with any degree of exactness how much it costs the taxpayer for the disposition of each case, and any effort to do so must of necessity be a mere approximation. Again, figures to compute even a rough guess are not conveniently available for any but the federal system. For what they are worth, in the light of these weaknesses, the federal figures which follow have been computed from the accounts maintained by the Budget and Accounting Section of the Administrative Office of the United States Courts. For comparative purposes they have been prepared to cover the fiscal years ending in 1945 and in 1952.

COST PER CASE IN DISTRICT COURTS

In 1945 the total estimated cost of the maintenance of the district courts, including the proportionate share of the compensation of judges and all their supporting personnel, as well as the proportionate expense of the maintenance of the probation system, traveling expenses, and allowances for supplies, lawbooks, and equipment and a share of the cost of the Administrative Office of the Courts, was \$9,762,807. In 1952 this figure had more than doubled, and amounted to \$19,640,652, largely because of dollar inflation, salary increases, and the addition of court reporters to the permanent judicial staff. In 1945 there were 91,655 cases (many of them simple price regulation enforcement proceedings) terminated by the district courts. In 1952 the number terminated was 90,038 (less because of

the elimination of the price regulation cases, but actually much greater in total work load because of the great increase of time-consuming private litigation). The average over-all cost of each case terminated by the district courts was therefore approximately \$106.52 in 1945, and \$218.14 in 1952.

By a similar method of computation, allocating to the criminal jurisdiction the entire costs of United States Commissioners and the probation system, and the proportion of the remaining over-all district court expenditures that the number of criminal cases terminated bears to the total number of civil and criminal cases terminated (42.94 per cent in 1945; 40.97 per cent in 1952), it seems that the average cost per case of the 39,355 criminal cases closed by the district courts in 1945 was \$128.38; and for the 36,888 criminal cases ended in 1952 it was \$265.28. The corresponding figure for the 52,300 civil cases of 1945 was \$90.06, and for the 53,150 civil cases terminated in 1952 it was \$185.42.

These computations standing alone are misleading, for they do not reflect the very substantial increase above the average that arises when a case receives the "full treatment" of judgment after trial either by the jury or by the court. Any computation of averages for such cases is extremely vulnerable, for there are involved arbitrary allocations that cannot be accurate. But, largely because the subject is one that should be studied, and because to do so may stimulate critical analysis, tentative computations of the costs of federal district court trials in the fiscal year 1952 have been made. They show that the average cost per trial of the 6,668 civil cases tried in that year was \$1,477.98; or \$1,928.72 for each of the 2,489 civil cases tried by jury, and \$1,209.51 for each civil case tried without a jury. The trials of criminal cases

averaged \$2,873.86 for each of the 3,405 trials; \$3,064.22 for each of the 2,238 criminal jury cases tried, and \$2,508.82 for each of the 1,167 criminal nonjury trials. The average cost per trial day for civil jury trials, based on an average of 2.40 days for each trial, was \$803.63; and for criminal cases, which lasted on the average 1.8 days each, the daily jury trial cost was \$1,683.64.

These figures seem somewhat high, and this may be due in part to the fact that accurate allocation of total court expense between cases tried and those not tried is so difficult as to be well-nigh impossible. However, they are not wholly incompatible with the figures developed by Professor Alfred F. Conard and his associates for the recently completed Illinois work injury study.¹² There the researchers show, contrary to general belief, that adjudication of the rights of injured workmen by means of the Illinois Workmen's Compensation Act was more expensive to the taxpayer than adjudication of comparable questions under the Federal Employers' Liability Act in the federal district courts. The taxpayers' expense for a full-blown Federal Employers' Liability Act jury trial of six days' duration is shown to be about \$1,900. This figure appears to be based on a cost of \$10 a day per juror and a proportional cost for judicial and court attaché time of \$1,058.¹³ Thus it does not include any allowance for physical equipment or for over-all administration, which are necessarily part of the estimates that are given in this discussion. Whether the system used in the Illinois study or that used here is better, is questionable. In any event, the fig-

¹² Alfred F. Conard and R. I. Mehr, *Costs of Administering Reparation for Work Injuries in Illinois* (Urbana-Champaign, 1952); see also Conard, "Is Workmen's Compensation More Efficient Than Employers' Liability?" 38 A. B. A. J. 1011 (1952).

¹³ Conard, *supra* note 12, at 1014.

ures are not so far apart as to indicate that either is essentially wrong.

OTHER ELEMENTS OF EXPENSE

The government's share in the costs of judicial administration is of course not limited to the elements which have been discussed here. There are large and important costs which the taxpayer bears for the prosecution of criminal cases—the support of district attorneys and other public prosecutors, the provision in some jurisdictions of legal aid at public expense and of public defenders for the assistance of persons who are indigent or of low income and who are charged with crime. And in civil litigation, there is the cost of the government's law department, and of providing legal services for poor persons. These elements of the taxpayers' expense are not within the scope of this discussion, but they add up to a substantial total, and they are in reality essential parts of the American judicial system.

DETAILED STUDY NEEDED

But even the elements of expense which are here discussed—those that directly bear upon the maintenance of the court structure—are clearly and substantially a part of the taxpayers' share of the costs of government. Though they do not bulk large in over-all governmental costs, they are great enough as absolute sums of money to constitute

for each of us a real stake in the American judicial system. The costs of the judiciary deserve further study both by the courts themselves and by the public at large.

Such a study may raise questions: whether the jury is the most desirable system of fact determination in our modern, mechanized civilization; whether our judge power is effectively used, and whether by greater financial support its quality can be improved; whether we have enough judges, and whether they have adequate assistance; whether either the taxpayer or the litigant should bear a larger or a smaller share of the entire expense of litigation.¹⁴ All of these are problems that involve a study of the details of cost.

If the courts, as one of the three great branches of our government, receive the attention and support that study of this kind can develop, there is real ground to hope that the administration of justice will better fill its important place in our governmental structure.

¹⁴ See, for example, the very challenging questions of judicial administration raised in the monograph of the Committee on Public Administration of the Social Science Research Council, *Research in Judicial Administration, An Outline for Suggested Research Topics* (Washington, 1942). And compare the thought-provoking suggestions regarding the need for jury trials in personal injury actions made by Presiding Justice David W. Peck of the Appellate Division, New York Supreme Court, First Department, "Report on Court Conditions," 129 N. Y. L. J. 1 (Feb. 6, 1953).

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Expediting Trial of Cases in New York County

By WILLIAM C. HECHT, JR.

THE bench, the bar, and the public should always be concerned with the prompt disposition of lawsuits. To quote an oft-repeated phrase, "Justice delayed is justice denied."

Liberalization and streamlining of rules regarding practice and procedure in the courts have been a source of constant study. Many jurisdictions in this country, including New York, have created judicial councils whose main work is the continuous survey of the administration of justice. Their accomplishments in making court organization more efficient and court procedure less cumbersome are well known.

I think it a fair statement that delay in the trial of cases in New York is not occasioned by intricate or involved court procedures. Rather, other factors are responsible for the situation.

The problem is principally found in the metropolitan area which consists of the five counties in New York City and the surrounding counties of Westchester, Nassau, and Suffolk. There was a tremendous increase in population in this area from 1940 to 1950. In 1940 the population in the eight counties was 8,632,656. In 1950 it reached 9,466,667. This alone would account for a normal increase in business brought into the courts.

THE SITUATION IN NEW YORK COUNTY

For the purpose of this discussion I will confine myself to the problem as it exists in the Supreme Court of New York County, which, for practical purposes, is most illustrative of the conditions we are faced with today. The county is the main center of business

activity, and while its residential population has not increased as drastically as the others, its daily working population is fed by the surrounding counties which are mainly residential. It has been estimated that 500,000 people come into the city each day to work.

Our experience here in New York County has been that in the last six years the amount of business brought into the court has increased enormously. For the period 1941 through 1945 the average number of cases added to the calendars was 4,200 a year. Then came 7,078 in 1946, 8,420 in 1947, and the high of 9,565 in 1948.

We have been able to keep abreast of our contract or commercial litigation so that cases are disposed of promptly after being placed on the calendar. The Appellate Term and special calendars for tax certiorari, condemnation, and so forth, are also up to date. The equity calendar is only four months behind—a satisfactory condition. The problem lies in our tort jury calendar, which is forty-five months behind. The nonjury tort calendar was up to date until recently, but has fallen behind temporarily because of the adoption of a procedure which I will discuss later on. About 80 per cent of the cases brought into the court on the tort calendars are negligence cases.

With the end of World War II and the lifting of gasoline rationing, automobiles were put to greater use. The return to civilian life of hundreds of thousands of servicemen and the demand and need for cars only served to heighten an already bad situation. Furthermore, our streets were never planned with an eye to the great use to which

they are put by trucks and automobiles. The statistics of the Police Department of the City of New York show that there were 15,008 accidents in 1945, while in 1951 there were 25,676.

Although many accident claims are adjusted by the casualty companies before suit is commenced, it must be realized that in a great majority of instances the sequel of an automobile accident is a lawsuit. My own observation, based on my experience in the courts, is that today more than ever before, the average person is claim conscious and litigation minded. It is the familiar practice that persons involved in an automobile accident discuss the question of insurance, and prospective defendants are not loath to encourage litigation on the part of those who claim to be injured by informing them that they carry insurance. This is often true even though the accident may not have occurred through the negligence of the party having the insurance.

Furthermore, psychologically there is absent the pressure of the need for care on the part of the driver of an automobile. He has already paid for someone else to assume the burden of an injury which he may cause.

Problems of proper safety measures, adequate supervision of drivers, and intelligent city planning, however, are not the burden of the judicial system to solve. The courts must take up the burden at the point where it is presented to them.

PROPOSED REORGANIZATION OF COURT STRUCTURES

Several years ago Presiding Justice David W. Peck of the Appellate Division suggested to the New York Legislature a plan for court reorganization which was unsuccessful of passage.

The present organization of our court system in New York is cumbersome and

inefficient. In the City of New York we have a Municipal Court, a City Court, and a Supreme Court which handle civil litigation. There are a Magistrates Court, a Court of Special Sessions and a Court of General Sessions, and county courts which handle criminal matters. In addition, there are the Surrogates' Court for the administration of estates, and a Domestic Relations Court. The judges are elected or appointed to these courts and are confined to them in their judicial activities.

A simple plan of court organization would call for a court of inferior civil and criminal jurisdiction which might also include the Domestic Relations Court, and a court of superior civil and criminal jurisdiction. This, in essence, was the plan suggested by Justice Peck; but the legislature, for a number of reasons which it is unnecessary to go into at this time, did not take kindly to the proposal.

MOBILIZING EXISTING JUDICIAL MANPOWER

Some people find an easy solution of delay in the trial of cases by recommending an increase in the number of judges. Such an increase would bring with it financial problems of salaries for the new judges and for the usual help of secretaries, clerks, and court attendants, and of increased physical facilities which would have to be provided by new buildings. With strained governmental budgets, the solution has to be found in the use of the existing judicial manpower. In fact, the statistics show that a nominal increase in the number of judges for the purpose of trying cases would afford little relief.

An amendment to the constitution was proposed in 1951 which provided for the temporary and emergency transfer of judges from one court to another. With

this proposal it would be possible to mobilize the judicial manpower in those courts where the litigation load was heaviest.

The proposal was passed by the legislature in the spring of 1951 and again this year. It will be submitted to the public for a vote at the election to be held in November 1953. If adopted at that time, the presiding justices of the First and Second Departments, which comprise the counties within the City of New York, will then be able to make these transfers effective as of January 1, 1954.

USE OF PRETRIAL PROCEDURE

Because of the time necessary to bring about organic changes in the organization of the court or even the adoption of the proposal for the emergency transfer of judges between courts, other means had to be found to help combat the evil of delay in the trial of cases.

It has always been true that if the respective attorneys for the parties could be brought together before a judge, the possibility of settling a case was greatly enhanced. The court could listen to the contentions of both sides, and with his experience, tact, and judgment indicate to the attorneys the relative values of their positions and point the way to a fair disposition of the matter. Consequently, in January 1948 a pretrial procedure for negligence cases was adopted in the First Department. Two judges were assigned each month to hold a pretrial calendar. Approximately thirty cases a day were taken up by each judge in an attempt to bring about a settlement of the cases.

The effectiveness of the pretrial procedure is indicated by the fact that approximately 30 per cent of the cases disposed of in the Supreme Court during 1951 were disposed of at the pretrial parts.

A PREFERENCE RULE

The experience with the pretrial procedure has been excellent, but in and of itself that procedure did not solve our problem. As I have indicated, the number of incoming cases had risen steadily from an average of 4,200 a year in 1941-45 to a high of 9,565 in 1948. Something more was needed.

The Municipal Court of the City of New York had jurisdiction in civil matters up to \$1,000, and the City Court had jurisdiction to \$3,000. The Supreme Court has unlimited jurisdiction. It was the considered judgment of the justices of the trial bench in the Supreme Court that many of the personal injury cases being brought into the court should have been initiated in a lower court because the nature and effect of the injuries did not warrant their being in the Supreme Court. The judges felt that this litigation should in some manner be transferred to the court of proper jurisdiction.

Attorneys, on the other hand, claimed that their cases had a greater settlement value if action was instituted in the Supreme Court. The difference in court costs was not sufficient to deter the attorneys from following this practice.

As a result of a study of the problem, the court adopted what is known as the "preference" rule, which became effective in April 1949. This rule requires that in a personal injury action the complaint must be verified, as well as a bill of particulars containing certain required information, and the attorney must file a certificate that the items contained in the bill of particulars are true to the best of his knowledge and information. If this is done, the judge presiding at the calendar part will examine the complaint and bill of particulars and decide from those papers whether the case should be tried in the Supreme Court.

Since the court does not have power on its own motion to transfer a case to another court, a device has been worked out whereby the court marks a case properly here with the words "case marked preferred." If the court does not feel that the cause is properly here, it is marked "preference not warranted." Each month, therefore, the causes marked "preferred" are added right behind the causes marked "preferred" for the prior month, and those causes which are not marked preferred are dropped down. The causes not marked preferred will never be tried in this court until the court has finally disposed of every case considered properly on this calendar. The nonpreferred cases are placed on a special calendar call and the attorneys given the opportunity to transfer them to the proper court.

The effect of this rule has been startling. As indicated above, the high point in incoming cases was reached in 1948 when 9,565 cases were added to the calendar. In 1952 only 4,844 cases were added to the calendar, bringing it back to the point which existed ten years ago when the court was practically up to date.

ENLARGEMENT OF JURISDICTION OF LOWER COURTS

It has been the opinion of the bench and the bar for quite a while that with the advent of inflation, the jurisdictional limits on the Municipal Court and the City Court were unrealistic. It was also obvious that the judges of those two courts were able to cope with a greater case load than was present. The result was that in 1951 the jurisdiction of the Municipal Court was raised from \$1,000 to \$3,000 and that of the City Court from \$3,000 to \$6,000. This also aided in the reduction of the number of cases brought in the Supreme Court.

The experience during 1952 indicates

that the increased case load in the City Court and the Municipal Court by reason of the change in the jurisdictional amount and the operation of the preference rule in the Supreme Court has not created undue congestion in the lower courts. In fact, to aid the City Court in what would appear to be a growing problem of delay, the preference procedure outlined above has been adopted by that court as a means of forcing cases to be brought in the Municipal Court instead of the City Court.

IMPARTIAL PHYSICAL EXAMINATION

In the fall of 1952, through the efforts of Justices Peck and Botein, a plan was developed, with the aid of the New York Academy of Medicine, the Ford Motor Company Fund and the Alfred P. Sloane Foundation, for impartial physical examination of plaintiffs. In the usual accident case, with its controversial atmosphere, conflicting medical testimony is given by the experts retained by the parties. The result is that trials are prolonged and the judge and jury are often confused and left without reliable medical testimony.

Under the new plan, the New York Academy of Medicine in conjunction with the New York County Medical Society will appoint a panel of experts in the various branches of medicine, and when the case is brought on the pretrial calendar, the judge, after consultation with both sides, is empowered to designate a qualified physician from the panel to make an examination of the plaintiff. Copies of his report will go to the court and respective counsel. If the parties are unable to reach a settlement and the case goes to trial, the court may request the doctor to testify at the trial. This, of course, will not prevent the litigants from presenting their own expert witnesses.

Members of the panel will be compensated for their time and effort in an

amount to be fixed by the court in each case, and the expense will be borne for the first year from moneys contributed by the Ford Motor Company Fund and the Alfred P. Sloane Foundation. As Justice Peck stated at the time of the announcement of this plan and the adoption of the necessary rule of court:

This undertaking represents the co-operation of two great professions in meeting a problem which is common to both, and will be a great service to the administration of justice. It may well be a historic milestone in judicial progress and become a pattern for the court system through the nation. The Alfred P. Sloane Foundation and the Ford Motor Company Fund have our warm thanks for their public service contributions to enable us to make the experiment and study.

One recent change in our rules of procedure needs mentioning. For a long time the right to an examination before trial in negligence cases was severely limited in the First Department. In 1951 the Appellate Division adopted a new rule which allows each side to examine the other freely on all issues in the case. This procedure should lend itself to greater settlements by removing the elements of hide and seek from litigation.

THE "HARD CORE" OF DELAY

All these outlined changes were excellent for the future, but the court was faced with a large backlog of cases. In June 1949 there were 13,489 law cases awaiting trial with a delay of 32 months. In June 1952 only 7,979 cases were awaiting trial, but the delay had increased to 49 months. The court was trying cases put on the calendar in May 1948. At the time of the adoption of the preference rule in 1949, it was conceded that it would be unfair to make the rule applicable to cases pending on the calendar at that time.

In the summer of 1952 a survey was

made and it was ascertained that approximately 1,100 cases were pending on the tort jury calendar which had been noticed prior to April 1949. This was called the hard core of delay in the Supreme Court. It was agreed at the opening of the fall term of court in 1952 that eight judges would be specially assigned to try these cases.

The cases were divided according to defendants. The reason for this was that the attorneys who try cases for the casualty companies move from court to court or within the Supreme Court itself and would have several cases ready for trial at the same time. Therefore, in order to keep trial counsel in the one part and aid in the more expeditious disposition of these cases, the assignment of cases was made on the basis of the major parties involved, that is, the casualty companies and the City of New York (the latter had approximately 15 per cent of the cases).

The eight judges assigned to this work applied themselves constantly to the disposition of these cases, and when court closed for the 1952 Christmas recess only 143 were left, and the court was prepared to try April 1949 issues. With this hard core of cases out of the way, the number of months which a case has to await trial will be greatly decreased.

A GOAL IN SIGHT

As indicated above, the number of cases coming into court since the adoption of the preference rule has steadily declined. And of these cases on the tort jury calendar, only 4,650 have been preferred. The court can be expected to keep up the rate of dispositions which it set in September-December 1952 when it disposed of 950 cases in the "hard core" drive. If another 1,000 tort jury cases are disposed of in the first six months of 1953 before the summer recess, then the issues of June 1950 will have been reached and the court

will be only 36 months behind. This will be a gain of 13 months over the previous year.

In fact I can make the prediction that by June 1954 the delay in the disposition of tort jury cases will not be more than 18 months. With the reduced number of cases coming into the court and the availability of extra judicial manpower due to the emergency assignment of judges, the court will keep abreast of its calendars. It seems to be the considered judgment of attorneys for both plaintiffs and defendants that a year's delay between the bringing of the suit and trial is necessary for complete investigation and ascertainment of the permanent extent of the injuries.

CO-OPERATION TO EXPEDITE CASES

In January 1952 Judge Peck appointed a committee to expedite the disposition of personal injury cases in the First Department, and I had the honor of being appointed chairman of that committee. It consisted of the four calendar judges in the Supreme Court in New York County, the Chief Justice of the City Court, the President Justice of the Municipal Court, the Superintendent of Insurance of the State of New York, the Corporation Counsel and the Comptroller of the City, attorneys who specialize in tort litigation as representatives of plaintiffs and defendants, and executives of several types of insurance companies writing casualty insurance.

Emphasis in the first instance was placed on an attempt to encourage settlements at pretrial, in the calendar parts and in the trial parts. Because of the broad base of representation on the committee, great headway was made in this regard. The insurance companies realized that while delay worked to their advantage, the situation could become so intolerable that some substi-

tute for court disposition of cases might have to be resorted to as the result of public pressure. Attorneys for plaintiffs also realized the danger of the situation. All agreed that the present system must and could be made to work.

The second point emphasized was to get the parties to waive jury trials both as to cases already on the calendar and as to those that would be brought in the future. Experience shows that a judge can try at least twice as many nonjury cases as jury cases in the same length of time. The tort nonjury calendar being up to date, it was determined to offer the opportunity of an early trial to parties facing delay on the jury calendar. A special calendar call was had, and 945 jury waivers were obtained. As a consequence, an eight-months delay has appeared on the tort nonjury calendar; but beginning in January 1953 four judges have been assigned to nonjury parts, and the delay should quickly disappear and the promise of an early trial should be fulfilled. But even for the last four months of 1952, the parties who had waived were being reached for trial much faster than if they had waited on the jury calendar.

OTHER SUGGESTIONS

Other suggestions have been proposed, such as the abolition of the right to a jury trial in negligence actions. This is the law in England today, the birthplace of the jury system. I am not prepared to debate this suggestion here, and if we reach our goal in proper time we may never have to reach that problem.

It has also been suggested that the law be amended to provide a comparative negligence test for recovery instead of our present test of lack of contributory negligence. Certainly this would be a realistic appraisal of what happens in the jury room. The formulation of

the doctrine would lend itself to quicker settlements, as both sides would be better able to appraise the value of their case after full examination before trial. In addition, a comparative negligence doctrine would tend to increase waivers of jury trials.

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This is the story in New York County, the hub of New York City. We have not achieved wonders in the few years

we have been at work on the problem. We have evolved improvements in our system and found that the bench and the bar can be counted on to co-operate in finding solutions to our problems. We had a high hurdle to overcome at the outset, and while it has only been moderately reduced in size at the present writing, all indications point to the ultimate achievement of reducing delay in the trial of a tort case to a reasonable period.

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Improving the Structure of Courts

By MAXINE BOORD VIRTUE

MULTIPLICITY OF COURTS

IT is pointless to consider the structure of courts apart from their operation. As the design of an automobile relates to the driver's skill, the road conditions, and the density of traffic, so the structure of courts can be analyzed usefully only by taking cognizance of the caliber of the judges, the subject matter comprising the case load, the incidence of business, and the participation of the bar. The best court design will not result in good judicial administration if operating techniques and personnel are not of good quality. Given these things, the most cumbersome and outmoded court structure can be and is being made to purr like a 1953 Cadillac.

The point is being labored because most discussions of court structure are sooner or later thrown out of focus by an assertion that all will be well if every judge will come to work at nine and stay until five, or that juvenile delinquency will disappear and divorce cases cease to be difficult if judges hearing such cases will (1) remember to be kind and (2) take a course in social work. The object of this article is to discuss court structure, though not in a vacuum. It will be assumed that the structure sought is that which will offer the most scope to good personnel and provide maximum protection against bad personnel, and that good operating techniques must be enforced in order to give meaning and utility to the machinery.

It may be useful to look at some typical defects in present court structure, the results of the defects, and the methods being evolved to achieve court reform.

In 1948 there were 145 separate tribunals in the Detroit metropolitan area, of which 104 were township justices, 18 city justices, and 6 municipal courts.¹ In 1932 there were 556 autonomous courts in the Chicago region, of which 205 were in Cook County.² A recent state-wide Minnesota study lists 19 state district courts, 48 probate courts, 80 municipal courts, and 690 justices of the peace—a total of 837.³ Judicial council reports or any standard court study will yield further evidence of the plethora of autonomous judicial tribunals existing in most states. This multiplicity is most exaggerated in metropolitan areas.

Reasons for the costly and inefficient piling up of courts include (1) retention of the outmoded justice of the peace system, (2) population shifts resulting in demand for new courts, and (3) ephemeral local pressures to create a new court for each specialized set of issues. In metropolitan districts, multiplication of courts is only one manifestation of the tangle of overlapping governmental units characterizing these centers of population, in which more than half our inhabitants dwell. "Sibling rivalry" among these governmental units, and heavy case loads in congested popula-

¹ Maxine Virtue, *Survey of Metropolitan Courts: Detroit Area* [Michigan Legal Series] (1950), p. 6.

² Albert Lepawsky, *The Judicial System of Metropolitan Chicago* (1932), p. 41.

³ Forrest Talbott, *Intergovernmental Relations and the Courts* (1950), pp. 23-24, 47, 54, 61.

tion centers, also contribute to the pressure for more courts.

Justices of the peace

Local justices of the peace constitute the overwhelming majority of courts in most states. Originally established to serve communities wherein litigants went to court on horseback or in buggies traversing muddy country roads, the system is tenacious of life, though superseded in usefulness by local tribunals easily accessible by automobile in our generation. The best-known studies of the subject are those of Edson R. Sunderland, who wrote in 1932 of the Michigan township system of justices that in six typical counties having 290 justices in all, 269 justices did no business whatever; the other 21 did all the business that was done outside the cities.⁴ Professor Sunderland said:

These figures show that the supposed popular demand for a Justice of the Peace court in every township . . . does not exist. The people do not want them and will not use them. . . . A county court, properly organized and housed, having a trained judge, a competent clerk, office equipment sufficient for the keeping of proper records, and sitting . . . as the needs of the community should indicate, ought to replace the obsolete Justice of the Peace courts.⁵

The same scholar in 1945 presented a comparative survey of constitutional and other provisions governing justices of the peace in all states, and an analysis of requisites for an adequate state-wide minor court system.⁶ But though these researches originated in Michigan, ironically the justice of the peace system still obtains there. It is said that an

association of justices, formed to combat the county court bill, was able to accomplish its objective.

Several other states have also felt the strength of the opposition which can be rallied when an outmoded court system is threatened. But in Missouri, Kansas, and California, *inter alia*, efforts to replace justices of the peace by flexibly designed minor tribunals structurally integrated into state-wide court systems have been successful. Chief Justice Vanderbilt discusses the present status of the justice system in his *Minimum Standards*.⁷

The problem of adequate judicial manpower

The general problem of judicial selection is touched upon elsewhere in this symposium. It suffices here to note that multiplicity of courts is accompanied by difficulty in obtaining enough qualified persons adequately to discharge the judicial function. The "lay justice" evil has been mentioned. Another is that of the lay probate judge. In states having a separate probate court in each county, the rewards of judgeship are insufficient (particularly where the fee system still obtains) to interest good lawyers except in heavily populated areas. In 1950 I found that more than half the probate judges in Michigan were not listed as lawyers by Martindale-Hubbell. The Minnesota study previously cited notes that of 87 probate judges in Minnesota in 1950, only 38 were members of the bar.⁸

It is surprising that the bar and the public have shown so little concern about this widespread problem, for the basis of probate practice is the making of a precise record and the adequate discharge of many minute and complex procedural requirements. Where the

⁷ Arthur T. Vanderbilt, *Minimum Standards of Judicial Administration* (1949), pp. 314-16.
⁸ F. Talbott, *supra* note 3, pp. 47-49.

judge is unequipped to comprehend the professional problems, the burden of the attorney increases manyfold.

Further, in many states this separate county probate court exercises jurisdiction in juvenile cases, through a separate division or otherwise. Here the legally unqualified judge is particularly damaging, for the juvenile case load comprises an area where attorneys appear infrequently, where the need for social techniques tends to outweigh legal rights and procedural requirements, and where inadequate legal practices often produce results which are bad both legally and socially.

COMPLEXITY IN STATE-WIDE COURT SYSTEMS

The court system of Massachusetts has been described as a "statutory omelet"; that of Chicago, in the phrase of a local reporter, is "as full of tangle and movement as a canful of angeworms"; Professor Fuller of Harvard says that the Pennsylvania system "presents an imposing complexity probably unequalled in any other state." It seems generally perceived that ephemeral changes in population, in case load, and in the aggressiveness and skill of court personnel have brought about haphazard piecemeal shift and redistribution of court structure until most present systems are mere conglomerations. Defects most often complained of are those arising out of lack of integration and poor jurisdictional coverage.

Lack of integration relates not only to court structure but also to the scope of the rule-making power of judges. Where many courts independently coexist, judicial manpower is immobilized so that individual judges may not be assigned in accordance with current need. This same defect is expressed as needless duplication and conflict in case handling, lack of proper uniform record and statistical methods, and a general

dearth of good housekeeping practices such as a strong presiding judge with authority over the entire system can develop.

Overspecialization is another manifestation of lack of unified structure. As special dockets (for instance traffic, domestic misdemeanors) are carved out and assigned to judges having a special interest in or flair for such cases, they tend in time to develop into separate courts, cut off first in practice and then in structure from the parent tribunal. An example is the Detroit traffic court, an offshoot of the recorder's court, itself a specialized criminal tribunal with jurisdiction in part carved out of that originally exercised by the Circuit Court of Wayne County.

Jurisdictional defects

Jurisdictional defects inevitably occur when many separate courts are evolved haphazardly without over-all planning. Typical jurisdictional faults are the following:

There are gaps, such as lack of effective legal procedures to control known sex offenders, lack of jurisdiction over actions against municipal corporations, or lack of court authority to enforce a mother's duty to support children.⁹

There is duplication, such as that found in Detroit whereby any one of six legal procedures in any one of four courts may be chosen to deal with paternity out of wedlock. In Chicago, the circuit and superior courts, serving the same physical community, have completely duplicating jurisdiction but are functions of different units of government. In the city of New York we may choose from among many examples that of the Municipal Court (civil jurisdiction to \$3,000) and the City Court (civil jurisdiction to \$6,000).

⁹ Examples chosen at random from those coming to mind through recent contact with Michigan courts and statutes.

⁴ Judicial Council of Michigan, *Fourth Annual Report* (1934), p. 169.

⁵ *Ibid.*, pp. 169, 172.

⁶ Judicial Council of Michigan, *Fifteenth Annual Report* (1945), p. 57; see *Sixteenth Annual Report (Tentative Draft of an Act to Establish County Courts)* (1946), p. 67.

Overlap is perhaps the most frequently encountered jurisdictional defect arising out of structural complexity. Actions involving small amounts may often be brought either in the justice court (or its municipal successor) or in the court of general jurisdiction. In one year three-fourths of the work of the Circuit Court of Wayne County was done in cases involving less than \$1,500, which thus might, and most of which should, have been brought in the Court of Common Pleas.¹⁰

Another facet of the same overlap is provision for trials *de novo* of small claims and other cases appealed to the court of general jurisdiction. In Detroit, Chicago, and New York, to the writer's knowledge, the maximum monetary jurisdiction of local small claims courts has recently been increased, and various localities have done away with the *de novo* appeals. These devices are said to have a tremendous ameliorating effect upon docket congestion in the court of general jurisdiction. Whether the trend will in time adversely affect the existence of small claims courts as such, is a question which needs attention.

Conflict of jurisdiction is most often experienced in the family problem area. In a recent article, Judge Jayne notes eight different courts in Detroit which may deal, without co-operation or even knowledge of one another's efforts, with the same family breakdown situation. Personal guardianship proceedings for minors are often used to undo the work of a divorce court's child custody and support decree. Space limitations prevent citing further examples, which are legion in this type of case. Judge Alexander lists half a dozen courts involved

¹⁰ Ira W. Jayne, "The Mouse in the Mountain," 16 *The Detroit Lawyer* 237 (1948); see Judicial Council of New York, *Fourteenth Annual Report* (1948), pp. 63-66.

in an Ohio problem family case;¹¹ a recent Connecticut comment shows domestic relations jurisdiction parceled out among six different courts.¹²

INTEGRATED COURT MOVEMENT

In 1938 the American Bar Association took the lead in trying to bring about a unified judicial system in each state, with power and responsibility centered in one judge. The American Judicature Society, the National Municipal League, and many state bar associations have been striving towards the same goal. A recent check of judicial council and bar association reports from ten states, selected at random, shows that in all ten, bar associations or similar professional groups either have committees working on studies leading to court reform, or are actively pressing for a fully integrated system.

But such reforms are hard to bring about, partly because it is difficult to interpret this need to a sufficient portion of the public to kindle the requisite enthusiasm at the polls, partly because up-state legislators are deeply unwilling to bestir themselves about changes which they believe will principally benefit city dwellers, and partly because politically entrenched personnel and structures take a good deal of dislodging.

The excellent Minnesota plan¹³ has had more effect in exciting interest outside Minnesota than in bringing about remedial legislation in that state. Important changes recommended by the Connecticut court study have not been

¹¹ Paul W. Alexander, "The Family Court of the Future," 36 *J. Am. Jud. Soc'y* 38 (1952); see also Professor Koos's article in this volume.

¹² 26 *Conn. Bar. J.* 303 (1952).

¹³ Judicial Council of Minnesota, *Report of the Committee on Unification of the Courts* (1942).

accepted by the legislature.¹⁴ A long succession of studies and reform programs in New York (where, it is said, hundreds of thousands of pages have been written about the inefficiency of the system) has thus far resulted in no basic changes. The present status of the court reform movement can be learned by consulting the summaries of judicial administration legislation published periodically by the *Journal of the American Judicature Society*.

The New Jersey court reorganization is the inspiration for all groups working for better court structure. In 1947 a new constitution was adopted there which

attains most of the objectives for which the American Judicature Society and others have contended. . . . The three-level system of supreme court, superior court and county courts is set up just about as most of the numerous court unification plans chronicled in these pages through the years have envisioned it.¹⁵

METROPOLITAN COURT SYSTEMS

Dean Pound called attention several decades ago to the distinctive nature of the problems of metropolitan trial courts, pointing out that Huck Finn's father could not have had as good a trial in a big city, even if the same number of man-hours were applied to it, as he did in the home town which knew him deeply. The American Judicature Society came forward in 1916 with a model act for a metropolitan court divided into several specialized divisions but comprising a single tribunal.¹⁶

After the abortive "municipal court" movement of the twenties and thirties, no attention was given to the special

¹⁴ 35 *J. Am. Jud. Soc'y* 43 (1951); see Charles E. and Eli Clark, "Court Integration in Connecticut: A Case Study of Steps in Judicial Reform," 59 *Yale L. J.* 1395 (1950).

¹⁵ 31 *J. Am. Jud. Soc'y* 131, 142 (1948).

¹⁶ IV-B *J. Am. Jud. Soc'y* 1 (1916).

problems of metropolitan trial courts until 1947. Then the Section of Judicial Administration of the American Bar Association, through a special metropolitan trial court committee under the chairmanship of Judge Jayne, embarked on the first of a series of studies designed to determine what the special metropolitan court problems are, and, finally, to serve as the basis for recommendations concerning the proper structure, organization, and procedures for such courts.

The first study of Detroit was financed and supervised by the University of Michigan Law School. The Section of Judicial Administration is sponsoring similar inquiries in at least half a dozen metropolitan areas with various cultural and court problems. Plans for studies in New York and Philadelphia, to be conducted by Columbia Law School and Temple University Law School respectively, have been approved by the section and by local directors. A local committee is working on a prospectus for Los Angeles, and consultations are under way to develop studies in London, in San Francisco, and in other metropolitan areas.

Each local study is to be independently directed and financed, with continuing section sponsorship to ensure objectivity and to obtain fully comparable data through co-ordination of all the studies. A representative of the section's special committee is to integrate the studies and direct the over-all operation, which will include (1) the development of local plans and joint preparation of a written prospectus for section approval in each area, (2) the making of selected intensive studies in various localities during the local study period, and (3) the preparation of a final analysis and recommendation based on the completed series.

The first study has demonstrated that the metropolitan trial court, with its

many specialized and departmentalized employees and multi-judge courts, and with a predominance of mental, criminal, and domestic relations cases in its case load, has unique problems not only of procedure but also of subject matter. In his foreword to the Detroit study, Judge Jayne remarked that "it appears that court administration in a metropolitan district is a problem distinct from the administration of courts in the state as a whole,"¹⁷ and that this special problem could not be solved by state-wide court integration alone.

As one reviewer pointed out,¹⁸ this does not mean that state-wide integration of all courts is not proper and of pressing importance. It does mean that integration of all courts in the state,

¹⁷ M. Virtue, *supra* note 1, p. viii.

¹⁸ Stephen H. Clink, 49 *Mich. L. Rev.* 927, 928 (1951).

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including the metropolitan courts, is a major goal to be pursued with spirit and determination; and that integration of courts on a state-wide basis will not alone solve the problems of metropolitan trial courts, which in addition to being integrated with those in the state must also be closely co-ordinated, both structurally and in operation, with other courts in the same metropolitan area.

SUMMATION

In conclusion, then, achievement of good court structure appears to this writer to require a program containing all of the following components: (1) state-wide integration; (2) metropolitan integration for metropolitan districts within the state-wide system; and (3) county and/or circuit integration of petty tribunals in rural districts.

Work of the Modern Administrator of Courts

By WILLARD G. WOELPER

THE title of the subject assigned for this article may be misleading in part; it may suggest to some that court administrators are now becoming modern, whereas the fact of the matter is that until very recent years there was no such official as a court administrator.

It will be even more surprising to the lay citizen, however, to learn of the almost complete lack of any truly effective system of administrative supervision and control in most of our state judicial establishments today, and in our federal system prior to 1939. Any business executive during the past century guiding and directing a large organization, whether it dealt with the manufacture of products or the furnishing of services, would recognize and insist upon the basic importance of effective administrative control and co-ordination over each department of his company and over all personnel. Strangely enough, only during a little more than the past decade have such ideas found any substantial acceptance in the judicial world. Although comprehensive revisions of the judicial structures have been made in many states, the emphasis has been placed largely on the judicial work to be performed by the judges, rather than on the problems of internal management of the judicial system.

It was not until 1939 that a pattern for effective judicial housekeeping was set by the establishment of the Administrative Office of the United States Courts.¹ Under the distinguished leadership of Henry P. Chandler as administrative director, that office soon demonstrated its vital importance in the federal judicial system.

¹ The legislation is now set forth in Title 28, U. S. Code §601 *et seq.*

Notwithstanding the fine example this model afforded, in only a few states has any real progress been made in establishing comparable offices. Connecticut has made provision for an executive secretary who audits the expenses of the courts under the direction of the judges, prepares the judicial budget, prepares payrolls, and acts as purchasing agent.² North Carolina has an executive assistant to the chief justice, and in West Virginia provision is made for an executive secretary of the Court of Appeals.³ In New Jersey specific provision was made in the state constitution for an administrative director of the courts,⁴ and in the integrated judicial system there established in 1948, the administrative office has had its most extensive development. In 1948, pursuant to a proposal made by the Section of Judicial Administration of the American Bar Association, a model act to provide for an administrator for the state courts was approved by the Conference of Commissioners on Uniform State Laws.⁵ Recently statutes have been enacted establishing administrative offices of the courts in Michigan, Rhode Island, Virginia, and Puerto Rico.

FORMER JUDICIAL SYSTEM OF NEW JERSEY

The layman will gain a better understanding of the problems of judicial administration in general, and of the functions of a court administrator in par-

² Conn. Rev. Gen. Stat. §7661 (1949).

³ West Va. Code Ann. §§5707 (8)-5707 (10) (Supp. 1947).

⁴ N. J. Const. Art. VI, §VII, par. 1 (1947).

⁵ *The Improvement of the Administration of Justice* (3d ed. 1952), pp. 31-33 (a handbook prepared by the Section of Judicial Administration of the American Bar Association).

ticular, by a consideration of the actual experience in New Jersey. Prior to the constitutional reorganization in that state, the judicial system consisted of some seventeen courts and classes of courts, manned by more than five hundred full-time and part-time judges. There was virtually no centralized administrative supervision or control, and except to a very limited extent each court or class of courts was independent in matters of administration. The actions of a local justice of the peace, for example, were subject to *judicial* review, but in matters of administration he was virtually a sovereign.

Aside from the ineffective theoretical control that might exist in the form of impeachment or removal, or the fear of failure of reappointment, the local judge was subject only to the uncertain control of tradition and the dictates of his own judicial conscience. Occasionally, in some of the few cases appealed, administrative misconduct might appear on the record and a reprimand in the form of an appellate opinion might be forthcoming. In the great majority of cases, however, inexcusable judicial delays, judicial bad manners, violations of the Canons of Judicial Ethics, and other similar abuses were not within the responsibility or power of any official or administrator to correct.

It is an interesting pastime to theorize about the value of a businesslike administration of the courts, but real accomplishments depend on a basic step: the vesting of power and control over administration in a specified agency with defined responsibilities. And judicial administration cannot be truly effective unless there exists not only the power to acquire knowledge of the status of the work of each of the courts and judges and the staffs connected therewith, but also a power to correct the shortcomings which the research discloses.

PRESENT JUDICIAL SYSTEM OF NEW JERSEY

The effectiveness of the administrative office of the courts in New Jersey can only be accurately appraised in relation to its role as a part of the modern integrated judicial system which was established under the constitution of 1947. The system of seven basic courts is headed by the Supreme Court which is given complete power to make rules governing the administration of all the courts in the state and the practice and procedure therein.⁶ In fulfilling its constitutional obligations in this respect, the court has promulgated a complete set of rules modernizing and simplifying the practice and procedure in each of the courts and making them uniform throughout the state. Of greater interest here, however, is the comprehensive set of rules adopted by the court governing the administration of the courts and the conduct of all judicial personnel.

Under the new constitution the chief justice is made the administrative head of all the courts in the state⁷ and is given broad powers to assign judges from court to court and county to county as the status of judicial business may require.⁸ In establishing a simplified system of courts, in vesting in the Supreme Court power to make rules of practice, procedure, and administration governing all courts and judges, and in making the chief justice the administrative head of the entire system with power to assign judges, the constitution has provided the framework for a truly integrated judicial system which can be effectively administered.

⁶ N. J. Const. 1947, Art. VI, §II, par. 3; see *Winberry v. Salisbury*, 5 N. J. 240, 74 A. 2d 406 (1950), *cert. denied*, 340 U. S. 877, 71 S. Ct. 123 (1950).

⁷ N. J. Const. 1947, Art. VI, §VII, par. 1.

⁸ Art. VI, §VII, par. 2; Art. XI, §IV, par. 5.

Under these provisions the chief justice and the Supreme Court must accept the responsibility of making certain that approved and effective practices and procedures are followed in all judicial proceedings throughout the state, and in addition they are charged with the duty of fixing standards governing the administrative aspects of the work of the judges and all other personnel in the judicial system. With that responsibility and duty is granted power to correct abuses by the enactment and enforcement of rules, and, indeed, provision is made in the constitution to vest powers in the Supreme Court to remove judges for cause,⁹ although this provision has not yet been implemented by the legislature.

EFFECTIVENESS OF THE SYSTEM

The effectiveness of such a system may be easily demonstrated by a simple illustration. The Supreme Court has provided by rule that the conduct of all judges in our state shall be governed by the Canons of Judicial Ethics adopted by the American Bar Association.¹⁰ In New Jersey, all judges are selected under an appointive system, and accordingly under the Canons all judges are barred from engaging in any partisan political activity.¹¹ Shortly after the new court system was established, a report came to the attention of the Supreme Court that one of the local magistrates was campaigning actively for the office of mayor in his community. Under the former system, the more reputable members of the bench and bar would have disapproved of such conduct, but the magistrate could not have been impeached or compelled to withdraw. How was the problem handled under the new system?

⁹ Art. VI, §VI, par. 4.

¹⁰ Rule 1: 7-6.

¹¹ Canon 28, Canons of Judicial Ethics of the American Bar Association.

When it became apparent after inquiry that the magistrate was knowingly violating the rule, the Supreme Court entered an order directing the magistrate to show cause why he should not be held in contempt. Thereupon the magistrate, apparently realizing that the court expected to enforce its rule, promptly submitted his resignation upon the return day.

There can be little doubt that this one proceeding quickly became known to all members of the bench and bar throughout the state, and that the action taken was most effective in preventing any occurrence of such conduct elsewhere. Where it is known that a power exists which will be used promptly to punish abuses, such abuses are much less likely to arise.

NEED FOR ADMINISTRATIVE DIRECTOR

Provision is made under the new constitution for the appointment of an administrative director by the chief justice to serve at his pleasure.¹² The outline of the broad rule-making and administrative powers of the Supreme Court and the chief justice will have already indicated to the reader the need for such an office. Obviously such powers cannot be exercised effectively and intelligently unless the chief justice and the Supreme Court have the aid of an administrative staff which can devote its full time and energies to the task of keeping them advised as to the status of judicial business, and which can execute the details of the basic policies which have been established by them. It will be observed that the Supreme Court has as its principal duty and function the consideration and disposition of appeals as the court of last resort, and of necessity it can only devote a limited portion of its time to administrative problems.

¹² Art. VI, §VII, par. 1.

The magnitude and the variety of the potential administrative problems inherent in the new judicial system may be also indicated by referring briefly to the volume of judicial business and to the size of the personnel. During the past court year 1951-52, the courts of New Jersey disposed of some 60,000 civil cases alone. On the criminal side the municipal courts disposed of 619,233 traffic cases. In appraising this volume, it should also be noted that the chief justice has under his supervision a total of 579 full-time and part-time judges, not to mention the clerks, the sergeants at arms, the stenographic reporters, and a host of others working in the courts. Finally, it should be kept in mind that there are approximately 8,500 licensed attorneys in the state, of which number it is estimated that at least 6,000 are engaged in the active practice of law. The need, then, for an administrative staff is manifest.

GATHERING OF DATA

The necessary foundation for all sound administrative decisions must be the factual data relating to the problems under consideration, and accordingly the collection and analysis of current statistical data on the work of the judges and the status of judicial business has been the major undertaking of the administrative office. The emphasis has always been twofold: (1) to obtain operational figures, such as any board of directors of a business concern would want in directing the operations of a corporation, and (2) to obtain figures reflecting the current status; for an analysis of figures reflecting operations long since passed will have little operational value, albeit the figures may have historical interest.

Statistics have been gathered and analyzed in New Jersey on a weekly, monthly, and quarterly basis. In general, the basic inquiries for each period

have been (1) what matters have been disposed of during the period, in comparison with past periods, (2) what additional matters have been added during the period, and (3) what matters await disposition at the end of the period and how long have they been pending. This basic approach was made necessary by the large arrearages that existed on many court calendars at the time of the reorganization of the courts, and was particularly essential to enable the chief justice to utilize the available judicial manpower at maximum efficiency.

The statistics have been gathered principally from reports submitted by the judges themselves and by the clerks of the various courts. The Supreme Court has provided by rule¹³ that each judge shall submit a weekly report in duplicate to the administrative director. The reports are in general so designed that they show the number of hours the judge presided on the bench, the cases heard, the nature thereof, and the outcome. Each judge also reports on any cases or motions submitted to him which are pending undecided.

USES OF DATA

These reports are received on Monday, and a brief summary and analysis of the major items is submitted to the chief justice on the next day. The reports disclose to what extent the judge has been occupied in court, and will immediately reveal any deficiencies in the manner in which the calendar is being managed. On the other hand, when fewer than the standard number of hours are being spent on the bench,¹⁴ an investigation of the report may indicate that the deficiency is not caused by improper handling of the local calendar, but rather by a calendar which is so current and light that it is insufficient

¹³ Administrative Rule A14.

¹⁴ Administrative Rule A1.

to keep the judge or judges working on it fully occupied. This will serve to inform the chief justice that such judge or judges are available for assignment to other counties or divisions where the calendar is more congested.

Finally, the weekly reports have proved invaluable as a means of bringing to the attention of each judge at the end of the week the status of his own work. Where cases or motions are pending heard and undecided because counsel have failed to submit briefs, the judge will be reminded to take action to secure their prompt compliance. Rule A13 of the Rules of Administration provides:

As a matter of routine, all motions heard by the trial courts in any week shall be decided at or before the opening of the court the next week. As a matter of routine, all cases submitted to trial courts shall be decided within four weeks after submission.

Where the weekly report indicates that motions or cases have been pending undecided for a longer period of time, the chief justice directs the administrative director to communicate with the judge in question to obtain a special report on the status of such matters. Such reports will ordinarily show that the matter pending was particularly involved or difficult but will be disposed of within a short time, or that the judge has been overburdened with other matters and requires assistance. Occasionally the report will disclose that the matter is being held pending an appeal or binding disposition in a related or test case, or for other special reasons.

Where a judge has been unable over a long period of time to meet the general standards in a major portion of his cases, his failure will suggest that he is not well qualified for the work to which he is assigned. Experience has demonstrated that many extremely able trial

judges on the law side are relatively poor in performance in appellate or chancery work, and the converse has been equally true. Effective judicial administration demands that to the extent possible, judges be assigned to the work for which they are most suited.

In any event, the weekly report with the administrative "follow-up" has been completely successful in solving the problem of long delayed decisions which existed in New Jersey under the former system, and which has plagued many other judicial systems. Under the former system the judge in this respect was accountable, for all practical purposes, only to himself. Litigants and lawyers were not in a position to insist upon prompt disposition, since they would fear that such insistence would only result in possible prejudice and a prompt *adverse* decision.

MONTHLY REPORTS

Supplementing the weekly reports submitted by the judges, the administrative director receives a monthly report from the clerk of each of the courts or divisions showing the status of each of the calendars therein. The calendar reports generally show the total number of cases pending at the beginning of the month, the number disposed of during the month, the number of new cases added during the month, and the total awaiting trial at the end of the month. The figures indicate the number of cases which are on the military list and therefore not available for trial, and in addition a breakdown is given of the total number of active cases pending at the end of the month showing the periods in which they were instituted by the filing of the complaint.

Customarily, from time to time the chief justice announces a "target" for each division and a date by which it is hoped that all cases started before a specified date will be disposed of. At

the end of the period judges with cases still pending instituted prior to the target date are requested to submit special reports as to the circumstances which made trials and disposition impossible.

This procedure has been based on the philosophy that the expedition of trials is a public responsibility of the courts. When litigants resort to the courts they must expect to proceed promptly to a disposition. Delays caused by lawyers and litigants for their own personal reasons all too frequently are forgotten at a later date when criticism of the law's delays is voiced to the detriment of the reputation of the entire judicial system. Complaints from litigants received in the administrative office shortly after the reorganization revealed that all too frequently delays were caused by requests for adjournments and postponements by counsel for their own convenience and not that of their clients.

TEMPORARY ASSIGNMENTS

By the analysis of these basic statistics the administrative director is enabled to advise the chief justice and the Supreme Court at all times as to the current status of the judicial work in each court and county, and the situation of each judge. Where the calendar of a particular judge is light, his availability for assignment elsewhere is noted. Where a calendar is congested and a judge is falling behind, the need for assistance immediately becomes apparent.

It has been the practice in New Jersey for the chief justice to review the status with the administrative director at least once each month, and more frequently if necessary. The chief justice determines which courts and counties shall be given the help of additional judges and which courts and counties do not need their full complement.

The extent to which the temporary assignments are used is illustrated by

the schedule published each year in the annual report of the administrative director. During the court year ending August 31, 1952 it will be noted that 31 different judges were given temporary additional assignments for periods totaling approximately 830 man-days. Most of this time would have been lost to the state, but for effective administration. Under the former system, a conscientious judge confronted with a calendar breakdown had no real alternative other than to adjourn to his chambers for possible research, or, if he were not so conscientious, for less productive activities. No agency or official was charged with the responsibility of supervising his activities and calendars for the public benefit.

ADMINISTRATIVE TASKS

The foregoing has indicated briefly the principal functions of an administrative office in aiding in the administration of judicial business in general. Judicial business in this sense has been limited to the administrative problems attendant upon the preparation, hearing, and disposition of litigated matters. It must be remembered, however, that in any judicial establishment there are a variety of other problems of internal management, not directly associated with the trial and hearing of cases, but nevertheless of real and vital concern to the courts and to the judges, which afford a real opportunity for economy and efficiency.

Among the more important administrative tasks in this category are the purchase of law libraries, supplies, and other equipment for the judges; the establishment and maintenance of courtrooms and chambers; the supervision and direction of court clerks and their offices; the preparation and administration of judicial budgets; the supervision of stenographic reporters, probation officers, sergeants at arms, constables, and

other court personnel; and the investigation of complaints relating to the operations of the judicial system.

Space will not permit a detailed discussion of these items, but their mere statement should indicate to the reader a field of administration which should be kept within the control of the judiciary, and yet which should not be a burden to be borne by the chief justice, or indeed any judge or court. Here again the need for an administrative officer to handle the detail and account to the chief justice and the supreme court is manifest.

SPECIFIC ACHIEVEMENTS

Again drawing upon the experience in New Jersey, the possibilities for achievement in this field of administration may be illustrated. At the time of the reorganization of the courts there, the Clerk of the Superior Court, I. Grant Scott, installed improved and modern systems of docketing and indexing. The clumsy and traditional space-consuming filing of legal documents in folded form was abandoned and flat filing was introduced.

A major project in microfilming was launched to solve the expensive and continuing problem of preserving legal records. The entire files of all completed cases in the former court of chancery over a period of ten years were microfilmed and the original files were then placed in dead storage. For a trial period of one year the members of the bar, searchers, and abstracters desiring to consult the records in these cases were required to use the micro-

films, and when it became apparent that the project was a success the original records were destroyed. The savings to the state in the long continuing expense for the preservation of such legal records in the future will be most substantial.

Another, equally impressive, example of the use of modern business methods in the administrative work of a judicial system is found in the use of microfilming units in enrolling judgments. In 1946 in New Jersey it was the practice to copy all final decrees in the court of chancery in full in enrollment books. At that time a staff of some thirty stenographers was almost three years behind in this work. In 1947 this staff was replaced with a microfilming team, and with three people handling the work the backlog was eliminated within the year and the work has continued completely current. Equipment has also been installed which permits the production of full-size photostatic copies directly from the microfilm. Aside from the savings in time and expense, the system has eliminated the possibility of errors arising out of inaccurate transcriptions.

In conclusion, it may well be said that the growing emphasis which is being placed upon the importance of effective administration in our state judicial systems holds great promise for the future. If the courts are to meet the challenge of modern times, they must not only be prepared to mete out justice wisely, but they must do so expeditiously, efficiently, and with reasonable economy. This, then, is the task for the modern administrator of the courts.

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The Essentials of Modern Reform in the Litigative Process

By HERBERT PETERFREUND

TO secure "the just, speedy, and inexpensive determination of every action"¹ has long been an end of human endeavor. For centuries it has engaged the attention of kings and popes, reformers and legislators, lawyers and judges, and, needless to add, the public. And yet, despite constant dissatisfaction with legal machinery because of undue delay, unnecessary technicalities, and unwarranted evasion of the merits of controversies, procedural reform has come slowly. One need only read of the long struggle for reform in England² and in many civil law countries³ to recognize "the inveterate nature of the incongruity between procedure and substantive law—the former petrifies while the latter is in its budding growth," and, all too often, the "conservatism of the lawyer preserves the incongruity."⁴

Spearheaded by the masterful writings of Jeremy Bentham, codification became the pattern of nineteenth-century reform in America. So great was the influence of the Field Code⁵ that by the turn of the century more than half the states had adopted similar codes. In our own century, although

widely recognized as outmoded, procedural codes persist, notwithstanding constant legislative revision and occasional inhuman treatment by the judiciary. All too obvious today are the weaknesses of complicated codes formulated and amended by a body which has little or no contact with the machinery of justice.

The greatest single step in procedural reform during the twentieth century has been the adoption of the court rules embodied in the Federal Rules of Civil Procedure. In force since 1938 and eminently successful in the federal system, the rules are and will continue to be a model for practice reform throughout the United States. It will be the purpose of this paper to explore the salient features of the rules, the extent of their influence, and their effect upon the administration of justice in this country.⁶

COURT RULES VERSUS LEGISLATIVE CODES

Two features of the Federal Rules invite immediate attention. First, they are the product of judicial rather than legislative rule-making. The Supreme Court of the United States, granted rule-making power by the Congress,⁷ appointed an advisory committee to

⁶ Space limitations will not permit examination of the Federal Rules of Criminal Procedure, which became effective in 1946. For a discussion of these rules see George F. Longsdorf, "The Beginnings and Background of Federal Criminal Procedure," 4 *Federal Practice and Procedure* (Barron) 7 (1951).

⁷ Supreme Court Enabling Act, 48 Stat. 1064 (June 19, 1934, ch. 651), 28 U. S. C. §§723-b, 723-c, now §2072.

draft the rules which the Court eventually adopted. Secondly, the rules form a "code" in the broadest sense of the word, that is, as a fairly complete system of procedure which operates as a guide in federal cases. However, as contrasted with the definite and detailed legislative mandates of the past, the rules are scarcely a codification. One need only compare the succinctly stated 86 Federal Rules with the mass complexity of the 1,578 sections of the present New York Civil Practice Act to recognize that a new technique in procedural drafting has evolved.

The power of courts to make and alter rules of procedure has actually existed for centuries, but, until our century, has seldom been exercised in the United States, except as supplementary to a set of statutory rules. Yet the advantages of the plenary rule-making power are manifest. Procedural rules must of necessity be flexible and capable of speedy and informed amendment. Courts, because they maintain close contact with the machinery of justice and are responsible for its efficient administration, should be empowered to make changes when needed. On the other hand, legislated rules are largely formulated *a priori* by a body which is distant from the scene, presumably concerned with questions of more public import, and often, unfortunately, subject to political pressures. Little wonder, then, that legislative rule-making for the courts has inevitably led to an inflexible procedure on which haphazard tinkering has merely developed an overparticularized, complicated, cumbersome machinery. Legislative codes have typically specified the minutiae of practice in an attempt to be all-inclusive. As a result, courts in code states have been inundated with questions of interpretation which have served only to create undue delay, unnecessary expense, and mis-

placed emphasis on procedure as an end in itself.

In most states today, courts do possess the rule-making power in some degree.⁸ The exercise of the power has been quite another matter. Unless the responsible court has expert research and drafting agencies, little is accomplished. Unless the work is done under the supervision of the responsible court and with the co-operation of bench and bar, the reform may fail. Ideally, the complete rule-making power for civil and criminal procedure should be placed in the highest court of the state and a permanent advisory committee selected to draft rules, check on their operation, and advise the court of necessary amendments, as a continual process. These steps were taken in the case of the Federal Rules. The challenge has already been met in a few states and is being met in several others. These stirrings in procedural reform in the states augur well for the future. The salient features of court-made rules demonstrate their value.

SIMPLIFIED PLEADING

A basic feature of the reformed procedure is the abolition of technical rules of pleading. The plaintiff's complaint merely sets forth in plain, simple English a concise statement of his claim for relief. In turn, the defendant's answer contains "in short and plain terms" his claimed defenses and such denials as he may choose to assert. If the defendant has a claim against the plaintiff, he asserts it as a counterclaim in the answer, and the plaintiff must interpose a reply thereto, also simply and concisely stated.

The following is an apt illustration of a complaint under the Federal Rules:

1. Plaintiff is a citizen of the State of Connecticut and defendant is a citizen of

⁸ Arthur T. Vanderbilt, *Minimum Standards of Judicial Administration* (1949), pp. 91-145.

the State of New York. The matter in controversy exceeds, exclusive of interest and costs, the sum of \$3000.

2. On February 1, 1952, in a public highway called Broadway, defendant negligently drove a motor vehicle against plaintiff who was then crossing said highway.

3. As a result plaintiff was thrown down and had his leg broken and was otherwise injured, was prevented from transacting his business, suffered great pain of body and mind, and incurred expenses for medical attention and hospitalization in the sum of \$1000.

Wherefore plaintiff demands judgment against defendant in the sum of \$10,000 and costs.⁹

Pleading has not always been so streamlined. At common law there was a tedious interchange of cumbersome pleadings until, it was hoped, an issue—one issue—of law or of fact would emerge. Pleading was an esoteric art reserved for “pleaders” learned in formalism, and all too frequently it led to the unjust disposition of cases on purely technical grounds. Even under the codes the emphasis has been on “facts, all the facts and nothing but the facts.” The pleader is required to state facts sufficient to constitute “a cause of action”¹⁰ or a defense, as the case may be. But the definition of what are the “facts,” as distinguished from what is law or evidence, is not so certain as the codifiers seemed to think. Under the reformed procedure, the pleader is required to give no more than reasonable notice of the litigant’s claim or defense to his opponent and to the court, without unnecessary elaboration. When

⁹ Fed. R. Civ. P., Form 9.

¹⁰ Although many important pleading problems turn upon the meaning of “cause of action,” application is frequently very difficult. The Federal Rules prefer the phrase “claim for relief.” At least they “are not hampered by the morass of decisions as to whether a particular allegation is one of fact, evidence or law.” James W. Moore, *Federal Practice* (2d. ed. 1948), Vol. 2, p. 1647.

combined with provisions permitting freer joinder of claims and parties, virtually unrestricted amendment, and liberal pretrial procedures, the modern civil action can be disposed of expeditiously, completely, and with a minimum of technical proceduralism.

JOINDER OF CLAIMS AND PARTIES

The reformed civil procedure permits free joinder of claims and parties, subject to the court’s power to order separate trials. All claims which the plaintiff has against the defendant may be joined in a single complaint, regardless of consistency and irrespective of their legal or equitable nature.¹¹ Unlike the restricted code practice, claims need not come within specified classes or arise out of the same transaction, nor need they affect all the parties to the action. Moreover, a defendant may now assert as a counterclaim any claim that he may have against the plaintiff, even though it does not arise out of the transaction forming the subject matter of the plaintiff’s claim. For instance, in an action to recover for slander, the defendant may counterclaim for goods sold and delivered.¹²

Equally liberal are the provisions permitting joinder of parties where “they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all of them will arise in the action.”¹³ Thus, as in one New York case¹⁴ (under a modern facet of its code), it would be possible to join in

¹¹ Fed. R. Civ. P., 18(a).

¹² Fed. R. Civ. P., 13(b). Where the defendant’s claim “arises out of the transaction or occurrence that is the subject matter of the opposing party’s claim,” Rule 13(a) provides for a compulsory counterclaim.

¹³ Fed. R. Civ. P., 20(a).

¹⁴ *Akely v. Kinnicutt*, 238 N. Y. 466, 144 N. E. 682 (1924).

one lawsuit, as plaintiffs, as many as 193 persons induced by the fraud of a single defendant to purchase shares of worthless stock. Conversely, in a suit to enjoin the fraudulent sale of securities by use of the mails, plaintiff is permitted to join as defendants not only the persons allegedly engaged in the fraudulent sales, but also those aiding and abetting.¹⁵ In such cases, of course, the court has power to order separate trials to avoid embarrassment, delay, or expense.

Modern procedure permits a defendant to implead, that is, bring into the action as a party thereto, a third person who “is or may be liable to him for all or part of the plaintiff’s claim against him.”¹⁶ Thus the defendant who is entitled to contribution or reimbursement from a third party may have such claim adjudicated, so that if the defendant is held liable to the plaintiff, he may recover judgment in turn against the third party. This provision enables the court, in one action, to adjust all the rights and liabilities which arise out of the same claim.

DISCOVERY

Another outstanding feature of the Federal Rules is their provision for almost unlimited discovery. At common law and under many current codes, the formal issues are determined by the pleadings and by various methods of testing their technical validity.¹⁷ Under these systems, however, no effective

¹⁵ *Securities and Exchange Commission v. Timetrust, Inc.*, 28 F. Supp. 34 (N. D. Cal. 1939).

¹⁶ Fed. R. Civ. P., 14(a).

¹⁷ The most important is the demurrer or its code substitute, the motion to dismiss, which raises issues of law only, and occasionally makes a trial unnecessary. In practice, it usually leads to amendment and thus serves largely as a dilatory tactic. The Federal Rules abolish the demurrer in favor of an omnibus motion or answer, and the making of objections *seriatim* is discouraged.

method exists for formulating the *actual* issues in the case, or, even more important, for ascertaining in advance of trial the evidence to be offered by each party. Under this “sporting theory of litigation,” formal issues are raised and each party plays the “game”: plaintiff is permitted to conceal his evidence until the day of trial, as is the defendant. Obviously, trial counsel may enjoy surprising his adversary during a trial; his client may not be so pleased, however, with the realization that opposing counsel is just as astute. The evils of the game work both ways.

Fortunately, this extreme view of adversary litigation has been changed in modern procedure by provision for an efficient, yet well-guarded, system of pretrial discovery. To develop the real issues before trial and reduce surprise at the trial, four devices are made available: depositions, interrogatories, requests for admissions, and inspection of documents, persons, and things.

Under the Federal Rules, a party may take a deposition of any person “upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes.”¹⁸ Inquiry may be made not only to ascertain the facts, evidence, and sources of evidence for one’s own case, but likewise of the opponent’s. It is no longer ground for objection that the testimony may turn out to be inadmissible at the trial, as long as “the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence.”¹⁹ Although limitations on the taking of depositions are slight, the use of such depositions at the trial is restricted in order to preserve the traditional safeguard of oral testimony in open court.²⁰ As a separate

¹⁸ Fed. R. Civ. P., 26(a).

¹⁹ Fed. R. Civ. P., 26(b).

²⁰ In effect, Rule 26(d) provides that, unless otherwise agreed, the deposition of a witness

means of discovery, a party may choose to serve written interrogatories on his opponent.²¹ Examination by this method has the same scope as examination by deposition, but, since the questions and answers are in writing, is not so effective as the oral deposition. A party may also request from his opponent an admission of the genuineness of "relevant documents" or "the truth of any relevant matters of fact set forth in the request."²² Finally, upon a showing of good cause a party may obtain a court order requiring his opponent to produce and permit the inspection and copying of certain documents,²³ or requiring him to submit to physical or mental examination by a physician.²⁴

It is quite apparent that, under the Federal Rules, the discovery devices achieve various purposes. They supplement the simplified pleadings by enabling the parties to particularize and compress the actual issues in the case. They facilitate preparation for trial and proof at the trial by making available to all parties the evidence and sources of evidence. No longer is the old cry of "fishing expedition" a bar to discovery. When the true nature of the case is revealed, the trial is materially shortened and frequently dispensed with through settlement in the light of the revealed facts.

Most lawyers and judges agree that liberal discovery has worked well.²⁵

ness (including a party) is admissible only where the witness cannot be produced in court, or for the purpose of contradiction or impeachment.

²¹ Fed. R. Civ. P., 33.

²² Fed. R. Civ. P., 36(a). Rule 37(c) provides a sanction in the event that a sworn denial is furnished and the party requesting the admission proves the matter at the trial.

²³ Fed. R. Civ. P., 34.

²⁴ Fed. R. Civ. P., 35(a).

²⁵ The discovery rules are very popular in practice. A recent study indicates their use in over 25 per cent of the cases filed; see William H. Speck, "The Use of Discovery in

Criticisms, some justifiable, have been forthcoming in recent times. Professional complaint has been made that the lawsuit is returning to trial by deposition. More serious is the objection that a disproportionate amount of time and expense is required by pretrial discovery, so that "the whistle is bigger than the engine."²⁶

Equally serious is the charge that the liberal discovery rules have sometimes been used to harass an opponent into settlement by causing delay, increasing expenses, and evoking embarrassing facts. Perhaps these difficulties arise not so much from the rules themselves as from the failure of the courts to use their power to prevent abuse.²⁷

Fortunately, the Supreme Court of the United States has taken steps to restrict one kind of abuse which might have had serious consequences, namely, the attempt to invade the privacy of the attorney.²⁸ "The work product of the lawyer"—oral and written statements taken from witnesses, the attorney's impressions, his memoranda, and so forth—cannot be discovered in the absence of a showing of necessity or good cause. Unlimited discovery in this area would penalize the diligent attorney and seriously impair the efficiency of our adversary system of litigation.²⁹

United States District Courts," 60 *Yale L. J.* 1132, 1134 (1951).

²⁶ George P. Dike, "The Practical Operation of Federal Discovery," 12 *Federal Rules Decisions* 131, 146-147 (1951).

²⁷ Rule 30(d), for instance, authorizes the court to terminate or limit examination upon a showing that it is "being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party."

²⁸ *Hickman v. Taylor*, 329 U. S. 495, 67 S. Ct. 385 (1947).

²⁹ The boundaries of the "work product" concept are now being worked out by the lower federal courts. See Charles R. Taine, "Discovery of Trial Preparations in the Federal Courts," 50 *Col. L. Rev.* 1026 (1950).

PRETRIAL CONFERENCES

Of all modern procedural reforms, probably the most widely accepted is the pretrial conference. As the name implies, it is in essence a conference between the court and counsel for the purpose of simplifying the issues and shortening the trial. Under the Federal Rules, for instance, the court in its discretion may direct the parties' attorneys to appear for a conference on (1) simplification of the issues, (2) the necessity or desirability of amendments to the pleadings, (3) obtaining admissions of facts and the genuineness of documents, (4) limitation of the number of expert witnesses, (5) preliminary reference of issues to a master for findings to be used as evidence in a jury trial, and (6) such other matters as may aid in the disposition of the action.³⁰ After the conference, the court makes an order which reflects the results, if any, achieved and limits the issues for trial to those not disposed of by admission or agreement of counsel. Thus the pretrial conference, like discovery, clarifies the real issues in the case, simplifies preparation for trial, streamlines the trial itself, and stimulates an early settlement of the case wherever settlement is possible.

The pattern of the pretrial conference varies considerably, depending on the jurisdiction and the particular judge who handles the matter. Many problems do not as yet yield categorical answers. Should the pretrial conference be mandatory, or optional? Should it be used in all types of cases? Should attendance of counsel be compulsory? Should the conference be held on the eve of trial, or earlier? Where should the conference be held—in chambers, or in the courtroom? Should settlement be a primary objective of the conference,

or merely a by-product; should it even be discussed? To what extent should counsel be compelled to co-operate by preparation before the conference and by participation at the conference? What sanctions should the court have at its disposal? To what extent should the order be held binding? On many of these and other questions considerable diversity of practice and of opinion exists.³¹

Perhaps the only fair generalizations that can be made about the pretrial conference are that it has been successfully employed in thousands of cases, has reduced the expenditure of time, effort, and public and private funds at trials, and has disposed of a large proportion of cases by settlement. Here, certainly, is a procedural device which has great potentialities. It is a device which, in the hands of a capable judge and co-operative attorneys, is a practical and effective method of improving the operation of our courts.

OTHER PROVISIONS

Space limitations do not permit extended discussion of other salient features of the Federal Rules of Civil Procedure. Several, however, deserve at least passing attention.

The Federal Rules authorize either party to obtain a summary judgment in any civil action where "there is no genuine issue as to any material fact and . . . the moving party is entitled to judgment as a matter of law."³² In effect, this pretrial motion furnishes a means for speedily disposing of an action on the merits where no real defense or claim is shown to exist. Moreover, it serves to supplement the previously discussed pretrial procedures in affording a comprehensive method for the

³¹ See Harry D. Nims, *Pre-Trial* (1950), pp. 62-97.

³² Fed. R. Civ. P., 56(c).

³⁰ Fed. R. Civ. P., 16.

formulation of issues not apparent from the simplified pleadings in the action.

The rules also simplify and improve trial and appellate procedure. For instance, the taking of exceptions to the court's rulings during the trial are now unnecessary; rights on appeal are preserved without them. If certain steps are taken, judgment may be granted notwithstanding an adverse verdict, thereby avoiding a new trial when the jury's verdict is erroneous. No longer does a court lose control over a judgment because the arbitrary "term of the court" has expired. The method of appeal to the United States Court of Appeals has been simplified. Several devices have also been authorized to provide for an adequate "record on appeal" of the proceedings at trial with the least possible expense and trouble. While the subject of appellate jurisdiction remains unchanged by the rules, the mechanical steps required to obtain review and even the extent of review in certain instances have been largely overhauled. All these are merely examples of the many improvements incorporated in the 86 compact subdivisions of the Federal Rules.

INFLUENCE OF THE FEDERAL RULES

The Federal Rules have now been in use for fifteen years. How have they been received by those directly concerned with the administration of justice? What influence have they had upon the states?

The rules have met with almost overwhelming approval from the bench. They have proved simple in application, flexible, and wanting in few details.³³

³³ Amendments to the Federal Rules have been made at various times, the most significant taking effect in 1948. They have been relatively few in number and have not changed the basic pattern, but have rather improved or clarified specific provisions.

Judges have applied the rules in accordance with their intent and spirit—in sharp contrast to the "cold, not to say inhuman, treatment" given the Field Code.³⁴ After applying the rules for several years, an experienced trial judge remarked with some chagrin that he had yet "to note an instance in which they have been found lacking."³⁵ Perhaps the finest tribute was paid by a distinguished appellate judge: "It is now almost universally conceded that these rules have given to the federal courts in their civil jurisdiction the best code of practice to be found anywhere in this country, or for that matter in the world."³⁶ Not only do court decisions attest to the success of the rules, but articles, textbooks, and changes in law school courses on procedure demonstrate the ever increasing and salutary impact of the rules on the administration of justice.

What of the bar? While lawyers are notoriously hostile to changes in procedure, they have usually accepted the Federal Rules in good grace and have appreciated their value, both immediate and ultimate. It is striking that, as an aftermath of the adoption of the rules, the bar has evinced a new interest in procedural reform. Led either by bar associations or by individual zealous lawyers, reform movements have sprung up all over the country. This phenomenon is in interesting contrast to other procedural reforms (for instance in England), stimulated largely by laymen.

And what of the states? A number of them have already adopted the Fed-

³⁴ Chief Justice Winslow in *McArthur v. Moffett*, 143 Wis. 564, 567, 128 N. W. 445, 446 (1910).

³⁵ Judge William C. Chesnut, "Improvements in Judicial Procedure," 17 *Conn. Bar J.* 238, 243 (1943).

³⁶ Judge John J. Parker, Book Review, 57 *Harv. L. Rev.* 735, 736 (1944).

eral Rules substantially in toto: Arizona (1940), Colorado (1941), New Mexico (1942), New Jersey (1948), Utah (1950), Minnesota (1951), Nevada (1952), and Kentucky (1952). The highest court in Nebraska actually adopted the rules, only to have them repudiated by the legislature prior to their effective date. Of the states named above, perhaps New Jersey furnishes the most heartening example of progress. Under the informed leadership of Chief Justice Arthur T. Vanderbilt, outmoded court organization and procedure were transformed within a matter of months into the most modern and efficient system yet achieved by any state in the Union.

Other states have adopted substantial portions of the Federal Rules. Delaware and Maryland, for instance, have taken the rules almost in their entirety as a basis for practice in their courts of law. Florida, Iowa, Missouri, and Texas have adopted many of the rules but have chosen to combine them with parts of the local system; here the transition has been conservative. Still other states have incorporated only isolated provisions into their local system without making any basic reforms; here the transition has been halting.³⁷ Among the provisions most often adopted are those governing joinder, impleader, discovery, pretrial conferences and summary judgment. In all but a very few of the states, some semblance of reform or agitation for reform traceable to the federal experience is clearly discernible.³⁸

³⁷ Strangely enough, New York, which led the reform movement a century ago, has shown little inclination to place the complete rule-making power in its courts or to adopt the Federal Rules. That state has, however, incorporated a few of the rules into its Civil Practice Act.

³⁸ See Charles E. Clark, "The Federal Rules in State Practice," 23 *Rocky Mt. L. Rev.* 520 (1951).

CONCLUSION

Chief Justice William Howard Taft said not very long ago:

If we were asked in what respect we have fallen furthest short of ideal conditions in our government, I think we would be justified in answering . . . that it is our failure to secure expedition and thoroughness in the enforcement of public and private rights in the courts.

Our courts exist to vindicate substantive rights and enforce substantive duties. Where the machinery used by the courts is too slow, too complicated, or too expensive, it is a source of irritation to judges, lawyers, and litigants alike. Worst of all, perhaps, these conditions tend to breed disrespect for law at a time when the public should be certain that only through law can individual liberty be secure.

A system of simple, flexible, and workable rules of procedure is an indispensable requirement of effective judicial administration of law and justice. The reforms embodied in the Federal Rules of Civil Procedure have provided a composite of the best in modern procedures: simplified pleading, liberal joinder of claims and parties, broad pretrial devices, and efficient trial and appellate procedure.³⁹ That these rules can and do work is evidenced by their remarkable success in the federal courts for the past fifteen years. They have also served as a model for procedural reform in the several states. Surely, in the light of our experience thus far, the day is not distant when all the states will unite "willingly [to] route up the

³⁹ Two basic features of the Federal Rules, the merger of law and equity and the one form of civil action, have not been mentioned, because they were part of most state codes over a half-century ago.

thornie grove of cavils and sophisticall wrangelinges which had mingled themselves with good and reasonable exceptions, and, scouring the streame of such weedes and sedges," will make "a

smoothe and more easie passage for Justice."⁴⁰

⁴⁰ William Fulbecke, *A Parallele or Conference of the Civill Law, the Canon Law and the Common Law of this Realme of England* (1601), p. 75.

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The American Bar Association Program

By HAROLD J. GALLAGHER

EVERY student of government will agree that "The True Administration of Justice is the Firmest Pillar of Good Government."¹ Yet there has been and still is much popular dissatisfaction with the administration of justice. The criticisms have been particularly directed to the high cost of litigation and to the interminable delays, technicalities, anachronisms, and general inefficiency of the judicial process. That such dissatisfaction prevails is, and should be, cause for deep concern of lawyers and laymen alike.

What, then, have bar associations done and what are they doing to correct the conditions responsible for this public dissatisfaction? This article summarizes the program of the American Bar Association, and comments upon the methods used in its promotion and the difficulties which have been encountered.

Other articles in this volume refer to certain elements of the program, but it may be convenient to sketch the whole picture here.

THE MEANS OF OBTAINING JUSTICE

An individual may need legal advice to escape involvement in violations of law, or to prevent the loss of his personal or civil rights, or to protect his property. He may want to make a will, settle an estate, or cope with strained marital relations. Under the Constitution, all persons are entitled to equal justice under the law. As a practical matter, however, this is an empty catch phrase unless adequate representation is available to them. Legal rights are not

self-executing. They must be prosecuted or defended in court or before administrative tribunals by persons skilled in law. The American Bar Association has adopted as an objective "the promotion and establishment within the legal profession of organized facilities for the furnishing of legal services to all citizens at a cost within their means."²

The Survey of the Legal Profession, initiated by the association a few years ago and carried on under the direction of Reginald Heber Smith of the Boston Bar, has found that there are millions of persons in the United States who need legal services but do not get them. Several reasons are ascribed: they often do not realize that they have a legal problem; they do not know a lawyer to whom they would wish to entrust it; and they are apprehensive of the cost.

It should be understood that preventive law, like preventive medicine, is the best and least expensive in the long run. It is better and wiser to avoid worry, heartache, and financial loss by obtaining competent legal advice before rather than after entering into a transaction. By such foresight litigation may be avoided.

The association, through encouraging the promotion and establishment of offices of the so-called "Lawyers' Referral Service" by the local bar associations, particularly in the largest communities of the country, has sought to make legal services available to persons of moderate means at a cost clearly within their capacity to pay. Efforts are constantly being made to improve existing legal referral service offices and to extend the program into communities where such

¹ From the façade of the New York County Supreme Court building.

² See 76 A. B. A. Rep. 276 (1951).

referral plans have not yet been established. The plan is simple: A local bar association establishes an office where those seeking legal services at low cost may be referred to a lawyer who will advise them. The bar association selects a panel from its members who agree to work under the plan and to accept referrals. These are made on the basis of a rotation system except where a particular specialty may be called for.

The initial fee may be \$5.00 for the first conference of a half-hour or perhaps longer. Very often this is sufficient to take care of the individual's need. If more services are needed, the fee may be fixed by agreement, often with the provision that if any dispute arises the bar association will fix the fee.

The association's program calls also for furnishing legal aid to those who can pay nothing. This is a charitable work aided in many localities by community chests or other voluntary contributions, as well as by the efforts of lawyers.

During the past several years the association and state and local bar associations have sought to extend legal aid in every major community in the country. The aim is to establish legal aid societies where any need exists.

The accomplishments and the foreseeable future of the referral plan and legal aid have been ably described by Mr. Brownell in this volume.

REMOVING THE "CAUSES OF POPULAR DISSATISFACTION"³

For nearly a quarter of a century prior to 1938 the American Bar Association had sought to bring about simplified procedures through restoring to the courts the power to make rules governing litigation. Finally, under the

sponsorship of Attorney General Homer Cummings, Congress in 1935 enacted a law conferring upon the Supreme Court of the United States the power to adopt rules of civil procedure for the United States district courts, and in 1938 such rules were promulgated. Shortly thereafter, the Supreme Court under similar authority of Congress formulated modern rules of criminal procedure for the district courts. The adoption of these rules and the creation of the Administrative Office of the United States Courts have resulted in notable improvements in the handling of both the judicial work and the business affairs of the federal courts.

Attention has now turned to the states. In 1937-38 the association, through its Section of Judicial Administration, made a study of the basic needs in the reform of state judicial procedures and administration. At the annual meeting of the association in 1938, seven distinguished committees submitted reports "suggesting needed reforms and . . . formulating standards which may serve as guides to all who are interested in improving the administration of justice."⁴ It was emphasized at the time that the reports "make no attempt to scale the heights of perfection or to reach out for the idealistic. They are entirely utilitarian in their objective."⁵ They laid down *minimum, practical* standards. Adopted (with a single exception regarding appellate practice) by the House of Delegates of the association, the recommendations of the Section on Judicial Administration, together with certain other stated objectives of the association, embody the program for the states.

The major points of this program may be summarized as follows.

First: The integration of the judiciary, including the establishment of an administrative office of the courts in each state judicial system.

Unifying the judicial system throughout the state and placing administrative responsibilities and the business management of all courts in one judge, such as the chief justice of the state, with assistance of the kind which can be furnished by an administrative office, will serve "to eliminate duplication of functions, . . . and to insure uniformity and efficiency in the handling of judicial business."⁶

As is shown in Mr. Woelper's study in this volume, the power to transfer judges from one assignment to another, firmly exercised, will relieve congestion of dockets and utilize judges to the best advantage. The experience in New Jersey, which adopted the basic recommendation as part of its constitution, has fully demonstrated the value of the proposal. There has been a marked improvement in the efficiency of every court in the state; the work of the courts has become current, delays in reaching cases for trial have been greatly reduced, and this has been accomplished without over-all increase in manpower.

A model act to provide for an administrator of state courts has been prepared and approved by the National Conference of Commissioners on Uniform State Laws.⁷

Second: The delegation of rule-making power to courts of highest jurisdiction, and through exercise of that power, the improvement of pleading, trial practice, pretrial hearings, and appellate procedure.

This proposal is deemed indispensable to the most thoroughgoing and effective

realization of the program. The courts originally had the power, but starting in New York in 1848 with the Field Code, the movement to divide responsibility between the courts and the legislature spread to a large number of states, and rules of procedure came to be prescribed by the legislatures. It has been difficult for the state courts to recapture from the legislatures the power they once had of prescribing their own procedure; but today it is reported that in about twenty-four states the highest court has the power to regulate practice and procedure in all, or practically all, of the courts of the state.⁸

The courts are experts in the matter of procedure, and the members of the legislature are not. The courts are held responsible for the administration of justice, and they should have the power to correct defects in such administration.

Third: The improvement of the jury system and the methods of selection of jurors.

The 1938 report of the Committee on Trial by Jury of the Section of Judicial Administration commented:

. . . Jury service today is the chief remaining governmental function in which lay citizens take a direct and active part, and trial by jury is the best means within our knowledge of keeping the administration of justice in tune with the community. It is highly important that everything be done which can be done to insure the most efficient methods of jury selection and trial procedure.⁹

Jurors should represent a cross section of the community. At the same time they should have "as high a degree of intelligence, morality, integrity and common sense as can be found by those who make the selection." Accordingly the association recommends

³ The phrase is taken from Roscoe Pound's famous speech to the St. Paul meeting of the American Bar Association in 1906.

⁴ The reports are set out in 63 *A. B. A. Rep.* 522-656 (1938).

⁵ From the foreword to the reports.

⁶ *Improvement of the Administration of Justice* (3d ed. 1952), p. 25 (a handbook prepared by the Section of Judicial Administration of the American Bar Association).

⁷ *Ibid.*, pp. 31-33.

⁸ *Ibid.*, p. 11.

⁹ 63 *A. B. A. Rep.* 559 (1938).

that jurors should be selected by commissioners appointed by the courts in a scientific and representative manner and free of partisan or political consideration.¹⁰

In addition, the objective is to provide for the better handling of jurors with more consideration for their physical comfort while they are engaged in the performance of their duties, and to reduce the cost of jury trials.

Fourth: The simplification of the rules of evidence.

The American Law Institute in 1942 prepared and adopted a Model Code of Evidence which recognizes that "most of the law of evidence is good" but also that there are definite defects which should be corrected and that there is need for clarification and simplification of accepted principles. The Model Code not only incorporates the limited number of improvements suggested by the 1938 Committee of the Association's Section, but restates the whole law of evidence in 116 rules of general governing principles.

The Section of Judicial Administration has recommended that local committees in each state initiate and carry through a definite program for a revision and modernization of the law of evidence in that state.

Fifth: The improvement of administrative tribunals and the practice before them.

The growth of administrative tribunals in the national and state governments in recent history has been phenomenal. These agencies exert tremendous influence in nearly every conceivable field of business and labor and on the individual's rights and duties under many complicated laws. Duties of legislative, executive, and quasi-judicial nature are often combined in the agency. It often acts as prosecutor, judge, and

jury in matters before it. These powers, if exercised arbitrarily, can result in irreparable damage to those affected. Often it has been provided that the decisions of fact of these agencies are final and not subject to review except as to matters of law.

The association has long worked to prevent the abuse and regulate the exercise of power by federal administrative agencies.¹¹ Adequate judicial review of the administrative process is required, the right to review all questions of law and the evidence and to reverse if the findings are unsupported by substantial evidence. But this right of review is not enough. "To be effective, reform must begin with the administrative process itself, and even before that, with the selection of administrative officials."¹² After years of effort, the Federal Administrative Procedure Act was adopted in 1946.¹³ This act treats of procedure as well as the right to judicial review and seeks to establish rules of conduct of hearings, all to the substantial improvement of the administrative process. Efforts made by the association and congressional leaders to remove exemptions from the act given under the guise of threatened war emergency, which have vitiated the effectiveness of the act, may meet with success in the Eighty-third Congress.

A proposed State Administrative Procedure Act was drafted by the association's Section of Judicial Administration¹⁴ and served as a basis for the Model State Administrative Procedure Act adopted by the National Conference of Commissioners on Uniform State Laws in 1946.¹⁵

¹¹ See 63 A. B. A. Rep. 632-56 (1938); 64 *id.* 407, 447 (1939).

¹² Handbook, *supra* note 6, p. 76.

¹³ United States Code, Title 5, §§1001-1011.

¹⁴ 64 A. B. A. Rep. 432 (1939).

¹⁵ National Conference of Commissioners on Uniform State Laws, *Model Court Administrative Procedure Act* (1946) (with annotations).

¹⁰ Handbook, *supra* note 6, pp. 65-66.

Sixth: The improvement of methods of judicial selection.

Judges of the federal courts are appointed by the President and have tenure during good behavior. The need for the exercise of the utmost care by the appointing power in selecting judges solely on the basis of character, ability, and judicial qualification, rather than as a reward for political service, is obvious.¹⁶ The association has a Committee on the Federal Judiciary which offers its advice in passing on the qualifications of nominees for judicial appointment, and it has performed a useful service.

In most of the states the judges are elected by popular vote. In many cases they are nominated in a party primary, and in some instances by party conventions. This method of selecting judges has long been opposed by the association. Since 1937 it has advocated a plan by which judicial vacancies would be filled by appointment by the executive or other elected official from a list named by a nonpolitical nominating commission. This commission would be composed partly of high judicial officers, and partly of other citizens selected for the purpose holding no public office. At the conclusion of the appointed period of service and periodically thereafter, the appointee would go before the public on his record, with no opposing candidate, the people voting on the question, Shall Judge Blank be retained in office?¹⁷

This plan has been accepted in Missouri and has proved most satisfactory. Much work is being done by the organized bar in other states to have the same plan adopted, and significant progress is being made.¹⁸

¹⁶ See H. J. Gallagher, "Improving the Administration of Justice," 36 A. B. A. J. 900 (1950).

¹⁷ 62 A. B. A. Rep. 893-97 (1937).

¹⁸ A. B. A. Advance Program, 75th Annual Meeting (1952), pp. 35-38.

FORWARDING THE PROGRAM

Despite the fact that improvements in the administration of justice are vital if our system of judicial determination of rights is to survive, the promotion of the minimal objectives above set forth¹⁹ has proved to be no easy task.

The job is of course magnified by the fact that we have forty-eight separate states, each with its own distinct and diversified code of procedure, practice, and pleading, rules of evidence, and manner of selecting judges and handling juries and dealing with other procedural matters. Lawyers and judges familiar with existing practice are naturally reluctant to change the rules. It is indeed amazing that lawyers for so long have been uninterested in procedural reform and oblivious to the needs of the times. Legislatures have often been loath to return the rule-making power to the courts or to adopt other needed measures, and sometimes the people have been appealed to in vain.

In recognition of the fact that the program must be promoted locally if it is to succeed, the Section of Judicial Administration works in close co-operation with committees in each state.²⁰ A Director of State Committees follows the progress of the work and assists the committees by furnishing information, or otherwise as may be desired. The Conference of Chief Justices established in 1949 and the National Conference of

¹⁹ Improvement of metropolitan trial courts and traffic and justice of the peace courts has also been a major concern of the American Bar Association.

²⁰ The 1952 handbook, *supra* note 6, p. 9, recommends to local committees "that the whole program be reviewed anew. Much can be learned as to the methods to be used in securing the adoption of the program from the experience of the past fifteen years. What was thought unfeasible in a particular state in 1939 may on a second look appear entirely practical now."

Bar Presidents organized in 1950 are also available to aid in forwarding the program.

But the bar, even if well organized and aggressive, needs help from other sources. The movement to enlist the support and active co-operation of influential laymen in problems of judicial administration is comparatively new. It may be said to have had its origin in 1945 in Washington, D. C., under the initiative of Chief Judge Laws. As Judge Laws indicates, the American Bar Association now has a national com-

mittee devoted to the subject. The movement is spreading, and there is reason to expect increasing achievement. The extension of the movement should be actively encouraged by the state and local bar associations. Such co-operation will surely bring about a better and clearer understanding by the lay public of the problems of judicial administration. It will help to remove the aura of mystery surrounding court proceedings, and at the same time lend a powerful influence to the bar in bringing about bar-sponsored reforms.

Harold J. Gallagher, a senior member of Willkie, Owen, Farr, Gallagher & Walton of New York City, has for many years been active in the affairs of the American Bar Association, and served as its president in 1949-50. He is now a member of the association's House of Delegates.

Lay Assistance in Improving Judicial Administration

By BOLITHA J. LAWS

NO one would deny that the focal point of all judicial proceedings is the layman, whether as juror, litigant, or witness, or simply as citizen whose well-being is dependent upon the integrity and effectiveness of the judicial process. Traditionally, however, little heed has been paid to the practical corollary of this proposition, namely, that the layman, being the person most directly affected by the administration of justice, is entitled to a prominent role in efforts to improve it. It is true there have been occasional judicial reforms brought about by laymen, such as the improvements in the organization of the English courts in the late nineteenth and early twentieth centuries. These reforms, however, were not the product of co-operation between the laity and the legal profession. Rather, they were triumphs by the laity over the inertia, and in some instances the active hostility, of lawyers and judges.

WHERE LAYMEN CAN HELP

In the present era, the layman is in a position to make greater contributions to the administration of justice than ever before. Through growth in population and increased complexity of society, more and more segments of the country are coming to have a direct stake in judicial administration. The courts, to an ever greater extent, are becoming involved in "big business" operations, with all the administrative problems which go with such operations. In every large city, courts with probate and equity jurisdiction are supervising the management of estates and trusts worth millions of dollars. Through bankruptcy and reorganization proceed-

ings, the courts become involved in the complexities of innumerable fields of trade and commerce. Increases in automotive traffic are bringing countless numbers of people into contact with the courts as parties to civil suits or defendants in traffic violation proceedings, who would otherwise have no contact with the judicial process.

These are merely illustrative of numerous other aspects of judicial administration which have a direct connection with the everyday affairs of laymen. There is, therefore, a broad area in which the layman can render material assistance to the bench and bar in working out means for the efficient administration of the ever growing volume of judicial business. The failure of bench and bar to solicit the viewpoint of the laity is reflected in large measure in the growing trend of laymen to seek resolution of their disputes before administrative bodies and arbitration panels rather than in the courts.

THE DISTRICT OF COLUMBIA PROGRAM

In 1945, giving heed to these considerations, the District of Columbia's American Bar Association Committee for Improving the Administration of Justice invited laymen to participate actively in its work. The idea of lay co-operation with bench and bar rapidly caught the imagination of leading citizens. From its inception, the program's most active participants have included editors and publishers of major Washington newspapers, heads of civic associations, and leading bankers, businessmen, and educators.

The laymen are organized into subcommittees which work side by side

with judges of all courts in the District of Columbia and with lawyers. At present, laymen's subcommittees are active in the following fields; traffic courts; youth correction authority; expediting testimony and providing comfortable space for witnesses; rehabilitation and parole of prisoners; selection and instruction of jurors; treatment of persons who are mentally unbalanced but not legally insane; and domestic relations.

A NEW COURTHOUSE

A brief review of some of the concrete achievements which the laymen have been instrumental in bringing about will show the potential value of lay co-operation. The product of the laymen's program most apparent to the physical senses is the District of Columbia's new United States Courthouse, which was officially opened in September 1952 as the new home of the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit. Some idea of the tremendous volume of business of these courts can be had when it is realized that, in addition to the usual business handled in other federal courts and in state courts of major jurisdiction, they handle the bulk of the vitally important litigation involving the federal government. Together, these courts employ the services of twenty-five judges.

Until completion of the new courthouse, the physical facilities of these courts were appalling. Their personnel, including the judges, were scattered throughout ten different buildings. The central building was 125 years old. A substantial part of the district court's work was conducted in the semifinished attic floor of a private office building. The detrimental effect of these makeshift surroundings on judicial administration can be readily perceived. Ju-

rors, witnesses, parties, and court personnel all suffered serious inconvenience.

Soon after the laymen's program was started in 1945, judges, lawyers, and laymen began working for the new courthouse which has now been completed. Laymen gave unstintingly of their time in planning facilities in the new courthouse for the convenience of jurors, litigants, and witnesses. As a result of their efforts, this striking new building has comfortable lounges for jurors and witnesses, conference rooms for litigants and their counsel, and private dictating rooms where businessmen called as jurors or witnesses may dictate to secretaries or confer with associates while waiting for cases to be called. There are also comfortable sleeping accommodations provided for jurors who must be kept together overnight deliberating decisions of cases.

Laymen were also highly instrumental in making known the need for the new courthouse by appearing before congressional committees and in other ways. Members of the press on the laymen's committee rendered especially valuable service in this respect. The public has been quick to appreciate these new court facilities. One of the most salutary results has been that fewer citizens called for jury service have asked to be excused.

IMPROVING THE JURY SYSTEM

Another notable achievement of laymen has been their contribution in improving the District of Columbia's jury system. Before the laymen's program was started, the jury list in the District of Columbia was so small that the same jurors were often called for service year after year. This caused many able members of the community to avoid jury duty because of personal hardship. It also tended to create a class of "professional" jurors whose chief interest in

the administration of justice was receipt of their juror's fees. In addition, jurors were assigned to cases without any preliminary instruction as to their duties.

Outstanding laymen, serving on the Jury Commission at a nominal compensation out of all proportion to the value of their services, have succeeded in expanding the jury list until jury service is no longer a burden except in special cases. This has also solved the problem of the "professional" juror. The Jury Commission has further improved the quality of jurors through questionnaires directed to prospective jurymen, followed up by personal interviews where a questionnaire leaves the matter in doubt. The problem of adequately instructing new jurors in their duties is being met in part by booklets, distributed to jurors at the beginning of their term of service, which explain the functions of the jury. Laymen rendered valuable aid to the judges and lawyers in composing a booklet which is not only technically accurate but also readily understandable by the average person with no legal training.

As a further step in this direction, laymen associated with the public schools and other educational institutions are now working with lawyers and judges on a program of instruction for high school students dealing with the obligations of jury service and with the functioning of jurors in both civil and criminal cases. Texts have been prepared by school officers, in collaboration with judges and lawyers, to point out procedures by jurors, their duties, and their functions. These are planned to be used as supplements to the instruction of students with regard to the history of the adoption of jury trial in England and the United States.

Representatives of the press in the laymen's program have made a notable contribution by sampling public reaction to jury service. This has been ex-

tremely valuable in enabling judges and lawyers to "see ourselves as others see us." The results indicate, incidentally, that most jurors appear to have a genuine appreciation of the importance of their duties.

A CONSTRUCTIVE APPROACH TO THE TRAFFIC PROBLEM

Mention has been made earlier of the importance of traffic courts as a point of contact between the layman and the institutions of justice. In this branch of the law the District of Columbia is more fortunate than some other jurisdictions, since its traffic cases are presided over by qualified judges in the dignified and impartial atmosphere of a regularly constituted court. In these favorable conditions, a very active subcommittee of laymen has assisted the judges in maintaining a traffic court system in the District of Columbia which is recognized as outstanding throughout the nation. Among other things, the laymen have been instrumental in the establishment of a safe-driving school to which traffic violators are "sentenced," thereby permitting the judges to take a constructive approach to problems of traffic safety.

STUDYING PERSONNEL NEEDS

As a final example of the concrete achievements of lay co-operation in the District of Columbia, mention should be made of an exhaustive survey of the personnel requirements of the district court which was recently made by a group of leading businessmen and bankers. Because of the district court's large volume of business, it employs a supporting staff of more than 150 persons in addition to 16 judges. Included within this number are clerical and secretarial personnel, as well as people of such divergent occupations as accountants, appraisers, domestic relations commissioner, and probation officers.

The distinguished group of laymen just mentioned gave generously of their time and valuable business judgment in investigating the personnel strength and job classification requirements of the court in the light of sound business principles. They also studied the use of modern machines and other equipment in the dispatch of the voluminous business transacted in the courts. Their conclusions and recommendations are being used to obtain legislation, long overdue, which is necessary to enable the court to render efficient service to the community through adequate numbers of competent employees.

AN AROUSED LAY INTEREST

The foregoing, while not an exhaustive enumeration of the accomplishments of the laymen's program, will afford some indication of its success. The program, of course, is a continuing endeavor, and its future accomplishments will be as valuable as those of the past. Perhaps more important than any of its specific accomplishments has been the active interest in good judicial administration which the program has fostered among lay members of the community. The courts thus have been afforded an excellent means of promoting public relations which hitherto has been neglected in many instances.

THE OUTLOOK IN THE NATION

On the national scale, the future of lay co-operation appears equally promising. Outstanding laymen have appeared as feature speakers at federal judicial conferences. The American Bar Association has established a Committee on Cooperation with Laymen as part of its Section of Judicial Administration. Movements are under way to establish joint committees of lawyers, judges, and laymen, similar to the one in the District of Columbia, in several states. Demonstrations of lay co-op-

eration in which outstanding laymen participate have become a regular feature of regional and national meetings of the American Bar Association.

The first attempt to spread the program of laymen's co-operation on a national basis was made on the occasion of the American Bar Association's annual meeting in 1945 at Atlantic City. Governor Earl Warren came from California to join with a prominent educator from the District of Columbia in key-noting the program. A demonstration held at the American Bar Association's September 1951 meeting in New York aroused such keen interest that its high lights were published in a pamphlet for national distribution entitled "Cooperation with Laymen in Improving the Administration of Justice." A demonstration was held at the regional meeting of the American Bar Association in Louisville, Kentucky, in April 1952, which was addressed by the distinguished executive editor of the *Courier-Journal* and the *Louisville Times*, James S. Pope. Another was held on the occasion of the American Bar Association's meeting in San Francisco, September 17, 1952, where Dr. Robert Gordon Sproul, president of the University of California, delivered the principal address. A program has also been arranged for presentation at the annual meeting of the American Bar Association at Boston on August 26, 1953.

All of these meetings have been attended by judges of United States as well as state and municipal courts and by laymen and lay women. The attendance on each occasion has taxed the capacity of the place provided for the demonstration. Without exception, the laymen have responded with enthusiasm to participation in these meetings.

WHERE THE INITIATIVE LIES

In carrying out a successful program of lay co-operation, the lawyers and

judges, particularly the judges, must take the initiative. The layman is not likely to take an active interest in improving the administration of justice unless he feels that his efforts are genuinely wanted by the bench and bar.

Some judges and lawyers may be apprehensive that the layman, once admitted to the councils of bench and bar, will seek to do away with fundamental principles of our legal system. These fears have been demonstrated by experience to be unfounded. Through friendly give-and-take conferences with the judges and lawyers, the laymen quickly come to realize that many problems in judicial administration require legal training and experience for their solution.

On the other hand, the lawyers and judges will come to realize that many aspects of modern judicial administration lie within the special experience and training of laymen. An example of this is the survey, mentioned earlier, which District of Columbia bankers and businessmen made of the district court's personnel requirements. Similarly, laymen can render valuable advice with re-

spect to efficient management of accounts and records which a court having probate or bankruptcy jurisdiction must maintain.

If the judges and lawyers approach their problems with the fresh viewpoints which lay minds can suggest, they may find that some procedures traditionally believed to be inviolable are really outmoded hindrances to attaining the true objectives of the judicial process. It was formerly considered upon high authority that a party had a right to keep his case concealed from his adversary until the very moment of trial. Today this view is rapidly becoming discredited and is being replaced by the philosophy that a lawsuit is a scientific contest to determine true legal rights based on full and equal disclosure of material facts.

In all parts of the nation where the program has been projected there has been a uniformly favorable response to the efforts of judges and leading lawyers to obtain the active assistance and co-operation of laymen in improving the administration of justice. There can be no doubt that such co-operation will be invaluable to the courts.

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Need for Continuous Study of Law in Action

By EDWARD S. GREENBAUM

BECAUSE "a work stoppage would immediately jeopardize and imperil our national defense," former President Truman signed his Executive Order taking over the country's steel mills. That was on April 8, 1952. On June 2 the Supreme Court declared this action illegal. That ended the celebrated case. During the intervening seven weeks the newspapers were flooded with news and comment about the case. Full-page advertisements told us how this "threat to American freedom" affected the future of every one of us. On the air we heard that this was the first step towards dictatorship. Others told us that they agreed with the President's action because a strike would stop the flow of weapons to Korea and increase the danger of our troops fighting there.

On the same day that the Executive Order was signed a workman was badly hurt in an automobile accident in New York City. His case has not yet been tried. It will be several years before it is tried. During the intervening time there will be nothing about the case in the newspapers, on the air, or anywhere else. It will continue to be of not the slightest interest to anybody; that is, to anybody except the injured man and his family. He will continue to be without salary or compensation while his case leisurely awaits its turn on the slow-moving calendar. He will have to find some way to pay his rent, to feed his family, and to get them clothed.

How was it possible to dispose of a matter so important and far-reaching as the steel case in less than two months? And why does it take years for an ordi-

nary accident case to be reached for trial?

There is no easy answer to these questions. The decision in the steel case had to be swift. The nation's supply of steel and its entire defense program were in jeopardy. Public interest required speedy action. The case was an extraordinary one, requiring extraordinary measures. The usual procedure was brushed aside and short cuts improvised. But there is no public interest in the accident case. It is merely one of many in the grist of judicial business.

A BAD SITUATION

This is not to say that the situation is ignored by responsible judges. They are keenly aware of it and try to correct it. "A shaming and explosive document could be written about the human tragedy of these cases which are denied recourse to the courts for the redress of their wrongs for four long years," said Justice David W. Peck in a notable address last year.¹ As Presiding Justice of the Appellate Division in New York's First Department which covers New York and Bronx counties, he has taken the leadership in an effort to improve conditions which have been called "appalling and disgraceful."² Elsewhere in this issue Justice William C. Hecht, Jr.

¹ "The Pillar of Justice," 127 *N. Y. L. J.*, No. 10 (January 15, 1952) (an address delivered at the Association of the Bar of the City of New York).

² Robert P. Patterson, then president of the Association of the Bar of the City of New York, to the Judicial Council of the State of New York at a public hearing in December 1949.

has well described some of the steps that are being taken. Whatever progress is being made is due to the courageous and able work of these justices and some of their associates.

But, in spite of all that has been done, Governor Thomas E. Dewey has said that the situation "cries out" for improvement. In his message to the 1953 legislature he seeks a commission that will, he hopes, find ways to give New York State a "truly twentieth century court system" to replace the costly, complex, and clumsy one that it now has.

CURES AND QUESTIONS

Justice Peck feels that "jury trials have become an unsuitable medium for handling the mass of civil litigation in New York City courts." "The only real solution within the court system," he says, "is the settlement of cases in much greater volume at much earlier stages."³

Another experienced Supreme Court justice, sitting across the East River in Brooklyn, Hon. Thomas J. Cuff, thinks that we should "blush for shame when cases are settled on unjust terms because a litigant cannot afford the long time a trial and appeal will consume." His solution is: "Let the court determine the damages at a trial long in advance of the trial of the liability issue"; then the jury will only have to decide the question of liability. He feels that this two-trial method would actually expedite matters because the jury trial would then be considerably shortened.⁴ But we know that even a nonjury trial can take quite a while. Although it has not yet come up to the run of "South Pacific," the investment bankers' anti-

³ *Supra* note 1.

⁴ "A Suggested Procedure for the Shortening of Jury Trials," 127 *N. Y. L. J.*, No. 100 (May 22, 1952).

trust trial before Federal Judge Harold R. Medina celebrated its second birthday on December 1, 1952.⁵

Another able judge, sitting in Boston on the United States District Court, Hon. Charles E. Wyzanski, Jr., feels that the calculation of damages in a tort case "can best be made by men who know different standards of working and living in our society." He says that some judges who have to determine damages without juries under the Federal Tort Claims Act confess that they try to "make their judgment correspond with what they believe a jury would do." (He does not tell us by what vicarious mental process those judges determine what would have been the judgment of the nonexistent jury.) He goes on to say that some judges would prefer to have such cases tried by juries, but that Judge Jerome N. Frank of the United States Court of Appeals has assumed that no judge would have such a preference.⁶

How can authorities so eminent differ so widely on so simple a question as the use of juries? Maybe it is because the question is not so simple.⁷ Before undertaking to answer the general question, we should ask such questions as these:

Do we mean jury trials under existing rules of evidence?

And under existing rules as to contributory negligence?

Do existing rules serve to lengthen the time of trials by jury?

How much longer does it take to try

⁵ "A birthday cake bearing two candles, indicating that the trial was entering its third year, was placed on Judge Medina's desk at the beginning of the session." *New York Times*, December 2, 1952.

⁶ "A Trial Judge's Freedom and Responsibility," 7 *Record of the Association of the Bar of the City of New York* 287, 305 (1952).

⁷ See Institute of Law, Johns Hopkins University, *Study of Civil Justice in New York* (1931), p. 37.

a jury case than an identical nonjury case?

What has been the experience in other jurisdictions with the trial of tort cases?

When we know the answers to these and other questions we may be better able to determine whether, for example, abolishing jury trials would eliminate—or even lessen—delay in tort cases. But if we could be sure that it would, what could we do to abolish such trials? This would require a constitutional amendment, and that is not easily attained.

EXPERIENCE ELSEWHERE

We should try to find out if there is some other and easier solution. It would be helpful to study the experience in other countries, a subject about which Maitland says we have "very complete and traditionally consecrated ignorance." Dean Roscoe Pound called this professional ignorance "not merely widespread but dense."⁸

Here are some contrasts in three groups of recent accident cases similar on their facts—cases in which liability was undisputed. The amount of damages was the only question to be decided.

On the morning of October 8, 1952 a railroad collision at Harrow killed 109 people on their way to work in London. A few days later the railway executive admitted liability. Only in those cases in which the parties could not agree on the damages was it necessary to make application to the court to assess damages. The measure of damages in each case was determined under the provisions of the Fatal Accidents Act and the Law Reform (Miscellaneous Provisions) Act. Information indicates that most of the cases have now been disposed of.

⁸ "Professional ignorance with respect to what is going on in foreign countries in law, legislation and juristic thought, is not merely widespread but dense." Letter dated April 2, 1908, Dean Roscoe Pound to Justice Oliver Wendell Holmes.

This collision was similar to one that happened nearly two years before on the Long Island Rail Road. On Thanksgiving Eve 1950, while returning from work in New York City, 79 passengers were killed and many others injured. The courts held early pretrial hearings and otherwise co-operated in seeking prompt disposition of these cases. But a year after the accident, all these efforts had disposed of only 22 of the death cases. Another year went by and 16 death cases and 57 injury cases were still pending. The legal expenses, even in some cases that were settled without trial, ran as high as 50 per cent.

At Woodbridge, New Jersey, 87 commuters were killed when a Pennsylvania Railroad train jumped the tracks. That was on the afternoon of February 5, 1951. All but 4 of these cases were disposed of within two years; 63 were settled without suit being started. (A sequel, of little comfort to the victims, was the recommendation of the county prosecutor that criminal action against the Pennsylvania Railroad should be dismissed, because the trial would cost \$25,000 and the maximum fine could only be \$1,000. The prosecutor said that this would "provide punishment for the County rather than the Pennsylvania Railroad.")⁹

STUDYING LAW IN ACTION— NOBODY'S JOB

If it were anybody's business to do so, it would be interesting to find out what made it possible to dispose of the English cases so rapidly. It might be not only interesting but important to find out what, exactly, New Jersey did to bring about changes in its judicial system. Such studies of law in action would show how courts can be made to meet the changing social and economic needs of modern society.

⁹ *New York Herald Tribune*, December 19, 1952.

But that is nobody's job. The judge is busy trying cases, the lawyer is busy with his own practice, and the law professor is busy with his classes. In spite of the heavy pressure of their own immediate tasks, many give generously of their time to these other problems, but such work is necessarily part time and extracurricular.

Whatever legal research the law teachers have time for usually concerns itself with nothing so sordid as delay and expense in the judicial process. Until recently it has rarely included the study of the effects of that process upon the life of the individual and the community in which he lives. The emphasis on such subjects in Chief Justice Vanderbilt's recent exciting casebook on *Modern Procedure and Judicial Administration* offers hope that the law schools will develop lawyers who will devote themselves to these problems.

Lawyers work on law reform through their bar association committees. The work of any one committee is limited to one part of a larger problem. Generally the work is done by only a few members of the committee, and even those who work hardest can give only part of their time. Many of these committees have done fine work and made excellent reports. The Section of Judicial Administration of the American Bar Association has given us an extremely valuable guide in its publication of *Minimum Standards of Judicial Administration* under the direction of Chief Justice Vanderbilt. This work shows that except in New Jersey and a few other jurisdictions we have not attained even those minimum standards. It makes it clear that action is needed to supplement the work of bar association committees.

AN UNEXPLORED FIELD

The fact is that we do not "know very much about the operation of the

procedural machinery of the law, except that, in general, it is slow, cumbersome, and expensive." Judge Herbert F. Goodrich said that twenty-three years ago. He added:

Until very recently all our information about economics and sociology consisted of the opinions of learned men, derived not from detailed study of how men act, but reflection upon how they should act under given conditions. If we are beginning to study realities in the law, we are only doing what students of natural science have already learned, and what students in other branches of human affairs are now learning to do.¹⁰

To be sure, we do know a great deal more about our procedural machinery than we did in 1930. We have judicial statistics gathered by judicial councils and the Administrative Office of the United States Courts. We know the number of suits started and cases tried, and we have much other valuable information. But we know very little about the practical effect of these cases upon the persons concerned. Case histories are lacking not only about delayed accident cases but also about the effect on the family of the cost of administering small estates, about the heartaches of those whose domestic affairs bring them into court, about small claims and other types of litigation referred to in other articles in this issue. The cases are rich with material that has been largely unstudied and unexplored and could be the subject of scientific study.¹¹ We have failed to employ the techniques that have been used by the medical profession and in other fields of science.

¹⁰ "The Improvement of the Law," 4 *Temp. L. Q.* 311, 324, 325 (1930).

¹¹ L. C. Marshall, *Unlocking the Treasures of the Trial Courts* (1933).

EXPERIMENTS IN THE LAW

We lawyers never knowingly experiment.¹² We are unable to do so. Chemists, physicists, and other scientists constantly experiment. So do doctors. Many of them spend their lives in research. They are free to try out new ideas. They have laboratories for this purpose. From them come many of the products and most of the ideas that have revolutionized medicine and other sciences.

But a lawyer cannot simply go ahead and try out his ideas for improved court procedures. Such change may require a new rule, or an act of the legislature, or even a constitutional amendment. Before the experiment can be tried, the court, the legislature, or the voters must be persuaded to make the change. This is not easy, especially since the new idea can rarely be supported by advance proof that it will accomplish its purpose.

A judge can experiment. He can do so to the extent that he has the power to make the changes in the rules needed to conduct the experiment. Forward-looking judges have demonstrated what can be done in this manner. Judge Ira W. Jayne with his pretrial calendar is an outstanding example. Presiding Justice Peck's court-appointed panel of medical experts has just been started in New York and may have far-reaching results.¹³

But an experiment is only a beginning. It is a test, a method of finding out. It may not work. Prohibition

¹² "There has been no counterpart in law to clinical medicine. We have concentrated on formulating legal rules; we have paid little attention to how they worked. We have devoted ourselves to conceptions rather than realities. This leaves the man in the street in a critical frame of mind." B. L. Shientag, "Simplification of the Law" (lecture delivered in the College of the City of New York Series of Lectures on Law, January 8, 1930).

¹³ See Justice Hecht's article in this issue.

was not the only noble experiment that failed. In a larger sense, every rule or statute on the books, no matter how ancient, may be viewed as an experiment. But in how many cases do we know how they work, or have we made any effort to find out?

NEED FOR RESEARCH

The experiment of the medical expert panel is being currently studied by the new Institute of Judicial Administration. The importance of such steady, grass-roots study, following the law and legal procedures into their effects in practice, cannot be overemphasized. Such was the method used in the 1930's by the Institute of Law of Johns Hopkins University,¹⁴ and by the New York Law Society.¹⁵

The Institute of Law felt that the subject of judicial administration was entitled to the intensive research and study that other fields of work were receiving. It believed that the actualities of the administration of justice were a proper subject for scientific analysis.¹⁶ Its task was defined by Herman Oliphant in this way:

Problems as to the administration of justice arise in unbroken succession and are becoming so intricate that more special training and more adequate facilities are required to deal with them effectively. These the work and resources of few judges, lawyers and laymen supply.

For these and other reasons, their work has not carried and cannot carry us deeply enough into a sufficient number of our multiplying problems.

¹⁴ Introduction (p. xviii) to E. S. Greenbaum and L. I. Reade, *The King's Bench Masters and English Interlocutory Practice* (1932).

¹⁵ F. James, Jr. and A. H. Stockman, "The Work of the New York Law Society," 27 *Geo. L. J.* 680 (1939).

¹⁶ H. E. Yntema, "The Purview of Research in the Administration of Justice," 16 *Iowa L. Rev.* 341 (1931).

What these problems need is full-time, continuous and unhurried study by a sufficient number of men with appropriate training and adequate facilities for such work. The work of these men can build on the materials gathered and the results obtained by present agencies but there is need for much more labor and a practical division of it.¹⁷

A CO-OPERATIVE ENDEAVOR

Just as war is much too important a business to be left to the generals, so the business of law reform is much too important to be left to those learned only in law. "Almost every profession is pushed forward by men who do not belong to it," said Woodrow Wilson.¹⁸ History shows how true this has been for the improvement of the administration of justice.

The principal work will always have to be done by the bench, the bar, and the law schools; but they cannot accomplish the task alone. The knowledge of the legal profession should be supplemented by the experience of men of science and others skilled in research. We have neglected the methods long used in the physical sciences and now being used in the social sciences. Management engineers and businessmen are also needed. To the extent that their methods are applicable to the study of the administration of justice, they should be utilized. Their fresh viewpoints should be of great value.

It is important that the public have accurate information as to what hap-

¹⁷ Institute of Law, *supra* note 7, p. 7.

¹⁸ Quoted by H. N. Rosenfield, "Experts Are Never Right," *Antioch Review*, Spring 1949.

pens in court in specific cases and how court procedure is actually operating. "Nothing would more stimulate a demand for greater speed in the disposition of civil cases on behalf of the litigating public than the truth as to the delays and congestion in civil dockets," said Chief Justice William H. Taft.¹⁹ Facts are very persuasive. But to persuade, the facts must be made known. Representatives of the press, the radio, and others from other fields of public relations are needed to bring the facts home to the public.

GETTING RESULTS

But something more is needed. Unless corrective measures are taken, where needed, research will be fruitless. It will have the same fate as so many of our best efforts that dead-end in fine reports. To avoid this we should find out how procedural changes were brought about in other jurisdictions and learn the techniques that were there used to accomplish such changes. This knowledge should enable us to take similar steps and enlist the help of civic leaders, labor leaders, and others in public life whose support is necessary to make our judicial machinery work.

Besides the learning and detachment of the scientist and the scholar, we need the zeal and conviction of the reformer and the skill and knowledge of practical men of affairs. Their combined efforts may bring to the little man—the man whose case involves no great issue—and to everyone else who seeks it, the opportunity to be heard promptly and fairly.

¹⁹ Institute of Law, *supra* note 7, p. 3.

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INTERNATIONAL RELATIONS AND WORLD GOVERNMENT

NORTHROP, F. S. C. *The Taming of the Nations*. Pp. xii, 362. New York: The Macmillan Company, 1952. \$5.00.

Point IV and the technical assistance programs constitute one of the great gambles of history. Through them the Western democracies are endeavoring to equip the free underdeveloped areas of the world with the knowledge and technical skill to build these societies into solid thriving bulwarks against the twin threats of poverty on the one hand and the spread of Soviet totalitarianism on the other. What are the chances of success? Particularly, what is the likelihood of achievement in key areas of Asia where the struggle is joined politically, economically, and even in arms? Can the East and the West meet to work out a harmonious order which will ensure the dignity of individual man in a world of material sufficiency?

Attempts to graft Western methods of production and Western constitutionalism upon Asia have seen conspicuous failures in the past. Where Eastern leaders have tried to transplant Western economic ways to native cultures generally it has begat militarism and chaos, or an aggressive imperialist power has taken over.

The failures, according to F. S. C. Northrop, have stemmed from failure to reckon with basic cultural differences between the Confucian, Buddhist, Taoist, and Hindu cultures and the West. The basic difficulties, he finds, arise from divergent viewpoints on the relationship of man to nature. The Eastern view is a naïve conception based upon personal experience. The Western cuts beneath the surface of personal experience and seeks to know nature through determinate laws, inductively formulated, and experimentally verified.

Consonant with the Eastern view of nature is the Eastern cultural pattern—the primacy of the family and the loyalty of man to family above other institutions. Filial piety is above loyalty to nation, and the Western idea of a higher law which requires one to treat all men with a higher loyalty than one's family is unnatural and hence immoral. In the Eastern view, moreover, all material things are of transitory character and the ultimate objective of all men is to achieve Nirvana, a formless, all-inclusive blissful oneness without personality. This is in sharp contrast to the Islamic and Western theses of the equality of all men before a universal law, and a determinate God, and the immortality of human personality.

Northrop believes there is ground for

hope if the West sees the "Revolt in Asia" not as nationalism but as a return to Asianism, and appeals to the Eastern mind since the philosophical bases of the Greco-Judaic-Christian West are closer to Asia than is Soviet Marxism.

There is so much provocative material in this compact volume no brief review can do it justice. The author has incisive commentary on the conspicuous failures of socialism in international affairs, on the strength of the American pragmatic approach with its free inquiry, and stress upon human dignity, and of the hope for a peaceful pluralistic world based upon agreement on fundamental moral values in place of power politics. It is a volume so rich and rewarding it will be read and reread.

WILLIAM J. RONAN

New York University

SHARP, WALTER R. *International Technical Assistance: Programs and Organization*. Pp. xi, 146. Chicago: Public Administration Service, 1952. \$2.50.

The "Point Four" program, which President Truman outlined in his inaugural address of January 20, 1949, has now progressed far enough to warrant an inventory of the major administrative problems involved. Such an inventory was sponsored by the Public Administration Clearing House, the outcome of which is the present excellent study by Dr. Walter R. Sharp, Professor of International Organization, Yale University.

The author has not attempted to set forth the rationale of technical assistance for economic development or to evaluate the substantive results thus far achieved. Instead he begins (Part I) with a brief historical summary of private and public technical assistance before 1949 which serves to remind the reader that the "bold new program" had its roots in the past at least as far back as the early nineteenth century. Parts II, III, and IV describe the current programs of the United States government and of the United Nations, as well as the special regional programs under multilateral sponsorship such as the Colombo Plan for South and Southeast Asia. In slightly less than 100 pages, a well ar-

ranged account of the latest information on the subject has been prepared.

Part V identifies the chief administrative difficulties which have arisen in launching the technical assistance programs and offers suggestions as to ways of improving their operation. This section is written with real insight and judgment and is a particularly valuable contribution to the literature of international administration. Those who talk glibly about Point Four would do well to read Professor Sharp's penetrating analysis, not omitting the quotation, "Here lies the bones of an Englishman who tried to hurry the East"—the epitaph on a tombstone in India recently visited by an American official. The usefulness of the study is enhanced by the bibliography, the glossary of abbreviations, and the index.

ROGER H. WELLS

Bryn Mawr College

STEBBINS, RICHARD P., and the research staff of the Council on Foreign Relations. *The United States in World Affairs, 1951*. Pp. xiv, 473. New York: Harper & Brothers, 1952. \$5.00.

As a new administration takes over the responsibility for our government, it is important to examine the United States in world affairs. Perspective is essential for any realistic picture. This book helps provide perspective.

In 1951, the United States struggled to rally the free world against encroaching communism. We materially increased our military strength, but the economic discomfort caused by the effort to arm left many of our allies less than enthusiastic. Added to the consequent restlessness in Europe and South America was a series of explosions in the East. Nationalism and anti-imperialism flared into crisis after crisis. In Iran, Egypt, and India, the United States was forced to pick its way delicately between the sharp horns of more than one dilemma. Should the United States support Mossadegh in Iran? If he fell, the Communists seemed almost certain to take over. Yet, the British opposed him because he had nationalized the oil industry. Should we send grain to famine-threatened India because we needed to take every possible measure to keep her from

going Communist even though she refused to support our China policy? Should the United States press for a decisive victory in Korea, even at the risk of an all-out-war with China, and at the expense of the defense of Europe?

The last question provoked the second phase of the Great Debate. Earlier there had been a discussion on an unprecedented scale of isolationism versus internationalism, particularly in respect to our relations with Europe. Now the MacArthur controversy made the argument global in scope. The Great Debate, highlighted by the MacArthur incident, the Soviet proposal for truce negotiations which sparked a change of pace in their policy, the Japanese Peace Treaty, the shift in emphasis from economic aid to rearmament, growing nationalism and anti-imperialism flowering into a revolt of the underprivileged, are all brought sharply into focus and shown in their proper relationships in this revealing volume. The material presented is not exhaustive, but it is well organized. The helpful delineation of basic changes makes an excellent background for the understanding of United States foreign policy. The analysis is honest, objective, and well-stated. It makes stimulating reading.

The bibliography is one of the most useful features of the book. The library of the Council on Foreign Relations is largely responsible for this interesting list and the reference service which helped make the book possible.

This book is one of a series of annual reports on the United States in world affairs sponsored by the Council of Foreign Relations. The author states that the purpose of the series is "to present the record, fully and fairly, in the light of what would seem to be the permanent interest of our own nation and of the larger civilization in which we form a part," and in the belief that "nothing can help those cleavages [in American opinion] so effectually as a fuller understanding of the problems, aims, methods, and global repercussions of our foreign policy." Mr. Stebbins' book should do much to further such understanding.

ALLEN T. BONNELL

Drexel Institute of Technology

BAUER, JOHN. *Make the UN Effective for Peace*. Pp. 160. New York: Richard R. Smith, 1952. \$2.50.

Mr. Bauer, a public utility expert, urges the President of the United States to offer the world a peace plan consisting of (a) the prohibition of the use of force among nations, (b) the complete and irrevocable demilitarization of all nations, and (c) reconstitution of the United Nations into an agency capable of enforcing the dual prohibition of arms and force. Yet he does not propose world government, since the executive power of the UN would not extend beyond the field of arms control and peace enforcement. Should Russia accept the proposal, so he argues, war would forever be banned, and should she refuse, we would at least have the advantage of a constructive goal for which the American people and the entire non-Communist world can "unite, work, and sacrifice."

The book is a curious mixture of real insight and political naïveté. Mr. Bauer correctly analyzes that the expectation of violence in international relations is likely to prevail as long as nations are armed, even if only for defense against each other, "because defense could quickly be turned into attack." Logically he demands that nations renounce not merely arms races but the very function of armed security. At the same time he is quite willing to wave aside—even though recognizing their existence—such obstacles to negotiating that kind of revolution as the deep inherent distrust between democratic America and Communist Russia. His optimism about the proposal is based on an estimate of political realities best characterized by the following statement: "There is really no irreconcilable conflict between communism and democracy . . . if once the two forms have reached mutual understanding and tolerance, and have adopted positive arrangements for peace." Again, while he can find no good reason why Stalin should distrust or reject his plan of definite universal disarmament under the UN, he thinks it quite natural to insist that "the dominant voice in the reconstructed UN will be ours."

The book once more demonstrates that

the problem of war, like that of disease, is a perennial hunting ground for mental efforts unguided by the best available expert discipline, to which charge Mr. Bauer could obviously reply that the best available expert thought has not been good enough to eliminate either evil.

GERHART NIEMEYER

Washington, D. C.

DIEBOLD, WILLIAM, JR. *Trade Payments in Western Europe: A Study in Economic Cooperation, 1947-51*. Pp. xvii, 488. New York: Harper and Brothers (for the Council on Foreign Relations), 1952. \$5.00.

Mr. Diebold's valuable book provides an account of the record of Western European co-operation in the field of trade and payments from the end of the war to mid-1951. The narrative is accompanied by much useful analysis, setting forth explanations, arguments, and counterarguments concerning the great number of issues, both economic and political, that arose in this field during the period.

The book consists of four parts: Part I reviews the various payments arrangements in Western Europe, from the bilateral agreements of the immediate postwar period to the European Payments Union. Part II is concerned with the record in removing trade barriers. Part III takes up the question of customs unions and contains a thorough discussion of the Benelux experience as well as of other customs union proposals which have advanced less far. In Part IV the author considers the problems of European trade and payments co-operation in relation, on the one hand, to Europe's balance of payments with the rest of the world and, on the other, to the burden of rearmament.

In each part, Mr. Diebold presents the facts clearly and comprehensively, describes the programs and institutions involved, and discusses the various problems that arose. The EPU and the related trade liberalization program of the Organization for European Economic Cooperation (OEEC), which represent the latest stage in Western Europe's progress toward trade and payments "integration," receive a large share of the author's attention.

While there has been little further progress in this field since the book was completed—in fact, both the United Kingdom and France have been forced to retreat from trade liberalization—there has occurred in Europe a shift in emphasis from the importance of intra-European trade and payments to the importance of Europe's trade and payments with the rest of the world.

The desirability of substituting trade for aid in Europe's economic relationship with the dollar area has become generally accepted in recent months. It is no criticism of Mr. Diebold to note that, were his book being written at the present time, it would concern itself even more with the relationship between intra-European trade and payments and Europe's trade and payments with the rest of the world.

Mr. Diebold's book is a highly useful history not only because it presents the record objectively, but also because its review of Europe's efforts to act and "think multilaterally" (p. 149) provides many important lessons for future action toward trade and payments co-operation over a wider geographic area.

ROBERT SOLOMON

Washington, D. C.

OLIVER, ROBERT T. *Verdict in Korea*. Pp. 207. State College, Pa.: Bald Eagle Press, 1952. \$4.00.

Many popular books have been written about the war in Korea by journalists who have gone in with the troops and have tried to put into print their experiences. *Verdict in Korea*, by Robert T. Oliver, has been created by one who was inside Korea before the bleak days of 1950. The author, chairman of the Department of Speech at the Pennsylvania State College, has served as counselor to President Rhee in Korea, to the Korean Commission in Washington, and to the Korean delegation to the United Nations at Paris and at Lake Success.

Mr. Oliver divides his study into fourteen chapters. Here can be found, in vigorous English, the glory and the suffering and the hopes of the people living in the "Land of the Morning Calm." Here also can be found many facts and stories showing the

way of life of the Koreans fighting in the "bastion of democracy in Asia."

The final chapter of *Verdict in Korea*, "The Meaning of the Korean War," is an excellent summary of the conflict. The author finds eight meanings. (1) The war has taken the United States out of post-war indifference and isolationism. (2) The United Nations first gained, and then lost, prestige. (3) The war has given the free world a challenge it is slowly meeting. (4) In spite of lack of success in the beginning, the United Nations intervention prevented a tremendous failure. (5) Korea served as an "alarm bell" to force upon the free nations a program of preparedness. (6) The Korean war has served as a valuable training ground for all the powers. (7) During the months of fighting the "Communist Empire has been proved to be monolithic and tightly organized" (p. 197). Unless Korea can show the strength of the United Nations, the effects upon Asia will endanger the free peoples of the world.

Aside from these eight conclusions, Mr. Oliver discusses several controversial issues. First, American leadership should stand for friendship with all peoples fighting Communism. Second, the United States should make democracy attractive to the underdeveloped nations. Third, the United States should "get tough" with her Allies as well as herself. Fourth, the policy of containment has proved too sterile to serve as a basic foreign policy for the Soviet Union, one of the two strongest nations on earth. Mr. Oliver ends with a clear statement, "If decision is substituted for indecision . . . the Korean war may prove to be the 'preventive war' that diverts Russia from its course of unilateral imperialism" (p. 207).

THOMAS E. ENNIS

West Virginia University

HABE, HANS. *Our Love Affair with Germany*. Pp. 247. New York: G. P. Putnam's Sons, 1953. \$3.00.

In 1945, with her cities in ruins and her people stunned and bewildered, Germany at last seemed to have been graduated from her status as the problem child of the world. Today, eight years later, while France and England are struggling for sur-

vival, the nation of poets, thinkers, and drill sergeants has an industrial output 59 per cent higher than in 1936. From being the biggest debtor in the European Payment Union, she has become its largest creditor, with cumulative credit of almost \$480 million by December 1952. Her exports today are seven times those of 1951. It is a recovery almost without parallel in history.

All this, says Hans Habe in this vitally important book, is mainly due to our favoritism toward Germany, which has received from the United States the unparalleled amount of \$3.4 billion as a gift on the mere promise of remilitarization. Once again we are faced with the specter of a resurgent Germany risen from the ashes.

Hans Habe, author of the memorable account of the fall of France, *A Thousand Shall Fall*, is well equipped by background and experience to write about the current German situation. The Hungarian-born newspaperman and author was a major with the United States Army in Africa and Europe during World War II. In 1945 he was editor-in-chief of eighteen United States-sponsored German language newspapers in the occupied territory and founder of the Military Governor's effective *Neue Zeitung*. He went back to Germany in 1949 as chief-editor of two important weeklies and has returned recently to the United States.

The picture Mr. Habe paints of the situation in Germany and of our German policy is a most disturbing one. He believes that we and our Allies have missed the boat badly, and actually may have brought World War III nearer by our amazingly contradictory and unsound policies. He claims that our insistence upon unconditional surrender and our declaration of collective guilt of the German people unnecessarily prolonged the war. When we needed the Germans to fight Communism, we had to retract everything we had previously said. Because we overstated our case first, we had to apologize in the end.

Mr. Habe is critical of the Nuremberg Trials on the ground that, where the conclusions were right, the process was wrong. Wrongly timed, badly prepared, using "impartial" Russians, the trials turned into one

of the most powerful weapons neo-Nazism has today. "Without discussion," says Mr. Habe, "we condemned a whole nation, then took months to prove the culpability of a few mass-murders."

Further signs of our grave failure in Germany, according to Mr. Habe, are the unsuccessful denazification program, the unpopular remilitarization policy of the present, and the revival of neo-Nazi movements on a disturbingly large scale. He criticizes the work of Eisenhower, Clay, McCloy, and other U. S. officials, who just did not seem to understand the German mentality. He describes the return of anti-Semitism, the neglect, bungling, and mishandling of re-education, and the process by which German democrats have been driven underground.

As for the future, Mr. Habe predicts that, within a short time, not later than 1954, Germany will be the most powerful country in Europe; remilitarization will get out of hand and backfire; West Germany will trade much more with East Germany and Russia's satellites; there will be a stepped-up drive for reunification of the Fatherland; the slogan of *Volk ohne Raum* will be revitalized; and Germany will return to a form of government which may not call itself National Socialist but which will correspond basically to that description.

It is a sorry picture. What can be done about it? Mr. Habe recommends an end to our childish idealism, a realization of our transgressions and errors, brutal and humble self-criticism, and a new start if we intend to avoid international suicide. We must, he says, (1) discourage the German conviction that in militarizing Germany again they are doing us a tremendous favor; (2) prevent renazification in the course of remilitarization; (3) halt the spread of Communism and Nazism; (4) allow rearmament only and strictly under French and British leadership; (5) abandon our opposition to German unity; and (6) once these steps are taken, make every effort at a moral rehabilitation of Germany.

This is a voice of reason speaking at a critical juncture in the world's history. It is to be hoped that Washington will pay

serious attention, even though the hour is late.

LOUIS L. SNYDER

The City College of New York

McAULIFFE, W. R. *Modern Asia Explained*. Pp. ix, 163. New York: The Philosophical Library, 1952. \$3.25.

Some Facts About Asia might have been a better title for this small volume, because Asia simply cannot be "explained" in something less than 50,000 words. This volume offers a quick "run-down" of the current situation in 36 different Asiatic political areas (including Egypt and the Sudan), these country-by-country resums being supplemented by several sections of more general character. The author gives free expression to his opinions and judgments about the forces underlying the political turmoil in these many Asiatic countries, but the reader must still seek elsewhere for basic explanations of these phenomena.

Of the five chapters of this volume (The Near East, Central and High Asia, The Successor States of the Indian Empire, South East Asia, and The Far East), the chapter dealing with India and Pakistan is perhaps the most lucid and interpretive. But the entire volume needs to be handled with great care, because errors of factual statement abound: the Sudan is declared to be "an area larger than Europe" (p. 28); King Farouk of Egypt is characterized as a "long-headed" monarch (p. 30); Moslem refugees from Israel are estimated to be in excess of 5 million (which is many times the number of Moslem residents of Palestine in recent times) (p. 39); Sinkiang is characterized as "in most respects similar to Mongolia" (p. 65); the U.S.S.R. is stated to have "regained" the Kurils under the Yalta Agreement (p. 68); and "the success of Communism in China put the tag 'Communist' on to existing Chinese bandits in Malaya" (p. 134)!

The entire volume is strongly influenced by a pro-British tone, with resulting aberrations. For example, the Egyptian "fellaheen would be better off if Egypt became part of the British Sudan, and the Egyptian government is anxious to prevent their

realizing it" (p. 29)! American support to Chiang Kai-shek "has driven Mao closer to Russia" (p. 151), while the British have based their recognition of Red China on the view that China may yet "be drawn into a peaceful comity of nations" (p. 154). McAuliffe seems to believe that the peoples of Asia turn to Communism from "want and despair" (p. 145), but he does not suggest the helplessness of Asiatic peoples in the face of Communist organization and tactical operations.

In any event, this little volume leaves the reader in no doubt that Asia has entered upon a new chapter of history. The old is gone or disappearing; the new has not yet emerged in definitive form.

H. ARTHUR STEINER
University of California at Los Angeles

JORDAN, GEORGE RACEY, with RICHARD L. STOKES. *From Major Jordan's Diaries*. Pp. 284. New York: Harcourt, Brace and Company, 1952. \$3.50.

The diaries to which the title of this book refers were kept by Major Jordan from May, 1942 to June, 1944, during which time he served as an expeditor of lend-lease aircraft and air freight to the Soviet Union. Major Jordan contends that certain highly placed American officials co-operated too zealously with the Russians, and that the Russians abused the privileges granted them in this country during World War II.

Inasmuch as his diaries do not prove these contentions, Major Jordan introduces other material to support his case, including statements by several ex-Communists. Unfortunately, some of these statements deal at considerable length with other subjects—such as Father Orlemanski's wartime visit to the Soviet Union—thus serving to confuse the primary issues and to detract from the value of the original material Major Jordan presents.

In his diaries, Major Jordan discloses that Russian nationals frequently entered the United States without the knowledge or consent of immigration officers. He describes the elaborate preparations which were made to assure that uranium supplies destined for the Soviet Union were secretly and expeditiously handled. He tells also

of the time he broke into a large shipment of black suitcases on board a C-47 transport about to take off for the Soviet Union, and discovered that they contained a good deal of revealing data about our domestic economy.

It is not likely that this book will cause many of its readers to alter their opinions on the primary issues raised. The case which Major Jordan attempts to build is overdrawn, and is colored by an obvious personal bias against the policy of granting lend-lease aid to the Soviet Union. While such a bias may be justified, it does not necessarily follow that the officials who supported our policy of lend-lease aid to the Soviet Union were disloyal or unwise. The fact is, of course, that other wartime allies of the United States enjoyed a greater measure of co-operation and lend-lease assistance than the Soviet Union. In addition, it can hardly be denied that our lend-lease aid to that country did help to shorten World War II and to save the lives of countless American soldiers.

LEO FISHMAN
West Virginia University

BASSETT, R., *Democracy and Foreign Policy: A Case History—The Sino-Japanese Dispute, 1931–33*. Pp. xxiii. 654. London: Longmans, Green and Co. (for the London School of Economics and Political Science), 1952. 42/— (\$8.50).

This is an analysis of the relationship between public opinion and foreign policy in the United Kingdom during the period between World War I and World War II. Using the Sino-Japanese crisis of 1931–33 as a case study, the author, a lecturer in political science at the London School, traces the movements of public opinion on foreign policy by presenting the opinions expressed at each stage of the crisis, followed by subsequent versions of what was said and done during the crisis. He then considers the charges made against British foreign policy in the light of what was known at the time the charges were made. The chief subsidiary purposes of the book are, in the words of the author, "... to throw light on political behaviour, the methods employed in political controversy,

the formation of 'public opinion,' and the relationships between 'public opinion' and foreign policy."

Divided into six parts and containing 25 chapters, this work is an exhaustive study of virtually every possible phase of the crisis. Parliamentary proceedings, press coverage, influential commentaries, and public remarks of leading figures in England and abroad are all subjected to critical and, sometimes, caustic examination. Throughout, an attempt appears to have been made to place the crisis (as Mr. Bassett calls it) in the wider setting of the changing domestic and international situation. Variations in public concern and interest are brought out and reference is made to the attention paid to the situation by various groups within the community at particular stages of the controversy.

Several of Mr. Bassett's conclusions may be of particular interest. For example, he feels that the evidence suggests that neither in the United Kingdom nor "in any other country would the requisite support have been forthcoming at any stage for coercive measures against Japan. . . . The policy of conciliation . . . had at the time almost general, if sometimes reluctant, approval. Differences of view related essentially to the methods by which it could most effectively be promoted. . . . In all quarters there was resolute opposition to any unilateral British action of a coercive nature. There was also general refusal to take the risks of a Far Eastern war."

Mr. Bassett is of the opinion that the policy of the United States may well be regarded as the crux of the whole matter. In this connection, he observes that "... the more familiar charges against the British Government in connection with the crisis rest . . . upon the alleged refusal of that Government to cooperate effectively with the United States." So important is this phase to the author that the problem of Anglo-American co-operation, the extent to which it was achieved, and the nature of American policy as known at the time and revealed later are the subjects of exhaustive treatment in five chapters.

The general reader, even though he be a political scientist or a lay student of political phenomena, may find this work tedi-

ous and difficult. Students and scholars who have a particular interest in the subject matter of the book or in methodology will find it rewarding. To this reviewer, Mr. Bassett's major contribution lies in his painstaking scholarship and in his masterful handling of a mass of materials in the best scientific traditions.

ELI E. NOBLEMAN

Washington, D. C.

AMERICAN GOVERNMENT AND HISTORY

AGAR, HERBERT. *A Declaration of Faith*. Pp. viii, 237. Boston: Houghton Mifflin Company, 1952. \$3.00.

Herbert Agar's latest book would be an important contribution to the political literature of the times, even if it were the work of an unknown writer. For he analyzes the contemporary state of world politics with impressive lucidity and sets forth his conclusions, regardless of momentary popularity, with courage as well as with literary skill. But this book acquires special significance, when regarded as the logical sequel to the author's earlier writing on the problem of war and peace. For Agar is one of our publicists who has not hesitated to urge a resort to war as an instrument of national policy, when such a course seemed to him the clear duty of Americans with a proper consciousness of their country's responsibilities in the modern world. But now he comes forward with a plea that we know ourselves better and mend our ways in order that, if again we are forced to make this choice, we may make it not only with good conscience but also with a better prospect that we shall win the peace as well as the war.

Agar's first point is that Americans can not afford to approach the problem of war and peace from a strictly American point of view. We are not only Americans, but also men and women of the West. And the Western point of view transcends that of any one so-called sovereign state, even one as powerful and nearly self-sufficient as the United States. Another point which he makes with persuasive emphasis is, that we

can not safely assume that all the right is on our side and that the other side can properly be portrayed in sheerest black. He calls for humility as well as better self-knowledge, to the end that we may lead the West by our moral force as well as by material considerations.

Agar's hope is, that by timely preparations for right action the West may be spared the necessity of fighting another world war in our time. His argument should not be judged on the narrow ground that it covers only a portion of the case. His concern is with a portion the existence of which is too often ignored or even denied. The preparations he advocates lie in the political and moral rather than in the military field. The experience of the ages points to the conclusion that in the long run this area of preparedness is the most important.

A. N. HOLCOMBE

Harvard University

CHAFEE, ZECHARIAH, JR. *How Human Rights Got into the Constitution*. Pp. ix, 81. Boston: Boston University Press, 1952. \$2.50.

In these times of loyalty investigations and of charges and countercharges about danger to American liberties, thoughtful discussions of the bases of those liberties are of prime importance. This little book, by an author who has devoted much of his career to the study of liberty, goes back to the establishment in our Constitution of the guarantee of basic rights. It goes back, indeed, well beyond the constitutional period. Of most of the rights here guaranteed, Professor Chafee finds little basic discussion at the time of their inclusion in the Constitution. Constitutional debates were most unsatisfactory, for the reason that even at that early date the fundamental character of the rights in question was so well established that little discussion was required. Debate took place only where there was difference of opinion. To get back to the origin of legal protections of the rights in question, it was necessary to make use of early state constitutions, the Declaration of Independence, colonial charters, and cases, statutes, and documents of

constitutional significance in British history. Depending on the right in question, the author at times had not merely to go back to the Constitution but back decades or centuries, even as far as Magna Carta, to find the beginnings of entrenchment in government protective devices.

In one chapter—or in one of his three lectures, which were delivered as the Gaspar G. Bacon Lectures at Boston University for 1951–52—Professor Chafee analyzes in detail the history of what he regards as “the most important human rights provision in the Constitution,” that forbidding the suspension of the privilege of the writ of habeas corpus. His selection of the most important provision of its kind is not the one most often made by others, or at least it is not the one casually thought of as foremost at the present time. So well protected is that right, indeed, that we give little thought to the possibility of its invasion as rights of freedom of speech or of press or of religion may be invaded.

It is a long time since we have had any major difficulty with political incarceration of prisoners merely to get them out of the way or to vent personal spleen, without the right of access to courts to determine the validity of the imprisonment. Yet it is true, as the author says, that “when imprisonment is possible without explanation or redress, every form of liberty is impaired. A man in jail cannot go to church or discuss or publish or assemble or enjoy property or go to the polls” (p. 51). The author's concern, however, is with the development of machinery for protection rather than with the fundamental nature of rights themselves. He is not concerned with the question whether rights derive from God, from the nature of the universe, from the power of the dominant elements in society, or from some other source. He shows us rather the way in which the experience of Anglo-American people in different periods led to the establishment of governmental protection of rights now assumed to be fundamental. The book is well worth careful reading by thoughtful people.

CARL B. SWISHER

Johns Hopkins University

HALE, ROBERT L. *Freedom Through Law: Public Control of Private Governing Power*. Pp. xvi, 591. New York: Columbia University Press, 1952. \$7.50.

This is a study of judicial decisions, that embodies a lifetime of learning by one of the very few teachers of law whose training included also a doctorate in economics. Its target is the dogma of equality before the law, the idea that if the state enforces the laws equally against all violators, it will, as an impartial arbiter, have fulfilled its reason for being. Instead, the author argues, the state is the necessary partner in the establishment of every individual in his unique and unequal estate, rich or poor, and in every decision by which he comes to terms with those who can help him to what he wants or those who can get what they want by driving him toward what he seeks to avoid. In this view, distinctions between coercion and choice, between threats and inducements, are irrelevant. Every individual's economic decisions, on his employment and his consumption, are choices of the seemingly least unattractive among available alternatives. The state, in short, acting through law as enforced in the courts, defines what “property” and what “liberty” it will protect, and in so doing fixes and limits the bargaining powers individuals can exert; and “. . . inequalities in wealth result from inequalities in the coercive bargaining power of the different members of the community” (p. 37). It follows that court decisions on property and liberty, and the attendant inequalities they enlarge or diminish, are legislative acts of public policy, to be judged, here and now, by the criteria of public policy in a twentieth century democracy.

In the development of this theme the author examines painstakingly a broad range of cases from English and American state and federal appellate courts during the past century, beginning with common-law torts and moving to constitutional guarantees. A large section is devoted to criticism of Supreme Court doctrines about public utility rate regulation, but a good share of American constitutional law comes in for analytical notice along the way.

The central argument of the book was iconoclastic in the days when the American

bar seemed near success in attempting to write Herbert Spencer into the constitution. To this generation the didactic explanation of economic choices as rational calculations, and the unquestioning acceptance of appellate court decisions as the sole evidence of what the “law” is, will seem as quaintly formalistic as some of the judicial doctrines the author attacks. But not many readers will leave the book without a debt to the author for enriching their understanding of modern legal history, as well as a feeling of relief that courts do not settle everything.

HARVEY C. MANSFIELD

Ohio State University

GOSNELL, HAROLD. *Champion Campaigner, Franklin D. Roosevelt*. Pp. viii, 235. New York: The Macmillan Company, 1952. \$3.50.

The theme of this book was probably best stated by F. D. R. himself in October, 1940 when he said, “I am an old campaigner, and I love a good fight.” Gosnell has singled out this one aspect of Roosevelt's career and has woven an exciting chronological story of the late President's eleven campaigns. In only two of these did Roosevelt fail—the 1914 battle for the Democratic nomination as United States Senator and the one for the Vice-Presidency in 1920. It seems doubtful if few men in our national history had more campaign experience—a fact often overlooked until the appearance of this book in the growing body of Rooseveltiana. This work will not only become highly useful to teachers and students of party politics but will appeal to the general reader, for it is written in the language of the layman.

For persons over 40 years of age and more particularly those who have read the books written by Frances Perkins, Edward Flynn, James A. Farley, and Robert Sherwood, the chapters on F. D. R.'s four presidential campaigns do not contain a great deal of new data but provide some interesting anecdotes and interpretative material. The author, however, has done a magnificent job of integration and documentation in this and all other sections of the book. The development of the Roosevelt personality and campaign techniques prior to 1932 is not well known to readers,

and herein lies a major contribution of the book. Professor Gosnell brings the political setting and environment into each campaign and shows how Roosevelt and his managers attuned themselves to it. The author has drawn upon the tremendous storehouse of information found in the newspapers, biographies, and manuscripts in the Franklin D. Roosevelt Library at Hyde Park.

In the final chapter, "The Pattern of Success," Gosnell summarizes what he believes made Roosevelt so successful in winning elections. The late President's detractors will not be satisfied with his explanation, for "easy money" and "give away" programs are not regarded as the major reasons. Rather, Gosnell sees a superb sense of timing, "a realist in politics," and "the great faculty of giving the impression that he liked the person to whom he was talking" as highly important. Moreover, Roosevelt as a campaigner had "charm, optimism, confidence, generosity, faith, a vibrant voice, a handsome physique, a good memory, courage, a fine sense of humor, an excellent digestion, freedom from worry, a great gift for words, calmness, poise and patience." This reviewer read this six-page chapter several times and wishes Gosnell had expanded it considerably. Notwithstanding its tetseness, it is probably the best statement of the reasons why F. D. R. was a champion campaigner.

HUGH A. BONE

University of Washington

KIPNIS, IRA. *The American Socialist Movement, 1897-1912*. Pp. x, 496. New York: Columbia University Press, 1952. \$6.00.

In 1951 the Socialist Party of the United States celebrated its fiftieth anniversary, the party having been officially launched at the so-called Unity Convention in Rochester, New York, in 1901. During the next eleven years the party increased in membership to over 120,000, elected more than 1,000 of its members to political office, obtained the passage of a considerable body of legislation, and won the support of one-third of the American Federation of Labor. Its presidential vote reached nearly one mil-

lion. Following 1912, its membership began to decline.

The author describes the developments of these years—the most active in the party's history—as well as those leading to the formation of the party, clearly and vividly, and presents to the reader much valuable material laboriously culled from convention proceedings and a host of educational and propaganda articles, pamphlets, and books written during this fascinating period.

Dr. Kipnis' volume, however, fails in a number of respects as a definitive history of the party's decade of greatest growth. It gives the reader little insight into the personalities of the leaders of the movement and of their sacrificial efforts in behalf of a co-operative social order. It emphasizes many of the differences in tactics among the members of the party as shown in convention debates, but gives no indication of the underlying spirit of unity among tens of thousands of the party's members which spurred them on to years of dedicated service. Nor does it give sufficient insight into the impact of the movement on the social and cultural thinking of the times.

In his account of the internal party struggle between William D. Haywood, leader of the Industrial Workers of the World, and the moderates, led by Morris Hillquit, Victor L. Berger, Eugene V. Debs, and others, Professor Kipnis bitterly attacks the moderates for their successful attempt to eliminate Haywood and his syndicalistic following from the party, but gives no indication as to what would have happened to the Socialist party if it had fallen into the control of the Haywoodites with their advocacy of direct action, sabotage, and strikes leading to a general strike, as their main instruments for gaining power.

It is in his Conclusion that Dr. Kipnis leaves aside all objectivity and makes wholesale charges against the "constructive" or moderate Socialists for social attitudes which were utterly alien to the spirit of the party as a whole. In discussing the reasons why the party lost ground following 1912, the author takes practically no account of underlying social, economic, political, and

psychological forces in American life from 1910 to the present day. Although Dr. Kipnis has presented material of much value to students of the movement, a fair and balanced history of the Socialist Party in the early twentieth century is yet to be written.

HARRY W. LAIDLER

New York City

GUTTMACHER, MANFRED S., and HENRY WEIHOFEN, *Psychiatry and the Law*. Pp. viii, 476. New York: W. W. Norton & Company, 1952. \$7.50.

Perhaps the dominant factor in the history of the criminal law in the first half of the twentieth century is the unrelenting pressure of the new science of psychiatry for the recognition of its claims in the administration of that law. The impatience of psychiatry with the unscientific premises of the criminal law has led to extravagant claims for psychiatry's ability to solve the problems of crime. Popular annoyance and judicial outrage when some of these claims were not borne out have seriously hampered those who seek to make psychiatry a major participant in the administration of the criminal law. Those psychiatrists, lawyers, and judges who are working to this end—for there are many lawyers and judges doing more for this cause than the psychiatrists can do—will welcome this book.

A joint work of practitioners of the two disciplines, it exposes equally, with clarity and without heat, the judge who holds to a precedent against solid scientific evidence of its invalidity and the psychiatrist whose claims outreach his performance. A lawyer's regard for the value of decision by precedent and the danger of sudden breaks with tradition makes for a sympathetic treatment of those judges who keep the pace of the march toward scientific procedure too slow for fear of vague harms, a fear which they feel but cannot always justify. This in combination with the authors' scientific caution—not exaggerating the claims of psychiatry, but merely presenting the data in support of them—should be more helpful in obtaining acceptance in the courts for those points of

view than the colorful calls to arms of some less temperate members of the psychiatric profession.

While the authors devote more space to the criminal law and criminal responsibility than to any other single subject, they attempt a broad statement of all that a psychiatrist should know about the law and procedure in the courts, and all that a lawyer should know about psychiatry. The book should be very useful to both the groups at which it is primarily aimed. It describes lucidly the pitfalls to which the psychiatrist is exposed on the witness stand, the situations in which he may be subjected to legal liability and the juridical necessity for legal procedures not to his liking. For the lawyer, the various types of mental diseases, deficiencies, and abnormalities are described and discussed in terms which he should easily understand, without any attempt to oversimplify what is not too clear to the psychiatrists themselves, as the chapter on the psychopath shows.

There is a particularly illuminating chapter on veracity. Here we find some persuasive reasons for admitting lie detector tests in trials under proper limitations and instructions, a discussion of the propriety of introducing at the second Hiss trial the opinion testimony of Doctor Binger as to the veracity of Whittaker Chambers, and some treatment of leading questions and other suggestions to witnesses, pathological lying, blood tests, and confessions. This short summary of only one of the book's nineteen chapters suggests the breadth of its coverage.

The legal discussions may appear superficial to the lawyer, and the book purposely omits most of the legal authorities without which the lawyer is apt to feel uncomfortable. The clinical material is very helpful, but it is to be regretted that, no doubt due to space limitations, it is somewhat sparse. The authors have made a substantial contribution to interprofessional understanding which should help in the task of achieving a more scientific administration of the criminal law.

GERALD F. FLOOD, Judge

Court of Common Pleas
Philadelphia, Pennsylvania

RIENOW, ROBERT. *Introduction to Government*. Pp. xix, 583, xiv. New York: Alfred A. Knopf, 1952. \$5.00.

This text is designed as an introduction to the study of government. Its greatest usefulness will be for those students who find place for only one course in government in their educational program.

The comparative approach is used. The study is given largely to the theories and practices found in the governments of Great Britain, France, the Soviet Union, and the United States. Approximately one-half the space is given to the United States.

The three chapters of Part I, 44 pages, deal with the Idea of Government: its nature, dynamics, and structure. Part II, 95 pages, contains a thumb-nail sketch of the structure of the four governments. Part III, 96 pages, deals with the basic foundations: the place of revolution, constitutions, natural rights, federalism or unitary government, and separation of Powers. Part IV, 232 pages, is devoted to the process of transforming public opinion into law: the electoral machinery and the legislative process. Part V, 78 pages, deals with the carrying out of the law: executive, administrative and judicial. Part VI, 18 pages, is given to local government, and Part VII, 25 pages, treats on Global Government.

The theory and the practice of each topic, for instance, nominations, found in each of the four countries are discussed in the chapter devoted to that subject. The governmental process rather than the government of any country is stressed.

The book is elementary and introductory in character, a necessity for a book of this range. A college course based upon it would not seriously conflict with more extended courses on these countries. It is well written and very readable. Any person planning an introductory course in government, especially where the introductory course is the terminal course for a great number of the students, may well give this approach serious consideration.

FRANK PADDOCK

Temple University

DE VOTO, BERNARD. *The Course of Empire*. With maps by Erwin Raisz. Pp. xxi, 647. Boston: Houghton Mifflin Company, 1952. \$6.00.

"History," according to Herder, "is geography set in motion"; or, as Kant put it, "Geography lies at the basis of history." While denying any undue devotion to geographic determinism, De Voto, in his extensive review of American explorations, never wanders very far from this general concept. He has taken as his theme the first impact of civilized man upon the North American wilderness, and the wilderness, to begin with, held out stubbornly against its would-be conquerors. Wiser in retrospect than the explorers had any chance to be, the author recounts with infinite patience and skill their efforts, often painful and bumbling, to lay the foundations of empire. Much of the time they did not even know what they were about. They sought a Northwest Passage and found instead a continent; they assumed the existence of a great River of the West and found only mountains and desert where it was supposed to be. They competed frantically to divide among European empires an area that was in reality indivisible and that became almost of necessity one empire, the United States.

It is seldom, in these days of concentration on the present and the "usable past," that a writer will spend so much time on beginnings. But De Voto sees that these beginnings are important. He is interested in details to a degree that would satisfy the most exacting antiquarian, and he has as good an eye for a colorful story as the most incurable romanticist. But he is also looking for meaning. What made men devote their lives to the difficult and dangerous tasks of exploration? What effect did the lives they led have on them? What did their coming do to the primitive tribes they encountered? What difference did the knowledge they turned up make to the rest of mankind and to future generations? Answers to these questions are not simple, and De Voto does not try to make them so. But at least he makes it clear that there are answers, and that the an-

swers, however complicated, are worth seeking.

The scope of this narrative is impressive. It begins with the earliest Spanish Conquistadores and continues forward for two and three-quarters centuries through the explorations of Lewis and Clark. The writer shows throughout an amazing familiarity with the original records, and with the vast body of secondary material to which they have given rise. And he knows also, with rare intimacy, the geographic setting against which he has deployed his principals.

JOHN D. HICKS

University of California
Berkeley

KING, ERNEST J., and WALTER MUIR WHITEHILL. *Fleet Admiral King: A Naval Record*. Pp. xv, 674. New York: W. W. Norton & Company, 1952. \$6.75.

This account of Admiral King's career, from his birth and days at the Naval Academy through World War II, contains much that is fresh both to the student of the early twentieth century Navy and to those interested in global Allied decisions during the recent war.

Chief regret is the poor execution of the volume. Being neither biography nor autobiography, it lacks both detachment and intimate insight into the subject's character. The reader learns, for example, that King was the instigator of the attack on Guadalcanal, but, relying on this work alone, would never dream that one of the principal obstacles in setting up that attack was the question of command leading to an interesting clash of services and personalities. Again, the problem of commanding Army Air Corps bombers on anti-submarine duty receives a slanted treatment. The Navy had a good argument in terms of integration, co-operation, and the functional use of weapons; but the Army's plea for utmost flexibility to scour the seas where the U-boats were at any given moment concentrating was at least equally strong—a point somewhat belatedly conceded by King, one infers, when the Tenth Fleet was finally established.

Less important, perhaps, but likewise confusing, is the use of footnotes to convey so many facts or ideas relevant to the

text. But that may be just as well, since the style is a battleship gray, and every effort to break the monotony, consisting mainly of a plethora of exclamation points, falls with the dullness of chipped paint.

All this is unfortunate since it will curtail the audience of a valuable book. King served his country superbly, and his strategical concepts seem to have been as sound as the steel in a gun turret. One can speculate at length about the course of history if Allied strength had not been drained into the Mediterranean and an earlier landing effected in Normandy, or if the Burma Road had been opened in 1942-43 and Chiang Kai-shek had been liberally supplied when he really needed it. These and other equally important, thought-provoking themes reward the persevering reader throughout this unusual work.

J. A. ISELY

Princeton University

SMITH, WILLARD H. *Schuyler Colfax: The Changing Fortunes of a Political Idol*. Pp. xiii, 475. Indianapolis: Indiana Historical Bureau, 1952. \$4.75.

Schuyler Colfax was an amiable politician who served as Speaker of the House under Lincoln and as Vice-President during the first Grant administration. In 1872 his career was brought to an abrupt end through his coming into disfavor with Grant and through revelations that he was involved in the Credit Mobilier scandal. Professor Smith labors valiantly to try to prove that Colfax has been maligned in being considered no more than a mediocre scoundrel. He has succeeded in casting doubt on whether Colfax was a scoundrel but has failed to prove him better than mediocre. This is a first-rate scholarly biography of a second-rate figure.

Colfax was a South Bend, Indiana newspaper editor, strongly opposed to slavery expansion, who early in the 1850's helped organize the Republican Party in the state and simultaneously embraced Know-Nothingism. He soon dropped the latter and repeatedly proclaimed that the issue was not "so much whether black men shall be slaves, but whether white men shall be free." In 1855 he was elected to the House, where his ingratiating ways made

him popular. His nickname was "Smiler"; he was said never to have lost a friend or made an enemy. Throughout the Civil War and Reconstruction he retained this popularity by trailing just behind the vanguard of the most advanced Republican position. He was a rather cautious Radical, and party loyalty was his most distinguishing characteristic. Consequently, he was a logical choice for Speaker of the House in 1863, a position which he filled competently enough until 1869.

As a campaigner, Colfax was a fluent if platitudinous speaker. Senator John J. Crittenden described him as one "whose patriotism always overflowed and inundated him on every occasion." He was ever the friend of the Negroes and one of the more emphatic wavers of the bloody shirt. Although sufficiently fierce in his denunciations of President Andrew Johnson, he was more popular than Ben Wade and had a reputation for being temperate, pious, and morally impeccable in his private life. Consequently, he, rather than Wade, was nominated for the vice-presidency in 1868. But as Vice-President he passed the peak of his popularity, in part perhaps because, as the *New York World* declared, he carried "more wind than weight, even in his own party," in part because he was ambitious for the presidency. In 1872, Grant dumped him for Henry Wilson of Massachusetts.

Thereafter his downfall was rapid. He was accused during the campaign of owning Credit Mobilier stock, asserted in a misleading speech that he had never been given any (technically true), and was later proved to have bought some. In order to refute the charge that he had received a \$1,200 dividend, he declared he had received the money from an envelope manufacturer who had government contracts—and was in deeper than before. If not dishonest, he had at least been careless with the public trust and was politically through. A correspondent for the *New York Tribune* was so unkind as to suggest that the name of Mount Colfax in Yosemite National Park be changed to "Buzzards' Roost."

FRANK FREIDEL

University of Illinois

THOMAS, BENJAMIN P. *Abraham Lincoln: A Biography*. Pp. xiv, 548, xii. New York: Alfred A. Knopf, 1952. \$5.75.

About 4,000 books and pamphlets have been written on Lincoln. Some are worthless and trivial, others are outmoded, and still others are in all their essentials incorporated into works produced during the past thirty or forty years. Even so, Lincoln scholars list approximately 100 titles of current value. In such listings we find the works of Josiah G. Holland (1866), Isaac N. Arnold (1885), William H. Herndon (1889), Ida M. Tarbell (1900), Lord Charnwood (1917), and, of course, the ten-volume biography by Nicolay and Hay (1890), and Carl Sandburg's classic (1926-1939), six volumes of poetry-set-to-prose.

Why, then, another biography of Lincoln? The answer is easy. Each generation must interpret the great men of the past in order to make them alive in the present, and each generation, each decade, has available more material (this is particularly true of Lincoln) for such interpretation than the preceding one. Until 1952 many of us went to Lord Charnwood for the best one-volume biography of Lincoln. Excellent as that work is, it will probably give way to the present volume whose author had the advantage of new sources and the fertile modern Lincoln scholarship.

A lifelong student of Lincoln, a scholar who as editorial adviser for the forthcoming *Collected Works of Abraham Lincoln* has fully explored the Robert Todd Lincoln Collection in the Library of Congress (available only since 1947), a man of humor with some gift for the happy phrase, Benjamin Thomas has probably written the one-volume biography of Lincoln for our time. Drawing neither from folk tales nor from his imagination the author has given us a volume quite acceptable to the scholar and most satisfying to the general reader.

Thomas neatly distills the new facts from the legend of Ann Rutledge, gives a balanced appraisal of Mrs. Lincoln, and notes (without in any way disparaging Lincoln's noble letter to the mother) that two of the

widow Bixby's five sons were deserters. In this volume one gets a close-up view of Lincoln as a log-rolling member of the Illinois legislature, sees him, as he grapples with a great issue, transform the craft of a politician into the art of a statesman, and follows him as he, ever increasing in wisdom and understanding, in gentleness and charity, in humility and patience, saves the Union and joins the immortals.

CLAUDIUS O. JOHNSON

State College of Washington

GREENBIE, SYDNEY, and MARJORIE BARSTOW GREENBIE. *Anna Ella Carroll and Abraham Lincoln*. Pp. xvii, 539. Penobscott, Maine: University of Tampa Press, 1952. \$6.00.

In 1940 Mrs. Greenbie published *My Dear Lady*, a biography of Anna Ella Carroll, who, said the author, was an unofficial member of Lincoln's Cabinet, a great political propagandist, and the deviser of the strategy that defeated the Confederacy in the West. Miss Carroll was a neglected figure in American history, Mrs. Greenbie contended, because she was a woman. Now Mrs. Greenbie's husband has joined forces with her, the pair having found some new evidence, to produce another life of Miss Carroll that is even more belligerent, extravagant, and impossible than the first.

If the Greenbies had known when to stop, they would have made a valuable historical contribution. They are right in saying that Miss Carroll has been wrongly neglected by historians. She was a very intelligent and charming woman, she was a gifted political writer, and she had access to the great, many of whom advised with her and used her. But the Greenbies go beyond moderation. Their Anna was, with a "perhaps," the greatest woman in our history; she was a greater presidential adviser than Tom Paine, Colonel House, or Harry Hopkins; she framed the greatest piece of strategy in military history; one of her pamphlets was second in influence only to *The Crisis*, and another was the most potent force in our national life since the Declaration of Independence. Such extravagant claims cast doubts on the validity

of the entire book, as do the many scenes, labeled "synthetic" in the footnotes, in which Anna holds detailed and improbable conversations with Lincoln, Jefferson Davis, General Scott, and Secretary Stanton.

The most controversial contention of the Greenbies is that Anna devised and caused the government to execute the so-called Tennessee Plan, by which Union forces were to operate on the Tennessee River line parallel to the Mississippi and flank the Confederates out of their positions on the latter river. Thus she was responsible for Grant's victories at Forts Henry and Donelson. Also she, in effect, conceived and managed Grant's Vicksburg campaign. Space does not permit an analysis of the Greenbies' case, but it is weak. Anna did give the War Department on November 30, 1861, a document recommending a move on the Tennessee line. As she once admitted, she did not know what the Department did with her memorandum. No single contemporary document indicates that Grant advanced because of her influence; in fact, the contemporary documents disprove the Greenbie thesis. Grant summarized the matter well when he said that a movement on the Tennessee was so obvious almost anyone could have thought of it.

The Greenbies handle evidence in a fascinating way. They take any situation that is not completely explicit and make it relate to Anna. Thus the House of Representatives debates a resolution on who is responsible for the Western victories. Several members say they do not want the wrong person to get the credit. Obviously they are aiming at General-in-Chief McClellan. Not so, according to the Greenbies. The House is trying indirectly to honor Anna. Lincoln makes a speech after the fall of Vicksburg and does not mention Grant. Why? Because Anna was the real planner of the Vicksburg campaign. Grant receives his commission as lieutenant general and in the exchange between him and Lincoln nothing is said about Grant's victories. Why? Because Anna was the real architect of those victories. The final blow is that the vacant chair in Carpenter's painting of the Signing of the Emancipa-

tion Proclamation is for Anna. It must be, for whom else could it be?

T. HARRY WILLIAMS

Louisiana State University

SANGER, DONALD BRIDGMAN, and THOMAS ROBSON HAY. *James Longstreet*. I: *Soldier*, by Donald Bridgman Sanger; II: *Politician, Officeholder, and Writer*, by Thomas Robson Hay. Pp. xi, 460. Baton Rouge: Louisiana State University Press, 1952. \$6.50.

The high historical merit of this publication was virtually guaranteed by its authorship. Though the subject is general, the treatment is monographic. Much acquainted with the milieu in which Longstreet moved, the authors have avoided irrelevant trappings and closely adhered to the intent of the title.

Dr. Sanger reveals Longstreet as a superb battlefield soldier and a great corps commander. But there is no uncritical adulation. Indeed, the many shortcomings of Longstreet are clearly indicated. The author mentions (p. 234) "the limits of his ability as a soldier." In particular (p. 250) Longstreet "failed to measure up to the standard required for the role of an independent commander." Here, in fact, was the crux of matters. Throughout the critical year 1863, Longstreet was bitten by the bug of independent command.

Dr. Sanger has not cleared up uncertainties about Longstreet at Seven Pines in May 1862, at Suffolk in early 1863, at Gettysburg in July 1863, and later in the Tennessee Valley. This, however, was, for lack of satisfactory evidence, relatively impossible. The footnotes, mainly of source references, are without flavor.

The section on postwar Longstreet by Hay is noteworthy historical writing. The role of Longstreet as politician, officeholder, and writer is clearly set forth. In addition, light is thrown on his business adventures, his private life, his character, and his personality. The meticulousness for which Hay is well known is very evident. Chapter V, "The Soldier's Story," represents a magnificent bibliographical accomplishment, which has high value as a guide to the large Confederate postwar military writing.

Hay's estimate of Longstreet is in agree-

ment with that of Sanger. Longstreet had (p. 383) "not too much capability." A London newspaper is cited (p. 384) describing Longstreet as "a man of no intellectual brightness." Hay points out that Longstreet was a poor business man and asserts (p. 444) that "On his own, Longstreet was never an effective force, either in peace or in war."

Defects in the volume are minor and few. One may well question the particular interpretation (pp. 328-329) of Radical Republican reconstruction motivation. Such words as "aftereffects" (p. 238) and "commencementtime" (p. 348) seem erroneous or unduly modernistic. The parenthetical arrangement (p. 396, fn. 48) is distracting, and a sentence (p. 405, e. 10) seems out of place. But the authors and publishers are to be congratulated on putting forth a work of much contribution to historical scholarship and historical literature.

A. P. JAMES

University of Pittsburgh

MIRSKY, JEANNETTE, and ALLAN NEVINS. *The World of Eli Whitney*. Pp. xvi, 346. New York: The Macmillan Company, 1952. \$5.75.

The story of Eli Whitney's invention of the cotton gin is familiar to millions of Americans. While employed as a private tutor in the family of General Nathanael Greene, on a Georgia plantation, Whitney succeeded in inventing a simple machine for removing the cotton seeds from the fiber. Removing these green seeds by hand had been the greatest bottleneck in cotton production. With the invention of the cotton gin, plantation owners increased their holdings, bought and bred more slaves, expanded their production, and laid the foundation for a one-crop economy in which Cotton became King. All this has been set forth in text books over the past century and a half. Important as was the invention of the cotton gin however, it was second to Whitney's other contributions to America's industrial revolution—namely, the introduction of the system of interchangeable parts, which in turn made possible mass production.

At long last the hitherto unpublished collection of the Whitney family papers

was placed in possession of two competent historians, Jeannette Mirsky and Allan Nevins; and now for the first time we learn of Whitney's greatest contribution to American technology.

The birth of the machine tool industry resulted from the threat of war. When in 1798 war between France and the United States seemed inevitable, President Adams and his cabinet, realizing how totally unprepared we were, quickly accepted Whitney's offer to manufacture 10,000 stand of arms for \$13.40 each. By devising a system of interchangeable parts and assembling the identical parts into a finished gun, Whitney pioneered the system of mass production. Fortunately, the threat of war passed before the contract was filled, but the system which Whitney had introduced set a pattern that was later followed by Samuel Colt, Singer, and more recently, and on a grander scale, Henry Ford. It has become synonymous with American industry.

The authors have done far more than merely give us a narrative of Whitney's achievements. They have, as the title of the book implies, given us an insight into the world of Eli Whitney. His associations with Adams, Jefferson, Madison, Monroe, Gallatin, the secretaries of war, and his dealings with the bureaucrats of that day receive lengthy and sympathetic treatment from the authors.

One hundred and fifty years is a long time to wait for a definitive biography of a man as important as Eli Whitney—and an appraisal of the world in which he lived. But perhaps it was worth waiting since his epoch-making contribution to mass production will be more widely appreciated in this technological age.

JOHN W. OLIVER

University of Pittsburgh

TRYON, WARREN S. (Compiler and ed.). *A Mirror for Americans: Life and Manners in the United States 1790-1870 as Recorded by American Travelers*. Vol. I: *Life in the East*; II: *The Cotton Kingdom*; III: *The Frontier Moves West*. Pp. xx, 230, v; viii, 231-466, v;

viii, 467-793, v. Chicago: The University of Chicago Press, 1952. \$14.50 the set, or \$5.00 each vol.

A Mirror for Americans reprints well-selected extracts from the contemporaneous writings of some forty Americans who traveled in the United States. Extracts from the voluminous literature written by foreign travelers have already been compiled, and, during the past quarter-century, it has been possible for Americans to "see ourselves as others saw us" through the simple perusal of collected commentaries. It is strange that hitherto no similar effort has been made to collect and extract for present-day readers the works of Americans who also journeyed about the country and set down their judgments as to what their countrymen were like. As natives in their native land these writers possessed certain advantages. They kept their feet pretty well on the ground. Their patriotism was restrained. Sectional or personal prejudices often motivated their comments yet they could be amazingly objective.

Life in the East includes 40 extracts from the writings of fourteen authors. These range from the *Letters Written during a Tour through the Northern and Eastern States of America* in 1793 by John Drayton, who was subsequently to become Governor of South Carolina, through *The Pleasures of New York* as recorded by James Kirke Paulding, a leading member of the New York literati, and Davy Crockett's coonskin impressions of America's chief cities, and conclude with several descriptions of both high and low life in the eastern cities and countryside of 1850. Almost half of the pages of *The Cotton Kingdom* are devoted to extracts from the writings of Mrs. Royall, Joseph H. Ingraham, and Frederick Law Olmstead. Other selections cover the period from the Creoles of Louisiana in 1812 to the desolation and problems of 1865. The fifty selections in *The Frontier Moves West* are grouped in two parts—the Middle West and the Pacific West. The latter includes the Rockies.

Professor Tryon has selected these extracts with skill. He has given attention

both to the interests of the general reader, who may seek a panorama for pleasant evening reading at home, and to the requirements of the teachers and students who seek source material in an easily available form. The University of Chicago Press is to be praised for the good format of the set, and for the clear type, large enough to be easily readable. The selections are generally from the first editions of the original narratives. Obvious mistakes in grammar, punctuation, and spelling have been corrected where the original obscured or impeded the meaning. Passages have frequently been deleted without the use of ellipses, and rearrangement of material for the sake of clearer organization has sometimes been made. The bibliographical note at the end of the third volume is highly selective, but contains references to twice as many sources as are represented by extracts in this collection. Each volume is indexed separately. The fifty illustrations are chosen from contemporary prints and etchings.

CHARLES M. THOMAS

The Air University
Maxwell Air Force Base, Alabama

COOK, GEORGE ALLAN. *John Wise: Early American Democrat*. Pp. ix, 246. New York: King's Crown Press, 1952. \$3.50.

This biographical study depicts John Wise (1652-1725) as a liberal, democratic thinker living before his time. The author uses primary sources extensively in describing the career and utterances of this New England minister who contributed significantly to colonial religious and political thought.

Wise was the son of a brewer and former indentured servant, graduate of Harvard College, and minister of Chebacco parish near Ipswich, Massachusetts for 45 years. In 1688 he was jailed, fined, and temporarily removed from his ministry for leading Ipswich townsmen in opposing a tax they considered illegal since it lacked approval of the colony's elected representatives.

Wise gained further recognition by defending the autonomy of the individual congregation and opposing proposals that

a privileged ministerial hierarchy govern Congregational churches. In his *The Churches Quarrel Espoused* (1713) and *A Vindication of the Government of New England Churches* (1717) Wise used principles of natural law (borrowing from Pufendorf) to defend the liberties and democratic character of Congregational churches. His advocacy of separate, democratically organized church and state was unusual in the waning New England theocracy.

To what extent was Wise a democratic liberal living before his time? He used natural law doctrine to support liberty and democracy and also to uphold private property and commercial freedom. Perhaps he more actively supported free enterprise than political democracy. His advocacy of paper money had economic as well as political significance. Cotton Mather, his conservative ecclesiastical opponent, also favored paper money. But unlike Mather, Wise accepted the development of business society and the concomitant decline of Puritan theocracy.

Wise welcomed a growing middle class desiring greater religious, political, and commercial freedom. He and this class wanted a limited, representative type of democratic government sensitive to its economic needs. Propertied taxpayers should control the government taxing them and should have a monetary system which would increase population, manufacturing, exports, and profits. To obtain such benefits, Wise favored creation of a private land bank controlled by wealthier merchants and landowners.

Wise's income far exceeded his ministerial salary, thanks to his landholdings and part ownership of two or three merchant vessels. Three of his sons were merchants, one a farmer, and one a minister. He did not oppose indentured servitude (in 1712 he advertised in Boston for a runaway servant) or religious and property qualifications for voting. Although he advanced democratic thought (using natural law to defend liberty, equality, and property), he accepted the interests and views of the rising colonial merchant class.

FOREST G. HILL

University of California, Berkeley

ECONOMICS AND INDUSTRY

WELLS, HENRY A. *Monopoly and Social Control*. Pp. ix, 158. Washington: Public Affairs Press, 1952. \$3.25.

This book is a paradox. It is both profound and superficial. Its profundity, unfortunately, results in obscurity, its superficiality in overstatement and inadequacy. It is so obscure that I find it hard to understand and harder to summarize without doing Mr. Wells an injustice. But I shall try.

Wells believes that our economy is steadily becoming more monopolistic—a term which he uses so broadly that it describes any interference with freedom of access to economic resources. "In a feudal economy it assumes the form of control of land by feudal lords; in the present day industrial countries it manifests itself as private control of channels of trade, the means of industrial production, and financial facilities" (p. 1).

According to Wells, the "law of causality," which governs both physical and social phenomena, shapes man's destiny. Man cannot change the principles "governing causal sequences," but in dealing with physical phenomena he has learned "to place them under conditions under which they will act to attain a desired goal" (p. 17). Man has not done so well in dealing with the operation of the law of causality in social relationships. Without being wholly aware of this principle he has tried at various times—but to no avail—to devise social utopias. Plato, Étienne Cabet, Saint Simon, Owen Fourier, skilled craftsmen though they may have been, devised institutional patterns and set social goals which were never achieved.

But all this was before scientific Marxist socialism, "the first comprehensive attempt to analyze historical and social phenomena by tracing the dynamic operation of the law of causality" (p. 38). According to Marx's historical materialism, changing methods of production come into conflict with property relationships (p. 40), and this conflict inevitably eventuates in social revolution. Wells is more optimistic. He believes that the distinctive psychological and

cultural characteristics of a given nationality, if strong enough, may control the economic forces making for revolution and thereby avoid a violent explosion. The disruptive forces in the American economy which threaten the American way of life are monopolies and cartels. But unlike that of other countries, "the history of America presents a remarkable blend of social and economic factors which point towards peaceful evolution progress, through a conscious social control free from subservience to blind historical forces" (p. 54).

Although we are at a critical moment in world history, Wells believes that we can disprove the Marxian doctrine by re-establishing a competitive economy. Our pragmatic, individualistic philosophy, the product of a frontier environment, should help us. But our failure to block in their infancy the forces making for monopoly have greatly complicated our problem. Or, as Wells abstrusely puts it, "The origin of the fatalistic pressure of these forces on our economy is to be found in the lag of time between the appearance of conditions which give rise to monopoly, and the historical moment when the impact of the monopoly-generating force is felt and recognized" (p. 115). Our antitrust legislation is the only legislative weapon we have to prevent a debacle. "Its success means the fulfillment of our historical ideals; its failure augurs protracted economic crisis, an increasing sharpening of economic maladjustments and an accompanying social fermentation" (p. 104).

This summary of Wells's thesis does not do justice to the range or intricacy of his ideas. He is obviously grappling with complex and profound social phenomena. In my judgment he does not fully master them. The result is a coalescence of obscurity and profundity.

Wells's superficiality lies primarily in his discussion of the facts, the institutional significance of which so greatly troubles him. In discussing the extent of economic concentration and the types and prevalence of monopoly practices, Wells relies largely on secondary sources whose findings support his thesis. Economists disagree on the extent of industrial concentration and on whether competition has declined in our

economy. Wells ignores writers who deny that industrial concentration has increased and who contend that competition has taken on more viable but nonetheless effective forms. My preconceptions are similar to Wells's and I agree with a good deal of what he says, but I do not believe that his study helps to reconcile this controversy.

My difficulty with Wells's historical and philosophical discussion, which is his major preoccupation, may reflect on my scholarship rather than on his. Wendell Berge, who writes an introduction to Wells's study, pronounces it "the most illuminating document [on the subject of monopoly] written in our time." I commend it to all those who are interested in the relationship between the state of the industrial arts and social and political institutions and who enjoy hard thinking.

GEORGE W. STOCKING

Vanderbilt University

ABBOTT, CHARLES CORTEZ. *The Federal Debt*. Pp. xvii, 278. New York: Twentieth Century Fund, 1953. \$4.00.

This is an analytical-historical study of our management of the public debt during the war, the immediate postwar period, and the Korean emergency. Beginning with an historical survey, the author finds that at least until March 1951 the government pursued a cheap money policy marked by the following main features: (1) a controlled interest structure, low and stabilized both as to level and interrelationships; (2) consistent use of the Federal Reserve System to support security prices by buying at par and at the seller's option; (3) heavy and increasing reliance upon short term and demand obligations, the former largely adapted to the needs of banks; (4) subordination of the Federal Reserve authorities to the Treasury and of monetary policy to other controls; and (5) little interest in debt retirement for its own sake.

This program was ill-adapted to a predominantly free economy, to the needs of non-bank investors, and to the use of time-honored monetary policy to prevent the undue expansion of credit. It broke down under the inflationary pressures of Korean defense after great harm had been done to

the economy. Higher interest rates of and by themselves would have proved no great deterrent to expansion, but indirectly they would have achieved this end by supporting reserve requirements and distributing more of the debt to nonbank purchasers.

The second part of the book deals analytically and statistically with problems relating to the maturity factor, the instability of ownership among various types of owners, and the case for the repayment of the debt. Insurance companies particularly have shown instability of ownership, unloading bonds when other attractive outlets for funds appeared.

A Committee (Arthur Upgren, Chairman) presents a policy statement with a bill of recommendations aiming at reversing our historical practice on all the major points mentioned above. We should return to the free market with emphasis on longer term issues adjusted to the needs of nonbank investors.

With the benefit of hindsight, the reviewer is receptive to most of this strong bill of fare. However, he has a considerable number of reservations, of which space will permit him to raise one only: Assuming that credit could and would have been curtailed by the effective control of reserves during the first nine months after Korean hostilities began, do we have any assurance that this could have been done so as to check undesirable outlays without interfering with the necessary expansion of war facilities and production?

Reservations notwithstanding, all can agree that the author and the Committee have presented a highly provocative, informative, and readable account of a very significant subject.

HAROLD M. GROVES

University of Wisconsin

WENGERT, NORMAN I. *Valley of Tomorrow: The TVA and Agriculture*. The University of Tennessee Record Extension Series, Vol. XXVIII, No. 1. Pp. xv, 151. Knoxville: Bureau of Public Administration, University of Tennessee, 1952. \$1.50.

In this compact little book *Valley of Tomorrow*, the author gives a rather complete story of the development of the Tennessee

Valley Authority from the initial construction of the Muscle Shoals Dam in 1916 to the present. As the TVA was the first regional agency organized under federal government control, the author is quite justified in devoting some space to a consideration of the subject of regionalism although it seems unfortunate that he quotes only from sociologists in discussing the topic and gives no credit to work done by numerous regional geographers.

The correlation between the work of the TVA and the conservation movement in the United States is analyzed, and in a general way the major details of the plan of development of the TVA are discussed. In an early chapter the natural environment of the region is considered briefly, followed by a consideration of economic conditions particularly as related to farming within the valley, with such topics as "phosphate fertilizer," "water control," and "agricultural development" being emphasized. A brief but enlightening chapter on the "Test-Demonstration Farm" shows in some detail how the farmers of the region were persuaded to co-operate with the government agency for the improvement of their lands.

The rest of the book, and by far the major portion of it, is devoted to the various and complex dealings that have developed between the TVA and other federal, state, and local agencies, and between TVA and the colleges within the region. These show very clearly the difficulties that can arise when a regional agency such as the TVA is established, which cuts across certain vested rights and privileges previously under the control of older established agencies. Not only did the TVA encounter opposition from community organizations, county organizations, and the Farm Bureau, but it had to correlate its work with the extension services of the colleges in the region and with the United States Department of Agriculture and its numerous bureaus and agencies. Perhaps the greatest conflict in regard to area and function arose from the overlapping activities of the TVA and the Soil Conservation Service. This is described in detail in a chapter called "TVA and SCS," and it gives the reader a good view of the competi-

tive nature of the various government agencies.

In the final chapter the author summarizes the work of the TVA in an overall appraisal, which constitutes the most interesting part of the last section of the book.

The volume is a contribution to the extensive literature on the Tennessee Valley Authority, but it might have been made more readable through the insertion of a few maps and photographs.

EDWIN J. FOSCUÉ

Southern Methodist University

GIVEN, WILLIAM B., JR. *Reaching Out in Management*. Pp. ix, 175. New York: Harper & Brothers, 1953. \$2.50.

This book is the sequel to the author's well-known *Bottom-Up Management* (1949) which described the delegation of responsibility down the line. *Reaching Out in Management* presents some administrative methods for "making the most effective use of the authority that accompanies responsibility so that all phases of business activity may be benefited to the maximum extent."

At the root of the author's idea of "reaching out" in management is the goal of enabling every employee in an organization to find personal fulfillment of his satisfactions in his work. In presenting the concept of reaching out in management the author explains that it goes much farther than the practice of "decentralized management" as most executives understand it. The former concept assumes that management's responsibility is not adequately discharged unless it succeeds in actually leading members of an organization to take and capitalize upon the opportunities that lie about them.

Offered as one phase of an effective approach to the general problems of executive development and work satisfaction, the philosophy of reaching out is dependent upon the following principles: (1) management must assure that the goals of executive development are made the subject of continuous attention and effort. There must be sincerity of interest in company people; (2) management must provide opportunities for executive development all

down the line. There must be a willingness to gamble on the abilities of people within an organization; and (3) management must have a policy of using company people within an organization to fill newly created opportunities or positions, even if the odds are small from the standpoint of the length of their experiences.

Business executives, educators, and students who are interested in management philosophy and executive development may find in this book a report of the author's personal views and experiences in following the previously mentioned philosophy and principles in his own organization, The American Brake Shoe Company. Many illustrations are cited for specific business operational areas such as: research, sales, purchasing, and accounting. More general illustrations are applied to medicine, education, and the Church prior to a treatment of the social responsibilities of management.

According to the author, few men in top management now have the opportunity to accumulate any impressive amount of capital because of mounting income and estate taxes. If ambitious men in top management positions can no longer have a goal of accumulating personal wealth, then their drives and ambitions must be changed toward some other goal. The author presents and describes his views and experiences concerning alternate goals of top management such as the development of people to realize greater personal satisfactions and the building of better business organizations more successfully to accomplish management service and social goals for the employees, communities, and public.

Mr. Given's descriptions of his personal philosophy and principles are interesting, readable, and constructive. The reader's acceptance of the concepts and practices presented will greatly depend upon his own beliefs and experiences. Because of the philosophical nature of the text material, the reactions can be controversial.

JOHN F. MEE

Indiana University

TAYLOR, GEORGE W. (Ed.). "Labor Arbitration Series." Philadelphia: Labor Relations Council, University of Penn-

sylvania, 1952. \$10.00 the series, or separately.

BACKMAN, JULES. *Economic Data Utilized in Wage Arbitration*. Pp. vii, 56. \$1.00.

FREIDIN, JESSE. *Labor Arbitration and the Courts*. Pp. vi, 58. \$1.00.

HANDSAKER, MORRISON, and MARJORIE HANDSAKER. *The Submission Agreement in Contract Arbitration*. Pp. vii, 101. \$1.50.

KENNEDY, VAN DUSEN. *Arbitration in the San Francisco Hotel and Restaurant Industries*. Pp. vi, 113. \$1.50.

KUHN, ALFRED. *Arbitration in Transit: An Evaluation of Wage Criteria*. Pp. xiii, 203. \$3.00.

SIMKIN, WILLIAM E. *Acceptability as a Factor in Arbitration Under an Existing Agreement*. Pp. vi, 67. \$1.00.

SKILTON, ROBERT H. *Industrial Discipline and the Arbitration Process*. Pp. vi, 76. \$1.00.

TRIPP, L. REED. *Wage-Reopening Arbitration*. Pp. vi, 108. \$1.50.

WITTE, EDWIN E. *Historical Survey of Labor Arbitration*. Pp. vi, 64. \$1.00.

This arbitration series edited by the dean of American arbitrators, Dr. George W. Taylor, fills a variety of needs on the part of arbitrators, management and labor people, economists, and other social scientists.

The thousand or so people who every year arbitrate a labor case or two and feel their lack of rich, varied experience with arbitration despite their likely past work with the War Labor Board in World War II will find the series particularly helpful. Freidin's study will provide them with a good view of how the courts are likely to regard their work, Skilton's work on discharge will prove most useful in handling the type of case that they are most likely to be confronted with numerically, and the rest of the series will widen their view of the arbitration process. It should be understood, however, that the studies are scholarly discussions of important facets of arbitration and are not intended as a manual for arbitrators.

Labor and management should find the whole series a very valuable insight into

what goes on in the minds of arbitrators, since with the exception of Backman all the authors have had substantial experience as arbitrators. Backman's study on the use of economic data in wage arbitrations will provide both sides with an excellent summary of just what their economic arguments must ultimately boil down to.

The social scientist and the economist are likely to be the only parties who will put the series down with some disappointment. The former would probably particularly like to hear something from both labor and management on just what they think about arbitration. The economist is likely to be disheartened by the predominantly legalistic and pragmatic approach to labor matters which marks all the studies, even by those writers in the series who are known as economists.

The economist is likely to want to know what the economic impact of arbitration is likely to be on our economy. Should the objective of arbitration be simply to duplicate the answers that the parties would have reached by collective bargaining including resort to the strike or lockout as part of the collective bargaining process? Since the power of society stands behind the arbitrator, may he not have some responsibility to society at large in his work, rather than responsibility just to the parties in the case? But if so, what criteria should he employ? Simkin's study, while not concerned with these questions, does consider what makes an award acceptable to the parties. It discusses matters that all social scientists concerned with labor relations must be concerned with. From here the social scientist must carry on.

A. MORGNER

Texas Agricultural & Mechanical College

JOHNSON, GERALD W. *The Making of a Southern Industrialist: A Biographical Study of Simpson Bobo Tanner*. Pp. viii, 84. Chapel Hill: The University of North Carolina Press, 1952. \$2.00.

This is a case where the reviewer feels like querying the publisher. Yet the jacket flaps—if these are the publisher's preserve—are not more specific on a cardinal point than is the text itself. Is this a family memorial, prompted by the well-placed af-

fection of relatives? It has earmarks of this, though the writing and manufacturing job are highly professional, in contrast to the effort often appearing under private imprint. Is it a sociological or cultural offering like so many that have distinguished the Chapel Hill press? There are hints that it may be designed as exhortation for the young people of North Carolina, a sort of out-of-school reader in the contribution of the industrial enterpriser to the admirable character of their state.

If it is a personal tribute it is deserved and skillfully executed. Mr. Johnson's long and first-hand knowledge of North Carolina and its history and his special acquaintance with the process of industrialization there enable him to illumine the public implications of a private life. But if the essay is intended to explore an area and era of public significance, then—paradoxically—it ought to be more private. If the reader is to learn about the resurgence of the cotton mills he has a right and a need to be given particulars of capitalization, credit, mechanical equipment and operation, wages, hours, and relations with commission houses. Generalities of energy, independence, kindly despotism toward workers, and imagination in developing markets do not reveal as much as a faithful narrative of year-to-year industrial contrivance. The real appreciation of an achievement must spring from plain, patient statement of a large number of concrete items.

One may say the book is too small for that—not much more than 20,000 words. Accepting this limitation, and dismissing quantity, the reader is justified in judging quality. The positive accomplishment of the textile mill builders of North Carolina in the generation commencing with the 'eighties in helping to rescue the society from the penalties of slavery, secession, and civil war is expertly put. However, in spite of saving clauses which Mr. Johnson is careful to insert, the portrayal is not critical. True, we must take those tycoons in their time and remember that the industrial discipline, suddenly imposed, had harsh features inseparable from the demands of the situation. But by their own lights the cotton mill kings, of whom Tan-

ner was typical enough, fell short of public approval, not only since but while they lived and worked. Nothing is said in these pages about child labor, which the mill men fostered and on which they battered. The most elaborate, determined, and—unhappily for North Carolina and America—successful legal defense of child labor commenced in Tanner's own Charlotte. Maybe Tanner deprecated what the organized cotton manufacturers of North Carolina did to John and Reuben Dagenhart, and through these boys to the children of the section and the nation. We are not told.

Each man to his own manner, and Tanner's success in supplying coolie cloth was notable. But others, among them D. A. Tompkins, whom the author mentions, performed more and on more fronts. Nor were the persevering successes of North Carolina mill enterprisers superior to those of their South Carolina and Georgia neighbors, as Mr. Johnson, with pardonable state pride, seems to suggest.

BROADUS MITCHELL

Rutgers University

SOCIOLOGY AND EDUCATION

ELDRIDGE, SEBA. *The Dynamics of Social Action*. Pp. vii, 119. Washington, D. C.: Public Affairs Press, 1952. \$2.50.

This well-written and well-informed book is intended for laymen interested in community activities and social problems generally. It contains brief but adequate references to the many citizens' groups, as Eldridge calls them, which operate in professional and voluntary capacity in American communities. He discusses how the practice of community membership is carried on and how to begin it: how specialized groups operate as the means for citizen and community co-operation, and how political democracy is practiced in this country. The book also includes a brief discussion on the use of mass communication agencies in promoting community affairs. There is an excellent chapter on professional contributions showing how social problems are being handled by vocational specialists. The author stresses the impor-

tance of individual initiative in the solving of social problems and the dependence of improvements upon social inventions.

Of theoretical interest is the clear evidence presented by Eldridge that social activities in communities are based upon primary group functions organized in terms of community interests. Furthermore, his discussion of the field takes cognizance of the fact that all planned activities follow the same pattern of growth which is characteristic of social change in general.

THEODORE ABEL

Hunter College

MANNHEIM, KARL. *Essays on the Sociology of Knowledge*. Edited and translated from the German by Paul Kecskemeti. Pp. viii, 327. New York: Oxford University Press, 1953. \$6.00.

This volume contains six essays written by Mannheim between 1923 and 1929 not previously available in English. The sponsors correctly point out that since Mannheim's *Ideology and Utopia* was issued in 1936 there has been a considerably increased interest in the sociology of knowledge. In their belief that the ideas in this new volume will "greatly help in clarifying the important issues" they are perhaps overly optimistic.

It seems unlikely to this reviewer that the volume will add much to the late Professor Mannheim's reputation. It will, however, afford a glimpse for those interested as to the development of his thought in these years, especially viewed against the background of his later, and perhaps best-known work, *Ideology and Utopia*.

This judgment is precisely because so much has been written in this area in the last decade and a half. Despite the patient, meticulous, detailed, and sometimes tortuous development of his argument, Mannheim could not foresee this development, could not anticipate considerations which again and again the reader expects him to deal with. Unfortunately the space allotted this review does not permit a discussion of this point nor of the central ideas of the essays.

Mannheim several times stresses the strong influence of the culture upon society and the intellectual development of

man within a given culture. The work reveals more than once that he was the product of a cultural background different in important respects from the one shared by the readers of this English text. Moreover he was writing in a different historical period. Sociology itself, like all the social sciences, has made considerable progress since 1929. One wonders if the Marxist learning Mannheim shows at several places in this volume would have survived the events of the years since his death in 1947.

A word of very real appreciation should go to the editor, who, with Mrs. Jean Floud, was also translator. Dr. Kecskemeti's introductory chapter is not only an excellent summary of the development of Mannheim's *Sociology of Knowledge* and of some of the work which influenced him; it also contains a clear-cut critique, though one which does not take into account some of the more recent work.

EDMUND DE S. BRUNNER

Columbia University

MARIANO, JOHN H. *A Psychoanalytic Lawyer Looks at Marriage and Divorce*. Pp. vii, 276. New York: Council on Marriage Relations, 1952. No price.

This book stresses the conviction that the solution to our marriage and divorce problem is not to be found in the courtroom. What the sick marriage needs is diagnosis and therapy. This is probably a wholesome emphasis, considering the present state of divorce policy and procedure in the United States. And yet it would be unfortunate to ignore the law altogether in discussions of divorce. Since marriage is a legal status, individuals seeking a divorce need the equal protection of the law.

There are other evidences that the writing and thinking in this book are a bit loose. The author states that "divorce does not cure anything" and then qualifies the statement by adding that this is true for any spouse who is emotionally immature. Again, we are told that "divorce is an effect, never a cause." How can any social phenomenon not be both a cause and an effect? Perhaps for certain purposes,

divorce as effect should be stressed, but this is no warrant for ignoring the possible reform of the divorce laws. "Divorce reform directed at strengthening our laws," writes Mariano, "is like treating effects and ignoring causes."

Again, Mariano writes: "Speaking broadly, it is widely believed that the grounds for marriage failure exist outside the home and are rooted for the greatest part in our economic system and our socially competitive order. Rejecting such theory, the author's theme is that the major causes for marriage failures rest basically inside the individual." Here again is failure to see the interdependence of factors; in this case, the individual and his society.

The author designates himself as a "psychoanalytic lawyer," at least in the title of the book, but the analysis is at an elementary and sometimes superficial level. The professional student of the family will not find anything new in this book, although it may bring a fresh message to some lay readers. This book has some added significance as a sign of a trend among lawyers to combine law with psychological and social science.

M. F. NIMKOFF

The Florida State University

GELDENHUYS, NORVAL. *The Intimate Life, or The Christian's Sex-Life*. With a foreword by Dr. Charles R. Erdman. Pp. 96. New York: Philosophical Library, 1952. \$2.75.

This book is a brief discussion of intimate phases of married life, apparently for engaged and newly-married couples.

The contents include seven chapters with headings as follows: The Sexual Side of Human Nature; Choosing a Life Partner; Love's High Places; His Resolutions; Birth Control; Wife and Mother; A Firm Foundation.

The chapter on birth control includes schedules worked out for representative menstrual cycles. The fertile period has been determined by application of the well-known principles of Drs. Ogino-Knaus.

The author approaches the problem from

a spiritual and idealistic viewpoint, as well as with a reasonably practical outlook.

EDMOND J. FARRIS

The Wistar Institute
Philadelphia, Pennsylvania

ALLEN, DAVID D. *The Nature of Gambling*. Pp. vi, 249. New York: Coward-McCann, 1952. \$3.50.

Those who profit from large scale gambling sedulously propagate the view that gambling represents instinctual behavior on the part of large masses of our population, that it cannot be suppressed and should therefore be controlled through legalization, which would enable states and municipalities to share in its profits. The forthcoming sessions of state legislatures will undoubtedly see a rash of bills introduced, sponsored by the gambling interests, which will provide for the legalization of various forms of gambling. At the present time a New York legislative commission is holding hearings on the advisability of legalizing off-track betting.

David Allen's book on the nature of gambling should be placed in the hands of all legislators and newspaper editors who lend their support to proposals for the legalization of gambling. It is apparent from this book that legalization is no solution to the social, economic, and political problems raised by gambling. This conclusion is reached after a calm and dispassionate analysis of data on three basic questions: (1) Is gambling a fundamental human activity? (2) Is gambling harmful? (3) Is gambling suppressible?

Allen comes to the conclusion that gambling is encountered in various forms wherever group life is found. His analysis of the historical evidence clearly indicates that gambling "is as harmful now as in the days when it was first banned," and that the social cost of gambling "is prohibitive." One of the major factors in producing this social harm in the United States is the exploitation of gambling by organized crime. Allen also concludes, after examining data from many different jurisdictions, that professional gambling can be suppressed through adequate laws, properly enforced, backed by a favorable public opinion.

All arguments advanced for the legalization of gambling are found by this book to be "based on falsehood" and spurious. According to Allen the only possible policy which can be adopted concerning gambling is the suppression of its professional aspects (p. 168). Allen presents various useful suggestions for improving the strategy and tactics in connection with the repression of professional gambling activities.

It should be noted that the American Bar Association Commission on Organized Crime has recently attempted to carry out one of the major suggestions made by Allen for dealing with gambling, namely, an improvement in the gambling laws. This Commission formulated a model anti-gambling code for adoption by the various States.

Debate on the problem of what to do about gambling is charged with a great deal of emotion and a great deal of self-interest. It is obvious that Mr. Allen has performed a useful public service in examining factually and dispassionately the data concerning the legalization of gambling.

MORRIS FLOSCOWE
City Magistrate

New York City

HOHMAN, ELMO PAUL. *Seamen Ashore: A Study of the United Seamen's Service and of Merchant Seamen in Port*. Pp. xxiii, 426. New Haven: Yale University Press, 1952. \$5.00.

This book is the second of a series being published under the Fund for Merchant Seamen Studies, a fund made available by the Woman's Seamen's Friend Society of Connecticut. There is an advisory committee, with one member as director of the fund. The book has a foreword written by William S. Newell, President, United Seamen's Service, and by E. S. Land, Vice-Admiral, United States Navy (Retired).

Part I deals with The United Seamen's Service which had its origin in Pearl Harbor and the Second World War that magnified the historical problems of crews, ships, and waterfronts. The social scientist interested in the origin and natural history of an

organization in a crisis situation will find this section extremely valuable.

Part II provides the main title of the book and considers merchant seamen in port. This is the disappointing part of the book. One finds himself searching in vain through meaningless generalizations for empirical data. Instead, one finds that this "may" or that "might" happen. Frequent use of indefinite terms—possibly, perhaps, likely, appears, inclined—so often takes the place of facts. This is surprising when one knows that the author spent "two decades and more" in the study of the problems of seafaring labor. He has visited "every large port of Europe and the Orient with actual visits to practically every significant waterfront institution in those ports." He visited "every large port in the United States." The author had a half-year of service on the North Atlantic in 1918. He has been on several important commissions of a maritime character.

Despite these experiences one does not get a picture of the American seamen in Shanghai, Cadiz, Genoa, Melbourne, Helsinki, or San Francisco with adjustment difficulties demanding The United Seamen's Service. Instead one learns only that "The ports and harbors of the world present a variety which is both bewildering and fascinating." The seaman lacks buyman-ship. With unfettered self-expression he turns to alcoholic drinks and his eyes are fixed upon alluring goals of amusement, gaiety, and camaraderie. The sea is a magnet for various types of nonconformists, escapists, and individuals who sow their wild oats. These generalizations take as much space as concrete data.

One feels that Professor Hohman must have files filled with empirical data, but, if he has, he decided not to share them with the reader. It is a fair bird's-eye view of seamen ashore and of The United Seamen's Service, but this section cannot be handed to a graduate student as a good example of empirical research.

Part III deals with services other than that of The United Seamen's Service. Part IV is an appraisal and includes appendixes and a short selected bibliography.

L. GUY BROWN
University of Rhode Island

TINDALL, GEORGE BROWN. *South Carolina Negroes, 1877-1900*. Pp. xii, 336. Columbia: University of South Carolina Press, 1952. \$5.00.

This book begins with a discussion of Governor Wade Hampton's racial policy. Although elected on a platform of white supremacy, his program did not include the complete elimination of Negroes from public life or the taking away of civil rights already won. Hampton pledged himself to "know no race, no party, no man, in the administration of law." He kept that pledge by appointing the best qualified Negroes to minor offices and by providing a school system. The program failed. Hampton moved on to Congress. His successors were not able to carry out a policy to which most whites were opposed. Fraud and intimidation deprived the Negro of his ballot despite the Fifteenth Amendment. Racial animosity and agrarian discontent swept Benjamin R. Tillman into the governorship (1890). His anti-Negro propaganda culminated in a disfranchising convention (1895) whereby most Negroes lost their political rights.

Several chapters treat of Negro social and economic institutions. The author traces the rise of the share-crop system and the difficulty Negroes had in establishing themselves as landowners. Economic discontent was one factor in the migratory urge. He shows the influence of the church in Negro life, as a religious institution and as a social center. The need for economy resulted in retrenchment. Negro schools suggested themselves as one place where government expenses could be cut. Subsequently they lacked properly trained teachers and adequate salaries. Fear of "social equality" led to violence. Lynching was defended as the only adequate deterrent to murder or rape. Supporting prisoners in idleness led to the convict-lease system with its attendant evils of exploitation and neglect.

A pattern of segregation was established by Negroes themselves during reconstruction days. They seldom mingled with whites on a basis of equality. A civil rights law remained on the statute books until the late 1880's when Jim Crowism obtained a legal status. Despite the law prohibiting

interracial marriage, no action was taken against illicit relationships between white men and Negro women.

The book is well written and the author has gathered his material carefully. His use of manuscript material is extensive although not exhaustive. Naturally, he has used the manuscript collections of Duke University, the Charleston Library Society, and the Universities of North and South Carolina, as well as official records and many newspapers. There are only three references to manuscript collections from the great resources at the Library of Congress. These would have made the work more complete.

JOHN G. VAN DEUSEN

Hobart College

FRENCH, DAVID G. *An Approach to Measuring Results in Social Work: A Report on the Michigan Reconnaissance Study of Evaluative Research in Social Work Sponsored by the Michigan Welfare League*. With Analyses of Four Evaluative Studies prepared by John G. Hill, Leon Festinger, Helen L. Witmer, and Alfred J. Kahn. Pp. xiv, 178. New York: Columbia University Press, 1952. \$3.00.

In an effort to come closer to the problem of the nature and limitations of the research contribution to social work and the ways in which this contribution can be realized, the author presents a vivid analysis, in nontechnical terms, of the problems and requirements of evaluative research in the field of social work. This analysis, in turn, leads to the conclusion that an institute of welfare research attached to a graduate professional school of social work, closely affiliated with the social science departments of a university, provides the necessary dual orientation to social work operations and to social science basic for effective research.

In 1950 the State of Michigan invested over \$105 million through governmental agencies and \$20 million through voluntary agencies in social work programs. Less than one-tenth of one per cent was spent on any kind of research either to determine or improve the effectiveness of these programs. With this example of the com-

munity's investment in social work, the author reviews the problems amenable to research which confront social work and considers the technical obstacles that stand in the way of getting answers to these problems. Past research efforts, he believes, clearly demonstrate that neither the social sciences nor other professions can contribute much to the many problems listed by caseworkers, agency administrators, community organization specialists, educators, and others in the field of social work. Effective research, if it is to be done, will have to be stimulated and sponsored by social work itself. On the other hand, however, the author is equally convinced that even when such work starts from problems of unique interest to social work, it can proceed effectively only if it builds upon the knowledge already established and going forward in the human sciences. These beliefs convince him of the promise for a dynamic relationship between social science and research in social work.

The foregoing partnership, however, requires the acceptance by social work of the goals and knowledge of the social sciences and identification by the social sciences with the social work profession in the sense of accepting its own ethical norms and its fundamental objectives. Such a relationship is most likely of achievement when structured by the proposed graduate school institute.

Well written, readable, and provocative, the text should certainly further the objective it seeks.

C. WILSON ANDERSON

Minneapolis, Minnesota

HATT, PAUL K. *Backgrounds of Human Fertility in Puerto Rico*. Pp. xxiv, 512. Princeton, N. J.: Princeton University Press, 1952. \$5.00.

The book is so full of interesting and important facts on Puerto Rican fertility that just to summarize them in a neat and well-co-ordinated fashion is quite a task in itself. The findings brought out by this study may be grouped, however, in two categories. First, there are the general facts on the Puerto Rican population, most of them already well known. Then, there are the specific facts on fertility. And

here Dr. Hatt's study throws considerable light on many interesting problems. We shall summarize these facts in the order stated.

The study shows once more, among other things, that Puerto Rico's population is predominantly rural; that its standard of living is low, judged by American standards; that the people are predominantly Roman Catholic; and that marital fertility varies inversely with socioeconomic status. These things were already well known; but the book confirms them once more. The study gives, for the first time, reliable information on the per cent of Roman Catholics in the population (85 per cent), a thing which was hereto merely a matter of guess.

The real merits of the book lie, however, in the large amount of information which it furnishes on fertility differentials. Thus, it shows that education is a more potent factor in determining low fertility than rental value—something which we all suspected, but which had not been clearly pointed out before. It also gives some rather striking facts on rural-urban differences. For example, it shows that there is no difference in age at marriage between rural and urban people, and that there is, likewise, no correlation between form of marriage and place of residence. That is, consensual unions are just as common in the country as they are in the city, or vice versa. The data on age differentials are also illuminating. First of all, no difference was found in age structure between rural and urban places. Then, the younger generations are marrying earlier and have a more favorable attitude towards family limitation than the older generations. The latter is quite a hopeful sign in itself! As would be expected, desertion, separation, and divorce are more common among the younger generations.

It is a pity that the author made no effort to collect data on contraceptive practices. This is all the more puzzling in view, not only of the importance of the subject itself, but also of the growing popularity of these practices. But the large amount of information gathered on sterilization more than compensates for this deficiency. Sterilization is quite a fad nowadays in Puerto Rico. It is also a very controversial subject. And

Dr. Hatt's study shows, among other things, that the per cent of sterilized women varies directly with the rental value of the home, is larger in urban than in rural places, and has increased during the first four decades of this century. It also points out the fact that three-fourths of the sterilized women react favorably to the operation—a fact which is very suggestive in itself!

EMILIO COFRESE

University of Puerto Rico
Mayagüez

WINSLOW, C.-E. A. *Man and Epidemics*. Pp. ix, 246. Princeton, N. J.: Princeton University Press, 1952. \$4.00.

A year ago the World Health Organization in Geneva awarded its Léon Bernard Prize to Dr. Winslow. In doing so this highest health organisation wished to express that there were few people in the world who had contributed so much to the advancement of public health and social medicine as Dr. Winslow. After 30 years of research and teaching at Yale University, after many more years of practical and administrative work in various positions and as a member of numerous committees, Dr. Winslow is now professor emeritus and looks back on the development of public health at large and particularly on the thrilling period in which he took such an active part. A few years ago he gave us a fascinating book, *The Conquest of Epidemic Disease* (Princeton University Press, 1943), and now a new book has come from his pen which, we hope, is the first of a series that will not only trace the history of modern public health, but will, at the same time, make the lay reader aware of its achievements and problems.

Thirty years ago Dr. Winslow defined public health as the "science and art of preventing disease, prolonging life, and promoting physical and mental health and efficiency through organised community efforts toward a sanitary environment; the control of community infections; the education of the individual in principles of personal hygiene; the organisation of medical and nursing services for the early diagnosis and treatment of disease and the development of the social machinery which will ensure to every individual in the com-

munity a standard of living adequate for the maintenance of health." This is a definition that cannot be improved, and the present volume discusses the first of these five major objectives, namely, organized community efforts toward a sanitary environment.

It seems only natural to us today in America that we may drink water from the tap without running the risk of becoming sick, that the milk is brought to the house every morning, pasteurized and in sterilized containers, that the food we buy in the store has been inspected and is clean and wholesome, that human wastes are disposed of without causing harm and without molesting us, that scourges such as cholera, typhoid fever, malaria, and yellow fever which used to work havoc on the North American continent have practically disappeared. Yet these things are far from natural, but the result of long developments and heroic struggles which Dr. Winslow narrates in this book in a scholarly and yet popular way.

If we look at the world at large we soon find that our health problems are far from solved. In the underdeveloped areas, two-thirds of the world's population are constantly undernourished and their life expectancy at birth is of 30 years only, while it is 63 years in the economically advanced countries. Public health still has a great task ahead.

HENRY E. SIGERIST, M.D.

Pura, Ticino, Switzerland

CANNON, IDA M. *On the Social Frontier of Medicine: Pionering in Medical Social Service*. Pp. xiv, 273. Cambridge, Mass.: Harvard University Press, 1952. \$4.75.

Ida M. Cannon in her *Social Frontiers of Medicine* has written a book which is both fascinating and challenging. She shows the slowly developing relationship of medicine and social work at Massachusetts General Hospital over a period of forty years. She credits this union of the two professions to the creative imagination and courageous pioneering of Dr. Richard C. Cabot who lives vividly in these pages. But the reader senses that the success of Dr. Cabot's crusade could not have been

achieved without the enthusiasm and conviction of Ida M. Cannon herself. Together they learned, and their experiment proved, that poverty, disease, and ignorance must be attacked co-operatively by doctors, nurses, social workers, hospital administrators, educators, and the clergy in order to develop good public health.

This book is both historical and biographical as the writer goes back to the inception of medical social work. She traces its rise from the centuries-old hospitals of London for the "sick poor" where the earliest hospital social workers were known as Almoners. In this country in 1853 Elizabeth Blackwell, the first woman medical graduate, established a dispensary for women and children in the lower east side of New York. Almost at once Dr. Rebecca Cole, a Negro physician, was sent out as "Sanitary Visitor" to carry intelligent guidance and sympathy into the homes of dispensary patients. Throughout the book many others are named and recognized for their contributions and sacrifices in developing this new teamwork in caring for the sick.

Miss Cannon's book is also a narrative of astounding health developments during her years of service. The writer shows how pandemic tuberculosis, especially among the poor, was the opening wedge for social work in hospitals. She depicts the growth of public health measures in the control of tuberculosis and other preventable diseases—typhoid fever, diphtheria, child-birth fever, and others. She traces the change in character of hospital service to include the sick of all classes rather than of the poor alone. Slowly emerged the pattern of the mental hospital giving treatment rather than mere incarceration. Society came to accept the open fight against venereal disease; the need for sex education with interpretation and inspiration. There arose the new fields of physical therapy, occupational therapy, industrial medicine, psychosomatic medicine, and geriatrics.

Miss Cannon shows with tact and understanding the change in the attitude of medical men themselves. Unselfish as persons, doctors have sometimes been jealous of their profession, maintaining an aloofness perhaps engendered by the Aesculapian

Oath itself. Here in this book we see them slowly and carefully testing this wider service to ailing humankind before accepting it as a part of good and necessary hospital service.

This book should be read not only by every doctor and social worker but by all professional people. It should be required reading for young people in pre-professional training. It is that kind of book which does not end with the past or even the present; the challenge of the future is its strongest feature.

AULEENE MARLEY JAMISON

University of Pittsburgh

FINER, HERMAN. *Administration and the Nursing Services*. Pp. xiv, 333. New York: The Macmillan Company, 1952. \$4.00.

This book offers a solution to some of today's deficiencies in quantity and quality of nursing services, especially in hospitals. The author presents in a highly persuasive manner the promise that incorporation of adequate instruction in administration in the basic nursing curriculum will increase the effectiveness of nurses by perhaps 25 per cent, and will at the same time raise the quality of nursing care.

The author, professor of political science at the University of Chicago, draws heavily on his own and other experience in the teaching and practice of public administration. Also, specific study of nursing administration and education was afforded by the W. K. Kellogg Foundation, which brought together for a continuous five-month seminar 36 outstanding nurse educators and administrators from fourteen American universities, Sweden and Denmark, the United States Army, Navy, Air Force, and Public Health Service, and the National League of Nursing Education. In addition to directing the seminar, Professor Finer visited several schools of nursing. Also, outstanding figures in medical, hospital, and nursing care met with the seminar individually and at two large conferences in Chicago.

Although influenced greatly by the participants in the study, the findings and views stated in this book are those of the

author as an individual. His chief recommendations are:

1. Major courses in administration and the social sciences should be incorporated into the basic nursing curriculum. In-service training for those now in administrative positions is recommended, but with much lower priority.

2. Existing college departments should be used wherever possible in giving these courses to nurses, rather than expecting nurse-instructors to pick up a smattering for relay to students.

3. A library of actual experiences in nursing service administration should be built up for instruction by the case-study method. The history of nursing should be rewritten in a scientific style rather than in today's romantic style.

4. Thorough research in nursing administration should be developed, "far wider and subtler than the current time and motion studies."

Much space is devoted to dispelling two widely prevalent misconceptions about nursing: first, that a nurse should act as an obedient technician, without necessarily understanding her position and actions in relation to others in the same general field and the broad aims of society; second, that administrators are born, not made. The author succeeds, but in his anxiety to be convincing he tends to dwell at unnecessary length on principles and to multiply examples excessively. These factors, plus a classical style of writing, make for difficult reading. The fault is more than overbalanced, however, by the many carefully framed, sometimes vivid, expressions that the reader will wish to underline or otherwise mark for recall and future reference.

This book is highly recommended to all interested in the administrative and educational aspects of nursing, hospital, and medical care, and as well to those who may be asked to educate nurses in administration and the social sciences.

PAUL A. LEMBCKE

Johns Hopkins University

PETERSON, A. D. C. *A Hundred Years of Education*. Pp. 269. London: Gerald Duckworth & Co. (distributed in the

U. S. by The Macmillan Company), 1952. \$3.25.

In this rapid survey of developments in education in western Europe and the United States during the past century, the author, Headmaster of Adams' Grammar School, frankly admits that he was forced to omit important names and events, and he also confesses to some diffidence that the work should have been undertaken "by a practising schoolmaster rather than an educational expert." He says that educational books by educational experts often seem to be written for the educational experts themselves, and because of their peculiar terminology are "very heavy-going for the school teacher and general reader."

There is much stimulating material in this book, which notes the prominent fact that during the past century the state has taken an increasing part in education in the western world. The influence of educational theorists and practitioners is probably too briefly discussed, but attention is called to the school's assuming so many functions once performed by other institutions and agencies, a view of education which is attributed to the strong influence of John Dewey.

Discussions of reform in the secondary curriculum during the second half of the nineteenth century, of the slow breakdown of social barriers, and of "secondary education for all" throw interesting light on persistent issues in education above the elementary level. Students will find interesting also the discussion of the systematic higher education of women which seemed to have developed during the past century in part because of the necessity for better teachers. Peterson says that confusion in the definition of higher education, the health of which is limited in practice by "finance and human weakness," makes that subject difficult to discuss unless it is known what it is and what it is not. Academic self-government, freedom of instruction, and freedom of learning remain crucial issues. The German concentration on research has been difficult to "acclimatise in America," and the various "accrediting agencies" in the United States may have done some damage by undertaking to judge the merits of an "institution by the number

of Ph.D.'s on its staff." The most crucial educational issue in the countries covered by the study is "provision of enough good teachers. No educational research, no building regulations, no systems of grants or compulsory attendance, no supervision of curricula can hope to be effective unless there are enough good teachers in the school."

In the "Epilogue" Peterson expels a few personal bees from my bonnet. Educational administrators, he says, are infatuated with "the measurable and the complicated" because they see it on paper and can answer criticisms by "unimpeachable figures." He considers "the administrative mind" and the heavy emphasis on the expansion of administrative "services" to the neglect of the important relationship between teachers and those taught as most dangerous tendencies in education. Expenditures on physical facilities have far exceeded those on good teachers, a dismal condition which often leads to "the diversion of educational resources."

EDGAR W. KNIGHT

University of North Carolina

KELLEY, EARL C., and MARIE I. RASEY. *Education and the Nature of Man*. Pp. 209. New York: Harper & Brothers, 1952. \$3.00.

Education must be fitted to the nature and needs of the human being, and we now know enough about the nature of man to see that educational practice is in great need of overhauling. This is the theme of the book before us.

Living tissue is purposive, say the authors. It strives, and in the human organism it strives in a way to create conscious experience progressively richer without known limit. But this can occur only if the required conditions are present. It is the business of the school to set up these conditions. Indeed, providing these conditions is the sum and substance of education.

Communication "by which one human being can to a degree know what another thinks, feels or believes . . . is the source of all growth except body building" (p. 78). "Two barriers to this kind of communication must be overcome. Overcoming these barriers is the problem of educa-

tion. One barrier is inability to perceive and understand if prior experience has not built up a readiness for what is presented. The second is the defense which everyone rears against the disapproval of his associates, against loss of prestige and other painful experiences arising out of interchange with others. When these barriers to communication are removed the individual spontaneously, under the inherent driving propensity of the living tissue of the human organism and the inquiring mind, will progressively achieve those experiences which expand the range of what he can know, feel, and control.

With this understanding of human nature, the whole problem of education becomes obvious. It is to place the child or other person in a situation where the individual will have new experiences which he is ready to receive and interpret. Above all education requires a social situation where communication is free and full and where the individual does not feel the need to protect himself against disapproval or other painful interchange with associates. All too frequently the school provides a situation quite otherwise.

The kind of communication which progressively creates the mind and personality of the human being is ordinarily best facilitated when the communicating individuals are co-operatively engaged in striving to achieve a common goal. Hence co-operative undertakings are an important part of education.

The book has its defects, particularly a lack of logical precision in formulating concepts and developing ideas. Nevertheless it carries a message of great importance and should command the attention of all concerned with the problem of education.

HENRY N. WIEMAN

University of Houston

TABA, HILDA, ELIZABETH HALL BRADY, and JOHN T. ROBINSON. *Intergroup Education in Public Schools*. Pp. xii, 337. Washington: American Council on Education, 1952. \$4.00.

This is the final report of the Project in Intergroup Education in Cooperating Schools, carried on from January 1945 through August 1948. During the second

year when most of the experimental work was done, eight staff members were involved in "more than 250 local projects in 72 individual schools or community groups in which some 2,500 classroom teachers, school administrators, and community workers had a part."

As a summary of what was learned in the Cooperating Schools project, this volume will be welcomed by all those people who have known about the most important and productive project in intergroup education to date. The reviewer, however, would recommend that prospective readers postpone this study until they have gone through at least one of three earlier publications: *With Focus on Human Relations* by Taba and Elkins, *Elementary Curriculum in Intergroup Relations*, and *Curriculum in Intergroup Relations: Secondary School* by members of the Project Staff.

In the present volume the authors show how educating for better democratic intergroup relations is wider and deeper than developing people who differ in respect to race, religion, or ethnic group membership. What they say incorporates the most recent emphases in modern social psychology: that personality is mostly an emergent through interactions in which people strive to satisfy their needs through the role behavior ascribed and achieved as a result of their various group memberships. While the authors acknowledge the contributions of cultural anthropology, nowhere do they develop the implications of the concept of culture for a democratic educational philosophy. The point developed is that better intergroup relations must be developed through improved interpersonal relationships, from which can grow the increased knowledge, emotional sensitivity, reflective thinking, and skills to deal with intra- and inter-group relations. The fundamentals of intergroup education turn out to be the fundamentals for democratic education in a complicated, multigroup society.

The succeeding chapters on curriculum development, group life in school, school-and-community projects, and ways of working contain superb materials on what schools can and must do if our democratic values are taken seriously. The thought will not,

however, fail to come to mind, when the original purpose of the project is kept in view, that more light might have been shed on the tremendously pressing problems of race, religious, social class, and ethnic group relations if the project supervisors had chosen their sub-projects after they had focused their thinking more on school and community situations in which the more narrow conception of intergroup relations was a crucial concern. Moreover, a clearer understanding of the unique character of representative roles vis-à-vis groups would have enabled the project workers to get a clearer conception of the distinctive part which intergroup relations of all kinds play in the lives of individuals and groups.

MARTIN P. CHWOROWSKY
University of Pennsylvania

MOTT, FRANK LUTHER. *The News in America*. Pp. x, 236. Cambridge, Mass.: Harvard University Press, 1952. \$4.50.

Frank Luther Mott, the dean of American academic journalism, has written a very wise and a very useful book, a book which explains the functions and the workings of American newspapers better than almost any book published in the last decade.

Dr. Mott, who has been a reporter and editor, a teaching journalist and head of two of the best schools of journalism in the nation, has drawn upon his experience and his wisdom to put the press in its proper political and sociological perspective. So well has he done the job that the book will raise considerable question in the minds of many as to the sense of expending huge sums of money for shoddy reports by such organizations as the Commission on Freedom of the Press.

Where the report of the Commission on the Freedom of the Press, headed by Dr. Hutchins, repeated, distorted, and emphasized unfounded accusations against American newspapers, Dr. Mott, with the same kind of incisiveness which won for him a Pulitzer Prize in American History, has cleared away many of the dead cats which have been hurled at the newspapers by several generations of "eggheads."

This is not to say that the book is noth-

ing but a paean of praise for American newspapers. On the contrary when the newspapers deserve criticism, Dr. Mott has no hesitancy in making it. The difference between the kind of criticism found in this book and the kind found in many social science tracts lies in the informed and knowledgeable basis of Dr. Mott's criticism. Of particular interest is the point that Dr. Mott makes about the newspaper penchant for "soft" news, although his argument in this connection is open to considerable debate.

The book consists of 20 chapters, beginning with a description of what news is and why it is important. These comprise the core of the book and are required reading for social scientists everywhere. The last four chapters of the book, titled "News Controls," "To Lead or To Follow," "The Responsibilities of the Reader," and "Looking Toward the Future," offer a number of new insights into the function of the newspaper in a democracy and would be well worth reading if they stood alone. These chapters, coupled with the earlier chapters in the book on the nature and purpose of the news, make Dr. Mott's contribution almost a classic in the news field. It is, I should say, of the same order and level as Walter Lippmann's *Public Opinion* and Herbert Brucker's *Freedom of Information*.

This is not to say that the book is without fault. In some cases Dr. Mott seems to hesitate or to have a reluctance to draw the obvious conclusions from the evidence which he presents. But these, in general, are minor criticisms.

The book will find wide appeal among general readers. It will find its greatest use among social scientists, political scientists, sociologists, economists, and anthropologists—who need the levelheaded approach which Dr. Mott has provided to a very difficult problem.

W. C. CLARK
Syracuse University

VEILLÉ, ROGER. *La Radio et les hommes*. Pp. 233. Paris: Les Éditions de Minuit, 1952. No price.

M. Veillé has overlaid a solid base of the celebrated French *clarté Latine* (itself lately lacquered with the tired defeatism of

postwar disenchantment) with that "practical" veneer which is the special mark of the ulcerated Purple Hearts of the broadcasting industry. Six years as director of audience relations for the French State Radio have left him somewhat preoccupied with the limitations of the medium, chief among which he lists the fickle listener. "La radio, c'est les hommes!"

So it is man as well as the machine in the corner of the living room that he explores; and before he is through with them both, the machine is upstairs on the bedside table, soothing the vulgarity-drugged cadavre of Western Man.

Still, what we have here is what the doctors call a "thorough physical checkup"; and outpatient rooms are never cheery. As a somewhat brutal diagnosis, "La Radio" is sufficiently clinical to satisfy the most footnote-hungry German. And tyros who recently have transferred to television such ecstatic clichés as "tremendous potential for good" will do well to read it for those shattering statistics which, as the author notes, are always available to those who feel compelled to go about letting the air out of optimists.

There are only 130 million radio sets. Not all of them are on at any given moment. Not all that are on are tuned to the same station. Not all tuned to the same station are being listened to. Those that are are usually emitting vulgarities. Dixieland fans do not listen to symphony, and vice versa. Lies are more exciting than the truth. There is no common denominator of dramatic taste, and the nearest thing to it is pretty low. Advertising sponsorship of programs is bad, but state ownership can be worse.

So what we wind with, after thirty years—what we must manage to live with for perhaps another 300—is something as variegated and complex and incomplete as the theatre, movies, the schoolroom, the pulpit and the printed page . . . and as unlikely to become the wonder drug that will heal society's malignant cancers, or even lower its recurrent fevers. The comforting part of the conclusion is that, now the novelty has worn thin, it is equally obvious that a medium of mass communication which

lacks the force to better man lacks also the power to destroy him.

Meantime the larger battle between the dreamers and the chroniclers of man's inherent limitations undoubtedly will go on, and will be as likely to be won at Strasbourg or Luxembourg as in any Paris sound studio. One could feel more confident of the issue if the French, those onetime touchstones of intangible, wildly illogical hope, were less keen these days on cataloguing the ever-present empirical reasons for despair.

LLEWELLYN WHITE
Washington, D. C.

PHILOSOPHY AND RELIGION

VIERECK, PETER. *Shame and Glory of the Intellectuals*. Pp. xvi, 320. Boston: The Beacon Press, 1953. \$4.00.

One can speak of this book only in superlatives. In more than twenty years of reviewing, the present writer can recall few books to match this one for its originality of ideas, its provocative challenge, its penetrating wit, and its sheer brilliancy of expression. It is becoming increasingly obvious that in Peter Viereck the nation possesses a truly great creative thinker. Poet, historian, and tough idealist, he combines the sensitivity of the poet and unusual insight into historical causation with a rare quality of fighting humanitarianism.

Viereck's fundamental thesis rests on four assumptions: (1) The plain duty of every intellectual is to fight the totalitarian evil. (2) The contemporary form of the totalitarian evil is, above all, Communism. (3) The glory of the twentieth-century liberal intellectuals is the vigor with which they took the only possible position towards the Nazi threat. (4) The shame of the twentieth-century liberal intellectuals is their failure to expose and fight Stalinist totalitarianism with exactly the same vigor they showed against its brown-shirted version.

With these assumptions as a basis, the author uses a technique composed of free association, surrealist dialogues, historical analysis, challenging quotations, letters,

satire, and his own Pulitzer Prize-winning poetry. Very little escapes the acid of his pen, from William F. Buckley of Yale to Ezra Pound of St. Elizabeth's Hospital, from Joseph McCarthy to Alger Hiss, from the *National Guardian* to the *Nation*, from genocide to neutralism. But out of this variety of subject matter emerges a firm unifying theme—the true basic American value lies in ethics, not economics, in the lasting Christian-Judaic ethics rather than in any changing economic system. This is the platform he urges to the West against the Soviet aggressor: to be the conserver of this ethical code can be the glory of the intellectual; to be its materialistic destroyer can be his shame.

Vigorously opposed to mushy liberalism, Viereck has been called the principal standard bearer of the "New Conservatism," which believes in and will defend the tradition of a humanistic democracy. Since he regards Winston Churchill as "the Cassandra of freedom," he dedicates his book to the great Englishman, "whose career . . . against both Nazism and Communism has made him the inspiration and world-symbol of the independent new conservatism now being born out of the agony of the 1950's."

It is impossible to give more than a glimpse of this stimulating and eloquent book. Every page sparkles. Viereck creates the character of Gaylord Babbitt as the symbol of the new Babbitt ("Babbitt Senior wanted to cover the torn wallpaper with 'Whistler's Mother' while Babbitt Junior insisted on a Picasso" [p. 26]). The author's "vignettes about the monsters Hitler and Stalin" ("twins but not identical twins") are among the most devastating portraits ever etched in the English language of the two dictators. He rewrites a portion of the Communist Manifesto, ending his version with this call: "Human beings of all classes, unite!" (p. 5). He defends the long-run aspects of British imperialism against the Lenin-Hobson view and denounces the baiting of business and Catholics.

Viereck's ingenious phrasemaking reminds one of George Orwell ("the palaeobolshevikode of 1936-39"; "the Stalinoid mentality"; "communazism"; "Comrade

Blimps"; "Lumpen-intellectuals"). His ruthless satire recalls that of Jonathan Swift ("Old George Babbitt merely hates art. Gaylord Babbitt hugs it to death" [p. 65]). His thunderous denunciations have a Savonarolean ring ("All were terrorists who believed in bad means to bad ends; down with all of them!" [p. 142]). His wit is as delicate as Oscar Wilde's ("The danger to students of being branded for life by a socialist is less than that of being blanded for life by a socialite" [p. 304]).

It is certain that every reader will find something to annoy him in this book. Some will object to its bitterly sardonic, often violent, style. "Nobody writes gracefully against disgrace," writes Viereck in explanation. But it is important to realize that he has struck a powerful blow against the local American phenomenon of standardized thinking of both right and left. It is obvious that behind the thundering voice is the heart of an apostle of decency and a great humanitarian.

LOUIS L. SNYDER

The City College of New York

CORNFORD, F. M. *Principium Sapientiae: The Origins of Greek Philosophical Thought*. Edited by W. K. C. Guthrie. Pp. viii, 271. New York: Cambridge University Press, 1952. \$5.00.

It is an abiding achievement of F. M. Cornford to have shown that early Greek philosophy represents no contradiction of the principle, *natura nihil facit per saltum*, but is rather the result of a gradual development out of mythological thinking. So it was that Ionian thought applied to physical phenomena the principle of retribution which is so deeply entrenched in popular sentiment and its proverbial expression.

The first part of this book, *Empiricism versus inspiration*, begins with antithesis between the natural philosopher and the physician among the Greeks—the physician claiming to build up from experience a body of knowledge and the philosopher occasionally observing but never devising experiments.

Epicurus serves as an instance of dogmatic assertion, outrunning both sense-experience and reasonable inference there-

from, in contrast with the professed empiricism of Hippocrates "On Ancient Medicine." Plato knew medical theory and medical practitioners (for example, Eryximachus in the *Symposium* and his doctrine of Recollection is presented as a serious attempt to answer the question of how the mind acquires the type of knowledge which Socrates had equated with goodness). The solution was afforded by the Pythagorean idea of pre-existence accompanied by some degree of recoverable memory of previous life. Dialectic was essential, but it was not enough; other things were to Plato, at least in certain moods, "something more than fantasy." Even the sober Socrates paid heed to dreams and oracles (see E. R. Dodds, *The Greeks and the Irrational*, p. 217); and, if Plato could, in the *Phaedrus*, speak of "divine madness," Democritus had his theory of inspiration and his view of intuition as higher than sense-perception. Aristotle quoted the classification of reasonable beings as either gods or men or beings like Pythagoras; some men could see or could come to see further and deeper than others.

All this is illuminating, just as it is beautifully presented. When, however, Cornford introduces the general concept of shamanism as supposedly involving "the union of prophet, poet and wise man in the same person" he is on less sure ground. If such a combination had ever existed in Greece (and I see no reason to believe it), it lay in a remote past; the tales of Abaris and Aristeas and the fact that Epimenides, as later Empedocles, shows comparable features (see M. P. Nilsson, *Gesch. d. gr. Religion*, I, 582 ff.) do not justify generalization). Certainly Cornford's contention that that the quarrel of philosophy and poetry arose from the differentiation of the three types—poet, prophet, and sage—out of the single figure still extant in the shaman, lies outside the area of historical inquiry. Nevertheless here, as in the second part, *Philosophical Cosmogony and Its Origins in Myth and Ritual*, Cornford is eminently worth reading. In editing this posthumous work, Guthrie has deserved well of all who are concerned with the origins of Western thinking.

ARTHUR DARBY NOCK

Harvard University

FOSDICK, RAYMOND B. *Within Our Power: Perspective for a Time of Peril*. Pp. x, 114. New York: Longmans, Green & Co., 1952. \$1.75.

This is a kind of sermon, giving an interesting analysis of our time, with proposals for "beginning the world again." We must overcome fear; we must not be afraid of change; our understanding of human behavior and social relations must become more nearly equal to our scientific achievement; many forces are working to make our world "one world," if only we can keep numerous divisive forces from interfering; the Russian system is doomed to ultimate failure because the human spirit cannot forever be imprisoned; diversity of thought and belief is not incompatible with peace; even today we must have freedom to speak out the principles of the Declaration of Independence without fear of being branded as subversive. All of this to the good.

The author frankly says that his own generation got off the track, that it cannot escape bitter condemnation. But where and how did this happen? "Surely we did not plan it this way. . . . We entered the twentieth century imbued with the hopeful philosophy of Herbert Spencer. . . . Then came the bewilderments of 1914 and 1929 and 1939, and we began to realize that society had been less humanized than we thought. But why? This reviewer cannot help but feel that the past generation made its great mistake when it accepted the humanistic philosophy of Spencer. It is disappointing therefore to find the author proposing nothing better than the same humanism with which to remake the world. His text is the words of Thomas Paine: "We have it within our power to begin the world over again" (italics reviewer's). His hope for the future is found in the fact that medicine has wiped out malaria in one generation; that science has added so much to our understanding of man. This is our age searching for truth. This "represents man at his best." "It is impossible to believe that this strange and indeflectable being is now going down in defeat before forces which he himself has created. Rather, we catch a glimpse of him as a heaven-storming creature, the purposeful

architect of his own fortunes. . . . This is the hope we live by." Does humanism have the power with which to storm the gates of heaven? This reviewer does not think so.

The book contains one prize illustration of a world which was made over again. Had the author used this as his text and developed it, his conclusion would have been different. It is the story of Saint Jerome who, upon learning that the Goths had sacked Rome in 410 A.D., cried out: "What is left if Rome perishes?" Not despairing, however, Jerome turned to his monastery cell and produced the Vulgate, thus proclaiming the power of God and the Christian faith which eventually dispelled the barbarian blight. The power by which Jerome's world was remade did not rise from below to storm the gates of heaven. It flowed down from the gates of heaven. This reviewer is of the opinion that our present world can be made over again only as these same gates are reopened and as power comes down from above with which to lift man upward and onward. He also believes that our neo-orthodox theologian friends, though underrating man's capacity to respond to that power, have nevertheless evaluated humanism more accurately than our author has.

GUY F. HERSHBERGER

Goshen College

HOPPER, STANLEY ROMAIN (Ed.). *Spiritual Problems in Contemporary Literature*. Pp. xvi, 298. New York: Harper & Brothers, 1953. \$3.00.

This volume is based on a symposium given at the Institute for Religious and Social Studies of the Jewish Theological Seminary of America. Eighteen interpreters of current literature grappled, each in his own way, with "the basic problems of civilization" as "mirrored in its literature" and, in particular, with the artist's communication of "modern man's search for a soul, for comradeship, for inner peace, for 'a place in the cosmos,' for hope, for creative satisfactions." Each finds himself and his contemporaries confronted with problems which are essential religions.

The editor says in his Foreword that the book aims "to bring together both literary and theological opinion upon these themes, with a view to throwing some interpretive light upon the problems shared by artist and religious interpreters alike."

Under the general heading "Religion and the Artist's Situation," which constitutes the first part of the book, James Johnson Sweeney discusses "The Literary Artist and the Other Arts"; Albert Salomon discusses "Sociology and the Literary Artist"; Irwin Edman discusses "Philosophy and the Literary Artist"; Horace Victor Gregory deals with "Mutations of Belief in the Contemporary Novel"; Theodore Spencer deals with "Man's Spiritual Situation as Reflected in Modern Drama"; and Delmore Schwartz discusses "The Vocation of the Poet in the Modern World."

The second part of the book is entitled "Religion and the Artist's Means." Here David Daiches discusses "Theodicy, Poetry, and Tradition"; Kenneth Burke and Stanley Romaine Hopper discuss "Mysticism as a Solution to the Poet's Dilemma"; Harry Slochower deals with "The Use of Myth in Kafka and Mann"; Cleanth Brooks deals with "Metaphor and the Function of Criticism"; William Barrett discusses "Existentialism as a Symptom of Man's Contemporary Crisis"; and Stanley Romaine Hopper discusses "The Problem of Moral Isolation in Contemporary Literature."

The third and final part of the book has to do with "Religion and the Artist's Beliefs." Denis de Rougemont deals with "Religion and the Mission of the Artist"; George R. Kernodle discusses "Patterns of Belief in Contemporary Drama"; Judah Goldin discusses "The Contemporary Jew and his Judaism"; Wallace Fowle presents "Catholic Orientation in Contemporary French Literature"; Amos Niven Wilder discusses "Protestant Orientation in Contemporary Poetry"; and Emile Cailliet discusses "The Literary Mind and Religion's Responsibility."

Despite the varied views of the contributors this symposium achieves a unity of purpose rarely attained in such efforts. It is a book to read and ponder because it does succeed in communicating some of the

spiritual problems of contemporary civilization.

CLARENCE LINTON

Columbia University

DE GRAZIA, SEBASTIAN. *Errors of Psychotherapy*. Pp. 288. New York: Doubleday & Company, 1952. \$3.00.

The author is a man both of "passion" (p. 252) and of thought, as his portrait and his writing proclaim. His thesis is that neurosis is a moral disorder, that anxiety is guilt, that cure is contingent on forgiveness authoritatively given and truly accepted. The poignant essence of the book speaks in the first paragraph of the Introduction: "Small gods walk up and down the land. To them people pray. They pray for relief from disordered passions, but so long as they beseech small gods their peace will be small. They are like children crying for parents they do not know are dead."

The pathos of that opening paragraph haunts the reader throughout the book; and especially so if he be a psychiatrist. The author's analysis of the so-called statistics of therapeutic results is devastating. His description of the nonmoral, "non-directive" methods of psychotherapy is chilling, even frightening. He explodes the fallacy that psychotherapy, or any form of human relations, can exist without the bipolar factor of some form and degree of authority and acceptance.

Dr. de Grazia is not a psychiatrist and has not faced the therapeutic problems and responsibilities of a psychiatrist. He reveals his ignorance in his discussion of shock treatment. He states, quite correctly, that psychotherapy is based on communication; but he seems to think that the use of material things is also only psychotherapy. Giving a man a bottle of vitamin pills is, to be sure, a form of communication; but the communicative aspect of the gift does not in itself correct the vitamin deficiency and the behavior disorder resulting from it.

The same can be said for the shock treatments. To the author, shock treatment is immoral (p. 197). "Though it is undoubtedly cleaner than the maligned practices of bygone days, the treatment may or may not be as brutal. Once one gets into the re-

finements of cruelty, one cannot say exactly." But it would be cruel indeed to deny shock treatment to the patient tortured by black despair and the delusions that go with it. This reviewer has seen faith in God and man restored, and peace and comfort replace anguish, by shock treatment alone. Scholastic elegance and philosophical speculation must yield to human need and suffering. Any other view would be immoral.

This book is well worth reading. But the discussion of shock therapy especially must be read critically, with extreme skepticism. One could wish that the author might work for a time as nurses' aide or attendant in a well-run psychiatric hospital. His humanity and intelligence would be a God-send to the patients, and he would learn from them.

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COMMONWEALTH OF NATIONS

TOYNBEE, ARNOLD. *The World and the West*. Pp. vii, 99. New York: Oxford University Press, 1953. \$2.00.

Arnold Toynbee's reprint of the Reith lectures of 1952 on *The World and the West* is a foretaste of topics which will be published in four new volumes of his monumental *A Study of History*, scheduled for 1954. It is a general study of the impact of western civilization on the rest of the world—a very large "rest," since in the author's meaning it includes Russia, as well as Islam, India, and the Far East, in fact the whole vast area "stretching south-eastward from Danzig and Trieste to Calcutta and Singapore" (p. 73). In all these countries there have been invasions by western armies, western goods, western administrative and industrial techniques, and western ideas, ranging from Christianity to nationalism.

To this invasion the eastern peoples have reacted variously. Some, like Peter the Great of Russia and Mustapha Kemal of Turkey, have tried to swallow and digest the whole dose of westernism; some, like the Young Turks of World War I, tried to

take over certain superficial aspects of the West, such as militarism and industrialism, while retaining their old traditions otherwise; some, like the desert fanatics of Islam, or the Orthodox "Old Believers" in seventeenth century Russia, have tried to repudiate all things foreign without discrimination. All three methods have led to wars, revolutions, and deep psychological strain on individuals caught between the old and the new.

For centuries the current has flowed one way, but now there is a turn of the tide. Communism is a Russian weapon, but a weapon of western origin "like bombs, aeroplanes and guns," which is now being turned against the West, and has "served Russia as a weapon for bringing into the Russian camp the Chinese quarter of the human race" (p. 14). It may make a further appeal to "a depressed Asian, African, and Latin American peasantry." But the East has other spiritual weapons. Mr. Toynbee reminds us that Greece and Rome, after conquering the Mediterranean world with the swords of Alexander and Caesar, were in turn conquered by the Christian religion arising out of tiny Palestine, and a similar ideological conquest may once more await the modern West.

PRESTON SLOSSON

Ann Arbor, Michigan

ROBERTSON, D. H. *Utility and All That and Other Essays*. Pp. 207. New York: The Macmillan Company, 1952. \$3.50.

This volume by one of Britain's best known economists brings together sixteen of his postwar lectures and essays dealing with basic economic theory and public policy. They are grouped under four main headings: economic fundamentals, capital and interest, international economic relations, and money.

No brief review could adequately set forth or appraise the substance of Professor Robertson's trenchant argument, nor convey its inimitable savor. This is a book to be read, not merely talked about second-hand. By no means its least significant feature is its captivating readability, which entices one along even where the analytical path is far from easy.

Here is an absorbing spectacle, as one

who is himself no mean hand at forging and utilizing keen-edged analytical tools proceeds, with beguiling wit and disarming good humor, to discomfort the architects and occupants of some of the elegant structures that bedeck the landscape of present-day economic thought and policy. Have we not (he wonders) been somewhat overhasty in deserting the humbler conceptual edifices of older craftsmen, to dwell bemused in esoteric halls and hold discourse in words that have slight meaning for the common man?

Has all been won and nothing lost in the effort to banish the notion of cardinal measurement of utilities from the discussion of consumer choice and economic welfare? Contemplating the formidable mechanism of ordinal comparisons, heavily buttressed by mathematical symbolism, Professor Robertson questions whether the attempted purge has not largely missed the boat. After all the fuss and fury, might not some sound sense be regained by a judicious revival of the not-quite lifeless corpses of measurable utilities and consumers' surplus?

Have we gained much ground on Marshall's treatment of the pricing process since "Geometry ascended the throne left vacant by philosophy and common sense; and ingenuous youths and maidens, beguiled into the belief that here at last was a true picture of the real world, spent the best moments of their young lives in memorizing (generally wrong) endless fantastic patterns of tangencies and intersections." But of course "they also serve who only waste their time."

On matters of public policy Professor Robertson makes bold to urge a second look at some of the prescriptions of the older doctors of economic liberalism, in a day when many are disposed to substitute the wisdom of authority for the dispersed and fumbling strivings of free consumers and enterprisers. Are the directive capacities of bright young men (or old), and the manipulations and monkeyshines of functional finance, of carrot-laden taxes and subsidies, of exchange controls, of planned investment, of allocations and quotas, singularly more promising of a viable economy and the general welfare?

Why not let time and economic forces sometimes play a part? Intervention? Yes, but sparingly; not as a nostrum for every passing chill or runny nose.

A. M. McISAAC

Syracuse University

CRITCHLEY, T. A. *The Civil Service Today*. Pp. 150. London: Victor Gollancz, Ltd. (distributed in the U. S. by John de Graff, Inc., New York), 1952. \$3.00.

Although the present volume is not primarily intended for professional administrators, it should nevertheless be high on their list of required reading. With rare insight and good humor and with what is even rarer among the professionals—a felicitous English prose—Mr. Critchley examines the general scope and functions of the Civil Service and some major problems of personnel organization and administration. Among these are the problems of administrative reorganization, of recruitment and training, of "red tape" and record keeping, of political responsibility and the relations of civil servants to politics and the general public.

It becomes clear that the British Civil Service has been struggling with problems not dissimilar from those with which Americans have become painfully familiar. As Big Government has evolved to meet the needs of an industrial civilization, as the laissez-faire state has given way to the welfare state, the Civil Service, as the most visible sign of these Promethean changes, has increased not only in size and importance but in complexity. Gone are the days when civil servants could be described as the "black coated proletariat" of the Royal Household. The British Civil Service of today includes not only the administrative, executive, clerical, and foreign service classes—not only diplomats, typists, bookkeepers, and clerks—but a new Scientific Civil Service employing some of the most distinguished scientists in the world. Although, as Lord Beveridge observes in his Introduction to Mr. Critchley's book, the British civil servant must still take vows of "poverty, anonymity, and obedience," his prestige has grown as society has become increasingly dependent on him.

Not all of the new functions of government have devolved upon the Civil Service as such. Upwards of 200 independent boards, commissions, councils, and corporations are more or less outside Her Majesty's Civil Service. "The only feature common to them all," says Mr. Critchley, "is that while they are 'official,' none of them lies within the strict orbit of the Civil Service; they are independent of Parliamentary and sometimes Treasury control to an extent that no Government Department is." Hence it is that the vast expansion of governmental functions through nationalization of the economy has had comparatively little effect on the Civil Service. Nevertheless this development, both in England and America, poses a crucial problem for responsible democratic government. It emphasizes the central importance of administrative management—if we are to insure efficient dynamic leadership in these enterprises, without sacrificing the equally important principles of political control and responsibility. Our dilemma, as Mr. Critchley puts it, is that of "creating a manageable number of unmanageable departments—or an unmanageable number of manageable ones."

Some time-honored principles will need careful re-examination if we are to see to it that the new Social Service State does not degenerate into what Mr. Belloc called the Servile State. The classical distinction between "politics" and "administration," and the traditional pattern of hierarchical internal organization—of "unifunctional" agencies—may need drastic revision. "Policies," says Mr. Critchley, "like elephants are more easily recognized than defined." And how policies are formed not only from Parliamentary debate—but from the process of administration itself—becomes clear in his illuminating description of how departmental policy emerges from a hundred or more "administrative" decisions.

The true greatness of the British Civil Service is not to be found in any single principle or practice but in a complex combination of political, economic and social factors, which appear only by inference in Mr. Critchley's volume. But for Americans struggling with the difficult problems

of Big Government and Big Bureaucracy—this modest book has much to offer.

PETER H. ODEGARD

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DRUMMOND, J. M. *The Finance of Local Government, England and Wales*. Pp. vii, 206. London: George Allen & Unwin (distributed in the U. S. by The Macmillan Company), 1952. \$4.50.

The people of England and the United States all speak "English," but only the people of England will understand Mr. Drummond's book. The language is highly technical even for the "ratepayers," "taxpayers," and others in England and Wales. Many terms and references are unfamiliar to Americans.

The book is at its best in Chapter I, the introduction and summary. Here the author speaks about principles and general conclusions from English local government financial experience. Here, too, his language is less technical and his writing clearer to the ordinary reader. The book as a whole, however, does not live up to the author's statement that "these pages are intended primarily, not for the practitioner, but for the lay reader. . . ." Like other English books on local government accounting and finance, it deals largely with legal requirements and little with principles.

Local governments in England have as their principal source of income their "rates" levied on the *occupiers* of property as opposed to the general American plan of levying local taxes on *owners*. While the English fix a theoretical income on which they levy the "rate," the difficulties and inequities appear to be at least as great as those of applying the general property tax in this country.

American readers may be amazed to learn that in England new valuations for local tax purposes were last made in 1934, that three-fourths of the "rate" burden was removed from industry, and that agricultural property has been completely relieved of local rates. Mr. Drummond does not comment on the propriety of this discrimination.

The English local government budget has "the primary function . . . to fix the rate

in accordance with statutory requirements . . . and the secondary object . . . firm control of an authority's finances." Concept of the budget as a work program seems to have been omitted. But the English fall into the same error as American local governments, that is, their emphasis on the "paper work" of the budget and on the mechanics of making and using the budget. American practice seems to place more emphasis on responsibility for and control of expenditures. English devices for budgetary control seem less adequate than ours.

Mr. Drummond's discussion of government grants is good. How like the United States it seems when he says, "The local authorities are prepared to surrender their freedom in return for the financial assistance . . . and the central government not unnaturally do not dislike the control and supervision which the percentage system affords them."

Local government borrowing in England appears to be dominated now by the central government. All borrowing must be done from the Public Works Loan Board unless the Treasury approves otherwise. The Board fixes the terms of payment and the rates of interest. One small advantage is the fact that small communities can finance themselves at about the same rate as the larger places. English local governments do not appear to have the advantage of a highly specialized and usually highly competitive corps of specialized dealers in municipal loans.

Mr. Drummond's book has nine chapters besides the introduction. The chapters are entitled "Rating and Valuation," "The General Rate Fund and the County Fund," "The Budget," "Control of Finance," "Government Grants," "Capital Expenditure and Borrowing," "Trading Services, including Housing," "The Finance Department," and "Miscellaneous Financial Matters."

Mr. Drummond's book is authoritative. There is enough of interest in it to justify the difficult task of reading it. But the same subject matter can be presented in a more readable manner as demonstrated by the article, "The Financial Structure of the City of London," appearing in the December, 1952 issue of the *National Tax Journal*.

Mr. Drummond's book would have been improved, even for English readers, by a definition of terms, a clearer explanation of the organization of local government, and more evaluation of English experience.

CARL H. CHATTERS

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The Durban Housing Survey: A Study of Housing in a Multi-racial Community.

By the Research Section of the Department of Economics and certain specialists in other departments of the University of Natal. Pp. xii, 508. Durban, South Africa: University of Natal Press, 1952. 35 shillings.

This sober study merits careful reading by every student of social and racial tensions. Though it deals with one of the world's most troubled areas, the authors are unaffected by the pressures of the majority or the sensitiveness of the affected minorities. They have produced a rich 500-page fondue of facts, into which anyone may dip for his inferences, and be rewarded.

Durban, largest port city on the African East Coast, has a mixed population of 13,000 Coloreds, and Indians, African Natives, and Europeans numbering about 125,000 each. Industrialization and economic opportunity have zoomed the population, and in 1932 alone, some 20,000 Europeans, 51,000 Indians, and 21,000 Natives poured into the area. Competition for the few suitable sites set in, and tensions, already high, mounted still further. The Europeans were outnumbered but not outvoted. They brought the law to their side.

Segregation was legalized by racial zoning ordinances. It was both vertical and horizontal segregation—vertical for the Europeans who like the fresher breezes and the view; horizontal for the others. Greenbelts, rivers, valleys, and other barriers keep the less desirable within distant enclaves, and a two-hour wait for the bus that takes them to their slums is not unusual.

Demolition of several thousand native dwellings and the inflowing population brought more shack towns and more slums. Some 45,000 to 50,000 urban Natives live in sheds and lean-tos of corrugated sheeting

or flattened iron drums that are grouped in huddled clusters and cling precariously to the hillsides. "Vermin, flies, cockroaches and other pests flourish in the uncovered food, overflowing pits, neglected refuse dumped a few yards from the shacks and general filth . . . there were 92 deaths from gastroenteritis in children under two years of age during one period of 24 days." Lice and tuberculosis are plentiful, dysentery is exported, hospitals crowded.

Such Native housing as is built is financed through municipal sales of beer consumed by the Natives themselves. Hence, the more municipal beer the Native drinks, the better his prospects of getting a roof over his head. Not all Natives, however, are accommodating, and all too many abandon beer for shimiyané or the home-made brews of the Skokiaan queen; the report does not censure them, conditions being what they are.

A committee on Durban's current racial zoning dilemma asks: "Where will the people go who are now living in areas zoned for another race, and how will they re-establish themselves? Our illegal shack areas demonstrate only too clearly how ineffective segregatory laws can be when they merely prohibit a group from living in a certain place but do not provide adequately for them elsewhere."

Durban's dilemma is a growing one wherever cheap labor is being drawn from the hinterland to do the tough and menial work in the burgeoning economies. The older settlers benefit from the labor, and the industries need it desperately, but no one wants them to live nearby. Fear of losing social status is exerting its influence widely. South Africa has backed it up by law, but few will say it has as yet proven itself the right way.

CHARLES ABRAMS

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FAY, C. R. *Round About Industrial Britain, 1830-1860*. Pp. ix, 227. Toronto: University of Toronto Press, 1952. \$5.50.

These informal and discursive essays originated as a series of lectures delivered in 1950 at the University of Toronto. They possess the intimate flavor of reminis-

cence, as though the author were recalling stories told him in his youth by his father. Professor Fay's recollections, added to those by his father, who began his apprenticeship in a textile factory of Manchester in 1860, extend over almost a century of industrial growth. He has not, however, relied upon memory alone, but has documented a great variety of incidents that have attracted his attention.

Professor Fay has studied at length the reciprocal relation of technology and industrial evolution. Feeling his own knowledge of various techniques to be inadequate, he has elicited the co-operation of ten experts on several phases of technology. Acting on the assumption that "technology is the skeleton on which economics is the flesh," he has in the first place arrayed information under the chapter headings of "The Stream of Industrial Invention" and "Patent Law and Commodity Study." He supplements these chapters later on with a biographical study, "With Faraday in London," which is a museum cabinet of curios somewhat related to Faraday, London, and technology.

More extensive than the studies on technology are the essays on important industrial places of a century ago. On this historical tour of industrial Britain, Professor Fay visits nine different places and relates scattered information—not history but the stuff of history—about each. At Merthyr Tydfil he pauses long enough to paint a "depressing picture" of a town "thrown up in Britain's wealth-grubbing scramble," and to add a few titbits on the Welsh Chartists. His treatment of the several towns varies greatly in scope, ranging from a telescopic view of the economic and political panorama of Birmingham to microscopic pin-points in Sheffield. He observes "ten facets of Sheffield life and work . . . taken from contemporary sources," three of which relate to the technical skills and processes of knife making in 1840, the Bessemer process, and the making of armor plate in 1862; other facets pertain to working conditions, low wages, inadequate housing, and poor health of workers as revealed by the vital statistics of 1840.

The same great diversity of information occurs in the essay on the textile towns.

At Manchester he is concerned only with the cotton famine of 1860 resulting from the American Civil War; but at Bradford he carefully tells the story of its rise and triumph as the center of the worsted trade. On finally reaching the Port of Glasgow he exults in the history of the Clyde, which "has held first place among the rivers of the United Kingdom for output of ships and engines" from the time of the first iron ship to the *Queen Elizabeth*.

Such are the essays of this volume. Unlike a well disciplined Clapham history, they afford materials for browsing and bits of both useful and curious information not readily accessible elsewhere. The students of general economic history, as well as students of early Victorian England, will find this a useful and an entertaining volume.

RAYMOND G. COWHERD

Lehigh University

HOYLES, J. ARTHUR, *The Treatment of the Young Delinquent*. Pp. xi, 274. New York: Philosophical Library, 1952. \$4.75.

The Treatment of the Young Delinquent is a study of modern psychological and sociological developments in the handling of youthful antisocial persons from the standpoint of the Church. The author is an English—though apparently not an Anglican—clergyman who has worked closely with leaders in progressive juvenile courts. He is convinced that their methods hold greater promise for social betterment than do the traditional attitudes of impartial justice and retribution, and he has written this book to demonstrate that they more nearly conform to Christian principles as well.

Speculation about such issues as free will versus determinism provides the groundwork for a thoughtful justification of the individualized case-work approach to the youthful offender. The review of modern thinking about the etiology of crime and delinquency, which quotes Burt, Healy, Lange, and other twentieth-century writers, also derives support for their viewpoint from such unexpected sources as Jeremiah, Ezekiel, and St. Augustine. Mr. Hoyles's conclusion that crime results from no single cause, but from combinations of factors

—personal, familial, and environmental—is just as surely reached as by the statistics and equations of the Gluecks.

Familiar fallacies which seem to have religious sanction are analyzed in the middle third of the book. The first chapter in this section deals with the fallacy that a given offense can be equated with a predetermined amount of punishment. Revenge, appeasement of a tribal god, expiation, satisfaction of an abstract principle, represent evolutionary stages of the theory of retribution. But having outgrown the theory of retribution, man in his attempt to rationalize his animal craving for vengeance on those who offend developed the idea that the infliction of pain or the deprivation of privilege possesses a magical virtue in itself, cleansing those who have violated moral laws from the remorse or guilt which is believed to be the natural consequence of crime. This, too, Mr. Hoyles repeats as being inconsistent with either psychology or religion. And he also has nothing but contempt for the theory that fear of punishment is either an adequate motive for good behavior, or a potent deterrent to crime. For his point of view, Mr. Hoyles quotes Biblical as well as contemporary authorities.

As a substitute for the punitive approach, Mr. Hoyles advocates the methods of the more advanced British juvenile courts, utilizing personnel trained in psychiatry and counseling. Warning that the mere rejection of outmoded superstitions is not enough, he is fearful lest new fallacies replace old. He points out that gratitude for the withholding of punishment is not a reliable force to insure good conduct, that the well-meaning friendly supervision of the untrained may compound error. He argues, therefore, that there must be treatment and that this treatment must be exactly scientific at the same time that it is scrupulously individualized. Only in this way, he holds, can the treatment of the youthful offender fulfill the requirements of Christian justice.

In all probability, the book will best serve to orient theological students to ministry among the maladjusted and to help them understand as too few of the clergy do today the aims and methods of

guiding child development utilized by courts and other community agencies. But it is an interesting volume for the general reader.

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INNIS, HAROLD A. *Changing Concepts of Time*. Pp. vii, 142. Toronto: University of Toronto Press, 1952. \$3.00.

The late dean of the Graduate School at Toronto, interested in the negative effects of communication systems and the United States, intends in this collection to elaborate the ideas developed in his *The Bias of Communication* (1951) and *Empire and Communications* (1950). The title is more philosophical than are the essays, which are caustic, outspoken, and stimulating, but, for this reader, not so conclusive or precise as they might be.

The five essays, which are somewhat repetitious, are entitled "The Strategy of Culture," "Military Implications of the American Constitution," "Roman Law and the British Empire," "The Press, a Neglected Factor in the Economic History of the Twentieth Century," and "Great Britain, the United States and Canada." A major point the political economist desires to get across is that power and force, "the natural enemies of intelligence," have become more serious as "the mental processes activated in the pursuit and consolidating of power are essentially short range" (p. v). The essays are pervaded by a strong current of Canadian nationalism and an acute awareness of American influences.

It is perhaps the fairest course to select a few random quotes which may arouse the curiosity of the reader. "We must rely on our own efforts and we must remember that cultural strength comes from Europe" (p. 2). "A Canadian is too close to make an effective study [of the United States] but he has the most to gain from it" (p. 21). Dr. Innis expressed "A firm belief in the impossibility of the spread of Communism in common law countries and in the danger of American imperialism in exploiting us through its propaganda about Communism . . ." (p. 76). He refers to

the idea that the "instability of public opinion which follows the introduction of new inventions in communication designed to reach large numbers of people is exploited by those in control of the inventions" (p. 102).

RICHARD H. HEINDEL

Washington, D. C.

REYMOND, LIZELLE. *The Dedicated*. Pp. x, 374. New York: The John Day Company, 1953. \$4.50.

This is not merely a biography of that great Irishwoman Margaret Noble, who, as Sister Nivedita, consecrated herself to the service of India, but also of Swami Vivekenanda. The book also vividly portrays political conditions in India at the opening of the twentieth century. It is beautifully written, but I wonder if the author did not inject some of her own personality in describing the saintliness of Nivedita, as it is difficult to reconcile her political activities with the spiritual aspect of her life in which she took the three vows of poverty, chastity, and obedience, subordinated her own free will to that of her 38-year-old religious teacher Vivekenanda, and often lost herself in prayer and meditation.

The first years of the twentieth century were for India a time of "exceptional deadness in political life," although it produced some great spirits such as Aurobindo Ghose, Gopal Krishna Gokhale, Bal Gangadhar Tilak, Ram Mohun Roy, and Rabindranath Tagore, all of whom were counted among Nivedita's friends. On the side of daily life and political thought, she was "drunk with India," and her house became a refuge with food, money, and maps for Indian nationalists who had to escape. She was marked down by the British for allegedly subversive activities. Her mail was opened and she was in constant danger of deportation. On a return trip to England, she acted as a liaison between scattered Indian nationalist centers in England, in the United States, and on the continent, and reorganized by clandestine methods the publication and distribution in India of banned newspapers. When she came back to Bombay, it was under an assumed name and in disguise.

Hers was the initiative on which several flourishing private enterprises were founded in Bengal. She started the Swadeshi movement—the first attempt at nonco-operation and boycott of English goods—and she was among the first to peddle native woolen stuffs in Calcutta. She passionately believed in the necessity for action in India itself since "What countries grow to is good, and what is done for them is painted show." She wrote: "I pray that I may be reincarnated to cry 'Young India' when the time comes to snatch the country's freedom from England." She told Hindus to go and learn how to shoot and handle a weapon, and at the same time she sent groups of young men to England, the United States, and Japan for professional training to be ready when the time came. She prophesied India's freedom for 1921 but it came in 1947.

As a "Mother of the People," as Tagore called her, she opened in 1903 a school for girls from "orthodox circles" to whom all book learning had been forbidden, and supported the school mainly from the earnings derived from her lectures and writings. The school embroidered the national flag for exhibition as early as 1905.

Ill, and in the evening of her life, she "lived like a leaf detached from the bough with no will and no desire." Although the symbol of Kali, the Mother of Energy, had entered into possession of Nivedita's life, she began to worship passivity and passed away at the early age of 44. Paraphrasing Vivekenanda's teaching: "With desire all gone, with all the chords of her heart broken, she attained immortality."

This is a "must" book for a real understanding of the intertwining of religious and political life in India.

ALBERT E. KANE

Washington, D. C.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT. *The Economic Development of Jamaica, Report by a Mission*. Pp. xvii, 288. Baltimore: Johns Hopkins Press, 1952. \$5.00.

The Report consists of two parts of about equal length. The first embraces findings of the Mission in agriculture, mining, manufacturing, tourism, transport,

power, and social services, and specific recommendations on financing a program of development in each field. The second—thirty-five annexes—gives additional factual details on aspects of the economy or further analyses of the Mission's recommendations.

As three-fourths of the basic activities of Jamaica are directly related to agricultural production and processing, any major plan of economic development must emphasize improvements in farming and activities related thereto. The Mission is convinced that potentialities of agriculture are far from full realization. It strongly recommends a complete aerial and ground survey to provide the necessary data for effective planning of land use and for carrying out essential developmental works. The Mission believes that it is possible and feasible to add 150,000 acres of cultivated land and to increase per acre yields substantially. Recommendations are made for an Agricultural Developmental Program, embracing soil conservation and rehabilitation, reforestation, pasture improvement, irrigation and land reclamation, rural housing and water supply, and agricultural credit. If the recommendations are put into effect, there would result a substantial increase in the output of beef and dairy products, sugar, bananas, coffee, cacao, citrus fruits, rice, and other food crops. However, will an increase in foodstuffs be more than offset by the increase in population unless the rate of net population increase slows down? Although several mineral deposits may be developed, mining will employ relatively few workers in the future. Present manufacturing industries, which consist chiefly of processing local agricultural commodities and of making simple consumer goods, can be increased, though not greatly. Jamaica does not have the basic raw materials for major manufacturing industries and the local labor, considering the stage of technical knowledge and efficiency, is expensive. Prospects of expansion of the tourist industry are promising.

The annexes of the second part of the Report contain a wealth of statistical and other information. In several instances they contain specific recommendations and

suggestions for desirable lines of development.

The Report is sound in its basic assumptions, analyses, and recommendations. The recommended program of development is a bold ambitious one, conceived on a scale unprecedented for Jamaica. Nothing less than a bold expensive venture will solve the problems of widespread poverty and chronic unemployment, wasteful and ineffective use of the land, and the rapidly increasing population.

CLARENCE F. JONES

Northwestern University

SLAVIC COUNTRIES

MEHNERT, KLAUS. *Stalin Versus Marx: The Stalinist Historical Doctrine*. Translated from the German by E. W. Dicks. Pp. 128. London: George Allen and Unwin (distributed in the U. S. by The Macmillan Company), 1952, 1953. \$2.00.

Klaus Mehnert, a German journalist, who, more than 20 years ago, wrote a book on Soviet youth and who later lived in Hawaii and Shanghai, published in 1951 a short book in German called *Weltrevolution durch Weltgeschichte*. It has now been translated into English. It is a popularly written but accurate and concise treatise on what might be regarded the most fundamental change in the transition from the Leninism of the early 1920's to the Stalinism of the early 1950's. Though Lenin's theory and practice were fundamentally not different from those of Stalin as regards its totalitarian and terrorist character, its hatred and contempt of Western civilization, and its messianic utopian expectations, there are nevertheless far reaching developments which have changed the face of the Soviet Union in the last 30 years. This is nothing astonishing. After all, the United States and Britain are today in many ways very different countries from what they were fifty years ago, though they were liberal democracies then as they are now. The main change in the Soviet Union has to do with the relation to nationalism and

to the past. The Leninist revolution intended a clear break with the past, the beginning of an entirely new era for the Russians and for mankind in general. The Czarist past and the Orthodox Church were thrown on the same junk heap of history as was Western civilization.

Since then, there have been two great changes. One happened in 1934, when Stalin was apparently deeply impressed by Hitler. He became convinced that in the present age socialism does not command the loyalty of the masses to a sufficient degree and that nationalism is the great emotional force of the present. Therefore he suddenly began to emphasize the Russian past, to revive Russian national traditions and attitudes, and to stress Russian imperial glory and power. This new national socialism found its expression in the reintroduction of czarist officers' uniforms in the Red Army and the celebration of the anniversaries of figures and events of the prerevolutionary period.

World War II confirmed Stalin's new theories; of all the peoples of the Soviet Union, only the Russians supported the Soviet government fullheartedly. From then on, the Russian people and Russian history were no longer regarded as of equal value with other peoples and their past in an international class society. The Russian people were, after 1945, extolled as the leading people of the Soviet Union and of mankind, an incomparable people, to the genius of which all the great inventions and all the progress of mankind are due. Dr. Mehnert describes in detail how this new doctrine was formulated, especially by the Soviet historians. He sees in the new historical view a factor, deeply weakening the Soviet Union. It drives the Russians "into a disastrous isolationism"; it confuses them because it has plunged them, within a few years, from the thin air of ice cold dialectics into the oppressive heat of a gospel of salvation by national magic; the belief that the Russian people are the chosen people of history has fallen on fruitful soil among the Russians, but has estranged the many non-Russian peoples of the Soviet Union.

The new anti-Semitism, which was only expressed after Dr. Mehnert finished his

book, is another facet of the national socialism into which Stalinism has transformed the terrorist-utopian socialism of Lenin.

HANS KOHN

City College of New York

FISCHER, GEORGE. *Soviet Opposition to Stalin: A Case Study in World War II*. Pp. ix, 230. Cambridge, Mass.: Harvard University Press, 1952. \$4.00.

This book is a brilliant study of the organized opposition of captured Soviet officers, soldiers, government officials, and civilians to Stalin and the Soviet government. The author, at present a junior fellow in Russian history at Harvard University, was born in Russia and educated in Soviet schools before coming to America and graduating from an American university. His work is based on available wartime documentary material including the files of the three Vlasovite papers, the official German documents concerning Soviet defections, and the records of the Refugee Project of Harvard University.

In his opening chapters, the author considers the revolt school of thought and the surprise attack school in order to understand the causes of the early Soviet defeats and the capture of very great numbers of Soviet soldiers, who later formed the hard core of the wartime opposition movement. He reaches the conclusion that the vastness of these early defeats cannot be explained without a study of the primary concept of inertness.

The Nazi policy toward the Union of Soviet Socialist Republics was so harsh and ruthless that it seemed almost designed to prevent any collaboration between captured Russians and the German government. Goering's plan, Himmler's propaganda, and above all Hitler's *Ostpolitik* rendered it difficult for Rosenberg to sell from "the Rosenberg shop" his own master plan for four great blocs of Eastern peoples against Soviet Russia.

A search for a Soviet leader to head a German sponsored opposition to the USSR ended with the designation from a group of six captured generals of Lieutenant General Andrei A. Vlasov as leader of KONR, the Committee for the Liberation of the

Peoples of Russia. In September 1942 he had signed the first propaganda pamphlet against the "Stalin clique," the destroyers of millions of honest people. It was however as late as September 1944 that Himmler in a meeting with Vlasov agreed to the formation of a new committee and an armed force of Soviet nationals to fight Bolshevism. Mr. Fischer prints an English translation of the Prague Manifesto of KONR, November 14, 1944, which seems like one of the most effective revolutionary platforms for any large group organized to overthrow Stalin's tyranny.

The author concludes with a penetrating analysis of the latent opposition within the government and the army to the rule of the Kremlin, an opposition which in the foreseeable future will need military victories by an anti-Soviet power before it can overthrow the Soviet regime. While the author notes the various waves of unrest that have swept over Russia since the civil war, he regards the mood of inertness as the greatest obstacle to the overthrow of the dictatorship. Mr. Fischer has demonstrated a mastery of the complexities of the Soviet System, an ability to forecast the likelihood of opposition to this system, and a command of contemporary history, which should gain for his study a wide circle of readers.

RALPH HASWELL LUTZ

University of California
Los Angeles

MANNING, CLARENCE A. *The Forgotten Republics*. Pp. xii, 264. New York: Philosophical Library, 1952. \$2.75.

Professor Manning of Columbia University's Department of Slavic Languages has written a useful and sympathetic general historical survey of the three Baltic states. This intriguing area of overlap in which Germans, Scandinavians, and Slavs have clashed together with Catholicism, Orthodoxy, and Lutheranism has been rather neglected. Professor Manning's introductory study serves as a valuable corrective.

The first nine chapters deal with the period preceding Russian domination, which began in the eighteenth century, and cover the main trends—the early tribal movements, the arrival of German traders, the

establishment of the Teutonic Order and the subsequent subjugation of the natives, the rise of Lithuania, and its union with Poland. Professor Manning places the rise of Muscovy in proper historical perspective and gives considerable treatment to Russian rule in Estonia and Latvia and later in Lithuania.

The greater part of the second half of the book deals with developments in the three countries which occurred during and after World War I. The primary focus is on the establishment and maintenance of the independent national governments and their difficulties in dealing with Soviet Russia and Germany. Lithuanian-Polish relations, which contributed to the breakdown of the *cordon sanitaire*, are given considerable attention as well as the question of agrarian reform and the emergence of "strong men" as heads of the governments of all three states. The Nazi and Soviet occupations are dealt with in three of the concluding chapters.

The treatment is not exhaustive nor does it lay claim to being scholarly in the sense of monographic documentation replete with footnotes and appendixes. Some reviewers might take issue with the author for having omitted a particular detail or date, but one must judge the book for what it is, a general historical introduction, and in terms of that goal Professor Manning has succeeded in producing a convenient and compact volume. However, this reviewer wishes that Professor Manning had given more attention to the Krivians or Byelorussians in his treatment of Lithuania and Poland. A better map would have added to the book.

JOHN S. RESHETAR, JR.

Princeton University

WESTERN CONTINENTAL EUROPE

BERGSTRÄSSER, LUDWIG. *Geschichte der politischen Parteien in Deutschland*. Pp. 337. Munich: Isar Verlag, 1952. Paper DM 10.80; cloth DM 12.—.

MOMMSEN, WILHELM. *Deutsche Parteiprogramme: Eine Auswahl vom Vormärz bis zur Gegenwart*. Pp. 198. Munich:

Isar Verlag, 1952. Paper DM 6.80; cloth DM 8.40.

The study of the history, ideology, and social background of political parties has been inadequately pursued so far in most countries, although it forms an integral part of any realistic approach to politics. In Germany, as in other nations with an essentially authoritarian background, such studies are particularly important if a new kind of political science is to develop, replacing the traditional *Staatslehre*, based primarily on history and public law, with a broader approach going beyond descriptive accounts of formal structure.

Professor Bergsträsser's *History of Political Parties in Germany* was first published in 1921, and now appears in its seventh edition. It is characteristic of the poverty of political literature in Germany that his little book has established itself as the leading text in the field. It has its virtues: the style is clear and easy to read, and the work contains the essential data in a nutshell. Yet the nutshell was not big enough to include any sort of real analysis or interpretation; the bibliographical data appended to each section of the book are useful for the beginner in the field, but it is almost pathetic how little the author has used—not necessarily through his own fault—non-German literature on German government and politics. Reading the book one has the impression that it could easily have been written in 1932; the passage of the last two decades and the impact of Germany on the outside find little reflection in the account of essentially formal structures. The author is objective and judicious; yet somehow he does not succeed in relating the development of political parties in Germany to her major social and economic forces in the last century.

Mommsen's *German Party Programs* naturally supplements Bergsträsser's account. It is not an analysis of the various programs of German parties, but an anthology of excerpts from the major programs of the major parties. The collection starts with the early nineteenth century, and ends with present-day parties. Covering such an extensive territory, the all-too-short book is bound to appear fragmentary at times, but it will be found useful by

students of German politics, because it contains pieces which are relatively less well known. The excerpts from various party programs since 1945 will be found particularly interesting in the light of current developments in Germany.

WILLIAM EBENSTEIN

Princeton University

JÖHR, WALTER ADOLF. *Die Konjunkturschwankungen*. Band II of *Theoretische Grundlagen der Wirtschaftspolitik*. Pp. xvi, 675. Tübingen: J. C. B. Mohr (Paul Siebeck); Zürich: Polygraphischer Verlag, 1952. Br. DM 36.—; Lw. DM 39.60.

This treatise, written by a well-known Swiss economist, is the second volume of an ambitious work on the "Theoretical Foundations of Economic Policy." Its subject, the business cycle, is treated skillfully in its various aspects, and there is an abundance of references to the modern literature. Professor Jöhr has analyzed a huge amount of material in a workmanlike fashion. Most of this material originated in the English-speaking countries, and much of it is bound to be new to the continental reader. Professor Jöhr has approached his task of interpretation with a high sense of perspective. He has built a solid structure out of many blocks. That he was successful in this enterprise may in no small part be due to his very detachment, which would have been wanting if one of those who carved the blocks had attempted his task.

Professor Jöhr is principally concerned with the causes of economic fluctuations. He distinguishes between structural elements of the economy and impulses, and develops a classificatory scheme of both. Of the impulses, some—technological change, new gold deposits, new territories—are considered as especially important for the nineteenth century; at the present time, they are supplemented by such other impulses as social upheavals and the expectation of these, industrial conflicts, aggressive trade union policy, war and fear of war, and inflation generated by budgetary deficits. The structural elements, broadly speaking, are in the nature of a disposition to cumulative change. This disposition can be interpreted either with

the help of mechanical analogies or of considerations of social psychology.

A feature of the book which is of especial interest to American economists is indeed the systematic emphasis on social psychology, which is given greater prominence than is customary in the standard treatments of the business cycle. Another feature which deserves study is the protracted attention given by the author to *Betriebswirtschaftslehre*, a sort of managerial economics which has been intensely cultivated on the continent of Europe and to which Swiss economists have made a number of significant contributions. Students of this discipline, which has no exact counterpart in English or American economics, have in the past furnished some interesting interpretations of the business cycle. References to these can be found in the works of Mitchell and Haberler. For those who wish to trace the more recent developments along the same line, Professor Jöhr's work will serve as a readily available guide.

HENRY WILLIAM SPIEGEL

The Catholic University of America

Cambridge Economic History of Europe, The. Vol. II: *Trade and Industry in the Middle Ages*. Edited by M. Postan and E. E. Rich. Pp. xvi, 604. New York: Cambridge University Press, 1952. \$14.00.

This second volume of the *Cambridge Economic History* is centered around two long chapters. One, by Postan, is on the trade of Northern Europe in the Middle Ages; the other, by Lopez, is on the trade of Southern Europe in the same period. This arrangement gives greater continuity and clarity to the volume than is usual in co-operative works of history; we have, for the first time, a survey of medieval trade in relatively brief form. It is consoling to those who like to consider medieval Europe an economic unit to see that the two authors agree fairly well that major fluctuations in economic activity affected both North and South. For example, they both see a serious depression in the fourteenth and early fifteenth centuries, followed by

partial recovery as the sixteenth century drew near.

As usual in medieval economic history, statistics about prices and volume of trade are scarce. Postan furnishes what figures he can; Lopez makes less effort to collect this scattered material. Neither the presence nor the absence of statistics affects the quality of the chapters. We shall never have a solid statistical base for medieval economic history; valid conclusions about this period will always depend on wide reading and good judgment. Both authors possess these qualities, and their work is as good a summary of our present knowledge as is possible.

Around these two closely-integrated chapters are arranged six others dealing with special topics. Childe discusses trade and industry in barbarian Europe before the Roman conquest and shows how early some of the major trade routes were established. Walbank deals with trade and industry in the Late Empire and makes some very interesting suggestions about the causes and the incidence of economic regression. Runciman's chapter on Byzantine trade and industry is a little too compressed. It does pose clearly the curious problem of a state which possessed great power in economic affairs but had no well-defined economic theories.

Carus-Wilson's discussion of the woolen industry and Nef's treatment of medieval mining and metallurgy will interest the general reader for two reasons. Both authors give good examples of that medieval interest in technical improvements and labor-saving devices which was so characteristic of the age and so important in laying a foundation for modern technology. Both demonstrate the extreme ingenuity of medieval men in forming organizations to accomplish difficult tasks. Jones's chapter on building in stone is to some extent a summary of his own earlier, and excellent, articles. Though brief, it is clear and gives most of the essential information about the building trades.

JOSEPH R. STRAYER

Princeton University

OTHERS

BALLANTINE, JOSEPH W. *Formosa: A Problem for United States Foreign Policy*. Pp. xi, 218. Washington: Brookings Institution, 1952. \$2.75.

This compact study of Formosa as a problem in United States foreign policy is focused on the developments of the war and postwar periods, since, as the author puts it: "The Second World War thrust Formosa for the first time into the orbit of United States interest and concern. Post-war developments in China, with the resulting withdrawal (in 1949) of the National Government to Formosa, brought into existence the 'problem of Formosa' with which the United States is now inevitably confronted" (p. 173). In the above statement, the author indicates that Formosa has become a problem for United States foreign policy not in and of itself but on account of the problem of China. Thus, after a summary of the demography of Formosa, of its early experience with Chinese rule, its development as part of the Japanese Empire (1895-1945), of wartime planning as it affected the island, and of the conditions of Chinese reoccupation (1945-47), the author approaches his subject through treatment of the "Collapse of National Government on China's Mainland" (Ch. 5). In these early chapters the background for understanding of the present situation is admirably summarized as accurately as the tightness of the treatment permits. The author then presents a careful description of the governmental arrangements on Formosa, where a National Government has to function within a province of China beside the provincial government and be supported on provincial resources which must also support the provincial government.

The last four chapters are devoted to the dilemmas which Formosa presents in the development and application of United States policy, directly and also indirectly in connection with the United Nations and the Japanese Peace Treaty. After an objective description of the development of United States policy in its early phases, the author notes and discusses the shift in

policy which resulted from "the state of American public opinion, the outbreak of the conflict in Korea, and the intervention of the Chinese Communist regime in that conflict" (p. 130). But while the shift in policy is evident, its ultimate implications are not so clear. "In fact," writes the author, "the biggest unresolved element in the problem of Formosa is the question of the ultimate direction in which policy will move. Much of the weight of decision in this matter will fall upon the American public" (p. 203). It is this which justifies the hope that such objective treatments of the subject as this will be widely read, and that the alternative available courses of action which the author analyzes will be soberly considered.

HAROLD M. VINACKE

University of Cincinnati

KAHIN, GEORGE MCTURNAN. *Nationalism and Revolution in Indonesia*. Pp. xii, 490. Ithaca, N. Y.: Cornell University Press, 1952. \$6.00.

This book affords a comprehensive account of the two factors chiefly responsible for the creation of an independent Indonesia: the nationalist movement and the struggle against the Dutch. Political, social, and economic conditions of nineteenth-century Netherlands Indies, coupled with a consideration of many factors contributing to the growth of nationalism, afford background for insightful treatment of nationalist leaders and activities of various groups to 1945. With the establishment of the Republic of Indonesia the book's scope broadens. Kahin provides an exhaustive account of internal political development of the young Republic, deliberations with the Dutch, and of negotiations with the United Nations to the summer of 1948. Then a fascinating chapter gives the story of the struggle for power within the Republic, climaxed by the Communist rebellion. Political parties and the platforms they professed following this conflict are thoroughly analyzed.

Kahin then turns to the Dutch program of "divide-and-rule," maintained, he alleges, by indirect control of individual states of a future federal union. This point may be challenged. Was the creation of

autonomous states a device to preserve colonial rule? Might not a federal union better have served the needs of Indonesians than does the present unitary state? Today's emphasis on decentralization suggests one answer. Kahin himself admits that the speedy liquidation of the federal state derived from Indonesian desire to eliminate a "Dutch-instigated" government rather than from opposition to a federal union. This chapter on the *negaras* (states) and the interim federal government fails to portray the conscientious effort of civil servants, Indonesians and Dutch, to fashion self-government at the local level. In the reviewer's observation, this effort was appreciated and availed of in Indonesia Timur, one state having the opportunity to follow through. Though the political development of Indonesian territory outside the Republic of Indonesia is not within the scope of Kahin's book, that picture must not be overlooked.

In describing the final struggle for independence, the author emphasizes the role of the United Nations Commission for Indonesia and the pressure upon the Dutch exerted by our own Department of State. Kahin rightly observes that when the Federalist group, representing the states, lent its support to the Republic, the transfer of sovereignty was bound to occur. Conversion from the federal to a unitary state is ably recounted. Achievements of the "revolution" are summarized and major problems faced by the new nation are suggested in a final chapter.

This is a first treatment of the nationalist movement and struggle for independence both exhaustive and fully documented. The author's courageous and persistent efforts while in Indonesia provide first-hand reports. The general reader wishing to be well-informed about this part of the world will be amply repaid. The work serves as a first-rate reference volume for the specialist. It is a job well done.

A. ARTHUR SCHILLER

Columbia University
School of Law

CAMACHO, J. A. *Brazil: An Interim Assessment*. Pp. viii, 116. London and

New York: Royal Institute of International Affairs, 1952. \$2.50.

Even though this small volume is based largely on what the author could glean from the writings of others it should be useful in helping make Brazil and the Brazilians better known throughout the world. The sources to which he gives most credit are *Brazil*, edited by Lawrence F. Hill (University of California Press, 1947); J. Fred Rippy, *Historical Evolution of Hispanic America* (Crofts, 1945); and the annual statistical publications of the Brazilian government. The 43 works listed in the Bibliography do not include any by Pandiá Calogeras, Fernando de Azevedo, Euclides da Cunha, Rocha Pombo, Arthur Ramos, Pedro Calmon, Giorgio Mortara, Emilio Willems, Caio Prado, Jr., Karl Lowenstein, Charles Wagley, Donald Pierson, or Roquette Pinto.

The small volume is divided into a short introduction and six chapters: Chapter I, "Contrast: Geographic, Economic, and Demographic," contains brief summary materials relating to the main geographical features, climate and rainfall, geographical zones, mineral wealth, population, living standards, racial origins, and occupations of the population. The second chapter is entitled "Experiment: Racial, Economic, and Political," and is given over to brief statements relating to the causes of miscegenation, racial elements and immigration, early economic development, economic cycles, early political history, and political history from 1822 to 1889. Then follows a chapter entitled "Emancipation: Political, Economic, and Cultural," which focuses attention upon political history from 1889 to 1932, industrial development, transport, foreign investments, cultural development, literature, music and the other fine arts, and science, technology, and medicine. Chapter IV is entitled "Example: Colonization and Foreign Policy." By far the most ambitious part of the book and the one that seems called for by the title is Chapter V, "The Scene Today: Political, Economic, and Social." In this the author organized his materials under the following sub-headings: the first Vargas Regime, the 1945 elections, political developments from

1945 to the 1950 elections, religion, the Dutra administration, economic position today, hydro-electric power, steel, staple foods, coffee, cotton, fruit and cacao, rubber, other vegetable products, terms of trade, banking system, education, press, radio, and constitution. Chapter VI, "The Future (and the Salte Plan)," gives a brief explanation of the Salte plan along with a statement of the amounts of funds provided for health, food production, transport, and power in its budget. This plan calls for the expenditure of 20,000 million cruzeiros (about one billion dollars at the official rates of exchange) in the period 1950-54 for the improvement of health facilities and services, increased food production, the extension of renovation of the transportation system, and the development of power.

Four small maps are helpful; and there also is an index.

T. LYNN SMITH

University of Florida

LETTERS TO THE EDITOR

Dear Sir:

I have only recently become aware of a queer error that has crept into the printed version of my review of *Communism in Western Europe* by Mario Einaudi, Jean-Marie Domenach, and Aldo Garosci (May 1952 issue of THE ANNALS, pp. 256-57). In the next to last paragraph of that review as it appears in print the personality sketches of leading French and Italian Communists in the book are called "part caricature and part idealization." This I had not written. On the contrary, I had said that these sketches kept equally far away from caricature and from idealization—in other words that they were very good.

ARNOLD BRECHT

New School for Social Research

BOOKS RECEIVED

AGYEYEMAN, NANA YAW TWUM DUAE. *West Africa on the March: An Intimate Survey of Problems and Potentialities*. Pp. 73. New York: The William-Frederick Press, 1952. \$2.00.

ALEXANDROWICZ, CHARLES HENRY. *International Economic Organisations*. No. 19 in "The Library of World Affairs," edited by George W. Keeton and Georg Schwarzenberger. Pp. xii, 263. New York: Frederick A. Praeger (published under the auspices of the London Institute of World Affairs), 1953. \$6.00.

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BERNDT, RONALD. *Djanggawul: An Aboriginal Religious Cult of North-Eastern Arnhem Land*. Pp. xxiii, 320. New York: Philosophical Library, 1953. \$7.50.

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CAVAN, RUTH SHONLE. *The American Family*. Pp. xiv, 658. New York: Thomas Y. Crowell Company, 1953. \$5.00.

CHILDE, V. GORDON. *New Light on the Most Ancient East*. Pp. xv, 255, XXXIX. 4th ed. New York: Frederick A. Praeger, 1953. \$6.50.

CLISSOLD, STEPHEN. *Chilean Scrap-book*. Pp. 316. New York: Frederick A. Praeger, 1953. \$4.75.

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HOFMEYER, JAN H. *South Africa*. Revised by J. P. Cope. Pp. 253. 2d rev. ed. New York: McGraw-Hill Book Company, 1953. \$3.75.

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bridge, Mass.: Harvard University Press, 1953. \$6.00.

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FOREWORD

THROUGH the medium of the July issue of THE ANNALS we are able to extend the addresses made at our Annual Meeting to many who were not present at that meeting, held this year on April 10 and 11.

This volume includes also an article by Dr. D. F. Fleming and one by Dr. Austin F. Macdonald.

THORSTEN SELLIN

The Presidency of the Academy

AFTER more than twenty-three years of service as president of the American Academy of Political and Social Science, Dr. Ernest Minor Patterson has asked to be relieved of the increasingly heavy duties and responsibilities which the office entails. This wish has been honored by the Board of Directors, which has elected as his successor Dr. James C. Charlesworth, professor of political science at the University of Pennsylvania, who took office on June 1, 1953. At that time Dr. Patterson became president emeritus by unanimous vote of the Board.

Dr. Patterson was first elected president in 1930, succeeding Dr. Leo S. Rowe, director general of the Pan American Union. As professor of economics at the University of Pennsylvania, he had already earned recognition as an authority on questions of international economics, and had lectured widely at home and at international institutes at The Hague and in Geneva. Continuing his teaching at the University, where he was for many years chairman of the Department of Economics and one of the leading figures in the Wharton School of Finance and Commerce, he gave freely of his time and organizational abilities to the Academy, even before he retired from his professorship in 1950.

He took office at the beginning of the depression, but with the aid of able and faithful associates he has succeeded in maintaining the organization on a sound basis without having to appeal for financial aid. Under his guidance the Academy has doubled its investments and its membership. He left his office with the knowledge that his successor would take charge of an organization having the support of over seventeen thousand members in all parts of the world.

Only those who have worked closely with Dr. Patterson during his term as president can fully appreciate the unselfish devotion, the skill, and the meticulous care with which he discharged his task. He has earned the deep gratitude of his fellow members of the Board of Directors and the respect of all who know the Academy and its activities.

Dr. James C. Charlesworth has for several years been identified with the work of the Academy as associate editor of *THE ANNALS*. He joined the faculty of the University of Pennsylvania in 1939. Well known as a writer on public administration, he brings to his new office a wide experience as a scholar and an executive, and under his leadership the Academy can look forward with confidence to the future.

THORSTEN SELLIN

Atlantic Union—Freedom's Answer to Malenkov

By CLARENCE K. STREIT

MY topic was originally "Atlantic Union—Freedom's Answer to Stalin." But since that title was selected, Stalin has died, leaving the free facing a more formidable danger and a momentous opportunity. Atlantic Union, however, remains freedom's answer to Malenkov. I want to give you some of the reasons why it answers our present Soviet problem with all the force of a surprise attack. But first let me tell you briefly what we mean by Atlantic Union. It is simple enough.

WHAT ATLANTIC UNION MEANS

We mean to unite the democracies by the same free federal union principles that unite the people of our own forty-eight states through our Constitution. We mean to unite them as fellow citizens of a great union of free men and women with an executive and a congress—a senate and a house—elected by them. We mean a system where on election day you will each vote not only for your choice for governor of your state and for your state senator and member of the legislature, not only for your choice for President of the United States and for your United States senator and congressman, but also for your choice for the executive of the Atlantic Union and for your senator and representative in this new congress.

You can see from this that you sacrifice none of your sovereignty as a citizen by constituting this great union. Instead, you gain sovereignty, gain power, gain rights, gain a vote where you personally have none whatever now, and you gain this citizen sovereignty in the very fields where you personally need it most—the fields on which peace and war depend.

What are those fields which you would begin to help govern through your representatives in the new union government? Its creation would involve no change in the structure or powers of your state government. Nor would it involve any change in the basic structure of the United States Government. It would involve only the transfer of certain powers from the United States Government to the Atlantic Union government. Which powers? Only some of the powers which the people of our thirteen original states transferred from their state governments to their federal representatives when they replaced the Articles of Confederation with our present Federal Constitution.

By this transfer of power they created a common defense force, a common foreign policy, a common citizenship, a common currency, and the great common free market which has been the making of our prosperity.

How far should we go now in this direction in constituting a great Atlantic Union with the other democracies? In my personal view, we should go the whole way. We know from experience that this combination creates prodigious power and freedom. We had better take no chances these days in having too little of either power or freedom if we wish to risk the lives of no more of our sons. That is my personal conviction. Others believe that a union concerning only defense and foreign policy would suffice for the present.

FEDERAL CONVENTION PROPOSED

How far we should and can go depends of course not only on agreement among us Americans, but on agreement with the other democracies. The best

way to reach agreement on this, and on the other obvious problems Atlantic Union involves, is to send delegates to a convention to thresh these things out with delegates from the other democracies and report whatever agreement they reach back to the people for action by them. That is the way the United States Constitution was created through the Federal Convention that met in Philadelphia in 1787. And that is how the Atlantic Union resolution proposes to tackle the problem. Here is the text of its resolving clause:

Resolved by the Senate (the House of Representatives concurring), That the President is requested to invite the democracies which sponsored the North Atlantic Treaty to name delegates, representing their principal political parties, to meet this year with delegates of the United States in a Federal Convention to explore how their peoples, and the peoples of such other democracies as the Convention may invite to send delegates, can apply among them, within the framework of the United Nations, the principles of free federal union.

The other sponsors of the North Atlantic Pact which the resolution would have us meet in convention are Canada, the United Kingdom, France, the Netherlands, Belgium, and Luxembourg. These seven drafted the Atlantic alliance, and then they extended it to some others. The resolution follows this successful precedent.

Two other points in the resolution should also be noted: (1) The union would be kept within the framework of the United Nations, but it would require no action by the Security Council. The Soviet Union could not veto it, any more than it could block formation of the North Atlantic Pact. (2) The convention would be limited to exploring how far we and the others could go in federating. The resolution involves no commitment to union. The people retain full power to reject any union the

convention proposes if they do not like it when they see it.

STATUS OF THE RESOLUTION

This resolution was introduced in the Senate by Senator Kefauver and nineteen others in 1949. It is yet to be acted on by Congress. The Canadian Senate has already showed its approval by adopting practically the same resolution with only one negative vote.

Backing the resolution on the citizen side in the United States, is the Atlantic Union Committee. Its president is former United States Supreme Court Justice Owen J. Roberts. The vice presidents of the Atlantic Union Committee are Will Clayton, former Under Secretary of State, and Mrs. Robert Patterson, widow of the former Secretary of Defense. Its council includes more than five hundred nationally known leaders in all fields.

OPPORTUNITY AND DANGER

I want to turn back now to the situation resulting from Stalin's death and show how Atlantic Union fits into that picture.

Stalin's death gives the free a rare opportunity to win without another world war. At the same time, it faces them with grave danger of suffering war and losing it to Communism by sinking still deeper into the errors that have already built up dictatorship so formidably.

Dictatorship weakened now

The immense opportunity the free now have comes from the fact that, by its nature, a dictatorship is most vulnerable (a) in the period when the dictator's successor is not yet firmly established, and (b) in the areas farthest from the throne, nearest the alternative, and most weakly held. All this applies with special force to the Communist dictatorship now.

For many reasons, the Kremlin is particularly exposed to the usual dangers of succession in a dictatorship. Malenkov must follow a man who was in power an unusually long time, who had the prestige of a founding father and a World War victor, and who had been semideified by years of propaganda. The contrast between Malenkov and Stalin is bound to be sharply to the former's disadvantage for a long time.

Death took Stalin before he had had time to fix firmly Moscow's rule over China and the nations of eastern Europe, where Yugoslavia had already successfully defied Stalin himself. They are all distant from the centers of Moscow's power, and in more ways than one near to the western democracies. Even if they are not likely to feel that now is the time to assert themselves, Malenkov is bound to suspect that they will.

Freedom's real danger

The grave danger the free now face comes from the fact that, by its nature, freedom encourages people to go their own independent ways. Result: they almost always require immediate danger to unite them; even then, they often unite too little and too late; and if they fail to form an enduring union while the peril is most imminent, its recession is only too likely to cause them to fall apart again. All this applies with peculiar force to the Atlantic democracies now.

Twice within this half-century the Atlantic democracies have suffered world war and near disaster from failure to unite effectively in time. This taught them so little that, when blockaded in 1948 in Berlin by their Russian ally, the best they could do was to fall back on the system that had twice failed them before, and form another alliance, the North Atlantic Treaty Organization.

NATO was a step in the right direc-

tion, but even when it was taken, it clearly was much too small a step. Yet even when Communism extended its sway through China, and Stalin himself was at the height of his power, the danger to freedom did not suffice to induce the Atlantic democracies even to explore the possible advantage of replacing the alliance with something strong—a federal union.

The first wartime alliance of the Atlantic democracies fell apart when the Kaiser no longer threatened. They quickly relaxed and went their separate ways again when the Nazi and Japanese dangers were ended. Now that Stalin's death has lessened the pressure on them, they cannot guard too much against their fatal tendency to fall apart when not in dire danger.

DISTRUST AND DISUNION

To take advantage of our present opportunity and avoid its danger to us, we need to begin by understanding clearly the vital weakness both in the Soviet dictatorship and on our own side. Unless we are aware equally of their Achilles' heel and our own, we can neither bring them down nor save ourselves.

Communism's Achilles' heel can be summed up in one word, *distrust*. And so can freedom's: its inherent fault is *disunion*.

Freedom takes faith. Freedom with union requires even more trust. Such unitary nations as the United Kingdom and France, and such federations as the United States and Canada, are standing proof that freedom does flourish on organic union of the free, and that the people of the Atlantic area have attained a relatively high degree of faith. But they have yet to show enough trust in each other—and in the free principles on which each of their nations is based—to form an Atlantic federal union.

COMMUNISM'S DISTRUST

Communism is union unlimited by freedom, and therefore without mutual trust. Its dictatorship fears that freedom would destroy its union, even more than the free fear that union might destroy their freedom. Its philosophy puts its faith in mass Man and distrusts the individual; its police incarnate and increase this distrust. Mutual distrust pervades its people far more than any other. The more powerful the positions individuals are in, the more they are bound to distrust one another in this dictatorship.

Stalin's death makes the Achilles' heel of both Communism and freedom much more vulnerable than before.

The Communist system is shot through with distrust and suspicion to an exceptional degree now, because of the uncertainty regarding the succession. This is true despite the smooth and swift transfer of office to Malenkov. It must continue to be true until his hold of the power of that office is no more doubted than Stalin's was. That need not take him as long as it took Stalin. He knows how Stalin did it, and he has people to deal with whom Stalin broke in for him. Still, it will take time—more than a few months. During that period, and particularly in the next few months, his distrust of his colleagues and subordinates is bound to be at a peak, and so must be their suspicion of him and of each other. This must be especially true as regards the relations between the Kremlin and the Communist dictators in China and the satellite states of eastern Europe, particularly Czechoslovakia.

FREEDOM'S DISUNION

Freedom's world is exposed now more than before to the dangers of disunion because Stalin's death weakens so obviously the Communist bloc and thus les-

sens the immediate danger from it. Freedom permits any amount of different guessing on what is going on behind the Iron Curtain and what to do about it. The resulting confusion makes for inaction, particularly now when Moscow is most vulnerable. So, too, does the fact that in all three of the strongest democracies—the United States, Great Britain, and France—the present government has a very weak majority. Add that each of the three jealously guards its sovereign right to follow a separate foreign policy, and the odds against effective united action by the Atlantic democracies in this critical period seem heavy indeed.

Nor is this all. Malenkov is already following the conciliatory policy toward the West that is most likely to accentuate its disunion. For many reasons, I believe that he will continue to pursue Stalin's policy of the "phony peace." Let me cite but two:

1. *War aids Malenkov's rivals.* War tends to strengthen those in control of the army, and, to a less extent, the secret police. It would not build up Malenkov, whose strength lies in his control of the Communist Party machine, so much as it would his main rivals. The less international tension there is, the weaker the position of those who lead the army and the police, and the stronger that of the skilled politician.

2. *Stalin nominated no one.* It is a noteworthy but little noted fact that before his death Stalin made no public statement naming clearly his successor, though this would have helped safeguard his regime from the present dangers. Nor was any testament or other public statement by Stalin produced during the funeral period to remove all doubt that Malenkov was Stalin's choice. This would have been a natural thing to do. Its absence is bound to

cause suspicion and weaken Malenkov's position. The western powers, no doubt, will let no one in the Soviet bloc forget this point.

STALINISM MALENKOV'S HOPE

Even if Stalin had explicitly designated Malenkov as his successor, the latter would need to identify himself closely with the dead dictator's policy. The lack of any such designation makes it all the more likely that Malenkov will begin by sticking to the policies of Stalin. If he grows in power, he may well interpret these later to suit himself; but just now he has every reason to establish himself unquestionably as the loyal continuer of Stalin's policies. This is the course that Stalin himself followed when he wrapped Lenin's authority about him. Malenkov must be inclined to follow this example, since he rose to power through many years of close association with Stalin. The experience and the prestige he thus gained form, perhaps, his best card now.

Stalin's death adds to the importance of his long statement of policy on October 2, 1952, for this was his last such declaration. In this statement Stalin came out for what I call a "phony peace." It was aimed at the Achilles' heel of the western democracies—their disunion. Stalin held that they were so prone to disunion that they could be counted on to come into conflict with each other again in their struggle for markets. He found war among them much more probable than war between them and the Communist bloc. The conclusion was obvious: The Communists need only follow a peaceful policy and wait for the capitalists to cut each other's throats and thus leave the world to Moscow. In the October statement that has now the weight of a "farewell address," Stalin declared:

These comrades are mistaken [who] affirm that the United States has sufficiently subjected other capitalist countries to it to prevent them from fighting among themselves and weakening each other, [and] that the progressive people of capitalism have been taught sufficiently by the experience of two World Wars . . . not to permit themselves again to drag the capitalist countries into a war among themselves.

MALENKOV'S PROBABLE POLICY

The more I study the situation produced by Stalin's death, the more I am led to conclude that Malenkov will continue to seek "peace" with the West, particularly western Europe, with a view to (1) increasing the disunion in the West, and seeking to bring on an economic collapse in the West, by lessening the Soviet pressure which has done so much for unity and full employment in both Europe and the Atlantic; and (2) meanwhile gaining time to consolidate his power at home and in the Soviet bloc, so that later he may be in position to take over the disunited democracies, one by one, preferably by civil war. Malenkov's present weakness makes Stalin's "phony peace" policy in his hands an even greater danger to the free than it was last fall, when General Eisenhower called it a "deadly challenge."

I have long feared that Moscow would adopt this policy. That is why I have been urging so insistently for years that we take advantage of the aggressive period in Soviet policy to unite the free solidly, organically, and not simply by such flimsy ties as the NATO. Thus, in February 1949, during the Berlin blockade, I wrote in our magazine, *Freedom & Union*:

The Kremlin dictatorship can have no desire for a strong Union of the Free. Sooner or later it is likely to see that its own inept policy in the West, and not the

vision or courage of Western statesmen, is the main force uniting the democracies. The Kremlin knows from experience it can abruptly reverse itself without losing its hold on its Russian slaves or its dupes abroad. Suppose it wakes up soon to its present folly. Suppose it seeks to exploit the latent divisions among the democracies, their longing for peace, their wishful thinking. To do this it need only profess a policy of conciliation in the West. . . .

Such considerations might conceivably lead the Kremlin to turn to a policy of conciliation in the West temporarily—long enough for it to gain most of the rest of Asia by concentrating its aggressive activity there. Suppose it did this. Where then would be the snailish statesmen of the West who depend on Russian pressure in Europe—not on any positive policy of freedom and union—to unite their peoples and win the friendship of Asians? These statesmen now seek to build a solid wall by pouring gravel between concrete forms without adding any internal cement to hold it together. Where will these blundering builders be when Stalin suddenly removes the concrete forms he now supplies? . . .

INSUFFICIENCY OF NATO

Where will they be? Where they are now—with little to show for the past four years except the NATO. On April 2 last year General Eisenhower, in his report to it as Supreme Allied Commander, Europe, warned:

Peacetime coalitions throughout history have been weak and notoriously inefficient. . . . Nevertheless, we were expecting NATO members . . . to work and sacrifice together over an indefinite period.

Only recently I heard the NATO Deputy Commander, Field Marshal Montgomery, speaking at the National Press Club, warn of NATO's weakness even more bluntly. He agreed—as I would—that "the achievements of NATO have been tremendous," but he held that they were not nearly good enough for present conditions. Listing

the "really vital needs" of the West, he said:

The first need: Political unity and agreement on our problems and how to solve them. . . .

The second need is a central organization to direct the agreed political policy and military strategy on a global scale. . . .

The third need is an agreed master plan to handle the present cold war, and a future hot war if it ever should burst upon us. And that master plan or grand design . . . must be based on political-military-economic facts. It must be. You haven't got it. I have given you three things—you haven't got any of them.

The fourth need: The closest possible link-up of interest—political, military, economic—between national communities in geographical areas. . . . You cannot have true unity without . . . some small sacrifice of sovereignty for the common good.

Because none of these "really vital needs" have yet been met, Montgomery said: "There is in the nations of the West an enormous dissipation of effort and strength . . . a tremendous waste of effort." That is what we have to show for all the billions we have spent and all the daydreaming we have done since the cold war began. "I am convinced myself that we have to explore other methods," Lord Montgomery said, and it is high time we began that exploration.

FREEDOM'S ANSWER

What should the free do to meet the greater, though less immediate, danger Stalin's death brings them? What is their answer? They should protect their Achilles' heel on which Malenkov has his eye, and make his own their target. The Atlantic democracies need to move swiftly now to end the disunion among them which Malenkov seeks to develop; and to develop, instead, to the crippling point, the distrust within the Commu-

nist dictatorship which is its Achilles' heel.

Malenkov does not need to foment disputes among the democracies in order to develop their disunion to where it cripples them and they fall easy victims. All he needs do is remove the pressure that now unites them a little, and provide the "peaceful" climate in which disunion naturally grows among the free. Similarly, the free need do little directly to foment distrust within the Communist empire; they, too, have only to produce the conditions in which this distrust will best grow of itself.

The free have this great advantage: they need but cure their own Achilles' heel to make that of dictatorship grow cancerously. By moving now toward Atlantic Union they not only overcome their own worst weakness, but they create conditions in which distrust must endanger the Soviet dictatorship increasingly. They set in motion forces that can gradually bring it down from within, beginning in eastern Europe.

UNITED STATES MUST LEAD

If the free are to move toward union before Malenkov has time to consolidate his position, the lead must come from the United States, preferably teamed closely with Canada. European Union would leave the free divided into the United States, the British, and Little Europe. It would not remove the divisions on which Malenkov is counting. A European Union could worsen the struggle for markets which Stalin foresaw among the capitalist countries.

If the United States fails to lead toward Atlantic Union, even the little unity that has been painfully achieved in Europe is now likely to be lost. Before Stalin's death, the ratification of the European Defense Community treaty was already in great danger, especially in France. Even then, many of the French were skeptical about Soviet Rus-

sia's attacking, and fearful of German domination of western Europe. As Malenkov lessens the fear of Soviet Russia, French fear of Germany is certain to increase.

The adroit Molotov is now the sole survivor of the makers of the Moscow-Berlin deal of 1939. If he dangles before the Germans enough hope of peace negotiations in which they would achieve unity, the strong opposition in West Germany to the European Defense Community may well make it a dead letter. Indeed, the mere prospect of reopening of the German peace negotiations by Moscow and the West is likely to make both French and Germans want to await developments before carrying out EDC.

Only by swiftly supplementing its present EDC policy with a dramatic move toward Atlantic Union can the United States be sure to keep both France and Germany on its side, while undermining Malenkov in eastern Europe. Only by calling the proposed federal convention to explore Atlantic Union can it now reasonably hope to hold together the western European countries it has been rebuilding and rearming at such cost.

Clearly, the calling of the proposed Atlantic federal convention could lead to union. It might, of course, fail to end the present disunion, but that is a risk which every policy faces. The alternative—refusal to explore the possibility of union—is certain to fail to end the disunion of the free. And if we continue trying to end it by alliance, we are certain to fail to win without war, as all history teaches.

PEACE BY SURPRISE

Why would convocation of the proposed Atlantic federal convention set in motion forces that could gradually bring down the Soviet dictatorship from within, without war? For one thing, it

would come with the force of a great surprise.

Why do we seek to win only war—never peace—by surprise attack? Surprise attack is the best way, in peace as in war, to win "the mostest with the leastest," as General Forrest would say.

George Washington won his first battle by doing the unexpected, taking the Hessians by surprise, crossing the Delaware the night after Christmas. In our time, we Americans let ourselves be taken by surprise at Pearl Harbor—and thus Japan at one blow took control of the Pacific.

By its principles and practices, dictatorship is far better prepared than democracy to win by war through surprise attack at the start. Democracy's best hope is to win by surprise attack without war.

How can anyone reasonably expect to win against Moscow without war except by taking it by surprise? Then why have we not yet even tried to do this? To take Moscow by surprise, the free need merely to unite effectively.

Can we surprise Moscow merely by strengthening NATO by adding a consultative assembly or otherwise? The effort is useful, but the hope is vain. Stalin held NATO in such low esteem that in his "farewell address" he did not even mention it as a factor in the situation, in telling the Communists why he considered the West incurably disunited.

TO UPSET THE REDS

By calling now for the proposed Atlantic federal convention to explore the possibility of uniting all the democracies in the effective federal way, the United States can reasonably hope to take Malenkov by surprise and throw him off his still shaky balance. Such a United States move, coming now, would prove, as nothing else could, that his patron saint, Stalin, did not know what he was talking about.

If we want to set the Communists at each other's throats, why not jump at the chance to prove that the "comrades" whom Stalin silenced in October were right in affirming that the West had learned enough from two world wars to unite, and that it was Stalin himself who was wrong? Why shouldn't we hasten to make a fool of him where it hurts most—in the Kremlin itself and in the Communist Party in the Soviet Union—by beginning at once the work of federating the free?

Stalin remains the stable factor in the period of seething uncertainty and distrust his death has opened up behind the Iron Curtain. Anything that weakens trust in him, as an Atlantic federal convention would, is demoralizing indeed. This would cause Malenkov himself to doubt his master and chief source of wisdom. It would reopen the debate behind the scenes which Stalin's October dictum aimed to end. Malenkov could hardly concede that Stalin was wrong and that the "comrades" whom he had slapped down were right. Malenkov's prestige is so linked with Stalin's at this stage that he would probably have to continue to uphold Stalin's belief in the ineradicable disunion of the capitalist nations, despite the evidence to the contrary which the Atlantic convention would give. But to fly thus in the face of facts is no way to keep one's authority long; it is a good way to arouse distrust of oneself and encourage rivals.

DEVASTATING CONTROVERSY

Not only to Stalin but also to most western statesmen, the prospects of Atlantic Union have hitherto seemed remote. His death will make such union seem still more remote to most people. The calling of a federal convention to explore Atlantic Union would leave plenty of room for doubt that it would succeed, and plenty of skeptics in Mos-

cow as well as in Atlantica. But it would be enough to replace with controversy Moscow's present confidence that it can bank on the disunion of the free. It must be a matter of basic concern in Soviet Russia whether the Atlantic democracies are likely or not to federate. Doubt and controversy on this major factor among Moscow's top ten (and among the satellites) would be much more dangerous to its dictatorship—particularly at this already shaky period—than would be certainty of either Atlantic disunion or union. Certainty unites, but uncertainty divides; and controversy on so basic an issue has in it the makings of paralyzing fear and a devastating purge in Malenkov's distrustful domain.

The controversy that an Atlantic federal convention would cause among the Soviet rulers would go very deep. It would bring into doubt not only the good judgment of Stalin and Malenkov, but the soundness of basic Communist dogma.

EARTHQUAKE FOR COMMUNISM

Communism makes its dictator peculiarly vulnerable to the surprise blow that federation of the free would constitute. Why? Because doctrine has great weight in the Communist system. In assuring the Communist Congress last October that the "comrades were wrong" who believed there was now more danger of war between Communism and capitalism than between the capitalist countries, Stalin was upholding the classic Marxist dogma he imbibed as a boy. He was making the classic Marxist case for economic determinism, that the all-important factor in every capitalist nation was not individual life, liberty, happiness, or dignity, but the desire for "profits," the "struggle for markets," the selfish exploitation of the poor by the rich, whether individuals or nations. All this, he held, was still valid, despite

all appearances to the contrary. How could he argue otherwise, without betraying all the basic beliefs on which his whole life had been built, and that of all Soviet Russia?

But, then, if the event should prove that all this foundation was false, how devastating the surprise! What an earthquake of a blow, not only to Malenkov but to Communism itself, if the capitalist democracies should sacrifice their "struggle for markets" to save the lives and liberties of their citizens; if the rich democracies should unite with the poor on an equal basis for the equal dignity and happiness of the individual; if the very nations that fathered capitalism and gave the world such terms as "bourgeoisie," "market," and "Wall Street," if the lands of Turgot, Adam Smith, and Henry Ford, if the French, British, and Americans themselves, should voluntarily end their disunion by forming an organic federation! What an earthquake surprise to Malenkov and to all who believe as Stalin did!

Only those who have had their profoundest belief in someone or something proved undeniably false can imagine how devastating and demoralizing to the Communist dictatorship an Atlantic Union would be. And even they need to remember that it would undermine faith not only in a dictator but in a whole system—prove not only that Stalin was a fool, but that Communism is a fraud. What more can one ask? Is not any plan worth trying that may do all this?

To fan doubt and distrust within the Soviet dictatorship, it is particularly necessary that the proposed Atlantic convention should be explicitly called to explore the possibility of forming a federal union along the lines of the United States and Switzerland, as the Kefauver resolution provides. If it is watered down to be merely another conference seeking greater "co-operation"

or "unity," it will lose most of its psychological impact.

TO DISRUPT EASTERN EUROPE

In eastern Europe the calling of an Atlantic federal convention would have an especially disruptive effect on the Soviet dictatorship. This is particularly true of Czechoslovakia, Poland, East Germany, and Hungary. All these peoples have close ties with the West; many families in them are linked with the United States by emigrants. They have little faith in alliances; they have too often seen them fail to prevent war—have suffered too much from them. That is why NATO has captured no one's imagination in Europe. But the United States itself still means strength, freedom, equality, a high standard of living, to Europe's common people, especially those behind the Iron Curtain.

Nothing else in the political field could capture the imagination of people in eastern Europe and rouse their hope as would the fact that the United States was trying to bring itself permanently to their door in the shape of an Atlantic Federal Union.

STALIN FEARED APPEAL OF U. S.

Though he had never been to the United States, Stalin himself knew of its unique magnetic appeal to eastern Europe. When its nations were under Hitler instead of the Kremlin, he sent a personal message in 1941 to President Roosevelt by Harry Hopkins, in which he said:

Hitler's greatest weakness was found in the vast numbers of oppressed people who hated Hitler and the immoral ways of his government. . . . These people . . . could receive the kind of encouragement and moral strength they needed to resist Hitler from only one source, and that was the United States.

Hopkins reported that Stalin "repeatedly said that the President and the

United States had more influence with the common people of the world today than any other force."

Since Stalin did not need to travel much to know this, one may assume that Malenkov is aware of this, too, though he has not been beyond the Iron Curtain. Certainly the Communist dictators in eastern Europe must know and fear the hope which the United States by its very name evokes among their people.

THE PSYCHOLOGICAL ASPECT

How does it come that the United States in recent years has been losing its prestige with the common people abroad? Partly because of the Red propaganda against it, but more because it has been preaching its principles of freedom and federal union to the Europeans but refusing to practice its principles with them, and has appeared too often, instead, as just another great power seeking to dominate satellites. But it has not yet hurt itself too much.

Let the United States now set out to explore with Europeans the possibility of federating with them in a greater United States of Freedom, and all the old magnetism would return with a rush. The mere calling of an Atlantic federal convention explicitly modeled on the one that constituted the United States of America itself would have incalculable psychological power. Malenkov, already fearful that his European satellite dictators may be tempted by his present weakness to follow Tito's example, would have still greater cause to distrust them.

Even if they hewed to Malenkov's line, they would fear that he distrusted them and that their rivals would seek to exploit his distrust. And they would distrust above all their own people, fearing that the possibilities Atlantic Union could offer would lead them to

plot to restore their liberties, even before such plotting began.

This is perhaps enough to show how doubt, suspicion, and fear could grow of themselves in these conditions until this cancer of distrust destroyed the Red dictatorship.

ELECTRIFYING OURSELVES

For the United States to call now the proposed Atlantic federal convention would, of course, surprise not only Malenkov, but also many Americans, British, Frenchmen, and others. To surprise the enemy, one must first surprise oneself; for one must do more

than one thought one could do. But to outdo oneself—what gives more satisfaction, a greater thrill? By surprising ourselves, we electrify ourselves and all our friends.

Malenkov with his peace policy is already seeking actively to develop the disunion among the free until it destroys their freedom. When will we give freedom's answer—Atlantic Union? When will we Americans begin the federation of the free that alone can save them, while destroying the Communist dictatorship through its own Achilles' heel? The question is not rhetorical. The answer depends on each of us, on you as well as me.

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Declaration of Interdependence

By OTTO TOD MALLERY

A VILLAGE in Puerto Rico is divided by a small stream, easily forded except after heavy rains. Children jump from rock to rock or wade through it on their way to school. When a heavy shower occurs during the morning, the children are not allowed to go home for lunch across the stream, as a freshet in the mountains may send a roaring torrent through the village. One day a sudden cloudburst upstream sent down a torrent which drowned a school girl on her way home.

The villagers agreed that a bridge must be built, but the governmental authorities said the village was too poor to afford it. A few determined villagers met. One offered to cut planks, another to transport them, and another to supply nails. The village carpenter brought a set of plans from the nearest town. By this time the interest in the project had grown so much that a large number of willing workers were ready to put the planks together.

A moving picture of the villagers at work, shown throughout Puerto Rico, encouraged the undertaking of many other co-operative projects.

WORLD BRIDGES

The world, like this village in Puerto Rico, is divided by many streams. Bridges between peoples are lacking. The Declaration of Interdependence, designed to be one such bridge, has nineteen planks assembled by people from thirty-two nations.¹ The initiative came

from the Interdependence Council with headquarters in the city of Philadelphia where the Declaration of Independence of 1776 was signed.

Communism is not the only stream that divides the world. Another flows through the middle of Jerusalem, separating the Arab world from Israel. Another cuts across the subcontinent of India. In parts of the world color and caste are dividing lines. Within the West, streams flow between governments of varying degrees of state socialism, mixed capitalism, and fascism. In the Western Hemisphere mental frontiers resist the transformation of the Organization of American States into a federation.

In spite of all these divergencies, the Declaration of Interdependence asserts that "people are more alike than they are different," and proceeds accordingly.

Of the many bridges needed to cross these dividing streams, some are already built or under way, including the Food and Agriculture Organization; the World Health Organization; the Mutual Security Agency; Benelux (the economic union of Belgium, the Netherlands, and Luxembourg); the European Coal and Steel Community (the partial economic union of France, Germany, Italy, Holland, Belgium, and Luxembourg under the Schuman plan); the North Atlantic Treaty Organization; the European Consultative Assembly; the Colombo plan; and the United Nations Technical Assistance Administration.

¹ Copies of the Declaration of Interdependence and of the Declaration of Brothers (a poetic version of the same) may be obtained from the National Education Association, 1201 Sixteenth Street N.W., Washington 6, D. C.,

at 2 cents each in quantities of 25 or more. They are obtainable free from Interdependence Council, 9006 Crefeld Street, Philadelphia 18, Pennsylvania, when ordered from outside the United States.

INDIVIDUAL INITIATIVE

All these are bridges built by governments between governments and super-governments. The Declaration of Interdependence connotes a bridge built by individuals between individuals. This is a basic difference. The Declaration of Interdependence aims to make it easier for governments to build stronger bridges with wider public support.

Individuals, as such, had to write this Declaration, because if representatives of governments did so, it would be too much diluted in the process. Moreover, any government may change from right to left or vice versa, from internationalist to isolationist, from strong to weak. Even in the United States, breeders of suspicion in high office might paralyze the United States Government. Also, the promises by representatives of one government will not always be honored by their successors. The word of a party in power is not as good as that of a trustworthy individual. Therefore, the Declaration of Interdependence is not written by governments and is not a contract between governments. It has been written by individuals in thirty-two countries and is an agreement between individuals across frontiers.

Written in English and translated into many languages, available through regional representatives on each of four continents, the Declaration has the advantages of simplicity and brevity. Complex ideas are repeated in figurative language within the comprehension of untutored people. Its moral principles have been widely discussed and are acceptable to Mohammedans, Buddhists, Jews, Christians, and believers in other religions. Its strength comes from ideas that are common to people of many faiths and many cultures. Therefore, it is not an exclusively western or Christian document, for people

from many cultures have freely participated in its drafting.

What is the necessity for such a declaration? What, exactly, is it? How can it be made effective?

WHY?

The reasons for a Declaration of Interdependence are: (1) Ideas rule the world. (2) A declaration of faith is needed to overcome the creeping paralysis of the thought that another world war is inevitable. (3) Nothing is so irresistible as an idea whose time has come. (4) To remain independent today requires wider interdependence than ever before.

Ideas rule the world

Morale makes armies fight and morale is formed by deeply planted ideas. But the army today is composed of the whole population. Therefore, a war is won without combat if the minds of the masses of the world have been captured.

Communism has been notably successful in winning the minds of the masses in certain parts of the world because its promises are definite, persuasively expressed, and circulated by ardent believers. Equally definite promises, circulated by as ardent believers, are necessary to state the case of the free world.

A declaration of faith

A declaration of faith is needed to offset the creeping paralysis resulting from the fear that a world war is inevitable. The Declaration expresses a dauntless conviction that war is not inevitable and that there are definite alternatives. The Greek world, which had attained great heights of creative achievement 2,300 years ago, disintegrated under the pressure of fear. Other civilizations have decayed from within or fallen apart. Such disintegrating

forces are at work today. The Declaration is an instrument to allay fear in time of troubles and to increase faith—first among a few persons in many nations and, through the few, to an ever widening circle.

The Declaration enables those who believe that war is not inevitable to assert themselves and to know and recognize one another. This is a necessary process toward forming a human chain composed of durable links of faith.

People all over the world do not know that such a chain exists, or that such specific promises are being made for peaceful progress. They have had dinned into their ears alluring Communist promises of spurious progress by revolution. Now an honest prospectus from the free world comes to them, simple enough for study in the schools and by the newly literate. Its potentialities are incalculable, because it relies on spiritual strength to transform the physical world.

A timely idea

Nothing is so irresistible as an idea whose time has come. In this time of troubles, as in 1776, people are more ready to join hands to save themselves by helping one another. The Declaration of Interdependence recalls the American Declaration of 1776 because both were launched in periods of stress when necessity demanded a change of direction. Only then did hidden truths burst to the surface under seething pressures.

The American Declaration of 1776 begins with "a decent respect to the opinions of mankind." The Declaration of Interdependence begins in a similar manner, appealing to "men and women of many races and religions, children of a Supreme Being through whom all men are brothers, to unite their needs and aspirations." It em-

phasizes diversity of culture with similarity of needs. Out of this diversity of culture it aims to form a durable partnership to fill these needs. It says, "Power is generated by fusion or agreement among unlike elements."

This democratic belief contrasts sharply with the totalitarian effort to crush diversity and impose uniformity of thought. The Declaration places the preservation of diversity and of the rights of the individual above economic security. If economic security were the first law of national life, as Karl Marx and Friedrich Engels assert, a prisoner in a well-managed prison would be its perfect consummation.² A prisoner has food of good quality in sufficient quantities. He is well sheltered and warm in winter, with no mortgage payments to make. He has excellent, quick, free medical attention. His laundry goes and comes back regularly. A barber is in attendance. He has no bills to pay and no installment loans to stall off. He is exempt from all forms of taxes, and is never called on to contribute to charities or churches. He has no family responsibilities or worries. A prisoner is economically secure and at the same time often more miserable than a beggar who does not know where his next meal is coming from. His criminal personality is not healed by security. He will remain at war with society unless an inner change takes place unrelated to his economic security. In the absence of a different set of characteristics from the ones which brought him into prison, he will remain a menace. And so will every government whose only national policy is security.

Are not nations who feel themselves bound together by common aims more secure than those which are linked by military alliances? Has not the time

² Starr Daily, *Through Valleys to Victories*, New York: Harper & Brothers, 1952.

come to develop interdependence as the foundation of security?

Independence through interdependence

The final reason why the Declaration of Interdependence is written today is because nations can remain independent only through attaining greater interdependence. This is a relatively new idea. Ever since World War II, some people in the United States have looked upon our time as "the American century," with the United States the sole possessor of overwhelming force, and the rest of the world standing respectfully at attention. Strong lobbies in Congress, including the American Tariff League, assert that American prosperity depends upon the exclusion of many foreign goods and upon weakening the Reciprocal Trade Agreements Act.⁸

By contrast, British Foreign Minister Eden realizes that even the wide British Commonwealth of Nations is too small a portion of the world to be profitably shut in by preferential tariff barriers. Mr. Eden sees that the economies of several nations are greater than the sum of their separate parts. This means that the total production and exchange of two or more countries will be greater if they are not isolated economies. Reciprocal trade agreements, for example, produce more trade than discriminatory trade barriers.

In the Declaration this proposition is simplified to read: "Whether the people eat more and live better depends in part on how widely goods can be exchanged with mutual gain." Not only in trade and employment but also in international relations, greater interdependence is the best guarantee of continued independence for the nations of the non-Communist world.

⁸"Hot Fight Impends Over Tariff Issue," *New York Times*, March 29, 1953, sec. 3, col. 1.

WHAT?

The Declaration consists of (1) four parts, (2) nineteen planks, (3) an agreement upon essentials.

1. The Declaration is what George Washington would have called "a standard to which the wise may repair." It is in four parts: Foreword, Preamble, Program, and Compact. The Foreword emphasizes the importance of the individual; the Preamble is on the theme that no nation can stand alone; the Program offers nineteen definite goals; the Compact is a pledge by its signers. All four parts are assertions of faith that by common sense, conscience, good will, and enlightened self-interest a bridge may be formed across the rivers of distrust.

2. An analysis of the nineteen planks in the bridge shows only four to be economic, placing the emphasis on fifteen spiritual, human, and political planks. The first planks are concerned with human dignity, mutual understanding, and freedom. Here the Declaration of Interdependence resembles the Bill of Rights of the Constitution of the United States, in that it states what ought to be, not what is. The following purposes are declared:

Reverence life and human dignity, abolish racial barriers, and repudiate all doctrines of supposed superiority based upon national origin, color, creed, sex, or caste—people are more alike than they are different—

Foster mutual understanding and respect for one another's beliefs and cultural values—many keys are required to unlock all the gates of truth and beauty—

Uphold freedom to think, to read, to listen, to look, to speak, and to assemble—opinions, like the roots of a tree, require nourishment from all sides; ideas ultimately rule the world; an open mind leaves an opening for a valuable idea to drop in; mutual confidence can be approached only

through open minds and reliance upon free discussion; the earth is strewn with the ruins of great powers, but great ideas survive—

Protect the individual against suppression or exploitation by those misusing political or economic power; each individual is the ultimate minority—to protect minorities is to safeguard each human being; government has evolved for the benefit of the individual, not the individual for the benefit of government.

Whoever you are, you are in a minority. If you are an American, a free man, a Protestant, a Catholic, or a Jew, you are a part of a world minority. An Arab, a Chinese, a Hindu, a Negro, a white man, a yellow man, or a brown man, each is part of a world minority and may be dependent at some time upon the protection of the majority of the other culture groups—the protection offered by the united signers of the Declaration of Interdependence. If the Declaration brings home the truth that people of every culture are interdependent world minorities, it will become a new Magna Charta of the peoples of this earth.

The purposes of the four economic planks are to overcome ignorance, to eliminate forced labor, to increase productive employment, to effect land reform (a basic issue in Asia and Latin America), and to lower trade barriers in order to raise standards of living. Most of these nineteen planks are stated twice, first in exact terms and then figuratively; for example, "It is hard to make an empty sack stand upright." All are basic aims which people, however much they differ on other matters, can agree on, and which they can attain only by concerted, patient, unrelenting co-operation.

Comments

The present draft is characterized by a distinguished United States educator

as follows: "It is a creative manifestation of humane intelligence and belongs among the great historical documents of mankind."

A Venezuelan government official views the Declaration as "a magnificent seed to fructify the tree of peace."

A French Army officer of the resistance foresees that "it will take its place in the re-erection of the West."

A Colombian publicist writes: "It is a recognition of a historic reality, an ardent appeal for mutual understanding to obtain the benefits of modern civilization for all peoples."

"I see history forming around it."—"It is the basic imperative of these times."—are the conclusions of two United States authors.

Communism, as such, is nowhere attacked or even mentioned in the Declaration. The latter omits denunciations and states affirmative aims. It rests on the conviction that if its nineteen-point program advances in a country, the supposed attractions of Communism will gradually evaporate. No effort has been made to introduce the Declaration into the Soviet Union, but a West German entering the Eastern Zone on a visit was found to be carrying several copies in English. When the Russian police demanded to know what these leaflets were, he could not explain because he did not know. His wife had put them in his overcoat pocket without his knowledge. (Never underestimate the influence of the little woman!)

The symbol of interdependence is a wheel. The wheel lifted man out of the mud and made him mobile. It is a symbol of mechanical progress. But in Asia it also has a religious significance. Each spoke of this imagined wheel, whether it be an individual, a community, or a nation, is essential to the whole. Each has its place in holding the circle true. All spokes proceed from a common hub—faith. From this hub

of faith spokes radiate beyond visible limits toward the infinite. The wheel rolls best when the hub is strong and the circle is true.

How?

We have now examined why and what the Declaration is. How can it be made an effective bridge and a potent influence?

Six steps are planned between 1953 and 1955.

1. The first step is to find a few hundred (not million) people who are in active sympathy with its aims and methods. So far five hundred have been found in thirty-two countries who have signed as in sympathy with the Declaration.

2. The second step is to encourage the signers to correspond with one another, to develop a feeling of unity in aims, and to increase the realization of the potentialities of co-operative action. All over the world they will circulate the Declaration until it snowballs.

3. Out of the most interested and active signers will be selected a few score who will be authorized to write and speak interpretation of the Declaration. These principal participants are called Delegates of the Interdependence Council, with one vice chairman in each region, four of whom are already functioning.

4. It is hoped to bring the delegates together once a year; in 1954 in the United States of America; in 1955 in Europe or South America.

5. The delegates will adopt the final text of the Declaration based on proposals made during 1953-54. Since delegates are expected from most cultures, it will be a truly intercultural document. They will accelerate the first three steps: the finding of more signers, their correspondence with one another, and the choosing of more delegates.

6. After the adoption of the final text of the Declaration it will be proclaimed in each country on the same day with solemn ceremonies. In the United States the appropriate place would be Independence Hall.

The experience gained during these first six steps will reveal what the subsequent ones will be. The end of such a far-reaching project cannot be seen from the beginning. If the direction is right, the goal will be ever clearer. As Jean Monnet, father of the European Coal and Steel Community, said, "The most important thing in life is to have a goal and to know that there is no turning back." Gradually the technique of building intercultural and international bridges will be improved.

THE COMPACT

The final clauses of the Compact are the following:

KNOWING that with the assistance of Divine Guidance we will succeed,

BELIEVING that it is better to light a candle than to curse the darkness,

VOICING the longings of all people for peace, freedom, justice, security, and equal opportunity for every man to do his best,

DESIRING to help one another to mount, step by step, toward these high summits of human aspiration,

We hereby agree as partners to champion and cherish the Declaration of Interdependence, its aims and ideals.

(Signature)

So far, about four hundred persons from thirty-two countries have signed this compact and are in communication with one another to accomplish some of its objectives. They include university presidents in four countries, professors in most of the thirty-two countries—including many professors of philosophy and the social sciences—religious leaders, editors, writers, teachers, students,

and women active in public affairs. Only a few hundred more signers are sought by the Interdependence Council. Small minorities have achieved most of the progress of mankind up to this point, and will continue to do so. The

Interdependence Council is seeking signers only among those who believe that there are alternatives to war and are ready to explore them boldly in the company of like-minded men and women of good will of many lands and cultures.

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The Scope of Strategy

By F. CYRIL JAMES

IT is my purpose to look at the North Atlantic Treaty Organization not from the viewpoint of Europe but from the viewpoint of North America, inhabited by 172,000,000 Canadians and Americans. NATO is an evidence of our feeling that we need additional protection. It was created to defend western Europe, which is the cradle of western civilization.

COMPARATIVE WEAKNESS OF EUROPE

I wish to begin with a simple statement which is the premise for all that I have to say. I disagree somewhat with Mr. Nagorski:¹ Europe, in spite of its tremendous cultural importance, in spite of the fact that it is the cradle from which each one of us ancestrally sprang, is a comparatively small part of the world. The population of Europe outside the Soviet orbit is only 392 millions out of the world population of 2,200 millions exclusive of North America.

And although we have rather flattered ourselves for a good many years by thinking of the peoples of European stock, because of their longer tradition and greater industrial skill, as man for man better than other peoples, I think that is a delusion, not only culturally but even in the practical economic and military aspects in this day of semi-automatic machinery and semiautomatic weapons.

The combined population of western Europe and North America is substantially less than one-fourth of the population of the world. And although western Europe developed its natural resources earlier than the rest of the

¹ See Zygmunt Nagorski, Jr., in this volume.

world in the opening chapters of the industrial revolution, it has now very substantially exhausted those resources. We know that under the soil of Russia, China, Burma, Malaya, and South America, as well as under the soil of Canada and the United States, there repose vastly greater quantities of raw materials, strategic and industrial, than those that are known to exist in western Europe or elsewhere.

In fact, if you look bluntly at the situation, NATO is a practical expression of our North American realization that western Europe by itself, in terms of manpower and natural resources, is unlikely to be able to defend itself from potential aggression by the Soviet Union with its 193 million people, reinforced by the 900 millions of China, Manchuria, and the satellite countries, knowing that in those two areas of the great Russo-Chinese land mass we have one of the most important sources of basic raw materials and natural resources in the world.

Europe is one point on the periphery of what we call the "cold war" between the ideals which have their focus for the moment in North America and the ideology that has its focus in the Kremlin and perhaps a slightly different focus in Peiping.

FOCAL POINTS OF STRATEGY

Once we recognize that fact, the premise with which I begin, let us quietly look at any globe showing the terrestrial distribution of the earth. It becomes immediately apparent, tragically apparent, that "the scope of strategy" is not confined to the area covered by the North Atlantic Treaty

Organization. Traveling east from western Europe, we find that the Russo-Chinese land mass is contiguous to many countries whose welfare is essential to our peace and prosperity. It borders on Turkey, which is one of the bastions of the Middle East command and which is contiguous to Iran. Iran is a powder keg in the international situation, with internal conflict between the Prime Minister and the Shah, with a substantial Communist party, with international relations at present exacerbated by its arguments with England and, by implication, with the United States.

Farther east, that half-forgotten country of Tibet (which has been quietly, and almost without notice by the western world, reoccupied by the armies of Communist China during the last two years) not only abuts directly on northern India but runs parallel with Kashmir. Kashmir is another powder keg, where peace has been preserved during the last three difficult years only because of the extraordinary wisdom and patience of the governments of both India and Pakistan.

The borders of Tibet are contiguous to those of the little kingdom of Nepal, where there have already been two revolutions, and which itself is close to that difficult border between India and East Pakistan (that part which comprises East Bengal). Here the frictions and wraths of the last three years have created such an explosive situation that in my judgment it is vastly more serious to the peace of the western world than even the present situation in Iran.

Let us go still farther east. There are persistent rumors that Chinese troops are already in the mountainous areas of the northern chain states of Burma, a country where two civil wars have been going on at the same time and where, for the last three years, it has not been possible, except for a few days of the

year, to travel safely from Rangoon to Mandalay, the only two major cities.

Still farther east, in Indochina, France has already, in bitter war, suffered more casualties than the total casualties of the United Nations in Korea.

Though Malaya does not border that Russo-Chinese land mass, it is sufficiently close and sufficiently embroiled in that major conflict of opinions with which our strategy is concerned that it cannot be left out of focus.

Right around that central land mass of the world, with its thousand million people, with its tremendous raw materials, there are focal points, at every one of which war is a potential, and at several of which war on a serious scale already exists; and the holding of every one of these focal points of strategy is essential to the ultimate peace of Canada and the United States, and to the ultimate preservation of the pattern of life in which we believe.

THE HISTORIC ANALOGY

At first glance that prospect may appear frightening. It is bad enough to think about Korea at one end, and western Europe at the other, without paying attention to each one of these intermediary situations. But, in the light of history, I do not think it is frightening. We look back nostalgically today to that century between the Battle of Waterloo and the German invasion of Belgium in 1914 as a century of peace, progress, liberty, and human happiness, as one of the great centuries in the development of western civilization—and it was. But let us remember that throughout that century peace depended upon the maintenance of the balance of power, and that throughout the latter part of that century the western world was compelled four times to stop the aggression of an older Russia, the ancestor of Communist Russia.

The Crimean War was the price that was paid to prevent Russia from coming down into the eastern Mediterranean; the treaty in regard to the split of Persia, and the establishment of zones, reinforced by military troops and continual watchfulness, maintained peace in that area. On the northwestern frontier of India, for a century there were garrisons continually standing on guard and there were local wars often, in which men bought with their blood the peace that the rest of us enjoy; and the thing that prevented Russia from moving out into the Pacific and occupying Manchuria, and other large areas, was the decisive naval battle in Tsushima Strait, where the Japanese Navy stood guard and prevented that expansion.

The focal points of strategy then were almost the same as they are today. They stretch again from the Caspian Sea all the way around to the Yellow Sea, to Korea. And I would suggest to you that it is conceivable that we can win and maintain in the twentieth century a pattern of peace not unworthy of comparison with that of the nineteenth century if we continually keep in mind two fundamental things.

THE PRICE OF PEACE

In the first place, the scope of our strategy must be as wide as the whole world, which is now interdependent and connected. Second, we must never forget that the price of liberty in this century or any other, in terms of the old adage, is eternal vigilance and constant effort. I think nothing is more to be deplored than the reaction in the United States and Canada, that the prospect of the cessation of hostilities in Korea, and the Soviet peace overtures in Europe, should immediately be reflected in the reduction of armaments and the promise of a reduction in income tax, in order that we may go home and forget the whole problem.

I should like to underline, with all the emphasis that I can command, that the peace of the nineteenth century had to be bought by a practical strategy, relying on the appropriate use of force wisely distributed. It was not often invoked, simply because it was there and the policing was grimly done. I know of no more colorful piece of writing than that magnificent essay by John Galsworthy where he contrasts the "Diamond Jubilee" with the "Death of the great Queen Victoria." At that "Diamond Jubilee" in 1897 the tragic price of peace was evidenced by tens of thousands of troops, with skins of every color, with a great variety of uniforms, belonging to every region of the world—men who had come from Malaya, from the northwest frontier of India, from hundreds of other places, in small contingents, offering tangible evidence of the unrelenting human effort which preserved the peace of the world throughout that memorable nineteenth century and purchased the peace and liberty and prosperity on which we all depended.

I should like to emphasize that point and to impress that picture clearly on your minds; because I think there is a great tendency in our generation to think that we can obtain peace simply by talking about brotherhood, as if we could abolish crime in either Philadelphia or Montreal by abandoning police forces and getting everybody to swear to be good.

THE INHERITANCE OF DEMOCRACY

I wish to revert to that picture of 1897 for another reason. The troops then were British. They came from an empire of which at that time most people were proud. But in the twentieth century the concept of empire and of colonialism is not appropriate. In central and eastern Asia and in Africa the concept of nationalism has taken root and has grown abundantly, so that

what were once dependent states are now vigorous self-governing communities. England and the United States can be proud of that development.

An extraordinary series of articles appeared not long ago in *Eastern Economics*, published in Delhi by John Di Costa, in which he discussed a fundamental point that we often forget, namely, that in six thousand years of Indian history there is nothing of democracy. Democracy has no part in the Hindu religion or the Buddhist religion, and not very much in the Moslem religion which came later. And yet, on the very first anniversary of independence in that great country of India all members of the government, spontaneously, without discussion, decided that the kind of government they wanted to establish in India was the kind they had learned from Great Britain, the country from which they had so recently gained their freedom. The same thing is true of other countries which have become free.

The fact that these countries have learned democracy, have accepted some of the ideals which we practiced as well as preached, is something of which we can be extraordinarily proud. At the same time, it constitutes problems. It means that in determining and executing strategy, we can no longer give orders.

Canada and the United States are but two among the many countries comprised in NATO. They are but two among the still larger number of countries of the world. As Mr. Mallery has said,² we, like everybody else, are a minority. If we are going to develop strategy and carry it out, it is necessary that we should win friends and allies. How are we going to do that? Today these countries of which I have been speaking are not new and undeveloped

² See article by Otto Tod Mallery in this volume.

countries. They think of themselves, perhaps not unjustly, as having civilizations much older than anything we can boast of in North America; and this is confirmed by archaeological explorations and by the Pyramids of Egypt.

THE SPIRITUAL FORCE

There are two things that are significant. The first is spiritual force. That may come strangely from an economist; it may seem disappointing to those who think it impractical. But no less practical a man than Field Marshal Montgomery, when asked the factors on which the success of NATO depended, said it depended first on a clear, cold, ringing statement of the aims and ideals of western nations which could be transmitted to all the countries of the world. It is not a question of unity of ideas, it is not a question of exploiting minor differences of opinion. It is a question of stating the central, fundamental points—personal freedom and democracy; opposition to aggression; a guarantee to any country that is liberated of complete freedom to do what it wants to do; simple things like that.

There was an earlier day when the great and formidable Spanish Armada was sailing up the English Channel and seemed likely to be successful in bringing about the destruction of the government of England, the mother country of so many of the North American people. In that country there were Catholics, Protestants, Calvinists, people of every shade of religious opinion. There were those who believed that the Queen had no right to be there and that Queen Mary had been sacrificed. There were tensions as deep as any that exist in the world today. But the challenge was never: Are you a Catholic? Are you a Protestant? Do you support the Queen? The challenge, the "bloody question" was

it came to be known, was clear and straightforward—If the Spanish troops land, do you fight for England or do you fight for Spain?

We need nothing more complicated than that. What is the simplest expression of the things for which men are willing to give themselves—to sacrifice their lives? The quality of the great documents of Magna Charta, the Declaration of Independence, and the Declaration of the Rights of Man, is not to be found in their wording. It is not to be found even in the ideals that they embody; for many men sitting quietly in their studies have thought and have expressed the same ideas. Not this quality is to be found in the swords of the barons at Runnymede, in the muskets of the men at Valley Forge, and in the armies which, because of their conviction, fought under Napoleon in various parts of the world.

If we recognize that, and if we go one step farther, we shall see that all of these declarations and all of our traditions go back to but one source—Christianity—which is the basis of all western civilization.

The members of another great religion of the world, the religion of Islam, accept the words of the prophets and the teachings of Christ. The Islamic countries are today undergoing a deep and moving reformation quite as serious and quite as disturbing as that which affected western Europe in the sixteenth century. Strategically, the Islamic countries form a most important section of the world, stretching from Morocco through Tunisia, Egypt, Saudi Arabia, Turkey, Iraq, Iran, Afghanistan, Pakistan, and part of India, down to Indonesia, comprising more than three hundred million people whose fundamental ideas are not very different from ours.

We must convince these people, in General Montgomery's phrase, in clear,

cold sincerity, that those ideals are something which we practice, on which we operate our lives, and that the friendship that we are offering them is a friendship between equals—a partnership in the attempt to build up and organize the strategy of the free world in a form which will advance our common cause in peace, not at the expense of a third major war, than which nothing could be more devastating.

THE QUESTION OF AID

The second half of the pattern is implicit. It is the whole question of mutual aid, the co-operation between partners. I will not touch on that lengthily. This tangible evidence of our friendship is a thorny question—one of those things of which we have perhaps got tired a little too quickly and easily.

We tackled the problem with great enthusiasm about four years ago, with Point Four, the Colombo plan, and the United Nations Technical Assistance program. In each country and at the United Nations this year, there is a tendency to cut the appropriations and to criticize the scheme. Why? Because some of the countries that we helped, for instance Iran and Egypt, started an argument instead of acting as they were expected to act. But the purpose of the program was not to buy people to do what we wanted them to do. Too often the people who came to help wanted these countries to do what the Americans or the English or the Canadians thought was right, instead of trying to help them to do what they wanted to do.

The plan is lagging partly because of extreme disturbance in some of the receiving countries, and partly because some of the grandiose schemes were so fabulously expensive that it would take two or three generations to raise the money locally, and suddenly no money was coming from outside.

THEIR VIEWPOINT

We have made a big mistake; we have also been impractical. We must not forget that in India, in China, in Pakistan, in Indochina, the average income per capita, in United States dollars, is just a trifle more than \$50 a year, and in no one of these countries is it over \$100 a year. We must remember that the infant mortality in India is five times what it is in the United States. I need not elaborate the picture. Our imagination can see what those two statistics mean in terms of health, nutrition, and welfare, and of the potentially dangerous deep restlessness. We can see how these people view some of those who were sent to advise them, often without very much understanding.

We need not be greatly surprised if some of those people occasionally say, as I heard some of them say at Calicut, Why shouldn't we take advice from Russia? Russia, according to the inaccurate myth very effectively used, was a country of poor peasants; Russia exterminated its exploiters; Russia by its own unaided efforts, and in the teeth of opposition from the rest of the world, succeeded in raising itself to the position of the second world power and building a great economic organization. You and I know it is not true; but it is a very effective argument to people who feel that they are not really getting the kind of aid that they want, and that they are simply being bought and dictated to. This may not be what we intended, but it is often what they think.

ALLIES ARE NECESSARY

Those two things—a clear statement of ideals, and generous assistance to our friends—are, after all, the opposite sides of the same medal. The cold facts of the strategic situation make it imperative that we do not plan our

strategy without allies. We need a NATO in southeastern Asia just as much as we need it in Europe, because neither the United States nor Great Britain, nor even the United States and the Commonwealth combined, can provide troops to defend that area strategically. They have never been able to do it, and they never will.

If there is to be a strategy even as effective as we had in the nineteenth century, it must be a co-operative pattern in which we are working alongside all those other countries, having convinced them of our common ideals, having assisted them with our greater wealth. We are not going to raise their standard of living to ours in generations; we are not going to be able to build large cities, dams, and factories everywhere. But at least we can make a more sincere contribution than we are now making towards helping them to work out their own destiny in their own way, emphasizing that we are equal partners according to our share and their share in the manpower and the organization that strategy requires.

The "scope of strategy" encompasses the world. It depends, in the very first place, upon the existence of an effective military and naval force, organized and planned by such a wholeheartedly collaborative organization as NATO has become in western Europe. It demands clear aims, it demands cold and clear wisdom, neither emotion nor sudden fits and starts, and it demands the recognition of and the belief in those ideals that are so important that they transcend the ordinary frictions of life and make men willing to fight for a cause in which they believe.

UNITED BY A COMMON DANGER

In conclusion, may I remind you of that danger to western Europe four hundred years ago, when the great leader of the Saracens, Suleiman the

Magnificent, undefeated in sixty battles, had swept the armies of Europe aside on the plains of Hungary and at the Battle of Mohács in 1526, and was moving steadily westward. The Catholic island of Malta was under siege from his navies in 1565, and likely to collapse. In that distressed world of sixteenth-century Europe, in that period of religious wars, of burnings at the stake, of executions, when brother was against brother and families were distraught—in that period it was the Protestant Queen of England and the

Protestant King of France who ordered prayers in all churches for the welfare of Catholic Malta. And it was able to withstand the siege.

And that danger was stopped at Lepanto in 1571, and the opportunity for Christianity, peace, and freedom was preserved, by a fleet of ships sent by seventeen countries, united only by a common danger, which fought together under the single banner of Don John of Austria and effectively defeated the common enemy by their united strategy.

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Civil-Military Relations in Mutual Security

By HERMAN MILES SOMERS

THAT the present role of the United States in world affairs represents a revolutionary departure from past traditions and practices has received wide notice. Inadequate attention has been directed to the question whether the political institutions developed during 150 years of preoccupation with domestic affairs are adequate to the new problems and demands.

Every literate person now inquires, What is our foreign policy? But few seem concerned with the fact that the answer to the question lies in *how* foreign policy is made and where, and by whom it is controlled and operated.

THE MILITARY EMPHASIS

For the first time in our history, we are committed to a world-wide network of military alliances, of which the North Atlantic Treaty Organization is but one. Our military establishment is at its highest peacetime level, and military expenditures completely dominate the federal budget. This is a situation which can be considered independent of the hostilities in Korea, since we have committed ourselves to a firm military posture for the duration of cold war, a posture expected to be supported by about 15 per cent of the national income.

In short, for the first time, Americans must contemplate living for an indefinite period with a large military establishment, constituting far the major portion of government expenditures and personnel. We are now faced with a new and enduring challenge: In a context of "permanent mobilization," can we keep military considerations in balanced proportions within an over-all security program encompassing also po-

litical, economic, social, and moral factors? Can we maintain clear political and civilian authority over military affairs?

Without civilian control of the military, our democratic institutions and traditions stand in jeopardy. Unless military aspects of foreign policy are balanced with the other essential elements, we may end up with only superficial aspects of unrooted military power, a latter-day Maginot line.

My own impression, based on recent observation of our efforts in Europe, is that we are not evidencing a capacity to administer a rounded defense program, and that a striking and increasing imbalance among the elements which make up security is manifest. The military alliance of NATO is being made unnecessarily tenuous because of a thinning down of American foreign policy and administration to a primarily military activity.

Let me hasten to add that I do not attribute this to alleged aggrandizing propensities of the military. We may, in fact, consider ourselves fortunate that during the past few years we have had at the head of our Joint Chiefs of Staff Omar Bradley, an officer who has not only acted with a statesman's sense of public responsibility but who has evidenced a keen concern for maintenance of the principle of political supremacy over the military. Partially the problem appears to lie in our political and governmental institutions, and in part it stems from a timorous abdication of civilian authority.

Recent developments in the Mutual Security Program may illustrate the point.

THE MARSHALL PLAN

We moved into the Marshall plan in an enlightened spirit and with understanding of the mutuality of interests of the North Atlantic community. We made it clear that the economic and political stability of friendly nations was a common concern. We appeared to accept the principle that ultimate security rested on a broadly based "united morale."

It was a courageous proposal, and its presentation to Congress as a four-year program represented a long-sighted view. But as time went on, the exigencies of the annual appropriations procedures resulted in a "strategy" of emphasizing the crisis or temporary character of the assistance, to the neglect of the increasingly apparent fact that the basic relationship with Europe, which lay at the root of the particular program, was a matter of indefinite duration.

After the Korean outbreak, it appeared necessary to augment the economic and political aspects of the Marshall plan with a program of military assistance to our allies. There is nothing incompatible between Marshall-plan objectives and military assistance. A program of mutual assistance, or burden-sharing, may well encompass all elements of mutual concern.

But by 1952 the civilian authorities were caught up in the mesh of their earlier "strategy" in dealing with Congress. The Marshall plan was a success, by every measure available, but success had been represented as being synonymous with conclusion—an end to the program—rather than as part of the continuum in a long-range relationship in regard to long-range problems. In its presentation to Congress in 1952, the executive branch chose not to make the latter case but to hail the successful conclusion of the Marshall plan, and

then rationalized virtually the whole of our continued political and financial relationship to Europe on a military basis. Pitching the entire program to the need for military assistance, the role of the Mutual Security Agency appeared justified only as an appendage to the military. Developments into 1953 are increasing this one-sided tendency.

"DEFENSE SUPPORT"

The rationale is simple. Congress, it is alleged, will not hear of further economic assistance to Europe, but is ready to accept the need for military assistance. Economic aid is still needed in modest, but nonetheless essential, amounts. To get it, runs the argument, the justification must be intimately identified with the military.

This has led to the labeling of virtually all European economic aid as "defense support," under which expenditures must be justified in terms of their contribution to the military build-up. It was argued that only the necessity of the post-Korean European defense development created the circumstances for continued aid.

Most observers regarded this as too optimistic an estimate of the real situation, especially as applied to such countries as Italy and Greece, and most Congressmen appeared to recognize the argument as mainly an appropriations justification. At the 1952 hearings, Senator after Senator rightly pleaded that the issues would be clearer to him if the \$1.8 billion requested for "defense support" were clearly labeled economic aid. In point of fact, since an entire economy may be considered to be "defense supporting" because the modern military base represents total resources, the aid under that label consists of conventional economic goods not essentially different from the Marshall-plan aid. But it is most signifi-

cant that we now officially claim to be almost solely involved in military assistance.

OFF-SHORE PROCUREMENT

A second method of delivering needed economic assistance is developing rapidly under the name of Off-Shore Procurement, or OSP. This involves using military assistance moneys for purchase of military items from European nations to be delivered by us to the same or other European allies. Needed dollars are thus brought into Europe, and the Mutual Security Agency hopes it can build an economic and political program around this indirect device.

For fiscal 1953 it was planned to employ \$1 billion for OSP. Plans for fiscal 1954 talk of \$1.5 or \$2 billion for OSP, and it may substantially replace all other forms of economic assistance to Europe. At the moment, it appears to be regarded as the most salable package available for purposes of congressional appropriation, and the congressional hearings this summer will probably burgeon with imaginative descriptions of the virtues of OSP.

The claims made for OSP are numerous and diverse enough to engage wide support. Here are a few: (1) Since we must give Europe military equipment in any event, OSP provides a method of furnishing both the matériel and the equivalent number of badly needed dollars at no additional cost. (2) OSP will help develop and keep in usable condition important European facilities and manpower which might otherwise be left to deteriorate. (3) OSP dollars can be more fully directed and controlled by us toward the achievement of political objectives, such as encouraging factories with anti-communist labor, or increasing employment at strategic points, for example, in Italy before the June elections.

How all these and other alleged aims of OSP are to be achieved while at the same time obtaining the proper military items when and where needed—presumably the primary objective—is not made clear.

OSP cannot perform all that is claimed for it. As one method of furnishing military assistance, it can have effective results if used selectively. But as a substitute for economic assistance, it is deficient and wasteful. In a country where there are existing but idle industrial plants and manpower, capable of making suitable military items at reasonable cost, and the country is now unable to expand its own military budget, an opportunity exists for our military buyers to place a limited amount of dollar contracts and thus create employment, use idle resources, and boost dollar exchange reserves, while obtaining needed military equipment—in a few cases even at a financial saving. But these ideal circumstances do not often prevail. In most cases, the economic objective of furnishing dollar assistance and otherwise propping up political morale is likely to be in conflict with the military objective of obtaining needed goods of acceptable quality at a reasonable price.

In an economy already operating at or near full capacity, and where the military budget is at a satisfactory level, as in England, OSP dollars do not have the same effect as economic aid dollars. American military dollars mean a diversion of industrial capacity from products for civilian consumption or from expanding dollar-earning capacity on a solid, long-range foundation. No net gain in dollar earnings may result, and the long-range economic struggle for stability and sufficiency may be retarded. OSP provides a highly uncertain source of future dollars. As a leading British industrialist told me, "We're

converting some of our very scarce capital structure to get your OSP dollars. We are willing to do it, if your people feel it essential, but we're worried. We know that as soon as your own munitions production lines catch up on their contracts and need more to keep them going, neither your Congress nor your military will want to justify placing contracts here for goods you can make in the United States."

If contracts are to be placed on a straight business basis of where needed items can be produced most efficiently, the great bulk of contracts will land in Germany and Belgium, which need them least. If we purchase goods without due regard to relative quality and price, we cannot expect much respect for our exhortations to improve methods and efficiency in the European economies.

ENLARGED SPHERE OF MILITARY AUTHORITY

Most important, we are not told that the technique of Off-Shore Procurement throws into military hands large additional authority over civilian aspects of foreign policy!

This type of purchasing is performed by the military. The procurement officers are not attached to, or responsible to, any civilian agency. Upon entering a particular nation in Europe they are not under the authority of the American Ambassador as part of the "country team," as are other American functionaries (although they are instructed to seek the counsel of the MSA mission, as well as that of the Embassy). They report only to military superiors in Europe and the United States.

Civilian authorities, in diminishing numbers, still nurture a hope that they can maintain authority for "programming" of OSP, country by country; that is, that they can retain basic decision-making control, leaving to the military,

in addition to the inescapable function of weapons specification and approval, the sheer mechanics of buying.

We and other countries have had long experience with the issues of programming and procurement. It was a *cause célèbre* here during World War II, and it is important that civil authorities shall not forget what was so obvious then.

Procurement is not merely buying. It inevitably includes responsibility for setting specifications, for inspection, and for delivery. If the procurement officer is to be held accountable for the produce, he must be satisfied that the plant with which he contracts is able to deliver. He must follow the manufacturing process and make sure that scarce materials or manpower does not jeopardize production. If transportation problems interfere, he must move in on those. Inevitably, the manufacturer turns to the buyer, the man who holds the purse strings, when problems arise which threaten fulfillment of the contract. It was not surprising that with its multi-billions of procurement responsibility in World War II the military found itself in the midst of the business of every civilian war agency—production, manpower, transportation, labor disputes, shipping—and that it soon assumed a most powerful voice in the decisions of these agencies.

All experience, as well as the simple logic of the purchasing function (even in the department store business), confirms that procurement cannot sensibly be detached from broad responsibility. Procurement responsibility carries with it programming responsibility in practice, wherever else it may be placed by law or regulation. This is and will be true in Europe as well as in the United States.

In short, if economic assistance is to be channeled through military Off-Shore Procurement, then economic assistance

to Europe will be administered by the military.

"As OTHERS SEE US"

European trust and good will are not enhanced by our sending men in uniform to negotiate with their industry and labor on business and political matters. They not only fear the implications for American policy, but are distressed by the tendency to promote military influence in their own countries.

Most of those responsible for our economic programs abroad are aware of the rising importance of the military in their business. They are not unmindful of the fact that if their major role is to advise on wise placement of contracts, the military may soon decide to employ its own economists for such functions.

The issue of Off-Shore Procurement is used here only for illustrative purposes. Whatever its merits and demerits, as presently employed it is clearly part of a pattern of increasing transfer of key elements of American foreign policy into military hands. The total tendency is a dangerous imbalance; in fact, in the eyes of European allies, almost a total concentration upon military objectives. And no matter how broadly defined, as in the case of NATO, military objectives alone cannot indefinitely evoke the sustained allegiance of free peoples.

Whether we think it wise or unwise, Europe has its heart and mind more concentrated on its continuing problem of economic insecurity than upon military security. In the eyes of Europeans, we appear to have given up our broader-based participation as a partner in a mutual security community, and are relating all our efforts and contributions to the present cold war.

While military alliances may appear an exciting new enterprise to many Americans, they have been commonplace for centuries to Europeans, who understand that unless reinforced by

substantial bonds of economic or political mutual interest, the military commitment becomes void. Regardless of our NATO commitment, it is feared that if the Russian threat appears to subside we may walk out, and this casts doubt upon our reliability as an ally in the larger sense.

Inadvertently we are adding fuel to the fires of Communist propaganda, which alleges that our purposes are imperialistic. The widespread feeling among Europeans that we are pushing them too far, too fast, militarily, in terms of their whole welfare, is augmented by the concentrated emphasis on military affairs. We appear to have lost sight of the familiar precepts which we preach so often, that arms alone are not the measure of a nation's military strength—that it must be in a mood to use them with determination. We are enhancing the risk that we may be producing only a façade of power.

Clearly, one can recognize fully the need for military strength and preparedness, here and abroad, and yet recognize the dangers of defining security in military terms alone. It has recently been effectively pointed out that

Ten groups of tactical air force can be effectively neutralized if the bases from which they are to fly are surrounded by hostile populations. It may require a 10 per cent increase in our fleet to assure access to raw materials that are no longer available because of improvident management of our domestic resources. Ten divisions may be added to our team because we have successfully mediated in a solution of the Egyptian problem. Security is not to be defined in military terms alone and in a cold war situation it would be disastrous not to have factors over which civilians are responsible kept front and center on the council tables.¹

¹ James A. Perkins, "Administration of the National Security Program," paper delivered at annual meeting of American Society for Public Administration, March 7, 1953.

FACTORS IN IMBALANCE

Let us examine briefly into the factors which are pushing us into this precarious imbalance. A full and accurate analysis of the causal factors requires and deserves the attention of our best research talent, and I hope that more of the resources of our research foundations will be applied to these problems. All I can do here is to suggest the scope of the considerations.

There are some who feel that in a period of mobilization, the superior strength and influence of the military in the counsels of state is inevitable. First, there is the sheer overwhelming magnitude of numbers. Civilian employees of the Department of Defense alone represent more than 50 per cent of all employees of the Federal Government, not counting the millions in uniform. The budget controlled by that Department is considerably more than the total for all other government functions. The Department of Defense has far more *civilian* employees stationed abroad than all other government agencies combined.

In a mobilization period, such prodigious bulk is combined with a public psychology of power, in the raw sense, as the avenue to security, and it enormously augments the prestige and status of the military. Such a period simultaneously brings about a lower degree of public confidence in the "talkers," the "negotiators," the "diplomats," who, by the very fact of the need for mobilization, appear to have failed.

The element of military secrecy causes a serious disability for civilian agencies which must negotiate with the military. Information is a form of power, and its denial to one and availability to another is a forceful element determining relationships.

Interest group influence

The great volume of military expenditures creates large "stakes" in the military establishment for powerful groups in our society. With a sizable proportion of the national income being directed through military channels into private plant construction and profitable contracts, a closer relationship is developed between the military and the business community.

Similarly, the idea of using military expenditures for economic ends is not confined to the OSP program. At least one business advisory service has been warning its clients that only higher military expenditures can avoid a business recession, and it accused Mr. Lovett of favoring "depression" because his proposed budget was not large enough.

While powerful interest groups gravitate toward the military, the Department of State continues in a political limbo, devoid of the essential support of any important organized pressure group. It bears the burden of popular suspicion toward an agency which frequently must appear to be representing foreign interests. The Hoover Commission defined well, a few years ago, the institutional bases of congressional suspicion of the Department.² Among other annoyances, it usually appears in the role of asking Congress to give away something—money, tariff barriers, sovereignty—without the customary related rewards at the ballot box. The Department is inevitably a favorite whipping boy for Congressmen. The lack of a constituency makes it virtually the only large department of government which can be attacked with abandon and with impunity.

² See Commission on Organization of the Executive Branch of the Government, *Foreign Affairs* (Washington: Government Printing Office, 1949), pp. 5-8.

Governmental structure

Governmental structure is probably more fundamental in explaining the phenomenon of military pre-eminence. Both Mr. Forrestal and Mr. Lovett have pointed out that we do not have civilian control in the military departments. We now speak only of Presidential control as distinguished from broader civilian control, and even the President's authority is diluted in peacetime.

The civilian secretaries have relatively little power to exercise their proper authority over the basic decisions of the services. This fact is contributed to by law, custom, and relations with Congress. The amended National Security Act of 1947 names the Joint Chiefs of Staff as the principal military advisers to the President, not through the Secretary of Defense, but directly. This has led, in military quarters, to the interpretation that the civilian secretaries are in charge of "housekeeping functions," while the Joint Chiefs are in charge of military affairs.

While the Secretary of Defense is the statutory representative of the military on the National Security Council, the Joint Chiefs of Staff are named the principal military advisers to the Council. The Secretary's influence in the highest policy council has been seriously diluted by divided representation.

Congressional committees

The organization of Congress and the "checks and balances" system induce a fragmentation of executive control and responsibility. The system of committee "proprietaryship" has led individual congressional committees to take policy and administrative protectorship over particular security agencies or portions of agencies. Increasingly, military units (not unlike some other favored bureaus)

have solidified direct horizontal relations with Congress, circumventing higher executive authority.

This not only enhances the powers of the military but also loosens the administrative authority of the President and civilian secretaries. It reduces the possibility of the President's effective management of an over-all security program with balanced consideration to military and nonmilitary factors.

All of this has induced a conviction in civilian agencies with foreign affairs responsibilities that the more nearly they can present their program in military terms the more likely that program is to receive congressional approval. As already indicated in the illustrations from the Mutual Security Program, security considerations will be presented as military appendages wherever possible.

Civilian timidity

While Congress is thus a major factor in weakening civilian elements in our foreign affairs programs, the civilian agencies have failed to stand up for their responsibilities forthrightly. To this observer, it appears from the 1952 mutual security congressional hearings that the officials of MSA evidenced far more passion for genuflection before the military than did the Congressmen. One of its high officials excused it by saying, "What's the use of presenting ideal foreign policy to Congress if you can't get any money for it?" The proceedings give substance to the interpretation of one military man, "They told Congress that the only business they have is our business."

The Department of State has recently appeared woefully timid in its stated role as the center for foreign affairs. Evidencing considerable initiative and enterprise for a period after World War

II, it was not long before its political vulnerability drove it into the background and disarmed it. In the circumstances in which the Department finds itself, one large error like the misvaluation of Red China is sufficient to make it a free target for abuse and to undermine effective influence.

Thus, more recently the Department of State has not exercised effective leadership in shaping our cold war strategy. A recent report of the Woodrow Wilson Foundation, by six distinguished scholars, emphasizes the "wholly unwarranted disposition" of the State Department "to limit narrowly the area of its interests, especially with the Department of Defense." It claims that the more recent tangles between the two agencies "are at least in part, the result of a basic and preliminary surrender of authority."³

The Department has been slow to accept responsibility for comprehending military aspects of foreign policy, and has failed to make official posts in the Department for this aspect of its job. Recent studies share the view that "as a general proposition . . . there are more military officers who have a first-hand knowledge of diplomatic matters than there are State Department people who have an equivalent knowledge of military affairs" and that "military officers are far better grounded in broad security affairs than are our top civilian officials."⁴

This represents an acute, and partially self-imposed, disability on the part of civilians. In part, it derives from differences in tenure. The turnover in top civilian officials reduces their capacity

to compete in knowledge and experience with the top military career men.

Until the civilian agencies take more forthright and firm view of their responsibilities, they cannot rest on the assertion that the difficulty is entirely in Congress. Many Congressmen are crying for assistance in keeping military requests and military authority in proper over-all balance. For example Senator Hickenlooper pleaded at the 1952 hearings:

It seems apparent to me that we are rapidly going from a civilian government into a complete military-controlled government in this country, which is an ominous trend . . . we are passing from the point where the civilians in this country are directing policy. They are merely O.K'ing or putting the rubber stamp on what the military testified to in such a broad program that no human being could test it or go into it or tell whether it is right, wrong, or indifferent . . . we have to take the word of the military, and we have no equipment, we have no staffs that are trained . . .⁵

The Woodrow Wilson Foundation report summarizes the issue well by saying,

If in recent years military men have occasionally played a somewhat outsized role in policy-making, the cause is to be found more in the timidity and indecision of civilians than in any grasping "militarism." . . . It is not our military men who must be weakened; it is our makers of policy who must gain strength.⁶

But the study recognizes that basically it is not so much a matter of personalities and viewpoint as it is a profound issue of governmental institutions

³ W. Y. Elliott and others, *United States Foreign Policy—Its Organization and Control* (New York: Columbia University Press, 1952), p. 100.

⁴ James A. Perkins, *op. cit.* See also W. Y. Elliott and others, *op. cit.*, *passim*.

⁵ Eighty-second Cong., 2d sess., U. S. Senate Committee on Foreign Relations, *Mutual Security Act of 1952, Hearings*, March-April 1952, p. 172.

⁶ W. Y. Elliott and others, *op. cit.*, p. 113.

and it ends up by calling not only for reorganization but also for constitutional reforms.

A GRAVE ISSUE

Clearly, the factors in the issue are complex and comprehensive. It is not my task to offer solutions, but to present the elements of a problem of profoundest implications for our future. The challenge to our society is great. We appear to be embarked on a period

which has pessimistically been called "permanent mobilization." Do we have the wit and the will to face up to the necessity of reforming our institutions to permit a balanced program of security together with clear democratic civilian control?

Our experience to date with the Mutual Security Program indicates a lazy drift in the opposite direction. Fortunately, there are yet time and opportunity to reverse the course.

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The Failure of Western Policies

By D. F. FLEMING

FORTY years ago the West was the world, in the sense that it controlled all of this planet. The vast populations of Asia and Africa were helpless before its sway. Even the moribund Czarist empire of Russia was a part of the European concert.

Today a strange new East holds the vast mass of the world's largest island firmly in its grip, while the West clings precariously to the fringes of Eurasia, and the United States strives to organize the remaining "free" nations, some of which suffer from hunger or oppressive rule, into a great bloc to resist or roll back the East.

In this moment when world politics is in a more fluid state than it has been previously since 1945, it may be useful to inquire how this astounding reversal of fortunes took place. How did the mighty, omnipotent West happen to lose its grip on the world and find itself on the defensive in four short decades? There must be some discoverable reasons for an overturn so gigantic, and understanding them may prevent us from plunging on to irremediable disaster.

POLICIES WHICH FAILED

The balance of power

As 1914 opened, the six great nations of Europe were delicately balanced in two rival alliances, with Britain, the traditional balancer, swallowed up in one of them. The deadly cycle of fear, arms race, and war was whirling rapidly toward a great catastrophe which would shatter three great eastern European empires and weaken the democracies of western Europe almost fatally.

Europe was living in a state of anarchy, about which nobody did anything until it erupted into the pitiful desolation and slaughter of World War I. Ten million men killed, many more wounded, countless homes destroyed, and 400 billion dollars of wealth destroyed—this was bad enough, but the loss of moral authority in the rest of the world was equally decisive.

The suppression of Bolshevism

There were other reasons for the great Allied invasions of Russia from 1918 to 1920. There was justifiable concern lest the great dumps of American supplies lying at Murmansk and Archangel fall into German hands. There was some hope of reconstituting a second front in Russia against Germany, after the collapse of the Czarist government. The repatriation of the 60,000 Czech troops in Russia through Vladivostok also supplied first a reason and later an excuse for Allied intervention. Nevertheless, the main purpose of the western interventions was to destroy Bolshevism at its birth.

To this cause Great Britain contributed supplies worth half a billion dollars, including enough to equip an army of 100,000 men for Admiral Kolchak, and her contributions to General Denikin in the south were equally massive.¹ Stéphen Pichon, French Foreign Minister, once listed 840,000 Allied troops of many nationalities as em-

¹ George Stewart, *The White Armies of Russia* (New York: The Macmillan Co., 1933), p. 321; Winston Churchill, *The World Crisis: The Aftermath* (New York: Charles Scribner's Sons, 1929), pp. 246-50.

ployed in southern Russia.² Drives on Petrograd and from Murmansk were supported. American troops fought in this area and helped occupy Vladivostok, where 72,000 Japanese troops tried hard to carve out an empire in Siberia. Britain and France also laid out zones of occupation and influence in southern Russia.³

In short, the West did everything that its war-weary peoples would permit to stamp out the Communist revolution in Russia; but all of these attempts, from four sides of Russia, failed. Seven million more people died, in the most savage kind of slaughter, from plagues, hunger, and cold, and the chaos in Russia was made infinitely worse, but Bolshevism survived, for two reasons: (1) because the union of foreigners with Russia's reactionaries drove the people to the side of the Reds; and (2) because the issue of survival compelled the Communists to forge the sternest police-state methods. This might have happened anyway, but the western interventions forced the Soviets into extreme measures.

All this is long forgotten in the West, but these events "deeply branded Bolshevik thinking."⁴ In the Soviet Union the projected American campaign to roll back the Iron Curtain is likely to be viewed as the fourth western attempt within forty years to invade Russia.

Isolation

Isolation was our own great contribution to the decline of the West. After World War I had demonstrated the desperate need for some international machinery to keep the peace, we rejected the League of Nations and re-

² *Current History*, May 1919, pp. 280-81.

³ Stewart, *op. cit.*, p. 157; K. Zilliacus, *Mirror of the Past* (New York: A. A. Wyn, 1946), pp. 191-92.

⁴ Paul Sethe, *The Frankfurter Allgemeine*, March 3, 1953, quoted in the *Foreign Policy Bulletin*, April 15, 1953, p. 8.

lapsed into an angry and selfish isolation. For a time we sought to kill the League by ignoring it, then we cooperated with its nonpolitical agencies, and finally in the Manchurian crisis of 1931 we tried fitfully to bolster its peace-keeping function from the outside.

The British and French governments were equally self-centered and blind. They would not defend the League's law in Manchuria, and they perpetrated an elaborate hoax on their own aroused peoples in the Ethiopian crisis of 1935, seeming to defend Ethiopia while guaranteeing Italy's conquest, until the Hoare-Laval deal revealed their duplicity.

Then when the fascist powers proceeded to conquer the Spanish Republic, the British and French governments fled from Geneva to London and organized the famous Non-Intervention Committee which for three years held a blanket over the destruction of the Republic.

These acts make it uncertain that a League of Nations led by the United States could have succeeded. The big governments might have emasculated the League anyway. What is incontestable is that the period after 1918 was the time for an all-out, devoted trial of collective security. Then there were still seven great powers left, only one of which, the United States, could have defied the others united to keep the peace. The Soviet Union was too weak to threaten anyone.

In these conditions strong American leadership in the League of Nations could have kept the peace and prevented World War II. Instead, we sought to shield ourselves behind three successive paper walls of neutrality laws, which forbade all the things which might conceivably have prevented World War I, and which in themselves constituted a green light to the three fascist aggressors.

In the midst of the still vaster calam-

ity of World War II we resolved to correct the mistake of staying out of the League and to create another one which we would lead. The United Nations resulted, but we did not recover the opportunity lost in 1920. By 1945 there were only two great powers left in the world, both of them rapidly expanding their power and influence, and both too big to be disciplined by the U.N. without precipitating a third world war. In affairs of this magnitude, history does not give any second chances. Events move on remorselessly.

By abdicating in 1920 the responsibility which went with our power, we opened the gates to World War II, not only by our negative action but also by speculative money-making which finally resulted in the world depression that began here in 1929. This catastrophe in turn made it safe for the Japanese to begin the conquest of China in 1931, and catapulted Hitler to power in Germany.

Appeasing fascism

There were some defensible reasons for the appeasement which London and Paris practiced in the thirties: a feeling that the Versailles treaty was too harsh; that perhaps Hitler should be allowed to practice some self-determination; that another war was unthinkable; and that the Allies were militarily weak.

Yet the two democracies cannot escape responsibility for assisting the fascist dictatorships to destroy the public order in Europe. In helping to strangle the Spanish Republic and in relentlessly crucifying Czechoslovakia they deliberately sacrificed two of their own, and at the same time opened all central and eastern Europe to Nazi control. This was not done inadvertently. Prime Minister Neville Chamberlain wrote, on November 26, 1937, "Of course the Germans want to dominate eastern Europe"; and on November 1, 1938 he declared that Germany must

be conceded "a dominating position" in that region.⁵

We need to remember often that it was the Munich Conference in September 1938 that turned eastern Europe over to communism. Of course the Munichards did not intend that. They thought they were surrendering that great region to fascism. They did not foresee that when the giant forces which they turned loose came to rest, after grinding back and forth across the face of Europe, it would be the Soviet armies that controlled everything east of the Stettin-Trieste line.

There should be an arresting warning here for those Americans who think that just one more world war would end the menace of communism forever.

Containing communism

It was natural that the conservative forces which control the West should be unable to accept the chief political result of World War II in Europe. They could not deny that eastern Europe had moved diplomatically into the Soviet orbit, that it had to be a glacis protecting the Soviet Union instead of a *cordon sanitaire* confining her, but they did hope to keep this area in the West socially and economically.

This was the real meaning of the Yalta compromise. The states of eastern Europe would be allies of the Union of Soviet Socialist Republics, but "free and unfettered elections" would keep them from being communized. It was a goal for which the West was bound to strive; and it was an attempt to achieve the impossible. Anticommunist governments in eastern Europe could not be loyal allies of the Soviet Union from the defense standpoint. The invasion

⁵ Keith Feiling, *The Life of Neville Chamberlain* (London: Macmillan & Co., Ltd., 1946), p. 333; J. W. Wheeler-Bennett, *Munich: Prologue to Tragedy* (New York: Duell, Sloan and Pearce, 1948), p. 295.

gates from the West would not be closed and firmly held by anticommunist regimes. To understand this we need only to consider how much we would have trusted a communist Germany or France to be a part of our defenses during the past five years.

The Yalta compromise was doomed to fail, at the very moment when the atomic bomb seemed to give Secretaries Byrnes and Bevin the power to enforce it. The diplomatic drive they began in the Balkans two weeks after Hiroshima forced some outward observance of free elections there, and a really free one in Hungary; but the end result everywhere was a communist dictatorship. The influence of the Red armies on the ground could not be annulled from distant western capitals.

The bitterness engendered by the communization of eastern Europe is the source and the continued feeder of the cold war. After it developed, the wartime Churchill-Stalin deal dividing the Balkans between them broke down and the Greek Communists received sustaining aid from the Communist neighbors of Greece—an offense which led President Truman to promulgate the Truman Doctrine, on March 12, 1947.

This sweeping declaration said "that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressure." This doctrine, which came close to forbidding any kind of revolution, since nearly all revolutions have been the work of armed minorities, was soon spelled out into a holding operation at all points around the vast perimeter of the Soviet orbit. Before assuming this gigantic task, Mr. Truman might well have pondered the warning of William Graham Sumner in 1903:

"If you want war, nourish a doctrine. Doctrines are the most frightful tyrants to which men ever are subject, because doc-

trines get inside a man's reason and betray him against himself. Civilized men have done their fiercest fighting for doctrines."⁶

At the time when Truman declared his doctrine forbidding any more communist revolutions or infiltrations, a communist revolution in China was already well on its way to success. After 1947 it proceeded to roll over the whole of China, in spite of all our efforts to prevent it. We ferried hundreds of thousands of Chiang Kai-shek's American-trained troops into North China and Manchuria; we furnished them bountifully with money, supplies, and weapons; but it was all to no avail.

The tragedy of western intervention in Russia from 1918 to 1920 was repeated on an equally colossal scale. In both cases the reasons were the same: the mandate of Heaven had passed from the old regimes, and the people deeply resented the western interference. In each case, also, the West had staged a world war which had turned Red revolution loose in great areas.

In the light of these experiences, would it be wise to risk the fate of India, the Middle East, and Africa in a third world war? No genuine conservative can answer that question in the affirmative.

Though it failed abysmally in China, the containment policy has enabled the West to maintain control of the Mediterranean and cling precariously to two key peninsulas in Asia. It would, however, be rash to predict that Korea and Indochina can be held indefinitely against the pressure of the vast weight of a unified China becoming industrialized.

In Europe a façade of armed strength has been created, but everyone knows that there is very little space in which to maneuver it, and no hope of survival

⁶ Frederick Schuman, *The Commonwealth of Man* (New York: Alfred A. Knopf, 1952), p. 244.

if war comes. In the recent words of André Siegfried, Europeans know that for them another "war is death, pure and simple, the end of everything."⁷

At the best, containment offers the grim prospect of permanently holding an iron ring of air bases around the communist world. At the worst, it means the grand smash that is inherent in every arms race.

ROADS TO DISASTER

Rolling back communism

Since neither prospect offers much hope, Secretary of State Dulles has advanced the policy of rolling back communism, both in eastern Europe and in China. On August 27, 1952, at Buffalo, he advocated the promotion in eastern Europe of such "quiet" methods as passive resistance, non-co-operation, discontent, slowdowns, and industrial sabotage, together with a public refusal ever to recognize the Soviet conquests in that area.⁸

In other words, we would engage in subversive war behind the Iron Curtain to the extent necessary to break the communist grip on those countries. We would adopt the very methods we charge the Communists with using. But would we be able to use them with the same fanatical devotion and conspiratorial skill?

It is very unlikely that we could disintegrate police-state regimes from the outside, after they have had years in which to consolidate their power. We might embarrass them a bit, but any real success would be met by executions and other retaliations which would be only too effective in suppressing our friends.

⁷ *Foreign Policy Bulletin*, April 15, 1953, p. 8.

⁸ *New York Times*, August 28, 1952. For Dulles' refusal to "tolerate" the "unholy" alliance between China and the Soviet Union, see the Senate Committee on Foreign Relations *Hearing* on his nomination, January 15, 1953, p. 5.

The revolutionary nature of a policy of engaging in subversive war in time of peace has been soberly described by George Kennan in his warning that we should be

extremely careful of doing anything at the governmental level that purports to affect directly the governmental system in another country, no matter what the provocation may seem. It is not consistent with our international obligations. It is not consistent with a common membership with other countries in the United Nations. It is not consistent with the maintenance of formal diplomatic relations with another country. It is replete with possibilities for misunderstanding and bitterness. To the extent it might be successful, it would involve us in heavy responsibilities. Finally the prospects for success would be very small indeed; since the problem of civil obedience is not a great problem unfortunately to the modern police dictatorship.⁹

Kennan added the admonition of John Quincy Adams that America "goes not abroad in search of monsters to destroy."

The roll-back and disintegration idea is a natural response to the frustrations of containment, but it is a self-defeating campaign for democracies to undertake. It points more toward the acceptance of police-state methods for ourselves than toward the liberation of Communist-ruled peoples. It points also toward an ever deepening commitment to subversive war that would merge into all-out lethal war. This is not a way to peace. It is a direct road to disaster for everyone, especially for the Europeans.

Excessive reliance on military force

Emphasis on military force is another certain route to catastrophe. The illusion continues that civilization can somehow be reconciled with atomic war.

⁹ Quoted from Kennan's address to the Pennsylvania Bar Association, Harrisburg, Pa., January 16, 1953.

The delusion that "victory" can still be achieved persists, even after the recent report of a distinguished body of physicists and engineers to the President that the Soviets have about 150 atomic bombs and 700 big bombers to deliver them to our cities. The committee hoped that the expenditure of 12 to 16 billions would give us a "defense."¹⁰ But could it?

Two things need to be clearly distinguished here. Neither the United States nor the Soviet Union can be conquered by the other; and neither has any "defense" against the most devastating attack.

Too great dependence upon military force must also at some point transform us into a garrison state, in which a military caste will control our destinies and our conduct. The Defense Department already expends such a huge share of the national budget that nobody can comprehend what it does with the money.

A childlike faith that the Communists "understand nothing but force" can also blind us to the fact that the Communist threat is mainly ideological, not military. At bottom, the Communists offer a bootstrap method of rapidly industrializing a depressed country by dictatorial methods. If we are to stop their inroads we have to offer better methods, and guns alone cannot do that.

The first requisite for the survival of the West is a clear understanding that these world wars are outmoded, and it is equally essential to know that they are revolutionary. They destroy lives, livelihood, homes, factories, institutions, and faith in old ideas. Everything that conservatives love perishes, including freedom. Democracy requires peace, the absence of terrible tensions, and the processes of slow growth. Communism thrives on chaos and war.

¹⁰ Alistair Cooke, *Manchester Guardian Weekly*, March 19, 1953.

Viewing coldly the results of World Wars I and II, one can expect that at the close of a third world war "the West" would be confined to the North American Continent, with some kind of fascist government ruling it from Denver in a desperate effort to maintain order and the vestiges of property rights not already destroyed by the A-bombs. For those who love the West, the very first commandment is the avoidance of another world war.

POSITIVE POLICIES WHICH CAN SUCCEED

Negotiating settlements

It does not follow from the demonstrated fact that world wars spread communism that the Communists yearn for more of them. Their cost to the Soviet, satellite, and Chinese peoples in blood and tears is already beyond the ability of unravaged Americans to imagine. These peoples know what another war would be like.

It is, accordingly, extremely fortunate that new administrations have come to power in Washington and Moscow at nearly the same time. The Truman administration had put the cold war into such a deep freeze that it was helpless to thaw it out. Stalin gave evidence in his Christmas Eve, 1952 message to James Reston that he would like to negotiate with Eisenhower, but he did not push the matter as his successors have done.

Now there is a fluidity that would have seemed impossible six months ago. Much can come of it, if each side can recognize the legitimate defense needs of the other.

Thus far, it does not appear that such mutual recognition exists. The address of Secretary of the Treasury George M. Humphrey on April 20 evidenced a belief of the Eisenhower administration that we are so overextended as to im-

peril our security and our solvency.¹¹ President Eisenhower's remarkable address on April 16 also created a worldwide demand for peace, but in power terms it called for unconditional surrender—the old Yalta demand for free elections in eastern Europe, western Europe organized by our plans, and fool-proof inspection of armaments in the U.S.S.R., along with a Korea unified by free elections, our style.

Presumably these are maximum demands. If they are, then we may be able by degrees to consider with some objectivity propositions such as the following:

Eastern Europe is a legitimate defense zone for the Soviet Union. Three great invasions through it in four decades have not left this open to argument in Soviet minds.

Western Europe is a legitimate defense zone for the United States. Its Sovietization would leave us too little elbow room in the world, far too few friends and allies.

Germany is of immense importance to both the U.S.A. and the U.S.S.R., and neither can permit the other to dominate her, at least for some years. Of the interests involved here, the Soviet is the deeper. Germany has disturbed our lives seriously twice within forty years, but on each occasion she ravaged Russia to the point of dissolution. It is probably true that Germany has lost both the will and the capacity to do this a third time, but the Russians and the Poles and the Czechs must have assurances on this score.

The complexity of this problem makes very timely the thoughtful attempt of James P. Warburg to outline a German settlement which would provide for: (1) unification of East and West Germany with some additional agricultural land in the east returned to Germany; (2) a

¹¹ Walter Lippmann, *Nashville Tennessean*, April 26, 1953.

United Nations settlement of the Saar dispute; and (3) German neutralization and disarmament for a short term, to give democracy a chance to grow.¹²

Such a settlement should greatly lessen both Soviet and American pressures on Europe, giving new forces a chance to develop and permitting both sides to retain their defensive arrangements.

Like Germany, Japan must come to terms with both the East and the West. Neither can be prosperous without trade with the communist nations.

The new China, backed by all of Asia that matters, will not long tolerate western control of Indochina or Korea. Western imperialism in Asia is finished, especially its remnants on the borders of China. It will no more be tolerated than we would tolerate Red imperialism in Mexico or Newfoundland. No puppet governments in Indochina which leave the great bulk of the wealth and the control of foreign affairs in French hands can last very long.¹³ We may be able to support independent governments in Indochina or Korea which are not communist, but they will have to have friendly relations with China.

Formosa is not essential to the defense of the United States. If it is, then Cuba is necessary to the defense of the Soviet Union. Neither side can push its zone of defense that far. Formosa is Chinese, and must be returned to China or made really independent. It cannot remain in hostile hands, a threat to the security of China.

Neither side can dictate terms to the other. The Reds appear to have more military strength in being than we have, and ours is not likely to become de-

¹² See Warburg's more detailed plan in *France, Germany & Nato*, Current Affairs Press, 25 Vanderbilt Avenue, New York 17, N. Y.

¹³ See the significant statement by the King of Cambodia, *New York Times*, April 19, 1953. In economic matters, he said, the French "have our hands and feet tied."

cisively superior under a retrenchment minded Republican administration, and after the relaxations of the current peace offensives.

Fostering world trade

With cold war and Korean war objectives in mind, we have forced western trade with the East down to very small proportions. The result is that the economy of western Europe is stagnant.¹⁴ We have forgotten that western Europe is not viable economically without its Asiatic empires and without its former colonial hinterland in eastern Europe. The whole area, Britain included, urgently needs a large trade with the East, a trade which the Russians have repeatedly tried to reopen.

Japan, too, will face a slump as soon as the Korean war ends, and our own vast production must have a place to go, if not into bombs and guns. The fact is that the world is already an economic unit, and neither side can split it in twain without grave damage to itself. If the split is forced, it is the Communist nations that are most likely to forge a self-sufficient unit, painfully but effectively. They start with living standards low enough to leave nowhere to go except up.

Developing the co-operative side of U.N.

Though the U.N. cannot coerce either side, it can help to draw them together if attention can be centered on its healing, constructive functions.

Instead of holding this side of the U.N.'s work down to tiny proportions, we should be channeling a large fraction of our excess production through the U.N. into building up the backward countries, with no strings attached. President Eisenhower's proposal that all nations devote a portion of their arms

¹⁴ See the two significant articles in the *New York Times* on April 14 by Hoffman and Belair.

savings to "a new kind of war . . . upon the brute forces of poverty and need" was the most inspiring part of his April 16 message, provided the funds are administered internationally and unselfishly.

A great U.N. development authority, modeled on the world's successful experience with lend lease, the United Nations Relief and Rehabilitation Administration, and the Marshall plan, could quickly change the political atmosphere of the whole world, and remove the incentives for communist revolution at the same time.¹⁵

It would be a constructive thing, also, to move the headquarters of the United Nations out of the United States to Switzerland or some other small country, where the U.N. would not be subject to the indignity of American investigating bodies pursuing American leftists in its employ, and where the tremendous pressure of our cold war emotions would not play upon the delegates.

Welcoming diversity and evolution

Inherent in the containment policy was the insistence that everyone on this side of the line must be as we are, strongly capitalist, unfriendly even to democratic socialism. This was our foil for the Communist world revolution, and a crusade to disintegrate the other side is the logical next step.

Yet there are two laws of life which work to defeat the forcing of the world into two molds, or only one. One is the law of evolution. No social system ever stands still. Each and every one is in motion, going somewhere, and no human power can prevent this process. The bureaucratic state capitalism of Stalin is very different from the communism of Marx or even of Lenin, and the Russian system will be still differ-

¹⁵ See the powerful book on this subject by Stringfellow Barr, *Citizens of the World*, Garden City, L. I.: Doubleday & Co., 1952.

ent twenty-five years from now, as will our own, in spite of all efforts to prevent the evolution of both.

The law of diversity is equally inexorable. "We must face life as it is and understand that diversity is its most essential feature. . . . Fear of difference is dread of life itself."¹⁶ Nor is diversity to be feared. Neither Adam Smith nor Karl Marx encompassed the whole of human wisdom. Tito's communism will develop quite differently from Stalin's. Mao's will certainly take different forms, if we remove our tremendous pressures upon China. India cannot be prevented from evolving a mixed system, unless we surrender her to communism in a third world war. Democratic socialism in western Europe could be a much better shield and buffer for us than an anemic monopoly capitalism.

A world in which there were a number of competing systems, all different and all changing, would be a far safer and happier place than one in which two embattled ways of life seek to make all peoples conform to one set of rules.

Our chances of avoiding a communist world dictatorship will also be much better if we conform to the law of diversity. Other peoples will fight for their own ideas much more stoutly than for ours.

Promoting freedom in the free world

The promotion of freedom in the free world is the ground upon which the West will survive, and thrive, or it will lose its soul and deserve to perish. Lately it has seemed, too, that the latter fate may be ahead of us. Under the lash of Red hysteria we have voluntarily yielded much of our own hallowed ground to "the enemy." We have gone far toward adopting the infamous doc-

trine that a man is guilty unless he can prove himself innocent, reversing centuries of hard-won practice on the opposite principle. We have reversed one of the basic principles of any free society, that every man is free to associate with whatever people and groups he likes, as long as he commits no illegal acts, and we now destroy reputations and livelihoods on the terrorizing rule of guilt by association—often fortuitous association that could carry no stigma in any free man's mind. We have permitted investigating committees to ruin lives without due process of law and to encroach heavily upon the functions of both the courts and the executive, threatening to destroy our tripartite system of government outright. We have allowed our most precious birthright, freedom of speech, to be so repressed that most Americans are afraid to speak and write and teach and preach what they believe to be true, lest a taint of unorthodoxy be put upon them.¹⁷

Unless there is a mighty and indignant revulsion among us against this kind of thing, we shall have nothing to oppose to the living death of the police state, communist or fascist. We need to remember daily that freedom is our chief stock in trade, and to stop congressional committees from demonstrating to the world continually that we do not believe in freedom. We need to be poignantly aware that we have been the world's leading exemplar of freedom for a century, and to practice freedom here at home, and wherever we go, so vigorously and faithfully that no one will doubt where the best way of life lies. If we abandon freedom, we shall not only wound the deepest yearning of the human heart everywhere, but surrender the world itself to the totalitarians. If we ape their repressive methods, we shall

have no moral defenses or weapons left. Nor can we beat them at their own game by suffocating ourselves.

This is the field of struggle upon which we shall survive or perish. We cannot blast freedom into the Communist-ruled countries with atomic bombs, but we can set up such a competition of free thinking, speaking, and living that no unfree system can avoid evolving in our direction. Here is the ultimate battleground, in the hearts of men, where we can win real and bloodless victories if we stick resolutely to our own heritage. Rivalry in destroying humanity cannot save us; but the ever widening practice of freedom is a kind of competition which we were born to win.

Creating deterrent strength

Many of my readers would have placed the creation of deterrent strength first in their list of constructive policies. I place it last, not because I think it is the most important, but because it is indispensable. In a world in which powerful sovereign states still seek to impose their wills upon each other, large armaments cannot be avoided. In the current situation we must have arms sufficient to deter our opponents from any attempt at world conquest, and vice versa.

Heretofore the divergent views of rival powers as to what armaments were defensive have led to war, but it must not happen again. This time we must achieve, in the words of Treasury Secretary Humphrey's April 21 speech, "that delicate balance which will give us the necessary defense against outside attack while always maintaining our economic strength at home." Here is a reasonable standard, until some real measures of world disarmament can grow out of political settlements and out of the feeling that the world is to be permitted to live.

THE FUTURE

The West has suffered a cataclysmic decline during the past forty years because its policies, if they could be called policies, have been negative and self-destructing. It suffered its unruly members to begin two world wars which devastated the West and opened the way for two huge advances of communist revolution, both of which it unsuccessfully sought to stamp out. The leading western state retreated into isolation and plunged the West into an economic disaster, while its European leaders appeased fascism to the extent of turning most of Europe over to it. Reacting to the other extreme, the weakened and truncated West tried to apply a containment policy to the expanded East which was beyond its power to enforce, and it now projects a roll-back campaign which would involve its final destruction in a third world war.

The West can still save itself by adopting and pursuing positive, constructive policies; by negotiating settlements, fostering world trade, developing the co-operative side of the United Nations powerfully, welcoming diversity and evolution in the world, creating deterrent strength against armed aggression, and practicing freedom so vigorously, at home and abroad, that no other way of life can resist its contagion.

Is such a shift from negative to constructive action feasible? The omens in the United States are mixed. The international wing of the new Republican administration knows that lower American tariffs and freer world trade are essential, but the protectionist wing appears to have the power to bar any tariff reductions. Authoritative articles in the *New York Times*, on April 18 and 19, forecast that Europe's "Trade Not Aid" appeal would be rejected, that she would get neither trade nor aid, and that Point Four aid would be de-

¹⁶ Mary Parker Follett, *Creative Experience* (New York: Longmans, Green & Co., 1924), pp. 300-301.

¹⁷ Arthur Hays Sulzberger, "Have We the Courage To Be Free?" *New York Times Magazine*, February 15, 1953, p. 12.

emphasized. The remedy appeared to be the encouragement of American private investment abroad, a solution which may look like American imperialism to other countries.¹⁸

The Bricker resolution, which is now before the Senate, signed by sixty-six Senators, also points toward a self-enforced isolation for the United States more total than that of the twenties. Its attempt to make our already difficult treaty-making machinery still more formidable, coupled with a near prohibition of power to the President to make executive agreements with other governments, would make any flexible or constructive conduct of our foreign affairs impossible. The fear betrayed that some future Senate might ratify a United Nations

¹⁸ See the articles by Felix Belair, Jr. on April 18, and by Brendan M. Jones, on April 19, 1953.

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treaty concerning race relations or human rights indicates a state of mind that does not augur well for responsible long-sighted leadership of the noncommunist world. In it, only we in our majesty and power are afraid of the comparatively feeble efforts of the United Nations to establish some common standards of human rights.

On the other hand, some of the President's advisers have shown real understanding of the changed world we live in, and of the urgency of conserving what we have left. The American people have been capable of great leadership in time of war, and they have a deep common sense which should enable them to play a stable, constructive role in the world. It is imperative that they do so, since there is no time left in which the West can indulge in isolation or depression or world war.

Middle East Power Vacuum

By EMIL LENGYEL

THE Middle East extends from the western boundaries of Egypt to the eastern frontiers of Iran, comprising a territory of close to four million square miles, if we include also the Sudan. It is a sparsely populated region with a population estimated at eighty millions. One half of these are Arabs, and the rest of them are Turks and Iranians. In the very heart of the region is Israel, with a population of one and a half million.

This is one definition of the Middle East. There are at least half a dozen of them. One of these days an international authority with recognized reputation will have to make a pronouncement about the exact limits of this area. Judging by the absence of such a pronouncement, the delimitation of the region seems to be a major undertaking, in lieu of which each worker in this field has to provide his own definition.

The importance of the Middle East has become a commonplace. We know that it has the largest known oil reserves of the world. Fabulous treasures have been revealed to dazed eyes beneath the forbidding desert sand of the Persian Gulf area. Word has just reached the outside world about new vast finds in the neutral zone between the sheikdom of Kuwait and the kingdom of Saudi Arabia. Superficially, that region is so barren that it was shunned even by the hungriest nomad when in search of food for his emaciated sheep.

"Middle" is a descriptive name for this region, indeed, since it is the center of great transglobal routes. The Suez Canal looks like a murky ditch from the air, but in reality it is a vital ar-

tery. Cut that artery and see what happens. When it was severed during World War II, the Western world was on the point of bleeding to death. Luckily we controlled the secondary lifeline around Africa and were masters of the Middle East bastion, Iran. Had we lost that shahdom, would Hitler have dictated his terms to us from London's 10, Downing Street?

There is no need to dwell on the importance of the Straits, either. Those Straits have been continuously in history since the first recorded annals which are available to us. Their commercial value is great, but even greater is their significance as strategic outposts of the West.

MEANING OF "POWER VACUUM"

The Middle East is a power vacuum; and because of that, it has become a major problem. The dictionary defines "power" as the "ability" to do something. Power vacuum means lack of ability. Lack of ability to do what? For a country, to assert itself among nations. Frankly speaking, and leaving aside the diplomatic cant, most of the world represents a power void these days. Can once mighty Britain pursue a policy of sovereign independence in the field of international relations, and can it be done by *la grande nation*, France? To ask the question is tantamount to answering it. Proud Albion knows her contemporary role, and she cocks a wary eye in the direction of Washington before taking an important step. England has a bicameral system these days, consisting of the House of Commons and the Congress of the United States.

If that is true of the United Kingdom, how much truer it is of the countries of the Middle East! They are represented at the United Nations as independent countries; they accredit ambassadors and ministers to other nations. They have their courts and judges and jails; they are sovereign in the domestic field. In the diplomatic field, however, their position is different. Turkey is the strongest of them, ensconced behind her martial virtues, strong in self-confidence and her sense of historic mission. Yet the same Turkey had to plead for American help when Britain's hands began to falter after World War II. What could the Arab countries and Iran do in the face of Soviet aggression? We recall what happened when the Arab nations converged upon Israel. How many hours could pitiful Iran hold out against the threat of aggression from across the northern mountains? These countries are still there, not because of their strength but because of their peripheral location in relation to East and West. Like that other Middle Eastern phenomenon, the Prophet's coffin, they are suspended between heaven and earth. The Middle East is a power vacuum, indeed.

AN OMINOUS PRECEDENT

It has been said that the only thing one can learn from history is that one can learn nothing from history. An infinite variety of combinations bars the recurrence of identical situations. However, it has also been said that one can learn a negative lesson from history—not to commit the mistakes of the past. One of the most forceful formulators of this pragmatic view was José Ortega y Gasset.

We can learn something as to how to approach the problem of the power vacuum by turning to a similar situa-

tion in the past. One of the world's most persistent power voids was southeastern Europe, the Balkans. The relation of that region to the rest of the world was startlingly similar to that of the Middle East. It belonged neither to the East nor the West, and was peripheral to great-power gravitational pulls. For a long time, too, it was a buffer, keeping major powers at bay by its very existence. It, too, was adjacent to Russia, in close proximity to western vital arteries. Like the Middle East, the Balkan Peninsula had oil, even though not in fabulous quantities. The only petroleum sources of Europe were situated in that Balkan power vacuum, at the foot of the Carpathian Mountains, around Rumania's city of Ploesti.

Today southeastern Europe is no longer a power vacuum. Most of it belongs within the Soviet sphere of influence. Perhaps it would be more correct to say that Rumania, Bulgaria, and Hungary belong to the Soviets. Albania is hanging in mid-air, detached from the Soviet physically, immune to western interference for fear of precipitating a tragic conflict. On the other hand, Greece and Yugoslavia belong in the western sphere of influence, the one actively and the other still on probation.

If we include all of eastern Europe in the power vacuum, as it was at one time, we need not dwell too long on the potentialities of such a condition. Certainly it can be no coincidence that the most disastrous international conflicts of modern times have started in that region. This is true of the First World War, with a conflagration focus at Sarajevo, and of the Second World War, with the immediate issue at Danzig. What we call the cold war, which it would be more correct to describe as the Second and a Half World War, flared up in the mountainous regions of northern Greece, along the Balkan fron-

tier lands of Bulgaria, Albania, and Yugoslavia.

Power voids are dangerous diplomatic earthquake zones, where the lack of stability of the foundations usually leads to great tectonic changes. What can we learn from the fate of that region, and how can that lesson be applied to the Middle East?

BETWEEN THE WARS

My memory goes back to the years between the two world wars. Southeastern Europe was definitely a power vacuum then. The countries that filled it out on the map were not masters of their destiny in international relations. They created a variety of diplomatic combinations, some of them attaching themselves to France, others to Italy, and, in the end, nearly all of them to the Third Reich. All of these combinations were strategic ones. France was building up an eastern glacis against Germany, the latter's ex-ally, Austria, and Hungary. Also, this system of alliances of the little brethren was to be fitted into the *cordon sanitaire* against the Soviet Union.

Italian Fascism was busily cementing the southeastern power vacuum in order to create a series of flanking positions against the kingdom of Yugoslavia, which seemed to bar the aggressive Fascist way toward the east. Hungary and Bulgaria were the pivots of this strategic line-up. These combinations were blown to pieces by the Nazis. To them this region was the *Aufmarschgrund*, staging area, against the Soviet Union. The Nazi attack against Russia was launched in immediate conjunction with the filling out of the southeastern power vacuum.

The keynote was "defense," and it solved nothing. On the contrary, it aggravated the situation. The countries were engaged in a warfare among themselves. Theirs were flaming frontiers

kept in that condition by hatred directed against the neighbor. "Hate thy neighbor" was the commandment of the area. This was the prevailing mood, too, not merely policy. The neighbor hated the neighbor not because of some innate desire or even self-seeking interest. He hated the neighbor at the behest of outside forces interested in weakening his own resistance by keeping him engaged in the debilitating task of passivity. "Divide and rule" was the conscious policy of the powers bent on neutralizing the area's forces of potential resistance.

The solution of this problem would have been regional unity. There was an attempt made in the interwar period to fill out the power vacuum and make the countries interdependent instead of intermeddling. However, the intermeddlers won, and the tragic results are known to all of us.

Periodically, nation inhabitants of the power vacuum made pleas to western powers to save their souls. Through the close interconnection of soul and body, it could have been accomplished by salvaging their bodies from the ravages of poverty. It was said at that time that the British could have won the Hungarians to their side by contracting to purchase a few hundred thousand geese. That, however, would have cost a few hundred thousand dollars, and no western country was ready to expend it on such an operation. The western countries were ready to sink billions of dollars on retrieving operations after the power vacuum had erupted in their faces.

We can apply the lesson we have learned in the case of one power vacuum. The Middle East is adjacent to the Soviet Union along a much longer frontier than southeastern Europe. Also, there is immeasurably more oil in the Persian Gulf region than in the Lower Danube area. But before applying the

lesson we have learned, let us see what obstacles we encounter.

SIMPLIFICATION AND THE PUSH BUTTON

It was Jakob Burckhardt, Switzerland's notable contribution to man's understanding of art and culture, who coined the phrase: *les terribles simplificateurs*. If the terrible simplifiers were dangerous in Burckhardt's nineteenth century, how much more dangerous are they in our own age! The peril is particularly great in the United States, the scene of the greatest triumphs of the machine. Technology has placed us in the van of contemporary civilization. We can look at the rest of mankind from dazzling peaks of creature comforts. Technical advance is closely linked to reducing the complicated to the simple, specialization, the one-track mind.

The terrible simplifiers believe that there is no problem that is not amenable to a push-button solution. If it is not, we had better leave it alone and turn our attention to another problem. To worry about such imponderables as national ways, historic traditions, irrational aberrations, human failings, merely irks the terrible simplifiers. They have no time for petty details, and so they do their utmost to deepen the abyss of the power vacuum and to spread the fable that Americans cannot deal with complex international relations.

Akin to these simplifiers are the "democratic autocrats," who brook no contradiction on the issue that people should be coerced into accepting the American way of life, which seems to them not only the best but the only acceptable one under any latitude and at all times. The simple solution for any problem is for America to set up two parties in any part of the world: Democratic and Republican. That will solve the problem of the power vacuum and

all the other problems. If people cannot see the light, it is because it is hidden from them by Communists, who should be given short shrift. Clearly, anybody who does not agree with them is a subversive.

Another variety of the same species is the fellow who believes in the curative power of the dollar, not only as a patent medicine but as a miracle drug, more effective than all the sulfas, penicillins, and aureomycins of the world. How shall we fill in the Middle East power vacuum so as to keep it out of Soviet hands? Nothing can be simpler than that. If five billion dollars is not enough, then fifty billion dollars will surely do the trick. Money is the answer.

"No, that's wrong," clamors another group. "Let us pour arms into the Middle East. We have armed the Turks, why not arm the Arabs and the Iranians?" These terrible simplifiers cannot understand why the government of the United States is so sluggish in doing the obvious.

These people do not seem to realize that arms need men. Today we know that it was we who armed the Chinese Communists by sending arms to Chiang Kai-shek. Those arms reached the enemy soldiers through corruption and weakness.

Corruption is no less great in Iran. Who could carry effective arms in a land which exists only because of the inertia of history? Those underfed, disease-ridden Iranians could not hold their own for a day against a well-disciplined army. Nor is the situation much better in the Arab lands. There we find an ethnic group with a splendid background. Where would Europe be if it had not been for their ancestors who kept the flame of culture alive in the age of great darkness? What other ethnic group could boast of such amazing feats of valor as the Arabs? These were the

people whose arms encompassed all the known world, from the gates of Paris to the great plains of the Indus.

This is true enough, but it is also true that when the descendants of these stout warriors were called upon to wipe Israel off the map in the spring of 1948, a handful of people inflicted one of the world's most surprising defeats on them. The Arabs did not lack arms, they lacked the spirit of resistance. What should they fight for? The men carrying the arms had no stake in this war.

PLIGHT OF THE MIDDLE EAST

Should the North Atlantic Treaty Organization fill out the Middle East power vacuum? We have seen enough of the world to realize that arms alone never fill out the vacuum. A defense organization can never be the foundation; it can only be the superstructure. The foundation must be a healthy, vigorous, strong group of people. Most of the Middle East belongs in the land of D.I.P.—disease, ignorance, and poverty. A recent American survey showed that the Egypt of today is afflicted with far more than the ten Biblical plagues, and that about 90 per cent of her people have one or more debilitating afflictions. And Egypt is far more of the West than of the East; she is the most populous and advanced Arab country. A United Nations survey has shown how widespread is illiteracy in the region, ranging from some 25 per cent in the Republic of Lebanon, the most cosmopolitan Arab country, to 95 per cent or more in the Yemen and Saudi Arabia. Likewise, a United Nations survey disclosed the low economic standards of the Middle Eastern Arab world, where the annual per capita income ranges between \$50 and \$100—a totally misleading figure, as the authors of the survey have pointed out, in that it includes the income of the *richissimi*, whose annual

incomes swell the earnings of the poor—on paper.

The foundation must be the improvement of economic conditions. The Middle East has been tragically immune to such improvement. How is that possible, since this area has been the recipient of the oil windfall? How is it possible, since the area is astir with wonderful plans of improvement—irrigation, land improvement, land reforms, social services?

Possibly, all these benefits will percolate to the people. There is very little to see as yet. Oil royalties go into the pockets of Middle Eastern potentates and governments. They have launched land improvement projects with this money, but the amounts are relatively small. The oil bonanza has widened the span between the rich and the poor. The rich are becoming immeasurably richer, while the poor are becoming only a little less poor. When such readjustments take place, the critical conditions leading to an explosion may materialize.

When people are very poor, they are apathetic, unable to budge and to assert themselves. The crisis is reached when they are somewhat better off. Then they gain a measure of strength, and dare to move and take action. They compare their condition with that of the privileged ones. The treasure-trove's lavish content, they hold, should also be theirs by right. It belongs to the country and its people.

The social structure of the Middle Eastern Arab and Iranian world is such as to accentuate the extremes of wealth and poverty. This is a fact which is very hard to explain. Islam, which is the creed and way of life of most of this region, is a democratic religion. The Prophet minced no words as to what he thought about the soulless rich. But, then, it has always been the fate of prophets that people listened to them without heeding their words.

The strong have seldom been able to refrain from taking advantage of the weak. But conditions seem to be far worse in the Arab and Iranian Middle East than in comparable areas. There must be a special reason for this curious fact.

The poverty of the area in natural resources is one of those reasons. Where those resources are more abundant, the weaker, too, have a chance to scratch for food. But where the bounties of nature are as limited as over most of this territory, the strong have to be stronger and more ruthless in order to make their mark. The poor, on the other hand, are pushed below the level of normal human effort. They become discouraged, apathetic, take to daydreams and drugs, let themselves be swept into an unthinking, inactive way of life. When people find that they cannot live, they will merely vegetate. That is why fate, karma, plays such a crucial role in the East.

HISTORIC OPPRESSION

Where the weak become weaker, the strong are bound to become stronger. This trend has been reinforced by historical forces. The Arab region in question was part of the Ottoman Empire for several centuries. The ruling Turks were Moslems, as were the majority of their subjects. But they were different, with a different background, speaking a different tongue, and, above all, subscribing to a different set of tenets. They were selected to rule over the natives of the soil. This age-old system of oppression depressed the spirit and the will power of the majority. The strong, on the other hand, were strengthened. They became the henchmen of the Ottomans.

Conditions did not change when the Turks lost their ruling position in the Arab world after World War I. The native masters carried on in the spirit

of the former oppressors. It made no difference that the oppressor and the oppressed now belonged to the same ethnic group. On the contrary, the condition of the underdog became worse, since the top dogs were familiar with their subjects' dodges and wiles.

Still more paradoxical was the impact of the enlightened western world on the social, political, and economic conditions of the region. The newly created Arab countries were placed under the tutelage of two of the most progressive countries of the world, France and Great Britain. What countries could boast of more advanced social improvements? Yet they joined the forces of darkness in the Middle East, not because they wanted to, but because of the inescapable consequence of their role.

Their mission was to train these regions for self-government and to give them a regime of law and order. In doing so, they had to accept the prevailing framework of social and political institutions. Those institutions were in the hands of the oppressive ruling classes. To change the framework would have entailed upsetting the reign of law and order, and that would have been diametrically opposed to the mandatory great powers' frame of reference. Thus, they had to uphold the existing order of injustice. Elsewhere in the Middle East, where the western powers lacked jurisdiction, the revolutionary *élan* of the new age held its sway. Particularly, this was the case in the republic of Turkey, which had thrown off the heritage of the backward Ottoman Empire.

A REVOLUTION FOR THE MIDDLE EAST?

Supreme Court Justice William O. Douglas advocates America's setting off a revolution in the Middle East. Revolutionary changes in that region are needed, but once a revolution gets

started, it is more likely that it will move toward the Soviet ideology. Revolutions have the distressing quality of not being amenable to regulation. Also, it cannot be the mission of the United States to set the revolutionary fires in different parts of the world.

However, America can be instrumental in launching some of the desired changes. We have already started it with Point Four, a program to extend technical assistance to backward and underprivileged countries. The first application of the program was in a Middle Eastern country, Iran. The execution of the program promises success in some regions, while it may not succeed in others. How can we make it successful throughout the area?

An important reason why the Middle Eastern countries are inclined to frown at this plan is because of our insistence that it is not the aim they seek, but an instrumentality of our own making. Our outlook on the world scene today is simple. Everything seems to be subordinated to the objective of beating the Soviets in the cold war. We are active in the Middle East—we tell the world—not because we want to help the region; we use it merely as an arm in the armory of the cold war. Nobody likes to be an instrument, and particularly not people who have been instruments for centuries. They have now become independent, in some ways, and they are sensitive to our methods.

When we launched our Point Four we presented it also to the United Nations, which started a parallel project of Technical Assistance. We could disarm much of Middle East resistance to this plan if we were to operate through the United Nations. One of the most successful postwar projects was the United Nations Relief and Rehabilitation Administration, and it was carried out under the aegis of the United Nations.

Would this mean that we should have

to make the greatest contribution and receive only a part of the profit? It would mean precisely that, because we have greater ability to help than all the other countries. And why should we worry about the exact allotment of the credit, as long as the ultimate aim promises to be reached? We can afford to be generous in claiming credit.

We have said that our Point Four program got its start in the Middle East. That is a fact, but it is also a fact that it has not got very far. In the spring of 1953 there were only 1,500 technicians serving on the United States rolls in technical assistance capacity, and they were working in 35 countries all over the world. More of them are needed in the Middle East alone. We have these skills in soil improvement, water preservation, labor efficiency, co-operative organization, and many cognate problems. The Middle East needs also a measure of industrialization. The beginnings are bound to be halting, since the area lacks the social setting. It also lacks skills, proximity of markets, and many raw materials. Yet the region is bound to remain in colonial subjection until it is able to make such a beginning. Industries inject a higher tone of life into backward regions and raise the standard of living.

AMERICA'S VITAL CONTRIBUTION

The Middle East lacks native technical skills, which have to be provided if standards are to be raised in the region. Today the United States is the Mecca of foreign students eager to learn the latest body of knowledge in a large variety of fields. We are justly proud of the fact that there are some 30,000 foreign students in our midst. That is a sizable figure, but far from adequate. The Middle East alone could provide a larger contingent. Experience teaches that its young men are malleable enough to pick up technical knowledge. Re-

turning to their native country, each of these young people should be the head of a school of eager youngsters.

Technical knowledge is not enough, of course. We believe that a more thorough knowledge of the American way of life would also be of great use to the Middle East. We have shown that it is possible to fuse the most disparate ethnic elements into a common aspiration of constructive nationhood. We have not solved all such problems, but we seem to have the good will to seek the right path. The best we have produced in this respect is good indeed; let us be the missionaries of this ability.

This brings us to another important point. The people we send into the Middle East are, no doubt, a selected group. They seem to know their fields of specialization and apply themselves to their jobs with great energy. However, there is a tendency among them to keep company only with their own kind—to keep aloof from the "natives." One can understand such inclinations. One of man's strongest desires is to be part of a congenial and homogeneous group. This urge has to be subdued. We cannot become a nation of introverts abroad, a group of supermen, dispensing the law from our individual Mount Sinais. Each American abroad must consider himself a dedicated person, a missionary, ready to give far more than the terms of his contract specify. And he must do so on a footing of equality with the local people.

THE INTEGRATION OF THE MIDDLE EAST

One of the main reasons why the Middle East is a power vacuum is that the countries in it neutralize one another. This is true even of the Arab nations. They have an Arab League, supposed to integrate their efforts on a broad field. There is no need to call attention to the fact that it has integrated

its members only in a negative way: in their opposition to Israel. Jealousy and recriminations are the order of the day among the Arab countries.

The Middle East is a natural unit. Most of it belonged to the Ottoman Empire for centuries, and it was united by strong connecting tissues. Under the present conditions the region would be unable to make even a small contribution to its defense. A state of war still exists in the very heart of the area, between the Arab countries and Israel. This is an anomalous situation which cannot last long without dire consequences for the entire region. The western powers could certainly induce the Arabs to make their peace with Israel. So far, no determined effort has been made along that line.

After peace has been achieved, the entire region, and not merely the Arab countries, must explore the possibilities of a higher integration. That is in the interest of strategic security as well as economic improvement. The South Asian countries have been trying a measure of economic integration in the Colombo plan. If they can do it, over a tremendously large area covering the most diverse ethnic groups and ways of life, why can the Middle East not seek to find a common denominator? It is far more compact, and its interests are far more interrelated. The great western countries should use all their diplomatic resources to get such a project launched.

WHAT ABOUT DEFENSE?

The question has been asked whether the Middle East should join the NATO? It has already been pointed out that a defense organization can never be the foundation, but must be the superstructure. If it were to be the foundation, it would be sucked into the bottomless abyss of the power vacuum.

Turkey is a member of the NATO,

together with Greece. Whatever their official status, they serve in auxiliary capacity. These two countries appeared to be along the route of Soviet expansion. For countries in the eastern Mediterranean to be members of a North Atlantic Treaty Organization may be a geographic curiosity, but that is beside the point. Historic necessity indicated the need of such an integration.

And the bulk of the Middle East? Here again there is serious danger that sensitive Middle Easterners will assay our efforts to organize them in a defense body as being in harmony merely with our own interests. If a defense organization in the region is needed, let it be organized under its own colors, including all the units of the area—Arabs, Israelis, Turks, Iranians.

It has been suggested by Middle Easterners themselves that they should set up their own organization. Would they be able to do so, lacking so many

of the qualifications and wherewithals of such a complex body? It would be far better to follow the inclinations of the Middle Eastern countries, especially since they would have to turn to us with many of their problems. Once such an organization is set up, they are bound to solicit our assistance in a variety of ways, and we should be more than ready to help. They need expert knowledge and the tools of defense, all of which we have.

Let us not seek defense merely in the force of arms. It was in the Middle East that man's conscience was first revealed. It was there that the greatest religions of the West proclaimed that there was salvation and that its name was peace. Let us hope that the Middle East will help us again to find our human selves, and that it may yet become the inspirer of man's ability to solve his problems without resorting to the criminal insanity of erasing the problems by erasing mankind itself.

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Tension in the Arab Near East

By FARID S. HANANIA

THE Middle East today is one of the weakest links in the collective defenses of the West. Except for Turkey and Greece, which are part of the North Atlantic Treaty Organization and, technically speaking, are not really part of the Middle East, the Arab Near East is neither part of NATO nor part of the chain of the several defense organizations of the West.

Now, why is it that the West is leaving this very important link so exposed, so dangerously exposed? The region which I wish to survey with you lies on the eastern and southeastern shores of the Mediterranean, south of the Anatolian Plateau and west of the Persian highlands, including both the Nile Valley and the Arabian Peninsula.

This region, which lies at the junction of three continents—Europe, Asia, and Africa—has the longest continuous history of any area. From time immemorial it has witnessed the passage of both vanquished and victorious armies and has been the coveted prize of contending empires. It has known the armies and rule of Egypt, Babylon, Assyria, Persia, Rome, Byzantium, the Arabs, and the Turks, and today the waning heir to all this grandeur is Great Britain.

IMPORTANCE OF THE NEAR EAST

In modern international power politics this area is important on at least three accounts: its strategic importance, its role in world communications, and its richness in oil. I do not think the North Atlantic Treaty Organization can be wholly successful in Europe unless the Middle East is made into a separate defense organization, because control of

this area or its denial to the Union of Soviet Socialist Republics is absolutely vital to the western world. If the West were in possession of it, effective blows could be directed against the Soviet industrial and oil concentration in the Caspian and Black seas. Conversely, if the U.S.S.R. were to possess it, it could cripple naval operations both in the Mediterranean and in the Indian Ocean, and strike at western bases on the African Continent.

General Eisenhower called this area the most important area in the world strategically. Senator Vandenberg, leader of the Republican majority in the Senate, said in April 1947 that if the Middle East fell within the orbit of the aggressive Communist expansion, the repercussions would echo from the Dardenelles to the China Sea and westward to the rims of the Atlantic. Indeed, in this foreshortened world the Middle East was not far enough from our own New York. These were the words of Senator Vandenberg.

A further illustration of this is Mr. Winston Churchill's decision made in December 1940 to send strong British reinforcements to the Near East at a time when his own country stood in hourly danger of a German invasion. Churchill knew, and subsequent events proved him right, that the Battle of Britain could be as effectively fought on the banks of the Nile as in the skies of London.

As to world communication, you only have to cast one look at the map to see the importance of the area, for through it pass the shortest sea, land, and air routes connecting the Western and Eastern hemispheres. Of course, the Suez

Canal could be easily destroyed by war, but even then the area would remain of utmost importance for east-west air and land routes connecting the two hemispheres.

Finally, there are the Near East oil resources, which are the richest in the world. These Arab countries, including Iran, contain something like 42 per cent of the world's oil resources, as compared to 35 per cent in the United States, 12 per cent in Venezuela, and the remaining 11 per cent in the rest of the world. The problem seems to be, as I understand it, to draw as much as possible upon these Near Eastern oil resources in time of peace, and leave the more safely tucked-away reserves for time of war.

So it will be seen that, whether in peace or in war, the Arab Near East is of vital importance to the western world. It therefore seems natural that there should be increasing American curiosity about this region, about its inhabitants, about their feelings and thoughts and problems, and particularly about their attitude toward the West and toward the eastern camp.

GEOGRAPHY AND GOVERNMENT

In this area there are seven Arab states: Egypt, Jordan, Lebanon, Syria, Saudi Arabia, Iraq, and Yemen. In addition, there are small principalities south of Arabia and on the eastern shores of the Persian Gulf. The total population of this area is some fifty or sixty million, ranging from the greatest number in Egypt, twenty million, down to four million in Iraq, Saudi Arabia, and so on.

Monarchy is perhaps the commonest form of government. Even since Faruk's ejection from Egypt, there are more monarchs, as it were, per square mile in this area than anywhere else in the world. The monarchies, however, vary from the old medieval type, as in Saudi

Arabia and Yemen, to the modern constitutional type, as in Iraq and Jordan.

In Egypt and Syria we now have military dictators, ruling, so far, as benevolent dictators. In Lebanon there is a republican form of government, a mixture between the American and the French.

Syria, Lebanon, Saudi Arabia, and Yemen are completely independent, insofar as any country outside of the United States and the Soviet Union is completely independent nowadays. Egypt, Jordan, and Iraq are technically independent but are tied to Great Britain by military treaties providing for British bases and occupation forces in the more secluded parts of the country. Britain has also a predominant political influence in the principalities along the southern shores and the Persian Gulf, and it has a crown colony in Aden.

ARAB SOLIDARITY

There are two things to remember about the population of these countries—first, they are Arab; second, they are predominantly Moslem. By Arab I mean that (in varying degrees) they have Arab blood in their veins; their spoken and written language is Arabic; their intellectual and philosophical outlook is conditioned by Arabic literature and thought; they take great pride in the Arab achievement of the past; and so on.

In addition to these racial, linguistic, cultural, and historical ties, there is another tie which binds the Arabs even closer together, and that is the spiritual tie of Islam.

It is to be noted that not every Arab is a Moslem, nor is every Moslem an Arab. There are hundreds of thousands of Christian Arabs in the Middle East. When I say "Christian," I mean the indigenous Christians, the original Christians that emanated from that part of the world.

Also, there are many more non-Arab Moslems than there are Arab Moslems, the Arabs forming only one-eighth of the main body of Moslems. The world of Islam stretches at its farthest limits from the North African coastline in the west to the East Indies and the Chinese mainland in the east. It includes some four hundred million souls between whom there lies a deep spiritual affinity and feeling of community comparable to nothing similar in modern Christendom.

But if the Arabs only form a minority among the Moslems, their influence is paramount. This is so for many reasons. The Moslems' prophet, Mohammed, was an Arab. Their holy book, the Koran, is in Arabic. The holy cities of Islam—Mecca, Medina, and Jerusalem—lie in the heart of the Arab world. The greatest centers of Moslem civilization are the Arab cities of Cairo, Damascus, and Baghdad. The highest Moslem theological center is the University of al-Azhar in Cairo.

REPERCUSSIONS IN THE ISLAMIC WORLD

It follows, therefore, that what happens in or to the countries of the Arab Near East is likely to have wider and more far-reaching repercussions than their present material or military strength would seem to warrant.

But the repercussions in the world of Islam need not be immediate, need not be tangible. They tend to take the form of a deep-felt brooding impression, which may very well find cataclysmic expression at some point of great historical intersection sometime in the future.

Manifestly, then, the Arab Near East is doubly important to the West both in terms of its own strategic importance and in terms of its intimate relations with so many millions of Moslems lying, as they do, along the southern border of the Soviet Union. For here we have

a double chain reaction. On the one hand, Arab attitude to the West is largely conditioned by western treatment of the Arabs; and on the other hand, the attitude adopted toward the West by the Arabs may largely condition the attitude of the whole Islamic world to the western camp.

ISLAM AND COMMUNISM

But it may be said, Well, by our own western military standards and industrial potential, they are of no great account, and therefore their friendship is not of much importance.

Well, the first part of that statement may be true, but not the second, for the real importance of the Moslem countries lies in their relation to the U. S. S. R. Should the Soviet Union devise a formula acceptable to Moslems, should Communism and Islam hands, then the whole of Asia and of Africa would have to be written by the West, for then the Moslem countries would become what the Soviet Union would make of them.

Do not think I am exaggerating, do not think I am being an alarmist in any way. What happened in China can, unless we keep our eyes open, happen also in the Moslem lands. In the Moslem lands, as in China, there are millions upon millions of toiling masses living on the border line of animal existence. In the Moslem lands, as in China, the past record of the western imperialistic powers is anything but happy or suited to win loyalty. And in the Moslem lands, as in China, there is a tremendous social and intellectual ferment which is seeking violent and revolutionary expression today.

So it is upon these three bases of poverty, bitterness against the West, and intellectual confusion that Communism may try to join hands with Islam. Needless to say, it cannot come to

terms with the true Islam; the pure monotheistic faith of Islam and the atheistic and amoral Communism are incompatible. But it can join hands with a warped Islam, with an embittered, frustrated, or chauvinistic Islam.

I feel that Moslem estrangement from the western camp would be all the sadder because in Islam the West has potentially one of the greatest Asiatic allies against Communism, for any religion deriving from divine revelation is a natural enemy of a pure materialistic creed such as Communism.

Moreover, Islam has succeeded in retaining its spiritual influence over its adherents to a remarkable degree for the last thirteen hundred years, and even those Moslems who have been western-educated and have discarded the outward practices of their faith still feel a very deep attachment to it.

IN CASE OF WAR

This is a symptom of the age that when we discuss a nation, the first question we ask about it is, How will it behave in the next war? This is, so to speak, the topic of the day. Accordingly, if we were to assume an outbreak of war tomorrow and ask this question about the Arab states that I have just mentioned, I very much regret to say that no Arab country would be likely to declare itself wholeheartedly on the side of the West. That is why there has not been a regional defense organization in the Middle East. That is why NATO has not been successful in penetrating into the Arab lands.

This is not to say that all the Arab governments are Communist. On the contrary, Communistic activity is officially banned in all the Arab countries. In fact, in Iraq it is a capital offense. Indeed, the only country in the Near East with a large and well-organized Communist party is Israel.

Arab refusal to side with the West is not so much the result of love for the Soviet Union as of bitterness against the West. It is this situation that western and particularly American statesmanship must put an end to, and put an end to soon, before a greater threat would endanger not only the western world but the Arab world as well. And I am very glad to see that the new administration in Washington has been conscious of this very important area of late.

ROOTS OF THE TENSION

What is the cause of this tension? The explanation is usually quite simple. You read it in your papers. The answer is given as fanaticism, as xenophobia. But I do not think that is the answer at all. The answer is to be found after a thorough perusal of the history of that area during the last 150 years. For even fanaticism and xenophobia do not spring forth entirely without a cause.

The root of this tension stretches right back to the nineteenth century. That was the century of European economic and political expansion at the expense of the weaker, less technically advanced countries. Between 1813 and the outbreak of the First World War most of the Arabic-speaking countries lying on the fringes of the Ottoman Empire were invaded and occupied by one European country after another. Most of these conquests were effected in the face of fierce resistance from the Arab inhabitants, who were finally overcome by sheer military force.

But the turn of the other Arab countries, of the Ottoman Empire, was soon to come. After the First World War these provinces were sliced and divided between Great Britain and France. From administrative units belonging to one central government and sharing one common citizenship, these provinces were now turned by France and Britain

into separate states with different administrations, different currencies, different passports, different legal systems, and even different official languages.

Thus the modern countries of Lebanon, Syria, Iraq, Palestine, and Transjordan came into being on the basis of arbitrarily drawn frontiers that had no correspondence with cultural, national, or ethnic considerations. France assumed her mandate over Syria and Lebanon. Britain assumed her mandate over Palestine, Transjordan, and Iraq.

Under the Ottoman Empire the Arabs had had a share in the administration of their empire. There were sixty Arab deputies in the Ottoman Empire. There were Arab cabinet ministers, generals, ambassadors, provincial governors, and so on. Now they were told that they were immature and could not govern themselves.

Arab disillusionment with the West was still greater because they had fought against the Turks and on the side of the Allies during World War I with the express understanding, as they believed at the time, that they would be given union and independence in the Arabic-speaking countries of the Fertile Crescent and the Arabian Peninsula. But the peace conference after World War I was an eye opener to the Arabs. The western democracies, as the Arabs now saw them, paid only lip service to the fine conceptions of freedom and self-determination that were propounded by Woodrow Wilson.

INDEPENDENCE BUT CHAFING TIES

Gradually, however, as the years passed, the imperial powers of Britain and France had to yield ground to growing national strength, and of the five countries that I have just mentioned, Lebanon and Syria achieved independence in 1945. Iraq achieved independence in 1932, but had to sign a military

treaty with Britain with which she still frets. Transjordan achieved independence in 1946, but that was obviously nominal, because Britain still controls the country, not only by military treaty but also by the British-officered Arab legion. Egypt achieved her independence in 1922, but again was tied to Britain with a military treaty which she deeply and passionately resents.

So the tension between the Arabs and the western European democracies springs from past disillusionment, bitter memories of the independence struggles in the interwar years, and present restlessness at the shackles of dictated military treaties. To understand the point of view of these countries, it must be made clear that they regard these military treaties with Britain not as freely negotiated arrangements with equal allies, but as the tactics of an imperialistic power calculated to perpetuate her rule in the country. The British forces in Egypt, for instance, are not looked upon as an asset, as, say, the American forces stationed in England are by the British. They are rather looked upon as the Allied occupation armies are by the Germans.

THE HARD CORE OF RESENTMENT

These considerations alone are enough to poison, as they do poison, the relations between the West and the Arab Near East, but there is another factor.

If you say that western imperialism is considered as a phase through which Europe passed at one time and is now abandoning, as is evidenced by the withdrawal of the British from India, for instance, there still remains one western action which can never be forgiven or forgotten by the Arabs. Indeed, time perhaps cannot heal it and no amends can make up for it. As one American author put it, it will ever remain a wound to the international honor. If

an Arab today were asked to point to one particular problem which more than any other problem stands in the way of an Arab-western rapprochement, or an Islamic-western rapprochement, he would with all sincerity and unhesitatingly point to Palestine.

It is impossible for me to convey to you in words the deep sense of injury, of pain and bewilderment, felt by the Arab people over the western policy in support of Zionism in Palestine. That policy, ending as it did in the mass exodus of the country's indigenous population, both Christian and Moslem, to make way for an alien one, seems in Arab eyes altogether to empty western democratic concepts of all meaning and significance.

Western democracy may be a fine thing, is the universal cynical comment; it sounds excellent on paper, it is no doubt practiced in the western countries themselves, but we haven't seen it here. It is obviously not for export.

Britain is, of course, regarded by the Arabs as the original culprit, for it was Britain that conceived of the idea of the Balfour Declaration and pushed it through, and it was Britain that crushed continued Arab opposition over the last quarter-century. But in the last few years it is the United States that has come in for most of the blame. The United States succeeded in three years in doing what it took Great Britain thirty years to do, namely, to antagonize the Arab countries; for it is considered by the Arabs that but for American moral, diplomatic, and material assistance to the state of Israel, Israel would not have arisen.

In particular, the Arabs resented the personal character of the United States President's Zionist declarations, which were motivated as much by good will toward the Jews and ignorance of the Arab case as they were by internal political considerations.

DOMESTIC POLITICS AND FOREIGN POLICY

On this question of the impact of the internal American policies on American policy toward Palestine, I can do no better than refer you to a revealing book called *Forrestal's Diaries*. I will just quote one or two of Forrestal's remarks.

26 November 1947: Lunch with Senator McGrath. Prior to it I had him read the secret report on Palestine. I said to McGrath that I thought the Palestine question was one of the most important in our American foreign policy, that if we were talking about lifting foreign affairs out of domestic politics, there is nothing more important to lift out than Palestine, with all its domestic ramifications.

Forrestal derived several points from McGrath's conversation:

In the first place, Jewish sources were responsible for a substantial part of the contributions to the Democratic National Committee, and many of these contributions were made with the distinct idea on the part of the givers that they would have an opportunity to express their views and have them seriously considered on such questions as the present Palestine question. I said I hoped that Senator McGrath would give a lot of thought to this matter because it involved not merely the Arabs of the Middle East but also involved the whole Moslem world with its 400,000,000 people, Egypt, North Africa, India, Afghanistan, et cetera.

If you are interested in this phase of the Near East, you will find very interesting passages in Forrestal's book.

In the words of Professor Gibb, of Oxford University, who is perhaps the greatest orientalist today:

The methods by which Near Eastern policy of the United States was forced through the Assembly of the United Nations in 1947 not only undermined at one stroke through much of Europe and all of Asia the authority of the United Nations but also undermined respect for the integrity of the United States.

Professor Gibb is not only a friend of the Arabs, he is also a friend of the Americans.

THE REFUGEE PROBLEM

I wish, however, to make it quite clear that my statement of the Arab attitude regarding Palestine does not reflect wanton disregard on my part of what is perhaps the greatest tragedy in human history and certainly the ugliest blot on modern Christian Europe, namely, the abominable Nazi persecution of millions of innocent Jewish men, women, and children. This tragedy is of such unprecedented dimensions that man-made immigration laws should have been swept aside to receive the remnants and the refugees, and I, as a Christian, must say that I feel the deepest sense of shame because of the failure of the Christian countries, and particularly of America, to rise to the situation.

All that America and the other western countries could think of was to demand immigration into Palestine—a land torn by hatred and civil dissension and surrounded by hostile hinterland; a land limited in economic absorptive capacity; a land, moreover, which had already received, between 1920 and 1948, as many as a half-million Jewish immigrants in a total population of 1,700,000; a land where continued Jewish immigration was bound to lead sooner or later, as it did lead, to the creation of precisely that kind of tragedy it was calculated to solve, namely, a refugee problem. In this case 860,000 Arab homeless persons are now entering their fifth year, living under the most abominable conditions, on international charity doled out to them at the rate

of seven cents a day per person to include their clothing, food, and existence.

WHAT OF THE FUTURE?

The wounds then, inflicted by the West upon the Arabs, are many and deep; but it would be not only foolish but suicidal for the Arabs to turn their backs upon the West, for the face that the West has hitherto shown was perhaps not its real face, not its Christian face. The West was cruel to the Arabs because perhaps it was cruel to itself. The United States of America has compromised itself over the Palestine issue, but perhaps, unlike older imperialistic powers, it has a clean record, and the American violently Zionist policy is now generally believed to be a thing of the past.

I do not wish to imply from all this that the outlook is hopeless, that the Middle East cannot be joined in a regional defense organization or made part of NATO; that need not be so. The interests of the Moslem world are inextricably bound with those of the West. If the Near Eastern people find it hard to live on agreeable terms with the West, they will find it harder to live at all with the Soviet Union. Of this I have no doubt. As a man who has spent half his years in England, as I have, I have come to realize what western democracy really stands for, and what western democracy really stands for is the only basis for a decent human existence. So it would be a great tragedy, a great tragedy indeed, if my people and your people should, just because of lack of mutual understanding and mutual respect, find themselves at cross purposes.

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The Meaning of NATO for France and Europe

By JEAN DE LAGARDE

AMONG the decisions which have certainly had the most far-reaching effects, which may last for centuries, the signing of the North Atlantic Treaty four years ago and the subsequent organization of a joint defense between countries on both sides of the Atlantic will take the first place. It has been really revolutionary, not only for your country, which for the first time has signed a treaty of alliance in peacetime, but also for the countries of western Europe, which have concluded arrangements which were never before made in peacetime.

THE THREAT TO EUROPE

If such revolutionary decisions were taken, it was because the countries of the free world were facing revolutionary situations. For the first time since the fall of the empire built by Charles the Great in the beginning of the ninth century and since the invasion of the Moslems, the old civilization of Europe was threatened by a great danger, and for the first time there was no possibility of a combination of nations in Europe to check that danger.

In 1945, indeed, there was only one country standing, more powerful than ever—the Union of Soviet Socialist Republics. All the other nations which had led Europe for centuries—England, France, and Germany—were greatly weakened by the terrible struggle. The Marshall plan prevented the European economy from falling to pieces and bringing about social upheavals. The funds given to western Europe, especially to France, served to buy the raw materials which were lacking and to re-

place the machine tools destroyed or worn out during the war. After four years of the Marshall plan, European, including French, industry and agriculture had not only recovered from the losses sustained during the war but were far ahead. Some figures for France will show this:

Steel, 10 million tons in 1952 compared with 6.8 millions in 1938 and 8.7 millions in 1929.

Coal, 57 million tons in 1952 compared with 47 million in 1938 and 53 million in 1929.

Electricity and oil refineries, three times more than before the war.

Agricultural tractors, 150,000 in 1952 compared with 25,000 in 1938.

At the same time, the birth rate has increased in France. There was a population increase of 300,000 in 1952 compared with a loss of 35,000 in 1938. For the first time the French population will reach 43,000,000 in July 1953, in spite of the fact that France lost 600,000 men and women in World War II.

But although through the Marshall plan and the work of the French people the economy was being restored, hundreds of Russian divisions were still in the east, and the history of eastern Europe has shown that where those divisions are, Russian imperialism is about to enslave countries; the Red tide was in full swing. It was necessary to organize the defense of countries which had the same ideals, the same belief in human liberty, and in general the same civilization stemming from Greece, Rome, and Christianity. So the North Atlantic Treaty was a recognition of the fact that on both sides of the ocean

countries exist with the same interests and ideals. That is the meaning of the North Atlantic Treaty Organization for France and western Europe: the organization of the defense of civilization.

REARMAMENT AND ECONOMIC SUPPORT

For that purpose, steps have been taken in the last four years in the field of rearmament. As in the case of the Marshall plan, the United States has taken the lead. Tons of arms, thousands of tanks and armored vehicles, of guns and planes, have been shipped over the Atlantic to the armies of France, England, Belgium, and other countries. At the same time, the countries of western Europe have been glad to offer the armies of the United States and Canada barracks and airfields for their forces which are stationed permanently on the soil of Europe. For the first time in peace, we see foreign troops garrisoned in allied countries; the general staffs composed of officers of different countries are preparing a common defense. Some ten years after that terrible struggle of World War II, negotiations are going on to unite the former foes and rearm them. The treaties of Bonn and Paris, signed by eight governments, provide for the rearmament of Germany and their approval by the different parliaments, and are now on the agenda of those assemblies.

In the field of armament, the French have furnished a great effort. They have built an army of twelve divisions and are going to have fourteen plus about thirteen overseas. Their contribution in men in the armed forces is on the same level as those of Great Britain and the United States. If you consider that the French had to start again nearly from scratch, you will realize that this is really an achievement.

But modern economy and the extraordinary intricacies of economic and for-

eign policies require more than military men and equipment. As Mr. Bidault, French Foreign Minister, has pointed out in the last few years, it is necessary to pool not only armament but also economic resources to make the defense of the countries effective. It is not only necessary to give tanks and planes to the armed forces, but we must also make the national economies sound, so that the burden of those armed forces can be supported by their countries and the morale of the troops will be as good as the guns they have in their hands. For the French people, NATO means not only common defense but also sharing everything that makes that defense outstanding. That is why Mr. Mayer and Mr. Bidault recently discussed with your President and his assistants the question of Indochina and of the European Army. That is why Mr. Mayer has launched the idea of building construction in France and expansion of international trade. There is no separate compartment in the world policy of today. The French soldier fighting in Indochina is needed in Europe; the money spent in Indochina is needed to build houses in France.

BURDEN OF INDOCHINESE WAR

The war in Indochina, as Governor Dewey said recently in a speech at Hunter College, is at the heart of the French problems: financial, because it is costing the French more than 450 billions of francs a year, which is more than they invested in Indochina; military, because 26 per cent of the French regular officers and 34 per cent of the noncommissioned officers are engaged in Indochina, thus preventing the formation of new divisions or weakening the divisions already existing in Europe. If you also remember that 500 billion francs (14 million dollars) is devoted to the rebuilding of the houses destroyed and

that only a quarter of them have been rebuilt, you will understand what those commitments inside and outside represent for France. Considering that the fight in Indochina is for the same cause as the fight in Korea, and that the situation in southern Asia would become catastrophic if the French Army were obliged to give up, it is only fair that those who have the same interests share, in some way or other, the burden the French are obliged to support in that part of the world.

It is erroneous to say that the French are not paying taxes. On the contrary, as Mr. Mayer pointed out, 38 to 39 per cent of the nation's income go for taxes. If you take into consideration social security and local taxes for small cities and villages, it is a very heavy burden. Only one is higher, and that is Great Britain's. It is higher than in Germany, in Italy, or in the United States. If you also take into account that the average income in France is only \$433 compared to \$1,435 in this country and \$755 in Great Britain, that burden appears even higher. The government is fighting tax evasion that could have developed into large fraud. It has been shown that if the American tax system were applied in France, the revenue would be 1,334 billion francs instead of 2,312 billion francs.

From these figures and the impact of the Indochinese war on the French economy and the French military forces, it is possible to understand why some French people are requesting guarantees to enter the European Army project, and why the French Government has asked for different protocols. To build an army able to fulfill French commitments in the European Army, it is necessary that the French be able to pull some officers and noncommissioned officers out of Indochina; and at the same time, because of the commitment of the French forces, it is just as neces-

sary that the French be able to pull some of the officers and noncommissioned officers out of the European Army to bring them overseas in case of emergency.

THE SAAR

As Mr. Mayer pointed out in Washington, the European status of the Saar must be fixed by treaty. The treaty must certainly put an end to any disagreement between France and Germany, so that the Saar dispute will be settled. The difficulty comes not from the political regime of the Saar, but from her economic status. Knowing the importance of the Saar to the French economy, it is natural that the French are asking that the union that exists between the two countries shall not be dissolved until European economic union becomes a reality. Nevertheless, the French Government is fully confident that a settlement with the German Government can be worked out.

NEED FOR UNITY

All phases of the problem are linked together. NATO cannot be considered merely as a defensive military alliance, but must be regarded as part of a global friendship and understanding in every field of economy, foreign policy, and military defense among countries that have the same aim and ideals. NATO is not an end in itself; it is only part of a greater job—building a secure free world. In short, NATO is only the defensive part of the life of the Atlantic community, a community in which the different countries have to share their responsibilities as well as their burden. It is not possible for your country to be prosperous and secure if Europe collapses; neither is it possible for western Europe to have a bright future if the United States is not strong and prosperous. We are fighting in the

right direction; let us stay united. As the *New York Times* remarked on April 4:

The Continent has had time to organize and unify itself. That process is now un-

der way. It would be the supreme irony and catastrophe of history if Soviet Russia, whose pressure brought the free European nations together, should now succeed, by easing that pressure, in wrecking the growing unity.

Count Jean de Lagarde is Minister Plenipotentiary in charge of the Consulate General of France in New York City, having served in a similar capacity in San Francisco. He has served his country in Warsaw, Bucharest, Damascus, Beirut, and Copenhagen, and has been in the United States since 1948.

NATO and the Underdeveloped Areas

By CHARLES H. BONESTEEL, III

THE immediate problems confronting the North Atlantic Treaty Organization in its task of building armed forces for the defense of the West are complex, but they are generally well defined and reasonably well understood. Not so clear is the question of what will be done after these armed forces are created and military imbalance with the Soviet bloc is rectified. Even less clear is the question of how NATO, or, in broader terms, how western civilization, can develop its fullest potential to meet and resolve all aspects of the Communist menace to the free world and to contribute to a lasting peace.

The Soviet-Communist conspiracy has, as we know, only one long-term goal, but it has almost infinite flexibility in time and method in its march towards this objective. We have recently observed some seemingly drastic shifts in Soviet foreign policy. It is too early to evaluate their motivation, but one thing remains clear. The most direct and effective approach by the Soviets towards their objective combines the threat or application of military force with subversive action by the tightly organized and rigidly disciplined zealots of the Communist Party. This direct approach can be checked only by force in hand and by organization. The free world cannot risk relaxation in its efforts to create the organized strength needed to make this approach continuously unprofitable to the Kremlin. Today the strongest, and in fact almost the only, even partially organized resistance in the free world centers in that amorphous entity known as western civilization.

The most active elements of this resistance in the West are NATO and the nations which have banded together to form NATO. These nation-states and their peoples, drawn together in loose assemblage through common moral heritage and the present danger, are acting collectively to build a focus of organized strength and power. Without this strength, the entire free world would lie nearly helpless in the face of Soviet-Communist power whenever the Soviets chose to employ it. It is proper that all who cherish freedom and independence, wherever they may be, should recognize the vital importance to the whole free world of this effort.

THE LONG-RANGE GOAL

Thus, there can be no doubt that the creation of adequate military strength within NATO remains, today, an urgent and almost overriding necessity. It might well be shown, however, that past concentration of effort in this direction, without effective attention to seemingly longer-term problems, is now resulting in 'actually slowing down the completion of this military task. If this be true, it is one of many proofs that the western world needs consciously to clarify, and establish the relation between, its short- and long-range objectives.

Informed persons speak of the bipolarized world of today. As though by implication, others less well informed draw a picture of a world divided into two sharply opposing and hostile armed camps—the Soviet bloc on one side and the "free world" on the other. Such a picture is dangerously false in many re-

spects, the more so because of the vast and important portions of the world, mostly in the so-called underdeveloped areas, where millions of persons and their governments want only to develop themselves peacefully in unprejudiced independence. Although freedom means much to them, there are some who wish, for varied reasons, to underestimate the threat of Communism, and who are hesitant to be counted with the West in openly opposing its spread. In only one sense is the oversimplified picture true, and that is in the Soviet-Communist sense. In Communist eyes one is either for them or against them; if not positively for them, one is an enemy, to be used perhaps, but eventually to be enslaved.

This should help to clarify some of the longer-term objectives both of the West and of the whole free world. True peace, security, and stability in the face of the many-faceted Soviet threat can be attained only on a world-wide basis and only when, at a minimum, an enervated and dwindling Soviet bloc has lost its ability and desire to expand by force, and common purpose throughout the free world has become stronger than the false universalisms of Communism. Therefore, it should be considered no end in itself for NATO to construct armed forces sufficient to deny the Atlantic community to Soviet aggression, even though this be a necessary prerequisite to greater success. The tide must also be stemmed and slowly turned, everywhere else; and this means strength, well-being, and the creation of a valid community of purpose within all the free world.

NATO, then, or the western civilization, or the nation-states of the West, have a twofold task. First is the present job of building a hard core of military strength as a shield for the free world. But the infinitely more difficult job is to fit the West into a greater and

more constructive order of affairs within which the underdeveloped countries can also accommodate themselves, and which can better meet the aspirations, allay the fears, and develop the physical and intangible potentials of all peoples not enslaved by Communism. If this can be done, or if even the *intention to do it* can be made manifest, a common purpose may be given to all the free world.

ECONOMIC FEAR

It is far easier to speak such pious truisms than to reduce them to practical application. To look towards some realistic possibilities of progress, it is necessary to examine specific problems and see what they imply. Take, for instance, some of those involved in the immediate and vital task of building NATO military strength.

Later this month, in Paris, the NATO Council will meet to conclude its "annual review" of progress and to set further goals for the military build-up. This annual review was originally scheduled for completion last November, but it bogged down last autumn and faces further difficulties at the coming meeting. There are many reasons for this—political, economic, and military—but it is no exaggeration to say that the basic trouble was, and is, economic uncertainty. There are political reasons, such as divergencies of view on the immediacy of the threat of Soviet aggression or on the wisdom of creating a European Defense Community. There are military reasons, mostly centering on whether or not it is necessary to build great "conventional" armies at enormous cost when perhaps new weapons involving atomic explosives will make profound changes in future warfare. Accepting the pertinency of such arguments, it remains true that many of the basic inhibitions to NATO agreement are economic. If resources were readily

available to meet the most pessimistic or the most demanding of military judgments, there would be far less argument. But these resources are not readily available.

Economic fear is the vulnerable point of the western alliance. We in America are hard put to comprehend how stultifying is the European's concern for his economic future, particularly when he views it in the context of today's economic nationalism. NATO is founded on the principle of the free association of sovereign, independent nation-states; yet there is not one of them—not even the United States—that is in fact economically independent. Recognizing this, but without seeing any other practical solution to the problems of national viability than the preservation of national economic entities, until slowly and perhaps miraculously some better way is found, the NATO governments are faced with a frustrating series of inconsistencies. Nowhere is this clearer than in the conscious or subconscious retention of the "economic spheres of influence" concept on the part of European states still endowed with dependencies.

REASONS FOR CONCERN

In arguing along these lines, no invincible criticism is intended. It is literally true that no feasible alternative to economic nationalism appears to present itself to the harassed governments of the economically interdependent European nation-states. On the one hand, they are faced by the threat of the unified, autarchic, and inimical supercontinental power of the Soviets—a threat which requires military strength-in-being in the West to counteract it, and greater economic strength to support the military strength. On the other hand, they are becoming increasingly dependent for raw materials and for markets on the vast underdeveloped

areas where anticolonialism and intense political and economic nationalism are growing and bid fair to break down international economic balances. It is understandable why economic fears are real factors inhibiting European governmental action.

The profound European concern with the economic future rests on many specific points. First and foremost is worry as to lack of future markets. This is heightened by fear that American industrial technology may have so far outstripped the European that European products will not be able fully to compete in world markets. Closely allied to this is concern lest bars on trade with the Soviet bloc will strangle the full economic development of highly industrialized nations, particularly Britain, Germany, and Japan. These points all join to raise the specter of possible overproduction and disastrous international competition. Worsening terms of trade against manufactured goods are worrisome too, and so is possible inability to obtain needed raw materials in the face of economic nationalism in producer countries and the rapidly expanding demands of United States production. Lack of adequate resources for investment and improvement in standards of living is heightened by the demands for rearmament.

These are some of the specifics, but their summation is what matters. Together they have tended to breed apathy or resignation with regard to the economic future, not so much among those European leaders who courageously wish to face the problems, but among the warp and woof of the political and economic fabric—the moneyed class, the entrepreneurs, labor and labor union leaders, professional classes, and the bureaucracy. The problems themselves pose no insuperable difficulties, but their solution demands vision, vigor, and a new and broader approach, which have

not yet been inspired. Private enterprise is weakened and confused, and governmental action reflects the apathy of the body politic.

UNDERDEVELOPED POTENTIALITIES

Yet, in the latent aspirations of the millions who inhabit underdeveloped lands lie markets of unimaginable potentialities and an answer to the economic problems of the industrialized West. Enlightened development of these lands can provide the greatly increased mineral and agricultural production which would slowly bring these markets to life. But the problems to be solved in realizing these potentials are far more than economic. They present the moral and political challenges to western civilization—and to the rest of the free world—which are implicit in the struggle for lasting peace, security, and freedom. They are not yet being met with the essential degree of public comprehension and energy within the Atlantic community. The West needs to recognize that the development of a spirit of common purpose within the whole free world is the surest way to the solution of its economic—and consequently to many of its political, moral, and military—problems. So far, its leaders have been unable to clarify this issue. The whole campaign of Communist divisive propaganda has been aimed at beclouding it.

DISTRUST OF THE WEST

The United States is as involved as the rest of the West in the basic problem. By the very fact of concentrating so much effort in aiding Europe and by becoming a leading partner in NATO, we have heightened suspicions and doubts among some of the peoples of underdeveloped areas. In our efforts to activate the concept of an expanding world economy for our own as well as others' well-being, we are accused of economic exploitation and materialistic

disregard for higher, ethical, values. Communist propaganda has increasingly been focused on proving an alleged "imperialist" design, and tries to show some sinister connection between our support of the so-called "ex-colonial" powers of Europe and our efforts to help develop political advancement in, and the economic resources of, less-developed lands. Perhaps the greatest paradox in our foreign policy today is that in helping to strengthen the West, we seem to be prejudicing our ability to help create cohesion within the whole free world.

One of the most profoundly disturbing factors in the situation today is the increasing suspicion with which the peoples of some of the underdeveloped areas look upon the West. Their inchoate but nonetheless positive feelings regarding what Toynbee calls the "aggressive" history of western civilization are intensifying a schism that the free world cannot afford. The rapid advance of the world-wide politico-sociological revolution through these lands; the crumbling of local versions of feudalistic society; the heightening awareness and ambitions of the common man; the impact of western materialism on age-old cultures and philosophies which sought other values and rewards than those involving some satisfaction of men's material wants; the breakdown of the colonial systems and the rise of fervent nationalism—all these and many other causes are creating political stresses and through them a fundamental economic instability which would be dangerous enough to the well-being of the world in any circumstances, and is all the more so in the shadow of the Communist threat. It is important to realize, however, that the causes of stress in the underdeveloped areas lie far less in economic origins than in the realm of principles and conviction, and that they derive, in part, from the continued failure of the western countries to act abroad

in a unified exemplification of the basic moral and spiritual values of our civilization.

The troubled, dissatisfied, and sometimes oversensitive countries in underdeveloped areas need rapidly to find or to be shown a course of common purpose in the entire free world that will enlist their real co-operation, will permit mutually beneficial development, will offer hope for the timely satisfaction of reasonable aspirations and at the same time will allay their fears of exploitation—either in the economic sense or in the sense of unwilling involvement in action against the Soviets. It is right here that the West confuses rather than helps. Each western country, in outmoded reaction to the economic pressures of today, has been attempting to relate itself independently with the rest of the world and has failed to face the need for community of purpose and action. So far, the West has not met today's challenge adequately. Last autumn the Communists reiterated the price of failure.

A SEARCH FOR THE ANSWER

There is nothing new in what I have said. Others have stressed, far better than I, how necessary it is for NATO to look outside itself if it is to be a great force for peace. Only in the recent past, however, has it become evident that these broad problems are being placed together in the fullest context by the policy-makers of NATO governments and are beginning to stir the search for realistic answers. This is the most heartening development, and is the next step forward to expand on Point Four, the Colombo plan, and the United Nations' first moves towards development. President Eisenhower and Messrs. Anthony Eden and René Mayer have made recent comments on this theme. Field Marshal Montgomery was very specific only a short time ago. We may hope

that the governments of many nations outside the NATO grouping are also giving it greater thought.

SOME CONCLUSIONS

There are certain broad conclusions which may be drawn from the discussion so far. The first of these is that the nations of the West need, as a community, to act with greater recognition of the realities of interdependence within the free world. To achieve necessary economic expansion, on which depend political stability and the ability to build and maintain needed military strength—in a word, to achieve peace—there must be demonstrated a convincing intent to work with the underdeveloped countries for mutual benefit.

From this we can conclude that a present anomaly in NATO can no longer be ignored—the fact that while, in NATO, there is a real, if as yet only minor, pooling of sovereignty in terms of national defense, there has been little retreat from economic nationalism, particularly in its overseas manifestations. Not to be confused with this point are the steps like the formation of Benelux or the Schuman plan, which, excellent in themselves, are internal to Europe and unlikely as yet greatly to affect its external economic relationships.

We can further conclude that the search for basic economic strength for the West, which means the development of vastly greater markets and of greater availability of raw materials, cannot be pursued within the Atlantic community alone. No matter how much trade is increased between North America and free Europe, it can never fully solve the dollar gap, let alone the basic developmental problems. The world economic imbalance of too little food and raw material production as against industrial production cannot be corrected just within the NATO area.

But the most important conclusion is

that there is a basic dichotomy involved in promoting the full potential of the free world. From the western point of view, economic development is the vital emphasis. From the point of view of the underdeveloped areas, it is a social, philosophical, and spiritual community of ideas within which all free nations can accommodate themselves which most needs creation and which must precede full economic development. These different concepts are not antithetic, but they point clearly to the dangers of any one-sided approach to a solution.

The job, then, is first of all political, in the broadest meaning of the word. But it really transcends the political, and is more a test of the true intelligence and adaptability of the West. Not for centuries has western civilization found itself in jeopardy from external forces. So far as the traditions of modern western statesmanship are concerned, there is no precedent for the present crises. There must be developed new concepts of self-interest and national interest to cope with them, based on the inspiration of common purpose.

REGIONS FOR ACTION

We come back now to our original question—how can NATO develop its fullest potential to meet and resolve the Communist menace? The answer lies in developing the potential of the whole free world. There are three regions for action. The first of these is within NATO itself. The second is between NATO and the underdeveloped areas. The third is within the underdeveloped countries.

In the first area, the goal is a unity in the West. This does not mean a unity in continental Europe, with the United States, the United Kingdom, and Canada standing apart. It does not mean a unity of western Europe including the United Kingdom, but with

the United States and Canada apart. It means unity among all these countries. It means, in reality, an expansion of the idea of NATO beyond the lines envisaged in Article 2 of the North Atlantic Treaty, which covers other than military aspects of the treaty. This unity need not, at this time, be precisely defined in terms of political or economic arrangements. What is meant by unity is a concept of conscious awareness by each NATO nation of the importance of the group as a whole, transcendent over narrow national interests, and the courage and vision to act from this concept to strengthen the entire free world. This is not proposed in blithe disregard for "political realities." One of the inexorable political realities of today is the growing awareness of the interdependence of economic affairs and thus of national existences.

In the second region—between NATO and the underdeveloped areas—it may be argued that the action required becomes even more unlikely, because unity in NATO is a prerequisite, but does not yet really exist. But that is not quite correct. Any deepening schism between the West and the underdeveloped areas would be even more dangerous to the NATO countries than to the others. It would mark a triumph for the Communist strategy of division and imperil the economic viability of the West. Hence, there are powerful political forces impelling the West concurrently to action towards both ends—unity in NATO and the creation of a universal community of ideals and purpose throughout the free world within which full economic and political development can move slowly but surely forward.

The last region for action—that within the underdeveloped countries themselves—presents the greatest challenge. Today there is little incentive for the governments in many such countries to act co-operatively towards the West or to

make even the first moves to permit the West to help them and their peoples to the mutual benefit of both parties. It must be made clear by the West that co-operation will not mean exploitation. Centuries-old suspicions and fears must be allayed. Opposing philosophies and customs must be reconciled. The spirit of public duty must be strengthened. Communist distortions and threats must be overcome. This will take long years. But the first step is the most important. It is for the West, through private enterprise as well as governmental actions, to show a genuine intent to find greater strength and vigor for itself and the whole free world by giving greater strength and vigor to the underdeveloped areas.

EFFECT OF THE SOVIET MOVES

In conclusion, there is this to be said. The recent seemingly conciliatory moves by the Kremlin are being viewed with

mixed concern by many persons in the West. Some fear that these deliberate moves to lessen tensions, for whatever reasons they are being made, will weaken the impelling force which has been binding NATO together and will aggravate the divisive tendencies within the West. If this should happen, it could be disastrous. But it need not happen. The growing recognition by governments and peoples of the interdependence of their economic affairs, and thus of their military strength, can best be translated into positive and collective action during even a momentary lull in the Soviet threat. If the West is to prove its best values, this is what will be done. But if slow and sure movement to build a common purpose in the free world falters, and economic nationalism in the West and in the underdeveloped areas persists unchanged, then peace and security will come under double jeopardy.

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NATO and the Captive Countries

By ZYGMUNT NAGORSKI, JR.

THE signing of the North Atlantic Pact four years ago was a spectacular international event. It was also in a way a unique one. The main participant of the pact was and still is the United States of America.

RECEPTION OF NATO

Yet when the weary Congressmen left Capitol Hill for the Easter recess in 1949 and went to their electorates they discovered to their great amazement that few people cared to ask them questions about the pact. They also noticed that the local press followed the popular lead and relegated news about the pact to its most insignificant items.

Yet the North Atlantic Pact opened a new chapter in postwar history: it closed the previous one, which could be called containment with hope for a permanent peace. Shortly, however, it became containment without very much hope, containment with a possibility of war in mind. Who likes to be reminded of his past mistakes? Who likes to be brought to the realities of life? Therefore, the American people went about their affairs trying not to notice the big change. That change meant for them assuming the actual leadership of the free world. This leadership meant also responsibilities.

The signing of the North Atlantic Pact met with an entirely different reception in western Europe. There it was a ray of hope and an injection of courage. The majority of the politically conscious population realized that the signing had more psychological than military significance, but was grateful for even that. Western Europeans had been living in fear of a Russian invasion,

which was felt to be a constant threat. Now the situation had changed almost overnight. The Americans had committed themselves to come to the assistance of western Europe should it or any part thereof be invaded. The Soviets were given a clear-cut warning.

Still another reception awaited the news about the birth of the North Atlantic Treaty Organization, in the captive countries of eastern Europe. There were no misgivings or apathy there. NATO was greeted with blessings and with widespread belief that the war of liberation was around the corner. After all, it was argued in Warsaw, Bucharest, and Sofia, this was the first concrete step taken by the free world as a follow-up to the Truman Doctrine.

The makers of the pact thus faced a situation without parallel to anything in the history of postwar developments. The people on whose behalf the pact was signed were partly apathetic and partly relieved. But the real enthusiasm, the real backing, was observed among the people of the captive countries of eastern Europe. The occupied countries, just as they appeared during the German war, proved to be most eagerly interested in the defense preparations of the West. Their interest must be passive right now, but it is a well-known fact that the captive countries may become the most valuable allies of the West in the future. Their stand and their real role will depend on the plans and possibilities set up by the West. Should the West fail to see the Soviet danger, should it wither away under the pressure of peace offers and similar gestures, should it be blind to the threat the Soviet Union represents to the world,

the apathy in the American constituencies and in western Europe after the signing of the North Atlantic Pact might well spread to America's most faithful allies, the captive peoples.

The role NATO is going to play, the role NATO is meant to play, will to a great extent determine their stand. As far back as March 12, 1951 General Eisenhower stated, "The satellite countries, instead of bringing their contribution, will become progressively one of the main sources of weakness for the U.S.S.R." To make these words come true, several conditions must be met.

POLICY OF LIBERATION NEEDED

The first and most vital one which must be stressed is a united policy toward the Soviet Union by all the signatories of the Atlantic Pact. Such a policy naturally must include plans for the captive countries. The policy of liberation is what is needed there. Such a policy means in practical terms the compelling of the Soviet Union to withdraw to her prewar frontiers. It would also mean far greater security for the western European countries. Such a policy would also reverse the present trend in the foreign policies of many western European countries, a trend which may be described as eagerly awaiting signs of good will coming from the Kremlin. It is important to realize that right now we are the targets of a new Soviet psychological offensive, and that so far we are meekly falling into line.

In NATO the captive peoples see an instrument of strength which makes effective negotiations with the Russians possible. They want and expect more than expediency, and they know that this cannot be achieved without such strength and without a firm western foreign policy embracing certain basic principles. Their reasoning is simple: Is not what we are going through right

now enough evidence of Soviet intentions? Is not what we see with our own eyes enough to warn the West what kind of fate is in store for its own future?

SOVIET PREPARATIONS IN CAPTIVE COUNTRIES

The captive peoples are also comparing and appraising the military strength in their respective countries with that of the West. The figures are fairly well known, so it is unnecessary to cite them again. But in addition to the general building up of the armed forces, a great deal of other preparation is in process. There is a unified system of training in the satellite armies, weapons and equipment have been standardized, and there has been a steady increase of the contingents with intensified training of reserves. These moves have been buttressed by various economic steps. There are the regional economic plans which the Soviet Union has set up in precise detail. For some time, now, the production of all nonessential goods has been curtailed. The captive countries have been carefully surveyed and each assigned a special role in producing and storing supplies, raw materials, industrial products, and foodstuffs. In the field of communications there has been a steady transformation of the railroad system to conform to the basic directions, east-west and north-south. This is to be accomplished through standardization of the lines, construction of bridges, and increase of the carrying capacity.

The captive peoples are observing these preparations from within. They can see changes being made from the narrow-gauge railway lines to the Soviet broad-gauge; they see new harbors and ports being hastily constructed; underground storage facilities and fuel tanks are mushrooming.

From all these preparations one conclusion is drawn by these passive ob-

servers: The Soviet Union is steadily and systematically preparing herself for a showdown with the West, and will start the ball rolling when she herself decides that the time is ripe.

In NATO, through its unified strategy, the captive peoples see the hope of a solid front opposing aggression. However, they attribute to this front a different purpose from that which is envisaged on this side of the Iron Curtain. To the West, NATO is an instrument of defense; they see in it the road to liberation.

POLICY LACKING

That liberation, it is widely realized behind the Iron Curtain, depends on two principal conditions. First, a policy must be agreed upon; and second, a military build-up must be completed to back up such a policy. In the North Atlantic Treaty Organization the captive peoples see such a force. What is still lacking is the policy.

When during the last Presidential campaign Republican spokesmen proclaimed liberation as their goal, a wave of enthusiasm swamped the captive countries. These two necessary conditions for liberation became suddenly part of practical politics. The great majority of the people behind the Iron Curtain today cling to the idea that it is now time for the West to present demands; that this is the time to use firm methods of persuasion; that now, and not a year from now or five years from now, there is a good chance to avoid a third world war and achieve liberation at the same time.

The Soviet Union today seems to be unsettled and uneasy. This period closely resembles the lack of internal stability following Lenin's death, with the difference that at that time the Union of Soviet Socialist Republics was not one of the two major world powers. Communism then did not overflow the

Soviet borders, nor did it overpower close to a hundred million non-Communists in Europe. Today it will take Malenkov much less time to consolidate his power. But he still needs time, and he is trying to secure it right now.

The organization which I head in New York, the Foreign News Service, has been conducting a survey of opinion among recent refugees escaping from Soviet-dominated areas. The purpose of that survey is to establish the effectiveness of western radio programs beamed to those countries. But there are also additional questions being asked by our reporters. Some questions are political, such as, "What do you think is the American policy towards Russia? How about the policies of Great Britain, France, and other member countries of the Atlantic community?"

Last year we interviewed close to three hundred persons from every Iron Curtain country, a cross section of all age brackets, ranging from a 13-year-old boy to a 68-year-old woman, and representing all social strata. Their answers, therefore, may be treated as typical of opinions held by their countrymen.

WHAT THE CAPTIVE PEOPLE THINK

Of those commenting on these questions, 12.5 per cent declared themselves for an outright war against the U.S.S.R., seeing in it the only possibility of salvation both for their countries and eventually for the West. Their arguments run to the effect that the Soviet Union wants world conquest, and nothing short of the total destruction of the Communist regime can stop this objective. This, they reason, can be achieved only from the outside and not from within.

But the largest group of the people interviewed, as many as 30.2 per cent, want to see Communism destroyed and their countries liberated without a war. How? Through an impressive show of western strength. Here is where NATO

comes in. It is frequently said that NATO is an instrument born out of the growing threat posed by the Soviet Union. Is this instrument going to be used only halfway? A 20-year-old Armenian girl who escaped from Rumania last September and now lives in Turkey expressed her thoughts on that subject vividly:

America is conducting a determined fight against Communism. The Atlantic Pact, the Marshall plan are best proofs of it. Are the other partners backing up the United States strongly enough in that fight? Are all of them realizing that the very future of their own countries is interlinked with what progress Russia is making today in the satellite countries? Are they going to stop her now and make her withdraw? Tomorrow it may be too late.

FREE AND CAPTIVE COUNTRIES LINKED

It may be appropriate to recall at this point a bit of history behind NATO. I should like to remind you of one chapter of it concerning Norway. In March 1949 that small but strategically vital Scandinavian country decided to abandon its traditional policy of neutrality and commit itself to stand with the West against the Soviet Union. The vote in the Norwegian Storting was 118 against 11 for joining in preliminary talks on the pact. The eleven opposing votes were all cast by Communists. At the same time Norway turned down a Soviet offer to enter into a nonaggression pact.

There is evidence that both these decisions were made because of certain events which occurred in some Communist-threatened countries. The most important of these events was the Communist coup in Czechoslovakia. Another was the Soviet demand from Finland to enter into a mutual assistance and nonaggression pact.

The shock produced by the former and to a minor extent by the latter was

followed by Soviet efforts to establish military bases on Svalbard (Spitsbergen). Such bases were set up during the war, but the U.S.S.R. tried in 1946 to conclude a further agreement and to have the use of that part of Norwegian territory. The Soviet Union finally dropped her request, but the ill feeling created by it backfired against the Soviets when the Czechoslovak coup occurred. The Norwegians were ready to abandon their traditional neutrality to be in a position to defend themselves, convinced that the U.S.S.R. was a threat to their independence.

The case of Norway is an excellent illustration of how the fate of the captive countries is linked with the fate of free countries, and how the defense system built around NATO has been influenced by events which took place behind the Iron Curtain.

From this statement another logical thought must follow: There is a similar interrelation between current Soviet policies and military preparations and the security and future fate of all other free countries of the West. If we accept the theory that the Soviet Union has never abandoned her ambitions and that she still follows the dogma that Communism is to conquer all non-Communist countries of the world (and I for one strongly subscribe to that theory), then we must move fast. The time for pressure and for a western political offensive is now. The time for bold statesmanship is now. The time for demands backed by a show of strength is now. This is the only way to avoid a costly, bloody atomic war in the future.

THE QUESTION OF STRENGTH

There is, naturally, an immediate question arising in anyone's mind. Is the North Atlantic Treaty Organization a sufficient force to back up political de-

mands? Is it solid enough and strong enough? Are the six American divisions, the four British, the five French only partly equipped, and three divisions from the Benelux countries enough to stop the onslaught of Soviet troops should they decide to roll? The enemy could attack through the Danube Valley into southern Germany and through the Fulda Gap into the northern part of Germany. It could cut across Yugoslavia through the Ljubljana Gap into Italy, where four partly equipped divisions are all it would meet. Turkey with its twelve divisions and Greece with ten are to be kept in reserve for a possible threat to the Mediterranean area from the east.

There are no answers to these questions. It may be that we are not ready for the Soviet threat, but we probably will never be unless the U.S.S.R. stages another Pearl Harbor. Consequently, having constructed a unified western defense system and having set up the Council of Europe, we cannot stop at these two purely defensive measures. NATO as a defensive force alone will not be able to fulfill its task. I am not advocating a preventive war. I am only suggesting that the West must take into consideration the necessity of formulating a decisive, firm policy toward the Soviet Union.

Within the framework of such a policy there is room for a vigorous force, for a European Army under NATO command. There should also be room for national units composed of exiled soldiers from the captive countries. Such units would inspire their countrymen to desert their Soviet-commanded regiments. Their very appearance, combined with the western proclamation of political aims, may easily fire the imagination of the captive peoples. They are willing and ready to fight and die if necessary for their own freedom and that of others, but they will not fight for the freedom

of others alone. The lesson of the last war is still too vivid in their memories.

NATO AS AN INSTRUMENT OF POLICY

Once again at this point, policy is the key to everything else. What should such a policy be? What lines should it follow? How can NATO be instrumental in making such policy a working proposition?

A declaration should be formulated by members of the Atlantic community to the effect that the liberation of the enslaved nations is one of the objectives of their joint foreign policy. Such a statement might be combined with another declaration to the effect that the major powers—the United States, Great Britain, and France—would oppose supremacy over Europe by any single nation. This point is very important in view of widespread fears, existing particularly in France and in Poland, regarding the possibility of a revival of German imperialism. In addition, it should be stated that the major powers, members of the Atlantic community, would encourage the creation of a regional federal organization within a United Europe to be formed by the nations liberated from Soviet domination.

NATO can help to a great extent in making people see the necessity of such a bold policy. It is a working international organization. It stands side by side with other similar defense pacts in the Far East and in other areas of the world, such as the Rio pact, the South Pacific pact, the Japanese pact, and the Philippine pact. It has already achieved considerable success in improving morale in western Europe, as manifested by a sharp drop in Communist voting strength and in the decreasing number of Communists elected to parliaments. Now only 1.5 per cent of the population of the European NATO countries are members of the Communist party.

ENSNARED BY FEAR

NATO has already eliminated a considerable amount of fear among the people, and it can and should do so among the policy makers of western Europe. The element of fear is the worst enemy we are facing today. It plagued and paralyzed Britain and France during the period of the Munich appeasement. It is paralyzing them—and others—today. The Soviet Union, waving the white flag of truce one moment and making aggressive actions the very next, has been successful in exploiting this fear in international politics, in keeping the West off balance and holding onto its own initiative.

I cannot resist the temptation of quoting the famous sentence of Goethe, "None are more hopelessly enslaved than those who falsely believe they are free." We are in that position today. The freedom of the countries on this side of the Iron Curtain depends on organizations of the type of NATO.

A NATO or a Pacific pact created solely for containment purposes would be sufficient if the other party, in this case the Soviet Union, were willing to pursue a similar policy. But from all evidence observable during the past decades, it is clear that the Soviet Union is not thus willing. Instead, it is set on destroying our free institutions and our way of life.

The North Atlantic Treaty Organization hinders the Soviet Union from accomplishing its purpose. But while defending certain territories, NATO must also defend and stand for certain intangibles; otherwise its ideological significance would be lost entirely. Such intangibles, among many others, are freedom and democracy in the whole world. While defending them in western Europe, NATO should foster their rebirth also in other parts of the globe, including China and the captive Euro-

pean countries. This is at present the most direct link NATO could have with the captive peoples.

We are not free from fear today, and therefore we must not commit the error of believing that we are. We are afraid of war; and because we fear war we are eager to pay a considerably high price for peace, or for what we now believe would be prolonged peace. This price, in the thoughts of many, includes the abandonment of captive peoples. The relationship between nations, between geographical areas, the similarities of mutual purposes, are easily forgotten. The ultimate aims of the Communists, stated plainly in their books, either are not read or are purposely overlooked. Again, at this time, a rosy era of wishful thinking is swiftly descending upon the free world. There are people who feel that if for the sake of one billion free people, one hundred million must be abandoned and sacrificed, we should accept this as an inevitable verdict of history.

COMPROMISE MEANS FAILURE

There is, of course, nothing more dangerous than this kind of reasoning. The whole machine of international communism, every component part of that machine, is geared toward the destruction of free, liberal, democratic society. When Czechoslovakia fell, Norway felt insecure. When China was conquered, Korea was next on the list. Never in modern history was freedom more indivisible than it is now. For every Polish youth sentenced to live under communism, an American boy was sent to Korea five years later. For every Balt deported to Siberia, an Englishman had to fight in Malaya. For every Hungarian deported from Budapest, a Frenchman must fight a bloody war in Indochina.

We are approaching an inescapable conclusion. NATO and its counterparts

in other parts of the world are instruments of a policy forced upon the free world by the Soviet Union. This policy has been so far a defensive one—a policy willing to reconcile itself to the status quo in Europe, a policy which has accepted the 38th parallel, the Iron Curtain in Europe, and the dividing line running through the city of Berlin. That policy has also envisaged the possibility of a federated Europe, but a Europe crippled by Russia. Winston Churchill, the initiator and promoter of that idea, set up the Council of Europe. Like NATO, this organization tells only one part of the whole story. Many millions of Europeans who should be represented there, are not. As long as they remain absent, nothing will come out of the desire for a united, peaceful European continent.

RECAPITULATION

In conclusion, it seems to me that a recapitulation of my main points is necessary.

First, it is my belief that the North Atlantic Treaty Organization is closely linked with the fate of the captive countries. It is linked militarily in terms of future reserves should a full-scale war break out: the number of deserters from the Communist armies will be great, their eagerness to fight on our side still greater. It is linked politically because events leading to its creation included the faked elections in Poland, the coup in Czechoslovakia, the Berlin blockade, and scores of others which took place behind the Iron Curtain.

According to the best of my knowledge, based on evidence gathered, this belief of mine is shared by the vast majority of the people living in captivity. They greeted the creation of NATO with enthusiasm, seeing in it much more than it was actually meant to be at that time.

A further link can be made by including national units of exiled nationals of the captive countries within the NATO forces. Such an inclusion would have, besides its other advantages, a tremendous psychological effect on the people behind the Iron Curtain. It can be made only after a clear declaration of policy is made by the western allies.

My second point is that the North Atlantic Treaty Organization cannot be effective if it is limited to defense. It would be so if the U.S.S.R. were willing to confine herself to her present sphere of influence. She does not do so, and does not even hide her intentions for further expansion. If we accept the principle of negotiating through strength, NATO is our strength for such negotiations. This strength can, however, be fully developed only if physical and mechanical force is combined with ideological principles. This in turn can be achieved only by returning to certain fundamentals, such as the principle of self-determination of nations. From that stems the idea of a policy of liberation for any country which may be ruled by a foreign power directly or indirectly, for any country where a minority imposes its power upon the majority by sheer force.

My third and final point is that the North Atlantic Treaty Organization and the Schuman plan, the Council of Europe, and similar bodies are to be the nuclei of a future federated Europe. NATO may very well serve as the core of a European Army which would be under a unified command similar to the one in Korea set up by the United Nations. Within that future army, regional federated units could maintain their separate identities in the form of regional corps. Thus NATO, after fulfilling its initial task of defending western Europe, progressing toward becoming a striking force behind the diplomatic moves of the West, could put the

crown on its activities by becoming the nucleus of a unified European Army. I realize that I may be accused of dreaming. I am convinced, however, that with a little imagination and a lot of courage, this dream may yet come true.

It is my firm belief that we can still avoid another war if a forceful global policy is adopted by this country together with its European and Far Eastern allies. Such a policy must be based on principles and not on expediency. It may mean a temporary strain on our

nerves, but it will pay its dividends in the long run. The North Atlantic Treaty Organization was in itself a bold move, a move opposed by many, criticized by many. It was put through, and as a result, together with the Marshall plan, it stopped the Communist march on Europe. It is high time that we proceed further in trying to frustrate Soviet plans for world conquest. We can do this by bringing the lands lost to democracy as a result of World War II back to the family of free nations.

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Which Way to Liberation?

By JAMES P. WARBURG

IN April 1948 I delivered an address entitled "Halt! About Face!"

Then, as now, we had come to the end of one phase of postwar foreign policy and the beginning of another. We had come to the end of that rather brief period during which we had cherished the hope of achieving peace through friendly co-operation with the Soviet Union. For about a year we had been wrestling with the unpleasant problem of learning to deal with an openly hostile Soviet dictatorship. The mood of the country was one of puzzled frustration and mounting anger.

My address was a warning against the policy of global military containment which had then recently sprung from the indomitable spirit of Winston Churchill, the geopolitical brain of George Kennan, and the petulant disillusionment of President Harry S. Truman. This policy had been adumbrated at Fulton, Missouri, in March 1946, somewhat vaguely enunciated by President Truman in March 1947, and sharply defined on March 17, 1948. It seemed to me a very foolish and very dangerous policy.

Now, five years later, we are again at a turning point. The containment policy has failed. We have had a political overturn. A new Republican administration has embarked upon a course of action which is supposedly based on the recognition of past error. Yet, as I view the beginnings of this new departure I am filled with forebodings as to the new "policy of liberation," very similar to those which prompted me to speak out in 1948 against the then new policy of containment. Indeed, so much does the new policy seem to me the child

of the old that I am tempted once more to use the title, "Halt! About Face!"

FALLACY OF CONTAINMENT POLICY

Five years ago I attempted to show that the containment policy originated from an oversimplified and only partially correct analysis of what the world crisis was about; from a sort of devil theory promulgated by President Truman—a theory which maintained that there would actually be no crisis in world affairs if only the Russians had behaved like Anglo-Saxon gentlemen. Without minimizing the effects of Soviet intransigence or excusing any part of Soviet behavior, I ventured to express the opinion that this beautifully simple explanation overlooked such basic phenomena of non-Soviet origin as the decline of west European power, the elimination of Germany and Japan as barriers to Soviet expansion, the polarization of power and the breakdown of the balance-of-power mechanism, the end of colonialism, and the existence of a world-wide technological and social revolution. I pointed out that none of these basic factors in the world crisis had been created by the Kremlin, even though the Kremlin had without doubt ruthlessly exploited the resulting strains and tensions. It seemed to me correct to say that Russian behavior had sharpened the crisis and made a solution infinitely more difficult. However, to say that there would have been no crisis if the Union of Soviet Socialist Republics had not created it, seemed to me like cursing the chair against which one has stubbed a toe in the dark.

I endeavored to point out that the adoption of an easy devil theory to ex-

plain a highly complicated phenomenon would be extremely dangerous; that it would blind us to the existence of many aspects of the world problem and lead to the adoption of a purely negative policy. Not only would this devil theory cause us to see the enemy as so utterly evil that nothing less than his extirpation could ever bring about peace, but it would cause us to see ourselves as being so wholly right as to be unable to recognize our own mistakes. To illustrate this point, I called attention to President Truman's statement of March 17, 1948, in which he had told Congress that the agreements we had made—meaning the Yalta and Potsdam Agreements—"could have furnished the basis for a just peace, if they had been kept," but that they had been ignored and violated by Russia. I expressed the opinion, which I have certainly had no reason to change since then, that the Yalta and Potsdam Agreements could not possibly have furnished the basis for a just peace, even if they had been carried out to the letter; and that not to recognize the mistakes made in these agreements would be the most dangerous kind of self-deception.

CONTAINMENT VERSUS MARSHALL PLAN

At the time of this earlier discussion, we actually had two foreign policies: we had the purely negative, stop-Russia, or stop-Communism, policy of containment; but we also had the Marshall plan, which was, in its author's own words, "not directed against any country or doctrine, but against hunger, poverty, desperation and chaos." I ventured to suggest that we could not for long expect to ride two horses galloping off in opposite directions. I argued in favor of broadening and strengthening the Marshall plan approach to the world crisis, and against the policy of military containment.

Admitting that the creation of military strength as a deterrent to Soviet aggression was imperative, I contended that rearmament, while necessary, did not in itself constitute a foreign policy; and that if rearmament were to be combined with a policy of global military containment, it would not only fail to provide a deterrent but would result in a costly and extremely dangerous arms race.

ARGUMENTS AGAINST CONTAINMENT POLICY

Five arguments were adduced against the containment policy:

1. It would fail, because it was physically impossible to muster the force to stand effective guard at every point along the vast Soviet periphery.
2. It would fail, because a threat of primarily political nature could not be contained by military means.
3. It was unwise, because a negative policy, by definition, would surrender the initiative to the enemy.
4. It was self-defeating, because the negative effort would pre-empt the resources and energies which we might otherwise devote to the achievement of creative purposes of our own.
5. It was dangerous, because it would lead to unhealthy alliances and provocative expedients based solely on military considerations.

In calling for a halt and an about-face, I ventured to suggest, as I have many times since then, that the way to stop Soviet-Communist expansion was not to pursue this aim as an end in itself, but to achieve it as the automatic by-product of an affirmative, creative policy of our own. The way to stop the U.S.S.R., I said, was to stop letting the U.S.S.R. make our foreign policy.

To a very large extent, this is what President Eisenhower and Secretary Dulles have been saying in recent months. Our new leadership has em-

phasized again and again that the policy of containment has failed, chiefly because it was negative; that the wartime agreements did not, as President Truman claimed, lay the foundations for a just peace; that a new approach is called for and that we shall henceforth pursue an affirmative policy.

Why, then, do I view the present prospect with such alarm?

Partly because the recognition of past error has come so late, and partly because, as I see it, only a very small part of past error has been recognized.

RESULTS OF CONTAINMENT

Five years of containment have left us considerably worse off than we were when the experiment started. The only positive success we have to show for our efforts is the saving of western Europe from collapse and probable subversion. This was accomplished not by the containment policy, but by the Marshall plan; and even this limited success has since been undermined by converting the Marshall plan into a rearmament effort for the sake of military containment.

Since 1948 our military expenditures have risen from ten billion to almost fifty billion dollars a year, while our creative economic aid to other countries has been reduced to a mere trickle.

We have sacrificed on the altar of military strength not only our material resources but the moral integrity of our cause. For the sake of military expediency we have made an alliance with fascist Portugal, we have frantically sought an alliance with fascist Spain, and we have proposed the rearming of Germany and Japan.

And what does this policy of military containment show in the way of results? Let us look around the world.

China has been engulfed in the Soviet orbit. Not only that, but we are at

war with China, a nation of 450,000,000 inhabitants. I am not one who thinks that we could have saved China, even if we had pursued a wiser policy, nor one who doubts that aggression had to be met in Korea. But I doubt very much whether it was wise or necessary to drive Mao Tse-tung into the arms of Stalin or to invite Chinese intervention in Korea by marching up to the Yalu River.

In Malaya and Indochina our European friends are hanging on by their toenails to their last footholds of colonial empire. Indian allegiance has not been won. We have no firm allies on the whole Asian Continent except Syngman Rhee and Chiang Kai-shek.

In the whole Near East, the tiny state of Israel is our one firm ally. Africa is seething with revolt.

Our own so-called hemisphere solidarity is an illusion.

THE EUROPEAN SITUATION

Ah, you may say, but look at Europe! Look at the great and growing North Atlantic Treaty Organization! I assure you, I have been looking at it—looking at it very hard for the past three years—and what I see is this:

The arc from Norway down to Turkey is the one part of the world where we have really tried, at great effort and sacrifice, to build a containing wall against Soviet aggression. Norway and Denmark, each with tiny defense establishments, are signed up as allies in the event of war. They want help if they are attacked, but they are not willing in time of peace to permit other than their own air or naval forces to use their bases. Britain, our one really firm ally in western Europe, has welcomed American air groups and is doing what it can to help us bolster the defense of the Continent.

In the south, a fairly strong though

small Italian army guards the Italian plain. Farther east, Greece and Turkey have been helped to build up defense forces of considerable strength, and we may before long solidify the Mediterranean line by reaching an agreement with a sturdily armed Yugoslavia. Beyond Turkey to the east, it is better not to look.

But what about the center of this defensive arc? What about the military forces which are to hold a Russian invader from erupting across the plains of Germany and over the Rhine to the English Channel? Here we see a thing called the European Defense Community, which is supposed to create a European Army, consisting of French, Dutch, Belgian, Luxembourgian, Italian, and German contingents. Since the Italian forces will be required in Italy and the contingents of the Low Countries are negligible, this European Army will, to all intents and purposes, be a Franco-German army, bolstered by American, British, and Canadian forces operating independently but under the same NATO command. The British will help to defend western Europe, but want no part of the Defense Community. Neither do the Norwegians or the Danes. That leaves France and Germany more or less alone together, and neither of them likes it. The French do not like it because they fear that, with Britain absent, even a truncated West Germany will dominate the European Army. The Germans do not like it because the whole plan rests upon the continued partition of Germany, and because Germany's contribution is held down to a level below that of France. Since France can at most contribute some fourteen divisions, as long as her strength is drained off into Indochina, Germany's contingent will be limited to twelve divisions. Even with six American and four British divisions to help

out, the Germans know that this plan will not produce an army capable of more than a delaying action fought across their country to the Rhine. What happens after the Russians reach the Rhine is of little interest to the Germans.

It is now two and a half years since we demanded that the West Germans be rearmed and permitted to contribute to the containment policy. The Germans are still haggling over the terms of their participation. The French are still more afraid of a rearmed and resurgent Germany than they are of the U.S.S.R. In spite of all the effort and sacrifice, there is in existence nothing like a force capable of holding off a Russian invasion. That was the stated opinion of General Alphonse Pierre Juin, the NATO ground commander, only a short time ago.

The containment policy has failed—and was bound to fail—because its fulfillment lay beyond our power. It has failed—and was bound to fail—because it sought to contain a windstorm with bayonets. It failed to muster even the bayonets, because it never became a coalition policy. It could not become a coalition policy because it offered no affirmative attraction. Hence, containment has remained essentially an American policy, rejected altogether by Asia and the Arab world, and accepted with halfhearted reluctance by a Europe dependent upon American aid. Finally, containment failed because the whole military policy was never properly conceived by Washington as a deterrent. It began as a deterrent but was allowed to become more and more a policy of preparing to win a war tacitly assumed to be inevitable. These two things do not mix. When the attempt is made to mix them, the deterrent tends to become a provocation. Worse yet, the chances of victory in war are diminished

by premature commitment to a strategy of static defense.

DOUBTFUL BASIS OF NEW POLICY

What alarms me about the ostensibly new policy of the Eisenhower administration is this. To be sure, it substitutes "push back Russia" for "stop Russia," and in that sense it is affirmative rather than negative. But (I profoundly hope that I am wrong about this) the new policy appears to rest on the same oversimplified analysis of the world crisis as that promulgated by President Truman, and to rely on the same predominantly military means for a solution. The new policy seems to ignore the probability that if stopping Russia by physical means lay beyond our power, pushing Russia back by these same means will prove an even more difficult undertaking. It seems to assume that, although we have been unable to unite a strong coalition by summoning it to arms in defense of freedom, we shall succeed in uniting that coalition by calling upon it to liberate the peoples which have fallen under Soviet tyranny.

What alarms me, in other words, is that the new policy is still nothing more than an anti-Soviet policy, offering no affirmative power of attraction, and merely substituting offensive for defensive tactics. If this is a correct appraisal, then the new policy merely multiplies the risk without adding to the probability of success.

There would be no useful purpose served by voicing these perhaps premature forebodings if the course upon which we now appear to be embarking were the only course open to us. I am convinced that such is not the case—that there is still time to adopt a saner and more promising alternative. Moreover, I believe that the Eisenhower administration is flexible enough and, I

hope, wise enough never to become as stubbornly committed to any policy as its predecessor.

The problem, as I see it, is, first, one of redefining the ultimate aim of our global policy, and, second, of choosing the means by which to work toward its attainment. In redefining the aim of our policy, the Eisenhower administration has already moved in the right direction; but in choosing the means by which the new aim is to be accomplished, the administration is, in my judgment, courting disaster.

A CHANGE IN AIM

The new administration is entirely right in rejecting the policy of containment. It is right in declaring that our objective cannot be merely to prevent the further encroachment of totalitarian tyranny. In the long run, the world cannot be expected to exist half slave and half free.

As a matter of fact, this was recognized by the Truman administration. It would not be correct to say that Mr. Truman sought only to preserve the status quo as between the two power orbits. Mr. Truman, too, sought to alter that status, but by a procedure which, in my judgment, could not possibly have succeeded in altering it for the better. The officially proclaimed Truman policy was to hold the line and, while holding it, to build up "situations of strength" from which eventually to negotiate. The trouble was that Mr. Truman also took the flat position that negotiation with the Kremlin was impossible and that any agreement which the Kremlin might sign would not be worth the paper on which it was written. Thus, Mr. Truman inadvertently made it clear that his policy was aimed not at creating a position of strength from which to negotiate, but at creating a position of preponderant power from

which eventually to deliver an ultimatum.

It is obvious that this policy rested on an utterly absurd assumption, namely, that the Communist dictators, who were presumed to understand no language other than that of force, would quietly wait while we built up a sufficient quantity of force to enable us to lay down the terms of their unconditional surrender.

The policy of the Eisenhower administration appears to depart from this assumption. The Eisenhower policy seems to be to hold the line and, while holding it, to undertake certain operations designed to weaken the Communist dictatorships. This policy does not apparently envisage the eventual laying down of an ultimatum backed by preponderant force; it envisages the eventual retreat of a gradually weakened adversary.

Up to this point, it seems to me that the Eisenhower policy is a marked improvement over that of the Truman administration.

The crucial question, however, is: *By what means are the Communist dictatorships to be weakened and forced into eventual retreat?*

DUBIOUS METHODS

This is where I find the present prospects most disturbing. The Eisenhower administration apparently contemplates various methods of political, psychological, and economic warfare. It intends to seize the initiative by fostering discontent among the captive peoples, dissension within the ruling groups, and disaffection on the part of the satellite governments. On the basis of my own direct experience in this sort of subversive warfare against the Germans during World War II, I question whether these methods can be successfully employed by a democracy against a police

state, except perhaps in the last stages of an actual war of liberation. Secrecy and surprise are the essential elements in such operations. In a democracy such as ours there is no such thing as secrecy, except in time of war. Without secret planning and secretly conducted operations, it is hard to see how any appreciable damage can be inflicted upon a police state.

Moreover, this type of subversive activity requires the most thoroughgoing system of espionage behind the enemy lines; for unless the effort to subvert is based upon accurate and detailed knowledge of existing causes of dissatisfaction, it cannot possibly succeed. Wholesale espionage involves an ever increasing risk of full-scale war.

And that is not all. Assuming that espionage and secret intelligence supply the necessary target information, how is this information to be utilized? The mere broadcasting of overt and covert propaganda is certainly not enough. Leaflets and clandestine newspapers must be printed and either be dropped from the air or smuggled into enemy territory by secret agents. This means inevitably that a certain number of planes will be shot down, crews captured, and secret agents apprehended. How much of this can be expected to happen without provoking war? Imagine the state of mind in this country if Soviet planes or pilotless carriers were to begin dropping leaflets at night on a few of our major cities! Would the panic in Moscow be any less?

With all due respect, it seems to me that this whole notion of cloak-and-dagger subversion is nothing more than a romantic outlet for impatience and frustration. This is emphatically not the way to conduct a policy of liberation. It is the way to increase tensions, to frighten our allies, and to tickle the tiger with a straw.

We are engaged in a grim and deadly serious business. This is no time for a glorified game of cops and robbers.

ATTRACT WIDE SUPPORT

What is the alternative? What are the means which might usefully be employed to achieve the affirmative aim of liberation?

Let me begin by stating a point of departure which may in itself be debatable. I start from the assumption that the United States alone, no matter how great and powerful it may be, cannot either stop Russia or break up the Soviet empire, except perhaps through the dubious adventure of atomic war. It follows that the United States must so set and define its aim as to attract the allegiance and the willing co-operation not only of its allies but of at least some of the uncommitted peoples of Asia, Africa, the Near East, and Latin America. The same consideration must govern the choice of means by which the aim is to be pursued.

In thus recognizing the need for shaping our policy so that it will command widespread support, I do not mean to imply that we should attempt to develop a policy concerning which we shall then expect all the world's people to take an unequivocal stand, for or against. If anything, I mean just the opposite. I mean that we should endeavor to develop a policy within which there is room for wide diversity of opinion, for this is the only kind of policy which will express and articulate the essence of that free world which we wish to preserve and expand. The attitude that "if you are not with us, you are against us" is antithetical to the free society; it is the attitude characteristic of the totalitarian society which we intend to fight and ultimately to destroy.

OUR AIM SHOULD BE—

Looking at the problem from the point of view of developing not a new United States policy but a new coalition policy, I come to this conclusion:

Our aim should *not* be to bring about through direct action the overthrow or the breakup of the Soviet empire. This would again be a negative purpose, even though expressed in terms of affirmative action.

Our aim should be create those conditions in which the breakup and eventual overthrow of the Soviet empire will come about as the result of the inability of tyranny to survive in the same world with societies which are truly permeated by justice and in which all men are truly free. Our aim, in other words, should be to bring about the end of totalitarian tyranny, not by direct intervention in the affairs of the dark world behind the Iron Curtain, but by creating conditions of justice and satisfaction *on our side of the Iron Curtain* with which Communist tyranny will find itself unable to compete.

The Achilles' heel of the Stalinist dictatorship lies in its doctrine. As long as the rulers in the Kremlin can successfully propagate the belief that man's long pilgrimage toward freedom has reached a dead end—that our form of society is on its way out—they will be able to assert with some degree of persuasiveness that Communism is the "wave of the future." The way to turn the tables on the Communist offensive is to turn the tables on this doctrine—to assert and to prove that it is tyranny that cannot survive in competition with freedom.

Our aim, then, should be the liberation of that part of mankind which dwells on our side of the Iron Curtain. Our aim should be to develop a policy which will, first of all, make what we

call the free world truly free—free from hunger, from grinding poverty, from disease, from ignorance, and from oppression. The implications of such a policy, as far as the United States is concerned, are many and far-reaching. We shall have to learn to think not just as Americans, but as members of the human race—as peculiarly and uniquely fortunate members of the human race, endowed with an enormous potential for creative action. We shall have to learn to think not in terms of charity or in terms of enlightened self-defense, but in terms of pioneers opening up new horizons, clearing new fields of progress and conquering the desert areas. We shall have to shake off the corroding fear of losing what we possess, and recapture the spirit of adventure, along with the affinity for all men everywhere seeking change for the better, which once made our nation a symbol of hope throughout the world.

This is the sort of leadership which will unite a coalition of the free. This is the sort of leadership which will attract the suffering masses of mankind who wish to be free. This is the sort of action which, though taken entirely on our side of the Iron Curtain, will undermine tyranny in the farthest and darkest recesses of the totalitarian orbit. Once we of the "free world" buckle down to the task of our own liberation, the conviction will travel around the world that the future belongs not to the tyrant or to the slave society, but to the free.

That is the first element in the alternative policy which I should like to submit for your consideration.

USE OF DIPLOMACY

The second element would be a sustained diplomatic effort to force a contraction of the Soviet orbit of power, to break away the satellites, and to lay the foundations for universal disarmament.

When I say "to break away the satellites," I do not mean by any form of overt or covert intervention behind the Iron Curtain. I mean to use the art of diplomacy to discover, expose, and exploit the cleavages of interest which exist as between the exploitative power center at Moscow and the subservient dictatorships.

Red China furnishes the best and also the most important example. The Peiping regime is not, strictly speaking, a satellite of Moscow. For the time being, it is a firm ally of the Soviet regime, but with an independent power potential at least as great as that of the Soviet Union. Chinese and Russian interests are by no means identical. What binds the two regimes together at the present time is chiefly a common hostility to the United States and to the colonial powers of western Europe, and a common fear of the re-emergence of Japan as a military power in the Far East. If, in a new Dulles-Eisenhower "policy of liberation," we declare our aim to be the overthrow of the Mao regime, we shall in all probability cement the Sino-Soviet alliance for the foreseeable future. If, on the other hand, we direct our policy toward peace in Korea and a political settlement which recognizes the Peiping government, even though it be openly hostile for the time being, we shall open the way for a diplomatic effort, not necessarily to win China as an ally, but to break it loose from its alliance with Moscow.

The premature rearming of Japan and the reliance upon a rearmed Japan as a defense bastion of the anti-Soviet coalition would constitute a mistake very similar to that which we have committed with respect to Germany. On the other hand, once direct relations were established with China, the threat of rearming Japan might create a bargaining po-

sition closely analogous to that which we have created and failed to exploit vis-à-vis the U.S.S.R. in our search for a European settlement.

EXAMPLE OF GERMANY

This brings me to the other and perhaps even more important aspect of the diplomatic task, namely, the effort to force a gradual contraction of the Soviet orbit. Let me illustrate this by taking Germany as an example. The dispute over Germany is the key log in the political log jam which prevents a European peace settlement. Because of a long series of tragic errors, the German nation is partitioned, with one-third locked in the Soviet orbit and two-thirds precariously attached to the western defense community. If an agreement could be reached by which the two Germanys could be reunited on terms guaranteeing that the new Germany would become neither a pawn nor a partner in an East-West power struggle, then 18,000,000 Germans would be liberated from Soviet slavery. With East Germany liberated and a satisfactory All-German settlement reached, the prospects for an Austrian peace treaty would be vastly improved. Were an Austrian peace treaty concluded, the Russians would no longer have an excuse to maintain line-of-communication troops in Hungary and Rumania.

Although an All-German settlement would mean the beginning of a retreat of the Russian army from central Europe, the Russians have several times indicated that they would rather make such a settlement than see a rearmed West Germany enter the NATO alliance. Our European friends have wanted very much to explore the possibilities of negotiating such a settlement. In fact, our friends have said very frankly that they do not wish to ratify the NATO treaties with Germany unless they are convinced that

no All-German settlement is possible. Most Germans feel the same way. We have, so far, stubbornly refused. We have insisted upon going ahead with the unpopular NATO plan without finding out whether or not there is an alternative. We have done this because we have lost sight of the woods for the trees—because we have let our plan for defense in the event of war become more important than taking the first great step toward reaching a European peace settlement.

Last December, before the Eisenhower administration took office, I ventured to submit to it a concrete plan for an All-German settlement.¹ Had the western powers made such a proposal, and had the Russians accepted it, we should now be on our way toward liberating a substantial and important part of central Europe. Had we made a proposal which seemed just and desirable to the peoples of Europe, and had Russia rejected it, Russian influence in Europe would have suffered a serious diminution. Stalin's death and recent developments in Soviet policy indicate a renewed opportunity to put matters to the test both in Germany and in the Far East.

Clearly, the time has come to seize the initiative and put forward a continuous series of diplomatic proposals for the settlement of specific disputes, which, if accepted, will result in the contraction of the Soviet orbit, or, if rejected, in a diminution of Soviet influence.

MILITARY POWER

Finally, let me say a word as to the maintenance of military power. Since the two elements of policy just discussed will keep the Kremlin under increasing pressure, it is necessary to see to it that military adventure remains

¹ *France, Germany & NATO*, New York: Current Affairs Press, 1953.

unattractive as an escape. This means continuing the policy of building deterrent military power, but it should mean as well a re-examination of just what kind of military power really constitutes a deterrent. The point may best be illustrated by taking certain aspects of NATO as an example.

The fact that Turkey is now well armed and apparently quite ready to defend her mountainous frontier is a deterrent, much as the Russians may wish to lay hands on the Dardanelles. But this is only a local deterrent, which would not necessarily prevent the Soviet Union from attacking elsewhere, let us say in Iran. It is manifestly impossible to create a series of local deterrents all the way around the vast Soviet frontier. Yet that, in a way, is precisely what we have been trying to do. We have been trying to do this because we have been thinking less in terms of preventing war than in terms of what we desire at all costs to hold onto if war comes. Thus, we wish to hold the Ruhr; that means that we must fight in central Germany. But if central Germany is to be defended, why should not the Germans help to defend it? so we arm the Germans. But is this creating a deterrent? Or is it creating both a provocation to war and a commitment to fight the war, if it comes, according to a preannounced, defensive strategy?

My point is this: the stronger the anti-Soviet coalition and the less committed its military power to any theater of action or to any defensive strategy, the more unpredictable and the more hazardous will be the outcome of any Soviet military adventure. If the Russians see our forces stretched out in a thin line all over the surface of the globe, they cannot help visualizing any number of possibilities of initial victory; if they are deterred at all, it will not be by fear of initial repulse but by fear of

ultimate defeat in spite of initial victories. If, on the other hand, the coalition forces are uncommitted and so disposed that, in the event of war, they could strike offensively in a number of unpredictable directions, the Kremlin may be expected to hesitate to commit its own forces to an attack upon even the most invitingly undefended frontier. Our only effective answer to the Soviet Union's vast military power operating on interior lines of communication is mobility and surprise. We sacrifice both, whenever we commit ourselves to positions of more or less static defense.

SUMMARY OF ALTERNATIVE

To summarize the four-point alternative which I submit for your consideration and criticism:

1. Seize the political offensive, *not* by any attempted intervention behind the Iron Curtain, but by creating on our side of the Iron Curtain conditions of justice and satisfaction in the face of which totalitarian tyranny will eventually be unable to survive.

2. Pursue a course of making a continuous series of diplomatic proposals for the settlement of specific disputes, which, if accepted, will result in the gradual contraction of the Soviet orbit, or, if rejected, will tend to isolate the Soviet regime, diminish its prestige, and alienate its satellites.

3. Apply this same technique to the making of a continuous series of proposals for the limitation and control of national armaments and for the strengthening of the United Nations to the point where it shall become capable of enforcing disarmament and the peaceable settlement of all disputes.

4. Pending the adoption of effective and enforceable control of national armaments, create and maintain sufficient military power, *uncommitted to any preannounced strategy of defense*, to make Soviet military adventure un-

attractive. Such a military policy would promise no nation immunity from invasion in the event of war. It would promise all nations the maximum assurance that there would be no war.

This program will not satisfy those who demand quick and spectacular solu-

tions. It is not a dramatic program. It is a prescription for long, hard, unremitting, backbreaking labor. And that, as I see it, is precisely the price we shall have to pay for survival and for the ultimate achievement of lasting peace.

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The Liberation Policy and International Order

By CHARLES J. KERSTEN

THE classic counsel of Lenin bequeathed to the leaders of the Soviet state which he founded, to use every stratagem, deceit, and subterfuge to accomplish its purpose of world subversion, was never more heeded and acted upon by the leaders of the Soviet Union than at the present time. If the free world should be so naïve as to be deceived by the current "peace offensive" of the Soviet Union after the experiences of recent years, it would indeed be amazing.

AGGRESSION IN THE NAME OF PEACE

The Communist *Daily Worker* has been headlining this peace offensive as the great and ever present purpose of the Communists to bring their kind of peace to the world. The *Daily Worker*, like other Communist publications throughout the world, is expressing its fears that the free world will not accept the great and peaceful purposes of the Kremlin.

Every Communist aggression since the end of World War II has been perpetrated in the name of "peace," and the victims of the Reds in these aggressions have always been declared to be "the enemies of the peace."

The Stockholm Peace Petition was engineered to prevent the strengthening of western Europe against Communism.

The appeal of the Soviet Union's Malik for truce talks for a peace in Korea had, as is now very clear, the sole purpose of lulling the United Nations into complacency and giving the Reds in Korea a chance to build up their badly battered forces.

The ominous directive given by Stalin last August in Moscow to the People's Democracies of eastern Europe and of

Asia to be the shock brigades to prepare for the liberation of the nations enslaved by the capitalist world was a directive given under the avowed purpose of a "fight for the peace."

Under the slogan "For a People's Peace and Democracy," G. M. Malenkov said at Warsaw in September of 1947 when he founded the Cominform, "The foreign policy of the Soviet Union and of the 'democratic countries' is directed to the undermining of imperialism." The purpose of the Cominform is to carry on the world-wide conspiracy of Communist aggression from the base of an enslaved eastern Europe.

In the Communist dictionary the word "peace" means only one kind of peace, that is, a Communist peace, which in the inner circles of the Communist hierarchy means that there will be real peace only when Communism extends throughout the earth, and all peoples have been liberated from the imperialist slavery of capitalist society, and the proletariat of the world are living in happy people's democracies.

"The dictatorship of the proletariat," says Lenin, "is a persistent struggle, bloody and bloodless, violent and peaceful, military and economic, educational and administrative, against the forces and traditions of the old society."¹

The current peace offensive is a part of the persistent struggle prescribed by Lenin. The sudden Soviet shift to words of peace from words of violence, from scorn to applause by Vyshinsky in the United Nations, the new good manners in Berlin, and the Communist talk of Korean peace are all part of a major stratagem with a very important objec-

¹ *Lenin's Selected Works*, Vol. 10, p. 84.

tive for the Communists. What is that important objective?

The obvious objective of the current Communist peace offensive is to cause the free world to want to enter into a bargain whereby the Communists will be given a breathing space and opportunity to consolidate and digest their conquests in eastern Europe and in China. The great need of the Communists at this time is to be undisturbed and to have a free hand in those areas. For if they should have a major setback in eastern Europe or in China, a setback that might start the process of ultimate liberation of the captive peoples from the police state, it would seriously endanger their plans for world conquest. It might even commence a chain of events that could end in the downfall of the Communist terror in the Soviet Union itself.

On the other hand, the Communists can afford to make almost any concession or bargain that leaves them free to forge the enslaved millions of eastern Europe and Asia into a weapon for further world aggression.

POSSIBLE DANGERS FOR COMMUNISTS

While we must not be too optimistic, because of the iron hold of the Communists upon their domain, recent events do indicate the awakening of long dormant dangers for the Communists behind the Iron Curtain. The fall of Ana Pauker in Rumania, the trials of Slánský and Clementis and the suspicious circumstances of the death of Gottwald in Czechoslovakia, the stepped-up persecution of Christianity and Judaism, Malenkov's speech in Moscow last fall lashing at the dissident elements in the Soviet Union—all of these and other events adumbrate what might be the beginning of serious internal dangers for the Communist leaders in the Soviet world.

The words of President Eisenhower

in his State of the Union Message to Congress that we would never acquiesce in the enslavement of any peoples, and the President's order withdrawing the 7th fleet that had been protecting the Chinese Reds from attack from Formosa, have also had their effect. The words of President Eisenhower pointed up the basic weakness of Communist power: the gigantic potential of unrest and resistance among the Kremlin's 800 million slaves.

The passage by Congress in 1951 of the so-called Kersten Amendment to the Mutual Security Act, which provides, among other things, for the setting up of national military units from escapees from the captive nations, such units to be attached to the North Atlantic Treaty Organization, has caused the Communist leaders certain hysterical anguish because of the potential of such units for becoming magnets of defection from the Communist armed forces. Twice the Reds have leveled charges in the United Nations against the United States on the basis of this amendment, claiming that it was an "interference in the internal affairs of the People's Democracies," not bothering to advert to the fact that the Communists themselves had grossly interfered with and committed aggression upon the internal affairs of these very nations.

The magnitude and intensity of the current Communist peace offensive are in direct proportion to the Communist need to be let alone in eastern Europe and on the Chinese mainland. It is vital to the interests of the Communists to stop, in these areas, the beginnings of any movement toward freedom; for the members of the Politburo realize far more keenly than we, that they are sitting on a volcano.

The sincerity of the Communist peace offensive might easily be tested by the reaction of the Communists to the free world's insistence that they stand by

their obligation under the Atlantic Charter and the postwar agreements, to all of which they are signatories, and withdraw their armed forces *and agents* from eastern Europe and from China and permit the conduct in those areas of free elections under U.N. supervision. But the Communists cannot relinquish their hold upon these criminally conquered nations; to do so would mean the fall of Communist power. And retaining these countries means that the Communists are still on the road to world conquest.

COMMUNIST METHODS

I am not an expert on foreign policy. Therefore I am not speaking as an authority, but as a witness—a witness to a crisis which, through its dimensions, complexity, and novelty, challenges even the most eminent students of foreign affairs.

I came in close touch with international problems along an unusual road, apparently divergent and unrelated, which for this very reason is significant. As a member of Congress I worked for a certain period on an investigation of the infiltration of Communists in labor unions. I was chairman of the subcommittee which examined, among others, the activities of the United Electrical, Radio and Machine Workers of America. The subcommittee established that the real bosses of the U.E. were two Communists—James Matles, chief organizer, and Julius Emspak, secretary-treasurer—who succeeded in filling a majority of the U.E.'s official positions with Stalinist party-liners.

The role of these U.E. officials was twofold: to implement Moscow's policies and propaganda through strikes, slowdowns, and every other kind of sabotage, and to use their positions to further the policies of the Soviet Union, for which they had admirable opportunities. There is by now not the slightest doubt that certain officers of the union had op-

portunities to furnish the Soviet Union with blueprints of secret work done in the plants where their authority reached under cover of union activities.

During the war Major George Racey Jordan was stationed at a Montana air base where Soviet officials frequently stopped between Washington and Moscow. He declared the Russians took with them hundreds of suitcases filled with documents, and accidentally by a spot check he discovered one containing a complete set of blueprints of two important United States plants for secret weapons.

Thus the subcommittee's work opened to me a wide perspective of the real nature of the problem which assails us under so many guises. It familiarized me with both Communist doctrine and Communist tactics. I saw Communism in action, and following its ideological and political threads I was brought to the realization of one of the most characteristic features of our epoch, namely, the inexorable interdependence of national and international order. The Communists were penetrating our labor unions not only as members of a political party but as agents of a foreign power. Consequently I was compelled to be aware of and to analyze the activities of a foreign state and its camouflaged organizations, without entering officially the realm of classic international relations.

Thus I was approaching the problem not focusing my attention as it were toward the exterior but, on the contrary, toward the interior. And, as is well known, the essence of the international crisis, that is to say the Communist menace, is to be found in various fields of our national life.

CHANGE IN POLITICAL IDEAS

A radical change has obviously occurred in the conditions under which the community of nations is evolving,

a change which requires a new vision and new methods of dealing with the problem which confronts us. What has happened to bring about this change?

Between the Congress of Vienna in 1815 and the First World War in 1914, the world knew a period of relative calm and normalcy. This was due in a measure to a certain homogeneity of political ideas. The respect for treaties—the principle of *pacta sunt servanda*—still had some prestige, and under the circumstances the technique of the balance of power contributed to prevention of major catastrophes. The concept of war had generally acknowledged limits. War was waged for limited objectives; the idea of total war was as yet unpracticed. Frontiers still had a strong political significance. Conflicts were aimed at obtaining from the enemy specific material advantages, and not at his absolute political, social, and national destruction. The frontiers, mutilated or not, remained as guardians of inviolable state entities.

At that moment we had to deal generally with what Guglielmo Ferrero called "war of conflict"; that is to say, a dispute on certain precise claims, which was settled in the actual framework of those claims. In our time, on the contrary, we are faced with what the same author called "war of aggression," by which is understood the will to achieve total destruction and subjugation of the adversary.

With the advent of totalitarian concepts and techniques, the whole picture has consequently changed, and all the paraphernalia of international relations—peace, war, frontiers, balance of power, treaties, and others—are accordingly metamorphosed.

Is the frontier of France really on the Rhine, and is our frontier at the limit of the territorial waters of our eastern seaboard? Are we fighting our enemies on these old lines of political boundaries,

or are we forced by the nature of the new attack of our adversaries to struggle on new frontiers less clearly delineated and stable? Is not the new frontier which is imposed on us by our enemy a movable one, a frontier which can be today in the Berlin cold war and tomorrow in the Pacific coast strikes, a frontier against aggression in Korea or a frontier against subversion in our own institutions?

Of course, our intellectual formation and habits of mind render us rather reluctant to establish a clear connection between such apparently disparate facts; but the deeper we penetrate into the subject, the more inescapable this connection appears. There is rigorous co-ordination of the various moves of Communist agents all over the world. This reality was forced upon many of us again and again throughout our experiences during these years and during the further research which we thereupon determined to undertake.

CORRELATION OF LIBERATION AND INTERNATIONAL ORDER

"Liberation and international order" must, I think, strike a strange note in many solid and well-intentioned minds. What does international order—this respectable notion—have to do with such a poor relation as "liberation," which has, besides, the ill-omened connotation of a risky and provocative venture? Is not international order a global, world-embracing concept, whereas liberation is limited to a comparatively insignificant geographical area? Why should we care about such remote lands as the captive nations and their seemingly irrelevant problems?

We must—so they say—be "realists," discarding every "legalistic" and "ethical" prejudice, if we want to achieve peace and security for ourselves. We do not need liberation in order to have international order and peace, which

are, according to adepts in *Realpolitik*, the product of the "balance of power." On the other hand, they say, liberation means war; so why should we even for a moment seriously contemplate such a risk?

I acknowledge that my task is not an easy one in an atmosphere still charged with the "containment" superstitions and the Soviet smoke screens of "co-existence," "peace," and "liberation means war" slogans. But let us nevertheless proceed with a dispassionate analysis of the terms of my thesis: "Liberation and international order." I contend that liberation is an indispensable element of international order.

Now, what is the meaning of these two concepts?

INTERNATIONAL ORDER VERSUS TOTALITARIANISM

International order is a situation in which the states are agreed and bound to regulate their relationships under the law in a way similar to that in which the citizens of a civilized nation are subjected to a system of legal norms. This means that the states recognize as binding the basic concepts of international law. I do not mean to cover by this definition the whole substance of the concept. In addition to this juridical aspect, the international order presupposes a political and economic foundation. Experience has shown us that no international order is possible between democracies and totalitarianism, or between free economies and economic dictatorship. A despotism or a tyranny is not willing to abide by the law of nations. A collectivist economy cannot offer the co-operation necessary to an international integration.

These corollaries of the juridical concept of an international order are quite obvious. Indeed, the establishment of such an order requires a certain diminu-

tion of state power; whereas the totalitarian system means an increase, approaching the absolute, in the power of the state. Similarly, whereas a free economy promotes economic co-operation between nations, collectivism and its autocratic developments constitute an obstacle to international collaboration, and finally a disruptive factor.

In fact, the Soviet totalitarian state raises to their maximum potentiality the very causes of war: the will to dominate and conquer, militarism, chauvinism and xenophobia, a necessity for diverting the attention of the masses from the internal shortcomings to external imaginary menaces, and so forth. Besides, it is by now common knowledge that there cannot be real peace between the democratic world and the totalitarian regimes, in spite of Munichs, Yaltas, or Potsdams. The totalitarian systems cannot, indeed, sustain themselves out of the fruits of peace. As a matter of fact, they live in a state of permanent siege; and for the enslaved masses, war does not appear as a scourge, but in a certain measure as a deliverance.

* It is equally common knowledge that these collectivist despotisms do not accept the procedure of arbitration, neither do they submit to the authority of an international court, and even less are they willing to abide by international law, whereby an orderly international community could be established. It is therefore, for me, sufficiently clear that international order and Communist totalitarianism are two contradictory concepts.

I suppose that in the strictest sense there could be no disagreement on this point. Nevertheless, at this juncture we are faced with a debate of the greatest importance, touching, as it does, the most vital problems for the future of our civilization. We must stop a moment and weigh the merits of that debate.

POLITICAL "REALISM"

The main contention runs as follows: We are not concerned with the establishment of an ideal international order or any other such utopia; what we should work for, they say, is an arrangement which would ensure "peace in our time"—as Chamberlain declared in 1938. We must be "realists" and "pragmatical"; we must aim at a "compromise," a "modus vivendi," a "co-existence" with tyranny, and leave to the dreamers the illusory idea of a world based on justice, ethics, and law. We must abandon, so they say, the "legalistic" and "moralistic" criteria, because international politics are ruled by completely different elements: power politics, reasons of state, geopolitics—in short, everything that is covered by the concept of *Realpolitik*.

After all, as the London *Economist* put it a few months ago, Europe can very well live divided between slaves and free men; this holds good, of course, as long as England is not in the enslaved half. Were not we ourselves practicing a similar *Realpolitik* until a tall, angular dreamer called Abraham Lincoln put an end to it by raising his voice against slavery and proclaiming that the nation could not live half slave and half free?

We have, in consequence, to confine our efforts within the framework of this "realism", so strongly recommended by the career diplomats, the technicians of international conferences, and other serious and respectable officials. I am far from challenging the good faith of any of these apologists of the so-called realism, but I do challenge as to whether they are really realists. Let us scratch the surface of this mental attitude.

Is not the so-called political realism another face of Machiavellianism, that is to say a hand-to-mouth policy, a short-term patchwork, dealing in dubi-

ous secret pacts, unenforceable treaties, and unworkable international organizations? It is true that these awkward Machiavellians assure us that this is the only way to avoid major catastrophes. It seems to be all right with them to have minor catastrophes, such as the enslavement of eastern Europe, communization of China, the cold and lukewarm war in Europe, and the rather hot war in Korea and southeastern Asia. As long as we pay only in installments the price demanded by our foes, our "realist" experts are satisfied.

THE BALANCE OF POWER

Another big gun of the "realists" is the "balance of power" theory. The balance of power is presented as a universal panacea for all the troubles besetting the world.

It is true that the balance of power is a highly valuable technique in helping to deter or limit the consequences of aggression, but we must not transform this balance of power into a myth and expect it to achieve what we ourselves are not prepared to do. As an opponent of mine in a debate said, the intrinsic virtues and miraculous influence of the balance of power would automatically disintegrate the Communist empire, the fragments of which would fall into our laps like overripe fruit. It seems to me that this is a most unbalanced interpretation of the "balance of power."

The balance of power is not a recipe for stopping wars. Experts and diplomats have been rather busy with balancing, and yet wars have gone on uninterruptedly, maliciously ignoring their efforts. The "balance" is not a magic formula; it is but one of the means aimed at discouraging war. Balance of power of itself is not enough, as patriotism is not enough.

International order and peace can be achieved only through combined efforts, diplomatic, political, economic, moral,

and spiritual. Yet what is the actual physiognomy of the balance of power?

FREEDOM MISUSED TO DESTROY
FREEDOM

Soviet Communist power is built up not only on the accepted elements, such as military and industrial potential, but to a great extent on new and not easily recognized factors, such as Communist parties; subversion in labor unions, education, and other fields of national life; camouflaged organizations; and various other fifth columns.

This multiform Trojan horse is an immense power wielded within our own gates, and there is no hope of checking it by a merely defensive policy. These enemy barricades inside our own boundaries are raised through the exploitation of our institutions and national virtues. It is sufficient to note the ostentatious veneration and overzealous devotion for the Fifth Amendment of our Constitution in these last years, in order to realize what their technique is. Fighting against the principles of our Constitution and working for its destruction, they are using it to protect and immunize themselves.

This is not an unknown procedure. The collectivists tried to use it during the second half of the nineteenth century, and the famous French Catholic pamphleteer, Louis Veuillot, denounced them in the following acid tones: "When you believers in democracy are in power (say the collectivists) we demand liberty in the name of *your* principles; when we collectivists are in power we refuse you liberty in the name of our principles."

So liberty nurses at her breast these vipers, her mortal enemies. Our sacred Constitution, which was created to protect those who were faithful to the ideal of freedom, is now being used as a tool for the agents of tyranny.

How are we going to respond to this

insidious assault? In other words, how are we going to *balance* this new kind of power?

LIBERATION AS POLITICAL WARFARE

The problem of liberation has of course its sources in our moral conscience and our ideal of justice, but equally in the natural reaction of a sound organism to such an assault.

Why are the Soviets so disturbed and worried over this idea of liberation? Why do they take pains to engineer every six months or so in the United Nations a farcical attack on our so-called "interference" behind the Iron Curtain? Why are they so anxious to extract from us denials of the alleged interference?

As you may know, the subjugated peoples behind the Iron Curtain constitute a vast, uncertain factor of the Soviet empire. These enslaved people, who have been sacrificed through the force of circumstances, have not lost their faith or their hope. They are our *natural allies* in this new kind of warfare behind the frontiers. *Shall we scorn them because they expect from us help and encouragement in order to wage within the boundaries of tyranny the kind of fight tyranny is waging against us within our own boundaries?*

Thus we are brought inevitably into contact with the problem of liberation, by the mere analysis of the new conditions in which the balance of power is obliged to function. Indeed, a true balance of power in our time can no longer ignore the field of political warfare. We can understand why the Soviets, who until now have had an almost unchallenged monopoly on political warfare, are very anxious to preserve that monopoly and are doing everything possible in order to prevent us from entering this field of incalculable possibilities.

In a certain way we also are beginning to realize the importance of po-

litical warfare, as is demonstrated by the numerous boards and committees which are supposed to furnish us with psychological formulas. What these formulas are worth is another question.

APATHY TOWARD LIBERATION

Let us for the moment look more closely into the problem of liberation. What does liberation really mean?

Liberation means that the peoples who have been subjugated by Soviet aggression regain their freedom.

Theoretically there seems to be agreement on the desirability of liberation. Everybody wishes that Communist despotism would be crushed, but few will take a concrete step toward that end. One leaves the task to history, waiting for the nowadays much emphasized law of the self-disintegration of tyranny to accomplish the job for us.

Until recently, one cherished the idea that the death of Stalin would bring about this disintegration. I remember that Mr. Churchill entertained such a significant illusion, hoping that the disappearance of the Great Khan would bring about the dismemberment of the Empire.

I grant that in the epoch of the Great Khans such an expectancy was plausible; but today, with the Soviet totalitarian organization, the khan theory is more than problematical. As a matter of fact, now that the khan is dead, this historical analogy seems to have lost much of its charm. Now other theories are in vogue, much more daring and imaginative, as, for instance, the Titoist theory.

Before dissecting this new *deus ex machina* of our psychological warriors, I wish to add something further on the liberation concept.

For most people, liberation presents itself as a wish and not as a necessity; although I am sure that the majority of Americans, from the moral and legal

point of view, will be obliged to acknowledge the compelling necessity for liberation. Our origins and our traditions as a people are against slavery and inexorably tied to the idea of freedom. On the other hand, we have undertaken international obligations, both of a general and a specific nature, whereby we pledged ourselves to ensure the independence, the human rights and fundamental freedoms, of the nations now enslaved by our former ally, the Soviet Union. Morally and juridically we are consequently committed to a policy of liberation. But in reality, no serious action has been taken in regard to these obligations.

What can one do against a fait accompli? say the exponents of the defensive-passive school of thought. To attempt any constructive action in the direction of liberation would mean war, they contend.

DOES LIBERATION MEAN WAR?

This "liberation means war" slogan was launched by the *Daily Worker* and echoed shrilly by all its auxiliaries, from the Fifth Amendment fans to the containment-policy sages. There is no doubt whatsoever that Soviet propaganda has a major interest in implanting this bogey in our peace-loving minds. The Soviets would have us publicly deny any serious intention of contributing to the liberation of the enslaved. They badly need such denials in order to crush the hopes of the Iron Curtain victims and their die-hard faith in our moral and political standards. Conscious of the immense dangers for Communist domination, inherent in the liberation potentialities, the Soviets are making every effort to discredit and kill the idea in its budding stage.

They are doing this not because liberation means war, but because *it means a heavy blow dealt to the Soviet war potential.*

It is not difficult to understand that if we nourish the hope of liberation by liberation-inspired activities, helped by the free world, from the most conspicuous act of individual resistance to the underground organization of resistance groups, the Soviet Union will be a great deal weaker than if we renounce any liberation initiative and completely abandon the subjugated nations to her dominion.

Remember this: Liberation does not mean war, but a diminution of the Soviet war potential. If we realize this truth, we shall at the same time grasp one of the facets of the urgent necessity for such a policy.

Do not forget also that the wars and trouble spots which are plaguing us just now are the inevitable products of the appeasement and containment policy. Our present-day troubles and the menaces that hang over us stem from the so-called realistic bargaining and awkward Machiavellian experiments, rather than from any "legalistic," "moralistic," idealistic, or simply honest and courageous political behavior.

INCREASED ATTENTION TO LIBERATION

In view of all this, I think the idea of liberation is imposing itself on our attention more and more, whether we think in terms of long-range balance of power, or of the urgent necessity to weaken and obstruct the enemy's aggressive potential.

Now if we look at the ultimate objective of our foreign policy, which is peace and international order, we are bound to recognize that liberation is one of the most indispensable instruments in working toward its achievement. As already pointed out, lasting peace cannot be assured in a medium where Communist tyranny dominates one-third of the earth. The long-range policies of those who desire to establish peace in the

world are thus unavoidably bound to aim at the very things which the liberation policy would pursue in its development; namely, limitation, weakening, and final disintegration of the Communist dictatorship. There is no other road to international order.

It is therefore heartening that our present administration has shown a real interest in the idea of liberation. Study groups and prominent experts are engaged in investigating ways and means of implementing such a policy. We certainly hope for constructive planning from these studies. But it is a grave misfortune that nothing has been done through the past few critical years. The so-called Kersten Amendment to the Mutual Security Act of 1951, which has so far been the only concrete step in the implementation of a liberation political warfare, has been, since its enactment in 1951, for the most part a dead letter.

I understand that after a long period of inaction and defensive, passive strategy, it is not a little difficult to start being dynamic and positive; but there is a certain danger that the past proclivity for inaction may subsist in the minds of some under different guises, and that under a dynamic, offensive, verbal policy the same old passivity or an ersatz thereof may persist too long.

THE TITOIST THEORY

I am mentioning all this because there is a definite perfume of Titoism in the psychological warfare breezes. There is indeed an increasing amount of talk lately about the miraculous virtues of Titoism, which, if adroitly stimulated, would dismember the Soviet empire. It is said that some of our psychological warriors are looking hopefully in that direction. They are visualizing a world of greater and lesser Titos, who would be willing to accept our loans and visit the British Queen.

There is nothing wrong with this phantasmagory except the fact of its utter improbability.

I do not propose to discuss here at length the case of Titoism. I herewith wish to recall to you that the very special circumstances which produced the successful break of Tito from the Soviet orbit are almost unique and not likely to be repeated or artificially created. Knowing the Soviet grip on the Communist parties of the enslaved countries and the severe anti-Titoist measures taken since 1948, it is hard to find an objective reason for advocating such a sanguine formula. The reason seems to lie on quite another ground: it lies, I believe, in the pernicious reluctance to act positively in the field of political warfare. There persists a strange and comfortable feeling that things will arrange themselves. I grant it is a certainty that they will arrange themselves, but quite possibly very badly for us.

SENTIMENTAL AND SCIENTIFIC PROPOSALS

This tendency toward a do-nothing policy in this respect takes sometimes a rather sentimental turn. We do not want to do anything to engage the enslaved in a liberation drive, out of human sympathy for them—these sentimentalists assert. Indeed, it is said, liberation activities will only entail massacre and liquidation for the enslaved people themselves.

I cannot help stressing the hypocrisy of such unexpected concern for the welfare of those people. It would seem to me that people whom we abandoned eight years ago to Soviet terror, people who have been subjected to the most cruel persecutions, people thrown into the salt mines for their belief in and friendship for America, people crushed out of all human semblance in forced labor camps, people decimated by de-

portations and every other kind of genocide, the unfortunate masses harassed by police terror and exhausted by piecework labor exploitation and also those who being excluded from the so-called field of labor are condemned to slow but sure human degradation and starvation—it would seem to me, I say, that all these people do not deserve the insult of such a late, hollow, and smug interest on our part. This kind of false charity for those sacrificed brothers of ours leaves one with the impression that if they are further abandoned to the Communist executioners, their death through famine and prison will be more humane and therefore more bearable for our sensitivity than would be their death in the struggle for liberty.

The inaction ideal takes at other times a rather scientific turn. If we leave things as they are for a long enough period, for instance a mere fifty years—as one of the prominent inactivists suggested—situations will mature to our advantage and finally offer themselves to us as ripe fruit for the picking. This gratis-ripe-fruit policy is but another face of a childish desire to avoid the things we should do, but have them happen just the same—a heroism without risk and an efficiency without mental effort.

This is what Titoism and similar psychological concoctions amount to.

THE CORE OF THE MATTER

For me, a layman from Wisconsin, it is a subject of great and permanent wonder, how so many men of learning and responsibility expect to do something out of nothing, to have liberation without liberty and reaping without plowing. Because if we really want to follow a policy of liberation for our own benefit and for that of mankind, we cannot present ourselves to the enslaved peoples with empty hands. We must

give something of our own substance, and not only of the material but something of our hearts and souls as well.

Let us not forget for one moment that this is first and foremost a battle of the spirit against matter, a battle for freedom against tyranny, a battle for the dignity of human beings and for the sanctity of the soul of man. Such a battle cannot be won without understanding, without generosity, or without faith. We have in front of us the most decisive test of history, the weight of which destiny has placed on our shoulders. It depends on how we respond to the test, as to whether our civilization is going to advance the cause of humanity or leave a vacuum for a dark age of terror and despotism to enter in.

Arnold Toynbee tells us in his latest message that the course of history can be decided by the proper response to its periodical challenges. I believe that the challenge with which we are now faced is directed at the capacity of Christianity and freedom to respond to the needs and aspirations of a suffering humanity.

If we have the perspective and the courage to see things in this true light, then the problem of so-called foreign affairs will become rather a problem of human affairs. If we realize, as some have realized, that the fight is waged everywhere, on all fronts, behind and beyond frontiers, we are going to grasp the ultimate meaning of the present struggle and become conscious, each of us, of our call as free human beings. We shall have thus reached, underneath so many superstructures, the heart of the matter, the fight of man for his free existence as a spiritual being.

LET US STAND ON PRINCIPLE

We should be conscious of the tremendous forces latent in human beings reduced to physical slavery and moral oppression. I cannot conceive of a

more powerful force than that of cruelly humiliated human beings who strive against colossal odds to regain their lost dignity.

Do we want that force on our side? This is the problem.

If the answer is Yes, we must come in simplicity and honesty and say to them, We are together in this fight. We are going to help you when the time is opportune to put an end to Soviet Communist interference, to regain your national independence, your human rights and fundamental freedoms. Our Atlantic Charters, our United Nations Charters, and all the other international pledges we undertook for freedom and justice, were not mere empty words, but things in which we believe and on the principles of which we are determined to stand.

In this way we shall be able to reach the vast spiritual forces which can be of inestimable help in the creation of a new world of peace and international order. It is the greatest fallacy to believe that we can use those forces by our moral abdication, lack of courage, and clever ruses of smug psychologists.

We have on our side the noblest and most inspiring cause, one that requires neither refined sophistry nor dubious Machiavellianism. Why do we not remain on the sure ground of principles, of justice and truth? This is the manner in which our own country was built and in which everything great and lasting was created.

PRACTICAL SUGGESTIONS

But perhaps my opponents would say, This is not a question of principle, this is a question of practical recipe. Give us the blueprint, with the patent for no risk, and we will think it over.

I do not contend that I am the possessor of the desired blueprint. But I believe this country does not suffer particularly from a shortage of blueprints.

But I came almost two years ago with a modest practical suggestion which was adopted by the Congress of the United States. I proposed, and the Congress agreed to, the formation of exiles' military units to be attached to the NATO forces, and also the investigation of ways to help our friends behind the Iron Curtain.

The purpose of the exiles' military units is, in my view, twofold: first, to furnish the NATO forces with an initial nucleus of determined anticommunist fighters, which could eventually reduce the drain on American manpower; second, to weaken morally and disintegrate the military potential of the satellite armies. It is obvious that such units would have a tremendous psychological effect on their compatriots. As one official in the Pentagon remarked, a battalion "of eastern European nationals is worth a division of American, British or French troops in opposing Soviet satellite armies."

A CLEAR-CUT ISSUE

Many other Americans are ready to come with other practical suggestions. I am convinced, nonetheless, that practical formulas are not the main need. We are a practical and imaginative people, and if we really set our minds on something, we shall find the proper methods to achieve it. The vital problem with us is to make a clear-cut de-

cision; once that is taken, all methods implementing that decision will fall into a clear, purposeful pattern.

I consequently hold, in divergence from my opponents, that the core of the liberation problem is still a question of principle, a question as to whether or not we make an honest decision—a decision based, if you please, on the principles of our own Declaration of Independence. This appears to me with the utmost clarity when I see all the pragmatic fumbling, with empty radio propaganda not backed by any policy—all these fruits of indecision and confusion.

For myself, as a grass-roots American, I believe that it is high time to put order into our ideas. It is high time to understand that no peace and no international order can be achieved in the modern world without the ultimate liberation of the enslaved. And there is no other way to achieve this goal than to act on principle, with courage and with faith in the triumphant force of human freedom.

Let us not forget what we owe to ourselves, to humanity, and to God. Let us remember that there is no "reaping where thou hast not sown and gathering where thou hast not strawed" and that we must give ourselves, "for unto everyone that hath shall be given . . . but from him that hath not shall be taken away even that which he hath."²

² Matthew 25: 24, 29.

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The Contribution of Yugoslavia to Peace

By LEO MATES

SPEAKING of the contribution of my country to the peace in Europe, I am aware of the fact that the present state of international relations cannot be properly described as peace, as this word is generally understood. We in Yugoslavia, however, agree with those who believe that the prevention of a new war is the first step on the road to peace.

It is indeed the only realistic point of departure for a policy of peaceful international co-operation, and it was in the mind of the statesmen who in San Francisco drafted the Charter of the United Nations. In the opening sentence of the Charter, the United Nations expresses the determination "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind. . . ."

I quote these words not only because of their general significance, but also because they have a particular meaning and force in my country. Yugoslavia lost in the Second World War more than one-tenth of her population, not to speak of the great number of disabled, or the plight of orphans and the tremendous loss in property. Sacrifices and losses in one part of Yugoslavia, in Serbia, in the course of the First World War were even heavier than that.

I departed, perhaps, somewhat from my theme in making this introduction, but I feel that it had to be said because these memories and scars of the past play an important role in the framing of minds in my country.

RELATIONS WITH THE SOVIET UNION

Immediately after the end of the Second World War Yugoslavia hoped

that all existing differences in international relations would be solved through peaceful negotiations and through discussions in the United Nations. We particularly hoped that our future relations with the Soviet Union would develop in an atmosphere of increased friendship. Furthermore, we hoped that this development would tend to enhance better relations in general.

That was the period in which the new, postwar, international stage was being set. Throughout that period it became more and more apparent that the setting of the stage tended to develop into a scene of new conflicts rather than harmonious co-operation between free nations. We finally had to realize that in the world at large the threat to peace had developed into a real danger, and we had to face a specific threat to our own independence, an attempt to transform Yugoslavia into a satellite of the Soviet Union.

Three years after the liberation of our country from the enemies of the United Nations we had to defy another attempt upon our independence.

This new attempt did not come in the form of an open military aggression; it assumed the peculiar form of hostile activities and pressures of a full-fledged cold war, including a constant threat of open aggression. Yugoslavia thereby became one of the hot spots in an already fully developed general cold war.

Leaving aside the internal problems and consequences of this situation, I shall concentrate on foreign relations and first of all on a definition of the situation as it arose and our attitude toward the world problem of which we became so important a part.

ELEMENTS IN MOSCOW OFFENSIVE

The unparalleled violence which the Soviet Union displayed in the course of the hostile campaign against Yugoslavia, which began in 1948, requires some preliminary comment. It is not merely a new instance of the hate campaign directed against other nations, or a component of a plan to bring under Russian domination an important area in a wider strategical plan.

Without neglecting the elements I have just mentioned, it is my conviction that the most important element is the impact of the total defeat of the general offensive launched by Moscow in 1948 with the aim to subjugate Yugoslavia without an open military aggression, followed by a gradual realization of the fact that the unsuccessful offensive of the cold war could not be transformed into a full-scale military operation without risking a general war.

In spite of all facilities for obtaining a true picture of the internal situation of Yugoslavia, the Government of the Soviet Union was unable to foresee what the reaction of the people would be, to an attempt to destroy the achievements of their struggle during the war. Moscow staged its onslaught in the form of a cold war blitzkrieg. The plan was to create fear, consternation, and a general feeling of helplessness in the face of an overwhelmingly stronger hostile power, assisted by four other countries situated along more than three-quarters of Yugoslavia's land boundaries, and three other satellites in Europe.

The anticipated result was the internal disintegration of Yugoslavia under the combined effect of political, economic, and military pressure. The consequences should have been either the surrender of the government followed up by extensive purges, or its overthrow and replacement by docile stooges.

THE YUGOSLAV RESPONSE

The Yugoslav Government did not hesitate to accept the challenge, and brought the blitzkrieg offensive to its dramatic culmination by releasing to the press all the charges and attacks, including the open appeal to the people to overthrow its government, as they were issued by Moscow through the medium of the Cominform, together with the Yugoslav answer.

Thus the issue was brought directly to the sixteen million citizens of Yugoslavia, and the offensive completely broke down in its opening phase. The whole structure of the Soviet empire received a hard blow. The expansionist aims and ruthless methods of domination were conspicuously exposed to the world. What is more, however, the people of the satellites have been shown that it is possible to defy the "almighty" rulers in Moscow and win.

In this first battle in the cold war launched by the Soviet Union, Yugoslavia stood alone. It was won only by the unbreakable spirit and determination of the citizens of Yugoslavia, who almost unanimously ranged themselves behind their leaders.

This was not only because of the rather cold relations at that time with the countries of the West as they developed through the first postwar years in the confusion of the development and intensification of the general cold war. It was not only because hardly anybody in the West could understand the significance of the events in and around Yugoslavia. But I believe it could not have happened differently, because the people of Yugoslavia had to fight out this battle alone; it could not have been won for them by anybody else. From the point of view of international relations, it was a battle in the cold war; but internally, it was above all a his-

toric decision of a sovereign people, and this decision had to be made by the people themselves and nobody else.

INTERNATIONAL EFFECTS OF
YUGOSLAV BREAK

But again, I do not intend to examine the internal significance of the events of 1948 and after, which have opened a new chapter in our national history. I shall rather remain in the sphere of international relations.

Yugoslavia prevented the extension of the Soviet empire to the shores of the Mediterranean, with its strategic consequences, which of itself is of the utmost importance. But more important, I think, was the political significance of this event. The Soviet Union failed to achieve a local gain in Europe which would have considerably increased tensions. The march of Soviet expansion in Europe was halted.

The cold war, of course, had not thereby come to an end. Actually, a new sector had been opened; but this new sector proved to be a source of considerable trouble for the Soviet Government. In spite of all efforts to describe the attitude of Yugoslavia as a step in the alleged preparations for an attack on the Soviet Union and the satellites, I have reason to believe that the majority of the population in the satellites followed with admiration the resistance of Yugoslavia to pressures from Moscow.

These efforts to misrepresent the nature and the aims of Moscow's cold war against Yugoslavia in fact appear to have made the defeat more conspicuous, and its consequences and impact upon the people under Russian domination even stronger. The best proof thereof is the undiminished and desperate effort to keep the psychological war against Yugoslavia on an unprecedented level of intensity throughout the Soviet

empire, and, through the media of fifth columns, in other countries.

INTERNAL AND EXTERNAL
CONSOLIDATION

The next stage, after the defeat of the first onslaught, was the consolidation of the internal and external situation of Yugoslavia. Without going into details, I shall only mention that a wide range of measures have been undertaken and are being undertaken in Yugoslavia to strengthen the country through the improvement of general conditions of life in all its aspects, combined with the building of a military establishment sufficiently strong to deter possible aggression by armed forces. This is regarded as the only real danger to the independence of the country since the failure of the attempts to destroy it through pressure and subversion.

This program proved to be extremely arduous in view of the still strongly felt consequences of dislocations and damages caused during the war and the heavy burden of defense expenditures. Even Nature was unkind; catastrophic droughts were visited upon the country in 1950 and 1952.

In international relations Yugoslavia had to fulfill the double task of consolidating her relations with friendly nations and strengthening her position in the first line of defense against a possible aggression in Europe.

This could be achieved through co-operation in the economic field and through active co-operation in the general task of building up an effective system of collective security. In both fields, very important results have been achieved through the United Nations and through bilateral negotiations with friendly nations. I think that they have been made possible primarily because of the sincere recognition on both sides

that the strengthening of the position of Yugoslavia is not only a national concern of her people, but also an important component part of the general effort to prevent aggression in Europe. The basis for this recognition is the demonstration by Yugoslavia that she is able and determined to defend herself and her independence, to play her role in the community of nations as an independent country ready to co-operate in all efforts to establish international security. On the other side, there has been a readiness of other countries to co-operate with her on this basis.

CO-OPERATION UNIVERSAL AND REGIONAL

The development of the cold war and the experience of two world wars have sufficiently proved that neither war nor peace is divisible, and the same is obviously true for the present general cold war, too. International co-operation, therefore, cannot be limited to a certain area in the world; it must be universal, or at least as close to universality as possible, if it is to be effective.

The expansion of international co-operation over remote areas of the world has to face the existence of diversity, which does not necessarily mean controversy. Therefore, co-operation for the strengthening of international security cannot be exhausted by world-wide efforts in the field of collective measures against aggression, in the United Nations. Nor can such specific problems of collective action as require a very close co-operation between nations in the event of aggression be solved through a central world organization without the risk that the solution will remain in general terms or tend to impose a degree of uniformity incompatible with the existent diversity in the world—the individuality of nations.

Preparations for collective self-defense must therefore rest on a basis wide enough to produce an amount of strength sufficient to deter aggression, or, in the case of an aggression, to enable an effective collective defense action, without being extended over such large areas as to impair its efficiency or the individuality of its participants.

FRIENDSHIP WITH GREECE AND TURKEY

I believe that this general consideration, as well as the necessity to increase stability along the Iron Curtain in the Balkans, caused Yugoslavia to initiate negotiations which have led to the conclusion of the Treaty of Friendship and Cooperation with Greece and Turkey.

The conclusion of this treaty was preceded by a steady development of friendly relations between Yugoslavia and the two other contracting parties. Numerous visits have been exchanged of representatives of all aspects of public life, including parliamentarians, journalists, artists, businessmen, sportsmen, and others. An honest attempt has been made to solve all existing differences, and the result has proved that differences can be solved if there is a sincere desire to co-operate. Relations between the armed forces have become more and more friendly, and mutual visits of generals and high-ranking officers have brought about a better understanding between them.

I have mentioned particularly visits of persons in public life because some of the visitors came in direct contact with the people of the other countries and experienced the feeling of friendship which developed increasingly on both sides. I think I should perhaps particularly mention the friendly visits of journalists and parliamentarians, which have immensely contributed to the mutual understanding between our people and those of Greece and Turkey.

I believe that this friendship, which is much more than a diplomatic formula, is based on strong and durable foundations. I am convinced that it will outlast the present situation in the world, because there is every reason why it should, and I can see no reason which should disturb it in the future. Its so strong and visible expression at present, however, cannot be dissociated from the danger to the independence of the three countries, from the north. This danger has found repeated expression in the recent past, but its deeper sources can be traced back to past centuries.

RUSSIA'S DRIVE TO THE MEDITERRANEAN

The foreign policy of the Russia of today, in all aspects, follows essentially in the footsteps of the ambitions and directions of expansion of the rulers of Russia throughout the last two or three centuries. It is enough to remember the attempts to expand the dominion of the Czars in Asia—in the Far East as well as in central Asia—or the partitions of Poland and the incursions into central and northern Europe.

The Balkans have perhaps been one of the most obstinately pursued objects of Russian expansion. The reason was always the attempt to reach the shores of the Mediterranean. The main direction of this thrust in the past was the Straits connecting the Black Sea with the Mediterranean. Russia, in fact, waged several wars without achieving the desired goal.

In the situation after the Second World War, the Soviet Union could undertake no open action to invade Turkey and extend its rule over the Straits. Its hostility toward Turkey was, however, kept alive by various means, including certain territorial claims.

Another possible approach to the Mediterranean was through Bulgaria and Greece to the shores of Thrace. There, only a few miles divide Soviet-dominated Bulgaria from the waters of the Mediterranean.

The third possibility of achieving this goal was the subjugation of Yugoslavia, with her long Adriatic coastline. The conquest of Yugoslavia combined with the domination over Albania, which commands the gates to the Adriatic, would assure the Russians the entry into the Mediterranean.

Even if we leave aside the particular hostility of the Soviet Union toward Yugoslavia, and other strategic considerations, it is easy to understand that in the case of an attempt to transform the cold war into a shooting war, one of the objectives of the Russian command would be to push toward this outlet on the northern shores of the Mediterranean.

THE BALKAN TREATY

The natural consequence is, therefore, the endeavor of Yugoslavia, Greece, and Turkey to combine their efforts in the defense of their national security and independence against a threat to any one of them. This is the way not only to repel an aggression, should it occur, but also to prevent it. In this respect the Balkan Treaty contributes essentially to the general efforts in the field of collective security.

The text of the treaty provides for regular annual conferences of the Ministers of Foreign Affairs of the three countries, and extraordinary conferences if found necessary, and for general consultation between the three governments on all problems of common interest.

More specifically, the treaty provides for the continuation of "common efforts for the safeguarding of peace and security in their regions" and "the examina-

tion of their security problems, including collective measures of defense, the necessity for which might arise in the event of unprovoked aggression against them."

Then comes the following provision: "The General Staffs of the contracting Parties will pursue their co-operation in order to submit recommendations to their Governments concerning questions of defense, mutually agreed upon, with a view to adopting co-ordinated decisions."

I have selected these particular provisions not only because they are the core of the treaty, but also because they illustrate the spirit of the treaty. This treaty does not pretend to be the last word in the settling of the issue; it is of the type of modern treaties which take into consideration the necessity to keep pace with future developments and requirements of situations which may subsequently arise.

The strength of the treaty is not in legal obligations; it does not provide for automatic action in the case of aggression. Its strength lies rather in the establishment of a machinery for the development of specific agreements, and establishment of a workable co-operation, in the political and military fields, as well as in the economic, technical, and cultural fields. Past experiences have sufficiently proved that legal obligations may be insufficient to preserve peace; strength, organized in a flexible and efficacious manner, is much more impressive (to the potential aggressor) and reliable (from the point of view of the defenders of peace).

Moreover, the treaty provides for the accession of other countries willing to become parties to the treaty and willing to co-operate under its terms. No specific country is mentioned, but it is transparent that besides Italy—whose accession is likely to occur in the

future—the makers of the treaty had in mind the possibility of accession of any satellite of the Soviet Union adjacent to the three signatories, which might be able to regain its independence.

LINKED WITH THE WIDER EFFORT

While I am still speaking of the Balkan Treaty, I should like to mention one question which came up in the course of the negotiations, and which found its expression in a separate article in the treaty. It was the question of the effect on this treaty of the membership of Greece and Turkey in the North Atlantic Treaty Organization. The question was whether either of the two treaties precluded the other. The answer was No. The two treaties are fully compatible. Actually, the Balkan Treaty is a contribution to the strengthening of peace which is the aim of the North Atlantic Treaty. Article VIII of the Balkan Treaty deals with this question in the following terms: "This Treaty does not affect and should not be construed as affecting in any way rights and obligations of Greece and Turkey deriving from the NAT of April 4, 1949."

This is, however, not the only link with a wider and more general effort of collective security measures.

I have pointed out that specific questions which require very close co-operation can best be dealt with in the framework of regional agreements. I should like now to put forward the counterpart of that thesis, namely, the fact that much wider co-operation is essential to the effective operation of any regional arrangement, both in its role of preventing aggression, and in the event of actual aggression. Furthermore, a world-wide threat can be met only through world-wide co-operation in defense. Also, the resources of one region

could hardly be sufficient for the requirements of an emergency.

This was recognized while the present Balkan Treaty was still a plan for the future. Without being a member of NATO, Yugoslavia has concluded agreements with the United States, the United Kingdom, and France, under which economic and military assistance is granted to Yugoslavia. This assistance has not only partially offset the effects of the two droughts, but has considerably contributed to the strengthening of her defense.

Besides, friendly contacts have been established and are being maintained between the General Staff of Yugoslavia and the General Staffs of three great powers with a view to facilitating co-operation in questions of mutual interest.

TRIESTE AND AUSTRIA

The only question which has so far defied all efforts on our part is the outstanding territorial dispute with Italy concerning Trieste and a small stretch of land around that city. This is the only dispute which Yugoslavia has with any country in the world outside the Soviet empire. If it were not for various causes beyond the control of Yugoslavia, this dispute might have been settled. I do, however, hope that before long this question will be settled through an agreement between the two countries. And may I add, this will be an important additional contribution to the strengthening of peace in that area, despite the fact that this dispute has never assumed the character of a conflict which might endanger peace.

This question is not important as a possible source of an acute conflict, but as an impediment to the friendly co-operation required by the general situation in Europe and permanently needed

by both countries. This is why Yugoslavia has on several occasions expressed her readiness to co-operate in a friendly spirit with Italy on all urgent questions of mutual interest even while the Trieste issue still awaits its solution.

This short survey of the effects of Yugoslavia to improve the situation and to contribute to stabilization in her region would not be complete without mentioning Austria.

Our relations with Austria would in all probability have developed to the same extent as our relations with Greece if it were not for the occupation of the former country and the consequent limitations on the authority of her government in some vital internal and external functions.

EFFECTS OF BALKAN TREATY

The Balkans have constantly been honored with the epithet, "the powder keg of Europe." In reality the Balkans were a trouble spot not so much because of internal developments as because of outside interference. It appears, therefore, that the present efforts of the three Balkan countries, in which Yugoslavia plays its full share, tend to bring a greater stability to this area. It may be hoped that the effort of those countries to stand together and to preserve peace in their neighborhood will avert the recurrence of an invasion of the Balkans.

How much this may contribute to the final elimination of the tensions which still prevail there, as a result of Soviet policies of expansion, cannot be foreseen. Neither can we foresee how much the concerted action for peace of the three Balkan countries will contribute to the prevention of a war in Europe in general. It can, however, be accepted that the conclusion of the Balkan Treaty is one step further to-

wards the development of a much wider system of collective security against aggression, which could serve as an example for a more flexible pattern of international co-operation in this field in other parts of Europe and elsewhere.

If this should be one of the effects of the Balkan Treaty, its importance would be still greater, since it would promote active and organized co-operation in the efforts to prevent a new world war by countries which may have well-founded reasons for abstaining from participation in existing defense agreements.

PAST, PRESENT, AND FUTURE

The contribution of Yugoslavia to peace has its past, its present, and, naturally, its probable effect upon the future.

The essence of her contribution in the past has been her tenacious resistance to every aggression, without herself participating in any aggressive enterprise whatsoever. The essence of her contribution to peace has been her effort to assert herself, and her success in defying aggression and the threat of aggression. Her contribution in the present is mainly her active participation in the stabilization of the Balkans and her initiative in the development of a form of co-operation in the organization of collective defense against aggression which could contribute to the strengthening of security in Europe and in the rest of the world.

I do not intend to pursue this idea any further. I mentioned it only because I believe that the appraisal of an effort of a country cannot be reduced to its mere ponderable effect at a given moment. There should also be consideration of much less ponderable effects and achievements which may prove to be of even greater value in the long run.

DIFFERENCE WITHOUT CONFLICT

Having said this, I cannot but refer briefly to another question which cannot and should not be left out in this context.

Yugoslavia has joined forces with two other countries, and established friendly relations and co-operation with others, including the United States, regardless of the differences in the internal social, economic, and political structure of these countries. I believe that this is one more proof that such differences, as well as any other ideological or religious differences, do not prevent international co-operation. I think, even, that it is dangerous to overestimate the ideological background of a conflict which in reality is based on the desire to expand the dominion of one person or group of persons over the rest of the world. Such desires, in whatever ideological garb they are clothed, remain what they really are; and in our epoch they are one and the same whether their protagonist be a Kaiser, a Führer, or a Russian dictator.

The reading of ideological tenets into the expansionist policies of an imperialism is, in my opinion, dangerous because it tends to make us believe that a general conflagration is inevitable, and may therefore lead to the slackening of our efforts to prevent aggression.

I wish to emphasize this particularly as we in Yugoslavia do not believe that the differences between Yugoslavia and the Soviet Union must necessarily lead to an open conflict, notwithstanding the profound ideological conflict which developed openly in the years following the break in 1948. Inasmuch as we believe that the application of the theories of the Russian leaders cannot but bring slavery to the peoples of the Soviet Union, we hold firmly to the belief that it is the task of those peoples themselves

to improve this unfortunate situation. We believe our task is to develop our own national institutions independently and to co-operate with other nations in the prevention of aggression; and this, I am confident, Yugoslavia will continue to do with undiminished efforts, whatever the strain and stress may prove to be.

IMPORTANCE OF KOREA

On the other hand, I think that I should not conclude without saying that Yugoslavia follows with great attention and interest recent developments which

give us a reasonable basis to hope that the shooting war in Korea may soon come to an end with the conclusion of an armistice agreement.

There is no doubt that this would cause a substantial diminution of international tensions. The whole purport and consequences of these developments cannot yet be fully appraised. I am, however, certain that Yugoslavia will, as she has done in the past, contribute her share to the development of peaceful relations in the world, without neglecting the task to safeguard her security and that of her region.

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NATO and Coalition Diplomacy

By WILLIAM T. R. FOX

THE experience of our western state system with coalition warmaking is a great deal more extensive than the experience with coalition peacemaking. If we ask what is new and different about the North Atlantic Treaty Organization, one answer is that a group of states, including several major states, have banded together for closely concerted action against a jointly recognized peril before rather than after a general war has broken out.

FAMILIAR ELEMENTS IN NATO

NATO may be compared to a variety of previous experiences in co-operative international action. The North Atlantic Pact of 1949 is a defensive military alliance, and there have been many of these in the last three centuries.

The subsequent conversations between the staff officers of the various signatory nations involved an exchange of information and a joint formulation of war plans, which also has precedents—in the years immediately preceding the First World War, for example.

The conception that the states of Europe, and in our own century of the whole Atlantic community, should unite into a grand alliance once an aggressor has clearly revealed himself is also a familiar one, as Louis XIV, Napoleon, Kaiser Wilhelm, and Hitler have all had reason to know. The North Atlantic Treaty is such a grand alliance.

The Locarno Pacts provide still another parallel, guaranteeing, as does the North Atlantic Treaty, security against aggression from across one part of the prospective aggressor's frontiers without providing equally firm guarantees all the

way around. In the Locarno case it was the states along Germany's western frontiers that were guaranteed; equally specific guarantees were denied Germany's eastern neighbors. In the present case the automatic guarantees of the North Atlantic Treaty do not run east of Turkey.

Finally, the North Atlantic Pact and the Organization erected upon it may be compared to the Rio Pact, which explicitly was based on Article 51 of the Charter of the United Nations.

Thus we see in NATO elements of traditional military alliance, of military planning among allies in anticipation of a specific war, of grand alliance against an expanding aspirant for universal hegemony, and of regional security guarantee to buttress a commitment already made through membership in a general international organization.

HINDERING AND FACILITATING FACTORS

If there are familiar elements in NATO, there are also some novel elements in the world situation in which NATO was created. With the number of powers of the first rank reduced to two, the task of organizing against the one which seems unambiguously to have embarked on a program of unlimited expansion is a more formidable one than has ever before faced western foreign policy-makers in peacetime. Furthermore, Europe without the United States seems now so out of balance that it takes the full participation of the United States just barely to preserve the existing order. Western Europe has no hope of saving itself in the event of aggression from the East without American

participation in its defense from the first day of hostilities and even before that.

This participation must come early, for the steadily lengthening time required for industrial mobilization and effective military training means that a military alliance is by itself nearly meaningless. It has to be implemented by carefully prepared plans for joint action on the basis of semimobilization undertaken years before the crisis of general war.

Finally, a grand strategy of liberation after Soviet forces had first rolled westward to the English Channel, even though it might be technically feasible, would command no measure of support on the Continent, since there is widespread apprehension that the liberating Anglo-Americans would find the whole leadership of their continental allies wiped out when they returned.

All these have made the task of the statesman and the military planner more difficult than in an earlier era.

On the other side of the ledger, we have to point to several factors which have made it easier for the statesmen of our own day to forge a more impressive instrument of coalition diplomacy than their predecessors. In contrast to the situation prevailing during most of the past eighty to one hundred years, when Germany and Russia were often simultaneously seeming to threaten the stability of the European order, this time there has seemed no ambiguity about the identity of the chief disturber. The contingency that Germany may again become a military threat cannot be ignored, and is a natural preoccupation of our French ally; but there is no difference among the Atlantic community partners as to which is the major source of disturbance at the present moment.

A second factor which has favored the growth of NATO is the existence of a

pool of able and devoted military officers and civilians who have for more than a decade in war and in peace been engaged in detailed planning for the joint security of the western countries. This statement of course applies particularly to British and United States soldiers, statesmen, and civil servants.

Still a third factor which may have made the task easier is the widespread acceptance of the notion that war among the states of western Europe themselves has become an anachronism and that it is no longer each other against whom military preparations have to be made.

Finally, United States leadership in the atomic arms race provided, even if only temporarily, an effective deterrent against Soviet counter-action. This has permitted the NATO countries to move from a situation of military helplessness towards one which one can only hope will give the Soviet leadership pause, even though it too has atomic weapons.

NOVEL COMMITMENTS

We can now perhaps begin to describe the unique characteristics of NATO in terms of the unique problems which the world situation of the years since 1948 have posed for western statesmanship.

Certainty about the identity of the prospective aggressor, recognition of the anachronism of war with each other, incapacity to make any significant defense except in union and with United States aid, and the necessity for having military mobilization fairly far advanced before the outbreak of actual war, have all contributed to make the NATO allies willing to form a grand alliance relatively much earlier than was possible in the time of Louis XIV or Napoleon or Bismarck or Kaiser Wilhelm or Hitler.

These factors have further brought the North Atlantic allies to a general

acceptance of the necessity for making military commitments to each other in the most precise fashion possible, and to acceptance of the principle of a collective balanced force. France, for example, no longer needs a huge fleet of submarines to take care of the contingency that she might some day be at war with a great sea power. Recognition of this necessity for a balanced force is based on the shared belief that there is really only one all-out war to prepare for, and that therefore there is only one balance of collective forces which has to be envisioned.

Not only was the grand alliance formed earlier, but the participation of the United States was secured earlier. The United States has never yet failed to participate in any general European war, but until our own day it has never committed itself in advance to participate. The recognition here and abroad that Europe will no longer stay in balance while the United States stands aside, and recognition in the United States that a Europe under a single aggressor would be a threat to the United States, have made this possible.

NOVEL METHODS

So much for the novelty of the commitments. There is an even greater novelty in the way in which these commitments have so far been met. The pre-1939 Europe has sometimes been described as a suborganized system in which there was a more or less spontaneous coalescence of the powers whenever a great aggressor revealed himself. The new North Atlantic community has by no means yet reached the level of organization which could be described as a confederation or a federation, but its organization is somewhere between that and the suborganized system of the former period; for the North Atlantic

community has developed some rudimentary executive organs.

Old-style military alliances were subject to reinterpretation from day to day in each of the national capitals of the participants. The new organization under the North Atlantic Pact has equipped itself with a central secretariat (now called the Permanent Organization) and a continuously operating group of Permanent Representatives under the direction of NATO's Secretary-General, Lord Ismay, and a central apparatus of military planning and command now heading up under General Ridgway.

Lord Ismay has referred to the skeptics of this vastly elaborate organization who have described NATO as "too much harness and not enough horse," but he has also given eloquent testimony to the international loyalties, transcending their prior national loyalties, of the soldiers and civilians who have served in the various NATO bodies. The result is that the NATO consensus has been able to broaden and deepen through the activities of a central organization, and not exclusively through the cumbersome processes of multilateral diplomacy.

The activities of NATO have also been calculated to make a dramatic appeal to the public opinions of the various signatory countries. Here is another distinction from the old-time diplomacy. The fanfare attending its operations is in sharp contrast to the carefully muted and discreet activities of traditional diplomacy, though it is much less than that which characterizes the public and sometimes clamorous activities of the United Nations General Assembly.

Since the Organization is designed to deter, there is no reason to conceal its activities from the power which needs to be deterred. Nor do these activities need to be concealed from the public

opinion which supports them, in a day when free peoples are asked to submit themselves to regimes of austerity and high taxation before a military crisis has actually occurred. The activities of NATO have to be designed to make the publics of the various countries feel that their sacrifice makes a difference. Joint maneuvers would have been unthinkable before 1939. Today they have not only a substantive but a propaganda value.

In all the speculation as to the meaning of the olive branches held out from Moscow, beginning about ten days after Stalin's death, there has been very little public attention to the possibility that NATO may actually be having the deterring effect which its original supporters hoped for it—that its novel elements are having a novel deterrent effect.

DIPLOMATIC TASKS

Whatever the degree of success which NATO has so far enjoyed, the tasks of coalition diplomacy have not been simple. The North Atlantic coalition has had to arrive at many difficult decisions, for example: (1) how much each country shall sacrifice, the so-called "fair shares problem"; (2) whose equipment shall be taken as standard for all the rest, the standardization problem; (3) how influence shall be distributed as between the one who is making the major financial contribution (the United States), the two who have the greatest experience in detailed and protracted joint action (the United States and the United Kingdom), the three who are represented in the Standing Group of NATO (the United States, the United Kingdom, and France), and the fourteen signatories; (4) the German rearmament problem, which, according to one writer, can be solved only when weapons are invented that are only capable of firing eastward; (5) the dis-

tribution of top command positions among the various nationalities; and (6) the problem of expanding the membership and the guaranteed security area. All these have provided a full agenda for coalition diplomacy, and all of them may be regarded as continuing problems.

Perhaps, however, the hardest task of the NATO diplomatic coalition is just now being met. It was one thing to develop a concerted plan of action on the assumption that the Soviet Union was *the* menace and that it could be counted on to make menacing gestures often enough to ensure continued public support for a high level of peacetime mobilization. It may be quite another thing for this same group of powers to develop a policy in concert when a changing world situation and an abrupt shift in Soviet diplomatic tactics call for a reappraisal of Soviet intentions and capabilities. Since one has to assume that the prime objective of Soviet diplomacy in these coming months and years is to divide the opposing coalition, the North Atlantic Treaty countries have to be prepared to modify continuously their common conceptions of the nature and the intensity of the Soviet menace or see their present imposing structure of cooperation dissolve.

Similarly, it is one thing to develop a common policy on the assumption that for the foreseeable future Germany will remain prostrate and divided and that the West Germans will welcome the opportunity to participate in western defense. It may be quite another thing to develop common policies if German recovery proceeds to the point where German unification is loudly demanded by Germans and vociferously supported as part of the Soviet peace offensive.

In conclusion, NATO seems to have performed the tasks of coalition diplomacy with admirable efficiency in the

world crisis of the last four years. Whether our unique North Atlantic coalition can perform the even more difficult task of adapting its complicated program to the changing initiatives of Soviet diplomacy, or can even go beyond that and seize the diplomatic initiative for itself, we do not yet know.

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NATO and U.N.

By R. G. MACKAY *

THE title of this article has the merit of being short, but my reason for choosing it is, rather, its significance to the great number of citizens in North Atlantic countries who are still puzzled, or have difficulty in reconciling their feelings, as to what undoubtedly appears to many of them as a conflict between two rival forms of international organization.

For the problem of harmonizing the conception of the North Atlantic Treaty Organization with that of the United Nations is, I believe, a very real one, perhaps more particularly in the United States. I think it is probably true that the original idea of the United Nations was taken up in this country with an enthusiasm which was all the greater for the fact of its not having been preceded, as in the case of many other North Atlantic countries, by direct experience of the frustrations connected with the League of Nations.

Added to the important contribution made by the American Association for the United Nations, the mobilization of much of your great educational system in support of the United Nations did, I feel sure, instill a confidence in the outcome of postwar international relations, which has led to a great deal of disappointment and disillusionment.

On the other hand, the process of disillusionment, though progressive, has been rather slow, because of the plain man's reluctance to believe that anyone, Russian or otherwise, could still be

stupid enough to desire world domination. Governments, however, responsible for the security of their countries, could not afford such a complacent attitude, and, in the face of mounting Russian aggressiveness, have been obliged to take measures for which in some cases the man in the street was not yet fully prepared.

WHY EUROPE HAS PRIORITY

In turn the Anglo-French treaty of Dunkirk in 1947, the five-power Brussels treaty of 1948, and the North Atlantic Treaty of 1949 showed steadily increasing appreciation of the peril to which the free world was exposed by the weakness of European defenses, and the necessity for building them up with the shortest possible delay. But, one may ask, why was Europe rather than, say, Asia held to be the area of greatest danger?

Power in the modern age still depends to some extent upon numbers of men, but to a much greater extent on industrial potential. The three main industrial blocs in the world to-day are those of North America, Europe, and the Soviet group. European industrial capacity can be looked upon as a balance weight. Swung toward the West, it reinforces the strength of the North American bloc and establishes decisive superiority over the Soviet bloc. Swung toward the East, the combination with the Soviet bloc would immediately place the North American bloc in serious jeopardy.

Here lies the reason for the priority given to Europe over Asia in its call upon the defense resources of the free world. For, even though Asia has the

* I wish to make it clear at the outset that I have retired from the service of the British Government, and that any opinions that I express are entirely personal and without any official standing.

manpower, with the exception of Japan it has not, and cannot possibly have for generations, the industrial capacity which would call for reconsideration of the priority now afforded to Europe.

So the fourteen North Atlantic powers are, rightly, prepared to place a large proportion of their forces at the disposal of a joint command for joint defense of the North Atlantic region, but are not prepared to undertake, simultaneously, commitments under a universal system, whose calls they could not afford to meet without weakening the defense of the key region, which is vital to the maintenance of the principles of freedom in the world. I assume of course that the United States on the one hand and the Soviet Union on the other are immune to anything but mutual long-range aerial bombardment, while Europe is exposed to the danger of being physically overrun by enemy land forces.

ACHIEVEMENT OF NATO

And here in passing may I say just one word about the achievements of the North Atlantic Treaty Organization up to date. NATO has just enjoyed, if that is the right expression, its fourth birthday; and, to judge from much of the popular press, the infant would appear to have been suffering since birth not only from rickets, consumption, and pernicious anemia, but from sleeping sickness in the bargain. Well, all I can say is that, in my humble opinion, the progress achieved in the four years has been little short of phenomenal.

At what other period in history can one point to the formation of a defensive military alliance in time of peace, or at least of cold war, with a supreme commander, or rather two supreme commanders, already appointed, and staffs, troops, ships, and aircraft already under their orders, ready to move at the first sign of enemy action. Contrast this

with the earlier history of defensive alliances; political engagements followed by so-called staff talks, hedged around with every political and legal restriction. Not a man, not a ship, not a gun moved to the points of danger till after the act of aggression had been committed and the local defenders were already nearly overwhelmed.

But is not this almost an exact statement of what occurred in the case of Korea? All the years of discussion in the United Nations did not provide for one man, ready or near at hand, for the emergency which arose in Korea. No, that is not quite fair. There was a United Nations political commission already in Korea when the blow was struck, able to perform one vital task, namely, to convince the Security Council, sitting in the fortunate absence of its Russian member, as to which side had committed the act of aggression, and on which side the moral force of world opinion should at once be thrown.

This was enough to enable the only forces available in the area, apart from the local defenders, to come to the rescue as the spearhead of the United Nations, and not as the representatives of a new imperialism, which is of course how the enemy was bound to try to describe them, with all the force of the gigantic propaganda weapons at his command. Such propaganda has already done much harm among Asiatic peoples, but just think for a moment how much more dangerous would have been the enemy's psychological warfare had there been no overwhelming vote in the world forum of the United Nations to give moral backing to the action of the West in checking military aggression!

I shall return to this point later, but I should first like to take up the question as to why all the discussions in the United Nations, in four years of work, achieved no progress whatever in the

organization of world collective security. To this end I hope you will bear with me if I retrace briefly the story of collective security up to the Korean incident.

HISTORY OF COLLECTIVE SECURITY

Although dreams of collective security as an antidote to war certainly date back to the early nineteenth century, it was in the Covenant of the League of Nations, in 1919, that the first serious attempt was made to deal with the question. The Covenant imposed upon the League Council, among many other responsibilities, the obligation of recommending what forces member states should contribute to the assistance of any state which might become the victim of aggression. But there was no mention of any military organization to meet the requirement of taking collective action against an aggressor, and the whole effect was weakened by the then widespread belief that aggression could be held in check by the force of world opinion, supported in the last resort by economic sanctions. In brief, it was felt that, although provision was made in the Covenant for collective military action, such action would never really be required in an enlightened world, acutely conscious of the disastrous effects, upon both victor and vanquished, of a conflagration such as World War I.

In due course, the Council of the League, having been inactive in the face of several minor acts of aggression, mustered up courage in 1935 to impose economic sanctions on Italy in consequence of her aggression upon Abyssinia, but balked at the imposition of the two key sanctions which would have brought Italian operations to a standstill, namely, embargoes on oil and on the use of the Suez Canal. Mussolini having threatened war if such restrictions were imposed, the League Council gave way to this form of international black-

mail, and so established the fact that real sanctions, sanctions which would hurt, mean war. Such action, or rather inaction, on the part of League members gave the green light to aggressors in general, and certainly smoothed their path on the way towards World War II.

Profiting by the experience of the League, the authors of the Charter of the United Nations made clear their acceptance of the view that a need for military action on the part of the world organization might arise, at least in the formative phases of the new body, and Chapter VII of the Charter was drawn up accordingly, to provide the "teeth" which the Covenant of the League had been thought to lack.

The teeth consisted of a more tightly drawn obligation upon members of the organization to take military action if necessary, under the orders of the Security Council, which was to be assisted for this purpose by the elements of a military organization, to be known as the Military Staff Committee. This body, consisting of the Chiefs of Staff of the five permanent members of the Security Council or their representatives, was to organize a United Nations Armed Force, to be furnished in the first instance from the forces of these five powers, and was to advise upon the employment of the force should need arise.

The work of the Military Staff Committee, started off with high hopes early in 1946, gradually ground to a standstill in the summer of 1948, by which time the attitude of the Soviet Union had deadlocked the Committee on practically every subject discussed. The disagreements were referred to the Security Council for decision, but the Russian attitude in the upper body maintained the deadlock in the lower, and although these questions have remained on the agenda of the Council, they have never been discussed at either

level since 1948. The Military Staff Committee, as an organ of the United Nations, is still in existence and meets, according to protocol, once a fortnight, the ranks and numbers of the military representatives of the five powers being steadily reduced as the years pass by. One has only to cite the fact that the Military Staff Committee was not even called upon to meet when the Korean crisis arose in 1950, to realize to what a pass the Charter conception of collective security had been reduced.

It is pertinent to inquire why the Russians saw fit to bring the work of the Military Staff Committee to a standstill. In view of the Soviet philosophy which teaches the inevitability of ultimate war with the capitalist powers, it must, I think, be assumed that they were afraid of allowing any international force to be formed, the non-Soviet contingents of which might be used against them. The actual technicalities over which deadlocks arose are of little consequence. If the western members of the Committee had been authorized to accept the Soviet view on such questions, there seems little doubt that other grounds for disagreement would have been brought up, under the procedure so familiar at Panmunjom.

Incidentally, it is somewhat ironic to reflect that, like the Nazis in Germany, the leaders of the Soviet Union themselves seem to have chosen the very lines of action most likely to lead to the formation of what they hoped to avoid—a coalition of powers dedicated to checking their expansionist designs.

But again, why did this NATO coalition have to be formed outside the United Nations, even though its authors were careful to point out that such a regional organization was expressly provided for in Article 51 of the Charter, which authorizes the right of individual or collective self-defense? Here we go to the root of the whole question of col-

lective defense, either on a universal or on a regional basis.

QUESTION OF GREAT-POWER AGGRESSION

Collective security under the Charter was based on one fundamental premise, which happened to be false; namely, that the system would never have to be brought into action against one of the permanent members of the Security Council. Since, therefore, no great power would be concerned in hostilities, there would be no need, it was thought, for military organization at the operational level. What was envisaged was in the nature of police action only, since acts of aggression, if any, would be on the part of small powers, for whose disciplining in case of need an *ad hoc* military organization could be set up at the last moment. As an example of the sort of thing in mind, one might cite the formation, under the auspices of the League of Nations, of the international force to supervise the Saar plebiscite in 1935.

Once, however, it comes to be accepted that there is even a possibility of aggression on the part of a great power, the entire military picture changes completely. With the frightening speed at which military aggression can be developed in modern times, to halt such an act requires not only forces already in position, but also the existence of a fully developed command organization with operational, intelligence, and logistic planning in an advanced state of preparedness.

The truth of this statement has now been pretty well demonstrated in the case of Korea. Although there were no U.N. forces in existence at the time, not only was there a South Korean army in existence behind its frontier, but there were United States occupation troops available in Japan, together with the necessary transport to move them, and a fully developed command organization

in existence under General MacArthur, who was ready and able to take the decisions which became immediately necessary. And, despite the fact that the postulated conditions were largely fulfilled, it was still a question of touch and go whether the aggressor could be held before achieving his objective of overrunning the whole country.

The collective security for which men yearn is nowadays no paper exercise against a purely theoretical aggressor. Under present world conditions it means protection against the forces of Communist imperialism directed from Moscow by one of the permanent members of the Security Council, and this threat is likely to last as long as the current regime in Russia endures. Therefore, as long as the Soviet Union remains a member of the United Nations, it will be impossible for any military organization at the headquarters of the United Nations, such as the Military Staff Committee, to take any effective action of any sort. One cannot make defensive plans in the presence of the representative of the potential aggressor, against whom the plans are directed.

It is clear, therefore, that the first requirement of a workable collective security system is the separation of the defensive planning organization from U.N. headquarters. Furthermore, the planning process can never be truly collective in the universal sense, for the simple reason that at least the potential aggressor and his associates must necessarily be excluded from consideration.

From this argument it follows that, in these troublous times, no military organization can be a United Nations organ, and that most of Chapter VII of the Charter is now dead and cannot be revived. But this does not prevent the United Nations from giving political direction to any collective forces which may be engaged in resistance to aggression. Clearly, the General Assembly,

assuming the Security Council to be veto-bound, must be able to debate publicly the issues involved, and to decide whether or not to give its moral backing to any group of powers which may claim that an act of aggression has been committed against them. Equally clearly, the politico-strategic direction of military operations cannot be debated in public. On the contrary, full discussion must be limited to the minimum possible number of governments, both on grounds of military security and also because of the necessity for taking rapid decisions, the time for which is likely to increase in proportion to the square of the number of authorities involved!

DISPOSITION OF FORCES

Another vital factor in the problem is the extent to which sovereign states are prepared to commit their forces to the control of an international organization. Once national security is seriously threatened, as is that of the western powers at the present moment, governments are obliged to limit the use of the forces for which they are able to provide the necessary economic support to the defense of the areas which seem to them of paramount importance.

As I remarked earlier, this is the main reason for the priority given by the western powers to the defense of Europe, and why the European powers have shown themselves so unwilling to transfer any further forces from the European to the Asiatic theater. In addition, it accounts for the reluctance shown by the members of the United Nations Collective Measures Committee to recommend world-wide security commitments, for which adequate forces simply do not exist and perhaps could not even be supported economically. International politics is no exercise in ethics, but a pretty grim business in which military, industrial, and moral power all play their parts, but in which

right does not necessarily prevail unless supported by adequate might.

REGIONAL ORGANIZATION DESIRABLE

Taking into account the present position reached in the development of collective security, and the requirements for a workable system which we have just discussed, it is difficult to escape the conclusion that only a decentralized, or regional, organization can in future fill the bill. It will certainly be so as long as the Soviet Union pursues her present course, and it might be found that the decentralized solution would still be preferable, in this imperfect world, even if a liberalized regime ever achieved power in that country.

Furthermore, acceptance of decentralization would be swimming with, rather than against, the current of world affairs, for it is an undeniable fact that the number of regional security organizations is steadily, if slowly, growing. And to those who fear that such a system falls short of the ideals set forth in the Covenant of the League and in the Charter of the United Nations, I would suggest that, in addition to holding out hopes of practical efficiency, it also presents certain moral advantages.

In the first place, such regional organizations, of which NATO is of course by far the most important, are, as I remarked earlier, directly provided for in Article 51 of the Charter, which authorizes both individual and collective self-defense.

Second, if an act of aggression is committed against a regional group, the group can lawfully, under the Charter, take the immediate military action required by the conditions of modern warfare, thus giving time to the United Nations to decide upon the identity of the aggressor and to mobilize the moral force of world opinion behind the victim or victims.

Third (and this seems to me of the first importance), the United Nations can appoint the directing powers of the group of nations attacked to be what is called an Executive Military Authority on behalf of the United Nations, thus fitting the regional organization, for example NATO, into the world organization at the only level at which such a junction can effectively be made. At the moment, for example, it would be true to say that the Government of the United States is acting as Executive Military Authority for the Korean incident.

I should perhaps add a word of explanation here of the term Executive Military Authority, which may not be altogether familiar to some. When the General Assembly of the United Nations in 1950 passed the resolution known as "Uniting for Peace," for the purpose of strengthening the Assembly's hand should the Security Council be deadlocked by veto, a body known as the Collective Measures Committee was set up to study means of furthering collective security under the United Nations. For reasons, some of which I have indicated, the Committee ruled that the setting-up of a U.N. military command organization in peacetime was impracticable; but it recommended that in any future emergency the General Assembly or the Security Council should delegate responsibility for the conduct of military operations to a state or group of states, to be known as the United Nations Executive Military Authority.

The delegation of responsibility for the conduct of military operations to a fully organized group of powers, capable of dealing with the military situation in a way for which the world organization is simply not designed, should enable the United Nations, while deciding upon the political objectives to be achieved, to remain a little more above the battle than in the case of Korea, the

organization for which had not been thought out beforehand. Thus, instead of playing the embarrassing role of judge and plaintiff in the same case, the United Nations, no longer tied to the actual conduct of hostilities, should be that much freer to pursue the twin paths of negotiation and conciliation, with a view to the rapid restoration of peace.

SUMMARY

To sum up these thoughts, it is my conviction that to remove the preparation for and conduct of military operations as far as possible from U.N. headquarters and to confine the activities of the Security Council and the General Assembly in this respect to the pacific settlement of disputes—or at worst to establishing the identity of the aggressor and making recommendations for the political settlement to end hostilities—holds out the best hopes of establishing collective security. At the same time, the world organization should, I believe, do all in its power to foster the extension of regional defense organizations, with a view to their eventually covering the entire world.

Such a system has the merit of flexibility. It leaves to each individual nation its own assessment of the risks which threaten it, and the degree to which it feels able to commit its forces to the support of one or more regional organizations. And finally, it gives promise, by the gradual strengthening of the free world, of reaching the point at which the risk to the potential aggressor may become such as to lead him, in his own interests, to keep the peace.

As I have said, of the regional defense

system which alone corresponds to the current needs of world collective security, NATO is by far the most important element, including as it does most of the strength of the free world, the world whose long-term ideals are those of the Charter of the United Nations. As such, it forms the principal buttress of the United Nations, and ensures the freedom of thought and of speech which is the lifeblood of that organization. Of itself, U.N. is unable to organize its own security, largely on account of the practical military difficulties which I have tried to explain.

Unfortunately, as I believe, plain speaking on such lines is apparently politically impossible, even for the representatives of the powers which have banded themselves together under the flag of NATO to ensure their own security and indirectly that of the entire free world. But can we not be honest with ourselves and with the public, and admit that U.N. cannot do the work that NATO and other regional organizations can do, in providing effective military security? Equally well, can we not admit that NATO, if forced into defensive action against aggression, needs the moral support and backing of world opinion, which U.N. alone is in a position to mobilize? Each needs the other, and neither can successfully ensure collective security on its own. Together, the moral force and the fighting power in reserve may yet bring us safely through our present dangers to a brighter future, in which war as a means of settling political disputes may have become no more than an unhappy memory.

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NATO: Myth or Reality

By ALFRED J. HOTZ

IT is not the poetic justice of charters or resolutions, but the prosaic business of living and working co-operatively together, that will ultimately forge a stable world order. In the present anarchical world situation, two major alternative roads to world order are struggling for acceptance and consummation—the Soviet concept of a monistic, highly centralized, coercive Universal Union of Soviet Republics, and the western concept of a pluralistic, decentralized, co-operative international union.

During the past three centuries, the western concept has failed to develop sufficient stability beyond the separate interests of national states which have engaged in an unceasing struggle for power. Inability of the West to establish a harmony among divergent national interests and to institutionalize the balance of power has resulted in recurrent wars. The severe test of Axis aggression was met by a coalition of national states whose immediate strategic-security interests were endangered, but whose long-term political and economic interests remained irreconcilable. The postwar world order, the United Nations, was conceived as a multilateral alliance dedicated to the proposition that "peaceful coexistence" of multiple political and ethical systems was possible. Within the context of great-power unanimity, the U.N. was purposefully not designed to be utilized militarily against one of the great powers.

WHAT NATO IS

Soviet incapacity or unwillingness to countenance the peaceful coexistence of multiple states within a pluralistic de-

centralized world order, and Soviet strategy and tactics, including dualistic concepts of indirect and direct aggression, forced the western states to organize into a coalition to defend their separate national interests. The North Atlantic Treaty Organization was the calculated response to this Soviet challenge. NATO's short-term objective was to deter the Soviets from aggression; its intermediate objective was to develop western total power to the point where serious negotiation might be possible, from "situations of strength"; its long-term objective was the integration of western Europe. NATO's major problem has been to establish a reasonable harmony among dissimilar national interests and to institutionalize a viable balance of power vis-à-vis the Soviet Union.

Three types of international order, each to a variant degree, are discernible within NATO: first, the traditional military alliance; second, a functional coalition; third, an integrated collectivity. These three types are distinguished by their quantitative and qualitative measurements. With a fourteen-nation membership and a broad scope of activities promoted through concerted action, NATO is, quantitatively, the most unique military alliance yet devised, maintaining a strategic frontier in a gigantic arc four thousand miles in length from the northern tip of Norway to the Caucasus frontier of Turkey. Yet, it was irrevocably clear that if NATO remained merely a military alliance, it would fail in its objectives. It is to the eternal credit of its founders that NATO was conceived of also as a functional coalition and ultimately as an integrated collectivity.

Qualitatively, the traditional military alliance evolves into a functional coalition and finally into an integrated collectivity depending upon (a) its density—the amount and depth of political, economic, and psychological actions that buttress the military-strategic concept; (b) its diversity—the degree to which these nonmilitary actions are co-ordinated beyond the strictly military requirements; (c) its continuity—the institutionalization of these military and related activities through centralized planning and co-ordinated action. Whether NATO is a myth or a reality may be determined by the direct application of the above theoretical constructs to the concrete development of the western alliance. Yet, a more immediate test may also be utilized—whether or not NATO achieves the avowed objectives of its member states. To analyze adequately the respective national interests and resultant national objectives of all the NATO states is beyond the purview of this article. Therefore, focus will be directed toward American national interests and objectives as elucidated through NATO.

NATIONAL INTEREST PROMOTED IN ALLIANCE

General Eisenhower, in his First Annual Report as Supreme Allied Commander in Europe, clearly stated the issue:

The unity of NATO must rest ultimately on one thing—the enlightened self-interest of each participating nation. . . . If the free nations are to remain secure, our peoples must march together, agreed on common goals, and win that co-operative unity possible only in a free society.¹

Soviet imperialist pressure provided the crucible to forge mutual security interests from previously separate na-

¹"First Annual Report to NATO," *New York Times*, April 2, 1952.

tional security interests. General Bradley, testifying before the Senate Committee on Foreign Relations, confirmed this merger when he stated: "I can assure you that our frontiers of collective defense lie in common with theirs [our allies] in the heart of Europe."²

Thus, Article 5 of the North Atlantic Treaty, which declared that "an armed attack against one . . . shall be considered an attack against them all," enunciated the first basic principle and, therefore, criterion for an alliance organization. Two other criteria, namely, the legal and moral obligations to sustain the basic principle, and proviso for the concrete implementation of these obligations, are even more crucial. Any careful analysis of the genesis of Article 5,³ the heart of the treaty, suggests that the only legal obligation undertaken was to "take action." But the kind of action (political, economic, and/or military) and the timing and extent of this action were left to the judgment of each individual state, based on the moral obligation to its own national interest. In the words of Senator Vandenberg:

But you are undertaking at all times to leave the Government of the United States in complete and unquestioned control of its own decisions in this aspect, without any sort of mortgage or commitment to its right to make those decisions.⁴

National sovereignty was preserved, and freedom of execution of decision was maintained.

²*North Atlantic Treaty Hearings*, 81st Cong., 1st sess., 1949, p. 287. General Collins declared even more bluntly that the reason we are in Europe is "primarily to protect the good old U.S.A." See the *Mutual Security Program Hearings*, 82d Cong., 1st sess., 1951, p. 568.

³The evolution of Article 5 from the original Brussels Pact commitment to "take military and other action forthwith," through the State Department revision to "take military or other action forthwith," modified drastically by the Vandenberg-Connally proposal merely "to take action forthwith," is indeed instructive.

⁴*North Atlantic Treaty Hearings*, p. 244-46.

IMPLEMENTATION

Yet, it is in the implementation of these obligations that the distinguishing characteristics of the Atlantic alliance are to be found. Article 3 declares that "the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack." Machinery for such implementation is provided for in Article 9, which establishes a "council" and requires this organ to "set up such subsidiary bodies as may be necessary" to achieve collective defense.

Both the interpretation of Article 3 and its implementation were, according to Senator Vandenberg, "entirely contingent upon events."⁵ Within the context of the 1949 international situation, the American implementation was primarily in the form of economic aid to the amount of \$1,130,000,000, of which \$320,000,000 was allocated to Greece and Turkey, then nonmembers of NATO. This nominal implementation was symptomatic of the basic assumption that time was on the side of the West.⁶

However, events transpired to force, if not a review of Allied objectives, at least a drastic reassessment of the power capabilities prerequisite to collective defense. Advent of a successful Soviet A-bomb and outbreak of the Korean war brought qualitative implementation and institutionalization in NATO unsurpassed in history since the British-American collaboration through the Combined Chiefs of Staff and ancillary boards during World War II. At the New York meeting of the Atlantic Coun-

⁵ *North Atlantic Treaty Hearings*, p. 124.

⁶ European recovery through the Economic Cooperation Administration was to have "complete priority," according to Secretary Acheson. *Ibid.*, p. 33.

cil, in September 1950, four vital decisions were taken: (1) that Germany was "to contribute" to the military power of the alliance; (2) that an integrated force under centralized command was to be established, with the Supreme Commander having "sufficient delegated authority" for training the NATO armed forces; (3) that the Standing Group, composed of high military representatives of Great Britain, France, and the United States, was to have the power of "strategic direction" of the integrated force; and (4) that the Defense Committee should simplify the military structure and the chain of command. Thus, from a military standpoint, greater density, diversity, and continuity were achieved, both procedurally and substantively, in NATO.

It had become irrevocably clear by late 1950 that a mere American declaration of intention to come to the assistance of our allies was insufficient to deter the Soviets. A theoretical balance of power awaiting the outbreak of aggression lent credence to the inconclusiveness of the western pluralistic world order. Since the primary objective of politico-military action is not to destroy nations but to influence their attitudes and consequent behavior, NATO had to be concretized.

CONCRETE ACTION

Three practical actions were immediately forthcoming as the traditional military alliance merged into a true functional coalition. First, the United States assigned additional combat divisions to duty in the European area,⁷ which signified a sharp warning to the Soviets that the United States would be automatically at war. Second, a vigorous

⁷ *Report of the Committee on Foreign Relations and the Committee on Armed Services on S. Res. 99 and S. Con. Res. 18*, 82d Cong., 1st sess., 1951.

rearmament program was undertaken by the Allies. Third, greater co-ordination of political and economic decisions was effectuated. In Lord Ismay's words:

From the year 1949-50 up to the current year, defense expenditure in the European countries has increased 120 per cent. The first year after the signing of the North Atlantic Treaty, these countries devoted 20 per cent more to defense. Defense expenditure figures for 1951-52 jumped more than 47 per cent over 1950-51. And the current year shows a further increase amounting to 24 per cent.⁸

American defense expenditures increased over this same period by almost 360 per cent.

While there is considerable validity to the assumption that Allied superiority in quality of arms and of military training may compensate for Soviet superiority in quantity of manpower and equipment, it would be specious to attempt to draw definitive conclusions as to the present military balance. Near-achievement of the Lisbon goals of 50 active divisions has been negated by the "stretch-out" decisions of the Paris Meetings, December 1952. Yet, the 18 NATO divisions in West Germany,⁹ half of them armored, the 5,000 planes of all types, of which 1,800 are jet aircraft, plus the nearly 25 Greek and Turkish divisions, constitute a sufficient force to have robbed the Soviets of the opportunity for a surprise sweep to the English Channel. Significantly enough, General Gruenther is reliably reported to have stated that progress was greater than he and General Eisenhower had

⁸ Address by Lord Ismay, Secretary-General of the North Atlantic Treaty Organization, at the National Press Club, Washington, March 12, 1953. In addition, there was a net increase in total European men under arms from 2,450,000 to nearly 3,300,000.

⁹ Presumably, these include 6 American divisions, 5 French, 4 British, 2 Belgian, and elements of Canadian and Dutch troops.

estimated would be possible by the end of two years.

Recent NATO land maneuvers based on the British strategic concept of both static and mobile forces, and the successful naval maneuvers in both the North and Mediterranean seas, have demonstrated that centralized strategic planning and unified command have progressed considerably beyond the original 1949 concepts. A sounder logistic base for effective mobility has been established through "infrastructure." Still unresolved, however, are the military problems related to the build-up of reserve divisions and the co-operative utilization of atomic power, both of tactical atomic weapons and of strategic air force carrying A-bombs.

Perhaps the gravest military-political problem revolves about the proposed 12 German divisions to be added to the western balance of power by incorporation through the European Defense Community. Since the bastion of the defense frontier lies in the central part of Europe, between the Rhine and Elbe rivers, this dilemma is one of the crucial tests still to be met by NATC and the American policy-makers, especially in the view of the Soviet peace maneuvers designed to arrest German rearmament and integration into the E.D.C.

STRUCTURAL FEATURES

Having added conviction to mere intention through the concrete build-up of military power, the functional coalition has continued its development in density, diversity, and continuity since the outbreak of the Korean war.¹⁰ At

¹⁰ It is not without considerable significance that the U.N. members assisting in the Korean war are primarily the NATO states along with those Pacific nations (Australia, New Zealand, and the Philippines) allied to the United States through military agreements.

the Ottawa Conference, the Temporary Council Committee, composed of the Three Wise Men,¹¹ was established to study the "political economic capabilities of the member states with a view to buttressing the increased military demands. So thorough and objective was the report that the TCC was institutionalized in the form of the International Secretariat under Lord Ismay.

In effect, the NATO Secretariat is the civilian counterpart to the military structure which includes the Standing Group and the Supreme Headquarters Allied Powers in Europe (SHAPE). Its main functions are (a) the reconciliation of military and production programs with the politico-economic capabilities of member states; (b) the examination of military plans to avoid overlapping; and (c) the preparation of the annual program for approval by the Atlantic Council. By virtue of the institutionalization of the International Secretariat, NATO verges upon an integrated collectivity, and its authority and effectiveness will "grow out of the process of collaboration between the Permanent Representatives with their national points of view, and the NATO secretariat with their independent and collective point of view."¹²

While the hierarchy of national interests continued to grant first place to military considerations, there was increasing recognition that NATO functions must develop in the correlative political, economic, and social fields. Under the prodding of Canada, the NATO Council as early as May 1950 declared:

Only a free society can guarantee to the individual the benefits of the economic progress and prosperity of the peoples of

their countries, and promote the economic and social development of other peoples of the free world through close co-operation with each other and with other nations.

ECONOMIC AND POLITICAL DEVELOPMENT

In the economic field, two vital agencies, the Financial and Economic Board and the Defense Production Board, have been institutionalized by their incorporation within the Secretariat, under the supervision of an Assistant Secretary General for Economics and Finance and an Assistant Secretary for Production and Logistics. Most of the activities of these agencies are directed toward promoting the production, delivery, and financing of military hardware; yet the studies and recommendations undertaken affect the over-all economic relationships of the respective member states. Off-Shore Procurement and the letting of select contracts to develop certain key industries in Europe, notably the machine-tool industries, have assisted in the general economic viability of the Continent. An intensified production-assistance drive administered by the Mutual Security Agency centers about the positive concept of "productivity." A greater mutuality of national interests is being achieved by certain collateral co-operation with the Organization for European Economic Cooperation. To be sure, very little progress has been made toward general economic planning for expanding productivity, or with regard to raw materials development and adequate new investment.

In the political field, the replacement of the Deputies Council by the Council of Permanent Representatives,¹³ residing

¹² This multilateral group implements Article 4 of the treaty, which states that "the Parties will consult together whenever . . . the territorial integrity, political independence or security of any of the Parties is threatened."

in Paris, has answered, in part, the warning expressed in the Pearson Report, November 28, 1951, to the effect that "the enduring nature of the North Atlantic Community must rest on something broader and deeper than military co-operation alone." Since the Lisbon determination, the full Council of Ministers (Foreign Affairs, Defense, and Finance) meets three times a year. However, the Council of Permanent Representatives engages in continuous weekly meetings. With effective powers of decision, upon instructions from their respective national governments, the Permanent Representatives constitute a significant advance toward an integrated collectivity, and simultaneously reaffirm Clemenceau's famous dictum that war is too grave a matter to be left solely to the military.

The politicalization and socialization process inherent within Council deliberations, whereby unanimity is reached without formal voting on issues, is indeed a unique achievement.¹⁴ This centralized NATO machinery, involving discussion, consideration, and recommendation on matters of mutual concern, does not invade the sacred prerogatives of national sovereignty.¹⁵ However, the NATO political process does require that the right to determine national interests and to execute national actions without prior consultation with the Allies be restricted, at least insofar as these decisions may affect the security and the prosperity of the North Atlantic area. What has been limited is not sovereignty itself, but merely the "exercise of sovereignty."

¹⁴ "The effort to achieve unanimity between independent Allies by these steps of discussion is the essence of what may be called the 'NATO method.'" *Atlantic Alliance*, p. 126.

¹⁵ The Royal Institute of International Affairs Report stated that "it is in combining unity of effort with full respect for national independence that NATO achieves its distinctive though limited character" (p. 43).

On the assumption that military security, political stability, and economic viability are mutually inseparable, it is not unreasonable to suggest that, if NATO expects to achieve its avowed objectives, it will have to merge into an integrated collectivity. It is significant that such an open appeal was made, November 22, 1951, by General Marshall and three former Under Secretaries of State, namely, Will Clayton, Joseph Grew, and William Phillips. They proposed (1) a single NATO authority for political decisions, (2) a single NATO agency for executing foreign policy, and (3) an agency for the co-ordination of economic policies of the Atlantic community.

THE REALITY OF NATO

The reality of NATO is clearly demonstrable, for its short-term objective to deter the Soviets from imposing their concept of world order upon the West has been realized. Its intermediate objective to forge an effective power balance for serious negotiation¹⁶ with the Kremlin may be realizable. Yet, the ultimate objective must continue to be the development of a pluralistic co-operative world order evolving through the pragmatic functionalism and empiricism of NATO. In the words of General Eisenhower:

The logic of larger groups and associations [of nations] is becoming increasingly impelling. In the NATO nations, especially, the resultant task is to reconcile the demands for association into larger groupings with the deep and spiritual ties to nationhood and sovereignty.¹⁷

¹⁶ Secretary Acheson declared in 1951 that the West must "reach a point [in the power balance] where they [vital issues] can be discussed and settled by negotiation. But I believe that that cannot be done as long as there is a great disparity in power which makes negotiation seem unnecessary to one side." *Mutual Security Hearings*, 1951, pp. 61-62.

¹⁷ *First Annual Report*.

¹¹ Mr. Harriman, Mr. Monnet, and Mr. Plowden.

¹² Royal Institute of International Affairs Study Group, *Atlantic Alliance: NATO's Role in the Free World*, 1952, p. 43.

Perhaps the best test whether NATO is myth or reality is the reaction of the Soviet Union. NATO has been vigorously attacked since its inception by Soviet leaders and propagandists. The developing unity of the West has been characterized as the "aggressive Atlantic coalition, headed by American and British imperialism, [which] is endeavoring to step up the preparations for wars and to involve the western European countries more deeply in them."¹⁸ With reference to German participation within the NATO framework, the Soviets have warned against the involvement of "Western Germany in the self-styled 'European Community,' which is to become part of the Atlantic war bloc." Soviet charges that NATO is "preparing the outbreak of another war in Europe" are combined with accusations that the West German army, "led by fascist-Hitlerite generals, in the so-called 'European Army,' and consequently in the Atlantic Alliance army, brings out even more saliently the aggressive nature of the Atlantic grouping as a whole."¹⁹

It is elementary logic that the Soviet Union should be deeply disturbed over the co-ordinated and effective balance of power that is gradually emerging through NATO. However, to achieve the "preponderance of power"²⁰ that Warren Austin hypothesized would require that the present functional coalition merge into a more integrated collectivity. There is a strong probability that the present Soviet "peace offensive" is due to the reality, not the myth, of NATO. Soviet objectives have consistently been (a) to weaken and divide the western world by political and economic means, and even by military pressure; (b) to prevent western European integration

under American leadership; (c) to maintain dominant Soviet power in Europe, with a view to securing the withdrawal of American forces; and (d) to win Germany to at least a neutral-independent position.

BASIC SOVIET POLICY UNCHANGED

The vast progress made by NATO may have caused the new Soviet leadership to re-examine its position and re-assess its power capabilities. Any tactical change in Soviet policy would be designed to weaken the collective strength of the West and to exploit the divisive forces within us. However, as Secretary Dulles stated, "Nothing that has happened, or which seems to me likely to happen, has changed the basic situation of danger in which we stand."²¹ Soviet expanded military power and directed hostility to the West remain. The steady increase in Soviet armaments,²² the reorganization of the satellite armed forces,²³ and the acceleration of Soviet economic development provide the Soviet Union with the power capabilities that would constitute a continuing source of danger to the West even should a series of concrete "accommodations" be effectuated. George Kennan declared:

The central emphasis of their [Soviet] policy, therefore, lies not in the prospect of a head-on confrontation but in the hope of weakening and dissipating the strength of the free world through promoting disunity

¹⁸ Comment at news conference, *New York Times*, April 4, 1953.

¹⁹ The Soviets are reported to have in East Germany about 22 divisions (10 armored, 8 mechanized, 4 rifle) with 5,000 tanks and 5,000 aircraft; Soviet troops in Byelorussia and Ukraine alone constitute 60 divisions.

²⁰ The East German *Bereitschaften* will have, by June 1953, about 3 divisions, one of them armored; the Polish Army has at least 16 divisions, and there has been vast improvement in the Czech, Bulgarian, Hungarian, and Rumanian armies.

within its ranks. I reiterate: the basis of their attack on us is the development and exploitation of divisions among us. Correspondingly, the first element of our defense should logically be the cultivation of unity within our own ranks.²⁴

Seriously to negotiate from strength will require the emergence of NATO from a functional coalition into an integrated collectivity; and the key challenge that must be met is whether or not NATO can forge not only a united military policy, but a collective political policy as well. The appeal of General Marshall resounds again—to establish a single authority for political decisions vis-à-vis the Soviet Union and a combined agency for the execution of these decisions. To determine our objectives through mutual consultation and collective decision, to assess our power capabilities through common procedures, and

²⁴ Address before the Pennsylvania State Bar Association, Scranton, Pennsylvania, January 16, 1953.

to implement our policies through an integrated collectivity is the goal that must be reached.

THE TASK BEFORE US

Much has been accomplished through NATO, but still more is required before the western pluralistic co-operative concept of a world order shall have proved capable of a positive and constructive answer to the challenge of the Soviet monistic, centralized, coercive order. The West can no longer afford the luxury of disunion and disorder. In the words of Arnold Toynbee, "If we decide to build a united house, NATO is already there to serve as the foundation."²⁵ Thus, it is not the poetic justice of charters or resolutions, but the prosaic business of living and working co-operatively together, that will ultimately establish some semblance of peace.

²⁵ Toynbee, "The Siege of the West," *Foreign Affairs*, April 1953, pp. 280-86.

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¹⁸ "The Lisbon Aggressive Compact," *New Times*, March 5, 1952, p. 1.

¹⁹ "Peace Treaty With Germany—an Urgent Necessity," *New Times*, May 28, 1952, pp. 1-2.

²⁰ *North Atlantic Treaty Hearings*, pp. 92, 97.

What Should Follow from NATO?

By OWEN J. ROBERTS

AFTER the United Nations Charter was adopted, the United States attempted to do what I think was more than its full duty—made the most generous contributions for the restoration of the free world, which had been nearly destroyed by war.

It was decided that the devastated nations of Europe which had fought with us could not recover of their own force and strength, and the British loan and the Marshall plan were intended to restore to some extent their economic potential. Even the Union of Soviet Socialist Republics was offered an opportunity to share in the benefits of rehabilitation through the Marshall plan. She refused.

Shortly afterward, the attitude of the U.S.S.R. in the United Nations and in international affairs convinced the people of the United States that the U.S.S.R. was not willing to play the role that had been assigned to members of the United Nations. The incident that constrained President Truman to announce his Turkish and Greek policy emphasized that fact.

The conduct of the Soviet Union, characterized as cold war, so frightened and discouraged our allies in Europe that they felt that even with the aid of economic rehabilitation, they would be but food for the Soviet war machine sooner or later. A new instrument, it was felt, must be devised for their protection. It was understood that England and western Europe together had not the potential to stand off aggression from the great Soviet empire, and that the United States must join in any movement for that purpose.

PURPOSE AND NATURE OF THE TREATY

This was the genesis of the North Atlantic Treaty which was intended to bind together the free nations of western Europe and of the North American Continent to resist aggression and to make aggression unlikely, or, we hoped, impossible, on the part of an ideological group that had divided the world into two camps—the camp of the slave and the camp of the free; the camp of the Marxist and the camp of free competition and individual liberty.

And so, the North Atlantic Treaty was adopted. I stress at the outset that it was a treaty. Each of the signatories reserves its full and complete sovereignty and independence of action. Each member of the North Atlantic Treaty Organization has the perfect right to agree or not to agree to any action proposed under the treaty. All actions taken by the parties to this treaty must be unanimous.

IMPLEMENTATION OF THE TREATY

In order to implement the treaty, the members set up a Council, consisting of the ministers of foreign affairs and the ministers of defense of the member nations. That Council, after due deliberation, made one great decision; it decided that the military forces of the member countries should be placed under one unified command, and General Eisenhower was chosen as the commander of this unified force.

Nothing like that had ever occurred in peacetime before. Under the stress of World War II, Great Britain and the United States had made a similar

arrangement; but in the absence of actual warfare, no nations had ever gone so far. It was a great step forward.

The members of this body, of course, were bound to support this unified military force, commanded by the choice of all the member nations; but the foreign ministers of twelve nations could not meet more than once in three or four months, and therefore decisions were made very slowly. To obviate that difficulty, they set up a Permanent Council in London, where each foreign minister named a deputy to represent his country; but even after the deputies had unanimously agreed, their decisions had to be referred back to twelve chancelleries in twelve member nations, and decisions were inordinately delayed.

General Eisenhower, having a thorough grasp of what was necessary to organize a unified army, went ahead so fast that the military preparations completely outran the political and economic implementations that must support them. Then the North Atlantic Treaty Organization created a number of *ad hoc* committees on resources, defense, and so on, and these committees debated for many months. When the NATO powers met at Ottawa, they were completely discouraged by the fact that there had been no sort of arrangement to support what the Supreme Command in France was attempting to do.

They therefore appointed the Temporary Council Committee, consisting of one Frenchman, one Englishman, and one American. Mr. Harriman, of our own country, was the chairman. After months of study, that committee reported to a meeting of NATO at Lisbon with recommendations that were indeed grandiose, about what each of the nations was to contribute, economically and in the matter of resources, to support the great unified military effort which Eisenhower envisioned.

The NATO abolished all *ad hoc* committees. It brought the Permanent Council from London to Paris. It created a Secretariat of which it made Lord Ismay the incumbent in Paris, who should act under the Permanent Council. It was planned that the Permanent Council, in place of the many scattered committees, should study all pertinent questions, and, after clearing its findings with Lord Ismay, should go to the powers with full recommendations.

The result has been totally disappointing. None of the great powers, except our own perhaps, has been willing to live up to the program for the support of the unified military effort of NATO that was set forth at Lisbon. The departure from that plan is so great that in an article in a recent number of *Foreign Affairs* it is stated that NATO has changed its direction, or has slowed down or has abandoned a great deal of what it intended to do militarily.

NONMILITARY ASPECTS

But of course, there is far more that concerns the free nations that are bound together in NATO than the mere supply of a military force, important as that is.

In a recent study prepared by a committee of Chatham House in Great Britain, under the title of "Atlantic Alliance," this is said—this, you will note, by the British committee: "The cold war has made the grand strategy of the free world dependent as much on political and economic as on military and geographic factors."

The North Atlantic Pact recognizes that fact. At the insistence of Canada, this was inserted in the pact: "They [the member nations] will seek to eliminate conflict in their international economic policies and will encourage

economic collaboration between any or all of them."

At Ottawa a committee was appointed, headed by Mr. Pearson, the Secretary of Foreign Affairs of Canada, to study and report to NATO what was meant by the "Atlantic Community." This was at Canada's insistence that the "Atlantic Community" must get on with its business—the other business than the mere military job. It must proceed with the economic job and the political job. That committee, after long consideration, suggested that it would be a long time before this objective of economic and political co-operation could be brought about. They said it must come as a result of needs and events—whatever that means—and they warned that the member nations of NATO must formulate a common foreign policy if their organization were to survive and to serve the purposes intended.

NATO's NEEDS

But the needs that they spoke of are here, now. I can do no better than to cite a great Englishman on this subject. Lord Montgomery, in a speech before the Press Club in Washington last March, listed six of NATO's needs. Without quoting him exactly, the six needs are as follows:

1. Political unity and agreement on our problems and how to solve them.
2. A central organization to direct this agreed political policy.
3. An agreed master plan to handle the present cold war and a future hot war, if one ever bursts upon us.
4. The closest possible link-up of interests—political, military, economic—between the national communities in a geographic area.
5. A complete overhauling of the present North Atlantic Treaty Organization.

6. A pooling of resources of all the Allied Nations.

And Lord Montgomery insisted that none of these six needs had been met.

WEAKNESS OF NATO

Now, let me summarize the situation. NATO has resulted in a single military command; but it leaves the provision, the equipment, and the financial support of all forces for that command to the discretion of each individual nation. It leaves all the economic means affecting the function of the Organization to the separate national controls. We can build as high tariffs as we please in an effort to starve the industries of Europe. We can build as high walls against immigration as we please. We can adopt any fiscal policies we please, no matter how injurious to any of our allies in NATO, and not one of them has a right to say a word against them.

The military establishment can never persist or succeed without two things: a political entity which sets the policy to be implemented by the military arm, and an economy which ensures the resources to support the army in its assigned task. No one can say how we are going to attain these two requirements under NATO.

We must realize that NATO is now at the point of stalemate. Many of the member nations are now deficient in their contributions toward the army that General Eisenhower and his staff have set up. They give various reasons for this situation, and I do not criticize their reasons. Some say that their economies are debilitated by our tariff system, and that it is a pretty situation when we weaken their economies by our tariffs and then ask them to pay us what they cannot pay. Britain and France both say they have commitments of one sort or another—France, a military commitment, and Britain, certain other com-

mitments—that make it impossible for them to reach the goal set by NATO to make a military force in Europe that is respectable.

There is no way to force anyone to contribute. What are we to do? They are saying to us, We want trade, not aid. We are at the point where not only the United Nations, but NATO, faces a tremendous crisis, and nobody knows what the future is to be.

LIMITATIONS ON TREATY POWERS

I come, then, to the last matter that I wish to discuss, and I think this brief statement of our experience under NATO has been necessary to what I shall say.

Shall we grant more powers to this international organization, this Council of NATO, thus surrendering to the Council many sovereign powers of our own? Bear in mind, as I said at the start, NATO is a treaty organization. Can the Senate of the United States, by ratifying a treaty, give to a central body in Paris the power to levy taxes in the United States on you and me? Can Congress, by ratifying a treaty, give to this central power the right to make appropriations of your money, your taxes? Or does that power, under our Constitution, rest in Congress? Can the treaty be amended to give the central body the power to conscript men and women in the United States for the unified army?

To ask these questions is to answer them. The Constitution of the United States confers on the Congress the power to levy taxes; it confers on the Congress, your delegates, the power to make appropriations of the moneys raised by those taxes; it confers on your Congress the power to declare war and to do the things necessary to make war effective, among others, conscription. It is therefore perfectly obvious that by no supplemental treaties, and certainly not

by the North Atlantic Treaty as it stands, can the United States ever agree to surrender to a central power these functions which, under the Constitution, belong in Congress and nowhere else. Only by an amendment of our Constitution, which would completely subvert the theory of our government, could we do this by treaty.

The same difficulty, of course, arises with respect to every other member nation. Great Britain might, by an Act of Parliament, and by treaty, agree to a certain assessment on Britain for the expenses of NATO, or a certain draft for men; but the government might change to a Labor government next year, and that government might completely reverse the action of the earlier Parliament, and there would be nothing short of war that could compel Britain to live up to the supplemental treaty that dealt with these things.

THE SITUATION UNDER NATO

What, then, can we do under NATO? How can we go farther with this enterprise? How can we integrate our economies? How can we get a political direction for our army, and how can we raise and support that army, if any nation, or any two or three nations, simply fail in their moral obligations, or fail to agree that these are their obligations, unless all the nations are going to change completely their domestic economy and their whole theory of government and surrender sovereign powers that under our theory belong to the people, not to their government?

The government has no right to surrender any of the powers that vest in the people. The people have given some of those powers to Congress under an agency arrangement. Congress cannot exceed its agency, and nobody can do it but you and me; and I think it is true, in essence, of the British people

and the French people. We seem to be stopped at that point.

Now, what other contingency is there in the offing? There are a great many good but misguided people in Europe who think that NATO is nothing but a step toward a new Roman Empire, we playing the part of the Caesars in the picture. That is, of course, foolish. The whole history of the American people indicates that we are never going to become the masters of the world, in the sense that Rome was.

There is one other possibility. There is the possibility that we stand where we are, on the terms of the treaty, and unless some new invention is found to cure the situation in which we find ourselves, we shall gradually revert to the old, complete, independent nationalism; that is, the treaty will become, in effect, a dead letter, and then the United States, France, Britain, and the other nations will each have to look after its own troubles.

"DIVIDED WE FALL"

Of course, in the present posture of the world, that is national suicide. None of us can do it. The western nations need us bitterly in the present crisis; but, make no mistake, we need them just as much as they need us. We need their manpower; we need their population; we need their production; we need their traditions; we need to save liberty somewhere else besides on this continent; we need them, and they need us, and some way must be found to unite us.

Some way must be found by which there will be one armed force that belongs to all of us, but represents you, individually, just as your army does, and represents a British man, a Frenchman, just as his army today represents him. That is a people's force.

There needs to be one foreign policy. We cannot go on having one member

of the NATO community recognizing a government and others refusing to recognize it. We cannot have one member of NATO supporting a military arrangement in the Near East or the Far East, and another denying its validity. This will not work.

We must find some way to pool our economies, as Field Marshal Montgomery has said, so that the joint economy will not only support the joint effort, but will advance the welfare of all the people who live under that single economy, in the mass and as a whole.

THE CASE FOR INTEGRATION

Now, I make no concealment of my position. I have been, for years, an Atlantic Unionist. I have for years believed that the advanced people of the world, the free people of the world, could be persuaded, if there were intelligent and vital leadership, to pool their interests in a limited way, so that one agency would represent them in military affairs, in fiscal affairs, and in their international relations. We should have then, for them all, one foreign policy, decided as we decide our foreign policy, after debate by our elected representatives; one military policy, decided as we decide it in this country, by debate and a vote of our electors.

I do not care whether you call it federation (a word the British do not like) or whether you call it something else, but it has to be some kind of integration. It has to be something else than twelve sovereign nations sitting down and agreeing as long as they can agree, and breaking up the party when anyone refuses to agree to any measure. That is not representative democracy.

I think the salvation of the forward-looking people of the world lies in integration. I think the time has come when all the free people of western Europe and Canada and ourselves can find some instrumentality that will rep-

resent them all in this way. I believe they will be willing to take from their respective legislatures certain limited powers and, in the interest of all, give them to some central agency.

Now, this is not my particular quack notion. These free people all want only one thing—to be let alone, to work out their destinies, to pursue their own local policies in their own way. They are entitled to security, to protection, to live according to their consciences, under a free system of laws enacted by their representatives. And if anybody can suggest a way to accomplish this, God bless him; I will be for it.

NEW COALITION NEEDED

But when you ask me where NATO is going from here, I say, with all conviction, NATO is either going to a dictatorship of the United States, which is unthinkable; or it is going, like every other treaty arrangement that we have known in the world's history, ultimately to disintegrate through disagreement and failure on the part of one or another nation to live up to what the other nations

think is its obligations; or we are going to find some other method of carrying on this progression which started with the League of Nations, went on to the United Nations, and has now come to NATO.

The League of Nations failed; the United Nations is a failure as a means of guaranteeing peace in the world; and NATO, as Lord Montgomery says, must be overhauled or it is going to die. But how can it be overhauled? God bless anybody that can suggest a way by which, under a treaty, twelve sovereign nations can have any assurance that they will live in unity and in unison of action for any long period of time.

So I say, either NATO is going to dissolve and we shall go back to the old idea of every fellow for himself, or NATO must be supplemented or supplanted by some other common agency with power conferred by all the people who are in the group—not governments, but people. Such an agency will represent all those people in their common vital interests that they need to protect against the Soviet threat.

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Politics in the Union of South Africa

By AUSTIN F. MACDONALD

RACE conflict is the essence of South African politics. The whites are arrayed against the blacks, and even against one another. Most serious is the conflict of white versus black. The Europeans—that is, those with European blood in their veins—comprise only a small part of the population; yet they virtually monopolize the public service, the professions, large-scale industry and commerce, and even the skilled trades. They are a favored class; the country is run for their benefit; and they are determined to retain their advantageous position at all costs. So far they have been able to maintain their complete supremacy, but the difficulty of keeping millions of nonwhites in a subordinate position is likely to increase with the passing of the years.

THE NATIVE POPULATION

South Africa has a population of a little more than eleven million, and nearly eight million, or just under 70 per cent, are blacks. Commonly they are called natives, but many times they are referred to as the Bantu, because their numerous languages have a common Bantu origin. So different are the various dialects, however, that natives from different parts of the Union cannot understand one another unless they know Zulu—the principal Bantu tongue—or unless they have learned the white man's language. For that matter, most of the natives make no attempt to understand one another. Millions of them continue to live in the reserves that have been set aside for them, obeying tribal law and regulating their affairs in much the same manner as they did before the coming of the Europeans. Old customs

and old superstitions still persist. Every year many persons are put to death in an attempt to propitiate pagan deities. These "ritual murders" are against the law, of course, and some persons have been executed or sentenced to long prison terms for participating in them. But they still persist, and sometimes they are directed by chiefs or headmen.¹

Little by little, however, the old order is changing. Increasing numbers of natives are leaving their reserves and drifting into the cities, where they become familiar with the white man's civilization. Today more than half of the natives are officially listed as detribalized. Some of these detribalized natives work in the mines or in industry; some are engaged in domestic service. Many of them have gone to the cities to earn a specific sum of money—enough to buy a wife, perhaps—and plan to return as soon as they have accomplished this purpose. But many others have become a permanent part of the white man's labor force. Their wages are almost unbelievably low, averaging not much more than one-eighth of the wages of white workers, even in mining operations where the jobs are not too dissimilar.

The educational policies of the South African Union for whites are very different from those for nonwhites. For European children education is compulsory, and most of the schools are good. For natives there is no compulsory education. Schools are maintained largely by missionary and other private bodies, though the state does make contributions for this purpose. Most of the natives receive little or no education, of course, and most of those

¹ *Round Table*, March 1950, pp. 182–86.

who attend the elementary grades never progress beyond that point.

When a system of social security was introduced in South Africa, it applied solely to Europeans. Now the natives are included, but the benefits that they may collect are on a much smaller scale.

POLITICAL STATUS OF NATIVES

The several provinces of the Union have not agreed as to the desirability of permitting the natives to vote. In the Cape Province every person was originally permitted to vote, provided he possessed the necessary qualifications of property and literacy. Few natives did in fact possess these qualifications, but there were some who could and did vote at every election. Elsewhere, the natives were disfranchised.

In 1936 the Union Parliament passed the Representation of Natives Act, which grouped all the Cape natives who were entitled to vote into three electoral areas, and authorized them to elect one representative—a European—from each area. This new arrangement was said to be beneficial for the natives, since it gave them three members of the Assembly who would be devoted exclusively to their interests. In practice, this advantage proved to be largely illusory, since the representatives of the natives exerted almost no influence. And of course the natives, whose names had formerly been found on the election rolls in many districts of the Cape, lost their opportunity to influence the elections in these districts.

In 1936 an attempt was made to "satisfy" native opinion by establishing a Native Representative Council, consisting in part of white public officials but mostly of natives chosen by a system of indirect election. The chief objection to this council as an effective instrument of policy was that it had only advisory powers. In practice, the gov-

ernment paid almost no attention to it.

The vast majority of the natives are politically inarticulate. They have no clear understanding of the organization of government, and no interest in its problems. This indifference is natural enough, in view of the wide spread of native illiteracy and the general denial of political rights to black men. But it imposes a serious barrier between the ignorant masses and the few highly educated natives who strive to improve the standard of Bantu life. These native leaders have established a number of organizations—among them, the All-African Convention and the African National Congress. Yet neither these organizations nor any others can fairly claim to speak for the African masses.²

VIEWS REGARDING TREATMENT OF NATIVES

Among the whites of South Africa there are three schools of thought as to the proper treatment of the natives. The humanitarians believe that all men should be treated alike, without regard to race or color, and that economic and social opportunities for natives should be limited only by their capacity. The prospect of the loss of white supremacy and the ultimate development of a coffee-colored race holds no terrors for those who accept this line of reasoning. But the number of such persons among the whites of South Africa is negligible. For the most part they are religious workers or university professors or other intellectuals. They have no appreciable influence on public opinion.

The overwhelming majority of the Europeans in South Africa agree on the fundamental proposition that white supremacy should continue for all time.

² See Z. K. Matthews, "The African Response to Racial Laws," *Foreign Affairs*, March 1951, pp. 91–102. The author is a member of the National Executive of the African National Congress.

But there is sharp disagreement as to the exact manner in which that supremacy should be maintained. Some contend that the natives should be given greater economic opportunities and a larger measure of political representation, though always within clearly defined limits. Such a liberal policy, it is said, would keep the native population better satisfied, and yet would do no real harm to white interests, since the whites would always determine how much to give and how much to withhold.

Many persons, however, view with genuine alarm the proposal to increase native rights, either political or economic. They declare that nothing will satisfy the Bantu, in the long run, short of absolute equality, and that any liberal concessions will merely hasten the day when the numerically superior blacks will try to take over complete control of the country. The only possible solution, according to this school of thought, is to keep the native "in his place"—in other words, to deny him the opportunity to take any part in public affairs or to compete with the white man on even approximately equal terms.

Here, then, is one of the most fundamental issues of South African politics.

THE COLORED AND THE ASIATICS

The same issue arises in connection with the *colored* population—that is, the people of mixed blood. The coloreds are the product of the blending of the original European settlers with the Hottentots, the Bushmen, and slaves from other parts of Africa and from the East Indies. Nearly nine-tenths of the colored people are in the Cape Province; they constitute 40 per cent of the population of Cape Town. Throughout the entire Union, however, their total number is not over one million. In the Cape Province they have traditionally

fared somewhat better than the natives. They have been permitted to vote, to enter the skilled trades, and to obtain higher wages than the native laborers. Yet most of them live in extreme squalor. They have never been able to approximate the economic conditions of the Europeans.

Whether the coloreds should be encouraged to aspire to equality with the whites, or instead should be forced down to the level of the natives, is a question that has long agitated South Africa. The late General James B. M. Hertzog, who presided over the destinies of the South African Union for fifteen years, expressed the moderate view when he said:

If we want to do justice to the colored person, we shall have to include him among the whites, industrially, economically, and politically. . . . It was one of the most foolish attitudes the whites could adopt to drive the colored people to the enemies of the European—and that will happen if we repel him—to allow him to come to rest eventually in the arms of the native.³

But a large section of white public opinion strenuously opposes the idea that the colored man should be treated like a European. After all, he is *non-white*. That automatically puts him in the same class as all the other non-whites.

Among the nonwhites, also, must be listed the Asiatics—the Indians and the Malays whose ancestors were originally brought as indentured servants to work on the sugar plantations of Natal, on the east coast. Today there are about 300,000 Asiatics, mostly in Natal. Government policy has discriminated against them in many ways, yet they have managed to acquire a higher standard of living than the natives. Some of them have even entered the professions. They are a proud people, nurtured in the tra-

³ Quoted in *Round Table*, March 1951, p. 137.

dition of an ancient civilization, and they do not accept discrimination so passively as the other non-European groups. Their treatment in South Africa has even been challenged by India and Pakistan before the Assembly of the United Nations, though without much success.

AFRIKANERS AND BRITISH

The problem of maintaining white supremacy in South Africa is complicated by the deep cleavage between the Afrikaners and the whites of British descent. The Afrikaners are mostly the descendants of the Dutch settlers (the Boers, or farmers) who trekked into the interior more than a century ago to escape British control, and founded the two republics—the Transvaal and the Orange Free State—that are now the northern provinces of the South African Union. Among the Afrikaners there is also some French and German blood.

Approximately 60 per cent of the white population is Afrikaner; the remainder is almost exclusively British. The Afrikaners have their greatest strength in the Orange Free State, in the Transvaal outside of Johannesburg, and in the western part of the Cape Province. Predominantly they are a rural people, though large numbers of them have found their way into the cities in recent years.

The Boer War (1899–1902) cost the Boers their independence, and though they received honorable terms from the British, many of them cherished a strong resentment against their conquerors. Great Britain attempted to dispel that resentment by pursuing an enlightened policy. It encouraged the people of South Africa to merge the four provinces and to prepare a constitution for this new Union. The constitution was completed early in 1909 and passed by the British Parliament as the South Africa Act later in the year. In 1910 the Un-

ion of South Africa was officially proclaimed.

Every Prime Minister of the Union from its inception until 1948 was a Boer general who had once fought against the British. Yet these men were willing to co-operate with Great Britain, and with their own English-speaking neighbors, in the development of South Africa. General Louis Botha, who served as Prime Minister from 1910 until 1919, kept South Africa on the side of Britain during the First World War. General Jan Christiaan Smuts followed a similar policy during World War II. Even General Hertzog, who was frequently accused of anti-British sentiments, seems to have been inspired by love of South Africa rather than hatred of England. "I believe in the British Empire," he once declared, "to the extent that it benefits South Africa. But when its interests are at variance with those of South Africa, I am opposed to it."⁴

Certainly Hertzog did his best to transform his country into an independent republic. He was chiefly responsible for a series of measures that weakened British authority in South Africa. These measures asserted that South Africa was an independent state, that its governor general, though nominally representing the British Crown, could act only upon the advice of South African ministers, and that laws passed by the British Parliament would be inapplicable to South Africa unless repassed by the South African Parliament. To Hertzog these laws meant that South Africa could remain neutral in a war involving Britain, and that it could even secede from the British Commonwealth if it so desired.

Smuts interpreted these statutes somewhat differently. But for a number of

⁴ For a brief discussion of Hertzog's view, see Henry Gibbs, *Twilight in South Africa* (New York: Philosophical Library, 1950), pp. 173–75.

years these two statesmen worked side by side, agreeing to subordinate their differences to the need for co-operative effort in the development of the nation.

Many English-speaking South Africans served under Hertzog and also under Smuts. Every effort was made by responsible South African leaders to assure equal treatment of both language groups. Both English and Afrikaans—the South African version of Dutch—were made official languages, and every candidate for a position in the public service was required to demonstrate reasonable proficiency in the two tongues. "God Save the King" and "Die Stem van Suid Afrika" ("The Voice of South Africa") were placed on an equal footing. So were the Union Jack and South Africa's orange, white, and blue tricolor.

AFRIKAANS LANGUAGE DIGNIFIED

The widespread use of the Afrikaans language, especially in literary form, has been fairly recent. Afrikaans developed in spoken form during the seventeenth and eighteenth centuries, but not until after 1900 did it receive serious attention from educated people. The two languages recognized as official by the South Africa Act of 1909 were Dutch and English.

But the South Africans of Dutch descent were proud of their distinctive culture and traditions. They wished to emphasize their independence—both literary and political—of any other nation. This upsurge of nationalism found ready expression in the Afrikaans language. So Afrikaners deliberately developed the crude idiom and transformed it into a literary language. Afrikaans acquired its novelists and poets. It became a medium of instruction in many schools throughout the Union. In 1916 it was generally accepted by the Dutch Reformed Church, and in 1925 it was officially adopted by the Union

Parliament as one of the languages of South Africa. Today it has almost completely replaced Dutch throughout the Union. Every large city has newspapers published in Afrikaans.

EARLY POLITICS OF THE UNION

When General Botha became the first Prime Minister of the Union of South Africa, in 1910, he governed in the name of the South African National party. Most of its principal figures had been leaders in the former Boer republics, and they still smarted under the memory of their military defeat by Great Britain. The rank and file of the party's members were Afrikaners, not only from the Transvaal and the Orange Free State, but also from the Cape, and even from Natal. The opposition was represented chiefly by the Unionist party, which consisted almost exclusively of persons of British extraction. Unionist strength centered in Natal, in Cape Town and the eastern Cape, and in the great mining area around Johannesburg. This mining area also fostered a small Labor party.

If the Nationalists had been united, they could easily have dominated South African politics. They possessed a clear majority in Parliament and throughout the country. Before long, however, they quarreled violently over a major issue: the proper relationship between the Afrikaans- and English-speaking sections of the population. Botha believed that the two groups should forget their differences and gradually merge into one united people. But another Nationalist leader—General James Hertzog—declared that fusion should be deliberately opposed, lest it lead to a uniform *British* culture at the expense of the Afrikaners.

Eventually Hertzog led most of the Afrikaners out of the party, and Botha governed the nation with a coalition of moderate Afrikaners and persons of

British descent. After Botha's death in 1919, General Smuts carried on essentially the same policies.

Finally, in 1924, the Nationalists managed to gain power. Their victory was due in no small part, however, to the support of Labor. This alliance was unstable and, in a sense, unnatural. It combined the ardent Nationalists, who were pledged to combat British supremacy, with the mine workers, who were mostly British. It became possible only because Labor had not been able to win sufficient support from other English-speaking groups for its program of social security. The Nationalists endorsed social and industrial legislation, and at the same time agreed to abandon their plans for secession from the British Commonwealth.

PARTY REALIGNMENT

By 1933 South Africa was feeling the full effect of the Great Depression. Hertzog's government had lost much of its support, and no longer seemed able to command the allegiance of the South African people. Under such circumstances a realignment of political groups seemed necessary. Hertzog and Smuts finally decided to combine their forces in a new political organization to be known as the United party. Hertzog remained as Prime Minister, and Smuts accepted the position of Deputy Prime Minister. Thus Boers and Britons were reconciled. Together they agreed to work for the common welfare.

Not all Afrikaners accepted this compromise, however. Some of them quarreled with Hertzog and formed a Purified Nationalist party. The leader of this schism was a former clergyman, Dr. Daniel F. Malan, who had been in Parliament since 1919 and had served in Hertzog's Cabinet. Some of the English-speaking people, also, were unwilling to accept the Hertzog-Smuts compromise. They formed a Dominion

party—later known as the South African party—under the leadership of Colonel C. F. Stallard, an English-born Transvaal lawyer. But the United party easily dominated the field. Moderates of both racial groups were happy that a reasonable compromise had been reached.

DURING AND FOLLOWING WORLD WAR II

A new crisis arose, however, at the outbreak of the Second World War. Prime Minister Hertzog believed that the South African Union should demonstrate its right of independent action by remaining neutral, and five members of the Cabinet supported him. Six other Cabinet ministers, however, agreed with General Smuts that South Africa's interests demanded the strongest possible support of Great Britain. The Assembly—the lower and dominant house of South Africa's Parliament—voted to declare war on Germany, and Hertzog resigned as Prime Minister, taking his place beside Malan on the opposition benches. For the next nine years General Smuts governed the country with the support of all political groups except the Nationalists. An election in 1943 demonstrated the general popularity of this coalition.⁵

In 1948, as the time drew near for another general election, the political picture was somewhat confused. The two major groups, of course, were the United party under Smuts and the Reunited National or People's party under Malan. (Hertzog was dead.) But there were a number of "splinter" parties, and no one knew how much they might influence the election. Labor was divided into two factions—a South African Labor party and a United Labor party.

⁵ For a more detailed history of political parties to 1946, see Alexander Brady's *Democracy in the Dominions* (New York: Oxford University Press, 1947), pp. 327–55.

Colonel Stallard's South African party threatened to split the pro-British vote. And, on the other hand, a group calling itself the Afrikaner party offered a menace to Nationalist unity. The Afrikaner party was headed by Nicolas C. Havenga, a former Minister of Finance who had followed Hertzog in the schism of 1939. Havenga's views were not essentially different from those of Malan, yet the two party organizations remained separate.

CAMPAIGN STRATEGY—1948

The opening of the 1948 campaign witnessed aggressive activity by Malan's Nationalists. Their program had only one major plank—to put the black man in his place. Many moderates thought that the black man was already "in his place"—that is, in such a position that he could not possibly offer effective opposition to white supremacy. But the Nationalists professed to see danger in the few minor concessions that had been granted. They expressed the fear that white supremacy might eventually be lost unless drastic steps were taken. And they proposed a drastic program. The name they selected for their proposed course of action was *apartheid*—separateness.

Now practically every white person in South Africa believed that whites and blacks should be kept separate, at least to the extent that such separation was economically feasible. So *apartheid* had a very strong emotional appeal. But of course there were many who wished to know more specifically what the Nationalists had in mind. A committee of party leaders finally succeeded in preparing a vague statement that seemed to meet the requirements of an election campaign. This statement declared that the National party

accepts the Christian guardianship of the European race as the basic principle of its policy with regard to the non-European

racess, and desires to furnish them with the opportunity to develop themselves in their own areas in accordance with their natural genius and capacity, and to assure for them fair and just treatment in the administration of the country. It is definitely opposed to any miscegenation between the European and non-European races, and favors the territorial, political, residential, and, as far as possible, industrial separation of European and non-European.⁶

Concerning relations with the British Commonwealth, the National party adopted a conciliatory attitude. It promised not to cut the nation loose from its ties with the British Crown unless it received the specific authorization of the voters. At the same time, however, it expressed its belief that South Africa should be an independent republic. It promised equal language and cultural rights for both sections of the European population.

There can be no doubt that the Nationalists seized the initiative with their program of *apartheid*. The United party could not offer a similar native policy without being accused of imitation, and it could not submit a radically different native policy without the virtual certainty of losing the election. United party strategists tried to solve this dilemma by offering a seven-point program that almost completely ignored the native question. Emphasis was placed instead on the economic problems of the white population—adequate housing for all, maintenance of trade union rights, conservation of natural resources.

NATIONALIST VICTORY

As election day approached, the Nationalists agreed with the Afrikaner party to leave a number of seats uncontested in Afrikaner strongholds, in exchange for Afrikaner support in other constituencies. The United party made a similar deal with the main body of

⁶ *Statement of National Party Principles, 1948.*

Labor. When all the votes had been counted, it was found that the Nationalists and their allies had won a majority of the seats in the Assembly, though actually polling fewer votes than the United-Labor coalition. Nationalist strength was greatest in the rural districts, which have always had a disproportionate share of parliamentary representation. Colonel Stallard's South African party failed to win a single seat.

Dr. Malan promptly took over as Prime Minister, and appointed Nicolas Havenga Minister of Finance. This appointment was dictated by motives of high strategy, for Havenga's Afrikaner party held the balance of power in the Assembly, and could overthrow the government whenever it desired to do so. For the first time since the creation of the South African Union, the Cabinet was composed solely of Afrikaans-speaking members. Boers were arrayed against Britons as never before since the period of actual hostilities, half a century earlier.

APPLICATION OF *Apartheid*

At last the time had come for a concrete application of *apartheid*. But the Nationalists could not readily make sweeping changes in the relations of whites and blacks. Detribalized natives already lived in their own districts of the cities, and engaged only in occupations that white men did not want. Natives in the reserves were as completely separated from white civilization as anyone could desire.

During the campaign Nationalist orators had frequently given the impression that their plan was to send all the natives back to the reserves, permitting them to come to the white man's cities only as migrant workers, and only as such labor might be required.⁷ But such a plan was utterly impractical. Perhaps it was never really contemplated.

⁷ *Cape Times*, March 8, 11, 17, 1948.

For the gold and diamond mines depended largely on native labor, and they produced most of the nation's wealth. Moreover, native domestic servants were regarded as virtually indispensable. So the talk of returning the urbanized natives to the already overcrowded reserves died away soon after election day.

During the campaign Dr. Malan frequently referred to *apartheid* as a two-sided coin. Its negative side was to be the withdrawal of certain privileges from the natives, especially the privilege of voting; but its positive side was to be the creation of new opportunities for black men, particularly in the areas set aside for their exclusive use. In practice, however, the *apartheid* coin seems to have had only one side. Nothing of any consequence has been done to improve the lot of the natives. The Nationalists have concentrated on the task of making life more difficult for all nonwhites.

This goal has been achieved in a number of ways. Laws forbidding native construction workers to carry on their trades in white areas have been enforced more strictly than ever before, despite the acute shortage of housing in all parts of the Union. The well-established policy of residential segregation of the races has been implemented by a new law, which threatens to force native homeowners out of areas long devoted to their use. New discriminations against the blacks have appeared in the administration of the pension laws. And there have been dozens of minor annoyances, such as the erection of "For Europeans only" signs in places where custom had already prevented any intermingling of the races.

POLICY TOWARD THE COLORED

The chief victims of *apartheid*, however, were the colored people. Traditionally they had been treated more like

whites than natives, but the Malan government deliberately reversed this policy. It enacted a law prohibiting the marriage of whites with nonwhites, though the number of such marriages was already less than one hundred a year, and was steadily decreasing.

Finally, the government turned its attention to the colored franchise. The traditionally liberal Cape Province had long permitted colored persons to vote on the same terms as Europeans, and this arrangement was retained in the constitution of 1910 (the South Africa Act), which further specified that no change in the colored franchise might be made except by a two-thirds vote at a joint meeting of the two houses of Parliament.⁸

Very few colored persons actually voted, however. Their number was limited by qualifications of literacy and property. Moreover, colored women were denied the franchise, whereas white women were not. Yet the colored vote was sometimes sufficient to determine the result of elections in certain districts. And, since colored voters almost invariably cast their ballots for candidates of the United party, the Nationalists had a definite interest in changing the existing arrangement.

⁸ Article 35 of the South Africa Act reads as follows:

"Parliament may by law prescribe the qualifications which shall be necessary to entitle persons to vote at the election of members of the House of Assembly, but no such law shall disqualify any person in the Province of the Cape of Good Hope who, under the laws existing in the Colony of the Cape of Good Hope at the establishment of the Union, is or may become capable of being registered as a voter from being so registered in the Province of the Cape of Good Hope by reason of his race or color only, unless the bill be passed by both Houses of Parliament sitting together, and at the third reading be agreed to by not less than two thirds of the total number of members of both houses. A bill so passed at such joint sitting shall be taken to have been duly passed by both Houses of Parliament."

VIOLATION OF SOUTH AFRICA ACT

Nationalist leaders finally evolved the plan of removing the names of colored persons from the general list of voters and permitting them to vote separately for their own white representatives in the Assembly. In this way their influence on elections could be reduced to a minimum. Spokesmen for the United party immediately raised strenuous objections. Without mentioning the obvious fact that such a change would weaken their own position, they stressed the plain words of the South Africa Act.

But the Nationalists, who obviously could not obtain the two-thirds majority necessary to pass the law over United party objections, declared that the restrictive clauses of the South Africa Act were no longer effective. In 1931 the British Parliament had enacted the Statute of Westminster, which in effect placed the dominions on a par with the United Kingdom. And one of the effects of the Statute of Westminster, according to the Nationalists, was to eliminate the need for more than a simple majority for any act of the Union Parliament.

Leaders of the United party refused to accept this interpretation. They said that the original provisions of the South Africa Act were still legally binding, and that, in any case, they constituted a moral obligation.

Dr. Malan was not very much disturbed by the objections of the United party. But he soon discovered, to his annoyance, that the leader of the Afrikaner party, Nicolas Havenga, also had scruples about the removal of the colored voters from the general roll without a two-thirds vote. The Afrikaner party's balance of power in the Assembly enabled it to block any legislation of which it disapproved. Therefore the colored people seemed certain to retain their voting rights unless a new Parlia-

ment should be elected or Havenga should change his mind.

SOUTH-WEST AFRICA ENTERS

At this point, however, a new development threatened to upset the existing balance of power. South-West Africa, a vast but sparsely settled territory adjoining South Africa, indicated its desire for incorporation into the Union. At one time it had been a German colony, but had been turned over to South Africa as a mandate by the League of Nations shortly after the First World War.

When Malan and his Nationalists came into power in 1948, they soon enacted a law bringing South-West Africa into the Union. The terms of admission were extremely generous: South-West Africa was given a substantial measure of fiscal autonomy, and a much larger representation in the Union Assembly than it might reasonably have expected on the basis of its population. The election for these new members of the Assembly was held in 1950, and the Nationalists succeeded in winning all six seats. Only white persons voted, of course; the natives of South-West Africa were not represented or even consulted in any way.

Subsequently some of the native chiefs appealed to the United Nations, which had assumed the responsibility for supervising the old League of Nations mandates. United Nations protests against South African racial policies, and against the Union's failure to submit trusteeship reports, were dismissed by Malan's government without serious consideration. The Nationalists regarded the annexation of South-West Africa as a *fait accompli*.

One of the important results of the Nationalists' 1950 triumph in the South-West Africa election was to free them from the necessity of working with

Havenga's Afrikaner party. After the election, the Nationalists had a clear majority in the Assembly. And almost immediately afterward, Mr. Havenga changed his mind concerning the necessity of securing a two-thirds vote in Parliament before taking the colored voters off the general roll. He signed with Dr. Malan a joint statement in which they expressed the belief that the proposed change would "in no way constitute a reduction of the existing political rights of the colored people" and that it would not "conflict with the provisions of . . . the South Africa Act."⁹ So at last the stage was set for a major change in Union policy concerning colored voters. The act was passed by an ordinary majority, over the strenuous protests of the United party, and its constitutionality was immediately challenged in the courts.

CONFLICT WITH THE COURTS

In March 1952 the Appellate Division of South Africa's Supreme Court handed down a decision invalidating the Nationalist policy of discrimination against colored voters. All five judges agreed that the government must leave the colored franchise unchanged unless it could secure a two-thirds majority for its proposed amendments, as required by the plain words of the South Africa Act. The Court brushed aside the government's contention that any restriction on the authority of Parliament would be a limitation on the sovereignty of the South African nation. "To say that the Union of S. A. is not a sovereign state simply because Parliament hasn't the power to amend the constitution is to state a manifest absurdity," declared the Court. "It would be surprising to be told that the great and powerful country, the United States, is not sovereign and independent because its Con-

⁹ *Round Table*, March 1951, pp. 135-42.

gress cannot pass any law it pleases."¹⁰

The verdict of South Africa's highest court evidently came as a bitter disappointment to Prime Minister Malan, who had appointed a majority of the judges and seemed to believe that he could count on their political reliability. But neither Malan nor his advisers had any intention of abiding by the Supreme Court's decision. Instead, they speedily introduced a bill to establish a High Court of Parliament, which would have power to override the Supreme Court of the Union on constitutional issues. The so-called High Court of Parliament was to consist of nothing more than the two houses of Parliament in joint session, and its decision could be made by a simple majority. In other words, Parliament would be the final arbiter of the validity of its own acts.

The introduction of the High Court of Parliament bill occasioned angry protests from all parts of South Africa. Strauss and other leaders of the United party demanded the government's resignation. Mass meetings of protest were held in all the principal cities. Some hotheads in Natal even talked of the secession of that province from the Union. But more responsible leaders carefully avoided such threats. Meanwhile, the High Court of Parliament bill was enacted into law by a straight party vote. The High Court of Parliament then met in formal session and solemnly overrode the Supreme Court's decision concerning colored voters. Opposition members of Parliament boycotted these proceedings.

In August 1952 a lower court invalidated the High Court of Parliament Act, thus reasserting judicial authority to pass upon the constitutionality of legislation. Three months later this judgment was upheld by the Appellate

¹⁰ Harris v. Dönges. The judgment of the Court appears in *The Times Law Reports*, May 23, 1952.

Division of the Supreme Court. Prime Minister Malan thereupon announced that he would accept the Court's decision, but that he would appeal the issue to the voters at the election scheduled for the following April.

THE NATIONALISTS GAIN STRENGTH

As the time of the election approached, Malan and his Nationalists once again seized the initiative by declaring themselves the only true champions of white supremacy in South Africa. In strident speeches they pointed to the Mau Mau terrorism in faraway Kenya, and declared that only a Nationalist policy of strict repression could prevent similar atrocities in the South African Union. Thus the Nationalists put the United party on the defensive, as usual. United party orators went to great lengths to emphasize the obvious fact that they too believed in white supremacy, that they too accepted the principle of racial segregation, and that they had no intention of changing the established pattern of racial relations.

Not all South Africans, however, accepted the status quo with such equanimity. The major trade unions went on record as favoring the principle of equal pay for equal work, regardless of race or color. And the Supreme Court of the Union handed down another decision in which it ruled that the railways must provide "substantially equal" facilities for blacks and whites. These developments doubtless strengthened the position of the Nationalists. Many wavering voters apparently decided at almost the last minute that the United party could not be trusted to discipline labor and the Supreme Court in a manner that would assure the preservation of white supremacy.

The 1953 election was a great triumph for the Nationalists. They won a large majority of the seats in Parliament. As in 1948, they failed to receive a ma-

jority of the popular vote, but they concentrated their strength in the overrepresented rural districts. When all the votes had been counted, it was found that the Nationalists had gained almost—but not quite—a two-thirds majority in Parliament. Thus they still lacked, by a very scant margin, the votes necessary to change the South Africa Act. As of the moment, therefore, the Nationalist victory is indecisive. Malan and his followers must still try to find some way to violate the constitution and outwit the courts.

AFRIKANER SUPREMACY

The Nationalist government frequently stresses its desire to assure equal treatment for all persons of European stock, but its policies often have the effect of strengthening Afrikaner supremacy. The 1949 citizenship law is a case in point. Until that year newcomers from Britain automatically became citizens of South Africa after two years of residence, and were thereupon entitled to vote. Since most of them voted for the United party, the Nationalists decided to change this arrangement. They enacted a statute which put Britons on a par with "other foreigners" by requiring them to reside five years in the South African Union before making application for citizenship. The clause permitting automatic citizenship was eliminated.

In 1948, when Dr. Malan was in the midst of a heated political campaign, he sought to win the support of some English-speaking voters by promising not to press his earlier demands for a republic. In 1953 he repeated the essence of that pledge, and to date he has kept his word. But he is now seventy-nine years old, and in poor health. His physical ability to retain the office of Prime Minister is uncertain. And if he should be succeeded by Johannes Strydom, the lawyer from the Transvaal

who seems to have first claim on the post, Nationalist policies might be very different. Strydom is fanatically devoted to the cause of Afrikaner supremacy. He loses no opportunity to aver his belief in a South African republic entirely separate from the British Commonwealth. There are many Afrikaners who share his views. Most of the members of the present Cabinet belong to the *Broederbond*, a secret society dedicated to the triumph of Afrikaner culture and politics.

Afrikaner resentment against Great Britain has recently been strengthened by British policy concerning the territories of Basutoland, Swaziland, and the Bechuanaland Protectorate. These territories, which have been set aside as native reserves, are not legally a part of the Union of South Africa, though they lie within or adjacent to it. Today they are still governed from London, with some advice from native councils.

The British Government long ago half promised that these territories would eventually be turned over to South Africa, and Malan's Nationalists contend that this step should now be taken. Their proud spirits can scarcely bear the thought of great areas that are within the physical limits of the Union, yet not subject to Union control.

Britain, for its part, would be glad to rid itself of the territories. They are a continual, though extremely small, drain on the British treasury, and they give virtually nothing in return. Yet British public opinion cannot conscientiously abandon the native residents of the territories to a South African government based frankly on *apartheid*.

THE UNFINISHED STORY

The rapid march of events has virtually forced the merger of major political groups holding essentially the same views. Havenga's Afrikaner party has united with the Nationalists, and the

principal labor group has thrown in its lot with the United party. Thus two political parties now claim the allegiance of the vast majority of South African voters. The United party is headed by Jacobus G. N. Strauss, the middle-aged lawyer who took over at the death of General Smuts in 1949.

Today the Nationalists seem to be strongly entrenched. Their policy of strident patriotism makes a strong appeal to the dominant Boer element in the population. Their antinative, anti-colored, anti-Indian program has attracted vast numbers of voters. So, too, has their anticommunist policy, manifested chiefly in a Suppression of Communism Act which permits the Minister of the Interior to brand any government or trade union official as a Communist and thereupon bar him from office, without recourse to the courts.

Many groups, however, have manifested strong opposition to Nationalist ideas. The Torch Commando, organized by veterans of the Second World War but now open to all South Africans, has led demonstrations of protest in Cape Town, Johannesburg, and other cities. Natives and colored persons

have conducted protest strikes and have joined with the Indians of Natal in a passive resistance movement. But these activities seem to have been largely ineffective. The nonwhites are not sufficiently united or sufficiently powerful to offer any real opposition, and most of the whites are unwilling to endorse any program that even approximates black-white equality.

The sober truth is that white South Africa faces a tragic dilemma. It can scarcely hope to maintain for all time its political, social, and economic supremacy over the numerically superior nonwhites. Nor, on the other hand, can it permit its nonwhite races to achieve gradual equality without abandoning its own privileged position—and perhaps abandoning South Africa. In the long run, the course of history seems to be against South Africa's white population; but the whites are determined to keep the upper hand as long as possible. Meanwhile, the National and United parties continue to quarrel about the best way of achieving that result.¹¹

¹¹ See Alan Paton's *South Africa Today*, Public Affairs Pamphlet No. 175, New York: Phelps-Stokes Fund, 1951.

Austin F. Macdonald, Ph.D., Berkeley, California, has been professor of political science at the University of California since 1930, and was formerly assistant professor of political science at the University of Pennsylvania. He has recently returned from the Union of South Africa, where he spent a sabbatical leave. He is author of numerous works in his field, of which the latest are American State Government and Administration (1934, 1940, 1945), Government of the Argentine Republic (1942), and Latin American Politics and Government (1949). He is editor of two volumes of THE ANNALS: The Far East (November 1925) and Planning for City Traffic (September 1927).

LETTER TO THE EDITOR

The editors are glad to publish the following letter from Dr. Feliks Gross.

Dear Sir:

In my article, "Political Emigration from Iron Curtain Countries," which appeared in the September 1950 issue of *THE ANNALS*, an unfortunate error occurred. I wrote on page 183, "There are also a number of fascist groupings of other eastern European nationalities, including Croat and Serb fascists . . . 'Ustachis,' and 'Srbska Narodna Obrana.'" I intended to mention a Serbian extremist organization. By an error, due to my lack of knowledge of Serbo-Croat and difficulty in obtaining the precise names of organizations in the Balkans during the Second World War under Nazi occupation, I used the name "Srbska Narodna Obrana." It certainly was not my intention to refer to the Serbian National Defense Council of America who also call themselves "Srpska Narodna Odbrana" as I discovered later.

As an old friend of the Serbian people and as a defender of General Mihailovich, I was of course aware that the Serbian National Defense Council of America is a patriotic organization of Americans of Serbian descent, created in 1941 for the purpose of helping the Serbian people in their struggle against the Nazi and fascist invaders. After the United States entered

the war, this organization also helped the American war effort.

From the very beginning, the Serbian National Defense Council of America gave its fullest support to the actions of General Drazha Mihailovich, in whom they saw rightly an outstanding fighter not only for Yugoslav independence but for the ideal of freedom and democracy in the whole world.

I regret this misunderstanding particularly because from the beginning of the Yugoslav resistance, which was initiated and carried out under Drazha Mihailovich, I had a great admiration for this struggle which I have often expressed publicly. At the time that official allied support to him was withdrawn, I was one of those who stood publicly for his struggle and idea of freedom. We felt that his fate was one of the greatest tragedies of this war and was responsible for incalculable damage to the prestige of the democracies and the cause of freedom and democracy.

I am writing this letter in the spirit of understanding and sincerity, and I hope that the officials and members of the Serbian National Defense Council will accept my words in the same spirit.

Very sincerely yours,
FELIKS GROSS

Book Department

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INTERNATIONAL RELATIONS AND WORLD GOVERNMENT

BURNHAM, JAMES. *Containment or Liberation? An Inquiry into the Aims of United States Foreign Policy*. Pp. 256. New York: John Day Company, 1953. \$3.50.

Books can be divided into four categories: good books, bad books, bad good books, and good bad books. We need not concern ourselves here with the first two, since good books descend so seldom from the rare heights of thought that the average reviewer hardly ever risks being struck by one. The less said about bad books, the better. The influence of bad good books is as wide as it is insidious. Under this category fall those beautifully written and skillfully promoted tomes which lead the reader across cleverly illuminated, albeit familiar, ground and convey a sense of high intellectual adventure—only to leave him stranded, semantically, metaphysically, or merely practically. Any intelligent reader exposed to the current tide of studies of histories and projects for world government will be able to recognize the type. Throughout the ages, it is the good bad books which have exercised the most thought-provoking and, hence, the most healthy influence. Although they do not attain the heights of scholarly and logical excellence—or, perhaps, because of their very shortcomings—they challenge the reader's imagination and critical faculties. They are

controversial; they are seminal. James Burnham's last book falls into this category. *Containment or Liberation* appears to have been written in great haste, is marred by annoying factual inaccuracies, and indulges in blatantly partisan sniping at a variety of targets, some of which have been riddled by better marksmen. Yet it is also a contentious and vigorous critique of our recent foreign policies. The author's brilliant insight flashes fitfully across the pages of our confused history from Yalta to Panmunjom.

When Mr. Burnham hits upon the real issue, the sparks do fly. *Containment or Liberation* is a biting and uninhibited attack upon the many ambiguities and preconceptions which found shelter under what appears to have been the official foreign policy, 1947–1952, for “containing” the Soviets. Mr. Burnham speaks his mind with unprofessional clarity and, not infrequently, with wit. He steps smartly on the toes of not a few of our most privileged professionals, academic and diplomatic, who speak with neither. This book has thus far been noted perfunctorily by the press, receiving considerably less attention than that bestowed upon, let us say, a routine novel-with-a-message on society and sex in the Deep South.

Ever since the outbreak of the Korean War the plausibility of the policy of containment has been diminishing. Mr. Burnham gives the theory, which underlies it

and owes so much to George F. Kennan, the coup de grace. Strictly speaking, it never was policy but rather a compromise between appeasement and what Mr. Burnham calls Liberation—that is, a positive, an offensive policy designed to cut down the Soviet Union to its pre-1939 size. This compromise, I submit in disagreement with Mr. Burnham, was necessary, given the military weakness of the United States after demobilization, the confusion of public opinion due to the incredible obfuscations perpetrated in order to sell us the Soviet Union as a loyal ally and the United Nations as an all-weather shelter, and the debilitated state of postwar Europe. He argues quite rightly that the “containment” policy was perpetuated long after it became clear that the returns of containment were inadequate and that the United States could afford a better policy.

The idea that the Soviet Union can be contained indefinitely, or until something inside it gives, is absurd. It is absurd geographically, for the strategic potentials of Eurasia must weigh increasingly upon the Eurasian rimlands. It is absurd psychologically, because it suggests a posture which American society and all other democratic societies cannot maintain without themselves lapsing into one or the other totalitarian neurosis. It is absurd from the point of view of elementary national security, for it is a policy which would have to be abandoned instantly in case of war and would leave the nation politically, militarily, and psychologically unprepared to fight such a war confidently and aggressively. Moreover, the clear and present danger is not that the Soviet Union will burst through any or all of the many holes perforating the containment dike, but that it stays where it now is and consolidates the immense resources of its Russian base, the satellite states, and China. If the Soviet Union is left for two or three decades undisturbed in its possessions, then the defeat of the West is a statistical certainty, demographically and economically.

Mr. Burnham argues that the United States has no other choice but to seek to pry loose the hold which the Communists have won on Eastern Europe and China and on the Russian people themselves.

This, he argues, can be done by vigorous political warfare, and, in particular, by such individual measures as the establishment of East European governments-in-exile, the incorporation of emigré contingents in NATO, overt and covert operations well inside the Iron Curtain, and, above all else, the kindling in the enslaved peoples under the red star the hope, nay the certainty, of liberation. Since one cannot pursue two contrary policies at the same time—containment for Western home consumption and liberation for propaganda inside the Soviet orbit—we must come down on the side of one policy—that is, liberation. Once our allies know that we mean business, they will rouse themselves and forsake the weak and ambiguous policies—neutralism, Bevanism, Third Forcism—which, though quite understandable in view of our own inconsistencies, hamper the growth of real Western power and drain our own not-so-unlimited economic resources.

Mr. Burnham has a good and wholesome time flaying the myth of Communism as the fruit of poverty. He shows that low standard-of-living peoples, the Turks, Spaniards, Irish, and Pakistanis, have resisted Communist infiltration, and that the French and Italians have not. Even in the United States, Communism has enlisted relatively fewer recruits among the lower income groups than among the exploited, at the rate of \$2,000 per week, in Hollywood. There is no significant correlation between Communism and a low standard of living. Yet the idea that Communism can be fought most successfully by raising standards of living is a corollary of the policy of containment. Though in certain cases Communism and poverty indeed walk hand in hand, an American policy which seeks to fight Communism chiefly by economic aid is bound to fail. People may rebel against hunger; extreme misery inhibits all initiative, even rebellious thought. The people on our side within and outside the Iron Curtain will launch themselves upon a crusade only if they are roused by a powerful idea. There are situations where man must be imbued by crusading zeal in order to muster the sacrificial courage to meet overwhelming odds. We find our-

selves, here and now, in precisely such a situation.

Mr. Burnham's good bad book raises more questions than it answers. I hope it will not be ignored, for Mr. Burnham possesses that inestimable virtue of the political writer, the courage of his convictions. This courage has led Mr. Burnham into some deep logical traps; it has, however, endowed him at times with the fortitude to drive further and harder than his more circumspect fellow experts have managed to do.

ROBERT STRAUSS-HUPÉ

University of Pennsylvania

MARTIN, ANDREW. *Collective Security: A Progress Report*. Pp. 244, tables. New York: (distributed in the U. S. by Columbia University Press), 1952. \$1.25.

To all concerned with the attainment of a larger measure of international security and a more effective United Nations, this scholarly analysis, sponsored by UNESCO (United Nations Educational, Scientific, and Cultural Organization), of the lessons of 50 years of man's attempt to deal with the regulation of armaments, the pacific settlement of disputes, and the maintenance of international peace and security will provide instructive reading. Written by a professor at Oxford, this small volume contains an appraisal of the road that has been traveled and the problems now faced in attempting to gain international security through the United Nations that is rewarding and thought provoking.

Recognizing the imperfections in the present United Nations collective security system, the author believes that nevertheless there is a reasonable middle ground between the overoptimism of 1945 (and correspondingly of the League two decades earlier), and the pessimism of more recent times. It is admitted that some of the most serious threats to peace may, for a long time to come, have to be dealt with by improvisation, as in the case of dealing with the Communist aggression in Korea, and by recourse to the General Assembly with its restricted powers rather than by Security Council action as originally visualized. It is also acknowledged that the

action of the United Nations with respect to the Korean War leaves many uncertainties for the future, that there are questions whether the General Assembly will always be able to act with sufficient speed in an emergency, and whether the Members will hold adequate forces available for call by the General Assembly in accordance with the Uniting for Peace Resolutions. Nevertheless, the author feels the United Nations system "is viable in the long run, and, given sufficient moral cohesion among the majority of Members, it is even in the short run capable of curing the ill-effects of imperfect implementation." The present weakness of the United Nations "is the result not of a misconceived constitution, but of imperfect implementation of a workable one."

Discarding both the idea of preventive war to maintain a status quo and any immediate flight of fancy to world federation, the author prefers the course of "gradual transmutation of international relations into a closely integrated system" through successive amendments of the Charter when and as possible and by a sustained attack on the causes of war and insecurity. In this connection he sees the historically unprecedented, many-fronted study being given to the causes of international conflict by the economic and social agencies of the United Nations as one of the most auspicious factors of present world organization. For in the long run, collective security can be assured only by creating a state of affairs in which the incentives to violence are removed and all parties become aware that any attempts to commit a breach of the peace will be frustrated by overwhelming force. The chief fault which the author finds in the United Nations as presently constituted is the insufficient power which is reposed in it to bring about needful changes in the status quo by peaceful means.

A tabular "synopsis," contained in an Appendix, affords a handy reference guide to the disputes and situations threatening peace and security referred to the United Nations since 1946 and the measures taken with respect to them.

NORMAN J. PADELFORD

Massachusetts Institute of Technology

VARG, PAUL A. *Open Door Diplomats: The Life of W. W. Rockhill*. (Illinois Studies in the Social Sciences: Volume XXXIII, No. 4.) Pp. ix, 141. Urbana: University of Illinois Press, 1952. Cloth \$3.50; paper \$2.50.

It is difficult to understand why one of America's outstanding diplomats should have been neglected this long. W. W. Rockhill, the author of *Open Door Policy* was a diplomatic "sport," trained in the humanities and classics, and a career diplomat before the days the United States had recognized the need for professionalizing its foreign service. This introductory study is well written and suggestive, although it lacks the psychological, political, and sociological insights which might have contributed much to the understanding of the man and his contribution to society. Rockhill was a scholar whose accounts of Mongolia and Tibet were acknowledged by William Graham Sumner as having contributed greatly to the theory of social relativism. Because he knew the language and the history of China he became a symbol of the expert and well-trained diplomat whose modern counterpart can be found in Charles Bohlen or George Kennan.

But unlike either of the latter, Rockhill undervalued power assessments. This was indicated by his enthusiastic approval of Japan's annexation of Korea in 1905, his underestimation of Russian intentions in Manchuria in 1911, and his failing to see that Japan had won a victory at China's expense with the Root-Takahira Agreement of 1907. Again, his historical-anthropological training did not prepare him adequately to recognize the nature of the Chinese revolution brought about by nationalism. Unlike the American political scientist, Paul Reinsch, then minister in Peking, Rockhill praised the Empire and deprecated the attempts at democracy and modernization which had inspired the new Chinese government. Although he may have lacked an awareness of the concept of social change, his love of Chinese culture and religion and his appreciation of the oriental tradition may have made him less than enthusiastic in supporting the more extreme demands of the United States missionaries in the Orient.

But if Rockhill was occasionally betrayed by his historical perspective, he was never guilty of stupid, blundering policies like some of his colleagues. His superior officer, Charles Denby, who was Minister to China in 1886, knew neither French nor any other foreign language, spoke of "Hungaria," and believed that the Cossacks came from Corsica. Again, Robert Bacon, Assistant Secretary of State in 1906, so overestimated the power of China that he informed von Sternburg that it was a serious mistake for Russia to withdraw from Manchuria inasmuch as her presence there had provided a necessary check on China! It is unfortunate that this introductory essay gives no adequate explanation for the personal friendship of Alfred E. Hhippsley and Rockhill, nor an accounting for Rockhill's intimate acquaintance with Theodore Roosevelt, John Hay, and others. It was Hay who acknowledged Rockhill's expertise to the point of accepting his proposed open-door doctrine and the establishment of the Boxer indemnity funds for Chinese education in the United States.

MARTIN B. TRAVIS, JR.

Duke University

MARX, DANIEL, JR. *International Shipping Cartels: A Study of Industrial Self-Regulation by Shipping Conferences*. Pp. xiii, 323. Princeton, N. J.: Princeton University Press, 1953. \$6.00.

It is impossible to do justice to a book of this substance in a brief review. As the author says in his preface, he has set himself the task of investigating the record of some of the earliest cartels in international trade. He devotes his first three chapters to a careful analysis of the economic aspects of ocean shipping, giving due attention to all the puzzles of alternative location for operations, joint costs, the effects of fluctuations in the general level of international trade, and other intricacies.

He then reviews the history of shipping conferences and their trade practices, relying on authoritative evidence collected by investigating agencies in Britain and the United States. Recognizing that these inquiries were made some years ago, he assembles a great deal of relevant informa-

tion on the current status of ocean shipping and government regulation of the industry.

His concluding chapters assess the practical possibilities worth consideration by the general public, shippers, carriers, and regulatory bodies. Here his conclusions are necessarily cautious; for he has already exposed the complexity of the problem. Nevertheless, he is willing to commit himself to some suggestions for action. He grants the need for some self-regulation by the industry, but suggests that an international agency and regulatory authorities in various countries could be of real value in correcting abuses and maintaining some degree of stability in shipping services and rates. These proposals are put forward temperately and carefully, and will doubtless prove disappointing to advocates of self-organization in industry as well as to avowed critics of cartels.

The whole book is free of the technical language which occasionally makes a work of economic analysis inaccessible to the layman. It can be heartily recommended to any citizen who wishes to learn as much as he can about an important and complex subject. Ample documentation, careful analysis, straightforward language all combine to assure such a reader that he is being reliably informed, and that proposals for action have been thoroughly and objectively weighed. This reviewer learned a great deal from the book—his previous knowledge being largely based on a limited reading of the novels of Joseph Conrad and the short stories of William McFee. The importance of ocean transport—though the skies are filling with airplanes—fully justifies careful study. This book admirably meets this need; and as the author modestly suggests, much of the record in shipping throws light on other transport problems of the twentieth century.

PHILIP W. BUCK

Stanford University

AMERICAN GOVERNMENT AND HISTORY

VANDERBILT, ARTHUR T. *The Doctrine of the Separation of Powers and Its Present-*

Day Significance. Pp. xiii, 144. Lincoln: University of Nebraska Press, 1953. \$2.50.

The three lectures which are assembled in this book were delivered at the University of Nebraska just a year ago. They represent the accumulated experience and mature thinking of one of the most puissant legal minds of our generation. The extensive study and distilled wisdom which have gone into them are the essence of the author—for many years an outstanding trial lawyer and contemporaneously dean of a great law school, and now, and for the past few years, Chief Justice of the State of New Jersey, the new constitution of which state he had a large part in farming.

The first lecture deals with the subject historically and geographically. The origin of the doctrine is traced back to Plato and Aristotle, down through the political philosophers of the medieval world, on to the thinking of Montesquieu "who first saw the light," and thence to its development and expression in modern Europe, in the Latin-American republics, and in our own Constitution.

The emergence and dictatorship of Hitler, the Soviet constitution of 1936, and the emergency clauses of the constitutions of fifteen of the twenty Latin-American countries, permitting the restriction or suspension of ordinary constitutional guarantees, afford him a splendid modern clinic for the demonstration of the readiness with which a strong executive may assume and, at least for a protracted period, maintain absolute control of a nation. Clothed with such power, the executive invariably assimilates the functions of the legislative and brushes aside those of the judicial branch, and the separation of powers no longer exists. He closes the lecture with a review of the origin of the doctrine in our own form of government and of its varied history from 1787 to the present day. "The contest between the three departments in national, state and local governments still goes on from day to day with varying results, but with all of the skirmishes, sometimes none too edifying, the goal remains constant—a government of law rather than of official will or whim."

The second and third lectures constitute an expansion, confined to the American scene, of this closing paragraph of the first. The author discusses the rapidly accelerating growth of the dominance of the power of the federal government over that of the states; the evolution and development of the President's legislative powers; the proliferation of administrative agencies; the finality of their decisions, due in part to legislative empowerment and in part to judicial deference; the rare but ever-threatening interference by Congress with the judicial process; and, finally, the absolute necessity of the insistence by the American people on the continued separation of the three powers of government if their way of life is to be preserved. He closes his masterly analysis with the admonition, "On respect for the doctrine of the separation of powers, not as a technical rule of law but as a guide to the sound functioning of government, rests not only the stability of this nation but of every other nation and the freedom not only of our own citizens but of the citizens of every other country."

ROBERT T. MCCracken

Philadelphia, Pa.

CROSSKEY, WILLIAM WINSLOW. *Politics and the Constitution in the History of the United States.* 2 vol. Pp. xi, 708; viii, 709–1410. Chicago: University of Chicago Press, 1953. \$20.00.

This is an amazing performance—a 1400-page initial segment of a proposed more extensive study, some of which is already "in draft." The thesis is that our constitutional development for more than a century and a half is not what the Fathers intended and that this "is a matter unknown, alike, to our accepted constitutional law and our conventional American histories" (page vii). There is no evidence that the author thinks it a cursed spite that he was sent to set it right. His dominant temper is that of the evangelist rather than that of the scholar, although he invokes the fruit of extensive and remote research to his purpose. He makes it clear that the Supreme Court in purporting to interpret the words of the Constitution has disregarded much contemporary usage, though one cannot

always be sure that all the usage was uniformly harmonious.

One may be well satisfied with the evidence that in 1787 "imports" and "exports" included goods crossing state as well as national boundaries and that Miller's rejection of Marshall's acceptance of this view was historically and linguistically unwarranted. Whether "among the several states" was so widely understood to mean "in" rather than "between" is less certain, but Marshall himself took the commerce subject to national control to include that "which concerns more states than one." Mr. Crosskey makes it clear from other clauses in the Constitution that there was no warrant for the view that the commerce grant to Congress was that of an exclusive power and therefore that it was illegitimate to rule that the commerce clause "of its own force" could preclude the exercise of regulatory powers by the states. We have long known that this was a judicial invention as much as the "original package" rule, and as much as the later view that judicial interpretation of the "silence of Congress" has authentic constitutional warrant.

Less credence can be given to Mr. Crosskey's other view that to a large extent the design of the document was to create something approaching a unitary national state. One who has read the debates in the state ratifying conventions may feel confident that such a design, if avowed, would have ensured rejection. And whence does the Constitution derive its authority? The Framers were informal proposers. It took the state ratifications to get the organization going, and then it started in disregard of the existing fundamental law of the Articles of Confederation.

So with reason it may be urged that the twentieth century burrowings into scattered and little known eighteenth-century documents and the invocation of contemporary popular usages cannot yield legally or constitutionally binding authority on the interpretation of the scheme of government which ultimately emerged. We can accept the view that this scheme is to a large extent a judicial creation—and indeed from time to time an undulating one—without agreeing that there is a Mt. Sinai

verbal compulsion to confine legitimacy to a very different structure and organism.

THOMAS REED POWELL

Harvard Law School

U. S. PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION. *Whom We Shall Welcome*. Report of the President's Commission on Immigration and Naturalization. Pp. xv, 319. Washington, D. C.: U. S. Government Printing Office, 1953. 75 cents.

When historians tell the final story of the Truman administrations, among the important results will be the disagreements between the President and the Congress with reference to immigration legislation. Mr. Truman "reluctantly" signed the Displaced Persons Act of 1948, and vetoed the Internal Security Act of 1950 and the Immigration and Nationality Act of 1952. The basic difference between the Congress and Mr. Truman was the underlying philosophy of such legislation. Mr. Truman wanted "liberalization" to afford relief for millions of persons in conditions of misery not of their making. Congress wanted complete security and biological and cultural homogeneity reflected in our immigration laws. Mr. Truman emphasized our responsibility to other nations; Congress insisted its responsibility was and is to the American people and their general welfare.

The Report under review, which deals with the McCarran-Walter bill (Immigration and Nationality Act of 1952), was the subject of more than 2,000 pages of testimony from September, 1952, to January 1, 1953, in eleven different cities from coast to coast. The Report summarizes the testimony and follows fairly closely the veto recommendations of Mr. Truman.

Among the issues involved were: (1) national origins as the basis for quota allocations; (2) the total number to be admitted under such quotas; (3) the question of quota, nonquota, and nonimmigrant categories; (3) the racial bias in quota computations; (4) the security provisions relating to subversives; and (5) the problem of unused quotas by large quota countries. Without a reasonable familiarity with the Displaced Persons Act and the

Internal Security Act, an understanding of the Immigration and Nationality Act of 1952 is impossible.

Our present quota allocations are based on the Johnson Act of 1924, limiting European quota immigration to about 150,000, based on the 1920 population, excluding Indians, Negroes, and Western hemisphere immigrants. This Report recommends basing immigration on the 1950 census, including those excluded in the 1924 Act. It further recommends a unified quota system under a separate Commission rather than under the Departments of State and Justice, as now obtains. It questions the racial basis as incorporated with respect to the Asia-Pacific triangle and colonial possessions in the Western hemisphere. The Report points out that we are departing from our historical role as a haven for the oppressed and persecuted.

The Report also maintains that the United States must assume the responsibility for affording worthy and honorable persons an opportunity to enter the United States so they may rejoin their families, and offer other unfortunates an opportunity to reorganize their lives and make a new beginning without fear.

The essential problem involved is one of policy. Is it the function of Congress to promote good will and win support for our way of life among the nations, or is it the function of our law makers to promote the general welfare of the people of the United States as they understand it? Apparently the Congress was concerned with what it considered best for this country. Whether it is or was wrong, is to be decided by each person for himself. Speaking only for myself, I should prefer complete elimination of national origins quotas and admission of 300,000 immigrants annually on a first-come-first-served basis so long as each applicant meets the requirements of our immigration laws and regulations.

J. P. SHALLOO

University of Pennsylvania

HOLMES, OLIVER W., and HAROLD J. LASKI. *Holmes-Laski Letters: The Correspondence of Mr. Justice Holmes and Harold J. Laski, 1916-1935*. Edited by Mark De Wolfe Howe. Foreword by Felix

Frankfurter. 2 vols. Pp. xvi, 813; v, 815-1650. Cambridge, Mass.: Harvard University Press, 1953. \$12.50.

Early in July 1916 Harold Laski accompanied Felix Frankfurter on a visit to Justice Holmes's summer residence at Beverly Farms, thirty miles north of Boston. Laski, a stripling of 23, wrote a thank-you note. Holmes, in his seventy-fifth year and already a venerable figure at the top of the legal pantheon, penned a reply. This exchange of notes was the source of a stream of correspondence which records the extraordinary friendship born of that first meeting. It is that correspondence, composed entirely of handwritten letters, which is compiled in these volumes. All the letters are included, except for a few trifling omissions, without abridgment or excision. The last entry is Laski's letter dated February 17, 1935, just a fortnight before Holmes died.

It is no light task to read these volumes through in their entirety. After all, even the discourse of titans becomes something less than nectar when poured into 1500 pages of fine print. The game is worth the candle, though, for the perusal of these letters is a rich and rewarding experience.

This correspondence is a veritable carnival of ideas, a kaleidoscope of persons, places, and things. It is peopled with the great and near-great from various walks of life in contemporary England and America. The writers ramble over the universe and run the gamut from Aristotle to Charlie Chaplin. They write with equal ease of the cosmic and the parochial, the trivial and the profound, and engage in free comment on law, religion, science, philosophy, literature, art, political theory, and government. They unbosom themselves in the intimacy of these letters and voice extravagances and heresies which will offend some readers.

The main currency of the letters is the exchange of ideas on political theory and law, and *métiers justes* of the correspondents. Some of the recurring themes in this respect are: the nature of law and the judicial process; the concept of sovereignty, on which Holmes and Laski seemed forever to disagree; Holmes's cryptic and challenging dictum that "all society rests on

the death of men." Holmes's view that "law is what the courts will do" finds frequent expression here. For instance, he says of Chief Justice Taft's opinion in the celebrated case of *Truax v. Corrigan*, decided in 1921: "I think the Chief's performance in the above-mentioned case is rather spongy—copious citations of generalities become platitudes which don't bring you any nearer to the concrete case. I always say that I will admit any general proposition that anyone wants to lay down and decide the case either way" (Letter of Dec. 22, 1921).

These letters clearly reflect the diverse temperaments of the writers. Holmes seems calm and dispassionate, sometimes almost detached in the expression of his views—all intellectual sinew, no emotional fat. Laski is effervescent, often vehement. It was precisely the exuberant and controversial strains in his character which his enemies resented. His admirers and friends, among whom were numbered many of the world's notables of the past half-century, have always argued that a core of intellectual greatness counts more than the husk of human failing. In the words of Zechariah Chafee, Jr., distinguished jurist and humanist: "There are few men with whom I have disagreed so often, and fewer still with whom I have passed so many happy hours and from whom I have learned so much." And Holmes's high esteem for Laski is revealed time and again in these very letters. Four years after their first meeting, when Laski was about to return to England, Holmes wrote: "I shall miss you sadly. There is no other man I should miss so much." And again, toward the end, he wrote: "One of the greatest pleasures of my waning life is a letter from you. Please keep on writing to me" (Letters of March 31, 1920, Nov. 27, 1931, Nov. 23, 1932).

Personal history has a telling way of illuminating present issues. There is in these pages an interesting commentary on academic freedom, a burning issue of our day. Laski's attitude and activity in the Boston Police Strike of 1919 offended many influential Bostonians. When Laski's dismissal from Harvard was urged, President Lowell declared: "If the overseers ask for

Laski's resignation, they will get mine," but he also told Laski "in confidence not to expect promotion from the University" (pp. 213-218).

Mr. Howe, Professor of Law at Harvard, and Holmes's official biographer, deserves a special word of high praise for his excellent annotations, which even tutored readers will find a necessary legend to many passages. Mention should also be made of the valuable biographical appendix (pp. 1485-1524), the detailed index (pp. 1527-1650), and the knowing Foreword by Mr. Justice Frankfurter, the "Felix" who haunts these papers.

The future readers of these volumes will, no doubt, include some who seek confirmation of their prejudgments of the correspondents, many who come as searchers in a source book, and others who crave the pleasure of tracing an adventure in ideas. They will not be disappointed in their respective quests, but each will discover anew that "the straightest way to the heart of a matter is an old letter."

BERNARD F. CATALDO

University of Pennsylvania

ROSENBLUM, MORRIS V. *Peace Through Strength: Bernard Baruch and a Blueprint for Security*. Pp. 325. New York: Farrar, Straus and Young, 1953. \$3.95.

This book I found interesting and well worth reading. It is written by an awed disciple of a great man. It is an admitted argument for Mr. Baruch's well-known positions. Yet it seems to me to ring true.

The words—wise, dedicated, unique—naturally associate themselves with the name Baruch. It is well to gather this record of his distinctive services and of his still so presently potent wisdom.

But the title "Peace Through Strength" and the subtitle "A Blueprint for Security" seem to me exaggerations. Neither Mr. Baruch nor any man alive can produce a real blueprint on which we can be assured of building either peace or security in today's tortured world. In such a world, strength will merely greatly increase our chances of surviving as free men.

So too the nine policies, the Blueprint for Security, with which the book is climaxed, appear to be in general sound principles—

but only principles. For example, the seventh is: "A realistic control plan for atomic and hydrogen weapons. . . ." Through no fault of ours, we are wholly unable to carry out such a plan so it produces no security.

The book appeals to me most in the shafts of light it casts on certain aspects of Mr. Baruch:

(1) *His willingness to yield any natural desire for high official position in order to be of the most use.* He declined President Wilson's offer of the Secretaryship of the Treasury because he "was more concerned in 1919 with international issues, and wanted . . . to be free to advise Wilson in Paris."

(2) *Both his time and his money were placed at the service of the Government, not only in war but during peace, over almost forty years.* In 1916, his salary was "nothing—and pay my own expenses." In World War I he found it necessary to send an official Government economic mission to England. At the last minute it was found that there was no money to pay for this expense. Mr. Baruch paid it from his own pocket. The cost was \$85,000. In 1937, Assistant Secretary of War Louis Johnson concurred with Mr. Baruch as to the acute need for strategic stockpiles but "doubted if he could get the necessary appropriation of \$3,000,000." Mr. Baruch "offered to foot the bill, but somehow Johnson eventually got the money from Congress."

(3) *"... one of my principal aims in life was to see that our country should never be caught again as it was in 1917, devoid of a plan for industrial preparedness. . . . Surely this was an aim which he never forgot.* In the book's Afterword, Charles E. Wilson (Electric Charlie) states that "Bernard Baruch's everlasting willingness to devote his time and energies to his country's problems is unique."

I like the phrase, "Baruch's reputation rests upon his lifelong habit of very often being right." As just one example, we may look from the hindsight of today at his prophecy of September 2, 1950: "I fear that the people in Washington do not realize the full extent of the difficulties that lie before us. They are going at it piecemeal, with all the tragic costs that will come from that kind of approach."

In the periods preceding and during three wars, the last of which is still going on, Mr. Baruch has inveighed against the "piecemeal" approach and the resultant unpreparedness and inflation. His habit has been to reach for the jugular of each crisis. In this he perhaps has often underestimated the political difficulties. The author states that Montagu Norman described these with the words: ". . . dictatorships could mobilize speedily and effectively, but only God Almighty could eventually mobilize a democracy." Certainly in this effort in three mobilizations the Lord has had a lot of help from Bernard Baruch.

TRACY S. VOORHEES

Brooklyn, New York

CHODOROV, FRANK. *One Is a Crowd: Reflections of an Individualist*. Pp. xiii, 176. New York: Devin-Adair Company, 1952. \$2.75.

This series of disjointed essays reflects the prejudices of an aging follower of Henry George who has, with advancing years, come to regard the income tax as the key to America's descent into collectivism. The introduction by John Chamberlain heralds the volume as "good instruction" and "first-rate entertainment."

Especially in the last respect, the volume lives up to expectations. The author is ardently championing an individualism so extreme in character as to leave the National Association of Manufacturers as an agent of collectivism. "To put it bluntly," he affirms, "Communism will not be imported from Moscow; it will come out of Wall Street and Main Street. . . . The cause of private property has been championed by men who had no interest in it; their main concern has always been with the institution of privilege which has grown up alongside private property."

Condemnation is heaped upon the State and upon accepted political institutions. For "the incontrovertible fact of history is that politics is purely an expense, a drain on the marketplace and cannot be anything else. . . . The income tax completely changed the character of the American politician." Its imposition "completely destroys the immunity of property. It flatly

declares a prior right of the State to all things produced." It "unashamedly proclaims the doctrine of collectivized wealth" and "must produce a slave psychology. . . . The repeal of the Sixteenth Amendment is the one thing that we can do to save America from the dust-pile fate of other civilizations."

Yet the income tax does not alone face condemnation. Minimum-wage laws—indeed "all legislation dealing with labor-employer relations—are concessions to the communist conception of wages." Governmental operation of the postal service is deemed monopolistic, inefficient, and, essentially, the creation of a politician's paradise. South Carolina is praised for passing a law which allows local communities to rent their educational equipment to private institutions.

Individualism, he concludes, is "the modern radicalism." "No creed in the history of the world ever captured the hearts and minds of men as has the modern creed of Statism. Men may differ in their rituals, they may call themselves Americans, Englishmen or Russians (New Dealers, Socialists or Communists), but in their adherence to the doctrine of the omnipotence of the State, they are as one. It is the universal religion. . . . And what is Washington but the shrine of the largest golden calf in the world?"

All this is most pleasant reading for one who wishes a simple answer to most complex problems. Just what should be done about such minor issues as national defense, the federal debt, public utility rates, or the monetary system does not emerge. Presumably Natural Law will provide the solution to these as to issues of social security, agricultural prices, or wages. And why the income tax is so uniquely charged with iniquity is not altogether apparent. It would be presumed that any tax is the exercise of the prior right of the state to a share in distribution.

COLSTON E. WARNE

Amherst College

EWING, CORTEZ A. M. *Primary Elections in the South: A Study in Uniparty Politics*. Pp. xii, 112. Norman: University of Oklahoma Press, 1953. \$2.75.

This study consists of a collection of statistics on primary elections in eleven southern states, covering a total of 3,843 contests (including those which were unopposed). The statistics relate to the number of candidates and the votes cast in primary elections for statewide offices, members of congress, state legislature, and the judiciary. It does not cover primaries for county and other local offices, except for judges. The great bulk of the statistics relate to the dominant Democratic primary, though some statistics are given on Republican primaries in several states. The author experienced considerable difficulties in compiling statistics on primary elections, which in most states are not published; while he states that the coverage is adequate, unfortunately he does not state precisely the dates, states, and contests for which data were collected.

The author states that the purpose of his study is "to examine the primary system of the South and to determine, if possible, whether the intraparty struggle produces results that are not at variance with the demands of democratic procedure" (p. 7). He does not, however, define the meaning of the "demands of democratic procedure," and his findings are, in fact, strictly statistical. Some of these statistical data are quite significant. For example, in the primary elections, 40 per cent of the candidates were unopposed. In states with runoff primaries 42.6 per cent of the candidates were unopposed, whereas in the single primary states the corresponding statistic was 32.7 per cent. But there was wide variation in offices and from state to state. Only 6.3 per cent of the primary elections for governor were uncontested, while 65 per cent of the county judicial nominations were unopposed. The largest percentage of contests were for state administrative offices and for United States Senator. In several states more than half of the primary elections were uncontested, but in Oklahoma over 90 per cent were contested. Surprisingly, there were relatively more contests in the Republican party primaries than in the Democratic, though the candidates usually had little or no chance of final election. As would be expected, incumbents had a far higher percentage

of unopposed candidacies than non-incumbents; 46 per cent of the incumbents received renominations without facing an opponent, while only 20 per cent of non-incumbents were unopposed.

Although a statistical study of this type is of value, it also has definite limitations, which the author does not indicate. The lumping together of statistics from the several states, each with its individual traditions and political systems, inevitably blurs the findings. The average number of candidates for each office, for example, is of interest, but would be of greater significance if the reasons for the variations from state to state, from year to year, and from one office to another were explored. The study throws little light on such problems as what causes persons to run for office, what factors affect the kind of persons who enter the race, what role the party organizations play in promoting candidacies and also in discouraging those who might desire to contest the nominee who has received the organization approval, whether the primary election system in the South tends to preserve the one-party system, and to what extent personal or factional contests take the place of party struggles in other states.

JOSEPH P. HARRIS

University of California
Berkeley, California

DEARING, MARY R. *Veterans in Politics*. Pp. xiii, 523. Baton Rouge: Louisiana State University Press, 1952. \$6.00.

The title of this study is somewhat misleading. The subtitle, "The Story of the G. A. R.," is more to the point. It is in no way a comparative analysis of veterans' pressure politics. Obviously, it would have been a more valuable contribution to the literature of American politics if it had been a comparative analysis. Even as a doctoral dissertation, it should have been written against the background of the mass of material already assembled concerning the Legion and other veterans' organizations.

Mrs. Dearing has done a magnificent mechanical job of examining and systematically assembling just about everything that has been said or written about the Grand

Army of the Republic. In fact one is a bit overwhelmed with the extent of detail. However, it is more of a mechanical than a mental exercise. True, Mrs. Dearing reveals a considerable amount of reflective thinking about the G. A. R. Nevertheless, she does not indicate any great familiarity with the literature of pressure politics in general nor even with the studies of veterans in politics in particular.

Students of pressure politics today want to know to what extent there is a pattern among veterans' groups. If there is a pattern, why do they seem to follow such a pattern? For example, why does there seem to be so much emphasis on nationalism and patriotism in veterans' groups? Why do they seem to believe they have a monopoly on tests of loyalty? To what extent do they use political parties or politicians to secure special privileges for themselves? Perhaps even more important today, to what extent do parties and politicians use veterans' organizations to accomplish their objectives?

This is not to suggest that we do not need the type of task which Mrs. Dearing has undertaken. Others can go on from here. Eventually the public will be well enough informed to respond more sympathetically to the kind of approach undertaken by Adlai Stevenson in the 1952 presidential campaign when he frankly informed the American Legion in particular and other pressure groups as well that if he were elected President such groups would be accorded no special privileges inconsistent with the public interest.

E. ALLEN HELMS

Ohio State University

H. HALE BELLOT. *American History and American Historians: A Review of Recent Contributions to the Interpretation of the History of the United States*. Pp. x, 336, 7 maps. Norman: University of Oklahoma Press, 1952. \$4.00.

A sincere book by a foreigner on American history should never be ignored. A competent, rich treatise such as this one by that rare species—a foreign professor of American history (University of London)—is a profound satisfaction. The existence of the ocean distance does not guarantee

perspective but it seems to help with refreshing insights.

Professor Bellot's purpose is to answer what American history is about. Bellot considers that most of the American history published before 1910 has been outmoded. He frankly admits that he has said little about and gained little from historical biography. He feels that during the past 75 years, three influences have shaped American history—the liberalization of the academic curriculum, the establishment of professional standards, "and the adoption of a distinctively American in place of what had been an essentially European point of view" (p. 1).

This is a good "briefing" volume for adults and for the specializing graduate student. Extensive bibliographies cluster around the seven chapters—Recent American Historiography, the Mainland Colonies in the Eighteenth Century, the Revolution and the Constitution, the Settlement of the Mississippi Valley, Sectional Conflict, "Integration and Reform," and the concluding chapter which is labeled, significantly, "New Complexities."

This is a well-written book, but not even an Englishman can persuade me that paragraphs must be so lengthy.

What does this distinguished scholar find missing in our scholarship and self-analysis? Here are a few examples.

He finds that American history has not been related to world history (although I must add that some persons are trying to do just this). "The competent study of American diplomatic history is of quite recent origin" (p. 287).

In the problem of the western lands, the conflict of interest between tidewater and back country, "and the relentless pressure of a continued passive balance of trade upon the economy of a debtor community" have not "received sufficiently penetrating analysis" (p. 59). Much remains to be done on the intellectual history of the seventeenth and eighteenth centuries (pp. 62, 102). He notes that the history of the lower Mississippi valley "has been much less adequately studied than that of the Middle West" (p. 145). And he concludes that national history cannot be fully understood without working through migra-

tion, immigration, public land, and transportation policy to get at the political experience of the several states in the valley (p. 148). He considers it a curiosity that so little expert attention has been given to the history of transportation.

The impact of the settlement of the Mississippi valley upon the Atlantic states and their domestic history, between 1815 and 1861 "have as yet been but imperfectly studied" (p. 197). The history of the nineteenth century in the North Atlantic states has lagged—"the historiographical counterpart" of the tardiness of the nations of Western Europe to write their own domestic histories during this period (p. 168). Further, he considers it remarkable "how little scientific work of the first quality has yet been done upon the history of the conduct of the American Civil War" (p. 189).

He feels that the history of citizenship in the United States is a highly complex matter awaiting satisfactory and exhaustive treatment (p. 216). The established parties have not received sufficient treatment (p. 249). The development of "total" business and "total" unionism, operating under the rule of success, and a challenge to "the new patriotism" as much as any sectionalism, has been imperfectly examined. The study of the history of labor in the states "has barely begun" (pp. 250, 254, 257).

There is wisdom in this book. "The solution of the problem of yesterday engages the public mind of to-day while the problem of to-day treads unnoticed upon its heels" (p. 214). RICHARD H. HEINDEL
Washington, D. C.

FREEMAN, DOUGLAS SOUTHALL. *George Washington: A Biography. Volume V: Victory with the Help of France.* Pp. xvi, 570. New York: Charles Scribner's Sons, 1952. \$7.50.

This volume covers six years in the life of the mature Washington. During this period (1778-1783) the responsibilities of his position produced incidents that tended to demonstrate further his already determined character and personality. Fewer than in the earlier years are instances in which a biographer can see obvious development of character. However, examples

of continued development are found in Washington's sound reaction to public adulation, and in his growing patience and consciousness of the restraints which the responsibilities of higher office place upon an individual. He was often exasperated, but only once or twice in these years did he let escape even in confidence any comment which, though accurate, might through phraseology create embarrassment if unexpectedly revealed.

After a decade of daily study of Washington, Mr. Freeman probably understands his subject better than any person now living. He is convinced: that Washington is not understandable otherwise than in terms of character; that few conspicuous mortals ever have so exemplified the incredible value in mature life of a clean youth; and that "Parson" Weems, even though he perpetuated several absurd stories, was much nearer the truth in his presentation of Washington's youth than some of the "debunkers" have been.

Mr. Freeman again demonstrates in this volume the finest combination of scholarship and literary ability. More detailed comments set forth in reviews of earlier volumes in this series are still fully justified but need not be reiterated. His survey of sources on Washington's contemporaries leads to the conclusion that "much of the history of the Revolution may advantageously be rewritten from sources now available." This is illustrated by an appendix on "The Wartime Speculations of Nathanael Greene." The Quartermaster General's caution, in keeping secret his private transactions, indicates that he knew them to be questionable even by the lenient standards of those days. Yet, a year later Greene unselfishly hazarded and lost all these profits and even much of his previously acquired property in order to feed his troops on the campaign in the South. Equally thought-provoking is the analysis of motivations back of the treason of Benedict Arnold and the incipient, but never consummated, plan for Ethan Allen to lead 4,000 troops down the Hudson to join the British in 1779. In Mr. Freeman's footnotes, students can find inspiration for many theses and even for full length biographies.

Scribner's generally admirable format is maintained in this series. Perhaps a signature of 32 pages over-inked to the point of illegibility, in the reviewer's copy, merely emphasizes the necessity of inspecting all books prior to accessioning.

CHARLES M. THOMAS

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HORNER, HARLAN HOYT. *Lincoln and Greeley.* Pp. ix, 432. Urbana: University of Illinois Press, 1953. \$6.00.

It is unfortunately true nowadays that the imprint of the college press all too often presages authoritative and scholarly dullness. It performs the highly necessary function of making available important studies which appeal to an impressive but limited audience. Its function, therefore, is not particularly zestful.

But in the case of "Lincoln and Greeley" such is not at all the case. This monograph is at once scholarly and enthralling. It displays that most admirable form of research which selects material for a tingling quality as well as for its pertinence. A full, authentic picture emerges not only of the interaction of the two men, but of how they reacted to the historic problems which the times posed for them.

The contrast between Lincoln and Greeley is a most arresting one. Both combined first-rate intelligence with a basic love for humanity; both were honest, purposeful, and accustomed to getting things done. But here the similarity ends.

Lincoln was slow to make up his mind, and even slower to change it. It is well-nigh impossible ever to charge him with inconsistency, except when he adopted it deliberately in order to accomplish the purpose he had in mind. Expediency never clashed with his principles unless basic principle was involved. He was always ready to compromise, both in direction and timing, so long as his over-all aims were benefited and no major question of ethics was involved. His dealings with Greeley over Emancipation when in his own mind it was unalterably decided upon is an excellent case in point.

Greeley's heart was just as sound and his intentions equally good. But his judg-

ment was all too often at fault. For a man of such wide experience he was frequently quixotic, gullible, and capricious. Of all outstanding Americans I am inclined to class him with two of our contemporaries, Henry Wallace and Robert Taft; for they too combine first-rate intellects with amazing shifts of position and instability of viewpoint.

Consequently, Greeley was one of the most imposing failures in our history, while Lincoln is almost certainly its outstanding success.

ALPHONSE B. MILLER

Philadelphia, Pennsylvania

WARD, CHRISTOPHER. *The War of the Revolution.* Edited by John Richard Aldan. 2 vols. Pp. xiv, 476; vii, 477-989. New York: The Macmillan Company, 1952. \$15.00.

Recent books on the American Revolution have been criticized for their lack of comprehensiveness, for their neglect of some one phase of a many-faceted period. The late Christopher Ward, distinguished Wilmington lawyer and author of a splendid monograph on this period, *The Delaware Continentals*, skillfully anticipated and thwarted such criticism. In the first two sentences of his preface he wrote "This book is not a history of the American Revolution. It is a history of the war that was caused by the Revolution." He proposed to tell the story of land fighting, from April 19, 1775 to the cessation of hostilities in 1782.

Volume One opens with three introductory chapters which briefly sketch and summarize the background of hostilities. The volume closes with the start of Burgoyne's invasion and the Battle of Bennington. Every engagement receives the close scrutiny of the author—there are, for example, three chapters on the Battle of Long Island. Numerous maps are of real assistance in following the action. The interest quality is always high; for such chapters as those on Lexington and Concord this writer believes superlative are in order.

Volume Two opens with six chapters that conclude the account of the Campaign of 1777. Valley Forge, Monmouth, Newport, Stony Point, Morristown, Sullivan's cam-

paign against the Indians of New York State conclude the author's attention to northern campaigns. Two hundred and twenty-five pages, or about one-fourth of the entire work, are required to recount the story of the southern campaigns from Charleston to Yorktown. Some readers will consider these chapters the most graphic of all. King's Mountain, Cowpens, Camden, Ninety-Six, Eutaw Springs, Guilford Court House, and a host of minor engagements are described and analyzed. The editor has added a chapter on George Rogers Clark and the War in the West, apparently the only section Mr. Ward had not completed before his death.

While there have been comparable works during the past decade, notably those by John C. Miller and Willard Wallace, there is no need to justify another account such as this present study. The account of our war for freedom and of the men who made that freedom possible can be repeated often. In this particular case the story is thorough, vivid, and readable. Not in our generation, at least, has there been such a fascinating account of our first war with Great Britain.

RALPH ADAMS BROWN
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MOSIER, RICHARD D. *The American Temper: Patterns of Our Intellectual Heritage*. Pp. xvi, 306. Berkeley: University of California Press, 1952. \$5.00.

The history of the American people began in the seventeenth century, the same century in which Isaac Newton brought the scientific revolution to its culmination and in which Puritanism emphasized a new theological picture of the cosmos and of the destiny of man. Puritanism, transplanted in the New World, became the starting point of American thought. It was destined to cast a long shadow forward over American history. Science, coming early to the New World, has also conditioned American thought almost from the beginning. The New World itself provided a stage on which men could work out their own answers to basic questions and, in so doing, manifest a unique response that may appropriately be called "the American tem-

per." These are the elements in the present volume. The first two are extensively treated; the third, the environmental setting, is largely implied.

Mr. Mosier announces his theme and argument in his opening sentences. "To the Puritans belongs a primitive synthesis of the American mind, in which sixteenth-century Calvinism was gradually transformed in the light of social-contract theory into a religion of reason. To the young republicans of the revolutionary age belongs the pleasure of an early enlightenment, made fresh in the mind by so many recent departures from it. To the transcendentalists belongs a transformation of romantic philosophy into terms suitable to the current American dream. To the pragmatists belongs the creation of a philosophy of technology, with its experimental temper and its instrumental purpose." Through all these phases of thought runs a single need, namely that of the necessity confronting the individual man to answer the questions: what is my relation to the cosmos? what is my relation to society?

Mr. Mosier brings a mature philosophical scholarship to his task. He is at home in the realm of ideas. His failure to deal with the changing and developing American social scene, however, gives the book a suggestion of the remoteness of the ivory tower. Yet the analyses of the various phases of thought is perceptive and valuable and the author's conclusions gain in clarity and emphasis through the elimination of discussion of social change. This is a useful and valuable contribution to the growing literature of the history of ideas in America. It deals with political and educational thought as well as with religious and philosophical.

Mr. Mosier rejects the cyclical theory of history. He frankly sets forth the temper of his own thought which, in this reviewer's opinion is an excellent expression of the traditional American temper, "But the creative womb of time will one day bear her fruit, and bring to its birth another creative moment in the making of the American mind. . . . The future of the American mind is great because the categories of its thought have not yet been frozen by history into the inviolable, nor by partisan in-

terest into the untouchable." Optimism, orientation toward the future, characterized the American outlook from the time when settlers from the Old World first hit the beaches of the New and began the conquest of the Wilderness. This volume is evidence that the outlook persists in a time which has been called The Age of Anxiety.

RALPH H. GABRIEL

Yale University

JEFFERSON, THOMAS. *The Papers of Thomas Jefferson*. Vol. VI: 21 May 1781 to 1 March 1784. Edited by Julian P. Boyd. Pp. xxxvi, 668. Princeton, N. J.: Princeton University Press, 1952. \$10.00.

In this volume, even more forcibly than in those which have preceded it, the reader is reminded that, through Jefferson, he becomes intimate not merely with the reflections of a man but also with the unfolding of an epoch. The correspondence and public documents collected here extend over a period of nearly three years beginning in May of 1781. The successful military conclusion to a long doubtful struggle is climaxed by the signature of a definitive peace. No documents are perhaps more profoundly moving—as no incident was more revealing—than those which record the ceremony at which Washington retired from his military duties and in person handed back his commission to Congress. This was a striking demonstration, which the Father of his Country deliberately sought, of the subordination of military to civilian authority as a pre-condition of republican government.

Among the public acts of Jefferson there are several in this volume which indicate the rare insight he possessed into the political needs of his time. A splendid example is his statesmanlike contribution to the notable decision of Virginia to cede its western lands to the Union. Jefferson was equally concerned to see that private companies should not be permitted to despoil the national patrimony, and that with the increase in settlement those lands should constitute states upon an equal footing with the original members. His solicitude for the Indians and his desire for interracial harmony are eloquently demonstrated

in a finely phrased address to a friendly chief. Moreover, from his observation of the Continental Congress, Jefferson became more and more convinced that structural improvements in the framework of central government were indispensable, and he proposed the formation of a Committee of the States to act as executive for the whole. Even the validity of the Peace Treaty was all but sacrificed by the failure of state delegations to provide a quorum within the time limit provided.

Of the correspondence, perhaps the most interesting are the letters that passed in some admirable two-sided exchanges between Jefferson and Madison. Here, as elsewhere, the rich versatility that characterized some leading figures of that age is well revealed. Pure science, secret diplomacy, constitutional niceties, and literary works—in all these the two statesmen were profoundly versed.

Two events occurred in this period to mar the happiness of Jefferson at the consummation of the war. The death of his beloved wife left him lonely, sick, and inconsolable. Furthermore the vindictive and abortive inquiry into his conduct of the Governorship caused him understandable pain. To the legislator who sponsored the investigation without specifying what charges were to be brought, Jefferson issued a protest in words which have a contemporary relevance: "It could not be intended just to stab a reputation by a general suggestion under a bare expectation that facts might be afterwards hunted up to bolster it" (p. 105).

LESLIE LIPSON

University of California, Berkeley

BOYD, GEORGE ADAMS. *Elias Boudinot: Patriot and Statesman, 1740-1821*. Pp. xvii, 321. Princeton: Princeton University Press, 1952. \$5.00.

The Calvinist groups played a notable part in winning American independence and in organizing the American Federal Republic. Inherent in their churches was the idea and the practice of self-government, often under the limitation of firm standards for church membership. As is well known, these groups, New England Puritans, Scotch and Scotch Irish Presby-

terians, Dutch and German Reformed, and French Huguenots, made a redoubtable phalanx of citizens. Not only were they men of character but also they formed a large part of the population.

Professor Howard Mumford Jones, in his notable volume, *America and French Culture*, estimates the number of Huguenot immigrants between 1660 and 1775 at 15,000. Often these men brought (1) capital, (2) industrial know-how, (3) organizational ability, and (4) artistic skills. They were welcomed by the rulers of all Protestant countries because they brought gifts without bringing a headache.

If they came in poverty, it was the usual colonial view that help for one year was enough to put these immigrants on their feet. They were important among our early capitalists and often became professional men. Remembering the terror of their expulsion from France, they made their homes in their adopted lands. Frequently they changed their names and faded into the surrounding populations.

M. George Adams Boyd has studied one of these men enabling Americans to follow the Huguenot story in America in the career of Elias Boudinot (1740-1821). This pioneer was in most ways a Presbyterian. He was a capitalist, successful in business; a patriot, who sank his fortune into the American cause; a supporter and trustee of Princeton University; a member and president of the Continental Congress; a representative of New Jersey in the first three Congresses under the Constitution; for ten years director of the United States mint; a hearty Federalist, who eyed Jefferson and Madison with suspicion; and the first president of the American Bible Society.

Boudinot founded the Cornwall Mission School in Connecticut. This school was attended by his namesake, Elias Boudinot, Cherokee Indian leader (1803-1839). For his part in leading his tribesmen into Indian Territory, he was assassinated by his fellow Indians.

In brief, the reader of Boyd's volume can relive the terrible days of the American Revolution and see again the desperate nature of that epic struggle. Desertion and bankruptcy faced the patriot leaders,

and Tory traitors filled the land. Throughout a lifetime Boudinot stood guard with Washington, Hamilton, and the other patriots in the fight for independence and financial stability.

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KAMINS, ROBERT M. *The Tax System of Hawaii*. Pp. xii, 194. Honolulu: University of Hawaii Press, 1952. \$2.50.

As the Territory of Hawaii has taken the road to statehood, this is a most opportune study. As the title indicates, the book deals with Hawaii's tax structure and is the first comprehensive study of the Territory's tax system. In Mr. Kamin's own words the study is an "attempt to describe critically the several taxes comprising the fiscal structure, to appraise the functioning of the entire tax system, and to suggest means whereby the tax laws might be improved in the interest of equity, effective administration, and desirable economic effects."

The first ten chapters deal with the background and analysis of the Hawaii tax system. The 21 separate taxes are treated under four distinct classifications: taxes on consumption, taxes on incomes and inheritances, taxes on specific businesses, and real property taxes. The last two chapters of the book contain the appraisal of the tax structure and recommendations thereon, which chapters may be treated "independently by those who must read in haste."

Mr. Kamin used the traditional tax standards, or value judgments: uniformity, equality, quality, neutrality, clarity, adequacy and flexibility. With these as his criteria, he made an appraisal of each tax in Hawaii and from his findings and conclusions thereon, he suggested several alternative tax programs whereby the tax system will approach the requirements of his standards. Comparisons are made with the tax systems of the mainland states but because of Hawaii's centralized system, the comparisons are of necessity precluded to specific phases and not on general basis.

With only 5 to 6 per cent of the tax revenues, aside from federal levies, in-

volved in the fiscal authority of the local governments, the centralized system in Hawaii approaches the ideal of students of public finance. The limited use of earmarkings of funds further suggests another desideratum of sound fiscal administration. These, however, are much more administrative goals and have limited relationship to the over-all impact of the taxes on the fiscal and economic structure of the territory.

Principally an administrative essay, the book may be recommended not only for officials and students of public finance but also for the public in general. Its minimum use of technical phraseology will enable most taxpayers to understand substantially the general impact of each tax studied.

RICHARD TAITANO

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ECONOMICS AND INDUSTRY

WARD, A. DUDLEY (Ed.). *Goals of Economic Life*. Pp. x, 470. New York: Harper & Brothers, 1953. \$4.00.

One of the cheering developments of recent years is the growing interest of church leaders in the affairs of this world. *Goals of Economic Life*, one of a series of books on "Ethics and Economic Life" being prepared by a Study Committee of the Federal Council of Churches, represents this emerging interest. It is a collection of fifteen papers by men representing economics and several other social sciences. Seven of the contributors are leading economists—social economists: J. M. Clark, Kenneth Boulding, Eduard Heimann, William Vickrey, Frank Knight, Clark C. Bloom, and Walton Hamilton. Other contributors are Clarence Danhof and Robert MacIver (political science), Alfred Emerson (biology), Ralph Linton (anthropology), Donald Snygg (psychology), Theodore Greene (philosophy), John Bennett (Christian theology and ethics), and Reinhold Niebuhr (applied Christianity).

Here are distinguished men, and the contributions are of a high order, a few of them very excellent indeed. They make up a book which is designed to give church-

men some idea of the principles and philosophy of economics and other social studies as related to ethical and religious problems—such churchmen as are able and willing to follow some fairly difficult analyses. The book should prove interesting and enlightening to most economists too, particularly to some of our straight-laced economists who take a narrowly restricted view of economic "science." Some of these papers, for instance, make clear how difficult it is to avoid value judgments, if indeed it is worth while to try to do so. The economic contributors are men of broad philosophical outlook.

Economists as well as churchmen can learn too from the contributors in other fields—political science, biology, anthropology, philosophy, psychology, and even religion. When Reinhold Niebuhr writes he always says something significant.

A collection of articles is usually a bit confusing, but Theodore M. Greene has outlined the general scheme of the book in an excellent introduction.

JOHN ISE

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WILLIAMS, JOHN H. *Economic Stability in a Changing World*. Pp. vii, 284. New York: Oxford University Press, 1953. \$5.00.

The central theme of these collected papers is, as the preface explains, "the relation of economic theory to public policy." In the first general part are three of the more recent essays on current issues; in the second, four papers on the Marshall Plan; and, in the third, two earlier discussions of "full employment" and its bearing on freedom. Following this arrangement, one comes occasionally to the flowering of hopes, of whose withering he has already read. Perhaps this is kinder than the historian's procedure of buildup before letdown. At any rate, it will be observed that Williams was sagely skeptical about the hopes to begin with. Perhaps the following characteristics of his work should be called to the attention of readers who have denied themselves the savor of his wisdom.

First, there is the rueful opinion of what has long been a prominent feature of

economic theory. That is, Williams notices that the habit of interpreting our unstable economy in terms of "equilibrium" does things to a man. At the same time, he is nothing if not emphatic about the importance to the world of "stabilizing" American production and employment at a high and rising level. He does not and cannot escape from the concept of balance. But this does not detract from the mellow charm of his misgivings.

Second, there is the recurring observation that theory is related to policy as follower rather than leader. Something happens; a policy is devised to meet the resulting situation; and then a theory is formulated to rationalize the policy. After that the theory is enthusiastically extrapolated into a future where events are likely to produce a different policy and a corresponding theory. During the last twenty years "fiscal policy," or government's manipulation of its taxes and spending and debt, evoked much the same exuberance that in the 1920's had been aroused by "central bank policy," or the control of bank reserves and loans and deposits. Thus pundits glowed with the discovery that we could all stay employed if our government managed its funds properly; and heaven help the administration, said Walter Lippmann, that failed to apply this knowledge to the postwar world! Nor is it merely journalists who rush in where economists (should) fear to tread. Economists, too, may now be seen in course of tiptoed withdrawal from their earlier rush into fiscal policy.

Third, there abides a concern for the effect of stabilization programs on freedom and efficiency. We can have as full employment as we had during war if we are willing to use the wartime controls. But the question is how far we can push these controls and keep the political liberties and economic freedoms which are the core of our way of life. Moreover, the idea that unemployment must be prevented at the cost of no matter how much public spending is a view that "covers leaf-raking and causeways to the moon as well as economically desirable expenditures."

BRUCE KNIGHT

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U. S. PRESIDENT'S MATERIALS POLICY COMMISSION, *THE. Resources for Freedom*. Vol. I: *Foundations for Growth and Security*; Vol. II: *The Outlook for Key Commodities*; Vol. III: *The Outlook for Energy Sources*; Vol. IV: *The Promise of Technology*; Vol. V: *Selected Reports to the Commission*. Pp. viii, 184; x, 210; vii, 43; x, 228; x, 154. Washington: Government Printing Office, 1952. I: \$1.25; II: \$1.50; III: 50 cents; IV: \$1.75; and V: \$1.25.

The President's Materials Policy Commission was established in January, 1951 by President Truman, who charged it with studying the materials problem of the United States and the relation of that problem to the free world. *Resources for Freedom*, the report of the Commission, is in five volumes: I. *Foundations for Growth and Security*; II. *The Outlook for Key Commodities*; III. *The Outlook for Energy Resources*; IV. *The Promise of Technology*; V. *Selected Reports to the Commission*. In addition, the Commission prepared an 82-page summary of Volume I.

The first volume presents a summary and broad analysis of the nation's materials problems, along with the recommendation of the Commission for their solution. The two subsequent volumes analyze specific materials and energy problems. The fourth volume relates different aspects of the specific materials and energy problems to the potential accomplishments of technology. The last volume contains basic working papers which were prepared for the Commission's consideration in its deliberations.

Resources for Freedom has as its principal objective "an examination of the adequacy of materials, chiefly industrial materials, to meet the needs of the free world in the years ahead." The Commission chose as its period for review the quarter century from 1951 to 1975. The analysis and the conclusions of the Commission rest upon certain basic assumptions. The Commission has stated its belief in: (1) continuing national growth (the future rate is assumed to be about the same as that over the past 100 years); (2) the need for continuing balance between government and private industry in our economic af-

fairs; and (3) rejection of any policy of self-sufficiency on the part of the United States. A major premise for the report is: "The overall objective of the national materials policy for the United States should be to insure an adequate and dependable flow of materials at the lowest cost consistent with national security and with the welfare of friendly nations."

Our materials and energy problems generally derive from a consumption with far greater capacity for expansion than that of the resources from which the needs must be met. They are problems rooted in our immediate past, and they have become more intense recently because of: (1) the widening gap within the United States between requirements and our domestic means of satisfying them; (2) the weakness of western Europe, resulting from depletion of those nations' resources and the loss of colonial sources; (3) the new ambitions of nations with plentiful resources to industrialize rather than export their materials; (4) the disruption of normal trade patterns by the division of the world between the Union of Soviet Socialist Republics sphere and the free world; and (5) worldwide fear of future market instability.

The Commission shows that every person in the United States needs 18 tons of materials to support him in our present economy. Merely to take care of the additional 40 million people we should have in this country by 1975 will in itself be a tremendous problem of increasing materials production capacity. To meet this it suggests three general approaches: (1) getting beyond the technological, physical, and economic boundaries which presently limit supply; (2) promoting more efficient use by adopting materials saving designs and processes; and (3) obtaining as many materials from abroad as we can.

It is suggested that we pay attention to supply through exploration and discovery; through fuller use of known resources, through using lower quality resources, renewing renewable resources to their fullest, finding uses for presently unemployed resources, and synthesizing new materials. The Commission also suggests that use may be improved by shifting our materials where possible from scarce to abundant

resources, by making materials work harder and longer, and by giving materials a second life. To assist the nation in turning more and more to foreign sources of materials, the Commission sees need of action: (1) to stimulate private investment for the development of low cost production abroad; (2) to assist countries with surplus resources to improve progressively their productive capacity; (3) to eliminate trade restrictions on materials; and (4) to promote greater stability for international materials markets.

These general recommendations are succeeded by a series for particular phases of materials production and use. Specific recommendations are made for minerals, agriculture, forests, water, and energy. The Commission's conclusions are supported at length by specific studies of individual commodities, and of industrial use (for example, the building industry).

To secure adequate materials production and reasonable use, the Commission suggests reliance to the maximum extent possible upon the free price system as the allocator of resources, and upon private investment to organize production. The Commission summarizes its position in this manner: "We believe in a minimum of interference with these patterns of private enterprise. But to believe this is not to believe that this minimum must be set at zero. Private enterprise itself has from time to time asked for helps, or restraints, or counterpoises from government to keep the system working at its best. . . . As we see the future, the co-existence of great private and public strength is not only desirable but essential to our preservation."

Even a brief review of the content of *Resources for Freedom* illustrates the great range of subjects covered by it, and the comprehensiveness of treatment for the problems which the Commission undertook to consider. There can be no question that the report is a public document of first importance. It will be an important source of information for students of our economy for some time in the future. The careful organization and the high standard of workmanship should help to make these volumes useful to public administrator and legislator, to scholar and businessman alike.

The Commission is to be commended for taking an integrated approach to materials production and use, for the thoroughness with which it explored the background for materials policy, and for the forthright manner in which it faced some of our problems. The Commission's strong support of the principle of "least cost" in obtaining materials (we should abandon restrictions on imports to maintain domestic prices), its recommendations for enforced forest cutting regulations, and its condemnation of certain aspects of luxury consumption earn it a measure of respect for frankness.

The type of analysis used in the preparation of *Resources for Freedom* has been widely mentioned as an innovation in resource study. This generally refers to the use of demands or needs as a basis for determining policy along with analysis of the potentialities of production. It is true that the Commission's work was the first important public use in this country of the method. The Commission also carried its commodity analysis of demand to a point of refinement which is not paralleled in previously published information on materials. However, the balance of needs and production method was used previously in the preparation of the *Report on Japanese Natural Resources prepared in General Headquarters in 1948*, and at least two American universities in the past have offered courses on resource management with a similar technique.

For all of its excellence, the report will exhibit to professional students of resources and resource management some points for difference and some points of omission. It will seem regrettable to some that, having adopted the balance of needs and production as its point of departure for analysis, the Commission did not carry its technique to a point of further refinement. The report might have been even more useful had its organization taken full account of the important distinctions within each of the use groups which it presented, and of the principle of interchangeability among materials. In other words, the Commission makes the most important step away from our traditional habits of considering resources from the point of view

of resource use alone, but it does not carry its analysis of the total picture of production and use to the point of refinement which existing techniques would have permitted.

To some the forecasts which are given for future materials use may seem much more exact than our knowledge warrants. The Commission might have placed more emphasis on the wide margin of error which is inherent in any such calculation. For instance, past experience has shown that a 25-year calculation of energy demand is a scientifically hazardous undertaking. However, it should be noted that these studies of materials forecasts provide a useful framework for future reference, even though the predictions must in many cases be regarded as inherently fallible. It would be impossible to arrive at any integrated view of the materials problem without them.

For many students of long standing in this field, the outstanding omission from the report is the Commission's failure to consider problems of materials production and use in their regional setting in the United States. Perhaps study of the problems of regional development is too much to have expected, even from as distinguished and well-financed a study group as the Commission within the time it had for its work. Nonetheless, national policy which fails to take account of problems of regional development and use is without one important side of its foundation.

Another important omission is that of treatment of the problem of distribution of benefits from resource use among regions and groups of people in the country. While the Commission may be forgiven for studiously avoiding the public power issue of regional development and distribution of benefits in its treatment of energy (its forthrightness did not extend that far), it might have done well to consider the fundamental problems which gave rise to the public power and similar issues—problems of regional development and distribution of benefits.

The treatment of consumer conservation as part of materials use also was a surprising omission. While there is incidental reference, this subject would seem im-

portant enough for the United States to have warranted an organized specific section.

There are various other points of difference which some would like to argue with the Commissioners if they had opportunity. For instance, the Commission's endorsement of percentage depletion in the mineral industries certainly will be a controversial conclusion. On the whole, however, the country is fortunate to have a working document of the completeness and a view of the clarity which the Commission has given us in its report. The Commission and its staff have been faithful servants of the Nation in their efforts to make us understand matters which it is high time we understood.

EDWARD A. ACKERMAN

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COPELAND, MORRIS A. *A Study of Moneyflows in the United States*. Pp. xxxii, 338, 241. New York: National Bureau of Economic Research, 1952. \$7.50.

Consider the equation of exchange in its most familiar form: $MV = PT$; the amount of Money (including bank deposits) times its Velocity of circulation equals the Price level times the volume of Transactions, estimated in prices of same base year. The equation holds only approximately, because of certain statistical anomalies. But even if it held exactly, what is it good for? Why not, as one critical wag has suggested, say simply "A equals B," and let it go at that?

Our increasing volume of national income and product statistics give meaning to that part of the right hand or "goods" side of the exchange equation which relates to what are called the final products of the economy. These statistics break down part of PT (plus, it must be admitted, some items which have no monetary counterparts) into the income or product generated by various "sectors" of the economy (such as agriculture, manufactures, government). The national income statisticians go on to analyze each sector's purchases and sales of final products. The results are known as "The Nation's Economic Budget." Published quarterly, they are used for projections, for short-run fore-

casts, for suggestions on policy. More inclusive breakdowns, covering not only final but intermediate products, are being made by Professor Wassily Leontief and his followers at Harvard and in Washington. These "input-output" statistics, as they are called, are used for both quantitative planning and forecasting, particularly by the Air Force. But at the same time, no sectoral breakdown has been available for the left-hand or "money" side of the exchange equation.

It is this gap which Professor Copeland's ambitious and pioneering moneyflows study, product of seven years of intensive research, intends to fill. Copeland and his staff have broken the economy down into eleven sectors of major financial importance, not necessarily identical with those used in national income statistics or input-output studies. Over a period of seven years (1936-42, inclusive) they have estimated the flow of money to and from each sector, checking their results against estimates of the cash balances and other "loanfunds" available to each sector at the end of each year. These flows of funds can, it is hoped, be analyzed in a manner even more useful than the national income series for plotting the position of the economy, forecasting future movements, and making policy suggestions.

Copeland is not primarily interested in total moneyflows, or MV , as such, but in what have been called the "stuffings" of his tables—how much is flowing from where and to where. To him, the fundamental unit is the individual monetary transaction. Business activity and employment depend not only on the volume of final output, but likewise on the intermediate transactions, financial transactions, and transfer payments also represented in moneyflows. Furthermore, national income and product include "imputed values," like the rental value of owner-occupied houses, which have no transaction equivalents and whose movements have no direct economic consequences.

Comparing each sector's total moneyflows with that part which represents purchases and sales of goods entering into the gross national product, Copeland estimates for each period which sectors are

actively acquiring cash and other loan-funds, which are actively disposing of loan-funds for other assets, and which are more or less passive. These he calls, respectively, bears, bulls, and sheep. The bull and bear sectors, he believes, control monetary expansion and contraction; they exercise monetary discretion. Copeland concludes that, during periods of depression, this discretion is exercised not only by the government and the banking sector, as hoped by the apostles of monetary management, but likewise by nonfinancial businesses and by households, among others. This suggests to Copeland the limitations of over-all reliance on monetary policy as a weapon of economic stabilization. He makes an impressive case for periods of depression; the careless reader may also derive the view that inflation too is not amenable to control by the monetary authorities. This, however, is not Copeland's own position.

As a subsidiary point, Copeland insists that the best physical analogy to the moneyflow mechanism is an electrical circuit, whose reactions are immediate. It has been conventional in economics to use a hydraulic analogy, but in hydraulics there is a time-lag between a contraction at one point in the system and the corresponding expansion somewhere else. Copeland insists that there is no such lag in the money circuits, and that a great virtue of the moneyflow approach in economic analysis lies in its immediacy, in the fact that moneyflows precede their economic effects.

The major contribution of this century to economic science has been called "the development of massive pieces of apparatus to measure, define—and eventually, perhaps, predict—the structure of a country's economy in statistical terms." Introducing the volume under review, the eminent monetary economist Winfield Riefiler suggests that Copeland's work may rank, as a milestone in this direction, with that of Wesley Mitchell and Simon Kuznets—fathers of national income analysis—or with that of J. H. Williams on the balances of international trade and payments. So sweeping a generalization may be premature. Many of Copeland's figures are more precise than accurate, many of his

estimating procedures more convenient than realistic. His data cover a period ending ten years before his book appeared. Yet, aided by working papers included with the present volume and taking up over one-third its length, other workers may be able to correct these deficiencies. Still others may be able to use the results for improved analyses, predictions, and recommendations on fiscal and monetary policy. Work is already under way in the Federal Reserve System to bring a simplified version of the Copeland series up to date. Riefiler's bold prediction may soon come true.

M. BRONFENBRENNER

University of Wisconsin

KUZNETS, SIMON, and RAYMOND GOLD-SMITH. *Income and Wealth of the United States: Trends and Structure*. (International Association for Research in Income and Wealth: "Income & Wealth Series," II.) Pp. 328. Cambridge, England: Bowes & Bowes, 1952. 35 shillings.

America's outstanding authority on national income statistics here presents, under the auspices of the International Association for Research in Income and Wealth, a survey of his principal findings for the 80-year period 1869–1948, with an appendix on data for earlier years. He is joined by America's leading authority on national wealth statistics, with a similar survey of his findings for scattered years over a somewhat longer period, 1805–1950. The result is both unique and valuable. It was not intended for textbook use, but this reviewer at least intends to adopt it in his own course in income and wealth.

Professor Kuznets has already given us since the War two digests of his results in national income investigation, *National Product Since 1869* and *National Income: A Summary of Findings*. Some duplication is inevitable. Added, however, is material covering 1939–1948, the decade of the Second World War, and results derived from Kuznets' study of *Shares of Upper Groups in Income and Savings*. One impressive new result: the percentage rate of growth of national income, which had declined for 70 years and was expected to continue doing so, suddenly reversed itself

in 1938–49. Another upset: the division of income between service income (labor plus entrepreneurship) and property income (interest plus rent plus dividends), constant at 80-20 for 70 years, shifted suddenly in favor of labor. (Kuznets' explanation runs in terms of fuller utilization of existing capital, combined with rent and interest rate control. He does not mention increased trade union bargaining power.) A third upset: the relative share of the top 15 per cent and 5 per cent of income receivers has fallen by nearly 50 per cent since 1929. (This has been referred to as "revolutionary" in its implications.) Kuznets' data also cast doubt on the famous thesis of Colin Clark, that economic development tends to increase the share of "tertiary" (service) industries. Only government and public utilities, he suggests, show any real upward trend in proportionate importance. As for omissions, the philosophical reader may miss Kuznets' searching methodological and definitional discussions, found in earlier works but not repeated here. Also absent are detailed correlations between income data and cyclical movements.

Dr. Goldsmith's contribution takes up less than one-fourth of the length of the volume. Justifiably so, since wealth analysis has revived only since the war after several generations of comparative neglect. Rather than measuring total wealth (including land and intangibles), Goldsmith has confined himself to a limited component called Reproducible Tangible Wealth (RTW). This forms an increasingly dominant portion of the whole; it can be measured with relative (but by no means complete) freedom from the nagging problems of valuation. As in the case of income, growth at decreasing rates is found until the final decade, when the trend is suddenly reversed. The 1945–50 growth rate (in constant prices) is the fastest on record. Another striking trend is the increasing importance of government as a wealth owner. By 1950, if military assets and monetary metals are included in the total, nearly one-fourth of all RTW is publicly owned! Agriculture and railroads, on the other hand, are examples of segments declining in relative weight. Eco-

nomic theorists will be interested in the disappointingly negative results of Goldsmith's attempts to isolate "deepening of capital" and the so-called "acceleration principle" in the relationships between wealth and income over the period 1897–1949, when annual series are available. In conformity with the relatively undeveloped character of national wealth accounting, Goldsmith finds it necessary to use a large proportion of the space at his disposal in defending estimation procedures, comparing his results and methods with those of predecessors and those of his predecessors with each other. One obtains from this paper more clearly than from Kuznets' a feeling for the difficulties involved and for the inaccuracy of conclusions however precisely stated in summary tables. On the other hand, the Kuznets paper is by far easier reading; its organization and direction are more readily apparent to the non-specialist in this field.

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University of Wisconsin

WOLD, HERMAN, in association with LARS JURÉEN. *Demand Analysis: A Study in Econometrics*. Pp. xvi, 358. New York: John Wiley & Sons, 1953. \$7.00.

This book consists of five parts. Part I gives a broad survey of the topics and findings. The theoretical and statistical methods used in this econometric study are explained in easily understandable terms. Part II gives an account of the theoretical assumptions underlying the demand analysis. This is essentially a restatement and elaboration of the articles published by the author in the *Skandinavisk Aktuarietidskrift* in 1943–44. Part III deals with some topics in the theory of stationary random processes. This treatment is based upon the author's thesis, "A Study in the Analysis of Stationary Time Series" (Uppsala: Almqvist & Wiksells, 1938), and the work of P. Whittle, "Hypothesis Testing in Time-Series Analysis" (*ibid.*, 1951). Part IV treats the theory and methods of regression analysis. Part V (by Wold and Juréen) presents empirical findings based upon Swedish family budget surveys in 1913, 1923, and 1933, and market statistics for the period 1921–1939.

This is without doubt one of the most important contributions to the young science of econometrics ever published. The mathematician, statistician, mathematical economist, and econometrician will find in this book many important and original contributions. All these cannot be appreciated without a thorough knowledge of mathematics and statistics as well as modern mathematical economics. But Parts I and V are very simple and easily accessible to any reader with some knowledge of modern economics and statistical methods. These portions of the book should be of great interest to any economist, agricultural economist, marketing specialist, and consumption economist.

The theoretical framework of the analysis is essentially the Pareto theory of consumer's choice, brought up to date. The author makes an excellent case for ordinal utility functions (indifference systems) and rejects cardinal utility. As much as statistical methods are concerned, he uses the classical method of least squares and rejects newer and more sophisticated methods. Certain corrections derived from time series analysis are used to modify the standard errors.

The main empirical results presented in this book are various income and price elasticity estimates for the demand of selected items of food in Sweden. These are given for a number of social classes and family types (number and age of children).

One particular successful feature of the book is a prediction of per capita consumption of various food items for 1949-50. This prediction is surprisingly accurate and shows the stability of the consumption pattern in Sweden.

This successful prediction contrasts favorably with prediction efforts of other econometricians. Predictions of consumption for 1960 and 1970 are also included.

A commendable feature of the book is very complete truly international bibliography. The writer has used many books and articles on mathematical economics, statistics, and probability in the following languages: French, English, Italian, Spanish, German, Norwegian, Swedish, Danish, Russian.

This book should make a very successful text for a somewhat advanced course in demand analysis. Nobody interested in the progress of econometrics can afford to neglect it.

GERHARD TINTNER

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NATIONAL BUREAU OF ECONOMIC RESEARCH, Conference on Research in Income and Wealth. *Studies in Income and Wealth*. Volume Fifteen. Pp. x, 230. New York, Bureau of Economic Research, 1953. \$3.50.

Ever since 1937, when the first volume in this series was published, the National Bureau's *Studies in Income and Wealth* have been required reading for specialists and nonspecialists alike. Volume Fifteen contains seven papers delivered at the June, 1950 meeting of the Conference on Research in Income and Wealth at Allerton Park, Illinois on the general topic of income size distributions. Published with an Introduction by E. D. Hollander of the Bureau of Labor Statistics, and concluding discussions by Professor Kuznets and Dr. Clark Warburton, the seven principal papers are as follows: "A Method of Comparing Incomes of Families Differing in Composition," by Milton Friedman, with an Appendix by Jean Mann Due; "Inequality of Income: Causes and Measurement," by George Garvy; "Some Effects of Region, Community Size, Color, and Occupation on Family and Individual Income," by D. Gale Johnson; "Income, Spending, and Saving Patterns of Consumer Units in Different Age Groups," by Janet A. Fisher; "Family Savings in Relation to Changes in the Level and Distribution of Income," by Dorothy S. Brady; "Effect of Income Concept upon Expenditure Curves of Farm Families," by Margaret G. Reid; and "Equivalent Levels of Living: Farm and City," by Mollie Orshansky.

With the exception of Professor Friedman's brief technical essay, the volume consists of exploratory studies in which some new data are analyzed and many old data re-examined. Anyone who comes to the book with the hope of finding it a mine of solid generalizations is likely to be disappointed. The data in this whole

area are notoriously poor, and more than one author raises serious doubts concerning the statistical evidence for functional relationships that have been regarded as tolerably well established. Indeed, the reader whose enthusiasm for the Keynesian consumption function is already restrained may need to remind himself that its foundations are not being undermined by the studies collected here.

The individual papers do not lend themselves to summarization, and most of their value is, in any event, in the details that summaries could hardly supply. The contents of the studies are accurately indicated by their titles, and the special interests of the reader will make one subject or another particularly significant to him. I call attention to Dr. Garvy's paper, however, as one that few readers of this journal will want to miss. The importance of income inequality to all students of society is sufficiently recognized, but most contemporary discussions of the subject seem to me to suffer from the sort of confusion that Dr. Garvy's admirable exposition does much to dispel.

RICHARD V. CLEMENCE

Wellesley College

RUML, BEARDSLEY, and THEODORE GEIGER (Eds.). *The Manual of Corporate Giving*. Pp. xi, 415. Washington, D. C.: National Planning Association, 1952. \$6.75.

ANDREWS, F. EMERSON. *Corporation Giving*. Pp. 361. New York: Russell Sage Foundation, 1952. \$4.50.

Industry in the past twenty-five years has begun to discover its external community, the community outside its own plants and markets. The history of this discovery has been strikingly parallel to the discovery of its own working force which began three decades earlier. First came legislation—tax bills through which corporations have involuntarily contributed billions to relief, welfare, medical care, education, recreation, and scores of other community social objectives. Then came, not unions, but highly organized campaigns by civic agencies with high pressure techniques of stimulating management contributions to philanthropic causes. In both cases, industry has again been the passive

partner, bowing to law or to community pressures. All too seldom has industry taken the initiative and used corporate philanthropic dollars to achieve community goals. Despite the obvious effect of these social services on the working force and upon community stability, many corporations have acted as though they had no goals for their giving.

Under the Revenue Act of 1951, corporations are allowed a tax deduction of up to 5 per cent of their net income for philanthropic gifts. Mr. Andrews estimates that deductible contributions in excess of two billion dollars a year would have been possible at 1951 income levels, and these gift dollars may cost the corporation only 48 cents—or, if they are in the excess profits bracket, only 18 cents each. No such level would be attained in the immediate future, but the provision potentially makes available each year a sum more than 15 times larger than the combined annual giving of all foundations as estimated in 1950. The so-called "giant" foundations are dwarfed beside the corporation potential.

To some corporations, as F. Emerson Andrews points out in *Corporation Giving*, this situation will be treated as a "business opportunity. If corporation giving gives tangible benefits in terms of good will, aid to employees, or other corporation advantage, then these benefits are purchasable" at bargain prices. But the modern corporation faces a larger challenge. The businessman who has long decried the bureaucrat and social worker, lumping them as "do-gooders," is given an opportunity to make an impact on education, social welfare, and health services.

Whether the businessman wishes to consider his new opportunity to mold the cultural and social pattern of his community, or whether he merely wishes to make a wise expenditure of his gift dollars, these two books are required reading: *The Manual of Corporate Giving* edited by Beardsley Ruml, published by the National Planning Association; and *Corporation Giving* by F. Emerson Andrews, published by the Russell Sage Foundation.

The Ruml book is a collection of essays, each written by men of experience in

various philanthropic fields. Introductory chapters deal with public policy, administration, and the legal aspects of corporate giving. Four chapters deal with community projects such as Community Chests, hospitals, museums, libraries, music, and parks and playgrounds. There are chapters on welfare, public health, scholarships, fellowships, public and private schools, and adult education as potential fields for corporate giving. Four chapters deal with the natural sciences, medical research, the social sciences, the humanities and creative arts. Four chapters describe philanthropic experience in international programs.

The Russell Sage Foundation has had a distinguished record of contributing to the professional skills and wise policies of American philanthropy and social services. The reader who is familiar with Mr. Andrews' 1950 study, *Philanthropic Giving*, will find *Corporation Giving* a welcome companion volume. It describes the history of corporate giving, tells who gives and how much, describes budgets, quotas, the development of corporate foundations and of corporate policies. It reviews the technique of the fund raisers, the ethical and unethical practices, and suggests methods of analyzing appeals. The law and taxation factors are set forth, and there are eighty valuable pages of appendixes dealing with the method of study, the Internal Revenue Code, the legislation of various states, significant cases at law, selected corporation policy statements, and a statistical review of corporate giving.

Community pressures and the importunities of friends have long since ceased to govern corporations in their purchasing and their employment policies. The administration of corporation gift dollars seems destined to become a new area of professional staff service. These two volumes provide eloquent evidence that there are professional standards and skills available to guide corporation policy in philanthropy. Many of the most awkward and onerous aspects of our welfare political economy may be remedied if corporations undertake a positive role with their gift dollars.

PHILIP S. BROUGHTON
Pittsburgh, Pennsylvania

RONKEN, HARRIET O., and PAUL R. LAWRENCE. *Administering Changes: A Case Study of Human Relations in a Factory*. Pp. xxviii, 324. Boston: Harvard Business School Division of Research, 1952. \$3.50.

This book, as the title implies and as characterized by Professor Roethlisberger under whose direction the study was carried out, deals with the human effects of technological change upon the day-to-day operation of a factory.

It lies in a field relatively newly discovered by psychologists who, ever since Elton Mayo and his associates first turned their attention towards the study of human relations in industry, have been finding more and more outlet for their energies and interests in this most pervasive field of collective human endeavor.

The general drift of these humanistic studies of managerial processes is in quite sharp contrast with that of the mechanical engineers of a generation or so ago who gave impetus to the "scientific management" movement of that day. This present day emphasis upon the human factors in industrial organization represents a needed redressing of the balance. It assuredly is nearer the mark than to assume that organization and administration is primarily a problem in mechanics, provided, of course, that this new emphasis is not overstressed to the point of confusion of motives and objectives.

One somehow is left with this muddled impression in attempting to read the book here under review. As a case study painfully dissecting the trivia of human existence in a rather typical factory environment, one can readily believe that the production schedule has fallen down on the assembly line because Mamie has had a tiff with Jennie and that quality is not up to expectations because Alice is frustrated because Bill, the inspector, didn't smile at her this morning.

Several generalizations (uniformities) are deduced as the result of this study, as follows:

1. Technological change involves changes in personal relationships in the organization.
2. Resistance to change arises around

these modifications of relationships rather than around technological change per se.

3. Technological changes are impeded until these new problems of personal relationships are resolved.
4. The critical element in the acceptance of change is the skill of the administrator in understanding these personal conflicts and in developing satisfying new relationships.

No seasoned and reasonably intelligent supervisor will be inclined to question these conclusions when stripped of their customary technical jargon, though he may wonder at the long drawn out process by which they have been ultimately distilled.

It is somewhat reminiscent of the over-anxious parent's relief at finding, after much reading of psychological treatises and trepidation in approaching the duty of acquainting Junior with the facts of life, that he already, by sound processes of observation and deduction, had somehow gotten a working knowledge of the subject without any very visible evidence of permanent warping of character and outlook on life.

W. N. MITCHELL

Chicago, Illinois

SMITH, WALTER BUCKINGHAM. *Economic Aspects of the Second Bank of the United States*. Pp. xii, 314. Cambridge, Mass.: Harvard University Press, 1953. \$5.00.

In this study of the economic aspects of the Second Bank, Professor Smith has made a noteworthy contribution to the history of American banking. The volume covers the period 1816-1841, which coincides with the life of the Bank.

Part One—The American Economy—is concerned with production and trade, money and banking, government finance, price movements, and the international context during the period. Part Two—Annals of the Bank—covers the three administrations of Jones, Cheves, and Biddle from 1816 to 1836 in four chapters and devotes a fifth chapter to the Bank's experiences under a state charter from 1836 to 1841. Part Three consists of a final chapter which comprises a verdict on the Bank

over its entire life, plus bibliography, footnotes, and index.

Professor Smith's contribution to the history of the Second Bank is several-fold. In discussing the American economy in its various aspects in Part One, he furnishes a valuable background for analyzing the actual operations of the Bank. It is impossible to render a fair, detached judgment of such an institution apart from the financial and economic environment of the time. Thus Smith is led to a much less critical appraisal of Cheves's administration of the Bank (1819-1823) than are some of the other historians of this institution.

Another facet of Smith's contribution is his detailed analysis of the Bank's operations under its Pennsylvania charter from 1836 to 1841, a period in the Bank's life that has been largely neglected by other historians.

The important foreign business of the Bank—its influence on the foreign exchange market and the predominant part played by it in English investment in American securities—is fully treated in the present volume and constitutes a definite contribution.

Finally, a highly significant phase of the Bank's work, its relation to the treasury and treasury fiscal policy, is given more detailed treatment and emphasis than has been accorded it by other writers.

The style is good and the format satisfactory. Altogether, the book should prove of very decided interest to all those interested in American banking history.

FREDERICK A. BRADFORD

Lehigh University

BRYSON, LYMAN (Ed.). *Facing the Future's Risks*. Pp. viii, 318. New York: Harper & Brothers, 1953. \$4.00.

In 1752, Benjamin Franklin and some associates in the Philadelphia volunteer fire-fighting brigades (p. 298) formed "The Philadelphia Contributionship for the Insurance of Houses from Loss by Fire," the oldest insurance company and the oldest business corporation in the United States. In 1952, in celebration of the bi-centennial, the mutual insurance companies conducted a conference in New York.

The volume being considered reports on that conference, and it is made up of thirteen chapters. The first chapter is a brief summary of the entire volume by the editor; the last chapter is mainly a more detailed summary of speeches of several executives in the mutual insurance companies, excluding life insurance, concerning major problems facing the industry, such as changing concepts of liability, problems of inflation, and problems of paper work. The intervening eleven chapters have been written by eleven scholars in different fields, each of whom surveyed his (or her) particular field since 1752, or before, and gave some idea of the future prospects or desirable changes in that field.

The eleven main authors and the fields surveyed are, in order: Louis Booker Wright, American Society; Warren Weaver, Probability and Statistics; Louis N. Ridenour, Physics; Wayne Dennis, Psychology; Ralph W. Gerard, Biology; Frank W. Notestein, Population; Florence Rockwood Kluckhohn, Women; Austin H. McCormick, Crime; Robert M. MacIver, Politics; Dexter Merriam Keezer, Foundations of America's Economic Greatness; and Ralph H. Blanchard, Risk and Insurance.

These chapters give the distinct impression that each author took the assignment very seriously. They are packed with information, they give an excellent idea of changes that have taken place since Franklin's time.

This reviewer was reminded of the breadth and sense of continuity which he had in reading the Beards' "Rise of American Civilization" years ago. It is seldom that one gets as much of a general education in one book.

Three brief selections may give an idea of the flavor of this excellent and provocative book. (1) "Certainly, we shall not survive because of our luxuries and gadgets, but in spite of them" (Wright, p. 31). (2) "This, then, is twentieth century science; no longer complacent with its past achievements, as science was in the nineteenth century, but somehow more confident of its powers . . . no longer wedded to unitary prediction and detailed cause-and-effect determinism, but content with statistical

law" (Ridenour, p. 78). (3) "In whatever part of the history of woman's role we look, we note that being a status symbol, a glamour girl, especially an old glamour girl, or even a culture bearer, does not bring many badges of merit in our kind of society" (Kluckhohn, p. 195).

E. DOUGLASS BURDICK
University of Pennsylvania

KIP, RICHARD DE RAISMES. *Fraternal Life Insurance in America*. Pp. xi, 187. Philadelphia, 1953. \$2.75.

This well-written monograph is an excellent introduction to the author, who recently became Associate Professor of Insurance, Wharton School of Finance and Commerce, University of Pennsylvania. The book combines economics and law, history and statistics, so that it may well be the best and most comprehensive book on the topic. The fraternal organization of antiquity and the medieval guilds were the precursors of the English Friendly Societies. Their ideas were imported to our country, beginning with the Masonic Order in 1730. The first fraternal insurance society, the Ancient Order of United Workmen, started in Pennsylvania in 1868. The fraternal insurance society "combined the secrecy and sociability of the usual fraternal society with the financial cooperation in meeting contingencies of life." Fraternal in contrast to commercial insurance has no capital stock and is organized and carried on solely for the benefit of its members and their beneficiaries. It operates not for profit, but on a lodge system, and has a representative government. There are Grand or State lodges which band together the local lodges. They have various restrictions on membership, such as sex, age, nationality, religion, and labor groups. Through the medium of the Fraternals, life insurance could be offered to the wage earners.

The author explains with all details the technical development of the fraternal life insurance, the premium systems, the reserves, the mortality tables, and so forth. The fraternal orders differ in many respects from a life insurance company, especially from a legal point of view; they are not subject to the same regulations. With

the passage of time, however, the differences have been disappearing.

After having occupied "for three quarters of a century a prominent place in the affairs of thousands of comparatively poor Americans," during the twentieth century the fraternal societies "have lost their preeminent position." Whereas the fraternal total in 1908 was 49.3 per cent of the commercial insurance in force, it declined to 9.1 per cent in 1928 and reached 3.2 per cent in 1948. Also the trend in the size of the average certificate has been downward: in 1904 it was \$1,322, in 1948 it was \$834. After all, the highly attractive book seems to be a kind of funeral oration.

ALFRED MANES

St. Petersburg, Florida

SOCIOLOGY AND EDUCATION

SKINNER, B. F. *Science and Human Behavior*. Pp. x, 461. New York: The Macmillan Company, 1953. \$4.00.

From the time of Max Meyer's *Fundamental Laws of Human Behavior*, published in 1911, to Skinner's *Science and Human Behavior*, which appeared in 1953, behaviorism has passed through a number of stages. At first the behaviorists paid much attention to the nervous system or at least to the functions they supposed the nervous system possessed. Skinner's neobehaviorism, on the contrary, has been termed descriptive behaviorism since he does not rely on the "explanatory psychology" of the older theorists, that is, on neurology. Nor does he follow Watson in making Pavlov's classical conditioning the cornerstone of his system. In fact, this type of conditioning, which Skinner terms "respondent" or "stimulus substitution," is given a minor role.

The author's ideological parent would seem to be Thorndike whose Law of Effect becomes refined into operant (instrumental) conditioning. This is the process in which a response is made more probable, that is, more frequent, by the addition of a reinforcer. To phrase the matter more precisely, an operant reinforcement increases

the future probability of responses in the same class as the response which precedes it. Such a description allows Skinner to avoid words like annoyance, satisfier, reward, and the like, which often have a mentalistic flavor. Another interesting aspect of the Skinner system is that the stimulus which elicits a response one might wish to reinforce need not be known. Skinner is concerned only with probabilities of response occurrences.

The first section of Skinner's book is devoted to a spirited defense of science. In the second section his notion of operant conditioning is developed. Such terms as deprivation, satiation, emotion, aversion, avoidance, anxiety, and punishment are treated in this frame of reference. In the third section Skinner views the individual as a whole and in the next section the behavior of people in groups. This is followed by a description of "controlling" agencies: government and law, religion, psychotherapy, economics, and education. In the last section are discussed the need for and the difficulties with utopias, matters also treated by Skinner in his earlier book, *Walden Two*.

Skinner's system is already influencing both experimentation and class-room training in psychology. The present book is dedicated to F. S. Keller whose *Principles of Psychology* (with W. N. Schoenfeld) attempts to bring Skinnerianism to the level of the college sophomore. Like every other discipline, psychology has had its somewhat cyclic shifts from one theoretical orientation to another. The time now seems favorable for Skinner and the other neobehaviorists to bring psychological theory down to earth from the sometimes rarified air of gestalt- and need-psychology.

PAUL R. FARNSWORTH

Stanford University

FURFEY, PAUL HANLY. *The Scope and Method of Sociology: A Metasociological Treatise*. Pp. xiv, 556. New York: Harper and Brothers, 1953. \$5.00.

This volume is the most recent of perennial efforts of sociologists to stipulate the requirements demanded of their discipline if it is to achieve fully a scientific status. Furfey approaches his problem in clear

recognition that what is required of sociology is contingent upon the nature of science and the definition of sociology entertained. Accordingly, a *metasociology* is established.

Science, it is proposed, is a systematized body of knowledge which is not divided from common-sense knowledge by an absolute line of demarcation (p. 55). It is merely superior. Its superiority resides in its being knowledge which is "certain, causal, and general to a notable degree." Most secular sociologists will take immediate issue with the metaphysical implications in the doctrine of certainty and the teleology implied in the view of causality. Some may have reservations about the universalism suggested in the adjective "general." Their misgivings are not likely to be diminished either by the observation that this conception of science is essentially a derivative from the medieval Aristotelian-Thomistic legacy or by Furfey's reluctance to relate science to experience and his explicit disapproval of any endeavor to characterize science by its method (p. 59). Nowhere does the author suggest how typical is the notion of science he has drawn, though he does admit that there is controversy over precisely the metaphysical implications of these alleged characteristics of science.

His conception of sociology eventuates from an inquiry initially pursued inductively. Over a period of two or three years of intermittent research, formal definitions of the discipline were compiled from the works of recognized American and foreign sociologists and from standard general and technical dictionaries (p. 130). Since the sample thus obtained was chosen too casually to be adequate, definitions were eliminated "until, in the present writer's judgment, the balance constituted a sample fairly well stratified by country, date, and school of thought" (p. 131). The remaining 81 definitions were analyzed with reference to what object sociology was purported to study and the perspective in which the object was studied (the material and formal object). Although no attempt was made to view the definitions in the context of the entire work in which each appeared, Furfey asserts that they can

be best epitomized as "sociology is the science which seeks the broadest possible generalizations applicable to society in its structural and functional aspects" (p. 139).

Because each science has its special objects investigated from its own perspective, procedures must be devised to implement the generalized notion of science in the special sphere of the particular discipline. As a pure, nonformal, moral science, sociology is concerned with the realm of concrete men and events. The chapters presenting statistical analysis, participant and nonparticipant observation, the case study of individuals and communities, the cultural approach, sociological experiments, tests, rating scales, and questionnaires, and the use of documentary sources constitute the practical set of techniques by which "existent reality" treated by sociology can be implicated in its scientific structure.

But, however empirical the orientation of the techniques of a science may be, the fundamental structure of science is, in Furfey's opinion, logical. He is thus led to postulate a correspondence between the domains of empirical fact and logic. The questionableness of this assumption is particularly acute in sociology where social data are also cultural phenomena located concretely in time and space. How the desideratum of developing sociology "into a logically coherent system" can be reconciled with cultural relativism is an issue which is never raised.

ROSCOE C. HINKLE, JR.

University of Maine

BARNETT, H. G. *Innovation: The Basis of Cultural Change*. Pp. xi, 462. New York: McGraw-Hill Book Company, 1953. \$6.50.

An adequate theory of human behavior must account for those inescapable observations that suggest that man is a culture creator as well as a culture carrier, a determiner as well as a product of culture. Therefore, there is need for a theory of the novel and new as well as of the consistent and the clearly transmitted among human artifacts and ways of living. It is to this important but neglected theoretical task that Dr. Barnett, professor of an-

thropology at the University of Oregon, addresses himself in his useful and scholarly book.

Barnett begins by taking innovation as commonplace in human behavior, belief, and concepts, not as a special function of gifted individuals. Defining the novel as "any thought, behavior, or thing that is . . . qualitatively different from existing forms" with the chief criterion being the reorganization of elements rather than quantitative variation, he argues that a theory of innovation should be essentially psychological in character. Such a theory "should be a formulation of rules of thinking as they pertain to origins of new combinations of thought." While it is clear that the thought processes initiating cultural change are influenced by societal conditions, it is equally clear, Barnett points out, that innovation cannot be accounted for on the basis of modal factors in the culture.

There are two reasons supporting this contention. The first is that culture is an abstraction, not a fact of experience in the lives of individuals. What is implied by the term "American culture," for example, is far too huge and complex a thing to be more than sampled experientially by individual Americans. Consequently, knowledge of the central attributes of the culture does not lead reliably to knowledge of the inventive thought processes of any given innovator. Second, the tendencies acting upon individuals in the socialization process as "the culture" determines it are essentially conserving and not productive of novelty. It is in relatively idiosyncratic experience, then, and in the regularities of the thinking process that one can probably most profitably search for the raw materials of a theory of innovation.

From this sound start, Dr. Barnett goes on to describe with rich example the mental processes which produce novel ideas, things, and acts, and to consider the societal factors which stimulate innovative thinking. Not the least of the many virtues of this book is a final chapter in which he presents a careful and trenchant critique of investigations by gestalt psychologists on thinking. He finds that gestalt psychology has underplayed the role of previous ex-

perience in structuring present cognitions and suggests that the wellsprings of creativity lie precisely in the ways that past experience orders immediate perception and thought. For the leads offered here, psychologists must be grateful.

But in both his seminal attack on the problem of novel thinking and his consideration of the problem of why some people accept while others reject innovations, Dr. Barnett displays an unfamiliarity with the conceptual and methodological contributions of psychology to the area of his interest. When a work of this degree of solidity reflects this kind of defect, one wonders if the sciences of man have been unprofitably fractionated. Nevertheless, virtually all behavioral scientists will find much of value here and may be stimulated to engage in interdisciplinary research of a highly necessary kind.

EDWARD JOSEPH SHOEN, JR.

Columbia University

NISBET, ROBERT A. *The Quest for Community: A Study in the Ethics of Order and Freedom*. Pp. ix, 303. New York: Oxford University Press, 1953. \$5.00.

Dr. Nisbet's book is largely concerned with the impact of centralized power on the mind and spirit of man in Western society. It is a learned and exhaustive analysis which scholars in many fields will find exceedingly readable, useful, and provocative.

Not only totalitarianism but any kind of political bigness is viewed by Dr. Nisbet with disfavor. Like many of those who challenge economic bigness, he persuades us to share his sentiments without showing us how to cope with the appalling concentrations of power already established. Few will object to his ideal of "cultural diversity" on the level of the family, occupation, religious grouping, and locality. Many thoughtful people would gladly retreat entirely, if they could, into those local forms of "spontaneous association" which afford a comforting sense of individual and social well-being.

The practical difficulty in effecting such a retreat arises from modern technological and institutional developments which are obscured in Dr. Nisbet's book by an over-

whelming weight of interesting literary and theoretical material. The task of restoring cultural diversity and spontaneous co-operation, except for a few "escapists," depends today upon our being able to understand and control some vastly important new phenomena. There has been, for instance, a revolutionary development in communications, especially in the technology of mass education and propaganda. This development is a terrible fact of modern politics on which we find little guidance in past or present social theory. To advocates of rationalism and democracy, it presents a basic, inescapable challenge. Another unifying factor, equally baffling to the social theorist, is the creation of more destructive weapons. With the power to destroy multiplied many times over, fear is being substituted for tolerance as the dominant mood of our society, and the quest for security is absorbing an increasing amount of our energies. Still growing, moreover, are the concentrations of economic power which cannot be arrested by mere appeals to return to simpler forms of association. By what institutional means can such centralizing forces be brought into the service of Dr. Nisbet's humane ideal?

Is it not a sound instinct which has led modern man—faced with these world-unifying techniques—to insist upon some concept of human association going far beyond local cultural groupings and national boundaries? In the actual institutions and techniques which surround him today, the individual is constantly reminded of his inevitable role as a world citizen. If only because he has a realistic concern for his own security and well-being, he cannot ignore his relationship to the widening forms of association. As a practical matter, his quest for a global community has a powerful claim to a right of way. Will it not be fatal to democracy if its advocates limit their creative thinking to the local level while the demand of mankind for global engineering is answered only by the totalitarians?

ERIC BEECROFT

Washington, D. C.

SMITH, WILLIAM CARLSON. *The Stepchild*. Pp. x, 314. Chicago: University of Chicago Press, 1953. \$6.00.

This is probably the first book ever written on the stepchild from the inclusive standpoint of sociology. In fact, according to Dr. Smith, there is only one other monograph in print dealing with the subject, and it is devoted to the legal aspects of the step-relationships (Adele Stuart Meriam, *The Stepfather in the Family*, Chicago: University of Chicago Press, 1940). In his bibliography Dr. Smith lists eight articles in serious journals. While the stepchild is a common theme of folklore and literary endeavor, it is, as Dr. Smith puts it, the stepchild of scientific literature on the child. It might be illuminating had Dr. Smith undertaken to explain this unseemly neglect of the subject by serious students of childhood.

A stepchild is a child of one's wife or husband by a former marriage. What makes the topic significant is that it involves a role conflict for the stepparent. The relationship with spouse represents an achieved role, is a matter of choice, and is usually based on affection. On the other hand, the relationship with stepchild is an ascribed role, the consequence of the choice of a mate. This inheritance of a role which may be not to one's liking probably is the basis for the general idea that being a stepchild means neglect. At least the term is commonly used to indicate neglect. There is a stereotype of the stepchild as "a pitiable creature who suffers from cruelty and neglect." There is a general prejudice in our society against the stepmother, and she must be exceptional before she is considered good. The role of a stepmother is usually more difficult than that of a stepfather.

Dr. Smith traces the stepchild in popular usage, in folk literature, in drama, in fiction. A chapter on biography reveals many accounts that contradict the notion of the cruel stepmother, but these biographies constitute a selected sample of stepparents. There is some discussion of the step-relationship in other cultures and a brief and scanty chapter presenting statistical data on stepchildren.

Part III, "The Stepchild and his Adjustment," approaches the problem from the standpoint of age, social and economic status, intermediate care, preparation of

children for a parent's remarriage, and idealization of the departed parent.

Dr. Smith states in his Introduction that his study is exploratory, not definitive. It examines the literature and reports material in case records of several social agencies. There is need for reliable quantitative studies organized around specific significant hypotheses. Meanwhile, Dr. Smith has done a splendid service in opening up this subject for further inquiry. Many thousands of stepchildren and stepparents could profit by Dr. Smith's analysis of this problem and his examination of factors in its solution.

M. F. NIMKOFF

Florida State University

BISNO, HERBERT. *The Philosophy of Social Work*. Pp. xiii, 143. Washington, D. C.: Public Affairs Press, 1952. \$3.25.

Perhaps the title of this book should be "a philosophy of social work," for it represents the author's philosophy, which the late Eduard C. Lindeman in an introduction to the essay says should "probably be called scientific humanism."

Mr. Bisno begins his thesis with a definition of social work as "the provision of services designed to aid individuals, singly or in groups, in coping with present or future social or psychological obstacles that prevent, or are likely to prevent, full and effective participation in society." He then sets up a series of propositions concerning the nature of the individual, the relations between groups, the function and methods of social work, and social maladjustment and social change.

In support of his propositions he quotes from a variety of sources, among them social work, the social sciences, religion, psychiatry, and psychoanalysis. He concludes with "a program of action for social workers."

A definition of social work that can win general acceptance has yet to be developed. Mr. Bisno's definition is no exception to the rule so far as this reviewer, who would have preferred a different approach, is concerned. As the discussion proceeds the author seems frequently to be equating social work and social case work, and often in stating this or that philosophic position he

does not distinguish between psychiatry or psychoanalysis and social work.

Mr. Bisno has woven his many quotations together with great ingenuity, but what usually is a good device, namely, consolidating notes at the end of each chapter, forces one to a constant turning back and forward which makes it difficult to keep current with the various references and to tell which is social work and which is other.

Most of the author's propositions do not as stated seem startling, but his method is to emphasize difference. Mr. Lindeman points out in his introduction that the author "frequently attempts to clarify his position by comparing his principles with those advocated by Roman Catholic social workers. If he had sought greater inclusiveness he might also have included parallels representative of Lutheran, or Islamic, or Jewish social work."

One might add that Mr. Bisno does not give sufficient weight to the fact that social work grows in and out of various institutional settings; nor does he indicate the broad areas of agreement which have made it possible for public and private, sectarian and nonsectarian, Catholic, Jewish, and Protestant social workers to move together toward shared social achievements.

Social workers operate through organization and in administrative situations where the effort is to seek common ground and where they arrive at similar decisions, it may be for diverse, sometimes even for opposite, reasons. But, by the same token, social workers only too often are not philosophers. There is occasion, therefore, for the teacher or the student of social work to read this book, and, while he may not arrive at the philosophy of social work, if that is the term to use, he may perhaps find himself clearer about his own philosophy.

KARL DE SCHWEINITZ

School of Social Work
University of California
Los Angeles

DORF, PHILIP. *The Builder: A Biography of Ezra Cornell*. Pp. xii, 459. New York: The Macmillan Company, 1952. \$5.00.

This biography of a justly famous American has been woven patiently and skillfully

from voluminous primary and secondary sources, principally from the *Ezra Cornell Papers*, gathered by Cornell University through three quarters of a century; the collection of the DeWitt Historical Society; and the fruitful files of the *Ithaca Chronicle* and the *Ithaca Journal* for the period 1825-1875. The author quite properly observes that these provide a mirror not only of the man but also of the times in which he lived (p. vii). These and other sources have been handled with historical insight and scholarly discrimination of values.

Viewed in its entirety, the volume presents an interesting story of the life of Ezra Cornell. That life had many facets. He was the founder of the great university that bears his name; he pioneered in the telegraph and railroad industries, helped to establish scientific agriculture, and gave generously of his accumulated substance.

Within these pages the student of biography will find rich satisfaction; the economist and political scientist will discover much grist for their analytical mills; the economic historian can uncover a cross section of the industrial development of the United States; and the general reader may see the impact of human personality upon the evolution of a community and a nation.

Against a backdrop of rigid Quaker doctrine and discipline the life of Cornell is clearly unfolded. His youth was one of limited opportunity. His later years were characterized by expanding scientific and industrial achievement, almost immeasurable self-denial, the acquisition of a material fortune through strenuous effort and creative organizational vision, and the founding of an institution of higher learning (1865). Reverses and disappointments dominated the final period of his life; he lost most of his fortune in the panic and depression of 1873.

The character and disposition of Ezra Cornell are delineated with admirable restraint; much more dramatic treatment might justly have been given this interesting personality. Cornell obviously was a symbol of the sturdy pioneer spirit that conquered the forest primeval and subdued a vast continent. The qualities responsible for so interesting a life are carved in clear

outline. He possessed unlimited energy, a resourceful imagination, courage to assume calculated risks, astonishing patience, a keen sense of humor, a spirit of self-sacrifice, natural acquisitiveness, and broad human understanding and sympathy.

Ezra Cornell and the scholarly Andrew D. White, Cornell University's first President who served that institution for 57 years, were an incomparably able team. Both men were aware that institutions do not measure time as mortals do; they are built for eternity. Time has testified to the solidity of their building.

GORDON S. WATKINS

University of California
Riverside

KENT, DONALD PETERSON. *The Refugee Intellectual: The Americanization of the Immigrants of 1933-1941*. Pp. xx, 317. New York: Columbia University Press, 1953. \$5.00.

This is a sociological case study of the experiences of intellectuals among the refugees who came from Germany and Austria to the United States between 1933 and 1941, and of how they rebuilt their uprooted careers in a new country. The study is based on a sample of 1,509 cases, about 20 per cent of the total professional group. Only 645 replied to a questionnaire, and others were interviewed personally, so that the total returns represent 721 cases.

The history of the uprooted in every immigration has always been a composite of successes and failures. There is a striking parallelism with the intellectuals among the "Forty-eighters" who came a century ago as refugees of other revolutions in Central Europe. Then, as now, America was the hope of the world, though many were bitterly disappointed by their first impressions, and proceeded at once to act as critics and reformers instead of waiting to know the United States better. There has always been, especially among intellectuals, a certain "refugee psychology," which finds expression occasionally in arrogant statements about "bringing culture to the barbarians" and leavening American Puritanism with Continental liberalism. Such people made readjustment exceedingly difficult for themselves.

On the whole, however, the net result now, as a century ago, is a notable record of genuine integration and Americanization. In the 1930's, there were symphony conductors who had to teach piano to beginners, scholars forced to wash dishes in hotels, and journalists who worked as night watchmen or packers in a grocery. But there was also among the refugees a surprising number of Nobel Prize winners, and a high representation in *Who's Who*, *American Men of Science*, and bibliographies of published research and lists of patents. The bulk of these people were "non-Aryans." What they contributed to the intellectual life of the United States is almost self-evident.

The experience with Americanization of this unusual group of immigrants was reassuring and gratifying. They were quickly naturalized, became self-supporting and acquired their own homes, aided by the heroic support of wives who did so much in these early critical years to help their husbands strike new roots in a new land. Many knew some English before they came. Fifteen per cent changed their names. Seventy-two per cent of the men and 67 per cent of the women resumed their old professions here. Despite many hurdles, the doctors were the most successful. Teachers, frequently aided by American foundations, were equally successful, and many refugees retrained for an academic career in the United States. Lawyers and journalists, whose main tools are the use of words, had the greatest difficulty in continuing their professional careers, and dentists were handicapped by the lower standards of their profession in Europe.

This book presents the material for a moving story of "a mixture of heroic struggles, abject resignation, shrewd alms-getting, and routine labor" (p. 107). It is a sociological survey, rather than an historical narrative. It reveals a remarkable record of American tolerance and generosity, and of the kindness and help of friends, relatives, and social agencies. The author has included many tables, as well as letters of deep human interest from the refugees themselves, and a great variety of data dealing with the whole problem of social readjustment. The book will prove espe-

cially valuable to sociologists, social workers, and historians of immigration. One would wish that it might also come to the attention of policy-makers in government. They would profit by reading a story that ends so well, and of which America has every reason to be proud.

CARL WITTKÉ

Western Reserve University

PHILOSOPHY AND RELIGION

MACIVER, R. M. (Ed.). *Moments of Personal Discovery*. Pp. xi, 170. New York: Harper & Brothers, 1953. \$2.00.

This volume is a collection of essays based on lectures given at The Institute for Religious and Social Studies of the Jewish Theological Seminary of America during the winter of 1951-52. The lecturers were asked to address themselves to the theme "at that moment my imagination struck fire" and to search for some point, some moment of experience, that brought them a clearer sense of direction and some vision of a goal toward which henceforth they must move. The result is a series of interesting accounts of what a group of distinguished contemporary Americans conceive to be the distinctive ideas that have given direction to their life and thought.

The title of the book and the dust cover may lead the reader to expect something more dramatic and psychologically interesting in these autobiographical sketches than they have to offer. None of these sober and well-balanced gentlemen have anything startling to record in the way their bright ideas came to them. Most of them are hard put to it to locate a "moment" when the inspiration came, and the way they warmed up in response to their insights is overdramatized in the metaphor of the imagination catching fire. If there is any stroke of genius in these "personal discoveries," then it suggests that Carlyle's definition is sound—genius is simply "an infinite capacity for taking pains." Even here the word "infinite" is no small exaggeration. What one gathers is that these men, in most cases, worked hard at

their problems, and through the hard work some satisfactory solution gradually or suddenly dawned upon them.

In other cases they were unsatisfied by, or unappreciative of, the framework of thought they had received from their environment and training, and were fortunate enough to meet with some person or book which suggested to them a different outlook and one which appealed to them better. It is interesting to note, as examples of the latter type, that Douglas Auchincloss and Harold Taylor each crossed to the other side of the fence and ended pretty much where the other began, the former under the influence of some ideas of Arnold Toynbee and the latter under the influence of Max Otto, John Dewey, and David Hume. Each appears to think that he has found something both new and true.

Other contributors to the book are Douglas Moore, Harlow Shapley, Lawrence S. Kubie, Margaret Mead, Paul Weiss, Lyman Bryson, Joseph M. Proskauer, Harry Emerson Fosdick, Mordecai M. Kaplan, Richard McKeon, and W. G. Constable.

A. CAMPBELL GARNETT

University of Wisconsin

PASSMORE, J. A. *Hume's Intentions*. Pp. ix, 164. New York: Cambridge University Press, 1952. \$3.75.

This able little book starts from the premise that there are many Humes. Many themes, many "intentions," are interwoven in complex ways in Hume's various writings. The author's object is to "disentangle" these various themes and to show how they are related to Hume's central purpose. Despite the hodgepodge of different things Hume says on different occasions, despite the inconsistencies that critics have exposed, there is a unity to Hume's work. This is the unity given by "a single over-riding intention."

Among the many themes are phenomenalism, positivism, associationism, and, of course, scepticism. The single, overriding intention was to establish what we now call social studies on a firm basis. The subtitle of the *Treatise*, Professor Passmore thinks, is an exact description of Hume's purpose—"an attempt to introduce the experimental method of reasoning into moral

subjects." Moral science, understood as the science that "concerns itself with the human mind and with human relationships in society," is intended by Hume to replace metaphysics on the one hand and physics on the other as the basis for human knowledge. Metaphysics from Hume's point of view is of course mostly nonsense; what is not nonsense is "psychology in disguise." As for physics, it on occasion lays claim to a rational certainty it does not possess and so falls into dogmatism; in any case its validation depends on psychological considerations, on a knowledge of how the mind frames judgments and draws inferences.

Hume conceived the first step in establishing a science of man to be the creation of a new logic; to this task, according to Professor Passmore, the whole of Book I of the *Treatise* is devoted. The old logic "would not do. . . . It relied upon self-evident premises, which are entirely lacking, Hume argues, in any empirical science." What was needed was, therefore, "a logic of probability" which would be, in effect, a methodology of the social sciences. But since logic, so conceived, was itself one of the moral sciences, it was necessary for Hume to eliminate the formal elements, or rather, to show that they are no more than associative links; in a word, logic must be reduced to psychology.

Professor Passmore argues that this attempted reduction failed, and that Hume was unable to dispense with formal elements. Instead, he became involved in many "subterranean" devices as he sought in vain to "find a non-formal method of characterizing logical form." The difficulties in which Hume became enmeshed as he struggled to give an account of resemblance, negation, contradiction, existence, and other concepts are displayed by Professor Passmore in convincing detail.

It is impossible in this short review to trace the author's analyses of the other main themes of Hume's work. We must summarize Professor Passmore's position by saying that he holds that Hume failed to achieve his main purpose—he failed, that is, to work out a *via media* between dogmatism and scepticism; he emphasized man "at the cost of making a science of

man impossible." Nevertheless, Professor Passmore clearly regards Hume's achievement as substantial. Partly this achievement was negative—it consisted in showing that the theory of ideas "could never give an account of ordinary perception." But partly it was positive—it showed the way to "a quite different conception of science, in which speculation, not security, is the key-note."

While this book is perhaps intended primarily for students of the history of philosophy, it should have a wider appeal. Methodology in what Hume called the moral sciences is still a pressing concern—perhaps even more pressing today than in his time. The problems he discussed are still with us; some of the solutions he proposed have a vogue today which, if Professor Passmore is correct, they certainly do not deserve. Thus *Hume's Intentions* can be read with profit by social scientists generally.

W. T. JONES

Pomona College

JASPERS, KARL. *Tragedy Is Not Enough*. Translated from the German by Harold A. T. Reiche, Harry T. Moore, and Karl W. Deutsch. Pp. 123. Boston: Beacon Press, 1953. \$2.25.

This is a rendering of one section of Jaspers' big volume *On Truth*; it has also been published separately in German. K. W. Deutsch introduces the reader to the personality and the thought of the author; three notions are mentioned as fundamental: encompassing; man's experience of limit and transcendence; the will to communication. The first means that reality is inexhaustible and that its boundaries recede the more the farther one advances; the encompassing reality can neither be known nor charted. But man is compelled to transcend continuously the limits he encounters, and in doing so he may end in tragedy. Whenever awareness exceeds power, tragedy results. Facing this situation, risking destruction in the incessant effort to transcend himself and reality, man realizes his being. But the tragic attitude has to be genuine and not mere pose.

Being so brief, this volume does not allow for further condensation. For that,

it is too "dense"; often Jaspers only outlines without giving details, as in the two pages of historical survey of "tragic knowledge" from Homer to Nietzsche. Only with the awakening of this knowledge does man attain an understanding of himself. Jaspers holds that Christian salvation is opposed to tragic knowledge and that there is no Christian tragedy, because the hope of salvation annihilates the consciousness of the tragic. "Tragedy . . . is the measure of man's greatness in breakdown and failure . . . reveals itself in man's unconditional will to truth." It is manifest in battle, victory, and guilt. Tragic situations arise in battle and collision of the individual and the universal, in the clash of ways of life, the fight of man against the gods, and the fight among the gods. But the victor is not he who triumphs, but he who fails. In its apparent victory, the universal, the world order becomes questionable and gives way to a new order. However, in face of the existing order, man becomes guilty. Guilt is identical with human existence; it is man's destiny to be born guilty, and guilt is inherent in every action carried out freely. He is guiltlessly guilty, and reality "is split, truth is divided"; the colliding powers are true independent of each other, and the questions animating tragedy are, therefore: What is true? Who is right?

These ideas are rendered more concrete in an analysis of the tragedies of Oedipus and Hamlet. Tragedy, one gathers, is twofold: that of the protagonist and that of the spectator, whether the stage be reality or theater. In understanding his fate the hero finds deliverance, and so does the spectator. To both is revealed that human need and suffering are anchored in metaphysics. The insight thus gained does not lead into a "tragic world-view" which is rather a distortion of tragic knowledge; in the latter, tragedy and release are linked together; if only the dark side is envisaged, the result is that tragedy becomes a characteristic not of man, but of a human aristocracy. Furthermore, tragedy is not an absolute, but it opens up the vision of order, justice, love of one's fellow man. Tragedy is unavoidable, because man never possesses the whole truth. But, perishing

or surviving, man in tragedy stands before the truth.

A postscript by H. A. T. Reiche has interesting things to say on Jaspers' style. There are also a bibliography, an index, and four pages of notes with references and explanations of certain translations of terms.

Even with the introduction, the reader may find it difficult to follow the reasonings of the author, first because for a full appreciation a greater acquaintance with Jaspers' ideas is desirable, but also because he sometimes refers to problems and views only by implication. It is also important that one realize the place this philosophy holds within the set-up of today. To label the author simply an "existentialist" is quite insufficient. The book may well serve to arouse a greater interest in Jaspers' philosophy; but it has a wider significance too: it is indicative of what may be a new turn in philosophical thought by its emphatic reference to poetry. Heidegger has gone a similar way, and the relations of other "existentialists" to literature are well known.

RUDOLF ALLERS

Georgetown University

DUCASSE, C. J. *A Philosophical Scrutiny of Religion*. Pp. x, 441. New York: The Ronald Press Company, 1953. \$4.50.

This is an objective examination of religion by one of America's most distinguished living philosophers, whose Carus Lectureship (the blue ribbon of American philosophy) produced in 1951 the stimulating volume, *Nature, Mind, and Death*. As a religious thinker Professor Ducasse manifests no leaning to any form of traditional theology. As a philosopher he is an empiricist who betrays no bias against ideas of a kind to which the minds of empiricists are often closed. As a result this survey of religious ideas and practices is broadly sympathetic to religious faith but closely critical of its dogmatisms and extravagances.

The aim of the book is to understand religion in its various forms rather than to defend any one form. The early chapters are descriptive, with particular attention paid to Buddhism as an example of the fact that religion is not to be

identified with theism. The typical and fundamental concepts of religion are analyzed, and various definitions of it are discussed at length. In this way Ducasse arrives at the conclusion that the belief element in religion is central, rather than cult or feeling, and that, nevertheless, religion must be defined in terms of the *function* of belief, rather than in terms of its *content*. Its functions are then found to be two, (a) the *social* function, which is to provide motivation for just or altruistic conduct, (b) the *personal* function, to give the individual some measure of a serene assurance out of which flow courage, endurance, humility, conscientiousness, and moderation.

In succeeding chapters Ducasse shows how the various forms and features of religious faith perform these functions, some better than others, and how some developments of religion are perversions which militate against its functions. There are discussions of magic and mysticism, prayer, gods and spirits, and the life after death. On the existence of a personal, monotheistic deity Ducasse shows that the question is logically open but believes, with William James, that it is well if it can be cultivated by the will to believe. On the possibility of personal survival of bodily death he is convinced that the evidence from psychical research is favorable to belief.

This reviewer has only one important criticism of the book to offer, but it applies to the central thesis. The statement of the function of religion misses the essential point. Religion cannot be cultivated out of motives of prudence. It has no vitality unless it involves a spontaneous devotion to some object regarded as supremely worthy of such devotion. The forms of belief and cult that do not arise from a loving commitment to the object of devotion are a pale imitation of religion that misses the essence of it. It is this attitude of devotion that makes Communism and Nazism often genuinely religious while much of our church going is a spurious pursuit of eschatological loaves and fishes.

A. CAMPBELL GARNETT

University of Wisconsin

BROAD, C. D. *Religion, Philosophy and Psychical Research: Selected Essays*. Pp. vii, 308. New York: Harcourt, Brace & Company, 1953. \$4.50.

These eleven essays are selected from publications of the last 30 years. Their inclusion in the International Library of Psychology, Philosophy, and Scientific Method assure their easy availability. Something of their durable quality is suggested by the fact that "War Thoughts in Peace Time," delivered in 1931, required only a postscript underlining its main contentions. And why not? An implacable logic of Dr. Broad is always a delight and a profit. The discipline of such a journey cannot easily be forgotten. Once grant his presuppositions, and you will be carried along. His arguments are clear and as succinct as materials will allow. Their wealth of ideas defies condensation.

Four essays in Section Two on Religion make up the core of the volume, crowded closely by two political discussions. "War Thoughts . . ." and "Fallacies in Political Thinking" are distinguished by acute analysis and a judicious ethical emphasis. Together they bring rare wisdom for the citizen and the statesman. Not much improvement can be expected, Broad thinks, unless and until root causes in social and political events are fully explored.

In the first essay of Section Two Broad contends that God cannot be a person in the theological sense of Christian orthodoxy; and in a philosophical sense, God need not be. Here we must begin to face presuppositions. In Christianity the Trinity as a whole is God, and Trinity is not a person. Proof for the existence of God likewise flounders. Philosophically, existence of God is a convenient postulate made necessary by setting out from nature in an unnecessarily restricted sense. Classic arguments, Broad thinks, find their strength mainly in their cosmic reference. But unfortunately they favor two different gods, "one a ground and not a designer, and the other a designer and not a ground, of the rest of the universe."

Yet, is not argumentation on the "existence" of God a misconceived adventure? Even historical relevance lies buried in certain dubious assumptions. These argu-

ments set out from faulty definition, such as a concept of existence when applied to God. Again, what about the assumption that Christian theology is once for all set in a logical framework of by-gone centuries, made purely relative, for instance, to eighteenth century concepts; and that nothing has happened since or can happen to improve perspective? What about combining a highly selective field of evidence with a relatively abstract logical form? Often the kind of "proof" anticipated loses its relevance, once the concept of evidence is revised. Bishop Butler is a case in point. He is undoubtedly a great theologian, but natural religion of an eighteenth-century deistic type is not a serious issue for Christian theology. Much the same goes for the relation of science and religion, unless "specifically Christian doctrines" are limited to (1) early apostolic notions about Jesus, (2) a Bible used as history and cosmology, and (3) the evidential value of certain miracles.

Christianity is a fellowship, as well as a doctrine. Moreover, its doctrines are not to be sought within an ecclesiastical of any time, including our own. Occasionally theology may hide its intelligence within selected historical dogmas, and may deceive itself by allowing psychological certitude to parade as logical evidence. But once and again the ethical foundations of Christianity come into view, awaiting acknowledgment by a mind that is confronted by moral experience. How much relevance psychical research has for religion depends more upon basic presuppositions than upon historical color in basic concepts. With Broad's discussions these issues are brought to the fore. He has located certain timeless mountains on our horizon.

IRL G. WHITCHURCH

Kingfield, Maine

Function of the Public Schools in Dealing with Religion, The. A Report on the Exploratory Study Made by the Committee on Religion and Education. Pp. xiv, 146. Washington: American Council on Education, 1953. \$2.00.

Among the items of faith affirmed in 1947 and with some hesitation in the

present report by the Committee on Religion and Education of the American Council on Education are that the separation of church and state principle may not be ignored, that "teaching a common core of religious beliefs in the public schools is not a satisfactory solution," that students should be challenged to take a positive personal attitude toward religion, that "an intelligent understanding of the historical and contemporary role of religion in human affairs" is an essential.

Two questionnaires and eleven pairs of propositions were sent to selected groups of American educational and religious leaders for their reaction to exploratory research regarding the solution of the problem of the function of the Public Schools in dealing with religion.

What surprises the reader is the general lack of interest on the part of thousands of educators to whom the questions were put. For example, only 21 per cent of the superintendents of schools out of 3,360 replied to question one of the second questionnaire (p. 102), and only 50 per cent out of 456 among the professors of education; to question two, there were even fewer replies in both instances.

The findings (pp. 81-84) in summary state that three policies were discovered in public schools and higher educational institutions in regard to religion: *avoidance of religion, planned religious activities, factual study of religion.*

It is admitted that religion has not and cannot desert either the classrooms, the curriculum, or the campus of the American Public School. This is encouraging. For the committee might now undertake to interpret Waterman's definition of religion that "religion is man's persistent endeavor to adjust the reality within him to the most significant realities without for the purpose of preserving and enhancing the values of personality." See, for example, Philippians 4:8. But why limit religious expression to chronology, history, literature, art, and music? Now that the insight of the universal significance of religion appeals, we recommend a more intense study of Chave (not even mentioned in the bibliography), Madden (mentioned), and Moehlman, chapter seven (apparently over-

looked by the committee's compiler of bibliography).

The finding that the problem of religion and public education is daily becoming more complex for the committee is very significant. A solution cannot be "achieved easily or soon." Correct again! Why not reread Harrison Elliott's *Can Religious Education Be Christian?* (strangely missing from the bibliography) or some of George A. Coe's deliverances (also not there)?

Elliott consistently contended that "fundamentalist procedure and true education are incompatible." Personal religious faith is bound to be sectarian, and the public school cannot tamper with this. Back in 1922, the Religious Education Association reported "failure thus far . . . to achieve a social experience worthy of religious ideals." Indeed, in 1940, Mr. Shaver seemed to be pleading for the presentation of controversial religious issues in the Public Schools (*Religious Education*, 17, 1922, pp. 266-268). Moreover, careful studies have shown that "the correlation of moral knowledge (knowledge of right and wrong) with Sunday School attendance was slightly negative."

The decision of the committee to concentrate upon the "factual study of religion when and where intrinsic to general education" should ultimately issue in the finding that the experience of Public Education with religion is far more pertinent to the American way of life than any quantity of external study. Indeed, Wesner Fallow's wisdom in *Toward Spiritual Security* should not be neglected: "The goal of Protestant teaching has been too much concerned with giving information to the individual, to the exclusion of causing him to grow spiritually in his natural gropings. It cannot be repeated too often that the basic group, in and through which a person learns, grows and indeed comes to a person is the family."

CONRAD HENRY MOEHLMAN
University of Southern California

LECLER, JOSEPH. *The Two Sovereignities: A Study of the Relationship Between Church and State*. Pp. x, 196. New York: Philosophical Library, 1952. \$3.75.

This is a brittle yet useful essay on the sovereignty of the state in relation to the church. Its thesis is arrived at chiefly through an analysis and interpretation of the writings of popes, canonists, and a small group of philosophers, with some supplementary support drawn from European historical examples. If the reader is looking for a systematic treatment of the subject, a careful gradation, let us say, of the various ways states and churches can work in harmony or at odds, he will be disappointed. The book is valuable principally as an example of Catholic thinking today.

The stand of the primitive Christian Church was revolutionary. It demanded a complete distinction between the spiritual and temporal worlds. On the split-up of the Roman Empire, however, the secular powers that emerged were ignorant of administration, learning, and culture. Only the clergy knew about such things. It therefore had to lend a hand. This explains the Church's intrusion into the temporal sphere, a circumstance that Professor Lecler wishes clearly understood. When the principalities had grown to adult nations, the Church withdrew its intervention in temporal affairs and turned to its chief concern, man's interior life. This is the position of the Roman Catholic Church today, and this is the original and correct interpretation of the Christian doctrine of the two swords. There are those who charge that the Roman Catholic Church is out to dominate the temporal sphere and those who rebuke it for favoring a complete separation. Both are wrong. The Church is against both clericalism and the lay state.

The major failing of the book is the tendency of the author, a professor at the Institute Catholique in Paris, to forget every now and then that the world has seen other religions beside Catholicism. There is much to be said for treating the problem within the Catholic orbit as an admirable or revealed or logical solution, but when statements are made that implicate other religions, one expects some evidence from comparative religion or anthropology, and also some realization that the situation today is not dualistic but pluralistic. The

neglect of other creeds, to take one example, makes the book's practical handling of education shortsighted. As long as one has at the back of his mind a medieval dualism of church and state, a simple equal co-operation seems possible. Once remember that the problem is not state and church but state and churches, the pastoral scene vanishes and in its place appears today's familiar sight—secular education, compulsory and predominant.

This fact pierces the book's central thesis: the church's rule is over men's consciences. And if she never has a chance to develop and enrich those consciences . . . Professor Lecler would agree that the road runs dead end to the lay-state he fears.

SEBASTIAN DE GRAZIA
Human Resources Research Office
George Washington University

WHITE, EDWARD A. *Science and Religion in American Thought: The Impact of Naturalism*. Pp. ix, 117. Stanford Calif.: Stanford University Press, 1952. \$2.50.

The modern history of the antagonism between science and religion begins with the deists in the eighteenth century. A renewed attack on religion came in the mid-nineteenth century with the publication of the *Origin of the Species*. Scientific arguments were developed to cast doubt on the accuracy of the Bible and sociological interpretations of Darwinism clashed with fundamental Christian doctrine. This book emphasizes the impact of these two intellectual forces upon religious thinking in America in a group of essays on the relationship of science and religion in the writings of John W. Draper, Andrew D. White, John Fiske, William James, David Starr Jordan, and John Dewey. The longest essay deals with Jordan, whose private papers have been studied for this purpose. Actually, however, Jordan had much less influence than the others in undermining orthodox religious concepts, and it is to be regretted that a more complete analysis especially of Fiske and James was not included.

Dr. White has concentrated his study perhaps too exclusively on the publication of his subjects without giving an adequate

picture of the socioeconomic climate which helped create their ideas. The result is that the reader sometimes has the feeling that these ideas existed in a vacuum. This failure to place ideas in time-place perspective is disconcerting. However, let not this criticism obscure the merit of this book in presenting in brief compass the religious opinions of some of the leading thinkers of American life.

Draper, White, and Fiske had the widest popular appeal because they wrote without the technical jargon of philosophy. James and Dewey had the greatest influence over the long-run because they were able to perpetuate their ideas through their followers. From the positivism of Draper to the instrumentalism of Dewey there is a wide difference in sophistication, although a surprising area of agreement is to be found. Dr. White has made clear that each writer derived his views in favor of science against religion through varying philosophical assumptions and interpretations of everyday life.

ALBERT POST

Paris, France

GUTHRIE, DWIGHT RAYMOND. *John McMillan: The Apostle of Presbyterianism in the West, 1752-1833*. Pp. x, 296. Pittsburgh: University of Pittsburgh Press, 1952. \$3.00.

A recent estimate of the number of Scotch-Irish who found their way to the New World in the eighteenth century has placed the figure at 385,000. Constituting the last great wave of immigration to the colonies, the Scotch-Irish were compelled to push beyond the older settlements to find homes on the edge of the wilderness. As Theodore Roosevelt has said, in his *Winning of the West*, the Scotch-Irish were America's first frontiersmen. When the Revolutionary War began these hardy people constituted a fringe of settlement all along the frontier from New Hampshire on the north to Georgia on the south. Almost a hundred per cent Presbyterian in their affiliation, and with their tradition of an educated ministry, both in Scotland and North Ireland, together with their schools, which were considered a necessity in every

Scotch-Irish settlement, the Presbyterian Irish constituted the advance guard of Christian civilization west of the Alleghenies.

John McMillan, the subject of this careful biographical study, was a second generation Scotch-Irishman, born in Chester County, Pennsylvania, of devout Presbyterian parents. He attended John Blair's "Log College" at Fagg's Manor in his home county and later received his first baccalaureate degree at the College of New Jersey (Princeton) where he sat at the feet of John Witherspoon, but recently come from Scotland to assume the presidency of the college. Later he returned to Robert Smith's famous "Log College" at Pequea where he spent two additional years. Such was the preparation for the Presbyterian ministry then available to young Scotch-Irishmen, such as John McMillan. Thus there came to be an American trained Presbyterian ministry suited to the needs of an advancing American frontier. Another pattern of procedure which John McMillan typifies was the preaching tours through the back country previous to his settlement over congregations. In his extended tours McMillan came to know the Redstone country—southwestern Pennsylvania—where he received a call to two congregations, Chartiers and Pigeon Creek. Here he spent his entire ministry from 1776 to November 16, 1833, the date of his death. He was the first settled Presbyterian minister west of the Alleghenies.

The Presbyterian frontier minister combined school teaching with his work as a minister, and John McMillan, like many others, conducted a "Log College." The vast educational need all about him, as well as the necessity of increasing his means of livelihood, would naturally lead the college-trained minister to assume the schoolmaster's task, in connection with his ministry. John McMillan's school developed into Jefferson Academy, and Jefferson Academy into Jefferson College. The same thing also happened at Washington, Pennsylvania, only fourteen miles away, where another Presbyterian "Log College" was formed by Thaddeus Dodd, likewise a Princeton graduate, which later became

Washington Academy. In the course of time (1865) the two colleges merged, after a long "college war," to form what is now Washington and Jefferson College.

"Politics" is the title of an interesting chapter on the Whiskey Rebellion in western Pennsylvania and John McMillan's part in it. To John McMillan the "Rebellion" constituted a threat to the orderly life of the community, and he courageously took the side of law and order. In fact all the frontier churches stood for obedience to law and constituted islands of order in a sea of disorder.

The author has further served the cause of frontier history by including the hitherto unpublished *John McMillan Journal*, together with his brief autobiography in an Appendix.

WILLIAM WARREN SWEET

Pomona College

DAHMS, JOSEPH H. *The Prosecution of John Wyclif*. Pp. xi, 167. New Haven: Yale University Press, 1952. \$4.00.

In this study of John Wyclif's relations with his lay and clerical superiors, Mr. Dahms submits the often very inconclusive evidence to a thorough, if at times somewhat captious, re-examination. On one or two points, such as the exact number of propositions condemned by Pope Gregory XI in 1377, he has had no difficulty in setting right the mistakes of previous scholars. But the value claimed for his book as "an indispensable corrective to Workman's standard biography"—and the claim is his own—would be easier to allow had he not failed to take account of several primary sources long accessible in print.

A reading, for example, of the *Anonimale Chronicle*, edited more than a quarter of a century ago by Mr. V. H. Galbraith, might not have materially altered his narrative of Gaunt's stormy encounter with Bishop Courtenay in St. Paul's, but it would have prevented him from voicing the baseless opinion that "it is extremely improbable that Wyclif at any time had the honor of addressing Parliament." Similarly he has overlooked Mr. W. A. Partin's publication of a letter from Adam Easton to Abbot Litlington of Westminster; yet

this makes possible the correct identification of the "black dog" and his whelps whom Wyclif rightly blamed for bringing his erroneous doctrines to the people's attention. Nor do these exhaust the list of Mr. Dahms' oversights. Even less excusable in his patchy acquaintance with the principal secondary authorities. There is bound to be something unreal about a fresh attempt to explain "the political role of John of Gaunt" made in total ignorance of Tout's contribution to this difficult subject, while the works of both Professor Perroy and Father Aubrey Gwynn are scarcely less essential for the biographer of Wyclif. So unfamiliar is Mr. Dahms with the political realities of his subject that he is capable of describing the Commons as part of the government.

That England's lay rulers never silenced Wyclif in 1378 is one of his most cherished discoveries. He has no evidence for it except an ambiguous rubric added by the unknown compiler of that late collection of documents known as the *Fasciculi Zizariorum*. But he attempts to give it plausibility by misquoting Mr. Partin and by brushing aside the fact that Wyclif was still publicly disputing at Oxford long after 1378. The scholar's immunity is certainly a problem, but it cannot be solved in this summary fashion. Mr. Dahms' book has at least the merit of reminding us that such problems exist.

K. B. MCFARLANE

Magdalen College
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FISHER, GALEN M. *John R. Mott: Architect of Co-operation and Unity*. Pp. ix, 214. New York: Association Press, 1953. \$3.50.

This relatively small book is not a biography of John R. Mott but a review of his vigorous leadership in establishing understanding, co-operation, and unity among Christian denominations and confessions on a world scale. The author wisely refrains from prejudging the results of Mott's influence on the ecumenical movement, preferring to leave that to the verdict of time. He furnishes us with an interpretation of foundational and world-

wide movements which Mott helped to establish. The record leaves little doubt that co-operation and unity among religious bodies will continue to advance during the years ahead.

In successive chapters the author reviews the main lines of Mott's endeavors, likening his major abilities and interests to tributaries which flow together to furnish a stream of influence felt in all parts of the world during much of the more than 60 years of remarkable leadership. The scope of his interests and global mindedness is indicated by the great number of organizations and activities which are briefly but effectively reviewed. A partial list of movements he either helped to establish or led includes: The World Student Christian Federation, the Student Volunteer Movement, the American-Canadian International Committee of YMCA's, the World's Committee of YMCA's, the International Missionary Council, the World Council of Churches, the Institute of Social and Religious Research, the Commission on Interracial Cooperation, the Committee on Friendly Relations Among Foreign Students. He headed the United War Work Fund of World War I. These and many more pass in review.

The author quotes extensively and frequently from available records, correspondence, and publications and statements furnished by about one hundred persons of many nationalities as to the influence of Mott upon them and their estimate of his contributions to the ecumenical movement. The record testifies to countless numbers influenced by Mott. He was constantly seeking out men of ability and assigning them challenging tasks. He believed with Dwight L. Moody that, "It is better to put ten men to work than to do the work of ten men." One wonders on completion of the book if Mott has not done both.

A key to Mott's influence is indicated by the great care with which he prepared for interviews with important personages or for addresses to be given to various types of groups. He took time to cultivate the friendship and understanding of key leaders and then skillfully related them to challenging tasks. He arranged and pre-

sided over conferences in a manner which enabled those who, while maintaining various religious convictions, discovered a basis of understanding and co-operation. The author's interpretation in these regards is admirable.

A weakness of the book is its inadequate treatment of Mott's policies and thought regarding Roman Catholicism. There is a partially satisfying treatment of his relations with Eastern Orthodox leaders but a much fuller treatment would be helpful and historically important. All in all a world-wide mission of a Christian layman has been covered in a readable and challenging way.

HERBERT L. SEAMANS

New York City

COMMONWEALTH OF NATIONS

FITZSIMONS, M. A. *The Foreign Policy of the British Labour Government, 1945-1951*. Pp. viii, 182. Notre Dame, Ind.: University of Notre Dame Press, 1953. \$3.25.

Throughout the postwar Labour regime "The question of a Socialist foreign policy," Fitzsimons concludes (p. 179), "arose only to become absurd. The continuity of British foreign policy prevailed because British interests remained the same and the suspicion of state for state survived." Ernest Bevin realistically, but with fumbling hands, adopted the principles laid down in Churchill's Fulton and Zurich speeches: pure expediency, not Socialist ideals, guided the course of British diplomacy, and expediency was ruled by the desire for, and the iron-clad need for, maintaining as much of the crumbling Empire as possible for as long as possible. A leading result is that much of the Commonwealth has been retained, and in the main this is good, for "few nations have defined their interests with the moderation and flexibility of British policy" (p. 2). Churchill, it is implied, would have kept more had he been in power, but only degrees of possible success, not differences in objectives, would have altered the outcome.

There is much to be said for this thesis,

but it leads the author to some curious contradictions. In the areas where some degree or other of difference between the initial Labour and Tory positions differed—most notably, in giving independence to India, Ceylon, Pakistan, Burma, and the Gold Coast (virtual independence)—the Commonwealth has won strength and not lost it. Contrariwise, where Churchillian policies have been most clearly followed, as in Malaya, the Arabic world, Persia, and South and Central Africa, Britain has everywhere lost strength and prestige. Much the same could be said for many British policies relating to continental Europe. For example, giving up the Labour program for nationalizing German heavy industry was a concession to the Churchill point of view, but it ruined the American decartelization program, set the stage for a swift and alarming revival of the same reactionary forces which once hoisted Hitler to power, and thereby put an almost insuperable obstacle in the way of an effective Franco-German accord. Many other instances might be cited.

In general the historical facts given are correct, but the interpretation is upside down. This holds for Commonwealth and Empire, for most of the British relations on the Continent, and much even of relations with the United States and the Communist power bloc. To say, for example, that "The great wrong of British imperialism has been not economic exploitation but the creation of an irresponsible temper among the victims of imperialism who are led to blame all their woes on British rule" (p. 64), is to misread the facts of separatist movement of the past two hundred years—from the Boston Tea Party to the Accra affair and Mau Mau. The undercurrent of innuendo that runs throughout this book at every turn of phrase or policy which even smacks of liberalism, let alone "socialism," is ungenerous to say the least; at the worst it is a support of the deadly forces of reaction which once again threaten freedom and democracy on all sides. Such exegesis is not only bad history; but also it helps to prepare us not for "the ways of peace, the footpath of good will," but for still more blundering steps in the many strategic byways where Americans are already win-

ning world records for losing friends and antagonizing people.

ROBERT A. BRADY

University of California

KEETON, G. W. *The Passing of Parliament*. Pp. vii, 208. London: Ernest Benn Ltd. (distributed in the U. S. by John de Graff, New York), 1952. \$4.50.

The learned author, Professor of English Law at University College, London, resumes the theme of Lord Hewart of Bury's *The New Despotism* who attacked the "petty despots of Whitehall" more than 20 years ago. He is deeply alarmed at the legislative and administrative scope and at the "contempt for legal process" which the "Departments" are increasingly inclined to show. This, to him, is "the Twilight of the Common Law" with which his first chapter deals, leading to "the Road to Moscow" that the second chapter sketches. The Conclusion to this chapter summarizes well Professor Keeton's central theme:

"Today in Great Britain we live on the edge of dictatorship. Transition would be easy, swift, and it could be accomplished with complete legality. Already so many steps have been taken in this direction, due to the completeness of power possessed by the Government of the day, and the absence of any real check such as the terms of a written constitution or the existence of an effective second chamber, that those still to be taken are small in comparison. . . . Today, virtually the only remaining constitutional safeguard is the habit of tolerance and the existence of a powerful political opposition, both of which owe their existence to the Revolution of 1688. If both these safeguards disappeared, our constitutional machinery would forthwith become the instrument of a totalitarian despotism."

This forthright and alarmist proposition, even though stated in conditional terms, the remainder of the book seeks to buttress by arguments from history and law. Needless to say, Professor Keeton does not concern himself specifically with the meaning of the terms "totalitarianism" or "dictatorship," and the specialist in these matters may well question their employment in this context. But even so, enough

remains to make his book a very challenging one.

He starts his argument by recalling the struggle over the Stuarts' effort to develop the constitution in an absolutist direction in the seventeenth century. The revolution of 1688, he presents in good traditional terms as resulting in the sovereignty of Parliament, that is to say, its "unlimited legislative power" and in the application of the ordinary common law to all men, whether subjects or public officers. "The Passing of Impeachment" shows how this revolution "established in these islands the liberal State founded on political toleration," surely a somewhat roseate view of that event, especially in the perspective of his own next chapter, entitled "The Transformation of Parliament." For here we find the author taking a rather negative view of the democratic quality of British politics which he thinks bears no relation either to its Greek prototype or to "philosophic expositions." Stressing the power of a disciplined party, and picking up an argument from Herbert Spencer's *The Man versus the State* on the way, Keeton depicts the aristocratic Parliament of the eighteenth century as the "true" one, from which the representatives of the ever-growing masses in the nineteenth and the twentieth have steadily receded. Quoting Wellington on the Reform Bill (shades of Hegel!), he notes with apparent dislike the fact that the forum where the views of the individual member may have some influence is the party meeting and the party conference.

We may note in passing here that virtually no attention is given to the diversified, vigorous, and highly influential activity of various associations and groups, which many today recognize as having all but replaced the local community of old. After these background studies in which the author's major theme appears in various contexts, he turns to "The Menace of Delegated Legislation," "Administrative Tribunals at Work," and "The Courts and the Executive." In these three chapters, Keeton sets forth the story of the growth of executive and administrative power along lines familiar from the writings of W. A. Robson and others. These he implements

by three chapters on "Taxation and Free dom," "Land in Chains" and "The Problem of State Monopolies." In each of these fields, he is able to demonstrate a parallel growth of power of the "Departments." Thus, he feels that whatever method of control may ultimately be adopted state monopolies have provided a "further adventure in departmental irresponsibility," that "new fetters have been forged for the land, the fetters of a new feudalism," and that financial tyranny is rampant in the more recent tax and budgetary legislation.

Keeton sees "The Constitutional Problem of Today" as "the difficulty of maintaining either any constitutional system in the real sense of the word [this remains undefined, however], or any security, either of person or property, in face of the continual and relentless encroachments of the executive." What are the remedies? It would appear that the learned author views with something bordering on envy the written Constitution of the United States, as well as its Senate, and that he would not mind seeing established some sort of High Administrative Tribunal such as the French *Conseil d'Etat* which Robson advocated many years ago. But he does not in fact advocate any of these devices. No attempt, he admits, was made by him to discuss the safeguards which might retard or even stop the forward march of what he calls "administrative tyranny." No existing safeguards can be effective, because of the power of a parliamentary majority to sweep them away. It is curious that a book which sets out to depict the "passing of Parliament" ends upon this note. For in the last analysis, all the changes to which Keeton objects have been the work of Parliament, and Parliament's undisputed power remains intact. For even though a different kind of Parliament than that of Walpole, it still is Parliament, and it remains the most distinctive feature of British government and politics.

The Passing of Parliament is a stimulating book, and the evolution it deals with is a vital one. But the note of alarm it sounds is too shrill, and the historical analogies upon which it rests are dubious. The lack of any convincing alternatives to

present trends for managing the great society may weaken the effect of what is in many ways a striking and broad-gauged analysis of "the rise of British bureaucracy" rather than of what the title suggests.

CARL J. FRIEDRICH

Harvard University

STOUT, HIRAM MILLER. *British Government*. Pp. ix, 433. New York: Oxford University Press, 1953. \$5.00.

This book, designed primarily as a text for college students, contains an excellent description of the organization and procedures of the British government and is probably the best brief survey of the functions performed by that government. Emphasis is placed on recent changes, especially on those brought about by the second world war and the rapid extension of the welfare services.

The first chapters describe the physical features of the country, the character of the population, the occupations of the people, the basic principles of their constitutional system, the methods of protecting civil liberties, and the general character of British public life. Many readers will prefer this kind of introduction to the more usual one of attempting in a chapter or two to sketch the historical evolution of the English constitutional system from Anglo-Saxon times to the present.

The greater portion of the book is devoted to an analysis of British political institutions: the monarchy, Parliament, parties and elections, budgetary practice, the national administrative organization, the civil service, the courts, and the institutions of local government including those of London. These chapters although they follow the traditional form of treatment are interestingly written and are based upon reliable sources. The sections dealing with elections, party organization and procedure, and the civil service are particularly satisfactory. The chapter on the operation of the civil service seems the best brief account available.

But good as the preceding chapters are, the greatest merit of the volume lies in its treatment of the administrative services dealing with national security, the social services, and the nationalized areas of the

British economy. The author is impartial and accurate, and he gives the reader an excellent overview of the governmental problems raised by the nationalization program and the extension of such social services as housing and the national health service. The important problem of reconciling the desired independence of the public corporations in charge of nationalized industries with their ultimate responsibility to Parliament is ably dealt with.

The volume ends with a discussion of Britain's changing relations with the Commonwealth and the Empire, and gives particular attention to the tendency to keep these relationships flexible enough to avoid serious conflicts with the rising nationalism evident in all parts of the Empire. Such informal and flexible understandings may tend to create a somewhat untidy constitutional system, but they seem to produce satisfactory results.

ELMER D. GRAPER

University of Pittsburgh

ROBSON, WILLIAM A. (Ed.). *Problems of Nationalized Industry*. Pp. 390. New York: Oxford University Press, 1952. \$5.00.

This symposium, edited by William A. Robson, analyzes the problems of the British public corporation—the instrument which the Socialists have used recently to nationalize basic industries. The book rests upon the assumption that nationalization overcomes "many of the drawbacks of profit-making enterprises" but does not in itself "resolve the problem of producing and distributing basic goods and services in an efficient manner" (p. 7).

The tone of the book, the editor hopes, is one of "constructive criticism." Its authors—all the friendly critics of nationalization—represent a wide range of experience in finance, engineering, industry, and public administration. Four have been members of Parliament, two with ministerial responsibility; six have been professors of economics or political science; three have held positions in nationalized industries; three have been high in Civil Service. This broad experience, however, has not been carefully assimilated, for the

editor has made no attempt to co-ordinate the diverse views of the thirteen authors.

The public corporation confronts the British Socialists with a dilemma. On one hand, the Socialists have sought to avoid political interference with efficient management; on the other, they have struggled to bring the corporation under public accountability. That they have failed to resolve this dilemma is implied in the legal status of the corporation as defined recently by the Court of Appeal in *Tamlin v. Hannaford*. "In the eye of the law," Justice Lord Denning ruled, "the corporation is its own master and is answerable as fully as any other person or corporation. It is not the Crown and has none of the immunities or privileges of the Crown. Its servants are not civil servants and its property is not Crown property. It is as much bound by Acts of Parliament as any other subject of the King. It is, of course, a public authority, and its purposes, no doubt, are public purposes. But it is not a government department, nor do its powers fall within the province of government (p. 41). Since the corporations are not considered as departments of government, the ministers have refused to answer the questions of Parliament concerning their day-to-day management. Nor have the public corporations become responsible to consumers. The Labor Government has too readily assumed that responsibility to consumers follows automatically from nationalization. The late attempt to organize consumer representation, however, indicates that responsibility to consumers does not flow directly from nationalization. But the Consumer Consultative Councils have not yet supplied effective representation of consumers in the management of the corporations.

The public corporations, according to the less friendly critics, have not demonstrated their superior efficiency over private corporations. Public administrators, Professors Florence and Walker believe, "are particularly prone to the diseases of security, conservatism, and procrastination." Another critic, Sir Arthur Salter, fears the danger of "excessive centralization of management to which bureaucracy always tends." The criticism of these essays, both

friendly and hostile, leaves one with the impression that the earlier zeal of the Socialists for reform has been exhausted by the details and technicalities of administration.

R. G. COWHERD

Lehigh University

PETRIE, CHARLES. *Monarchy in the 20th Century*. Pp. x, 223. London: Andrew Dakers Limited (distributed in the U. S. by The Macmillan Company), 1952. \$3.50.

Sir Charles Petrie has produced here an important piece of historical writing. He is a master in his field. This was shown in his previous work of a kindred nature: *The Story of Government* (1929). *Monarchy in the 20th Century* is a clear-cut analysis of only those conditions, forces, and personalities which affected favorably or adversely the course of monarchy in the twentieth century. The background or the tradition of monarchy or its absence is given in brief and broad strokes as a setting for the institution whose checkered career it is proposed to trace. In this background are found significant precedents and important figures to furnish a comparative basis for the clarification of complex situations in the subsequent story of the rise and fall of monarchies as well as of republics. His illustrations and examples of the assertion of the powers of monarchs in critical periods of both domestic and foreign affairs exhibit monarchy in its best light as a balancing agency of party strife and as a nonpartisan representative of the nation as a whole. This is the author's conception of "a Patriot King" which was the ideal that George III largely achieved and that Edward VII more completely realized. In this capacity monarchy makes a contribution and exercises a salutary control over the political order of the day. Half of the volume is devoted to the English monarchy which is not a disproportioned emphasis due to the fact that it represents the most continuous and uninterrupted development of monarchy which civilization has produced. With an illuminating background the story of the English Crown begins with the accession of Queen Victoria and covers the reigns

of Edward VII, George V, Edward VIII, and George VI and the accession of Elizabeth II. In general the line of development with the exception of certain peak points is that the Crown constantly lost power in its struggle with its ministers, though the monarch personally gained prestige and popularity. While Victoria had her way in some matters and in some instances practically selected Prime Ministers, her long period of mourning after the death of Prince Albert left the Crown in a much weaker condition than she found it at the beginning of her reign. Edward VII, though he had never been permitted to have any experience in royal affairs prior to the death of his mother, came to be the most popular ruler in the history of the monarchy.

Considerable emphasis is placed on the reign of George V who was primarily trained as a sailor but who played an important role in World War I and came to be well beloved by the English people. The transition from Edward VIII through George VI to Elizabeth II is almost the high-water mark of the book.

In view of the training for Kingship that Edward VIII had received, his popularity and interest in the social problems of the nation, and his extensive traveling and knowledge of imperial matters, the author considers that it was a great loss to the Empire and a serious blow to the prestige of the Crown for the King to exchange it for a woman. He does not feel that the English Crown is in danger from republicanism, but that its disappearance would be calamitous to both Great Britain and to the Commonwealth of Nations. Its symbol of unity of the Commonwealth could not be performed by any other agency. The discussion of monarchy on the continent is brief but suggestive and assuring. Experiments in republicanism have not been a success outside of France and even in France have lacked stability due to party strife. The author feels that a fairly strong monarchy is the most fitting instrument that has yet been devised to prevent national chaos from resulting from party disintegration.

The author leans a little toward monarchy as a stabilizing influence in society due to two main reasons: (1) that the

experience of the continent with republics has not been very encouraging, and (2) that political parties will not sacrifice their interests for the welfare of the nation. Their tendency is to rule or ruin and they will bankrupt a nation for their own selfish purposes. The nation as a whole is never truly represented. This thesis is well sustained. The book is a real contribution to interpretative history and political science. It is thought-provoking and well balanced. There is nothing like it in print.

C. PERRY PATTERSON

University of Texas

CHRMES, S. B. *An Introduction to the Administrative History of Medieval England*. Pp. xvi, 277. New York: The Macmillan Company, 1953. \$4.75.

Earlier scholars in medieval history, enamored of the political, legal, and particularly the parliamentary emphasis in constitutional history, almost wholly neglected its administrative machinery and methods. Scholars of the last two or three decades have been busy correcting this deficiency. The question they ask about the government of the Middle Ages is, how did it work? And their answers fill a sizable number of books and articles; more indeed than many college and university students have either the time, or in many cases the training, to handle. This and similar situations in other areas are responsible for the series, *Studies in Medieval History*, of which this book is the seventh volume. Their purpose is admittedly "to bridge the gap between textbook and learned monographs," and little or no effort is made on the part of the author to emphasize his own researches into original materials.

Certainly "to digest, put into perspective, and in some measure interpret" the work of specialists, as Mr. Chrimes further defines his objective, is not an easy task. Unless it is done with a great deal of skill and scholarly penetration, it is likely to result in vast oversimplification. Some of the experts whom Mr. Chrimes interprets may feel that he has not entirely avoided this error. To avoid it entirely would doubtless be to refrain altogether from attempting the "generalized survey." Cer-

tainly the author's own consciousness of the danger has helped him to minimize it.

Mr. Chrimes has likewise been on his guard concerning other pitfalls inherent in the nature of his task. Students inexperienced in the medieval field are warned against reading too much into what must be considered still as tentative conclusions. Throughout the book one encounters such phrases as, "It is misleading to assert without reservations," or "The circumstances cannot be determined with any precision. . . ." To give clarity and continuity to his own narrative the author chooses whatever authority on any given point he considers most valid; but conflicting interpretations are set down carefully in the footnotes with verse and chapter cited for those who wish to go further than his summary. He gives credit to Tout, and rightly so, for being the first to explore and exploit the mass of records on administrative matters; and he still makes use of some of Tout's interpretations. But he also draws on a host of later writers, Richardson, Sayles, Powicke, Treharne, Wilkinson, Johnson, Davies, Plucknett, and others, who have modified, sometimes corrected, and often carried much further Tout's work. This is certain to prove a useful book.

MILDRED CAMPBELL

Vassar College

Church Under Communism, The. The Second Report of the Commission on Communism appointed by the General Assembly of the Church of Scotland. Pp. 79. New York: Philosophical Library, 1953. \$2.75.

In 1949 the General Assembly of the Church of Scotland appointed a Special Commission to "examine the influence on our social life of secular movements and philosophies, and especially of materialistic Communism," and to suggest appropriate action to counteract such influence. In 1950 this Commission brought in an Interim Report. In 1951 it presented an able and detailed statement entitled "The Challenge of Communism," which analyzed the nature of Communism and investigated the reasons for its widespread appeal.

The present volume, called *The Church*

Under Communism, is the Commission's Report for 1952. It consists of three parts. The first section gives an account of the situation of the Christian churches in countries which have gone Communist—the Soviet Union, the satellite countries of Eastern Europe, like Hungary and Czechoslovakia, and China; and it comes to the conclusion that though there is theoretically freedom of Christian worship, there is no freedom of Christian education or propaganda, because Communism is unalterably opposed to Christianity, and pledged to exterminate it at all costs. The second Section deals with what the Report calls "lessons to be learned." Its main contention is that the Christian Church should recognize that Communism today is a threat to Christianity comparable to that of Islam in the seventh century, and should take every possible step to meet this threat. In particular, the Church must understand its own Christian Gospel more deeply and dynamically, and must express its Christian concern in social as well as individual terms. Concretely, it should be prepared to back every move by the Western democracies to give technical and economic help to the backward areas of Asia and Africa, since poverty and hunger are fertile breeding grounds of Communism. The third section of the Report, entitled "Suggested Action," proposes that the Church of Scotland should sponsor and organize a program of education in the meaning and implications of the Christian faith among its members.

This Report, of course, has been drawn up primarily with Scotland and its Presbyterian Church in mind. But it has at least a threefold value for the Christian churches of America—and indeed for Americans in general. First, it points up the deadly nature of the Communist menace, making it clear that Communism is not only a social or economic theory or philosophy of history, but a dynamic totalitarian pseudo religion, inflexibly opposed to Christianity. Second, it presents a factual summary of the conditions under which Christian churches have to exist in Communist-dominated lands today. Third, it sounds a much needed warning that Communism cannot be overcome by arma-

ments alone, necessary as they may be; it must be fought and conquered by positive action in the ideological and economic realms.

NORMAN VICTOR HOPE

Princeton Theological Seminary

BAILEY, SYDNEY D. (Ed.). *PARLIAMENTARY GOVERNMENT IN THE COMMONWEALTH. A Symposium.* Pp. v, 217. New York: Philosophical Library, 1952. \$4.50.

One of the major questions of the day is the ability of both the Congressional and Parliamentary systems to meet the pace and complexity of modern economic and political life. In the Congressional system the checks against the abuse of executive power at the same time work against the implementation of consistent policy. At a time when the world looks to us for leadership, it is not clear who speaks for the American people. Congress cannot lead but will not consistently follow. And, though the President may define policy, Congress is unlikely to enact it without considerable amendment.

In the Parliamentary system a major defect is not the division of power but its concentration. The things a president cannot do with Congress, a cabinet can only too easily do with Parliament. Drastic changes such as nationalization can be effected on the mandate of the smallest majority. And party discipline is such that the bitterest reaction in the country may not deflect a single vote in the division lobbies.

This little book does not seek to answer these and other problems faced by Parliamentary government. Nevertheless, it is a useful discussion of the system as it has developed outside the United Kingdom. As the various contributors show, differences have appeared in the application of the British system to other communities. Undoubtedly the test, as Professor Brady points out, will be most severe in the new Asian states where the religious and cultural roots of life are so different. Perhaps we are too often inclined to be oversanguine about the stability of our democratic institutions. A reading of this book, however, must leave the impression

that it is a delicate organism held together only, in Mr. King-Hall's words, "by a spirit of tolerance and willingness to compromise, a determination that differences shall be resolved by discussion and persuasion and not by violence." However, if too great a strain is not to be placed on this spirit, it is necessary also that no party push its principles too far and too fast, so that nature and the purposes of the state are continually brought into question. This is the issue which socialism raises. It is raised too by the racial issue in South Africa. The Parliamentary system is flexible, but there is no reason to expect it to stand the test of revolution.

EDWARD LITTLEJOHN

Detroit, Michigan

BRADY, ALEXANDER. *Democracy in the Dominions.* Pp. viii, 604. Second ed. Toronto: University of Toronto Press, 1952. \$6.50.

The second edition of Professor Brady's book is most welcome. The author possesses the gift of correlating a wide range of comparative material into an extremely readable whole. In Professor Brady's opinion, which is supported by a wealth of convincing data, inheritance and environment are the key to a fruitful understanding of Dominion development. The new Asiatic Dominions are excluded on the grounds that they have not been colonized by people of British stock and that the basic unity of the book would be impaired by a discussion of problems that have no bearing on inheritance and environment. Ireland was already excluded from the earlier edition on rather similar grounds.

Canada, Australia, New Zealand and South Africa are viewed in the light of their social, political, and economic development, and from this analysis certain problems which are common to all emerge—the growing power of the executive, the inexorable march of collectivism encroaching upon state's activity, increasing urbanization and industrialization. Perhaps a more critical survey of the problems of industrialization than Professor Brady attempts would have been helpful, for example in the case of Australian overinvestment which is distorting her economy.

The story of Dominion development has been brought up to date (mid-1952), and the final part of the book is greatly expanded by the addition of chapters dealing with educational systems, political parties, and threats to democracy, in which a comparative assessment is attempted. In Professor Brady's view, the threats to the democratic way of life are either ideological (Marxism and Nationalism) or they spring from the nature of the tasks which modern governments undertake. The author does not consider that bureaucracy constitutes a serious threat, but considers it rather as the handmaiden of social advance. More serious, in his opinion, is the growing apathy of the electorate in participating in local government activities.

If Professor Brady has a fault, it is that he sometimes uses a rather overemphatic style with the result that the reader is occasionally left with too indistinct a picture of what is really important and what is relatively trivial. But this is, perhaps, a small fault in a book which succeeds so admirably in drawing our attention to so much that is worth knowing.

At least one reader would have welcomed the addition of a few maps.

GEOFFREY F. ENGHOLM
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HUTCHISON, BRUCE. *The Incredible Canadian: A Candid Portrait of Mackenzie King; His Works, His Times, and His Nation*. Pp. x, 454. New York: Longmans, Green and Co., 1953. \$5.00.

Despite its sensational title and tone, this is in many of its parts a sincere and substantial book, which must be noted by students of Canadian affairs.

Appropriate space is devoted in this biography to the two great crises of King's career as Prime Minister of Canada from 1921 to 1930 and from 1935 to 1948. The first was the constitutional issue of 1926, the second the deadlock on conscription in 1944. To knowledge of the former Mr. Hutchison adds little that is new, but succeeds in taking account of all sides of the controversy. More important is his realization throughout the book of the long range implications of the outcome of the

crisis. The establishment of an unqualified right in the Prime Minister to a dissolution of Parliament in all circumstances whatever has made Parliament a puppet and the governor-general an automaton. The Canadian Prime Minister has become a mayor of the palace, with an authority unexampled since the days of the Tudors in Commons, cabinet, and country.

Mr. Hutchison's treatment of the conscription issue of 1944 is, of course, much more a matter of speculation. His thesis that King used a report from his Minister of Defence, General A. G. L. McNaughton, to the effect that the higher ranks of the Canadian Army were on the verge of open resistance to the policy of voluntary recruitment for overseas service, to induce his chief colleague from Quebec, Mr. Louis St. Laurent, to accept conscription for duty overseas, cannot at this time be either substantiated or denied. It does seem, however, that the eventual result of King's shifty, yet ruthless, handling of the crisis may mean that there will not be such another crisis. French Canada can surely ask no more of English Canada than the long-drawn agony of that crisis.

The space accorded these matters is justified. But perhaps of more significance is Mr. Hutchison's analysis of King's radicalism, expressed in his *Industry and Humanity* (Toronto, 1918; 2nd ed., 1935). The thesis of this early book, that the Community must be made a partner of Capital and Labour, was not one King could urge on the Liberal party until the Great Depression opened the way. Then he found allies in young Liberals under the influence of Keynes. The result was that in a massive series of social reforms King redeemed the promise of his far-off, fantastic youth and established, for good or ill, the welfare state in Canada.

One other thing of note is made clear: the stature of King as an international statesman, particularly in Anglo-American relations.

The book is a profoundly disquieting one. The success of the strange man who is its subject, the shy visionary consumed by will to power and sense of destiny, now seems to have destroyed all his opponents, the opposition parties, and much of the

Constitution. His party, the Liberal party, as Mr. Hutchison is uneasily aware, spreads in amorphous and smothering mass across the center of Canadian politics, supporting a government increasingly autocratic in a state dangerously near to becoming a one-party state.

W. L. MORTON

University of Manitoba

JONES, N. S. CAREY. *The Pattern of a Dependent Economy: The National Income of British Honduras*. Pp. xv, 162. New York: Cambridge University Press, 1953. \$4.00.

The subject matter of this monograph is broader than the title would indicate. Within its brief compass it does four things: gives a historical and geographical survey of British Honduras; estimates the national income for 1946; suggests a program of economic development for the country; and discusses the relation between economic change and political change in colonial areas.

It may be stretching the term "national income" to apply it to an area of less than 9,000 square miles, with a population of approximately 60,000, but Mr. Jones does a competent task of estimating it on the general lines developed by Miss Phyllis Deane for colonial areas, and of breaking it down on the basis of factor payments, products, and end use. The main theme of Mr. Jones's program is the development of agriculture, both to supply domestic needs and for export, and a reduction of the prices of essential imported foods in order to cheapen money wages so as to facilitate exports. In a number of places the author's use of terms is hard for an economist to follow, and sometimes it is not clear just what are the assumptions of the policy recommendations. Mr. Jones appears to have—at least within wide limits—a cost-of-living theory of wages; he speaks of high wages in the forest industries as creating "a sort of permanent inflation compared with the rest of the world" (p. 110) in a situation which most economists would simply describe as comparative advantage in the forest industries; and although his formal definition of the term "dependent economy" seems to be an economy which

"cannot raise the capital for its own needs within its own borders" (p. 110), in other places (pp. 98, 112) the emphasis is on the importance of foreign trade in relation to domestic production.

The comments on the relation between economic change and political change are shrewd and thoughtful, and reflect the author's experience in British Honduras, Northern Rhodesia, and the Gold Coast. He points out in Chapter XII, on "The Future," that economic distress of a short-run nature may bring about permanent political change; and he suggests the disturbing effects for an old order of "the growing urban populations . . . often existing in squalid conditions and without the social satisfactions of tribal life" and "the growth of an educated black class which cannot be easily absorbed into the ruling class and which feels frustrated in its reasonable search for power and position" (p. 5).

The book is a well-written account of the economic situation in a small tropical area, but its greatest appeal should be to those interested in a broader setting than British Honduras—the problem of the economic and political future of the residents of tropical colonial areas.

FRANK WHITSON FETTER
Northwestern University

SLAVIC COUNTRIES

BERMAN, HAROLD J. *The Russians in Focus*. Pp. xiii, 209. Boston: Little, Brown and Company, 1953. \$3.00.

At first glance, Professor Berman's book is a series of sketches about the major phases of life under Communism based on excellent command of published material and conversations with displaced persons. The individual sketches concern themselves in this sequence with the army, the collective farm, the factory, the family, education, medical care, the press, planning, law, the Communist Party, and "the discipline of terror." Out of these sketches, that on law and partly that on planning repeat, with condensation, material published by the author, in co-operation with B. Konstantinovskiy, formerly professor of law at

the University of Odessa and counsellor on the service of a big Soviet corporation, in a stimulating book entitled *Soviet Law in Action*.

Despite the somewhat loose structure of the book, one is able to single out a central theme. Dr. Berman puts "terror in the focus of the system as a whole"; he rightly believes that, if not the mass purges, then individualized terror of the preventive type is inherent in the Soviet system. The latter is a dictatorship based on "the urge to unity": the regime does not want the people merely to obey; it wants them also to believe in the rightness of the orders they are given. But the dictatorship tends to destroy the very unity upon which it is founded. By terrorism, the totalitarianism tends to split society asunder, to atomize the people. This undermines a unity which is artificial because it is unfree. This is an excellent integration of our knowledge about the society created by the Communists; but how different it is from the central theme of the author's earlier works, the "parental" aspect of Soviet law!

It is of course impossible to summarize the information contained in Dr. Berman's book. The achievements of the Soviets in the realm of education are exaggerated if, as Dr. Berman does, one compares the percentages of illiteracy in 1914 and 1939 relative to the total population. In 1914, the percentage of literacy in the younger generation was already high, and the unfavorable figure relative to the total population obtained was by sheer weight of the older age groups who had passed the school age before the efforts of the *Zemstvos* to overcome secular illiteracy had borne fruit. As to medical care, "the missionary spirit of Soviet physicians" is nothing new: before the Revolution, Russian medicine well reflected the spirit of social service which animated the intelligentsia.

In conclusion, two little items communicated by Dr. Berman deserve attention because they speak more than volumes: Soviet doctors are imposed "quotas" of certificates of health which it would be dangerous to overcome; and Soviet judges are afraid to acquit too many defendants in a row. The Soviets seem to plan not

only economics, but also sickness and crime!

The book could be very well recommended in any course on Communist society, because it is clear, concise and trustworthy.

N. S. TIMASHEFF

Fordham University

HODGKINSON, HARRY. *Challenge to the Kremlin*. Pp. 190. New York: Frederick A. Praeger, 1953. \$2.75.

In this brief and well-written book the author seeks "to illuminate the motives and intentions of the Soviet rulers," principally through the examination of the Tito-Stalin break and recent Soviet pronouncements, such as Stalin's letters on linguistics and the revival of the coexistence doctrine. In all of these he finds symptoms of a general crisis in Marxist Communism, inside and outside the Soviet Union.

The Soviet leaders, he points out, have not been able to deal effectively with the problems confronting them. They have increased state power instead of aiding it to "wither away," and they have revised their ideological doctrines to "prove" that socialism advances *because* of a more powerful state.

In a sense, the Kremlin is faced with a dual challenge. The author sees in Tito's reduction of state power (not yet really demonstrated in my opinion) "the most formidable challenge" to Soviet ideology. Moreover, the Titoists have proclaimed openly "what many Communists have thought secretly, that Russian hegemony is retarding the development of spontaneous and genuine socialism. . . ." Secondly, Western rearmament is steadily forcing the Kremlin into an economic impasse, hence the revival of the coexistence policy.

The policy of coexistence, therefore, is not a compromise, but "the offer of a truce," an "attempt to prevent the American leaders from following up their advantage." To the Kremlin such a truce is necessary to a consolidation of internal control and "a gamble that the capitalists may be induced to prefer present profits to military glory," in which case coexistence might serve as "a device to secure the peaceful transition of a doomed capitalist

world to the Stalinist brand of Communism."

Throughout the book the author displays and makes use of his broad theoretical grasp of capitalism and democratic socialism, as well as Marxism. In his discussions of certain historical happenings in Yugoslavia, however, he has made a number of statements which are of doubtful validity. Only a few need be mentioned. It would be difficult to prove, I believe, that Communism triumphed in Yugoslavia "in spite of Moscow" (p. 138), or that "Tito's solution of the nationalities problem" (p. 154) consists of anything more than statements to that effect, coupled with laws which make it a crime to state the contrary.

Finally, it is a perversion of historical fact to say that in Yugoslavia there was "less of the horror and hypocrisy that attended the communization of other states: terror never reached such depths as the killing of Petkov in Bulgaria . . ." (p. 76). Quite the contrary is probably true. The Yugoslav Communists began their unbridled terror in 1941, while the other Eastern European Communists did not get into the swing until 1945. And does not the murder of Mihailovich rate with the killing of Petkov, just to mention one name?

ALEX N. DRAGNICH

Vanderbilt University

SHIMKIN, DEMITRI. *Minerals—A Key to Soviet Power*. Pp. ix, 452. Cambridge, Mass.: Harvard University Press (A Russian Research Center Study), 1953. \$8.00.

Dr. Shimkin's encyclopedic study constitutes the first full survey in English of the production, consumption, and resources position of the minerals economy of the Union of Soviet Socialist Republics. In comprehensiveness and depth of analysis the Shimkin volume also goes well beyond the published accounts of minerals development in Russian sources. Indeed, his relatively complete and up-to-date picture was obtained only by a painstaking, imaginative synthesis of scattered and often ambiguous data.

The dense statistical treatment, profusion of technical terms, and scholarly docu-

mentation undoubtedly will restrict the book for the most part to reference use. It should be of interest, however, not only to specialists on the Soviet economy but also to students of economic growth in general.

The author stresses throughout the limitations of the underlying source materials. Probably less uncertainty attaches to the global results embodied in his Index of Mineral Consumption than to the estimates of the individual components, but for the post-1937 period at least, the magnitude of mineral consumption is subject to a large probable error. Shimkin's confident tone sometimes belies this possibility, but in drawing inferences on potentials readers will be well advised to adhere to his own repeated cautions.

As the title implies, the interest of the author centers more on problems of national power and development than on economics in the usual sense of the word. Little use, for example, is made of cost-price relationships or of the changing relative inputs on the factors of production in the several mineral industries. Shimkin's primary concern is to trace the output-consumption trends, nationally and by region, of six major groups of minerals (about 90 per cent of the total) for the period 1926 to 1950. He attempts also to estimate the adequacy of domestic and satellite reserves to meet the peacetime requirements of the Soviet sphere to 1970.

The Indexes of Mineral Consumption for the USSR and the United States are among the highlights of the book. Shimkin has followed the familiar practice of employing American prices as weights in preference to Soviet prices, which, he argues, are both inferior in quality and insufficient in number for the task at hand. The use of common weights greatly facilitates intercountry comparisons, but many difficulties of interpretation remain.

The most significant of the substantive findings probably in Shimkin's inference of a chronic over-all mineral shortage in the USSR relative to imputed demand. The shortage has existed in varying degree for the past 25 years, notwithstanding an average relative rate of growth of minerals output which was nearly twice that of the

United States during its fastest period of expansion. Shimkin's catalogue of the abundant Soviet mineral reserves, approximately equal to those of the United States, is more commonly appreciated. Except in nonferrous metals, these reserves, according to his calculations, are adequate to permit self-sufficiency for 20 years or more of intensive economic development.

Subsequent events may prove particular interpretations in error, but this volume will remain for many years an invaluable springboard to the analysis of Soviet power. It deserves the most careful study and a far longer review than here permitted.

JAMES H. BLACKMAN

Johns Hopkins University

TOMPKINS, STUART RAMSAY. *The Russian Mind: From Peter the Great Through the Enlightenment*. Pp. xi, 291. Norman: University of Oklahoma Press, 1953. \$4.00.

That the peculiarities of the Russian mind have long intrigued Russian as well as non-Russian scholars is demonstrated by the great number of works which deal, in one way or another, with *l'âme Slave*. Yet the czarist Russian mind is still considered something of a riddle; and the relation between it and the Soviet mind, a "riddle wrapped in a mystery." Professor Tompkins, armed with the strength of able and mature scholarship and disciplined in the knowledge of the limitations of scholarship, has begun a new exploration of that riddle. His findings and conclusions will be presented in two volumes. The one under consideration here, *The Russian Mind: From Peter the Great Through the Enlightenment*, will be followed by another bringing his study up to the present time.

The author's approach to this comprehensive study is one which leads him "to trace the main trends that have marked the period during which Russia has been exposed to the impact of foreign influence, to observe how these alien influences were either assimilated or rejected, and to arrive at some general ideas about which of these trends are fundamental and which may be regarded as ephemeral" (p. vii). For consideration in this first volume he

has selected the press, censorship, education, the social structure, historiography, Freemasonry, the peasants, and the Decembrists as topics through which to introduce and study the mental habits of Russia in the period from Peter the Great to the Crimean War.

In this period of nearly 200 years, Professor Tompkins finds several basic and interrelated constants. Of these he considers the most important to have been absolutism, the application of which was untempered by effective restraints and the scope of which was not limited by viable traditions. Absolutism as a practice served the throne, and as an ideology it caught the imagination of the most determined opponents of the throne, those who were prepared to counter imperial with revolutionary absolutism. Coupled with the tradition of absolutism was that of statism, which permeated the thinking of both the guardians of order and their enemies. And growing out of a belief in unified power and monolithic truth was the abhorrence of pluralism and its blood cousin meliorism.

This first volume of *The Russian Mind* will have to be measured, at a later date, against the larger and completed work. However it can now be judged as a member in very good standing of the small company of books in English on Russian intellectual history. Clearly and effectively written, well illustrated and printed (but marred somewhat by hasty proofreading), the book brings together much material which has hitherto been altogether inaccessible to the English reader and difficult of access to those who read Russian. It is a perceptive treatment of an important but obscure aspect of Russian history.

SIDNEY HARCAVE

Champlain College
State University of New York

KOLARZ, WALTER. *Russia and Her Colonies*. Pp. xiv, 335. New York: Frederick A. Praeger, 1953. \$6.00.

We have in this book a comprehensive treatment of the various policies followed from time to time by the Soviet government in the treatment of national minorities and the dovetailing of these groups into the economic and political

structure of the Soviet Union. The topic raises a number of problems, not the least of which is the question of the extent to which Soviet policy is based on that of the former czarist regime.

The writer has traced the development of the policy of the Soviet regime from the victory of the Bolsheviks in 1917 and the formation of a Commissariat of Nationalities with Stálin at its head in the first cabinet. The loudly proclaimed "new deal" for the national groups has had to adapt itself to the over-all changes in policy of the Soviet government. In addition to the successive constitutions which were adopted and the program of intensive industrialization inaugurated in 1929, perhaps even a more dominating modifying influence was the program of abolishing illiteracy—a program which called for the teaching of all of the inhabitants of the Soviet Union to read and write. This was almost a superhuman task since many of these peoples were without a written alphabet. This led to the two "alphabetic revolutions," the first being the introduction of the Latin alphabet for non-Russian peoples; the second, the substitution for the Latin of the Cyrillic alphabet. These successive changes involved great confusion. The effect of this latter revolution has been to tie the subject nationalities closer to the great Russian element in the Soviet empire, and at the same time to isolate them more effectively from the world outside.

The writer has drawn up a comprehensive catalogue of various minority groups and the various changes in the treatment to which they have been subjected. This part of the book constitutes a bewildering chronicle of tortuous twists of Soviet policy, and one that generally has sacrificed the interests of the minority groups to the external policy of the Union. For example, many of these groups were given a special status not in their own interests, but to embarrass neighboring countries. This has been especially true in Central Asia.

The most interesting part of the book, perhaps, for the average reader is the concluding chapter, "Soviet Nationalities as a World Problem," in which the writer compares and contrasts the Soviet policy to the policy of Great Britain with regard

to her colonial dependencies—a fairly useful analogy. But the writer has failed to grapple realistically with his problem as far as it affects the rest of the world. He assumes, somewhat naively, that Communist policy is concerned primarily with the welfare of these national groups; and that any ill treatment is the result of a breakdown of that original policy. He envisages at some future time the transformation of the highly centralized Communist state into a federal union in which the subject groups will be given their autonomy, ignoring the fact that the Communist government is engaged in a wholesale process of "social engineering" to transport and scatter minority groups—a practice which appears to foreshadow the fusing of all such nationalities in a homogeneous and undifferentiated mass assimilated, more or less, to the general great Russian pattern.

The writer has justly emphasized the Russian freedom from race or color prejudices constantly proclaimed to the world. Yet this is not inconsistent with the most brutal and inhuman treatment of the national minorities and the denial of all human rights. This seems to be in keeping with the practice in the czarist time, when, if we ignore anti-Semitism, the Russians showed themselves ruthless in the treatment of the non-Russians while at the same time showing a complete absence of any policy of discrimination on purely racial grounds.

STUART R. TOMPKINS

University of Oklahoma

SCHMIDT, DANA ADAMS. *Anatomy of a Satellite*. Pp. ix, 512. Boston: Little, Brown & Company, 1952. \$5.00.

The Soviet Union regards her satellites as mere appendages and satrapies, and, if one suspects some exaggeration in this statement, he should be led to this most recent and factual study of Czechoslovakia, in which the seasoned correspondent of the *New York Times* clearly shows how and to what extent the country is exploited by the minions of Moscow; how one-sided trade agreements are concluded and their terms fulfilled to the detriment of Czech econ-

omy; how the Soviets obtain Czech industrial goods below world price levels and then re-export them at high prices, while poor Czechs have to pay more for Soviet wheat than they would be paying for Canadian wheat (pp. 399-400); and how the once balanced economy of the country is upset and thereby the living standard is lowered by an unnecessary overemphasis on heavy industries.

Mr. Schmidt arrived in Prague in April of 1949, and was ordered out of the country on May 31, 1950, but his book is not based solely on his experiences of that stay. He had been there as a correspondent many years before unhappy Czechs were drawn behind the Iron Curtain; and the value of his book is enhanced considerably by his knowledge of pre-Communist Czechoslovakia. It is divided into five large, uneven parts. In the first sixty odd pages he gives a fairly useful sketch of Czechoslovak history, while in the remaining part he deals with Communist Czechoslovakia, giving a complete account of the police state, describing the means and the methods by which the entire social, economic, political, and even intellectual fabric of the country is sovietized. To the author sovietization means Russification. Confiscation, nationalization, regimentation, and endless planning—all these are fully dealt with. The breakup of the church is most adequately treated. We are once more told that to the Communists the Catholic Church was the main enemy, and therefore it had to be dealt with most severely.

The author reiterates the old refrain that Czechoslovakia actually fell to the Communists early in 1945, partly through the unfounded belief of Benes that the Czechs must learn to get along with the Soviets, and partly because of the West's failure to liberate Prague. When the provisional government was established at Kosice (in April, 1945) Communists had the upper hand in that government. From then on to the end of 1947 Czechoslovakia maintained an uneasy balance between East and West; but the Communist coup of February, 1948 could not be delayed, and when it came the whole democratic structure crumbled because Western democracies seemed to be helpless. Since then the

very soul of Czechoslovakia is being tormented and tortured while the West cannot even decide whether to condemn this "man's inhumanity to man" in plain language, or to dispatch additional notes of protest to Communist tyrants.

A. O. SARKISSIAN

Library of Congress
Washington, D. C.

WESTERN CONTINENTAL EUROPE

SOMARY, FELIX: *Democracy at Bay: A Diagnosis and a Prognosis*. Translated from the German by Norbert Guterman. Pp. ix, 172. New York: Alfred A. Knopf, 1952. \$2.50.

From Zurich comes this thoughtful and scholarly discussion of the problems confronting democracy, by the European economist and banker, Dr. Somary, whose erudition and critical powers are most impressive in this tightly packed diagnosis of democracy's ills.

With his rather less than hopeful prognosis, however, there is likely to be some sharp disagreement in this country. What worries Dr. Somary greatly is egalitarianism. From his vantage point as a member of the educated and prosperous European élite, he dislikes and distrusts the common man—"the rabble"—and he is gravely concerned about the threats to the middle class in our modern societies. International organizations (such as the United Nations) are in his opinion "wretched substitutes" for the church, and social legislation as a means of combatting communism he does not regard as effective.

The author makes very convincing his analysis of the steps that led to the development of democracy in the West. But with some of his assertions, which reflect rather a more aristocratic than a democratic point of view, this reviewer cannot find himself wholeheartedly in accord.

Dr. Somary traces in logical steps the development of the democratic idea, pointing out that Christianity, which came from the East, "exerted lasting influence only in the West"—and made freedom a universal possession. He considers the French Revo-

lution genuinely idealistic, of more value to democracy than our own War of Independence. "The Americans," he says, "were not interested in proclaiming universal rights; it would scarcely have occurred to them to grant such rights to the Indians, the Negro slaves, or the French Canadians." In all fairness there is a large element of truth here, but it is hard to avoid the feeling that Jefferson and some of his fellow rebels were greatly influenced by Rousseau and the very French Encyclopedists who, says Dr. Somary, "had ideas far in advance of their age."

In his opinion the eighteenth- and nineteenth-century struggles for democracy defeated their own ostensibly idealistic purposes and led inevitably to the era of wars and to greater tyrannies than mankind had ever known. That this age has seen and is seeing ruthless tyrannies as horrible as any in mankind's long history can hardly be disputed, but can we agree with such assertions that "the common man no longer even knows what are the hallmarks of a free citizen"? He also deplores the growth of direct taxation and asserts that it is accepted without resistance.

He makes a strong plea for greater *laissez-faire* in economic matters; he argues for less taxation and a going-back to harsher treatment of delinquent debtors. If decided swings to what many would call extreme conservatism are the only hope for democracy, this book presents a discouraging outlook.

On the hopeful side, however, Dr. Somary says that "if a democracy is to endure it must not be brought into a country from without, least of all by an erstwhile enemy; it must grow organically." And it behooves us to ponder this solemn warning.

With all his urging of less government and greater freedom (especially for business) Dr. Somary feels that communism "... can be resisted only by a rigidly disciplined counter-organization. But this contradicts the basic principles of democracy."

In his guarded prognosis, Dr. Somary sounds a faintly hopeful note that, if democracy could transform itself, and if the right kind of leaders should appear, the best that democracy has in common with

Stoicism and Christianity might meet the challenge.

FREDERICK P. GRUENBERG

Philadelphia, Pennsylvania

MÜHLENFELD, HANS. *Politik ohne Wunschbilder*. Pp. 387. München: Verlag von R. Oldenbourg. 1952. RM 19.50.

Politik ohne Wunschbilder, in more meaningful translation "Politics without Ideologies," is a philosophical attempt to establish a new and more modern theory of conservatism. The author sees in our political tendencies a, what he calls, conservative turn. In view of the intellectual confusion of our times a re-examination of the conservative thought seems to him imperative. To him, of course, conservatism is not a somewhat feudalistic ideology of vested interests, of a selfish social-reactionary type tending to perpetuate and to preserve antiquated life situations. His conservative turn is rather a reaction to technological progress accompanied by an emotional regress. To the author the dream of progress with all its doctrines, programs, plans, and ideologies faded away after the catastrophe of the last world war and resulted in general search for a policy without ideologies, namely the new conservatism. Liberalism and even socialism are taking a conservative turn. It is, he maintains, important, to resist a process of radical changes in permanency in order to preserve the remnants of our existential stability. Reflections about the sense and the essence of our existence lead from the intellectual position of "progressive" thinking to the counterposition of conservatism.

To lay the foundations of his theory of conservatism as a defense mechanism against the bankruptcy of ideologies Mühlendorf gives quite a thorough description of the modern ideologies since the age of enlightenment. Ideologies to him mean an unchaining of emotional forces such as hatred and envy, selfishness, and hunger for power, doctrines of salvation eventually leading to political and cultural collapse. Liberalism, the ideology of modern liberty and progress, is analyzed in its humanitarian-idealistic contents as well as in its economic-positivistic aspects. However the development liberalism took created the

form of neo-liberalism as a conservative turn especially in its concept of economic decentralization. But also, according to Mühlenfeld, socialism in its idealistic and materialistic essence reveals through the transition to reform-socialism the same conservative tendency. Even communism in Marxian, Leninistic, and Stalinistic expression seems to change into different directions.

Depicting the origin of the conservative thought (Mooser and Burke) and the two forms of conservatism, the conservative romantics (Adam Mueller, Savigny, and the Historical School) and the conservative systematics (Hall, Hegel, and Stahl), he gives a clear representation of the origin of German Nationalism (Fichte, Hegel, and Treitschke) which he terms a pseudo-conservative aberration. In the eyes of the author all the ideologies of wishful thinking lead eventually to the destruction of human existence through the permanent intensification of a sinister correlation between rationale, the rational mind, and passionate drives. For the sake of counteraction it is the primary task of the conservative theory to reconstruct the inner human forces against the abnormal artificiality of the now existing order of life, against the encroachments of our rationalizing and mechanizing civilization. The conservative concept of state, society, and economic life believes in theory and practice in the expulsion of the mechanism of centralization with its leveling standardization and force. Last but not least, conservatism is deeply religious. It is, so ends this highly interesting book, the unity of theory and practice which distinguishes conservative politics from wishful ideological thinking and makes conservatism the foremost task of our time.

ROBERT SCHARF

Georgia Institute of Technology

MUHLER, NORBERT. *The Return of Germany: A Tale of Two Countries*. Pp. vi, 310. Chicago: Henry Regnery Company, 1953. \$4.50.

The book originated in on-the-spot observations for the *Reader's Digest*, *New Leader*, *Commentary*, and *Commonweal*,

by the German-born author, Doctor of Philosophy with Honors, in Political Economy, from the University of Munich.

It contains fourteen pungent chapters: Only Yesterday; Ruins, Reminders, and Rip van Winkle; Hitler's Post-Mortem; Old Nazis and Neo-Nazis; East Germany's Red Reich; West Germany's Kingless Kingdom; What Now, Über Alles?; Jews, Germans, Anti-Semites; Soviet Man of German Make; Land of Lonely People; Berlin, World in Village Focus; Welfare State and Workers' State; America in German Eyes; The Test of Tomorrow.

The author analyzes social, economic, political, and cultural groups, and outstanding figures of all shades, opinions, and trends. He evaluates their past and present as background for the future, in the setting of their particular interests, mutual relationships, and over-all attitude to the commonweal. Exposing their multifariously telescoped "ambivalences," he coolly proceeds to knock the props from under their tenaciously held positions, ruthlessly debunking their cherished "clichés" and "stereotypes."

Prior to the Hitler nightmare, German voters, exercising their hard-won franchise, splintered disastrously into more than 40 political parties representing sharply defined social, political, and cultural interests. Voting their pet peeves or fancies in the legislature, in the privacy of their homes they proclaimed as test of personal freedom complete detachment from moral and political consequences of their legislative commitments. In the "American imposed" democracy of the West German Reich, the voter, restricted in his choice within a drastically reduced party set-up, finds himself legally and factually saddled with the very responsibility heretofore disdainfully rejected. In the Eastern Reich's people's democracy, personal detachment of any kind is categorically opposed by the officialdom of the one and only Communist Party, as a danger to the collective freedom of the working class and treason to the Workers' State.

The text abounds in oversimplifications of this sort. Inherent in the subject, they defy reduction of equivocal reality to unequivocal analysis and definition con-

ceivable only in the entrancing domain of would-be scientific semantics.

To the meticulous, all too few of the many hundreds of quotations are documented. The same applies to statistics galore, many mercifully rounded, ranging up to multibillion status.

The staccato style is enlivened by a scintillating mixture of a somewhat exotic manner of speech and liberal dashes of plain American lingo.

The significance of the book is enhanced for American readers by Germany's evolving pivotal position in the global ideological and political tug of war, as it affects and concerns the United States.

JOHANNES MATTERN

Johns Hopkins University

GAY, PETER. *The Dilemma of Democratic Socialism: Eduard Bernstein's Challenge to Marx*. Pp. xvii, 334. New York: Columbia University Press, 1952. \$4.50.

This account of Bernstein's life, work, and impact fills a lamentable gap in the history of political ideas and social movements. As most students are aware, democratic socialist movements in Western Europe have been plagued by the contradiction of devotion both to the revolutionary dialectics of Karl Marx and to the ethical principles and political means of democracy. If the socialist stakes all on the methods of parliamentary democracy he may never attain power, or, having attained power by democratic, parliamentary means, he may be slaughtered by fascists or reactionaries. But if the socialist commits himself to the dialectical "algebra of revolution," the lack of organic harmony between means and ends may result in a gross and tragic distortion of professed socialist goals. This, as Dr. Gay shows, was the "dilemma of democratic Socialism" faced by German Social-Democracy and particularized in the life and thought of the genial and courageous Eduard Bernstein. Lenin believed that the parliamentary path was impossible and insisted that socialist deeds must match revolutionary Marxist theory. Bernstein took an opposite tack. He urged that German Social-Democracy abandon its revolutionary slogans and commit itself openly to democratic and reformist tactics.

Bernstein's tactical commitment was supported by a systematic critique of the foundations of Marxist theory. He insisted that the middle classes did not disappear, that impoverishment of the proletariat was not increasing, and that economic crises were diminishing in intensity and duration. Although denying that he rejected socialism as a final goal, Bernstein emphasized primarily the movement itself, particularly peaceful and democratic means of struggle. Consequently he rejected Marx's "historical prophesy" of revolution and catastrophe and adopted compromise, reform, and evolution toward socialism as an ethically desirable, but not scientifically predetermined, goal. In theoretical areas, Bernstein opposed an empiricism and tentative Neo-Kantianism to Marxism, discarded dialectics as superfluous to Marxist theory, and regarded the value theory as useful but somewhat metaphysical.

As the author indicates, while Bernstein exposed with shrewdness and accuracy some of the major weaknesses of Marxism, he sometimes muddled his own theoretical counterattack. He misconceived dialectic and was too optimistic, even fatuous, in his assessment of economic trends, middle-class dynamics, and political prospects. Furthermore, he failed realistically to assess the probability of peaceful surrender to a socialist majority in Imperial Germany.

Dr. Gay's book is a competent work, written in lively fashion, and thoroughly documented. The author's critical judgments are moderate, carefully drawn, and well substantiated. For the study of political theory, European political and social movements—the history of Social-Democracy in particular—this treatise supplies a wealth of interesting and rewarding material.

DAVID G. SMITH

Johns Hopkins University

VOEGELIN, ERIC. *The New Science of Politics: An Introduction*. Charles H. Walgreen Foundation Lectures. Pp. xiii, 193. Chicago: University of Chicago Press, 1952. \$3.00.

The title is misleading. Only the introduction deals with the new science of politics. The book's six chapters are given

to specific topics—political representation and modern gnosticism. They are meant to illustrate the allegedly new science, it is true. But they stand better on their own merits. For what the author calls a "new science" is exposed to the rejoinder, certain to be raised by nonbelievers, and not by them alone, that it is neither new nor science, but rather a revival of Thomism and an appeal for unscientific metaphysical speculations, while the chapters on representation and gnosticism are not open to this criticism. They are essentially scientific in the modern sense so ardently excoriated by the author, and yet they are new and important.

The first three warn us that over the democratic concepts of formal representation we must not overlook the need for "existential" representation, which has often been present under nondemocratic forms of government and may be dangerously absent under democratic ones. It must be rooted in the "self-interpretation" of society. Arresting illustrations are offered to show the interrelation between concepts of representation and religious or cosmological ideas and images. They include a striking correspondence between a thirteenth-century Mongol khan and the Roman pope, and a deep-digging analysis of Roman society in the imperial period. All these are first-rate scholarly contributions.

The same holds true of the subsequent three chapters on modern gnosticism. By this name Professor Voegelin calls all those movements that claim to know the course of *secular* history in advance, beginning with Joachim of Flora, who expected the era of the Holy Spirit on earth to begin at a definite date (1260); and continuing in ever more secularized variations to the present time, especially in modern progressivism, both left-wing (Marxism) and right-wing (Western). He points up the unrealistic elements in all these schools of thought and the grave dangers which spring from the fact that, even in their moderate variations, they fail to take full account of the true nature of man.

Some sort of a deep disgust has driven the author to preface these two important contributions to political science with a militant call for a complete renewal of that

science. Much of what he says against the scientific habits of this century is justified. Yet it seems that in the last analysis what he demands is a change in focus rather than in method, and a change in vocabulary—the term science to comprise metaphysical speculation—rather than a denial of the need for a distinction between proven propositions and unproven speculations. Certainly his chapters on representation and gnosticism do deal with men and ages engaged in metaphysical speculations. But the author himself hardly applies metaphysical or otherwise unusual methods in his treatment; with the exception of a few passages, these chapters could have been written by a scholar of the relativistic school as far as method is concerned. His entire fight against modern gnosticism is actually a fight against pseudoscientific speculations on the course of history, not essentially different from fights of other twentieth-century scholars against other, or the same, unscientific speculations. Was it not Max Weber who forty years ago launched a famous attack against scientific belief in progress? Voegelin strangely misrepresents Weber, whom he otherwise treats with great esteem, when he says Weber declared all values to be "beyond science," and "treated all values as equal." He did nothing of this. There is no space here to go into this matter, nor into the great positive merits of Voegelin's book, more deeply; I intend to do so in a forthcoming issue of *Social Research*.

ARNOLD BRECHT

New School for Social Research,
Graduate Faculty

KOESTLER, ARTHUR. *Arrow in the Blue: An Autobiography*. Pp. ix, 353. New York: The Macmillan Company, 1952. \$5.00.

This is a most valuable, a most stimulating, and a most problematic book, possibly the one autobiography since Rousseau's *Confessions* that stirs the reader most, forcing him to commute, as it were, between the two attitudes of looking away in emphatic shame and yielding again to gripping interest. It is the autobiography of one of those rare neurotics who "have

made good," not by overcoming their neurosis, but by achieving worth-while works.

Because of this combination of a lucid description of a neurosis (and its influence on attitudes, motivations, orientations) with the branching out and taking root of this neurotic personality in the world, this is a more valuable book than the famous autobiography of Henri Frédéric Amiel *Fragments d'un Journal Intime*. The Swiss author left as his only work the description of his inability to achieve anything else.

This neurotic, then, notwithstanding his anxieties, his shyness, his tendency to run away, his continuous masquerading, his assumed impertinence, was able to see, to understand, and to describe masterfully the social background of the life of *bourgeoisie* and *petit bourgeoisie*, in Budapest, in Vienna, in Jerusalem, in Paris, and, last but not least, of liberalism in Germany on its deathbed. As assistant editor-in-chief of the *Vossische Zeitung* in Berlin, Koestler was in a position to watch the foolishly suicidal mimicking of ultranationalism practiced since 1930 by this erstwhile pacifistic, individualistic, cosmopolitan, humanitarian paper.

In the following part of the book, "The Road to Marx," Koestler offers an analysis of the psychodynamics of Communism and totalitarian propaganda. Why did sober scientists like Bernal, Fuchs, and Joliot-Curie, career diplomats such as Alger Hiss, Guy Burgess, and Donald MacLean, fall for this type of propaganda? The answer is because, like all of us, they were unconsciously longing to breathe this "invigorating" All-Or-Nothing atmosphere. Their boyhood fantasies of Wild West, of Superman, Dracula, and Hopalong Cassidy could be satisfied by the typical conspiratorial secrecy of the communistic cells. They all, like himself, Koestler believes, stepped from an intellectually open into an intellectually closed world. "Marxism, like orthodox Freudianism, like Catholicism, is a closed system," and Koestler does not hesitate to refer such attitudes directly to the perpetual adolescence, or, in the words of Goethe, to the neurotic immaturity of the creative mind. A dangerous theory, and, as the critical reader will observe, a

no less totalitarian one than the ordinary brand of the Freudian school, which, by the way, is a far cry from the ideas of Freud himself.

The material of "The Road to Marx" was already used in Koestler's contribution to C. Crossman's *The God that Failed* of 1950. Let us say that we are looking forward to the continuation of this autobiography, and by the same token, let us say that we would like to see several years elapse between this and the forthcoming volume. Possibly, future maturation, together with a change of venue and values on the political scene will allow the author to develop his vistas and look at the precious raw material of his life from new angles. Our wish for the author is that he may give us an even richer "neuroergography."

W. G. ELIASBERG

New York City

NAMIER, LEWIS. *In the Nazi Era*. Pp. vii, 204. London: Macmillan & Co. (distributed in the U. S. by St. Martin's Press), 1952. \$2.50.

In this book a well-known historian of modern diplomacy has assembled a number of trenchant and illuminating reviews of various memoirs published after World War II. These include recent works by von Dirksen, German Ambassador in Moscow and Tokyo, von Weizsäcker, who was Ambassador in Rome, the brothers Kordt, who were Ribbentrop's associates in the Foreign Office, and the account of Paul Schmidt, Hitler's interpreter. The memoirs of former German generals are also reviewed.

In telling fashion Sir Lewis dissects the arguments which the survivors of the elite of the Nazi regime put up in their defense. He clearly shows how hollow and pointless these are. He reveals, for example, that the alleged plot against Hitler in 1938 and, in consequence, the "opportunity" which the British missed of checking Hitler's aggressive intent before Munich, are little more than myth. He points out so many inaccuracies and misinterpretations made by the writers of these memoirs that one is warranted to draw the general conclusion that most of the post-

war literature produced by those people who were in leading positions in the Nazi regime is wholly unreliable.

The book permits us to relive in vivid fashion the last few years preceding World War II and to see the various forces that were at work in perspective. The book concludes with a fascinating chapter which reviews the memoirs of the former French Ambassador, M. Robert Coulondre, in Moscow and, after 1938, in Berlin. The chapter is properly entitled "Memoirs of a Realist." From it we gain the insight that the truly missed opportunities arose from French and British ineptitude in handling their relations with Soviet Russia which put them in the position of having to support German moves for power in Europe. The dilemma that confronted diplomats before Munich and which appears to confront them still is succinctly revealed in the following passage written by M. Coulondre: "When I was starting for Russia, I did not discern the deepest reason . . . why it was essential, crucial, for France to avoid war. Only toward the end of my stay in the U.S.S.R. did I become aware of it. . . . Vanquished, France would be Nazified; victorious, she was bound, foremost owing to the destruction of German power, . . . to sustain, with the rest of Europe, the crushing weight of the Slav world, armed with Communist flame-throwers."

THEODORE ABEL

Hunter College

ANGELOPOULOS, ANGELOS. *Planisme et progrès social*. Pp. 403. Paris: Librairie Générale de Droit et de Jurisprudence, 1953. 1,200 francs.

M. Angelopoulos' book is a general argument in favor of national and international economic planning, to attain the purposes of the "welfare state." It draws principally upon Keynesian economic theory and the recent practical experience of Britain and the United States in the realm of international planning, with the intention of rendering this kind of social endeavor more understandable to the educated public opinion of western continental Europe.

The first four chapters, which are of broad scope, set forth the thesis that the

consensus as to what are the proper objectives of the state undergoes transformation from one age to another. Unless this evolution is accepted as legitimate, an era of crisis and revolution develops, such as that of 1789-1848. In our time, such an evolution is in mid-course, from the postulates of laissez-faire to those of the welfare state. This movement began in the aftermath of the First World War, under the impact of the labor movement. In the interbellum period, the propertied classes were still strong enough to thwart it, maintaining the "established order" as against the "new order." But now, after the Second World War, the evolution is inexorable. Hence the task of our generation is to expedite a smooth transition to the new epoch.

The remainder of the book is devoted to practical aspects of the problem. The crux of it is state control of the factors of investment and savings, so as to achieve full employment and a rising standard of living. This implies planning on an international scale, involving the integration of economic plans as among industrial countries and the systematic development of "underdeveloped areas." Moreover, it must envision constant economic and social progress, not merely stability and security.

American readers will find little new in the thesis or the argumentation. Yet the book is of considerable interest. It is an evidence of the degree to which educated opinion in continental Europe is approaching an acceptance of ideas now commonplace in America and Britain. It is also a useful survey and synthesis of the literature on the problem of planning which has appeared in continental Europe since the close of the war. The notes are a helpful bibliographical guide for this topic.

PAUL FARMER

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OTHERS

VAN DER VLUGT, EBED. *Asia Aflame: Communism in the East*. Pp. xiv, 294. New York: The Devin-Adair Company, 1953. \$6.00.

Communism makes headway where traditional value systems have broken down, whether among Western "intellectuals" who have lost their faith in God, or among Asians who have renounced their old values and are casting about for something to believe in. Having thrust aside the beliefs of their forefathers, they cease to be people, upon whom the whole concept of democratic sovereignty is based, and become the masses whom Communist demagogues are so thoroughly trained to manipulate. Mr. Van der Vlugt, barrister at the Court of Justice, Amsterdam, and founder of the journal *Le Monde Nouveau* in Paris and London, develops this analysis from many years of observation in Europe and from long experience in various parts of Asia.

Old forms of society in the West, though still in existence, are being "hollowed out from within," Mr. Van der Vlugt pursues, with important spiritual principles falling into disuse and discredit. In the East, this "hollowing out" process is far more dangerous. Millions of people there are searching convulsively for new forms of society, but whenever their leaders fail to extract the best from a combination of old and new, large numbers—especially the youth—merge with the masses and are thereafter prime prey for the Communists.

After delineating the Communist offensive in the Middle East, India, Indo-China, Indonesia, China, and Japan, Mr. Van der Vlugt faces up to the problem of how to mobilize an effective counterattack. Economic aid to free nations in Asia, the gradualistic granting of independence to remaining colonial areas, military strength and preparedness—all these, he believes, are of utmost importance. But the West can take such measures and still fail unless the free peoples of the world succeed in opposing Communist dynamism with a greater dynamism, "especially in the realms of ideas and emotions." Asia can be lost or won, he emphasizes, depending upon our own understanding and use of the dynamic force of essentially spiritual ideas.

In the opinion of this reviewer, Mr. Van der Vlugt blunts the edge of otherwise incisive arguments by protesting a little too much in defense of Dutch policies in

Asia and by the occasional introduction of undocumented innuendo against Mr. Dean Acheson and other American policy makers. He states, for example, that the Secretary of State was "doubtless" aided in his conception of Far Eastern policy by "two of his most trusted younger advisers: Mr. Owen Lattimore and Mr. Alger Hiss." Loose statements of this sort, however they are interpreted, do damage to someone. It is the opinion of this reviewer, therefore, that such assertions, if made at all, should be stated with precision and meticulously supported.

Asia Aflame carries a short foreword by General Albert C. Wedemeyer.

ROBERT C. NORTH

Hoover Institute and Library
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FRIED, MORTON H. *Fabric of Chinese Society: A Study of the Social Life of a Chinese County Seat*. Pp. xiv, 247. New York: Frederick A. Praeger, 1953. \$4.25.

It is always fascinating to view one's own familiar surroundings through the writings of someone else, particularly if the writer employs an approach appreciatively different from the conventional. He is apt to point out phenomena as typical or peculiar which one has always taken for granted and has frequently overlooked. A great number of books on China and the Chinese people have been written by talented journalists and learned Sinologists who have presented pictures of prominent characteristics and general outlines of the country in broad strokes. Comparatively few books have been written by sociologists and anthropologists who have confined themselves to intensive studies of local communities and have imbibed from the soil the cultural and spiritual sap which nourishes the inhabitants. Both approaches are perfectly legitimate, and both can lead to useful knowledge and interesting comparisons.

Fabric of Chinese Society is a book belonging to the latter category. Its author, Mr. Fried, selected Ch'uh-sien, a community in east central China, to make the microscopic cultural inquiry by employing the so-called "community study method."

In his book, he presents many valuable data and advances certain hypotheses which add significantly to the understanding of the Chinese cultural pattern. The scope of his emphasis includes not only the cultural constant but also the individual variable; in order to support his hypotheses, he has made many detailed case studies in a manner best known to anthropologists.

Ch'uhsien is a city not far from where I was born and spent my tender years. His descriptions of familial kinship and extra-familial relationships of the inhabitants of Ch'uhsien are accurate and penetrating which bring me an acute feeling of nostalgia. His conclusions also prove to be interesting and valid. Contrary to the popular belief that kinship relations form the basis of Chinese society, Mr. Fried points out that extrafamilial relationships sometimes constitute even more important factors in the alignment of economic and political forces.

However, the reader must be aware of the fact that the study was made just before the Communist forces swept that part of the country. Since the triumph of the Communist power in China, all cultural and social standards have been artificially altered. Although how significant a proportion of this change tends to be permanent remains to be seen, the cultural pattern of Ch'uhsien, undoubtedly, has changed beyond recognition since Mr. Fried made his study. This book, therefore, has a special value in that it will serve as a basis for comparison in the analysis of social changes when more studies of similar nature on the current pattern under the Communist impact become available.

DJANG CHU

New York City

OUTERBRIDGE, LEONARD M. *The Lost Churches of China*. Pp. 237. Philadelphia: Westminster Press, n.d. (1952). \$3.50.

Though writing as a prophet and exhorter calling to witness the history of five expulsions of "Christianity" from China in thirteen centuries, the author's historical data and generalizations on the previous four lie in our fields of culture contact and culture change; and his report and

interpretation of today's Chinese Communism and its psychological responses to different elements in American foreign policy, should be scrutinized by our social scientists as well as by government officers because of the paucity of such reports.

His book, however, is almost dual in nature. The latter half begins with the nineteenth century and reads like direct emotionalized reactions to his recent re-visitation of China to investigate the effects of Communism upon Christian Churches; the first half, devoted to the Nestorians, early Franciscans, and early Jesuits in China, reads like a semimonographic study out of his University of Chicago (Divinity School?) Ph.D. thesis of the same title.

In this first half his underlying interest is in [whipping the dead horses of] the ever fatal results of mingling church and state affairs, and of failing to tolerate, and to build missionary propaganda upon, the ethical and religious "truths" of indigenous beliefs. In the latter half he goes further and claims that, in undermining Confucian and Laotzian teachings on God and human personality, the Christian churches created a vacuum. They themselves tried to fill this vacuum with externals such as humanitarianism, institutionalism, and doctrine diverse instead of unified; but they left out the spiritual core needed to fill it. On the other hand, since the recent "tumultuous upheaval of China's millions is the struggle of the human spirit for a more abundant life" (p. 189), Communism, coming as "a social philosophy in which society is organized into passionate action to bring about the millennium without God" (p. 188), was able to enter that vacuum "like a rushing wind."

In this victorious stage of China's "unparalleled" revolution, moreover, the churches suffered the political fate they had deserved by allying themselves, for protection, with Western political forces. When the Yalta agreements inexcusably flouted prior promises of the Western democracies and peeled China's face, and Chiang Kai-shek failed to repudiate the agreements, in fact accepted them, the Chinese people turned against Chiang along with the Western democracies; his armies

melted away; and Chinese Communism, which "is but a temporary phase of a resurgent nationalism" (p. 189), merely took over.

Thus, as four times previously in China's history, the imported Christian institutions and their members were classified as political outs, especially since their God could no more be reconciled with Communism than could Confucian ethics. And they are being de-Christianized.

In spite of the author's imitation of current loose use of such terms as "revolution," "nationalism," and the "people," his naïveté regarding international Communism, and his simplistic explanation of Communist victories, his reporting of Communist activities and indigenous reactions during the last few years is worth examination.

MAURICE T. PRICE

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RAWLINSON, H. G. *India: A Short Cultural History*. Pp. xv, 454. New York: Frederick A. Praeger, 1953. \$8.00.

The work under review is a revised version of the author's work on the cultural history of India first published in 1937. This excellent work was undertaken by the writer to rouse interest among English readers that they might be able to make a proper and sympathetic appraisal of the culture of the Indian people, with their great past and future important role in world affairs. In the preface of the work, this English scholar writes:

"English people as a whole have been singularly blind to the significance of India's contribution to world-culture; there has been a positive distaste, born of prejudice and apathy, for Indian spiritual and aesthetic values. Today, when India is once more emerging with that persistent vitality which has been her characteristic through ages, from eclipse, it is more than incumbent on us to realise the greatness of her past achievements in religion, politics, art and literature. . . ."

With this spirit, vast amounts of material on Indian history, covering more than 5,000 years, have been condensed within the short compass of 420 pages, avoiding details. In 22 short chapters, in

very clear and simple language, the work gives us a synthesis of Indian history depicting significant and distinctive aspects of achievements and contributions of the various peoples of India who were original inhabitants of the land and of others who migrated into the country and of others who were invaders but later settled in the country. The book, at the same time gives a connected history of India up to the fall of the Mogul empire; while the chapter on Modern India is rather meager, covering only 23 pages, although it contains a valuable synthesis of cultural forces behind the making of Modern India.

The work is enriched by 24 very excellent plates and 45 illustrations of Indian archeology, art, and architecture, covering the period from pre-historic Mohenjodaro era to eighteenth-century India. It contains twelve interesting maps. Such maps as Alexander's route to India, Indian Trade Routes (both east and west), Indo-Chinese Trade Routes (routes for intercourse with China, Tibet, and the Far East) are fascinating and at the same time most enlightening, showing paths of cultural expansion of India of the by-gone days. The author indicates that ancient India had intercourse with the West; and Indian thought influenced some of the Greek philosophers. "In the vision of Er the Pamphylian, with which the *Republic* (of Plato) closes, are clearly stated the Hindu doctrines of reincarnation and Karma, 'each returning to a second life, and receiving the one agreeable to his desire.' The Myth of the Cave in Book VII is an equally clear exposition of the Vedanta doctrine of Maya, the illusionary character of the objects of the senses. Plato's division of his ideal polity into three orders—Guardians, Auxiliaries, and Workers—is reminiscent of Indian Varnas, Brahmins, Kshatriyas, and Vaisyas. It is difficult to believe that these may be accounted for merely as coincidences" (pp. 55-56).

The western world was influenced by Arab contribution in the field of sciences. But what is known as Arabic notation and numeration, zero and decimal system came from India; and Arabs spread them to Europe. During the Gupta period of

Indian history, as early as fourth century, A. D., "universities for secular and religious studies flourished at Nalanda and other centres of learning. Medical science was widely studied and Sanskrit medical treatises were the basis of much of the later Arabian learning which reached Europe in the Middle Ages . . ." (page 131). There is no doubt of Indian influence in Chinese culture and all over East Asia, through a spread of Buddhism.

During the Buddhist period of Indian history, we find definite evidence of the application of the concept of supremacy of law—a civil service system and toleration of all religious beliefs in India. Ancient India's administrative system, its municipal government as well as its village community system, was essentially democratic in character. It should be noted that Indian cultural life has been enriched by contributions of other peoples who came to India and settled there. But the cultural life of the people of India under alien European rule during the eighteenth and nineteenth centuries was not vigorous and progressive until national awakening.

The author's estimate of the future of cultural life of India is sound: "At present India and Pakistan stand on the threshold of a new era. Political and social changes have followed in bewildering succession. The nationalist movement has created a revulsion against the indiscriminate imitation of the West which was the fashion in the Victorian era. When, however, occidental influence has been assimilated, we may look forward to the emergence of a new eclectic culture combining what is best in both; the future of India, in art, and literature seems to lie in the amalgamation of Western thought with her own immemorial civilisation." **TARAKNATH DAS**
Columbia University

PATEL, SURENDRA J. *Agricultural Labourers in Modern India and Pakistan.* Pp. xi, 169. Bombay: Current Book House, 1952. Rs. 4.

When Lord Cornwallis in 1793 introduced the zamindari system of land revenue in Bengal, Bihar, and Orissa, "the large masses of the peasantry began to roll down the social ladder first as tenants-at-will and then

as agricultural labourers" (p. 59). At about the same time the raiyatwari settlement was introduced in Madras, and was later extended to much of south, central, and southwest India. In the north and northwest the mahalwari or joint-village settlement became the prevailing form. Everywhere former owners of land found themselves at the mercy of a new class of money-lenders, who were "backed by the entire legal and political machinery of the state" (p. 59). Thus, under the aegis of the British Government "the whole social fabric of the old Indian agrarian society underwent a radical transformation" (p. 60).

This compact volume describes the transformation in Indian agrarian society, with particular attention to the agricultural laborers, the largest single group within that society. Against the historical background it analyzes the causes for "the remarkable tripling" of the relative proportion of agricultural laborers in the total rural working population in the half century prior to 1931, and for the regional differences in their distribution. They were most numerous in the "Southern Triangle," "the land of the landless labourers par excellence," and least common in the "Great North." This did not mean that the masses of the people were better off in the north of India; for "the landless labourer of the raiyatwari region had as his counterpart, the dwarf-holding sharecroppers and tenants-at-will in the zamindari and mahalwari regions" (p. 117). Moreover, "in the raiyatwari areas the cultivator was expropriated from the land; in the zamindari areas, however, he was exploited on the land" (p. 117).

Dr. Patel classifies agricultural laborers into four main types, and devotes a chapter to each type. These types are: (1) bonded or semi-free laborers, drawn mostly from the aboriginal and untouchable classes, forced by "the dire necessity of securing subsistence in some way or other" (p. 87) to accept a system which, while it is now legally abolished, still continues to exist; (2) "dwarf-holding labourers," small cultivators who were forced to work for others on a part-time basis; (3) underemployed landless laborers, a category which included

the great bulk of the landless laborers; and (4) full-time "free" wage laborers, divided into plantation laborers and "employees of other capitalistic and well-to-do farmers" (p. 131). Dr. Patel concludes that in 1931 categories (2) and (3) embraced some 72 million out of a total agricultural working population of 111 million, and that approximately 79 of the 111 million, mostly tenants-at-will and underemployed laborers, had no rights to the land. He calls attention to the "tremendous under-utilization of human resources" (p. 150), a condition which is one of the most apparent and most alarming features of the current Indian scene.

In spite of the paucity and unreliability of statistical information, and of the difficulties of classification, the author has made a contribution of first importance to an understanding of conditions in India and Pakistan today.

NORMAN D. PALMER

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BENTWICH, NORMAN. *Israel.* Pp. 224. New York: McGraw-Hill Book Company, 1953. \$3.75.

The creation of the state of Israel is a striking example of the complexities of social causation. A careful analysis of that development would make an illuminating study of how the respective roles of human purpose, human idealism and self-sacrifice, human cussedness, and the unforeseen changes and chances of the historical processes are woven together in a web of fate. Israel was the result of 50 years of heroic effort, but it required Nazi persecutions and the general revival of anti-Semitism for final achievement.

The author of *Israel* served under the British Mandate and later as professor of international relations at the Hebrew University. He has covered most of the main historical events and current problems. He has written sympathetically but with commendable objectivity, free from emotional extravagances, excessive partisanship, and wishful thoughts. He describes the land, the immigration, the political and economic institutions, and various aspects of the aesthetic, educational, religious, and social welfare activities, always clearly and with

marked brevity. He seems somewhat partial to the Histadrut or Labor Organization. One wonders whether the modern welfare state, with all the trimmings that have been introduced in developed industrial economies, is reconcilable with so struggling an economy as that of Israel. He seems to idealize somewhat the complete communism of the Kibbutz, where worship and work are one and the same; but he does note some cooling off of the white-hot idealism of the early pioneers as the immigrants contain a larger proportion of orientals. He notes that Israel is no longer a mere melting pot but a pressure cooker.

One cannot read this rather simple account without renewed realization that the problems of Israel are legion. Among them four seem crucial: Arab relations; population growth; economic self-sufficiency; and democracy versus theocracy.

Israel is surrounded by implacable enemies, and Professor Bentwich repeatedly emphasizes that peace between Arab and Jew is a primary necessity. Of the 1,200,000 Arabs in Israel territory in 1947 only 180,000 remained in 1951. While their flight was partly due to Arab directives and mass frenzy, it was fomented by Jewish terrorism. Arabs are now an underprivileged minority in their ancestral villages. On the other hand 300,000 Jews have been forced out of Arab lands. We have grown somewhat callous to this forceful seizure of territory and racial transfers: Greeks and Turks; Moslems and Hindus; and a dozen cases in Europe. The time for moral indignation, however, has passed in the Arab case. The 750,000 Arab refugees are now balanced by an equal number of recent immigrants. Israel stands ready to compensate Arab owners, and the author expresses sound historical sense when he concludes that it is now too late for the refugees to return; the rapid trend of events has cast the die on that issue.

Since this book was written immigration has been somewhat restricted, largely for economic reasons. The 1948 plan visualized one million immigrants each five years for the next decade and three million Jews before 1960. Even the reduced objective of two million Jews seems high in view

of the natural resources of the territory and the inevitable doubling of numbers in a generation or two. A large percentage of food must be imported; the hundreds of millions in gifts from America and elsewhere may dry up; exports have been only 25 to 33 per cent of imports, and it seems likely that some such ratio may continue. The Israel birth rate is one of the highest and the death rate one of the lowest in the world. The Jewish pound has three separate values, and none increases. Can economic balance be achieved, along with a reasonable standard of living, for a rapidly increasing population in such a poor environment?

Finally, one may note a problem upon which our author scarcely touches, namely, the struggle for control between those imbued with western democratic ideals and those typified by adherence to oriental mysticism, ritual, and priestcraft. The danger here arises from the increased proportion of orientals among immigrants and their unusually high fertility. The struggle between the democratic-secular and the traditional-authoritarian elements may be one of the most crucial in Israel's future.

One wishing a well-organized, well-balanced historical and descriptive account of the formation of Israel and its recent problems will find this book rewarding.

FRANK H. HANKINS

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ALLBAUGH, LELAND G., with the editorial assistance of George Soule. *Crete: A Case Study of an Underdeveloped Area*. Pp. xx, 572. Princeton: Princeton University Press, 1953. \$7.50.

Crete is an island with meager natural resources, untrained human resources and extremely limited capital resources. The farmers, who constitute 85 per cent of the total population, use tools and equipment averaging \$32 per family and earn an average cash income of \$249 per year. In 1948 the Rockefeller Foundation conducted a comprehensive survey of the island with two specific objectives: to discover whether it is possible to raise living standards, and to develop ways by which "... the knowledge and skills of industrialized countries might best serve and least injure an under-

developed area such as Crete" (p. 3). Hence this work has much more than purely local significance. It is designed to serve, in the words of the subtitle, as "a case study of an underdeveloped area."

The teams of scientists used various techniques in gathering information. They studied available literature, conducted field reconnaissance, and interviewed government officials, physicians, and other professional persons. Their most important contribution was a sample survey of households, farms, and communities carried out by specially trained Greek interviewers. The results were quite revealing, and the methodology that was evolved, and which is fully described in the appendixes, may serve as a model for factual exploration in other underdeveloped areas. The report includes specific recommendations for alleviating the water shortage, improving health conditions, raising agricultural productivity, decentralizing administrative procedures, and integrating the educational system with the practical problems of living.

The Foreword concludes with the following statement: "In view of the number of United Nations and United States agencies that have been working in Greece and Crete, The Rockefeller Foundation has not considered it necessary to implement the recommendations contained in this report" (p. x). This raises the question whether the Greek government or the international agencies are likely to act upon the recommendations. This question is of extraordinary significance today. The same question is being asked by the peoples of the underdeveloped territories throughout the world. International communism has an answer: revolution and industrialization planned and imposed from above. The philosophy underlying this study is that another course is possible and preferable: "... evolutionary processes set in motion at the grass-roots, geared to the real desires, capacities, and local needs of the people themselves" (p. viii). This survey demonstrates that "evolutionary processes" are technically feasible. The crucial question is whether they are also politically feasible.

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Northwestern University

LENGYEL, EMIL. *World Without End: The Middle East*. Pp. 374. New York: John Day Company, 1953. \$3.75.

Professor Lengyel has attempted an omnibus book which carries the reader through time and space so as to encompass the Middle East in breadth and depth within two covers. This has advantages and disadvantages depending on the reader's point of view. If the reader wants information readily packaged in easy-to-take doses, this book supplies it. But the serious student will find it disappointing. The latter will find too many oversimplifications, slants, and even errors in the text.

The text itself is divided into eleven chapters, entitled with journalistic captions such as "The Poorhouse of the World," "History Unlimited," "The Tortuous Story of the Straits," "The Imperial Lifeline—Suez," "People from Afar," "The Dead Man Lives," "The Curse of Too Much History," "The West in the East," and "Cherchez l'Huile."

Professor Lengyel is uniformly harsh in his criticism of Arab leaders. He blames the "Pashas" for most of the ills of the area. The description of nationalism (pp. 47-49) is a caricature rather than a portrait. This sometimes leads to contradictions. In one case (p. 309) the author states that ex-King Farouk and the "Pashas" seemingly wanted to continue the plight of the Arab refugees in their tragic situation in the Gaza strip so as to make use of them in their policy against Israel. Yet on page 359 he shows the desperate land shortage in Egypt which makes absorption of the Gaza refugees impossible. The treatment of the whole problem of the Arab refugees falls more in the field of propaganda than in that of a balanced study of facts.

Professor Lengyel is very sympathetic in his references to Israel. Comparative statistics show the Israelis at the top of the class in all categories. How much of Israel's amazing progress is "earned" and how much is sustained by "grant aid" from abroad is not analyzed. The author on page 286 repeats a common error: "In about two and a half years after the proclamation of the State, the population doubled." Reference to United Nations

documents, as well as many others (such as "The Arab Refugee Problem" by Joseph B. Schechtman, 1952, pp. 3-4), shows that on May 15, 1948, when the State was proclaimed, relatively few Arabs had fled—not over 200,000 and those mostly from Jaffa and Haifa. The great exodus of Arabs came in July from the Lydda, Ramleh, Acca areas, and in October-December 1948 from Beersheba, Galilee, Jerusalem, and other peripheral regions. Thus some 650,000 Arabs left the territory now occupied by Israel after the proclamation of the State. About 750,000 Jewish immigrants entered during the first 30 months. This means the total population on May 15, 1948 was not much less than at the present time. There was a "transfer" of populations or an "exchange" if one wishes to use those terms. The incoming Jews occupied the lands and assets of the Arabs who moved out.

The frequency of these inaccurate or partial statements seriously mars the value of the book for students. Yet anyone who attempts to include all the accurate and pertinent material on such a wide variety of subjects would be baffled by the decision as to what to exclude. As a popular essay, the book has a limited value for readers who have not been previously introduced to the Middle East. To the initiate in this field of study, the above-mentioned faults will serve as a mild but harmless irritant.

EDWIN M. WRIGHT

Johns Hopkins University

LETTERS TO THE EDITOR

Dear Sir:

Solely with the idea of contributing to a much needed improvement in the reviewing of economic books, I wish to criticize briefly THE ANNALS review of my book, *How You Really Earn Your Living* (January 1953). The basic weakness of the review lies in the ideological antagonism displayed by the reviewer. This induces an attitude and tone that make the review little more than an attempt to smear. Books that are consistently based upon one ideology should be reviewed on that basis.

The reviewer in this case being left of center is led by his bias to make positive misstatements:

(1) He asserts that my thought is not related to "a set of explicitly stated and consistent values." This is so far from the fact as to be conclusive evidence of prejudice. On page 1, I say "freedom of individual choice, for both consumers and producers, is the most basic of all rights," and constantly and clearly throughout the book I make my text of value the free choice of individuals to work or sacrifice to get things (for example, see p. 32).

(2) He asserts that my statement that the "New Welfare" economics ignores important differences among us and assumes equal income is inaccurate and misleading, thereby showing either bias or his own ignorance of the thought of A. Bergson, O. Lange, A. P. Lerner, P. M. Sweezy, and others. Let him read H. Myint, *Theories of Welfare Economics*, page 219, and my *History of Economic Thought*, page 899; also Lange, *On the Economic Theory of Socialism*, pages 100-103.

Of course, the members of the "New Welfare" group differ widely (including opinions as to the extent to which equal incomes are required to make the free choice of consumers acceptable as tending to their "optimum"). This I note specifically. How could they have (1) their "optimum distribution of income" with "marginal welfare per dollar" equal in all households, (2) marginal rate of substitution for all consumer goods the same for all households, (3) technical knowledge and tasks "given," and (4) social dividend determined independently of productivity, unless they fix incomes as equal lump sum per household or per size of household? Certainly the prolific Lange has at times assumed that under his system income may be distributed equally.

But, when all is said, perhaps the worst feature of this review, as of so many others, is that it gives no idea of the scope or coverage of the book reviewed. The emphasis placed by the reviewer on the gold standard and on "New Welfare Economics" makes his review a caricature.

LEWIS H. HANEY

New York University

Dear Sir:

Professor Haney has accused me of "ideological antagonism" to the values expressed in his book. I am not aware of such antagonism since I also happen to believe rather strongly in freedom of individual choice except in those cases where the actions taken by one individual or firm will curtail the freedom of others. Actually, however, whether or not our values coincide is not the issue since my objections to *How You Really Earn Your Income* are based instead on: (1) certain technical errors which exist in it; (2) the manner in which the author presents arguments against those economists who advocate policies different from his; and (3) the somewhat oversimplified treatment accorded several important problems of economic analysis.

In regard to Professor Haney's point (1), I do not believe my review implied that he neglected to indicate his values. Rather I tried to suggest that other, equally competent economists have advocated quite different policies from similar premises and that Professor Haney has not given reasons to suppose they are wrong. This is a different matter and whether I happen to agree (or disagree) with his policies has no bearing on the case.

Concerning point (2), my unfavorable reaction to Professor Haney's statements about welfare economics are, I am afraid, unchanged. May I refer the interested reader to the recent surveys of welfare economics undertaken for the American Economic Association by K. E. Boulding ("Welfare Economics," in *A Survey of Contemporary Economics*, Vol. II, ed. B. F. Haley, especially pp. 10ff.) and by A. Bergson ("Socialist Economics," in *A Survey of Contemporary Economics*, Vol. I, ed. H. S. Ellis, especially pp. 418ff.).

JOHN BUTTRICK

Northwestern University

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Edited by

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United States Leadership in a Divided World

By CHESTER E. MERROW

THIS is a crucial and decisive decade in the history of the United States, also in the history of freedom-loving nations. Our Republic occupies a destiny-given position of leadership in a sharply divided world. The United States, by far the strongest and the most powerful nation which has to date existed upon this earth, possesses an opportunity without parallel in the annals of mankind to exercise leadership. The free world is being attacked on many fronts and is being undermined from within wherever the Communists are able to make their sinister influence felt. In this universal struggle the forces of freedom must prevail, if ultimately there is to be fashioned an international society in which human beings can live free from molestation and free from the threat of tyranny and enslavement.

The United States is a comparatively young nation. In recalling history we recognize that this part of the world, the Western Hemisphere, has been known but for a brief period as projected against the background of unfolding time. Only 461 years have elapsed since Christopher Columbus charted the way to reach the Western Hemisphere. As we peruse the ancient records of past civilizations, we find, for example, that in Mesopotamia, the land between the Tigris and the Euphrates, the Sumerians succeeded in creating one of the oldest civilizations, 4,000 years before Christ. In the Indus Basin there are remains of a civilization either contemporary with or antecedent to the Sumerians. Compared to the long record of human activity, we have been on

the stage of world affairs but a short time.

It was in 1787 that the first architects of this Republic forged the Constitution of the United States in Philadelphia—166 years ago this summer. New Hampshire was the ninth state to ratify the Federal Constitution in 1788, and from that time the United States has risen steadily to the prominent position in human affairs it now occupies. The adoption of the fundamental charter of the United States launched the greatest, the most ambitious, and by far the most successful experiment in free representative government the world has ever known. The federal Constitution has been characterized by William E. Gladstone, one of Britain's most eminent Prime Ministers, as "the most wonderful work ever struck off at a given time by the brain and purpose of man."

HISTORICAL TURNING POINTS

We have reason to marvel at the ascendancy of our country during the past 165 years; but there is still more reason to be impressed by the phenomenal and meteoric rise of the Republic during the first half of the present century. The Spanish-American War marks a definite turning point in our history. At the time of that conflict, the United States began its role as a world power. Successful in two world wars, with nearly \$50 billion invested in foreign affairs since the termination of the Second World War and with interests in every section of the world, we have come now to a place of strength, influence, and responsibility that will

not only try the mettle of our people and our present leaders, but will continue as a challenge for decades to come. As the leader of the free world, our responsibility in the struggle to keep free and to help others achieve their freedom is of sobering magnitude.

To emphasize further and to clarify fully this crucial period during which our decisions will determine the future existence of free men, we do well to keep in mind that in the history of our country, two periods of the most profound importance have preceded this decade, periods in which the principles underlying the strength and power of the Republic were hammered out by the blood and toil of those who had the conviction to act and to fight decisively for what they believed to be right.

In the beginning years of this nation, General George Washington, who has been affectionately termed by his own and succeeding generations as the Father of his Country, displayed qualities of leadership and statesmanship not approached by any other individual in the supreme art of statecraft. Washington holds his place in history, constantly growing in stature, achieving immortality in the hearts of millions because of his unique contribution to his country. For three reasons he towers above other prominent figures in history: as leader of the Revolutionary armies, he won freedom for the United States; as president of the Constitutional Convention, he held the delegates together until they wrote what is beyond doubt one of the greatest documents created by man; and then, as first President of the United States, General Washington set laudable precedents for his successors.

Truly he was the chief architect of the Republic. Fortunately this leader of leaders had the foresight and vision to lay the foundation making possible the structure of the Republic which we

proudly possess in these hours of unprecedented trouble. Washington's work has become increasingly important and is of outstanding significance to the free world in this time of grave peril. The principles which guided his actions are the principles that must be established in the world today if men are to become truly free. Actually the entire free world is indebted to the work of Washington, for had it not been for his foresight and vision and for the ideas which motivated his conduct in public affairs, the United States would not have developed and would not now possess the power and freedom that it has today. No other general, no other statesman, no other diplomat has achieved the stature of General Washington.

The second most crucial period in the history of the Republic was at the time of the Civil War. During the decade of the 1860's, a leader in the person of Abraham Lincoln conducted the affairs of this nation through one of its most severe trials. Lincoln saw with deep perception that, if the work of Washington was to continue, then union was imperative. He further discerned with penetrating analytical insight the essentiality of union for the continuation of our national life, and at the same time he understood that freedom, the basic concept of the Republic, must be extended and preserved. His success laid the basis for the rapid development of the United States and made possible our rise as the leader of the free world.

On several occasions I have traveled in western Europe, and, as I have observed the differences existing on that strife-torn continent and as I have seen how the transcending issue in that section of the world is unity, my admiration for the statesmanship of Lincoln has constantly increased. European unity is the issue on the Continent at this moment. President Eisenhower has re-

peatedly stressed the importance of this basic question. Congress, in the Mutual Security Program, has stated again and again that the political unification and integration of the countries of Europe is the goal toward which we must strive, and we have conditioned aid to western Europe on the progress the countries are making in this direction. As I think of the disunity in Europe and as I think how important the achievement of unification—political, economic, and military—has become, my mind turns to the history of the 1860's in which Abraham Lincoln gave leadership to his country. His farsighted statesmanship prevented the division of our country and made certain the continuation of the United States.

CURRENT RESPONSIBILITY OF CONGRESS

Currently we are in a third crucial period which is as significant, if not more so, to the ultimate freedom of mankind as were the first two which I have discussed. The free way of life bought with so much treasure, sacrifice, and blood over many years, is being assaulted by a sinister and diabolical foe who would destroy all phases of freedom and who would finally enslave all nations. In this struggle which is joined in every section of the planet, either in the cold or in the hot war, we find the United States in a place of leadership which cannot be transferred to someone else and from which we cannot escape. We are carrying a responsibility that we can in no way pass to others. This struggle for the freedom of human beings is the greatest that has ever engaged the energy and efforts of free men from primitive beginnings to the present hour. As the undisputed leader of the free world, we find that upon our wisdom and determination in exercising leadership and statesmanship depends not only the

future of the Republic, but the shape the free world will take tomorrow. Here the Congress of the United States has an opportunity to make an outstanding contribution in leadership and statesmanship as legislation is passed to implement United States leadership in the free world.

The issue of our time can be stated in words that have become familiar to every schoolboy in America. In the first two sentences of the Gettysburg Address, President Lincoln said:

Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation or any nation so conceived and so dedicated can long endure.

We can appropriately state that now we are engaged in a globe-encircling struggle, testing whether free civilization or any civilization "so conceived and so dedicated can long endure."

This, in my opinion, is the current crisis. This, I believe, is the issue that we are in the process of deciding. Never before has the struggle for freedom been so widespread; never has the crisis been greater; never before has a nation been called upon to provide the leadership that the United States must give in this current conflict; never has the need for an effective Congress been more clearly seen than at the present time. Free men must make certain that free civilization "shall not perish from the earth."

It has been my privilege to visit much of the free world as a member of various study missions of the Foreign Affairs Committee of the House of Representatives. In this capacity I have participated in the writing of several reports on our relations with various countries. Our responsibilities are con-

stantly increasing. Daily our task becomes more significant. Our burden is heavy, but our opportunities are boundless. It has been repeatedly impressed upon me how unique is our position and how illimitable is our potentiality for making an imperishable achievement in constructing a better international society that will give to mankind a chance to live free and develop to the greatest possibility.

ROLE OF CONGRESS IN FOREIGN AFFAIRS

In rising to fulfill our unique position of leadership the Congress has a most significant part to play. During the past few decades the role of Congress in foreign affairs has been ever increasing. The national legislature has authorized and appropriated vast sums of money for both the creation and the implementation of foreign policy. On numerous occasions, policy has been developed by the Foreign Affairs Committee of the House of Representatives and the Foreign Relations Committee of the Senate, later approved by both Houses, and subsequently accepted by the Executive Department. In the future, the Congress will have even more extensive influence in the shaping of foreign policy.

Columbus, with indomitable courage, pushed the geographical frontiers of the then known world westward to this hemisphere. From his life and work we can gain the inspiration and determination to make still greater discoveries. In the arts and sciences, although fantastic progress has been made, the surface has just been scratched, and many discoveries lie before us and much creative work is yet to be accomplished. In literature the finest poetry and the most eloquent prose may yet be written. In music the most delightful combination of sounds is still to be put together. In

the physical sciences the magic of research is ever opening new realms of power. In economics and politics, particularly international politics, there is a frontier as foreboding and hazardous as any that man has yet tried to conquer. As long as warfare exists, as long as tyranny casts its dark shadow over many lands, and as long as evil men seek to enslave human beings, there is a frontier against which we must relentlessly press until we have achieved our purpose of actually discovering a new world of human relations.

Certainly in statecraft, upon which the lives of many people everywhere depend, the most astute, the ablest, and the finest statesmanship inspired by the deepest spiritual convictions is yet to be exercised as we continue the all-pervading task of the twentieth century, the preservation and the extension of free government.

THIS CHANGING WORLD

It is essential for us to become thoroughly familiar with the issue of our time as we ponder our leadership in a sharply divided world. This is a shrinking world. The continents have been brought closer together as a result of the phenomenal advancement in the sciences. The swiftness of the airplane, and now the jets, has brought nations so near each other in terms of time that we have become inextricably intertwined with problems arising any place on the earth.

Furthermore, this is an age of power, far exceeding that of Aladdin's magic lamp. We are in the early days of the atomic era. Man has split the atom; man has fused the atom. The United States fortunately holds the lead in the development of atomic energy. We have spent and will continue to spend billions in this endeavor. We can be certain that, as the future unfolds, the most

fantastic developments in the use of atomic power will crown our persistent efforts in the field of nuclear physics. Our success in this realm further emphasizes our responsibility of power and leadership.

The scientific and atomic world is politically sharply divided. On one hand there is the free world led by the United States, and on the other hand there is the Communist or enslaved world, led, directed, dominated, and tyrannized by the Soviet Union. This latter group of countries is directed by the dictatorship of the international gangsters in the Kremlin who seek to press down their system of brutal enslavement upon the brow of all mankind.

THE DEMOCRATIC EXPERIMENT

The democratic way of life has as its very core the noblest and highest ideals to which the human spirit is capable of aspiring. This way of life comprises the fundamental freedoms and the opportunity of the individual to develop according to his innate ability. Political freedom, economic freedom, and religious freedom undergird the democracy of the United States. These freedoms have made possible the unprecedented development of the arts and sciences in our country. They have made possible our rise to this present position where our influence penetrates throughout the world. Without these freedoms, the intellectual development and progress of any nation is not possible. These freedoms are prerequisite fundamentals in a free civilization. These principles are the basis for the success of the most ambitious experiment in free government that men have ever known, the experiment launched in the writing and adoption of the Constitution of the United States.

The Congress of the United States

has always been a prime factor in the success of this great experiment. The Congress, elected directly by the people, is the vehicle expressing the wishes and desires of the people. In the past few years, international affairs have taken more and more of our attention. Congress not only has had to decide many issues of policy, but has had to implement policy. Therefore, the role of the Congress in making this great experiment in free representative government work in a world complicated and beset by troubles due to growing international tensions is becoming more significant daily.

COMMUNISM TODAY

The Communists today, spearheaded by the Kremlin, control over 800 million people and are attempting to subjugate even more. Their inordinate appetite for domination is insatiable. The Communist world would erase and destroy the freedoms which have been so laboriously acquired by many generations of people who have been fired by Divine inspiration, convinced that the human being is the most priceless entity in creation. The Communists deny the fundamental dignity of the human being. They abhor economic, political, and religious freedom. Their system of militarism, materialism, and godlessness has become to them a substitute for religion, and they seek through the use of force to make slaves out of the human race. By their philosophy and by their actions they have served notice of their intentions on the free world. No one can doubt their ultimate purpose, and the fact that they have between 15 and 20 million people in slave labor camps is added evidence of the character of their inhuman system.

Communism is an international movement. Stalin himself once said: "Leninism is an international phenomenon."

The fundamental tenet of the Communists' philosophy is violent world revolution. From time to time their tactics change, but their final objective always remains the same; whatever they do is calculated to bring about the accomplishment of their evil designs. Their recent and current talks about their desire for peace are negated by their actions. At the time they were most vociferous in their peace protestations in reference to Korea, they were preparing and launching an invasion of Laos in Indochina.

The Soviet Union has a large military machine in the West. The Communists are poised for an assault upon the free world wherever they believe it will be to their advantage to perpetrate such an act. There is no sincerity in their proposals. If they are sincere in their peace representations, let them speedily agree to a settlement of the Korean problems, and abide by the agreements; let them terminate the fighting in Indochina; let them conclude a peace treaty in Austria; let them agree to a free election in Eastern Germany; let them cease their infiltration; let them lift the chains of slavery from the satellites; and let them abolish the Cominform. Yes, "by their deeds ye shall know them," and by their deeds the Communists have proved that they are liars, deceivers, and enslavers.

They talk peace while their philosophy of war and conquest remains the same; they talk peace when they have no intention of doing the things necessary to establish a peaceful world. Let us keep it clearly in mind that there can be no compromise with this monstrous evil. Let us keep in mind that this is a struggle for survival. Let us not forget that there is scarcely any hope of agreement until the Communists have changed their basic principles. The sooner we realize and understand that they are utterly and completely Machiavellian in

their approach to world affairs, the better it will be for us in charting our course of action. There is not a scintilla of evidence that the Soviet Union intends to honor any agreement or that the Communists have any intention of negotiating in good faith. The evidence of their sinister plans accumulates day by day, and the hard, cold facts of international life in this universal and besetting struggle must be kept in mind as we endeavor to form our policies with intelligent realism.

POWER NECESSARY FOR FREEDOM

In view of these facts, the United States as the leader of the free world must formulate policies calculated to increase rapidly the power of the United States and the strength of the free world. It has long been evident that the Communists respect only superior force and that the only agreement they will honor is one they cannot escape because they are faced with sufficient power to prevent them from doing so. So it necessarily follows that to check this ominous drive and to cause a cessation of assaults on the free world, overwhelming strength must be developed.

This means that the United States must be strong economically, financially, militarily, and spiritually. Our budgetary problems are many. The rising public debt, our present difficulty in the balancing of the budget, and the question of tax relief are all facets of the complicated fiscal picture. Nearly all our budgetary problems have arisen from the challenge of the drive by the Communists against the free world.

Economic and financial

The authorization and appropriation of funds for carrying out the federal budget is the function of the Congress. Expenditures have constantly increased

over the past few decades, and the major part of the work of Congress has to do with the appropriation of funds and the raising of the necessary revenue to meet our obligations. The complicated international situation has caused a tremendous impact upon our fiscal affairs. The unbalanced budget, the public debt, the question of tax relief, the limitation on the borrowing power of the federal government, the continuing deficit, and the decline of the dollar are all problems which have stemmed to a large degree from the confused and worsening international situation. These are all issues which the Congress must act upon, and, in the handling of our fiscal affairs, Congress must of necessity be closely associated with foreign relations.

Sound fiscal policy is prerequisite for a strong military defense. The economies of the nations of the free world are all tied to the economy of the United States. The fiscal affairs of our country are fundamental in connection with our leadership in a divided world. The Republic of the United States is today the first economic power on the planet. The industrial system of the United States has produced strength beyond anything else that has ever been developed or fired the imagination of man.

To keep the nation strong economically and financially, we must work toward checking inflation, tax relief, balancing the budget, and the proper management of the public debt. In other words, our statesmanship must make us economically impregnable, since upon a sound United States economy depends the superstructure of military strength in the free world. I cannot too strongly emphasize this important phase of our leadership. We must give the lie to Lenin's statement: "We will force the United States of America to spend itself into destruction." We do not propose

to spend ourselves into destruction. To prevent this the Congress is certainly the watchdog, since the Congress is the custodian of the public funds and the determiner of how much money shall be raised and spent. Here the Congress is a decisive factor in foreign affairs.

Military

For the foreseeable future there cannot be any slackening of our military efforts. General George Washington once said, "To be prepared for war is one of the most effectual means of preserving the peace." In increasing our military effectiveness and in assisting our allies in building up their defenses, we shall be in a position to defend ourselves against the drive of the Communists. We must not be fooled by the propaganda of the Communists calculated to bring about a relaxation in our preparations for any military eventuality which they may cause. We have learned the hard way and never again should disarmament cause the lowering of our guard.

Spiritual

Above all, the United States, as the leader of the free world, must possess an overpowering spiritual strength and look to the future with clarity of vision. We must unswervingly dedicate ourselves to bringing about a decent international society and to the establishment of a just and lasting peace. Zealously we should seek to preserve our free civilization. The cause to which we are dedicated is higher than and beyond ourselves. Christian ideals form the basis of free democratic civilization. From this exhaustless source of inspiration we can derive the spiritual strength required to sustain us in the exercise of our leadership. In addition to our economic, political, and military strength, we must be motivated and inspired by

spiritual fortitude, insight, and determination.

The problems of world leadership are heavy and difficult of solution. In seeking to resolve them, for resolve them we must, it is essential not to be discouraged or pessimistic, but to be optimistic and determined. Difficult as are the current days, and as difficult as the days may be that lie ahead, these are the only days we possess. The past is encased in an eternity to which man can never go back. As individuals or as a nation we can never retrace our steps and experience again what time has decreed as past. Individuals and nations must march forward because this is the only direction in which creation moves.

All nations have their day. Sumer, Babylon, Syria, Greece, Rome, the Ottoman Empire, and many others have come and gone. The United States is the power that holds the center of the stage in this twentieth century. We possess an opportunity to make a major, if not the greatest, contribution to the freedom of the human race. Let us be determined that time shall not take this opportunity from us unutilized.

On the Archives Building in the city of Washington, William Shakespeare, the Bard of Avon, the poet of poets, is quoted: "What is past is prologue." We must look to the future with optimism and with faith; we must look to the future resolved that the work which Destiny has decreed that we shall perform must be successfully completed. In the stupendous task of leading the free people in a sharply divided world, the United States has an unparalleled opportunity to direct the course of human events in maintaining and extending the basic freedoms dear to the hearts of free men.

"Where there is no vision, the people perish," and again from the wisdom of

the poet, "Tis not too late to seek a newer world." We are shaping the course of events for succeeding centuries. In this crucial period, the decade of the 1950's, the beginning of the second half of this turbulent twentieth century, we stand at the inception of a new era. We are girding ourselves to reach new and higher peaks of human liberty. On May 29 Mount Everest was scaled for the first time in history. Just as the summit of this heretofore unassailable peak was reached by the effort and determination of man's indomitable desire to conquer, so the Mount Everest of human freedom in this world will yet be scaled, and our Republic proposes to scale it.

CONGRESSIONAL AND EXECUTIVE CO-OPERATION

As a member of the Foreign Affairs Committee of the House of Representatives for the past eight years, I have seen how our responsibility as the leader of the free world has continuously increased. Today, more than ever before, effective United States world leadership involves co-operation between the executive and legislative branches of the government. In many instances, the Foreign Affairs Committee of the House of Representatives and the Foreign Relations Committee of the Senate have written foreign policy.

As United States leadership has grown, so has the necessity for legislative formulation and implementation of foreign policy correspondingly increased. In practice, the Congress has become a coequal partner with the Executive in giving substance to United States leadership. In many instances the Congress on its own initiative has supplied direction to American foreign policy by establishing principles which are now guiding the United States in its relationship to the rest of the world.

Furthermore, policy cannot be considered in a compartment by itself, separate and distinct from the practical means necessary to make that policy a workable instrument. In sum, the responsibility of the United States in a divided world involves a combination of moral strength, military preparedness, and expenditures of money sufficient to accomplish the task, while at the same time preserving our economic strength and stability at home.

The Congress of the United States is incessantly becoming more involved in foreign relations and in the development of foreign policy. There should not be a conflict between the executive and legislative departments in the field of foreign relations. There is need for teamwork since both the executive and legislative branches of the government are striving for the realization of the same goals. This co-operation should be carefully fostered in an effort to develop a smooth working relationship in the shaping of foreign policy.

Congress, since the proposals it acts upon have an effect in many parts of the globe, needs to know all that it possibly can about the various countries, and, furthermore, it is essential that the world know all it can about Congress. Practically every day, issues of universal importance are before the legislature for debate and action. There is scarcely any problem that comes before the Congress which is not in some manner tied to international affairs.

Congress is the reflector of public opinion, and, since it is necessary to have public support to put into effect any major policy, it is essential for the Congress to acquaint the public with the details of the many issues on which decisions must be rendered. Actually the Congress is the voice of the people, and the Congress is also a leader in public affairs and in molding our policy. The

Congress will become constantly a more important factor in dealing with international relations.

In the several articles in this volume of *THE ANNALS*, many of my colleagues both in the House and in the Senate, as well as others, have given generously of their time and their talent in discussing the varied phases of Congressional action and work in the field of foreign relations. As can be seen, Congress, in practically all areas of foreign relations, must exercise leadership and make contributions of the most vital importance.

CHALLENGE TO PRESENT CONGRESS

We have the opportunity of so conducting our affairs, with such fortitude and determination, that the historians of the future will be able in writing the annals of this and succeeding decades to say that the second half of this twentieth century was marked by the turning point of the greatest struggle for freedom men have ever undertaken—by the United States seizing the initiative in international affairs; by the United States giving inspired and efficient leadership in the struggle against Communism; by a more effective use of United States economic, military, and spiritual power as a decisive, telling force for freedom; by renewed efforts on the part of free people to achieve strength in the unity of their resources; and by a resurgence of the spiritual determination on the part of the free world to preserve free civilization.

May the historians of the future write of the second half of the twentieth century that it was during this period we exercised positive, realistic leadership in a divided world, that we so conducted our affairs, both domestic and foreign, that the outstanding characteristic of our time was the determined and inspired statesmanship of the United States in making decisions which

resulted in the preservation of free civilization. May they be able to state that this decade was marked by a decline of tyranny and by the beginning of freedom's greatest advance throughout every section of the planet. May they look back on the second half of the twentieth century and write that during this period the world under God had a "new birth of freedom."

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The Place of Congress in Foreign Relations

By ERNEST S. GRIFFITH

THE traditional story of American foreign policy has been a story of treaties and diplomatic negotiations, interspersed with accounts of wars. Such treatment inevitably led to an emphasis on the roles of the President and his Secretary of State. Congress was regarded as either subordinate or obstructionist, or both. For example, in reflecting upon the events following World War I, in which the role of the United States Senate was to a large extent decisive, the emphasis even in the scholarly writings has been directed toward altering the two-thirds rule or circumventing the treaty-making procedure.

It is only recently that the co-ordinate and even affirmative role of Congress has been recognized in this tremendously important field. With this recognition has grown a realization that tactics directed toward promoting a given policy must be shifted from bypassing or handling Congress to convincing Congress. Over and above this, ways and means must often be found whereby the responsibility for policy formulation may itself be shared with the legislative branch.

In other words, the congressional role in foreign policy today extends far beyond mere treaty ratification. For example, the traditional role of a congressional committee in investigation and criticism is applied to foreign affairs as never before. The advice function, technically confined to the Senate, has come to include the House also, especially in the formulation of programs and in the implementing of these programs in the appropriation process. Over and above even this relatively new role, Congress performs a further function by playing

its part in the leadership necessary to enlighten public opinion as well as to reflect it. More and more in fact, as well as under the Constitution, Congress is a co-ordinate member of a foreign policy team; and this co-ordinate membership extends to the House as well as to the Senate.

CONSTITUTIONAL PROVISIONS

It was Corwin who bluntly stated that the constitutional status accorded the Executive and Congress was a standing invitation to struggle for control over foreign relations.¹ These provisions are familiar to the readers. Treaties are to be concluded by the President with the advice of the Senate, and ratified by two-thirds vote. Powers over foreign commerce are among those on which Congress is eligible to legislate; but such powers may also be exercised in treaties.

In recent years the role of the Executive has been enormously extended through the wide scope left for administrative action and through the delegated power to conclude reciprocal trade agreements. While Congress has retained the power to declare war, the President commands the armed services and controls many of the preliminary steps the taking of which may make the difference between war and peace. In his exercise of this command, the dispute as to whether the President may permanently station troops abroad has been left for some future consensus of legislature, executive, and judiciary. The Great Debate of 1951 left this issue

¹ Edward S. Corwin, *The President: Office and Powers*, 3rd Edition (New York, 1948), p. 208.

essentially unresolved, though it did secure an agreement by the President to consult, as well as a resolution by Congress requesting him to consult.

COMMITTEES

One must realize that the Foreign Relations and Foreign Affairs Committees are by no means the only committees importantly concerned with foreign policy. The Ways and Means and Finance Committees deal with the tariff, and Armed Services shares the responsibility with Foreign Relations for the use of our forces overseas—a use which makes foreign policy as well as executes it. The role of the Appropriations Committee is frequently decisive in programs. A degree less important but still important are committees such as Agriculture, Labor, and Commerce. The handling of the problem of internal security by the Judiciary Committees has foreign repercussions. The Committees on Government Operations to a major extent determine the structure and to some extent the interrelations of the organization of foreign affairs.

The Joint Committee on the Economic Report, with its over-all view of the domestic economy, inevitably finds itself involved in international considerations. The Public Works Committee of the House has before it the proposals for the St. Lawrence Seaway. Merchant Marine and Fisheries is constantly considering international issues. International finance is the prerogative of the Banking and Currency Committees, at least in its institutional expression. The Interior and Insular Affairs Committees have responsibility for the future of the islands of the Pacific insofar as we are involved in them. Even the committees on the District of Columbia find international considerations urged upon them in dealing with problems such as segregation, which interest other peoples.

It is hard to find a committee that is

not in some fashion concerned with foreign policy. The interrelations of contemporary society have no more striking manifestation.

CONGRESSIONAL RESOLUTIONS

The formal provisions of the Constitution have been supplemented by usages no less far-reaching in their aggregate effect. First of these to note is the congressional resolution. I am not referring here to the joint resolution, which in its legal effect is equivalent to an Act of Congress, but rather to the simple and concurrent resolutions through which Congress frequently expresses its views on a particular matter. These resolutions naturally form certain clearly defined categories.

Best known in recent years have been the ones which have sought to give the Executive advance assurance as to the attitude which it may expect in Congress. Thus, Congress pledged itself in advance to support an international organization at the close of World War II.

More usual are the resolutions which attempt to give directives to the Executive or guidance as to congressional attitudes on problems facing the nation. These have no binding effect, but they may and frequently do have very great influence. They include such subjects as a United States of Europe, support for Franco Spain or Chiang Kai-shek, or a United Ireland. Where they deal with the foreign policy of another nation, it is assumed that the State Department will so inform this other nation and possibly work toward the end in question.

Such resolutions may be embarrassing or they may be found helpful to the State Department, according to whether they coincide with the Department's own views and at the same time do not impair the public relations thereof.

Other resolutions may be of a negative or warning nature, indicating an

absence of support in connection with some policy which it is supposed is under consideration in the executive branch. Still others may deal with the congressional ideas as to the correct procedural relationship between Congress and the Executive.

In any event, the effect of these resolutions is by no means completely dependent upon whether or not they actually pass one or both Houses. The mere fact of their introduction itself is some indication of congressional attitudes, and usually results in State Department activity in congressional consultations and in exploration of ways and means of meeting congressional desires, or at least of ascertaining the extent to which such desires are in fact shared by others than those sponsoring the original move. They are also likely to influence in one fashion or another the other nation or nations involved in their substance.

There are many times in which Congress can make its views known somewhat irresponsibly without creating the type of severe reaction which would be created if the executive branch through ordinary diplomatic channels or through public pronouncements seemed to be resorting to pressure. The congressional resolution is just what it purports to be, an indication of opinion and attitude, and is not in itself overt in its results or effect. It is, however, often an interesting and significant counterweight or response to the increasing tendency on the part of the President to use the executive agreement as an instrument of international action.

CONGRESSIONAL INVESTIGATIONS

The weapon of congressional investigation is much in the public eye, in domestic as well as in international affairs. It is the popular opinion that its principal use is found in forcing accountability of the executive branch. While

this is doubtless true, the investigations fulfill a number of other functions of co-ordinate importance. These include the education of the public and the exploration of the feasibility of a new or changed government policy. The investigations of the dismissal of General MacArthur set out to be a calling to account of the Executive. They became much more an instrument in the education of the public; and in the end they resulted in a very considerable crystallization of congressional opinion as regards our whole policy in the Far East.

Moreover, accountability itself has many facets. It may involve conformity to the law; it may involve efficiency of performance; it may also involve loyalty matters. In any event, the investigative process is a major congressional instrument, and as the investigations of overseas information and of the China policy have shown, it can affect matters for good or evil in a fashion which has no real parallel in most other large nations. These investigations are part and parcel of our constitutional system. The reward of a successful investigation in service to the nation is very considerable, entirely apart from any effect on the political fortunes of the investigators.

In the publicity given to congressional investigations, it is sometimes lost sight of that most of the hearings of the standing committees of Congress are on concrete measures which have been introduced by individual Members, often at the instigation of the executive branch. This holds true in foreign affairs no less than in domestic legislation.

At what point the hearing on a specific measure ends and an investigation of the problem begins is by no means clear, nor need it be. In either instance the congressional hearing provides an excellent forum for bringing out into the

open the views of the various groups which make up the warp and woof of American political, economic, and social life. To the Congressman, who more often than not is a lawyer, the hearing is the counterpart, in the legislative process, of the courtroom in the judicial process. By means of a battle of protagonists, much truth may emerge. Cross-questioning of witnesses may bring out hidden meanings and lay bare motives.

With the presence of the press and even of television, popular education on the issues involved can be furthered. It is often the subject of comment that a Cabinet Minister in the British Government finds his reputation strengthened or impaired by the question hour in the House of Commons. Hearings before an American congressional committee are far more grueling and exacting, and the caliber of the man is more thoroughly tested. Likewise, the issues involved receive a much more thorough public airing, although, it must be admitted, at the expense of a great deal of irrelevance and repetition.

These public hearings are not necessarily very important in the formation of the Members' own opinions. Equal weight must be assigned to the give-and-take of discussion in executive sessions, the research of the committee staffs, the informal contacts, and the still fairly pervasive influence of political party. Nonetheless, the committee hearing has a major place among those institutions of the American Constitution which are the products of usage rather than of formal language. Even foreign governments must be prepared for exhaustive examination of their policies, even though the witnesses are American citizens.

These congressional hearings do not conform to the dignity and secrecy of traditional diplomacy, nor on the other

hand do they reveal the ambiguity, the double talk, the dodging of issues which likewise characterize its traditional methods.

FLOOR DEBATE AND SPEECHES

No account of congressional influence dares omit the very important role played by speeches both within and outside of Congress. These, too, are part of the processes of opinion formation, popular education, and congressional influence in foreign nations as well as in our own. To the totalitarian countries, unaccustomed to freedom of speech or to irresponsible pronouncements, it seems incredible that a speech by a Member of Congress in his home district does not in some fashion represent government policy as a whole. Protests occasionally arise from such talks, and resentment or appreciation is accorded them abroad, as well as here, according to the point of view. Even a single speech by an ordinary Member of Congress may threaten to produce an international incident and influence the policy of a foreign nation.

Those foreign nations who know us better will and do pay attention to these speeches, but they do not attach to them undue importance. They recognize such speeches as useful to themselves as well as to the American people in this fascinating, sometimes embarrassing, but always vitally important process of a democratic people making up its mind.

APPROPRIATIONS PROCESS

No account of the role of Congress in foreign policy could possibly be complete without indicating the tremendous importance of actions by the Appropriations Committees, and of the appropriations process in general. In foreign as well as in domestic affairs, the Appropriations Committees and their recom-

mendations and the bills as finally passed may more nearly represent the real purpose of Congress than do the authorizing acts. It is not an uncommon occurrence for a pressure group to have its way in the latter case, and for the real will of Congress to express itself at the time of appropriations.

Perhaps a more correct statement would be to the effect that an affirmative authorizing measure expresses the judgment of Congress on the issue involved, more or less devoid of its relationship to certain other issues. The appropriation bill, however, filters the views of the Members on the substantive measure through their modifying or sobering attitudes toward economy in general.

It is not that the appropriations process goes counter to the wishes of Congress; it is rather that it brings to bear another modifying or overriding point of view applicable to any measure involving the expenditure of money. When a given sum has been authorized at the time of passing the original act, it does not indicate by any means that Congress has decided that this authorization is the sum which is or should be appropriated. Congress is fully aware of the role of its Appropriations Committees, and expects these committees to go further into the problem of whether the sum in question is in fact necessary or whether the objectives of the act itself can be carried out more economically than the sum authorized would indicate.

Congress claims to be reluctant to legislate in appropriation bills, and such legislation is ordinarily subject to a point of order. However, by more or less general consent, most major appropriation bills are now reported to the floor of the House under a closed rule which prohibits the raising of points of order concerning them. Such restriction does not apply in the Senate, and conse-

quently points of order are more likely to prevail in the upper house.

Nevertheless, by one means or another, provisos or instructions are often inserted in appropriation bills which in effect determine or modify policy. Such determination or modification is over and above the necessary modifications implicit in ample or restricted funds. As more and more of our foreign policy is determined by programs of foreign aid, by the size of the armed services, and by the extent of the appropriations for the various branches of the State Department itself, so more and more the Appropriations Committees will, in fact if not in name, constitute themselves a kind of third house of Congress which will play its own role in policy formulation and adoption.

CHANGED NATURE OF FOREIGN POLICY

We have already had occasion to mention that this is an age of total war and of totalitarian governments. Perhaps we have not yet realized the inner nature of the response which democracies seem almost compelled to make to the threats thus involved. It is not that we are engaged at the present time in a total war in the ordinary military sense of the word. The situation is much more subtle and the nature of the struggle is much more sophisticated. Nonetheless, we do seem to be engaged in a total war, in the sense that our enemies are ready and willing to take whatever steps may seem to them to be necessary within the margin of their own safety to bring about our weakening and our destruction as a free people. In other words, we are engaged in a struggle for survival.

This introduces a new type of diplomacy and a new type of national conduct and national obligation. In the early days the objective of diplomacy and foreign policy was certainly to en-

hance the interests of the particular nation concerned. In relatively few instances did a *delenda est Carthago* motivate the peacetime conduct of a people or of a people's government. At the most, there was a desire to weaken a potential enemy, but not to destroy him, unless he had given overt evidence of the intention to destroy one's own state.

An exception may perhaps be found in the religious wars. The present struggle between the Soviet Union and world communism on the one side and the cluster of nations to which we are giving leadership on the other is more akin to a religious war than to the political or strategic war to which our textbooks are accustomed. If we use the hackneyed phrase of a war between ways of life or a war between civilizations or a war between philosophies, we can see the all-embracing nature of the struggle. It is a "total diplomacy" in which we are now engaged.

This involves much more than a realization that a nation's economic potential is itself a major safeguard of its military potential. Beyond economics lie the social and spiritual realms in which a nation's morale stands or falls. From their point of view, the Communists are completely right in realizing that they can best weaken others by spreading discord, suspicion, and internal conflict within the ranks of their enemies. Here is a weapon no less powerful than the atomic bomb.

In such a setting, foreign policy requires a degree of popular support in all its major sectors which was not necessary when considerations were predominantly military and when the issues were largely confined to foreign trade or colonial territory or border disputes or dynasties. The initiative of the Executive in diplomacy must be accompanied by more than a mere ratification of a

treaty. This is pre-eminently so today, when the "program" has emerged as the major instrument in foreign affairs. Such programs run the gamut from economic strength and aid to cultural interchange. They include psychological warfare and extension of trade and a number of other objectives only a degree less important.

CONGRESS AND POPULAR INTEREST

It is in this setting that the new role of Congress in foreign policy can best be understood. It is not merely the fact that these programs call for substantive legislation and substantial appropriations, tremendously important though both of these factors are in a congressional agenda. It is rather that popular interest has grown to a point never before reached in ostensible peacetime, and popular support is absolutely essential if these programs are to operate successfully.

This has its impact on Congress. Moreover, Congress rightly dramatizes these issues in its hearings and in its floor debates. Congressmen rightly stress such issues in their visits to their constituencies and states. The electorate, on its part, loses few opportunities either individually or collectively to manifest its interest in these matters. Editorial and news columns of newspapers, the script of commentators, the courses in colleges and universities, the sermons in churches, alike contain a far higher percentage of content regarding, and interest in, international affairs than ever before during our peacetime history.

Here is also the basic explanation of the enhanced role of the House of Representatives, a role becoming almost co-ordinate with that of the Senate. Here is the explanation of the tremendously important role played by party

leadership in Congress and by the Appropriations Committees.

Minority groups of special national origin have always been with us since the days in which immigration was a very considerable factor in our national life, and have figured in the subsequent political complexion of our national elections. A certain amount of this type of interest has always spilled over into our legislative body. What is different today is that to these special interests has now been added a more general literacy and sophistication on the part of millions of our people, which has rendered interest in foreign policy a much more balanced thing than in the days when the troubles of Ireland and the woes of Poland were the issues most felt emotionally.

THE EXPERIENCE OF CONGRESSMEN

The traditional picture of a Congressman has been long outmoded by the facts. We are dealing today, not only in the committees immediately responsible for foreign policy but in Congress in general, with a far more qualified group of men than is generally realized. For a dozen years foreign affairs have been at the very center of a large part of congressional deliberation and experience. Measures of foreign policy have been before one or more committees almost daily. Debates on the floor, even on issues presumably primarily domestic, have been filled with references to foreign affairs, and the number of debates on foreign policy itself has grown enormously. So also has a Member's correspondence in this field, and so also has the number of visits from constituents concerned with foreign matters.

In other words, through the sheer experience of discussions, debates, and conferences, a Member, however illiterate in this field he may have been prior to his coming to Congress, finds himself

precipitated into the very center of our international concern.

A world war and a world reconstruction and a world communism have been jointly responsible for this. However much an individual may long for the day when the United States can go its own way, the decision that it should not go its own way, the decision that it is inextricably involved with other nations, has been made, not so much by ourselves as by them. Paramount in this is the virtual declaration of war by world communism, whose world horizon requires a corresponding world horizon on our part.

Official trips abroad to study one problem or another are increasingly frequent, not only by members of the Foreign Relations and Foreign Affairs Committees, but by those from the Appropriations and Government Operations Committees as well. Nor are such trips confined to these three clusters of committees. Within the past year or two, a dozen others have sent one or more of their members overseas to study some problem within the jurisdiction of the committee. In connection with the original consideration of the Marshall plan, well over two hundred Members of both Houses made such overseas investigations prior to the final decision of Congress in the autumn of 1947.

The experience of members of the Foreign Relations and Foreign Affairs Committees is intensive in the extreme. It is not merely the constant consideration of problems in hearings and in executive sessions. Briefings by the State Department, the Mutual Security Agency, and representatives of other federal agencies are increasingly frequent. So also is the growing practice of informal luncheons and dinners and informal conferences either on Capitol Hill or in the precincts of the agency itself. Increasing use has been made of

Members of Congress in connection with international conferences, as delegates as well as observers.

Entirely apart from staff aids or other *ad hoc* facilities to be brought to bear upon specific problems, there are today in Congress highly qualified specialists on almost any major problem facing the nation. It must further be borne in mind that these specialists have commanded the respect and confidence of their own membership frequently to a degree exceeding that of the representatives of the executive branch. Whether these rival generators or experts in foreign policy are good or bad in the aggregate is not the point. It is the *fact* that we are registering. This specialized competence arising out of experience, even more than out of study, must be taken into account in policy formulation and in identifying centers of leadership in our government in general.

FORMAL EDUCATION OF CONGRESSMEN

Over and above the rich education which comes from experience is the fact that the Members of Congress today have a higher level and quality of formal education than before. College graduates have been increasing, and so also have those who hold graduate degrees. The percentage of lawyers remains very high, and the level of prelegal and legal education has been steadily rising.

It is important in calling attention to this increase in formal education that one does not overestimate its value. It by no means follows that persons with such an education are better legislators or better informed than those who have gained their knowledge through experience without the benefit of the more systematic but probably more esoteric training in university halls. All these considerations are under the heading "other things being equal." Congress, as well as the electorate as a whole, unmistakably reflects the higher and higher

level of education in the United States that has been such a marked phenomenon in recent years.

NONPARTISANSHIP

The role of partisanship in foreign policy must be considered along with the changing role of partisanship in Congress in general. Few people realize today how little there is of partisanship at the point of actual congressional decision. A considerable majority of the committees of both Houses are nonpartisan in their executive sessions. This does not mean that there are not differences of opinion, but the differences are not along party lines. Party does assume the responsibility for organization of Congress, and certainly the party which is not that of the President is constantly searching for points of vulnerability and criticism in the conduct of administration. This usually does not constitute opposition to policies as such, but rather to minor aspects or emphases.

In the field of foreign affairs, both this tendency to nonpartisanship and this tendency to criticize details are unusually prominent. There is in Congress a general feeling that our nation should present a united front to the rest of the world. This takes the form with many Members of a sense of high obligation not to make foreign policy, as such, a partisan matter. There is also a feeling that the partisan element in the opposition to the League of Nations following World War I and to the Versailles Treaty was a mistake not to be repeated. The Senate in particular has been extremely sensitive to the numerous proposals to alter the two-thirds rule required for treaty ratification, and also to the tendency to advocate executive agreements in place of treaties, so as to by-pass this particular constitutional provision. One reaction has certainly been a determination on the part

of large numbers of Senators to make the two-thirds rule workable in terms of international needs.

On the other hand, interest in foreign policy is widespread, and the scope of foreign policy is world-wide. This means that it involves a multiplicity of detail as regards particular areas, which necessarily offers vulnerable targets for detailed criticism. It was this tendency to detailed criticism on the part of the opposition which presented no special incongruity along with its general support of the administration's foreign policy. Chiefly, there was sharp criticism of certain aspects of its Far Eastern conduct. When this criticism more and more seemed to be warranted by what was felt to be the failure involved in the loss of China to the Communists, the criticism reached a rising tide, and bipartisanship broke down at this point.

Perhaps even this is not the correct way of stating this situation. There were Democratic critics and Republican supporters of the President as regards his Far Eastern policies. Especially following the hearings on the removal of MacArthur, a considerable consolidation of opinion as between parties and as between Congress and the President took place for the time being.

Actually, issues in foreign policy do not readily lend themselves to partisan orientation. Emphasis on Europe or on Asia as an alternative has nothing to do with being a Republican or a Democrat, insofar as these latter represent any regional or economic groupings. Even the tariff finds Republicans of the seaboard ranged against their own fellows in the interior.

All in all, partisanship has recently proved a relatively minor obstacle to any successful collaboration between the two branches of government. There have been obstacles in congressional activity, but they have for the most part not been of a partisan nature.

THE ROLE OF FOREIGN LEGISLATURES

Before concluding, it may illumine our appreciation of the role of Congress if we take a brief look at the process of foreign policy formulation and adoption in some of the other nations. Traditionally, in the British form of parliamentary government it has been the prerogative of the executive to formulate policy and conduct foreign relations. While responsibility for such policy belongs to the Cabinet and it is subject to criticism in the House of Commons, in practice this has meant that the permanent civil service in the Foreign Office has been the chief instrument and the greatest influence.

This largely accounts for the relative degree of continuity in British foreign policy without reference to a change of government. Parliament is seldom able to make an affirmative contribution toward change of direction, although the great tidal moves in British public opinion are eventually reflected in the attitudes of the Cabinet and to a less extent of the permanent officials as well. Such a subsidiary role on the part of Parliament, with the Cabinet armed with a majority, gives the course of British foreign policy an external appearance of consistency and direction which the American foreign policy seems to lack.

On the other hand, this appearance is itself somewhat deceptive in one important regard. The fact that Congress, as well as the American people, makes up its mind in public has much to do with the appearance of indecision. The reaching of decision is a process over which the British cast the veil of secrecy. There is little or no evidence in recent years to indicate that the United States is any less slow or more slow in arriving at an answer than is Britain. In the end, our foreign policy is likely to have the same directness and consist-

ency that the British has, and quite possibly it will possess a considerably greater backlog of popular support because the public has witnessed more of the process of formulation.

Of course this subsidiary role of Parliament in foreign relations is not unique in the British governmental process. It applies to almost every sphere of governmental activity, if we associate the ministry with the executive rather than with the legislative establishment—an association which of course does a certain violence to the total picture of British government. The real distinction is between the role played in policy by the committees of Congress and the role played by the ordinary members of Parliament. The role of the former is incomparably more influential.

In the multiparty democracies of the Continent, the contrast is rather different. Here the extreme instability of many of the governments, notably that of France, renders affirmative action on the part of the government in any field very difficult. Foreign policy is particularly fragile and particularly subject to irresponsible attacks. There is almost no counterpart to the bipartisan approach of the American Congress, in any of the larger democracies. Intransigence on left and right alike seems to be fostered by the various electoral systems producing the multiparty chambers. In France the role of the Chamber is especially negative. In Germany and Italy the sharp division in the parties between left and right or between left, center, and right has not been an insurmountable obstacle to producing a majority thus far, but it certainly has hindered production of the near unanimity which has characterized so much of the American foreign policy in the last ten years—a unanimity which resulted from participation in policy formulation and adoption by representa-

tives of both parties sitting down together as colleagues.

No matter which of the other nations we examine, we find that all alike share with the United States the virtual necessity for a broad popular base if foreign policy is to be affirmative and decisive on a world scale. It is at this point that the United States Constitution seems to have certain values which are not generally shared. This is true whether we take as our point of departure the dominance in foreign affairs of the executive in Britain, or in contrast the veto power at so many points possessed by the multiple parties in the legislatures of the other nations. These are factors in the apparent reluctance on the part of many European nations to make the necessary sacrifices and readjustments even for national safety.

CONCLUSION

In conclusion, our Constitution is not likely to be amended in the near future in any substantial fashion. Change will come, if at all, in the field of judicial interpretation and usage. As I wrote elsewhere:

We are a world power. Our cultural leadership, our military strength, our political influence, to some extent even our economic power—these have not been of our own seeking. There probably never was a more reluctant world leader in all history than the United States. Yet this very reluctance makes us less feared and more readily followed. Other peoples have tended to personify us in the shape of the individual who happened to be our President at a given time. They have assumed that the voice of the President was necessarily the total voice of America. Yet these other peoples that make up the world, free and regimented alike, need more than an understanding of our President: they need to understand the influence of our representative body, the Congress. They need

to see Congress as a living symbol, to see that our Republic has Congress too among its institutions of leadership—incorporating not only the hesitations and cross purposes of its people but also their sense of responsibility and the agreement on objec-

tives and instruments which these people's assembled representatives have produced following hard study and discussion.²

² Ernest S. Griffith, *Congress: Its Contemporary Role* (New York: New York University Press, 1951), pp. 102-103.

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Congress and Foreign Relations Before 1900

BY DOROTHY BURNE GOEBEL

THE relations of Congress to the foreign affairs of the United States we think of today as something developed within the framework of the Constitution; but they are the outgrowth of an even older body of custom and experience. In point of time, the most immediate of these conditioning factors derived from the activities of the Continental Congress (1774-89). These in turn reflected in greater or less degree things learned and often resented over the many decades of colonial experience, when the North American colonies were mere counters in the game of European diplomacy. For all of a century, every major European war had had its counterpart on the far-flung American frontiers. Rivalry for control of Indian tribes and ambition for territorial conquest had invigorated the English-colonial contest against the French and the Spanish, whose possessions ringed the King's dominions; but the signal to attack, the decision as to outcome, rested with the chancelleries of Whitehall, Versailles, and Madrid. Moreover, in England had been spun the skein of political and economic regulation and prohibition that governed the British colonies in time of peace. The dozen years preceding the First Continental Congress had instructed that generation in resentment of imperial authority and its political and economic incidents. The Revolution was to create consciously American states; on the eve of independence, the colonies were already anti-British, anti-European.¹

¹ For some material on the colonial background, see Max H. Saville, "Colonial Origins of American Diplomatic Principles," III *Pacific Historical Review* (1934), pp. 334-50. See

POLITICAL BACKGROUND OF CONTINENTAL CONGRESS

Apart from these matters of sentiment and opinion, colonial experience exercised a determinative influence on procedures. In all the royal and proprietary colonies during the eighteenth century, the politics of the time had set executive and assembly in a recurrent state of opposition. There had been bred a profound distrust of executive authority, and equally a noteworthy reliance upon the legislative committee. When the first stirrings of real trouble with the mother country began, committees of the assemblies did valiant work, both in agitating public opinion and in promoting a sense of common cause among the several colonies. This was a significant part of the political training of the revolutionary generation, a training quickly reflected in the proceedings of the Continental Congress.

It is well to remember that when this body first assembled, localism, sectional jealousy, and diversity of interest among the thirteen colonies were very pronounced. This Congress was a convention of delegates of jurisdictions soon to claim individual independence. Consequently it was never, in its corporate capacity, the governing body of the United States; it was the agent for thirteen entities in combination.²

The history of congressional conduct

also Saville, "The American Balance of Power and European Diplomacy 1713-1778," in Richard B. Morris (Ed.), *The Era of the American Revolution* (New York, 1939), pp. 140-69.

² Marcus Jensen, *The Articles of Confederation* (Madison: University of Wisconsin, 1940), pp. 54-57, 116-19, 161-76, 239-45.

of foreign affairs begins properly with the Committee of Secret Correspondence established by the Second Continental Congress on November 29, 1775. This committee (after April 1777 the Committee for Foreign Affairs) was set up to correspond "with friends in Great Britain, Ireland and other parts of the world" and to seek foreign assistance. On March 3, 1776, the first agent, Silas Deane, was commissioned on a secret mission to France to obtain military supplies and, if possible, financial aid. A month later, April 6, 1776, the Continental Congress opened American ports to the trade of all foreign powers. Close on the heels of this declaration of commercial independence came the political break. The Declaration of Independence, July 4, 1776, thrust on the Continental Congress responsibility for formulation of the foreign policy and the conduct of the foreign relations of the Thirteen United States.³

FOREIGN POLICY AND GOVERNMENT BY COMMITTEES

The procedures of the Continental Congress followed the political traditions of the Colonial Assembly. Diplomatic agents were elected by Congress. All business—instructions and correspondence—was first deliberated in that body acting as a Committee of the Whole, then referred to select committees for report back for congressional decision. Despite the continued existence of the Committee for Foreign Affairs, a multitude of these select committees were spawned. Sectional conflict and factional controversy characterized government by committee. Dispersed responsibility resulted in inefficient administration, so that for months at a time American representatives abroad were left in ignorance of congressional inten-

³ Samuel Flagg Bemis, *The Diplomacy of the American Revolution* (New York, 1935), pp. 29-35.

tions. Although the drawbacks of the committee system were soon evident, aversion to executive power, state-rights sentiment, and suspicion of central authority retarded the abandonment of this procedure.⁴ Early in 1781, Congress was driven to a change of practice: on January 17 of that year, the office of Secretary of Foreign Affairs was established. Even after this innovation, Congress continued to consider problems of foreign relations in the Committee of the Whole, and to delegate particular matters to select committees.⁵

EARLY OBJECTIVES: PLAN OF 1776

The immediate objectives of the Second Continental Congress after July 4, 1776 were to obtain material foreign assistance and to secure treaties granting recognition, freedom of commerce, and a definition of neutral rights. No political or military alliance was, at that date, contemplated. These objectives were set forth in the "Plan of Treaties" adopted by Congress on September 17, 1776, and were further detailed in the instructions (September 24) for the new commissioners to France.⁶

None of the objectives were immediately achieved. From France money and military supplies were forthcoming, but for some time that country remained neutral. Spain grudgingly conceded slight financial aid. The other European powers, assaulted by "militia diplomacy," held aloof. During the Revolutionary War only France (1778) and eventually the Netherlands (1782), moved by self-interest, yielded to the persuasion of American agents.

The French treaties of February 1778

⁴ George C. Wood, *Congressional Control of Foreign Relations During the American Revolution 1774-1789* (Allentown, 1919), pp. 26-78.

⁵ *Ibid.*, pp. 102-110.

⁶ Worthington Chauncey Ford (Ed.), *Journals of the Continental Congress* (Washington, 1910-28), Vol. V, pp. 768-79, 813-17. Hereafter cited as *Jour. Cont. Cong.*

were a landmark in the development of American foreign policy. The Treaty of Amity and Commerce granted recognition of the United States, regulated commercial intercourse on a conditional most-favored-nation principle, and defined neutral rights in liberal terms. With slight modification, the principles of this treaty formed an integral part of American foreign policy into the twentieth century.⁷

The Treaty of Alliance with France, however, was a marked departure from the "Plan of 1776." This treaty provided for a defensive alliance in the event of war between France and Great Britain, a mutual guarantee of the French West Indies and of American territory, and a mutual pledge not to make peace without the formal consent of the other power.⁸ The critical state of the Continental cause outweighed mistrust of European entanglement. Despite later fears of members of Congress of French designs in regard to the peace terms, Congress adhered faithfully to the treaty stipulations. The American Commissioner's secret negotiation of Provisional Articles of Peace with Great Britain in November 1782 without consultation with the French ministry was, in fact, a direct violation of congressional instruction.⁹

⁷ Samuel F. Bemis, *A Diplomatic History of the United States* (New York, 1936), pp. 25, 29, 39, 65, 292, 335.

⁸ For the text of the treaties of 1778, see William M. Malloy, *Treaties, Conventions, International Acts and Agreements between the United States and Other Powers, 1776-1909* (Washington, 1910), Vol. I, pp. 468-82. The texts of all other treaties with foreign countries, subsequently cited in this chapter, may be found in Malloy, Vol. I or II.

⁹ Bemis, *op. cit.*, note 3 *supra*, pp. 173-78, 189-90, 214-42. Text of peace instructions, June 15, 1781, in *Jour. Cont. Cong.*, Vol. XX, pp. 651-55. For anti-French feeling in Congress see Edmund Cody Burnett, *Letters of the Members of the Continental Congress* (Washington, 1933), Vol. IV, pp. 121-22, 124-25, 129, 389-90, 425, 432-38, 451.

AUTHORITY UNDER ARTICLES OF CONFEDERATION

The authority which the Continental Congress exercised in foreign relations was given definition in the Articles of Confederation, framed in 1777, finally ratified and proclaimed March 1, 1781. By this instrument, Congress was given exclusive power over war and peace (unless a state were invaded), the right to send and receive diplomatic agents and embassies, and the right to make treaties. The conclusion of commercial treaties, however, was subject to specific limitations, designed to safeguard the power which the several states retained of regulating commerce. Congressional action on any of these subjects required the assent of nine states. In addition, the states were forbidden to make alliance or treaties without the consent of Congress.¹⁰

The formal adoption of the Articles made little change in congressional conduct of foreign affairs. Although in January 1781 Congress had provided for the office of Secretary of Foreign Affairs, the powers of the Secretary were limited to those of a superior clerkship. During John Jay's incumbency (1784-89), Congress increased the Secretary's authority to some extent, such as granting him the power to frame instructions to diplomatic agents, but continued to keep a tight rein on the conduct of foreign relations.¹¹

The major achievement in this field during the period of the Confederation (1781-89) was the negotiation of peace with Great Britain by the Treaty of 1783, embodying the Provisional Articles of November 1782. Credit for this

¹⁰ Francis Newton Thorpe, *The Federal and State Constitutions, Colonial Charters and Other Organic Laws of the States, Territories and Colonies* (Washington, 1909), Vol. I, pp. 11, 12, 15.

¹¹ Wood, *op. cit.*, note 4 *supra*, pp. 111-21.

treaty, however, belongs not so much to Congress as to the astute American Commissioners, John Adams, John Jay, and Benjamin Franklin, whose disregard of congressional instruction won this diplomatic victory. Treaties of commerce were also obtained with the Netherlands (1782), Sweden (1783), and Prussia (1785).

During this period, also, Congress, acting under its power to regulate Indian affairs, took steps to quiet Indian title to the trans-Allegheny lands, ceded by the various states to the Confederation. Following colonial precedent, Congress negotiated treaties with the various Indian tribes. By the Treaties of Fort Stanwix (1784) and Fort McIntosh (1785), the Shawnee Treaty (1786), and the Treaty of Ft. Harmar (1789), the United States quieted Indian title to a part of the Old Northwest. Negotiations with the Indians of the Southwest (under the influence of the neighboring Spanish) were less successful, although the Hopewell Treaties of 1785-86 were secured with the Cherokee, Choctaw, and Chickasaw tribes.¹² The procedure of regulating relations with the Indians by treaty was to be followed into the third quarter of the nineteenth century.

In its relations with foreign powers during the postwar years, Congress was increasingly hampered by the inadequacy of its general governmental authority. Without the power to levy taxes, to control commerce, or to check

state legislation that violated treaty stipulations, Congress was bereft of bargaining power. Major negotiations with Great Britain and Spain for the settlement of pressing problems, such as commercial relations and frontier disputes, failed; these failures contributed materially to the demand for a stronger national government and to the calling of the Constitutional Convention.¹³

PROPOSALS ON FOREIGN RELATIONS BEFORE CONSTITUTIONAL CONVENTION

When the Constitutional Convention assembled, May 25, 1787, there was general agreement that the treaties of the United States must be supreme over state laws, although there was disagreement as to the means by which this should be achieved.¹⁴ Only Hamilton's plan dealt with the conduct of foreign relations; his proposals (June 18) vested the power to make treaties and to appoint ambassadors in the Executive, subject to the advice and approbation of the Senate.¹⁵ This plan was, however, temporarily shelved without debate in the Convention.

For weeks, the Convention wrestled with the problem of achieving basic compromise between the adherents of amended Articles of Confederation and the proponents of a strong national government. On August 6, a first draft of the new instrument was reported to the Convention. This centered authority over foreign relations in the Senate,

¹² Texts of the Indian Treaties in Richard Peters, *Treaties Between the United States and the Indian Tribes*, U. S. Stat. at Large, Vol. VII (Boston, 1861 ed.), pp. 15-35. For papers relative to Indian relations, see Walter Lowrie and Mathew St. Clair Clarke (Eds.), *American State Papers, Indian Affairs* (Washington, 1832), Vol. I, pp. 1-54. For a brief account of the Southwest Indian relations see Arthur Preston Whitaker, *The Spanish American Frontier, 1783-1795* (New York, 1927), pp. 50-62, 121.

¹³ For an excellent review of U. S. foreign relations during Jay's secretaryship see Samuel Flagg Bemis (Ed.), *The American Secretaries of State and Their Diplomacy* (New York, 1927), Vol. I, pp. 189-272 *passim*.

¹⁴ Max Farrand, *The Records of the Federal Convention of 1787* (New Haven, 1937), Vol. I, pp. 47, 54 (Randolph proposals); pp. 244-45 (Patterson plan); Vol. II, pp. 135-36 (Pinckney draft). Cf. also for debate, Vol. I, pp. 164, 171, 316.

¹⁵ *Ibid.*, Vol. I, p. 292.

giving that body power to make treaties and to appoint ambassadors; the President was to receive diplomatic agents. It also provided that treaties as well as the acts of the legislature should be "the supreme law of the several States, and of their citizens and inhabitants," and forbade the states to make any treaties or alliances save with the consent of the United States legislature.¹⁶

These proposals called forth an amendment that no treaty should be binding on the United States unless "ratified by a law," thereby requiring concurrence of the House of Representatives. Fear was expressed that the Senate might, by the device of a treaty, exercise powers denied to Congress as a whole, such as levying an export tax. Although this amendment was defeated, the article was referred to a Committee of Eleven for further consideration.¹⁷

In the Committee of Eleven there was, reportedly, considerable debate as to where to vest control of foreign relations. The committee considered, and rejected, proposals to grant this to the Executive alone, to give power to the whole legislature or to the House of Representatives alone. General sentiment was against the House, on the ground that the secrecy required in delicate diplomatic negotiation might be imperiled in the more popular body.¹⁸ The final decision of the committee, incorporated in a revised draft of the Constitution (reported to the Convention on September 4), made a radical change, reviving Hamilton's earlier proposal and shifting the control of foreign relations from the Senate to the Presi-

¹⁶ Articles VIII, IX, X, XIII; Farrand, note 14 *supra*, Vol. II, pp. 183, 185, 187. See also, however, pp. 336, 343 for proposals to grant the executive branch the power to prepare plans of treaties, carry on correspondence, etc.

¹⁷ *Ibid.*, Vol. II, pp. 392-94; 383.

¹⁸ *Ibid.*, Vol. III, pp. 250-52.

dent and the Senate. The new clauses empowered the President to make treaties with the advice of the Senate, the consent of the members present being required, and to nominate, and with that body's advice and consent appoint, diplomatic agents.¹⁹ Renewed agitation for participation of the House of Representatives in the treaty process ensued, a proposal being made that the advice and consent of the House as well as that of the Senate should be required. Since treaties were "to have the operation of laws," it was argued, "they ought to have the sanction of laws also." The two-thirds rule was also attacked on the ground that it would give a minority control of foreign affairs.²⁰

These objections did not prevail. The Constitution, in final form, embodied the disputed clause.²¹ During the struggle for the ratification of the Constitution, argument was renewed, the Antifederalists protesting concentration of power in the Senate and demanding the concurrence of the House of Representatives in the treaty process.²² Despite their defeat and the adoption of the Constitution, these issues were to be resurrected.

UNDER CONSTITUTION CONGRESS COM- MITS ADMINISTRATION OF FOREIGN RELATIONS TO EXECUTIVE

The first years under the Constitution were critical in the development of precedents and policies, for that instrument was but a blueprint of govern-

¹⁹ *Ibid.*, Vol. II, pp. 498-99.

²⁰ *Ibid.*, Vol. II, pp. 538-41, 547-50.

²¹ Article II, Section 2. For the constitutional restrictions on states' powers to make treaties, etc., see Article I, Section 10. For the treaties as "supreme Law of the Land," see Article VI.

²² Farrand, note 14 *supra*, Vol. II, p. 639, Vol. III, pp. 128, 358. See also Paul Leicester Ford, *Pamphlets on the Constitution of the United States* (Brooklyn, N. Y., 1888), pp. 311-12, 331.

ment. Early in its first session, Congress undertook the organization of executive departments which were assumed but not particularized in the Constitution. By the act of July 17, 1789, Congress provided for the establishment of a Department of Foreign Affairs. The Secretary for the Department was made the organ of communication with foreign nations. He was to perform such duties as the President should entrust to him relative to correspondence, instructions, commissions, and so forth, or "such other matters as the President shall assign," and was to conduct the business of the Department "in such manner as the President of the United States shall from time to time order or instruct."²³ Whatever may be inferred from the ambiguous half-silence of the Constitution respecting control of foreign affairs, it is clear that by this statute Congress committed to the executive branch the administration of foreign relations. Some weeks later (September 15, 1789) certain domestic functions were allocated to the Department, which was then renamed the Department of State.

During the first years of the Republic, Congress gave the President a free hand in the organization of the diplomatic service. By the Appropriation Act of July 1790, a fund of \$40,000 was placed at the President's disposal for the support of the foreign representatives of the United States, subject only to specified maximum payments to persons in the several ranks of minister, chargé d'affaires and secretary.²⁴ Lump sum appropriations were continued for twenty years. An act of May 1, 1810, particularizing maximum payments to

consuls at the Barbary ports, specifically granted the President a discretionary power over expenditures for foreign intercourse from a contingent fund, stating that he should annually account to the Treasury in all cases where, in his judgment, the expenditures "may be made public," and should merely submit certificates to the Treasury for such expenditures "as he may think it advisable not to specify." Such certificates were to be considered as sufficient vouchers.²⁵ Beginning in 1818, salaries and expenses of outfits for each particular mission were itemized by name in the General Appropriation Act, but the contingent fund to be expended at executive discretion was continued.²⁶

PROCEDURES DETERMINED BY PRECEDENT

Insofar as procedures are concerned, the early Congresses followed the precedents of the Continental Congress. Deliberation of business by the House acting as the Committee of the Whole preceded reference to select committees. Not until 1816 did the Senate establish a Standing Committee on Foreign Relations; six years later the House followed suit. New in the way of procedure was the adjustment that had to be made in the face of the new constitutional structure. Executive influence exerted in the caucus, consultation between Cabinet officers and congressional committees spanned the gulf between

²³ *U. S. Stat.*, Eleventh Cong., Sess. II, Ch. 44.

²⁴ Act of April 9, 1818, Fifteenth Cong., Sess. I, Ch. 45. On April 9, 1846, the House of Representatives called on President James K. Polk to furnish an account of all payments made on President's certificates from the contingent fund. This Polk refused to do on the ground that the act of May 1, 1810 was in full force, and that publicity might defeat the purpose of such expenditures. James D. Richardson, *Messages and Papers of the Presidents, 1789-1897* (Washington, 1899), Vol. IV, pp. 431-36.

²⁵ *U. S. Statutes at Large*, First Congress, Session I, Ch. 4. Hereinafter cited as *U. S. Stat.* For the act of September 15, 1789, amending the title of the department, etc., see *ibid.*, Ch. 14.

²⁶ *U. S. Stat.*, First Cong., Sess. II, Ch. 22.

the Executive and the legislature. The degree of co-operation between branches of government necessarily varied with changing political currents, but the precedent of conference was well established by the period of the War of 1812.²⁷

WASHINGTON'S PROCLAMATION OF NEUTRALITY 1793

The first important definition of the respective roles of Executive and legislature in foreign affairs was the result of the events of the French Revolution. These involved determination of a recognition policy with respect to the new French Republic (September 1792) and decision as to the extent of United States obligation under the Treaty of Alliance of 1778 in the war between France and Great Britain (February 1793). To these questions Washington and his Cabinet gave a purely executive answer.²⁸ Genêt (Minister of the new French government) was received, and a policy of neutrality adopted. On April 22, 1793, the President issued his famous Proclamation, warning the citizens of the United States against infractions of American neutrality. In amplification of the Proclamation, later executive orders specified particular prohibited acts.²⁹

Washington's Proclamation raised considerable furor. The competence of the

²⁷ Ralph Volney Harlow, *The History of Legislative Methods in the Period before 1825* (New Haven, 1917), pp. 183-93, 210-48. For an account of Washington and the Senate, relative to "advice" on treaties, see article by Senator Mike Mansfield in this volume.

²⁸ Cabinet Opinion, April 19, 1793, in Henry Cabot Lodge (Ed.), *The Works of Alexander Hamilton* (New York, 2nd ed. 1903), Vol. IV, pp. 368-69.

²⁹ *American State Papers, Foreign Relations*, Vol. I, pp. 140-41 (Proclamation, April 22, 1793 and Instructions to Collectors of Customs, August 4, 1793).

Executive to determine a policy of neutrality was denied; Washington's course was attacked as a usurpation of the powers of Congress. This gave rise to a spirited pamphlet debate between Alexander Hamilton and James Madison, "Pacifcus" versus "Helvidius."³⁰ The outcome of the controversy favored Presidential power; at the next session of Congress, both Senate and House expressed formal approval of Washington's actions.³¹ At Presidential suggestion, in June 1794, Congress enacted the first Neutrality Law, specifying prohibited acts and the penalties for such infractions.³² The precedent was thus established that the Executive has power to determine a policy of neutrality toward foreign nations, and Congress has legislative authority to enforce neutrality within the domestic jurisdiction of the United States.

The Neutrality Law stipulated our duties as a neutral power; the European war made imperative measures to secure our rights as a neutral. Both belligerents, from the onset of hostilities, interfered with American commerce; but British infractions of American neutral rights were graver. Popular resentment of this was aggravated by Great Britain's continuing refusal to evacuate the Northwest Posts or to negotiate a commercial treaty. Reflective of popular feeling, Congress passed a joint resolution, approved April 2, 1794, placing a 30-day embargo (extended

³⁰ For "Pacifcus," *The Works of Alexander Hamilton*, note 28 *supra*, Vol. IV, pp. 432-89, esp. pp. 432-44. For "Letters of Helvidius," Gaillard Hunt (Ed.), *The Writings of James Madison* (New York, 1906), Vol. VI, pp. 138-188, esp. pp. 138-160.

³¹ Richardson, *Messages*, note 26 *supra*, Vol. I, pp. 142-45.

³² Act of June 5, 1794, *U. S. Stat.*, Third Cong., Sess. I, Ch. 50. Cf. also Washington's Message, Dec. 3, 1793, Richardson, *Messages*, note 26 *supra*, Vol. I, p. 139.

later to 60 days) on all ships in the ports of the United States, bound for foreign ports.³³ Before the close of the session, Congress gave the President discretionary authority to lay an embargo until the next convening of the legislature.³⁴ These acts constitute the first example of the use of Congressional control of commerce as a lever in foreign relations.

THE JAY TREATY RAISES CONSTITUTIONAL ISSUE

Further retaliatory action was averted by Jay's mission to Great Britain and the negotiation of a commercial treaty. When that treaty was made public, however, after its ratification by the Senate in June 1795, a veritable explosion of public wrath ensued, for in the negotiations Jay had yielded crucial American principles of neutral rights. When Washington forwarded a copy of the treaty to the House of Representatives, March 1, 1796, that body gave voice to the popular indignation. A motion, calling upon the President for the papers relative to the treaty negotiations, touched off an exhaustive debate on the legislative powers of Congress under the Constitution in relation to the treaty process.³⁵

The resolution calling for the papers finally passed the House but the demand was sharply rejected by Washington.³⁶ After further discussion, the House passed a resolution disclaiming any authority in the making of a treaty, but

³³ Resolutions of April 2, 1794, and April 18, 1794, Third Cong., Sess. I, *U. S. Stat.*, Vol. I, pp. 400-401.

³⁴ Act of June 4, 1794, *U. S. Stat.*, Third Cong., Sess. I, Ch. 41.

³⁵ Resolution proposed March 2, 1796. *Annals of Congress* (42 vols., Washington, 1834-56), Fourth Cong., 1st Sess., pp. 399; 426-759 for the debate.

³⁶ For Washington's reply, Richardson, *Messages*, note 26 *supra*, Vol. I, pp. 194-96.

asserting in strong terms that "when a treaty is made which requires a law or laws to carry it into effect," the House has a ". . . Constitutional right to deliberate and determine the propriety or impropriety of passing such laws, and to act thereon as the public good shall require."³⁷ After further debate, an appropriation bill requisite for the execution of certain clauses of the treaty was finally passed.³⁸ The constitutional issue, however, was to recur.

CONGRESSIONAL ACTION IN REGULATING FOREIGN POLICY

Abrogation of French treaties

By 1798, our relations with France, complicated by French displeasure over American neutrality and the American ratification of the Jay treaty, reached a crisis in the failure of the X. Y. Z. mission. In the spring of 1798, Congress took the bit in its mouth. Measures for the defense of the United States were enacted, the Alien and Sedition Laws were passed and, by the law of July 7, 1798, Congress abrogated all existing treaties with France.³⁹ Congressional action thus foreshadowed Jefferson's phrase, "no entangling alliances." After two years of an undeclared naval war, the conclusion of the Convention of 1800 confirmed Congressional action. For the price of our renouncing spoliation claims, the French yielded on the point of Congress' unilateral repudiation of the old treaties.⁴⁰ By Congressional direction, American foreign policy was set on a course of isolationism.

³⁷ *Annals of Cong.*, Fourth Cong., 1st Sess., p. 770 (Resolution of April 1) and pp. 770-83 for debate.

³⁸ Act of May 6, 1796, *U. S. Stat.*, Fourth Cong., Sess. I, Ch. 17.

³⁹ *U. S. Stat.*, Fifth Cong., Sess. II, Ch. 67.

⁴⁰ John Bassett Moore, *A Digest of International Law* (Washington, 1906), Vol. V, pp. 356-58. Hereafter cited as Moore, *Digest*.

Louisiana Purchase

The outstanding event of Jefferson's first administration was the negotiation of the treaty for the purchase of Louisiana. This treaty involved a large Congressional appropriation but little was made of this issue. Early in 1803, in advance of the negotiations, Congress had appropriated \$2,000,000 for the purchase of New Orleans and the land around the Mississippi River.⁴¹ Although Jefferson was troubled by constitutional scruples, this Congressional action was seized upon as an expression of Congressional authorization for the larger purchase.⁴² When Congress was convened in special session in October 1803, debate on the treaty centered on the issue of the constitutionality of any addition of territory to the United States. Political expediency and economic interest dictated the Congressional answer. Ratification of the treaty, and passage of the necessary appropriation bills were rapidly secured.⁴³

Control of commerce: War of 1812

"Peace is our passion," wrote Jefferson in June 1803. Unhappily, renewal of the Napoleonic Wars dashed this hope; again American neutral rights were invaded, American commerce suffered depredations. From 1806 until 1812 Congress experimented, using its control of commerce as a weapon to

⁴¹ Henry Adams, *History of the United States of America* (New York, 1891), Vol. I, p. 433. Cf. Act of Feb. 26, 1803, *U. S. Stat.*, Seventh Cong., Sess. II, Ch. 8, appropriating two million dollars for expenses for foreign intercourse.

⁴² Message of October 17, 1803 in Richardson, *Messages*, note 26 *supra*, Vol. I, p. 358. Adams, *op. cit.*, note 41 *supra*, Vol. II, pp. 74-93.

⁴³ Act of October 31, 1803, *U. S. Stat.*, Eighth Cong., Sess. I, Ch. I; Act of Nov. 10, 1803, *ibid.*, Ch. 2. Cf. Adams, *op. cit.*, note 41 *supra*, Vol. II, pp. 94-115 for the debates.

win respect for American neutral rights; to retaliate against the belligerent powers, and to keep the United States out of war. The first of these measures, the Non-Importation Act of April 18, 1806, was aimed directly at Great Britain.⁴⁴ Guided by Jefferson, on December 22, 1807, Congress enacted the more sweeping Embargo Act which tied up all commerce (other than coastwise trade) in the ports of the United States.⁴⁵ This was supplanted in turn by the Non-Intercourse Act of March 1, 1809, "Macon's Bill No. 2" (May 1, 1810) and again an Embargo Act (April 4, 1812).⁴⁶ These measures failed to effect Congressional purposes. Propelled by the "War Hawks" under Henry Clay's dynamic leadership, on June 1, 1812, the reluctant Madison sent to Congress a message on the relations of the United States with Great Britain which Congress promptly translated into a declaration of war.⁴⁷ Although derisively termed "Mr. Madison's War," this was a war of Congress' making.

The Treaty of Ghent in February 1815 re-established the boundaries of the United States on the basis of *status quo ante bellum*. Various problems, including the regulation of commercial relations, were deferred for later diplomatic discussion. Congress opened the

⁴⁴ *U. S. Stat.*, Ninth Cong., Sess. I, Ch. 29. By an act of December 19, 1806, the operation of this law was suspended until July 1, 1807, and the President was given discretionary power to suspend the law until the next convening of Congress in December 1807. *U. S. Stat.*, Ninth Cong., Sess. II, Ch. 1.

⁴⁵ *U. S. Stat.*, Tenth Cong., Sess. I, Ch. 5.

⁴⁶ Act of March 1, 1809, *U. S. Stat.*, Tenth Cong., Sess. II, Ch. 24. Act of May 1, 1810, *ibid.*, Eleventh Cong., Sess. II, Ch. 39; Act of April 4, 1812, *ibid.*, Twelfth Cong., Sess. I, Ch. 49, providing for a ninety day embargo.

⁴⁷ Julius W. Pratt, *Expansionists of 1812* (New York, 1925), esp., pp. 48-59, 126-52. For Madison's Message, see Richardson, *Messages*, note 26 *supra*, Vol. I, pp. 499-505.

door to negotiations by an act of March 3, 1815, authorizing reciprocal termination of alien discriminations by particular conventions with foreign nations.⁴⁸ This freedom-of-trade principle was incorporated in the Treaty of Commerce subsequently concluded with Great Britain (July 3, 1815), prohibiting mutually any discriminations of import, export, or tonnage duties in direct trade between the United States and the British Isles.

Despite the previous blanket approval of the principle, the treaty produced strong Congressional reaction. Following ratification, the Senate passed a bill declaring inoperative any existing laws contrary to the treaty. The House of Representatives, however, mindful of its legislative control of commerce, countered with a bill enacting the clauses of the treaty seriatim. Again the issue of Congressional power in relation to the status of a treaty was debated, and earlier arguments pro and con Congressional authority refurbished. Finally, a compromise bill was enacted, without definitive settlement of the constitutional issue.⁴⁹

Congress and recognition policy

Executive leadership, in the skilled hands of John Quincy Adams, Secretary of State, governed American foreign policies in the years following the close of the War of 1812. The status of the revolting Spanish American colonies, however, furnished the occasion for the first Congressional challenge to executive authority in the determination of the recognition policy. Championing

⁴⁸ *U. S. Stat.*, Thirteenth Cong., Sess. III, Ch. 77.

⁴⁹ Moore, *Digest*, note 40 *supra*, Vol. V, p. 223. For the debate see *Annals of Cong.*, 14th Cong., 1st Sess., pp. 46-89, 454-58, 462-71, 474-93, 522-91, 593-674, 883-897. For the Act of Feb. 5, 1816, for execution of the treaty, *U. S. Stat.*, Fourteenth Cong., Sess. I, Chap. X.

the cause of the rising states, on March 24, 1818, Henry Clay sponsored a move in the House of Representatives to appropriate a salary for a minister to the new republic, the United Province of the Rio de la Plata.⁵⁰ As this ran counter to the administration's cautious policy, a spirited contest ensued, raising the issue of Congressional power, under the Constitution, to fix the government's recognition policy.⁵¹ Clay's proposal was defeated, but subsequently (February 10, 1821) the House passed a resolution giving its "Constitutional support" to the President, whenever he should consider it expedient to extend recognition to the new states.⁵² In May 1822, following a Presidential recommendation, Congress appropriated \$100,000 for the expenses of diplomatic missions to "the independent nations on the American Continent."⁵³ Executive leadership was maintained and Congressional influence vindicated.

Congress and Monroe Doctrine

Congress had no hand in the enunciation of the Monroe Doctrine, set forth

⁵⁰ *Annals of Cong.*, Fifteenth Cong., Sess. I, p. 1468.

⁵¹ *Ibid.*, pp. 1474-1500, 1500-1522, 1525-1646. For Clay's position on the "concurrent will" of Congress and that body's right to influence the Executive in foreign policy, see esp. pp. 1499-1500. For an account of the whole Spanish American recognition policy, see Julius Goebel, Jr., *The Recognition Policy of the United States* (New York, 1915), pp. 116-43.

⁵² *Annals of Cong.*, Sixteenth Cong., Sess. II, p. 1081. Passed, Feb. 10, *ibid.*, p. 1092. Cf. also Clay's previous proposals for appropriations for a mission April 4, 1820, *ibid.*, Sixteenth Cong., Sess. I, p. 1781 and Feb. 3, 1821, *ibid.*, Sixteenth Cong., Sess. II, pp. 1030, 1042, 1055, 1077.

⁵³ Act of May 4, 1822, *U. S. Stat.*, Seventeenth Cong., Sess. I, Ch. 52. Cf. also Arthur Preston Whitaker, *The United States and the Independence of Latin America* (Baltimore, 1941), pp. 373-76, 381-83.

in the annual message of December 1823, for this was a purely executive pronouncement, framed by the President and his Cabinet. A Congressional resolution of 1811, relative to East Florida, had, however, some bearing on its concepts. In this resolution, Congress foreshadowed the later "no-transfer" principle, stating that the United States could not see "with indifference, any part of the Spanish provinces adjoining the said States eastward of the River Perdido pass from the hands of Spain into those of any other foreign power."⁵⁴ It should be noted also that both Executive and Congress early recognized the declaratory nature of Monroe's pronouncement. Action under it would require Congressional authorization.⁵⁵

Nor did Congress make Monroe's declaration its own by effective action. In 1838, French intervention in the Republics of Argentina and Uruguay did provoke a House resolution premised upon Monroe's message. Sponsored by the national-spirited Caleb Cushing, chairman of the House Committee on Foreign Affairs, this resolution raised the question of French purpose, of possible American mediation. Ignored by the administration, the action was inconclusive.⁵⁶ The Senate upon various occasions refused to give formal endorsement to the declaration, notably by its rejection of the "non-colonization" resolution, proposed by Lewis Cass on January 3, 1853, during a discussion of the Clayton-Bulwer Treaty.

⁵⁴ Resolution of Jan. 9, 1811 in *Annals of Cong.*, Eleventh Cong., Sess. III, pp. 374, 379 (amended text). Cf. also p. 516.

⁵⁵ Dexter Perkins, *The Monroe Doctrine, 1823-26* (Cambridge, 1927), pp. 146-48, 190, 210-222.

⁵⁶ Dexter Perkins, *The Monroe Doctrine, 1826-67* (Baltimore, 1933), pp. 40-46. Text of Caleb Cushing resolution, *ibid.*, p. 42, Note 55. For a later attempt to secure a House statement, *ibid.*, p. 75.

The principles of Monroe's message, it was conceded, constituted an American "tradition"; further than this the Senate would not go.⁵⁷ The doctrine remained an executive declaration of principle.

Congress and territorial expansion

During the decade of the 1830's, the impulse of westward expansion was gathering a momentum that was soon to reach its crest in the slogan of "Manifest Destiny." Texas was the first objective, although by the Treaty with Spain of 1819 the United States had relinquished its claim to that province. The Texan declaration of independence, early in 1836, raised a popular enthusiasm for immediate recognition of the Republic; talk of annexation was in the air. While President Andrew Jackson counseled neutrality and delay, Congress reflected the people's sentiments. On July 1, 1836, the Senate adopted a resolution declaring that Texas should be recognized as soon as satisfactory information was received of the stability of the new state; four days later the House passed a similar resolution.⁵⁸

Both Houses thus put a stamp of approval on Clay's theory that Congress had a right to make its voice heard in this phase of foreign policy. President Jackson avoided joining issue, taking a temperate stand. He reaffirmed execu-

⁵⁷ *Ibid.*, pp. 217-23. Text of Lewis Cass resolution, *ibid.*, p. 217, Note 3. For other Senate discussion involving the Doctrine, cf. *ibid.*, pp. 104-107, 178-92. Cf. also for debates *Congressional Globe*, Thirty-Second Cong., Sess. II, pp. 90-103, 118-34, 156-60, 170-77. Hereafter cited as *Cong. Globe*.

⁵⁸ *Cong. Globe*, Twenty-Fourth Cong., Sess. I, p. 616. For Clay's report from Senate Committee on Foreign Relations, June 18, 1836, on recognition policy, see Moore, *Digest*, note 40 *supra*, Vol. I, pp. 96-98. For an account of American interest in and policy towards Texas, see George Lockhart Rives, *The United States and Mexico 1821-48* (New York, 1913), Vol. I, pp. 1-26, 362-88.

tive power in the extension of recognition, but conceded that, in cases where such action might provoke a war, the President should exercise this function in co-operation with Congress.⁵⁹ Some months later, Congress furnished this co-operation, including in the general appropriation bill an item for the salary of a diplomatic agent to the Texan Republic whenever the President should decide this to be expedient. Pursuant to this bill (approved by Jackson March 3, 1837) recognition was immediately extended.⁶⁰

For some years, pressure for the annexation of Texas was blocked by rising agitation against the extension of slavery. Early in 1844, however, stirred by fear of British and French influence in the neighboring republic, a move was made to annex Texas by a treaty. Defeat of this treaty made annexation a leading issue in the election of 1844. With the slogan "re-annexation of Texas and re-occupation of Oregon," James K. Polk, the Democratic candidate, carried the day. Interpreting this as a popular mandate, on March 1, 1845, Congress passed a joint resolution, expressing its "consent" to the admission of Texas as a state and specifying the conditions of admission.⁶¹ In accordance with this resolution, in December 1845, Texas was admitted into the Union.⁶² Four months later Mexican and American troops clashed at the Rio Grande, and

⁵⁹ Message of December 21, 1836, Richardson, *Messages*, note 26 *supra*, Vol. III, pp. 265-69.

⁶⁰ Act of March 3, 1837, *U. S. Stat.*, Twenty-Fourth Cong., Sess. II, Ch. II, at p. 170. For discussion of the bill cf. *Cong. Globe*, Twenty-Fourth Cong., Sess. II, pp. 194, 196, 213. Cf. also Rives, *op. cit.* note 58 *supra*, pp. 393-401.

⁶¹ Joint Resolution of March 1, 1845, *U. S. Stat.*, Twenty-Eighth Cong., Sess. II, Vol. V (Boston, 1846 ed.), pp. 797-98.

⁶² Joint Resolution of December 29, 1845, *U. S. Stat.*, Twenty-Ninth Cong., Sess. I, Vol. 9 (Boston, 1862 ed.), p. 108.

the Mexican War was on; the fruits of this war were to be the acquisition of California and the Southwest.

Meantime the Oregon Country (jointly occupied with the British under the Convention of 1827) had been a focus of expansionist enthusiasm which President and Congress alike shared, and which again uncorked the bottled animosities against the British.⁶³ Prompted by a Presidential message, on April 29, 1846, Congress passed a joint resolution, giving the requisite one year's notice of the termination of the Convention of 1827.⁶⁴ At this juncture, the outbreak of the Mexican War cooled American ardor for "Fifty-Four Forty or Fight." Later in the same year, by treaty the United States accepted the forty-ninth parallel as the Northwest boundary, Great Britain relinquishing her claims to lands south of that line.⁶⁵ In this dispute, the President had placed on Congress responsibility for a move that might have resulted in war.

During the decade before the Civil War, there were no significant contributions by Congress to the still unanswered questions of the scope of its authority in foreign affairs. Controversies over British activities in Central America engendered bitterness on Capitol Hill that,

⁶³ Notably during the 1830's the Northeastern boundary dispute had created a critical tension. In 1839 Congress recklessly passed a bill for the "defense of the Northeastern frontier" that might have precipitated armed conflict. President Martin Van Buren restrained congressional bellicosity. See *Cong. Globe*, Twenty-Fifth Cong., Sess. III, App., pp. 50, 158, 159, 161, 210, 223, 230. Cf. also Claude M. Fuess, *The Life of Caleb Cushing* (New York, 1923), Vol. I, pp. 245-48.

⁶⁴ Joint Resolution, April 29, 1846, Twenty-Ninth Congress, Sess. I, Vol. 9 (Boston, 1862 ed.), p. 109. For Polk's stand cf. Message of Dec. 2, 1845, Richardson, *Messages*, note 26 *supra*, Vol. IV, p. 397, and Message of March 24, 1846, *ibid.*, p. 427.

⁶⁵ Bemis, Ed., *American Secretaries of State . . .*, note 13 *supra*, Vol. V, pp. 244-65 for the settlement of the Oregon question.

as respects the Clayton-Bulwer Treaty, was stored for later occasions.⁶⁶ But for all the bounce and bustle of President Franklin Pierce's expansionist policy, his designs for the acquisition of overseas dominion all came to nothing: absorbed with the slavery problem, Congress was hopelessly split on the reefs of domestic politics.⁶⁷

FOREIGN RELATIONS DURING CIVIL WAR

The outbreak of the Civil War posed new problems in American foreign relations. Great Britain's friendly attitude toward the Confederacy created a strong anti-British sentiment in the United States. When the *Trent* affair occurred in November 1861, Captain Charles Wilkes's high-handed action in stopping the British steamer and removing therefrom the two Confederate envoys was greeted with an outburst of popular joy.⁶⁸ Wilkes's action was in flat contradiction of the United States principles of neutral rights, yet the House of Representatives on December 2, 1861, passed a joint resolution extending the thanks of Congress to Wilkes.⁶⁹ In the Senate, action on this resolution was

⁶⁶ Bemis, Ed., *American Secretaries of State* . . . , note 13 *supra*, Vol. VI, pp. 40-70. For discussion in the Senate of the Clayton-Bulwer Treaty see *Cong. Globe*, Thirty-Second Cong., Sess. II, pp. 237-38, 246-53, 265, 267-72; 391 (Lewis Cass resolution of January 27, 1853, asking for inquiry into the Clayton-Bulwer Treaty), 414-18. See also above note 57 for interrelated debate on "non-colonization" resolution.

⁶⁷ For a succinct account of the failure of Pierce's "designs of empire," see Dorothy B. Goebel and Julius Goebel, Jr., *Generals in the White House* (New York, 1945), pp. 151-65.

⁶⁸ Ephraim Douglas Adams, *Great Britain and the American Civil War*, Vol. I (New York, 1925), pp. 202-43, esp. pp. 205-6, 218-21 for popular opinion. See Moore, *Digest*, note 40 *supra*, Vol. VII, pp. 768-79 for diplomatic correspondence on the *Trent* case.

⁶⁹ Resolution of December 2, 1861, *Cong. Globe*, Thirty-Seventh Cong., Sess. II, p. 5.

blocked by Charles Sumner, chairman of the Committee on Foreign Relations,⁷⁰ who urged that the administration be left free to deal with the affair, unembarrassed by expressions of Congressional opinion. In conference with the Cabinet, the Senator counseled moderation and was largely responsible for the administration's decision to surrender the envoys to Great Britain.⁷¹ Although upon later occasions, as Chairman of the Committee of Foreign Relations, Sumner was to be animated by partisan consideration, here he showed courage in defiance of popular emotion.

French policy likewise aroused outcry. French inclination to the Confederacy and French intervention in Mexico were viewed with increasing apprehension. Responsive to the popular view, on April 4, 1864, the House unanimously passed a joint resolution stating that "the Congress of the United States are unwilling by silence to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the republic of Mexico . . ." and declaring that ". . . it does not accord with the policy of the United States to acknowledge any monarchical government erected on the ruins of any republican government in America under the auspices of any European Power."⁷² This brave attempt at Congressional pronouncement on foreign policy failed; under Sumner's guidance the resolution was buried in the Senate Committee on Foreign Relations.⁷³

⁷⁰ *Ibid.*, p. 13. In the Senate the House resolution was buried in the Committee on Naval Affairs; *ibid.*, p. 874.

⁷¹ Moorfield Storey, *Charles Sumner* (Boston, 1900), pp. 208-16.

⁷² Resolution of April 4, 1864, *Cong. Globe*, Thirty-Eighth Cong., Sess. I, p. 1408.

⁷³ *Cong. Globe*, Thirty-Eighth Cong., Sess. I, pp. 1402, 1416. An earlier Senate resolution concerning the French war in Mexico (January 11, 1864) had been tabled. *Ibid.*, p. 1227.

The House's action, however, had reverberations in France. To relieve the resulting tension, Secretary of State William H. Seward tendered to the French Government an explanation of the House resolution, stating that Congress had no authority in the determination of the American recognition policy.⁷⁴ Seward's peccavi evoked new Congressional assertion of constitutional rights. The House of Representatives passed a resolution virtually censuring the Secretary of State's conduct, protesting his claim of exclusive executive authority. Recognition of new governments, the resolution declared, involved matters of national policy "on which the will of the people should be expressed in Congress assembled." The President should be the agent to execute that will.⁷⁵ There was no finale to this controversy, only a residuum of unsettled constitutional issue and of political malaise.

POSTWAR CONFLICT

At the war's end, animosity bred of domestic politics marked the relations of Congress and Executive. Factional purpose, as well as antiexpansionist sentiment and a tender concern for constitutional rights, motivated Congressional opposition to executive policy. The Senate, dominated by Charles Sumner, blocked Seward's proposed treaty for the purchase of the Danish West Indies (concluded October 2, 1867), as well as the Johnson-Clarendon Convention to settle the *Alabama* claims and other current disputes with Great Britain. Of all Seward's expansionist designs, the treaty for the purchase of Alaska, alone, won Sumner's approval

⁷⁴ Moore, *Digest*, note 40 *supra*, Vol. VI, pp. 497-98. Cf. also *Diplomatic Correspondence, Department of State, 1864-65* (Washington, 1865), Pt. III, pp. 76, 83.

⁷⁵ Resolution of December 21, 1865, *Cong. Globe*, Thirty-Eighth Cong., Sess. II, p. 66; cf. also pp. 48, 65-67.

and was ratified by the Senate (April 9, 1867).⁷⁶

The House displayed an even more refractory mood. On November 25, 1867, that body entered a caveat against the Danish West Indies treaty, disclaiming any obligation to vote money for any territorial purchase unless "greater present necessity" should transpire than then existed.⁷⁷ Moreover, considerable opposition was exhibited to the treaty for the purchase of Alaska. Debate centered on constitutional issues, for clauses in the treaty called for an exercise of the appropriation power, and conferred on the inhabitants of Alaska the rights of citizens of the United States, thus raising the question of Congressional legislative authority. On July 14, 1868, the House finally passed an appropriation bill, preceded by a preamble, asserting the authority of Congress over the subjects stipulated in the treaty, and giving its "assent" thereto.⁷⁸ The Senate promptly rejected this pretension; after conference, a compromise bill was effected, admitting only that certain clauses of the treaty could not be carried into effect "except by legislation, to which the consent of both Houses of Congress is necessary." In this form the bill was enacted.⁷⁹

The victory of the Radicals in the

⁷⁶ Ellis Paxson Oberholtzer, *A History of the United States Since the Civil War* (New York, 1922), Vol. I, 540-45, Vol. II, pp. 429-31. On the Danish treaty, see Charles C. Tansill, *The Purchase of the Danish West Indies* (Baltimore, 1932), pp. 89-153.

⁷⁷ Resolution of November 25, 1867, *Cong. Globe*, Fortieth Cong., Sess. I, p. 792.

⁷⁸ *Cong. Globe*, Fortieth Cong., Sess. II, p. 4055. The bill was first introduced March 30, 1868 (*ibid.*, p. 2528); the preamble was raised as an amendment, June 30 (p. 3621), debated until July 14 (*ibid.*, pp. 3658-70, 3804-14, 4053) and passed July 14.

⁷⁹ Text of Conference Report, *ibid.*, p. 4404. This was accepted by the House July 23 (*ibid.*, p. 4394), and by the Senate July 24 (p. 4404). For the act see *U. S. Stat.*, Fortieth Cong., Sess. II, Ch. 247.

election of 1868 gave promise of more felicitous relations between the Executive and Congress. This expectation was rudely shaken, early in 1870, by Charles Sumner's opposition to Grant's pet project, the annexation of the Dominican Republic. The Grant-Sumner quarrel resulted in the Senator's demotion from the Committee on Foreign Relations; the way was cleared for the negotiation of the Treaty of Washington with Great Britain and for executive leadership in foreign affairs, skillfully directed by Hamilton Fish, Secretary of State.⁸⁰

INDIAN AFFAIRS

One incident in this period strikingly raised the much controverted issue of Congressional legislative power in relation to treaties. Despite the fact that Justice John Marshall, speaking for the Supreme Court of the United States, had declared in *Cherokee Nation v. Georgia* (1831)⁸¹ that Indian tribes were "domestic, dependent nations," the government had continued to govern Indian relations by treaty. In 1870, the House challenged this procedure as an incorrect assumption of power by President and Senate, and refused to appropriate for the execution of certain Indian treaties. Although the Senate denied the principle of Congressional discretionary power as to the execution of treaties, the upshot of the contest was the insertion of a clause in the Indian Appropriation Act, March 3, 1871, prohibiting, in the future, recognition of an Indian tribe by treaty.⁸² The regulation of Indian affairs was thus properly removed from the field of foreign rela-

⁸⁰ Oberholtzer, *op. cit.*, note 76 *supra*, Vol. II, pp. 231-44, 439-49.

⁸¹ 5 Peters (U. S.), p. 17 (8 L. Ed., p. 31).

⁸² U. S. Stat., Forty-First Cong., Sess. III, Ch. 120 at p. 566. For the debate see *Cong. Globe*, Forty-First Cong., Sess. II, pp. 4971, 5008, 5111, 5572, 5606, 5609, 5656. *Ibid.*, Sess. III, pp. 1811, 1822.

tions and placed under Congressional authority.

AMERICAN DIPLOMACY IN POST-RECONSTRUCTION DECADES

The post-Reconstruction decades have been labeled "the doldrums" of American diplomacy. In fact, they were the period of the gestation of the United States as a world power. Successive treaties with Hawaii (1875, 1887) confirmed American interest in that "outpost of empire"; controversy over the Samoan Islands (1887, 1889) increased interest in the Pacific. In the early 1890's the Harrison administration's ill-starred attempt to annex the Hawaiian Islands, following the revolt against the monarchy in January 1893, was checked by President Grover Cleveland.⁸³ On the other hand, Congress balked at any use of United States forces for the restoration of the monarchy, and, in 1894 passed resolutions of noninterference in the Hawaiian situation.⁸⁴ For some years, indeed, Congress reflected the division of popular opinion on the issue of expansion. A proposed treaty for the annexation of Hawaii under the McKinley administration (June 16, 1897) failed; annexation of the islands waited upon coming events.⁸⁵

Meantime, events in the Caribbean

⁸³ For Hawaii, see Julius W. Pratt, *Expansionists of 1898* (Baltimore, 1936), pp. 34-145. For Samoa, see George H. Ryden, *The Foreign Policy of the United States in Relation to Samoa* (New Haven, 1933), *passim*, esp. pp. 190-206, 264-366.

⁸⁴ House Resolution Feb. 7, 1894, *Cong. Rec.* Fifty-Third Cong., 2nd Sess., p. 2001; Senate Resolution May 31, *ibid.*, pp. 5499-5500. See also Pratt, *op. cit.*, note 83 *supra*, pp. 180-186. For Cleveland's message of December 18, 1893 putting up to Congress the determination of United States policy see Richardson, *Messages*, note 26 *supra*, Vol. IX, pp. 460-72.

⁸⁵ Moore, *Digest*, note 40 *supra*, Vol. I, pp. 503-9; Pratt, *op. cit.*, pp. 215-22.

absorbed Congressional attention. During the year 1895, two unrelated problems—the boundary controversy between Great Britain and Venezuela, and Cuba's revolt against Spain—fixed American interest on that area. The United States had earlier sought a peaceful settlement of the Venezuela boundary, a dispute of long standing. In 1895, Congress, by joint resolution, supported Cleveland's conviction that the two powers concerned should submit the matter to impartial arbitration.⁸⁶ Fortified by Congressional backing, the Executive presented this recommendation as a demand to Great Britain, threatening American intervention under color of the Monroe Doctrine, should Great Britain refuse arbitration. The British summary rejection of the American pretension roused the American public and spurred Cleveland to precipitate action.⁸⁷ In December 1895, the President requested Congress to make an appropriation for a commission to investigate the Venezuela boundary question, with the understanding that the United States would enforce such commission's findings. In a surge of anti-British sentiment, Congress promptly complied.⁸⁸ Although the affair brought the two countries dangerously close to war, cooler counsel prevailed. Eventually Great Britain agreed to resort to arbitration.

⁸⁶ Joint Resolution of February 20, 1895, U. S. Stat., Fifty-Third Cong., Sess. III, p. 971. For a good account of the Venezuela Controversy see Allan Nevins, *Grover Cleveland, A Study in Courage* (New York, 1933), pp. 629-48.

⁸⁷ See Moore, *Digest*, note 40 *supra*, Vol. VI, pp. 535-75 for Secretary of State Richard Olney's note of July 20, 1895 and reply of the British Foreign Minister, Lord Salisbury, of November 26, 1895.

⁸⁸ Cleveland's Message of December 17, 1895, Richardson, *Messages*, note 26 *supra*, Vol. IX, pp. 655-58. Act of December 21, 1895, U. S. Stat., Fifty-Fourth Cong., Sess. I, Ch. 1.

CONGRESSIONAL ACTION LEADS TO SPANISH-AMERICAN WAR

The Cuban revolution led to a complete reversal of the roles of President and Congress in our foreign relations. While in the Venezuela dispute, the President led with Congress close on his heels, in the case of Cuba, Congress dragged an unwilling Executive into an armed conflict. Throughout the nineteenth century, Cuba had been a subject of concern to the United States; American political, strategic, and commercial interest in the island was of long standing. On various occasions public anger had flared up over Spanish policy. By the early nineties, heavy American investments in Cuba reinforced traditional interest. The revolt of February 1895 evoked a rising tide of American sentiment, curiously compounded of the idealism of Don Quixote and the motives of a traveling salesman.⁸⁹

As the revolution continued, the spreading desolation in Cuba (trumpeted by the "yellow press") brought a nationwide demand for American action. The pugnacious mood evoked by the Venezuela crisis found in Spain a fresh target. Congressional humanitarian feeling and wrath erupted in a concurrent resolution (April 6, 1896) declaring in favor of recognition of the belligerency of the insurgents, and urging that the United States should tender its good offices to obtain from Spain recognition of the independence of Cuba.⁹⁰ Cleveland and McKinley, in turn, refused to adopt this course and

⁸⁹ For American policy to Cuba, see Samuel F. Bemis, *A Diplomatic History of the United States* (New York, 1936), pp. 313-23, 432-50. For an analysis of public opinion 1895-98, Pratt, *op. cit.*, note 83 *supra*, pp. 230-52, 279-90.

⁹⁰ Text of Resolution of April 6, 1896, *Congressional Record*, Fifty-Fourth Cong., 1st Sess., p. 3541.

sought to restrain the Congressional temper.⁹¹

The sinking of the *Maine* in Havana harbor (February 15, 1898) was a fuse that set off a charge of pent-up emotion. Cries for war against Spain and for American intervention to liberate Cuba echoed in the halls of Congress. While diplomatic negotiations with Spain dragged to an unsatisfactory conclusion, McKinley surrendered to Congressional pressure. Following the Presidential message of April 11, 1898, Congress passed the famous joint resolution (April 19) declaring the independence of the Cuban people, authorizing American intervention for the liberation of the island, renouncing any intention of annexation.⁹² A few days later, Congress passed an act declaring that, as of April 21, war existed between the United States and Spain.⁹³

By its action, Congress abandoned the historic American principle of non-intervention, and set the United States on a new and uncharted course. The span of the Spanish-American War was brief; its results were both unanticipated and momentous, for the war was carried into the Pacific. Admiral Dewey's attack upon the Philippine Islands resulted, successively, in the annexation of Hawaii (endowed with a new strategic importance) by joint resolution of Congress, July 7, 1898,⁹⁴ and in the somewhat reluctant American decision

at the close of the war to retain the Philippine Islands. The treaty with Spain (ratified by close vote in the Senate in February 1899) recognized the independence of Cuba, transferred the Philippines to the United States for the sum of \$20 million, and ceded Puerto Rico and Guam to American possession.⁹⁵ A by-product of the crusade for the liberation of Cuba was, thus, the creation of an American overseas empire and the emergence of the United States as a world power. Not since the days of the American Revolution had Congress exercised so fateful an influence on American foreign policy.

END OF CENTURY FINDS AUTHORITY PROBLEM STILL UNSOLVED

In conclusion, it may be remarked that the questions regarding Congressional participation in foreign relations, raised in the Constitutional Convention, although often ventilated, remained without definitive answer at the end of the nineteenth century. In particular, the ambiguous subject of the "rival powers of legislation and Treaty,"⁹⁶ under the Constitution, remained unsolved. House and Senate quarreled over this issue, the House supporting legislative authority (especially in cases involving the appropriation power), the Senate denying Congressional discretion in the execution of duly ratified treaties. In respect to the scope of Presidential prerogative, the most notable examples of Congressional challenge were the several assertions of a right to a voice in determining the recognition policy of the United States. Here, too, matters were never battled to

⁹¹ Moore, *Digest*, note 40 *supra*, Vol. I, pp. 198 *et seq.*, Vol. VI, pp. 105-64. See also Nevins, *Cleveland*, note 86 *supra*, pp. 717-18; Charles S. Olcott, *The Life of William McKinley* (Boston, 1916), Vol. I, pp. 380-400, Vol. II, pp. 35-75.

⁹² Text of Resolution, approved April 20, 1898, *U. S. Stat.*, Fifty-Fifth Cong., Sess. II, pp. 738-39. Cf. also Moore, *Digest*, note 40 *supra*, Vol. III, pp. 181-225 for negotiations preceding the passage of the resolution.

⁹³ Act of April 25, 1898, *U. S. Stat.*, Fifty-Fifth Cong., Sess. II, Ch. 189.

⁹⁴ Joint Resolution of July 7, 1898, *U. S. Stat.*, Fifty-Fifth Cong., Sess. II, pp. 750-51.

⁹⁵ Pratt, note 83 *supra*, pp. 317-60; Moore, *Digest*, note 40 *supra*, Vol. I, pp. 520-30.

⁹⁶ Farrand, note 14 *supra*, Vol. III, p. 370. Abraham Baldwin stated March 14, 1796, that the makers of the Constitution purposely left certain topics, including the treaty issue, to be "settled by practice or by amendments."

a decision, although the precedents established by practice in general favored executive authority.

Even before the adoption of the Constitution, as we have seen, Congress had elucidated the principles that guided American foreign policy until the close of the nineteenth century. On numerous occasions, too, Congress voiced what was contemporarily believed to be the will of the American people. Resentment of infringement of American principles or impairment of American inter-

ests found quick response in Congressional activity. In concurrence with Presidential view, or in opposition to executive intention, the elected representatives of the people, by debate, by resolution, or by legislative measure, gave tongue to popular opinion. The War of 1812, the annexation of Texas, the intervention in Cuba—these are markers in the record of the nineteenth century, witnesses to the determinative influence of Congress upon national policies.

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Congress and Foreign Policy Since 1900

By MARY E. BRADSHAW

TIMES and policies have changed since the colonial era. Until 1900 the United States drifted along with a few policies, such as the Monroe Doctrine, neutrality, and recognition of stable governments. The world of 1900 was quite different from that of 1776 or 1789; likewise it was different from that of today. Neither in 1776 nor in 1900 did the nation seek world leadership, or any part in world leadership. Nor was there any appreciable demand for a more aggressive diplomacy. In the interval since the Civil War, most Americans had given their loyalty to the family, to the American way of life, with its deep roots in neighborliness, to sections and sectional customs, to personal freedom and private enterprise. They were, until early in the twentieth century, provincial in their tastes, proud of what was to them American strength, and doubly conscious of American ability to solve problems. Even the problems were largely internal in character. It was inconceivable that their problems within the next 50 years would be as much international as internal, and that they, as Americans, could not find solutions for every dilemma. It was equally unlikely that they would be expected to assume political leadership outside their own boundaries. With a sheltered position behind the British fleet, they were giving little thought to the security of the nation beyond the national frontiers, and no thought whatsoever to global diplomacy.

TWENTIETH CENTURY MAKES HEAVIER DEMANDS

George Kennan, writing in 1951 about the first 50 years of this twentieth cen-

tury, concluded that our forefathers in the course of their deliberations "... stumbled upon issues and problems basic to the health of our American civilization; that these issues and problems are ones which are still before us and still require answer; and that, whereas the men of 1898 could afford to be mistaken in their answers to them, our generation no longer has this luxury."¹ He was writing about the Spanish-American War and our involvement in that conflict "... on the basis of plans which, as far as we know, had never been seriously examined and approved by any competent official body. . . ."² Speaking in general terms of the period between 1900 and 1950, he has further noted:

... it is clear that there has been in the past a very significant gap between challenge and response in our conduct of foreign policy; that this gap still exists; and that, whereas fifty years ago it was not very dangerous to us, today it puts us in grave peril. We can afford no complacency about these things in the year 1951, and we have no choice but to face up unsparingly to our weaknesses.³

Some of these weaknesses stem from failure to secure information on time, which is less of a problem under the modern system of communication, lack of time to study information available and "... machinery in many respects ill-designed for the function."⁴

¹ George F. Kennan, *American Diplomacy, 1900-1950* (Chicago: University of Chicago Press, 1951), p. 20.

² *Ibid.*, p. 20.

³ Kennan, *op. cit.*, p. 93.

⁴ Robert A. Dahl, *Congress and Foreign Policy*, Memorandum 30 in Yale University Institute of International Studies (New York: Harcourt, Brace and Co., 1950), p. 1.

CONGRESSIONAL PARTICIPATION

Whereas the year 1900 is an acceptable starting point for a study of American diplomacy in recent times, it is not an appropriate point of departure for an analysis of active Congressional participation in foreign affairs. Early in our history the executive branch worked in closer harmony with the Congress; consequently, legislation of both domestic and foreign categories was more a product of collaboration than the work of one branch of the government, to which the other was forced to give consent. The area and degree of collaboration gradually diminished, and, with that development, there disappeared the working relationship of joint responsibility, based upon adequate debate and discussion. For over a century, beginning with the administration of Andrew Jackson, neither organ had sufficient confidence in the other to allow a choice of alternatives in the field of foreign policy.⁵

This lack of confidence, this failure to continue the early relationship of collaboration, plus "... a tremendous growth in the importance and inclusiveness of foreign policy decisions. . . ." has prompted Robert A. Dahl to make a strong case for active and continuing consent of Congress: "In the American democracy, as indeed in any other, much of the burden for securing responsible leadership, for maximizing agreement, and for developing a more rational understanding among the electorate ought to fall upon the legislative body."⁶ In his opinion "... it would be a major misfortune if organizational incapacities were to deny [to Congress] the role it ought to play."⁷

The instrumentality for Congressional

⁵ Robert A. Dahl, *op. cit.*, p. 170.

⁶ *Ibid.*, p. 261.

⁷ *Ibid.*, p. 5.

⁸ *Ibid.*, p. 1.

participation in foreign affairs is the standing committee, a device well known to the colonists. Their representatives created and used, somewhat ineffectively to be sure, a Committee of Secret Correspondence, which was renamed, more appropriately, the Committee for Foreign Affairs in April 1777. Under the Constitution, in fact until the year 1816, the Senate operated in the field of foreign affairs without the aid of a standing committee especially created for that purpose. The present Senate Committee on Foreign Relations, sometimes called the ranking standing committee of the Senate by virtue of its numerical place on the list of standing committees, came into being in the era of greater collaboration between the President and the legislative body. Although the volume and complexity of its work have changed beyond measure since 1816, the machinery under which it operates remains similar to that established in the nineteenth century.

The former position and significance of the corresponding committee in the House of Representatives—the Committee on Foreign Affairs—has been aptly described by Albert Charles Frederick Westphal as "ornamental." Its members seldom attained national prominence and in the past failed to become recognized experts in the field of foreign relations. That was of no grave consequence to the nation as the House of Representatives had very little responsibility for matters related to foreign policy. Today the House participates in the process of determining foreign policy; service on the Committee on Foreign Affairs is much more attractive than it once was. The average length of service in terms of years has gradually mounted since 1933 ranging from a low point of 1.80 years for 1933 to 6.96 in 1948 and to 6.48 in 1949.⁸ In the case of the Eighty-first Congress,

⁸ Dahl, *op. cit.* note 4 *supra*, p. 289.

more members of the House preferred a seat on this committee than on any other,¹⁰ indicating a radical change in the position and the prestige of the Committee on Foreign Affairs. Since in the United States "... effective legislative power lies with the committees . . .,"¹¹ which today means with *both* committees, it is good to note this change of attitude.

CONGRESSIONAL PARTICIPATION AFTER FIRST WORLD WAR

The possible effects of greater Congressional participation, both now and in the future, are worthy of understanding and deserving of considerable attention. If we desire to maintain a democratic regime "... under which executive policy rests upon the confidence of the legislative branch . . ." there must be "... a high degree of collaboration between executive and Congress in the formulation and conduct of foreign policy."¹²

Have we ever had such a degree of collaboration? If so, when and where? And what the results, if such collaboration existed at any time in our experience?

Vigorous Congressional participation in foreign policy, and parliamentary control of foreign affairs in certain other parts of the world, came in the course of the First World War. The fate of the Covenant of the League of Nations and the Treaty of Versailles is well known in this country. The experience of the British, French, Dutch, and German bodies and committees, wherever the latter existed, is revealing. They placed such stress upon *national interest* and *national honor* that any conciliatory line of policy was doomed to failure,¹³ notwithstanding the existence

of machinery for international co-operation.

Between 1920 and 1939 this nation did not pursue an active and sustained foreign policy. Like the nations of Europe we sought collective security in various ways, and to that end participated in a number of international conferences. We assisted in the economic and social work of the League of Nations. Our experience with plans for limitation of armaments and with the economic programs of some states disillusioned the less hardy internationalists and strengthened the isolationists in their beliefs. The result was the neutrality legislation of the latter thirties. The views and the actions of President Roosevelt in the period between 1937 and 1941 were certainly not in harmony with those of the prevailing group in Congress and so there was no solid basis for collaboration, indeed very little on which to agree, in the field of foreign affairs.

FOREIGN POLICY IN SECOND WORLD WAR

The coming of the Second World War changed the picture. The results of parliamentary control of foreign affairs in Europe and in the United States since 1939 are more encouraging. The change in relationship between the President and the Congress—the search for unity of purpose and maximum agreement on foreign policy—was an immediate result of Pearl Harbor.

Advisory Committees

Between September 1939 and December 1941, while the European states carried on military operations, some persons in the Department of State began to consider postwar American foreign policy. Organized preparation for the

ment and Democracy: Theory and Practice in Europe and America (Boston: Ginn and Company, 1950), pp. 346–348.

postwar period started in the month of December 1939, with the creation of an Advisory Committee on Problems of Foreign Relations. This committee, unlike its successor, the Advisory Committee on Post-War Foreign Policy, was a departmental committee, staffed by fifteen persons from the Department. Sometime in December of 1941, possibly on the twenty-eighth of that month, President Roosevelt set up the second committee, with representation from the public, other governmental agencies, and the Department of State.¹⁴

The President and his Secretary of State were both mindful of the errors and costly mistakes of the Wilson administration in the formulation of peaceful settlements, and each was anxious to avoid such blunders; furthermore, they realized that the situation facing the nation in 1942, and quite possibly at the end of hostilities, was not unlike that of 1919–1920 in its potentialities for trouble. The two officials decided, therefore, to take some Members of Congress into the Executive confidence, in the interest of "nonpartisan agreement upon foreign policy and harmony of views between the Executive and the Congress. . . ."¹⁵

The timing of this invitation to Members of the Congress is significant. It was extended in the form of a request for "... direct Congressional participation in the preparation on a basis of as nearly equal representation of the two major political parties as practicable."¹⁶ The selection of representation from the Congress required time and thought; consequently there was a delay of nearly five months between the creation of the Committee on Post-War Foreign Policy and the extension of the

invitation to the two designated Senators. Their invitation was actually dated May 27, 1942. In the interval it had been impossible for the committee to convene regularly; and in its four plenary sessions, beginning with the first meeting on February 6, 1942 and ending with its last session on May 2, 1942, the Advisory Committee concentrated on organizational and procedural matters. Congressional participation at that point was unessential, since the two Senators selected were able to be present for the early stage of deliberation and discussion. Consultation and collaboration, with greater representation as the bases for discussion were clarified and the problems analyzed, developed into formulation in the advanced and the final stages of postwar preparation.

Who were the Congressional participants? The list is a long one, growing as the consultation moved into the advanced stage. Certain names appear at every stage. These were key political figures in Congress, and the men with experience in the field of foreign relations. In most cases these Members of Congress were ranking majority and minority members of the Foreign Relations and Foreign Affairs Committees.

The first two men selected were Senator Tom Connally of Texas, Democrat and Chairman of the Foreign Relations Committee, and a minority member of the same committee selected by the Republicans, Senator Warren R. Austin of Vermont. On January 9, 1943, five other Members of Congress joined the Advisory Committee: Senator Walter F. George, Democrat of Georgia; Senator Elbert D. Thomas, Democrat of Utah; Representative Sol Bloom, Democrat of New York and Chairman of the Committee on Foreign Affairs; Representative Luther A. Johnson, Democrat of Texas; Representative Charles A. Eaton, Republican of New Jersey and ranking minority member of the committee.

¹⁴ *Department of State Publication 3580; General Foreign Policy Series 15* (Feb. 1950), pp. 63–65.

¹⁵ *Ibid.*, p. 74.

¹⁶ *Ibid.*, p. 74.

¹⁰ Dahl, *op. cit.* note 4 *supra*, p. 148.

¹¹ *Ibid.*, p. 9.

¹² *Ibid.*, p. 264.

¹³ Carl J. Friedrich, *Constitutional Govern-*

Six weeks later an eighth name was added, that of Senator Wallace H. White, Republican of Maine.¹⁷ With the exception of Senator George, who had served on the Foreign Relations Committee, all were currently members of the two standing committees operating in the field of foreign affairs.

Special committees

In addition to the Congressional representation on the Advisory Committee, the following Members of Congress were invited to work on the various "special committees" of that committee. These were smaller units considering economic and social problems of a postwar nature. Only two, the Special Committee on Shipping and one on Communications, had any Congressional representation:

Democrats

Senator Scott W. Lucas of Illinois, Shipping
 Senator Claude Pepper of Florida, Communications
 Representative Schuyler Otis Bland of Virginia and his alternate, J. Hardin Peterson of Florida, Shipping
 Representative Alfred L. Bulwinkle of North Carolina, Communications

Republicans

Representative Richard J. Welch of California, Shipping
 Representative Charles A. Wolverton of New Jersey, Communications¹⁸

The actual connecting link in this maze of special committees and subcommittees was the Advisory Committee on Post-War Foreign Policy, the so-called full committee. The full com-

mittee had only four plenary sessions, the final one coming on May 2, 1942. Thereafter and for reasons of secrecy, as the entire committee was large and the danger of a serious breach of security great, the Political Subcommittee functioned as the principal subcommittee, discussing political problems and possible postwar issues. With its "select" public and Congressional representation, it developed into the normal channel for serious consideration of the whole range of postwar problems.

The work of the Political Subcommittee was both exacting and time-consuming. After some deliberation as to ways and means of proceeding, it decided to approach the work in "two rounds." In the course of the first round—October 1942 to December 19, 1942—this subcommittee undertook to "... analyze all international political problems likely to require the determination of American policy or attitude, to discuss them in an exploratory way, and to clarify the feasible alternative solutions."¹⁹ In the second round—January 2, 1943 to July 12, 1943—it considered recommendation "... based upon more mature understanding and study of the problems and of the possible solutions as judged in the light of existing facts and prospective circumstances."²⁰ It sought to clarify for its own guidance "... the fundamental concepts of American policy that should underlie its approach to the problems and uncertainties of the future."²¹ It decided to set a maximum program of sound and desirable international action, based upon the principles expressed in the Atlantic Charter and the United Nations Declaration.

The subjects under discussion during

the first round were organization of provisional governments and other reconstruction problems in liberated Europe, the treatment of enemy states and the disposition of enemy states, and immediate post-hostilities problems; next, the situation in the Far East, problems in eastern Europe, the future of Austria, and problems of the Middle and Near East and Africa; then, international trusteeship, and questions arising in the Western Hemisphere; and finally, policy problems presented by the Union of Soviet Socialist Republics, by Great Britain and the British Commonwealth, and by France. The time spent in discussion of each sequence of problems varied in accordance with the complexity and gravity of each issue and the relationship of such issue to others under consideration. In the second round, it was again necessary to consider the same problems, but in greater detail and with greater allotment of time.²² By that time the research staff had been able to provide studies covering many of the problems under consideration, thus speeding up the process of discussion.

The Political Subcommittee came to the conclusion that the postwar world must have some form of organization so that the small states could live in "... independence, peace, and security ..."; that the general organization should have power to act; furthermore, it concluded that the United States would face a complicated set of problems quite unlike those of the past and certain of the most significant policy decisions to be made would involve fundamental departures from the traditional American position.

The responsibilities of a major power had brought with them such need of international peace, security, and well-being that, in the view of the subcommittee, the policy

recommendations must propose new courses of American policy and action where necessary to American vital interests.²³

It is only too obvious that the exploratory phase of the consultations was drawing to an end and that the way was open for the stage of specific recommendation in document form and for a more definite round of discussion. Secretary Hull, in a letter sent to members under date of July 12, 1943, announced the suspension of the entire Advisory Committee structure, thus bringing to an end the activities of the Political Subcommittee.²⁴

The pattern of executive-legislative collaboration set by the Political Subcommittee, while unique and productive for the early period of consultation, was probably undesirable in the long run. Involving as it did almost weekly committee meetings with either the Secretary of State or his deputy, the Under Secretary, and eight Members of Congress, plus public and governmental representation, the technique was sound, however. In the atmosphere created it was possible to "hammer out the greatest possible measure of agreement" so that the government of the United States could speak to the world in the name of undivided America.²⁵

Preliminaries to United Nations

The transition from exploratory phase to commitments at San Francisco came in several stages, with Congressional consultation at every stage. Once again Secretary Hull took the initiative in approaching Congress. He consulted in-

¹⁷ *Ibid.*, p. 103.

¹⁸ *Ibid.*, p. 164.

¹⁹ Arthur H. Vandenberg, Sr., "For Bipartisanship" (radio address on Oct. 4, 1948, published in *Vital Speeches of the Day*, Oct. 13, 1948, pp. 11-14), cited by L. Larry Leonard in *Elements of American Foreign Policy* (New York: McGraw-Hill Book Company, 1953), pp. 184-86.

²² *Ibid.*, pp. 103-104.

¹⁹ *Ibid.*, p. 97.

²⁰ *Ibid.*, pp. 97-98.

²¹ *Ibid.*, p. 101.

¹⁷ *Dept. of State Publication 3580*, p. 74.

¹⁸ *Ibid.*, p. 180.

formally with some Members of Congress; he talked with the B₂H₂ group—Senators Ball, Burton, Hatch, and Hill; he appeared before a joint session of Congress, explaining the agreement on a postwar security organization reached at Moscow and other details of the Moscow Conference; he stressed the necessity for “machinery of action.” One resolution in support of an international organization—the Fulbright resolution—had passed the House prior to the Moscow Conference, and the comparable one—the Connally resolution in the Senate—came after the Conference.

Returning to Secretary Hull and his activities in behalf of the general organization: In March 1943, he appeared before the Foreign Relations Committee to report on the possibility of detailed and direct negotiations on the subject of the general organization, explaining to the committee the status of American plans and proposals. To a liaison group of eight appointed by this committee he gave the “Possible Plan.” Four of the eight had been members of the Advisory Committee: Senators Connally, George, Austin, and White. The remaining four, like the first four, had promoted the Connally resolution. These men were Senators Barkley, Gillette, Vandenberg, and LaFollette, Jr.

Secretary Hull held a conference with twenty-four first-term Representatives, explaining to them the nature of the work completed at that time and the status of plans.²⁸ On June 2, 1943, he gave copies of the plan to seven members of the House Committee on Foreign Affairs: Democrats, Representatives Sam Rayburn of Texas, Speaker; John W. McCormack of Massachusetts, majority leader; Sol Bloom of New York, Chairman of the Foreign Affairs Com-

mittee; and Robert Ramspeck of Georgia, majority whip; Republicans, Representatives Joseph W. Martin, Jr. of Massachusetts, minority leader; Charles A. Eaton of New Jersey, ranking minority leader of the Foreign Affairs Committee; and Leslie C. Arends of Illinois, minority whip.²⁷

And finally, on June 22, 1943, the Secretary gave the plan to the B₂H₂ group, thus completing the round of Congressional consultations prior to the Dumbarton Oaks Conference. Although no Member of Congress attended the sessions, all had opportunity to mingle socially with the delegations and to converse informally with delegates. Four of the eight-man delegation to the San Francisco Conference came from among these Members of Congress listed above, and three had been representatives on the Advisory Committee on Post-War Foreign Policy. The Advisory Committee, although suspended in July 1943, was the connecting link with the past.

LEGISLATIVE ENDORSEMENT OF THE UNITED NATIONS CHARTER

The Charter of the United Nations, completed at San Francisco, passed the Senate by a vote of 89 to 2. This record vote in favor of participation in an international organization is due to a number of factors. Among these are two relating to the conduct of foreign affairs: the change in the American position of security, and the trend toward executive-legislative collaboration from the early stages to the point of negotiation, the reverse of facts accomplis.

In the wake of Senate action on the Charter came implementation based “. . . on the national legislative power, not on the treaty-making power . . . ,”²⁸

²⁷ *Ibid.*, p. 267.

²⁸ Edward S. Corwin, *The President: Office and Powers, 1787-1948* (New York: New York University Press, 3rd ed., 1948), p. 270.

the United Nations Participation Act, Public Law 264, 79th Congress, subsequently amended to enable the United States Government to co-operate with United Nations agencies. Thus by legislative act, the Congress provided for the flow of information between the President and the Congress concerning the activities of the United Nations and “. . . the participation of the United States therein.” Under the terms of Section Two, the representative appointed by the President to the United Nations became the representative of the United States in the Security Council, not the special envoy of the President. The Congress authorized (Section Six) the President to negotiate special agreements respecting the numbers and types of armed forces with the Security Council, the agreements to be “. . . subject to the approval of Congress by appropriate Act or joint resolution.”

Approval by joint resolution—the Green-Sayre Formula for Congressional participation in the negotiation of postwar pacts—gives to the House of Representatives a role of some importance. To this body has fallen the complicated and time-consuming task of implementing many of the postwar programs, most of which would be ineffective without the authorization of funds. Participation by the entire body of the House is desirable in the conduct of twentieth-century diplomacy, when time is of the essence.

EXECUTIVE-LEGISLATIVE COLLABORATION AFTER 1945

The practice of executive-legislative collaboration and consultation continued beyond the war. Negotiations of the United Nations Charter, using the device of the Advisory Committee on Post-War Foreign Policy, is an example of real collaboration, the Bretton Woods agreement another example; in the

cases of the Greek-Turkish Aid and the European Recovery Program there was, according to Professor Dahl, a lesser degree of collaboration.²⁹ In the first instance, the Department of State had not prepared for the oncoming emergency and was unable to operate with maximum efficiency. Secretary Marshall employed the technique of limited consultation in 1948, when he advised leaders of both committees about the crisis in Berlin and stated the line the Department of State expected to follow. In this instance there were plans to approve or disapprove, in an atmosphere of tension and great urgency.

Before the technique of collaboration-consultation can yield greater results, there must be better liaison between the Department of State and Congress, and more systematic planning for all types of situations. The Policy Planning Staff—created for that specific purpose—has become too involved in day-by-day operations to produce in quantity. Quantity and quality are both necessary if there is to be choice of alternatives.

Ernest S. Griffith, in his recent book dealing with the contemporary role of Congress, credits the Department of State with assisting Members of Congress in many ways:³⁰ the briefings of the two committees charged with the direction of foreign policy matters; the provision of facilities to travel to and visit scenes of international interest; the appointment of Members of Congress as delegates to international conferences—an excellent source of training for those who must become experts in the field of foreign policy; and finally the act of supplying confidential information from the files of the Department, which has far greater access to

²⁹ Dahl, *op. cit.* note 4 *supra*, p. 30.

³⁰ Ernest S. Griffith, *Congress: Its Contemporary Role* (New York, New York University Press, 1951), pp. 99-100.

²⁸ *Dept. of State Publication 3580*, pp. 259-60.

confidential material such as Congress often needs to carry on its work.

The only alternative to active congressional participation in the field of foreign policy is what Professor Dahl calls "complete executive discretion." All other courses of action would, in his opinion, result in situations of delay and conflict, such as we have experienced in

the past.⁸¹ The trend since 1942 toward executive-legislative collaboration and consultation. We may be moving in the direction of the balance prevailing in the period prior to the Mexican War, toward a working relationship of joint responsibility, based on adequate debate and discussion.

⁸¹ Dahl, *op. cit.* note 4 *supra*, p. 41.

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The Senate in Foreign Relations

By GUY M. GILLETTE

BY virtue of the power given by the Constitution to the Senate in matters of foreign policy, the upper house of the American Congress has always played a greater and more significant role in foreign affairs than the lower house. While in recent years the recurring need for large appropriations to finance various overseas programs has increased the proportionate role of the House of Representatives in foreign affairs (since all appropriations bills must originate in the House), the special place held by the Senate merits a separate discussion in any study of the broad topic of Congress and foreign relations.

My purpose is first to sketch briefly the function of the Senate in foreign policy as set forth in the Constitution and as it has evolved over the years. We shall then take note of the work load of the Senate in the face of the growing number and complexity of foreign relations problems which come before the Senate and which, of course, include, but are by no means any longer limited to, approval of treaties and nominations. We shall also look at the procedure and methods of operation by which the Senate conducts its business when considering various types of foreign relations matters, mention some of the more prominent figures in the Senate who have in recent times exercised important influences in foreign policy, and finally discuss the present share of the Senate in the formulation of the policies of our country in its increasingly difficult and ever more interlocking relationships with the rest of the world.

AS SET FORTH IN THE CONSTITUTION

The only reference in the entire Constitution to the powers of the Senate

with respect to foreign policy occurs in the second paragraph of Section 2 of Article II. This same paragraph also makes the only specific reference to the powers of the President with respect to foreign policy. Hence, from the beginning, the fundamental charter of our government has intimately interlaced the powers of the Executive and the Senate in matters of foreign policy, placing the two in a state of permanent tension.

The Constitutional provision refers only to the treaty-making and ambassadorial aspects of foreign policy:

He [the President] shall have Power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors. . . .

This is the only explicit provision in the Constitution relating to these powers, and I call attention to the marked difference between the two types of powers: that governing treaty-making and that regulating the nomination and appointment of ambassadors.

With respect to ambassadors, the clause states the President shall nominate; nomination is entirely his power. But the actual appointment can occur only by and with the advice and consent of the Senate.

Anomalous treaty provisions

With respect to treaties, however, the Constitutional language differs fundamentally: it says the President shall have power to *make* treaties, but the making of the treaty is conditioned on the phrase reading "by and with the advice and consent of the Senate." Ratifi-

cation of the treaty is further conditioned by the requirement that two-thirds of the Senators present shall concur.

One case provides for the initial step to be taken by the President alone—nomination of ambassadors. In the other case he must have the advice and consent of the Senate in making the treaty. This curious difference in the Constitutional provisions has long troubled many authorities. To me it has made unmistakably evident the need for clarification of the treaty-making power.

Of course, the framers of the Constitution had good and sufficient reasons for adopting such anomalous treaty provisions. What were some of these reasons? Why did they depart from the almost unbroken record wherein the handling of international compacts among sovereign nations had for centuries been wholly an executive function? Why did it become, under our procedure, a joint executive and legislative function? When it thus became a joint function, why was the legislative relationship limited to the Senate alone? What were the reasons for the very unusual requirement of approval of treaties by two-thirds of the Senators present?

Answers to these questions are readily found when we review the debates in the Constitutional Convention. In the Articles of Confederation under which the delegates to the Convention had been living was this provision: "Each State retains its sovereignty, freedom and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

The two-thirds concept

In this same document the few express delegations of power to the central authority were those providing for

the determination of peace and war and conferring authority to make treaties and alliances, and these were delegated not to an executive authority but to the Congress. It was specifically prohibited to make a treaty or alliance or declaration of war without the assent of nine of the 13 states; all voting was to be by states; and each state was to have but one vote. Here we see the first appearance of the two-thirds concept.

When, a decade after the Articles of Confederation became effective, the Constitutional Convention met, the delegates were therefore accustomed to a central Congress in which the states themselves, as sovereign and independent entities, voted as such on a basis of complete voting equality and with a requirement that more than two-thirds of those sovereign states should concur in the negotiation of all treaties with foreign nations. Congress was the sole organ of government. There was no executive, no national judiciary. Every treaty had to be negotiated and adopted by the ambassadors to this Congress from the associated state governments which appointed them, to which they were responsible, and from which they derived their power. Congress made foreign policy.

Some of the members of the Constitutional Convention were reluctant to admit the necessity for a national executive of any kind. They planned, rather, for the exercise of such central powers as were necessary by a national congress of the sovereign states. Even some of those who admitted the need for a national executive insisted that the powers to be conferred on an executive office be few indeed. Some of the first drafts proposed for a Federal Constitution reflected this deeply rooted suspicion of and antagonism toward a powerful executive. Under the Pinckney draft, for example, the only powers

a President could exercise in foreign affairs were to receive the ministers of foreign nations and to correspond with the executives of the different states.

The whole subject of treaty-making was debated at great length in the Convention. The decision to give only the Senate power to participate in the treaty-making process, rather than both Houses of Congress, seems to have been based mainly on grounds of secrecy. The delegates feared that if members of both Houses were privy to the diplomatic secrets involved in treaty negotiations the national security might be harmed by "leaks." There was probably a further reason, namely, that the House was to be based on popular representation in which larger and more populous states would naturally have greater weight, whereas the Senate was to be composed of ambassadors of equal rank representing sovereign states of equal standing who would participate in treaty-making in the names of their respective states.

A proposal was made to limit the number required to ratify a treaty to the majority of the whole membership of the Senate, but this was defeated by a vote of six to five. It will be noted that the provision now found in the Constitution came after the presentation of a welter of opinion and contention and then was adopted by a majority of only one vote. Had the representatives of the two other states been present, or had one of those present changed his vote, we should now have in the Constitution a provision for the ratification of treaties by a simple majority of the whole membership rather than a section based on the concept of an association of sovereign states with equal vote and equal power.

It is startling to realize in this connection that a treaty could conceivably be rejected by as few as 17 members of

the Senate. It is by no means probable that this would occur, but it is mathematically possible, since 49 members of the Senate constitute a quorum with full authority to consider a treaty submitted to it, and 17 of the 49 would be sufficient to prevent approval by two-thirds of those present.

Senate power to amend treaties

But there is still another anomalous aspect to the treaty-making provision. Most if not all of our authorities agree that the Senate has full power to amend and change any treaty laid before it for consideration. Without attacking this right of amendment, I call to mind that amendments can be adopted by a majority vote of a working quorum of the Senate. In other words, the Senate can amend, change, mutilate, or completely destroy a treaty proposal by a majority vote, but cannot give it approval in any form except by a two-thirds vote of assent.

From this brief historical review, it seems clear that one of the few weaknesses in the Constitution lies in the treaty-making provisions, and these in turn stemmed from the concept of the Founding Fathers that they were forming an association of sovereign states without accepting the full concept or the full consequences of a federal union. They could not depart entirely from state sovereignty. This was also the idea behind the creation of the Senate as a body in which each of the associated states would have equal representation without regard to size, resources, or population, and was also back of the repeated suggestions that the Senate, representing sovereign states, was in fact the executive center, and as such should handle foreign relations. When for this and other reasons, the Articles of Confederation were found inadequate and the new idea developed of setting up a

central executive instead of a consultative body of sovereign states, in order to secure ratification of the Constitution the states had to be accorded equality of representation in at least one of the branches of the legislature. It was because of the difficulty of framing a document acceptable to the states that the framers left the area of foreign affairs in such an inchoate form.

Since the provisions relating to foreign policy were adopted to meet the conditions and exigencies of that time, they do not and cannot properly meet and solve all the problems that more than a century and a half of phenomenal development of our country have posed. The antiquated machinery of treaty-making was based on concepts and conditions that have long ceased to exist. Even that machinery was a compromise designed to reach an accord among strongly contested viewpoints. As a consequence of that compromise, the machinery has developed such faults that, over the years, interpretations have been made by sufferance rather than by clearly accepted decision and conclusion. In too many instances treaties and agreements of tremendous importance and great potential value to the nation have been amended beyond repair, rejected outright, or allowed to lapse altogether, because of the absence of clear interpretative understanding of these treaty provisions.

EVOLUTION THROUGH THE YEARS

The struggle between the President and the Senate over control of foreign policy is inevitable in the structure of the Constitution. The conflict between them is a "built-in" feature of our basic charter. The conflict has persisted with varying degrees of intensity since the first years of the new Republic, and it will persist as many years more, or longer, unless and until there is a fun-

damental revision of the Constitution itself.

Treaty making

The conflicts of the period from 1789 to 1805 established the precedents for the battle that has continued ever since.¹ In this early period only thirteen treaties as such were submitted to the Senate. Not a single treaty was submitted between 1805 and 1815. From the latter date until 1841 there was a period of relative quiet in the struggle, and the real period of senatorial domination came in the years between 1869 and 1898. Treaty after treaty submitted by the Executive in that period was rejected or withdrawn. A second period of Senate dominance followed World War I, and there are certain signs that another such period may be dawning at the present time.

The framers of the Constitution had expected that the Senate would be consulted in advance of treaty formulation, as the Congress of the Confederation had been. President Washington at first attempted to carry out this practice, but the unavoidable conflict between the Senate and the Executive obliged him to abandon this procedure almost at the start.

Senators feared their constitutional prerogatives were being invaded, while the Executive Department feared its hands would be tied in international negotiation if the Senate tried to participate in every stage of treaty-making.

Using its power of amendment, the Senate up to the year 1901 had so altered between 80 and 90 treaties placed before it that almost one-third of them failed entirely or were abandoned. In the following 25 years, 58 proposed treaties were changed by the Senate, and of this number, almost 40 per cent

¹ W. Stull Holt, *Treaties Defeated by the Senate*, Baltimore: The Johns Hopkins Press, 1933.

were definitely abandoned or discarded because of these changes.

The Senate has also made frequent use of its power to confirm Presidential nominations to diplomatic posts.² In the early years the Senate used this auxiliary power not merely to determine the qualifications of a person named to a foreign post but also to determine whether a particular mission was necessary or not. When Presidents were about to undertake negotiation of a treaty they used to submit to the Senate the names of the persons who were to conduct the negotiations. The Senate could and did reject such nominations because it did not want the treaty to be negotiated. Even when the Senate did not reject a nomination outright, as in the case of the Jay Treaty of 1795, it could exert enough pressure to require the negotiator's name to be withdrawn in favor of another.

After 1815 the Presidential practice of submitting the names of treaty negotiators to the Senate was stopped, and the Senate thereby found its power to control or influence foreign policy through confirmation of appointments somewhat diminished.

In the twentieth century the Senate has used its power of confirmation to influence policy but has approached the matter in a different manner: by insisting that its consent is required for appointment of American representatives to any international organization. This approach was first used with respect to the League of Nations, and it has been followed in connection with the United Nations and its affiliates. It is also used in the case of the Economic Cooperation Administration and its successor, the Mutual Security Agency.

To sum up the conflict between the Senate and the President over control

of foreign policy, it seems clear that the cycle of senatorial or Presidential predominance corresponds with the cycle of weak and strong Executives in the White House.

The moment Senators sense that the hand of the President is weakening in foreign policy, there is an immediate rush to occupy the space vacated by the executive power. Like nature, politics abhors a vacuum. Sometimes the President's power is weak because of his own character and actions or failure to act, in which case the Senate's power simply flows into the area and pre-empts it. Sometimes the weakening of the Presidential power is the result of a conscious drive for control over foreign policy or particular areas of foreign policy by certain Senators, in which case the Executive is forced into retreat and his power is almost literally snatched from his hands by the advancing members of the Senate.

The best situation, of course, is one in which both the Executive and the Senate recognize each other's respective powers and responsibilities and work together in a co-operative spirit toward the achievement of the common goal. Rarely if ever in our history has this situation obtained to the degree it did in the years following World War II, but recent signs suggest that the era of Executive-Senate harmony in foreign affairs may be coming to an end.

SENATE'S FOREIGN AFFAIRS WORK LOAD

The tremendous increase in the foreign affairs work load of the Senate in recent years is, of course, a direct consequence and reflection of the growing participation of the United States in world affairs and the rise of this country to its present pre-eminent position as leader among the nations striving to establish a peaceful world community and to prevent totalitarian domination, whether by German and Japanese to-

² Felix A. Nigro, "Senate Confirmation and Foreign Policy," *The Journal of Politics*, Vol. 14, No. 2, May 1952, University of Florida.

talitarians before 1945 or by Russian and Chinese since.

Both Houses of Congress have been heavily burdened with questions relating to foreign policy: foreign relief, rehabilitation grants and loans, and foreign economic, technical, and military assistance. But the Senate's burden has been even greater because of its role in the treaty process. The United Nations Charter, the "satellite" treaties, the Rio Treaty, the North Atlantic Treaty and its several protocols, the Japanese Peace Treaty and the security treaties with the Pacific nations, and the German Contractual Agreement have all required tremendous work in the Senate that the House was spared.

In addition there have been the great foreign policy debates in which Senators have participated in greater number and with greater intensity than ever before, both in the struggle between isolationism and intervention in the years before Pearl Harbor, and in the other debates that have arisen in recent years as the bipartisan accord on foreign policy has partially broken down. The raging storm that followed the dismissal of General MacArthur for months engaged the full attention of more than a score of Senators in the Armed Services and Foreign Relations Committees as well as the time of many other Senators participating in the verbal struggle in the Senate and elsewhere. The Korean War and the political strife accompanying it in Congress have occupied an enormous amount of time of Senators.

Foreign policy has become a prime, if not the prime, issue in the political contests of the nation, and it is hence not surprising that the time of individual Senators and of the Senate as a body should be increasingly taken up with matters relating to foreign affairs.

While I have been unable to find a statistical analysis of the proportion of time occupied by foreign policy on the

Senate floor in recent years, it is beyond doubt that never before in history have Senators been so preoccupied with such questions and never before has foreign policy taken so great a portion of the time in floor debate and action.

One measure of the new importance of foreign affairs is the care which Senators seeking greater public recognition and advancement take to become expert in foreign policy.

Another token of the importance which Senators attach to foreign policy is the long and growing list of applications for seats on the Foreign Relations Committee. In the present session of Congress this committee has serving on it the chairmen of three committees (Interstate Commerce, Judiciary, and Labor) and the ranking majority or minority members of four committees, a record unmatched by any other committee of the Senate except Appropriations.

Wider scope of senatorial participation

Whereas for the first century and a half of the nation's history, the only matters of foreign policy to come before the Senate were treaties and nominations of ambassadors, today the Senate, as well as the House, is almost continually at work on some phase of the manifold problems of our new role in world affairs.

Military problems are so intertwined with foreign policy, and economic policy is so involved in both of them, it is no exaggeration to say that in the mid-twentieth century the Congress as a whole is concerned more with matters affecting, or affected by, the world at large than by all other problems together. Reciprocal trade, tariffs, imports and exports, foreign loans, economic, technical, and military assistance, exchange of students and other persons, foreign relief, displaced persons and refugees, overseas information and propaganda, espionage, atomic energy,

the United Nations, the North Atlantic Treaty Organization, military strategy and appropriations, international agreements of a hundred varieties, the organization and administration of vast and complicated programs—all these and many other subjects closely linked with foreign relations are constantly before the Congress. And I see no prospect that the load will diminish for years to come.

PROCEDURES AND METHODS OF OPERATION

With the exception of treaties, the procedures of the Senate in dealing with foreign policy matters are no different from those employed for any other legislation. Bills or resolutions are introduced by Senators, either on their own initiative or at the request of the administration, and are referred to the Committee on Foreign Relations.

If the measure is one of sufficient importance, the whole Committee gives it its consideration; if not, it is referred to a subcommittee for preliminary study. Public or closed hearings, or both, are held to obtain testimony from administration witnesses and private citizens. The Committee in executive session marks up the bill for referral to the Senate. A report is prepared by the staff on the basis of the testimony, the expressed views of Committee members, and the language of the bill as amended by the Committee, and finally the measure is reported to the full Senate and placed on the calendar to be called up as part of the normal legislative process. Sometimes the bill or resolution never sees the light of day after it reaches the Committee. Sometimes, though rarely, it may be reported unfavorably.

Debate on the floor precedes votes on amendments and on the bill. Amendments may be reported out by the Committee itself, or be proposed by any

Senator on the floor during the period prior to its consideration or adoption. If it is a bill originating in the Senate, after its passage it is sent to the House. If it originated in the House, and the Senate has amended it, it must return to the House for further action. In either case, differences are accepted or the bill is sent to conference between the two Houses to compromise the differences. When both Houses have approved the conference report, the measure goes to the President for signature.

In the case of treaties, the House, of course, has no function. The Executive Department files the document with the Senate under the seal of secrecy. It is referred to the Foreign Relations Committee, where the same procedure of consideration, study, and hearings is followed. If approved by the Committee, the treaty is placed on the executive calendar. If the Committee or any Senator wishes to change the treaty, a reservation is offered. If the reservation is adopted by the Senate, the treaty cannot become effective until the Executive has secured the agreement of the other signatories to the change. When debate on a treaty is ended, a two-thirds majority of the Senators present is needed to ratify the treaty, which, if ratified, is returned to the President.

In the case of confirmation of nominations to high diplomatic or foreign policy posts, the procedures do not differ from those used for any confirmation by the Senate of nominations to other government offices. A simple majority vote is needed in the Senate to complete the confirmation.

PROMINENT FIGURES IN THE SENATE

Limiting ourselves to the past 30 years or so, and omitting any present members of the Senate, a list of figures whose service in the Senate had a powerful, if not always decisive impact on

foreign policy, would have to include Senators Henry Cabot Lodge, Sr., James Reed, Hiram Johnson, William Borah, Arthur Vandenberg, Robert LaFollette, Jr. and Tom Connally.

Most of these Senators, it will be noted, were isolationists. Senators Lodge and Reed led the fight against the League of Nations. From the end of World War I until the dramatic change from isolationism by Senator Vandenberg in the last years of the Second World War, the Foreign Relations Committee was predominantly isolationist in character. The majority of the members opposed the foreign policies of both Presidents Wilson and Roosevelt, mostly because of their traditional isolationism and partly because of political motives. Senators Johnson, Borah, LaFollette, and, until his great change, Vandenberg, were uncompromising adherents and advocates of an isolationist and neutralist America. By his change Vandenberg made possible the development of the bipartisan accord on foreign policy that was of such momentous significance in the years following the drafting of the United Nations Charter and the end of World War II. Under Senator Connally, who, except for the 80th Congress, was chairman of the Foreign Relations Committee throughout this period until the present Congress, and with the leadership of Senator Vandenberg in the Republican party, the Committee altered its former outlook completely and became one of the staunchest supporters of the policies aimed at checking Soviet expansion. But in doing so, the Committee fully retained its independence of the Executive and upheld the power of the Senate in foreign relations.

THE SENATE'S SHARE IN FORMULATING FOREIGN POLICY

As I have remarked earlier, there has been a cyclical movement in the strug-

gle between the Senate and the President over control of foreign policy, with Senate predominance coinciding with weak or indecisive Presidents, and Presidential predominance coinciding with strong and determined Chief Executives.

Regardless of the fluctuations in relative party strength in recent years, by and large the two groups have worked together remarkably well, and the country as well as the free world has benefited thereby.

The preliminary studies leading to drafting the United Nations Charter brought the first close collaboration among leading Senators and the administration. The Senate's share in formulating our UN policy at that time was very great. It was the argument that the Senate would never ratify the Charter without the veto provision that determined American insistence on unanimous agreement among the permanent members of the Security Council. It is a source of irony to those of us who from the start opposed the veto provision to find that while the Soviet Union has abused the veto power nearly to the point of paralyzing the UN, the United States has never once had recourse to it.

Throughout the first five years of President Truman's tenure in the White House, the presence of a bipartisan majority on foreign policy in the Senate not only made it possible to carry out the major policies and programs required to organize the free world and check the Communist expansion, but also assured the Senate a large share of influence and responsibility in formulating the broad policy and programs. Many of the most important legislative enactments in foreign aid bills, for example, were amendments proposed by Senators.

Since the untimely death of Senator Vandenberg, the bipartisan accord has weakened considerably, but that has not

necessarily prevented many Senators from determining foreign policy to a greater degree, in some instances, than the Executive.

Largely because of the Far East disaster, foreign policy has frequently in recent years been a football of partisan politics. It is perhaps going too far to say that Senators who chose to make Far Eastern policy a domestic political issue were thereby able to share in formulating new policy, but in a number of cases they have been able to prevent carrying out of existing policy of which they did not approve.

Because the Senate is one of the greatest sounding boards in the world, with no restrictions on debate to prevent full development of a question, it is a natural platform for individual or group efforts to modify existing policy or institute new policies. Senate agitation was largely responsible for the gradual termination of the dismantling program in Germany, for tightening control over East-West trade, for changing the emphasis in the Far East and bringing about a drastic revision of policy regarding Formosa, for bringing Greece and Turkey into NATO, and for many other alterations and innovations in policy.

By amendments to the ECA and MSA legislation the Senate has taken the lead in urging the unification and integration of the Western community, particularly the European portion of that community. It was a Senate proposal that broke the deadlock on how ECA was to be administered. It was

a Senate proposal that brought about reorganization of the Mutual Security Agency last year.

The Senate has continued to exercise influence over foreign policy through its power of confirmation. Perhaps the outstanding case was that involving Mr. Paul Hoffman. Senate pressure was instrumental in securing the nomination of Mr. Hoffman, a Republican, as ECA Administrator in a Democratic administration, and thereby instrumental in keeping Congressional support of this major bipartisan project.

On the whole, the record of the Senate in recent years has been a commendable one. There have been a few misguided efforts to force the Executive to take certain steps which may well have not been in the long-term national interest, but when one looks at the lengthy list of major treaties and agreements that have gone through the Senate, and when one notes by what a large majority most of them have been approved, it can be seen that there has been a very considerable measure of bipartisan co-operation and also a very sizable measure of senatorial agreement with the general policies. This could have come about only because of the great care that was taken in securing the advice and consent of the Senate in the process of developing and maturing the policies and programs. The increasing use of Senators as delegates to international conferences is a highly encouraging tendency that promises even closer co-operation and understanding.

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The Committee on Foreign Relations

By ALEXANDER WILEY

THE Committee on Foreign Relations is one of the chief agencies for the determination and translation of United States foreign policy into law. The Committee is the instrument of the Senate and the Congress, for international purposes, and in these critical times it has assumed a greater importance than at any previous time in its history.

The Constitution does not provide for congressional committees, but they have been created for the convenience and efficiency of carrying out congressional business. In foreign relations matters, the Senate, as a rule, only speaks when the Committee on Foreign Relations has considered a treaty, a nomination, a bill or a resolution; and only when the Committee has made recommendations and reports on measures under Senate consideration. Most of the Committee recommendations are adopted by the Senate, giving great weight to Committee deliberations and judgments.

DEFINITION OF RESPONSIBILITIES

The Reorganization Act of 1946, Public Law 601, 79th Congress, 2nd Session, defines the responsibilities of the Committee as follows:

(i) Committee on Foreign Relations, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Relations of the United States with foreign nations generally.
2. Treaties.
3. Establishment of boundary lines between the United States and foreign nations.

4. Protection of American citizens abroad and expatriation.
5. Neutrality.
6. International conferences and congresses.
7. The American National Red Cross.
8. Intervention abroad and declarations of war.
9. Measures relating to the diplomatic service.
10. Acquisition of land and buildings for embassies and legations in foreign countries.
11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
12. United Nations Organization and international financial and monetary organizations.
13. Foreign loans.

MEMBERSHIP AND ORGANIZATION

The Senate Committee on Foreign Relations was created in 1816, by a resolution introduced by Senator James Barbour of Virginia. Previously, foreign relations matters had been dealt with by reference to a select committee, or directly on the floor of the Senate. Membership was raised from 5 in 1816 to 23 in 1933, whereupon it was reduced to 13 by the Reorganization Act of 1946 and then again increased to 15 in 1953.

The Committee reflects the two-party system that controls the operations of the Senate. According to the Reorganization Act, the proportion of seats held by each party is supposed to correspond to the respective strengths of each party in the Senate. At the start of each new Congress a committee of committees of each party makes up a list of assignments of party members for each committee. The criteria usually used in the

selection of members are length of service, geographical location, special experience, and personal preference. Membership on the Committee on Foreign Relations is now considered very desirable, with the result that most of the incumbents are men with long service in the Senate.

The chairmanship is determined by seniority, and since a Senator may be chairman of only one committee, he may forgo his claim upon the chairmanship of one committee in order to serve as chairman of another committee which office seems more attractive to him. When party control shifts in the Senate, the ranking minority member of the committee becomes the new chairman. The chairman of the Committee on Foreign Relations is charged with conducting legislation through the Committee, through the Senate, and through the conferences with the House of Representatives. It is difficult for him, although he frequently must speak as an individual senator, to dissociate himself from the chairmanship which he holds. He speaks both for the Committee and, in certain cases, for the Senate. He is regarded abroad as a spokesman for the government of the United States on some matters. Once chosen, he continues indefinitely in his position as long as his party remains in power. Only once, namely in the case of Charles Sumner in 1870, has the chairman of the Committee on Foreign Relations been removed against his will.

Past chairmen

A number of outstanding American leaders have held the chairmanship of the Committee since its inception. The chairmen of the Senate Committee on Foreign Relations have been James Barbour of Virginia, 1816-1818, 1820-1821, 1822-1825; Nathaniel Macon of North Carolina, 1818-1819, 1825-1826, 1827-1828; James Brown of Louisiana,

1819-1820; Rufus King of New York, 1821-1822; Nathan Sanford of New York, 1826-1827; Littleton W. Tazewell of Virginia, 1828-1832; John Forsyth of Georgia, 1832-1833; William Wilkins of Pennsylvania, 1833-1834; Henry Clay of Kentucky, 1834-1836; James Buchanan of Pennsylvania, 1836-1841; William C. Rives of Virginia, 1841-1842; William S. Archer of Virginia, 1842-1845; William Allen of Ohio, 1845-1846; George McDuffie of South Carolina, 1846; Ambrose H. Sevier of Arkansas, 1846-1848; Edward A. Hannegan of Indiana, 1848-1849; Thomas H. Benton of Missouri, 1849; William R. King of Alabama, 1849-1850; Henry S. Foote of Mississippi, 1850-1851; James M. Mason of Virginia, 1851-1861; Charles Sumner of Massachusetts, 1861-1871; Simon Cameron of Pennsylvania, 1871-1877; Hannibal Hamlin of Maine, 1877-1879; William W. Eaton of Connecticut, 1879-1881; Ambrose Burnside of Rhode Island, 1881; George F. Edmonds of Vermont, 1881; William Windom of Minnesota, 1881-1883; John F. Miller of California, 1883-1886; John Sherman of Ohio, 1886-1893, 1895-1897; John T. Morgan of Alabama, 1893-1895; Cushman K. Davis of Minnesota, 1897-1901; Shelby M. Cullom of Illinois, 1901-1913; Augustus O. Bacon of Georgia, 1913-1914; William J. Stone of Missouri, 1914-1918; Gilbert Hitchcock of Nebraska, 1918-1919; Henry Cabot Lodge of Massachusetts, 1919-1924; William E. Borah of Idaho, 1924-1933; Key Pitman of Nevada, 1933-1940; Walter F. George of Georgia, 1940-1941; Tom Connally of Texas, 1941-1946, 1949-1952; Arthur H. Vandenberg of Michigan, 1947-1948; and Alexander Wiley of Wisconsin, 1953-.

My predecessors have demonstrated that the chairman can exert great influence with respect to both treaties and legislation pertaining to international

affairs. It is also clear from their experience that the influence they exert depends upon their own inherent qualities of leadership, their grasp of the scope of their office, and their interpretation of the legal and constitutional rights of the Senate in those matters that pertain to foreign relations.

Subcommittees

In order to carry out its business of dealing with bills, resolutions, international agreements, investigations, and nominations, the Committee may operate in plenum or in the form of subcommittees. There are no permanent subcommittees. All subcommittees are *ad hoc* in nature appointed to deal with specific legislation referred to the Committee. There is in addition at present a system of subcommittees established by the Committee for consultation with the State Department on specific problems confronting the Department or to provide the Committee with information on situations and conditions abroad.

Staff

To aid in its work, the Committee is furnished with a staff. During the war the Committee was provided with six employees, and the chairman had only a small appropriation for clerical help. Since the employees were only clerks, it was the practice of the chairman to bring his own employees to the Committee, thus dividing his staff between his own office and the Committee. It was often impossible to distinguish between the two groups. There were no permanent employees or systematic records; this resulted in few files and rarity of experienced employees to aid the new chairman and the Committee. In 1946 the Legislative Reorganization Act provided that each standing committee of the Congress could appoint four professional staff members on a permanent nonpolitical basis to be as-

signed to the chairman and the ranking minority member of the committee. A clerical staff of not more than six members was also provided. Provisions were made for the conduct of hearings and the care of records, charts, data, and files. All records are the property of the Congress of the United States. These provisions, of course, applied to the Committee on Foreign Relations.

PROCEDURES AND FUNCTIONS

The normal Committee working procedure is to place upon its calendar all treaties, executive communications, bills, resolutions, nominations, and nonlegislative activities referred to it. After considering a matter on its calendar, the Committee may report the measure favorably or unfavorably, with reservations, with amendments, with interpretations, or it may let the measure remain on the calendar until the end of the session, when it will die. It can be considered again only if referred to the new Congress. Finally, the Committee may refuse to make any report on a measure. In such case the only way in which the matter involved may be brought to the Senate floor is for that body to order the Committee to report, or take the measure out of Committee hands.

Legislative function

The functions of the Committee are legislative, executive, investigative, and consultative. The legislative function consists of formulating, amending, and reporting bills and resolutions to the Senate. The executive function has to do with treaties, international agreements, and nominations under the Constitution. The investigative function pertains to securing information required by the Senate in the performance of its duties. A little known, but by no means unimportant, function of

the Committee is the consultative function already referred to.

In performing its legislative function the Committee is different from other committees of the Congress only as to the nature and scope of its subject matter. In general it follows the same steps as other committees do in analyzing a problem, studying alternative proposals, drafting bills, consulting with departments, holding hearings and amendments, making committee reports, debating on the Senate floor, and participating in conference consideration. The customary 28 steps in the enactment of a law govern the legislative activities of the Committee on Foreign Relations.

Like all bills before the Congress, Foreign Relations Committee bills may be public or private; that is, they may deal with classes of persons or with specific persons, corporations, or institutions. Foreign relations resolutions may be made by the Senate acting unilaterally (Senate Resolution); jointly with the House (Joint Resolution), expressing a policy with the force of law and frequently used in foreign relations matters; or concurrently with the House (Concurrent Resolution), which measure possesses the characteristics of a joint resolution but does not have the effect of law. In addition to these items the Committee handles messages, recommendations, petitions, and memorials concerning foreign relations.

Executive function

As for the executive function, the Senate has delegated to the Committee on Foreign Relations the initial consideration of treaties and international agreements submitted to the Senate. It is the only committee that has jurisdiction over such agreements. Elsewhere in this volume¹ consideration is given

¹ See Guy M. Gillette, "The Senate in Foreign Relations"; Mike Mansfield, "The Meaning of the Term 'Advice and Consent.'"

to the nature of agreements submitted to the Senate and the problem involved in executive agreements. Here it suffices to say that both the Senate and the Committee guard with care their Constitutional powers with respect to treaties. Speaking on the Connally resolution on October 25, 1943, Senator Vandenberg said:

The Senate and the House are rightly jealous of their own prerogatives. We assert these prerogatives in the pending resolution—precisely as did the House in the Fulbright resolution—when we declare that America's ultimate commitments shall scrupulously pursue the constitutional process. Those who thus defend their own constitutional prerogatives should be equally scrupulous in recognizing the constitutional prerogative of the Executive in respect to the initial negotiation of international engagements. I fervently believe it is of the highest concern that the Senate and the Executive should work in the closest possible cooperation in the evolution of the formulas of peace so that we may avoid the sterile deadlocks of 25 years ago. But I equally believe that we must respect each other's constitutional rights; and that we in the Senate are not the ones who should speak first in respect to any detailed blueprints of peace. We are entitled to "advise" the Executive in respect to the boundaries of our peace purposes. Beyond that we would be—certainly at the present moment—somewhat trespassing.²

As for nominations the Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers. . . ." When the President nominates the Secretary of State and other high officers of the State Department and of the Foreign Service of the United States, the Committee determines whether or not the nominee is qualified for the office for which he has been designated. Sena-

² *Congressional Record*, Vol. 89, Part 7 (October 25, 1943), p. 8667.

tors from whose state the nominee comes are consulted. The Committee may also hold hearings if it so decides. Should the Committee action be adverse, the President may withdraw the nomination or he may leave the decision of approval or rejection to the Senate.

Investigative function

The Committee uses its investigative function principally in hearings where it secures the facts, analyzes solutions for the problems it confronts, and tests out public opinion both pro and con legislation under consideration. Studies, reports, and memoranda both from private citizens and public officials are also a part of the background the Committee seeks to secure.

Consultative function

The consultative function has assumed increased importance since the end of World War II. Not only has the executive branch sought and received the advice of the Committee on specific items such as the Japanese Peace and Security Treaties and the North Atlantic Treaty during the process of their formulation. A regular organization has been created for consultative purposes. The Committee Print devoted to this matter has the following to say:

The subcommittee system is designed primarily to foster more extensive consultations between the Foreign Relations Committee members and responsible officers of the Department of State. Since the war our role of leadership in the world has thrust new and important responsibilities upon the United States. Moreover, the problems which confront us in various parts of the world have increased tremendously in number and complexity. This means that a degree of specialization in the work of the Foreign Relations Committee has become desirable. By organizing along subcommittee lines set forth above, it is possible for the members to keep abreast of the more important developments within

each of the geographic and substantive areas in the State Department.

It should be emphasized that the subcommittees are for purposes of consultation and are not primarily designed to handle legislative matters. Treaties and legislative items on the committee's agenda are handled, for the most part, by ad hoc subcommittees.

It should be emphasized, too, that the existence of these eight subcommittees does not mean that consultations between the Secretary of State and the Foreign Relations Committee upon matters of major importance is diminished. What is involved is an additional mechanism which helps to insure that at least two or three members of the committee are kept currently informed with respect to events and anticipated developments in every quarter of the earth.

During the past few years consultations between the Foreign Relations Committee and the executive branch have taken place with increased frequency. These consultations have been extremely helpful in the formulation and execution of American foreign policy during a particularly critical time in world history. It is an important and a constructive endeavor, as we face the difficult problems that lie ahead, to encourage further legislative-executive cooperation through the continuation of the subcommittee system outlined above.³

Outlined below is a breakdown of the members of the Foreign Relations Committee into subcommittees for purposes of consultation with the Department of State. The subcommittee structure corresponds generally to the organization of the Department.

1. United Nations Affairs: Senator Tobey (chairman), Senator Smith, Senator Gillette, and Senator Mansfield. Committee staff member, Mr. Wilcox.
2. Economic and Social Policy Affairs: Senator Langer (chairman), Senator Tobey, Senator George, and Senator Humphrey. Committee staff member, Mr. Kalijarvi.

³ *Subcommittees for Consultation Purposes*, Committee Print, Committee on Foreign Relations, 83d Congress, 1st Session, p. 2.

3. Far Eastern Affairs: Senator Smith (chairman), Senator Hickenlooper, Senator Knowland, Senator George, and Senator Sparkman. Committee staff members, Messrs. Wilcox and Cahn.

4. European Affairs: Senator Wiley (chairman), Senator Taft, Senator Fulbright, and Senator Humphrey. Committee staff members, Messrs. Wilcox and Kalijarvi.

5. Near Eastern and African Affairs: Senator Taft (chairman), Senator Knowland, Senator Fulbright, and Senator Gillette. Committee staff member, Mr. Marcy.

6. American Republics Affairs: Senator Hickenlooper (chairman), Senator Ferguson, Senator Green, and Senator Sparkman. Committee staff member, Mr. Kalijarvi.

7. Public Affairs: Senator Knowland (chairman), Senator Hickenlooper, Senator Green, and Senator Fulbright. Committee staff member, Mr. Marcy.

8. State Department Organization: Senator Ferguson (chairman), Senator Langer, Senator Green, and Senator Mansfield. Committee staff members, Messrs. Marcy and Cahn.⁴

COMMITTEE RELATIONSHIPS

The jurisdiction of the Committee, it may be seen, is very extensive. In discharging its many functions it has a variety of important contacts and relationships. None is more important or more constant than that with the Department of State and with the Secretary of State. The Secretary and his officials in the Department must appear before the Committee in support of many measures the Committee handles. Their views and advice are sought on most measures before the Committee. The Secretary frequently consults with the Committee when he is engaged in the negotiation of treaties and participating in international negotiations. The Committee in its turn influences the Department and its officers through advice and constant contact. The Committee may as a body seek to influence executive policy through bills, resolu-

⁴ *Ibid.*, p. 1.

tions, reports, and consultation. To a lesser degree the Committee has similar contacts with other agencies; for example when studying the St. Lawrence Seaway the Committee consulted the Departments of Commerce, Treasury, Defense, and Interior, and the Bureau of the Budget.

With its counterpart in the House of Representatives, namely the Committee on Foreign Affairs, the Committee on Foreign Relations has constant legislative contact. The most common occasions for getting together take place when legislation has passed both houses and agreement is needed on amendments added by either house. It should be borne in mind that a number of measures such as treaties and nominations do not require House action, but bills and joint resolutions do frequently require the attention of the conference committee.

Another relation of the Committee grows out of that of the Senate with foreign nations. Although prime responsibility for United States contact with countries abroad rests with the President, the Senate does, on occasion, have relations with other countries. Before noting these relations, it should be emphasized that the primacy of the President in these matters has been clearly understood from the beginning of our history. It was John Marshall who on March 7, 1800 said, "The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations." In the past there have been times when foreign officials have appeared before the Committee, but these were exceptional. Today, however, there is a steady flow of high officials from foreign countries who consult with the Committee. Some notable recent instances have been Chancellor Adenauer of Germany, Vice President Radhakrishnan of India, and Foreign Minister Georges Bidault of

France. The main Committee and some of the subcommittees on their travels are also in the habit of meeting with the outstanding officials in the countries they visit.

Another important relation of the Committee is that with the public. By means of hearings and opinions sought or sent in gratuitously, the views of groups and private individuals are attained. Organized groups representing labor, agriculture, religion, education, and many other kinds of interests testify before the Committee. So too with international lawyers, historians, and experts on foreign countries. A press conference after each meeting of the Committee, in addition to the public hearings and the reports of the Committee, serves to keep the general public aware of the Committee's doings and permits the public to react for the guidance of the Committee. In addition individual members of the Committee give personal interviews, write articles, deliver speeches, appear on the radio and television, participate in forums, and on the floor of the Senate give voice to opinion on matters under consideration. Thus the Committee is a focal point where information converges from many different sources and is interpreted to the public.

CHANGING WORK LOAD

A scanning of the history of the Committee on Foreign Relations leaves one with the impression that the Committee moved at a deliberate pace prior to World War II. It succeeded in keeping up with its calendar, and, if matters were left in abeyance at the end of a legislative session, it was for the most part because the Committee chose to leave them there. Following the war, in major measure because of the greater importance of the United States in world affairs, work has increased and the Committee finds itself under constantly

mounting pressure. During the present session (83d Congress, 1st session), the Committee has been sitting almost constantly in morning and afternoon sessions, and on occasion on Saturdays. Subcommittees on legislation and consultation are in steady meeting.

During the intersession period of Congress, the State Department usually makes up a list of the legislation it hopes the Senate and the Congress will act upon during the coming session. On such a list there are often 60 to 75 items of major interest to United States foreign relations. As a rule only a portion of this list is covered by the end of the session. Nevertheless the amount of work turned out by the Committee during a Congress is impressive.

During the 81st Congress, in addition to consultation, action on nominations, and miscellaneous activities, the Committee considered and acted upon the North Atlantic Treaty; two mutual defense assistance acts; ten acts of economic assistance, including the European recovery programs of 1949 and 1950; two Korean aid acts; Palestine refugees; China aid; relief for Yugoslavia; International Children's Emergency Fund; and the Institute of Inter-American Affairs; fourteen United Nations matters including among other items the International Convention for the Safety of Life at Sea, the Genocide Convention, and the Convention on Road Traffic; three matters dealing with the Department of State and its organization; three items dealing with the inter-American system including the Charter of the Organization of American States; four fisheries agreements; ten bills, resolutions, and agreements pertaining to bridges and boundaries; six resolutions pertaining to international meetings, exhibitions, and games; nine claims and other financial arrangements, including the Swiss bombing claims and the International Claims

Settlement Act; and two commodity agreements, namely the International Wheat Agreement and the Protocol prolonging the International Sugar Agreement. This work included 1,049 nominations, 25 treaties, and 38 bills and resolutions.⁵

This list does not include investigations by the Committee, as for example its examination of the North Atlantic defense setup in Europe and the work of the subcommittee investigating into loyalty matters. Nor does it make allowance for the seven special reports and prints issued by the Committee in the course of its activities. Nineteen subcommittees were set up to deal with specific legislative matters and the eight important conference committees were participated in.

When one considers that in addition there were many informal conferences in which members of the Senate Committee participated, some idea of the extent of Senate activity can be gathered. Needless to say, in addition the Senators were required to be on the floor of the Senate to participate in deliberations there and to attend meetings of other committees of which they were members. Nor should one forget in this

⁵ During the 82d Congress the Committee acted on 1,059 nominations, 18 bills and resolutions, and 39 treaties and international agreements.

analysis to take into account the constituent, who is a most important person whom the Senator must serve and whom he is never allowed to forget.

REPLY TO CRITICS OF COMMITTEE

As a legislative institution the Committee on Foreign Relations may leave something to be desired; but it has served a most useful purpose in the past, and at least to the present it has managed to keep abreast of the most important demands on the Senate in the field of foreign relations. There have been many criticisms addressed to the selection of members, to the designating of the chairman by seniority, and to the slowness with which the Committee on occasion works. But those who would change this institution must accept the burden of proof. They must provide a more effective method of operation. Any American citizen who wishes to be heard on an item before the Committee has the right to be heard and will be heard. In closing let it be noted that, as a human institution, the Committee can be improved upon and undoubtedly will be improved upon, but in spite of this the Committee has taken on an increased importance in the American governmental scheme in contrast with the diminishing influence of legislative committees in many other countries.

Alexander Wiley, Washington, D. C., is a Republican Senator from Wisconsin and has been chairman of the Senate Committee on Foreign Relations since January 1953. As chairman he has continued support of bipartisan policies for American leadership in international affairs. In the 80th Congress he served as Chairman of the Senate Judiciary Committee, and he is currently the ranking Republican member on that Committee, taking a particularly active role on matters relating to foreign affairs, notably the Bricker Amendment to the United States Constitution, S. J. Res. 1. He has served as an American delegate at numerous international conferences, including the Empire Parliamentary Conference, the Interparliamentary Union, and the American Mission to the Council of Europe. He served at the session of the Seventh General Assembly of the United Nations in New York in 1952. Before his election to the Senate he practiced law for over 30 years and served three terms as county district attorney.

The House of Representatives in Foreign Affairs

By JAMES P. RICHARDS

THERE is a well-entrenched notion that the President is responsible for the foreign relations of this country. Almost daily newspaper headlines and stories give support to this viewpoint. Not nearly as well understood is the role of Congress and its responsibilities in foreign affairs.

Let us take the Constitution as a point of departure. There are a few provisions, admittedly anemic, in the Constitution that touch on the President's powers, such as the right to exchange diplomatic representatives, and the right to initiate treaties and to conclude them by and with the advice and the consent of the Senate. Executive activity and judicial opinion have increased these powers over the course of American history. But Article I, Section 8 of the Constitution gives to the Congress certain powers: the rights to declare war, to maintain the Army and the Navy, to lay and collect taxes and import duties, to coin money, to maintain the postal system, and a host of other provisions. These powers, increasingly important in the operation of our foreign affairs, are relied upon today and used more widely than ever before by the Congress to participate in the foreign affairs field. The result has been a struggle between the Executive and the Congress, sometimes acute, particularly in times of national elections and national crises. In between there is a twilight zone, as Professor Corwin has observed, where the two branches compete for the remaining or unmarked powers in the field of foreign affairs. This twilight zone has helped to produce over the last half century a relationship, often changing and sometimes rather tenuous, between the Executive

and the Congress, depending upon the personalities at each end of Pennsylvania Avenue and the issues involved.

This is part of the vitality of American politics. It is nothing that can be regulated by constitutional amendment or by legislation; it must be recognized as an inevitable part of our process of division of powers. A problem that is faced in the foreign affairs field is to bridge the gap between the rather limited but defined powers of the President on the one hand, and the growing sense of power in the field of foreign affairs by the Congress, on the other hand.

There is an advantage, as I see it, to this lack of precision, or, if you like, to the existence of a gap. It permits a great deal of flexibility. If it did not exist, we should have to work out some kind of a statutory or constitutional provision to demarcate the role of these two organs of government. I am convinced that such a division would be unresponsive to the shifting elements that make up foreign policy. The very fact that we have not done that permits a flexibility in the adjustment of relations between the President and the Congress. The increased role of Congress today in foreign policy is not due to any constitutional change; it is not due to any statute; it is not due to any interpretation by the Supreme Court. It is simply attributable to the fact that the Congress has begun to use more fully and more completely the powers which have always been in the Constitution in the field of foreign affairs.

THE POWER OF THE PURSE

The power of the purse is the most important power that Congress possesses

in any domain—domestic or foreign. Any piece of legislation in the field of foreign policy that necessitates money puts Congress in a rather dominating position. In President F. D. Roosevelt's first Congress, the Seventy-third Congress, 1933–1934, the House Foreign Affairs Committee authorized appropriations of about \$200,000. In the Eighty-second Congress, which ended last January, the House Foreign Affairs Committee authorized about \$14 billion, most of it for the two bills pertaining to Mutual Security Assistance and foreign aid. In short, in twenty years the magnitude of fiscal considerations by the committee responsible for substantive matters in foreign affairs in the House has increased by 70,000 fold. Quite obviously, the mere process of handling bills of that scope has conferred upon the Congress, and particularly the Foreign Affairs Committee, enlarged responsibility and opportunity to study and deal with questions of foreign policy.

Not only has there been an increased role on the part of Congress in foreign policy making, but within the Congress itself there has been an equally important shift, that is, the greater participation of the House as part of the formulative machinery of foreign policy, often at the expense of the Senate. The Senate's role is defined in the Constitution and pertains to two fields in which the House has no jurisdiction, namely, the making of treaties and the confirmation of appointments to office. When the power of the purse is involved, the House is far more interested and far more lively in its debates on foreign policy than it ever has been in the past. The reason is that even though the treaty process is still used, many treaties need implementation in the form of supporting legislation. Thus a treaty, like the North Atlantic Treaty, in which

the Senate alone participated in the debate as to its acceptance, had to be implemented by military support. This process of implementation led to the initiation of the Mutual Defense Assistance Program. That program required statutory authority and meant that the House of Representatives was, and is, actively concerned with the whole North Atlantic Treaty structure.

CONGRESS AS A COMMUNICATOR OF PUBLIC OPINION

Another reason for the enhanced role of the House as against the Senate is that there is a greater popular interest throughout the country in foreign policy. It is not important or even desirable to argue whether that is good or bad. It is not a moral question; it is a fact. I think it is one that is going to continue as a basic fact in our government. More and more of our time, more and more of our concepts within the domestic sphere will be shaped by the course of foreign events. That means that the people will be more interested, that they will have views and attitudes that will be communicated to the Congress. You can bet that the Congress will communicate them to the Executive regardless of who holds the Presidential office.

Legislative policy making, whether in the domestic or the foreign affairs field, is always technical, usually complicated, and frequently not well understood. The rules of both the House of Representatives and the Senate, complicated as they are, have a single purpose, namely, to conduct public business in an orderly and expeditious manner. But the rules are no substitute for good judgment in handling a legislative measure. How and when something is done and the way it is done may mean the difference between success and failure in important policy decisions.

CONGRESS ASSESSES PROGRAMS PRESENTED

Every measure that the President presents to the Congress in the foreign affairs field is intended for the good of the country. I cannot conceive of any President's presenting a measure for any other reason. That does not mean, however, that the Congress accepts that judgment in its entirety. If it did, it would become merely a rubber stamp. The role of the Congress, therefore, is to make its own assessment of the program requested, including the mechanism by which the program will be executed.

PROCEDURE IN POLICY MAKING

Most major bills, like the Mutual Security Program, are considered in two stages: first, general debate, and second, reading for amendments. General debate permits an exchange of views which indicates to the leadership and those in charge of the bill what they may anticipate in the way of amendments when the bill is read for amendments. The time allotted for general debate calls for considered judgment. Too little time will lead to accusations of "gag" and Members immediately become resentful. If the amount of time is more than necessary, debate may lag, the proceedings become dull, and Members lose interest. Roll call votes late in the week may have a disastrous effect on a measure. I well recall that a vote on a Friday night certainly affected the Mutual Security Program in 1951. A motion to recommit with instructions to cut European economic aid funds by about \$300 million was made late Friday evening and carried by a close margin of nine votes; 69 Members did not answer the roll. I am convinced that the day and hour had much to do with the passage of this motion.

The initiative for legislative policy

making in foreign affairs is usually conducted on the basis of proposals submitted by the President. This is understandable when one considers the unique advantage enjoyed by the Executive. The President and his Secretary of State have access to a vast array of information that does not come within the possession of the Congress. The exchange of communications between the State Department and our missions overseas and the conversations carried on between our policy-making officials and those of foreign governments are focused in the hands of the Executive. Much of their content is highly classified. The Executive is probably more sensitive to the element of timing than is the Congress. When to say or do something may be as important as, or even more important than, what to say or do. Despite these considerations, if Congress is determined to act in legislative policy making in foreign affairs, it can do so. In the mid-1930's, the House took the initiative in putting through a series of so-called Neutrality Acts. More recently, Congress passed the "Battle Act" fixing the policy on control of trade with the Soviet Union and satellites. This act originated in the House Foreign Affairs Committee, not in the executive branch.

Compromise

One student of the American political scene observed that politics is the art of the second best. This is another way of saying that compromise occurs throughout the legislative process. I hasten to point out that compromise is not confined to congressional policy making. In the executive branch compromise is used constantly as policy formulation moves from the lower echelons to the higher. It is far more informal and fluid than that which prevails in the legislative branch. Once compromise has been achieved at any one of the

legislative steps it is exceedingly difficult to alter it. Once the Committee on Foreign Affairs has made a judgment on a proposal, it passes it on to the House. If the House accepts that proposal, it becomes the judgment of the House. Similar steps prevail in the Senate. Perhaps the most crucial compromise stage is a reconciliation of the differences between the two Houses. Under the rules of both Houses, a conference report brought back to each House can only be voted up or down; it cannot be changed. When the two Houses have compromised their differences, the measure is sent to the President. With his signature the bill then becomes a law and cannot be changed without additional legislative action.

Committees and policy making

The Committees of the two Houses have a rather unique function in the policy-making process. They are the links between the Executive, with its specialized knowledge, and the House or the Senate as a body with generalized knowledge or lack of knowledge. The first task of the executive branch is to convince the congressional committee that the policies or propositions it is advocating are sound, commendable, and necessary. The function of the Committee, in such circumstances, is to examine, to review, to question, to criticize, and then to make its judgment. Unless the Committee is convinced of the soundness of the proposal or policy advanced, one cannot expect the Committee to sell the entire House or the entire Senate. Woodrow Wilson, who was a student and professor of government, wrote a volume more than half a century ago, called *Congressional Government*. He recognized at that time that the committees really control the Congress. Nothing he said in that book about the nature of their activities

has in any way diminished. Indeed, their role has really been strengthened by a number of internal reorganizations and developments in both Houses. The Committee becomes, therefore, the distillation machinery between the executive agency and the particular body to which a proposal is submitted.

Contrary to popular belief, legislative policy making is informed and responsible. From twenty years of membership on the Committee on Foreign Affairs, I can honestly say the Committee is representative of the views of the American public. It mirrors the attitudes and reactions that prevail among any group of American citizens. Its Members as a body are able and hard working; they know what they are doing; and they consistently display talent of an extraordinary character in reaching their decisions. The fact that there are divergent views among the Members in no way detracts from the conscientious approach they bring to the subject.

PROCEDURE IN APPROPRIATING MONEY

* Thus far, I have been discussing the process of authorizing a particular program or policy. No less important is the process of appropriating money. In our government, no money can be spent without authorization or except as appropriated by law. Therefore, the legislative committees, such as the Committee on Foreign Affairs in the House, must submit a recommended authorization of maximum amounts and of how the funds may be spent. A budget request, based on the authorization, is presented to the Committee on Appropriations of the House. This Committee decides how much money should be made available. The amount recommended by the Appropriations Committee cannot be more than that authorized by the Congress. Usually it is less. In the Mutual Security Appropriation Act

MUTUAL SECURITY PROGRAMS FOR 1951 AND 1952

	Executive request		Authorization		Appropriation	
	1951	1952	1951 (Public Law 165)	1952 (Public Law 400)	1951 (Public Law 249)	1952 (Public Law 547)
Title I—Europe:						
Military.....	\$5,293,000,000	\$4,145,000,000	\$5,028,000,000	\$3,415,614,750	\$4,818,852,457	\$3,128,224,750
Economic and defense support.....	1,675,000,000	1,819,200,000	1,022,000,000	1,282,433,000	1,012,000,000	1,282,433,000
Spain.....				1(25,000,000)	100,000,000	
Total.....	6,968,000,000	5,964,200,000	6,050,000,000	4,698,047,750	5,930,852,457	4,410,657,750
Title II—Near East and Africa:						
Military.....	415,000,000	606,370,000	396,250,000	560,316,500	396,250,000	499,116,500
Economic and technical assistance.....	125,000,000	196,000,000	160,000,000	1(181,114,000)	160,000,000	1(181,114,000)
Technical assistance.....	75,000,000	55,000,000	50,000,000	50,822,750	50,000,000	50,822,750
Palestine refugees.....	50,000,000	55,000,000	50,000,000	60,063,250	50,000,000	60,063,250
Israel relief.....		76,000,000	50,000,000	70,228,000	50,000,000	70,228,000
Total.....	540,000,000	802,370,000	556,250,000	741,430,500	556,250,000	680,230,500
Title III—Asia and Pacific:						
Military.....	555,000,000	611,230,000	535,250,000	564,807,500	535,250,000	540,807,500
Economic assistance.....	262,500,000	408,000,000	237,500,000	202,778,250	237,155,866	202,778,250
Technical assistance.....	112,500,000	45,000,000	45,000,000	118,634,250		67,793,000
Korea.....				45,000,000		
Total.....	930,000,000	1,064,230,000	817,750,000	931,220,000	772,405,866	811,378,750
Title IV—American Republics:						
Military.....	40,000,000	62,400,000	38,150,000	57,685,750	38,150,000	51,685,750
Technical assistance.....	22,000,000	22,000,000	21,250,000	20,329,000	21,245,653	20,329,000
Total.....	62,000,000	84,400,000	59,400,000	78,014,750	59,395,653	72,014,750
Title V—Miscellaneous:						
U. N. technical assistance.....	4(13,000,000)	17,000,000	4(13,000,000)	15,706,750	4(13,000,000)	9,171,333
Emigration of surplus manpower.....		10,000,000	1(10,000,000)	9,240,500	10,000,000	9,240,500
Ocean freight for relief packages.....		2,800,000		2,587,500		2,587,500
U. N. Children's Fund.....				16,481,000		6,666,667
Grand total.....	8,500,000,000	7,945,000,000	7,483,400,000	6,492,730,750	7,328,903,976	6,001,947,750

* Made available from the sums in title I.

* Total for economic and technical assistance for title II.

* Part of total for economic and technical assistance for title II.

* Made available from the sums for economic and technical assistance in titles I, II, III, and IV.

Totals, 1951 and 1952:

Executive requests.....

Authorizations.....

Appropriations.....

\$16,445,000,000

13,976,130,250

13,330,851,756

of 1952, the amount appropriated was almost a half billion dollars less than the amount the Congress authorized. Quite clearly this reduction affected the various operations of the aid program.

Both the authorization and appropriation processes are not restricted to determining how the money will be spent. They permit the Members of the committees to review how the money has been spent and how the program or activity has functioned. Each year the Mutual Security Program involves a detailed analysis of our foreign military aid, foreign economic aid, technical assistance, and many other related matters. This review is made independently by the House Foreign Affairs Committee and by the Senate Foreign Relations Committee. After the authorization has been voted, the Appropriations Committees of the two Houses make a similar examination. In effect, this gives each House at least two opportunities to go over the whole program.

The accompanying table illustrates concretely the successive actions of the executive and the legislative branches on the Mutual Security Program for 1951 and for 1952.

FOREIGN POLICY IN THE JURISDICTION OF OTHER COMMITTEES

Earlier in my remarks I enumerated some of the powers conferred by the Constitution upon Congress that bear directly on foreign affairs. It is important to note, however, that these powers are not exercised in their entirety by the Committee on Foreign Affairs of the House or its Senate counterpart. The Legislative Reorganization Act of 1946 spells out the jurisdiction of the various committees of both the House and the Senate. The tariff question which is looming large in American foreign economic policy is not handled by the Foreign Affairs Committee of the House. It is handled by the Ways and Means

Committee. The Banking and Currency Committee, through its ability to alter the value of the dollar, can affect the foreign trade of this country and the scope of American activities abroad. The Armed Services Committee, through its determination of the strength of the armed forces, shapes the military posture of this country. All of these are parts of our foreign policy but they are outside the jurisdiction of the two committees most intimately responsible for foreign affairs. Thus, the Congress operates in many respects in a highly compartmentalized framework of consideration. If there is any criticism to make of the Congress, it is the lack of a focal point for an over-all consideration of policy.

SUBCOMMITTEES OF THE COMMITTEE ON FOREIGN AFFAIRS

The present size of the Committee (29 Members) and the multiplicity and complexity of problems coming before it have led to the growth of consultative subcommittees. These subcommittees approximate the major divisions of the Department of State. Four of them are geographic and five are functional subcommittees. One of the most helpful signs in collaboration between the executive and legislative branches has been a greater use of the subcommittees. Today the Assistant Secretaries invariably seek out Members of the appropriate subcommittee and arrange a meeting to impart the latest developments in their particular fields of responsibility. This approach has provided a tremendous sense of participation even though the Congressmen may be listeners. It builds up a mutual confidence on the part of both branches.

Another device for linking the executive and legislative branches has been the greater use of Members of both Houses on delegations to international conferences. This has been particularly

true since the drafting of the United Nations Charter in 1945. In 1951 two Members of the Foreign Affairs Committee were on the United States Delegation to the United Nations. Members of both Houses were in the delegation that signed the Japanese Peace Treaty and related documents.

SOURCES OF INFORMATION

One of the most persistent questions asked by those who study the role of Congress in foreign affairs is what are the sources of information upon which Congressmen can draw in order to reach their conclusions. There are, of course, available to the Members, various materials prepared by the executive branch, sometimes in the form of classified documents, sometimes unclassified. These may be studied individually by a Member, or they may be the subject of a subcommittee or group meeting. The hearings held before the Committee or subcommittees on various pieces of legislation provide a fruitful source of information. During the 82nd Congress, for example, the Committee on Foreign Affairs and its subcommittees held hearings covering 7,705 printed pages. Several hundred unprinted pages include the classified testimony of witnesses. The Committee and subcommittees were in session 440 hours and 9 minutes. These figures indicate something of the intensity of the hearing process. Each of the Committees under the Legislative Reorganization Act has a small staff. The Foreign Affairs Committee has

three professional staff members. Their task is to make an analysis of materials submitted by the executive branch, conduct independent investigations, and generally assist the Members in such a way as to make it possible for them to fulfill their obligations more thoroughly. Outside pressure groups do not play a great role directly in the Foreign Affairs Committee, though in certain areas, as in the tariff, their influence is quite considerable.

CONGRESSIONAL TRAVEL

Finally, there is that much misunderstood device of congressional travel, or, as some prefer to call it, "junkets." I may say a word in defense of this technique. If we in the Congress are to exercise fully our responsibilities, if we are to understand as thoroughly as we can the problems which our officials face in different parts of the world, if we are to benefit by direct consultation and exchange of views with members of foreign governments and with our officials in the field, we have an obligation to visit different portions of the world. So far as the Foreign Affairs Committee is concerned, there has been no abuse of travel. It is customary for Members traveling on Committee expense to submit reports of their findings, to direct attention to shortcomings of programs, and generally to impart the information they receive to their colleagues. All of this has proved most helpful in enabling the Foreign Affairs Committee to discharge its proper responsibilities.

James P. Richards, LL.B., Washington, D. C., has been a member of the United States House of Representatives from the Fifth District of South Carolina since 1933. Previously he served in the Infantry during the First World War, practiced law in Lancaster, South Carolina, from 1921 to 1923, and served as judge in the Probate Court of Lancaster County from 1923 to 1933. He is a Democrat and served for twenty years on the Committee on Foreign Affairs, of which he was chairman during the Eighty-second Congress.

The Committee on Foreign Affairs

By ROBERT B. CHIPERFIELD *

THE Committee on Foreign Affairs had its genesis in the Continental Congress, which had a "Committee of Secret Correspondence" even before the Declaration of Independence for the sole purpose of "corresponding with our friends in Great Britain, Ireland, and other parts of the world."

By the spring of 1777, the specialized nature of its work had become recognized, and its title was changed to "Committee for Foreign Affairs." However, specific problems in foreign affairs were occasionally dealt with by select or temporary committees appointed for the purpose.

The practice of utilizing select committees to deal with foreign affairs continued even after the Congress of the United States was organized under the Constitution. It was not until 1822 that the Committee on Foreign Affairs

achieved permanent status as a standing committee, beginning with a membership of 7 and gradually increasing through the years to its present all-time high of 29.

The present Committee has a political composition of 16 Republicans and 13 Democrats. Other parties have been well represented in past years, with the membership lists including National Republicans, Clay Democrats, Federalists, Union Democrats, Unionists, Liberal Republicans, Tammany Democrats, Readjusters, Independents, Independent Protectionists, Progressives, and members of the American Party, the Unconditional Union Party, and the Silver Party.

FAMOUS CHAIRMEN AND MEMBERS

The membership lists of the Foreign Affairs Committee contain names of many who achieved fame in long careers of public service. Outstanding among the early Committee Chairmen were such men as John C. Calhoun, Caleb Cushing, and John Quincy Adams.

Also well known to us are the names of my immediate predecessors: Sol Bloom, who presided during the consideration of the lend-lease program and the years of World War II; Charles A. Eaton, who headed the Committee during the launching of the Marshall plan; John Kee, who was Chairman when the House passed the first of the military assistance bills; and James P. Richards, under whose chairmanship the Committee acted to terminate the state of war with Germany and revised and extended the program for mutual defense.

* It is my wish to acknowledge and express my thanks for their assistance in assembling the statistical data and background material for this article to Mr. Boyd Crawford, the staff administrator of the Committee on Foreign Affairs of the House of Representatives, and to Miss Helen Mattas, staff assistant. No matter how closely a member participates in the work of the Committee, few besides the chairman are in a position to recognize fully the extent of the volume of work and the services rendered by the committee staff. The chairman necessarily follows more closely the vast amount of preparatory work in the scheduling of hearings and the programing of staff activities which result in the finished memoranda and background studies prepared for the members.

During hearings on major legislation, work pressure on the staff becomes very great. It would be difficult to overemphasize the devoted, intelligent, and efficient nature of their services. It is fitting to mention here my deep sense of appreciation for their contribution to the efficient conduct of the Committee's work.

It is not common knowledge, but the present Speaker of the House, the Hon. Joseph W. Martin, is a former member of the Foreign Affairs Committee. Senators J. W. Fulbright of Arkansas, Thomas C. Hennings, Jr. of Missouri, Mike Mansfield of Montana, Karl E. Mundt of South Dakota, and George A. Smathers of Florida served on the Foreign Affairs Committee during their terms as Representatives. Former Senator Tom Connally, for many years Chairman of the Senate Committee on Foreign Relations, obtained his early experience in international matters as a member of the House counterpart.

The late James W. Wadsworth, after a distinguished career in the Senate, served for a number of years in the House and during part of his service made a valuable contribution to the work of the Foreign Affairs Committee. Before leaving the House of Representatives to become the Governors of Massachusetts and Connecticut respectively, Christian A. Herter and John Davis Lodge took leading parts in the work of the Committee.

DUTIES AND FRAME OF REFERENCE

Since its establishment as a standing committee of the House in 1822, the duties and frame of reference of the Committee on Foreign Affairs have, in the broadest sense, covered "relations of the United States with foreign nations generally." The subjects covered have ranged from declarations of war, neutrality laws, and treaty termination, to international expositions and the regulation of whaling.

The present duties and frame of reference which are set forth in the current Rules of the House, list the present duties of the Committee in general terms as follows:

(a) Relations of the United States with foreign nations generally.

(b) Acquisition of land and buildings for embassies and legations in foreign countries.

(c) Establishment of boundary lines between the United States and foreign nations.

(d) Foreign loans.

(e) International conferences and congresses.

(f) Intervention abroad and declarations of war.

(g) Measures relating to the diplomatic service.

(h) Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

(i) Neutrality.

(j) Protection of American citizens abroad and expatriation.

(k) The American National Red Cross.

(l) United Nations Organization and international financial and monetary organizations.

By tradition and precedent the Committee maintains a close watch over the operations of the Department of State and the executive branch with reference to foreign affairs. The Committee is authorized to exercise continuous surveillance of the execution of the laws within the Committee's jurisdiction by Section 136 of the Legislative Reorganization Act of 1946, which reads as follows:

Sec. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

In the past, it was customary for legislative committees to pass authorizing

WORK LOAD

The tremendous growth in the Committee's work load during recent years is apparent from a comparison of the funds involved in legislation considered. Thus, during the Seventy-third Congress the amount of money involved in public bills before the Committee was \$102,000, whereas the approximate total authorization considered by the Committee, passed by the House, and enacted into law during the Eighty-second Congress was \$14,121,758,750. And, as stated in the Survey of Activities of the 81st Congress,

There is every indication that the growing leadership of the United States in world affairs will continue to require the cooperation of the Congress on a scale unprecedented in our history. Thus, it may be expected that the heavy work-load of the Committee on Foreign Affairs will increase in intensity and will reflect more than ever before the importance of the legislative process in shaping the foreign affairs of our Nation.

A cross section of the great variety of subjects covered by legislation pending before the Committee during the 82nd Congress includes United States membership in and relationship to the United Nations; emergency food relief for the people of India; Communism; Arab and Israeli refugee relief; military, technical, and economic assistance covering all areas of the world (Mutual Security Program); international bridges; fluctuating water levels of the Great Lakes; diplomatic privileges and immunities; unjust imprisonment of American citizens by Iron Curtain countries; termination of the state of war between the United States and Germany; Foreign Service buildings program and annuities for retired Foreign Service Officers; establishment of a United States Peace

legislation with subsequent action and annual review by the appropriations committees only. In recent times, the practice has increased of passing authorizing legislation with fixed time limits, so as to require review and renewal of the authorization by the legislative committees. Examples are the Lend-Lease, UNRRA, and Foreign Military and Economic Aid bills, which have required annual reauthorization through the Foreign Affairs and Foreign Relations Committees before appropriations could be made.

In recent years it has become customary for the House to adopt resolutions increasing the Committee's authority and the scope of its activities. Of practical assistance to the Committee in the exercise of its watchfulness over matters within its jurisdiction is the latest of such resolutions, House Resolution 113, 83d Congress, passed by the House February 24, 1953, which reads as follows:

Resolved, That the Committee on Foreign Affairs, acting as a whole or by subcommittee, is authorized and directed to conduct thorough studies and investigations of all matters coming within the jurisdiction of such committee.

SEC. 2. For the purposes of this resolution, the Committee or any subcommittee thereof, is authorized to hold such hearings, to sit and act during the present Congress at such times and places as the Committee may determine, whether or not the House is in session, has recessed, or has adjourned, to require the attendance of such witnesses and the production of such books, papers, and documents by subpoena or otherwise, and to take testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee and shall be served by any person designated by such chairman. The chairman of the committee or any member designated by him may administer oaths to witnesses.

Academy; and an international effort to discover a cancer cure.

Following is a statistical analysis of the work load during the Eighty-second Congress:

Number of meetings of conference committees	12
Number of bills and joint resolutions referred to the committee (Of this number 41 are duplicates)	141
Number of simple and concurrent resolutions referred to the committee (Of this number 129 are duplicates)	187
Number of bills and joint resolutions considered by the committee (Includes duplicate measures)	72
Number of bills and joint resolutions reported favorably (Includes separate bills incorporated by committee)	20
Number of bills and joint resolutions favorably reported by committee and passed by House (Includes separate bills incorporated by committee)	18
Number of bills and joint resolutions enacted into law (Includes separate bills incorporated by committee)	13
Number of simple and concurrent resolutions considered by the committee (Includes duplicate measures)	61
Number of simple and concurrent resolutions reported and acted upon in the House	9
Number of hearings (Open and executive)	260
Number of pages of committee hearings (Includes printed hearings, stenographic transcripts, and committee minutes of open and executive sessions)	7,705
Number of pages of reports before committee	866
Number of meetings with Rules Committee	360
Number of committee reports:	11
Reports on legislation	26
Minority reports on legislation (printed with majority report)	1
Conference reports	4
Reports on resolutions of inquiry	2

Subcommittee reports on legislation (printed and mimeographed)	14
Special reports	13
Number of messages from the President and Executive communications referred to the committee (Includes 13 subsequently printed as House documents)	66
Number of House documents referred to the committee	44
Number of memorials and petitions referred to the committee	146
Number of reports requested from Government departments and agencies on legislation referred to the committee	64
Approximate number of pages in Congressional Record of House consideration on bills and resolutions reported by committee	506
Number of members sponsoring measures referred to the committee	191
Number of studies and memoranda prepared for the members of the committee by the staff	263
Time spent in sessions:	
By committee:	
Executive, 225 hours, 3 minutes.	
Open, 78 hours, 16 minutes.	
By subcommittees:	
Executive, 130 hours, 30 minutes.	
Open, 6 hours, 20 minutes.	
Total	440 hours, 9 minutes

STAFFING

The enactment of the Legislative Reorganization Act of 1946 coincided with the mounting pressure of the Committee's need for more adequate staff facilities. No longer restricted to the services of a Clerk and one assistant, the Committee for the first time received authority to secure the services of four professional staff consultants and a substantially enlarged clerical staff.

The Committee approached the problem of acquiring an enlarged staff with the same degree of care that it was accustomed to give other phases of Com-

mittee work. Every effort was made to select staff members on the basis of their proven qualifications to meet the Committee's work requirements. In so doing, the Committee pioneered in spelling out staff qualifications and functions, making the services of all professional and clerical staff members available to each Member of the Committee, as needed on Committee work, on a non-partisan basis.

A 1951 bipartisan staffing subcommittee described the work of professional staff consultants in these words:

Studies prepared by the staff must aid the Committee in evaluating, analyzing and summarizing the testimony and documents given to the Committee during its hearings. This includes a great deal of statistical work. The staff prepares drafts of Committee reports on bills and prepares staff documents, through original research, for the use of the Committee and all members of the House on international problems. Staff members must have the ability to work under high pressure, must be able to serve the 27 [now 29] members of the Committee of both parties in independent research and, in addition, must be amenable to the routine direction and discipline of the Chairman and Staff Administrator. The individual opinions of staff members are valuable, but in many instances they will be expected to prepare and draft material which does not necessarily support their own opinions.

The professional staff consultants are individually responsible to the Chairman and to the Members of the Committee for the accuracy of their work.

The Committee Clerk serves as Staff Administrator. His duties have been described in a Committee resolution which provides that

he shall be responsible to the Chairman and the Committee for efficient administration, under the direction and control of the Chairman, of the work of the professional and clerical staff. He is expected to

achieve, as far as possible, a coordination in effort among the personnel of both branches of the staff.

PROCEDURES

All bills, resolutions, and documents introduced in the House of Representatives during the current Congress within the jurisdiction of the Committee on Foreign Affairs and referred to it for action by the Speaker of the House of Representatives are recorded in the Committee's legislative calendar and published monthly. As action is taken on these legislative items, it is posted in the calendar. This includes requests for and receipt of reports from pertinent Executive Departments; consideration by the full committee and the subcommittees, either in executive or open session; and disposition of the measure, such as the reporting out of the measure by the Committee, the debate on the floor of the House of Representatives, and the vote of the Members of Congress on the bill or resolution.

The procedures of the Committee on Foreign Affairs, like all standing committees of the House, are governed by the Rules of the House of Representatives. From time to time, however, the Committee has adopted supplemental rules which it has found particularly applicable to its operations. An example of such supplemental rules is the "five-minute rule" for interrogation of witnesses testifying before the Committee. A witness, having first made his statement to the Committee, is questioned by the members under this "five-minute rule" which was informally inaugurated during the 80th Congress and adopted formally February 26, 1953. The Chairman, following this rule, calls alternately on the majority and minority members according to seniority, granting each five minutes for interrogation of the witness. After all of the

members present have had an opportunity to question the witness for five minutes, the Chairman repeats the procedure until there are no further questions. In this way an equitable opportunity to question the witness is given to each member.

In the present Congress eight new members have joined the Committee on Foreign Affairs. To encourage the fullest possible participation by the junior members of the Committee, a variation of the "five-minute rule" has been initiated and used on some occasions, so that the Chairman calls first on the junior members, alternating from the majority to the minority side until the ranking majority and minority members have had an opportunity to question the witness for five minutes. This is an example of the Committee's adaptability as well as democracy in action.

Nonpartisanship

In taking action, the Committee has exhibited an outstanding degree of nonpartisanship. The nature of the legislative matters within its jurisdiction is such that more than ordinary care must be exercised in determining what legislative action to take. The extraordinary requirements in the consideration of foreign policy legislation were fully expressed during the Eighty-first Congress in a minority report by certain members of the Foreign Affairs Committee on the extension of the European Recovery Program (Report No. 323, Part 2), as follows:

We believe that politics should end at the water's edge for both parties. In fact, we believe that partisan politics in foreign affairs should end before our policies reach the water's edge. The party in power must not take political advantage of the requirements with reference to confidential information, and insist upon withholding from the Congress and the public matters that

are not military or diplomatic secrets, but are clearly political secrets. . . . For politics to end at the water's edge, there must be bipartisan participation in the formulation of policies; bipartisan agreement in the measures adopted; and bipartisan sharing of credit for the success of such policies.

We are now the minority party [Republican Party], the loyal opposition. We believe that we should avoid taking political advantage of situations that might in any way embarrass our country in the conduct of its foreign affairs; we believe that we have a duty to help, insofar as we are permitted, in the formulation and implementation of sound and righteous foreign policies; but we also believe that it is our duty to oppose, without fear or favor, wrong policies that our Government is attempting, to expose the failure of our Government in critical situations to arrive at any policy at all, and to offer constructive alternatives.

Minority reports

The records show that during the critical period beginning with Pearl Harbor in December 1941, until consideration of the first UNRRA (United Nations Relief and Rehabilitation Administration) bill (December 1943-January 1944), when there was an overriding objective—to win the war—the Committee was in unanimous agreement on the measures reported out. Since then there have been a number of minority reports, as follows:

MINORITY REPORTS ON COMMITTEE BILLS		
Congress	Report No.	Subject
79th	259, Pt. 2	Lend Lease
80th	239	Relief Assistance to the People of Countries Devastated by War
80th	314	Assistance to Greece and Turkey
81st	323, Pt. 2	Extension of European Recovery Program
81st	569, Pt. 2	International Children's Emergency Fund

MINORITY REPORTS (Continued)

Congress	Report No.	Subject
81st	770, Pt. 2	International Claims Settlement Act
81st	962, Pt. 2	Aid to Korea
81st	1265, Pts. 1 and 2	Mutual Defense Assistance Act of 1949
81st	1802, Pt. 4	Foreign Economic Assistance
82nd	185	India Emergency Assistance Act of 1951

These minority reports are not mere expressions of partisan views; they are the careful and deliberate thoughts of members whose views differ with the numerical majority. The minority report on the Mutual Defense Assistance Act of 1949, for example, cut across party lines and was signed by two Republicans and two Democrats. The minority report on assistance to Greece and Turkey was the expression of only one member—all other members of both parties constituting the majority.

Sources of information

Keeping informed on every aspect of foreign affairs is vitally important to the legislators who are members of the Committee on Foreign Affairs so that they may act in the best interests of the people of the United States whom they represent. They seek and receive information—factual, interpretative, and theoretical—from many sources, official as well as unofficial, written as well as oral. The Committee receives volumes of official data, classified as well as unclassified, concerning foreign policy generally as well as pertaining to specific legislation. On the original Marshall plan legislation, for instance, 40 pounds of written data were received.

Also, the Committee holds two types of hearings—(1) to obtain information in connection with specific legislation, and (2) to hear at first hand about cur-

rent foreign policy developments from those who are making or administering it. Witnesses include government officials as well as private citizens and representatives of private organizations. During the hearings held on the Mutual Security Act extension in March and April 1952, the Secretary of State and Secretary of Defense as well as the Chairman of the Joint Chiefs of Staff appeared twice; three Members of Congress gave testimony, 43 government officials appeared, and 12 private citizens or representatives of private organizations appeared. In addition, 18 statements were submitted by those who wished to appear personally but were not able to do so.

Throughout the years, it has been customary for the Committee to receive officials of foreign governments for informal discussions, particularly concerning relations between their countries and the United States. There are even occasions on record when representatives of foreign countries testified in support of pending legislation before the Committee on Foreign Affairs. The practice in recent years, however, has been to limit appearances of foreign officials to informal discussions. Since 1940 there have been over 50 such meetings, including meetings with the Crown Prince of Saudi Arabia; the Minister of Foreign Affairs of Luxembourg; the President of Czechoslovakia; the President-elect of Costa Rica; the President of the Norwegian Parliament; the President of Haiti; the Prime Minister of Poland; the British Minister of State for Foreign Affairs; the Prime Minister of Norway; a Member of the German Bundestag; the Minister of Foreign Affairs, Australia; and the Minister for Foreign Affairs of the Netherlands.

Informing the public

As often as practicable, meetings with witnesses are open to the public. Also,

when facilities in the meeting room make it possible, the general policy of the Committee has been to permit coverage of meetings by television and newsreel services. During and since the war, however, much of the testimony received by the Committee has involved matters concerning national security. Of the total of 440 hours of committee and subcommittee meetings during the 82nd Congress, it proved possible for only 84 hours of meetings to be held in open session.

Keenly conscious of the disadvantages of proceedings in executive session, the Committee has made a special point of publishing transcripts of these meetings after deletion of testimony involving matters relating to national security. Also, it is the Chairman's practice after executive session meetings to give the press a digest of information received or action taken during the meeting, carefully omitting references involving matters affecting the national security.

Practically all documents published for the use of the Committee, with the exception of those having a security classification, are available either for distribution to the public or for inspection by the public. These include the Committee's legislative calendar, legislative hearings, reports on legislation, reports of study missions, and background studies on special subjects. Also, it has become customary for the Committee to compile and publish a survey of its activities during each Congress, which is given public distribution.

SHARE IN FOREIGN POLICY FORMULATION

For more than a decade, major elements of foreign policy have involved increasingly the expenditure of vast sums for many forms of military, economic, and technical assistance to foreign nations.

There has been a notable shift in emphasis from the use of treaties to programs requiring congressional implementation. Key foreign policy programs requiring congressional approval to become effective have included the lend-lease legislation, Greek-Turkish aid, the Marshall plan, and the Mutual Security Acts.

With its constitutional power over "the purse" it was inevitable that the role of the House and the Committee on Foreign Affairs would be enormously enhanced by participating in the establishment of such foreign policy undertakings.

Increased participation has meant a corresponding increase in responsibility. Legislation sometimes has its origin in recommendations by the Executive; sometimes it originates in the Congress. Frequently legislation results as a merger of ideas emanating from both branches. This has been particularly true of legislation to implement the foreign military and economic assistance programs.

During consideration of the original legislation to effectuate the Marshall plan for foreign economic aid, the Foreign Affairs Committee initiated action on a military assistance program, going so far as to include language for that purpose in a Committee working draft of the bill. This was in March 1948. Executive support was not forthcoming, however, and the provisions were dropped in final Committee deliberations. The Committee's consideration had been anticipatory, and a year and a half later, on October 6, 1949, the administration-supported Mutual Defense Assistance Act became law.

To a very considerable degree, the "policy" clauses embodied in the foreign aid bills are legislative in origin, and a good share of the drafting of such provisions has taken place in the Committee on Foreign Affairs. The actual

programs have also been shaped to a great extent by Committee action, such as the decision to supply wheat to India on a loan rather than a grant basis. The course of foreign policy has also been affected by Committee reductions of requested fund authorizations.

Changes in Executive-Congressional collaboration

The expansion of committee activity and responsibility has necessitated substantial changes and improvements in the working relationships between the executive and legislative branches. Subcommittee systems have been devised to co-ordinate and facilitate briefing of Committee members on current world developments. The post of Assistant Secretary of State for Congressional Relations, with a sizable staff, has been established.

There has been another significant response to the need for closer Executive-Congressional collaboration and participation in basic decisions affecting foreign policy. This has found expression in the service by Members of Congress as members of United States Delegations to international conferences, such as the United Nations and its Specialized Agencies. Representatives John M. Vorys of Ohio and Mike Mansfield of Montana referred to this important development in the following words in their report to the Foreign Affairs Committee after participation as U. S. Delegates to the Sixth Session of the General Assembly of the United Nations:

Legislative membership on United States delegations to the United Nations began in 1945 when the Chairmen and ranking minority members of the Senate and House Foreign Affairs Committee helped draft the United Nations Charter at San Francisco.

... Bipartisan congressional delegates attended the London and New York meetings of the General Assembly's first session in 1946. Through them, the Congress received

first-hand information and a degree of participation in development of foreign policy never before experienced. The executive branch found itself in a better position to anticipate congressional reaction on questions requiring legislative implementation.

After 1946 United States delegations to the General Assembly functioned for 3 years without congressional participation. The compelling reasons for closer partnership which existed in 1945 and 1946 no longer seemed so urgent or pressing. The United Nations Charter had been ratified by the Senate and both Houses had passed legislation effectuating our membership. The United Nations had been launched on its career with overwhelming congressional support.

Substantial problems are involved in congressional representation on the Assembly delegations. Under our Constitution, as recognized in the United Nations Participation Act, the delegation acts under instructions from the President in representing the Nation. This places Members of Congress in a theoretically anomalous position. This problem did not arise as a practical matter while we were on the delegation. On the other hand, all United States efforts to create conditions of permanent world peace are being made within the framework of the United Nations Charter and this applies particularly to our major foreign economic and military aid legislation. More than ever before, matters of foreign policy require joint executive-legislative action. Appreciation has grown that advance consultation and discussion by the Executive with those having eventual responsibility for implementing legislation can contribute much to the mutual understanding necessary for efficient teamwork.

This appreciation led, in 1950, to the present system of appointing two Senators (not up for reelection) in election years and two Representatives in off-election years, to serve on United States delegations to the United Nations General Assembly.

The congressional members of the United States delegation this year were continually consulted, never ignored, never overruled. This was gratifying, but increased our responsibilities. The entire delegation and

staff proved very conscious of congressional opinion and of American public opinion as reflected by Congress. Many of the questions coming before the delegation had a direct relation to our work as members of the Committee on Foreign Affairs of the House of Representatives. As a result, our advice and suggestions were frequently asked on such matters. On other matters, we were always given the chance to voice our views. Whether our contribution was helpful is for others to report. We can report that the effort to understand and help was enlightening.¹

SUBCOMMITTEES FOR LEGISLATION AND CONSULTATION

Prior to 1945, the Committee on Foreign Affairs made only a desultory use of subcommittees and had no organized subcommittee structure. In that year the Committee pioneered in creating a system of standing (permanent) subcommittees. Five geographical area subcommittees were established to assist Members, through consultation and briefing meetings with officials of the executive branch, to keep more fully posted on world developments.

The subcommittee system evolved further during the succeeding years. Functional subcommittees were added to the geographical area groups in 1947, and considerable use was made of them and of *ad hoc* or temporary subcommittees, for preliminary processing of legislation before consideration by the full Committee.

The subcommittee structure has developed into the following eight standing subcommittees:

- Subcommittee on State Department Organization and Personnel
- Subcommittee on Near East and Africa
- Subcommittee on National Security
- Subcommittee on International Organizations and Movements
- Subcommittee on the Far East and the Pacific

¹ House Report 1453, 82nd Congress.

- Subcommittee on Europe
- Subcommittee on Foreign Economic Policy
- Subcommittee on Inter-American Affairs

The changed role of the House Foreign Affairs Committee has necessitated the use of still another type of subcommittee, groups which undertake study missions abroad to gather firsthand factual data for the Committee. Such special study missions are formed without limitation as regards membership on the standing subcommittees. For example, members of the Far East and the Pacific Subcommittee have not been barred from participating in a study mission to Europe or South America. Some of these study missions have been joint affairs, involving participation with the Armed Services and Appropriations Committees of the House, and the Foreign Relations Committee of the Senate.

The Committee's use of study missions has in a measure decreased its dependence on the Executive as the principal source of detailed information on our foreign relations. The knowledge thus gained has materially assisted the Committee in discharging its responsibilities. It is worth noting that after a joint study mission in 1951, the executive request of \$8,500,000,000 for the continuation of the Mutual Security Program was cut to an authorization of \$7,483,400,000—a difference of more than a billion dollars.

SUMMARY CONCLUSIONS

The need for a specialized legislative group to deal with foreign affairs matters was felt and met as far back as the days of the Continental Congress. The history of the Foreign Affairs Committee and its development is an example of the ability of the legislative branch to adapt itself to meet changed circumstances.

Developments in transportation and communications, and the elimination of

the formerly protective barriers of distance, through technological advances which have literally shrunk time and distance, have all heightened the importance of American foreign policy.

Our hopes for the winning and establishment of peace depend in great measure upon our foreign policy and the steps we take to implement it. That is why a Member cannot serve on the Foreign Affairs Committee without acquiring a special sense of accountability. It is recognition of this added responsi-

bility which has led to reorganization of the Committee, with its simple but effective subcommittee system. It is why there has been insistence upon having a more adequate Committee staff. It is the reason why the Committee voluntarily tightened its oversight functions and has insisted that each year legislation for continuance of the foreign military assistance program be renewed only after thorough review by the legislative as well as the appropriations committees of both Houses of Congress.

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Committees Touching Foreign Relations Indirectly

By MICHAEL H. CARDOZO

A LITTLE-NOTED sentence in the Economic Cooperation Act of 1948 expresses the attitude of many people toward the foreign relations activities of committees of Congress other than the Foreign Relations and Foreign Affairs committees. At the end of Section 114, authorizing appropriations for the European Recovery Program, appeared the observation that "the authorization in this title is limited to the period of twelve months in order that subsequent Congresses may pass on any subsequent authorizations."

Why was it necessary to limit the authorizations to twelve months in order to let subsequent Congresses pass on future provisions of funds? Was it not enough to have annual appropriations under a simple authorization of the lump sum needed for the four-year program?

The answer is that it was not enough if each year the program was to have the benefit of a push in the form of a new evaluation from the committees most likely through experience to understand the basis of the policy and to appreciate the need for commensurate appropriations. Without requiring annual *authorizations*, as well as appropriations, the foreign relations committees would have no annual chance to call the friendliest witnesses and give the kind of strong send-off that big foreign spending programs need on their way through the reefs of floor debate. If the sums to be allotted were left to the appropriations committees alone, it was feared that the average congressman's natural concern for the welfare of his taxpaying constituents would so far outweigh the arguments for large

expenditures on foreign aid that the success of the program would be jeopardized.

CONGRESS-WIDE CONTACT WITH FOREIGN RELATIONS

If it is true that the "average" senator or congressman does not sufficiently appreciate the needs of our foreign relations, and that only the members of the committees directly charged with matters arising in the foreign field do appreciate them, there is real danger to our world position. Not only does every member of Congress have to vote many times in each session on foreign policy matters, but a very large number of them serve on committees whose responsibility includes subjects as closely related to foreign policy as those that come before the two foreign relations committees. One can be sadly mistaken if he thinks that the rules allocating to the foreign committees "all . . . matters" relating to "Relations of the United States with foreign nations generally" and "Measures to foster commercial intercourse with foreign nations . . ." mean that other committees are never concerned with the field.

Acts concerning tariffs and duties, the entry and status of aliens, quotas on imported commodities, claims involving other countries, representatives of the armed services attached to our embassies abroad, the property of alien enemies, ships and shipping, the secrecy of inventions in the field of national security, copyright, and other subjects were reported out by such "other committees" during the second session of the Eighty-second Congress. At least fifty public laws enacted in that session

in the field of foreign relations were reported out of committees other than Foreign Relations and Foreign Affairs.

Serving on those other committees were three-quarters of the membership—over 300 members of the House and about 75 members of the Senate who were not on their respective foreign relations committees. This means that nearly every member of Congress during the course of a session must consider in committee, and join in a report on, some matter of concern in the administration of our relations with other countries.

IMPORTANCE OF RELATED SUBJECTS

It would be an equally grave mistake to believe that the areas of responsibility assigned to the "other committees" are not of major importance in our foreign relations. One of the crucial issues of the day is whether we are to have "trade, not aid." If "aid," which is the responsibility of the foreign relations committees in the first instance, is to be replaced by "trade," the Committee on Finance and the Committee on Ways and Means will have to report on the measures that will tailor our customs and tariff rates and procedures to fit the needs of the slogan.

The constitutional amendment proposed by Senator Bricker to curtail the power to make international treaties and agreements is before the Senate Judiciary Committee. The public works committees pass on the requests for expanded facilities to handle the volume of imports and voyagers efficiently. The "Buy American" Act, so intimately bound up with the issue of substituting trade for aid, was originally part of an appropriation bill. The armed services committees deal with the size, strength, and disposition of our military forces and weapons—the stuff that the backbone of the free world is made of. The judiciary committees report on the laws

that say who may enter and stay in the country, whether they are mere tourists, businessmen engaged in trade, or officials of the United Nations.

The British loan of 1946 was handled in the banking and currency committees, though it had the same purpose as the foreign aid bills that later were the exclusive responsibility of the foreign relations committees. For a moment in 1949, however, it looked as if the Armed Services Committee of the Senate would get the proposed foreign military aid program, but agreement was reached to handle it through joint hearings with the Foreign Relations Committee.

Various committees deal with legislation to implement treaties, first considered by the Foreign Relations Committee and then ratified with the consent of the Senate. The Senate Finance Committee and the House Ways and Means Committee report on legislation to implement tax treaties such as those intended to avoid double taxation in the United States and other countries. Bills introduced for carrying out the United States responsibilities under treaties regulating deep-sea fishing, such as the halibut, salmon, tuna, whaling, and sealing conventions, are referred to the House Committee on Merchant Marine and Fisheries and the Senate Committee on Interstate and Foreign Commerce.

The latter committees also deal with the delicate subject of ships and shipping in international commerce—delicate because it provides such an obvious means of increasing the dollar earning power of other nations, but only at the risk of stepping painfully on the toes of an industry long favored with generous subsidies and served by influential labor unions depending on its prosperity.

Above all, the funds needed to carry out any policy must pass the tests of the appropriations committees. These hear much testimony that is hard to dis-

tinguish from what is said in the foreign relations committees, and their reports contain observations on foreign policy and evaluation of proposals fully as direct as those of the latter. The power of the purse, through conditions on expenditures and limitations on amount, can easily determine the course to be followed with other countries, and it has done so. Nothing in many years has irritated our relations with the French Foreign Office more than the controversy over the rights of American businessmen in Morocco. The statutory provision that finally landed us in a suit with France in the International Court of Justice was a condition in an appropriation act. Besides such conditions, the amounts themselves affect the size of an administrative staff, the strength of the armed forces, and the sums available for foreign aid. All are determinants of our policy toward other countries.

Ad hoc COMMITTEES

As if there were not enough standing committees in the two houses operating in the area of foreign relations, every once in a while a new committee is created in connection with a specific program. An example was the "Watchdog Committee" established under the Economic Cooperation Act of 1948. Its membership came in part from the two foreign relations committees. Its function was to keep an eye on the operations of the Economic Cooperation Administration in carrying out the European Recovery Program.

Some of the purposes served by such devices justify the encroachment on the responsibilities of the standing foreign relations committees. From the financial point of view, it provides an opportunity to use the program funds for committee expenses without augmenting the budgeted allotments of the stand-

ing committees. It permits the hiring of special assistants for the extra work, instead of adding to the duties of the existing staff. Perhaps most important, a joint committee, with members from various committees of both houses, can gather information for all the responsible groups at once, in lieu of duplicating trips and probes by each committee.

HOME AND FOREIGN ECONOMIES LINKED

World affairs today affect the life of everyone. In such times, the actions of Congress in even the most unexpected field are likely to affect our foreign relations in some degree. Bills to control the prices of goods sold in the United States, naturally referred to other than the foreign relations committees, can have a crucial effect abroad. The testimony of State Department witnesses before the responsible committees evidences legitimate concern. If prices in the United States are permitted to rise without control, two things happen to other countries. First, they find that their already scarce dollars are less effective in filling their needs. Second, scarce goods from other areas are attracted to the high-priced United States market, so other countries find it hard to get what they require for economic health.

Recognition of the importance of sound economies among our friends abroad has led us not only to give direct financial aid, but also to enter into voluntary arrangements for the sharing of scarce materials. The need for these arrangements led the State Department to defend them vigorously, on purely foreign policy grounds, before the banking and currency committees during consideration of the Defense Production Act. The same act contains the "fats and oils" provision limiting imports of commodities such as cheese. The Sen-

ate Banking and Currency Committee has referred to it as not "unduly affecting in an adverse manner our export trade or our relations with friendly foreign nations"—an evaluation which others in the foreign policy field have strongly contested.

EFFECTS OF INVESTIGATIONS

During recent months the influence on foreign relations of the various special investigations has grown markedly. Only occasionally is such an investigation conducted by the foreign relations committees. The investigation of our policy in the Far East during the "Great Debate" of 1951 was before the Senate Foreign Relations and Armed Services committees, sitting together. One major investigation conducted by one of the foreign relations committees was that by the so-called Tydings Committee into the loyalty of employees of the State Department.

During the current (Eighty-third) Congress, the Senate Internal Security Subcommittee, part of the Senate Government Operations Committee, has taken over this field and has been spending much of its time on the question of the trade between Red China and other countries. In the previous session it probed the causes of the "loss" of China. Its recent activities have led to acrimonious charges, on both sides, of interfering with the carrying out of foreign policy. It has held extensive hearings on the effectiveness and staffing of the Voice of America. In connection with surplus property disposals, it has dealt with legislation affecting overseas sales and the use of the foreign currency proceeds.

In the House, the Un-American Activities Committee has been checking into various aspects of Communist infiltration, by persons acting for the So-

viet Union, into activities all over the country.

All these inquiries touch upon responsibilities that come within the assigned functions of the foreign relations committees. It is undeniable that they have a noticeable effect on how our officials conduct relations with other countries and on the attitudes of other countries toward the United States.

DIFFUSION OF POLICY-MAKING

Certainly the complexities of our governmental machinery are increased by the wide diffusion of committee responsibility for the different components of our foreign policy.

The situation, of course, is not confined to Congress. In the executive branch, major parts of our foreign policy are administered in the Defense, Treasury, Commerce, Agriculture, and Justice Departments, and in independent agencies such as the Export-Import Bank, the Atomic Energy Commission, and the Mutual Security Agency. Supposedly policy is *made* in the State Department, under Presidential guidance and congressional control; but everyone who administers does a little policy-making in the process. This has been well recognized in the provisions of the Economic Cooperation Act and the Mutual Security Act, which prescribe consultation with the Secretary of State in the field of foreign policy.

The diffusion in Congress, however, adds new doubts abroad as to the true course the United States is planning to follow.

THE TARIFF DILEMMA

Unquestionably the height of our tariff wall is today one of the most controversial elements of our foreign relations. No longer is it a question of gaining mere good will abroad by letting other peoples sell their produce to

us. Now, many contend that the best way to relieve our own taxpayers of the burden of foreign aid is to let our friends trade with us and earn their own way. High tariffs, then, which help certain of our industries and the people who work in them, at the same time not only increase the cost of the goods to consumers here, but also add to the tax burden on all of us by continuing the need for aid.

The foreign relations committees of the Congress, when asked how the burden of expenditures that they are advocating in an aid bill is to be lightened, will suggest reductions in the barriers preventing other countries from trading with us. The appropriations committees may echo the sentiment. As a result, substantial sums made available for economic aid go to increase the exportable surpluses of Dutch cheese and Turkish figs.

Just before the product of this program is shipped, however, the Ways and Means, Finance, and Banking and Currency committees express their conviction that the welfare of the country is better served by protecting industries here from injury by the competition of goods produced by the low-paid labor available abroad. Their response is a recommendation that an "escape clause" be required in every trade agreement or that an import quota be placed on cheese competing with United States domestic production.

When the President seeks the advice of congressional leaders on the execution of these provisions, he invites the chairmen of the relevant committees, but they are not from the foreign relations committees. Thereafter, the executive machinery inexorably grinds out a ban on the very imports that the foreign relations committees hoped to encourage. Our position in the community of nations suffers because the dollar earnings of two good friends suffer commensu-

rately, and trade is no nearer to replacing aid. On the other hand, a domestic policy of protection for United States industry has been enhanced. The policies inevitably clash; the problem is reconciliation.

GENERAL OBSERVATIONS

It would be wrong to suggest that everything good in our foreign relations goes through the specialized committees in that field and everything bad comes from other committees. Whatever may be said against the Immigration and Nationality Act of 1952, for example, the two judiciary committees wrote into it the elimination of race as a bar to naturalization. This could only have a favorable effect on our relations with other peoples of the world as was fully recognized in the committee reports.

Many of the measures that cause trouble with other countries have no committee sponsorship at all. The highly controversial "Buy American Act" was never recommended by any committee having been attached on the Senate floor to the last appropriation bill sent to President Hoover in 1933. The requirement that half the goods exported under military and economic aid programs be shipped in United States flag vessels is another measure that delays the recovery of our friends to a self-supporting status. This provision has always been inserted in bills in which the foreign relations committees have proposed the exact opposite, namely, wider use of foreign flag ships as part of the recovery program.

These cases demonstrate one of the chief causes of difficulties in our foreign relations stemming from legislation namely, the absence of any informed committee action on many proposals that first appear after the committee report has been prepared. If ever, such proposal were made while some

committee was considering a measure, it could be tested in hearings and debated by members with some specialized knowledge of the likely effects. Radical proposals adopted without hearings, as were the Kem amendment on east-west trade in 1950 and the Morocco amendment in 1950, can cause important difficulties with our friends, and at the same time may be completely ineffective to accomplish a worthy purpose.

There are clear historical reasons for referring certain types of legislation to committees other than foreign relations. In the case of the reciprocal trade program, for example, Congress is dealing with tariffs, and at one time tariffs were "for revenue only." They naturally fell to the revenue-raising committees, Ways and Means in the House and Finance in the Senate. Immigration and naturalization matters used to go to committees charged with those fields alone. When the reorganization came in 1947, they were given to the judiciary committees, possibly in recognition of the fact that they were being administered by the Department of Justice and the courts. It is a field where domestic law and international law play an important role, and the committee choice may be most wise, even though it deals in the field of foreign policy at the same time.

GUIDANCE OF SPECIALISTS

The effect of this widespread participation of so many of the committees in the foreign relations field is to bring almost the entire membership of the Congress into the formulation of foreign policy. Under the committee system, it is understood that groups of specialists will consider each of the complex subjects that require legislation. The members of the appropriations committees, of course, are responsible for the whole range of governmental activity;

but those committees themselves have been subdivided into specialized subcommittees. It is only in the field of foreign relations that we find such general participation of members of committees that do not specialize in the subject. Foreign policy has taken on some of the quality of the "general welfare" which must guide every congressman in his consideration of proposals that require his vote. The question remains, however, whether the global complexities of our foreign relations can be mastered by every member, so that he need not have the guidance of the specialists on the foreign relations committees when he is confronted in committee by a matter affecting other countries that can change the course of our history.

As a matter of fact, all the Senate committees that deal with major legislation and issue reports on subjects that are not referred to the Foreign Relations Committee can expect to have guidance from at least one specialist from that committee. In the Eighty-second Congress, individual members of the Foreign Relations Committee served on eleven other regular committees, including Finance, Judiciary, Banking and Currency, and Atomic Energy—those dealing with such vital matters in the foreign field as tariffs, immigration and nationality, loans for exports and imports, and the control of atomic weapons. Oddly enough, there was no such overlap on the very important Armed Services Committee. In several instances where the responsibilities of the two committees coincided, however, the Foreign Relations Committee and the Armed Services Committee held joint hearings and rendered joint reports. Through such combined hearings and by the presence of the specialists from the Foreign Relations Committee, the other Senate committees are in a position to know the views and profit by

the experience of the group chiefly responsible for formulating congressional policy in the field. The policy committees of the two parties, with their aim of "Unity of Command," provide an additional source of co-ordination among the different committees.

The situation is very different in the House. Most of the members serve on only one committee. It would be unusual to find more than four or five of the members of the Foreign Affairs Committee on other committees. Such other committees are not likely to be of major standing, and therefore will not have a major role in foreign relations. How, then, are the specialists of the Foreign Affairs Committee to make available their presumably better-informed views in the deliberations of the other committees before crystallization in the form of committee reports? One means, of course, is through testimony and messages presented in the course of hearings. These are frequently used. Party discipline may, in addition, do much when it can be directed toward particular measures. As a general proposition, however, the House committees other than the Foreign Affairs Committee must operate largely without regular guidance from the specialists in foreign affairs who serve on the one committee responsible exclusively for foreign relations matters.

IMPLICATIONS OF WIDE PARTICIPATION

The participation of a large portion of the membership of Congress on committees operating in the area of foreign relations is a highly significant development in our governmental structure. It means primarily that more than ever the electorate must choose representatives who are qualified to act intelligently and responsibly on foreign policy matters. The hero of local political battles who is sent to Washington by

proud neighbors has always expected to meet a sudden broadening of his horizon to embrace national problems. Now, however, he finds himself in the midst of the world's agonies.

It is impractical to suggest that the committee work on foreign policy should be concentrated more in the foreign relations committees; they are already swamped with hearings, investigations, and reports on programs, bills, and treaties. More important, however, is the recognition that greater participation in these matters, through committee work, enables more of the membership to acquaint itself with the considerations behind the programs and thereby to exercise a more informed vote when foreign policy issues are before them. Widespread knowledge and understanding throughout the country of the problems and the needs of our foreign relations will make themselves felt in the selection of congressmen.

Schools and colleges can do much to achieve these ends among the voters. For the elected representatives, the frequent trips abroad taken by groups from the various congressional committees, as part of their effort to inform themselves on pending questions, help to give them an opportunity to understand the problems and reactions in other countries.

These travels, then, should be encouraged as part of a recognition that greater participation of the whole membership in the consideration of foreign relations measures is inevitable and desirable. If there should be any significant shift of responsibility back to the foreign relations committees from other groups dealing with these subjects, the country would probably be the ultimate loser. What might be gained from greater co-ordination and uniformity in committee operation could easily be lost through less-informed action on the

floor. We must hope rather that the elected representatives of a country with a world responsibility will themselves see the general welfare in ultimate benefit rather than immediate advantage.

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Influence of Noncongressional Pressures on Foreign Policy

By FRANKLIN L. BURDETTE

ONE of the dilemmas of our time is the difficulty of maintaining democratic control of foreign policy in an age of tension. Woodrow Wilson spoke eloquently of open covenants openly arrived at, but few ever construed this language to apply literally to the processes of negotiation. Yet it is of the essence of democracy that public information must guide public decision.

The remarkable fact about American foreign policy is the degree to which it has been and is responsive to public opinion. In no other country in the world is the complex mechanism of shaping foreign policy more open to public inspection or more dependent on public support.

With the growing international role of the United States, the responsibility and work of Congress in international affairs have vastly increased. When Congress deals with public issues, its members invite and welcome both information and exhortation from interests which may be substantially affected. Legislative lobbying is based not alone on the doctrines of free speech, free press, and petition for redress of grievances. It is also encouraged by a responsible Congress eager to take into account the information and views of groups having weight in the country. Such weight is often but not always measured by numbers. Congress is responsive, and rightly so, both to political strength and to special competence. In dealing with current problems of national defense, for instance, Congress relies heavily upon expert opinion about such matters as aircraft design and de-

velopment. In matters political, pressure tactics are least effective when party strength and solidarity are greatest.

MAJOR INTERESTS

Economic groups

The most powerful domestic pressures which Congress encounters in the field of foreign policy, as in the case of most other areas of controversy, come from groups which expect to gain or lose financially from alternative courses of action. These economic interests have enough at stake to afford expensive participation in the legislative process. Much of the cost is connected with the maintenance of staffs and offices, with the preparation and publication of literature, and with the use of mass communication facilities. Among the most influential of the economic groups in the determination of foreign policy are organized farmers, shippers, labor, and trade associations.

In many instances economic groups benefit from defense and other contracts. On the one hand, such contracts give them vested interests to defend; but on the other, experience from contracts affords special opportunity to understand intricate policies and operations of which no other interest group can speak from firsthand knowledge. It is the task of Congress to chart the proper course, or at least the optimum course, between advantages and disadvantages.

In the case of the proposed co-operative venture with Canada for a St.

Lawrence Seaway, for instance, economic groups have shown a marked tendency to divide on geographical lines.¹ Economic groups within the area of the Great Lakes, including the powerful farmers of the midwest, favor the proposal. Interests on the eastern seaboard and in the southern states, including the railroads, oppose the project. Division of opinion in organized labor also tends to follow sectional lines.

These differences in self-interest illustrate the fact that American foreign policy, like other public policies, must be evolved through a struggle for political and economic power.

Professional and civic groups

A high level of informed opinion is characteristic of points of view about foreign policy expressed by many of the country's nonpolitical membership organizations. Support for postwar foreign policy has been forthcoming from such broad membership groups as the General Federation of Women's Clubs, the League of Women Voters, the United States Chamber of Commerce, the United States Junior Chamber of Commerce, the National Federation of Business and Professional Women's Clubs, the Foreign Policy Association, and many educational, civic, and fraternal bodies. The full power of these organizations has never been marshaled in peacetime in a unified effort for an objective in foreign policy, but their diversified strength is of enormous value in undergirding public support of American diplomacy.

Veterans

The whole field of foreign policy is of major interest to veterans' organizations, particularly with respect to aspects of national defense. The reputa-

tion of veterans for association with isolationism has been modified by the events of the past two decades. The American Legion and the Veterans of Foreign Wars are among the strongest advocates of universal military training as a major element of national security. The leading veterans' organizations have supported the United Nations, the European Recovery Program, and the North Atlantic Treaty Organization.

Religious groups

Protestant opposition to diplomatic relations with the Vatican has in recent years been a memorable episode in church participation in the making of foreign policy.² With respect to most issues, Protestantism is divided about the propriety of church activity in political controversy. Nevertheless, important segments of the Protestant churches have been represented in support of reciprocal trade agreements, the United Nations, aid to Europe, and the North Atlantic Pact. Catholic groups have likewise supported these measures.³ Catholic influence on behalf of American aid to Spain has been a noteworthy factor. On many issues of international concern, heavy congressional mail arrives from constituents who identify themselves as church members.

Ethnic groups

Exceedingly important in several key states is the political power of Americans who have deep concern for the lands of their ancestry. This phenomenon of politics is highly significant in the great cities of the east. Several hundred foreign-language newspapers and other periodicals with estimated circulations of several millions contribute to or-

¹ See National Council of Churches of Christ, *Diplomatic Relations with the Vatican*, New York, 1951.

² See Luke Eugene Ebersole, *Church Lobbying in the Nation's Capital*, New York, 1951.

³ See, for example, *St. Lawrence Seaway and Power Project*, Hearings before the Committee on Foreign Relations, United States Senate, 82d Cong., 2d sess. (1952).

ganized activity in foreign policy. Cultural and civic organizations of political importance are maintained by Czechs, Germans, Greeks, Hungarians, Irish, Italians, Jews, Poles, Scandinavians, Spanish, Yugoslavs, and others. An overwhelming majority of these Americans are firmly allied with the western nations against the policies of the Soviet Union and its satellites. They are especially active and influential in connection with measures affecting immigration, displaced persons, foreign aid, and recognition of the interests of their former homelands. The Jewish interest in Israel has in recent years represented one of the most important special claims upon American foreign policy.

The historic opposition to Britain by Americans of Irish descent has probably diminished as a major pressure, but examples of it are easily found in congressional proceedings. In 1950 the Senate Committee on Foreign Relations received the following testimony:

Mr. COSTELLO. Mr. Chairman, I am John M. Costello, former Congressman from California, and at present a Washington representative of the American League for an Undivided Ireland.

I might explain for the benefit of the members of the committee that the American League for an Undivided Ireland was created in New York in November of 1927 when delegates from practically all of the organized Irish societies in this country met there in convention. At that time they organized this league with a view of preventing the carrying on of the partition of Ireland.

I might say that those organized societies constitute well over a million active dues-paying members throughout the United States. So the League comes to you as a spokesman for all the organized Irish-Americans in this country, and unofficially I think it can speak for practically all of the Irish-Americans in the country, who number possibly between 30 and 40 million people. . . .

Mr. Richard F. Dalton of Long Island

City, N. Y., who is a member of the executive board of the League, is here to speak in behalf of the entire organization at this time. I will present Mr. Dalton.

Senator GEORGE. We will be glad to hear from you, Mr. Dalton.

Mr. DALTON. Thank you, Senator.

I am here, as Mr. Costello has described, to express the unrelenting opposition of myself as a taxpayer, and of all those taxpayers whom he has enumerated—and they are responsible and large taxpayers—to the sending of any further money to England under the Marshall plan so long as England shall continue to maintain occupancy by her forces of six of the northeasterly counties of Ireland against the overwhelming majority opposition of the Irish people.⁴

THE CHINA LOBBY AND THE IPR

Under legislation originally passed in 1938, agents of foreign governments, whether or not they are American citizens, must file statements every six months with the Department of Justice. Samples of political propaganda which they issue must also be submitted. Many governments are represented, for various purposes, both by foreigners and by citizens of the United States.

One of the most sensationally publicized of these organizations representing a foreign power is the so-called China Lobby, sympathetic with the regime of Chiang Kai-shek. The story of intrigue and aggrandizement surrounding it was portrayed in detail by a national magazine in 1952.⁵ An eminent American student of the Far East has described this account as one-third fact, one-third imagination, and one-third honest mistakes—but still the best we have. Activities of the Institute of Pacific Relations, allegedly infiltrated

⁴ *Extension of European Recovery, Hearings before the Committee on Foreign Relations, United States Senate, 81st Cong., 1st sess. (1949), p. 409.*

⁵ *The Reporter*, Vol. 6, No. 8 (April 15, 1952), pp. 2–24; No. 9 (April 29, 1952), pp. 4–24.

with Communist sympathizers, were the prolonged object of equally sensational investigations by a subcommittee of the Senate Committee on the Judiciary, reported in 5712 pages of hearings.⁶ The basic strategy of the China Lobby was always more directly aimed toward influencing Congress than was that of the Institute, some of whose members emphasized administrative contacts.

THE PRESS AND THE COLUMNISTS

Because they are read by members of Congress and the administration, Washington newspapers are disproportionately influential in American politics. No other papers are more likely to be scanned by a majority of the members of Congress, although each member is prone to read a paper or two from home. The most influential of the capital's papers are *The Washington Post* and *The Evening Star*,⁷ although the *Times-Herald* (edited by Robert R. McCormick) and *The Washington Daily News* (Scripps-Howard, tabloid size) are not to be disregarded. Among other papers of great influence in Congress are *The New York Times*, the *New York Herald-Tribune*, and the *Christian Science Monitor* of Boston.

Reporters and columnists often form fast friendships with officeholders, legislative and executive, who respect both the power and the wisdom of the press. Some of the writers are valued counselors about public policy. Influential columnists in the Washington papers, most of them syndicated widely throughout the country, include David Lawrence,

⁶ *Institute of Pacific Relations, Hearings before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws, Committee on the Judiciary, United States Senate, 82d Cong., 1st–2d sess. (1951–52).*

⁷ *The Evening Star*, May 25, 1953, states that 95 members of the Senate and 406 members of the House buy its weekday issues.

Walter Lippmann, Drew Pearson, Dorothy Thompson, Constantine Brown, Marquis Childs, Joseph and Stewart Alsop, Thomas L. Stokes, Doris Fleeson, Gould Lincoln, Peter Edson, Robert C. Ruark, Eleanor Roosevelt, Jerry Kluttz, George Sokolsky, and Westbrook Pegler. A story carried by a major columnist is reflected in mail from home and therefore is of marked effect in the political atmosphere of the capital. Reporters of the stature of an Arthur Krock carry weight in the highest policy counsels. The Department of State, sensitive to the climate of the press, prepares regularly, for the guidance of its top officials, digests of press comment about international affairs.

THE PERSISTENT INDIVIDUAL

There is a common impression that only great organizations and vast campaigns play any appreciable part in the influences which shape congressional policy in foreign affairs. Ordinarily prestige, connections, and a large constituency are significant elements in pressure politics. Close observers are aware, however, that persistence, sincerity, and a command of facts are political weapons of great power even when exercised by a single citizen.

A notable illustration in the field of foreign policy is the experience of Robert E. Rodes, who for a year spoke on behalf of American businessmen in Morocco. His insistent persuasion in 1950 overrode the position of the Department of State on the floor of the Senate and gained congressional support for limitations upon American financial aid when American business faced economic discrimination.⁸ Before the Senate Committee on Foreign Relations he spoke at length after conferences with individual Senators.

⁸ 96 *Congressional Record*, 81st Cong., 2d sess. (1950), pp. 6488–89.

The CHAIRMAN [Senator Connally]. You have gotten a good ways from Morocco.

Mr. RODES. I would like to go back.

The CHAIRMAN. We would be glad if you would. . . . Are you on a salary basis over here?

Mr. RODES. I am not, sir.

The CHAIRMAN. For representing these men?

Mr. RODES. I certainly am not.

The CHAIRMAN. You do not mean you are doing it on your own?

Mr. RODES. I am not doing it on my own. I think at the present writing I am about \$4,000 out in expenses. The boys have paid some of my expenses. I have paid most of them.⁹

TECHNIQUES

The lobbyist in any area of foreign policy, like all other lobbyists, is most effective if he is master of his subject, straightforward in his approach, helpful to members of Congress in his contributions to the legislative process. Experienced heads in Congress are sure that earnestness and integrity are not only appropriate but also successful.

One of the major functions of lobbyists is the careful drafting of proposed legislation, either in the form of bills or of amendments. Supporting data justifying proposals are also of primary importance. Equally important is identification of the lobbyists' point of view with that of influential political elements. Contacts with leaders who are themselves influential with legislators are not to be overlooked. The organization of local, state, and national committees and other groups, with endorsements, statements, and resolutions, involves basic strategy in public relations. The modern lobby deals in all the facets of effective propaganda—and the genuine is usually the most effective.

⁹ *Extension of European Recovery—1950*, Hearings before the Committee on Foreign Relations, United States Senate, 81st Cong., 2d sess. (1950), pp. 289, 295.

It is the policy of the Senate Committee on Foreign Relations to permit testimony in hearings from responsible representatives from all major groups who wish to be heard. Moreover, the committee will receive for the record statements from persons and organizations. Adequate presentation of a case from the point of view of any interest group should involve not only complete data but also selected witnesses who represent, if possible, various important and widely distributed economic, professional, and geographic segments. Testimony of major news value, either because of the drama of the subject or because of the prominence of the witnesses can be made to turn hearings into a great national discussion.

When any substantial part of the American public is aroused over a legislative issue, letters and telegrams pour into congressional offices. Such messages are of great weight when they appeal to be spontaneous expressions from responsible citizens. At the time of the dismissal of General MacArthur, Congress was deluged with an unprecedented mass of communications which offered every evidence of sincerity and spontaneity. The political consequences of such a flood are greatest when public demands can be focused upon action which Congress is asked to take. Quantities of telegrams and mail in 193 contributed in large part to Senate defeat of the World Court protocol.

REGULATION AND THE COURTS

The well-known Federal Regulation of Lobbying Act, passed in 1946, has failed to meet the expectations of optimists. This somewhat involved statute has been the victim, in various ways and at various times, of noncompliance, of inadequate enforcement arrangements, and of partially successful court attacks. This law has required (1) quarterly statements from persons or organiza-

tions (except committees of political parties) collecting funds to be used to influence legislation; (2) advance registration of any person employed for purposes of legislative influence; and (3) quarterly statements of receipts and expenditures from any person registered. Provisions relating to paid lobbyists clearly do not apply to witnesses before congressional committees, to public officials, or to members of the working press. Upon conviction, violators are punishable by fines not to exceed \$5,000 in each instance and by imprisonment not to exceed a year. Persons convicted, recites the law, may not attempt to influence Congress for a period of three years under pain of possible penalties of a fine of \$10,000 and imprisonment for five years.

Any careful examination of the statute, or of the reports which have been made under it, will reveal confusion in interpretation and observance of the law. When is a person or organization collecting money to be used "principally"—a key word in the law—to influence "directly or indirectly" legislation in Congress? Should a veterans' membership association, interested in legislation as well as in numerous other activities, report its finances? Does the law require, because of the force of the word "indirectly," the report of all contributions, or simply the report of funds used principally to influence Congress? Opinions and reports have varied, with a multitude of different motivations. In actuality, financial statements are usually filed from a sense of civic responsibility or duty, even in cases of possible doubt; from belief that the spirit of the law requires reporting; or from indications in the social or legal climate that noncompliance may involve unfavorable publicity or other undesirable consequences.

In 1948 the National Association of Manufacturers sought a declaratory

judgment to clarify the lobbying statute and to enjoin the Attorney General of the United States from instituting prosecution against the NAM. On March 17, 1952, a special three-judge United States District Court for the District of Columbia unanimously held unconstitutional sections of the Federal Regulation of Lobbying Act which require financial reports from persons and organizations collecting funds to influence Congress. In the opinion of the court in this case, *National Association of Manufacturers v. McGrath*, Judge Alexander Holtzoff concluded that vague language in the statute violates the due process requirement of the Fifth Amendment to the Constitution. With equal emphasis the court considered a penalty prohibiting convicted persons from attempting to influence Congress a violation of the free speech and petition provisions of the First Amendment.

Upon appeal to the Supreme Court by the Department of Justice, the litigation encountered technicalities which leave the whole question unsettled. Because J. Howard McGrath had been succeeded as Attorney General by James McGranery, the Supreme Court, on October 13, 1952, ordered the case returned to the lower court with instructions to dismiss the complaint on the ground that it had become moot. A petition for rehearing and substitution of McGranery's name for that of McGrath was denied by the Supreme Court on November 17, 1952, despite the contention of Justices Reed and Jackson that the petition should be granted.

In a subsequent case in the District Court, *United States v. Harriss*, decided January 30, 1953, Judge Holtzoff held unconstitutional the section of the Lobbying Act requiring registration and financial reports by paid lobbyists, on the ground that the unconstitutional penalty which also applies to it cannot be separated from the operation of the

section. Moreover, the District Court expressed the view that the precedent set in the National Association of Manufacturers case was still binding on the court, since the Supreme Court had not reviewed the decision but had merely held that the case had become moot in the progress of the litigation. An appeal by the Department of Justice from this decision of the District Court is scheduled to be argued in the Fall 1953 term of the Supreme Court.

These disconcerting technicalities do not obscure the essential vagueness of many provisions in the Lobbying Act. The slowly developing legal situation discourages compliance with the statute and explains in part the diminishing number of registered lobbyists and financial reports. The statute is woefully in need of clarification and repair.

PROPOSED CHANGES

The House Select Committee created to investigate lobbying and headed by the late Frank Buchanan of Pennsylvania recommended several changes in the Federal Regulation of Lobbying Act.¹⁰ The committee suggested that no stigma should be attached to the words "lobbyist" and "lobbying," but it recognized that many persons have disliked the connotations of the terms. Moreover, neither word is used in the act except in the title. Further, the required filing of reports is not regulation. A short title proposed by the committee is "Legislative Interests Reports Act."

In addition, the committee favored expressly exempting radio and television broadcasting stations, since newspapers and other periodicals are already excluded from the coverage of the law. Elimination of the constitutionally questionable penalty prohibiting violators of

the act from attempting to influence Congress for three years was also suggested. Reduction of detail in required reports and exemption of persons spending less than \$1,000 per year to influence legislation were advanced as simplifications which would bring into the limelight more important activities. A prohibition of contingent-fee arrangements, by which lobbyists are paid on the basis of successful influence, was cited as a desirable feature to be borrowed from many state laws.¹¹

These suggested amendments are of course minor. While they would on the whole improve the law, they would not solve the problem of accountability of persons seeking to influence legislation. Other recommendations of the committee contemplated more careful legislative and administrative scrutiny of filed reports.¹² Present and proposed procedures, which make lobbyists accountable to Congress for information about activities and to the law-enforcing Department of Justice for noncompliance, do not attain the happy end of honor for straightforward lobbyists as distinguished from condemnation for occasional recreants.

INFLUENCE AND RESPONSIBLE GOVERNMENT

Whether the name be "lobbyist," "influence," "interest," or an entirely new term, there is rightly a place of honor for men and groups who properly bring information and points of view to the attention of legislators. Means should be found to prevent the improper use of influence, but the means employed should neither condemn nor discourage

¹¹ For a view that contingent fees are a legitimate form of business procedure, see Bertram M. Gross, *The Legislative Struggle* (New York, 1953), p. 47.

¹² *Report and Recommendations, op. cit.*, pp. 32-35.

participation in the interplay of political forces in the democratic process. Foreign policy, like every other aspect of public action, must involve politics in the broadest sense. Government by consent of the governed must be based on persuasion, and this basic maxim is no less true in the field of foreign affairs than in any other.

Proper recognition for public service well performed by persons and groups interested as citizens in legislative action would be an appropriate development. Accolades for those who deserve them could become a valuable encouragement in a period when condemnation for public activity is more easily acquired than praise. To that end, Congress and its committees might more frequently follow the example of the courts by expressing formal thanks for counsel properly offered.

A natural tendency to focus attention on the unusual and the sensational obscures the values of the normal discus-

sion of public affairs. The prestige of Congress itself, not only now but at most times in the past, has suffered from public misconceptions based on the bizarre. The consequent exclusion from the popular mind of any real understanding of Congress at work has led to opinions about the national legislature which are not helpful to responsible government. A truer picture of a working Congress, with admitted handicaps and faults, reveals a representative institution seeking information from all sides and accepting political responsibility for decisions and compromises which must be made in the midst of innumerable conflicts of interests.

Politics is a struggle, and Congress should not be censured for welcoming struggles which are better debated than fought. Organized debate in the area of foreign policy, appreciated and understood rather than criticized or denounced, will strengthen American leadership in a free world.

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¹⁰ *Report and Recommendations on Federal Lobbying Act*, House Select Committee on Lobbying Activities, 81st Cong., 2d sess., House Report 3239 (1951), pp. 29-31.

Congress and the Department of State

By BEN H. BROWN, JR.

In the early periods of the Government the opinion and advice of the Senate were often taken in advance upon important questions of our foreign policy. General Washington repeatedly consulted the Senate and asked their previous advice upon pending negotiations with foreign powers, and the Senate in every instance responded to his call by giving advice, to which he always conformed his action. This practice, although rarely resorted to in later times, was, in my judgment, eminently wise, and may, on occasions of great importance, be properly revived. The Senate are a branch of the treaty-making power, and by consulting them in advance of his own action upon important measures of foreign policy which may ultimately come before them for their consideration, the President secures harmony of action between that body and himself. The Senate are, moreover, a branch of the war-making power, and it may be eminently proper for the Executive to take the opinion and advice of that body in advance upon any great question which may involve in its decision the issue of peace and war.

THESE words of wisdom, from a message to the United States Senate on June 10, 1846 by President Polk, are even more appropriate today than they could possibly have been then.

How often we are astounded at the wisdom of our forefathers! How often we read the Constitution and wonder how its drafters could possibly have provided so wise and just a document! How often we have read a statement by one of our earlier statesmen and found it as appropriate today as at the time it was made; indeed, in many cases more appropriate!

President Polk's statement is limited in its historical reference to negotiations with foreign powers and in its expres-

sion of opinion to the treaty-making power and the war-making power. To day we find that most authorities on the subject of the relationship between the President and the Congress in the field of foreign relations would broaden this concept to include lesser issues than those involving war and peace, and would broaden the participation to include the other house of the Congress. The desirability of a close working relationship is more evident today than at any time in the past.

Although the desirability of consultation has been recognized by many Presidents in our past, our first 150 years as a nation involved few situations urgently demanding such co-operation. Before World War II the United States was not definitely established as a leading power in world affairs; earlier because we did not have the necessary strength, later because we did not have the desire. Our venture into the field of international power during the First World War was, relatively speaking, more in the nature of a scouting expedition than of an invasion in force. We quickly receded into our shell. Only with the outbreak of hostilities in 1939 did this country become irretrievably launched into world affairs, to emerge from a devastating war with a position of unquestioned leadership which required a reassessment of all of our relationships, not only with other governments but also between branches of our own government.

INCREASED NEED FOR COLLABORATION

The broad subject of legislative-executive relations in the field of foreign affairs very quickly boils down to the

narrower subject of Congress and the Department of State. The President is the responsible officer with respect to foreign relations. The Secretary of State is his agent. As the President's representative in this field, co-operation with the Congress falls primarily on his shoulders.

For the most part, there was, until quite recently, little need for frequent contacts between the Secretary of State and the Congress, except in the field of treaties and in connection with the periodic appropriations by the Congress of funds for the administration of the Department of State and the Foreign Service. There was an unrecognized, and therefore unmet, need during the negotiations for peace following World War I. The tragic results of this failure to co-operate are well known.

The real need, on a permanent basis, for co-operation between the Executive and the Congress on foreign relations began with the outbreak of World War II, when it quickly became evident that the powers of the President alone in the field of foreign relations were insufficient to carry out this great nation's responsibility. Legislation was required to accomplish necessary measures which were beyond the authority of the President himself. First we had the Neutrality Act of 1939, that vain but hopeful effort to remain aloof from the problems of the world. This was followed closely by "cash and carry," then by lend-lease. After our entrance into the war, as the great needs of the devastated areas which were being liberated by the forces of the Allied nations were realized, there was the authorization for our participation in and contribution to the United Nations Relief and Rehabilitation Administration. All these war-time measures required the authority of Congress exercising its constitutional responsibilities. True, the leadership in

most cases was taken by the President, but without the Congress he was unable effectively to act.

Following the conclusion of the hostilities, we were faced with more problems requiring action by the Congress. There were the peace treaties to be negotiated and ratified by the Senate. There was post-UNRRA aid requiring the expenditure of funds. The Communist efforts to overthrow the government of Greece and the Communist threat to Turkey required American assistance to those nations. When it became evident that more than emergency aid was required, that national economies had to be rebuilt if freedom were to be maintained, the Secretary of State, General Marshall, proposed what later became known as the Marshall plan, or, officially, the European Recovery Program. Prior to the finalization of the Marshall plan, "Interim Aid" was required to bridge the gap in a few of the countries. Shortly thereafter, the North Atlantic Treaty was entered into; then the Mutual Defense Assistance Program, along with the continuation of the Marshall plan. To fight Communism by improving the underdeveloped countries, President Truman proposed as Point Four of his inaugural address what was later to be known as the Act for International Development. All these measures required the participation of both the Congress and the Executive.

The Korean outbreak, the peace treaty with Japan, the debates in the Senate on the question of sending American troops to Europe, and the problems in connection with the Far East made even more evident the fact that no longer can the President alone run the foreign affairs of this government, but a combined effort by the President and the Congress working toward the same end is required.

EXAMPLES OF CONGRESSIONAL PARTICIPATION

During the recent period under discussion, efforts were made to bring about greater participation by the Congress in the formulation of foreign policy. Near the end of December 1941 the President established an Advisory Committee on Post-War Foreign Policies. In May of the following year, members of the Congress were invited to participate in this committee. The first two Senators invited were Senator Tom Connally of Texas, chairman of the Foreign Relations Committee, and Senator Warren R. Austin of Vermont, ranking minority member of that committee. By January 1943, when the preparatory work had become more developed, congressional participation was increased. Senator Walter F. George of Georgia and Senator Elbert D. Thomas of Utah were invited to take part in that month, and later Senator Wallace H. White, Jr. of Maine became a member, as did Representative Charles A. Eaton of New Jersey, Representative Sol Bloom of New York, and Representative Luther A. Johnson of Texas. Subcommittees of the Advisory Committee were also set up, participated in by members of Congress.

In international negotiation, begun early in 1944 in the cultural, labor, economic, and financial fields, members of Congress participated. Two Senators and two members of the House of Representatives participated in the Bretton Woods Conference. In March 1944 Secretary Hull invited the Chairman of the Senate Foreign Relations Committee to name a congressional group for informal consultation on the possible plan then being drafted for a general international organization. A group of eight Senators was named, and this group had frequent meetings with

Secretary Hull. In addition, Secretary Hull discussed the plan at some length with a number of members of the House of Representatives. Prior to and during the international negotiations at Dumbarton Oaks, constant liaison and consultation with both the House and the Senate were maintained.

During this period congressional participation in international conferences was on the increase. At the Mexico City Conference in February 1945, we had as congressional advisers Senators Connally and Austin and Representatives Luther A. Johnson and Edith Nourse Rogers.

Further consultations were held before the United Nations Conference on International Organization at San Francisco, both on substantive matters and on the question of congressional representation at this conference. There were present at San Francisco as active members of the delegation Senators Connally and Vandenberg and Representatives Bloom and Eaton. Invited to consult with the delegation on fiscal matters were Senators McCarran and White and Representatives Rabaut and Stefan. All of these with the exception of Senator White, who was unable to attend, actually consulted with the delegation at the scene of the negotiations.

Finally, with the conclusion of hostilities and the beginning of the negotiations for the peace treaties, we find again the participation of members of the Congress in the great international conferences which were held. Since that date most international conferences of any significance have had congressional participation either as delegates or as advisers to the delegation. This congressional participation has been actual and active participation, both in the meetings of the delegations and in the meetings of the conferences. A great deal of consultation with the Con-

gress has also taken place on less important matters, not involving international conferences.

COMPLICATIONS

Spoken of in generalities, congressional participation in the formulation and carrying out of foreign policy would seem a simple matter. It is, however, an extremely complicated matter. The growth of the Department of State, required in order to fulfill our responsibilities, is in itself a complicating factor. The pressure of work upon the Congress is another factor. How best to bring these two organizations together, not only for consultation but for the transacting of necessary legislative business, poses a considerable problem. How should the Department be organized for consultation? How should a determination be made as to when consultation is required or desirable? With whom in the Congress should there be consultation?

It is disarmingly simple to indulge in platitudes and to maintain that the business of the government in the field of foreign relations can best be done by appropriate collaboration between the Executive and the Congress. It is challengingly difficult to work out a sound plan and procedure for consultation with the Congress. Many have made broad, ringing declarations of the necessity for co-operation. Few have proposed sound, workable plans for carrying out this effort.

ORGANIZATIONAL SETUP

Let us look to the organization of the Department of State for congressional relations. In the prewar years no particular organization was required, because of the limited amount of business which the Department had with the Congress. Thereafter, however, the responsibilities of the Department in

dealing with Congress became more complicated, and special assignments of this function in the Department were the practice. However, in almost all instances up until 1948, the official of the Department responsible for managing its relations with the Congress performed this task "in addition to his other duties." In January 1949, the Hoover Commission Task Force Report on Foreign Affairs contained, *inter alia*, the following recommendation:

The State Department should establish a coordinated program of Congressional liaison under the supervision of an Assistant Secretary with no other duties.

Recent experience has demonstrated the need for a full time Assistant Secretary of State for Congressional Relations. The present unsatisfactory status of State Department Congressional relations indicates that the job cannot be done on a part time basis by one of the Secretary's top level advisers.

The Assistant Secretary for Congressional Relations should actively participate in the top level policy formulation in the Department. He should be able to marshal personnel anywhere from within the Department to present to the Congress special phases of its programs. In this work he must have adequate staff to aid in the preparation of material, in following important issues and to perform helpful services for the members of Congress.

Shortly thereafter, when one of the assistant secretaryships then authorized in the Department of State became vacant, there was established an Assistant Secretary for Congressional Relations. In May 1949, when the Congress passed the State Department Reorganization Act, the report of the House Committee on Foreign Affairs made it clear that it was the intention of the Congress that one of the assistant secretaryships created by that act should be devoted to congressional relations and that the occupant of that post should have

no other function within the Department. Thus the office of the Assistant Secretary of State for Congressional Relations not only was created in response to the recommendation of the Commission on Organization of the Executive Branch of the Government, but also has statutory authority.

FACTORS IN SUCCESSFUL CONSULTATION

With the Department of State effectively organized to conduct congressional relations, the problem arose as to how best to carry on consultation on a constant basis with the Congress. Certain factors must go into the making of effective co-operation between the President and the Congress, or, more specifically, between the Secretary of State and the Department of State on the one hand and the Congress on the other. There must be a relationship between the principal officers of the Department and the members of Congress which is conducive to co-operative efforts in the foreign policy field. There must be a mutual understanding on the part of the members of Congress and the principal officers of the Department of the problems of the other. There must be constructive discussion of the problems involved in the foreign policy of this government, and a sincere effort jointly to work out solutions. Each of these factors involves numerous difficulties, many of which understandably can never be completely overcome. The effort must be to overcome as many as possible and to minimize those which cannot be overcome.

In this context when we speak of consultation with Congress, what do we mean by Congress? It is, of course, manifestly not possible even to inform all 531 members of Congress of the manifold problems involved in foreign policy, much less to discuss all of these problems with them. Therefore, when speaking of co-operation between the

Department and the Congress, one must consider both as institutions, not as individuals. Then one must determine who will represent Congress, the institution.

THE REPRESENTATIVE GROUP

This representation must be a group of limited proportions for consultation to be feasible. Obviously, no arrangement will be ideal. The most nearly satisfactory one would seem to be reached by looking at the manner in which the Congress organized itself as an institution. There is the "leadership" and there are the standing committees. Among these are, in the Senate, the Committee on Foreign Relations and, in the House, the Committee on Foreign Affairs, both set up by the Congress to advise the Congress on foreign affairs. When one considers the responsibility of these committees in connection with foreign policy legislation and the responsibility of the leadership of the two houses with respect to floor action on such legislation, one can logically conclude that the representatives most appropriate for consultation have been found. Obviously, the leadership does not have the time that is required for proper co-operation with the executive branch in the field of foreign relations. This means that the bulk of consultation must be with the Foreign Relations and Foreign Affairs Committees. These two committees are looked to by the leadership of both houses for guidance. What could be more appropriate than for this group to be the group with which the executive branch co-ordinates in the formulation of foreign policy, with, in addition, more direct approach to the leadership on matters of greatest importance?

It is difficult, of course, for some members of Congress who have a keen interest in foreign policy to accept such an arrangement. It has been said that

every man in the United States considers himself a Secretary of State, whereas there are few who feel that they have the necessary qualifications to be Secretary of Agriculture or Secretary of the Treasury.

But even these specialized committees are limited in time available to carry on consultation, by reason of their legislative functions which under present circumstances are extremely time-consuming. In attempting to meet this problem the committees and the Department have shown what in itself is an excellent example of legislative congressional co-operation. The two committees have each divided themselves into consultative subcommittees, which subcommittees have responsibility along the lines of the organization of the Department. Thus, a subcommittee having responsibility for European affairs is the proper body for consultation on foreign policy affecting Europe.

During the last four years there have been numerous consultative meetings between appropriate officers of the Department and the consultative subcommittees of the Committee on Foreign Relations and the Committee on Foreign Affairs. The subcommittees have been kept advised of the problems facing the United States in particular fields. The problems have been discussed, the views of the subcommittee members have been obtained. In many cases, in fact in most cases, a meeting of the minds has been reached between members of the subcommittees and the appropriate officers of the Department as to the suitable course to be followed by this government. There has been developed a true type of consultation which, though not perfect, is certainly a significant development. There has been established a procedure which can be built upon and further developed in order to bring about closer and closer co-operation between the executive and legislative

branches of our government in the field of foreign policy.

EXAMPLE OF SUCCESSFUL CONSULTATION

A specific example of successful consultation on a particular subject matter is the negotiation of the treaty of peace with Japan. When the present Secretary of State was appointed a special representative of the President with rank of Ambassador to negotiate the treaty of peace with Japan, he promptly met with the Far Eastern Subcommittee of the Committee on Foreign Relations and the Subcommittee on Pacific Ocean Area of the Committee on Foreign Affairs and discussed the many problems involved. Throughout the year during which negotiations took place, Mr. Dulles frequently met with these two subcommittees, considered developments since the previous meeting, outlined problems that had arisen, and discussed possible solutions to these problems. Consultation continued through the conference at San Francisco, when the treaty was signed by forty-nine nations. There were appointed as members of the United States delegation to the conference the chairmen and ranking minority members of the Foreign Relations Committee, the Foreign Affairs Committee, and the Senate and House Armed Services committees, as well as members of the Far Eastern and Pacific Ocean subcommittees of the respective committees.

The result of this splendid example of the possibility of collaboration between the Congress and the Executive was the prompt passage by the Senate of a resolution giving its advice and consent to ratification of the Japanese peace treaty.

Consultation with the Foreign Relations and Foreign Affairs committees should not operate to exclude other members of Congress from participating in foreign policy formulation. Other

committees have responsibility for matters affecting foreign relations. Other members have substantial interests in and responsibility for such matters. Consultation should be as broad as possible. But there must still be a hard core, a central focus, and that must be the Foreign Relations and Foreign Affairs committees.

INHERENT DIFFICULTY

Because of the constitutional division of powers between the President and the Congress, the conduct of the foreign relations of the United States in its present-day position of world leadership requires a close relationship between these two branches of the government. Such a relationship can be brought about only through honest attempts at full and frequent consultation.

At the same time it must be realized that this consultation in itself raises the problem of maintaining the division of powers provided by the Constitution. Such consultation increases the chances of invasion, by one branch of the government, of the field of the other.

President Polk in his message to the Senate in 1846 stated that "General Washington repeatedly consulted the Senate and asked their previous advice upon pending negotiations with foreign powers, and the Senate in every instance responded to his call by giving advice, to which he always conformed his action." Both the accuracy of this statement and the wisdom of such a practice are open to question. It is hard to believe that President Washington, who set the precedent by which many Presidents have refused to give the Congress certain requested information with respect to foreign relations on the ground that it would be against the interest of the United States to disclose such information, and who stalked out of a meeting with the Senate after at-

tempting "consultation" on an early treaty with the Indians, vowing never to return, "always conformed his action" to the advice of the Senate.

DIVISION OF POWERS MUST BE MAINTAINED

The President's constitutional authority in the field of foreign relations is not merely an authority but is also a responsibility. The same is true for the responsibility of the Congress. Neither the President nor the Congress can give up this responsibility to the other. President Polk's statement with respect to the treaty-making power is an oversimplification. The President, with his more intimate knowledge of relations with other governments and the factors which must be taken into account in the negotiation of a treaty, must, in carrying out his constitutional authority, seek to influence the Senate toward his position. There must always ultimately be a meeting of minds between the President and the Senate or there can be no treaty. This meeting of minds, however, must result from a process of give and take.

This basic issue must underlie any practice of consultation with Congress. In matters where the Congress has the authority, the Congress must ultimately make the decision by constitutional processes. In the situation where the President has the final authority and responsibility, the President must make the final decision.

Consultation is a process by which every effort should be made to reach an agreement and to bring about a co-ordinated approach by the President and the Congress. In the final analysis, however, this process must not be allowed to prejudice constitutional division of powers and the system of checks and balances established by the Constitution.

In a debate on the floor of the Sen-

ate on June 11, 1948, Senator Arthur H. Vandenberg said:

I think the Senate is entitled, at any time it pleases, to use the advice clause of the Constitution to tell the Executive what it thinks concerning foreign affairs. But I think it would be a tragic and unfortunate thing if the habit ever became general or too contagious because I respectfully submit . . . , only in those instances in which the Senate can be sure of a complete command of all the essential information prerequisite to an intelligent decision, should it take the terrific chance of muddying the international waters by some sort of premature and ill-advised expression of its advice to the Executive The Constitution places in the President the primary responsibility for the conduct of foreign

relations. He exercises that authority through his Secretary of State. When and where it is possible . . . for the legislature [and] the Executive to proceed from the beginning to the end of a specific venture so that all are consulted in respect to all phases of the undertaking, I think it is a tremendously useful thing

Consultation must consist of advice by the Congress to the President on decisions which under the Constitution he must make, recommendations to the Congress by the President on decisions the Congress must take, and a mutual discussion directed toward achieving a meeting of the minds on problems the solution of which must be found jointly by the Congress and the President.

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Executive-Congressional Liaison

By ESTES KEFAUVER

LACK of effective liaison between the executive and legislative branches of the federal government has been endlessly and increasingly troublesome over the years since the organization of our government. Serious conflicts between the executive branch and the Congress have brought back into active discussion means and methods of attaining a liaison between the two of such nature as to achieve a better functioning of both branches in the national interest.

Disputes and conflicts between these two branches of the federal government have been many and varied, arising from divisions as to policy; real, threatened, or imaginary encroachments upon the authority of one or the other; and similar causes. These differences, sometimes of an exceptionally sharp nature, have had wide repercussions in domestic affairs and politics. Wise representatives of foreign nations, both friendly and the reverse, have always paid careful attention to these divisions and to their meanings and possible consequences in our foreign relations; but it is only lately that the irritation sometimes caused by our divisions has reached such an intensity abroad as to cause important and responsible leaders among our friends and allies to comment on us publicly and critically in this regard.

The problem is one which we have long recognized at home—in fact, since the beginnings of our government—and proposals for its solution, none of which has been notably effective, have often been brought forward. The growth of our nation, the increasing complexity of an industrial society, and the vast expansion of man's knowledge in the

world of science, all have conspired to make the problem larger and vaster, and at least a partial solution increasingly compelling.

BRITISH SYSTEM NOT APPLICABLE

Our friends may be impatient with the results or lack of results which may appear to attend our divisions of authority between governmental branches. They will have sympathizers in the United States, where there has always been admiration on the part of many for the effectiveness of the parliamentary system, particularly as it works in Great Britain. But Americans have seen parliamentary systems of government fail elsewhere, and even the British system and British practice are capable of falling short of the ideal. Our Constitution was formed in an aura of libertarian ferment, among other influences, and the strong deterrents in that document to the possible establishment of despotism are thereby accounted for.

The British system, as some may not take into account, can permit a degree of personal government more easily than our own, no matter what the practice may have been. By this is meant that exceptionally strong, powerful, and persuasive leadership could achieve a degree of control of British government more easily than this could be done in the United States with its divisions of powers. There are also differences of character and tradition between the peoples of the two nations, despite a common cultural heritage, which would quite probably prevent any successful transference to the United States of the parliamentary system as such; and I, for one, certainly would not advocate it.

Fortunately both nations have effective two-party systems which tend to make possible responsible governments; but Great Britain, as well as having two major parties, each capable of governing, possesses a degree of party responsibility unknown in the United States.

Certainly we may borrow—and I think we should—such aspects of the parliamentary system as would, within the framework of our own Constitution and traditions, add to the effectiveness and facility of government in the United States. But even if it were possible of attainment, the merger in our country of leadership of both executive and legislative branches of government would create more problems than it would solve.

DIVISION OF POWERS INEVITABLE

The simple weight of our government, with all its vast duties, responsibilities, and size, is so great in modern times that division of authority and function would be required, it seems to me, if they were not already provided for by our Constitution. A member of Congress who also became directing head of an administrative department would promptly find that doing both jobs at once would call for the creation of deputies to carry out his legislative functions, as he would have such for his administrative functions, and the divisions would begin all over again.

It is this increased weight of government, more than any other factor, that produces the wedge between the legislative and executive branches. With the best of intentions, no member of Congress today can be an expert on the whole vast complexity of the governmental structure. He is sometimes faced, therefore, with the necessity of voting on technical matters beyond the scope of his own committee functions more or less blindly, as leadership, party, or interest group may direct.

Very often, perhaps most often, the difficulties which constantly occur between the executive and legislative branches arise because of lack of information. It is at this point that, in my judgment, we need most urgently to bring about improvement.

PROVISIONS FOR LIAISON

Every administration, naturally, has its own methods of dealing with Congress. Within administrations there is a wide difference as to methods employed by the various departments and agencies. In recent years the White House itself has employed at least one official whose function it is to provide liaison with the legislative branch.

At times this functionary may become immersed in settling matters of patronage more or less to the satisfaction of members of the administration's party in Congress. At other times he may deal principally with legislation and confine his efforts to obtaining support for bills sponsored by the President. If such is the case, his attention will be centered on the leadership of the Congress or of committees in whose jurisdiction such legislation will fall. Possibly this official will also be in charge of obtaining appointments with the President on behalf of members of Congress who wish to press certain ends upon him, or for the President with members of Congress whom he wishes to consult or whose support he wishes personally to obtain for legislation. In any event, this official's duties are informal and changeable and do not normally bring him into contact with the majority of members of the Congress.

One should not discount personal factors in the liaison or lack of it between the executive and legislative branches, and the practice of President Eisenhower of inviting each member of Congress for a meal at the White House has been a

pleasant social gesture which may or may not have other consequences.

The Department of State, largely because of a long series of difficulties with the Congress, has now, as it did in the administration of President Truman, an Assistant Secretary for Congressional Relations. No other department has a civilian official of such high rank devoted to liaison with members of Congress. Some departments and agencies, such as the Department of Defense and the Veterans Administration, maintain offices on Capitol Hill mainly to act as service agencies for members of the Congress. Some departments have no special officials for such purpose, and depend for the success of their relations with Congress on personal contacts made by various departmental or agency officials. Thus such efforts at better liaison as have been made by the executive branch have been chiefly informal, often sporadic, frequently personal, and in many cases largely intended to produce or protect appropriations. Congress, on the other hand, has limited its efforts to seeking the testimony of administrative officials in committee.

A QUESTION PERIOD

One of the most admired features of the British parliamentary system is the famous question period, in which ministers answer the questions of members before the full assemblage of the Commons. It serves, as perhaps no other method would, to enlighten all members of whatever party. It has a further important function in enlightening the public. This latter function in our country has in a fashion been filled by press conferences of the President, of members of the Cabinet, and of heads of agencies; but often enough such press conferences have been as much a weapon in skirmishes between the executive and legislative branches as they have been a means of informing the public.

A question period in which the heads of departments and agencies would appear before either or both Houses of the Congress could be established by means of a simple resolution, would involve no change in the established authority of either the legislative or the executive branch, and would contribute much to the knowledge of all members of the Congress. Thus, in the opinion of many, it would lessen the likelihood of confusion and bad judgment based on lack of knowledge.

To bring this about I introduced Senate Resolution 58 in the present session. As each House writes its own rules, the resolution under discussion would apply only in the Senate if passed. But it seems likely that if such a change in rules were to be approved by the Senate, it would be only a matter of time before the House of Representatives took similar action in reference to its own rules. The resolution is as follows:

Resolved, That rule X of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

3. There shall be held in the Senate on at least one day in each period of two calendar weeks, but not oftener than one day in any one calendar week, a "question and report period," which shall not consume more than two hours, during which heads of executive departments and agencies are requested to answer orally written and oral questions propounded by Members of the Senate. Each written question shall be submitted in triplicate to the committee having jurisdiction of the subject matter of such question, and, if approved by such committee, one copy shall be transmitted to the head of the department or agency concerned, with an invitation to appear before the Senate, and one copy to the Committee on Rules with a request for allotment of time in a question period to answer such question. If the Senate desires to hear from an under-secretary or one of the secretary's principal assistants, this shall

be arranged by agreement between the secretary and the legislative committee. Subject to limitations prescribed in this paragraph, the Committee on Rules shall determine the date for, and the length of time of, each question period, and shall allot the time in each question period to the head of a department or independent agency who has indicated to the Committee his readiness to deliver oral answers to the questions transmitted to him. All written questions propounded in any one question period shall be approved by one committee. The latter half of each question period shall be reserved for oral questions which shall be germane to the subject matter of the written questions by Members of the Senate, one-half of such time to be controlled by the chairman of the committee which has approved the written questions propounded in such question period and one-half by the ranking minority member of such committee. The time of each question period and the written questions to be answered in such period shall be printed in two daily editions of the Record appearing before the day on which such question period is to be held, and the proceedings during the question period shall be printed in the Record for such day.

ADVANTAGES OF PROPOSED SYSTEM

I think that the system proposed under this rule is an improvement on the parliamentary question session—for it is both a *report* and *question* period. It not only gives the members of the legislative body an opportunity to inquire into the problems of the Executive, but it also gives the Cabinet members an opportunity to present their cause to the whole body. It gives them an opportunity to present to the members of Congress in their basic statement the goals at which they are aiming, and to acquaint Congress with the obstacles which they must overcome to achieve those goals.

Rather than increasing the work of the Cabinet members, it is my opinion that such a system would lessen their

work. They are now called upon frequently by various committees, each of which hears them separately. Under this plan, all members of the Senate or the House would be able to hear the same Cabinet member at the same time, and he would not be called upon to repeat his basic statement before so many different committees.

The proposed system is designed to assist, rather than harass, the Executive. It would give him an opportunity to assert his leadership. The Cabinet officers would have to make policy decisions before their appearance on the hill. They would have an incentive to have their houses always in order, for, as the banker does not know when the examiner will be by, so they would not know when they might be invited for a question and report period.

PRESS CONFERENCE INADEQUATE

It has sometimes been argued that the largely American innovation, the press conference, supplies in our system of government the function of the question period in the British Parliament. The press conference is frequently highly useful, but it alone does not fulfill this need. Presidents since Franklin D. Roosevelt have made regular use of the technique of the press conference in communicating to the people and not rarely to Congress itself. But the decision as to whether to use press conferences or not, or whether to use any alternative method of communication with the press if any at all, is a matter of policy. Members of the Cabinet and heads of the various agencies of the executive branch ordinarily follow the pattern set by the Chief Executive, but they are by no means required to do so, and often do not.

Since Cabinet members and agency heads are responsible for most of the actual details of operating the government, and are naturally more conversant

with these details than is the President of the United States, a lack of policy in providing a means of regular and frequent communication between Cabinet and agency heads and either the Congress or the public at large is unsatisfactory.

We have heard much about "government by press release." There has been some justification for this charge, as administrators have expressed their opinions and purposes through written statements to the press. These admit of no questions, and may give the public—as well as members of Congress as they constitute a part of the public—one-sided and mistaken views of actual situations. The same thing may be said of public addresses, however frequent in number. They are rarely followed, when the speaker is a high official of the government, by question periods to inform the questioners.

WIDER ACCESS NEEDED

Congress certainly has opportunity to question Cabinet members and agency heads, or at least committee members do, when those officials appear before committees. But with the exception of such officials as the Secretary of State and the Secretary of Defense, whose Departments have problems demanding an almost constant attention by congressional committees, some Cabinet members escape even committee questioning except at the annual hearings on appropriations and on rare occasions when the subject under discussion is likely to be quite limited and specialized.

And as has been pointed out before, these sessions are usually limited to those members of Congress who are members of the particular committee concerned. A member of the Senate Committee on Finance doubtless will have an opportunity during the course of a year to question the Secretary of

the Treasury on several occasions; but if he is not also a member of the Committee on Agriculture, he will have no opportunity to question the Secretary of Agriculture, although he is as responsible in the final analysis for legislation in one field as the other.

In my judgment, it is not conducive to the best government possible under our system to have our legislators dependent for the bulk of their information on what may or may not come to them as readers of the daily press, as indispensable as the press is as a source of information, or on the printed hearings of committees, which, it must be admitted, are often lengthy and sometimes contain nonessential matter.

One answer—and it will be admitted that it is neither the sole nor the perfect answer to keeping the members of Congress adequately informed—would be to bring before the whole body of the Senate, or the House if it so desired, such heads of departments and agencies as it wished to invite for questioning.

The fear has been expressed on a number of occasions that witnesses would be subjected to undignified treatment and improper questioning if this were done. This fear is based on the happenings in certain committee or subcommittee hearings which various persons have found objectionable. The floor of either of the branches of the Congress is, however, governed by stricter rules and greater formality than necessarily apply in committee hearings. Original questions would be passed on by the chairmen of the committees in whose field they lay. Questions could thus be screened for irrelevance. That some political advantage might be sought in the question period cannot be denied, but it cannot be said that this is not also a mark of the question period in the British Parliament.

Possibly we would require a period of trial and error before such a question

period became an entirely natural and useful function of our system of government. But it must not be forgotten that there are few more public places than the bar of the Senate of the United States, and inevitably the weight of public opinion would bear down, as it invariably has done eventually, on those who would misuse and abuse democratic principles in high places.

Today we have an ineffective system of communication and liaison between the legislative and executive branches of the federal government. It is a

problem of concern not only to those who are participants in government, but also to nongovernmental experts in the field and to all thoughtful citizens. The problem gives not the slightest indication of lessening; on the contrary, it grows more grave with each passing session of the Congress. The proposal discussed here will by no means provide a solution for all of the problem, but as it could be put into force by simple resolution, it might well be the easiest step which we could now take in the right direction.

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Information and Intelligence for Congress

By H. ALEXANDER SMITH

THE legislative process is an institution the function of which is the creation of rules and regulations by which the political community may operate. To be effective, it requires information and intelligence. While it is possible simply to issue laws and enforce them with physical might, in the long run such a procedure must be modified or eventually fail. Certainly, under a democratic government which operates on the basis of the "consent of the governed," a full understanding of the possible ramifications and repercussions of a given legislative proposal is essential if the law is to be effective. This is the basic reason why the whole legislative procedure, including that of foreign relations, is built around the process of acquiring information and intelligence with respect to particular conditions and situations, and the application of that information to the fashioning of laws.

THE LEGISLATIVE REORGANIZATION ACT OF 1946

Only with respect to subject matter are foreign relations different from other matters receiving the attention of the Congress. The same need for intelligence and information is required. It is particularly important under our system of checks and balances that this intelligence and information be as full and objective as it is possible for the Congress to obtain. Prior to the Reorganization Act of 1946, the Congress had grown increasingly dependent upon the executive branch of the government for its information. Congress lacked an independent, reliable source upon which it could depend. Obviously, when the

chief source of information was the executive branch of the government, Congress' views on legislative matters were largely colored by the Executive's interpretation. Since 1946, however, Congress has sought more and more to devise its own sources of information in order that it need not be completely dependent upon Executive direction and interpretation.

There have always been clerks and secretaries in the offices of the individual members. Many of them are able research workers, supplying senators and congressmen with facts and figures and preparing memoranda and speeches to be used for legislative work. In addition, there have been clerks of committees, some three hundred of them in fiscal year 1946, who have performed research and administrative work for committees and their chairmen. However, prior to 1946, only a few of the standing committees and special investigating committees had expert staffs. Notable among the standing committees were the Senate committees on Education and Labor, Military Affairs, and Appropriations, and the Joint Committee on Internal Revenue. In 1946, with the passage of the Reorganization Act, each of the congressional committees was authorized to hire a number of professional staff members. Section 72A of the act states:

Each standing committee of the Senate and the House of Representatives (other than the Appropriations Committee) is authorized to appoint by a majority vote of the committee not more than four professional staff members in addition to the clerical staffs on a permanent basis without regard to political affiliations and

solely on the basis of fitness to perform the duties of the office; and said staff members shall be assigned to the chairman and ranking minority member of such committee as the committee may deem advisable. . . .

The use made of this provision has differed from committee to committee. It has furnished both the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives with professional staff members capable of analyzing and checking the information supplied by the executive branch. These staff members gather material and supply the committee with an independent informational approach to each of the many items that appear on the committee calendars. The information thus organized for the committee members is immediately available for debate purposes on the floor, and for use as background material and in speeches of the members of the committee, and on occasion as may be required by individual members of Congress. It is the practice of many senators to call upon a committee staff to supply them with information on questions pending before the Senate.

A special source of information and intelligence in the long and intricate process of bill drafting is the office of the Legislative Counsel. This office, staffed by capable lawyers, assistants, and clerks, is of great help to members of Congress by providing technical advice on the writing of legislation. The importance of this office, as with the committee staffs, is its independence of the executive branch of the government.

Another innovation of the Legislative Reorganization Act was the creation of the Senior Specialist Staff of the Legislative Reference Service in the Library of Congress. The purpose of establishing this group was to provide experts capa-

ble of furnishing members of Congress, the committees, and the Congress as a whole with technical assistance and expert information on subjects under consideration. There was in existence after 1916 a Legislative Reference Service which provided Congress with general information, but only with the creation of the Senior Specialist section in 1947 was Congress supplied with an agency for the special collection of reference works, statutes, bills, reports, and documents required in the framing of legislation.

Previously the Legislative Reference Service undertook the work of preparing digests, indexes, and compilations. Now, as a result of the reorganization, when particular questions arise, members of both Houses of Congress may consult with competent experts on problems in which the members are interested, and members may secure aid in the preparation of material for speeches and analyses pro and con on various bills. This group of specialists may also provide facilities for the organization of committee hearings; they may furnish basic data studies of problems before the Congress or likely to come before the Congress; and they may be called upon to present unbiased information on any topic that will be useful.

The traditional attitude of the Legislative Reference Service on controversial questions is that of scientific impartiality, and staff members must operate in a nonpartisan capacity. Frequently the Director of the Service, in consultation with the chairman of a congressional committee, assigns a member of his staff for a given period of time to serve a committee. The Legislative Reference Service has a number of specialists in the field of foreign affairs.

CHIEF SOURCES OF INFORMATION

There are as many sources of information for congressional purposes as

there are types of information. The main ones are as follows:

1. Perhaps the most obvious sources of the congressman's information are the regular media of radio, television, and the press. These are basic, and form the general groundwork upon which the congressman builds his knowledge of current events. The other sources of information outlined below are all supplements to these more basic media.

2. For general purposes, Presidents' messages and communications to the Congress, accompanied by papers, reports, and observations of the secretaries and the departments concerned, are of the highest order. As a rule, these pertain to treaties and international agreements. They may also pertain to specific items of legislation. For example, when the President sends to the Congress his request for appropriations for foreign aid, it is generally in the form of Presidential message and is read in the two houses and referred to the committees concerned. At the same time, draft legislation and appropriate documents are supplied to the committees by the secretaries concerned and by their departments.

Executive branch material

3. Since much of the foreign relations work of the Congress is in response to requests of the executive branch, the reports of the executive departments and agencies are as significant a source of information as any with which the Congress is concerned. For example, whenever a bill is introduced in the Senate dealing with foreign relations matters, it is the practice of the committee to request the views of the executive branch before proceeding with consideration of the measure. Thus, when the so-called Wiley St. Lawrence Seaway Bill, S. 589 of the present session (83d-1st), was referred to the Commit-

tee on Foreign Relations, the Chairman immediately asked for the views of the Army Engineers, the Departments of Defense, Commerce, State, Treasury and Interior, and the Bureau of the Budget.

These reports are generally in the form of letters from the respective departments and are cleared through the Bureau of the Budget to assure appropriate co-ordination. On occasion when important legislation is handled such as the Mutual Security Act, the printed, mimeographed, and typed material supplied the committee by the executive branch is imposing. For example, in considering the Mutual Security Act during the Eighty-third Congress, first session, the two committees received communications in various forms running into hundreds of pages.

When the committee investigating the information programs of the United States abroad conducted its studies as a result of a Senate resolution during the Eighty-second Congress, second session, it was literally flooded with printed material from the executive branch. Reports are also secured through consultation between the consultative subcommittees of the foreign relations committees of the two Houses and the Assistant Secretaries, Under Secretary, and Secretary of State. This type of material is oral. In addition, the executive branch may be called upon to supply information during congressional hearings and investigations, and the response is often prolific. In the preparation of a committee report, the views of the agencies concerned are normally sought in order to verify the information on which the report is based.

Hearings and investigations

4. By far the most extensive source of information consists of congressional hearings and investigations relative to specific problems and legislative pro-

posals. Investigations and hearings may be conducted by an *ad hoc* committee set up by either House, or it may be conducted by a standing committee or a subcommittee of a standing committee of either House. Section 134A of the Reorganization Act is useful in this connection. It reads as follows:

Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures (not in excess of \$10,000 for each committee during any Congress) as it deems advisable. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

It is a practice of the Foreign Relations Committee to hear any person who wishes to be heard during its hearings—the theory being that the right to be heard is a part of the constitutional right of every citizen to petition for a redress of grievances.

Obviously, investigations and hearings differ as committees and their chairmen differ. It is the practice of the Committee on Foreign Relations to hear the formal statement of a witness and then to question him on the presentation, although questioning can take place at any time. At such times each senator may ask such questions as he deems appropriate, and on occasion, committees may use counsel to carry on the questioning.

Various

5. As noted above, a major source of information is the committee staff. It is the function of the staff to prepare, by preliminary conference, interrogation, and otherwise, for meetings and hearings of the committee. The staff secures information about the people and agencies which should be heard, and also considers it part of its duty to see that questions are asked in order for the record to be as complete as possible for legislative purposes. This is done by means of staff studies, preliminary memoranda or memoranda supplied during the course of hearings, and preparation of questions and materials for use in connection with the hearings. Furthermore, it is a function of the staff to secure information for committee purposes either for the individual senator or for the committee as a whole at any point during the legislative process, and to supply information during the debates on the floor and to prepare speeches to be made in support of the committee position. Also, the staff is expected to secure and come prepared with technical information for committee use during conferences. After the legislation has been enacted, it still remains a staff function to supply answers to the questions which always come in following the enactment of a law.

6. Another source of information is the Legislative Reference Service of the Library of Congress. This has been previously discussed.

7. An additional source of information consists of travel by the committee and members of Congress. This is considered in a separate essay in this volume. Here it should suffice to point out that on-the-spot information is extremely important in the field of foreign relations. Since much of this information can be gathered by members of Congress only by visiting foreign lands,

it is the practice of the committee to travel for this purpose during the legislative session and between sessions. At such times, members of Congress have the opportunity to visit with foreign officials and to view local conditions and developments in areas affected by the legislation which they are called upon to consider. Such visits have proved to be an especially productive and rewarding source of information.

8. The headquarters of the political parties are another source of information. Each major party supports a research staff which prepares material on the major issues of the day. This material is available for use by members of Congress and their staffs.

9. Each party has its policy committee in each of the two Houses of Congress. These committees determine the position which the party is to take regarding the major issues coming before each House, and they maintain research staffs which prepare material for use by members of the party.

10. The various research organizations, such as the Brookings Institution, the Ford Foundation, the Carnegie Endowment for International Peace, and the Rockefeller Foundation, also serve as a source of information for the Congress. These organizations may be requested to prepare comments on specific pieces of proposed legislation, or, as in the case of the original Economic Cooperation Act, to make recommendations regarding the administrative structure of a proposed new agency.

11. Various veterans, labor, business, and other groups with specific interests employ lobbyists to present their particular views to members of Congress. These organizations, besides testifying before congressional hearings, seek to present their views to individual members of Congress. They print numerous pamphlets and flood congressional offices with their letters. Sometimes the

material is valuable and is used by the legislators. Often the representatives of these groups will visit the congressmen in person to present their views. Sometimes they will hold social functions or special meetings at which they can present their opinions to various members of Congress.

12. In addition to high-ranking American officers such as the Secretary of State and the Chairman of the Joint Chiefs of Staff, it is the practice of the Congress and the two committees concerned with foreign relations to consult visiting dignitaries or to hear them in joint session. Such people as Prime Minister Sir Winston Churchill of Great Britain, Premier Nehru of India, Chancellor Adenauer of Germany, Foreign Minister Eden of Great Britain, Minister of Defense Plevin of France, and Vice President Radhakrishnan of India have appeared before the Foreign Relations Committee. At such times, especially in executive session, the committee seeks to secure the views of such dignitaries, and legislation is frequently affected by the information the committee secures.

13. Finally, I wish to emphasize the importance of each legislator's own personal contacts, be they constituents, personal friends, or government officials. Acquaintances of this sort often provide congressmen with information which they could derive in no other way. Such personal relationships may frequently serve as a congressman's most important means of attaining valuable factual material.

FORMS AND CATEGORIES

It should be noted that the kind of information that the Congress seeks and secures is determined by the legislation in hand. It may be oral or written. It may be in the form of documents, memoranda, reports, transcripts, printed hearings, printed materials of all kinds, films, or records. This by no means

exhausts the list, but it will indicate the kind of grist that comes to the legislative mill and is used in connection with the making of laws. In a broad, general sense, such information may be divided into official and unofficial information, the official being that produced by government agencies, and the rest going into the category of "unofficial."

The information may be further broadly grouped as public, confidential, restricted, and secret. Public information is that which is made available to everyone. Confidential is that which may not be printed for public consumption. Restricted has reference to information which is confined to those who are authorized to use it. Secret information, generally pertaining to the security of the United States, is that which is for a relatively small group only, and the revelation of which constitutes an offense against the law.

The classification of information is often a difficult matter, in that the press and the general public seek to secure as much information as is possible, while the government officials and agencies concerned are prone to give the information that affects the security of the United States as high a classification as possible. Occasionally one hears of "leaks" from the agencies and congressional committees. This means that confidential or secret information has been unofficially revealed to an unauthorized person and has reached the press.

An interesting experience with respect to classified information occurred during the MacArthur hearings, when the Joint Committee on Foreign Relations and Armed Services of the Senate conducted the hearings in executive session but released the information as quickly as it could be transcribed, in a continuing process, page by page. In this instance, while the executive agencies indicated their classifications, the final decision on the matter was exercised by the committee.

In at least one instance, secret information was declassified by the committee on the basis that its revelation would be less harmful to the interests of the United States than keeping the general public uninformed on the matter dealt with.

CONCLUSION

Congress is steadily moving in the direction of increasing its own independent sources of information. If the Congress is to do an effective job under our system of checks and balances, it must not be completely dependent upon the executive branch in gathering its facts and figures. Of course the two branches will continue to work together closely in gathering and exchanging information. The Congress, however, is becoming better equipped to evaluate the material presented to it by the executive branch and to perform more effectively its role as a separate, coequal branch of government.

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Congressional Travel Abroad and Reports

By A. S. J. CARNAHAN

THE process of legislating on behalf of the people of the United States involves heavy responsibilities for members of Congress. Not only must the legislator keep abreast of current events within his own congressional district, but he must also be prepared to cast his vote on a host of legislative measures which vitally affect every single person in the United States. In addition, through committee assignments, legislators must assume a fair share of their committee responsibilities. This involves not only attendance at committee meetings and participation in committee deliberations and drafting of legislative measures, but also membership in special congressional study missions within the scope of committee jurisdiction in order to keep fully informed through on-the-spot observations on matters within the scope of committee responsibility.

Congressional travel is a recent development in legislative practice. The year 1936 marks the first time that any member of Congress undertook, at government expense, inspection of the Foreign Service of the United States. At that time, the Honorable Thomas S. McMillan of South Carolina, chairman of the State Department Appropriations Subcommittee, visited twenty-eight of our diplomatic and consular posts abroad. Prior to World War II, members of Congress who went abroad did so ordinarily as tourists or limited their travel to inspection of government-owned facilities in the territories of the United States.

EXTENT OF TRAVEL ABROAD

During the Eightieth Congress, in 1947-48, a total of 125 members of Con-

gress made trips abroad: 112 members made one trip, ten members made two trips, and three members made three trips. The missions involved fourteen different committees. The purposes of these investigations ranged from foreign aid, the Voice of America, and military security to hoof and mouth disease in Mexico, public works in Hawaii, and the St. Lawrence Seaway in Canada.

Following adjournment of the first session of the Eighty-first Congress in 1949, 169 members of Congress went abroad. In 1951, during the Eighty-second Congress, 204 legislators went abroad, and the work involved thirteen committees of the House and Senate. Thirty paid their own way in 1951. It is estimated that the travel represented 2,000,000 man-miles, and a total of 4,000 days were spent by members on foreign travel during that year.

During the Eighty-second Congress, study missions of the Foreign Affairs Committee, of which I am privileged to be a member, made surveys in the following countries:

Australia	Haiti	Pakistan
Belgium	India	Panama
Brazil	Indonesia	Peru
Colombia	Iraq	Portugal
Denmark	Israel	Spain
Dominican Republic	Italy	Sweden
El Salvador	Jordan	Switzerland
England	Lebanon	Syria
France	Malaya	Trieste
Germany	Mexico	Turkey
Greece	Netherlands	Uruguay
Guatemala	Nicaragua	Venezuela
	Norway	Yugoslavia

On the basis of these missions, oral and written reports were submitted to

the committee and to the Congress and were made available to the public, such as:

"A survey of Political and Economic Developments during 1950 in Western Germany, Austria, Trieste, Italy, Spain, and Portugal," Report of Hon. Mike Mansfield, Montana;

"Special Mission to Uruguay to attend the Inauguration of His Excellency President Andres Martinez Trueba of Uruguay," Report of Hon. A. S. J. Carnahan, Missouri, and Hon. Donald L. Jackson, California;

"Special Mission to Brazil to attend the Inauguration of His Excellency President Getulio Dornelles Vargas," Report of Hon. Thomas S. Gordon, Illinois, and Hon. Robert B. Chipfield, Illinois;

"Special Mission to attend Australian Jubilee" (H. Report 1087), Report of Hon. A. S. J. Carnahan, Missouri, Hon. Daniel J. Flood, Pennsylvania (member of House Appropriations Committee), Hon. Karl M. LeCompte, Iowa (member of House Administration Committee), Hon. Chester E. Merrow, New Hampshire;

"The Inter-American Study Mission" (H. Report 1454), Report of Hon. James P. Richards, South Carolina, Chairman, Hon. Omar Burleson, Texas, Hon. Donald L. Jackson, California;

"Sixth Session of the General Assembly of the United Nations" (H. Report 1453), Report of Hon. Mike Mansfield, Montana, and Hon. John M. Vorys, Ohio;

"Special Study Mission to Germany and Certain Other Countries" (H. Report 1456), Report of Hon. Clement J. Zablocki, Wisconsin, Chairman, Hon. A. S. J. Carnahan, Missouri, Hon. Brooks Hays, Arkansas, Hon. Edna F. Kelly, New York, Hon. Chester E. Merrow, New Hampshire, Hon. Jacob K. Javits, New York;

"Supplemental Report on Israel" (H. Report 1455), by Hon. Jacob K. Javits, New York; "Supplemental Report on Austria, Yugoslavia, Italy and Spain" (H. Report 1834), by Hon. Clement J. Zablocki, Wisconsin, Chairman, Hon. Edna F. Kelly, New York, Hon. Chester E. Merrow, New Hampshire.

FINANCING TRAVEL

What about the cost of this travel? Actually, this item should not be referred to as "cost," but more appropriately as "expenses." Frequently the small expenses involved in congressional study missions are more than counterbalanced by the savings to the taxpayer made possible through resultant remedial legislative action.

This of course applies with particular force to the work of the House Foreign Affairs Committee in the case of its special missions abroad. During the Eighty-second Congress the committee was authorized \$75,000 for all expenses, including travel abroad. Only \$20,765 of this sum was actually utilized, however. Indeed, it may be stated that one of the basic impulses behind the grant of congressional authority to the House Foreign Affairs Committee to maintain continuous watchfulness over the operations of the executive departments concerned with foreign affairs is the factor of economy, which inevitably results from an implementation of this authority.

Actually, insofar as the foreign aid programs of the United States are concerned, overseas expenses of congressional committees appropriately concerned with such programs may be, and usually are, met through the application of Section 527 of the Mutual Security Act of 1951, as amended. Under this section, counterpart funds abroad allocated to the use of the United States Government are made available to meet the requirements of "appropriate committees of the Congress engaged in carrying out their duties under Section 136 of the Legislative Reorganization Act of 1946."

Counterpart funds are local currencies which are deposited in special accounts by countries receiving economic assistance from the United States on a

grant basis. In return for the dollar assistance received, each country assumes an obligation to deposit in a special account its own currency in an amount commensurate with dollar-grant aid received.

Section 527 of the Mutual Security Act in effect recognizes that administrative expenses of the United States Government in running a foreign aid program abroad involve not only the administrative expenses of the executive branch but also those of the legislative branch. This is but one concrete demonstration of the principle that the foreign affairs of the United States involve the partnership of two co-ordinate branches of our government—the legislative and the executive.

It should be pointed out, however, that this method of meeting expenses of congressional study missions abroad first became operative upon the effective date of the Mutual Security Act of 1951.¹ There are other methods of financing congressional missions abroad. Occasionally this is accomplished by the device of a simple legislative resolution, authorizing a particular committee to conduct particular studies, followed by a companion resolution providing the necessary funds.

VALUE OF TRAVEL

Granted, however, that the cost, or, as already stated, the expenses, of congressional travel abroad are small and frequently involve no burden on the shoulders of the American taxpayer, the important question remains, What is the value of such travel?

There are many who feel that on-the-spot observation and study is an investment in good business management. It is actually the fulfillment of legislative responsibility. For the foreign policy committees, this inevitably involves

¹ Public Law 165, 82d Congress, approved October 10, 1951.

study missions abroad, attendance at particular international conferences, and representation of the United States to foreign countries on special occasions.

In point of fact, legislative travel abroad frequently acts as an articulate supplement to executive presentation in connection with an executive-sponsored bill of major importance. This is especially true in the field of foreign policy legislation. Executive-branch witnesses testifying on, for example, the impact of United States aid on a particular country can be assisted by those members of the committee who have studied at first hand the operations of the United States foreign aid program in that country. Not only can congressional study missions serve to supplement executive-branch information, but, as is often the case, they act as a double check on such information.

In this connection, I think it can be safely said that the knowledge by the executive branch that it is coming up to Capitol Hill to testify before a committee some of whose members have made on-the-spot investigations of the matters to be covered by the testimony, acts as a salutary stimulus to the benefit of all concerned, especially the American people.

TRAVEL AFFECTS LEGISLATION

The Herter Committee was one of the first postwar congressional groups to see conditions abroad with its own eyes in order better to judge the need for legislation extending assistance to prostrate Europe. By authority of a House resolution passed some seven weeks after General Marshall's historic speech at Harvard, a Select Committee on Foreign Aid was created and commenced operations under the leadership of Congressman Christian A. Herter of Massachusetts.² It was composed of members

² Mr. Herter is now Governor of Massachusetts.

of all the important committees of the House of Representatives which had responsibilities in the field of foreign aid. It was authorized to make a study of

1. actual and prospective needs of foreign nations and peoples, including those within United States military zones, both for relief in terms of food, clothing, and so forth, and for economic rehabilitation;

2. resources and facilities available to meet such needs within and without continental United States;

3. existing or contemplated agencies, whether private, public, domestic, or international, qualified to deal with such needs;

4. any or all measures which might assist in assessing relative needs and correlating such assistance as the United States can properly make without weakening its domestic economy.

The committee was divided into five subcommittees, each charged with area or functional responsibilities. Subcommittees dealt with Great Britain; Austria and Germany; France and the Low Countries; Italy, Greece, and Trieste; and finally, European agriculture. In its thorough investigation and study the committee interviewed government officials, as well as political, business, labor, and peasant leaders. Workers' and farmers' homes were visited; inspection trips were made through shops, market places, and factories; and every opportunity was given for unrestricted observation and study in all the free countries visited. A mass of data was accumulated, analyzed, evaluated, and published. The members of the Herter Committee devoted themselves painstakingly, assiduously, and sincerely to the task of acquiring on-the-spot, basic facts of Europe's needs. Objectivity was the keynote.

The overwhelming endorsement of the Marshall plan by the Congress is traceable, in large measure, to the legislative

expert guidance given by the Herter Committee following its study in Europe. As stated by the Honorable Jack K. McFall, former Assistant Secretary of State for Congressional Relations, and now United States Minister to Finland,

The widespread public approval of the work of the Herter Committee doubtless had much to do with the growing awareness in both the Congress and the State Department that much public good can flow from increased foreign travel by Congressmen. It came to be realized that travel abroad brings home to our legislators the realities of life and conditions in other lands and facilitates the solution of many problems important to the security and destiny of our own country.

The enactment of other important legislation has followed study abroad by members of Congress. A group from the House Foreign Affairs, Appropriations, and Armed Services Committees, in the late spring of 1951, studied at first hand the functions and purpose of the proposed Mutual Security Program. This probably played a major role in the program's acceptance by the Congress.

As a result of special study missions abroad made by members of the House Foreign Affairs Committee, recommendations made by such missions have frequently brought about changes in administrative practices and plans of the executive branch and have often resulted in legislative changes. In November and December 1951, a Special Study Mission of the Foreign Affairs Committee visited Germany, Austria, Yugoslavia, and Spain.³

AMENDMENTS TO MUTUAL SECURITY ACT

When the Mutual Security Act of 1952 was before the committee, several amendments recommended by the study

³ The report of this group has already been alluded to, above.

mission were adopted by the committee, then by the House of Representatives, and finally by the Congress. They are now part and parcel of the law of the United States. These amendments⁴ may be summarized as follows:

Spain. Section 3 (d) provides that not less than \$25,000,000 of the funds made available for western Europe by the act must be used for economic, technical, and military assistance to Spain as part of the Mutual Security Program.

Conditions. Section 7 (h) establishes the principle that mutual security can be realized only to the extent that the countries who receive our aid do their utmost to help themselves and co-operate among themselves and with the United States in achieving the objectives of a free world. The purpose of our aid is to bring about positive accomplishments toward mutual security. To this end, the Director for Mutual Security must ensure that no country receives United States assistance unless that country work together with other nations in its area and with the United States and participate in collective security programs.

Countries must also take steps to help themselves by making effective use of their own resources—fiscal, budgetary, political, military, and so forth. United States assistance will be given to the extent that recipient countries make progress in achieving such effective use.

Encouragement of private enterprise. Section 7 (k) provides that the Department of Commerce, in co-operation with private business groups and government agencies, must conduct a thorough study of the obstacles to private United States investment abroad and make recommendations to the Director for Mutual Security as to how these barriers can be eliminated or reduced.

The Mutual Security Agency, like-

⁴ All contained in Public Law 400, 82d Congress (Mutual Security Act of 1952).

wise in co-operation with business groups and governmental agencies, must broaden its guaranty criteria so as to facilitate the participation of private enterprise in guaranties—guaranties by the United States against expropriation or confiscation of United States property by foreign governments and guaranties of currency convertibility.

The Technical Co-operation Administration must award more private contracts to private industry and must, in co-operation with the Department of Commerce, find opportunities for investment and development and draw the attention of private enterprise to them.

Counterpart funds. Section 9 provides that up to \$100,000,000 of counterpart funds must be used in programs furthering private enterprise.

Section 9 (a) makes it clear that whenever a country uses counterpart funds for loan to another country, the funds, upon loan repayment, shall revert to the special account. The purpose is to ensure that the United States shall retain its supervision over the manner in which the counterpart funds are spent.

These amendments all strengthen and bring meaning to the phrase "mutual security" which appears in the title of the legislation. At the same time, the amendments are designed to assure the American taxpayer that he will be getting full value in terms of mutual security for every American dollar spent abroad.

TRADE CONTROL BEHIND THE IRON CURTAIN

In the summer of 1952, the Honorable Laurie C. Battle, Alabama, a member of the House Foreign Affairs Committee, headed a Special Study Mission to Europe to study the effectiveness of the administration of the control of trade with countries behind the Iron Curtain, pursuant to the Mutual Defense Assist-

ance Control Act, commonly referred to as the Battle Act. Following his return and prior to the submission of the formal report of the study mission, he wrote a letter to the Administrator of the Act making detailed suggestions for improvements in the administration of the program. In his letter replying to Congressman Battle's letter, the Battle Act Administrator referred to the fact that several of Congressman Battle's recommendations had been put into effect and that further action was being taken in this direction.

OF USE TO EXECUTIVE BRANCH

At times the executive branch itself has suggested that a study mission from a committee be undertaken. This was true in the case of the Special Study Mission to Pakistan, India, Thailand, and Indochina, on which I served, undertaken in April 1953. Other members of the mission included Hon. Chester E. Mellow, New Hampshire, chairman, Hon. Walter H. Judd, Minnesota, and Hon. Clement J. Zablocki, Wisconsin. On March 16, 1953, Hon. Harold E. Stassen, Director for Mutual Security, had addressed the following communication to Hon. Robert B. Chipfield, chairman of the Committee on Foreign Affairs:

It has occurred to me that it would be most constructive if certain members of the House Foreign Affairs Committee could, in the near future, visit some of the countries in which the Mutual Security Program is operating. Through such visits members would obtain much pertinent firsthand information on the program, which might be of great value when they consider the administration's request for legislation on this subject.

For example, in Europe important developments are taking place affecting the military buildup and the problems of the European Defense Community. Members of the committee who visit Europe would also have an opportunity to observe the

training and state of readiness of the troops of our NATO Allies and to find out how effective the buildup of defensive strength is in this area.

In other areas, such as the Near East or South and Southeast Asia, there would be an opportunity to observe at first hand the operations of the point 4 program and the economic and technical assistance programs of the Mutual Security Agency and to make an assessment of some of the significant and difficult issues, military as well as economic, which are being dealt with in these areas.

The thought occurs to me that an ideal time for such visits might be the period between April 3 and 13, during which I understand the House plans to take an Easter recess.

If this suggestion should prove acceptable to you and to the members of the committee, my office, in collaboration with the Department of State and the Department of Defense, would be very glad to suggest itineraries and to make all the necessary arrangements. As you know, the mutual security legislation makes it possible for official trips of this sort to be paid for through the use of counterpart funds.

Following its return to Washington, the study mission issued an oral report to the full committee and then a written report⁵ which has been made available to the executive branch, to the Congress, and to the public. The report of the mission has proved useful to the executive branch and to the House Foreign Affairs Committee in its consideration of the Mutual Security Program for 1954.

PROMOTE GOOD WILL

Past experience indicates clearly that such congressional study missions have an added important value. They create an atmosphere of good will and strengthen bonds between friendly countries, without which foreign relations can operate only in a vacuum.

Events and situations move and

⁵ H. Rept. 412, 83d Cong., 1st sess.

change so rapidly that the process of missions abroad recognize this acceleration. Keeping informed becomes constantly accelerated tempo and the necessity for keeping more complex. Congressional study ing pace with it.

A. S. J. Carnahan, Washington, D. C., is serving his fourth term as Congressman from Missouri. He is a member of the Committee on Foreign Affairs of the House of Representatives. He has held various teaching and administrative positions in the schools of Missouri, and served with the United States Navy during World War I.

The Meaning of the Term "Advice and Consent"

By MIKE MANSFIELD

DURING the greater part of the nineteenth century the United States was preoccupied mainly with domestic problems and issues. In the period between the signing of the Treaty of Ghent in 1815 and the opening of the Spanish-American War in 1898 there were few times when the American public, anxious to avoid the international difficulties endemic in Europe, was inclined to assign a priority of interest to foreign affairs. It required two world wars in the twentieth century, followed by a "cold war" which may be the precursor of a third world war, to bring the American people to a realization that technological progress has placed foreign relations at the top of the national interest.

While the external relations of the country have always occupied a place of importance, in the past generation they have become vital to the very existence of the nation. Since the national security now depends to a large extent on the success with which our foreign relationships are managed, the way in which they are conducted becomes a matter not only of considerable interest but also of practical consequence. Every American citizen ought, therefore, to have a fair understanding of the governmental processes that to a large extent control his fate.

HOW THE PATTERN WAS SET

The governmental machinery established for the conduct of foreign relations was devised and set up when the United States was a small country, when it had no responsibilities of consequence beyond its own shores and boundaries, and when, owing to the means of com-

munication available, time distances were great. The means then arrived at for the management of foreign affairs were designed more with reference to the origins and the political concepts of a young and novel republic than to the adaptability of the means to the exigencies which might have to be dealt with in the course of international relations in the future.

By and large, the criteria taken as the basis for the means of dealing with foreign affairs and embodied in the Constitution of the United States were in keeping with the other features of the constitutional scheme. Whether or not they were well conceived from the point of view of maximum effectiveness of United States foreign relations may be open to some question. They have, of course, undergone considerable evolutionary change since the beginning of the Republic, and further changes may still take place. Insofar as this can be made a conscious process, it should take note of our national institutional experience in dealing with other states down to the present time.

Of all branches of governmental activity, the conduct of foreign relations was the one in which the Americans of 1787 had the least experience to serve as guide. Prior to 1776 the foreign relations of the colonies had been the responsibility of the mother country, Great Britain. During the brief career of the emerging nation under the Article of Confederation, no particular effort had been made to give specific definition to treaty-making powers in the conduct of foreign affairs, since all authority had been exercised by the Congress. When the time came to devise

a constitution for the operation of a permanent federal union, it had been learned only that the conduct of foreign relations by an elected legislative body was not very satisfactory from the point of view of the establishment of national prestige abroad.

Nevertheless, during the early stages of the Constitutional Convention it was generally taken for granted that the treaty-making power would continue to be exercised by one or both Houses of the legislative branch. In the course of debate on the character of the Senate, however, sentiment developed for according some treaty-making functions to the Executive Office. There were advocates, also, for including the House of Representatives with the Senate in the control of foreign relations, for the reason that "as treaties . . . are to have the operation of laws, they ought to have the sanction of laws also." This proposal might have won but for the prevalent opinion that the necessity for secrecy in the forming of treaties was inconsistent with the legislative sanction.

At the same time, the almost morbid fear of an unfettered executive which pervaded the Convention ruled out any thought of concentrating treaty-making powers in the Chief of State. Since there was at that time no thought of or interest in making provision for the democratic control of foreign relations, and since the Senate represented the states, as had the Congress under the Articles of Confederation, it was not unnatural that the Senate should be given an important function in the treaty-making process and that two-thirds of that body should be given an absolute check on the making of contracts with foreign powers.

AN UNFORESEEN DIFFICULTY

The placing of strict limitations on the President's power may have thwarted

legislation enacted by the undemocratic process represented by the President's treaty functions. It did so, however, by establishing controls equally undemocratic. The senatorial two-thirds rule makes it possible for a minority of Senators to ruin a policy which may have the support of practically two-thirds of the Senate. Should the opposing Senators chance to come from the least populated states, an easily imaginable contingency in some types of issues, and should all members of the Senate take action on a proposed measure (a less likely contingency), it would be possible for thirty-three Senators, representing approximately one-twelfth of the population of the United States, to block a treaty supported by sixty-three Senators, representing the remaining eleven-twelfths of the population.

Nevertheless, the framers of the Constitution were content to believe that, in making provision that the Chief Executive should have power "by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur" (Art. II, Sec. 2), they had arrived at the most practicable method of applying the guiding principle of checks and balances to the conduct of American foreign relations. They seem not to have felt concerned in the least that, in thus creating a reciprocal treaty veto power of the President and the Senate, they might actually have opened the way to a stalemate in time of international crisis by arraying these forces against each other.

Political parties did not exist in 1787. Even the Founding Fathers were not able to foresee the likelihood that, for the sake of political advantage in domestic affairs, foreign policy on occasion might be placed in serious jeopardy. As the conduct of government, and even the election of the Chief Executive, came to be managed by organized

political parties, the role of the Senate in the conduct of foreign relations came to be very different from that envisaged by the authors of the Constitution. Not only did the senatorial term of office not coincide with that of the President, but, because of party politics, two-thirds of the Senate seldom represented the party which had placed the President in office. Inasmuch as the initiative in the conduct of foreign relations devolved upon the President, both by constitutional provision and by practical necessity, the real check on his treaty-making powers proved to be not two-thirds of the senatorial body, nor even two-thirds of the Senators present and voting, but approximately one-third of the Senate—a bare quorum plus one.

It is with this kind of treaty-making machinery that the United States must "make do" in the conduct of its foreign relations. "By and with the advice and consent of the Senate" thus has a connotation never envisioned by those who thought thus to protect the interests of the Republic. Repeated frustration, due to this circumstance, of efforts to resolve international situations by means of treaties prompted John Hay, when Secretary of State, to write: "A treaty entering the Senate is like a bull going into the arena. No one can say just how or when the final blow will fall. But one thing is certain—it will never leave the arena alive."

PRIOR CONSULTATION

Much of the difficulty which has been experienced in the making of contracts with other states has arisen from the expectation of the framers of the Constitution that the Senate would participate equally with the President in the negotiation of treaties and would have given its advice and consent prior to their signing. The terms inserted in the Constitution providing for the Senate's *advice*, as well as *consent*, cannot well

be interpreted otherwise. During the early years of the Republic, when needs for international engagements were few, some effort was made by the Executive to bring the Senate into prior consultation and to secure its advice on treaty matters before its formal consent was given.

President Washington's experience along this line is illustrative and also significant in its influence on procedures subsequently generally employed. On August 21, 1789 the President apprised the Senate of his intent to meet with that body on the following day "to advise with them on the terms of the treaty to be negotiated with the southern Indians." When on the appointed occasion it became apparent that the President wished only to obtain the Senate's immediate approval of drafts already prepared, members of the Senate moved to discuss the particulars in committee before taking action. Washington displayed intense pique at this hesitation to accept his judgment, and became convinced at once of the inadvisability of personal consultations with the Senate, although he continued to regard the Senate as a council to advise him on the conduct of foreign relations. Before the close of his administration, however, further experience had taught him the impracticability of attempting to obtain the approval of the Senate in all instances prior to the negotiation of international agreements.

SENATORIAL RESTRAINT

The outcome of early experience in the conduct of foreign relations thus was a growing conviction on the part of the Executive that, in order to take advantage of timely opportunity in diplomacy, actual negotiations must of necessity be carried on by agents of the Executive Office without the prior advice and consent of the Senate, while the latter became proportionately jealous.

ous of its constitutional prerogatives with respect to foreign relations. If the Senate was not to be consulted beforehand, it would be disposed to make full use of its power to reject or to amend treaties submitted to it. The upshot was a tendency on the part of the Senate, sometimes for the purpose of bringing political pressure to bear on the President, but always with a view to asserting the Senate's prerogatives and upholding its prestige, to be deliberate in its action on treaties, and either partially to approve by amending them or to reject them outright or through failure to take action at all.

There is no room for doubt as to the effectiveness of this attitude, which has become habitual, in restraining and even in disciplining a President and in making of the Senate something more than a legislative body. At the same time, this situation not infrequently has handicapped the United States in the conduct of its foreign relations. While there has been remarkably little protest on the part of foreign powers at the partial ratification of treaties, the lack of assurance on their part that an agreement successfully negotiated and signed will be ratified and become operative has clearly reduced their willingness to enter into negotiation with the United States on a number of occasions. John Quincy Adams once remarked: "I think amendments to treaties imprudent. By making them you agree to all the treaty except the particular you amend—and at the same time you leave it optional with the other party to reject the whole."

It should not be understood that the Senate, or for that matter the House of Representatives, may not have a part in the initiation of action bearing on treaty negotiation. The House on occasion has expressed in the form of resolutions its views with respect to situations calling for negotiation with foreign govern-

ments. Considerations of practical politics also occasionally have compelled a President to consult the House or to transmit to it information relative to foreign relations in advance of the termination of treaty negotiations in order to make certain of necessary appropriations.

The Senate likewise has essayed to take part in treaty negotiations on one occasion and another by setting forth, in the form of resolutions, what it has believed to be essential to have agreed upon in treaty form. The President, likewise on occasion, has found it prudent to take the Senate into his confidence prior to the opening of negotiations by presenting to that body the names of the plenipotentiaries or their instructions for confirmation and approval.

However, the President is under no legal obligation to consult with either body, and is entirely free to disregard their advice, although in such instances he maintains a free hand at the cost of possible retaliation in the form of withheld appropriations in the House, or inaction or adverse action in the Senate when treaty drafts are submitted for the Senate's "advice and consent."

EXECUTIVE INITIATIVE IN DIPLOMACY

Such consultation with the Senate as takes place nowadays in the matter of treaty making generally takes the character of informal consultation with members of the Foreign Relations Committee. The creation of this senatorial group as a standing committee in 1816 was a clear indication that even at that early period it had been found that the preliminary processes of treaty making could properly be attended to only through the initiative of the Executive Office. Actual experience thus has given meaning to constitutional provisions. The President alone has the power to negotiate with foreign govern-

ments. Also, only he has the means of negotiation. Those who carry on the details of negotiation, those skilled in diplomacy and their technical aides, are agents of the executive branch.

The Constitution, reflecting the earnest concern of the Founding Fathers to keep tight reins on the executive power, undertook to give the legislative branch some influence on the process as well as the outcome of treaty negotiations by providing (Art. II, Sec. 2) that "he [the President] shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls."

In the early days this provision was usually observed liberally. Not infrequently nominations were accompanied by memoranda indicating the nature of the instructions which were to govern the work of the emissaries. However, the practice of sending private Presidential envoys or agents abroad without reference to the Senate dates from the first President. This practice evolved in time into that of entrusting diplomatic negotiations to members of the regular diplomatic service. For more than a century now, United States treaties have generally been negotiated, not by envoys whose nominations to that end have been submitted to the Senate for confirmation, but by the Secretary of State or by those under his immediate direction.

THE SENATORIAL VIEW

The Senate has observed these trends with a jaundiced eye and with assertions of its own constitutional prerogatives. In 1831 a Senator complained that "all the Presidents have . . . been violators of the Constitution." Three years later a Senate resolution stated that the Senate felt constrained

by a high sense of its constitutional duty to express its decided disapprobation of the practice of appointing diplomatic agents to

foreign countries by the President alone, without the advice and consent of the Senate.

Forty years later the Senate again, in advising and consenting to a treaty, resolved that this action did not

admit or acquiesce in any right or constitutional power in the President to authorize or empower any person to negotiate treaties or carry on diplomatic negotiations with any foreign power, unless such person shall have been appointed for such purpose, or clothed with such power, by and with the advice and consent of the Senate. . . .

In 1888 another resolution was introduced in the Senate asserting that

the President has no right, under his implied powers of making preliminary negotiations of treaties, to appoint, without the concurrence of the Senate, private citizens as plenipotentiaries to make and sign such treaties in behalf of the United States.

In order to give substance to its interpretation of constitutional powers and prerogatives, the Senate now and then has undertaken to define and circumscribe the limits within which the President may be free to act. The Connally Resolution of November 5, 1943, for example, which was directed to the waging of war "against all our enemies until complete victory is achieved," closed with the injunction that,

pursuant to the Constitution . . . , any treaty made to effect the purposes of this resolution . . . with any other nation or association of nations, shall be made only by and with the advice and consent of the Senate of the United States, provided two-thirds of the Senators present concur.

This, taken together with the custom of the Senate of attaching reservations to the ratification of treaties, well illustrates the traditionally restrictive role of the Senate in the conduct of foreign relations.

On occasion, however, the Senate has

essayed to take a more positive part in the process, and even to initiate, through instructions to the President, certain types of action in foreign affairs. The Vandenberg resolution of June 11, 1948, for instance, instructed the President as to the steps which he would be well advised to take, in accordance with the policy of the United States, "to achieve international peace and security through the United Nations."

These examples, selected from a multitude of others, may serve to show that the check so painstakingly placed by the Constitutional Convention on the power of the Chief Executive in the conduct of foreign relations has long since come to be employed, not so much as a check, but as an opportunity for the substitution of senatorial judgment and authority for executive judgment and authority.

EXECUTIVE AGREEMENTS

Inasmuch as the whole of the national experience thus far shows conclusively that there can be no substitute for the Presidential power to stake out foreign policy and to take all preliminary steps for implementing it in the form of international engagements, the constitutional checks placed in the hands of the Senate too often prove to be obstructions rather than safeguards. But there is an alternative to the treaty in the conduct of foreign relations. Before a treaty can be made—that is, completed and ratified—agreement must be reached between the United States and the foreign state or states concerned. An international engagement, prior to its reference to the Senate for advice and consent, is an executive agreement. Until it is submitted to the Senate it remains an executive agreement, and it can be continued and employed as an operable instrument in that capacity.

The executive agreement, as a substitute for the treaty, was not envisioned

by the makers of the Constitution; yet the powers conferred upon the President clearly give him authority to enter into such contracts. An executive agreement does not become a part of the supreme law of the land, and it can be nullified at any time by congressional legislative action. Nevertheless, it has come to be regarded as legally binding on the United States and has been found to be acceptable to foreign governments in lieu of treaties.

The essential difference between an executive agreement and a treaty, in many instances, lies merely in the fact that the latter has received the advice and consent of the Senate. Consequently, for the sake of preserving a consistency in foreign policy or for the sake of promptitude in the consummation of negotiations with foreign powers as pressures of time and circumstance increase in the modern world, Presidents have been compelled more and more to resort to the use of the executive agreement and thereby to avoid the cumbersome need of securing the Senate's advice and consent.

AN UNSATISFACTORY SITUATION

The increasingly frequent substitution of the executive agreement for the treaty in order to expedite a measure or to avoid the hazards of senatorial obstructionism involves, of course, the possibility of the substitution of one abuse for another. As long as executive agreements having the force of treaties can be entered into without the knowledge, much less the approval, of the Senate, or of either of the Houses of the Congress, and diplomatic agents and plenipotentiaries can be appointed without reference to congressional approval, the only check on the will of the Executive lies in the congressional power of the purse. This will not necessarily serve to prevent the conclusion of unwise or

unpopular engagements, the Yalta agreement perhaps being a case in point.

Under present circumstances, therefore, the American people are confronted with a dilemma in the conduct of foreign relations: the implementation of foreign policy is subject on the one hand to the delays and obstructionism almost certain to result from the political machinations of a minority in the Senate, and on the other hand to the vagaries of a single individual who by virtue of the workings of party policies has become the Chief Executive of the national government and who rarely can be called to account except on the occasion of quadrennial elections. Both methods are undemocratic to a large extent. Each is likely to result in arrangements unadapted to important realities, the Senate being, by its nature, largely unacquainted with the exigencies of the international situation, and the President not invariably attuned to the attitudes, outlook, and prejudices of the American electorate.

A SUGGESTED REMEDY

An improvement in this situation would not require constitutional change. It would be necessary only to return to the original intent of the framers of the Constitution in making provision for the Presidential conduct of foreign relations with the advice and consent of the Senate. It would be requisite only to adapt recent trends in the conduct of foreign

relations to our governmental structure.

Only the executive branch can handle actual procedures in our foreign relations. Executive agreements have come to stay. Little if any effectiveness would be lost should the whole process of treaty making be performed in terms of executive agreements discussed in advance as far as possible, not only with the Senate Foreign Relations Committee but also with the corresponding body in the House of Representatives. Opinion in the House, on the whole, is more representative of opinion in the country as a whole than is the opinion of the Senate. Also, it has a more direct bearing on the financial implementation of public measures. Joint resolutions of Congress, by which means so many vitally important steps have been taken in recent years, would strengthen the nation's prestige abroad.

Essential differences in point of view of President and Congress might much better be discovered in advance of a foreign engagement than after it has been negotiated, as has been amply demonstrated in the past. Moreover, as has been observed by experts on American government, the President versus Congress on foreign policy presents issues to the country; one-third of the Senate versus the President confuses issues internationally. The rule of advice and consent need not, should not, be discarded; it is needful only to adapt it to twentieth-century conditions.

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Making Treaties and Other International Agreements

By JOHN W. BRICKER

A HOST of centripetal forces operate to draw the family of nations into increasingly intimate relationships. It has become trite to link the speed of the airplane with the shrinking globe.

Rapidity of travel and communication is by no means the only coalescing influence in the modern life of nations. The threat of easily delivered mass-destruction weapons and growing economic interdependence are equally significant. The Communist drive for world domination, although a divisive influence in one sense, inspires the non-Communist world to seek increased safety in collective security arrangements, economic as well as military in character. All these influences have led in turn to proposals to curb the power of the nation-state by subordinating it to some measure of control by supranational organizations.

Despite the manifold forces drawing nations closer together, it is highly misleading to speak of "one world" or even of two half-worlds. Proximity and a common danger have left untouched the incredible diversity which has long existed among nations. In fact, wide differences in national traditions, political systems, religions, standards of living, and cultures create frictions and tensions today that were virtually unknown in the pre-atomic age. For the foreseeable future, treaties and other international agreements must cope with the vexing problem of creating peaceful cooperation among nations in a climate of political, economic, and social disparity.

Whatever the course of American foreign policy in the years to come or the political faith of its chief pilot, certain developments are inescapable. Major international agreements will be made

with a frequency unimagined only a decade ago. Moreover, such agreements will affect the course of domestic policy and the liberty and safety of the American people to an unprecedented degree.

Such are the general considerations compelling a thorough re-examination of legislative-executive relations with respect to the making of treaties and other international agreements.

PROPOSED AMENDMENT

On January 7, 1953, sixty-three other Senators joined with me in introducing a proposed constitutional amendment designed to prevent abuse of the treaty-making and other international agreement-making powers.¹ A secondary purpose of Senate Joint Resolution 1 is to clarify the constitutional responsibilities of the President, the Senate, and the Congress in pledging the honor of the nation. The Senate Judiciary Committee, after extensive hearings, reported S. J. Res. 1 with a favorable recommendation.² This proposed constitutional amendment has generated the widespread discussion and debate essential to the democratic formulation of major foreign policy decisions. Whether or not the treaty-making and executive agreement-making powers will be safeguarded, as provided in S. J. Res. 1, depends upon the extent to which the Constitution is still regarded as a healthy limitation on the power of elected representatives. Although opponents of the proposed amendment will challenge this statement of the issue, many of them will agree, nevertheless, that the great constitutional debate in-

¹ 99 *Congressional Record* 160, 161.

² S. Rept. 412, 83d Cong., 1st sess.

spired by S. J. Res. 1 is very much in the public interest.

CONSTITUTIONAL AMENDING PROCEDURE

One of the most respected analysts of the Constitution, Professor Edward S. Corwin, has concluded that what was once a constitution of rights has now become a constitution of powers.³ Depressing as this thought may be to those who revere the Constitution as written, it must be faced, for there is a substantial element of truth in Professor Corwin's observation. During the past twenty years we have experienced what many describe as a social and economic revolution—a revolution, if it be one, not sanctified by resort to the amending process established in Article V of the Constitution. Of course, no constitutional lawyer would maintain that every New Deal innovation or reform required a constitutional amendment, but it is significant that not even the most extreme socialistic proposals were thought to demand any change in a Constitution of limited and delegated powers. Curiously enough, some opponents of S. J. Res. 1 suggest that the attempted utilization of the amending procedure in Article V is an act of constitutional subversion.

Can President and Congress override Constitution?

Throughout the hearings on S. J. Res. 1 before the Senate Judiciary Committee, opponents of the resolution implied that the Constitution should be amended by evolutionary practices rather than by changing its text. For example, Secretary of State Dulles remarked: "The test of any constitution is not the way it reads but the way it works."⁴

³ Corwin, *A Constitution of Powers in a Secular State* (Charlottesville, Va., 1951), p. 2.

⁴ Hearings before a Subcommittee of the Senate Judiciary Committee on S. J. Res. 1,

Granted that the Constitution has been amended by usage, the function of the Electoral College being the most obvious example, the Constitution must work substantially as it reads or become a meaningless document.

The implication of Mr. Dulles' remark was made explicit in a statement filed on behalf of the Friends Committee on National Legislation in opposition to S. J. Res. 1. The author of the statement, Professor John P. Roche, said:

Furthermore, if American constitutional history teaches us anything, it is the impossibility of binding future generations to current convictions. Thus I would suggest that if an American President and a congressional majority were to agree to a substantial transfer of political power to an international body, no constitutional provision would suffice to block this action. The great virtue of our Constitution is its adaptability to new ways of thought, and in the event that the American people and their representatives decided upon a substantial transfer of political authority to an international organization, even the Bricker amendment, if adopted, would hardly stand in the way of this action.⁵

If the President and the Congress are omnipotent, as Professor Roche claims, all discussion of constitutional law in relation to foreign affairs could end at this point. The problem of "Congress and Foreign Relations" to which this issue of *THE ANNALS* is devoted could be resolved only in terms of political expediency and political power.

Can treaties override Constitution?

Another great constitutional debate rocked the nation in 1937. President Roosevelt's court-packing scheme was defeated on the ground that no generation has any right to make easy

83d Cong., 1st sess., p. 829 (hereinafter cited as "Hearings").

⁵ *Hearings*, pp. 742-43.

that which the Constitution deliberately made difficult. In the treaty-making power, as interpreted in *Missouri v. Holland*,⁶ a way has been found to amend the Constitution by resorting to Article VI⁷ in preference to the more difficult method laid down in Article V. Professor Lauterpacht, a distinguished international lawyer of Great Britain, accurately summarized the Supreme Court's interpretation of the treaty power in *Missouri v. Holland* as "dangerously approaching that of a constitutional amendment."⁸

Another well-known international lawyer, Mr. John Foster Dulles, confirmed Professor Lauterpacht's warning. Speaking before a regional meeting of the American Bar Association in Louisville, Kentucky, on April 11, 1952, Mr. Dulles said:

The treaty-making power is an extraordinary power, liable to abuse. Treaties make international law and also they make domestic law. Under our Constitution, treaties become the supreme law of the land. They are, indeed, more supreme than ordinary laws for congressional laws are invalid if they do not conform to the Constitution whereas treaty law can override the Constitution. Treaties, for example, can take powers away from the Congress and give them to the President; they can take powers from the States and give them to the Federal Government or to some international body, and they can cut across the rights given the people by their constitutional Bill of Rights.⁹

⁶ 252 U. S. 416 (1920).

⁷ Article VI, paragraph 2, of the Constitution provides: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

⁸ H. Lauterpacht, *An International Bill of the Rights of Man* (New York, 1945), p. 179.

⁹ *Hearings*, p. 862.

Even amending the Constitution by action of the President and two-thirds of the Senators present and voting is too difficult to suit some political tastes. For example, Myres S. McDougal and Asher Lans consumed 252 pages in the *Yale Law Journal* in 1945 in attempting to prove that treaties and executive agreements are wholly interchangeable instruments of national policy.¹⁰ Their conclusion was that the treaty clauses have become "a sort of constitutional vermiform appendix."¹¹ Significantly, Messrs. McDougal and Lans devoted 16 pages of their discussion¹² to the proposition that amendment of the Constitution by "usage" is preferable to "formal textual alteration."¹³ Under this view, the amending procedure specified in Article V would become "a sort of constitutional vermiform appendix." And if both Articles V and VI can be disregarded without "formal textual alteration," the same process could make the whole Constitution a sort of "vermiform appendix."

SENATE JOINT RESOLUTION 1

S. J. Res. 1, as amended by the Senate Judiciary Committee, contains the following three substantive sections:

Sec. 1. A provision of a treaty which conflicts with this Constitution shall not be of any force or effect.

Sec. 2. A treaty shall become effective as internal law in the United States only through legislation which would be valid in the absence of treaty.

Sec. 3. Congress shall have power to regulate all executive and other agreements with any foreign power or international organization. All such agreements shall be

¹⁰ McDougal and Lans, "Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy," 54 *Yale L. J.* 181-352, 534-615 (1945).

¹¹ *Ibid.* at 535.

¹² *Ibid.* at 290-306.

¹³ *Ibid.* at 294.

subject to the limitations imposed on treaties by this article.

Section 1 subjects the President and the Senate to constitutional restraints in the exercise of the treaty-making power comparable to those which limit their action as participants in the enactment of ordinary legislation. This was, of course, the original intent of the framers of the Constitution and was reflected in early judicial dicta.¹⁴

Section 2 prevents the President and the Senate from using treaties as an instrument of domestic legislation without the participation of the House of Representatives. In addition, section 2 protects the reserved powers of the states by preventing Congress from acquiring by treaty legislative power which it does not possess in the absence of treaty. This, too, is in accord with the original purpose of the Bill of Rights¹⁵ and the contemporaneous constitutional construction of learned men.¹⁶

Section 3 removes any doubt as to the power of Congress to regulate the making of executive and other agree-

¹⁴ *The Cherokee Tobacco*, 11 Wall, 616, 620-1 (U. S. 1870). As indicative of the change in judicial thinking, compare the statement in *Geofroy v. Riggs*, 133 U. S. 258, 267 (1890) that the treaty power does not extend "so far as to authorize what the Constitution forbids" with the statement in *Missouri v. Holland*, 252 U. S. 416, 433 (1920) that treaties must be made "under the authority of the United States," which may mean nothing "more than the formal acts prescribed to make the convention."

¹⁵ *Hearings*, pp. 55-6, 106-111, 1111-3; see Bricker, "Safeguarding the Treaty Power," 8 *Fed. Bar J.* 77 (1952).

¹⁶ Thomas Jefferson, for example, said in his *Manual of Parliamentary Practice*: "By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaties, and cannot be otherwise regulated. It must have meant to except out all those rights reserved to the States; for surely the President and the Senate cannot do by treaty what the whole Government is interdicted from doing in any way."

ments. In addition, section 3 places the same limitations on executive agreements as are placed on treaties by sections 1 and 2.

Objection answered

Though opponents of the amendment contend that it would revive treaty procedures embodied in the Articles of Confederation, the amendment actually brings the Constitution up to date in the light of an international environment dimly foreseen, if at all, in 1787. Of course the Constitution is flexible enough to meet a variety of new military, economic, and technological developments. To amend it with the rise of each new problem would result in a document having the specificity of the Internal Revenue Code. The problems dealt with by Congress under the foreign commerce clause¹⁷ did not change basically when transportation by steam and air supplanted the sailing vessel. On the other hand, the problems of international intercourse in an atomic age are for the most part novel and unprecedented.

In my judgment, adoption of the constitutional amendment proposed in S. J. Res. 1 would facilitate the making of treaties and other international agreements; clarify legislative, executive, and judicial responsibilities in the field of foreign policy; reduce friction between the Congress and the President; and, most important, firmly establish in the Constitution the principle that extensive participation in world affairs need not, and should not, result in any diminution of liberty at home.

UNDOUBTED CONSTITUTIONAL SUPREMACY AN AID TO TREATY-MAKING

At the present time neither the President nor the Senate can be certain that any treaty provision in conflict with the

¹⁷ U. S. Constitution, Art. I, sec. 8, par. 3.

Constitution would be set aside by the Supreme Court. Senators may not be quite so sure as Mr. Dulles was when he said that treaties "can override the Constitution," but almost all Senators recognize that there is at least a reasonable doubt concerning the supremacy of the Constitution over treaty law. As a result, some treaties, highly desirable in many respects, may not be signed by the President or approved by the Senate because of fear of undermining the constitutional rights of the American people. A prime example of the resulting dilemma is the Genocide Convention¹⁸ still awaiting action four years after its submission to the Senate.

The Genocide Convention had tremendous popular support from the lay public. Recent knowledge of Nazi and Communist barbarities created unanimous support for the avowed purpose of the treaty. Leaders of the American Bar Association stood virtually alone in opposing the treaty as written. Their analysis of the Genocide Convention disclosed a grave threat to freedom of speech and press, and the rights of persons accused of crimes.¹⁹ Proponents of the treaty denied that such dangers existed. Neither interpretation is unreasonable.

Accordingly, the Senate does not dare consider the merits of the Genocide Convention until it is convinced that no interpretation of the treaty can be effective to prejudice any constitutional right. Article III of the Constitution limits the judicial power of the Supreme Court to "cases" and "controversies." The Court cannot render an advisory opinion to guide the President and the Senate in the exercise of their treaty power.

¹⁸ Executive O, 81st Cong., 1st sess.

¹⁹ Hearings before a Subcommittee of the Senate Foreign Relations Committee on Executive O, 81st Cong., 2d sess., pp. 154-221.

No doubt all ambiguities and defects in the Genocide Convention could be cured by a series of reservations. However, this road to ratification was blocked by the International Court of Justice. In an opinion dated May 28, 1951, the Court held that substantial reservations to the Genocide Convention would nullify the act of ratification. In conformity with this opinion many proposed multilateral treaties expressly restrict the right to attach reservations,²⁰ or prohibit them completely.²¹

At the time the Constitution was adopted, almost all treaties were bilateral or limited to signature by relatively few nations. Consequently, the subject matter could be confined to problems of immediate concern to the parties, and the contractual obligation stated in precise language. Reservations to the treaty amounting to a counteroffer created no particular difficulty. Today, the multilateral treaty is the rule rather than the exception. With scores of nations involved, the use of precise language and an unrestricted right of reservation become virtually impossible.

Testifying in opposition to S. J. Res. 1, Secretary Dulles said he "would not press at the moment" for ratification of the Genocide Convention.²² Unless the Constitution is amended as proposed in S. J. Res. 1, the Genocide Convention is probably only the first of many multilateral treaties that will fail to be ratified by the United States because of uncertainty concerning the nature and extent of constitutional protection. S. J. Res. 1 would eliminate this embarrassing dilemma and facilitate ratification of many worth-while treaties.

²⁰ Convention on Road Traffic, Geneva, 1949.

²¹ Universal Copyright Convention, Article 20, dated September 6, 1952.

²² Hearings, p. 886.

CONGRESSIONAL OMNIPOTENCE A DETERRENT TO TREATY-MAKING

Section 2 of S. J. Res. 1 reverses the doctrine of *Missouri v. Holland*²³ which holds that a treaty may empower Congress to legislate in areas prohibited by the Tenth Amendment in the absence of treaty.

Reversal of *Missouri v. Holland*, according to Secretary Dulles, would cripple the treaty-making power by creating "a no man's land in foreign affairs," and by requiring "the concurrence of all 48 states" to make effective many types of treaties.²⁴ The calamitous results predicted will not come to pass upon the adoption of S. J. Res. 1.

Other federal states have participated effectively in world affairs without placing their constituent units at the mercy of an unlimited treaty-making power. Canada is perhaps the best example. It was held in *Canada v. Ontario and Other Provinces*²⁵ that labor legislation passed by Parliament to implement a treaty could not supersede conflicting legislation enacted under the powers reserved to the provinces.

In addition, the United States got

²³ 252 U. S. 416 (1920).

²⁴ Hearings, p. 829.

²⁵ (1937) A. C. 326. The following language from the Privy Council's opinion should serve as a timely reminder for those who have forgotten that the United States also has a system of dual sovereignties: "It must not be thought that the result of this decision is that Canada is incompetent to legislate in performance of treaty obligations. In totality of legislative powers, Dominion and Provincial together, she is fully equipped. But the legislative powers remain distributed. When Canada incurs treaty obligations dealing with Provincial classes of subjects, the exercise of the totality of powers requires cooperation between Dominion and the Provinces. While the ship of state now sails on larger ventures and into foreign waters, she still retains the watertight compartments which are an essential part of her original structure."

along very well for many years without benefit of the *Missouri v. Holland* doctrine. In fact, the case cited most frequently to prove that no amendment is necessary because no treaty can "authorize what the Constitution forbids"²⁶ involved a treaty entered into in 1853 with France on a reciprocal internal state basis.²⁷ As late as 1948 the United States and China entered into a treaty on the same basis. Section 2 of S. J. Res. 1 merely holds the State Department to this reassuring policy pronouncement made only last year:

Furthermore, where the subject matter covers fields in which the States have a paramount interest, such as the formation and regulation of corporations and the ownership of property, the treaty provisions have been worked out with the same careful regard for the States' prerogatives and policies that has traditionally characterized agreements of this type.²⁸

The argument was made in opposition to S. J. Res. 1, however, that unless the federal government can acquire power by treaty which it would not possess in the absence of treaty, the United States could not make the conventional commercial treaties, extradition treaties, treaties regulating traffic in narcotics, and treaties for the control of the mili-

²⁶ *Geofroy v. Riggs*, 133 U. S. 258, 267 (1890).

²⁷ Article VII of the treaty reads in part as follows: "In all the States of the Union, whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as citizens of the United States. . . . As to the States of the Union, by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right—"

²⁸ *Dept. of State Bull.*, Vol. 26 (June 2, 1952), pp. 881-83.

tary uses of atomic energy. These arguments completely ignore the fact that Congress at one time or another has found ample power, entirely apart from any treaty on the subject, to regulate the subject matter in treaties claimed to be outlawed by S. J. Res. 1. For a documented refutation, the reader is referred to the testimony of Dr. George A. Finch in support of S. J. Res. 1.²⁹

The federal-state clause

There can be little doubt that *Missouri v. Holland* represents a potentially serious roadblock to Senate approval of many treaties favored by the President. The Senate will necessarily be more sensitive to the impact of treaties on state powers than the President. The difference in the constituencies represented sets up a source of friction in legislative-executive relationships with respect to treaty policy. In the past, the full implications of *Missouri v. Holland* have been somewhat obscured by incorporating in treaties a so-called federal-state clause. A fairly typical federal-state clause is that found in Article 19 (7) (b) of the Constitution of the International Labor Organization, reading in part as follows:

In the case of a federal State, the following provisions shall apply:

(b) In respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, provinces, or cantons rather than for federal action, the federal Government shall—

(i) make, in accordance with its Constitution and the Constitutions of the States, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations . . .

²⁹ *Hearings*, pp. 1104–1175.

The language quoted above is applicable to some hundred ILO treaties. A similar clause may be found in scores of other proposed treaties. Prior to the debate on any treaty-control amendment, it was generally assumed that a so-called federal-state clause adequately protected the reserved powers of the states against invasion by treaty. It is now abundantly clear that such a clause, if effective at all, merely lifts from Congress any international obligation to exercise its full legislative power. The supremacy clause of Article VI as interpreted in *Missouri v. Holland* empowers Congress, acting pursuant to a treaty, to strip the states of their reserved powers under the Constitution. No federal-state clause can prevent that result.³⁰

Unless section 2 of the amendment becomes a part of the Constitution, the Senate, now realizing the ineffectiveness of a federal-state clause, may refuse to approve many treaties to which it might give its consent if states' rights were adequately protected. Or, by approving treaties containing an ineffective federal-state clause, the Senate would empower future Congresses to ride roughshod over the constitutionally reserved powers of the several states. Only by reversing the doctrine of *Missouri v. Holland* can the Senate be spared this Hobson's choice.

THE CLAIM OF EXECUTIVE OMNIPOTENCE IN FOREIGN AFFAIRS

Legislative-executive relations on foreign policy matters will, except for temporary periods, continue to be marred by friction and discord until such time as the constitutional responsibilities of the President, the Senate, and the whole Congress are more clearly delineated. The framers of the Constitution made no effort to fix responsibility with re-

³⁰ Statement of Carl B. Rix, past president of the American Bar Association, *Hearings*, pp. 75–83, 1024–1034.

spect to international agreements other than treaties. To complicate the problem further, "treaty" was not defined. No doubt the framers of the Constitution expected their omission to be corrected in the light of experience. That has not been done. In the meantime, what should have been a harmonious sharing of foreign policy responsibilities has too often been a contest of strength marked by mutual recrimination between the President and the Congress. A fully effective foreign policy cannot be formulated or carried out in such an atmosphere. The solution provided in S. J. Res. 1 is to confirm the power claimed by Congress to regulate the making of executive and other agreements, subject to the veto power of the President, but leave the President as the sole agent of the United States in the initiation and conduct of negotiations with foreign governments.

Though not specifically mentioned in the Constitution, the making of international agreements other than treaties is recognized by implication. The Constitution, though denying any treaty power to the states, provides that they may, with the consent of Congress, "enter into any Agreement or Compact . . . with a foreign Power."³¹ It would be most anomalous if the states had a power to make international agreements other than treaties which the national government lacked. This fact was recognized by Congress during President Washington's first term, when it authorized the Postmaster General to conclude postal conventions with the postmasters of foreign countries.³²

It was never intended, of course, that executive and other agreements should make resort to the treaty procedure optional at the discretion of the President. The alleged superfluity of the treaty-making clauses of the Constitution ig-

nores the careful consideration given to those clauses in the Constitutional Convention and in the state ratifying conventions. The argument amounts to nothing less than a plea for executive omnipotence in violation of constitutional processes.³³ Moreover, if executive omnipotence is conceded to exist with respect to the making of all international agreements, exclusive executive direction of domestic policy will be the inevitable aftermath.

DISTINCTION BETWEEN TREATIES AND OTHER INTERNATIONAL AGREEMENTS

What, then, did the Founding Fathers have in mind when they used the word "treaty" and took such pains to see that this vast power was not centered in one man? ³⁴ In the first place, as Hamilton said in *The Federalist*, No. 75, the treaty power "relates neither to the execution of the subsisting laws, nor to the enactment of new ones," the objects of the power being "contracts with foreign nations," and not "rules prescribed by the sovereign to the subject." In addition, all available evidence as to the framers' intent shows that they intended the word "treaty" to encompass all international agreements known to them as treaties and all agreements thereafter made possessing comparable characteristics and importance.³⁵ For example, the Founding Fathers relied heavily on *Le Droit des Gens* published in 1758 by

³³ See discussion above, under side head "Can President and Congress override Constitution?"

³⁴ As Hamilton explained in *The Federalist*, No. 75: "This history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States."

³⁵ Henry S. Fraser, *Treaties and Executive Agreements*, S. Doc. 244, 78th Cong., 2d sess.

³¹ U. S. Constitution, Art. I, sec. 10.

³² 1 Stat. 232.

Emmerich von Vattel, the famous Swiss jurist and international lawyer.³⁶ Vattel's book drew this distinction between treaties and international agreements other than treaties:

Section 152. Treaties of Alliance and other public treaties. . . . A treaty, in Latin *foedus*, is a pact entered into by sovereigns for the welfare of the State, either in perpetuity or for a considerable length of time.

Section 153. Compacts, agreements or conventions. Pacts which have for their object matters of temporary interest are called agreements, conventions, compacts. They are fulfilled by a single act and not by a continuous performance of acts.³⁷

From Washington's day to this, Presidents have vigorously challenged the idea that the exclusive procedure for consummating international agreements of great importance or durability is the treaty method. Nevertheless, Vattel's distinction has shown an amazing vitality. As late as 1939, Assistant Secretary of State Francis B. Sayre said:

International agreements involving political issues or changes of national policy and those involving international arrangements of a permanent character usually take the form of treaties. But international agreements embodying adjustments of detail carrying out well-established national policies and traditions and those involving arrangements of a more or less temporary nature usually take the form of executive agreements.³⁸

The distinction blurred

In the past ten years the effort to use treaties and executive agreements interchangeably has been intensified. Dr. Wallace McClure, one-time chief of the Treaty Division, Department of State, wrote in 1941:

³⁶ *Le Droit des Gens*, bk. 2, c. 12.

³⁷ *Ibid.* at 7.

³⁸ Sayre, "The Constitutionality of the Trade Agreements Act," 39 *Col. L. Rev.* 751, 755 (1939).

The President, acting with Congress, where simple majorities prevail, can, in the matter of international acts, legally accomplish under the Constitution anything that can be legally accomplished by the treaty-making power as specifically defined in the Constitution. . . .

The result is that for controversial international acts the Senate method may well be quietly abandoned, and the instruments handled as executive agreements. But for large numbers of purely routine acts, about which no public opinion exists and no question as to their acceptability arises, the present [treaty] method is desirable as saving the time of the House of Representatives.³⁹

Senators know only too well that the McClure theory received at least partial acceptance in the Department. Many international agreements have been made by the President alone or approved by the Congress which were many times more important than treaties submitted to the Senate during the same period. Before reviewing the present administration's opposition to congressional regulation of executive and other agreements, it should be clearly understood that neither President Eisenhower nor Secretary of State Dulles subscribes to the McDougal-Lans-McClure theory that treaties and executive agreements are wholly interchangeable.

Speaking in opposition to congressional regulation of executive agreements, Secretary Dulles said:

It has long been recognized that there is an undefined, and probably undefinable, borderline between Executive agreements which may be made by the President alone and those that require validation by the Senate as treaties, or the Congress as laws.⁴⁰

EXECUTIVE SUPREMACY DECLARED

Mr. Dulles conceded that this "undefined" border line had caused contro-

³⁹ McClure, *International Executive Agreements* (1941), pp. 364, 378.

⁴⁰ *Hearings*, p. 828.

versy between the executive and legislative branches of government. He did not explain his reason for believing that the President was better able than the Congress to respect the "undefinable border line." However, in an obviously sincere effort to promote friendly co-operation, the Secretary of State was authorized by the President to announce the following policy:

Differences of opinion resulting from these difficulties have given rise in the past to disputes between the executive branch and the Congress concerning the handling of international agreements. It must be recognized that it would be extremely difficult, if not impossible, to fit all agreements into set categories. At times there may be disagreement as to the manner in which agreements are to be dealt with. While recognizing this, the Executive cannot surrender the freedom of action which is necessary for its operations in the foreign-affairs field. In the interest of orderly procedure, however, I feel that the Congress is entitled to know the considerations that enter into the determinations as to which procedures are sought to be followed. To that end, when there is any serious question of this nature and the circumstances permit, the executive branch will consult with appropriate congressional leaders and committees in determining the most suitable way of handling international agreements as they arise.⁴¹

The policy outlined above cannot assure friendly co-operation. It is as though one of three partners whose duties and responsibilities were not well-defined in the partnership agreement should announce that he, after consulting with the other two, would make all the final decisions on a vitally important phase of the business. The courts will resolve disputes stemming from an ambiguous partnership agreement; they have consistently refused to pass on the merits of "political questions," particularly those involving foreign relations.⁴²

⁴¹ *Ibid.* at 828-29.

OPPOSITION UNSOUNDLY BASED

The State Department's opposition to the executive agreements section of S. J. Res. 1 is based on a number of misconceptions. First, it was argued that S. J. Res. 1 as introduced would prevent the President from making any agreement for which Congress had not given prior authorization.⁴³ Although rather far-fetched, this objection has been overcome in the revised text recommended by the Senate Judiciary Committee.

A second misconception is Mr. Dulles' belief that the danger attached to agreements not ratified by either House of Congress "cannot be great" because such agreements "cannot constitutionally become law of the land."⁴⁴ The Secretary of State apparently overlooks the decision in *United States v. Pink*⁴⁵ holding that the unratified Roosevelt-Litvinov Assignment superseded the law of the State of New York. The Supreme Court said:

A treaty is a "law of the land" under the supremacy clause . . . of the Constitution. Such international compacts and agreements as the Litvinov Assignment have a similar dignity.⁴⁶

A third misconception is that Congress cannot be trusted to legislate wisely with respect to the making of international agreements other than treaties.⁴⁷ The fact is that Congress in recent years has authorized in advance or subsequently approved approximately 85 per cent of all major executive agreements.⁴⁸

⁴² *Chicago & Southern v. Waterman S. S. Corp.*, 333 U. S. 103 (1948).

⁴³ *Hearings*, p. 827.

⁴⁴ *Ibid.* at 828.

⁴⁵ 315 U. S. 203 (1942).

⁴⁶ *Ibid.* at 230.

⁴⁷ *Hearings*, p. 867.

⁴⁸ *Hearings before a Subcommittee of the Senate Judiciary Committee on S. J. Res. 130*, 82d Cong., 2d sess., p. 82.

Basically, the administration's objection to congressional regulation of executive agreements as a matter of right stems from an unsound view of the constitutional separation-of-powers doctrine. For example, Mr. Dulles asserted that the President had "exclusive jurisdiction in relation to the current conduct of foreign affairs."⁴⁹ A memorandum prepared by the Legal Adviser of the State Department reveals this basis for that conclusion:

Perhaps the unique feature of our Constitution is the provision for the separation of powers between the legislative, executive, and judicial, each supreme in its field, the whole constituting a system of checks and balances. The proposed amendment would destroy this separation insofar as it relates to the President's constitutional authority in the realm of foreign affairs.⁵⁰

Almost all students of government know that executive, legislative, and judicial powers are not contained in hermetically sealed compartments. Each branch, though primarily responsible in its own field, participates to a considerable degree in the work of the other two branches. The President, for example, is a partner in the legislative process and a very significant factor in the judicial process. The constitutional system of checks and balances was designed to ensure co-operation between three branches of federal government. It was not intended to inspire competition for power among three branches of government, each exercising a supreme and exclusive authority in its own field. This co-operative concept of governmental separation of powers is particularly important in foreign relations. All

⁴⁹ Hearings, p. 827.

⁵⁰ *Ibid.* at 837.

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Americans recognize today that foreign-policy decisions represent life-and-death issues. They insist that the determination of foreign policy, insofar as practicable, be made the responsibility of the President and all 531 members of Congress.⁵¹

CONCLUSION

Insofar as treaties are involved, S. J. Res. 1 does not limit the powers of the President in foreign affairs. By clear and unmistakable language, the amendment applies only to the domestic consequences of a treaty. The amendment is, in effect, a bill of rights against the treaty-making power.

With respect to executive agreements, the proposed amendment does have some international consequences. It would place other nations on notice that the power of the President to bind the United States without the co-operation of the Senate or of the Congress is not unlimited. It repudiates the claim that survival in an atomic age requires executive omnipotence in the field of foreign affairs.

Adoption of the proposed constitutional amendment would eliminate perennial sources of friction and discord in legislative-executive relations. Nothing is more important to the formulation and execution of a successful American foreign policy.

⁵¹ Many lawyers and members of Congress believe that section 3 of S. J. Res. 1 is merely declaratory of existing law. For example, regulation of executive agreements under the existing powers of Congress is provided for in the McCarran Resolution, S. J. Res. 2, 83d Cong., 1st sess. See testimony of Alfred J. Schweppe, chairman, American Bar Association Committee on Peace and Law Through United Nations, Hearings, pp. 1243-54.

Financial Aspects of Congressional Participation in Foreign Relations

By ELI E. NOBLEMAN

WHETHER the Founding Fathers intended to vest control over foreign relations in the President or in the Congress has been the subject of continuous controversy since the birth of the Republic. Whatever their intention may have been, when they wrote into the Constitution the clause "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law,"¹ they gave to the Congress a means of exercising control concerning which there can be no doubt.

A review of past events reveals that every President and every Congress since the first have been aware of this potential power; Presidents have paid deference to it, although somewhat reluctantly; and the Congress has never failed to make known, if only for record purposes, that it considers itself an equal partner of the President if the conduct of foreign relations requires the appropriation and expenditure of funds.²

¹ Art. I, Sec. 9, clause 7.

² No specific study has ever been made of the manner and extent to which the Congress has exercised this authority. However, most of the works dealing with the conduct of American foreign relations, the respective powers of the President and the Congress in this field, and executive-legislative relations in general, contain some reference to and discussion of the problem. See Daniel S. Cheever and H. Field Haviland, *American Foreign Policy and the Separation of Powers* (Cambridge, 1952); Edward S. Corwin, *The President's Control of Foreign Relations* (Princeton, 1917); *ibid.*, *The President—Office and Powers* (New York, 1948); Samuel B. Crandall, *Treaties—Their Making and Enforcement* (Second Edition, Washington, 1916); Royden J. Dangerfield, *In Defense of The Senate* (Norman, 1933); William Y. Elliott, et al.,

MEANS OF FISCAL CONTROL

For the most part, the Congress has used its fiscal primacy³ to exercise control over foreign relations by means of (1) its power to withhold all or part of appropriations necessary to the execution of a particular policy or program; (2) riders attached to appropriations measures; and (3) its constitutional authority over revenue-raising measures.

Exercising its authority to withhold all or part of the funds necessary to implement policies and programs, the Congress is free to refuse to appropriate funds required for the execution of treaties; it can snub the President's requests for funds needed to finance long-range, large-scale military, economic, and technical assistance programs; it can provide authorizations and funds for pet projects which are contrary to the President's policies; it can deny or limit the amount of money which the

United States Foreign Policy, Its Organization and Control (New York, 1952); George B. Galloway, *Congress at the Crossroads* (New York, 1946); Ernest S. Griffith, *Congress—Its Contemporary Role* (New York, 1951); T. H. Lay, *The Foreign Service of the United States* (New York, 1925); Robert Luce, *Legislative Problems* (Boston, 1935); John M. Mathews, *American Foreign Relations—Conduct and Policies* (revised and enlarged, New York, 1938); Albert C. F. Westphal, *The House Committee on Foreign Affairs* (New York, 1942); Leonard D. White, *The Federalists* (New York, 1948); Benjamin H. Williams, *American Diplomacy—Policies and Practice* (New York, 1936); Quincy Wright, *The Control of American Foreign Relations* (New York, 1922).

³ The author is indebted to Professor Leonard D. White for the term "fiscal primacy." See White, *op. cit.* note 2 *supra*, p. 323.

United States can contribute to international organizations, either as regular annual contributions or as voluntary payments to operating programs; and it can deny funds to enable the United States to participate in international meetings and conferences.

By attaching riders to appropriations bills, the Congress can take and has attempted to take the initiative in recognizing new states and issuing diplomatic instructions to United States delegates to international conferences; it can condition and has conditioned the use of funds appropriated upon certain contingencies, or upon the President's taking or refraining from taking certain specified actions; and it can take and has taken the initiative from the President by making policy declarations.

Finally, by exercising its authority over revenue-raising measures, it can dictate customs and tariff requirements, upsetting seriously Presidential plans and policies in this area.

CONGRESSIONAL POSITION ON TREATIES

The first great issue which arose in connection with the fiscal power of the Congress over foreign relations was whether the Congress was obligated to appropriate funds needed for the execution of treaties which had been duly negotiated and ratified by the President after receiving the required sanction from the Senate. A corollary question was whether, in view of the fact that action by both Houses was required for an appropriation, it was necessary that the House of Representatives be consulted somewhere along the line prior to ratification by the President.⁴

Although the controversy which ultimately raged around these questions did not come to a head until 1796, when the

⁴ See, in general, the works cited note 2 *supra*.

President requested an appropriation to implement the Jay Treaty, the evidence is clear that both the first President and his Secretary of State were seriously troubled by the problem several years earlier.⁵

The Algerine question

It appears that in 1792 Washington was contemplating the negotiation of a treaty with Algiers for the ransom of Americans who had been captured by the Barbary pirates, and to establish peace and amity between the United States and Algiers. Jefferson, then Secretary of State, records that on March 11, 1792, he was consulted by the President, who on the following day was to meet with "a committee of the Senate," to obtain Jefferson's advice on whether it was proper "to redeem our Algerine captives and make a treaty with the Algerines on the single vote of the Senate without taking that of the Representatives." Jefferson's advice, which was surprisingly appropriate to the temper of the contemporary scene, was as follows:

We must go to Algiers with the cash in our hands. Where shall we get it? By loan? By converting money now in the treasury? Probably a loan might be obtained on the President's authority but as this could not be repaid without a subsequent act of legislature, the Representatives might refuse it. So if [we] convert money in [the] treasury, they may refuse sanction to it. . . . Therefore, against hazard- ing this transaction without the sanction of both houses.

On April 9, 1792, Jefferson had another conference with the President on the same matter. His description of what transpired shows not only a singu-

⁵ The following account and quotations are taken from *The Writings of Thomas Jefferson* (Ford Ed.), Vol. I (New York, 1892), pp. 183-84, 190-92. Italics in original.

lar awareness of the fiscal primacy of the Congress by both the President and his Secretary of State, but also the beginnings of the Senate-House rivalry which we have come to know so well. Jefferson records:

The President had wished to redeem our captives at Algiers and to make peace with them on paying an annual tribute. The Senate was willing to approve this, but unwilling to have the lower house applied to previously to furnish the money; they wished the President to take the money from the treasury, or open a loan for it. They thought that to consult the Representatives on one occasion, would give them a handle always to claim it, and would let them into a participation of the power of making treaties, which the Constitution had given exclusively to the President and the Senate. They said too, that if the particular sum was voted by the Representatives, it would not be a secret.

It appears that at this stage of the discussion with his Secretary of State, the President was ready to declare "a plague o' both their houses"; for Jefferson continues:

The President had no confidence in the secrecy of the Senate, and did not choose to take money from the treasury or to borrow. But he agreed he would enter into provisional treaties with the Algerines, not to be binding on us till ratified here. I . . . added that the Senate were to be apprised, that on the return of the provisional treaty, and after they should advise the ratification, he should not have the seal put to it till the *two* houses should vote the money. He asked me if the treaty stipulating a sum and ratified by him, with the advice of the Senate, would not be good under the Constitution, and obligatory on the Representatives to furnish the money? I answered it certainly would, and that it would be the duty of the Representatives to raise the money; but that they might decline to do what was their duty, and I thought it might be incautious to commit

himself by a ratification with a foreign nation, where he might be left in the lurch in the execution; . . .

This advice, though both moderate and sound, appears to have enraged the President, for Jefferson records:

He [Washington] said that he did not like throwing too much into democratic hands, that if they should not do what the Constitution called on them to do, the government would be at an end, and must *then assume another form*. He stopped there; and I kept silence to see whether he would say anything more in the same line, or add any qualifying expression to soften what he had said, but he did neither.

Taking the practical approach, Jefferson concluded:

I had observed that wherever the agency of either or both houses would be requisite subsequent to a treaty to carry it into effect, it would be prudent to consult them previously if the occasion admitted. That thus it was we were in the habit of consulting the Senate previously when the occasion permitted, because their subsequent ratification would be necessary. That there was the same reason for consulting the lower house previously where they were to be called on afterwards, and especially in a case of money, as they held the purse strings and would be jealous of them. However, he desired me to strike out the intimation that the seal would not be put till both houses should have voted the money.

Although Washington appears to have left the conference in somewhat of a temper, he followed Jefferson's advice, at least partially, since on May 8, 1792, only a month later, he addressed a communication to the Senate asking if that body would approve a convention or treaty stipulating the payment of a ransom not exceeding \$40,000, or, if not, how much they would approve.⁶

⁶ James D. Richardson, *Messages and Papers of the Presidents*, Vol. I (Washington, 1896),

Jefferson's fears that the Congress "might decline to do what was their duty" by failing to appropriate the necessary funds to enable the execution of the treaty appear to have been unfounded. Despite the fact that Washington did not consult the House of Representatives in advance, substantial sums of money were made available by the Congress after the treaty had been duly ratified; following Senate approval.⁷

The Jay Treaty

In 1796, when the President requested an appropriation to implement the Jay Treaty, after it had been duly ratified and proclaimed by the President on February 29 and communicated to the Congress the following day, Jefferson's fears were fully realized.⁸ On March 24, 1796, a resolution was adopted by the House of Representatives, by a vote of 62 to 37, requesting the President to transmit to the House copies of his instructions to Jay, together with certain other papers pertaining to the negotiation of the treaty, which was one of the most highly controversial subjects of Washington's ad-

p. 123. In the same communication, Washington asked the Senate whether they would approve a treaty of peace with Algiers which provided for an annual payment by the United States of \$25,000. *Ibid.*

⁷ The Senate gave its advice and consent to the treaty on March 2, 1796, and the President ratified and proclaimed it on March 7, 1796; 8 Stat. 133-37. See David Hunter Miller, *Treaties and Other International Acts of the United States of America*, Vol. 2 (Washington, 1931), pp. 275-317. For the amount of money involved, see p. 316.

⁸ The following account is based on Miller, *op. cit.* note 7 *supra*, pp. 245-74; Crandall, *op. cit.* note 2 *supra*, pp. 165 ff.; White, *op. cit.* note 2 *supra*, p. 63; Henry St. George Tucker, *Limitations on the Treaty-Making Power* (Boston, 1915), chap. 8. An account of the political aspects of the Jay Treaty is found in Thomas A. Bailey, *A Diplomatic History of the American People* (4th ed., New York, 1950), pp. 63 ff.

ministration. This request raised directly the issue of the extent to which the House was entitled to participate in the treaty process through its undoubted power over appropriations. Indirectly, it raised the still unsettled question of the right of the Congress to request executive papers.

Washington, apparently fully aware of the importance of his decision as a precedent, notified the House committee which had presented the request that he would consider the matter. Before replying, however, he requested written opinions from the heads of various departments and he conferred privately with Hamilton.

Both in and out of Congress, a great debate ensued. Hamilton argued, in support of the administration, that in making treaties the supreme law of the land, the Constitution converted the obligation of a treaty at international law into complete constitutional obligation, and hence left the Congress no discretion.⁹ Madison and Gallatin, on the floor of the House of Representatives, replied that the very purpose of the Constitution in forbidding any money to be paid out of the Treasury except in consequence of an appropriation made by law was to leave the Congress a free agent in voting such appropriations. Madison pointed out, in a speech delivered on March 7, 1796:

It was an important, and appeared to him to be a decisive, view of the subject, that if the Treaty power alone could perform any one act for which the authority of Congress is required by the Constitution, it may perform every act for which the authority of that part of the Government is required. Congress have power to regulate trade, to declare war, to raise armies, to levy, to borrow, and to appropriate money, etc. If, by Treaty, therefore, as paramount to the Legislative power,

⁹ Edward S. Corwin, *The President—Office and Powers* (New York, 1948), p. 214.

the President and Senate can regulate trade, they can also declare war, they can raise armies to carry on war, and they can procure money to support armies. . . . The force of this reasoning is not obviated by saying, that the President and Senate would only pledge the public faith, and that the agency of Congress would be necessary to carry it into operation. For what difference does this make, if the obligation imposed be, as is alleged, a constitutional one; if Congress have no will but to obey, and if to disobey be treason and rebellion against the constituted authorities? . . .¹⁰

Gallatin argued that the power to make treaties was a general power, while the power to make appropriations was specifically vested in the Congress; that if the power to make treaties, as vested in the President and the Senate, were unlimited, the Executive with the Senate might, under color of a treaty, entirely eliminate the House of Representatives from legislation by substituting a foreign nation or some Indian tribe.¹¹

On March 30, 1796, in a carefully worded but firm message to the House of Representatives, Washington refused to comply with the request for the Jay papers, asserting that it would create "a dangerous precedent," that the treaty-making power was vested exclusively in the President and the Senate, that the intervention of the lower House had been specifically rejected by the Constitutional Convention, and that it was essential to the "due administration" of the government to preserve the boundaries fixed by the Constitution.¹²

In arriving at his decision, which was a momentous one, Washington's thoughts on the subject appear quite similar to those of any of our contemporary Presi-

dents in their relations with the Congress. In a letter to Hamilton, in which he displayed a realistic understanding of the importance of maintaining cordial relations with the Congress, Washington wrote:

From the first moment, and from the fullest conviction in my own mind, I had resolved to resist the principle which was evidently intended to be established by the call of the House of Representatives; and only deliberated on the manner in which this could be done, with the least bad consequences.¹³

The House of Representatives, however, seemed determined not to take this rebuff without further action. On April 7, 1796, it adopted a resolution by a vote of 57 to 35, disclaiming that the House had any agency in the making of treaties, but asserting:

. . . when a Treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend, for its execution as to such stipulations, on a law or laws to be passed by Congress. And it is the constitutional right and duty of the House of Representatives, in all such cases, to deliberate on the expediency or in expediency of carrying such Treaty into effect, and to determine and act thereon, as in their judgment, may be most conducive to the public good.¹⁴

After thus stating its position, the House, on April 30, 1796, by a vote of 51 to 48, adopted a resolution providing that funds should be made available for the execution of the treaty, and on May 6 three acts were approved making the required appropriations for the Jay Treaty and three other treaties.¹⁵

¹² Washington, *Writings*, XXXV, p. 6, cited in White, *op. cit.* note 2 *supra*, p. 65. Italics in original.

¹⁴ *Annals of Congress*, 4th Cong., 1st sess., pp. 771-82.

¹⁵ Crandall, *op. cit.* note 2 *supra*, p. 171, citing *Annals of Congress*, 4th Cong., 1st sess., p. 1291; 1 Stat. 459, 460.

¹⁰ Thomas Hart Benton (compiler), *Abridgment of the Debates of Congress* (New York: Appleton, 1858-61), Vol. I, pp. 650-53.

¹¹ Crandall, *op. cit.* note 2 *supra*, p. 168.

¹² Richardson, *op. cit.* note 6 *supra*, pp. 194-

ATTEMPT TO RECOGNIZE SOUTH AMERICAN STATES

In 1818 a controversy arose in the House of Representatives in connection with an attempt to recognize the South American states which had revolted from Spain, by attaching to an appropriation bill a rider providing \$18,000 for a minister to those states "whenever the President deemed it expedient" to send one.¹⁶ The rider, which was offered by Henry Clay, then Speaker of the House, before any definite action had been taken by President Monroe, was immediately attacked as "an act of usurpation [and] an invasion of executive authority," and, after some debate, it was defeated by a vote of 45 to 115.¹⁷

DELEGATION TO PANAMA CONGRESS

In 1826, when President John Quincy Adams requested funds to finance a mission to attend an international conference to be held at Panama, an attempt was made in the House of Representatives to issue instructions to the delegation and to prescribe certain conditions, by means of a rider to the bill appropriating such funds.¹⁸ In support of this action, it was argued that the power of the House to appropriate for the expenses of the mission carried with it the right to impose conditions.

¹⁶ *Annals of Congress*, 15th Cong., 1st sess., Vol. II, pp. 1468, 1500. See also Edward S. Corwin, *The President's Control of Foreign Relations* (Princeton, 1917), pp. 73 ff.; Mathews, *op. cit.* note 2 *supra*, pp. 482 ff.; Senate Document 56, 54th Cong., 2d sess., pp. 29 ff.

¹⁷ Corwin, *op. cit.* note 16 *supra*, pp. 74 ff.

¹⁸ Adams had previously advised the Senate that he had accepted an invitation to the conference, and requested its support in providing the necessary appropriation. Richardson, *op. cit.* note 6 *supra*, Vol. II, p. 318. See also Mathews, *op. cit.* note 2 *supra*, pp. 444-45; Senate Document 56, *op. cit.* note 16 *supra*, pp. 37 ff.

Opposing such action, Daniel Webster, on the floor of the House, argued, in language which is strangely reminiscent of any of the contemporary debates on important foreign policy issues:

... this amendment ... was unprecedented, nothing of the kind having been attempted before. It was, in his opinion, unconstitutional; as it was taking the proper responsibility from the Executive and exercising ourselves, a power which, from its nature, belongs to the Executive and not to us. It was prescribing, by the House, the instructions for a Minister abroad. It was nugatory, as it attached conditions which might be complied with, or might not. And lastly, if the gentlemen thought it important to express the sense of the House on these subjects, ... the regular and customary way was by resolution. ... we must make the appropriation without conditions, or refuse it. The President has laid the case before us. If our opinion of the character of the meeting, or its objects, led us to withhold the appropriation, we had the power to do so. If we had not so much confidence in the Executive, as to render us willing to trust to the constitutional exercise of the Executive power, we have power to refuse the money. It is a direct question of aye or no. If the Ministers ... may not be trusted to act, like other Ministers, under the instructions of the Executive, they ought not to go at all.¹⁹

Although the Congress appropriated the funds requested without the objectionable rider, the American delegates never attended the conference. After starting out four months late as a result of the extended debate, one delegate died en route, and the other, finding himself so far behind schedule, ultimately abandoned his efforts to reach Panama.²⁰

¹⁹ Benton, *Abridgments of the Debates of Congress*, IX, p. 91. See also Corwin, *op. cit.* note 16 *supra*, pp. 40-41; Mathews, *op. cit.* note 2 *supra*, pp. 444-45. A discussion of the political aspects of the Panama Congress issue is found in John W. Foster, *A Century of American Diplomacy* (Boston, 1900), pp. 451 ff.

mately abandoned his efforts to reach Panama.²⁰

QUESTION OF RECOGNITION OF TEXAN INDEPENDENCE

In 1837 another attempt was made in the House of Representatives to take the initiative in recognizing new governments, in the form of a motion to amend the Civil and Diplomatic Appropriation bill by providing funds for "an outfit and salary of a diplomatic agent to be sent to the independent Republic of Texas."²¹ Speaking on the floor of the House with respect to this amendment, John Quincy Adams said:

... that the act of recognition of a foreign power has heretofore always been an executive act of this Government. It was the business and duty of the President ... , and he [Mr. A.] was not willing to set the example of giving that recognition on the part of the legislative body without recommendation of the Executive.²²

Eventually the word "independent" before the words "Republic of Texas" was stricken out, and the bill was passed with the addition of a clause authorizing such action "whenever the President ... shall receive satisfactory evidence that Texas is an independent Power, and that it is expedient to appoint such a minister."²³

QUESTION OF MINISTER TO MEXICO

In 1842 a motion was made in the House to amend an appropriation bill supplying funds for the salaries of United States ministers to eight govern-

²⁰ Bailey, *op. cit.* note 8 *supra*, p. 196; Samuel Flagg Bemis, *A Diplomatic History of the United States* (3d ed., New York, 1950), p. 209.

²¹ Senate Document 56, *op. cit.* note 16 *supra*, p. 43; Corwin, *op. cit.* note 16 *supra*, p. 78.

²² Senate Document 56, *op. cit.* note 16 *supra*, p. 43.

²³ *Ibid.*

ments, by striking out the provision for a minister to Mexico, on the ground that the commercial and other international relations between the United States and Mexico were not of sufficient importance to merit more than consular representation.²⁴

The following remarks of Representative Linn of New York, in support of the motion which he had sponsored, are particularly pertinent and interesting to our inquiry, since they constitute an early instance of a frank acknowledgment that the real control which the Congress exercises over foreign relations stems from its power to grant or withhold appropriations:

One of the most important functions bestowed on the Executive of this nation is the control of foreign intercourse. ... *The power of this House, as a coordinate branch of the Legislature, over our foreign intercourse, is rather incidental than direct or express; and yet may, as it should, be both potent and controlling. Accordingly, from the origin of the Government to the present time, this House has exercised this power, in the negative form, of either confining the appropriations within the limits of its own judgment and discretion, or of withholding them from particular branches of the service. ... From 1790 to the present time, the same control, and in the same form ... has been indisputably exercised by Congress; and at every session up to the present, this House, through its power over supplies—a power inherent and constitutional—has directed, sometimes by increasing, and sometimes by limiting, the Executive discretion; ...*²⁵

Replying to Mr. Linn, Representative Pickens of South Carolina stated that

he believed that some alterations in our diplomatic arrangements were necessary, but he was willing to leave that matter to

²⁴ *Congressional Globe*, Appendix, 27th Cong., 2d sess., pp. 513-14.

²⁵ *Ibid.*, p. 514. Italics supplied.

the direction of the Executive, who was constitutionally charged with it.²⁶

After considerable debate, the amendment was withdrawn.²⁷

THE ALASKA PURCHASE

In 1867, the issue of whether the Congress was obligated to appropriate funds to enable the execution of a duly ratified treaty arose again in connection with the treaty with Russia for the purchase of Alaska. After the treaty had been duly ratified and proclaimed, President Johnson requested an appropriation of \$7,200,000, the payment stipulated in the treaty, and legislation providing for the occupation and government of the new territory.²⁸

The House Committee on Foreign Affairs, which prior to 1920 was authorized to report appropriations, reported a bill which contained the legislation requested by the President, including the appropriation, stated that its right to review the merits of a treaty was now conceded.²⁹ When the bill reached the floor, on July 14, 1868, by a vote of 98 to 49 an amendment was added containing language virtually identical with that contained in the 1796 House resolution in connection with the Jay Treaty:

Whereas the subjects thus embraced in the stipulations of said treaty are among the subjects which by the Constitution of the United States are submitted to the power of Congress, . . . it being for such reason necessary that the consent of Congress should be given to said stipulations before the same can have full force and effect; . . . *Be it enacted, That the assent*

²⁶ Senate Document 56, *op. cit.* note 16 *supra*, p. 44.

²⁷ *Ibid.*

²⁸ Crandall, *op. cit.* note 2 *supra*, pp. 175-76; Westphal, *op. cit.* note 2 *supra*, pp. 143 ff.; Richardson, *op. cit.* note 6 *supra*, Vol. VI, p. 523.

²⁹ House Report 37, 40th Cong., 2d sess. (1868).

of Congress is hereby given to the stipulations of said treaty.³⁰

A second amendment, declaring "that the powers vested by the Constitution in the President and Senate to enter into treaties with foreign governments do not include the power to complete the purchase of territory before the necessary appropriations shall be made therefor by act of Congress," failed by two votes.³¹

The Senate refused to accept the House amendment, and when the bill emerged from conference the amendment had been altered to read: "and whereas said stipulations cannot be carried into full force and effect except by legislation to which the consent of both Houses of Congress is necessary." The clause "that the assent of Congress is hereby given to the stipulations of said treaty" was stricken out.³²

CONGRESS NOT BOUND TO SUPPORT A TREATY

It may be noted in connection with this problem that between 1868 and 1950 the House of Representatives never seriously contended that the Congress was under no obligation to make an appropriation in implementation of a treaty which had been duly ratified.³³

³⁰ *Congressional Globe*, 40th Cong., 2d sess. (June 30, 1868), pp. 3621 ff.

³¹ Crandall, *op. cit.* note 2 *supra*, p. 176; Westphal, *op. cit.* note 2 *supra*, p. 145.

³² *Ibid.*

³³ Crandall, *op. cit.* note 2 *supra*, p. 177; Westphal, *op. cit.* note 2 *supra*, p. 145. In 1871 the House adopted a resolution almost identical with that adopted in 1796 in connection with the Jay Treaty, but it was done under suspension of the rules and without debate. *Congressional Globe*, 42d Cong., p. 835. In 1950 the House Foreign Affairs Committee raised the question indirectly in connection with its consideration of pending legislation to raise the ceilings on United States contributions to international organizations to which this government is obligated to contribute pursuant to treaty or convention. See House Report 1257, 81st Cong., 1st sess.,

Although there is authority for the proposition that the Congress is under a moral obligation to supply the appropriations necessary to enable the government to carry out treaty commitments,³⁴ the prevailing view today, according to most of the leading authorities, is that the executive branch, even with Senate concurrence, cannot bind the Congress to make an appropriation in execution of a treaty commitment.³⁵ Professor Corwin observes that

although few, if any treaty provisions, have ever failed for lack of funds to carry them out, . . . it is well established . . . that whatever any department [of the Government] does in the exercise of its powers is frequently at the mercy of what another department may do—or refuse to do—in the exercise of its powers.³⁶

Perhaps the most realistic and pithy description of the situation is the observation of former Representative Robert Luce, who stated:

the fact is that whether right or wrong, the House has the whip hand by reason of its exclusive power to start appropriations, so that whenever it wants to, it can nullify any treaty that requires the spending of money in order to give it effect. This has made the real question one of morals rather than of mechanics.³⁷

p. 8. This action will be discussed at a subsequent point.

³⁴ William H. Taft, *Our Chief Magistrate and His Powers* (New York, 1925), p. 115; Wright, *op. cit.* note 2 *supra*, p. 226. See also the views of Alexander Hamilton, quoted in Wright, p. 354 n.

³⁵ Corwin, *op. cit.* note 9 *supra*, p. 214; Crandall, *op. cit.* note 2 *supra*, p. 177; Dangerfield, *op. cit.* note 2 *supra*, p. 300; Lay, *op. cit.* note 2 *supra*, pp. 53 ff.; Luce, *op. cit.* note 2 *supra*, p. 136; Mathews, *op. cit.* note 2 *supra*, pp. 564 ff.; Tucker, *op. cit.* note 8 *supra*, chap. 8.

³⁶ Corwin, *loc. cit.* note 35 *supra*. See also Wright, *loc. cit.* note 34 *supra*.

³⁷ Luce, *loc. cit.* note 35 *supra*. I do not agree that the House of Representatives has exclusive power to originate appropriations. From an early date, the House has arrogated

COMMERCIAL RELATIONS

Closely related to the fiscal power of the Congress in connection with the execution of treaties is the question of whether treaties and international agreements which purport to affect customs and tariffs, and which are entered into by the President with Senate concurrence, require congressional action by way of legislation to carry them into effect.

The problem arose originally because, although tariffs are clearly a legitimate subject of international negotiation, the Constitution expressly provides that "all bills for raising Revenue shall originate in the House of Representatives;"³⁸ and specifically gives Congress power to regulate commerce with foreign nations.³⁹

Although this question caused considerable controversy when it first arose, it presents no problem today, since the executive branch has generally recognized that treaties and agreements affecting tariffs and customs revenues should not be negotiated without prior approval of the Congress; and the Reciprocal Trade Agreements Act of 1934, and its subsequent extensions, give full recognition to this principle.⁴⁰ It may be noted, however, that the Congress has never hesitated to exercise its powers in this area, and the executive branch has, on occasion, been hampered by the necessity of obtaining congressional enabling

this power to itself and by practice and custom it is now said to have such authority. However, the Constitution is silent on the subject, and there is considerable evidence that the Founding Fathers never intended to give such power exclusively to the House.

³⁸ Art. I, Sec. 7, clause 1.

³⁹ Art. I, Sec. 8, clause 3.

⁴⁰ Crandall, *op. cit.* note 2 *supra*, chap. 13, especially pp. 195 ff.; Mathews, *op. cit.* note 2 *supra*, p. 576. A concise summary of the problem is found in Mathews, pp. 571 ff. See also Westphal, *op. cit.* note 2 *supra*, pp. 137 ff.

legislation for commercial dealings with foreign governments which are designed specifically to accomplish major objectives of foreign policy.

PRESIDENT GRANT'S PROTEST

During the period under consideration, one further instance of congressional fiscal action as a means of controlling foreign policy merits attention. On August 14, 1876, President Grant sent a message to the House protesting against a clause in the diplomatic appropriation bill for the ensuing year which directed the President to notify certain diplomatic and consular officials "to close their offices." "In the literal sense of this direction," he asserted, "it would be an invasion of the constitutional prerogatives and duty of the President."⁴¹

ARMY APPROPRIATION CONDITIONED

In 1912 Senator Bacon of Georgia proposed an amendment to the Army Appropriation bill for that year, which provided that, with certain exceptions, none of the funds appropriated by the bill should be used for "the pay or supplies of any part of the army of the United States employed or stationed in any country or territory beyond the jurisdiction of the laws of the United States, or in going to or returning from points within the same."⁴² When Senator Root objected that the amendment would encroach upon the President's powers as Commander in Chief, it was defeated without a record vote.⁴³

⁴¹ Richardson, *op. cit.* note 6 *supra*, Vol. VII, p. 377.

⁴² 48 *Congressional Record*, pp. 10921-30 (August 14, 1912), quoted in Corwin, *op. cit.* note 9 *supra*, p. 448. See also Mathews, *op. cit.* note 2 *supra*, p. 656 n. Emergencies arising when Congress was not in session were excepted. *Ibid.*

⁴³ Corwin, *loc. cit.* note 42 *supra*.

QUESTION OF INTERNATIONAL CONFERENCES

In 1913 the Congress attempted to limit the discretion of the President by adding the following provision as a rider to a deficiency appropriation bill: "Hereafter, the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without specific authorization to do so."⁴⁴

This act, which is still on the statute books, and which was characterized by President Wilson as "utterly futile" and "in excess of the power of Congress, has elicited much comment."⁴⁵ Professor Wright states that "Congress has undoubtedly gone beyond its powers in thus attempting to control the President's foreign negotiations and the President has ignored the act, notably at the Versailles Peace Congress." He admits, however, that "the actual influence of Congress in this field depends upon the necessity for appropriations. If international conferences become frequent, this necessity would doubtless be controlling."⁴⁶

Professor Mathews observes that "by this stipulation Congress assumed to exercise the power of controlling the discretion of the President in this matter. If the provision were valid, he must secure in each particular case the prior authorization of Congress, . . ." He notes, however, that "since the passage of the act of 1913, the President has generally, although not invariably, complied with its provisions."⁴⁷

Lay, in his treatise on the Foreign Service, remarks that ". . . it is difficult to see how the authority to participate in an international conference

⁴⁴ Act of March 4, 1913 (37 Stat. 913).

⁴⁵ 22 U. S. C. 262. See Williams, *op. cit.* note 2 *supra*, p. 399.

⁴⁶ Wright, *op. cit.* note 2 *supra*, p. 328.

⁴⁷ Mathews, *op. cit.* note 2 *supra*, p. 447.

could be reserved to Congress, while the authority to negotiate with foreign nations is committed to the President." He concludes that although congressional control of the purse strings is an important factor, "should the President deem it advisable to undertake such participation upon his own responsibility, he might employ any of his regularly appointed diplomatic representatives, . . ."⁴⁸

Professor Corwin, commenting on the 1913 rider in the original edition of his work on the Presidency, states that "this measure is so obviously in conflict with the doctrines and precedents . . . that its successful defiance only awaits an adequate occasion."⁴⁹ In the 1948 edition of the same work, however, he makes only the following comment: "Shades of Cairo, Teheran, Yalta, Potsdam!"⁵⁰

This provision appears clearly to be an unconstitutional interference with the President's prerogatives. Since the United States participates in approximately three hundred international conferences each year, it is difficult to determine the extent to which attention has been paid to the act in recent years. In any event, it appears that when the Congress appropriates funds each fiscal year to enable United States participation in international organizations, either by way of regular annual appropriations for contributions and administrative expenses or for the international contingencies fund of the Department of State, implied consent is given.

CONGRESSIONAL INITIATIVE IN SEEKING WORLD PEACE

In 1916, the Congress attempted to take the initiative in foreign policy by attaching as a rider to a Navy Approp-

priation Act a provision declaring it "to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided. . . ."⁵¹ This provision also authorized and requested the President, at an appropriate time, not later than the close of war in Europe, to invite

all the great Governments of the world to send representatives to a conference . . . charged with the duty of formulating a plan for a court of arbitration or other tribunal, to which disputed questions between nations shall be referred for peaceful adjudication and peaceful settlement and to consider the question of disarmament.

For this purpose, \$200,000 was appropriated, and the President was authorized to appoint nine American citizens to represent the United States. The President ignored these provisions, and no effect was ever given to them.⁵²

In 1921 a rider to the Naval Appropriation Act for the ensuing year authorized and requested the President "to invite the Governments of Great Britain and Japan to send representatives to attend a conference," charged with arriving at an understanding for the reduction of the naval expenditures and building programs of each government during the next five years.⁵³ This provision was inserted in the bill at the insistence of Senator Borah, who, according to Corwin, "had set up as a sort of State Department of his own."⁵⁴ It resulted in considerable controversy, and was adopted despite the fact that President Harding, who had previously ex-

⁵¹ Act of August 29, 1916 (39 Stat. 618).

⁵² Lay, *op. cit.* note 2 *supra*, pp. 64-65; Mathews, *op. cit.* note 2 *supra*, p. 333.

⁵³ Naval Appropriation Act of July 12, 1921 (42 Stat. 122). See Lay, *op. cit.* note 2 *supra*, p. 65.

⁵⁴ Corwin, *op. cit.* note 9 *supra*, 1940 edition, p. 215.

⁴⁸ Lay, *op. cit.* note 2 *supra*, p. 58.

⁴⁹ Corwin, *op. cit.* note 9 *supra*, 1940 edition, p. 224.

⁵⁰ *Ibid.*, 1948 edition, p. 232.

pressed himself as favorable to the congressional request, subsequently took the position that it was too specific, in that it permitted him no discretion to enlarge the agenda of the proposed conference or to include other nations.⁵⁵

A similar provision in the Naval Appropriation Act of 1924, in which the President was requested "to enter into negotiations" with various foreign governments to reach an understanding for the limitation of certain types of naval armaments, appears to have been disregarded by the President.⁵⁶ The provisions of the 1921 act, however, are said to have had considerable influence upon his decision to call the Conference on Limitation of Armament.⁵⁷

THE OPIUM CONFERENCE

In 1924 the Congress, at the President's request, appropriated funds to enable an American delegation to attend the International Opium Conference at Geneva, but provided in the act that the delegation should sign no agreement which did not fulfill certain specified provisions.⁵⁸ When the delegation found that a treaty containing the required provisions was unattainable, the head of the delegation, Representative Porter, then chairman of the House Committee on Foreign Affairs, read from the statute paragraphs which he stated forbade him to sign any less comprehensive agreement, and withdrew the delegation from the conference.⁵⁹

A curious feature of this incident was the fact that Representative Porter was both the author and instigator of the detailed instructions in the appropri-

⁵⁵ Westphal, *op. cit.* note 2 *supra*, pp. 108-9.

⁵⁶ Naval Appropriation Act of May 28, 1924 (43 Stat. 204); Lay, *loc. cit.* note 53 *supra*.

⁵⁷ Lay, *ibid.*

⁵⁸ Williams, *op. cit.* note 2 *supra*, p. 397.

⁵⁹ D. F. Fleming, *The United States and World Organization—1920-1933* (New York, 1938), p. 227.

tion act, as well as the head of the delegation. Thus, he not only originated the instructions, but also was appointed to carry them out.⁶⁰

U. S. AND PERMANENT COURT OF INTERNATIONAL JUSTICE

In 1932, after numerous futile attempts had been made to obtain Senate approval of United States adherence to the protocols of the Permanent Court of International Justice, Representative Linthicum, then chairman of the House Foreign Affairs Committee, sponsored a joint resolution authorizing the appropriation of a specific sum as the United States' share of the Court's expenses for the year 1932.⁶¹

This resolution, which was introduced too late in the session to receive the consideration of the House, was designed by its sponsors to ease the United States into the Court through the House's co-ordinate power over appropriations, leaving to the Senate the task of setting up whatever safeguards it desired. It is interesting because it demonstrates the unusual situation of the House's taking the initiative in attempting to implement Presidential policy, despite Senate opposition to that policy.

ATTEMPT TO SEVER RELATIONS WITH U.S.S.R.

One final episode during this period, which is particularly pertinent, occurred

⁶⁰ Williams, *loc. cit.* note 58 *supra*. In May 1931, when the United States was officially represented at another International Opium Conference at Geneva, its delegation co-operated fully in the work of the conference, and no attention appears to have been paid to the instructions contained in the earlier legislation. Fleming, *op. cit.* note 59 *supra*, pp. 227 ff.

⁶¹ House Report 1628, 72d Cong., 1st sess. (1932). The committee amended the original resolution providing for an appropriation to have it read "authorizing an appropriation." See Westphal, *op. cit.* note 2 *supra*, pp. 174 ff. and 174 n.

in the House of Representatives, in connection with an attempt made in 1940 to sever diplomatic relations with the Union of Soviet Socialist Republics by means of an amendment to the annual appropriation bill for the Department of State, striking out the salary for the United States Ambassador to the Soviet Union.⁶² In support of the amendment, Representative McCormack of Massachusetts, its sponsor, argued that the Soviet Government had breached its promise not to engage in subversive activities in the United States, which promise had been one of the conditions of renewal of diplomatic relations in 1933.

A number of Members supporting the amendment admitted that it was not the proper procedure to alter diplomatic relations in an appropriation bill. They pointed out, however, that this was the only course left to them, since bills designed to accomplish this had been shelved in the Foreign Affairs Committee, allegedly because of the State Department's influence. To these arguments, Mr. McCormack replied as follows:

This is the proper place. We have the responsibility of appropriating money. True, the question of diplomatic relationship in itself rests with the executive branch of the Government, but under the Constitution we have the power of expressing our own views as a body when appropriation bills are under consideration. In rare cases, such as in the case of the Soviet Union, we are justified in exercising our constitutional power.

The argument that this is not the place for this question to be discussed certainly is irrelevant if advanced from a constitutional angle, because the framers of the

⁶² The following account and quotations are taken from 86 *Congressional Record*, pp. 1172-79, 1192. For an interesting discussion of the probable effect of both amendments on United States diplomatic relations with the Soviet Union, see Westphal, *op. cit.* note 2 *supra*, pp. 129-32. Italics supplied.

Constitution left it with Congress to appropriate money. Congress has the power not to appropriate money for any particular purpose.

Representative Celler of New York, after assuring the House that he despised the Soviet Union and was perfectly willing to see the United States sever diplomatic relations with that government, raised the constitutional issue, as follows:

Since when do we in this Chamber, or in the cloakroom, conduct the foreign affairs of this Nation? We have a Secretary of State in whom I, and I am sure you, repose the greatest confidence, because he is, in truth and in fact, a great Secretary of State. . . . Has Mr. Hull authorized any one of us to bring forward an amendment of this character? No: He would frown upon such an amendment. He would ask you to vote against such an amendment, because you cannot carry on foreign affairs in this Chamber. . . . Does the President know about this amendment? Emphatically, no. . . . How ridiculous then to carry on diplomatic relations in such an emotionally forensic manner, without even the knowledge of the President or Secretary Hull. If such a motion as the gentleman from Massachusetts presents could prevail, then what would be the use of a State Department? Let the Appropriations Committee carry on our foreign affairs. I repeat, let us sever diplomatic relations in a decent, straightforward manner—not in this haphazard, unusual, unthinkable manner. . . .

On a division vote the amendment carried, 88 to 86. However, on a subsequent teller vote it was defeated, 105 to 108. Later in the day another amendment offered by Mr. McCormack, providing that no appropriation contained under the title "Foreign Inter-course" shall be used for the maintenance of an embassy in the Union of Soviet Socialist Republics or for salaries of officers at that post, was defeated by a vote of 38 to 95.

THE CONTEMPORARY SCENE

The events of the past twelve years have had a profound effect on the role of the Congress in foreign policy direction and control by means of its fiscal primacy. With the outbreak of World War II and during the period which followed, the United States assumed a position of leadership in world affairs which was, and continues to be, unparalleled and unprecedented in history. Traditional bilateral diplomacy, with occasional excursions into multilateral diplomacy, were all but replaced by a policy of wholehearted co-operation with other nations through participation in international organizations, and by large-scale foreign aid programs involving the expenditure of many billions of dollars each year.

Between July 1, 1940, the beginning of the first fiscal year following the outbreak of World War II, and March 31, 1953, the United States Government devoted a total of more than \$92 billion to the achievement of its foreign policy objectives, and legislation authorizing and appropriating these funds involved approximately 158 enactments by the Congress.⁶³ Of the total amount involved, more than \$49 billion was expended during the five-year period of World War II; and approximately \$43 billion was expended during the post-war period (since July 1, 1945), of which \$28 billion was advanced prior to June 25, 1950, the date of the outbreak

⁶³ United States Department of Commerce, *Foreign Aid by the United States Government, Basic Data Through March 31, 1953*, pp. A-5 ff. The figure given is gross foreign aid. The statutory compilation is found in United States Department of Commerce, *Foreign Aid by the United States Government, 1940-1951*, pp. 107 ff. For the 82d Congress, second session, see Report of the Committee on Foreign Affairs, House of Representatives, *Survey of Activities, Eighty-Second Congress*, pp. 19 and 64 ff.

of the Korean War, and nearly \$15 billion since that date.⁶⁴

For the most part, these funds were made available in the form of grants or credits and were applied to (1) military aid, (2) relief, (3) economic and technical assistance, and (4) contributions to international organizations. Of the funds devoted to these purposes during the World War II period, more than \$47 billion represented lend-lease; of the funds advanced during the postwar period, more than \$20 billion has been devoted to mutual security, including military aid and economic and technical assistance; the balance represents civilian supplies, emergency relief and aid programs of an interim nature, and various other types of aid.⁶⁵

Finally, from the beginning of the Eightieth Congress, through and including the Eighty-second Congress—a period involving six fiscal years (1948-53)—the Congress has authorized and appropriated more than \$34 billion for various mutual aid programs, in addition to some \$131 million for regular annual contributions to international organizations in which the United States participates.⁶⁶

Prominence of Congress

The significant feature of these amounts of money, apart from their astronomical size, lies in the fact that although they are usually said to have been appropriated or expended to further the President's foreign policy objectives, not a single dollar could or would have been made available without

⁶⁴ United States Department of Commerce, *Foreign Aid by the United States Government, Basic Data Through March 31, 1953*, pp. A-5 ff.

⁶⁵ United States Department of Commerce, *Foreign Aid by the United States Government, 1940-1951*, pp. 1 ff.; *ibid.*, *Basic Data Through March 31, 1953*, pp. A-5 ff.

⁶⁶ *Loc. cit.* note 64 *supra*.

congressional enactments. Thus, after occupying only a subordinate or supporting role in the foreign policy of the nation for 150 years, the Congress finally found itself in the "driver's seat."

Nor was the Congress slow in appreciating its new role. In a report of the House Committee on Foreign Affairs on its activities during the Eighty-first Congress, it was stated:

The solution of today's problems requires legislative action on a scale unprecedented in American history. Particularly is this true in the field of foreign affairs, which have to a considerable extent become global in scope and effect. The nature of the world commitments and the world aspirations undertaken by this Nation cannot be considered in a compartment separate from the concrete steps necessary to fulfill those commitments and to realize those aspirations. *To render their terms and objectives effective, the major foreign policy programs of our country involve heavy expenditures of public funds, so that the responsibility for the purse as it relates to our foreign policy cannot be separated from the root and substance of that policy. Thus, the Congress has become a significant, regular, and necessary participant in the conduct of the foreign affairs of this country.* . . .⁶⁷

Having finally achieved a full partnership with the executive branch in foreign policy control, if not direction, the Congress has never hesitated to exercise that control by scrutinizing with painstaking care the executive requests for funds for foreign aid and other international programs. Not only have these requests been examined exhaustively by

⁶⁷ *Survey of Activities*, Committee on Foreign Affairs, House of Representatives, 81st Congress, pp. 5-6, prepared by Sheldon Z. Kaplan, staff consultant. Italics supplied. For a similar statement by the House Appropriations Committee, placing greater emphasis on the fiscal powers of the Congress in international matters, see House Report 2316, 82d Cong., 2d sess., p. 50.

the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs, but the Appropriations Committees of both Houses have also reviewed every item and reappraised every phase of almost every program exhaustively, despite the fact that the substantive committees had already performed that task and the authorization had become law.

Thus, in 1948 the House Appropriations Committee, after making a complete re-examination of the foreign aid program, ignored the authorization of \$6,533,710,228 for one year, and recommended an appropriation of \$5,980,710,228 for a period of eighteen months, thus reducing the amount by approximately one billion dollars. In defense of its action it stated, "It is admittedly impossible for anyone to state with any degree of assurance the actual needs of the participating countries within a billion dollars."⁶⁸ Only after the late Senator Arthur H. Vandenberg, then chairman of the Senate Foreign Relations Committee, appeared before the Senate Appropriations Committee and made an impassioned plea for restoration of the funds eliminated, was action taken to restore them.⁶⁹

In this connection it may be noted that from the outset the Congress made known to the President that it would appropriate no funds for the program if it were placed under State Department control and direction, thereby setting a course which is still followed today.

⁶⁸ House Report 2173, 80th Cong., 2d sess., p. 3.

⁶⁹ See *Hearings before the Committee on Appropriations, United States Senate*, 80th Cong., 2d sess., on Economic Cooperation Administration, H. R. 6801, pp. 423 ff. The Senate restored the funds and a compromise was reached in conference whereby \$4 billion was appropriated for 12 months, 1 billion dollars having already been made available through the Reconstruction Finance Corporation. Public Law 793, 80th Cong., 2d sess.

More recently, in the Eighty-second Congress, the executive requests for foreign aid totaling \$16,445,000,000 resulted in total appropriations of \$13,330,851,726—a cut of more than \$3 billion.⁷⁰

Added and reduced appropriations

Nor has the Congress restricted its use of the fiscal power to the foreign aid field. In 1948 an appropriation of \$400,000,000 was added to the foreign aid appropriation for aid to China, despite the President's objections.⁷¹ In 1950, despite strong and repeated objections on the part of the administration, a mandatory loan to Spain in the amount of \$62.5 million was included as a rider to the Omnibus Appropriation Bill. Rather than veto the bill, which provided funds for the entire government, the President signed it with the following announcement:

I . . . feel obliged to comment upon the provision of the bill which authorizes loans for the purpose of assistance to Spain. I do not regard this provision as a directive, which would be unconstitutional, but instead as an authorization, in addition to the authority already in existence under which loans to Spain may be made. Spain is not, and has not been, foreclosed from borrowing money from this Government. Money will be loaned to Spain whenever mutually advantageous arrangements can be made with respect to security, terms of repayment, purposes for which the money is to be spent, and other appropriate factors and whenever such loans will serve the interest of the United States in the conduct of foreign relations.⁷²

In 1951, when President Truman requested a supplemental appropriation of \$97.5 billion to accelerate the comple-

tion of certain broadcasting facilities for the Voice of America, which he stated were needed to overcome Soviet jamming efforts and make the campaign of truth more effective in countries behind the Iron Curtain, the House Appropriations Committee recommended a reduction of \$88 million, or 90 per cent, taking the position that existing facilities were adequate. Despite Presidential protests, the cuts were approved by the full House and Senate.⁷³ Shortly thereafter, the President's regular appropriations request for the Voice of America was reduced from \$115 million to \$85 million, a reduction of 26 per cent, and Presidential protests were again ignored.⁷⁴

Ceiling legislation

During the past few years the Congress has repeatedly asserted its authority in connection with United States participation in international organizations. Of particular interest is congressional action on the so-called "ceiling legislation."

When the Congress enacted legislation authorizing United States participation in and contributions to the Food and Agriculture Organization, the International Labor Organization, the World Health Organization, and the South Pacific Commission, dollar ceilings were established in each of the acts, limiting the amounts which could be appropriated for the payment of our annual contributions. Underlying these limitations was the concern on the part of the Congress that, since the budgets and the assessments levied on member governments were fixed in these agencies by a majority vote of the members at the annual conference of their governing bodies, and since these agencies were expanding and developing, this

government might be called upon to pay a disproportionate share of their expenses. Furthermore, it was felt that the inclusion of these limitations would assure a regular means whereby the Congress might review the programs and objectives of the agencies and appraise the results of United States participation.⁷⁵

When the budgets of these agencies increased and the United States assessment rose accordingly, the Department of State proposed legislation to remove these ceilings, as well as the ceilings on contributions to several older international organizations. In support of its proposal, the Department stated before a subcommittee of the House Foreign Affairs Committee that fixed statutory contributions were contrary to the principle of autonomous control of budgets and allocations of expenses, which, by the provisions of the constitutions of these agencies, is left to their governing bodies; and that these restrictions amounted in effect to a reservation upon United States membership, which, in turn, had resulted from a treaty or convention.⁷⁶ The net effect of this argument was to raise the old question of whether the Congress was obligated to appropriate funds needed to implement a treaty, and if it failed to do so, whether the United States would be in default of its treaty obligations.

Although the Committee on Foreign Affairs ultimately agreed to legislation raising the ceilings, it rejected the argument of the administration in language quite reminiscent of the early days of the Republic:

This Committee, . . . does not understand that the constitutional relations within international organizations are to be considered paramount over constitutional

relations within the member governments themselves. This committee feels that the constitutional system upon which this Government rests requires the interposition of the Congress as well as the Executive in the supervision on behalf of this Government of the operations of international organizations of which the United States is a member, and that this supervision goes to the substance. . . .

. . . United States participation in such organizations arises not from inherent Executive powers under the Constitution, but is in pursuance to laws enacted by the Congress. *The Executive cannot bind the Nation in this field, because contributions to international organizations involve the power of the purse, and that power belongs to the Congress. Since the Executive necessarily must seek the approval of the Congress before executing a commitment to an international organization involving the expenditure of United States funds, the question becomes simply the question of whether the Executive is to seek congressional concurrence from time to time on the broad question of magnitude and then annually also on the question of the precise amount or only on the annual question of the precise amount alone. . . .*

In the view of some, the fixing of a ceiling on the United States' contribution is an infringement upon the autonomy of the organizations amounting in effect to a reservation upon United States membership. The committee does not agree with this view. In any event, the constitutional difficulty is not removed by erasing statutory limits on contributions. There would still remain the necessity for the Executive to seek the concurrence of the Congress in subsequent appropriations. An element of constitutional contingency would still apply to the matter of United States support. The American people have by their Constitution vested the authority over appropriations in their Congress. This authority has not been yielded or transcended under any act of participation in an international organization. The Congress cannot convey elsewhere its ultimate obligations in this matter. It is a principle inherent in our Constitution. It is just as well that this be understood explicitly by other govern-

⁷⁰ See Report of the Committee on Foreign Affairs, House of Representatives, *loc. cit.* note 63 *supra*.

⁷¹ Public Law 794, 80th Congress.

⁷² *Department of State Bulletin*, Vol. XXIII (Sept. 25, 1950), p. 517.

⁷³ Public Law 45, 82d Cong.

⁷⁴ Public Law 188, 81st Cong.

⁷⁵ Senate Report 2450, 81st Cong., 2d sess., p. 2; House Report 1257, 81st Cong., 1st sess., pp. 7-8.

⁷⁶ House Report, *ibid.*, p. 8.

ments joining with this Government in international organizations.⁷⁷

In 1951 and again in 1952, the House of Representatives on the floor adopted amendments to the State Department appropriations bill for 1952 and 1953 respectively, flatly prohibiting the use of any of the funds so appropriated for the payment of a United States assessment to any international organization in excess of one-third of the total annual cost thereof.⁷⁸ Each year the Senate Appropriations Committee has softened the blow by proposing in its report on the bill a substitute amendment which was ultimately adopted.⁷⁹ In 1951 the amendment provided in effect that no United States representative to any international organization could thereafter commit this government to a contribution in excess of 33.33 per cent of the budget of such organization. However, it exempted inter-American organizations and provided that "in exceptional circumstances necessitating a contribution by the United States in excess of 33.33 per cent of the budget," a commitment could be made after consultation by United States representatives in

⁷⁷ House Report, *ibid.* Despite the dogmatic quality of the quoted language, the issue involved is by no means firmly settled. A more accurate statement of the principle might be that the Executive can bind the nation in this field, but cannot commit the Congress as to contributions or any other necessary implementing legislation. See text accompanying footnotes 34 and 35 *supra*. The Senate Committee on Foreign Relations inserted an additional provision limiting all financial contributions to the agencies covered by the legislation to the amounts specified therein, with certain exceptions relating to voluntary relief programs. Public Law 806, 71st Cong.

⁷⁸ 97 *Congressional Record* 8981 (July 26, 1951); 98 *Congressional Record* 3519 (April 4, 1952).

⁷⁹ See Senate Report 697, 82d Cong., 1st sess., pp. 6-7; Public Law 188, 82d Cong.; Senate Report 1807, 82d Cong., 2d sess., pp. 5-6; Public Law 495, 82d Cong.

the organization or other appropriate Department of State officials with the Committees on Appropriations of both Houses.⁸⁰

As a result of this amendment, the United States Government, having been assessed 36.90 per cent for the 1952 calendar year of the United Nations, had to refrain from voting on the resolution approving the assessments, despite the fact that this figure represented a reduction for the United States. Although the Department of State had written to the chairmen of the Senate and House Appropriations Committees requesting permission to exceed the limitation, since the Congress was not in session and the Department received no answer, it took the view that no proper consultation had been had within the meaning of the statute.⁸¹

In 1952 the Senate Foreign Relations Committee again recommended a substitute amendment for the flat prohibition adopted by the House of Representatives, which was adopted.⁸² It provided that after fiscal year 1953, no United States representative in any international organization could commit this government to contribute more than 33.33 per cent of the budget of any international organization "for which the appropriation for the United States contribution is contained in this Act. . . ." This limitation was also made applicable to any future international organizations in which the United States might participate, in the absence of specific authorization. Inter-American agencies were again excluded, but no provision was made for consultation in the event

⁸⁰ Public Law 188, 82d Cong.

⁸¹ *Hearings before the Subcommittee of the Committee on Appropriations, United States Senate, on Departments of State, Justice, Commerce and the Judiciary Appropriations for 1953*, 82d Cong., 2d sess., pp. 729-31, 733-34, and 737-40.

⁸² Senate Report 1897, *loc. cit.* note 79 *supra*.

of exceptional or other circumstances.⁸³

Since by January 1, 1954, United States contributions to all but one international organization will be 33.33 per cent or less, this amendment has caused the administration no serious embarrassment. It may be noted, however, that during the past few years all the reports of the House Appropriations Committee on the State Department appropriations bills have contained statements decrying the high percentage paid by the United States to the budgets of international organizations and urging and directing United States representatives to exert every possible effort to obtain substantial reductions in this government's assessments.⁸⁴

Communist China membership in U.N. opposed

The most recent use by the Congress of its fiscal primacy to control and direct foreign policy occurred in connection with the State Department Appropriations bill for 1954. In reporting the bill, the Senate Appropriations Committee recommended two amendments which would have had the effect of cutting off United States contributions to the United Nations automatically in the event of the admission of Communist China to membership in that organization.⁸⁵ These amendments, which appear to have had considerable support, were withdrawn, but only after the President had personally assured Senate leaders that it would be his policy to oppose vigorously any attempt to admit Communist China to the United Nations. However, the Senate unanimously adopted a substitute amendment declaring it to be the sense of the Congress

⁸³ Public Law 495, 82d Cong.

⁸⁴ House Report 685, 82d Cong., 1st sess., p. 5; *ibid.*, 2d sess., p. 6; *ibid.*, 83d Cong., 1st sess., p. 4.

⁸⁵ Senate Report 309, 83d Cong., 1st sess., p. 7.

that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China.⁸⁶

CONCLUSIONS

The foregoing review indicates that the Congress has never hesitated to use its fiscal powers freely in an effort to control or direct foreign policy and relations. Significantly enough, the basic question during the first 150 years of the life of the nation rarely involved money or the conservation of the nation's resources. For the most part, these actions, some of which were successful, were designed either to force the hand of the Executive in a particular matter or to assert legislative equality with the executive branch in the foreign relations field. In nearly every instance, the question at issue was whether the Founding Fathers intended to give the President powers and authority over foreign relations, superior to that given to the Congress. Finding itself unable to take the initiative, and fully realizing the futility of a joint resolution expressing policy if the President was not in accord, the Congress has resorted to its appropriations power as a controlling or directing device.

The outbreak of World War II and the subsequent assumption by the United States of world leadership have

⁸⁶ *Congressional Record* (daily edition), June 3, 1953, pp. 6202-4. This amendment was agreed to by the House and is contained in section 111 of Title I of the Departments of State, Justice, and Commerce Appropriation Act for 1954 (Public Law 195, 83d Cong.). It may be noted that section 110 of the same title prohibits the use of any funds appropriated in Title I to pay the United States contribution "to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship . . ." or for the promotion of such doctrine or principle.

had a profound effect on the role of the Congress in foreign policy direction and control. Because the basic foreign policy objectives of the United States have involved the expenditure of vast sums of money, the Congress has become, at the very least, a full-fledged partner with the Executive in the control and direction of foreign policy. Appropriations riders and policy declarations are still resorted to on occasion as a means of taking the initiative.

Whether or not the Founding Fathers

intended to vest control over foreign relations in the President or in the Congress has ceased to be of any great importance. The fact remains that as long as present world conditions exist and the foreign policy objectives and programs of the United States involve sizable appropriations and expenditures, the Congress will continue to exercise control and direction, and only at their peril will Presidents embark upon such programs without prior consultation with the Congress.

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Party Responsibility for Foreign Policy

By JOHN M. VORYS

IT should be very easy to determine party responsibility for foreign policy. Every four years each of the great political parties has in its platform a section on foreign policy; candidates for Congress, the House and Senate, run on the platforms of their parties; for instance, in my state, Ohio, and in many others, each candidate takes an oath to abide by the principles set forth in his party platform. The successful party on coming into power has a legislative program based on its platform. This program always includes foreign policy measures. At the next election, if the people approved these party foreign policies, those who voted for them would be re-elected and those who voted against them would be defeated; and vice versa, if the voters disapproved of the policies, the candidates who supported them would be defeated and those who opposed them would be re-elected. Thus, we have the machinery for complete party responsibility for foreign policy measures.

Actually, it is not quite as simple as that, for at least three reasons: rival party platforms tend to be similar on foreign policy, unforeseen situations arise, and the voters may not decide on the basis of responsibility for foreign policy.

SIMILARITY BETWEEN PARTY PLATFORMS

There is usually considerable similarity between the platforms of the major parties on foreign policy questions. Cynics will say that this is because each party tries to be all things to all men. Earnest reformers will urge that the platform of the party of their choice

should contain only the things they approve, and the other party's platform should contain only the things they disapprove. Since American parties are human institutions, with voluntary membership, seeking to be inclusive rather than exclusive, their platforms hardly ever please the cynics or the reformers. Many thoughtful citizens take comfort, however, in the basic unity of our people on the broad principles of our foreign policy, which results in similar expressions of policy in the platforms of both political parties. It has been pointed out that

As compared with other democratic countries, the essential function of party in the United States lies not so much in presenting alternatives on public questions, as in presenting alternative candidates for election; and this is illustrated by the fact that people habitually pay less attention to the national party platforms than to the personal statements of the candidates for the presidency.¹

This statement is particularly appropriate in the realm of foreign policy, where there is general agreement on broad principles and where the President has paramount power and responsibility for the execution of policies. The interpretation of platform principles by a Presidential candidate is often more important than the platform itself in determining the party's foreign policy.

UNFORESEEN DEVELOPMENTS

Another reason why platforms do not determine party policy is that in foreign affairs great events develop after plat-

¹ A. Lawrence Lowell, *Public Opinion in War and Peace* (Cambridge, Mass.: Harvard University Press, 1923), p. 194.

forms are made. Neither party recognized in 1944, while World War II was still raging, that in 1947 a situation would arise requiring Greek-Turkish aid. President Truman acted promptly and decisively in this emergency, and the Republican Eightieth Congress responded promptly with the necessary legislation. The so-called Truman Doctrine would have been utterly ineffective without the support promptly furnished by the Republicans on Capitol Hill. Each party can justly claim a share of responsibility for the Greek-Turkish aid program, although it was not foreseen or forecast in party platforms.

CAMPAIGN ISSUES

The third reason why party responsibility cannot be determined simply from the action of voters on candidates who supported platform principles is that voters may have their minds on something else when election time comes. There are many instances where Congressmen and Senators have been defeated although their votes on foreign policy were not criticized. Domestic issues, personalities, and other considerations seemed more important. Such situations must be borne in mind in determining whether the people want more party responsibility for foreign policy. It is easy to argue that citizens ought to want it, and might be better served if they got it, but there is no known case where a party was turned out simply because the people were unable to determine whether it was responsible for success or failure in foreign policy.

Historically, there have been relatively few times when party foreign policy played an important part in elections. In 1796 and 1800 the Jeffersonian Republicans were pro-French and the Federalists were pro-British, or at least anti-French. In 1812 the "War Hawks" were pressing the President

to action. In 1844 the annexation of Texas was the all-absorbing issue in the campaign, in which James K. Polk, the Democratic candidate, defeated the Whig, Henry Clay. This was in reality a foreign issue, although it involved the slavery question. Polk became a proponent of "manifest destiny" and defeated the candidates who failed to come out squarely for annexation.

In 1900 William Jennings Bryan attempted to make an issue of imperialism, based on our involvements in our new possessions acquired in the Spanish-American War. He was defeated, although neither his supporters nor his opponents seemed to agree with him that this was the "paramount issue."

In the campaign of 1916 both parties were agreed on a policy of United States neutrality in the European war. The Republicans were split, and Wilson was elected on the slogan, "He kept us out of war," although he asked for a declaration of war soon after becoming President.

In 1920, although the platforms contained similar general statements of principles, the foreign policy issue of our entry into the League of Nations became paramount, because of the positions taken by the candidates, Harding and Cox. Regardless of the positions of the candidates, the election was as President Wilson had described it, a "solemn referendum" on foreign policy; for not only Democratic recommendations for the future, but war restraints and taxes and high prices were involved. Here was an election which involved party responsibility for foreign policy, and the party responsible was repudiated.

PARTY RESPONSIBILITY OBSCURED

The 1940 election might have furnished a test of party responsibility for foreign policy, in spite of the similarity of party platforms. Third-term candi-

date F. D. Roosevelt, by his campaign words, avoided this test in speeches that mark a record low in avoidance of responsibility for foreign policy. As his biographer and admirer, Robert E. Sherwood, said, "That Boston speech was a terrible one to prepare and also to remember . . . I burn inwardly whenever I think of those words 'again—and again—and again.'"²

The "Great Debate" preceding Pearl Harbor was fogged by similar lack of candor in the labeling and description of the measures presented to Congress, so party policy and responsibility became obscure. In history the line-up will probably continue to be labeled isolationists versus interventionists. Actually, each legislative step toward war was presented as a measure to keep us out of war. "Cash and carry" did not require "cash," and the "carry" was convoyed by American destroyers. "Lend-lease" involved hardly any lending or leasing at all. The debate involved such questions as Presidential powers and Presidential candor; only a few voices advocated intervention. In general, Republicans spoke and voted against these measures, and Democrats supported them.

WARTIME UNITY

The next congressional election came in 1942, after we were at war. The Republicans gained 10 seats in the Senate and 47 in the House, but there was unanimity in supporting the war, and the results of the election were not significant as a test of pre-Pearl Harbor policies. In 1944 there was no antiwar party, and foreign policy was not made an issue.

During the war, members of both parties, in and out of Congress, did a great deal of thinking about what happened

² Robert E. Sherwood, *Roosevelt and Hopkins* (New York: Harper & Brothers, 1948), pp. 191-201.

after World War I. No one wanted to repeat Versailles and the League of Nations fight.

The first formal action by any group in government on postwar policy came from the House Foreign Affairs Committee on June 16, 1943, when the Fulbright resolution was unanimously reported. It had been drafted in secret within the committee. In fifty-one words it recommended a policy of postwar participation by the United States in "the creation of appropriate international machinery with power adequate to establish and maintain a just and lasting peace." It was introduced by Mr. Fulbright, who was then a Democratic freshman in the House. The writer, a Republican, made the first speech on it. The summer recess prevented House action on the resolution, but during that recess the Republicans met in a conference at Mackinac Island and issued the historic Declaration of Mackinac.

In the fall, the House passed the Fulbright resolution with bipartisan support, and after Secretary Hull returned from Moscow the Senate passed the Connally resolution of similar import. Thus the principle of a bipartisan postwar policy of international participation was formed in the midst of war. It was established first by the Congress. The President had not taken the leadership for fear of precipitating a partisan division, but the administration encouraged and welcomed these statements of bipartisan foreign policy.

MEANING OF BIPARTISAN FOREIGN POLICY

Those words "bipartisan foreign policy" have not been used before because they have come to have a special connotation in the postwar period.

There should be nothing mysterious or esoteric about what is meant by a bipartisan foreign policy. We have bi-

partisan domestic policies involving veterans, agriculture, reclamation, social security, and other subjects. In the realm of foreign affairs, bipartisan policies are especially helpful. A united front makes us more effective in dealing with our friends and our enemies, with allies and with those we want as allies. How do we decide what policy is a bipartisan policy? We must first decide how to identify a party policy. Some of the difficulties have been discussed. Editors, columnists, commentators, and others who need to practice omniscience, have little difficulty in identifying a policy with a party, basing their conclusion on speeches or actions by the President or prominent party members in Congress.

Such assignments of party policy may or may not be generally accepted. The best way to make such a determination would seem to be as follows:

If a majority of the members of a party in Congress vote for legislation involving foreign policy, it then becomes a party foreign policy. If a President cannot obtain a majority in Congress for his policies, they are Presidential, not party, policies. If a majority of both parties vote for a foreign policy measure, it is a bipartisan measure. The *Congressional Quarterly*^a carries voting charts based on this simple, practical basis, showing "Party Unity" and "Bipartisan Support" on bills, including foreign policy measures. Its occasional analyses of party responsibility are, therefore, extremely valuable to those who seek objective information.

Bipartisan foreign policy, however, has come to have a special connotation. The great protagonist was the late Senator Arthur H. Vandenberg, who labored with rare wisdom, force, tact, and states-

manship, as ranking minority member and as chairman of the Senate Foreign Relations Committee, for postwar policies that would win united support. His work was particularly important in the Republican Eightieth Congress, when a series of monumental foreign policy measures were passed culminating in the European Recovery Program. The Vandenberg resolution which passed the Senate was the forerunner of the concept of the North Atlantic Treaty Organization. In later Democratic Congresses, his great influence was felt up to the time of his tragic illness and death. The area of bipartisan foreign policy, however, was limited. Senator Vandenberg in a Senate speech on March 18, 1947 said:

It also is necessary, now, to get the record straight. This bipartisan foreign policy has been confined within relatively narrow limits. It has applied to the United Nations. It has applied to peace treaties in Europe. It has applied to nothing else. I have had nothing to do, for example, with China policies or Pan-American policies except within the United Nations, and at times I have been satisfied with neither. The first I ever heard of the Greco-Turkish policy was when the President disclosed his thoughts ten days ago at the White House. I do not complain. But I do not propose to be misunderstood.

An example and an explanation of the bipartisan foreign policy came from the House Foreign Affairs Committee in March 1949 in the extension of the European Recovery Program. The members of the Republican minority on the committee were unanimous in voting to bring the bill to the floor; but in the minority views accompanying the committee report, the nine Republican members of the committee criticized omissions from the bill, particularly with reference to China aid, and at the end of the minority report gave their views

on the bipartisan foreign policy. The writer of this article had considerable to do with the drafting of this part of the report; it still represents his views; therefore, this portion is quoted in full:

THE BIPARTISAN FOREIGN POLICY

We Republicans believe that our country should have a bipartisan foreign policy. It is more important, however, for our country's policy to be right than bipartisan. Unity solely for the sake of unity may be disastrous. History is strewn with the wreckage of countries that were united, but in the wrong course. Whenever the loyal opposition is silenced, either by force or by its own failure to speak up, freedom is in danger. We Republicans are striving for a wise and worthy foreign policy for our country; we hope it can be bipartisan.

We Republicans have borne our full part in formulating and implementing the creation and support of the United Nations, the European Recovery Plan, and our national policy in the Western Hemisphere. These constitute bipartisan foreign policies. During and since the war we have co-operated in presenting a united front to our enemies; we have taken care to make no disclosures that would embarrass our government. The secret negotiations at Tehran, Yalta, and Potsdam, and the disastrous results, are not part of the bipartisan foreign policy. Our party was not consulted; the responsibility is solely on the administration. We will join, however, in the task of solving the resulting problems which our country faces, even though we had no part in creating them. The utter bankruptcy, economic, military, and moral, of our government's policy in China is not part of the bipartisan foreign policy. We will join in building a worthy and workable Chinese policy.

We believe that politics should end at the water's edge for both parties. In fact, we believe that partisan politics in foreign affairs should end before our policies reach the water's edge. The party in power must not take political advantage of the requirements with reference to confidential infor-

mation, and insist upon withholding from the Congress and the public matters that are not military or diplomatic secrets, but are clearly political secrets. There have been pressures to make the bipartisan foreign policy a mere "me too" policy for Republicans on anything the administration proposes. We have seen the administration attempt to take sole credit for achievements in which our party deserved at least equal credit. For politics to end at the water's edge, there must be bipartisan participation in the formulation of policies; bipartisan agreement in the measures adopted; and bipartisan sharing of credit for the success of such policies.

THE DUTY OF THE MINORITY

We are now the minority party, the loyal opposition. We believe that we should avoid taking political advantage of situations that might in any way embarrass our country in the conduct of its foreign affairs; we believe that we have a duty to help, insofar as we are permitted, in the formulation and implementation of sound and righteous foreign policies; but we also believe that it is our duty to oppose, without fear or favor, wrong policies that our government is attempting, to expose the failure of our government in critical situations to arrive at any policy at all, and to offer constructive alternatives.

CONTINUING BIPARTISANSHIP

Since these words were written in March 1949, there has been continuing bipartisanship, or unpartisanship, as Vandenberg called it, in the two congressional committees dealing with foreign policy. In the fall of 1949 there was even a bipartisan minority report from the House Foreign Affairs Committee, signed by two Republicans and two Democrats, on phases of the military aid bill, and the House followed their recommendations, rather than the bipartisan-majority report, in withholding half of the funds for military aid until NATO produced an integrated plan for defense. As Congress increas-

^a Published by the Congressional Quarterly News Features, 1156 19th Street, N. W., Washington, D. C.

ingly lost confidence in President Truman and Secretary Acheson, items of foreign policy, particularly the amounts to be spent on the foreign aid programs, were determined by a bipartisan coalition in Congress.

In 1951 the entire organizational framework for the Mutual Security Administration was written in the House Foreign Affairs Committee, rewritten in the Senate Foreign Relations Committee, and re-written in the House-Senate Conference, all in opposition to the plans proposed by the Executive. The Reciprocal Trade Agreements Act extension, including the "peril-point" provision, was a congressional, not an Executive, production. The Great Debate on troops for Europe ended with a resolution that upheld the Presidential contentions, but with limitations that made it acceptable to a bipartisan majority. The resolution opposing United Nations representation by Chinese Communists was, in timing and in passage, an excellent example of bipartisan teamwork between the Executive and Capitol Hill.

IS BIPARTISANSHIP DESIRABLE? *

The new administration has earnestly sought bipartisan support for its proposals. Secretary Dulles has urged that only when there is strong support by both parties in Congress for a foreign policy measure can other countries be assured of its continuity. In the first session of the Eighty-third Congress, every important foreign policy measure was passed with bipartisan support. The bipartisan approach to foreign policy, however, has its limitations, embarrassments, and handicaps. A former member of our committee, an able Democrat who had labored long in bipartisan efforts, said to me recently:

I am not so sure whether the effort is worth it. We Democrats often had to compromise on measures to obtain your

support. The danger is that the bipartisan approach reduces every measure to the lowest common denominator on each side. Perhaps it would be better for the party in power, in the administration and in Congress, to make their proposals and say to the opposition—here it is—we dare you to beat it, or vote against it.

He was suggesting party responsibility for foreign policy. It would have numerous advantages if the party in power had at all times a dependable, disciplined majority. Then bipartisanship would consist merely of the opposition's saying "me, too." This is the way bipartisanship has often been described in recent years—a description that has usually been without foundation.

COMPLEXITIES INVOLVED

But why is not party responsibility automatic, in view of the declaration of party allegiance required by law or expected by custom early in each candidacy and described early in this article? The answer is in the nature of the legislative process. Every bill contains provisions—details—that were not in the party platform or in Presidential speeches or in the candidate's own commitments. In voting, should the congressman follow his President, his party whips, the opinion in his district, or his own best judgment? The answer is, he should follow them all! As wise old Robert Luce, with whom I served, said, "Nobody without experience in a law-making body appreciates the variety and complexity of the considerations involved in voting."⁴

When in doubt, the emphasis should be on party responsibility; but a humble member will also consider the prevailing views of his district, knowing that he is not all wise, nor are his party leaders. Edmund Burke wrote a noble letter to

⁴ Robert Luce, *Legislative Procedure* (Boston: Houghton Mifflin Co., 1922), pp. 364-65.

the electors of Bristol—but for the rest of his parliamentary career he represented not Bristol, but a rotten borough.

THE HIGH AIM

During the New Deal, Presidential domination of legislation became the routine, and this habit has held over; so the legislative process is started by consideration of the "executive draft" of legislation. The new Congress, however, is not a rubber-stamp Congress. There are not enough Republicans who

are like-minded enough or disciplined enough to jam through foreign policy measures on a party responsibility basis, even under the leadership of President Eisenhower. Congress will have to do what the President deeply and sincerely wants its members to do—work out a bipartisan solution on foreign policy measures. If, instead of dropping to the lowest common denominator, Congress rises above partisanship, we may achieve a foreign policy worthy of our great responsibilities and opportunities.

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The Future of Congress in Foreign Relations

By THORSTEN V. KALIJARVI

THE articles of this volume show that congressional participation in formulation of foreign policy through the last century developed into greater and greater executive control at the expense of Congress. This was perhaps inevitable because basic compromises incorporated in the Constitution deliberately left unresolved several conflicts of the Constitutional Convention in Philadelphia. That Congress still suffers under this handicap is evidenced by the debate that has occurred over S. J. Res. 1, the so-called Bricker amendment, in the Eighty-third Congress.

During the twentieth century, especially as the aftermath of the Second World War, there has appeared a determination on the part of Congress to retrieve its lost ground and to insist upon an increasingly large share in the conduct of American foreign relations. This development makes all the more important the need to re-emphasize that the constitutional fathers contemplated a team in these matters—a team consisting of the executive and congressional branches of the government. In addition, it may be trite, but it cannot be too strongly emphasized that the Convention created a government by laws, as contrasted with a government by individuals. As we face the future, these thoughts are essential parts of a correct perspective on United States foreign relations.

Too often the teamwork contemplated by the constitutional fathers, and the institutionalized character of American government with respect to foreign relations, are forgotten.

Indeed, on occasion one wonders if these important facts are completely

understood. All too often scholars, lawyers, publicists, and officials in the executive branch tend to think of Congress as a roadblock in the path of progress, and they are prone to regard congressional action on foreign relations as obstructionist and blocking of what they consider to be the legitimate desires and programs of the Executive. These critics seem to feel that unless the Congress does substantially as the executive branch has recommended, it (the Congress) is acting contrary to the public interest; and some are so vitriolic in their condemnation that they regard Congress as almost subversive. One of the basic needs of American foreign relations is the correction of these erroneous views.

CONGRESS REPRESENTS THE PEOPLE

There are two important ingredients in an effective American foreign policy. The first ingredient is knowledge and information out of which the policy is fashioned; the second is acceptability of the policy to the American people. It goes without saying that a policy lacking the endorsement of the American people cannot long survive. Under our system of government much of the information is secured and provided by the executive branch, but the public acceptability of a policy can most appropriately be determined by the members of the Congress.

The failure to understand this fundamental principle has led to much confused thinking. It has caused at least one authority to suggest that the President should be given the power to designate the members of the two foreign relations committees of the Congress.

That such a proposal can have been seriously made is evidence of a misunderstanding of the basic philosophy of the American government. What is more, it fails to give adequate recognition to the role the people play, through their chosen representatives. It is elementary political science that the American people have the final say in American foreign relations. Executive control over foreign relations committees of the Congress is impractical.

One hastens to note in this connection that advocates of a strong Executive claim that the Executive, too, represents the people, and that it, too, keeps up with the times through polls, newspaper reading, and other devices, which give the Executive the feel of the public pulse. The answer is that no poll can be a substitute for the voice of the people themselves as they place their pressures immediately upon the members of the Congress. No newspaper account can be as persuasive as the voter writing, telegraphing, or calling on his Congressman or Senator. Again it is repeated that the Constitution made the Congress a partner of the Executive in foreign policy matters, and not a handmaid or a servant.

CONGRESS NEEDS REPRESENTATION TO THE PEOPLE

The Congress needs a spokesman and defender. The failure of Congress itself to realize this made it possible for the Eightieth Congress to be so stigmatized during the elections of 1948 that today it is difficult to find any agreement as to what that Congress actually accomplished.

But Congress will not attain a more important role in foreign relations merely by securing a special pleader or by having defenders and spokesmen. What is needed above all else is for the Congress to reassess itself constantly. Today, while the executive branch is

undergoing another series of reorganizations, the Congress might also, once again, give thought to its own improvement.

The Reorganization Act of 1946 was appropriately hailed both in Congress and outside of legislative halls as a notable strengthening of the congressional process. In 1953, close observers, and especially those who are members of Congress or must work with Congress, are fully aware that changing times and circumstances have made further changes in the operations of Congress imperative.

This is especially true of foreign relations, which place an increasingly heavy demand on congressional time. The work load that faces each congressional session in foreign affairs makes it impossible for any Congress to get through its program by closing time.

Nor is the matter improved by the popular impression that congressional life is easy. Nothing could be farther from the truth. Too often the public eye is fixed on the more dramatic delaying tactics of a few individuals who filibuster or sidetrack legislation. The public naturally concludes that much needs to be done, and that if the delaying tactics could be overcome, the major problem would be solved. Unfortunately, the solution is not quite so simple as that. There exists relatively little public appreciation of the real causes of the delays, which have been discussed throughout this volume, all of which in effect add up to a Congress struggling under an ever expanding work load.

PROPOSALS TO SPEED CONGRESSIONAL WORK

Several proposals have been made for the expediting of congressional work. Some thoughtful students have advocated that treaties and international agreements should be approved by a

majority of both of the Houses of Congress instead of by a two-thirds vote of the Senate. Such a provision calls for action by two Houses instead of by one. It is difficult to see how congressional operations could be expedited in this manner. It is, of course, reasonable to expect that the Executive in the future will tend to submit an increasingly large number of international instruments to both Houses by the joint-resolutions route—not because it will expedite matters, but rather because advocates of a stronger House of Representatives are growing more vocal in their demands for an increased share of the House in foreign relations. But this will constitute no solution of the congressional problem.

Another proposal has been made, namely, to increase executive-legislative consultation. Fruitful results are already flowing from the current consultation of the State Department with the Congress. Much more can be done along this line. In addition, the appointment of members of Congress to United States delegations to the United Nations and other international organizations and conferences can be expanded, especially between sessions.

The leaks that may possibly come from giving information to the Congress may be less hazardous to the foreign relations of the United States than the harm that will inevitably come from keeping information from the Congress, especially when the information has a direct bearing on legislation. Public indignation at Congress' not having been informed about the nature of some of the World War II agreements merely echoed the more caustic and vocal criticisms in the Congress itself. Subject to few qualifications, the executive branch, in spite of the irritation sometimes provoked by outspoken legislative criticism, will find that frank and open dealings with the Congress pay rich dividends.

But here again, while consultation and greater participation of Congress in international negotiations will improve relations between the executive and legislative branches, they will not greatly expedite congressional work.

Another technique advocated for speeding congressional action is the greater use of interdepartmental committees organized in the main problem areas of foreign relations and policies. Such committees, drawn from the different agencies of the executive branch and including the chairmen of the appropriate congressional committees, could go a long way toward facilitating the consideration of legislation pertaining to the respective fields. These committees would help to provide the American negotiators and the State Department and interested agencies with needed information and instruction. This would serve a useful purpose in the general expediting and clarification of American foreign policy matters. It would also help the Congress to discharge some of its more important responsibilities much more quickly and satisfactorily.

It has also been suggested that an increased use of subcommittees may be helpful. Both the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs operate through subcommittees. The Senate sets up *ad hoc* subcommittees in response to the legislative requirements on a subject-matter basis during each session. The House Committee tends to operate on a more rigid pattern, setting up subcommittees on a geographic, more permanent basis. The practice of each responds to the needs of the committee involved. Outside the Congress, each committee procedure has its advocates. Each committee considers its practice to be the better. For the future, it would seem that an even greater use of subcommittees appropriately

staffed would conserve full committee time and make for speedier action.

These suggestions have been debated and discussed by students at considerable length. As indicated, they do not hold the solution of the problem. The remedy does not lie in a single solution or in a combination of solutions. Congress is a process, and, as such, is in constant flux. Problems arise, and, when settled, new problems clamor for attention in ceaseless procession. Thus the creating of new methods for expediting congressional business is a constant evolution.

The problem today, as always, is to create new devices consistent with adequate information for the Congress. Fuller use of professional staffs, between-session investigations, hearings by staff members where preliminary and technical information are concerned, are among devices that may be suggested. Still another is careful preparatory work before each session. At the opening of most sessions, precious weeks fly by as the Congress is getting under way. Careful advance planning and staff work can do much to prepare the committees for immediate action, once they are organized.

Noncontroversial legislation should be got out of the way early in the session. For example, in the list of State Department items awaiting action there are as a rule several noncontroversial agreements and items of legislation that can be handled in a single session of the committee and then reported to the calendar. Many of these cause little or no comment, and can be quickly and painlessly disposed of at the outset. If they wait until the middle of the session, or are held over to the end for action, they generally are swamped in the final legislative rush.

Another useful device is for the committees of both Houses of Congress to look forward to the between-session pe-

riods as the time for travel. It is a question how much travel should be undertaken while the Congress is in session. Dividing the travel work is also important, so that as large and extensive an area as possible can be covered for congressional attention. Moreover, staff representatives might very profitably be sent abroad where members of Congress cannot undertake the trip, for one reason or another.

EXECUTIVE CO-OPERATION NEEDED

Still another area in which improvement can be registered is the way in which the State Department and the Executive deal with the Congress on foreign relations. While the departmental liaison officers, who have to work with the Congress for the most part, are aware of the difficulties which beset the legislative leaders, it is not always clear that other officers in the executive branch are fully aware of the results of their own actions. For instance, both committees on foreign relations wait for several months each year for the executive branch to get its draft legislation and figures for the Economic Cooperation Administration and the Mutual Security Agency ready. By the time the hearings are over, the bills reported, and appropriate action taken, most of the summer is gone, and so is the legislative session.

The negotiation of agreements with a time limit within which ratification must take place, as in the case of the International Wheat Agreement, throws the Congress into a most difficult position. In the midst of a planned legislative program the instrument is presented to the Congress with the practical effect of a disruptive ultimatum—either you readjust your legislative program and agree to ratification, thus slowing down the congressional schedule of action, or else you abide by the consequences. In

the case of the International Wheat Agreement in the Eightieth Congress, Senator Thomas of Utah said this had the effect of determining the balance of votes in as many as nine states in the 1948 Presidential election.

The point need not be labored. The executive departments can do much more to aid the Congress in its work by thoughtful and considerate programing, so that careful congressional staff work can precede, as far as practicable, the beginning of a legislative session. Thus, for instance, if the MSA program can be so prepared and arranged that it will reach the Hill late in January, the measure may well be enacted into law by March, leaving much time for other congressional action. Or, if the International Wheat Agreement is negotiated so it can be sent to the Senate at the outset of the session, it can be considered in its appropriate relationship to other legislative matters. Finally, it might also be borne in mind that such an approach by a co-operative department would probably result in the enactment into law of a substantially larger number of its programs than is now the case.

These few suggestions are by way of illustration. They do not exhaust the list of possibilities, for they are meant only to show the direction in which Congress can and may move in the near future.

PLACE OF CONGRESS IN AMERICAN DEMOCRACY

A few words by way of concluding this entire volume.

Between the end of the Revolutionary War and the First World War, the United States was able to retire into a policy of isolation, and thus, largely unhindered by foreign conflict, was able to explore, settle, and lay the economic and social foundations for the greatest power on earth. It is not surprising

that during that time the pressures on the Congress in foreign relations were relatively moderate. It was possible for the first President and the first Secretary of the Treasury to dispense with the "consent" part of the "advice and consent" clause as it pertained to treaties and nominations of ambassadors and other high diplomatic officials, and thereby establish a practice that has been followed ever since. And the records show that no serious issue has been taken with this practice. At this distance in time and experience, it seems clear that the Founding Fathers intended to constitute the Senate as an executive council in the handling of foreign relations.

How well the Founding Fathers conceived of the foreign relations functions is shown by the fact that, after more than a century of deviation from their original prescription, increasing pressure of foreign relations on the United States has made necessary a return to the original pattern. In recent years the executive branch, out of sheer necessity, has had to seek a closer co-operation with the Congress. Consultations between the two branches of government have grown rapidly, thus providing more complete information and a better basis for action purposes. Liaison between the Congress and the State and other departments of the Federal Government has also been expanded, intensified, and improved.

For Congress, this trend and the rapid development of world affairs constitute a distinct challenge calling for a most uncomfortable decision. Congress must become increasingly bogged down with work, or else evolve techniques and procedures that will permit it to keep abreast of developments and thus withstand the perennial encroachments of the executive branch upon its functions. It is the same difficulty that has confronted democratic legislative in-

stitutions in many countries of the world; in many, it has been solved by the executive's taking over the reigns of government and making the captured legislature a tool of the dictator. American democracy in a major measure hinges upon the continued maintenance of its Congress as the democratic insti-

tution it now is. That maintenance is chiefly for the Congress to achieve. The fast-moving events of the world in which we live are a constant challenge to Congress, which must continually remain dynamic and alert, or else lose its equality with the executive and judicial branches of our government.

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INTERNATIONAL RELATIONS AND WORLD GOVERNMENT

DEAN, VERA MICHELES. *Foreign Policy Without Fear*. Pp. xii, 220. New York: McGraw-Hill Book Company, 1953. \$3.75.

This author is searching, fearless, essentially positive. Her main concern is that the morale of the American people is being undermined not only by fears of Communists and communism, but by distrust of ideas and proposed solutions of political, economic, and social problems, here and abroad, not regarded as authentically "American." Such "foreign" heresies are likely to be rejected without regard for the new times in which we live, and the new remedies which they require.

It is evident also that the author is perturbed at American complacency. Too often ignorant of other peoples, and of their different circumstances, needs, and talents, and seeing the United States as the Horatio Alger of history, we tend to be impatient and irritated when other nations show resistance to attempts to make them overnight into our own democratic image. This "America is a hell of a success" attitude, of course, does not endear us to those whom we would convert; for the Communists, and we ourselves to some extent, have conditioned them to look for feet of

clay rather than wings when they scrutinize us.

We properly abhor the rigid and sterile dogmatism of Soviet doctrinaires, but when we advance rigid dogmas of our own respecting the way to attain the good life for people everywhere we must recognize that we do not thus make friends and influence people abroad. Nor is it healthy or realistic to condemn mixed social systems, some exhibiting "creeping socialism," which may be better adapted to the needs of other peoples than our system of free enterprise. On the other hand, we should "permit, indeed encourage, the existence of non-conformist thought which fertilizes intellectual life and prepares the way for new advances in human relations" (p. 38).

That all our troubles can be traced to the Kremlin is not believed by our non-Communist friends abroad, although the Communists are quick to exploit and exaggerate our difficulties. Actually the economic, social, and political problems troubling many countries would exist had there been no Karl Marx, no Lenin, no Stalin. And the extinction of communism would in itself not solve these problems. Your reviewer remembers that Woodrow Wilson asserted shortly after 1917 that the revolution in Russia "is a protest against the way in which the world has worked." The protest is still with us, for as the author

points out, the world still faces "two great enemies—poverty and nationalism" (p. 17).

As regards the policy of the United States, "Our main preoccupation in the next fifty years will be *not* to discover how we can transpose *our* way of life to other continents by force, diplomacy, or financial inducement, but how we can fuse the civilization developed here with other civilizations of the world in such a way as to strengthen the fabric of international society" (p. 179).

FRANK M. RUSSELL

University of California

PIQUET, HOWARD S. *Aid, Trade and the Tariff*. Pp. vii, 358. New York: Thomas Y. Crowell Company, 1953. \$3.75.

This volume was prepared by a senior specialist of the Legislative Reference Service of the Library of Congress in response to a request of the Congressional Joint Committee on the Economic Report. Following the outbreak of hostilities in Korea it was considered important to know the extent to which trade barriers were accentuating the scarcity of certain raw materials and whether this in turn was stimulating inflationary pressures. By taking a list of commodities which accounted for four-fifths of the dutiable imports in 1951, an effort has been made to determine the effectiveness of trade restrictions and the reaction to follow a possible modification of these. The author is painfully aware of the impossibility of making any accurate predictions for the future of trade in either a gradual or an abrupt removal of trade restrictions. There are so many uncertain and unpredictable elements involved. But by using a limited list of items, representative of a fairly wide range, he sets forth possible results.

However, the persistent excess of United States exports over imports, and the consequent "dollar gap," poses for this country a major problem in foreign policy. If we are to assume the role of leadership in the Western World, there must be a rearrangement of international trade patterns. The countries with whom we hope to continue friendly relations are in a position to put some pressure upon the United States,

since without an increase in the exports to the west they must face the alternative either of trading with Communist-controlled countries or of having such a reduced standard of living that the populace may become susceptible to Communist infiltration and propaganda. Thus the cry for trade instead of direct aid.

Dr. Piquet's report is an unusual one. It will be an excellent reference volume for students of foreign trade and for certain industrialists who are beginning to see the far-reaching politico-economic consequences of restrictive trade barriers; it should be of concern to those on Capitol Hill for whom the tax payers provide the author's valuable services.

Dr. Piquet has been conservative in his approach. He has taken account of the possible consequences of relaxing restrictions. But he ends with the following pertinent point:

"Finally, it has been pointed out that even though across-the-board temporary suspension of trade barriers would not suddenly solve the problem of the 'dollar gap,' it might go far in that direction, and it would have an exhilarating psychological effect upon the other countries of the free world. The real problem is to weigh the total national interest against the interests of groups within the economy and to decide which imports would be in the national interest. The nature of the world economy of the future depends in large part upon decisions that only the United States can make" (p. 350).

JOHN DAY LARKIN

Illinois Institute of Technology

CRAIG, GORDON A., and FELIX GILBERT (Eds.). *The Diplomats 1919-1939*. Pp. x, 700. Princeton: Princeton University Press, 1953. \$9.00.

The editors are two among the seventeen contributors to this important book. Dr. Craig, on "The British Foreign Office from Grey to Austen Chamberlain," sets the tone for a discouraging picture of the futility of traditional diplomacy in a century of dictators on the European Continent and self-willed near dictators in America. His later chapter on "The German Foreign Office

from Neurath to Ribbentrop" elaborates the bypassing of a foreign office by the favorite of Hitler. Dr. Gilbert contributes scholarly and subtle chapters on "Ciano and his Ambassadors"—again an amateur in state navigation—and "Two British Ambassadors: Perth and Henderson." These latter were gentlemen, bewildered by the onrush of governmental barbarism.

To single out other chapters is perhaps invidious, but "Sweden: The Diplomacy of Östen Undén," by Eric Lönnroth, is perhaps the most novel for an American reader. Dexter Perkins on "The Department of State and American Opinion" writes with his customary grasp and mastery. William W. Kaufmann in "Two American Ambassadors: Bullitt and Kennedy" will please the "court historians" with his serene confidence that "the final act of war against the Axis resulted not from some tortured and secret plot but from the attack on Pearl Harbor" (p. 649). To the present reviewer this is naïve. Kaufmann is equally confident (p. 654) that Roosevelt was still open to conviction after Munich and that Bullitt and Kennedy had actually some influence. "Three Observers in Berlin: Rumbold, Dodd and François-Poncet," by Franklin L. Ford, was of special interest to this reviewer for its remarkable portrait of William E. Dodd, his one-time teacher. Under other circumstances the confronting of Adolf Hitler by an amiable Jeffersonian with strong anti-capitalistic views would have been comedy, not the tragicomedy which it proved to be.

The significance of "The Diplomats" lies, however, less in the always scholarly and often brilliant appraisal of individual diplomats but rather in its contribution to a literature of frustration so consistent with our unhappy century. In this book the villains are few, Ribbentrop being probably the foremost. Wicked, unfortunate, or inept were Matsuoka, Molotov, and Colonel Beck. But on the whole "The Diplomats" are men of good will.

Within the framework of an earlier diplomacy their work might have borne better fruit. In a twenty-year period which marked an unprecedented decline in international relations, the diplomats were corks upon a sea of despair. Character and tal-

ent alike were helpless to avert the coming storm.

LOUIS MARTIN SEARS
Purdue University

SMITH, O. EDMUND, JR. *Yankee Diplomacy: U. S. Intervention in Argentina*. Pp. 196. Dallas: Southern Methodist University Press, 1953. Arnold Foundation Studies, New Series, Vol. III. Cloth, \$3.00; paper, \$2.00.

This book is an interesting case study of the confusion and inconsistency that characterized the Latin American policy of the United States in the 1940's. As indicated by the subtitle, the case is that of Argentina. After three introductory chapters (63 pp.), the author devotes the rest of the book (117 pp.) to a detailed account of the fumbling efforts of the United States to handle this case in the period 1942-1950. As the author tells the story, the fumbling was largely due to the inability of the United States government to make a firm choice between the "hard" and "soft" policies, the interventionist and noninterventionist policies, represented respectively by Cordell Hull and Spruille Braden, and by Sumner Welles and Nelson Rockefeller.

Unfortunately, the narrative ends with the world crisis of June-July 1950, over Korea. For reasons that are not entirely clear, the author believes that at this time "relations between Washington and Buenos Aires were more cordial than they had been at any time since 1933" (p. 179). If he had carried the story on only a little longer, it would have shown that the pattern of United States-Argentine relations had not in fact changed for the better, because the summer cordiality of 1950 soon gave way to another winter of discontent. Inquiry into the reasons for this unhappy reversal would have highlighted a fact which is not sufficiently stressed in these pages. This is the fact that the Argentine government's "uncooperative" attitude, which was the main cause of trouble through all these years, was not peculiar to Perón and his predecessors in power, but was shared by the great majority of the Argentine people, including anti-Peronists, who were sometimes even more isolationist than Perón.

The author's opening description (which is not a definition) of intervention (pp. 3-

4) is broad enough to include all the acts to which in subsequent pages he applies the interventionist label; armed force was the only form not employed at one time or another. But none of them was employed for a long period or consistently, and the most effective parts of this book are those which describe the dizzy alternation of "hard" and "soft" policies throughout these years. The author's sympathies clearly lie with the latter policy.

He has relied almost entirely upon printed works published in the United States. The range of these is wide, but he has missed some obviously important items, such as the late Laurence Duggan's *The Americas: The Search for Hemisphere Security* (1949). There are a good many errors in detail, including not only typographical errors but also erroneous citations. There is no index or bibliography.

ARTHUR P. WHITAKER

University of Pennsylvania

ANISIMOV, OLEG. *The Ultimate Weapon*. Pp. xvii, 163. Chicago: Henry Regnery Company, 1953. \$3.50.

The only way to save mankind from the ultimate weapons of science, says Oleg Anisimov, is to develop the ultimate political weapon, a "militant democratic internationalism which submerges petty national differences and false pride in behalf of the dignity and survival of the individual." Mr. Anisimov is a thoughtful and experienced man, and he knows that this is more easily said than done. But he also perceives that the dreadful alternatives are ultimate destruction or the ultimate in regimentation.

Mr. Anisimov begins with an analysis of the change that has come over the minds of Europeans as a result of what has happened since 1914. He then examines, at somewhat greater length the state of mind of the Soviet peoples which he has had exceptional opportunities to study. After a short chapter on why the United States of America and the rest of the world are drifting apart, he discusses why our present methods of meeting the totalitarian challenge to freedom are inadequate and suggests some changes. All this is done

with an even-tempered clarity and on the basis of much knowledge unpolluted by the urge of self-justification or political partisanship.

Some of the points Mr. Anisimov makes are these: During the past fifteen years the political outlook of the average West European, Russian, and Asian has experienced a more revolutionary change than during the whole of the preceding century. War is no longer a means of settling issues; it is mass suicide or genocide. Fear of war sometimes makes neutralists and sometimes Communists. The basic issues are international, and they cannot be solved by appeal to national loyalties—to self-determination—but only by a supranational formula. There is a tendency to regard the issue of communism vs. democracy not as slavery vs. freedom but as "peace at the cost of freedom" vs. "freedom at the cost of peace." A very great many Russians hate the dictatorship, but that does not make them pro-American because they don't know against whom we are fighting or for what.

To claim we are for peace and freedom and have the highest standard of living in the world is not enough. Russians, Asians, Europeans—all know we suffered less from war than they did, and we do not bridge this psychological chasm by telling the world that our sole concern for the future is our own security. Turbines and tractors, vaccines and fertilizers are no match for plans for world peace. "The crux of the problem for the peoples of the world is whether they can realize their aspirations together with the Americans, without the Americans, or against the Americans." We ought to give the peoples a chance to help us help them! We cannot win the support of the world by promises of security, by piling up arms, or by a "know-nothing anti-communist creed . . . an excellent blue print for American defeat," or by containment or balance of power politics. To wage political warfare victoriously we must have a clear program and organization "to enable all who wish to fight for human freedom . . . to do so." This includes those behind the iron curtain who should be made to feel that they are surrounded by invisible friends, that the goal is liberation

from communism and all totalitarianisms and future integration in a world security system.

HAROLD H. FISHER

Stanford University

CASTANOS, STELIOS. *Critique du droit international public moderne*. Pp. 111. Paris: Recueil Sirey, 1953. 680 frs.

The title of this very interesting study is somewhat misleading, for it is not a critique of modern international law, but a critique of modern theories on the material foundation of international law. The author gives, first, a critical study of these doctrines: natural law (Le Fur, G. Renard); Theory of auto-limitation (Jhering, Jellinek); dualistic doctrine (Triepel); monistic doctrine (Kelsen); sociological doctrine (Duguit); biological doctrine (Scelle); and the totalitarian doctrines.

Each of these doctrines is briefly analyzed and critically evaluated. The critical arguments against the doctrines of natural law, of auto-limitation, of dualism, and against the totalitarian doctrines, are correct, although not new. It is equally correct to point out that Duguit's social solidarity is only a fact, indifferent to values, and can, therefore, not be a foundation of law, as every legal norm presupposes a judgment of value. That is why Duguit, contrary to his intention to deal only with facts, saw himself forced later to introduce the "sentiment of justice" as a second foundation. The author is also correct in asserting that Scelle, follower of Duguit, cannot remain strictly within pure biology. I would like to add that Scelle operates with his concept of "droit objectif" which, although allegedly a secretion of biological necessity, is, in the last analysis, the old-fashioned natural law in sociological disguise. But the author appreciates the value of Scelle's theory as to social interdependence in its double form, by similarities and by division of labor, as the generating factor of law.

The author also values highly Kelsen's monistic doctrine of the primacy of international law. It is only in the exposé of this doctrine that the author commits a serious mistake. He still holds that *pacta sunt servanda* is for Kelsen the funda-

mental norm of international law and directs against it fully justified criticisms. But he does not know that Kelsen himself abandoned this thesis many years ago. The author could have seen that from Kelsen's "General Theory of Law and State"; but his bibliographical note, unfortunately, includes nothing printed in English.

The author wants not only to give an exposé and critique of those doctrines, but also a systematic and organized view of them, to explain the differences and the sometimes contradictory character of these theories, to find the point in which they converge. First, he notes the transitory character of our epoch, lacking in direction and faith, and points to the evil of overspecialization and to the special complexity of the problem of international law. He takes the philosophical stand that every theory is necessarily limited, conditioned by a particular stage in the development of its object, and contains, therefore, only a part of the truth. The doctrine of natural law, wishing to anchor international law in a higher order, forms, in a Hegelian sense, the thesis. The voluntaristic doctrines form the antithesis and lead to a dualism. The modern monistic theories form the synthesis. Both Kelsen and Scelle have the great merit of showing the unity of the whole system of all law, and of the primacy of international law.

It is here that the author comes to the constructive part of his study. For him all law is indivisible and has strong connections with ethics; it is the social realization of ethics. International law has always existed—for there is inherent in law a rhythm of expansion, from the regulation of the conduct of two persons to the worldwide international community, although the greater the spatial expansion becomes, the greater are the difficulties. International law has gone through the Greek stage of a racial community, through the Roman stage of a community by domination, through the medieval stage of a community of faith to the present stage which the author calls the federative stage. As the spatial expansion is inherent in law, and as modern international law is the ultimate expansion to the whole world, international

law has the primacy, both from a normative and a utilitarian point of view.

JOSEF L. KUNZ

University of Toledo

LEDERMANN, LÁSZLÓ. *Fédération Internationale*. Pp. 171. Neuchâtel, Switzerland: Éditions de la Baconnière, 1950. 6 fr.

This volume is an outgrowth of Mr. Ledermann's work as a teacher of university courses dealing with federation, as a participant in international conferences, and as an author on subjects of international significance. In this book he sets for himself the task of promoting a realistic understanding of federation, which will admit both its potentialities and its limitations while avoiding the extremes of thinking so commonly directed toward it.

In Chapter I, Mr. Ledermann deals with "general considerations," including a discussion of the meaning of federation, the purpose and motives which it embodies, its moral basis, and its nature as a compromise. In Chapters II, III, and IV, respectively, he analyzes the theories and projects of Saint-Simon, Proudhon, and Frantz. The final chapter deals with federations of the past, and is followed by a few concluding pages in which the author summarizes his own views on the subject.

Mr. Ledermann's study presents a number of interesting generalizations and points of view. It mentions, for instance, the conditions under which confederations, federations and unitary states have come into existence or have given way to one another; no case is on record, so we are told, of fully sovereign states forming for themselves a strong federation without first joining together in a weaker union of some kind. Attention is called, too, to the utilitarian objectives embodied in federal unions: defense against a common enemy; defense of the liberties of the uniting groups; and the promotion of economic prosperity. The finest qualities of the study are its avoidance of extreme views, the objectivity of the author, and his clear recognition of the problems which projects for federal unions raise.

Although it is useful, Mr. Ledermann's volume will be disappointing to those of

its readers who are looking for a comprehensive study which will enable them to think through the problems posed by contemporary projects for federal union. Two-thirds of the book deals with the ideas of Saint-Simon, Proudhon, and Frantz; no attention is given to more recent projects. Chapter V on federal unions of the past deals only with federations of antiquity, those of the middle ages, and Germany of the nineteenth and twentieth centuries; nowhere in the book is more than casual reference made to the experiences of Switzerland, the United States of America, Canada, and the other federations of our times.

NORMAN HILL

University of Nebraska

FELLER, A. H. *United Nations and World Community*. Pp. xi, 153. Boston: Little, Brown and Company, 1952. \$2.50.

In this very interesting book the first General Counsel of the United Nations has given his considered views on the trends, achievements, and problems of the world's second general international organization. We are fortunate in having these seasoned judgments from Mr. Feller, for his tragic death, no doubt brought on in large part by his unflagging devotion to the United Nations, occurred not long after the publication of this volume.

The mere fact that the United Nations has managed to survive in spite of the constant crisis which has thus far characterized its existence does not prove its worth or its uselessness, observed Mr. Feller. In the long run the answer to the problem of war must lie in the establishment of a stable world, which most scholars believe can only be achieved by the development of world law and world community. However, some people are convinced that world government and world law can, and must, be established at once, while others contend that world law is impossible until after a world community has first come into being. It is quite evident that Mr. Feller shared the views of the latter.

Mr. Feller did not hesitate to take a position on controversial issues. In the final chapter, in which he discussed the "Present Crisis and Future Hopes," he declared the United Nations to be both a "security sys-

tem and a peace system." "In these un-easy times," he observed, "there can be no security without arms; yet arms alone, no matter how mighty, are not enough. To physical strength must be added moral strength." In this connection he paid his respects to the "neorealists" who berate what they call the "legalistic moralistic" approach and advocate a return to the methods of diplomacy and the advancement of the national interest. He reminded his readers that "diplomacy" and "national interest" are terms which have no specific meaning, and hence do not touch the heart of the problem, which is the question of objective. His judgment that "without power a nation may be impotent; without a moral standard respected by other peoples it becomes the focus of hostility and fear," is an example of his balance and wisdom.

Mr. Feller was a sober optimist about the future of the United Nations. His final conclusion deserves to be kept before us. "The forces of disruption and destruction are powerful. They can be kept within bounds and eventually dissipated only by the creation of physical and moral strength and the firm maintenance of a united purpose for peace. The United Nations cannot by itself accomplish this. It cannot be accomplished without the United Nations. The legal and organizational framework of the international community is far from perfect. It nonetheless exists in sufficient strength to enable the world to hold itself together and to progress towards the time when a real security can be achieved."

ARMY VANDENBOSCH
University of Kentucky

FELLERS, BONNER F. *Wings for Peace: A Primer for a New Defense*. Pp. 248. Chicago: Henry Regnery Company, 1953. \$3.50.

Few amateur armchair strategists have written works more replete with specious arguments than this book. The author harshly condemns all current State and Defense Department anti-Communist plans—containment, NATO, and the official military doctrine of reliance on ground combat to win a war—on the theory that

such policies will result for America in bankruptcy, a totalitarian regime, and a sure Russian victory. The overwhelming military might of the Communists shows the need for an entirely new strategy. Then the author presents his views regarding how to avoid war and how to win, if it comes.

He would abandon all traditional military concepts regarding the employment of land armies supported by the Air and the Navy. Preferably, America should gain global air superiority by building the world's strongest air force with an adequate Army and Navy in support. In war, action would be limited principally to strategic bombing to destroy the Russian air force on its bases and to cripple the enemy's war potential. Once the battle of the air is won, "the war would be practically over."

American planes would be based principally on air fields in the Dakotas, Oklahoma, and Texas, while strong bomber units would be stationed in the Arctic, the African deserts, and the Philippines—all beyond the range of everything except long-range Russian bombers. The Regular Army need consist only of a highly mobile airborne force of ten divisions, all stationed at the overseas air bases with the sole mission of providing for their defense. The mission of the National Guard would be to defend critical sites in the continental United States. The Navy could safely be maintained at its present strength. Under this plan the combined Army and Navy would number only 1,200,000 men, while the personnel of a 250-group Air Force would equal 1,500,000; or a total of 2,700,000 instead of the present estimated strength of 3,600,000. This would result in easing the manpower problem and in making huge financial savings. Out of a total defense budget of \$40 billion, \$13 billion would be allocated to the supporting arms and \$27 billion to the Air Force.

Although the author assumes that there will be no war if America strives for air supremacy, he admits this policy would result in an armaments race with the Communists, and "armament races usually end in war." To nullify this danger he suggests that we could quickly do what so far we have failed to do: convince the Com-

munists of our peaceful intentions through propaganda.

The book ends with a violent attack on the ability of all the present planners in the Pentagon; clearly, it is a case of "they are all out of step but Jim."

ARTHUR P. WATTS
Lt. Col. USAFR

Philadelphia, Pennsylvania

AMERICAN GOVERNMENT AND HISTORY

GROSS, BERTRAM M. *The Legislative Struggle: A Study in Social Combat*. Pp. xix, 472. New York: McGraw-Hill Book Company, 1953. \$6.50.

The title of this book is in a sense misleading, for what the author examines is not the legislative struggle generally, nor even that in the United States, but rather the struggle in Congress. His own experience as a staff member was exclusively congressional; the sources he relies upon are almost all works about Congress. The legislative struggle in the 48 state capitols is barely mentioned; that in other legislative bodies, such as city councils, is ignored altogether. These omissions are regrettable, because some of the aspects of the struggle he portrays have state and local counterparts; others do not; and we will not understand the legislative struggle when we look at it in only one place.

This is not a work on the technicalities of congressional procedure, although there are chapters on bill drafting, committees, the management of bills on the floor, and similar subjects. Rather, it is a discussion of social combat, with special attention on Congress. With such an objective in view, the author finds that "the social struggle spills over" into many areas of politics and economics, but he feels that a more focused treatment "would give a narrow and distorted picture." The broad objective, however, leads him to take up theories of political parties, primaries, preprimary conventions, nominating systems, the electoral college, the suffrage, and many other related (sometimes rather remotely related) topics. Politics is indeed a seamless web,

but to attempt to discuss so many of its threads in one volume is apt to lead the advanced student to conclude that some of the discussion is either repetitious of earlier course work or incomplete (for example, the federal judiciary).

The best chapters in the book are those on the strategies of legislative operations. Here the author writes from his own knowledge and experience, with a sure and confident touch. Instructors who may not find all of this book fitted for their needs may still wish to assign these chapters. The chapter entitled "Significant Avenues of Procedural Reform" is an excellent summary and analysis of its topic.

Mr. Gross is not particularly gloomy about Congress, and he is chary about predictions concerning its future. Agreeing with the common generalization that "both American society and American government are becoming increasingly complex," he believes that "both quantitatively and qualitatively the outlook is clearly one of a major increase in the total legislative burden over the decades that lie ahead."

DAYTON D. MCKEAN

University of Colorado

CHILDS, RICHARD S. *Civic Victories: The Story of an Unfinished Revolution*. With an Introduction by Thomas Harrison Reed. Pp. xvii, 350. New York: Harper & Brothers, 1952. \$3.50.

The optimistic title of this book is well justified by its contents; for *Civic Victories* is the picturesque and practical story of a political revolution in the public interest—a revolution which is still gaining ground, and for which the author deserves more credit than he modestly claims for himself.

Mr. Childs, as most readers of *THE ANNALS* must know, has been for more than four decades the foremost proponent of the council-manager form of municipal government. He has had the unique satisfaction of watching—and promoting, through the National Municipal League and other organizations—the spread of this form of city administration from one city in 1912 to more than 1,000 in 1952.

But *Civic Victories* is not merely the story of gains in government at the mu-

nicipal level. It sets forth three fundamentals for the efficient functioning of democracy at any level: (1) elective officers must be visible; (2) the constituency must be wily; (3) governments must be well integrated.

Mr. Childs devotes a chapter to the elucidation of each of these three rules, and the story of progress towards compliance therewith is set forth in the twenty chapters which form Part II of his book.

The subjects there discussed include the short ballot crusade; progress in state administration; legislatures and judiciaries; progress in municipal, county, township, and village governments, and in school systems.

There are chapters also on "Progress in the Coroner's Office," "Shortening Ballots by Lengthening Terms," "Progress in Intraparty Organization," "Progress Toward Precision in Representation," "Democrats in Unwieldy Private Constituencies," "Other Frustrations of the Democratic Process."

Civic Victories concludes with nine readings—"stories from the civic battle front"—and with outlines of the National Municipal League's Model State Constitution, Model County Charter, and Model City Charter.

Mr. Childs' penchant for picturesque prose adds a flavor to the book too seldom found in treatises on political science or municipal government. Touches of humor, snatches of practical philosophy, and items of personal experiences enliven the book. To cite one example:

"In the past we have approached the people as a pagan approached the waterfall—to worship and peer around for nymphs. We must today approach the people as the mill builder approaches the waterfall—open-eyed, unafraid, expecting no miracle, measuring its capacity, making allowance for its variations, and irreverently gauging its limitations in order that our mill shall not exceed them."

But this story of an unfinished revolution is no Pollyanna tale in which victories are claimed and no defeats are conceded. And the reviewer should make it clear, also, that this story of civic reform is intentionally concerned with democratic tech-

niques for getting high-grade men into public office, rather than with the day-by-day performance of their jobs when in office. Thus the book has to do with providing good tools for public administration—city, county, and state—and not with the actual operating of these tools through municipal departments and other public agencies.

As *The American City* has pointed out in its review of *Civic Victories*, here is a book that will be an inspiration to many a young man and woman looking forward to a career in civic or public service; and it will help to give courage and guidance to citizens' organizations in municipalities and counties that have not yet modernized their election and administrative machinery.

HAROLD S. BUTTENHEIM

New York City

THURSBY, VINCENT V. *Interstate Cooperation: A Study of the Interstate Compact*. Introduction by Carl B. Swisher. Pp. viii, 152. Washington, D. C.: Public Affairs Press, 1953. \$3.25.

This significant contribution to the literature dealing with the interstate compact, a device which has been used with increasing frequency and which has been extended into many new fields in recent years, consists of an Introduction and seven chapters dealing, respectively, with the following aspects of the problem: the setting, the meaning of the compact clause as interpreted by the courts, the controversy over Congressional consent, the crucial problem of enforcement, uses of the compact in a system of co-operative federalism, the utility of and the limitations upon the compact device, and conclusions.

The study is a scholarly one, based upon careful analysis of the sources. It is fully documented. Its conclusions, therefore, are not merely interesting; they provide, and should be used as, a guide in the development of future policy with regard to the application of the compact idea. Since the contractual nature of the compact tends to make it rigid and inflexible, it is well adapted to those subjects which require a definite and more or less permanent solution, ill-suited to fields which do not permit of a "strait-jacketed administration," or which are of a continuing nature.

This characteristic of the compact does, however, strengthen its usefulness by making the bargain enforceable by court decree and by act of Congress, even where the question of compelling a state is involved. Paraphrasing the author, Congress possesses the two-fold power to force the state's compliance with the judgment of the court and to add to existing judicial remedies if necessary. While the requirement of consent has been somewhat relaxed, it does, when operative, give Congress not only the power but the duty "to judge as to when and how its consent should be given" in the light of broad public policy as well as in the light of the compact's projected treatment of regional problems.

Twenty years ago, a number of scholars who made independent studies of the compact device for the purpose of evaluating its possible usefulness as a means of solving some of the pressing problems of the time all came to the same conclusion: that it simply could not be made to work. But today it is working, and working effectively, not merely with regard to such prosaic matters as the settlement of boundary disputes and the allocation of waters, but in the conservation of forests, oil, and waters; the protection of fisheries; stream pollution and sanitation control; public works; civil defense; interstate crime, parole supervision; and regional education programs. Approximately 40 agreements, involving individually as many as 48 states, and dealing with a dozen different subjects, have been put in effect since 1934.

On the basis of this record, and the analysis of the problems of public law presented in Professor Thursby's study, the compact device takes on a new meaning, offers new promise that the American brand of federalism may be made to work under conditions prevailing in the mid-twentieth century. No one who understands that system, and who believes in its fundamental soundness, can take issue with his judgment that the use of the compact system, as a method of tackling suprastate, subnational problems "would seem desirable wherever it appears applicable. That use may, indeed, be essential to preservation of the vitality and potency of the

States and to avoidance of an overlaid general government. And both of these may be essential to efficiency and to freedom. Certainly they are essential to federalism of the United States pattern."

W. BROOKE GRAVES

The Library of Congress,
Washington, D. C.

RIKER, WILLIAM H. *Democracy in the United States*. Pp. xiv, 428. New York: The Macmillan Company, 1953. \$2.25.

In this conscientiously contrived analysis Professor Riker has undertaken to interpret American political institutions "on the basis of an internally consistent theory of the democratic ideal" (p. vii). The author defines democracy as "a form of government in which the rulers are fully responsible to the ruled in order to realize self-respect for everybody" (p. 34). Much emphasis is placed on the methods of attaining electoral responsibility.

Obviously, Professor Riker has given himself quite a task. Even so, he has little new to say on the subject. It has been obvious for some time, at least to many political scientists, that there were many bottlenecks to the full expression of the democratic ideal. The architects of our political institutions did not have that objective primarily in mind.

Professor Riker is correct in suggesting that many modifications are in order. Suffrage is still unnecessarily restricted. The party system, which must operate within the framework of a constitutional system which was not designed to facilitate a smooth-working party system, is not as fully responsible as it should be for the implementation of national campaign pledges. Despite the Legislative Reorganization Act of 1946, leadership in Congress is not clearly defined and the seniority rule still remains in force. The President, as any intelligent observer in this year of 1953 must clearly recognize, does not always provide the leadership which is essential if the principle of separation of powers is to be at all workable. An independent judiciary, if it assumes the power of judicial review, is inevitably an obstacle at

times even if the judges do show a tendency to follow the election returns.

Some of the corrections which Professor Riker desires could be accomplished without change in the basic constitutional framework. An alerted people could bring them about. Certainly the right of suffrage could be extended and the party system made more responsible. Congress could further reorganize itself. Better methods of nominating candidates for the presidency could be devised. Even the Supreme Court, under the pressure of public demand, could be reformed somewhat. The turnover could be speeded up still further and more liberal judges could be appointed as vacancies occur.

The fundamental factors, however, are constitutional, and the principles of separation of powers and federalism are likely to be with us for a long time.

Professor Riker feels deeply about this subject and in this period of fear and suppression it is good to have people feel deeply about the preservation and extension of the democratic ideal.

E. ALLEN HELMS

Ohio State University

CLOUGH, SHEPARD B. *The American Way: The Economic Basis of Our Civilization*. Pp. ix, 246. New York: Thomas Y. Crowell Company, 1953. \$4.00.

Three years ago the University of Paris asked Professor Clough to give a series of lectures on American economic history since the Civil War. This book is an outgrowth of those lectures which he was invited to repeat at five other institutions in France, Germany, and Italy. He undertakes to describe and account for the tremendous progress this country has made and to indicate the cultural potential America has as a result of that economic progress. He handles his assignment well.

The approach is broad and philosophical rather than a survey of historical incidents, but he bolsters his statements with numerous and sometimes dramatic statistics. This is about the only good, recent, and short American economic history in existence. The book is divided into ten chapters. These are on resources, agriculture, transportation and trade, money and bank-

ing, population and labor, business organization, business cycles and the welfare state, and a conclusion. All but the business organization and business cycle chapters are in keeping with the customary treatment of American economic history, but they are well justified additions. The ten chapters are supplemented by some 44 tables and charts in an Appendix and these were so well chosen that it is unfortunate more of them were not included in the body of the text.

The tone of the book may be gauged from some of the following generalities and statistics. "In America there is not a tendency to tie up large amounts of savings . . . in unusable funeral vaults like the Pyramids, or to waste them away in lavish entertainment" as in Rome (p. 151). Gross capital formation has fluctuated around 20 per cent of national income since 1869 (pp. 7, 208). "In fact all the great civilizations appeared where transportation and trade were highly developed" (p. 80). The railroad consolidations between 1880 and 1900 reduced the number of companies from 1500 to 80 (p. 156), and at the later date 40 of them had half the world's mileage. Half of our retail stores last only two years (p. 93).

The stronger chapters are those on industry, agriculture, and transportation, for they are better organized and contain fewer statistics. The weaker chapters are those on money and banking and on labor, for they are less clear, more hurried, and contain too many minor errors. Andrew Jackson was not a cheap money man (p. 109)—he liked bullion better than banks; investment banks do not make long term loans (p. 117)—they sell securities; the Haymarket riot was in 1886, not 1866; the Pullman strike was not an A.F.L. affair (p. 142), and it was the Norris (not Morris) LaGuardia act that outlawed the yellow-dog contract (p. 144). It seems to this reviewer that some attention should have been given to the individuals who built America. What were John D. Rockefeller, Henry Ford, J. P. Morgan, Samuel Gompers, and John L. Lewis like, and why did they solve their problems as they did, providing a pattern in their respective areas for our economic development? A few

such examples would have made a good book a superb one.

Dr. Clough concludes that six fundamental functions account for American economic growth, namely natural resources, technology of industrial and agricultural production, the high level of investment, the large working force (partly because of immigration), a flexible transportation system, and an ideology in which the desire for material well-being plays an important role. To show that national well-being is leading to a higher civilization he points to the increasing number of Americans winning the Nobel prize, world famous American names in the physical and social sciences, the realization of nuclear fission on American soil, and the fact that Americans spend more money attending classical music concerts than baseball games. His conclusions provide an interesting contrast with those of his Columbia colleague, Dr. Lyman Bryson, who contended in his *The Next America*, which I reviewed recently for THE ANNALS, that a nation's greatest intellectual achievements are generally made in its accumulative rather than in its "distributive" stage which both men would appear to agree this country is in.

DONALD L. KEMMERER

University of Illinois

DUTEIL, H.-J. *The Great American Parade*. Translated from the French by Fletcher Pratt. Pp. 321. New York: Twayne Publishers, 1953. \$3.75.

This work belongs in that numerous collection of impressions of the United States written by foreign visitors after short sojourns in our midst. As such it is distinctly of second rank, not at all to be compared with the observations of a great compatriot of Monsieur Duteil, Alexis de Tocqueville. The author shares with de Tocqueville, however, the by now commonplace judgment upon American art and literature that they are distinctly inferior to those of Europe. This is so largely because of the unseemly and pecuniary appetites of its creators which induce them to cater to the masses. One hundred years ago de Tocqueville uttered the lament that the effect of democratic institutions is the destruction of taste and discrimination in

the arts. Duteil fully justifies his countryman's predictions. In fact, this lament is so familiar to Americans that some justification is necessary for uttering it again.

The major, in fact the sole, reason for giving any serious attention to Monsieur Duteil's rather superficial commentary upon the American scene is that this work has proved tremendously popular abroad. According to Mr. Pratt, the translator, *The Great American Parade* was a "runaway best-seller in France" and received wide critical acclaim not only in France but in Belgium, Switzerland, Spain, Italy, and elsewhere. If this means that the author has somehow impressed our trans-Atlantic neighbors with the aptness of his analysis, we had best mark what they appear to think of us.

Here then is America as Duteil's European readers see us. We are a nation of low taste and second-rate culture. Once upon a time, 1830-1860, we did create an indigenous and significant culture, but that time has long passed for we knew not how to sustain it. Since 1865, and until 1920, our nation has received distinctly second-rate citizens from abroad. The influx of Slavs, Italians, and Irishmen has especially contributed to the deterioration of American standards of taste and character. Our educational system is excellent in many respects but is weakened by vocational emphasis and by numbers. Productive efficiency is the great goal of American enterprise, but its standards of excellence are low and aim at quantity not quality. The preoccupation of our government and our scientists with agriculture is commendable but not completely efficacious. Racial antagonism toward the Negroes is exaggerated by our European critics who do not really appreciate that after all the Negroes are an inferior people and we have been more than generous to them. The greatest blot on the American scene is the remarkable incidence of crime. This may be attributed in large part to the inferior peoples who have settled in this land, especially the Negroes and the Southern European immigrants of the late nineteenth century. The hammer blows which industrialism and urbanism have rained upon the family as a

social institution have seriously undermined the real fiber of American character and contributed to the demise of American standards of taste and decency which are everywhere apparent.

Withal, we are a friendly, generous, kindly, optimistic, and industrious people. What saves us from total depravity is a small, cosmopolitan, intellectual elite which understands and appreciates the values of European culture and is best typified by the American university professor and the literary critic.

WILLIAM H. YOUNG
University of Wisconsin

EASTON, DAVID. *The Political System*. Pp. xiii, 320, x. New York: Alfred A. Knopf, 1953. \$4.00.

Among all the social scientists, those who deal with affairs political have certainly devoted their share of attention to self-examination and self-criticism. Possibly the habit is as old as the subject itself. In any case it is currently with us in a strongly accentuated degree. One manifestation was the critical study *Goals for Political Science*, published two years ago by the American Political Science Association. Another is the appearance of such books as the one under review, which bears the subtitle *An Inquiry into the State of Political Science*.

The author, who is Assistant Professor of Political Science at the University of Chicago, maintains that scholarship in his field is in a sorry state. Not that its votaries are lacking in industry or in thoroughness. There is probably as much assiduity in hunting down and piling up quantities of knowledge about things political as there is in any other realm. But students of politics have become lost in the jungles of empiricism with no beacon lights to guide them. They have become mere fact gatherers with no integrating theories to give meaning to their science. Since the 1880's they have been busily accumulating factual inventories which serve the uses of special pleaders with all sorts of conflicting interests. One group has been able to argue that planning and dictatorship are indissolubly linked; another can

prove the contrary. One school can maintain that the separation of powers is a bulwark against tyranny; another can prove that it opens the way to irresponsibility and the abuse of power.

The author conveys the impression that two distinguished writers of the past were largely responsible for leading American political scientists astray. One was James Bryce, who declared, while by no means despising theory, that "it is Facts that are needed: Facts, Facts, Facts. When facts have been supplied, each of us can try to reason from them." The other was Woodrow Wilson, who substituted the objective of reform for that of analysis and understanding. Dr. Easton propounds no special theory of his own, but he insists that political scientists will never be worthy of their craft until they make "systematic theory" serve the same purposes for them that great principles like the law of evolution do for the natural sciences.

EDWARD MCN. BURNS
Rutgers University

ECONOMICS AND INDUSTRY

KUZNETS, SIMON. *Economic Change: Selected Essays in Business Cycles, National Income, and Economic Growth*. Pp. viii, 333. New York: W. W. Norton & Company, 1953. \$4.50.

There are some thinkers whose work never gets the attention it deserves because it is embodied in many scattered writings rather than in a systematic treatise. Dr. Kuznets, of the University of Pennsylvania and the National Bureau of Economic Research, has in some degree suffered this fate, and Norton and Company have performed a most valuable service, not only to the economist, but to the intelligent general reader, in publishing this collection of essays from widely scattered and often quite inaccessible sources.

It is impossible in a short review to convey the richness of ideas and information which these essays contain. The subtitle indicates the three broad fields which they cover. In time they cover a period from 1929 to 1950, and it is interesting to trace

the development of interest of the author. The first eight essays, covering business cycles and national income, are in chronological order; the last three, on economic growth, cover almost the whole period, and it is fairly clear, I think, that economic growth commands the author's deepest affection, and it is in this field that his most original contributions are made.

The essays on business cycles reflect the empirical and somewhat antitheoretical views of the National Bureau, which regards the business cycle not as a unitary phenomenon but as an aggregate consequence of many cyclical movements in different variables.

The essays on National Income are of interest in pointing out also the structural difficulties involved in the national income concept, particularly when it is used as a measure of economic welfare or for the purpose of making international comparisons. Kuznets' emphasis that many of the items which we proudly include in the total of our own national income are in fact "costs" of a complex industrialized society rather than "satisfactions," and should therefore not be included in the most significant "net" income totals, is a salutary check on our statistical pride. Let our pride be deflated as much as we can, however, the international comparisons of income point up the almost fantastic differences in income levels as between, say, the United States and China, and Kuznets rightly lays stress on differential rates of economic growth as the prime factor in creating these disparities. For all the wisdom and insight of his growth studies, however, one does not feel that he has yet achieved an adequate theoretical, or even statistical, structure to deal with the growth problem. We need, perhaps, still more exact quantification of the growth process before we can deal with it successfully, and Kuznets is well aware of the dangers involved in the simple projection of trends. It is indeed the structural consequences of growth to which he is most eager to call attention, and one hopes that he may go on to develop a general theory of structural growth. The essays are written for the most part in nontechnical language, and it is to be hoped that they will find a

circle of discriminating readers beyond the limits of the professional economists.

K. E. BOULDING
University of Michigan

MACHLUP, FRITZ. *The Political Economy of Monopoly: Business, Labor and Government Policies*. Pp. xvi, 544. Baltimore: Johns Hopkins Press, 1952. \$5.50.

MACHLUP, FRITZ. *The Economics of Sellers' Competition: Model Analysis of Sellers' Conduct*. Pp. xx, 582. Baltimore: Johns Hopkins Press, 1952. \$6.50.

Professor Machlup has written two very valuable and stimulating books. *The Political Economy of Monopoly* discusses such issues as the meaning and effects of monopoly, the many institutional sources of monopoly power, the various types of monopolistic business practices and monopolistic labor policies, and the attempted measurements of the degree of monopoly. There is also an excellent chapter which analyzes the various economic and political appraisals of monopoly.

One important value of this book is that it brings out very clearly the fact that the question of monopoly is not a simple issue and that the various methods of dealing with it are complex and often uncertain in their results. Professor Machlup is an eclectic. He does not accept the views of so many modern-day social reformers that there is an irreversible trend toward ever-increasing concentration of business, that monopoly is inevitable, and that state planning and control and public ownership of business are the only solutions. On the other hand, he just as vigorously eschews the views of those who believe that there is no serious threat of monopoly in modern economic life. Instead he studiously analyzes all the various manifestations of monopoly, evaluates their consequences, and suggests remedies. Amongst the remedies he discusses are stronger antitrust laws, changes in corporation laws, taxes, trade barriers, and patents.

One of the most important and most controversial theses of this book is that monopolistic practices occur in agriculture and labor as well as in industry. Two chapters are devoted to an analysis of the effects of union wage determination in

terms of monopoly prices and monopolistic restrictions. Those sensitive advocates of strong trade unionism who object to the phrase "labor monopoly" and consider it to be a slur on the objectives of the labor movement should keep in mind that the author's purpose is purely analytical, and neither legal nor political.

These two chapters contain much valuable insight into the impact of trade unionism on modern economic life.

The author presents the following appraisal (p. 227) of the antitrust laws: "The objective is fine and largely attainable, but legal prohibitions alone cannot do the job; many other things must be done besides; the laws could have been worded much better, but even as drawn they would have worked better had they been less narrowly interpreted and more effectively enforced; yet, even with all their deficiencies they have not been without success, but have achieved much if one considers what would have happened in the absence of the laws."

Professor Machlup feels that the law of collusion has had a very real influence on the development of the American economy. On the other hand, it is his opinion that the law of monopolization through merger and concentration of control has not worked at all. However, when evaluating the author's views on monopoly, it should be kept in mind that many leading authorities, such as Professors Slichter and Adelman, feel that the American economy is as competitive today, if not more so, as it was in 1900.

The Economics of Sellers' Competition covers the economic theory of competition in selling. The author uses the method of analyzing economic problems by constructing and manipulating well-designed and rigorous models of relevant human conduct. A good indication of the subjects covered is given by the titles of the six parts which form the core of the book: "Many Sellers," "More Sellers," "Many and More Sellers," "Few Sellers," "Few But More Sellers," and "One Seller."

Included in these six parts are chapters which carry such headings as "Perfect and Imperfect Polypoly," "Polypolistic Non-price Competition and Other Forms of Non-Perfect Polypoly," "Pliopoly," "Poly-

poly and Pliopoly Combined, When Both Are Perfect" and "Polypoly and Pliopoly Combined, When Either or Both Are Imperfect," and chapters on oligopoly, duopoly, and monopoly.

This book exhibits a high degree of skill in technical economic analysis. It will be of unquestionable value for intermediate and advanced students of economics and professors of economics. Some of the book's innovations will undoubtedly attract wide professional interest and controversy. But the lay public with only a general interest in economics will find this book too difficult. In one respect, this is quite unfortunate because there is much in this book which could be of value to practical men of affairs. Perhaps it should be mentioned that the lay reader is not going to find the first book easy going either, but that those who persevere will find it a rewarding experience.

EMERSON P. SCHMIDT

Chamber of Commerce of United States
Washington, D. C.

HEADY, EARL O. *Economics of Agricultural Production and Resource Use*. Pp. viii, 850. New York: Prentice-Hall, 1952. \$9.75.

Agricultural production economics is defined by the author as "an applied field of science in which the principles of choice are applied to the use of capital, labor, land, and management resources in the farming industry." He remarks that the field is the oldest and most widespread area of specialization in the economics of agriculture—in fact, that the science of agricultural economics originated as a study in farm production economics. Briefly stated, the purpose of the text is to provide a skeleton of key principles upon the basis of which problems in agricultural production and resource use can be analyzed. The method employed is that of "isolating and setting forth fundamental principles and relationships and of applying these to agricultural data."

Courses in the economics of agricultural production have been given in agricultural economics departments rather widely over the country for a number of years. What

they have included has varied with the instructor and the institution. In general, though, they seem to have borne a very close relationship and sometimes a striking similarity to courses in farm management. Again, they have had as their objective, as is the case with the book under review, that of furnishing the basic equipment for the economic analysis of farm production problems. So far as the reviewer is aware, there has been heretofore no over-all book in the field, so the courses that have been developed along these lines have taken the form of outlines, source materials, references, and problems, supplementing lectures of the individual instructor. Hence the new book of Professor Heady is timely, and one which will be warmly welcomed. At the outset there seem to be two counts against it. One of these is that it succeeds to an unusual degree in making some simple things appear more complex than would seem to be necessary, even in a text that is designed for advanced agricultural production economics courses. The other count inheres in the fact that the book is large and expensive for use as a text, except perhaps in relatively small advanced classes. Over the years the author has established his competence in the field about which he writes, and this book in a sense is a tying together of much of his earlier research and writing. The book is a leader, indeed a sort of "trail blazer," in an important field of concern in agricultural economics; and is calculated to meet with a wide acceptance and to exert a considerable influence upon the approach and content of future courses in agricultural production economics.

WILSON GEE

University of Virginia

ASHWORTH, WILLIAM. *A Short History of the International Economy, 1850-1950*. Pp. 256. New York: Longmans, Green and Co., 1952. \$3.25.

To write a history of 100 years of the international economy in a space of 250 pages is not an easy task. This little book, which undertakes the assignment, describes the development of the world's economy—principally that of the western world—

from a relatively simple and largely agricultural economy, to the present day complicated and delicately balanced organization of economic life. It discusses the major changes which have taken place in the economic interrelation of countries and regions during the period under review. The word "international" is used both in the sense of "common to many nations," and also that of "between nations."

In compressing the story into a brief space the author has had to select what he considered the significant events, trends, and developments of this period. There is room for differences of opinion as to the importance, meaning, and permanent influence of the numerous events which have taken place. On the whole the author has shown balanced judgment in his selection and analysis of what has happened to the world's economy during the last century. The account is both descriptive and interpretive, perhaps more the former than the latter.

The book contains a considerable amount of economic history and description of developments within individual countries. The author points out in the preface the necessity of including such data, and says that he has been concerned simply with their relation to the growth and working of a world economy.

The first part of the book, Chapters I and II, examines the significant economic growth of the world and the changes in industry, agriculture, and transportation which have taken place during the period covered. The author describes the great expansion which has taken place in production and in incomes, the increasing specialization of regions, changes in productive methods, and the establishment of large industries. The next three chapters consider some of the accompanying changes in the economic system, particularly in the fields of the management and organization of production, the status of labor, and the relation of government to economic activities.

The last three chapters are concerned with the emergence of an international economy in a more real sense, the increasing degree of interdependence of countries and of economic activities, the economic

and financial problems which have accompanied these developments, and international agencies which have been established to deal with them. The book is a well-written and worthwhile addition to literature on this increasingly important subject.

JOHN PARKE YOUNG

Chevy Chase, Maryland

PIERSON, FRANK C. *Community Wage Patterns*. Pp. xvii, 213. Berkeley: University of California Press, 1953. \$3.75.

There was a distinct tendency in the immediate postwar period to view money wage determination as reflecting, in considerable measure, the play of noneconomic forces. In particular, a stage piece was contrived in which the *dramatis personae* were composed largely of rival trade union leaders. With respect to wage policy, the basic motivation of these leaders was union power. In the calculus of power, economic considerations were, at best, of minor importance.

This view was not altogether mistaken. In wage decisions, as in decisions affecting other economic magnitudes, there is scope for a variety of motivations. Economic factors can be largely ignored by unions or employers. However, the price in terms of institutional survival is likely to be high.

In the present volume, Professor Pierson concludes that "wages in different industries and localities [in the United States] form a well-knit structure largely controlled by economic and social forces operating on a broad regional and national basis." He points out that "even the inter-industry wage structures within different communities exhibit many similar characteristics." Short-term changes in the relative wage position of a community, growing out of particular fluctuations in business conditions, should not obscure a real measure of stability in wage relationships with other communities over comparatively long periods.

Professor Pierson bases these and other findings on an analysis of the factors affecting general wage movements in local areas. Major attention centers on Los Angeles, with comparative data for a num-

ber of other large communities and for the United States as a whole. The data used are primarily average hourly earnings for broad industry groups for the period 1940-1949, and average annual earnings derived from the *Census of Manufactures* for the years 1919-1939. For the more recent period, indexes of wage rates in manufacturing and union scale data are also employed. The author fully recognizes the limitations of the available data for analysis of wage relationships within and among communities. Deeper insight into wage behavior in local labor markets depends on the accumulation of a substantial and consistent body of occupational wage data.

Professor Pierson describes the major factors influencing community wage levels, the movement of wages in Los Angeles and other selected communities prior to 1940 and in the 1940-1949 period, and, for Los Angeles, the economic environment within which wage changes were worked out in the 1940's. Several chapters are devoted to interindustry wage levels, with extensive use of ranking and rank correlation tests to establish relationships between wages and a variety of other factors. The book concludes with an interesting chapter on unions and local wage behavior.

This volume is more for the specialist than the general reader. Professor Pierson tackled a most difficult subject, and his book is a welcome addition to wage literature.

H. M. DOUTY

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SOCIOLOGY AND EDUCATION

TYRWHITT, J., J. L. SERT, and E. N. ROGERS (Eds.). *The Heart of the City: Towards the Humanisation of Urban Life*. Pp. xii, 185. New York: Pellegrini & Cudahy, 1952. \$10.50.

RIEMER, SVEND. *The Modern City*. Pp. xi, 477. New York: Prentice-Hall, 1952. \$7.35.

The Heart of the City is a collection of working papers contributed to the Eighth International Congress of Modern Archi-

itecture (CIAM)—a week's session at a country place in Hoddesdon, England, in 1951, at which the *avant-garde* of architect-planners from three continents gathered, as usual, for provocative talk—Le Corbusier, Gropius, Sert, with their peers and disciples.

The central theme of the discussions this time was "the core" of the city, which Sert noted meant "heart." CIAM is no proponent of the garden city ("the idea was not a good enough one"—Holford, p. 88). But to put an end to "unplanned decentralization" "we must reverse the trend, establishing what we may call a process of recentralization," or, as Giedion puts it, "the return to the human scale and the assertion of the right of the individual over the tyranny of mechanical tools" (p. 17).

Brilliantly and precisely as these innovative thinkers handle space relationships, their resort to the written word tends to somewhat mystic statements: "the core is the repository of the community's collective memory"; "the key to the matter lies in the interaction . . . of visual dynamism with moments of repose." Miss Tyrwhitt, who ought to know, says that in London the core is split in four (p. 105); William Holford, who ought to know, says it is in two parts (p. 97).

Somehow, one writer after another finds the Piazza of San Marco in Venice the classic expression of what he seeks. A lively contribution to the book is an endpaper of that "core" by Saul Steinberg, of all people. There is a formal schema presented for analysis of five "scale levels" at which there must be "cores" in the "conurbation," from village or housing group to central metropolis. Prodigious effort has been devoted by younger members of CIAM to present to precisely the same scale and form more than 20 plans and studies of "cores" from Peru, Japan, India, the United States, and Europe. There is a profusion of provocative photographs to give color to this dashing, if somewhat fuzzy, portrait of a house party of Olympians.

Svend Riemer's volume, by contrast, is a sober book—intended as a college text in urban sociology—into which the sociologist-author has sought to integrate contributions

of the city planner, architect, economist, engineer, political scientist, and social psychologist toward an understanding of the urban community. Professor Riemer's own life work, both in Scandinavia and in the United States, has involved him closely enough in the world of action in housing reform and criminology to make him sensitive to many of these contributions. He ranges easily from architecture to culture, economics, philosophy, and religion (for example, the Christian Church as an urban phenomenon). He views as equal foci urban construction and urban social relations; he sees the neighborhood as a social, not a physical, phenomenon.

His Introduction, on *The City in Western Civilization*, relies on Pirenne, Gordon Childe, Max Weber, Lewis Mumford—a broad enough sweep. It is perplexing that so able an author should accept formal schemes from his authorities that show the resort town as an outgrowth of the "late industrialization process," when a moment's untutored reflection brings Pompeii and Herculaneum to mind.

Under "Urban Growth," Riemer develops with exceptional power the demographic factors. Under "Urban Environment" he rehearses in rather school-masterish fashion the "ecological approach" as defined by the natural scientists; but he makes no attempt, like Hallenbeck in his recent *American Urban Communities*, to see whether the ecological principles evolved by the natural scientists have meaning for students of urban society; the phrase remains a metaphor.

The other major parts deal with Urban Personality, Urban Leisure, Urban Social Organization, and Urban Planning. One can applaud the range of Riemer's scope; one can bemoan his confusion of mayorcouncil government with commission government and a dozen similar faux pas. They merely illustrate once more the extreme difficulty that faces a man grounded in one discipline in writing about so complex a set of phenomena as the city.

CHARLES S. ASCHER

Brooklyn College

GADGIL, D. R., and Staff. *Poona: A Socio-Economic Survey*, Part II. Pp. xi, 324.

Poona, India: Institute of Politics and Economics (Publication No. 25), 1952. Rs. 15 or 30 s.

This is the second volume of a detailed survey of a medium-sized city in India, a completion of what is probably the most valuable existent study upon an Asiatic city. (For further details see the review of Volume I in *THE ANNALS*, March 1946, p. 299.) The city had 300,000 people in 1941 but has grown rapidly since then (pp. iii and 169 ff.). This particular volume starts with details of the historical development of the city. Ch. II deals with the specific economic and social characteristics of wards and communities, but it must be pointed out that the term "community" as used here means social groupings in a sort of combined geographical, occupational, and caste sense as opposed to our Western primarily ecological use of the concept. The next deals with housing in the particular senses of number of rooms, density of usage, water taps, latrines, ownership, and rental charges. Ch. IV, of 50 pages, called "Community Organization," is really a study of caste organization and government (*panchayats*) which should be read carefully by all those who think our own society is complicated or that India still has the simple caste organization described in *Manu* and the earlier Sacred Books. Ch. V is a study of city government in terms of functions, activities, history, and cost.

The next chapter is a history of public and private education in the city, both primary and in the upper levels, which shows considerable progress towards minimum universality. Chapter VII on "Public Health and Use of Leisure" contains, in addition to what may be expected under this title, information upon poor relief, juvenile courts, and the sales of toddy, liquor, opium, ganja, and bhang. The final chapter is a sort of an urban sociology of knowledge, in which attention is drawn to general characteristics of the city and the significance of conclusions drawn from Poona as being typical of the total class—all Indian cities.

This last part of the study makes the two monographs invaluable to the student

of Indian life and to those in urban sociology who seek to understand the general implications of urban life upon man, as opposed to the historical and particular as in our country, or in Western society alone or in any particular temporal epoch. The other studies made by this institute and listed here show that the conclusions of general significance are based upon a broad sampling of Indian cities. Thus the work becomes an invaluable contribution to modern social science.

CARLE C. ZIMMERMAN
Harvard University

MINER, HORACE. *The Primitive City of Timbuctoo*. "Memoirs American Philosophical Society," Philadelphia, Vol. 32. Pp. xx, 297. Princeton, N. J.: Princeton University Press, 1953. \$5.00.

In 1940 Horace and Agnes Miner spent seven months in Timbuctoo, in an effort to study the urban structure of that community. The Social Science Research Council financed this expedition, and the American Philosophical Society saw that the final report was published. Miner states that his purpose was to see whether a primitive city is held together by the same structural framework as a Western city, and he found that it is not. He selected Timbuctoo because it is remote and comparatively untouched by Western influences.

Timbuctoo is situated on the Sahara desert at a point where the Niger River reaches its most northerly extension, and thus is a key location for trade by boat and by camel. The population of over six thousand persons lives in four main wards of mud-brick houses, each with a subdivision and a hut-village on its periphery. Three languages, Tuareg Berber, Songhoi, and Arabic, are spoken by its inhabitants, who are divided into three major and several minor ethnic groups, Tuareg, Sudanese Negro, and Arab being the basic components. Tuareg nobles visit the city but do not live in it. Their serfs pasture camels on its outskirts after the rains, and their male slaves work as farmers, tanners, donkey breeders, while the females of this slave class weave baskets and sell produce in the market. These Tuareg dependents

number about 1,000. Among the Songhoi-speakers is a group known as Arma, descended from Moroccan soldiers and local women, and their serfs, called Gabibi. The total of these Songhoi speakers is about 3,500. The Arabic speakers are the town Arabs, their slaves, some holy men, and some Badu off the desert, totaling 1,500.

This heterogenous population is held together by mutual dependence in an ethnic division of labor, so that only Arma make slippers which all need, and barbers have to take part in circumcision rites and other ceremonies; religious brotherhoods, common membership in mosques, and guilds bring people of different origins and languages together and give the city its structure. What Miner has found is closely parallel to the structure of Fez, which was minutely described by a team of French sociologists in the 1930's, and which can be found almost anywhere in the Middle East. The book is well written, well illustrated, and well produced. The coverage of every element in the urban population studied seems to have been excellent.

CARLETON S. COON
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WARNER, W. LLOYD. *American Life: Dream and Reality*. Pp. xv, 268. Chicago: University of Chicago Press, 1953. \$3.75.

Dr. Warner has been studying American communities for the last twenty years, and these studies were preceded by field work among the Australian aborigines. Anthropologists would in general agree with him that the differences between contemporary and primitive societies are those of degree rather than of kind.

But Dr. Warner's choice of an example to illustrate this point is unfortunate. The book opens with a description of Memorial Day as "an American sacred ceremony." Following the theories of Radcliffe-Brown and Durkheim, he writes, "Memorial Day is a cult of the dead which organizes and integrates the various faiths and national and class groups into a sacred unity." He then describes the ceremonies in a small town after the first world war. But, our Memorial Day is not a cult in the

sense of a mortuary cult in a primitive society. There literally everyone in the community participates and, as far as one can judge, in a meaningful manner. In our observance of Memorial Day, a business man may drape his store with flags and donate to the local Veterans Organization because it is good business to do so; and for many families, particularly among those who did not lose a member in a war, the day may be the occasion for a picnic, for sports, or just another holiday. Oddly enough, in a later chapter the author discusses the increasing diversity and complexity of American symbolic systems, but takes almost no account of this fact in his description of Memorial Day as a cult.

The best chapter from this reviewer's point of view is, "Social Persistence and Personality Development." The analysis of the status and social structure of the school system—school board, teachers, and students—and the data on how eleven- and twelve-year-old children have already taken on the status values of their society is illuminating. So also is Dr. Warner's discussion of the personalities of business executives.

Among other topics discussed are social class and color caste, social change as illustrated in the relationship between factory and social system in "Yankee City," individual opportunity and social mobility, and mass media. But there are significant omissions. Metropolitan urban life is ignored. There is no mention of our changed international role over the last twenty years and its impact on American life. Nor are there the sharp insights and cogent themes of such books on contemporary American society, as David Riesman's *The Lonely Crowd* and C. Wright Mills's *White Collar*. Dr. Warner's book gives an impression of being somewhat "dated" and nostalgic.

HORTENSE POWDERMAKER
Queens College
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ALLEN, H. B. *Rural Reconstruction in Action: Experience in the Near and Middle East*. Pp. xviii, 204. Ithaca, N. Y.: Cornell University Press, 1953. \$3.50.

This is a fascinating account of the more significant chapters in the work of the Near East Foundation (of which the author is Director of Education), carried out in the Balkans (Macedonia, Albania, and Greece), in the Middle East (Iran, Syria, Lebanon, Cyprus, and Palestine), and in East Africa (Eritrea). It tells the story of small-scale projects, in which personalities and man-to-man contacts were decisive factors, but which grew rapidly as a result of the people's wish to benefit from demonstrated advantages. Each project had a special focus: farming, health, home practices, recreation, illiteracy, rural education, and the application of scientific methods. The lessons which can be derived from the experiences of the people involved in these projects are many and should be carefully studied by all who plan or work for so-called "underdeveloped" countries. Only a few of these lessons can be mentioned here:

The most important single factor which can make all the difference between the success or the failure of a project is the personal relationship between the foreign director of the project, his local assistants, and the people whom the project is to serve. Demonstration is a thousand times more effective than theoretical explanation or oral persuasion. A good knowledge of local conditions and traditional mores is a basic prerequisite. Innovations and changes should be introduced gradually, slowly, and successively. Objections and suspicions as to the altruistic nature of the project have to be expected from the authorities as well as from the people themselves. The better the locally recruited personnel the greater the likelihood of success.

And one more extremely important point: Whatever the focus of a project, at whatever point it attacked one of the traditional scourges of the Near and Middle East, it soon got involved with many other aspects of the people's lives, thus forcefully demonstrating the necessity of planning, not just for the health, or for the education, or for any other specific culture complex, but for the total life of the people.

Rural Reconstruction in Action demonstrates not only that, given the right approach, the most traditionally-minded people are inclined to accept change, but also

that a practical working understanding between different cultures is possible.

RAPHAEL PATAI

Dropsie College
Princeton University

MARTIN, WILLIAM E., and CELIA BURNS STENDLER. *Child Development: The Process of Growing Up in Society*. Pp. xxii, 519. New York: Harcourt, Brace and Company, 1953. \$6.50.

This book is one of several that have appeared recently, covering the general field of child development, and written by educators to meet a need for students of education. The underlying ideas of these books are that there is an interdisciplinary area in the behavioral sciences, including sociology, psychology, anthropology, biology, pediatrics, and psychiatry, which is concerned with the central theme of human development, and that its study through the stages of childhood and adolescence is of basic importance for educators. With this point of view, the present reviewer, who has sought to gather and organize and contribute to this material from the standpoint of the sociologist, finds himself in complete agreement.

The volume consists of four main parts. The first concerns itself with children as human beings: their common characteristics, the processes of their growth and development, and the differences in their physical and biological inheritance. Part II deals with the social and cultural background of personality development—culture patterns and participation, class differentials and their impact upon the personality. The third part is devoted to socialization, the processes of growing up in our society, the preschool years, the elementary school child, adolescence, with particular emphasis upon the goals of socialization. Finally, there is the section on the socializing agents, with inclusion of the family, the school, the peer group, and the community.

The authors, who are professors of Education at the University of Illinois, have employed numerous teaching aids. There are photographs of child life galore, tables, figures, reproductions of popular cartoons, and many questions and suggestions for further discussion. There are an ample

bibliography and, what is so often lacking in books, an adequate index. The emphasis throughout is upon the processes of development, the viewpoint is well balanced, and the style is readable. It is a useful book.

JAMES H. S. BOSSARD

University of Pennsylvania

DESPERT, J. LOUISE. *Children of Divorce*. Pp. ii, 282. Garden City: Doubleday & Company, 1953. \$3.50.

This is an intriguing book on how to make a success of divorce. Divorce need not be another word for disaster, says the author. Divorce means failure in marriage, but one can learn from failure how to succeed on the next try. Studies of divorced women who have remarried report that they are about as happy in their new marriages as the married women who have never been divorced.

This book is not concerned with the adjustments of the adults so much as with those of the children of divorce. The author feels that divorce in itself is neither a good nor a bad thing; it is bad only if it is laden with emotion and bitterness and produces anxiety in the child. Dr. Despert, one of America's leading child psychiatrists, gives many actual cases of children who have successfully weathered the experience of divorce, and she shows how others might have done so, had their needs been understood and respected. The book is rich in practical suggestions such as how and what to tell the child, the wisdom of sending the child away to school or of moving to a new community, and the ways in which the father who is separated from his child can convince his child that he has not deserted him. The child of divorce needs to know (1) that something is wrong with the relationship between his parents; (2) that he is not to blame; and (3) that his parents still love him.

This is the first book of its kind to be written, and that it should appear is of interest to the sociologist for what it signifies about American attitudes toward divorce in the middle of the twentieth century. In a privately printed doctoral dissertation (University of Pennsylvania, 1939), James H. Barnett, analyzing 50 novels published

from 1858 to 1937 in which divorce was the central theme, showed that they reflected the changing attitudes toward divorce from "concern over the fact of divorce to the effects of divorce on children, to the question of alimony and later to the problem of post-divorce adjustment." In the earlier period of our concern about the effects of divorce on children, the debate was whether divorce per se was bad for children and whether discordant couples should stay together for the sake of the children. This argument, it appears, has been settled in the negative; so we now have in this book the formulation of specific ways and means of safeguarding the children of divorce.

The book is written in a straightforward, conversational style, not bogged down with technical jargon. The author anticipates the many vexing questions that plague parents who are considering divorce.

M. F. NIMKOFF

Florida State University

DITZION, SIDNEY. *Marriages, Morals, and Sex in America*. Pp. 440. New York: Bookman Associates, 1953. \$4.50.

This volume by a historian is an encyclopedic survey of the ideas of around 700 authors on marriage, morals, and sex in America from Benjamin Franklin to Alfred C. Kinsey. The intriguing chapter titles are: Reason and Nature; High Individualism from Abroad; The Free Enquirers: Ferment of the Forties; Free Land, Free Labor, Free Love; Spiritual Wives; The Woman's Point of View; The Socialist View of the Family; Science Looks at Love and Life; Female vs. Male in the Twentieth Century; From Lindsey to Kinsey.

The central theme in this development of ideas from the colonial period to the present is that woman's right to equality with man is implicit in the accepted idea of democracy and is necessary for marital happiness and personal development of both men and women. Complicating this theme is the idea of free love as essential to human happiness, a romantic notion which plagued many advocates of the emancipation of women and obstructed the progress of the movement.

The author attempts to relate the development of the idea of morals, sex, and marriage to the social situations and events of the times. But to the reader these ideas often appear more or less detached from social behavior in American society. At best, the thinkings of the theorists often seem far remote from the main currents of American life. They appear to be the voice of protest of a small minority to be defined as "the lunatic fringe" or "pioneers ahead of their times," according to the prejudices of the reader. Perhaps they functioned to bring to the attention of the small intellectual public a wide range of ideas from the fantastic to the practical.

While the ideas of hundreds of writers and speakers are elaborated, there are a few surprising omissions. No mention is made of the writings of Mary Baker Eddy although her influence is a persisting one on the place of women in American society. Even more amazing is the failure to discuss Jane Addams and Julia Lathrop whose writings and achievements exemplified woman's distinctive contribution to human welfare. Silent treatment is also given to the pioneer scientific work on sex and marriage of Robert L. Dickinson, the gynecologist, of Gilbert V. Hamilton, the biologist, and of Lewis M. Terman, the psychologist.

No reference at all is made to the rise of organizations like women's clubs, the Woman's League for Peace and Democracy, the League of Women Voters, the Congress of Parents and Teachers, the American Home Economic Association, the Child Study Association of America, and the National Council on Family Relations, which have been translating into practice the ideas of sex and marriage, derived from psychological and sociological research, which are being incorporated into American society.

ERNEST W. BURGESS

University of Chicago

OVERHOLSER, WINFRED. *The Psychiatrist and the Law*. Pp. x, 147. New York: Harcourt, Brace and Company, 1953. \$3.50.

This little volume comprises the four Isaac Ray lectures delivered at Harvard

University by Winfred Overholser. The lecturer, one of the most eminent American psychiatrists and the recognized leader in legal psychiatry, was chosen to be first Isaac Ray lecturer by the Award Committee "by reason of his contribution to the improvement of the relations of Law and Psychiatry."

The lectures are entitled: The Substance of Psychiatry, Some Differences of Viewpoint, The Mental Patient and the Hospital, and The Psychiatrist as Witness. The first lecture is a wholly adequate historically presented outline for lawyers of the fundamentals of psychiatry. The second considers in moderate tones defects in laws and in legal processes, as viewed by the psychiatrist. It contains some judicial fiats and bulls that are gems. The third lecture, that on The Mental Patient and the Hospital, deals with a subject in which the lecturer, formerly head of the model state hospital system of Massachusetts and presently superintendent of the large government institution for the insane, St. Elizabeths, is the recognized authority. It is in this reviewer's opinion the best of the four lectures. The last lecture considers the manifold problems involved in expert testimony.

Unfortunately the author is somewhat reticent in proposing his own solutions of the more knotty and vexing problems. Apparently, he would favor abolishing the "not guilty by reason of insanity verdict," if some constitutional means could be found for doing so. He favors the English method of indeterminate detention and supervision for those defendants who have been acquitted by reason of insanity. He is a strong proponent of the use of neutral experts appointed by the court and of the establishment of psychiatric clinics in connection with criminal courts. He favors the creation in each state of a mental health authority under medical control, rather than under a lay board, to supervise private as well as state hospitals for the insane and all outpatient and other psychiatric clinics. Dr. Overholser reports favorably on a decade's experience with the Minnesota Plan for maintaining a high ethical and scientific level of expert testimony.

He states that the most necessary re-

forms of expert testimony are to be found in the Uniform Expert Testimony Act and suggests that its adoption by only two states, after a passage of fifteen years, is confirmation of the remark of the distinguished English psychiatrist, Dr. Henry Maudsley, "our legal dignitaries have not the least desire to be helped out of their dilemma!"

In this first series of the Isaac Ray lectures one will not come upon great discoveries nor startling pronouncements. But one will find in them the wise observations and sound opinions of a mature, liberal man and an able psychiatrist. Fortunately, one will look in vain for the muck raking and back biting that has so often marred writings on legal psychiatry.

MANFRED S. GUTTMACHER, M.D.

Baltimore, Maryland

WOOD, MARGARET MARY. *Paths of Loneliness*. Pp. xi, 250. New York: Columbia University Press, 1953. \$3.75.

"*Paths of Loneliness* has been written in the hope that it will bring more sharply into the foreground of social thought the problem of the individual who feels unrelated to others of his own group." This is the opening line of the preface and is a clear statement of the aim and purpose of the author.

As the title would suggest, this is not a scientific study of the isolate, nor does it derive from any objective research program. It would appear to have been written for the nonprofessional. The book is essentially a compilation of the writings of others, predominately derived from the field of sociology, less so from psychological and psychiatric sources. A large number of the references contain well-known concepts, some of which are so well known that they are almost common knowledge. The author gives no specific point of view of her own but presents theories or attitudes of others. Points of disagreement or opposing theories are seldom given.

Concepts involving personality traits or insight into deep psychological mechanisms are minimized. The greater amount of material deals with sociological forces and their influence upon the individual. The author is apparently convinced that so-

ciety, by exposing the individual to competition, segregation, and stratification, acts to create the isolated individual and to force him into the path of loneliness. Just why certain people respond in this manner to sociological forces and others do not is left untouched.

At many points in this book the author becomes introspective and cites her own experiences as examples. There is enough personal material presented in the aggregate to explain, in purely psychological terms, why one person felt alone in the world. The author, however, turns back to sociological concepts though the personal material would lead one elsewhere and perhaps to more productive areas if appropriately utilized.

The book is well written and well organized. It should be of considerable value in that it represents a collection of attitudes, concepts, and fragments of research bearing on this subject.

It is inevitable that a study of the isolated individual in our society, derived from a predominately sociological point of view, will leave large gaps in coverage. Within these limitations the book will have a definite value and can be recommended.

LEWIS H. LOESER, M.D.

Newark, New Jersey

HALMOS, PAUL. *Solitude and Privacy: A Study of Social Isolation, Its Causes and Therapy*. Pp. xvii, 181. New York: The Philosophical Library, 1953. \$4.75.

Paul Halmos' *Solitude and Privacy* is an original and important sociological inquiry into the widely recognized but little understood problem of modern man's aloneness. Starting with the assumption that the sense of belonging with others, the sharing of experiences and co-operative effort, is a fundamental and vital human need, Halmos contends that modern man's isolation—his neurosis and his material insecurity—is the result of the frustration of this biosocial need or drive. It is therefore a central issue, a cause in its own right, and not, as it is generally regarded, a derivative symptom or a by-product of some larger primary problem, as, for instance, the competitiveness of modern culture or the

Freudian concept of sexuality. To support these assumptions, Halmos turns to history and traces the trend, referred to as *desocialization*, in two examples of sociability, choral dancing and drinking, to show that man's opportunities for spontaneous, unreserved social participation have been reduced simultaneously with the emergence in modern society of formalized, rigid, and emotionally sterile, culture forms.

Halmos then discusses the influence of these frustrating social-cultural forms on the personality of the individual and shows that this influence may be both direct and indirect, that is, mediated to him through others during the formative years of early childhood. The interaction of both direct and mediated influences is constant. Both types of influences are interrelated parts of the social-cultural process which determines the personality of the individual. Hence, it is argued that the frustration of man's social needs, which is a culturally induced and sustained frustration, is responsible for man's neurosis; the social-cultural determinants precede and control individual-genetic development. Halmos tests this thesis by means of an empirical investigation into the attitudes of a group of college students. Correlations between the basic traits of anxiety and depression, acquired through mediation in childhood, and isolate behavior were statistically demonstrated. Halmos also supplements his theoretical conclusions by some appropriate case materials showing the therapeutic value of recreational group activities or community therapy.

In his discussion Halmos distinguishes between undesirable solitude and desirable privacy and suggests that the ideology of privacy and reserve, prominent in the value-systems of our Western culture, is largely a rationalization of unwilling solitude.

Halmos' theories are provocative of further discussion and research. *Solitude and Privacy* will well repay the reader for struggling with a somewhat difficult vocabulary and style.

MARGARET M. WOOD
Philippine Women's University

BRECKINRIDGE, ELIZABETH LLEWELLYN.
Effective Use of Older Workers. Pp.

224. Chicago: Wilcox & Follett Co., 1953. \$4.00.

Many people in business leadership, personnel management, development of labor policy, pension advisement, and in gerontology will welcome the appearance of this book. Growth of interest in the older worker has led to widespread demand for facts regarding worker characteristics; experience with utilization of older workers; current practices regarding selection, placement, transfer, retirement; and postretirement follow-up.

Recognizing the need for information, the Committee on Human Development at the University of Chicago obtained funds from the Rockefeller Foundation to conduct an interview-type "exploration of the ways in which companies were using older workers effectively and also of the procedures being devised to facilitate workers' retirement and subsequent adjustment in the post-retirement period."

The 90 participating firms were selected because they had been pioneering in this field and were willing to share their experience for the benefit of other firms and of the entire community. The report offers encouraging evidence that responsible business management is becoming aware of American aging and that important representatives of it are conscientiously trying to determine the implications for their establishments. In part, the book is a dynamic report of current thinking and growing awareness of the meaning of aging and retirement to the worker. Indeed, one of the high spots of the book is found in the passage on "The Effect of Problems of Aging on the Worker," pages 101-104.

Essentially, however, the book is an account of numerous examples of experiences regarding the hiring, placement and retention of older workers; the operation of flexible retirement systems; individual and group counseling procedures; and techniques used in preparation for retirement. The value of many of these accounts is enhanced by presenting them in the language of those who are responsible for the procedures reported. These chapters will be of great value to others who are casting about for program ideas. In short, it

is a useful manual based on present knowledge.

Effective Use of Older Workers raises many questions but gives final answers to few. This is in no sense a reflection on the study. Rather, it is an indication of the early stage of the development of the field and of the great variety of informational needs present among concerned representatives of management. It should be an effective stimulus to research.

The book is characteristic of Mrs. Breckinridge's writing. The presentation is logical and fluent. Identification of sources of information appears in profusion. The table of contents is detailed and informative. A carefully selective bibliography and a good index appear at the end. The typography adds to the readability of the book.

CLARK TIBBITTS
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RUMNEY, JAY, and JOSEPH MAIER. *Sociology: The Science of Society*. Pp. viii, 192. New York: Henry Schuman, 1953. \$3.00.

This little book is a revised and enlarged edition of Professor Rumney's *The Science of Society* which was originally published in England in 1938. As one might readily infer from the fact that the present edition contains only 172 not very large pages of text, it is not and was not intended to be a comprehensive treatise or textbook of sociology; it is rather a concise outline of the topics and questions, and in a very limited sense the materials, which are commonly studied in the courses of a department of sociology. It contains, however, almost no discussion of research methods and techniques used in recent years by students of these topics and questions.

Such a book might conceivably serve the general reader as a guide to the field of sociology; a college instructor might place it in his students' hands as a general outline for a course in which they were expected to use readings from various sources rather than a typical general textbook. It would not, however, in the judgment of the reviewer, be very illuminating for a reader who had no previous acquaintance with so-

ciology. It could, I believe, be helpful to a college student engaged in reviewing for final comprehensive examinations in sociology, or perhaps a graduate student reviewing for a comprehensive examination in sociology as a "minor" to a major in some other subject.

The authors' final chapter, "The Development of Sociology," is as excellent a review of the history of sociology as I have ever seen in equally brief compass. They have provided a list of "Selected Readings," classified to correspond to the chapters of the text; these appear to be judiciously chosen. The index seems rather inadequate.

FLOYD N. HOUSE
University of Virginia

CONANT, JAMES BRYANT. *Education and Liberty*. Pp. xv, 168. Cambridge, Mass.: Harvard University Press, 1953. \$3.00.

When the President of Harvard University and subsequently the High Commissioner of West Germany writes a book it is sure to attract immediate, respectful, and wide attention. *Education and Liberty* has attracted that kind of attention. How important it may be on its own merits is, however, a different matter. While it says some things that certainly are worth saying often, it does not begin to live up to the challenge connoted by its title, and it falls even farther behind the promise of its subtitle: "The Role of the Schools in a Modern Democracy."

In three lectures delivered at the University of Virginia and compressed to 87 pages (the remainder being notes), it would be impossible in any case to do justice to any substantial number of the great issues that, in one way or another, focus in the meaning of liberty for our hazardous time. Yet Dr. Conant is far from thorough about any of the three or four issues that he does discuss. His disproportionately lengthy comparison of the educational systems of England, Australia, and New Zealand with that of America leads to the startling conclusion that ours is better because more completely supported by public funds and open to a larger percentage of our youth. His proposals for improving the colleges and especially

the secondary schools include "work experience programs," special opportunities for gifted youth, increased scholarships for high school graduates, and widened general education. But none of these proposals is developed either distinctively or adequately, and they are weakened by frequent concessions to traditional subject matters traditionally organized. Indeed, Dr. Conant seems at least as often to echo the chronic eclecticism of the widely read volume by members of his Harvard faculty, *General Education in a Free Society*, as he does the relatively forward-looking if still cautious views of the Educational Policies Commission, of which he was a member.

Perhaps the most provocative part of his treatment is his continued insistence that the public school and not the private school is the genuine symbol of educational liberty—an insistence, it may be remembered, that got him into difficulties with those members of Congress who are always ready to listen attentively to the Church lobby. Dr. Conant is correct in his stand that tax support of religious schools would lead to very serious consequences for American democracy. His discussion of the knotty problem of religion in public education is, however, again feeble. He seems to assume with the Educational Policies Commission that the problem can be solved by the study and practice of "moral and spiritual values," whereas in fact this entire phrase as well as its applications by the Commission is question begging throughout. The only way that public education will ever be able to deal honestly with religious questions and contents is not by semantic evasion of key concepts but by approaching religion and all its attendant experiences with exactly the same respectful and careful, but nondogmatic and critical, attention as any other institutions of living cultures. With all the good will and concern that Dr. Conant manifests, he never comes to grips with this or any other issue of education in its pervasive relations to liberty.

THEODORE BRAMELD

New York University

MELBY, ERNEST O., and MORTON PUNER
(Eds.). *Freedom and Public Education*.

Pp. x, 314. New York: Frederick A. Praeger, 1953. \$4.00.

Ernest O. Melby, Dean of the School of Education, New York University, and recognized authority in educational philosophy and practice, seeks to determine what modern education is, why it is being attacked, and who the critics are. He is ably assisted by Morton Puner, who is a newspaper writer, editor, and consultant in intergroup relations and civil liberties.

The editors have brought together in one volume "Freedom and Public Education" a series of articles by many outstanding leaders, among them being Wilford M. Aikin, Harold Alberty, James P. Baxter, Harold Benjamin, William G. Carr, Marquis Childs, James B. Conant, Henry Steele Commager, William O. Douglas, John Foster Dulles, Benjamin Fine, Dan Fowler, Harold C. Hunt, William Heard Kilpatrick, Roy E. Larsen, Gordon McCloskey, Agnes E. Meyer, Arthur D. Morse, Virgil Rogers, Charles A. Siepmann, and George D. Stoddard.

This volume deals with most of the problem areas of modern education—federal aid, religion, academic freedom, fear, attacks, and criticisms—and concludes with heartening articles on securing good education founded on a democratic philosophy, a dynamic process, and a spiritual force.

The editors in a short preface dedicate this book to the understanding by as many Americans as possible of the issues confronting public education. It is in truth a combat manual for the war for freedom in public education.

The late Chester A. Rowell, brilliant editor and great international thinker, describes freedom in education as "the central liberty of civilization without which no other liberty could long survive or would be worth keeping." It is because freedom of education is basic to our public schools and our democracy that Melby and Puner have collected these excellent articles outlining what is happening to public education and suggesting how we can meet and prevent these attacks.

From their various viewpoints these scholars have set forth in clear readable form their opinions. This volume deserves

a high priority as *must* reading for administrators, teachers, school officials, parents, and all others who are concerned with the education of children and youth.

It should form the basis of discussion in education classes in our colleges and universities. It should be in the hands of all public school leaders; it should be widely read and discussed by interested parents everywhere.

WILLARD E. GIVENS

Mutual Security Agency
Manila, Philippines

CUTTS, NORMA E., and NICHOLAS MOSELEY. *Bright Children: A Guide for Parents*. Pp. ix, 238. New York: G. P. Putnam's Sons, 1953. \$3.50.

The book is written for parents of bright children and undertakes to tell them how to recognize superior ability, the problems that come with it in the home, in the school, and in the child's life in the community of which he is a part. It is well written, easily understood, simple, and nontechnical. It is refreshing to find a presentation of the problems posed for parents and teachers of gifted children that does not blink the fact that there are problems confronting those who have the responsibility for such children and which at the same time avoids the too frequently held attitude that these children are a sort of different "order" of beings.

In this book the bright child is a human being with the relationship all have and with the same problems of growing and learning and adjusting to life that all others have, but who is gifted with superior intelligence. The authors remind the reader that bright children usually have better health physically, mentally, and emotionally than their less gifted associates, and in case they do not, the authors are helpfully explicit in the steps to be taken in seeking competent medical or psychological advice. It is of course an oversimplification to say that the core of the problem usually presented by the gifted child is how to keep him working up to his ability. The authors do not say this, but it is back of much of their excellent treatment of the subject.

The book is to be commended for its

sane approach and for its practical suggestions on how to recognize unusual ability, how to direct it, and what resources are available to meet situations as they may arise. The chapters on the public and private schools are excellent. The authors recognize that each has its elements of strength and weakness and each is better for some children than for others. The decision for or against one or the other should not depend on whether the child in question is gifted but on other factors in the school itself or in the child's home life and associations.

The discussion of the choice of a vocation is useful for its explanation of the use of tests and for the unexpressed implication that the gifted child can probably succeed in a number of vocations and that there is no one particular occupation that must be found if happiness and success are to be attained.

The chapter on going to college is slanted in favor of college for most if not all bright children and properly so in the opinion of this reviewer. The book, although written for parents, should be read by teachers as well. Its approach is sound, its recommendations practical, and the resources it offers are well chosen and abundant.

J. H. BENTLEY

Wells College

BRIDGMAN, MARGARET. *Collegiate Education for Nursing*. Pp. 205. New York: Russell Sage Foundation, 1953. \$2.50.

In view of the increasing demand for nurses with a broad type of preparation this volume is both timely and challenging.

Much has been written of late concerning the critical shortage of nurses with emphasis upon quantitative needs. In this volume the emphasis is upon qualitative needs. In the words of the author "Inadequacies in the preparation of many nurses for their responsibilities are even more critical than the numerical shortages. Personnel for important functions lack both the foundation and the specialized training requisite for competence" (p. 25).

This book takes the position that "society requires the establishment by higher education of an effective system of appro-

priate types of preparation for diversified nursing functions and the maintenance of standards that will assure competence" (p. 197).

To understand fully the educational problem dealt with in this book some knowledge of the "nursing situation" is essential. The first three chapters present this needed background material which has been carefully selected from a wide variety of sources. Here "is offered a picture of the current situation: the deficiencies in the nursing services, both in the total number of workers and in the proportion of those qualified for various types of functions; the extent and nature of present and prospective demand; and the adequacy of existing educational facilities" (p. 19). This presentation should be particularly helpful to those who are not familiar with nursing literature.

The remaining chapters are devoted to a discussion of collegiate education for nursing—policies, problems, and trends. Four patterns of organization of undergraduate degree programs in nursing are analyzed and suggestions made for the content of a baccalaureate curriculum.

The author finds encouragement in the growing interest of institutions of higher education in nursing education but expresses concern over the failure of many of these institutions to apply to nursing education the same policies and standards as those applied to other professional curricula. "There is," Miss Bridgman states, "urgent need for clear understanding of the specific commitments involved in undertaking responsibility for a program leading to a baccalaureate degree in nursing" (p. 97), and she cautions that the qualifications of candidates for professional functions will not be heightened unless "policies applied to nursing are consistent with general standards of colleges and universities" (p. 97). The author's constructive suggestions for remedying the situation provide much needed guidance for those responsible for the development of nursing education in colleges and universities.

In preparing this book, a report of her study of collegiate education for nursing, made possible by the Russell Sage Founda-

tion, Miss Bridgman has made an outstanding contribution to better understanding of a complex educational problem. It is recommended to all who are concerned with the extension of higher education to nursing.

NELLIE X. HAWKINSON
University of Chicago

GINZBERG, ELI, and DOUGLAS W. BRAY.
The Uneducated. Pp. xxv, 246. New York: Columbia University Press, 1953. \$4.50.

The Uneducated, by Eli Ginzberg and Douglas Bray, is a carefully written little volume which realistically presents the problems created in modern society by the continued existence of the semilliterate and illiterate citizens of the nation. This is a fact-finding study; it centers around the disturbing discovery that almost a million and a half out of eighteen million registrants screened by the Armed Forces during World War II were illiterates, or so poorly educated that they could barely read and write. Of this number, 716,000 were rejected outright by the draft as "mentally deficient," a term which included the illiterate with innate intelligence as well as the individual truly handicapped by mental deficiency.

This conscientious exploration into the background of these facts goes beyond the usual comparisons of southern, northern, Negro, and white literacy to discuss the fundamental concepts underlying all educational policy in America. Such factors as the mobility of the labor force, the impact of immigration, and the financial limitations of the community are investigated. The vague and changing interpretations of what is meant by illiteracy are clearly stated. Frankly pragmatic, Ginzberg and Bray make it clear that their purpose in careful definition is to aid the reader in accurately evaluating statistics which must necessarily, at times, compare tables of not quite comparable content.

One section of the book deals with the specific record of 400 men who graduated from the Army's Special Training Units. It proves, rather conclusively, from the ex-

amples shown, that the illiterate and poorly educated can serve his nation better in time of peace or war if he is given the opportunity to acquire even the minimum essentials of education represented by the ability to read and write, and to do simple arithmetic. The authors trace the performance of the group from their prewar experience, through army training and life, to their postwar adjustment.

Acting upon their own advice that "Caution, modesty, and restraint are necessary virtues for the serious-minded researcher," the authors of this first volume in the projected series of Columbia University's Conservation of Human Resources Project have yet managed to present some very cogent arguments in favor of federal aid to education. Those readers who disagree with this solution of what all must acknowledge "still represents a challenge to the nation" will find it difficult to refute the expertly compiled information available in *The Uneducated*.

DOROTHY RUDY
Cross River, New York

GARBER, LEE O. *The Yearbook of School Law 1953*. Pp. vi, 114. Philadelphia: Lee O. Garber, School of Education, University of Pennsylvania, 1953. \$2.25.

The Yearbook of School Law 1953 presents a review of state and federal court decisions of the past year. The review is organized so as to facilitate the use of the Yearbook as a reference for those who wish to focus their attention on specific items.

Decisions of the past year have added to the precedents of past court decisions. It was found that school districts, as agencies of the state, have an existence of their own apart from the local units of government whose boundaries they may share.

Court decisions have tended to re-emphasize the right of the state legislature to alter or abolish school district boundaries and to affect administrative organization within constitutional limitations. The immunity of the state has been regarded as extending to the agencies and the agents of the state; hence, personal liability on the part of school officers seems to be lim-

ited to the extent that they were personally negligent.

As responsible for financing education, the state generally delegates to local boards of education the responsibility for levying taxes for public education. Questions involving racial segregation have been resolved on the basis of equality of opportunity. With respect to dependency allowances, the court warned that the board was "treading upon dangerous ground," adding that "school committees are not charged with the task of ironing out the inequalities of life or setting up systems of social welfare."

An added feature to the review of court cases for the past year is the summarization of what the courts have said, also prior to the past year, about church and public school relationships. The conclusion is that the principle of separation of church and state has not suffered and that that of religious freedom has been sustained.

Patent in the yearbook is the struggle engendered in the consideration of school district reorganization. One decision specifies the school district as an agency of the state with an existence of its own; another rules that school district property is state property held in trust. These rulings are particularly significant in view of tendencies to regard the school district as a department of city or county government and to look upon school property as belonging to these local units of government.

With respect to the question of state-church relationships, there seems to be an inclination to delineate less carefully, thus creating a common area of church-state operation at the expense of the public and of the public school program.

The foregoing indicates the general nature of the topics discussed and their importance to all who are concerned with public education. The yearbook is a ready source of currently significant actions and has particular value for all boards of education and their personnel. The conciseness of the yearbook and its organization guarantee that the time spent in reading this reference will prove to be time well invested.

JAMES A. VAN ZWOLL
University of Maryland

PHILOSOPHY AND RELIGION

KIRK, RUSSELL. *The Conservative Mind: From Burke to Santayana*. Pp. 458. Chicago: Henry Regnery Company, 1953. \$6.50.

What is conservatism? And what resources do conservatives have for "a democracy of elevation," in contrast to "a democracy of degradation"? Mr. Russell Kirk derives his answers to such questions from Tocqueville and from British and American thinkers in the line of Burke. His vigorous and informative exposition makes an important contribution to his subject and is at its best in his treatments of Burke, of the romantic opposition to Utilitarianism, of Disraeli, and of recent struggles of conservative ideas to ascendancy.

Conservatism, or respect for ancestral wisdom, as here presented, professes to value Providential Justice, enjoyment of traditions, natural leadership, the connection between property and freedom, control of impulses by prescription, and slow change through "Providential social forces." It sets itself against reliance upon human perfectibility and reason, upon political and economic leveling, and upon doctrinaire rationalism, romanticism, Utilitarianism, positivism, or socialism.

Conservatives are said to require Burke's vision of society as a spiritual unity; the common sense of John Adams, who advocated a balance of powers; the courage displayed by Randolph in his zeal for local liberties; Tocqueville's tolerance of individual differences; Calhoun's resolution in the protection of minorities; the stern justice in the appeals of Sir James Fitzjames Stephens to political, moral, and religious sanctions; and the catholic learning with which Paul Elmer More sought to persuade democracy of the need for aristocracy.

Partisan claims, however, raise more issues than they settle. Are religious sanctions necessarily conservative? When are conservatives or their opponents unreasonable, and when reasonable? Is British stability unquestionably due to conservative opposition to Utilitarianism rather

than the reverse or perhaps to agreement on rules by which decisions are reached or even to the thoroughgoing character of the reforms instituted in and after 1832? Does it conduce to "a democracy of elevation" to charge a democratic philosophy unsympathetic towards inadequate dualisms with finding in life "no aims but physical satisfaction" (p. 365)? This may look to some dualists (p. 384) like a necessary consequence but does not at all follow in a philosophy in which the assertion of continuity between the natural and the ideal, so far from "degrading" the ideal, actually "elevates" the natural!

In view of current threats to liberty and to the amenities of civilization, we may say a hearty Amen to "the deliberate revival of the concept of traditional wisdom." But we must insist that it be "wisdom."

RICHARD HOPE

University of Pittsburgh

BOULDING, KENNETH E. *The Organizational Revolution: A Study in the Ethics of Economic Organization*. Pp. xxxiv, 286. New York: Harper & Brothers, 1953. \$3.50.

This is the second in a series of six volumes on Christian Ethics and Economic Life sponsored by the National Council of Churches of Christ under a grant from the Rockefeller Foundation. Neither the Council nor the Foundation control the studies or assume responsibility for the findings. Part III, consisting of forty-nine pages, is devoted to criticism by several reviewers, the most significant being a seventeen-page Commentary by Reinhold Niebuhr.

Professor Boulding uses the term "organizational revolution" to describe a general movement in history, particularly during the last century, involving an increase in the number, size, and power of organizations, especially economic organizations, and a great increase in the economic activity of the national state. His purpose is to examine "the impact of this movement on the standards by which we judge economic policy and personal conduct." He is concerned with "practical," as distinct from philosophical, ethics, by which

he means the criteria employed in rating phenomena on some scale of goodness and badness.

Resorting to biological and mechanical analogies, Professor Boulding constructs a theoretical model of society in which the totality of organizations constitutes an *ecosystem*—a self-contained, self-perpetuating system of interacting populations in a state of general, but ever-changing, equilibrium. The behavior, growth, and survival of organizations are determined by their internal structures—the control mechanisms by which they maintain themselves and adjust to their environment. In economic activity the free market is an essential feature of the *ecosystem*.

Within this ecological system large-scale organizations emerge primarily because of improvements in the skills and techniques of organization, principally communication and control mechanisms. These permit expansion by pushing back the limitations of external environment and internal structure. Social needs, or demand, may exercise a minor influence but the major causative forces are to be found on the supply side.

Professor Boulding's *bête noir* is coercion—"no aspect of the organizational revolution is more menacing than the growing efficiency of coercion." Private economic power is bad but tolerable because its coercion is limited and evanescent; the political state, however, is a monster possessing a monopoly of coercive power, the exercise of which violates every principle of Christian ethics. The free market, while imperfect, is consistent with ethical principles because it is noncoercive. Hence, government should refrain from intervention in economic affairs, except to stabilize the economy by fiscal measures and to effect a diffusion of economic power. Policy should be directed toward "the great objective of a noncoercive society."

This is a stimulating, provocative book, full of brilliant insights and personal idealism, but it is essentially negative, mechanistic and deterministic in its ultimate implications. Social ethics can play only a minor role in Professor Boulding's naturalistic, self-contained ecological society. He is his own severest critic when he says:

"I am afraid of justice, seeing always behind it the specter of tyranny." Because he fears the political state he would deny it the right to control economic life in the interest of social justice. This is a fatal prescription for democracy.

HORACE M. GRAY

University of Illinois

JONES, HOWARD MUMFORD. *The Pursuit of Happiness*. Pp. xv, 168. Cambridge, Mass.: Harvard University Press, 1953. \$3.50.

In a judicial opinion of 1922, federal circuit court Judge Van Orsdel declared that "of the three fundamental principles which underlie government and for which government exists, the protection of life, liberty and property, the chief of these is property" (284 Fed. 613, 622). But Jefferson (and before him George Mason) substituted for the third of Locke's famous trilogy of values the more euphonious expression "pursuit of happiness." Certain writers, notably V. L. Parrington, have interpreted Jefferson's revision as significant, as marking "a complete break with the Whiggish doctrine of property rights that Locke had bequeathed to the English middle class." Jefferson had meant, Parrington says, to use language of "a broader sociological conception."

Thirteen years later, the French Declaration of the Rights of Man ignored Jefferson, returned essentially to Locke, and proclaimed "liberty, property, security, and resistance to oppression." Gilbert Chinard sees this departure from Jeffersonian phraseology as indicating a meaningful difference between American and European ideals. "The whole Christian civilization," Chinard observes, "has been built on the idea that happiness is neither desirable nor obtainable in this vale of tears, but as compensation Christianity offered eternal life and bliss after death." Chinard could not conceive of any nation asserting "pursuit of happiness" as a realizable goal except the people of ebullient eighteenth-century America.

The author of this volume of lectures, delivered in 1952 on the distinguished William W. Cook Foundation at the Univer-

sity of Michigan, does not permit himself to get embroiled in such squabbles. The persuasiveness of "happiness" in our cultural development is clear. Everybody knows its meaning, but nobody can define it. It was a commonplace notion among eighteenth-century Americans, not a Jeffersonian invention as the author of the Declaration of Independence would have been the first to concede. Jefferson's verbal refinements did not obscure Locke's main point, that revolution is merely the ultimate means of pursuing happiness.

The idea of pursuing happiness, in its varying manifestations and interpretations, is still at the center of American thought and action. Straying far beyond his own special ken, the Harvard Professor of English explores theological discourse, scientific writings, and leading judicial opinions. The effort is still inconclusive. Even court reports yield no final judgment. "In one case the pursuit of happiness implies happiness in the world to come; in another, it is happiness here and now, with no reference to felicity hereafter." For lawyers, judges, and business leaders, happiness has usually meant unimpeded pursuit of private profit—freedom of contract, "the right of those who own property to control it." Accordingly the judicial veto has been often interposed against state action regulating hours, wages, and other aspects of the employer-employee relation, though the plain intent of all such legislation was to promote happiness. As a corrective of these oversimplifications, the author turns to Emerson and William James—to the psychologists and psychiatrists, to considerations of happiness as "adjustment." The publication of James's *Principles of Psychology* in 1890 is seen as a turning point. "Happiness, decisions of the Courts to the contrary notwithstanding," the author concludes, "has been transferred from the sphere of law to the sphere of psychology. Not the public life of political science and economics, but the inner life of impulse and emotion—here in the twentieth century, most Americans seem to agree, is the sphere of felicity."

The author has ranged widely; his pages are crowded with apt quotations and dis-

cerning comments on American ideals. His book is completely satisfying.

ALPHEUS T. MASON

Princeton University

LAVAU, G.-E. *Partis politiques et réalités sociales: Contribution à une étude réaliste des partis politiques*. Pp. 169. Paris: Librairie Armand Colin, 1953. 525 fr.

Lavau's book consists, in its first part, of a series of arguments against those who regard systems of voting as dynamic agents, capable of bringing to bear the impact of political "form" on social "matter." Insofar as these attacks are detailed, their immediate object is Maurice Duverger's volume on political parties. Michel Debré and this reviewer also get into the line of fire.

The second part of the volume is given over to a discussion of the "real" (economic, social, and other) factors which, in his opinion, primarily shape the structure of a particular party system. The true implications of his approach become clearer in the introductions and in the conclusion than in the rather sketchy remarks on the party systems in Canada, the United States, Britain, Switzerland, Sweden, and France. Lavau's guns are not trained alone on Duverger, Debré, and Hermens, but on the entire discipline of political science. Perhaps, he says, there never will be a political science; certainly, there is nothing deserving of the name now (p. 6). Political facts should be analyzed with the tools of "law, sociology, geography, economic and financial science, statistics, and demography." What is called "political science" has but a "dependent and residuary character."

From a practical point of view it is, perhaps, more important that Lavau is a determinist. Hegel's *Alles was ist, ist vernünftig* is his guiding maxim; political scientists are suspect to him because they feel that certain political institutions have a dynamic influence of their own and can, therefore, act as instruments of social control.

The details of Lavau's determinism are, primarily, to be found in national characteristics and, secondarily, in a number of

other factors, of which the economic ones occupy first rank. Badly digested Marxism is an essential ingredient of this view. Lavau's insistence on the factors mentioned as the only ones constituting "reality" (see in particular pp. 164-166) is closely related to the failure of orthodox Marxism of distinguishing between society, with its inevitable multiplicity, and the state, with its equally inevitable characteristic of a unity which is primarily a unity of action but, to the extent that it is needed, also unity of thought.

If Lavau holds that social "matter" is everything, and political "form" nothing, it does not follow, of course, that the reverse is true. Social and economic factors do have their importance and, at times, they are decisive. Lavau is, however, amateurish in their analysis. For example, when asking himself why there is a successful Labour party in Britain and not in the United States, he overlooks the simple fact of the difference in the marginal productivity of labor. Nor is he, to take the case of geography and its political effects, aware of what he could have learned for a truly realistic understanding of the common characteristics of the political parties of Continental Europe by starting out with the discussion of militarism contained in Numbers 5-8 of *The Federalist* papers, and following through with the sociopolitical consequences of the facts described so lucidly by men who spoke of a "science of politics" and its possible contributions to social control, with competence and assurance, more than a century and a half ago.

Lavau congratulates himself (p. 161) on not having published his analysis of Hauriou. He would have had even more reason for self-congratulation had he given evidence of the same wisdom in regard to the present volume.

FERDINAND A. HERMENS

University of Notre Dame

REISS, SAMUEL. *The Universe of Meaning*. Pp. xi, 227. New York: Philosophical Library, 1953. \$3.75.

This book is the second by Mr. Reiss in the general area of semantics. The first (*The Rise of Words and Their Meanings*,

New York: Philosophical Library, 1950), summarized in an appendix to the second, expounded the novel theory that the stock words of any language are "action" words associated with the sound of striking—for example, "plop" and "bump"—all "non-striking" meanings being derivative of such by the poetic process of metaphor or imagined resemblance. The conclusion is that the bulk of our words now have meanings which are "effected in the mind" and which neither "reside in the word" nor "tag or clamp down" an object. Just how meanings are related to words and objects is the problem of the present book.

The author develops the answer in terms of three descriptive characterizations of meaning. First: Meanings are "autonomous conceptual constructs." The interpretative mind, stimulated by the flowing continuum of sensory data, creates meanings which, though suggested by sensory data, differ from them in being mutually exclusive items. Whereas sensed "red" and "green" flow into each other, the "meanings" of "red" and "green" never do so. Furthermore, once created, these meanings maintain a "semantic existence" autonomous of the experience which originally suggested them. The neglect of this "mathematical" character of meanings causes much confusion in human discourse.

Second: Every meaning has as an integral part of itself that element of its background with which it is in contrast. The sharper meanings of experiences occur in pairs, some of which are key concepts in thought and discourse, such as "right-wrong," "true-false," and "symbol-meaning." Neither one of a pair of "polar-related meanings" is significant except as thought in conjunctive contrast with the other.

Third: Though meanings are autonomous with regard to words and objects they are not so with respect to the user. No matter how formalized or "objective" a meaning may appear, there is always an essentially personal, "intended," or "postulated" aspect of it, even in scientific discourse.

Mr. Reiss uses these basic notions as weapons in a spirited attack on "formalism" in all areas and as keys to certain

paradoxes and problems of logic, mathematics, and general philosophy. This book, though sketchy throughout and philosophically thin in spots, is provocative and richly suggestive, perhaps in part by reason of its independence of the beaten paths through its region of discourse.

WILLIS MOORE

University of Tennessee

NIKHILANANDA, SWAMI. *Vivekananda: A Biography*. Pp. viii, 216. New York: Ramakrishna-Vivekananda Center, 1953. \$3.50.

This volume may be justly commended both for its subject, Vivekananda, Hindu apostle to the West, and for its object, the persuasion of Westerners to understand Hindu idealism and to count it of value as Indo-Western interests mingle. It is well written by an earnest, devoted, and competent disciple of the subject who would indeed commend the Ramakrishna-Vivekananda Gospel to Indians and Westerners alike. Whatever ground of criticism it holds is inherent in its theme—but the theme is worth attention and analysis.

Narendra Nath Dutt, or "Vivekananda," of the Hindu *kayasth*, or "writer" caste, was born in 1862 in Calcutta and died there in 1902. In these short years, however, he traveled widely, was introduced to America at the Parliament of Religions in Chicago, 1893, and founded in America in 1899 the Vedanta Society, having previously in 1897 founded in India the Ramakrishna Mission—all to carry on the work of a succession of reformers of the Hindu order who would make of this congeries of doctrines, rituals, and forms something pure enough for universal acceptance. As our author represents it, Vivekananda would have his people "go back to the perennial philosophy of the Upanishads" (p. 121) and to find peace of mind through "unselfish service" (p. 122).

But our author has much to struggle with! And the competent student of Hinduism may read much into the volume—or out of it—which it does not explicitly contain. It idealizes thoroughly what it deals with; it has to deal with inconsistencies and contradictions in the Hindu order for the sake of making Vedanta

comprehensive; it seems even to read late politics into earlier Hindu thought (cf. pp. 113, 125)—yet Vivekananda himself was something of a politician! It runs thin, in fact, in making out its case for "religious universalism" (p. 130).

Want of space, however, cuts down this review, and only a brief suggestion may be added with reference to Vivekananda's and the Vedantic teaching. Vivekananda's inspiration came from the mother-goddess Kali (pp. 141, 177) and his support from her and Shiva (p. 148). He considered essential Hinduism comprehensive, its idols mere symbols, the many deities aspects of the Eternal One, all religions fundamentally true (cf. Christ, p. 112). Yet he relied immensely upon solitude and meditation (pp. 3, 31, 45, 53, and others), upon "non-injury" (*ahimsa*), and had place for *maya* and transmigration as in the Hindu order. In the end he saw no union of East and West (pp. 162–163)! He has won many followers, however, in the West, and has his rightful place, as the volume shows, in the history of religion.

JOHN CLARK ARCHER

Yale University

ROSS, ALF. *Why Democracy?* Translated by David Gatley-Philip. Pp. viii, 249. Cambridge, Mass.: Harvard University Press, 1952. \$4.50.

"The purpose of this book is not to convert autocrats to democracy, but to get those who are democrats in their 'innermost selves' to understand as clearly as possible the implications of democracy."

Alf Ross, a Dane, composed this essay on democratic ideas and institutions, in response to the occupation of his country by the "Herrenvolk" in World War II. It has been translated for English and American readers by Mr. David Gatley-Philip of London. Considering the stimulus, the tone of this volume is unexpectedly diffident, measured, and restrained. Ross's essay will make no pulses rise nor hearts swell among the common or uncommon peoples of the earth. It is addressed to reasoning beings and demands some effort on their parts to appreciate its message.

The essay considers first the tradition of Western political thought with particular

notice to the ideological forebears of modern liberal democracy. In this connection, much more notice is given Rousseau as the great theorist of modern democracy than this reviewer would support. The modern criticisms of democracy are also reviewed. Ross next reviews the meanings of the word "democracy" in the contexts of politics, economics, and sociology. The ideology of democracy is analyzed in terms of political liberty, economic and social equality, personal freedom, and the use of peaceful procedures for reconciling individual and group differences. The criticisms of democracy by modern authoritarians of left and right are reconsidered and finally the relations of various democratic processes and procedures to the idea are considered.

The following propositions represent the major conclusions of this work: Democracy for its effective realization requires an adequate standard of living and a suitable and extensive system of general education and moral training. Democracy is a separate and distinct idea from nineteenth century liberalism in politics and from capitalism in economics. It is not necessarily dependent on either. Socialism and democracy are not necessarily incompatible, but the socialists must love freedom more than equality. Democracy cannot endure widespread economic exploitation and must offer tangible economic betterment to the masses. Democracy should not open its public offices or, in some cases, even its platforms to those whose real aim is to destroy it. The older conceptions of pure or direct democracy as reflected, for example, in the initiative and referendum are not as appropriate as formerly, and we must accept representative democracy, entrusting larger responsibilities to popularly selected leaders. To survive modern conditions, in fact, democracy must discover new techniques for holding managers and bureaucrats, upon whom we more certainly depend, responsible. The strongest support for democratic ideals is the Christian humanist tradition of the West.

Most of these propositions, as well as many others of less importance made by the author, are unexceptionable. They are also quite widely recognized and accepted

by American political scientists. Ross does, I believe, an adequate job of stating the meaning of, the case for, and the problems confronting the democracies of the world. He adds little, however, to what is already known and understood by thoughtful democrats in this country. All of the problems remain as before even though they are here very nicely, if a bit dryly, stated.

WILLIAM H. YOUNG

University of Wisconsin

WHITE, R. J. (Ed.). *Political Tracts of Wordsworth, Coleridge and Shelley*. Pp. xlii, 303. New York: Cambridge University Press, 1953. \$6.00.

This collection of cogent essays by three Romantic poets ("The Statesman's Manual" and "A Lay Sermon" by Coleridge, "The Convention of Cintra" by Wordsworth, and "A Defense of Poetry" and "A Philosophical View of Reform" by Shelley) is intended "for students of political thought." Texts not easily available are now gathered into one volume; they grapple with political problems from the high level of principle rather than of practical reforms (though Shelley, it will surprise some, is most specific and realistic on the subject of contemporary problems). The style of the essays is dignified with sundry passages of striking eloquence. The texts are not complete, but all that concerns political thought is retained. Shelley's "Defense of Poetry" suffers the severest cutting. The editor adds a clarifying introduction and thirty-six pages of informed commentary.

The introduction is objective but the editor is more sympathetic with Coleridge and Shelley than with Wordsworth. Is this because of the many examples of Coleridge's acute insight and the arresting sentences that so often call for admiration; is it because the sheer splendor and singing fervor of Shelley win the assent before the queries of logic can be raised? The editor does not say this, but simply contrasts Wordsworth's unshakable faith in the common man with Coleridge's address to "the higher and middle classes," and Coleridge's philosophy with Wordsworth's emotion and ardor. Wordsworth's essay is perhaps over-

long, but its faith in the people is not greater than Shelley's in *A Philosophical View*, and it was of course stimulated by a particular occasion. The best defense for it is the words of Bacon that Wordsworth prefixed to his essay: "... men cannot contend coldly, and without affection, about things which they hold dear and precious... a feeling Christian will express, in his words, a character of zeal or love."

It is this generous zeal and love for the melioration of mankind that inspire all these writers: Coleridge leaning toward a re-educated "clerisy" and revitalized church, Wordsworth stanchly maintaining his faith in the common man and suspicious of statesmen, Shelley leading forth the poets as "unacknowledged legislators" and entrusting the future to them but also to enlightened men of science. To zeal and love must be added Imagination (often called "Reason" by Coleridge and contrasted with the more limited "Understanding"), the power in which all these writers placed their highest faith. Imagination was not a single, separable mental faculty but the integral mind operating at its highest potential. Imagination discovered a vital and organic, not a mechanistic, universe. The universe and its inhabitants were not static or in a state of decline; they were dynamic, plastic, and improvable. Imagination and its product, the arts, could be a leading force in the regeneration of mankind. "For the great secret of morals is love; or a going out of our own nature, and an identification of ourselves with the beautiful which exists in thought, action, or person, not our own. A man, to be greatly good, must imagine intensely and comprehensively; he must put himself in the place of another and of many others.... The great instrument of moral good is the imagination...."

Colder spirits will decry such enthusiasm, but so long as sanity and realism are not sacrificed, it is as well to take a high as a low view of man's nature and capacities. Plato's *Republic*, the New Testament, and the Declaration of Independence might be cited.

NEWELL F. FORD

Stanford University

BAKUNIN, MIKHAIL. *The Political Philosophy of Bakunin: Scientific Anarchism*. Compiled and edited by G. P. Maximoff. Pp. 434. Glencoe, Ill.: The Free Press, 1953. \$6.00.

It is useful to make available in English adequate and topically organized selections from the works of Bakunin. It was a worthwhile undertaking, especially given the ephemeral character of much of his writing, and the incompleteness of any edition in any language, and indeed the rather fantastic lack of order which has marked partial or frustrated attempts to present the corpus of his thought. The present topical arrangement, with analytical subheads provided by the late anarchist thinker G. P. Maximoff, does make it possible to grasp the range and content of Bakunin's reflections on various major philosophical and political topics, though it will not be entirely serviceable to anyone concerned with the development of his ideas through his life. Bakunin's own style and the conditions under which he wrote did not, however, initially facilitate systematic presentation, which in any event was not in accord with the temperament of this activist propagandist of freedom through violence.

The text proper is preceded by a biographical sketch of Bakunin by Max Nettlau, itself a fascinating historical document, though not one greatly illuminating as to his ideas or revealing of his life apart from its continued unsettledness and his sustained determination and enthusiasm through insecurity, imprisonment, and conflict. This biography is in turn preceded by an introduction by Rudolf Rocker, which provides some useful guidance to Bakunin's writings and editions, as well as an appreciation of Maximoff.

The work proper, plus these two essays, constitutes a sort of monument to philosophical anarchism in its modern form. Preceding all of these is a so-called "Publisher's Preface" by Bert F. Hoselitz, which is highly useful as a brief essay on the history of anarchism, on the essence of Bakunin's thought, and on the nature of his contribution in and to the movement. Dr. Hoselitz perhaps puts too much emphasis

on the petit bourgeois nature of modern anarchism before Bakunin, though he properly stresses the significance of Bakunin in turning it from a theory of political speculation into one of political action, and notes its transformation into a doctrine for the proletarian masses. He also rightly emphasizes the two elements of libertarianism and of violence in Bakunin's thought, though the combination of the two constitutes a lasting puzzle in theory, if not in biography, which he does not here attempt to solve.

Whether, as Hoselitz claims, Bakunin's thought deserves greater attention than it has received in this country remains questionable. In any event this work, plus E. H. Carr's well-known biography, should provide sufficient information on Bakunin's life and ideas and a sufficient volume of his work for the enlightenment of all save specialists.

THOMAS I. COOK

The Johns Hopkins University

HIGGINS, H. RALPH. *Christianity and America's Social Problems*. Pp. 125. New York: Comet Press Books, 1953. \$3.00.

Vigorously written and wholesome is this little book on the challenge to Christianity of the contemporary social scene in America. It is in the high Kingdom-of-God tradition which has lately been enervated by a too grim theology and defamed by an intransigent social conservatism. The author, who is an Episcopal minister with professional training in the law, is essentially conservative in all his social and political judgments. "Western civilization," he affirms, "has achieved the best forms of society thus far developed among men." Yet he contends for an independent Christian testimony: "Christianity must stand in constant judgment upon the social order."

Dr. Higgins is strongly opposed to monopoly, of which he finds labor as well as business management guilty. He shares the current concern of business over the growth of governmental power. Yet he comments: "In a very general way business, commercial, and banking interests are striving for weak government except when

it serves their special purposes that the government be strong—for example, when labor forces a crippling railroad strike. Labor, on the other hand, feels that it is so politically powerful that a strong government will assure its victory in conflicts with business and industrial management."

With respect to political action the author makes the not uncommon plea that every citizen use the franchise and that "men and women who have proved themselves successful in their careers, and who are sincere in their basic Christian commitment" run for office. The problems here are much more complicated than the brief treatment suggests. It is questionable whether there is any simple duty to vote, period. If the prior duty to become an informed citizen is discharged, the "duty to vote" will probably take care of itself. And running for office is only the last act in a long process of participation in party politics for which probably few of Dr. Higgins' readers have the requisite patience and hardihood.

The author rightly includes among the many important issues he discusses the place of religion in general education. "Whatever may be one's personal view," he writes, "religion and ethics are part of our culture and it ought to be possible to convey the religious and ethical contributions of our heritage without surrendering to sectarian pressures." Unfortunately, this portion of the book was evidently written before the Supreme Court in the *Zorach* case had formulated its present doctrine, which is in sharp contrast to the rigid legalism that characterized the ruling opinion in the *McCullum* case. Closely related to this problem is the author's timely appeal for an improvement in Protestant-Catholic relationships.

Dr. Higgins has presented an analysis of Christian social responsibility that is realistic and judicial, yet free from the sophistication and somber pessimism that characterize much of the literature of Christian ethics in our time.

F. ERNEST JOHNSON

New York City

McFARLANE, K. B. *John Wycliffe and the Beginnings of English Nonconformity*.

Pp. 197. New York: The Macmillan Company, 1953. \$2.00.

This addition to the "Teach Yourself History Library" supports the claim of the general editor A. L. Rowse that the "most congenial . . . and practical approach to history is the biographical," for of Wycliffe the author writes: "As a scholar, politician, preacher and rebel he touched his times at so many points that to follow him through his various avocations is to learn much that is worth knowing about the England of his day." In preparing a book intended for both scholar and layman, K. B. McFarlane, has done an excellent job. He writes with a confidence born of a knowledge of the sources, and he writes with imagination. For example, "The St. Albans chronicler, barking from the security of his monastic kennel, was loud in his scorn for episcopal time-servers."

The study is most provocative—there are so many misconceptions to correct since most of what has been written about Wycliffe has appeared in "works of edification rather than of history." The picture Mr. McFarlane draws of Wycliffe is strange though not unhistorical. He finds him to have been a notable scholar and prodigious worker, yet "repetitive, disorderly and incomplete" and on doctrines such as transubstantiation "not sure himself what to think"; sincere and virtuous though inclined to be caustic and arrogant in controversy; politically inept and without the influence upon Lollardy, Hussitism, and Protestantism commonly attributed to him. Similarly strange is the open mind with which Dr. McFarlane views the intellectual traditions of Oxford whether in Wycliffe's day or after, the system of papal provisions, the career of John of Gaunt, Archbishop Courtenay's success against Lollardy at the university, and the proceedings of the English hierarchy in the eradication of that heresy. He calls these bishops "humane, hesitant, almost squeamish" in their movements. "That they have been depicted otherwise since the days of Foxe does not say as much for English historians." Particularly convincing is his description of the transformation Lollardy underwent, first as a consequence of the

defection of its Oxford leaders, then of that of the few knights who were associated with the movement prior to the fiasco of Oldcastle's revolt—if one may call something a movement which affected no more than an "insignificant minority." Because of the loss of its conservative elements, it was the Brownists and Independents, not the Anglicans, who fell heir to the Lollard inheritance.

To offset the unwarranted attack negative Protestants and nativists will mount against Dr. McFarlane's study, one may feel justified in withholding mention of the occasional tree the author has overlooked or misconstrued in his anxiety to keep his eyes on the woods.

JOSEPH H. DAHMUS
Pennsylvania State College

COMMONWEALTH OF NATIONS

BROWN, W. NORMAN. *The United States and India and Pakistan*. Pp. xi, 308. Cambridge, Mass.: Harvard University Press, 1953. \$4.50.

The tone and scope of this book are objectively analytical and successfully carry the reader through a labyrinth of data from the history of the Indian subcontinent. The story of India's evolution is narrated here according to (1) historic and geographical facts which have made India an economically indivisible land-mass area; (2) impacts of influences wielded by native and foreign personalities of distinctive character; and (3) geopolitical forces that have plunged India into recurring crises and which force her toward a new social order.

This has become a survey study of the ancient Indo-Aryan, medieval Muslim, and modern Western culture-conflicts which have been waged on the soil of India. It is a calmly confident study typical of the scholarship status of Dr. Brown and expressive of his background of missionary parentage and responsibilities of highly confidential research assignments during the Second World War. He states what the students of the Indian subcontinent know and what they often conveniently

fail to know. He indicates his deeper cultural sense, the vagaries of Western prejudices and aggressive superiority complex, and the numerous presumptions and pretenses of the Hindu-Muslim and the American minds.

This book is at once useful for the American foreign policy makers and for the general enlightenment of serious-minded Americans. If it should achieve popular appeal, it is likely to go far toward absolving Americans from the frequent accusation leveled at them for their superficial and sensation-seeking reading habits. Dr. Brown admits the difficulties in achieving such appeal even among the academically educated Americans. Unless such efforts to lay accusations in both the United States and in the Indian subcontinent assume real proportions, the facts of mutually damaging propaganda efforts will neither lose their influence nor will their impact cease to create embarrassing hurdles for all concerned.

All such products of heavy and comprehensive scholarship tend to acquire "retentive, revisive or revolutionary character." This effort of Dr. Brown's seems to this reviewer to be a product of a mixture of the first two trends and is likely to promote, at best, a revisive inspiration. It is not thought-provoking like the revolutionary analysis of facts and events which the British historian Arnold Toynbee has been marshaling to expound the shape of things to come. We are living in a world in which "partition technique" for political policies has locked horns with "provocative economic integration policies." Both being aggressively vital, they have challenged the validity of the American pattern which stands for a union of autonomous federal economy of interests. To make the American ideological pattern applicable to nations like India and Pakistan much more will have to be done. This book will serve well to provide groundwork and perspective. More forthright studies to make the American policy makers understand the need of making Americanism serve as a "third force" will have to be made in order to meet the challenge to modern scholarship.

Dr. Brown's scholarship status as an ori-

entalist and his first-hand familiarity with the details of events and temperaments of the leaders of Indian and Pakistani movements lend authority to his exposition.

RAJARAM VINAYAK GOGATE
Washington, D. C.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT. *The Economic Development of Ceylon*. Report of a Mission organized by the IBRD at the request of the Government of Ceylon. Pp. xxxiii, 829. Baltimore: Johns Hopkins Press, 1953. \$7.50.

The Dominion of Ceylon, a land fascinating anthropologists, where remnants of an original Indo-Australoid race dwell, also is fascinating economists, agriculturists, and educators. The Government of Ceylon requested the International Bank for Reconstruction and Development, in May 1951, to send a mission to survey the potentialities of agriculture, especially rice cultivation, mixed farming, dairying, colonization, and resettlement; irrigation; fisheries; minerals; power; industrial development; inland transportation and shipping; vocational training; health, including housing and water schemes; and a general economic and financial survey consisting of public finance, money and banking, savings and investment, and balance of payments. The Bank organized the Mission, with the cooperation of two other international agencies. The chief agriculturist was nominated by the Food and Agriculture Organization of the United Nations, and the World Health Organization named the specialist in health.

The Report is divided into two parts. Part I outlines the main problems of Ceylon's economy. It contains the conclusions and recommendations of the Mission. Part II analyzes the background and problems of the various fields. The Summary (pp. 120-131) lists 78 of the most important practical recommendations of the Mission. A sampling of these recommendations shows the wide scope of the studies undertaken.

A Ceylon Institute for Applied Research should be formed. The Electrical Undertakings Department should be changed into

an agency comparable to the British Electricity Authority. Food subsidies should be eliminated gradually. Government policies should encourage maximum efficiency and research in the export industries (tea, rubber, and coconuts). Land tenure should be improved. The first step in this direction calls for the "Torrens system of registration." The present backward state of animal husbandry should be remedied by a 25-year plan based upon cattle breeding and development of the milk supply. Sound cottage industries should be encouraged. Civil aviation ground facilities should be modernized. The government should initiate a campaign to popularize the planning of parenthood in order to check the rapid increase of population.

The recommendations include ten relating to education and technical assistance. The University of Ceylon should be expanded with special attention given to the departments of agriculture and engineering. The advice of specialists from national and international organizations should be sought for the Agricultural Department, Irrigation Department, and Electrical Undertakings Department. Teachers' training colleges should be enlarged to provide for the graduation of 2,300 yearly.

The United Nations agent, the government official, the importer and exporter, the seminar director, the candidate for a higher degree—all will welcome this study of Ceylon and add it to those IBRD studies thus far published, dealing with Colombia, Cuba, Guatemala, Iraq, Jamaica, Nicaragua, Surinam, and Turkey.

THOMAS E. ENNIS
West Virginia University

RYAN, BRYCE. *Caste in Modern Ceylon*. Pp. ix, 371. New Brunswick, N. J.: Rutgers University Press, 1953. \$6.00.

Careful study of caste in South Asia indicates the degree to which color castes in the United States depart from a social structure founded on family honor and on subordination of marital choice to family integrity. This comparative insight, however, is only an incidental contribution of *Caste in Modern Ceylon* to the social sciences. The author sheds clear and wel-

come light on a long murky subject and on a world area that has been neglected sociologically.

Origins of caste in Ceylon are wisely passed over for examination of sound historical material. In a neat demonstration of the age-area hypothesis, Ryan suggests that the Sinhalese system may represent the caste structure of India prior to Brahmanical influences. A distinction is then drawn between the Brahmanically founded four-tier ideal caste system versus the actual manifestations of the caste structure—an analysis badly needed for the subcontinent. The reader is led to see how the caste system influenced the organization of foreigners who came into contact with the system. "Case material"—brief sketches of a series of villages distributed in different regions of the island—shows how the national picture is comprised of regionally distinct patterns of caste organization. These sketches are also a reminder of the thinness likely to characterize descriptions of national culture and call attention to the need for careful sampling by students who choose to work on this level. Anthropologists interested in area research can take several lessons from the author.

Contemporarily caste is less in process of disintegration in Ceylon than in reorganization. Caste as a prestige determinant is losing its former importance in favor of occupational and political factors. The system is manifestly incompatible with the revolution that has oriented Ceylon toward the nationalistic, democratic patterns of the West. Political scientists will be interested in how caste communalism manifests itself in voting behavior.

Bryce Ryan went to Ceylon in 1948 as first Professor of Sociology at the University of Ceylon. Extensive field research underlies the material of this book. The volume should become one of lasting value to students of social organization and to specialists in South Asian culture.

JOHN J. HONIGMANN
University of North Carolina

HUTT, ALLEN. *British Trade Unionism: A Short History*. Pp. 200. New York: International Publishers, 1953. \$2.25.

The author of this brief account sees four periods in British trade union history: (1) an early revolutionary one, (2) the mid-nineteenth century when the skilled craftsmen successfully organized, (3) the later militant "new unionism" of the semi-skilled and unskilled workers, and (4) the era of the great wars when labor tamely took its place as part of the social machinery of the State. He looks forward hopefully to a fifth period when unions will emancipate themselves, adopt forward looking policies, and play a radical and fundamental part in social reconstruction; this outlook is throughout so dominant that the book could serve as a political pamphlet. It is no accident that the index shows more references to the Communist Party than to the Labour Party and that citations reveal reliance upon Communist sources far out of proportion to that Party's importance.

As portrayed here trade union history is mainly a record of industrial strife. At the outset the author quotes Engels approvingly to the effect that the unions were schools of war to prepare workingmen for the inevitable revolution. At the end he does not account for the fact that the years following 1945 saw only one-sixteenth as many working days lost in stoppages as in a comparable period following the peace of 1918; Hutt records mainly the sporadic strikes, the left-wing minority movements, and Communist-inspired moves for "working-class unity." As the nineteenth-century moderates were the earlier targets of his polemics, so it is later with Bevin and Citrine. Always the rank and file are treated as essentially progressive and militant; actually, except in such periods as the Councils of Action of 1920 and the great strike of 1926, the movement has stood to the right of its leaders.

In the treatment of political issues the "Party line" shows clearly. Wartime collaboration after 1914 harnessed the working class to "the war chariot of imperialism" and to "the central organ of class rule, the State" (p. 69). There is a similar denunciation of the Labour leadership in 1939, although, needless to say, after the German attack on Russia all things become right that had been wrong before. The

postwar Labour Government's record is attacked as one of futility at home and of imperialism abroad; the only hope for the future, accordingly, rests in an alliance of Communists and leftists to provide "the resolute class leadership that the hour demands" (p. 195) and in a "linking with the peace forces in the world—the Soviet Union, the Peoples' Democracies, People's China—and a break with aggressive America" (p. 196).

CARL F. BRAND

Stanford University

TAWNEY, R. H. *The Attack and Other Papers*. Pp. 194. New York: Harcourt Brace and Company, 1953. \$4.50.

This is a slight volume of occasional essays, first appearing in print between 1916 and 1950, by the well-known English economist, who has become recognized for his efforts to reconcile in socialism the deep differences between economics and morals.

These articles are of varying interest and importance. Most engaging among them are the earliest ones, which have no connection with economics, but tell of Tawney's personal experiences in World War I. It is evident that the horrors and monotony and squalor of combat have made a deep imprint upon his imagination and imbued him with a fiery hatred for the brutality and stupidity of such a way for settling international differences. Yet, when he wants to express British ideals in World War II, he is forced to the conclusion—once more that for free men there can be a fate worse than extinction.

His approach to economic systems—and especially socialism—is at once sympathetic and sardonic. At one point he explains it by observing that "a large dose of imbecility is a necessary ingredient in any movement which aspires to be representative." But in another passage he interprets the ground swell which eventually brought the Labour Party into power, followed by such broad areas of industrial socialization, in this fashion:

"It is idle to blazen Liberty, Equality and Fraternity on the façades of public buildings, if to display the same motto in factories and mines would arouse only the cynical laughter which greets a reminder

of idealism turned sour and hopes unfilled. What men desire is, not paragraphs in constitutions, but results, in the form of arrangements which assure them the essentials of a civilized existence, and show a proper respect for their dignity as human beings."

He sees socialism as nothing sacred or perfect, but as a substitute which needs to be given its chance when laissez faire capitalism, enfeebled by two wars, fails to answer the economic needs of the nation.

ALPHONSE B. MILLER
Philadelphia, Pennsylvania

ORLAND, HAROLD. *Utopia, Ltd.: The Story of the English New Town of Stevenage*. Pp. xvi, 313. London: Routledge & Kegan Paul (distributed in the U. S. by Yale University Press), 1953. \$4.50.

This very interesting and readable book about an experiment in planning was never planned as written. As the author, an American cultural anthropologist, explains, he had set out to write a monograph on the old town of Stevenage, but gradually shifted his focus toward the problems posed by the "New Town" which the National Government began to develop immediately after the war as the first of the "Satellite Towns" which were to relieve the concentration of population in London County. In his own words: "finally he concentrated his attention upon the New Town and the sociological problems it posed," summing up his discussion in the question: "Must utopia, realized, always disappoint?" This is a curious misinterpretation of his own work by an author. At the time of his writing, the New Town of Stevenage was not yet a reality and could therefore neither pose sociological problems nor disappoint—or satisfy—anyone. In fact, the author deals with two rather separate subjects: first, with a theoretical discussion of the problems which the town is expected to pose in the future, if and when it will be built and inhabited; and second, with a description of the problems—and disappointments—which have arisen in the process of developing the town, in particular in its relations with the old town of Stevenage and the various interests and ideas of its inhabitants. "The resultant sequence of

events," as he states, "reproduced in miniature the cosmos of a modern democracy's relations with its citizens."

It is in dealing with this second theme that the author makes an original and valuable contribution, which is presented mainly in Chapters V, "Local Interests," and VII, "Council-Planner Relations." This is an excellent analysis of the social structure of the old town, of the interests and attitudes of its various groups and of their interaction, and of the functioning of local politics and local government in an unprecedented situation. It is illustrated by a vivid description of much significant detail and is only occasionally marred by the "cultural relativist's" absolute contempt for believers in cultural absolutes, such as the sneer at the "rural cult" as a "disease that has ravaged England remorselessly."

Chapters VI and VIII, on the workings of the Development Corporation and the Ministry, are able illustrations of the familiar theme of the functioning of bureaucracy. The first three chapters are well-written summaries of the history of the New Towns Act, of the old town of Stevenage, and of the Stevenage Project. The fourth, containing some incisive comments on the planning concepts of the "balanced community" and of the "neighborhood," but also a rather confused and unnecessary discussion on "flats versus houses," suffers somewhat from the author's limited experience of the problems discussed.

As the author acknowledges in a candid appendix, "some errors of proportion" may have given an unduly negative picture of the Stevenage enterprise. These errors are magnified by the loose use of such terms as "planners" and "utopia," as in the phrase: "The utopian design of improving the human condition by human means"; an interpretation which would make all and any human action "utopian." It might have been more pertinent to point out that the three main obstacles to the development of the New Town, described by the author—first, the acceptance of the proposal by the Town Council without participation by the citizens, in the spring of 1945; second, the discrepancy between the inflated market value of property and the

legal value for compensation, frozen at prewar levels; and third, the cutting off of all funds for New Towns in 1947 because of the dollar crisis—were all direct effects of war, present, past, or anticipated. If the story of Stevenage has a moral, it is that not only utopia and planning, but democracy and welfare as well, are narrowly limited without peace.

HANS BLUMENFELD
Philadelphia, Pennsylvania

WILLIAMS, FRANCIS. *Ernest Bevin: Portrait of a Great Englishman*. Pp. ii, 288. London: Hutchinson & Co. (distributed in the U. S. by the British Book Centre), 1953. \$4.50.

One of the occupational hazards facing the student of British Labour is the prevalence of the "Horatio Alger" approach to the writing of biography and autobiography. Mr. Williams is, therefore, all the more to be congratulated for this fine study. His careful assessment of Ernest Bevin's life, faults and all, lends depth to one of the spectacular success stories of recent times. Whether or not Bevin was quite the great Englishman of Mr. Williams' subtitle, he was certainly a key figure in the twentieth-century history of Great Britain and, it may be, of the world. At various points of his career, his impact was critical on the structure and aims of the trade union movement, on the direction of Labour party policy, and on the character of British foreign policy. His personality was as interesting as his work was significant. Ruthless and sentimental, vulgar and sensitive, egomaniacal yet genuinely devoted to the class from which he sprang, he was a great deal more complex than appeared from his public pose as a kind of workingman's John Bull.

All of this comes out quite strikingly in this biography. Bevin's first contacts with trade unionism in Bristol, his making of the gigantic Transport and General Workers Union, his role in the debacle of the Triple Alliance in 1921 and again in the General Strike of 1926, his struggle for collective security in the Labour party during the nineteen thirties, and finally his brilliant job at the Ministry of Labour during World War II are discussed with

candor and with an insight born perhaps of the author's own long experience on the *Daily Herald* and in the Labour party.

Somewhat less satisfactory is the treatment of Bevin at the pinnacle of his career, when he took over the Foreign Office in Britain's postwar time of troubles. There will perhaps be little quarrel with his emphasis on Bevin's importance in the slow forging of Western resistance after 1947 or with the argument that the Marshall Plan was to a large extent Bevin's own creation. But Mr. Williams tends to minimize mistakes which were made during this period as well. He plays down, for example, Bevin's stubborn mishandling of the Palestine issue, and attempts to place the burden of responsibility upon pressure groups in the United States—an analysis which may have some validity, but which hardly serves to explain Bevin's bumbling. On the whole, however, Mr. Williams makes few dogmatic claims for this part of Bevin's career. He is content to describe its high points and wait for the future to render final judgment. This will not be the definitive biography of Bevin, but until such a study becomes possible it will serve very well indeed.

HENRY R. WINKLER
Rutgers University

EYCK, ERICH. *Pitt versus Fox, Father and Son: 1735-1806*. Translated by Eric Northcott. Pp. viii, 396. London: G. Bell and Sons (distributed in the U. S. by The Macmillan Company), 1950, 1952. \$4.50.

If one might use terminology of a five-year-old, this book is about "good guys" and "bad guys," about the Foxes and the Pitts. It is the political history of England 1735-1806 as illustrated by Henry and Charles James Fox and the Elder and the Younger Pitt. So dazzled is the author by his German "Liberal" prejudices that he had eyes only for the writings of Macaulay, George Trevelyan, and other perpetrators of the "Whig Legend." A better understanding of recent scholarship as exemplified by Namier, Barnes, Guttidge, and Feiling would have kept Mr. Eyck out of the many pitfalls into which he has stumbled. Yet one can understand

why such historians have been ignored. Their findings would have made it more difficult for the author to draw his shadings of black and white. The truth would have complicated the writing of history with a message.

Half-truths, partisan interpretations, and errors abound. Mr. Eyck's sympathies lie with the "Grand Whiggery" of the Rockinghams and the Foxes, who alone use pocket boroughs for the good of the people. Politicians desert or sell out to the Tories, but they nobly go over to the Whigs. The Younger Pitt is petty trying to force C. J. Fox from his Westminster seat—and he ran second not first—but Fox is intellectually honest trying to keep the dead Pitt out of the Abbey. Pitt is a low scoundrel for not pushing Catholic Emancipation in Ireland, but Fox's failure to cope with the same issue is ignored. Wilberforce condemned Pitt's rejection of Napoleon's peace overture, but two days later went along with Pitt, a point conveniently ignored as Mr. Eyck shows that even Pitt's best friend was with Fox. Pitt is castigated by means of a Fox speech for having no war aims, but no mention is made of Pitt's "Security" speech, which in some ways rivals that of Churchill's "Finest Hour." The Pitts, Grafton, and Shelburne are consistently labeled anti-Whig, yet the four to their deaths considered themselves to be members of that party. Mr. Eyck has no conception of the Pitt "men not measures" philosophy.

Certain well-established facts, moreover, seem to have slipped by him. Burke's attacks upon Hastings and the North-Fox India Bill had other motives than humanity. George III was not trying to resurrect the Tory party, and one did not have to be a Whig or Tory to have a seat in Parliament. Hester Grenville was an intelligent and able woman. England did not go to war in 1793 for the sole reason of crushing liberal doctrines, and everything was not bought and sold to make the peace of 1763.

The translation is excellent and the book lively and readable, but except for the greater emphasis on the four men, there is little which cannot be found in the works of Mahon, Lecky, and other historians of

the Whig school. So closely does Mr. Eyck follow his predecessors that the reader can predict which time-worn quotation will next appear. The only backneyed phrase omitted is the Younger Pitt's threat to "un-Whig" Fox in 1784. Perhaps the use of that statement might have tarnished the pure Whiggery of Fox and lightened the black Toryism of Pitt. Whatever the reason, Mr. Eyck in his book has "out-Whigged" Macaulay.

JOHN J. MURRAY

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SLAVIC COUNTRIES

KOHN, HANS. *Pan-Slavism: Its History and Ideology*. Pp. ix, 356. Notre Dame, Ind.: University of Notre Dame Press, 1953. \$6.25.

The evolution of the idea of Slavic unity, from the initial conception of Herder in 1784 to the most recent interpretations of Soviet ideologists, receives in this study its first full exposition. In a style that will appeal to a wide audience, Professor Kohn passes in review the writings of many individual thinkers and the various political movements based on their theories. Included in this panorama is a broad sweep of ideas that at first glance appear to possess little inherent unity, but as the story develops significant patterns emerge.

It becomes apparent from Professor Kohn's narrative that Pan-Slavism represents a cluster of ideas that is suited to many purposes. It is interesting to note that for the Western and Southern Slavs in the first half of the nineteenth century, Pan-Slavism served principally as a means of national liberation from the Hapsburg and Romanov empires. Although the failure of Pan-Slavism in this role became apparent when its political weakness was revealed at the Slav Congress in Prague in 1848, its emotional appeal remained available for other purposes. It was soon taken up by Russian nationalists and became a significant instrument of Russian foreign policy. From the notable Pan-Slav Congress held in Moscow in 1867 until the de-

feat of Russia in World War I, Pan-Slavism served as one of the principal weapons of Russian propaganda and helped to set the stage for the fateful rivalry with Austria-Hungary in the Balkans.

Under Lenin revolution was substituted for nationalism as an emotional appeal, and the ideology of Pan-Slavism was vigorously attacked as an instrument of the "bourgeoisie." With the victories of Russia in Eastern Europe in the 1940's Pan-Slavism was nevertheless revived, and the Pan-Slav congress held in Belgrade in 1946 demonstrated that the propaganda value of this ideology is still serviceable. This time Pan-Slavism was wedded to Communism in an uneasy union, and today it is playing a familiar role in the service of Soviet foreign policy.

Professor Kohn demonstrates that Pan-Slavism rests on a solid theoretical heritage and fills powerful emotional needs, although it has never in practice been a spontaneously successful ideology. Lacking inherent political form, Pan-Slavism has been adaptable to various purposes and despite serious limitations its appeal in Eastern Europe has always been real. It seems probable that by now the force of this ideology has been just about exhausted by Soviet propaganda, but since the Slavic peoples of Eastern Europe are still in a state of unrest Pan-Slavism may well be heard from again. Whether it may serve once more as a rallying point against the Russian state, as it did a century or more ago, will depend as much on the skill of the rival propagandists as on its ideological content.

C. E. BLACK

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FISCHER, LOUIS. *The Life and Death of Stalin*. Pp. 255. London: Jonathan Cape, 1953. 16s.

Louis Fischer is former Moscow correspondent and author of several books among which is his most eminent work, *The Soviets in World Affairs*. Compared with that two-volume study of Soviet foreign affairs, this latest book is a rather pallid and less original piece of work. Mr. Fischer refuses "to enter the miasma of prophecy," since this book was evidently

written before Stalin's death; it is therefore an attempt at an evaluation of Stalin's quarter of a century of unchallenged leadership. Yet, temptation is irresistible, and here and there the author indulges in speculations which at times are based upon rather unsound assumptions. Some of his statements are sweeping and as bold as they are inexplicable. Why, for instance, was a Russian theological seminary a "seedbed of rebellion"? Or why should it have required courage of Stalin to remain outside of the revolutionary movement while he studied at the seminary? The author states these things without any explanation, and to me they remain a mystery.

Many details cited by Mr. Fischer are more appropriate in the frame of a pulp magazine story than a historical account. Thus, the author knows that when the police knocked on the door of Stalin's lodging (at night of course!), Stalin, half-awakened, groaned "Why don't you let me sleep?" "The night," Mr. Fischer asserts further, "is made for arrests in Russia." Certainly night life in Russia served other purposes than merely an expected visit of the gendarmerie. Describing Stalin's "underground life," Mr. Fischer again states that Stalin would spend nights in a tea room, "order tea and sip it for hours," and "sometimes, between glasses, put his head on the wet, oilcloth-covered table and sleep."

Mr. Fischer refers frequently to sources about which the student of history would like to have more precise information as to their whereabouts and how some of the important assertions could be checked. It is exasperating at times to find scattered statements such as the following: Stalin made a speech on January 19, 1925, which was supposed to have been suppressed and published only in 1947. A less gullible reader might like to know where precisely did it appear and under what circumstances. The book fails to say. Mr. Fischer asserts further that when Stalin dismissed Litvinov in May 1939, he wired confidentially to all Soviet embassies and legations abroad to explain the dismissal. This was shown to Mr. Fischer by "one of the recipients." Readers must take the word of the author.

In interpreting the famous Stalin-Trotsky feud, the author uses needless superlatives. Surely the feud was not "the greatest of all times" since the Danton-Robespierre feud was no less sanguine even though of shorter duration. The assertion that Stalin had little acquaintance with world history can be seriously questioned when one recalls the impression he gave some world figures during the last war. Mr. Fischer sadly fails to comprehend the fact that the nature of the Stalin-Trotsky feud was more than a clash of personalities: its roots went deeper into the course of the revolution. The account presented in this book depends too much on Trotsky's autobiography, which is a fascinating book but a slightly subjective source for the historian. As to the analysis of the Stalin-Hitler marriage and divorce, the account is oversimplified and narrowed down again to personalities, a method which will never result in a correct picture of the inner springs of a sorrowful period of continental affairs; only then can this drama be completely grasped.

Altogether, the book is a "dated" piece of work which the author must have written because of the book market demand. It is too premature, and we are too emotional to account for such recent events. The sanguine age of Stalin remains a subject for a future von Ranke rather than for the "I saw Stalin many times" type of writer.

ANATOLE G. MAZOUR
Stanford University

RUNES, DAGOBERT. *The Soviet Impact on Society: A Recollection*. Pp. xvii, 202. New York: Philosophical Library, 1953. \$3.75.

This study of the Marxist ideology and its materialization in Kremlin controlled Bolshevism was written fifteen years ago by the philosopher Dagobert Runes and has fortunately been published this year by the Philosophical Library. A scholarly foreword by Harry Elmer Barnes reviews his own position on the Russian problem over against "the fellow travelling 'Genera-

tion on Trial' of the New Deal dispensation." Even if Dr. Runes and Dr. Barnes are wrong in their emphasis of certain points of Marxian doctrine and trends in twentieth century history, this work is a remarkably lucid and scholarly presentation of the impact of contemporary communism on the western world.

Part I of this monograph contains a brief biography of Marx and an analysis of Marxism. Part II reviews the development of the changing economic and social system in Soviet Russia. Part III traces Lenin's attempted colonizations in Hungary and Bavaria along with the foundation of Soviet imperialism in China. Part IV is a prophetic survey of the Communist Party in America.

Since Dr. Runes is neither a renegade Communist nor a former fellow traveller, his highly critical and consistent viewpoint of Marxian theory and Soviet practice, which was written long before the Cold War began, should serve as a popular textbook for anti-Communists. It may be noted that the author attacks the conviction of American Jews that Western support of Russia in June 1941 would assure the European Jews of an end to anti-Semitism after the allied victory over Nazism and Fascism.

In a case study of Communism in action more emphasis should be placed on the Bolshevik creed which offers an explanation of historical evolution and furnishes Communists, crypto communists, and beach combers waiting for the wave of the future with a guide to the past, the present, and the age to come. For Bolshevism must be understood as a social and political religion which now sustains the totalitarianism of the modern world. Moreover it is unnecessary to prove Marx's predictions to have been in error. The Soviet people-bureaucracy, red army, industrial proletariat, and peasantry are by 1953 well aware of the discrepancies between theory and practice. Stalin was an able and ruthless dictator, who also played a remarkable game of poker against the two best the Western camps produced. Yet more than any European of his age, Stalin understood the impact of modern industrialized society on village life and

therefore tried three different solutions of the agrarian problem.

"Stalin injected the race problem into the Marxist system," Dr. Runes states, "by segregating Jews from other Russians." It is however highly improbable that Birobidzhan, the phony republic in Siberia, will become the world's largest ghetto. Soviet anti-Semitism began in Lenin's dictatorship, and the latest atrocities can be traced back to the differences in the Party before Lenin's death.

Hitler's purge of 1934 convinced Stalin that Bolshevism must be buttressed by a new orientation of Russian nationalism. Lenin's famous 1915 article "About the National Pride of the Great Russians" did not prevent Stalin from suddenly reviving Great Russian national traditions and Russian imperialism. In "the palaeobolsheviks of 1936-39" leading Jewish members of the Soviet bureaucracy were not tried as Jews but as Trotskyites or members of the "bloc of rights." Stalin had thus liquidated more Jews than Hitler before 1939. Finally at the very close of his long dictatorship Stalin authorized a new anti-Jewish purge which was planned to secure the support of the Russians and many non-Russians in the U.S.S.R.

RALPH HASWELL LUTZ
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WESTERN CONTINENTAL EUROPE

ROMMEL, ERWIN. *The Rommel Papers*. Edited by B. H. Liddell Hart, with the assistance of Lucie-Marie Rommel, Manfred Rommel, and General Fritz Bayerlein. Translated by Paul Findlay. Pp. xxx, 545. New York: Harcourt, Brace and Company, 1953. \$6.00.

This is a historical source book and a commentary on modern war by one of its masters, but above all it is the story of an officer and a gentleman, a devoted husband and father.

The first part deals with the advance into France by Rommel's division. The debacle of the French is epitomized in Rommel's drive with a small escort through masses of French troops and their obedi-

ence to his order to lay down their arms.

Then comes Africa—an account of the operations with a running commentary on the merits and shortcomings of both sides. Rommel is honest and objective, with a genuine respect for his British and American enemies. In the African war he upheld "tradition in the field of soldierly ethics" while breaking with it in the realm of tactics. Here he developed new techniques which, as long as he had logistical and air support, kept the British on the run. At Alamein he was practically immobilized by shortage of gasoline and was forced to the type of warfare at which the British excelled.

In the retreat to Tunisia Rommel had barely enough fuel for each day's move and none for mechanized counter thrusts. He capitalized on Montgomery's caution though frequently unaware of his opponents' difficulties. Editor B. H. Liddell Hart, whose writings Rommel admired, has supplied notes giving the true British picture.

The concluding chapters cover the Normandy invasion, Rommel's wounding, and his death. Some of his most interesting commentaries were written just before his enforced suicide. Gaps in Rommel's own papers are supplied by General Bayerlein who was closely associated with him in various capacities and by his son Manfred, based on letters, notes, and conversations. There are also foresighted observations on political affairs as, "Russia and the West are like fire and water. There will be friction and probably war. Perhaps not immediately after our collapse, for the whole world is tired of war. The danger will come after a few years."

Whether one reads to study tactics, made difficult by inadequate maps, strategy, the principles of mobile war, or for a contemporary narrative of events, there emerges from this book a man who like Lee and Jackson fought on the losing side against superior numbers and equipment. Like them he won battles through greater mobility and by "bold operations."

A professional soldier, he despised Goering and Himmler but was loyal to the Führer until he realized that Hitler was prepared to destroy Germany rather than

abdicate. Rommel then took action which led to his refined totalitarian murder.

This is a human document and easy to read.

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KESSELRING, ALBERT. *Soldat bis zum letzten Tag*. Pp. 475. Bonn: Athenäum Verlag, 1953. 18 DM.

Soldier to the Last Day, the memoirs of Field Marshal Kesselring, is the story of the fateful intertwining of a man's career with history. The author introduces us to the beginnings of his military career before World War I, his service in the Reichswehr, and the substantial part he played in the creation of the Luftwaffe. A ten-page appendix on the rise and fall of the Luftwaffe is one of the few portions of the book which was written with insight and analysis.

An account of the military operations before and at the beginning of World War II is followed by a description of the war in the Mediterranean Theater, as seen from the vantage point of the German Supreme Commander, and valuable for that reason. Notable during that period were his ebullient optimism, leading him to make promises to Rommel which he could not keep, the correctness of his estimates of Allied intentions, and an extraordinary ability to assert freedom of decision against Hitler's interference.

Kesselring then depicts the last convulsive struggles of the Third Reich, remarkable because he visualized the mirage of a stalemate. He even thought of the Battle of Berlin as a decisive battle of the war. The final act of this personal drama is given to his imprisonment and the trial before a tribunal in Venice. Here Kesselring was indicted for his order to shoot 335 Italian hostages, and for inciting and commanding forces which killed Italian civilians. The death sentence pronounced at that time was commuted to life imprisonment, and he was released from the penitentiary in 1952. On the trial we hear the cogent evidence, now well known, that judicial proceedings served political ends, but of course nothing indicating that the

trial was a projection, right or wrong, of moral judgments.

It is clear that Kesselring was an energetic commander, not sparing of himself, solicitous for his troops, and considerate of man and culture. But it is clear also that he rendered devoted and skilful service to a cause of which he allows himself the luxury of denying judgment. Kesselring says that the flag oath must be the guiding star; profound juridical, philosophical, or religious considerations are not to be applied to it. His book gives evidence of an ethic which must necessarily become one of expediency. Thus he speaks well of the systematic working methods of the Nazi Regime, deplores Nazi "aberrations," accepts blindly Third Reich propaganda, as for example in the attack on Czechoslovakia.

The book has two basic flaws. The publisher should have induced the author to eliminate one: incomplete descriptions, thus leading to poor communication with the reader, and often meaningless presentations. The second flaw is related. He fails to gain insights, or to give the reader an understanding, of the genesis of events. For instance, nothing is said of the impetus given to the growth of the Italian partisan movement by the German forced labor policy. An uninformed reader would, on the basis of the author's story, have to look at the Italians as traitorous, even "diabolic," in following what they interpreted to be their national interest. Similarly, Allied acts seem willful and arbitrary, for there is not an iota of evidence of the revulsion the West felt over concentration camp, brutal occupation policy, or mass slaughter.

Thus, the greatest value of the book is probably the remarkable portrait it gives of the views and value systems, after the catastrophe, of an unreconstructed Nazi Field Marshal. To be sure, he was no rubber stamp like Keitel, but he was surely a loyal servant of his Master.

ERIC H. BOEHM
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GROSSER, ALFRED. *L'Allemagne de l'Occident, 1945-1952*. Pp. 340. 6th ed. Paris: Librairie Gallimard, 1953. 680 fr.

American occupation officials in Germany have often confessed their difficulty in understanding French policies and attitudes; American students of German affairs have recognized the important role of the French since 1945, but they have not always found it easy to interpret French actions. A study by a Frenchman dealing with various aspects of West Germany is therefore of considerable interest in the United States. The professional experience of the author at the Sorbonne and the Institut d'études Politiques, his service as director of the French radio program for German youth and as associate director of the UNESCO office in Germany, and his extensive sojourn in Germany since 1945 make this particular publication of unusual significance.

In Chapter I, for background M. Grosser surveys the German-Soviet alliance, the Atlantic Charter, the Morgenthau Plan, Yalta, and Potsdam—his account of the role of France in the Allied Control Council is brief but of much interest. Chapter II deals with denazification, the Nuremberg trials, the re-education program, and the various occupation organizations of the Allies. Chapters III and IV consider the critical economic situation in Western Germany, the refugee problem, labor unions, and German youth. Chapter V suggests the author's special interest in intellectual and moral forces; it deals with such subjects as the churches, the film, the press. Chapter VI discusses the Basic Law, the establishment of the West German Federal Republic, and international relations. The concluding chapter, which discusses Franco-German relations since 1945, though relatively brief, will perhaps hold the greatest interest for many American readers.

M. Grosser notes the unusual difficulty of a serious analysis of postwar German problems, particularly within the scope of a single rather brief volume. His emphasis on the influence of economic forces on political developments, his concern arising out of the prominent role of former Weimar and Nazi officials in the West German Federal government, his apprehension caused by the reappearance of anti-Semitism, and his disappointment at the rather slow progress made by German uni-

versities in recovering their one-time position of greatness, all strike a familiar note in the minds of American scholars. The study is concluded with a bibliography which indicates that the author is familiar with the fairly voluminous literature dealing with postwar Germany which has appeared in the United States and Great Britain.

HAROLD ZINK

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MCCLOY, SHELBY T. *French Inventions of the Eighteenth Century*. Pp. x, 212. Lexington: University of Kentucky Press, 1952. \$4.50.

This readable and attractive book is a "must" for economic, industrial, and social historians who want a wealth of pertinent information on the beginnings of modern industry outside the familiar field of British invention. This is a fresh and illuminating study of a neglected phase of a great century, well documented, with its evidence clearly presented and closely evaluated. Throughout comparisons are made with developments in England and other parts of Europe, and connections are shown between eighteenth century interest in inventions and the Enlightenment.

The author employs a wide variety of sources, indicated by the extensive bibliography and copious notes. He leans heavily upon the four-volume *Merveilles de la science* (1867-1870) by Louis Figuier, and upon Ballot's *L'Introduction du machinisme dans l'industrie française* (1923), both little known among Americans. More important, McCloy explored, exhaustively, descriptions of inventions approved annually for patents by the Academy of Sciences.

The list of "firsts" in French inventive history is impressive. For example, eighteenth-century France produced the first automobile, the first successful steamboat, the first air travel, and the marvelous Chappe system of semaphore telegraph towers; also the first paper-making machines, gas illumination, silk loom, threshing machine, fountain pen, and the common graphite pencil. It also produced the metric system, and a forerunner of the modern Horn and Hardart "automats."

French inventors were seldom scientists, the author concludes, but were mainly from the apprentice-trained middle class with only a small number educated at the universities or in technical schools. The greater number were from rural districts but fully two-thirds came to Paris to live. Only the rare inventor benefited from his invention, the largest return to most of them being a modest government pension.

France, equal to England in inventive genius, failed to produce an industrial revolution partly because the French Revolution and civil turmoil blighted the late portion of the eighteenth century, but even more fundamentally because private business failed to utilize invention, in spite of government encouragement of the inventor.

In England the situation was the reverse, with private business taking the lead and exploiting inventions, a fact at the base of England's industrial greatness. Perhaps this excellent book has flashes of light to throw upon the struggle today between free enterprise and government control of industrial development.

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THOMPSON, J. M. *Robespierre and the French Revolution*. Pp. vii, 180. New York: The Macmillan Company, 1953. \$2.00.

What can be contributed by a book of 180 pages on Robespierre and the French Revolution?

The answer is that insight into the past as it is related to the present does not always require great volume for presentation. The value of this book comes from a timely interpretation by a man who has done a larger study on the Revolution and who now gives a restatement on his best thought. The book is written as it might have been told to someone who had read well and who had now come on a Sunday afternoon to sit before the fire to ask the author, "Just what is the essence of your thinking about this man Robespierre?"

Professor Thompson, cognizant of experience with the rise of dictators in our own time, thinking of modern developments of human and civil rights, and know-

ing the growing tendency to think that a state has an obligation to furnish its citizens a degree of social security, tells of the life of this quiet, religious, mystical liberal of the end of the eighteenth century in such a way as to throw light upon all liberals and upon all revolutionary movements.

The United Nations Charter and the Covenant on Human Rights are given background, for instance, by the quotation from a Robespierre address of April 1793, in which we quote in part: "The most important rights of men are self-preservation and freedom. . . . These rights belong equally to all men. . . . Freedom is the right of every man to exercise all his faculties as he will. Its rule is justice, its limits are the rights of others, its source is nature, its guarantee is the law. . . . It is the duty of society to provide a living for all its members, either by procuring them work, or by assuring the means of subsistence to those who are unfit to work." Robespierre proved to be an inspiration to movements for free government, social welfare state, separation of church and state, and a number of other elements of our present freedom in the Western World. It is true that he became engulfed and frustrated by so much of his own work that he found himself to be the victim of his own ideas. This makes one wonder why we should call him a statesman. Professor Thompson also wonders. He finds one area of achievement which will justify the word—perhaps: When Robespierre established his Republic of Virtue by converting the Jacobin republic into one of compulsory Calvinistic virtue, distinctly French, and with a Deity who was a friend of the poor and lowly.

The author's interpretation of the Revolution and of Robespierre is in harmony with the best modern literature on the subject, although there is little footnoting. In a concluding chapter there is a brief sketch of the principal writings of the historians of the Revolution. This book is clearly for the general reader who wants to be free from the dramatic fiction of Carlyle, Dickens, and others. It is interestingly and well done.

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OTHERS

BLACKER, C. P. *Eugenics: Galton and After*. Pp. 349. Cambridge, Mass.: Harvard University Press, 1952. \$5.00.

Eugenics has had a rather unfortunate history. It was inevitable that the theory of evolution, which held that the human species was not unalterable, would stimulate a number of speculations as to what it was that changed human beings and in what direction it was desirable for man to evolve. At the time domestic animals had been improved enormously by what was called artificial selection and it was only reasonable to assume that man also could be improved and improved by analogous means. The difficulties, of course, were not realized. When Francis Galton coined the word "eugenics" the basic machinery of heredity was not known, and would not be known until Mendel's paper was discovered. How to change the genetic potentialities of a stock really presented a number of complexities which were not at all understood.

On the political side eugenics also met with a vigorous opposition as its presupposition cut right across the party line in biology which had been drawn by Marx and Engels in the eighteen seventies. Eugenists were denounced as reactionaries and backward lookers. On the other hand, eugenics became practically a religion to many of Galton's followers. In consequence eugenics has rarely been evaluated unemotionally. There is today a real need for a good history of the doctrine.

Dr. Blacker has written neither a history of eugenics nor a text book on the subject. He has, however, presented much valuable material of a historical nature and he tells very accurately what eugenics was and is. He is particularly concerned with the role played by Galton. Part I (pp. 19-128) covers Galton's scientific activity; part II (pp. 129-322) deals basically with the techniques of eugenic research developed since Galton's time. There are two appendices containing (1) Galton's views on race and (2) a Galton bibliography.

Today there is little research being done which is labeled "eugenics," but the study

of human genetics is making great progress, and the new discipline of population genetics takes as its field many of the problems investigated by Galton. The time may come when eugenics will be evaluated on its merits. When it does, Dr. Blacker's book will be found to contain valuable source material.

CONWAY ZIRKLE
University of Pennsylvania

BALL, W. MACMAHON. *Nationalism and Communism in East Asia*. Pp. viii, 210. Melbourne, Australia: Melbourne University Press (distributed in the U. S. by Cambridge University Press), 1952, 1953. \$2.00.

Professor W. MacMahon Ball, Australian political scientist who has represented his country in Asiatic affairs, has become one of the most perceptive writers on Asia. Covering countries from Japan and China around the rim of Asia to India, this modest book is free from dogmatic solutions. It is a challenging commentary.

The turmoil of East Asia Professor Ball sees as a product of three main forces: a revolt against foreign political control, a social and economic revolt, and a racial revolt. There now exists a determination that the destinies of Asia are to be decided by Asians, and not by Europeans. Colonial powers have frequently miscalculated local sentiment, in the recent postwar period as well as earlier. In Burma, there were rich men, but no rich Burmese. India struggled for more than political power. It wanted "freedom from want and freedom from contempt." Indo-China was governed by Frenchmen for Frenchmen. The contrast between Dutch and Indonesian poverty and dependence weighed heavily in Indonesia. Chinese nationalism was "a revolt against the long train of humiliation she suffered from foreign powers." This has been the stuff of which both nationalist and Communist movements in Asia have been made. With regard to Communism, "it is not poverty but the way the people come to feel about it that may create Communists."

The realities, Professor Ball believes, may require different solutions for different areas. Thus: "To support the non-Communist Government of Burma would seem to be working with history, not, as in some other

countries in the region, to be working against it." The latter part of this statement should lead us to ponder. He also finds it difficult to make all the facts fit the thesis that international Communism controls all the actions of Asiatic Communists. He makes the thoughtful suggestion that it is important for the Western democracies to win the support of non-Communist nations of East Asia, not for their direct contributions or strategic usefulness, "but because without their support the United Nations would express only the interests or the conscience of the West." He believes that it is futile to assume that these peoples will always or generally accept Western moral judgments. As for the future, if this area "is to be saved from coming under the influence or control of the Soviet Union, it will not be by Westerners but by East Asians." He hopes the West will make this possible.

No one who ponders the fate of Asia should miss this book. It is excellent for its economic as well as for its political insights. It should be read widely, for it might help us to become a wiser people—in time.

DALE PONTIUS

Roosevelt College

DONNISON, F. S. V. *Public Administration in Burma: A Study of Development During the British Connexion*. Pp. vii, 119. London and New York: Royal Institute of International Affairs, 1953. \$2.50.

Mr. Donnison's aim is to explain why the British-built system of public administration, and indeed also the influence of that system, disappeared almost entirely from Burma, whereas in India and Ceylon independent governments are carrying on with the essentials of the British system.

Unlike India and Ceylon, Burma was interrupted in its progress toward self-government and her experience of British tutelage by three years of Japanese occupation from 1942 to 1945. Mr. Donnison believes, however, that, even if such an interruption had not occurred, the Burmese might not have been prepared to survive the grant of independence with a stable and effective administration. He feels that they were not ready for the steps toward self-govern-

ment which were introduced by the British in 1923. Being more isolated from the flow of world trade, they lacked the worldly knowledge and interests which were commonplace to the educated classes in India and Ceylon; and, though their elementary schools were better, the standard of their higher education was much below that of India. Likewise the author believes that Burma was unready for the next big step toward greater responsibility when, in 1937, further advances toward self-rule were made there as well as in India.

Mr. Donnison seems to imply that the lack of a genuinely Burmese regular army was an important factor in the failure of the administrative system in Burma. Instead of recruiting mainly indigenous people for the regular army, the British had long relied upon the hill tribes and upon Indians and Europeans. This further weakened the country for an effective defense against the Japanese; and, after the reoccupation, the Burmese Government lacked a strong, unified army which could preserve internal order and assist in bringing about a stable transition to a well-administered independent government.

In spite of its main title, this monograph does not attempt to describe or explain the present condition of public administration in Burma.

ERIC BEECROFT

Washington, D. C.

TSUNG-LIEN SHEN and SHEN-CHI LIU. *Tibet and the Tibetans*. Foreword by George E. Taylor. Pp. x, 199. Stanford, Calif.: Stanford University Press, 1953. 67 illustrations, 2 maps. \$5.00.

The two men who climbed Mount Everest on its southern, or Nepalese, side came as close to Tibet as any non-Communists are likely to do for some time, for since the Chinese Communist invasion in the autumn of 1950 the Roof of the World has been even more tightly sealed to outsiders than before. For this reason any account of Tibet, other than political propaganda, is most welcome. Lowell Thomas and his son gave us a most interesting description of their visit a few years ago, but since then there has been little but confused and contradictory press reports.

The latest substantial addition to the

literature on present-day Tibet comes from the pens of two Chinese who lived there for some years before the Communist conquest, about which they consequently do not appear very well informed. Their account falls into two main parts, the first of which is a summary of Tibetan history, religion, and culture, and the second of which is a description of life and society in contemporary Tibet based largely on the authors' personal observations.

Almost inevitably, the first of the two parts is the less interesting, although it is nonetheless a convenient and valuable summary of its subject. Much of it consists, appropriately enough, of a fairly detailed description of the organization and functioning of the various Buddhist sects and lamaseries. This presents rather heavy going for the nonspecialist, and the specialist will be displeased to note that the authors are somewhat casual in their transcription of Tibetan proper names, which they usually spell phonetically; they should perhaps have added a glossary giving the accepted romanizations for the benefit of those who wish to compare this account with others. This, however, is not intended as a serious criticism, for the authors have provided a useful description of a subject about which too little is known.

The last third of the book, which is generally well written, is of somewhat greater interest. In it the authors describe from their own experience the life and customs of the various classes of Tibetan society. The authors' attitude toward the subject is highly to be commended. They avoid both the nineteenth-century missionary approach of almost undiluted condemnation and the icy detachment with which the contemporary social scientist ordinarily dissects his specimens. They write with sympathy, but with discernment. It is hard to see how a good book on a strange land could be written in any other spirit.

HAROLD C. HINTON

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SCHONFIELD, HUGH J. *The Suez Canal in World Affairs*. Pp. x, 174. New York: Philosophical Library, 1953. \$4.50.

Mr. Schonfield has written previously on various aspects of the history of the Suez

Canal, including a life of *Ferdinand de Lesseps, Italy and Suez*, and *The Suez Canal*, the latter a Penguin volume which appeared some years ago. The present volume consists to a very large extent of the materials from the latter works, brought down to date. Intended largely for the general reader who may desire some acquaintance with the problem of the Suez Canal in a very troubled world, the author, in very broad sweep, carries the canal question back to the most ancient of days (2000 B.C.), brings it through the development and construction of the modern canal in 1869, outlines the issue as it stood in the two World Wars of our era, and ends his story with the project of the Middle East Command (1951-52) and the Anglo-Egyptian controversy over the subject.

The author feels that the current problems of the Near East are not insoluble, if moderation and realism prevail, and he notes that "the vulnerable position of Egypt," through which the Suez Canal passes, has directed attention historically to its strategic aspects. He hopes that "in the not too distant future," attention may be concentrated solely on the "unifying and universally beneficial aspects" of the Canal, to which the builder of the canal, Ferdinand de Lesseps, was devoted.

The volume contains a useful appendix, composed of (1) the firman of concession to Ferdinand de Lesseps, 1855; (2) the charter of concession and book of charges for the construction and working of the Suez grand maritime Canal and dependencies, 1856; (3) the Constantinople Convention, 1888; (4) the Anglo-Egyptian treaty of Alliance (Article VIII and Annex), 1936; and (5) statistics of total transits and tonnage, Suez Canal traffic, 1869-1951.

The general reader will find Mr. Schonfield's volume useful, although it is sketchy, because of its succinctness and brevity. But it is difficult to understand why it should cost \$4.50.

HARRY N. HOWARD

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BLANKSTEN, GEORGE I. *Perón's Argentina*. Pp. xv, 478. Chicago: University of Chicago Press, 1953. \$6.50.

In 1950 Professor Blanksten received a fellowship from the Social Science Research Council, and went to Argentina to study the politics of that fascinating country. He remained for a year, and during that time he had a variety of experiences. The Argentine Congress branded his work as espionage, and outlawed his mission. Some of his friends advised him to leave the country. He was offered 20,000 pesos to write a pro-Perón book. The present volume gives ample evidence that he did not accept either the advice or the offer.

A great deal has been written concerning Argentina under the dictatorship of Juan Perón, but no other work presents so complete or so well-rounded a picture. There are substantial chapters on Perón's rise to power, the role of Eva Perón, the systematic obliteration of individual liberty, the forces for and against Perón, the present structure of Argentine government, the relations of Argentina with other nations. One chapter sets forth, more clearly than ever before, the doctrine of *Justicialismo*. This doctrine, says Perón, is Argentina's middle-of-the-road answer to the conflicting claims of communism and capitalism. Blanksten comes much closer to the heart of the matter when he says that *Justicialismo* is "an ingenious ideological device . . . invented as a disguise for what was considered Fascist."

Various adjectives may be used to describe the style of this book. Good *Peronistas* would doubtless call it impudent and offensive. Some good Americans will call it sprightly—a word heartily endorsed by this reviewer. But other equally good Americans, who value personal dignity rather highly, may say that the style is needlessly flippant. They will not be hard pressed to illustrate their point. "A 'strictly correct, instinctively do-the-right-thing career man' is not to be sneered at," says Blanksten with a sneer. "He can enter into an effective alliance with abeyance, refrigeration, and the South Pole." The volume abounds with such observations.

Factually this book is very accurate, though there are a few minor slips. Thus Professor Blanksten read the 1949 constitution a little too hurriedly when he reported that "all senators are to have six-

year terms and that the entire body is to be elected at the same time." (Article 49 of the constitution states that one half of the membership of the Senate shall be renewed every three years.) But such trivia can readily be forgotten. What must be remembered is Professor Blanksten's brilliant word picture of conditions in present-day Argentina. The book is a first-rate contribution to the literature of Latin American politics.

AUSTIN F. MACDONALD
University of California

KRACKE, E. A., JR. *Civil Service in Early Sung China—960-1067*. Pp. xvii, 262. Cambridge, Mass.: Harvard University Press, 1953. \$6.50.

This volume is a most interesting and valuable study of the Chinese civil service of nine centuries ago. Dealing with a period so remote in time and with a country so different from ours in outlook and tradition, the book appears at first glance to be merely an account for the curious, with little relevance for our own time and place. A perusal of its well-documented pages, however, quickly dispels this first impression. One finds that even in those days, in that far country, the problems of the civil service had much in common with those of a modern state in the western world.

Take, for example, the matter of recruitment and selection. The statesmen of the Sung dynasty were as much concerned as we are with the problem of bringing to the service of the state men of capacity and integrity. They anticipated by eight centuries the method of competitive examinations which Great Britain pioneered in its Indian civil service and which later the United States adapted to its own needs. The tests employed were scholarly, quite in contrast to our "practical" variety. As in American competitive examinations, however, the candidate's anonymity was preserved to prevent favoritism in marking. The Chinese, in fact, went quite beyond the American practice of merely substituting numbers for candidates' names on examination papers; by having the papers copied in another hand before they were read, they forestalled the possibility that

the examiner might recognize the handwriting of the candidate.

Dr. Kracke devotes special attention to the method of promotion through controlled sponsorship developed during the Sung dynasty. While merit ratings and examinations also were used in selecting men for higher posts, sponsorship by carefully chosen sponsors was the main reliance for filling upper grade positions. The sponsors were themselves men holding important administrative offices. Since "only the straight can know the straight," a sponsor was required to have high moral qualities. To increase his sense of responsibility in the making of recommendations, his own future was tied, by a system of linked penalties, to that of his principal, that is, the person recommended by him. Under this system, both the sponsor and the principal were punished for an offense of the principal, the punishment for the former being only slightly less severe than that imposed upon the latter.

The author has succeeded to a remarkable degree in reconstructing from ancient archives a close-up of China's early civil service system.

WILLIAM C. BEYER
University of Pennsylvania

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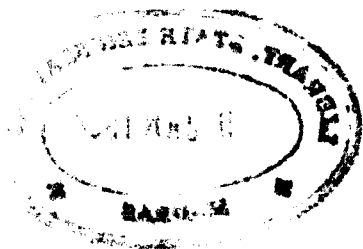
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CARL KELSEY

1870-1953

ON October 15, 1953 Dr. Carl Kelsey passed away after several years of ill health. Born in Grinnell, Iowa in 1870, he was more than eighty-three years of age at the time of his death. From 1906 to 1941 he was a professor of sociology at the University of Pennsylvania, and since the latter date was a professor emeritus. He was the author of *The Negro Farmer* (1903) and *The Physical Basis of Society* (1916 and 1928).

Members and friends of the American Academy of Political and Social Science will recall his prominent association with the Academy. He was its secretary from 1906 to 1912, and since 1912 has been a vice president; was special editor of eight volumes of THE ANNALS from 1914 to 1923; and was the first person to be awarded an Academy Research Fellowship. As the recipient of this award he spent nine months in Haiti and the Dominican Republic, preparing a study entitled "The American Intervention in Haiti and the Dominican Republic," which appeared as a supplement to THE ANNALS of March 1922.

Throughout his life Dr. Kelsey was remarkable for the number of his friends and for their devotion and admiration. The Academy has suffered a great loss, and expresses in this most inadequate way the deep regret felt by the Officers and Directors and through them that of all the members.

Atomic Energy and the Democratic Process

By ROBERT A. DAHL

TO say that we have not yet discovered how to deal with atomic energy through democratic political processes may at first glance seem to be one of those pieces of dramatic and misleading hyperbole that are regularly invoked, unfortunately, in the attempt to discuss the social impacts of this new force. After all, the arrival of nuclear weapons, and in the United States the creation of a gigantic government-controlled industry to produce them, have assuredly not pushed us to the edge of dictatorship. Despite the shrill warnings of science fiction, the small group of Americans who initially make our atomic energy policies are quite patently not imposing a tyrannical will on a terrified public. What is more, as Senator Jackson shows in this volume, a body of popularly elected laymen in the Joint Congressional Committee on Atomic Energy exercises control over policy to a degree that is probably unique in congressional-executive relations.

Yet as a plain statement of fact, the proposition is scarcely debatable: the political processes of democracy do *not* operate effectively with respect to atomic energy policy.

To say so much is not to pass a moral or practical judgment on the fact. By the standards of anyone save a doctrinaire and utopian partisan of democracy, the political solution we have arrived at for atomic energy policy quite possibly may be preferable to a larger degree of democratic control. The difficulty is that so few of us can appraise the consequences of the various alternatives.

THE DISTINCTIVE FEATURES

As with so many other aspects of atomic energy, it is as easy to exaggerate the difference as to underestimate it. Once we get outside the models of the democratic theorists to the political life of the real world, we discover that polities which we in the West call democratic are in fact systems in which most policy is determined by a relatively small number of people. These people, leaders of one sort or another, act within ill-defined boundaries set by a "general" public—really a network of publics—that is passive and acquiescent except when its boundaries of tolerance are invaded, or at least when some leaders convince the "public" that this is so. Many individuals normally in the "general" public move into and out of the decision-influencing group whenever some particular type of policy is involved—farm prices, say, or labor legislation or copper imports or a local harbor improvement. At this point hitherto inactive individuals may become leaders in pressing for some line of policy, or—more likely—"attentive" citizens who follow this particular series of events with close attention and even some readiness to act in various politically relevant ways.

Hence when we say that the political processes of democracy do not operate with respect to atomic energy policy, we refer not to the fact that broadly dispersed popular control is lacking, but rather to these distinguishing characteristics: (1) Some of the consequences of atomic energy policy are of incalculable importance to the most highly

ranked goals of almost every individual. (2) The policy-making elite is *significantly* smaller here than with most other policy of comparable importance. (3) Outside this tiny elite, as Drs. Douvan and Withey show in their article, the "general" public are ill informed, passive, and acquiescent to an extraordinary degree considering the importance of the policy to them. And (4) the practice of secrecy makes it exceptionally difficult for attentive leaders to activate members of the general public who, in the absence of secrecy, *perhaps* could and would be activated as attentive citizens.

This last point is worth stressing. For, as Mr. Palfrey shows below, in surrounding atomic energy decisions with secrecy we have departed from a traditional way of meeting problems, without ever really debating the wisdom of this departure. It is not easy, as Mr. Palfrey warns us, to strike a balance: those who react adversely to secrecy often propose utopian alternatives. Yet it is perhaps time that we in the United States should begin to weigh the consequences of secrecy and at least to raise the question whether the probable costs may not exceed the probable gains, at any rate given the present forms of secrecy. Let us consider some of these costs.

COSTS OF SECRECY

1. Elite rule is an inevitable by-product of secrecy. Those who effectively influence policy can scarcely exceed the number of those who possess the information to act.

2. Insofar as this is not true—that is, insofar as individuals without valid information are activated and make their influence felt—irrational policy will probably result. This kind of irrational policy-making might happen if war should abruptly threaten the conti-

mental United States; an ill-informed public (ill-informed partly because the issues had never been openly discussed) might then from sheer panic force measures of attack or defense that would be catastrophic.

3. It is even possible, as Professor Wolfers suggests in this volume, that secrecy concerning our war strategy with respect to the bombing of urban populations increases rather than decreases the probability that our own cities would be bombed.

4. The need to protect secrets has required a program of investigating and screening individuals for "security," of proportions that a decade or so ago would surely have been regarded as an unjustifiable invasion of personal liberty. The Atomic Energy Commission, as Professor Brown shows below, has handled this program with admirable restraint; but as he also reveals, the program is not without its quota of injustices.

5. Perhaps most important, the need to protect "the secret" has contributed to a jittery climate of public opinion—at least among some influential publics—that seems to foster suspicion, distrust, fear of heterodoxy, support for a variety of measures of public and private repression, and the enhancement of the power of leaders who manipulate these sentiments.

One is tempted to add as a sixth consequence a certain amount of handicapping of research in the natural and social sciences; but this is a problem too complex for simple generalizations, and one would do better to read the careful analysis by Mr. Meier and Dr. Rabinowitch below.

In any case, the institutionalization of secrecy has concentrated, in the hands of a few people, control over decisions of a great magnitude for the values of a larger number of persons than in all

probability were ever affected by any old-fashioned authoritarian leader.

The main case in point is, of course, the mixed question of military strategy and civil defense. This issue of *THE ANNALS* was to have included a discussion of the impact of nuclear weapons on military strategy, by Dr. Bernard Brodie, one of this country's creative scholars in the field of military strategy. Because of his association with the Air Force, both directly and through the RAND Corporation, he was required to submit his contribution to the Department of Defense for security clearance. Unfortunately, the appropriate officials declined to clear it for publication. The incident illustrates one of the dilemmas created by secrecy. Those of us who do not have access to secret information cannot, on some issues, assess the alternatives intelligently; whereas those of us like Dr. Brodie who do have access to secret information may thereby be prevented from discussing the alternatives publicly—alternatives, by the way, that deeply concern our own lives and those of millions of others.¹

Alternative policies of great import are undoubtedly being debated at present within the tiny policy elite that controls decisions. Enough information leaks to the public to indicate that debates are taking place, and to some extent even what the debates are about; but not enough information comes out to enable us to appraise the alternatives, or even to know what they are.

SOME OF THE ISSUES

Some of the issues, surely, are those raised by Professor Wolfers and Dean

¹ An article on raw materials by Mr. John W. Landis was also to have appeared in this issue. Mr. Landis, until recently employed with the Atomic Energy Commission, submitted his article to the AEC, and at the time this volume went to press, the article had not been released by the AEC.

Cavers below. What general categories of targets on this continent and in Europe should be most heavily defended? And how? Dean Cavers shows some of the disastrous economic consequences that would ensue if a few of our cities were bombed, and indicates how little preparation we have made to head off these consequences. Professor Wolfers argues that precisely because the consequences of bombing large cities would be so enormous, the fear of retaliation reduces the probability that either side will bomb urban centers. Should we nevertheless prepare for the worst possibilities? How costly would such preparations be? Are our political leaders, in order to satisfy pressure for balancing the budget, underestimating—unconsciously perhaps—what needs to be done to build up civil defenses?

No one will deny that these are important questions. In view of the breakdown in international negotiations for controlling nuclear weapons, and the dim prospects of fruitful bargaining portrayed by Mr. Frase below, they are also immediate questions. The fact that a thermonuclear reaction is now known to have occurred in the Soviet Union on August 12, 1953 means that the time is approaching when that country will commence its stockpile of hydrogen bombs. Questions about the adequacy of our present plans for civil defense, then, are as fateful as any this country is likely ever to face. Yet they are questions which the attentive citizen cannot hope to answer. More than that, he cannot even know whether he should demand enough information from his officials to try to answer these questions. He has, then, delegated control over the survival of himself, his family, his neighbors, his fellow citizens, his nation, and a not inconsiderable portion of mankind to remote public officials, without having had much opportunity

to examine whether such extensive control is entirely necessary. The political mechanisms normal to a nation at war have to this extent displaced "democracy" even in the limited sense defined above.

SHALL PUBLIC EXAMINATION TAKE PLACE?

Let it be said again: Given the various alternatives, the present method of policy-making may be the most rational we can adopt. If so, we had better learn to accept it with the calm of the Stoic or the practical understanding of the pragmatist, as Dean Leys advises in a slightly different context below. But before we accept a fundamental alteration of our policy-making process—one far more drastic than the wildest dreams of any of our constitutional reformers ever envisioned—it might be well to conduct a more extended public examination of the issue than has so far occurred.

Yet how can this public examination take place? Here we approach the heart of the dilemma alluded to a moment ago. The pros and cons of secrecy cannot be evaluated abstractly. Probably most of the costs can be surmised. But can anyone who is not privy to official secrets rationally estimate what we are gaining by our secrecy? Furthermore, the problem is evidently not one of weighing the abstract pros and cons of secrecy in general; rather, as Mr. Palfrey points out, what is required is a whole series of judgments about secrecy measures of a particular kind or degree applied to some specific activity. Because of this need for a detailed examination, can anyone who does not already know what is secret intelligently discuss and pass judgment on the probable consequences of some alternative arrangement?

At first blush it might appear that the only possible answer is No. If that be

so, then there can be very little intelligent public examination of the secrecy problem. Those of us outside the small elite that makes atomic energy policy would then be well advised merely to urge that body of leaders constantly to re-examine the question among themselves, behind closed doors. We could hardly do more without fostering irrational disclosure. We would, then, not only delegate the secrets to the policy elite; we would *in fact* also delegate the final and unreviewable power to determine what should and should not be secret.

COMPETENCE OF AN OUTSIDER

Although this is substantially the existing state of affairs in atomic energy, it need not be. As a practical matter, individuals who do *not* know the substance of secret information can in many instances make an intelligent appraisal of the costs and gains of secrecy. Does it require precise knowledge of the nuclear stockpile to appraise intelligently the relative gains and costs of disclosure? Those who know the secret data can be required to explain in some detail what consequences they believe might ensue if the data were made public. It is not necessarily beyond the grasp of an outsider to appraise the validity of these statements about the alleged consequences and to compare the alleged gains with some of the known costs.

Hence it should be possible to have top policy-makers conduct a public discussion of the present dimensions of the secrecy problem and the various alternatives to it. And if secrecy could thereby be reduced, some of the alternative policies now debated within a restricted group (for example, the requirements of a program for coping with an atomic attack against this country) could be discussed among a somewhat wider public.

To be sure, it would be utopian to expect that large numbers of individuals would engage directly in such discussions or even participate indirectly as members of the attentive public. As we have already said, large numbers of individuals are rarely involved in deciding *any* public policy. What distinguishes the normal operation of our political system from its operation with respect to atomic energy is not primarily the difference in the numbers of individuals involved, although this is an important factor. The essential difference is that, normally, nongovernmental leaders can learn something about the alternatives to existing or proposed policy; and by activating sections of the public they can help to determine policy. Realistically speaking, this is not possible with most aspects of atomic energy policy at present.

THE INDUSTRIAL FIELD

There is, however, one important area where a more nearly normal operation of policy-making might be possible—that is to say, where secrecy is no longer a major determinant. This is the use of nuclear reactors for the production of electrical energy. Here, as several of the succeeding articles indicate, the secrets that present obstacles are mostly those classified by Nature, and they can be declassified not by fiat but only by research and experience.

Very roughly, the possible lines of policy here turn on at least two "techno-economic" alternatives and at least four administrative alternatives, or at least eight combinations in all.²

The two techno-economic alternatives are the dual purpose and the single purpose reactors. Adoption of the first would mean that reactors built to produce electric power would also produce plutonium for the United States Gov-

ernment and its bomb program. Following the second alternative, reactors for power would be designed to maximize the output of heat in a form usable for producing electricity, and plutonium would not be produced for the bomb program.

Choice between these two alternatives turns not simply on technological questions, but also on economic ones. Thus the dual purpose reactor might well provide a method by which the government would bear enough of the capital and operating costs of the reactor to bring the price of power within an economically feasible range. But because the allocation of costs would be to some extent arbitrary, under this program cheap power *might* result, in effect, from a government subsidy to power consumers. Moreover, there have been hints from the AEC that our supply of atomic weapons may shortly approach a point at which it would be wasteful for the government to agree to any long-term purchases of plutonium. Mr. Cisler argues below for the dual purpose reactor, and Dr. Weil presents the case for experimenting further with single-purpose reactors.

ADMINISTRATIVE ALTERNATIVES

The four administrative alternatives are, roughly, (1) operation and control of the reactors and their output by the government, following the analogy of the Tennessee Valley Authority and reclamation dams; (2) operation by private industry under government contract, and control by government over price, output, location, and other key decisions; (3) operation and control by a mixed nonprofit and governmental group, primarily for experimental purposes, as proposed by Mr. Weil; and (4) operation and control by private industry, as proposed by Mr. Cisler.³

³ It is worth emphasizing again that to reduce the alternatives to four is to oversimplify.

² This of course represents a vast simplification of the alternatives.

Spokesmen for industry range themselves on the side of the last alternative, although there are some interesting and important variations of detail in their proposals. At present, indeed, some form of the fourth alternative seems to be the only position that has much possibility of generating any significant political support within the relatively small group of individuals who will make the final decision. Hence the last alternative (probably based initially on the dual purpose reactor) is the one most likely to be adopted.

It is difficult to say whether this alternative would be adopted if there were a wider discussion of all the alternatives than is taking place. In any case, the other alternatives probably would not be so vigorously championed by groups equally effective politically. Thus in the one area where secrecy is not a genuine bar to the investigation

The range of alternatives is great. We have left to one side the question of alternative forms of ownership of the reactors. Various possibilities have been suggested. But the critical questions turn on operation and control; for the most part, ownership is relevant only to the extent that it is a condition for operation and control, including control over the disposition of earnings.

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of alternatives, it is likely that policy will still remain the product of a rather tiny group of leaders, that the alternatives will not be examined except within this small group, and that sections of the public that in different circumstances might be activated in favor of other alternatives will remain inactive.

A NOVEL SITUATION

Thus, secrecy or no, atomic energy seems to present choices that defy wide popular understanding and control. So far, the control of such decisions is a kind of indigestible element in the operation of American democratic politics. In this respect, the atomic energy operation aptly symbolizes an era in which the opportunities for popular control have generally dwindled. To be sure, the unusual extent of elite control so far offered by atomic energy may be no more than a passing adjustment to a novel situation by an essentially vigorous and healthy democracy. But atomic energy appears to be one of a growing class of situations for which the traditional democratic processes are rather unsuitable and for which traditional theories of democracy provide no rational answer.

Superiority in Nuclear Weapons: Advantages and Limitations

By ARNOLD WOLFERS

AT the time this country alone possessed the atomic bomb, it was widely held that the Soviet leaders were being deterred from going to war by what they estimated to be the wartime advantages which monopoly in nuclear weapons offered the United States. Now, we must assume that such monopoly has ended. At best, we may be able to look forward to a period of uncertain duration in which this country will enjoy superiority in quantity and quality of nuclear weapons as well as in many of the other elements that make up nuclear war power. The question is whether considerable over-all superiority—which will need further definition—can offer sufficient advantages either to act as a deterrent or to contribute materially to the chances of victory. Clearly, in order to estimate these advantages one can no longer confine oneself to the study of what this country could do in war to maximize the military value of its nuclear stockpiles; it is equally necessary to speculate on the use which the "inferior" power can make of its facilities.

IMPORTANCE OF THEORY

It may seem hopeless for one who is not in on the secrets which shroud American nuclear preparedness to try to help improve this country's estimates of its relative advantages. Even the "initiated" are bound to be groping in the dark. Not only is the Soviet Union uniquely qualified for keeping its nuclear policy and power secret, but experience in nuclear warfare is almost entirely lacking. However, if the non-initiated lacks knowledge of facts, with-

out which the relative nuclear war power of the United States and the Soviet Union cannot be compared, he can devote his attention to the development of theory without which the knowledge of facts must remain meaningless.

An example will serve to illustrate the role of theory. If at a given time this country had 1,000 A-bombs while the Soviet Union had 100—two entirely imaginary figures—no valid conclusions regarding American superiority for war could be drawn except on the basis of some theory pertaining to the importance of a 10-1 superiority, with the inferior power possessing 100. In popular suggestions that we must have enough bombs by now to make us capable of a nuclear knockout blow even against an enemy possessing nuclear weapons, theory is implicit; a certain numerical superiority in bombs is deemed sufficient to render a knockout blow possible.

Theoretical reasoning can proceed, fortunately, without having to depend on information held secret. It can operate with hypothetical figures unrelated to existing conditions. Findings attained by means of theoretical war games, as it were, can later be applied and modified by the initiated through changing the assumptions so as to bring them in line with the actual facts or estimates. The following discussion cannot hope to offer more than an illustration of the way in which theory may be put to work.

HITS ON TARGETS

For the purpose of this illustration I shall limit myself to a single set of

greatly simplified assumptions. I shall postulate a situation in which the Soviet Union is capable of placing not fewer than 200 nuclear hits on targets of its choice, including targets throughout the United States, and in which the United States can expect to place at least 1,000, or five times as many, hits on targets of its choice. Obviously, since these figures are arbitrary, no valid conclusions concerning actual American superiority now or in the future can be drawn. For the purpose of simplification no account will be taken of probable differences in the damage inflicted by the respective hits which would result from differences in the potency of the bombs possessed by either side. Many other factors which come into play are either being left out of consideration or are implicit in the stated assumptions.

It is well to realize what forbidding difficulties our initiated planners encounter if they seek to estimate the actual American superiority at a given time in terms of hits on targets. The size of the respective stockpiles is only one of the elements entering into the computation. If a country had a 100-1 superiority in the size of stockpiles but had only enough carriers to deliver fifty times as many bombs to the target, the carriers would be the limiting factor, as well they might become in practice.¹ The same might be true for trained

¹ This holds true particularly if General Hoyt S. Vandenberg is right in his assertion (as reported in the *New York Times* on June 6, 1953) that "it would be a mistake to believe fewer bombers were required to deliver atomic or hydrogen bombs over an enemy target even though their destructive effect was many times greater than that of conventional high-explosive bombers." He explained this statement by saying that while two airplanes with atomic bombs could accomplish what thirty planes would do with conventional bombs, one would have to send thirty bombers along to protect the atomic mission.

crews, gasoline supplies, air bases, or any other of the elements that are a *conditio sine qua non* of nuclear striking power. Again, if one of the two countries were better able to intercept the carriers of nuclear weapons and had what is called a higher "killing rate," the other would have to make up for the difference through greater numbers of bombs and carriers in order to attain its assumed ratio of hits.

Hits on targets, moreover, are not of equal value as far as the outcome of a war is concerned. One country might cause ten times more physical destruction to its enemy and yet achieve inferior results, either if the targets it had chosen were less war-essential or if the enemy were less vulnerable to material damage, economically or psychologically.

Also, while superiority in hits on targets is obviously a highly important part of superiority in nuclear war power, it is by no means identical with it. It would help a country little to be capable of making 1,000 hits if with 100 hits the opponent could knock out its ability to continue the fight.

TARGET SELECTION

Superiority in nuclear warfare, then, depends on relative skill in target selection—and on relative target vulnerability—no less than on relative ability to hit chosen targets. Because target selection, the main strategic problem in a war of bombs, is essential to any estimate of the advantages of superiority, the following discussion will concentrate on it.

It was mentioned earlier that in a two-way nuclear war results depend on the nuclear strategy of both sides and thus on the large variety of combinations to which their respective blows and counterblows may lead. Again for the purpose of simplification I shall divide all

targets into a manageable number of categories or target systems and assume that both sides will direct their attack on one system at a time and decide on a specific succession among them. In reality, it would be a question of choosing between the advantages of causing moderate damage to many types of targets and of causing overwhelming damage to a few.

In principle, nuclear bombardment can be directed at the following six main target systems: (1) urban communities; (2) nuclear power in being; (3) nuclear power potential; (4) war-essential nonnuclear industries; (5) tactical targets in the battle zone; (6) targets located in third countries assumed for the purpose of this discussion not to possess nuclear weapons.²

The order in which these systems are listed is not intended to prejudge the order in which the two belligerents, if acting rationally, would place them in terms of priority.

CITIES

When nuclear warfare is discussed, nuclear bombardment of system No. 1, congested cities, looms largest in the public mind. This is obviously due in part to the exceptional horror which such attacks hold in store, and in part to the fact that nuclear weapons were used in this way against Japan and have never yet been used against any other target. For the Soviet Union, assumed here to be the inferior power, there would seem to exist an almost irresistible temptation to direct its attack on our major cities. With a relatively small number of A-bombs it could cause immense loss of life as well as great in-

² If Britain has nuclear weapons, or should come to possess them later, the effects on a war in which the Soviet Union and the United States were engaged would have to be taken into special consideration.

dustrial destruction. Moreover, if it undertook a nuclear "Pearl Harbor" against our city population, it might hope by terror to crack the morale of the American people at the very outset.

Fortunately for us, this is only half of the story. An attack concentrated on cities leaves the enemy's nuclear power in being almost 100 per cent intact. In the case just mentioned, we would be left as capable of a retaliatory blow as before the attack, unless our government surrendered before our strategic air force had taken off for reprisal in kind—an almost unthinkable contingency. This means, then, that the Soviet Union would have to count not only on suffering the same damage to its cities but on seeing many times as many of its own cities laid in ruin. The whole enterprise thus turns out to be a suicidal venture, unless the death of millions of human beings and the ruin of scores of major urban communities be considered anything but suicidal.

It must be emphasized in this connection that an American attempt to knock out the Soviets first by a blitz against their cities would be no less suicidal from the point of view of this country, given the assumptions of our model and provided we had not first regained a monopoly or near-monopoly of nuclear power. If the Soviet Union preserved the capacity we have postulated, our superiority would not diminish by an iota the damage the inferior striking force could inflict. An exchange of blows against cities would in fact be likely to make third countries the sole winners.

This self-destructive character of blow and counterblow on cities is no guarantee against their occurrence. Even if both countries refrained in the beginning, inadvertent hits on cities, not readily recognizable as such, might easily start a vicious circle. Moreover, one

side might think that its people could "take it" while the other side could not, and many other miscalculations might be made even by governments seeking to pursue a highly rational strategy.⁸

There exists an even greater danger in this respect. One or each of the belligerents may so plan its strategic air forces as to make them capable of little but indiscriminate mass-area bombing, not realizing the suicidal consequences of such a strategy. Instead, one country may become so convinced of its enemy's intentions of using this type of strategy and of seeking to hit first that it will initiate the exchange of blows against cities, possibly by a sneak attack, Pearl Harbor style, if only for fear of striking too late. Actually, it makes no difference whether one is hit by the first blow or by the reprisal blow which immediately follows. Therefore, to hurry for the sake of striking first means taking a useless and tremendous risk.

We talk and do a great deal about nuclear secrecy; but if it were our intention to exercise maximum restraint in regard to bombing of mass areas, it would be essential to give this fact the utmost publicity before our opponent had committed himself to war plans for a crippling blow or counterblow against our cities. In any case, it must be concluded that no belligerent can cease to fear for his cities and city population as long as the enemy's nuclear power in being has not been crippled.

⁸ It has often been said that the Soviets will show no restraint, because the loss of the lives of their own citizens and of their own cities will make little impression on the men in the Kremlin. I myself wrote in 1946 (see "The Atomic Bomb in Soviet-American Relations" in *The Absolute Weapon*, edited by B. Brodie, p. 135) that we cannot "feel satisfied that the Soviet leaders would under all circumstances shrink from sacrificing their cities if they felt sure of ultimate victory." I now contend, however, that an attack on our cities would mean suicide for them rather than ultimate victory.

NUCLEAR POWER IN BEING

From this it follows that the ideal target for either side, though not necessarily the exclusive one, is target system No. 2, the enemy's nuclear power in being, provided there be any practical chance of reducing it substantially. Here superiority of the right kind can pay its highest—possibly its decisive—dividends. This country would have to commit fatal mistakes if the two hundred atomic hits with which the Soviet Union is being arbitrarily credited here were enough to knock out a major part of our target system No. 2.

It should be remembered, however, that in order to be successful in this respect the Soviets would not have to hit our stockpiles of bombs or even our precious stocks of carriers. The loss of any one element essential to nuclear striking power is enough to eliminate nuclear power in being. For example, either side would cease to have such power while its air bases were out of commission, assuming planes to be necessary for delivery of nuclear bombs. While little can be known today about what it takes to "neutralize" an air base by means of an atomic attack—or even an attack with H-bombs—or about the degree of damage which would have to be repaired after an attack, it stands to reason that the chances of success will rise in proportion to the number of hits, and drop in proportion to the number of bases at the disposal of the other side.

How much the United States could hope to achieve with its superior numbers cannot be guessed without knowledge of many facts; but the difficulty dare not be underestimated of knocking out the nuclear power in being of any opponent credited with a substantial number of bombs, planes, and bases, many of unknown and distant location. While this country with its assumed

great quantitative superiority would surely not wish to miss the unique chance which target system No. 2 offers to regain nuclear monopoly and safety for its cities (even a reduction of enemy nuclear power in being is a distinct gain), the United States could hardly dare to pay exclusive attention to this target; the results might be disappointing.

NUCLEAR POWER POTENTIAL

I have called nuclear war potential the target system No. 3. It includes all industrial plants and facilities by means of which nuclear weapons, carriers, and other elements essential to nuclear power can be produced and reproduced. It need hardly be said that this set of targets is attractive to both sides. Not only is it likely to be highly vulnerable to bombardment, but it is of great use to a belligerent whose initial stocks fail to carry him through the war. The United States would have far more to gain than the Soviet Union from knocking out the nuclear war potential of its opponent, because without it the Soviets would be limited to their far inferior initial stocks. Even if their stock of carriers were plentiful or even superior to that of the United States, it would help them little once they ran out of bombs. In view of the vulnerability of at least a major part of the installations considered here, it should be possible for the superior power to cripple target system No. 3 and reduce the inferior power to its initial stocks.

But if on our assumption the Soviet Union would have to count on losing its capacity for nuclear production almost immediately, the same might be true for the United States as well. It would certainly be unwise to rely heavily on the contributions which nuclear industries and plants producing long-range bombers could make, once two-way nuclear hostilities had started. It is true

that the Soviet Union would have less to gain from eliminating target system No. 3, unless we found ourselves short of long-range carriers, having relied on their replacement, or unless our stockpiles of H-bombs were low at the start; but the inferior power could ill afford to allow its opponent to go on producing nuclear weapons—however time-consuming such production may be—while left to exhaust its own limited stock.

NONNUCLEAR WAR INDUSTRIES

Target system No. 4, comprising the nonnuclear productive facilities which serve the war—including the major part of either country's industries and transport facilities—may need fewer comments because it has become the traditional target of aerial warfare. However, it must be pointed out that the area of destruction being what it is even in the case of A-bombs, not to speak of H-bombs, many of the targets in this category would have to be spared if large cities were not to be destroyed in the process of attack. This constitutes a more serious handicap for the United States, because the Soviet Union, with its superior stockpiles of nuclear weapons, would have an incentive to proceed along a highly selective pattern anyway.

Both sides would want to concentrate their attacks on installations which would tend to create bottlenecks of serious duration and which lie sufficiently removed from major cities to minimize the risk of unintentional city destruction. Even presupposing a large measure of self-restraint on both sides, this country with its quantitative superiority should be in a position to cut far deeper into the enemy's war-essential industries than he could cut into ours; however, better intelligence or better target detection might tip the balance in favor of the Soviets.

Much would depend, too, on the relative degree to which the two economies

were exposed to bottlenecks. In a protracted war it is at least theoretically possible that this country, with the superiority we have assumed, could bring Soviet war production to a virtual standstill, as Allied forces succeeded in doing in the case of Germany during the last phase of World War II. In a nuclear war this could be achieved without prior attainment of control of the air over Soviet territory.

TACTICAL TARGETS IN THE BATTLE ZONE

In order to do justice to the large number of variables which come into play, a theoretical discussion of target system No. 5, tactical targets within the battle zone, would have to go into more detail than can be covered here. The military tactics used by both armies, the character of the terrain, the offensive or defensive intentions of the belligerents, the nature of their lines of communication, and many other factors affect the number and the vulnerability of targets which might present themselves here to bombs, rockets, and atomic artillery shells. Large numerical superiority would permit the United States to make lavish use of nuclear weapons even on elusive and ever recurring targets of the kind to be found in a battle area and along enemy supply lines. Because precious crews and costly, perhaps non-reproducible, planes can be saved by the use of nuclear weapons, it will always pay to employ them, given sufficient stockpiles, where they can accomplish as much as conventional bombardment.

Despite the fact that the inferior power would be under heavy pressure to economize in the use of nuclear weapons for tactical purposes, it would surely not hesitate to expend them on this target system if this country and its allies were exceptionally vulnerable to attacks against certain points of concentration

in the battle zone. I shall discuss this very kind of vulnerability in connection with the next target system when speaking of the ports on the Atlantic.

TARGETS IN THIRD COUNTRIES

Finally, there remains target system No. 6, targets in third countries, specifically in western Europe. It may be assumed that any country which succeeded in staying out of the war would be spared all but accidental bombardment; all other countries risk becoming victims of nuclear bombardment by either side, whether in the course of battle, of conquest, or of liberation. It is this danger, characteristic of countries lying between belligerents possessing nuclear weapons, that rightly frightens the people of Europe and of some other "in-between" nations. In the early stages of a Soviet-American war the question would be whether targets in western Europe would have high priority on the Soviet list of targets; or, more specifically, whether they would be sufficiently rewarding to divert attacks from targets in the United States. Before discussing the possible fate of Europe's major cities, it may be well to review briefly the other four target systems in regard to that region.

Some of our nuclear power in being, especially in the form of air bases, is almost certain to be located on European soil. The Soviets would have special reason to want to knock out air bases in that area from which nuclear carriers could take off, because they are located relatively close to its borders. Areas on both sides of the Iron Curtain from which rockets with atomic war heads could be launched might also come in for much attention by both sides, although rocket launching sites might prove one of the most elusive targets, even for A-bombs.

Little if any of our nuclear war potential is likely to be on European soil

except perhaps for some of Britain's and continental Europe's aircraft industry. But European nonnuclear productive installations would be particularly likely to attract Soviet attack, assuming the war were being fought in Europe. Their output could reach the battle front with a minimum of logistical difficulty. However, the Soviets might leave them intact with a view to using them after overrunning Europe and thus they might later become an American target.

As far as tactical targets are concerned, they would obviously be in large part in western Europe if a battle line ran through any part of the Continent. Of one such set of targets—the ports of Europe—more will be said in a moment; but first a word should be said about Europe's cities in general.

A nuclear terror blow against Europe's large urban communities, including Paris, Rome, and London, might profit a Soviet war effort immensely, or so at least the Soviet leaders might believe if they expected it to lead to an early surrender of our allies. However, the Soviet Union would be taking excessive risks if its leaders had reason to believe that we would retaliate in this case against their cities as if they had struck at our own. As a matter of fact, it might be hard to convince them prior to the event that such was our intention; particularly difficult if we hesitated to make such a commitment in the case of Europe's port cities, where such intention, as we shall see, could open the door to the vicious circle of blows and counterblows. Europe could have even less hope for its cities if, prior to a war in which Europe were to fight on our side, the Soviets had convinced themselves that we would strike at their cities anyway, irrespective of how much they might be inclined to restrain themselves in this respect.

The port cities are a special problem. They present a tactical target of unique

attraction to the Soviets. Because this country is separated by the ocean from any potential battle front in Europe, and thus from Soviet as well as Allied armies fighting at that front, almost all the vast supplies of arms and men which would be required to feed that front would have to be funneled through American ports of embarkation and European ports of disembarkation. The only exception would consist of supplies flown in by air or landed on scattered beaches.⁴ Here, then, are the "Naples" and "Antwerps" of a Soviet-American war. The temptation for the Soviets to put them out of commission by means of a logistical knockout blow, probably carried out with the aid of ships as well as planes, might prove irresistible whatever the costs. Priority would surely be given to the European ports, both because of their proximity and because of the chance that we might not enter upon a round of blows and counterblows against cities if European rather than American port cities were destroyed in an attack on port facilities.

SOME LIMITATIONS

On the basis of the preceding considerations it is possible now to draw some conclusions concerning the advantages of superiority as they would result from the conditions posited in our model, and assuming rational target selection by both sides. But it must be emphasized again that no conclusions can be drawn pertaining to the position or superiority which the United States actually possesses today or may possess tomorrow. It can only be said that we may enjoy the advantages suggested by the model

⁴ It should be noted that this situation is not arbitrarily created by our commitments under the North Atlantic Treaty. From nowhere could our armed forces reach Soviet soil, as well they might have to if we wished to win, except from territories lying on the other side of the oceans.

to the extent to which the actual relation of nuclear weapons between the two countries happens to approximate the assumptions laid down here.

Limiting ourselves, then, to our single analytical model and the six target systems posited above, it can be said that some advantages for the superior power stand out clearly, while others which might be supposed to exist are, to say the least, doubtful. Thus, to begin with the latter, nuclear superiority of the kind under discussion here does not give assurance of quick or final victory. This is so because of the inescapable hazards of mutually devastating blows at cities which might reduce even the superior power to the rank of a minor belligerent and because the inferior power might cause deficiencies in vital elements of nuclear weapons or insuperable bottlenecks in transportation and war production.

SOME ADVANTAGES

With its assumed superiority, the United States would have a reasonable chance of dissuading the Soviets from undertaking a "Pearl Harbor" on its cities or initiating terror blows in the course of hostilities. In order to do so, the United States would have to keep superior retaliatory power in being and act with a maximum of self-restraint even if its own cities or allied cities were hit inadvertently.

Most important, superiority would offer us an excellent chance of preventing the enemy from crippling our nuclear weapons in being to a point where our country would cease to possess substantial nuclear striking and retaliatory power. We, on the other hand, might be successful in knocking out his nuclear weapons in being, though our superiority would be seriously lessened if the Soviets knew the exact location of our air strips and our carriers while we

did not possess the same knowledge of the location of theirs.

If, despite this handicap, we succeeded in greatly reducing Soviet nuclear weapons in being, our near-monopoly of nuclear striking power thereafter might force quick recognition of defeat by our opponent, if only after a token use of bombs on his cities. In this case—the case of one-way nuclear war—the Hiroshima-Nagasaki type of nuclear strategy would again become militarily and morally justified as the surest means of bringing hostilities to a quick end and saving millions of lives.

It has been said earlier that we could hardly have more hope of retaining our nuclear war potential than could our opponent; but with our assumed far superior initial stocks, at least of bombs, we could better afford to lose the facilities falling under this heading.

In regard to other war-essential industries, the superior power could count on coming out on top unless its economy proved much more susceptible to bottlenecks. The country relatively more dependent on productive facilities located inside of cities would have much to gain from avoiding a mutually destructive round of blows on cities.

In the field of tactical bombardment, quantitative superiority offers immense advantages irrespective of whether the nuclear weapons are delivered by plane, guided missiles, or cannon. However, this advantage would evaporate in the case of the United States if the stream of men and materials necessary to operate overseas air bases and carriers and to feed an overseas battle front were interrupted for any considerable length of time. This leads one back to the American "Achilles' heel," the ports of disembarkation.

DEFENSE PRIORITIES

In our assumptions it was implicit that neither side possessed defensive

means sufficient to prevent the enemy from making the number of hits on targets which we have postulated. If it were possible to develop such defenses for some targets, the priorities accorded to certain targets by the United States might materially affect its advantages. It would appear that top priority should be given to the protection of nuclear power in being and especially to vital and exposed air bases, it being assumed that maximum care would be taken anyhow to protect storage sites of bombs and carriers. Next would come the ports of embarkation and disembarkation, with the former included lest after the latter had been rendered invulnerable the former should be raised to near the top of the Soviet priority list. One way of making these ports less attractive to a would-be attacker would be to stockpile war materials in Europe—a risky procedure if Europe were likely to be overrun—or to provide lavishly for alternative unloading facilities, making minimum demands on ports and harbors.

In this order of defense priorities it would seem as if defense against the most dreaded and deadly attack, attack against urban communities, were being neglected. But these communities are not unprotected as long as we retain sufficient retaliatory power in being to make an attack on them suicidal for the enemy, and as long as we restrain

ourselves from undertaking blows at Soviet cities.

THE QUESTION OF DETERRENCE

It may be asked, finally, whether superiority of the kind assumed here offers the advantage of serving as a deterrent to war or at least as a deterrent to all-out use of nuclear warfare. Superior nuclear power for war could render no better service to this country and to the world. Unfortunately, there is no way of making sure that any amount of superiority will deter an opponent, because deterrence depends on his estimate of this superiority and its consequences, as well as on his willingness to take risks and to suffer losses.

It should only be pointed out that secrecy which hides our strength, whatever other benefits it may bestow, runs directly counter to a policy of deterrence.⁵ Serious attention should be given, therefore, to the development of a rational policy not only of secrecy but also of disclosure and publicity where our strength and our intentions of restraint are involved.⁶

⁵ It would be ironical, after all, if it were ever left to Soviet spies to impress their government with the extent of our nuclear strength and thereby to deter it from acting against us.

⁶ For a discussion of policies of disclosure—limited to the disclosure of new weapons—see Bernard Brodie, "Military Demonstration and Disclosure of New Weapons," *World Politics*, Vol. V, No. 3, April 1953.

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International Control of Nuclear Weapons

By ROBERT W. FRASE

INTERNATIONAL control of atomic energy is as much a psychological and political problem as it is a technical one. There is undoubtedly more than one way in which effective controls could be established, and the choice made will depend upon the dominant currents of thought at the moment.

For the past two or three years interest in the subject has practically died out. This is true not only of official action of governments and in the United Nations, but also of unofficial discussion and writing on the subject. In reviewing the literature recently, for an international bibliography on the non-physical-science aspects of atomic energy for the period since July 1950, the author has been impressed with the very small number of articles on international control. The subject of greatest interest by far in this past three-year period, as reflected in both professional and popular writing on atomic energy, has been civil defense, with atomic power in second place. This is a reflection of the mood of the times, not only in the United States but in the rest of the world as well.

If general interest in the subject of international control of atomic energy revives (and the revival of such interest may be a necessary condition of the renewal of major governmental activity), circumstances will undoubtedly be quite different from those in 1945-46; and to be realistic, the types of control schemes explored should reflect these changes. There would not be much point in reviewing the control plans presented to the United Nations in the 1946-48 period, and the negotiations on those plans, with any idea that

if the subject is revived the negotiations will pick up precisely where they left off. It is of interest and value, however, to look at these plans and negotiations to see what the basic technical problems are and how the particular proposals advanced were influenced by the mood and the assumptions of the time. We may then be in a better position to assess the problem of what kind of control plan would meet the political, military, psychological, and technical requirements of the period into which we are now entering.¹

THE ACHESON-LILIENTHAL PLAN

It was in 1945 and early 1946 that the United States Government took the initiative in proposing the international control of atomic energy. The impetus for this move, and its acceptance and support by the public, came from the shock of the mass destruction made possible by this new weapon; the horrors of Hiroshima and Nagasaki; the desire to be done with war after the recent experience with a major conflict; and the fear of a future war with a potential enemy coalition headed by the Soviet Union, combined with the hope that this potential enemy might be induced to reform its totalitarian and expansionist ways.

The actual proposal developed and put forth by the United States—the

¹ For a detailed and documented review of the evolution of United States policy on the international control of atomic energy and negotiations in the United Nations Atomic Energy Commission through the year 1949, see the series of three articles and technical appendix in the *New Republic* for April 3, 10, and 17, 1950, prepared by Robert W. Frase and James R. Newman.

Acheson-Lilienthal plan modified in one major particular by Baruch—also reflected this psychological mood. The central and unique feature of this control plan, as compared with earlier plans to control and reduce armaments, was the establishment of an international co-operative enterprise for the development and then the production of electric power, using fissionable materials as fuel. There had already been enough experience with Soviet secretiveness to persuade the drafters of the Acheson-Lilienthal plan that any system of control based solely on limitation and enforced by inspection would be unacceptable to the Soviet Union in the first place, and would break down in practice if initially accepted. It was thought that some positive inducement other than the obvious mutual advantages of controlling this destructive new force had to be held out.

The additional positive benefit offered to the Union of Soviet Socialist Republics was, of course, the prospect of a new source of electric power, to be made available at a much earlier time than the U.S.S.R. could do it alone through the contribution of United States and British know-how (or "secrets").

The substitute for the inspection system was the development and actual production of atomic power by a new international agency in whatever country the plants were located. There would thus be no need for much inspection of the production plants themselves, because the international agency would itself be conducting the atomic enterprises in the U.S.S.R. as well as in other countries. Inspection would be confined to ensuring that no secret or illegal production plants were built or operated.

FOUR FACTORS IN FAILURE

There was much to commend this approach in the circumstances of the time.

It failed, however, to secure Soviet acceptance over the two years from June 1946 to September 1948, when there was more or less active negotiation in the United Nations Atomic Energy Commission. In retrospect, and on examination of the record, the failure appears to have stemmed from four main factors. There may have been others (including the personality of Stalin), but only someone privy to the secrets of the Kremlin would be able to speak with any authority on that point. The four factors, not necessarily in order of importance, were the Soviet fear of contact with the West, the Soviets' suspicion of joint enterprises in which they considered themselves to be in a minority position, the lack of any immediate and tangible prospects of economic benefits from atomic power, and the hedges which were placed around the offer of a joint international enterprise to develop and exploit atomic energy for peaceful purposes. Each of these deserves some further discussion.

Fear of contact with the West

To some who participated in the United Nations atomic energy negotiations, the major reason for the Soviet rejection of the United States proposals was thought to be the breaching of the Iron Curtain. The control system would have introduced internationally recruited inspectors and other employees into the Soviet Union on a long-term basis. The Soviet rulers were thought to be resisting any such development on two counts: for political reasons because it might lead to unrest and subversion of the Soviet population, and for military reasons because it would reveal Soviet military secrets in fields other than atomic energy.

There can be no doubt that Stalin would not have welcomed this breach in the Iron Curtain, but there is perhaps

some question as to whether this was an absolute barrier to Soviet acceptance of an international control plan. Might it have been overcome if the advantages had seemed great enough? One fact bearing on the question was the acceptance by the Soviets—after a great show of resistance—of the two internationally staffed missions of the United Nations Relief and Rehabilitation Administration which were in the Ukraine and Byelorussia for over a year in 1946–47. When it became clear in late 1945 that if there were no missions there would be no UNRRA relief programs, the Soviet Government agreed to the missions.

Suspicion of joint enterprises

In the original form of the Acheson-Lilienthal report, the Russians would have had to overcome their fear of being outvoted in an international atomic enterprise, and this would not have been easy for them to do; but they might have had a somewhat easier time of it without the modification of the plan developed by Baruch and presented as the official United States proposal in June 1946.

The Acheson-Lilienthal report imposed no new machinery of sanctions for violations of the proposed atomic energy control treaty. The plan was designed to provide what W. T. R. Fox later called "a reliable fire-alarm system"—a system which would provide timely and reasonably certain notice that fissionable materials were being secretly and illegally accumulated for the purpose of making bombs. The theory was that if such violations occurred, other nations would take such action, including collective action, as the circumstances warranted—even to war or the threat of war.

To this concept Baruch would not agree, and he won the support of Secre-

tary Byrnes and President Truman over the opposition of some of the authors of the Acheson-Lilienthal report. Baruch added to the scheme a proposal to remove the veto in the Security Council with respect to collective action following violations of the atomic energy treaty. The Security Council, under this proposal, could by majority vote invoke sanctions for atomic treaty violations, including collective military action.

This aspect of the Baruch plan was the principal ostensible cause of the Soviet objection to the United States plan in 1946. Subsequently, the Baruch proposal on the veto was more or less disowned in a quiet fashion by the United States negotiators who followed Baruch; but the question of the veto at the very least provided an issue, as Chester Barnard predicted in advance that it would, on which the Russians could "dance up and down indefinitely."

Lack of immediate prospects for atomic power

There was a good deal of optimism in early 1946 about the prospects for developing economic electric power from atomic energy, and this was also thought to be a major inducement to the Russians to enter into a co-operative international atomic energy enterprise. Less than two years later this prospect for economic atomic power had receded into the more distant future—so much so in fact that the "Majority Plan" for atomic control finally voted by the United Nations Atomic Energy Commission in September 1947 was based on the explicit assumption that the international atomic authority would not be in the power business for some years. A little-noticed provision of the plan required an amendment of the basic control treaty after a showing of the technical and economic feasibility of beneficial uses, before any

large-scale accumulation of plutonium would be permitted.

This amounted to a finding—now confirmed by experience—that economic atomic power was some years away and that the international atomic development authority would not be heavily engaged in this area until the basic atomic control treaty had been amended. The Russians were apparently equally aware of the long-term problems involved in developing electric power from atomic energy on an economic basis, despite their propaganda bombast at times which charged the United States "monopolists" with trying to curtail peaceful atomic development in order to preserve their present investments in electric power production based on conventional fuels. As Professor Skobeltsyn, technical adviser to the Soviet delegation, stated in the summer of 1947 (in the indirect quotation used in a United Nations document):

If the opinions of experts on the subject were to be accepted, it might be decades before atomic energy could be utilized in industry; and this would result in the simplification of the whole problem of the structure of the system of control. He [Skobeltsyn] felt that some of the members were incorrectly basing their discussion on the belief that the application of atomic energy could be realized in the near future.

Even today, six years later, the era of large-scale economic atomic power is still being placed a decade or two in the future. In the recent hearings of the Congressional Joint Committee on Atomic Energy, United States private enterprises seem not yet to have come forth with a firm offer to enter this field with their own capital without government support, such as the sale of by-product plutonium for bombs to the United States Government. Thus a key element in the original Acheson-Lilien-

thal plan which was designed to attract the Russians with economic advantages, soon turned out to be an overoptimistic assumption in the short run, and was actually formally so designated in a key provision of the United Nations Majority Plan of September 1947.

Hedges in United States proposal

The principal hedge in the United States proposal of 1946 actually antedates the Acheson-Lilienthal report itself. This was the matter of "stages," which was included in the Truman-Attlee-King declaration of November 1945, and subsequently elaborated in the final section of the Acheson-Lilienthal report. In brief, the idea suggested in these documents was that the international atomic control and development agency would take over atomic operations in stages, starting with a survey of raw material resources and progressing up the production chain to the plants which produce fissionable materials.

To this the Russians made violent objection, and proposed as early as February 1946 that the international control agency take over operations of all kinds at one time. The actual sequence or timing of stages was never discussed in detail at the United Nations Atomic Energy Commission at any time, nor was it incorporated in the Majority Plan of 1947.

The objection of the Soviets to starting with a wide-ranging survey of raw materials was that it would reveal to the West many nonatomic military secrets—such as the location of industry and airfields—prior to their getting any "secrets" from the United States, for example the methods of operation and the capacity of the large United States production plants like Oak Ridge and Hanford.

The reasoning behind the United States proposal on stages was to pre-

serve our principal atomic secrets until a test of Soviet good faith had been made in the survey of raw material resources and other early stages in the plan.

This, then, was the United States proposal, its evolution in the United Nations in 1946-47, and the reasoning behind it. The Soviet counterproposals are not worth discussion in any brief analysis such as this; they were inadequate, rigid, and unimaginative. Only in its comments on and suggested amendments to the United States plan did the Soviet delegation occasionally reveal its understanding of the nature of the problems involved.

ATOMIC AND OTHER ARMAMENTS LINKED

Since 1947 little has been done in the United Nations in elaborating a concrete plan for atomic energy control. At the Assembly Session in 1950, the United States proposed the merging of the United Nations Atomic Energy Commission and the United Nations Commission on Conventional Armaments. The latter had accomplished even less than the former. In the 1951 Assembly Session this proposal was approved, and early in 1952 the two previous Commissions were dissolved and were replaced by a new Disarmament Commission. United States working papers on disclosure and verification of armaments and armed forces and on essential principles of disarmament were submitted to the new Commission early in 1952; these were followed by a British-French-United States working paper on setting numerical limits on armed forces.² On April 8, 1953, the Assembly adopted a resolution requesting the Disarmament Commission to continue

² *First Report of the Disarmament Commission*, United Nations document DC/11, May 29, 1952, 6 pp. mimeo.

its work and to report to the Security Council and the Assembly not later than September 1, 1953.³

The United States move to combine the consideration of limiting conventional armaments and the control of atomic energy was officially stated to be a reversal of the previous United States position. It made much sense both in terms of the United States interest and in terms of the technical problems of developing a workable and acceptable control scheme for atomic energy.

The initial move of the United States in 1946 to secure atomic control first, when we had atomic bombs but had demobilized our vast war machine while the Russians had a large army but no atomic bombs, would actually have weakened the United States and strengthened the U.S.S.R. in the world military power balance. Baruch was conscious of the problem, as indicated in a letter he wrote to Representative Vorys of Ohio early in 1947 in response to an inquiry from Vorys as to whether we had not better try to secure control and limitation of the Red army along with atomic energy control.

In addition to these considerations of immediate self-interest, it seemed possible that combining conventional armaments control with atomic energy control might help to secure agreement and to make possible a more certain method of control. It might help to secure agreement because any system of inspection which would be sufficient to enforce a limitation of armed forces and conventional armaments would have to be so detailed as to be capable of serving the needs of atomic control as well. It might strengthen the control of atomic energy because if, for example, bombers capable of carrying atomic bombs were to be prohibited, this would provide an additional protection against surprise

³ United Nations document A/L. 149, April 8, 1953.

atomic attacks; both the bombers and the atomic bombs would have to be secretly manufactured by an aggressor in violation of the control treaty and without detection by the inspection system.

So much for what is past. What are the elements in the present situation which would shape a new beginning on the atomic control problem?

LACK OF QUANTITATIVE INFORMATION

The most important question, of course, is whether there is any point in considering a new beginning. J. Robert Oppenheimer, the physicist and probably the chief shaper of the Acheson-Lilienthal report, has recently suggested that not much can be done about controlling the destructive aspects of atomic energy unless some additional facts are made available for public discussion.⁴

The most important of these facts is approximate quantitative information on the destructive potential that the United States and the U.S.S.R. have piled up in atomic bombs. Oppenheimer's opinion is entitled to great respect because of his knowledge of the technical aspects of the problem obtained behind the curtain of secrecy, plus his experience in the drafting of the Acheson-Lilienthal report and later participation in the panel of consultants to the State Department on the problems of disarmament in 1952. This group, consisting of Vannevar Bush, John Richey, Allen W. Dulles, Joseph E. Johnson, and Oppenheimer, was appointed in the spring of 1952 and apparently spent a good deal of time later that year in reassessing the problem of disarmament and atomic control; but neither their report nor any suggestion of what is in it has been made public.⁵

There is much to be said for Oppenheimer's view that it is difficult to con-

⁴ *Foreign Affairs*, July 1953.

⁵ *Department of State Bulletin*, p. 792, May 19, 1952.

duct any intelligent public discussion unless at least the rough outlines of the quantitative situation are available. Oppenheimer himself, however, has not attempted to supply any such outline (although he suggests that it can be estimated by any competent military intelligence organization), except for his personal impression that the Russians are about four years behind the United States in atomic development. This would place them in mid-1949. At that time various public data suggested that the United States might have some 200 bombs of at least the caliber of the Hiroshima or Nagasaki type; so the U.S.S.R. may have about that number now. Since then, United States production of fissionable material has undoubtedly been stepped up, and the efficiency of the use of uranium 235 and plutonium increased.

ROUGH ESTIMATES

As a rough estimate, we may have doubled our scale of production since 1949 and thus may now have the equivalent of at least 600 bombs of the early type. The number of bombs the United States has been willing to expend in test (41) also suggests that our stockpile is quite substantial. Precise figures are to a considerable extent, not so important as Oppenheimer's expert opinion that the Russians are about four years behind us. If the figures of 200 and 600 are too high now, they will not be two or three years hence; fissionable material does not deteriorate, and can be progressively accumulated without loss for an indefinite period. The development of the H-bomb does not change the essential nature of the problem, since the newer weapon requires an A-bomb as a detonator.

With respect to the equally important question of the means of delivering atomic bombs, the Russians probably

have a sufficient fleet of several hundred B-29-type planes which are capable of reaching the United States, particularly in one-way suicide missions. Our own air defense system has not been officially claimed to amount to much now, especially with respect to the warning system. Thus the United States is undoubtedly already vulnerable to atomic attack on a substantial scale, and various government studies hinted at in the press indicate a growing official concern about the need to provide a greater measure of protection than we now have.

On the offensive side also, the odds have probably evened somewhat between us and the Russians in the air-atomic field. The acquisition by the Russians of good jet fighters makes our B-36's vulnerable except in night and bad weather attacks. We have, in fact, apparently abandoned further production of these rather slow piston engine planes and shifted the bulk of heavy bomber production to jets. The jets, however, have a much shorter range, and depend much more heavily on air bases in Great Britain, Europe, North Africa, the Middle East, Japan, and Okinawa.

THE RISK OF CONFLICT

Thus, although we could now injure the Russians much more than they could punish us in an air-atomic duel, we are vulnerable and will probably become more so. The atomic weapon is no longer a deterrent to war in the way that it used to be—a force which could strike the Russians without their being able to strike back directly at the United States. It is still a deterrent, of course, in the sense that we are in the position of a man with a carbine facing one who now has a pistol, whereas formerly he had only a club. The man with the pistol is not likely to start shooting if he is guided by purely rational considerations.

Actually, of course, this analogy will not hold in the area of international affairs. Even the action of individuals is frequently influenced by nonrational considerations. International politics is far more complicated than, and probably not so rational as, dealings between individuals. An accident, a miscalculation, the pressures of internal politics, the action of an ally, the irrationality of a key individual—any one of these could start a conflict which would lead to the use of atomic bombs and the destruction of a large part of the urban civilization of the U.S.S.R., western Europe, and the U.S.A. Five or ten years from now such a conflict might destroy almost all of the urban industrial area in all three regions.

The crisis, in a sense, is no nearer in any tangible way than it was five years or eight years ago. No one can say that 1955 or 1957 or 1960 will be the crisis year. But the destructive potential continues to build up at an increasing rate, and one spark, one lapse of rationality, might set it off.

There remains, therefore, the same rational incentive that has existed from the beginning to keep trying to achieve international control of atomic energy, to keep sounding out the Russians through diplomatic channels every now and then to determine whether their position has changed. In the flux and upheaval resulting from Stalin's death it is conceivable that their policy in this field may be subject to reconsideration, just as other policies appear to have been reviewed.

FEATURES OF CONTROL PLAN

It may, however, take more than a mere general sounding out of the Russians to get serious negotiations started again. We may require a concrete plan—at least in its main outlines. What kind of proposal is most likely to meet

all the requirements of the present situation?

It is here that the lack of information particularly handicaps intelligent thinking and public discussion, to such an extent that the functioning of the democratic process almost ceases to operate in this area. It is possible, however, to consider two of the major features of any armaments control plan and to reach some tentative conclusions as to what is required with respect to each of them in the present situation. These are the questions of what is to be limited and controlled, and whether the limitations on major weapons are to be partial or an outright prohibition.

As already noted, the United States position most recently has been to insist on the control of all major armaments, including atomic weapons, and the components of armed forces. This is a reversal of an earlier position of insisting on control of atomic energy first. The control of conventional armaments along with atomic energy still appears to be a wise policy, although it is not so obviously important in the United States interest as it was a few years ago, when we had a monopoly or near-monopoly of atomic bombs, and a limitation of atomic energy alone would have weakened our power position vis-à-vis the Red army. But even now, if only atomic energy were controlled, a race in other armaments might contribute to the danger of war; and under the pressures of a long major conflict the atomic control scheme would no doubt break down.

LIMITATION OR PROHIBITION?

The second major question—should there be limitation or prohibition—is particularly important with respect to the control of atomic energy. The original United States proposal, as we have seen, was to outlaw only the use of atomic bombs, but to permit and even

to encourage the production of electric power from fissionable material. Outright prohibition of the production of fissionable material would have provided greater safeguards, a longer period of warning if the control scheme broke down, and a simpler control plan. Prohibition of production was rejected because we did not ourselves wish to forgo the potential economic benefits of atomic power, and we felt that a joint international atomic enterprise would be both more attractive to the Russians and more durable as an inspection and control device. Subsequently, in 1947, in the United Nations Majority Plan, we took a middle position which probably had most of the defects of both extremes. We continued to insist on the international development authority, but we put off to some indefinite time in the future the functioning of such authority on a significant economic scale.

We still have a hard choice to make on this question, and the facts on which to make the choice seem as inconclusive and baffling as they have always been. Electric power has now been produced from atomic reactors, both by ourselves and by the British. A test of how cheaply such power can be produced from a reactor which is designed only for power still seems five or more years away. Thus if we continue to propose an international atomic development authority, we shall still be proposing, as we were in 1947, an agency which would be engaged primarily in research and development for the next few years. Such a proposition might be even less attractive in an economic sense to the Russians than it was six years ago. The U.S.S.R. has been working on atomic energy during all of the intervening years, and may be almost as far along as we are with respect to the development of reactors for power. Pooling of knowledge might not advance their progress by much.

ATOMIC POWER BALANCE

The problem of the atomic power balance under a plan calling for large-scale production of electric power from fissionable material also seems no easier of solution now than it has ever been. This problem remains precisely where it was when discussed in the Acheson-Lilienthal report; it was never subject to negotiation in the United Nations Atomic Energy Commission. The Acheson-Lilienthal report proposed simply that the atomic power plants (which would also produce or be capable of producing large amounts of fissionable material usable in bombs if electric power were produced on any large scale) be distributed around the world in a "strategic balance"—a kind of atomic balance-of-power arrangement. If the Soviet Union or some other aggressor were to denounce or violate the atomic control treaty, the remaining nations of the world would have sufficient fissionable production capacity in their power plants to exceed the aggressor's bomb-making capacity. But the problem of allocating this power-and-bomb capacity was so formidable that it was never tackled. It remains just as formidable today.

In the present-day world it hardly seems conceivable that the Soviet sphere would accept less than half of the world's total atomic power and bomb production capacity, or that the rest of the world would grant the Soviet bloc that much.

Perhaps there have been technical developments behind the curtain of atomic secrecy which would make atomic power plants less dangerous in the political sense—plants which would "burn" natural uranium but would not be efficient producers of plutonium if seized by an aggressor. This seems unlikely, however. If such a development had occurred it could reasonably be expected

to have resulted in a new initiative for atomic control based on this simplifying factor. The recent public technical discussions of reactor development rather suggest the contrary; the emphasis is tending more and more towards the "breeder-power" reactor, which would produce electric power from the heat of the process and also produce more plutonium or U-235 than was consumed. This is the promising economic development, the only real hope of large-scale production of power from fissionable material, because it would permit the utilization of far more than the one part in 140 in natural uranium which is fissionable.

THE ALTERNATIVE PROPOSAL

Here again we seem to be back where we were in 1947 in the Majority Plan. There is now, as there was then and even earlier, the alternative of frankly proposing an interim control plan for a period of years, based on an absolute prohibition of the manufacture of fissionable material, as well as of the production of bombs, and the enforcement of this limitation by inspection. Inspection there has to be in any event, even with an international atomic development authority, to assure that secret and illegal production does not occur.

This alternative has been proposed by various students of the control problem through the years from 1945 to the present day, but it has never been officially discussed in the international negotiations. The nearest approach to such discussion was when the Majority Plan of 1947 accepted the premise of this scheme, an interim period of no significant production of fissionable materials pending the demonstration of the economic utility of atomic power, but continued to insist on international ownership and management of all atomic activity by the international authority.

The alternative proposal offers a solu-

tion—if only a temporary one while atomic power is not an economic reality—to the problem of the geographic allocation of atomic production capacity that seems so insoluble politically in the present-day world. Perhaps this is the time to bring it forth for discussion with the Russians. If the new Soviet rulers are not disposed to make another try at atomic energy control, they would probably greet this proposal with a propaganda campaign about United States monopolists' trying to stifle technical and economic progress. If they are ready to try again, they might find this an acceptable alternative which would meet many of their announced objections to the United Nations Majority Plan. From the point of view of workability and safety for the West, it should be at least as acceptable to us as our earlier proposal.

NEW DIFFICULTIES

It should be pointed out that whatever control plan is now proposed will present a good many more difficulties than any plan discussed in 1946, when only in the United States was there production of fissionable material and that was on a relatively small scale.

We now have a great accumulation of U-235 and plutonium, and a large investment in production plants. The Russians have a smaller stockpile and fewer plants, and the British still less. What is to be done under an international control scheme with these stockpiles of fissionables, and with the plants at Hanford, Oak Ridge, Savannah River, and Paducah in the United States and similar British and Soviet installations? The absolute monetary value of both stockpiles and plants is small in terms of their usefulness with respect to any future development of atomic power on a self-sustaining economic basis, but the popular psychological value placed on them is likely to be very great.

The other new and difficult question is how we can be certain, now that production has so increased, that all the fissionable materials produced prior to the time of the signing of a control treaty could be properly accounted for. How could we be sure that a secret stockpile sufficient for a considerable number of bombs had not been held out? Some writers have suggested that this may be the "point of no return"; that a control treaty may not be feasible for this reason alone, once production and stockpiles have grown to a certain point.

CONCLUSION

The world seems to have become numb, even paralyzed, with respect to doing any thinking or taking any action about warding off an atomic catastrophe. Even defensive measures, which at best may be palliatives, are not vigorously pursued. Secrecy seems to have become a comfortable and habit-forming sedative.

No one can forecast the course of events, especially in a unique situation. Perhaps the two atomic "scorpions in a bottle," to use Oppenheimer's term, will remain torpid indefinitely while the poison in their tails increases year by year. For some time after the First World War there was a popular theory that the destructive power of modern weapons had made large-scale war obsolete on rational and practical grounds. The price of victory would far outweigh its benefits. Then came Hitler.

The seekers of great power are not noted for their rationality. Nor is the vast destructive potential in the present and prospective atomic stockpiles any more of an assured war preventative than was the lesser power of conventional weapons prior to World War II. Some major elements of the old plan of atomic energy control now appear to be obsolete. There can be no guarantee of

success in any new attempt at international control—the odds are poor as they have always been; but the responsible statesmen of the West would

seem to have an obligation to keep sounding out the Russians from time to time with a new and modernized proposal.

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The Economic Consequences of Atomic Attack

By DAVID F. CAVERS

IN a nation which is spending billions to equip its military arm to wage war against a dangerous enemy, yet begrudges millions to protect its own citizenry against that enemy's attack, other paradoxes in thinking about the problems of defense are, I suppose, to be expected. Yet I continue to wonder at the persistent tendency to treat civil defense against atomic attack as a problem of protecting simply against *physical* damage and injury. The economic consequences of atomic attack and the measures, legal and economic, required to reduce its impact have received startlingly little attention.¹

This is all the more surprising in view of the intricacy of the economic, social, and political relationships which make the United States a national community instead of merely a collection of people and buildings set in space. Much study and organizational work are being devoted to the design of warning systems, shelter arrangements, fire-fighting operations, medical treatment of casualties, and, to less extent, the feeding and housing of refugees. Some planning has gone to the maintenance of order and certain basic governmental services in

¹ Peculiarly to blame for the present imbalance, in my judgment, are the members of my own profession, the lawyers. They are the experts in contingency on whom governments, business firms, and individuals alike have traditionally relied to devise workable arrangements to prevent, mitigate, or liquidate the consequences of disappointed expectation, accident, and even disaster. Some planning for clients has, of course, taken place, but legislative and institutional arrangements have not even reached the discussion stage. An article by a leading Los Angeles attorney, Homer D. Crotty, "The Administration of Justice and the A-Bomb," *American Bar Association Journal*, Vol. 37, No. 12 (Dec. 1951), pp. 893-96, is an isolated exception.

stricken areas, and a few voices are still raised in advocacy of dispersal policies.

Preoccupied with physical damage, these studies have given little attention to the economic activities pursued in stricken areas, and the effects of their disruption (as well as of threats of further attack) on the rest of the country, most of which will remain *physically* intact, even under protracted atomic bombardment. Attention is paid, to be sure, to industrial production, especially of war plants, but this is considered primarily in terms of the physical activities being carried on, not the economic organization of which they form an integral part.

BUSINESS CENTERS AS CRITICAL TARGETS

One of the explanations for this monumental oversight may be the often encountered assumption that the prime enemy targets would be steel mills, atomic reactors, airplane factories, and other key industrial plants. Of course these would be targets of any enemy possessed of enough H-bombs and A-bombs to spend them freely and to sustain heavy delivery losses. But if thrift in using bombs were important to the enemy, and particularly if it sought the advantages of initiating war by a paralyzing surprise attack, then the great financial and commercial centers on the seacoasts or within guided-missile range of the ocean would seem by far the most attractive targets, especially if our current state of utter unpreparedness should continue.²

² I need scarcely add that that fat sitting duck, Washington, though rather less accessible, would repay a considerable expenditure of guided atomic missiles or other vehicles of atomic attack. Unless and until assured to the

These centers are the ganglia of a vast network of business relationships through which the United States carries on its economic life. With the impact of a blow on the solar plexus, the atomic destruction of these centers, especially by a surprise daytime attack, would set off a series of shock waves that, unless cushioned by advance preparation, would disrupt the functioning of American business and impose terrific strains on the nation's capacity to mobilize for war.

TYPES OF PROTECTIVE MEASURES

Fortunately, this is a problem that, however complex, can be tackled. The job calls for the investment of a great deal of hard thinking and planning but a relatively small amount of money. We must design and adopt a secondary network of stand-by relationships which can go into effect immediately after attack. Even if such a network were in existence, great and widespread harm would be sustained; but the relevant comparison is between panic and its attendant chaos, on the one hand, and the orderly treatment of grave economic injury, on the other.

The measures needed fall into three categories: (1) legislation, state and federal, in a number of fields, substituting new procedures, rules, and principles to govern private relationships during the period of disruption; (2) private arrangements in contracts, leases, mortgages, wills, trusts, and so forth, to meet contingencies arising out of atomic attack, many of which could be effected under existing law, while others would have to await authorization under the new statutes; (3) a basic plan concerning compensation for the injury and death of persons and the damage and destruction of property by atomic at-

contrary, I think we should consider Washington prostrate within the first hour of warfare.

tacks. Whether or not the compensation plan uses the war risk insurance principle, whether or not it purports to be comprehensive in its coverage, little other legislation and private arrangements can be wisely planned unless the extent to which the federal government is prepared to underwrite losses can be gauged.

Before I attempt to discuss these measures further, let me be more explicit concerning the nature of the hazards that are involved in the exposure of our great commercial and financial centers to attack.³ The dominant fact, I think, is the vital role played by credit in the operation of the vast and intricate set of contractual and proprietary relationships that constitutes our economic system.

STRAIN ON THE CREDIT SYSTEM

The strain that successful though limited attack would impose on the credit system would be terrific. The alternative to an epidemic of runs on banks would be a grim bank holiday, covering the stricken cities initially, and perhaps rapidly expanding. Despite the aid that the Federal Reserve System and the Federal Deposit Insurance Corporation could extend, if not themselves prostrated by losses in executive manpower, staff, and facilities, a tremendous financial operation would be required to evacuate deposits from New York City alone—and remember that banks and business firms all over the country keep

³ Incidentally, the effect of successful attacks on only a few such centers—for example, New York, Houston, and San Francisco—upon the functioning of similarly exposed centers such as Boston, Philadelphia, New Orleans, and Los Angeles might be almost as disruptive as actual attacks on the latter centers. Will an automobile-owning American citizenry helplessly await extinction in an obvious target area? And for how long? And how, without careful advance preparation, will the businesses operating in those areas transport their activities elsewhere?

large sums on deposit with New York banks. Of course, New York as a financial center is no stronger than its window glass. Once attacked, it would be out for the duration.

But, like the stock exchanges which would promptly be closed where they were not obliterated, banks represent only a conspicuous starting point. The immediate losses (physical and economic) sustained in the stricken areas alone would render insolvent a great many firms with all or major parts of their businesses in those areas. Few would escape even if a comprehensive scheme of war risk insurance or compensation existed and became immediately operative (the latter a highly dubious condition, being economically dangerous and administratively impracticable). Solvency ordinarily depends on the maintenance of a going concern, not on the existence of claims for compensation.

A secondary wave of insolvencies would soon follow. The areas which we have assumed would first be stricken are great consuming, manufacturing, and distributing centers. An upstate dress factory or a New England gadget maker would have a good set of accounts receivable one day and a long array of bad debts the next. Worse still, he would have lost half his customers and would wonder—with reason—about outstanding contracts and new orders from the other half, most of them in target areas. Would he meet his payroll? Would he meet his bank loan?

A factor to be reckoned with in assessing credit problems is the power often reserved by creditors in extending business loans to accelerate the maturity of term obligations if conditions arise which render the creditor insecure. These provisions would, if unchecked, operate to render immediately payable a great volume of debt that would otherwise fall due over a considerable

period of time. They might trigger a credit collapse.

The reader need scarcely be reminded of the billions in consumer credit outstanding and the dependence of great industries on its continued flow. Added to consumer credit losses in the stricken areas would be the rapid expansion of such credit losses elsewhere as payrolls felt the force of the secondary wave of insolvencies and as a general spirit of uncertainty gripped city after city. (Just how many refrigerators would a finance company repossess? My guess is that, in exposed areas, cars could be repossessed only at gun point.)

CONTRACT PROBLEMS

In addition to credit problems of the ordinary sort (of which I have noted only a part), we should have a wide range of problems based on the effects of attack on long-term contracts. Let me instance only a few categories: (1) supply and requirements contracts, frequently entered into by manufacturing firms for periods of years, the price and volume terms of which presuppose a reasonable continuation of the status quo; (2) long-term leases, many of which, though on unscathed buildings, would become economically oppressive; for instance, a lease on store property in a Westchester suburb after Manhattan had been bombed during business hours; (3) long-term employment contracts; for example, contracts of high-salaried executives and research men with firms which would still be in business but would suddenly have little need for their services; (4) pension plans, hard hit in their portfolios and meeting simultaneous waves of retirements and of reductions in employer contributions.

None of these, it should be noted, is a problem confined to bombed-out areas.

Where ordinary business practice is to deal on a short-term contractual basis (which means that one party is in

effect giving credit to the other and is carrying it by his working capital or bank loans), new sets of uncertainties would arise. How far would the reasonably safe firm in, say, Scranton or Elkhart or Nashua go in selling to old customers in still unhit target areas like Baltimore, Philadelphia, Pittsburgh, Detroit, Cleveland, Boston, or Providence? What should its new contract terms be? Multiply this example by one hundred thousand or so.

LIMITATIONS OF GOVERNMENT ACTION

As these economic dislocations were occurring (during a period of horrible human suffering and countless personal tragedies), should we assume that this process of economic "transition" would be smoothed over by government action and that the dislocated persons (like automobile salesmen in World War II) would find themselves absorbed in war production or in public administration? The answer, I think, is clear. In the absence of careful advance preparation, this could come about only gradually and after we had muddled through the economic disruption I am forecasting.

We have seen the slowness with which our unimpaired government machinery shifted gears in 1950 when the Korean invasion and the Chinese attack made rearmament essential. Yet that task seems simplicity itself when contrasted with the countless adjustments to be worked out by the survivors of a government that had been blown out of its capital city and was trying at once to wage war and meet the minimum survival needs of millions of refugees. Moreover, if atomic attacks were also being sustained by the industrial establishment, it might well be shrinking rather than expanding.

In appraising the functioning of the federal government, consider only one operation that atomic attack would entail: price control. Most of the prob-

lems faced by the Office of Price Administration in World War II were solvable because of the underlying stability of the wartime economy. The slack in the demand for certain products was taken up by others. Savings were huge. The pattern of demand was relatively normal. However, as the war continued, conditions began to change, and OPA was, as I know from personal observation, hard pressed to adapt its policies to the new situations. Yet I encounter many people with price control experience who still think of fighting the economic battles of an atomic war with the weapons forged in World War II and recently refurbished for the Korean crisis. This is folly. A wholly new planning job is needed, integrated with planning for other economic controls on a much broader front, and taking account of the fantastic departures in both directions from normal demands for goods and of new tendencies both to hoard and to squander.

MANAGERIAL PROBLEMS

The limitations of improvised governmental action to cope with the crisis would be matched by the managerial problems of private business. A surprise attack on New York alone, if in business hours, could decapitate a wide segment of American business. Closely held corporations might lose not merely their officers and directors but also their shareholders. Plants in the country would survive when top management was lost. Even if a protracted crisis, preceding attack had led many firms to put into effect existing plans to keep skeleton forces of officials and trained staff out of the target area, the burden thrust on them would be far heavier than the full complement had been used to carrying.

The existence of records on microfilm might help, but the difficulties of its use (what would be the supply of "read-

ers"?) and the sudden irrelevance of many of the recorded data would mean a drastic slowdown in operations dependent on them.⁴

LEGAL AND JUDICIAL BOTTLENECKS

The legal profession would form another bottleneck if a surprise daylight attack succeeded. The attorneys are the very people to whom the stricken banks and business corporations would ordinarily turn to meet problems of the sort that would multiply immediately in the wake of an attack. But the attorneys and their offices are just as vulnerably located as the banks and corporate offices. Those who survived would face perhaps twenty times the normal demand for their services. Yet they would be handicapped by loss of offices and files and by the general disorganization of the community⁵ and particularly of its courts.

In normal times, the court system is directly involved in only a small fraction of the community's affairs. Only a small part of the nation's firms go bankrupt, even in a depression year; only a tiny fraction of all contracts give rise to disputes involving litigation; only a relatively few propertied people die each year. Atomic attack would alter this situation drastically. As insolvencies multiplied, demands for bankruptcy and arrangements would expand explosively. Contract disputes would also proliferate as the basic presuppositions of the contracting parties were destroyed.

The pressures on the courts handling

⁴ An official of a large insurance corporation told me a year or so ago of a machine that his company had acquired to print microfilm records on cards at an almost miraculous speed. He remarked that there were then *two* other such machines in existence.

⁵ Manhattan business offices would doubtless be unusable after an attack, especially during the cold seasons. If the enemy were thought still to have deliverable atomic bombs, rehabilitation efforts would be futile.

decedent estates and such family relationships as guardianships would mount fantastically in the areas that had sustained attack. A hard-boiled attitude might be that this is luxury business; let the propertied widows go live with their brothers-in-law. But apart from the dislocation of the lives involved, the problems of ownership that would arise if estates were frozen could seriously impede economic adjustments. Who votes the stock in closely held corporations, the shareholders of record being dead or missing? Who is entitled to manage and sell property, to compromise disputed claims, to have custody over minors and incompetents? In normal times the orderly settlement of estates enables us to answer these and many like questions, albeit slowly, after a man of property has died. But suppose the death rate among such men in certain large cities has mounted 1,000 or 2,000 per cent?

And just where, literally, would one find the courts having jurisdiction over these corporate and property problems? Where, for example, would be the United States District Court for the Southern District of New York, which has its seat in lower Manhattan? This is the court which would have jurisdiction over the thousands of insolvencies that would arise in New York City and its New York suburbs. Where would the Surrogate's Court of New York County be? It has jurisdiction over the estates of Manhattan residents.

PROSPECTS FOR PRECAUTIONARY PLANNING

If the picture I have drawn has given the reader a sense of hopelessness, I think he is wrong—in part. The prospect of solving these and countless other problems of like nature for the first time *after* atomic war has begun is truly desperate. If, however, collectively and individually, we had planned

and put into effect measures of the three general types I have outlined above, I believe we could keep post-attack problems to manageable proportions. Indeed, the very process of thinking them through might lead to a wholesome simplification of a good many existing laws, procedures, and private arrangements.

Such study as I have been able to direct to foreign experience in World War II is encouraging. With the outbreak of war, England and Germany, for example, put extensive laws into effect to provide for the handling of war-created legal problems, and the German laws and regulations multiplied as bombing attacks grew. Moreover, I understand we have, in the captured files of German companies now on microfilm, great quantities of elaborate contracts that were devised to meet wartime exigencies. In contrast, I am told, Japan took virtually no protective measures. To do so would have been unpatriotic; the Army had said, "It can't happen here."

We dare not rely too much, however, on European experience as a guide. The problems created by a gradually accelerating tempo of bombing, chiefly at night and by conventional bombs, differ in crucial respects from those which sudden mass obliteration by A-bombing could produce.

EXAMPLES OF NEEDED MEASURES

No single article could canvass the diversity of measures that minimal protection would call for. I shall list only a few of them to indicate some of the principal lines that should be carefully examined without further delay. In this survey I shall omit the problems of health, safety, and order which have been receiving attention, and also the very serious problems of providing adequate stand-by arrangements for the executive arms of local, state, and federal governments—a field thus far covered with various degrees of adequacy

by legislation, chiefly at the state level. My concern will instead be directed to the neglected business of keeping in motion the wheels of our free enterprise, credit economy.

State and federal legislation (except compensation laws)

The credit problem calls for attack in a number of directions. Provision should be made for automatic transfer of bank deposits (either in whole or in part) from stricken areas to predetermined recipient banks, microfilm being used in the mechanics. Moratory laws, carefully tailored to meet a variety of situations, should be devised, a short blanket moratorium to be effective upon attack, to be followed by others of limited applicability. Authority should be given for the prompt appointment of conservators (ordinarily designated in advance) to be vested with wide powers over business and personal estates. Streamlined procedures for administering financially embarrassed corporations are needed; existing ones are hopelessly slow and cumbersome for emergency use. Procedures might even be devised for excising damaged segments of a corporation from the rest of it, prorating creditors' claims against each part so as to enable the undamaged part to become eligible for fresh credit. Government backing of short-term credit, administered by banks, could free business dealings frozen by war hazards, even where no war orders were involved. The need for working capital would probably be urgent; without it, the promise of property restoration or compensation might be like offering an artificial leg to a dying man.

The *force majeure* escape clauses which most well-drawn contracts contain in troublous times might actually prove disruptive. Courts might be given power to keep contracts in effect but to rewrite their provisions equitably, a measure for which both English and

German experience provides precedent. Estate administration would require speedy new procedures, with special attention to the problems of providing survivors with ready resources, even where wills and trust provisions had to be overridden, and freeing property and businesses from dead hands. Flexibility in corporate governance would also be needed. Proof of death should be facilitated.

Effective administration would require a stand-by system of courts, even though this might entail some disregard of state lines. The whole apparatus of notice and time limits governing current procedures would have to be reviewed and revised. Many judicial powers would have to be vested in special masters and referees, especially in stricken areas.

Private arrangements

The arrangements made by individual banks and insurance companies which have come to my attention are ingenious, but I think give inadequate weight to the disruptions occurring outside their walls. The insurance company that has reserved an institution near New York for its staff overlooks the waves of desperate humanity that will engulf the community chosen if an attack really comes. Working out co-operative plans with the government on a much more comprehensive scale seems called for.

Ordinary business concerns, with less public responsibility than the financial corporations, should review their long-term contracts and leases to seek ways of flexibly adjusting obligations to meet atomic war problems—a task which could be given both impetus and guidance by wise trade association leadership. Firms with managements and directorates concentrated in target areas should provide for the automatic transfer of authority to persons outside the area, upon attack. Appropriate voting

trusts might help to meet the problem of shareholders similarly concentrated. Trust companies should enlist safely situated understudies to help them handle the overwhelming duties that would fall on them as trustees for bondholders and as transfer agents.

Estate plans should be reviewed with the contingency of atomic attack in view. The drastic changes in the expectations on which existing plans are based suggest the possibility of vesting in persons outside the danger zone extensive powers to revise estate plans post mortem, pursuant to broad standards that the testators and the settlors could lay down. Safely situated substitute executors, trustees, and guardians should be provided in advance, and arrangements worked out for easy shifts of responsibility.

The law firms have a special responsibility: to provide stand-by correspondents in safe areas who are kept sufficiently abreast of the activities of exposed firms to enable the correspondents to help in an emergency, and who also can make some provision for working space for survivors. If, for example, Philadelphia and Boston were hit, nearby cities like Reading and Worcester could become the seats of much of the legal work of the bombed areas.

Compensation measures

The problem of compensation tends naturally enough to be cast in terms of war risk insurance for property damage, a reflection of the system successfully used in World War II which sustained losses only in the Philippines and made a net profit. It is clear, however, that if atomic attacks were made on metropolitan centers, the volume of war risk insurance carried in World War II would be a drop in the bucket. Moreover, it seems clear that to pay out large sums upon the infliction of damage would simply augment inflationary

dangers. Some combination of limited liability war risk insurance (perhaps with rates graduated to reward the new plant located in accord with dispersal needs) with a long-range program of government compensation, not necessarily providing full coverage, even together, might prove feasible.

The abortive "War Disaster Act of 1951," a bill⁶ drafted by the Bureau of the Budget and the National Security Resources Board and introduced by Senator Frear (by request), never emerged from committee. It not only provided property damage reimbursement but also gave payments to injured and needy victims of attack and to the families of the killed. Provision was also made for reconstructing essential plants and community services and for postwar aid to public bodies. A moratorium on insurance obligations was authorized. The bill was attacked by insurance companies. Whatever the merits of their complaints, it seems evident that the bill amounted to little more than a gallant first attempt to tackle an intricate set of extremely serious problems. In a more thoroughgoing study, incidentally, problems of tax abatement—local, state, and federal—ought to be included.

The problems of planning, public and private, to keep the economy a going concern after atomic attack are hard problems. Two or three years of work would at the shortest be needed to design and install an adequate system. Work should already have been well advanced. It is disquieting, therefore, that the recent Project East River, charged with recommending "the opti-

⁶S. 1848, 82d Cong., 1st sess., introduced July 12, 1951.

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mum combination of non-military measures which will assist . . . The Federal Civil Defense Administration to discharge its responsibilities for preparing to minimize the effects of attack . . . on the population and industry of the United States," reported in its long, unclassified report that it had "not had an opportunity to make an intensive study of war risk insurance or of possible systems of war indemnity," the only phase of the economic defense problem which it recognized.⁷

A TASK FOR THE PUBLIC

Planning to design adequate economic defenses is not a task for federal officials working under security and classification restrictions. It is a job for businessmen, bankers, lawyers, and public officials, aided by research help where needed, able to discuss dangers and remedies freely and publicly. Not only would a better set of plans result from this process. For responsible citizens to face the dangers squarely and to learn, through participation in their design, the measures that would be put into effect in case of atomic attack would mean sounder attitudes toward the risk of such attack while peace is maintained and a far more effective response to its terrible impact if war should come.

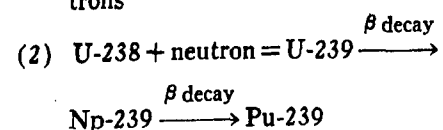
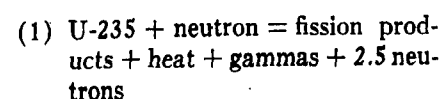
⁷In Part I of Project East River's report, completed only in October 1952, there is a "Check List of Recommendations," 31 pages long, containing 263 numbered recommendations. Exactly one of these (No. 92)—more research on war risk insurance—deals directly with the problems discussed in this article. The report was prepared under Signal Corps Contract No. DA-49-025-SC-96 by Associated Universities, Inc. (a nonprofit university group which operates the Brookhaven Atomic Laboratory).

Economic Technology of Nuclear Power

By JAMES A. LANE

THE utilization of atomic energy depends on the reactions that occur between neutrons and the nuclei of atoms. These reactions can occur in a variety of ways. In the most common nuclear reaction, the nucleus "captures" the neutron forming an isotope of higher atomic weight. This isotope is usually radioactive and decays to form a new element. In the "fission" reaction, the nucleus splits into two parts forming a variety of lighter elements and releasing a number of additional neutrons.

Although many heavy nuclei undergo both fission and capture reactions with neutrons, only a few have a higher probability of fission than capture. Since these few generate excess neutrons and are capable of sustaining a nuclear chain reaction, they are called "fissionable" nuclei. The most common fissionable materials are uranium 233, uranium 235, and plutonium 239. Of these, only the uranium 235 occurs in nature as 0.71 per cent of normal uranium. The remaining 99.3 per cent is uranium 238, which has a very low fission-to-capture probability and does not fission enough to sustain a nuclear reaction. If normal uranium is bombarded with neutrons, two primary reactions occur. These are:

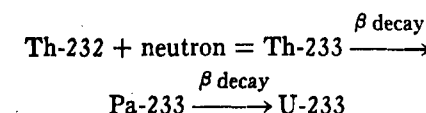


The first reaction is the nuclear fission reaction, and the second is a neutron capture reaction. Only the first

produces the energy for power and neutrons necessary for continuing the reaction.

If the nuclear fuel consists of pure U-235, there will be 1.5 excess neutrons created per fission, and in a mixture of U-235 and U-238, less than this, depending on the relative amounts of these elements present. In natural uranium, the above reactions occur in approximately equal amounts, which means that there are only 0.5 neutrons excess per fission.

Although the neutron reaction with U-238 uses up a neutron, this capture reaction produces an unstable atom U-239 which decays to neptunium 239, and this in turn to plutonium 239. Since Pu-239 is fissionable, each neutron capture in U-238 produces a new atom of nuclear fuel. In a like manner, thorium 232 will capture a neutron and produce U-233 as follows (Pa-233 means protactinium 233):



The large amount of energy released from the fission reaction arises from the fact that the combined masses of the fission products do not quite equal that of the fissioned nucleus, the difference being converted to energy. This manifests itself primarily in the form of kinetic energy of the fission products. These create heat on impact with surrounding atoms of the nuclear fuel.

REACTOR COMPONENTS

A nuclear chain reaction will be initiated spontaneously in a block of pure fissionable material if the number of

neutrons leaking from the surface is less than the excess neutrons generated. A simple system like this, however, is not practical as a source of power, for a number of reasons. First, a large fraction of neutrons leak out; second, there is no method of stopping the reaction; and third, there is no method of removing the heat generated. Consequently, to achieve a practical power generator, it is necessary to add other materials to the nuclear fuel to create more heat transfer surface and remove the heat and to control the rate of heat generation. Thus, the core of a nuclear reactor usually consists of a nuclear fuel, fuel diluent, coolant, and control elements, plus any structural materials necessary to contain or support the components.

In addition to the heat removal components, it is often advantageous to add a certain amount of "moderating" material to the core to slow down the neutrons from their original high velocities. Each time a neutron collides with a moderator atom it loses a fraction of its energy, until finally it is moving at the same velocity as the moderator atoms themselves. At this velocity, or energy, it is said to be "thermal," and nuclear reactors containing moderators are called "thermal" reactors. Conversely, reactors containing no moderating materials are known as "fast" reactors. Since the probability of occurrence of a neutron fission or capture reaction, measured by the nuclear cross section of the atom, changes with the velocity of the neutrons, thermal and fast reactors have considerably different properties.

By using a moderator, one takes advantage of the fact that fissionable materials absorb slow or thermal neutrons more readily than fast neutrons. For this reason, a chain reaction can be sustained in natural uranium with thermal neutrons but not with fast neutrons.

Although many materials of high atomic weight fission to a certain extent with fast neutrons, a fast fission chain reaction can be sustained only in nuclear fuels which contain relatively large percentages of U-233, U-235, or Pu-239. *Thus, fast reactors normally require large inventories of these fissionable materials.* However, such reactors have a considerably higher neutron economy than thermal reactors, and open the possibility of breeding more nuclear fuel from uranium 238 than consumed.

The design of a nuclear power reactor must satisfy two sets of requirements. The first deals with the nuclear system, or in other words the problem of maintaining and controlling the nuclear chain reaction; and the second, the problem of heat removal. To satisfy the nuclear requirements, the production of neutrons must exceed all losses due to absorption and leakage. To do this, the amounts of various materials in the reactor must be so adjusted that there are always excess neutrons available. Since all of the reactor components compete with the nuclear fuel for the capture of neutrons, only certain elements with low neutron absorption cross sections are suitable for use in the reactor. A constant rate of fission or constant heat production rate is obtained by adding neutron absorbers to maintain a delicate balance between neutron production and losses.

CONTROL OF REACTORS

Although the neutron multiplication process takes place in times of the order of milliseconds, not all of the neutrons are emitted instantaneously. Because a small fraction, less than 1 per cent, are emitted from short-lived fission products and are "delayed" as much as a few minutes after the fission occurs, the time between successive generations is

effectively increased. Thus, the delayed neutrons make the control of a reactor practical with mechanically driven rods containing neutron absorbers.

HEAT REMOVAL CONSIDERATIONS

The heat removal requirements of a nuclear power reactor usually dictate the size of the reactor core, although for each nuclear system there is a minimum size or critical diameter necessary to sustain the chain reaction. When the required size is larger than the critical diameter, the excess reactivity is adjusted by adding more neutron absorbing material to the reactor core. This may be either a nonproductive absorber, such as cadmium or boron, or a fertile material such as U-238 or Th-232 which will generate new reactor fuel.

The design of a nuclear power plant usually starts with the selection of the nuclear system with particular reference to the choice of coolant. The most important coolants are air, helium, water, heavy water, and sodium, although others may have merit for specific applications.

For the most efficient power production, the temperature of the coolant as it leaves the reactor should be as high as possible. This determines the thermal efficiency of the system and is an important factor in the economy of nuclear power production. Most of the development effort associated with nuclear power production centers on the problem of operating nuclear reactors at high temperatures. Superimposed on this is the fact that all materials become radioactive and undergo changes in their physical properties in a field of radiation. The combination of radioactivity, radiation damage, and high temperature performance, added to the nuclear requirements, considerably limits the number of materials suitable for use in a nuclear power reactor.

RELATIVE IMPORTANCE OF BREEDERS AND CONVERTERS

Since excess neutrons from fission will react with the fertile materials U-238 or Th-232 to produce fissionable Pu-239 or U-233 respectively, it is possible to generate as much or even more fissionable material in a reactor as it operates than is burned or consumed. The efficiency of this process depends on the relative amounts of fuel and fertile material present, and the extent of the neutron losses due to absorption and leakage. As long as there is some fertile material in the reactor, new nuclear fuel is produced. However, the added contribution that this new fuel makes to the original supply of fissionable material does not become significant until the ratio of new fuel produced to fuel consumed, after allowing for chemical losses, approaches or exceeds one.

The nuclear characteristics of the U-238-Pu-239 system are such that in a fast reactor it is theoretically possible to produce more plutonium than consumed. This type of reactor is commonly referred to as a "fast breeder" reactor, or simply breeder reactor. Thermal breeders may not be practical with Pu-239 as the fuel and U-238 as the fertile material, because of the non-fission-capture of neutrons by the Pu-239 to give Pu-240. However, properly designed thermal reactors which have a high plutonium regeneration ratio may play an important part in an industrial nuclear power program.

In the case of the Th-232-U-233 system, breeding is also theoretically possible in fast and thermal reactors. The relative merits of each type of reactor for nuclear power production from thorium depend more on design and economic considerations than on the nuclear characteristics. Many experts feel that since the difference in neutron economy between these two types is

small, a thermal thorium breeder may have an economic advantage compared to a fast thorium breeder.

The relative importance of the fast breeder, the thermal uranium reactor, and the thermal thorium breeder for nuclear power production will depend on the availability and potential supply of natural uranium and thorium, and the extent of the contribution of nuclear energy to our power supply problem. While it is true that breeder reactors make the most use of natural uranium or thorium, the question is essentially one of economics, since one always has the option of recovering more of these materials from the relatively limitless low-grade sources. The difference between the cost of maintaining a high neutron economy in the reactor in order to regenerate new fuel from the last few neutrons and the cost of recovering low-grade ores may well favor the latter. However, until this is established, the prospect of breeding is attractive enough to justify an extensive development effort in this direction.

Uranium requirements for industrial power

The uranium requirements for fast and thermal power reactors are an important factor in determining the relative merits of these reactors for economic power production. In both types of reactors, a certain amount of natural uranium is required to provide the fuel and fertile material for the initial loading, to supply inventories in the chemical processing plants, and to make up for uranium consumed. In reactors which do not breed, the additional amount of natural uranium required periodically to make up for the net fuel burned or lost during reprocessing is significantly higher than for breeder reactors, increasing with decreasing regeneration ratios.

The reactor inventory requirements

per unit of power produced depend on the efficiency of the heat removal and power production systems. In general, there will be an upper limit to the amount of power that can be extracted from a given amount of fuel, set by practical considerations of coolant pumping power, fuel element design, and reactor operating temperatures. Calculations of the heat transfer characteristics of the core of a reactor indicate that the minimum natural uranium requirement for fuel inventories will be in the neighborhood of 0.2 kilogram per installed kilowatt of electrical capacity for thermal reactors.¹

Since the annual fuel consumption in breeder reactors is negligible, reactor fuel inventories become the important factor in establishing the maximum utilization of nuclear fuels in this type of reactor. Generally, because of the high ratio of fertile material to fuel, the inventory for a fast reactor is approximately two and a half times as large as for a thermal reactor. If the thermal reactor were only to achieve an initial conversion of between .85 and .9 gram of plutonium for each gram of U-235 burned, the total yearly requirements would be equal for both types. This is shown in Table 1, which gives the hypothetical amounts of natural uranium required to produce the initial fuel charge in various thermal reactors and a fast reactor to supply the total power produced in steam plants in the United States in 1951.

Economic considerations

From an economic standpoint, the relatively large uranium inventory in fast reactor systems tends to offset the advantage of lower annual fuel consumption. If one assumes that the annual fixed charges against fuel inven-

¹ J. A. Lane and S. McLain, "The Design of Nuclear Power Plants," *Chemical Engineering Progress*, Vol. 49 (1953), p. 287.

tories, which are a nondepreciating investment, amount to 10 per cent, these inventories are one-tenth as important in determining fuel costs as charges against fuel burned. On this basis, one can calculate an "effective fuel requirement" in fast and thermal reactors by adding one-tenth of the reactor inventories to the annual consumption. The results shown in Table 1 indicate that both the fast breeder and thermal converters have roughly the same effective fuel requirements. In this regard, advances in technology which lead toward lower fuel inventories favor the fast reactor system.

The fuel inventory requirements for fast breeder systems shown in Table 1 assume that each reactor is fueled initially with enriched U-235 produced from virgin ore. After the first few fuel cycles, the plutonium produced is used exclusively as the nuclear fuel, and it is subsequently possible to produce excess plutonium for other reactors. Not only will the sale of excess plutonium reduce the cost of power, but it is possible to expand a nuclear power system based

on fast breeders by successive doublings of nuclear fuel inventories using plutonium plus depleted or waste uranium only.

This freedom from additional virgin ore is usually stated to be the most important attribute of fast breeders. However, the effectiveness of such a system depends on the characteristics of each particular reactor which determine the doubling rates of reactor inventories. For many designs, the fuel doubling times are too long to achieve a significant rate of expansion of the nuclear power system. Even with high doubling rates, there is still a question as to whether it is more economical to expand the nuclear power system through breeding or by mining new uranium ore.

DUAL PURPOSE VERSUS SINGLE PURPOSE REACTORS

In production reactors, as contrasted with power-only reactors, the Pu-239 produced by neutron capture in U-238 is removed periodically rather than allowed to burn in the reactor. As long

TABLE 1—NATURAL URANIUM REQUIRED TO SUPPLY TOTAL U. S. STEAM-PLANT-PRODUCED ELECTRICAL POWER IN 1951

Installed Electrical Capacity = 70×10^6 kw.
Power Produced = 326×10^6 kwh. per year
Thermal Efficiency Assumed = 25 per cent

Type of Reactor	Short Tons of Natural Uranium (or Equivalent)		
	Reactor Inventory	Annual Consumption	Effective Annual Requirement**
Fast Breeder	40,000	200	4,200
Thermal Converters			
a. $g_0^* = 1.05$	15,000	700	2,200
b. $g_0^* = 1.0$	15,000	1,100	2,600
c. $g_0^* = 0.95$	15,000	1,700	3,200
d. $g_0^* = 0.90$	15,000	2,500	4,000
e. $g_0^* = 0.85$	15,000	3,500	5,000
f. $g_0^* = 0.80$	15,000	5,500	7,000

* g_0^* = Initial regeneration ratio, defined as the atoms of Pu-239 produced per atom of U-235 consumed at the start of the cycle.

** Effective annual requirement = one-tenth inventory plus annual consumption.

as a military requirement for atomic weapons exists, the plutonium has a strategic value greater than its value as nuclear fuel. The revenue obtained by operating a reactor as a dual purpose reactor, producing plutonium for military use and power for industry, is greater, therefore, than that for a power-only reactor. Studies by industrial participation groups indicate that because of the enhanced value of plutonium, the by-product power from dual purpose reactors is economically competitive with power from conventional sources. Consequently, dual purpose reactors provide an economic incentive for industry to develop nuclear power technology.

Although the dual purpose reactor approach provides a short-term incentive for industrial nuclear power, the long-range implications of such a system are not great. First of all, the economics of power production are closely tied to the requirements for weapon-grade plutonium, which cannot be predicted with certainty. Second, the economics of dual purpose reactors favor designs which emphasize plutonium production and minimize power production. For this reason there is a question whether such a program is a direct step toward economic power. Finally, the contribution that the available natural uranium can make to our industrial power supply via the dual purpose approach is limited to that obtained by burning a portion of the U-235 present. For the case considered in Table 1, the annual uranium requirement in dual purpose reactors amounts to 15,000 tons, compared to 200 tons for the breeder.

PROBLEMS OF ESTIMATING PROBABLE COSTS

Most estimates of the cost of a nuclear power plant start with the premise that the reactor and its associated facilities replace the boiler and fuel handling equipment in a conventional plant—in

other words, the steam-producing facilities. The remainder of the plant, which includes the turbogenerator, the condenser, and the accessory electrical equipment, is usually considered to be unaffected by the substitution of a nuclear boiler plant for the conventional fuel-fired boiler, if the steam conditions remain unchanged. If limitations of reactor operation prevent achieving conventional high-pressure steam conditions, turbine and condenser costs must be adjusted to allow for lower-pressure operation.

Thus the starting point of probable nuclear power plant costs is the average cost of a conventional plant. For large plants with capacities of 100,000 kilowatts or greater, this is estimated to be \$150 per kw. capability, or \$170 per kw. of rated capacity. The first of these two numbers, which takes into consideration the fact that on an average plants actually operate about 14 per cent above the rated load, is probably the most realistic basis. Since one-third of the investment cost is represented by steam-producing facilities, the cost of the turbogenerator section of a nuclear plant amounts to about \$100/kw. as long as such a plant produces steam at 1,200–1,500 pounds per square inch pressure. For operation with steam at 500 pounds per square inch pressure, this cost would be \$110/kw., and at 200 pounds per square inch, about \$130/kw.

With regard to the cost of the nuclear portion of the plant, estimates vary widely. Early guesses range from \$50/kw. to \$250/kw. More recent studies by industrial participation groups have failed to narrow the range, and vary from \$140/kw. to \$700/kw., depending on the type of reactor considered. For the most promising types of thermal reactors, such as pressurized water reactors, aqueous homogeneous reactors, or sodium graphite reactors, the esti-

mated costs lie between \$140/kw. and \$300/kw. Total plant costs for these systems will range from \$270/kw. to \$430/kw.

The cost of power due to these investment costs depends on the rate of fixed charges and the load factor or number of kilowatt-hours produced per kilowatt of capability. Depending on plant locations and other factors, fixed charges will vary from 10 to 15 per cent, and load factors from 70 to 90 per cent. Taking an average fixed charge of 13 per cent and an 80 per cent load factor, the investment costs in a nuclear power plant will be between 5 mills/kwh. and 8 mills/kwh. With less optimistic assumptions, investment costs might be one or two mills/kwh. higher.

The problem of estimating probable fuel costs in nuclear plants is more difficult, since this involves unknown factors such as the ultimate cost of uranium ore and uranium metal at various enrichments, and the cost of fabricating complex fuel elements and reprocessing irradiated fuels. In addition, the market value of the plutonium produced in the fuel, as well as other possible by-products, may have an appreciable effect on the net cost of nuclear fuels.

In spite of uncertainties, it is possible to arrive at an order of magnitude of fuel costs from published values of the cost of natural and enriched uranium. W. H. Zinn² gives the cost of natural uranium metal as \$35 per pound, and of enriched uranium as at least \$20 per gram. Using the effective annual fuel requirements of various types of reactors given in Table 1 as a basis, the corresponding cost of fuel varies from 0.5 mills/kwh. to 1.5 mills/kwh. for natural uranium. The cost of enriching and reprocessing the fuel is not included. If enriched fuels are required, costs may

² W. H. Zinn, "Basic Problems in Central Station Nuclear Power," *Nucleonics*, Sept. 1952.

be considerably greater than the minimum values given here.

Since there is no experience available on the operation of a nuclear power plant, it is difficult to predict how the added complexity of such a plant will affect operating costs. The best guesses to date indicate that operating costs of nuclear plants may amount to about 2 mills/kwh., or twice the average of conventional plants.

The total cost of electricity at the bus bar in large nuclear power plants, based on the most recent published information, is seen to vary from 7.5 mills/kwh. to 11.5 mills/kwh. Corresponding costs for average new conventional plants of the same capacity amount to 6.7 mills/kwh., which means that nuclear plants are not competitive at the present time.

AEC REACTOR DEVELOPMENT PROGRAM

The present Atomic Energy Commission reactor development program, although motivated primarily by the need to build mobile reactors for military use, has made great strides toward establishing the conditions under which various nuclear systems are suitable for power production. At the present time there are at least five nuclear reactors being developed in Commission-owned laboratories, which are capable of producing power. These are:

1. Submarine Thermal Reactor—Westinghouse Argonne National Laboratory
2. Submarine Intermediate Reactor—General Electric Company
3. Aircraft Reactor—General Electric Company Oak Ridge National Laboratory
4. Experimental Breeder Reactor—National Reactor Testing Station, Idaho Argonne National Laboratory
5. Homogeneous Reactor Experiment—Oak Ridge National Laboratory

Only the last two of these reactors are aimed directly at the industrial power program and have actually succeeded in producing electricity; however, the primary objective of all approaches has been technical feasibility. In order to achieve industrial nuclear power, it remains to extend the technology of these and other promising nuclear systems along lines leading to greater economy of nuclear fuels and reactor investment costs.

As a supplement to the technical development effort in the laboratories, members of the Commission's staff have been constantly examining reactor designs which promise economical central station electric power, and about two years ago were joined with some of the country's best power talent. Most of this effort has been applied to dual purpose reactors, on the assumption that the simultaneous production of plutonium and power is attractive. Sharing costs would lower the cost of each product, it was reasoned, and in this way plutonium production would aid the development of power reactors. Subsequent review of the need for plutonium from dual purpose reactors has lessened interest in these reactors and has shifted the emphasis to power-only systems.

INDUSTRIAL PARTICIPATION STUDIES

Independent studies of reactor technology and promising reactor designs have been made by several firms interested in the commercial possibilities of nuclear power and reactor products. This activity, known as the industrial participation program, placed initial emphasis on dual purpose units; but now the participants are seeking economical designs whose primary product would be electric power. Increased interest in nuclear power production is evident, since the number of member firms participating in the four original study

groups had increased from eight in 1951 to more than fifty in 1953. A fifth group with eight clients started a new series of studies in September 1952.

The four groups in the first round of studies submitted reports in the summer of 1952. Condensed, declassified versions of these reports have been published by the Government Printing Office.³ The characteristics of the reactor designs studied are summarized in Table 2.

All four industrial groups concurred in the belief that dual purpose reactors were technically feasible and could be operated in such a fashion that the plutonium credit would make the cost of power competitive with that from conventional coal-fired plants. Conversely, all agreed that no reactor could be constructed in the very near future which would be economical on the basis of power generation alone. As a final comment, all four groups expressed willingness and desire to continue their efforts with more detailed studies and component development.

FUTURE PLANS AND ALTERNATIVES

The conclusion of the first round of economic studies by industry and the successful demonstration by Commission laboratories of the technical feasibility of various nuclear reactors for producing power bring to an end the first phase of the program directed toward industrial nuclear power. This may be also a turning point in the road toward economic nuclear power, with emphasis shifting from a military-motivated, government-sponsored program to a purely industrial program.

The rapidity with which the responsibility will shift, however, depends on

³ "Reports to the U. S. Atomic Energy Commission on Nuclear Power Reactor Technology," Washington: Government Printing Office, May 1953, 25 cents.

the solution of a number of legal problems which act as barriers to the entry of business into this field on a private investment basis. These are largely the result of provisions of the Atomic Energy Act passed six years ago to meet conditions existing at that time. For this reason, new legislation is being recommended by the Commission which will create a more favorable environment for private investment in nuclear power production.

The major changes proposed permit groups other than the Atomic Energy Commission, including private enterprise, to own nuclear equipment and fuels with appropriate safeguards, more liberal patent agreements, freer dissemination of required technical information, and a more realistic policy regarding reactor isolation measures. Although the legislation being recommended contains no commitment for purchase of plutonium, it does include provision for government purchase of all reactor products, if it is in the interest of national security.

Since future plans are governed by the outcome of the proposed legislation, the government program for nuclear power development cannot be defined at the present time. In general one of

four possible courses of action may be adopted. These are:

1. Create favorable legislation and let industry develop nuclear power on its own. This means an essentially long wait until rising coal prices or normal technical developments bring nuclear power into a competitive position with respect to conventional plants.

2. Underwrite the cost of the nuclear portion of the plant by owning and renting to industry the reactor and nuclear fuel. This not only sidesteps the need for legislative changes, but absorbs the risk involved in the first generation of nuclear power plants which public utilities are not in a position to assume.

3. Encourage industry to build small-scale power plants by supplying uranium fuel inventories and processing depleted fuel elements at minimum cost, and support such effort by research in Commission laboratories.

4. Continue the development program on its own initiative on a parallel to the industrial effort to the point where reliable and economical nuclear power is a reality.

Whatever be the outcome of the proposed legislation and the various debates concerning government (including non-AEC units such as a municipal sys-

TABLE 2—REACTOR DESIGNS STUDIED BY INDUSTRIAL PARTICIPATION GROUPS

Group	Reactor Type	Fuel	Electrical Power, kw.	Cost \$/kw.
Chicago ^a	1. He cooled, graphite moderated	nat. U	47,000	850
	2. Pressurized heavy water	nat. U	211,000	435
Michigan ^b	1. Cast slurry fuel fast breeder	highly enriched U or Pu	138,000	—
Pacific ^c	1. Pressurized heavy water, light water cooled	nat. U	106,000	350
	2. Fast breeder	highly enriched U	145,000	350
St. Louis ^d	1. Sodium cooled graphite moderated	1% U-235	210,000	475

^a Chicago Group—Commonwealth Edison and Public Service of Northern Illinois.

^b Michigan Group—Detroit Edison and Dow Chemical Company.

^c Pacific Group—Bechtel Corporation and Pacific Gas & Electric Company.

^d St. Louis Group—Monsanto Chemical Company and Union Electric Company.

tem) or private development of nuclear power, it is becoming increasingly evident that some form of co-operative program between the Commission and industrial groups is desirable. Certain features of such a program will remain government responsibility; for example,

controlling and supplying fissionable materials, and supporting nuclear research in existing facilities. On the other hand, the phases of the development program which deal with application of nuclear energy to commercial power production will be the responsibility of industry.

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Economic Feasibility: The Dual Purpose Reactor

By WALKER L. CISLER

THE term "dual purpose reactor" as used herein refers to those nuclear power reactors which produce both useful power and fissionable materials, uranium 233 and plutonium. Included in this category are several different types and designs of thermal and fast reactors, whether breeder reactors or other.

The fissionable materials produced by dual purpose reactors might be used either for commercial purposes or for weapons. There is no implication whatever that they necessarily would be purchased by the government.

Inasmuch as commercial-size reactors intended for these purposes have not been fully designed or built, construction and operating cost data are not available. Any discussion of economic feasibility, therefore, becomes a consideration of the objectives in building such reactors and of the reasons it is believed that one or more designs of dual purpose reactors hold promise of meeting those objectives.

In such a discussion we should remember from the start that by its nature, any nuclear reactor produces heat, neutrons, and fission products. The main difference between dual purpose and single purpose reactors is largely the completeness with which these products are used. With power-only reactors, the main effort is directed to the utilization of the heat. In dual purpose reactors, an effort is made to conserve and utilize the neutrons by transmuting fertile materials into fissionable materials.

MAIN OBJECTIVE—UTILIZATION OF HEAT ENERGY

While it is recognized that the atomic energy development may have many

diverse influences on our economy, the main objective of the power industry is the utilization, on a commercial, competitive basis, of the heat energy which is made available by nuclear fission. The most promising use of that heat energy at present is in the generation of electric power, but other industrial applications for using that heat may be developed at some future time.

We in the United States are fortunate in that we have available vast resources of energy in the form of fossil fuels and, to a lower degree, falling water. By comparison with the rest of the world, the cost of fuels is low in most parts of our country, and, as a result, abundant supplies of electric power are available at quite low costs in all but inaccessible and remote parts of the United States.

The peacetime uses of atomic energy should be considered as a normal industrial development similar to that which has occurred in our coal, gas, and petroleum industries. The development will extend over many years into the future, and the things we do now may greatly influence the ultimate accomplishments. Many important factors must be taken into account when considering the type of reactors which may be economically feasible. Four of these are discussed in the following paragraphs.

LONG-TERM ECONOMIC CONSIDERATIONS

The method of utilizing nuclear fuels for the generation of electric power must be compatible with the long-time economic needs of our country and of the world. The potential heat resources of uranium and thorium are extremely large if they can be completely utilized. These heat resources, however, consid-

ering only natural fissionable material, U-235, are but $\frac{1}{140}$ as great as the energy in uranium alone.

For the practical commercial generation of electric power, the processes should aim to utilize all the potential heat in the fertile and fissionable materials, and not just a fraction of that heat. From the standpoint of long-time economies, the discarding of a large part, or even a significant part, of those potential heat resources cannot be justified.

From our appraisal of present-day reactor technology and processing techniques, we believe that the breeder reactor with a suitably integrated fuel element and blanket processing system still holds the greatest promise of meeting this condition. A breeder reactor, after its initial charge of fissionable material, would produce its own fuel from fertile but nonfissionable atoms. It would make use of the full potential heat resources in the uranium which it used. It is even possible that fertile but unfissionable atoms which have been discarded as waste from the present production operations of the Atomic Energy Commission might be utilized.

Breeder reactors, because of their ability to produce more fissionable atoms than they consume, hold the promise of making our country independent of foreign sources of raw uranium. Our domestic resources of uranium, whether vast or not, will be adequate for our needs for a very long time if we further develop and exploit the technology of "breeding." This perhaps is one of the most important matters in the entire atomic development.

There is some evidence that certain thermal reactors can be operated so as to approach and perhaps even reach the goal of using all the heat resources of uranium. Information concerning the technical problems which are involved

has not been released for publication. It can be assumed, however, that fissionable material would be produced in such reactors and that they would come under the dual purpose classification.

COMPETITIVE ASPECTS

The use of nuclear fuels for the generation of electric power must be competitive with other methods. The cost of electric power produced with nuclear fuels must be no more, and preferably substantially less, than the cost of power produced with conventional fuels or with hydraulic energy.

There are in the United States today abundant fuel resources, particularly coal, available at comparatively low cost. Naturally, the actual cost of the fuel depends to a large degree upon the cost of transportation to the location where it is used, but there is adequate fuel for the generation of electricity for many years. In certain sections of the country there are large hydraulic resources, but the more economical sites have been developed or will be developed in the near future.

The thermal generation of electric power is highly developed, and new advances are being made continually. Each year shows a small additional decrease in the average amount of heat energy required to produce a kilowatt-hour of electricity.

Through a network of transmission lines and distribution systems, electric power is available in all but the most remote areas of our country; and for those areas, power can be supplied in several proved ways when the real need arises, at a cost which is not exorbitant.

The use of nuclear fuels for electric power generation in the United States, therefore, must be fitted into an existing highly developed, efficient, electric power supply system. And nuclear fuels, if they are to become a part of that system, must bring a further ad-

vance by making the cost of power to the customer less than the cost of that from conventional sources.

Since there are obvious advantages in developing the practical commercial use of this new heat resource, every possible method of making its use competitive must be given full consideration. One possible means is the reduction in cost of reactors and processing. Another is the production of reactor by-products, fissionable materials and fission products, which can be sold for private use or for weapons.

Plutonium has an inherent value as a fuel, one gram having the equivalent of 23,000 kilowatt-hours of heat energy. Many possible uses of plutonium as a fuel are being considered, and their development will come rapidly when plutonium becomes available for such purposes.

If the operation were regarded as the production of power, with plutonium as a by-product, then the operation would be credited with the net value of the plutonium. This could go far toward making the use of nuclear fuels competitive, and is one of the promising methods for further development.

In the Dow Chemical-Detroit Edison Nuclear Power Study Project, it has been assumed that for commercial purposes the method which would produce the greatest total return per unit of heat handled should be the most attractive. This has led to the conclusion that the breeder reactor has the greatest potential economic feasibility.

With the breeder reactor more fissionable atoms would be produced by the transmutation of fertile atoms than would be consumed in the process. Thus, in addition to producing all of the fissionable atoms required for its operation, fissionable materials would be available for sale for other purposes.

The lack of specific data concerning construction and operating costs pre-

vents any real evaluation of competitive costs. We can rely upon the judgment of those familiar with potential future developments, that at some time competitive conditions are within reach if full advantage is taken of all possibilities. Dual purpose reactors, because they can produce fissionable materials which ultimately will be in industrial demand, are believed by many to have the best possibilities in this respect.

PRIVATELY OWNED ATOMIC ENERGY INDUSTRY

If atomic energy and nuclear fuels are to assume their proper places in our competitive industrial system, then an entire atomic industry must be established. Nuclear fuels for the generation of electric power should be available through normal commercial channels, and industry should not be dependent for fuel requirements upon government-owned facilities intended for military purposes.

If such an industry is to be established, it should have commercial sources of the feed materials, natural uranium and thorium, as well as the fissionable material. Since it is improbable, because of their very high cost, that facilities for the isotope separation processes will ever be built by private industry, the fissionable materials obtainable for commercial operations in the long run will of necessity be reactor products, either plutonium or U-233.

Dual purpose reactors intended primarily for power generation will probably be the chief source of fissionable material for industrial use. They can thus be the foundation for the broad use of nuclear fuels for power generation and other purposes.

Much of the current discussion concerning dual purpose reactors assumes (1) that the plutonium which is produced by power reactors must be sold to the government and (2) that the

supply of plutonium will soon exceed the requirements for weapon use. Certainly if all financial risk is to be avoided, an agreement for purchase by the government would be most helpful. This, however, is not wholly consistent with our free enterprise principles.

If we have faith in the future of the atomic energy development, the lack of a government-guaranteed market for plutonium should not be a limiting factor. The successful development and operation of a nuclear power reactor which is commercially and economically justified will be followed by the construction of additional reactors. There will be a growing and expanding industry. Ultimately the use of nuclear reactors should expand to propulsion units for commercial ships and perhaps for other purposes.

As the industry grows there will be an increasing demand for fissionable materials for the initial inventory and for operating fuel. A little thought will indicate that these needs can be met only by industry's own facilities, and that there is little likelihood that there will be a surplus of fissionable materials which can be used for commercial purposes for many years once successful power reactors actually are demonstrated.

These thoughts can lead to the conclusion not only that dual purpose reactors have greater economic feasibility but that the atomic industry as it is envisioned probably cannot develop unless reactors of this kind have a pre-dominant role.

NATIONAL DEFENSE

Any facilities using nuclear fuels should be of a kind that can contribute to the military strength of our country in time of need. It has been the history of our country to depend upon its peacetime industrial strength to carry the major burden in time of war. We

could not survive otherwise. When the need develops, automobile factories manufacture airplanes, tanks, and artillery. Button manufacturers produce gun sights and all manner of military devices.

Atomic weapons are becoming an increasingly important aspect of our national defense. While plans may be made for the production of adequate amounts of fissionable materials, experience has shown that in times of distress there is always a need for more and more military materials.

Dual purpose reactors would be particularly appropriate for this situation. Under normal circumstances, they could be operated for maximum power or maximum plutonium production, as economics warrant. They would be an added item of our industrial strength which when needed could assume a most vital part in defense activities. The government, therefore, would not need to have in stand-by, production facilities capable of supplying the entire wartime needs of fissionable materials.

SUMMARY

The atomic energy development is still in its early stages. Our efforts in carrying this development forward should be directed toward providing an atomic industry which will contribute most effectively to the economic and social advance of our country and the world. To that end, we should seek to develop nuclear power reactors which will be most effective in creating a thriving peacetime atomic industry, independent of foreign sources of raw materials, and which will also be capable of helping to meet our military needs.

One of our most important needs is sources of fissionable materials which can be used for competitive industrial enterprises. Dual purpose reactors, and in particular breeder reactors, appear to

be the only means of meeting this need on a competitive industry basis.

In the future, after this need is met, after the commercial availability of fissionable materials is established, there will be numerous possibilities with respect to reactor development. It is possible to envision whole families of reactors—power-only units for the propulsion of commercial ships and of some land-based power plants where the use of very high quality fuel can be justified. In such an economy there will

surely be a place for nonbreeder reactors which have a high conversion factor.

All of these, however, must await the establishment of adequate sources of fissionable materials. The most likely source of fissionable materials on a commercial basis is dual purpose power reactors.

Thus it appears that dual purpose reactors, and especially the breeder reactor, have the greatest economic feasibility.

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Economic Feasibility: The Single Purpose Nuclear Power Plant

By GEORGE L. WEIL

THE hope that nuclear energy can supply a substantial fraction of the world's future energy requirements is based on the potential economic performance of power-only nuclear plants. These so-called single purpose plants would be designed with the sole objective of producing power as cheaply as possible. They might simultaneously produce by-products having a market value, the revenue from the sale of which would be used to offset a part of the power production costs. Nuclear fuel is certain to be one of the by-products of the special type of single purpose plant known as a "breeder." However, in the case of the single purpose plant it is assumed that the value of the by-products, including nuclear fuels, will be a relatively small fraction of the value of the power, and therefore will not have a significant influence on the design and operation of the plant.

DISTINCTION BETWEEN SINGLE AND DUAL PURPOSE PLANTS

The purpose of this article is to discuss the prospects for competitive power from single purpose nuclear plants, considering both plants that might be constructed within the next few years and plants based on improvements in design and operating characteristics that might be expected in the long term. At the outset, it is important to recognize the basic distinction between the type of plant which makes power its primary product, and the dual purpose type of plant which has been proposed as a way to produce cheap nuclear power now. The dual purpose plant would

produce plutonium for the military as its major product, and power as a by-product. Its economic feasibility would be guaranteed by a military demand and price for the plutonium.

The technical feasibility of the dual purpose operation, like the potential economic feasibility of the single purpose operation, is inherent in the dual nature of a nuclear reactor, since both energy and neutrons are released in the basic fission process. The energy can be converted to useful forms; the neutrons can be utilized to produce new fissionable material, for example plutonium. This, in the case of the single purpose plant, would be returned to the plant as a fuel, or, in the case of the dual purpose plant, turned over to the military for use in atomic weapons. Because of the disproportionately high value of plutonium as material for atomic weapons as compared with its value as a nuclear fuel, a dual purpose plant must be designed and operated to maximize performance for the production of plutonium at the expense of power. This requirement compromises its value as a source of reliable information on the capability of our present technology to produce cheap nuclear power.¹ Because the production of nuclear power, if it is to be a useful and widely used industrial operation, cannot be tied as a by-product to relatively limited and uncertain military needs, our interest in this article will be confined to examining the competitive status

¹ George L. Weil, "Power-Only Reactors—The Direct Approach to Economic Nuclear Power," *Nucleonics*, Vol. 11, No. 4 (April 1953), pp. 12-15, 60.

and potentialities of power production from single purpose plants.

PLANT DESIGNS

Many variations in design of a power-only nuclear plant have been developed by groups engaged in the field of reactor development. There are alternatives in the selection and combination of moderator, coolant, fuel, neutron energy, and other basic elements of design. Some designs use heavy water as moderator, some light water or graphite; some use light or heavy water as coolant, others a liquid metal or gas; some use solid fuel, some liquid or molten; some use natural uranium, others slightly or highly enriched. Many of the possible designs are in advanced stages of development and appear to be equally feasible. Large-scale plants could be constructed within the next year or two with confidence that they would operate satisfactorily as planned. Other designs are in the conceptual stage, and require various amounts of research and development before confidence can be placed in their technical feasibility. In all cases, however, including even those plants of most advanced design, there are substantial uncertainties with regard to the construction costs and over-all economic performance as power producers. These uncertainties increase rapidly with the decrease in development of the plant design.

Combined with our inability to make good cost and performance estimates is the fact that many cost elements necessary for even a qualitative evaluation of the economics of nuclear power plants are classified secret. In spite of the present limitations, consideration of the information that is available and can be discussed throws some light on roughly where we stand today, on the future prospects of competitive nuclear power, and on the major technical problems

that must be attacked if nuclear power is to become a significant factor in the world's industrial economy.

Today one cannot make a choice as to what plant among the possible designs would provide the cheapest energy for application in either the immediate or the long-term future. Though one design may use a cheaper material, it may be less efficient or more expensive in some other respect. No attempt will be made in this article to analyze and compare the advantages and disadvantages of all the possible basic designs. Within the precision of our ability to predict performance and make cost estimates, the discussion that follows may be considered to be generally applicable to the single purpose type of nuclear power plant.

COST ELEMENTS

It is convenient to discuss the economics of nuclear power production from single purpose plants by comparing the major elements that determine the unit cost of energy with the corresponding breakdown of costs of energy from conventional plants. The cost of production of electric energy may be allocated to three general categories: (1) fixed charges on investment in plant and equipment, (2) cost of fuel and fuel handling, and (3) operating expenses exclusive of fuel handling. Table 1 shows the percentage contributions of these elements to the present average cost of energy from conventional plants.

We will first compare the contribution of fixed charges to the cost of energy from nuclear power plants. The contribution of the fixed charges to the cost per kilowatt-hour is determined by (1) the cost of plant and equipment (including land) per kilowatt of electric generating capacity; (2) rates for insurance, interest, taxes, and plant amortization; and (3) the plant ca-

TABLE 1—BREAKDOWN OF AVERAGE COST OF ENERGY FROM CONVENTIONAL POSTWAR THERMAL ELECTRIC POWER PLANTS

Type of Cost	Energy Cost ^a	
	Mills/kwh.	Per Cent
Fixed charges on investment in plant and equipment	4.75	55
Fuel and fuel handling	2.65	35
Operation and maintenance	1.00	10
	8.40	100

^a At the bus bar.

Source: A. E. Knowlton, "7th Steam Station Cost Survey," *Electrical World*, Vol. 136, No. 9 (August 1951), pp. 97-108.

capacity factor, or number of kilowatt-hours produced per year compared to the plant's maximum capability.

For large modern conventional plants, with generating capacities in the range of 200,000 kw., the investment cost per kilowatt runs between \$150 and \$200. In comparison, current estimates for nuclear power plants run considerably higher. A nuclear power plant will incorporate standard turbine and generator equipment for converting heat energy into electric energy. The nuclear reactor and its associated equipment will merely replace the conventional boiler and fuel-handling equipment. Although no detailed estimates are available that refer strictly to single purpose power plants, there are estimates for dual purpose plants studied by industrial groups. These are shown in Table 2. Within the precision of the estimates, these costs may be taken as a guide to the range of cost of power-only plants. The average plant cost of \$530 (\$382 before contingencies, overhead, and so forth) per kilowatt of electric generating capacity (from Table 2) indicates that one of the major problems facing the development of cheap nuclear power

is the design of plants with low capital costs.

It is worth noting that if nuclear fuel and fuel handling costs can be made negligible, then a higher investment per kilowatt of generating capacity can be tolerated and still provide power at a cost competitive with that in conventional plants. Under the best of circumstances, this credit for fuel might allow a doubling of nuclear power plant cost per kilowatt compared to present costs of conventional plants. However, little will be gained economically if all the credit that can be obtained from the unique potentialities of costless nuclear fuel must be used up in covering greater expenses in plant and equipment.

It is not difficult to understand why the estimated capital costs for a nuclear plant are high. Reactors are complicated machines, they use special materials of exceptionally high purity, and they require, for public protection against hazards, extraordinary plant design features and substantial land for plant sites.

The broad objectives of a development program concerned with plant design must be (1) application of imaginative technical development and design engineering to reduce the capital costs per unit of generating capacity; (2) development of processes for production of cheap reactor materials; and (3) development of designs and components which will assure that nuclear power plants represent no more serious public hazards than are acceptable in other industrial operations.

The annual fixed charges on investment in plant and equipment are determined by taxes, insurance, interest, and depreciation (including obsolescence). Of these, the one having the largest uncertainty and the greatest effect on the over-all cost per kilowatt-hour is depreciation.

TABLE 2—ESTIMATED COSTS OF NUCLEAR POWER PLANTS (In millions of dollars)

	Gas Cooled ^a	Heavy Water Cooled ^a	Light Water Cooled ^b	Sodium Cooled ^b
Reactor and associated equipment	\$11.7	\$52.4	\$21.1	\$29.1
Turbogenerator equipment	4.3	14.3	12.1	13.0
Structures	4.2	10.0	4.2	5.0
Site and other land costs	1.5	1.6	.7	.7
Miscellaneous	5.3	8.6	2.9	3.2
Total ^c	27.0	86.9	41.0	51.0
R & D, Engineering contingencies	7.6	15.7	8.2 ^d	10.2 ^d
Total direct cost	\$34.6	\$102.7	\$49.2	\$61.2
Overhead 15 per cent	5.4	15.3	7.4 ^e	9.2 ^e
Grand total	\$40.0	\$118.0	\$56.6	\$70.4
Gross electric generating capacity (kw.)	60,000	240,000	106,200	154,600
Cost/kw. electric generating capacity	\$667	\$492	\$530	\$455
Cost/kw. generating capacity before R & D, engineering contingencies, and overhead	\$450	\$362	\$386	\$330

^a Commonwealth Edison Co.—Public Service Co., "Report on Power Generation Using Nuclear Energy," in *Reports to the U. S. Atomic Energy Commission on Nuclear Power Reactor Technology* (Washington: Government Printing Office, 1953), pp. 15, 38.

^b Pacific Gas & Electric Co.—Bechtel Corp., "Industrial Reactor Study," *ibid.*, p. 82.

^c The plant and equipment costs do not provide facilities for processing or fabricating fuel. These costs are customarily treated as part of the fuel expenses.

^d This item not provided by source. Assumed 20 per cent of plant and equipment cost.

^e This item not provided by source. Assumed 15 per cent of total direct cost.

It is usual for power utilities to depreciate plant and equipment over a twenty-year period. The economic justification for this rate is based on a great deal of practical experience with conventional power production. No such experience is available for the reactor and its associated equipment in the case of nuclear power plants. Over and above the usual effects that determine the useful life of conventional plant and equipment, the nuclear reactor must contend with the effects of intense radiation on the life of the materials that are integral parts of the plant, and the feasibility of maintaining vital components. Because there is no reliable method of estimating the useful life of the reactor portion of a nu-

clear power plant, the tendency is to be conservative and assume a five-year period. Perhaps 70 to 80 per cent of the total investment in a nuclear power plant might be subject to a high rate of amortization. Table 3 shows, for private utility financing, the effect of different amortization periods on rates of fixed charges. The table indicates that for an amortization period of five years, the annual rate of fixed charges would be more than double that used for conventional plants.

The combination of high annual rate of fixed charges and high capital cost per kilowatt of generating capacity represents a substantial initial handicap that nuclear power must eventually overcome.

TABLE 3—FIXED CHARGES FOR DIFFERENT AMORTIZATION PERIODS^a
(Per cent of capital)

	Amortization Period		
	5-year	10-year	20-year
Return	6.0	6.0	6.0
Depreciation (5% sinking fund)	18.1	8.0	3.0
Taxes based on income	2.5	2.5	2.5
Property taxes	2.0	2.0	2.0
Insurance	.1	.1	.1
Total	28.7	18.6	13.6

^a Fixed charges, not including depreciation, equal to 10.6 per cent.

Source: Pacific Gas & Electric Co.—Bechtel Corp., *op cit.* Table 2, note b, p. 84.

The contribution of annual fixed charges on plant investment to the unit cost of energy produced depends upon the total number of kilowatt-hours produced by a plant during a year. For every kilowatt of plant generating capacity, a yearly maximum of 8,760 kilowatt-hours of energy is possible. The percentage of this actually produced is referred to as the plant capacity factor. For conventional postwar plants, this factor averages 75 to 80 per cent. Clearly, nuclear plants, because of their anticipated high annual fixed charges, will have to be operated at high capacity factors, as close to 100 per cent as possible, in order to reduce the amount of fixed charges allocated to each unit of energy generated.

Table 4 shows the fixed charges portion of the cost of electric energy, in mills per kilowatt-hour, for a range of values of unit plant cost and for different amortization periods. For comparison, the fixed charges for large conventional steam-electric plants run about four to five mills per kilowatt-hour.

FUEL COSTS

We consider now the contribution of fuel costs to the cost of electric energy

generated by nuclear plants. It should be evident from the preceding discussion of fixed charges that the successful development of large resources of negligible cost nuclear fuel will be a prerequisite to large-scale competitive nuclear power, since this is the only way in which higher fixed charges for nuclear plants can be offset.

The large potential economic advantage that nuclear fuel has over conventional fuels lies in its much greater concentration of energy. One pound of nuclear fuel is equivalent in heat content to roughly 1,300 tons of coal. The consumption of one pound of nuclear fuel in a nuclear power plant would produce about 34 billion B.T.U.'s (British thermal units) of heat energy. If this thermal energy were converted into electric energy, with a net efficiency of say 25 per cent, we would obtain 2.7 million kilowatt-hours, as compared to about one kilowatt-hour which is obtained from one pound of coal consumed in a conventional steam-electric plant.

Although such comparisons indicate at least a weightless fuel, the important question is whether in practice it is a costless fuel. In exploring this question we find ourselves limited because

TABLE 4—CONTRIBUTION OF FIXED CHARGES TO COST OF ENERGY FOR DIFFERENT AMORTIZATION PERIODS

Capital Cost per Kilowatt Generating Capacity	Energy Costs ^a (mills per kilowatt-hour)		
	20-year amortization (13.6%)	10-year amortization (18.6%)	5-year amortization (28.7%)
\$100	1.7	2.4	3.7
\$200	3.4	4.7	7.3
\$300	5.2	7.0	11.0
\$400	6.9	9.4	14.6
\$500	8.6	11.8	18.3
\$600	10.4	14.2	22.0

^a Plant capacity factor of 80 per cent assumed.

certain information on process costs and fuel utilization are withheld for security reasons. However, it is possible to arrive at some general conclusions with regard to the current range of nuclear fuel costs, the major technical problems that determine these costs, and the developments that will be required to maintain lower costs as raw materials become limiting. This discussion is necessarily oversimplified.

We begin with an official Atomic Energy Commission price of \$3.50 per pound for uranium oxide contained in ore averaging about 0.2 per cent uranium oxide.² Since no further official information is available, we must now extrapolate to establish a reasonable cost for the nuclear fuel after it has been refined from the ore and fabricated into fuel elements ready to be charged into a nuclear power plant. One possible approach has been to assume that the refining and fabrication process increases the original cost by a factor of ten, or to \$35 a pound.³

If we could load a nuclear power plant with uranium at \$35 a pound and operate the plant until all the uranium was consumed, we should produce 2.7 million kilowatt-hours of electric energy for each pound of uranium initially charged, with a fuel cost of .013 mill per kilowatt-hour. Even ten times this fuel cost would be negligible compared to fuel costs of about 3.0 mills per kilowatt-hour for coal-fired thermal electric plants in this country. If these low fuel costs can be achieved, the cost of energy from future nuclear plants

will be determined almost entirely by the fixed charges on capital investment in plant and equipment.

What are the technical problems involved in the utilization of nuclear fuel, and what sort of costs may we expect in practice?

Only one part in 140 of a natural uranium fuel element is fissionable. This is the isotope U-235. The other 139 parts consist of U-238, which is not fissionable. Fortunately, however, some of the neutrons that are released by the fission of U-235 can be utilized to convert some of the U-238 into plutonium, which, like U-235, is fissionable and can be used as a nuclear fuel. Thus, it is technically and practically feasible to regenerate nuclear fuel as it is consumed.

How much is regenerated compared to the amount consumed is determined by the design of the nuclear reactor. It is not technically difficult to regenerate say 0.8 as much new nuclear fuel as is consumed. Obtaining high regeneration factors becomes more difficult since greater and greater care must be taken in utilizing the neutrons. However, it is possible, as has been demonstrated recently, to regenerate more nuclear fuel than the amount consumed—in other words, to have a regeneration factor greater than 1.0.⁴ In this case the reactor is called a "breeder," since it produces more fuel than it consumes, and essentially adds to the world's supply of fissionable material.

Theoretically, therefore, the process of regeneration of fuel in a nuclear power plant can lead to substantial, and in some reactor designs to complete, utilization of the original uranium fuel. For example, in a plant with a regenera-

² It should be noted that this price is arbitrarily established, since the AEC is the only customer for uranium in this country. In a free market the price might be less. For further analysis of this item see Karl Cohen, "The Key to Atomic Power," *Nucleonics*, Vol. 11, No. 5 (May 1953), pp. 10-13.

³ W. H. Zinn, "Basic Problems in Central Station Nuclear Power," *Nucleonics*, Vol. 10, No. 9 (Sept. 1952), pp. 8-14.

⁴ Remarks by Gordon Dean, chairman of the Atomic Energy Commission, at the twenty-first annual meeting of the Edison Electric Institute, Atlantic City, New Jersey, June 4, 1953.

TABLE 5—FUEL CONSUMPTION VERSUS REGENERATION

Regenerative Efficiency	Fraction of Uranium Consumed
0.7	0.023
0.8	0.035
0.84	0.044
0.94	0.12
0.95	0.14
0.98	0.35
0.99	0.7
0.993	1.0

Source: E. C. Miller, "Zirconium: A Structural Material for Nuclear Reactors," *Nucleonics*, Vol. 11, No. 7 (July 1953), p. 28.

tion factor of 0.8, 3.5 per cent of the total uranium could, in principle, be utilized.⁵ Table 5 indicates the fraction of fuel utilization that can theoretically be achieved as the regeneration factor is increased toward unity.

In practice we are faced with major difficulties which now prevent us from realizing the potential costlessness of nuclear fuel. As mentioned above, the technical problems increase as one attempts to push the regenerative factor to allow greater utilization of the fuel. Moreover, even with high regenerative factors, there are three major technical limitations which now require that fuel elements be discharged from the reactor after only a small fraction has been utilized.

The first limitation, which applies particularly to plants with relatively low regeneration factors, is the fact that as the fuel is consumed a point will be reached at which there is not enough fissionable material left to make the reactor critical, and the plant will automatically shut down.

The second limitation is the fact that as the fuel is consumed it produces fission products and other isotopes which, if allowed to remain in the fuel, poison the chain reaction and cause the plant to shut down.

⁵ $0.7\% [(0.8) + (0.8)^2 + (0.8)^3 + \dots] = 0.7\% / 1 - 0.8 = 3.5\%$.

The third limiting factor is that metallic uranium fuel elements suffer structural damage as a result of the severe radiation effects to which they are subjected while in a reactor. This damage is made evident by pronounced physical distortion of the elements, which, beyond a certain amount, cannot be tolerated for continued safe operation of the plant.

Because of these effects, singly or in combination, currently developed types of fuel elements must be discharged before an appreciable fraction of the energy that is potentially available has been utilized.

THE "ONCE-THROUGH" OPERATION

What may we expect to achieve in practice in the way of fuel costs? First let us assume that a nuclear power plant having a regenerative factor of 0.8 could be designed and operated within the next few years. The fuel would have a potential maximum utilization of 3.5 per cent, or 95,000 kilowatt-hours of electric energy per pound. However, because of the chemical and physical changes in the fuel elements, perhaps only the order of 0.5 per cent, or 13,500 kilowatt-hours, could be utilized before the fuel would have to be replaced. In this case the fuel, at \$35 per pound, would contribute 2.6 mills to the cost of production of one kilowatt-hour. Thus, even this relatively inefficient type of nuclear power plant operation would provide a fuel cost comparable to conventional fuel costs.

The type of plant which would operate in this fashion has been referred to as a "once through" plant, since the fuel is not recycled.⁶ Although there are at present technical hindrances to realizing even this efficiency of operation, of all the types of plants, this one holds most

⁶ Partially utilized discharged fuel would of course be stored for later use in plants having improved utilization characteristics.

promise for achieving useful and economic nuclear power at the earliest date. By concentrating on technical developments which would allow increased fuel utilization before discharging became necessary, low fuel costs could be achieved. Table 6 shows how fuel costs contribute to the cost of electric energy for different percentages of utilization per cycle.

The once-through operation has one big disadvantage. That is that only a small fraction, say 1 or 2 per cent at the most, of the raw material can be utilized. There would be no objection to this if raw materials were unlimited. However, this is not the situation. Raw materials are limited, particularly in the case of the high-grade ores which provide the cheapest fuel. An attempt to expand a nuclear power industry on the basis of once-through reactors would reach a stage at which rising raw material costs would increase fuel costs beyond the point of economical operation. The once-through type of plant, as well as offering the first possibility of producing competitive nuclear power, may have a continuing but limited role to play in a nuclear power industry. However, if nuclear energy is to be a significant factor in meeting the world's fu-

ture energy requirements, then we must find an economical way of utilizing a major fraction, if not all, of the resources of nuclear fuel.

RECYCLING OF FUEL

Recycling the discharged fuel elements would be the next logical step in the direction of improving utilization of raw materials and maintaining low fuel costs. Thus, the fuel discharged from a plant with a regenerative factor equal to 0.8 after only 1 per cent utilization could be recycled after certain reconditioning. This reconditioning would involve chemical processing to remove objectionable fission products, and refabrication of the fuel into a form ready for recharging into the plant. In addition, fresh fuel would have to be provided to make up for consumption of fissionable material. Assuming that material rejected from the reprocessing plants contains negligible amounts of fissionable material, the fuel make-up would amount to 30 per cent of once-through requirements.

Handling of the discharged fuel is complicated by its intense radioactivity. Because the information is classified, it is not possible to quote a unit cost for the reprocessing of fuel, but for the pur-

TABLE 6—CONTRIBUTION OF NUCLEAR FUEL COST TO COST OF ENERGY FOR DIFFERENT VALUES OF PER CENT FUEL UTILIZATION PER CYCLE *

Fuel Cost per Pound	Energy Cost (Mills per kilowatt-hour)				
	0.1 per cent utilization (2,700 kwh./lb.)	0.5 per cent utilization (13,500 kwh./lb.)	1 per cent utilization (27,000 kwh./lb.)	2 per cent utilization (54,000 kwh./lb.)	10 per cent utilization (270,000 kwh./lb.)
\$10	3.7	.7	.4	.2	.04
\$20	7.4	1.5	.7	.4	.07
\$30	11.1	2.2	1.1	.6	.1
\$40	14.8	3.0	1.5	.7	.15
\$50	18.5	3.7	1.9	.9	.19
\$75	27.8	5.6	2.8	1.4	.28
\$100	37.0	7.4	3.7	1.9	.37

* 2.7 million kilowatt-hours of energy per pound of uranium for 100 per cent utilization (25 per cent thermal efficiency assumed).

TABLE 7—ANNUAL URANIUM REQUIREMENTS FOR DIFFERENT VALUES OF PER CENT UTILIZATION AND FOR DIFFERENT ANNUAL ENERGY DEMANDS*

Maximum Uranium Utilization (Per Cent)	Kilowatt-Hours per ton of Uranium ^b	Uranium Requirements (Short tons per year)			
		10 ⁹ kwh./yr. (125,000 kw.) ^c	10 ¹⁰ kwh./yr. (1,250,000 kw.) ^c	10 ¹¹ kwh./yr. (12,500,000 kw.) ^c	10 ¹² kwh./yr. (125,000,000 kw.) ^c
100 ^c	5.5 × 10 ⁹	.18	1.8	18	180
10	5.5 × 10 ⁸	1.8	18	180	1,800
1	5.5 × 10 ⁷	18	180	1,800	18,000
0.5	2.75 × 10 ⁷	36	360	3,600	36,000
0.1	5.5 × 10 ⁶	180	1,800	18,000	180,000
0.05	2.75 × 10 ⁶	360	3,600	36,000	360,000

* The uranium requirements shown in the table do not include plant inventory requirements.

^b Thermal efficiency of 25 per cent assumed.

^c Equivalent electric generating capacity, assuming a plant capacity factor of 0.80.

pose of this discussion it is only necessary to point out that the cost, including fixed charges on necessary plant and equipment, is substantial. An upper limit to the reprocessing cost per pound of fuel that can be tolerated for a given fuel cost per kilowatt-hour is given by the difference between the cost of make-up fuel per cycle and the cost of fresh fuel for once-through operation. For example, if fresh fuel elements cost \$35 per pound, and make-up per cycle amounts to 30 per cent, then one could afford to pay \$24.50 per pound for chemical reprocessing and refabrication.

The recycling of fuel can, at most, reduce raw material requirements to an extent determined by the regeneration factor of the nuclear power plants. For example, if the industry is based on plants having a regeneration factor of 0.8 and a utilization of 1 per cent per pass, then annual raw material requirements per plant may be a third as much compared to requirements for once-through plants. When energy demands grow, without a corresponding increase in raw materials at economic prices, the need for improved material utilization will have to be met by the development and use of plants having higher regen-

eration factors. The actual operating fuel costs will not be reduced unless the processing costs per cycle are reduced and/or the percentage of energy utilization per cycle is increased. Table 7 shows the annual uranium requirements for different values of per cent utilization and for different annual energy demands. It may be noted that the total production of electric energy by steam plants in the United States during 1951 amounted to 2.6×10^{11} kilowatt-hours.⁷ Moreover, production is expanding at a rate that doubles capacity every ten years.⁸

An appreciation for the potential significance of uranium as a source of energy can be obtained by comparing the requirements shown in Table 7 with recent unofficial estimates of 1,000 tons per year for current rate of production and 25 million tons of recoverable reserves in the world.⁹

⁷ P. W. Swain, "1952 Modern Plant Survey," *Power*, Vol. 96, No. 3 (May 1952), p. 97.

⁸ *Resources for Freedom*, A Report to the President by the President's Materials Policy Commission (Washington: Government Printing Office, 1952), Vol. I, p. 103.

⁹ Karl Cohen, *op. cit.* note 2 *supra*. Recoverable uranium is defined as that which is obtainable at \$100 per pound or less for metal

VALUE OF BREEDER PLANTS

The limit to utilization of recoverable raw materials is reached when plants have been developed with a regeneration factor essentially equal to unity.¹⁰ At this point, the electric power generating capability of a nuclear power industry can be expanded only if more fissionable material can be produced than is consumed. This is the significant role that the breeder plant can play in the growth of an industry. It promises a solution to the problem of meeting growing energy requirements when all economically available raw materials have been mined. It does not promise more total energy from the same raw materials than could be obtained by plants having regeneration factors equal to unity, nor does it promise cheaper energy, since the basic elements of fuel cost, percentage of utilization, and cost of reprocessing per cycle will still be present. The development of efficient breeder plants will allow us to burn up our nuclear fuel resources faster to meet large annual energy requirements.

The development of efficient breeders will place a premium on achieving high fuel utilization per cycle and low fuel reprocessing costs. The reprocessing problem is rendered more acute since small materials losses, which would be multiplied by the number of cycles required for complete consumption of the

in billets. By the same definition, the world's thorium reserves are estimated to amount to 1 million tons. Palmer C. Putnam, *Energy in the Future*, New York: D. Van Nostrand Co., Inc., forthcoming in 1953. Analogous to the production of plutonium from uranium 238, thorium can be utilized to produce the fissionable material uranium 233. Although the discussion in this paper has referred specifically to the use of uranium, most of the economic aspects apply equally well to the use of thorium in nuclear power plants.

¹⁰ It is assumed here that material losses during reprocessing are negligible.

fuel, can seriously affect the breeding factor. Although little can be said at this time with regard to either the plant investment or the fuel costs for breeder-type plants, there is no reason to believe that the major problems cannot be solved to provide competitive nuclear power from such breeder plants.

DISPOSAL AND OPERATING COSTS

The large-scale production of nuclear power, by regenerative and/or breeder plants, will create a serious problem associated with the disposal of radioactive wastes, principally fission products, from fuel reprocessing plants. The cost of safe disposal operations, which may be significant, must be included in the over-all fuel cost charged to the production of energy. However, the development of large-scale by-product uses for these fission products in industrial operations is not out of the question. Such uses might provide a net revenue which could be applied to reduce the production cost per kilowatt-hour of energy.

In concluding the comparison of energy costs from nuclear power plants and conventional plants, there is one common element left to be discussed. This is the cost of operating, maintaining, and providing supervision and administrative management for, the plant. Qualitatively, one would expect that this item would be relatively more costly for a nuclear plant because of the necessary activities related to security and health in addition to the activities common to both types of plants. In fact, it may be a real problem to keep the operating costs of a nuclear power plant down to the value achieved in conventional plants, of about one mill or less per kilowatt-hour.

In summary, the above comparison of power costs emphasizes the present large uncertainties inherent in any estimate of nuclear power plant performance.

Without realistic information on the cost of raw materials, the cost of fabricating fuel elements, the depreciation rate of nuclear plants, and the per cent utilization of fuel elements, one can place no confidence in paper estimates of the over-all unit energy costs. This discussion has attempted to indicate that the cost of nuclear power from single purpose plants would be considerably higher today than conventional power costs in this country. On the other hand, when one examines the power situation outside of this country, the economic feasibility of single purpose nuclear power plants appears much more promising for the immediate future. A recent survey of possible foreign markets for reactor power plants indicates that there are areas in the world where plants to supply 5,000 to 50,000 kilowatts of electric power "in the cost range from 25 to 40 mills per kilowatt-hour could be competitive with existing power supplies or could supply needed power that does not exist now."¹¹

PROGRAM FOR THE FUTURE

The discussion has pointed out that there are no technical reasons that would lead one to question that the cost of nuclear power can ultimately be lowered to the point of being competitive with and perhaps even significantly cheaper than conventional power costs in this country. This objective will not be easily or rapidly obtained. Its achievement will require a costly development program, concentrating on five major technical objectives: (1) designing of reliable, safe, and long-lived plants at low costs per kilowatt of generating capacity; (2) development of inexpensive processes for the recovery

¹¹ Howard C. Gary, "Foreign Market for 'Package' Nuclear Power," *Nucleonics*, Vol. 11, No. 5 (May 1953), pp. 14-15.

of source materials from low-grade ores; (3) development of inexpensive fuels that can provide a relatively high percentage of utilization before they must be replaced; (4) development of inexpensive chemical processes for the recovery and re-use of discharged partially utilized fuel; and (5) development of inexpensive and safe methods of radioactive waste disposal, including revenue-producing by-product uses.

Much can be done in moving toward these technical objectives by an extensive program of component research and development. However, the over-all technical performance and economic feasibility of nuclear power plants can be realistically appraised only by actual experience with operating prototype plants. Only by building single purpose plants can imaginative engineering be stimulated to reduce capital costs. It is much more likely that these costs will be reduced by the application of many relatively small design improvements which cumulatively can provide large savings than by the application of a few sensational ideas.¹²

In view of the very questionable current economic feasibility of single purpose nuclear power plants in this country, support of a program to construct one or more prototype plants must come from public and/or private groups that are concerned with promoting our national interests, both long-term as related to our own economic and industrial development and short-term as related to the part we can play in strengthening the economic welfare of friendly nations. These groups include govern-

¹² George L. Weil, "A Prospectus for Development of Atomic Power Through a Single Purpose Experimental Industrial Reactor (SPEIR)," privately printed, September 1952. Reproduced in Joint Committee Print "Atomic Power and Private Enterprise," Appendix A, Washington: Government Printing Office, December 1952.

ment agencies and private nonprofit organizations.¹³

Whether the government undertakes a program wholly with public funds or whether private funds are involved, it seems that our national interests would be best served by a program that would

¹³ George L. Weil, "A Role for Private Non-profit Organizations," *Bulletin of the Atomic Scientists*, Vol. 9, No. 5 (June 1953), pp. 165-68.

concentrate on the technical and engineering problems that must be solved if the full potential economic benefits of nuclear power are to be realized. Only by establishing a program with the single purpose of determining how cheaply we can produce power from nuclear plants shall we be able to evaluate the uses of nuclear power for peaceful purposes and to obtain benefits from these uses in the near future.

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Some Economic Consequences of Nuclear Power

By WALTER ISARD and ROBERT A. KAVESH

AN examination of the engineering and industrial literature on nuclear power development during the last year or two discloses a new mood of optimism among those concerned with this subject. According to a number of informed scientists and observers, power produced from either dual or single purpose reactors seems to be within the margin of economic feasibility.

Whether or not the government implicitly or explicitly subsidizes the production of power, by purchasing fissionable materials, by underwriting or directly assuming construction costs of nuclear installations, or by other methods, these persons contend that nuclear power can be produced within the relatively near future at a cost which would be competitive with power produced in the higher cost areas of the United States and other parts of the world. Further, it is held that, as sources of fossil fuels become more and more exhausted, the competitive standing of nuclear power is likely to improve markedly. And, finally, there are those who visualize in the far future major technological developments in nuclear engineering and hence significant reductions in the cost of nuclear power.

Although available information does not lend any support to this last and most optimistic outlook, it is useful to examine what the implications of nuclear power might be if it were to develop generally as a cheaper source of power. At the least, such an analysis will provide some insight into the benefits from the use of nuclear power for domestic and foreign areas where high power costs prevail and where reduction of power costs incident to nuclear development may be in the offing.

IMPACT ON INDUSTRIAL LOCATION

An indication of the importance of power in industrial production in the United States is furnished by the ratio of fuel and purchased energy to value added by manufacture. At no time within the past fifty years has the ratio exceeded 7 per cent (in 1909); by 1939 it had fallen to 5 per cent and by 1947 to 4.5 per cent. Clearly, any marked decline in power costs does not signify large direct savings in production outlays. However, the major effects of innovations on output are not direct, but indirect. Cost savings in one industrial sector are passed on to other sectors and in turn are reflected back to the initiating sector and again recirculated in continuing round fashion, although with dampened force. Unfortunately, current techniques of economic analysis have not been able to assess and anticipate resulting increases in productivity and per capita output. However, it is possible to analyze the differential effects that cheap, ubiquitous power has on industrial location; and to that manageable area we now turn.

In general, industries may be classified into a few broad, overlapping groups, when dependence upon power is the identifying criterion. Without doubt, nuclear energy would be of little consequence in the location of industries such as leather, tobacco, and numerous steel fabricating activities, which are minor power users. Another group comprises industries which may consume fairly large amounts of power, but whose locations are determined almost unequivocally by other factors.

Examples of this group are pulp and paper mills, dependent upon power to a

marked extent but located near forest sites because of the need to reduce weight and bulk at the material source in order to keep shipping costs within reasonable limits; cement factories, which locate centrally with respect to markets and raw materials, again to ensure low transport costs; and manufactured ice, which is market oriented in light of the perishability of the product and its consequent prohibitive transport costs in relation to value.

These industries—minor users of power and strongly material, market, or otherwise oriented (except to power)—would appear to be affected inconsequentially by the availability of cheap nuclear power.

Aluminum and similar industries

Another group to be considered is that in which power is a prime locational determinant. Aluminum production is perhaps the best illustration of this class. Its locational structure is split into three parts. The conversion into alumina of bauxite ore, which is supplied to the United States chiefly from Dutch Guiana and the West Indies, entails a weight loss while at the same time requiring considerable amounts of heat. The alumina then is electrolytically reduced into aluminum ingots, a process which requires 18,000 to 22,000 kilowatt-hours of electric power per ton of aluminum ingot.

It can be demonstrated that the saving in outlays on power achieved by locating the reduction works at a cheap power site—even one so remote from the New York City market as the Pacific Northwest—more than balances the additional transport costs involved when the various raw materials are not shipped directly to the final market for ingots (such as New York City) but take the long, roundabout route via the Pacific Northwest. Hence, it is not surprising to find that, aside from the relatively small amount of activity based on

domestic ores, the weight-losing bauxite is converted into alumina at Gulf Coast ports (Mobile and Baton Rouge), which, on the routes to such cheap power areas as the Pacific Northwest and the Tennessee Valley, are the points in the United States closest to the sources of the bauxite ore.

At the same time, these Gulf ports have access to cheap natural gas via pipeline. Once produced, the alumina is for the most part shipped to, and converted into aluminum ingot in, the Pacific Northwest, the Tennessee Valley, Texas, and northern New York State. And, finally, the aluminum ingot is transported to various aluminum fabricators which are located at the market points for the finished aluminum products. These fabricators are located at the market points rather than at the reduction sites because it is less expensive to transport one ton of aluminum ingot, which is charged a relatively low freight rate, than an equal or greater tonnage of finished products, with their high rates.

Given this roundabout pattern of shipments, and given cheap, ubiquitous nuclear power, is it reasonable to believe that the bauxite could be moved directly to the major markets, and that an integrated operation using nuclear power as a source of both heat and power would take the place of the geographically split production process?

Clearly, in such a situation large savings in transport costs could be achieved. However, the answer to our question tends to be negative. Even if the kilowatt-hour cost of nuclear power were to fall to the very low level of four mills (a level which represents a very high degree of optimism with respect to future technology), it can be shown that it would still be more economical to adhere to a split pattern of location in order to obtain hydropower at about two mills per kilowatt-hour. Hence we

may conclude that cheap nuclear power is not likely to affect the location of existing aluminum capacity.

But, to the extent that cheap hydroelectric sources, such as the Pacific Northwest, become fully utilized in the future, and to the extent that high-cost power sites—three- to four-mill sites—must be used, the possibility of locating new aluminum capacity at major market sites such as Chicago and New York, granted the existence of nuclear power at four mills, becomes real.

Thus we conclude that for activities highly sensitive to cheap power—particularly the electroprocesses such as aluminum—existing and future capacity will remain at or seek the cheap hydro sites while they are available. These activities will not be pulled by cheap nuclear power until the sources of cheap hydropower become exhausted.

The glass type

Still another group of industries can be identified, which are not so sensitive to cheap fuel and power as aluminum. Though the orientation of these industries is to fuel and power sources, it is only within a framework in which other locational factors are almost as important. The glass industry is a good illustration. Natural gas is used extensively in the production of glass. In fact, the tie between natural gas and glass has been so close that historically the industry has moved from one gas site to another for adequate supplies. The location orientation, however, is not entirely one of fuel. Transport costs on raw materials and finished products are high, and there are indications that if cheap fuel and power, such as four-mill nuclear power, were made available at major market sites, new glass capacity would tend to locate there.

It is this type of industry, and not the type extremely sensitive to cheap power, that, paradoxically enough, is

likely to be most affected by nuclear power in the near future.

In general, we foresee no drastic relocations of industry, no decentralization or breaking up of existing industrial concentrations or metropolitan centers within the United States.

SOME CRITICAL CONSIDERATIONS FOR UNDERDEVELOPED ECONOMIES

This tempered outlook on the probable effects of the introduction of nuclear power in the United States might be reconsidered with respect to development within foreign nations. Several basically new factors are pertinent. Capital costs involved in the construction of a nuclear power plant will exceed those of an efficient steam (or hydroelectric) plant. This is necessarily so because in the nuclear plant the reactor and chemical and metallurgical facilities substitute for the boiler of the standard steam plant, whereas the conventional turbines and generators are retained.

Increased capital costs in turn signify increased interest charges, whether these charges are actually paid or subtly subsidized by government underwriting or investment. Coupled with this is a world-wide pattern of interest rates in which low rates characterize the United States, Great Britain, and other heavily industrialized areas, and high rates prevail in underdeveloped areas such as Latin America and parts of Asia and Africa. As a consequence, underdeveloped areas, with high interest rates, must labor at a great cost disadvantage relative to developed areas in the production of nuclear power. To be specific, if an area such as Canada must pay 5 per cent for capital, whereas Egypt must pay 10 per cent, this *alone* would tend to make the cost of nuclear power in Egypt approximately four mills greater.

Such a significant obstacle for the underdeveloped areas in a competitive

trading world, together with the lack of skilled personnel and complementing industrial facilities, casts a good deal of skepticism upon grandiose ideas for a nuclear powered industrialization of these economies.

Still another factor to be considered in assaying the probable impacts of nuclear power on underdeveloped nations is that of economies of scale. Indications are that nuclear power plants will be most efficient at high capacities. Average unit costs will continue to decline at larger capacities for nuclear power plants than for steam plants. For steam these economies are currently not significant beyond 75,000 to 100,000 kilowatt capacity. In contrast, for nuclear reactors certain types of equipment and facilities will be so invariant with size of station that economies of scale may still be realized up to capacities of 500,000 kilowatts.

The above consideration means that costs per kilowatt-hour will be lower for giant plants than for small. Yet those nations that are capable of absorbing the output of these larger plants and thus realizing these economies of scale are the more highly industrialized ones. And finally, when it is recognized that nuclear power development requires some previous subsidy through pilot atomic energy plants and experimentation at government expense, which only the industrialized nations can afford and which are in essence capital subsidies, the outlook for such development in the less industrialized nations must be seriously qualified.

In sum, any statements about the equalizing effects of nuclear power upon resources at the command of the industrialized and underdeveloped nations and upon their economic potentials must be viewed with considerable restraint. Capital costs, interest rates, demand conditions, and subsidy requirements—as well as various cultural factors—do not add up to a very optimistic outlook

for the economic utilization of nuclear power in these underdeveloped nations.

SOME ECONOMIC ASPECTS OF POLICY QUESTIONS

With these considerations as background, it is also interesting to inquire into certain implications for policy decisions. Limited space permits us to illustrate only one possible area in which decisions may have to be made. But it is clear that the kind of analysis involved in making these decisions will in general characterize the type required for the various economic evaluation problems which will confront the Atomic Energy Commission and the Congress. Since in the recent discussions of economic feasibility most attention has been focused on the dual purpose reactor, we shall base our illustration upon aspects of its operation. Nevertheless, what we have to say has bearing for decisions on other types of reactors.

Suppose cumulated experience leads to the conclusion that nuclear power in fact cannot compete with conventional power. At the same time let it be decided that for military and political reasons atomic energy installations should be kept in operation in order to maintain capacity to produce fissionable materials. Such a situation necessitates that part of the costs of nuclear power shall be borne by the military. Generally speaking, the Congress and the people of the United States are interested in maintaining such capacity in operation at the lowest cost to the taxpayers. A priori, it would seem that a decision should be made to locate such capacity in areas where high power costs, and hence revenues, obtain, such as Puerto Rico and New England. It may be reasoned that the higher the revenue from power sales, the less cost the government or military would have to incur for the operation of the atomic energy establishment.

This a priori reasoning, however, must be qualified. It is necessary to consider the ability of an area to absorb the output of power from any atomic energy installation. Even though a high price for power exists in an area, additional output of power may be absorbed only by considerable reduction in the power charge, with the result that total revenue will not be so great as initially anticipated. Another area where the current price for power is not so high may be better suited for such an atomic energy installation, because it can easily absorb the additional power at the going price.

Thus far the analysis places a premium on high power cost areas in which simultaneously the demand for power is increasing rapidly—conditions which, for example, tend to characterize Puerto Rico, but not New England. The policy question, however, is still more involved. New England is a high power cost area. Its consumption of power is not growing as rapidly as that in other regions. Too, its economy is forging ahead more slowly than that of most other regions in the United States. At the same time, the establishment of an atomic energy works which produced power to be sold at a rate below the prevailing high charges, would have a stimulating effect on the industrial development of New England.

It can thus be argued that the construction of nuclear energy installations in a region such as New England is one way of attacking its unemployment problem and the associated high social costs. It can also be viewed as a means

for counterbalancing exodus of industry, particularly textiles. And by those persons who contend that New England does not receive a fair share of public works construction, it may be considered as a way of rectifying the imbalance between federal expenditures in New England and federal receipts from New England. In these lines of reasoning, maximizing power revenue is only a secondary issue when compared with reaping the benefits to be achieved through influencing the course of industrial development.

Other individuals, from different regions or with different sectional interests, may agree with the contention that power revenue ought to be a secondary consideration; but in contrast with the New Englanders, they will point to the low per capita incomes of the South and Puerto Rico, and argue for using atomic energy installations as a means to equalize per capita incomes through fostering industrial growth in poor areas. When the question of choosing among several low per capita regions is posed, unfortunately we have no solution to the benefit-cost problem which arises.

In short, we have sketched some of the numerous and perplexing considerations that face an authority in underwriting or subsidizing a nuclear power development, which may be of such a magnitude as significantly to affect regional economic welfare. The answer to some of the policy questions which will confront the government cannot be simple, and will require all the analytical acumen and intuition of social scientists and administrators.

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Some Sociological Consequences of Atomic Power

By VINCENT HEATH WHITNEY

FUNDAMENTALLY, the sociological study of atomic power is only a special case of the sociological study of innovation. The history of any one novel idea has, of course, no determinative value so far as any other new configuration of ideas goes. There are nevertheless some general principles of innovation, based on an analysis of innovation as a mental process and on consideration of the experience of prior inventions among diverse social groups.¹ The application of certain of these principles to atomic power can serve two purposes. First, it can replace the aura of mystery and glamour which in the last few years has too frequently substituted for a more rigorous frame of analysis. Second, it can prevent the kind of unwarranted speculations about the far-reaching changes in social organization which are likely to be logical derivations of any consideration of nuclear development based principally on unbridled imagination and wishful thinking.

INNOVATIONS AS IDEAS

Atomic power is ordinarily conceived of in terms of the physical components in its production. It is not only correct but necessary to understand the requirements in terms of raw materials, generating and auxiliary facilities, and so on, in coping with problems of nuclear development and in attempting to assess future consequences. It is also neces-

¹ Among others, see H. G. Barnett, *Innovation: The Basis of Cultural Change*, New York: McGraw-Hill Book Co., 1953; S. C. Gilfillan, *The Sociology of Invention*, Chicago: Follett Publishing Co., 1935; and Hornell Hart, *The Technique of Social Progress*, New York: Henry Holt and Co., 1931.

sary to see that, like all other innovations, atomic power represents a novel configuration of ideas. If we assume that technical problems are adequately solved, the use of atomic power in a specific industry or area, or by a given group of people, becomes a function of the two variables of demand and resistance, which are also mental phenomena.

Viewed at this level, it is clear that any innovation may produce one of three results when it is introduced, either by local invention or by diffusion, into the context of an existing social order. It may be generally viewed as harmonious with established culture patterns and value systems, and encouraged, provided it is feasible and functions as an acceptable means to a positively valued goal. It may be interpreted as incompatible, and be actively discouraged where a conflict of ideas occurs. It may be viewed with indifference and fail to become established, through the passive resistance implied in lack of demand.

THE CULTURAL SETTING

It is true, as many have pointed out, that both the technical knowledge and the fissionable material necessary to operate a nuclear generating station are theoretically transportable anywhere. The same is not true of value systems and of cultures. The complex structure of beliefs and institutional practices of one people may be favorable to change in general and to technological innovation in particular. The social, cultural, and psychological milieu may thus be suitable for the introduction of atomic power. It is certain, however, that op-

posite and unfavorable conditions will exist among other peoples and in other areas, and that there is nothing inherent in atomic power which will in itself alter these arrangements.

Like any novelty, atomic power can be developed only in the context of some social organization. This means that established procedures exist which have the sanction and force of the customary—and therefore right—way to meet a specific situation. Every culture is composed of interdependent parts. Thus, the introduction of something new always involves some degree of strain and loss. This is why an innovation must be positively wanted by enough people, or by persons with the necessary authority or prestige, if it is to be accepted.

Even the absolute desirability of an innovation is not likely to be the overriding consideration in determining its use or rejection. Rather, it is the desirability of atomic power, or of any other innovation, *relative* to the losses involved in its acceptance. This helps to explain why the assumed benefits of a new energy source are not always apparent to another people. Some consequent degree of industrialization or urbanization may be viewed not as productive of a rise in material standards of living, but simply as a threat to a customary and positively valued way of life. In short, the initial premise, widely held in the United States and other industrialized nations, that atomic power will be "good" is by no means universally accepted.

INDUSTRIALIZED AREAS

In westernized countries, the long process of the industrial revolution has led both to a general acceptance of the usualness of change and to a specific willingness to promote and to utilize technological developments. In coun-

tries like the United States, people encounter a steady stream of competing ideas and values; therefore, paradoxically, the unfamiliar is not necessarily the strange. Moreover, the strong emphasis upon getting ahead individually and raising living standards nationally favors acceptance of innovations similar to those which have played a part in these processes in the past. Clearly, in these countries atomic power provides the identification with previous experience which is essential if assimilation of a novelty into the social organization is to occur.

As an innovation, atomic power is quite unlike the new style of dress, or birth control, or the ideology of brotherhood, which, in the last analysis, individuals either adopt or do not adopt as parts of their unique life organization. The development of atomic power has necessarily been largely a government monopoly everywhere, and for some time can be expected to involve at most a limited number of private enterprisers. The latter will need both government blessing and some form of subsidy, whether outright or disguised in such forms as continuing government research laboratories or prices for plutonium high enough to make the private sale of nuclear-based power competitive. The vast majority of individuals will simply continue to buy electricity for household and industrial uses, whether it is generated in conventional or in atomic stations. In this sense they can hardly be said to have to face the question of acceptance or rejection of atomic power at all. Certainly, their lives will not be immediately affected whether atomic power is introduced or not.

There is, however, a marked and very real difference between the consequences of atomic power use for the relations of individuals in the already industrialized countries and in those which are eco-

nomically underdeveloped. In the former regions, atomic power can be a useful adjunct to continuing industrial growth, but there is no evidence that it will alter the nature of the daily routine for the majority of persons. Its most noticeable effect here may be simply to increase the concentration of industrialization already apparent,² and, in doing so, to intensify urban-industrial life orientations for the people of such areas.

UNDERDEVELOPED AREAS

In underdeveloped regions the expectation is quite different. Outside of a few specialized projects, it is hard to conceive of any extensive use of atomic power in such areas except as part of an expanding market for power in transportation and industry. This in turn implies population aggregation as part of the development of a concentration of facilities for production. Culturally, this suggests an orientation quite at variance with what is actually found today over much of the globe. Each area is, of course, unique in many ways, and meaningful studies must derive from a detailed analysis of empirical situations rather than from arbitrary classification schemes. Nevertheless, the existing data allow the generalization that economically "advanced" and "underdeveloped" societies are not to be equated either in terms of their willingness (as distinct from their ability) to utilize atomic power or in terms of the consequences for each, of such use.

In the underdeveloped regions, we find resistances to nuclear development not only in such concrete factors as lack of capital, transport facilities, cheap fuel, trained technical personnel, and so

on, but more broadly in the economic imbalance and lack of integration, the Malthusian populations, the unstable political organization, the low levels of living, the educational poverty, and the well-entrenched sets of customs and values which are either indifferent or actively hostile to the changes implied by economic development.³

In these areas the mass of individuals are indifferent to atomic power because it has no reference to their experience—if, indeed, they know of it at all. Acceptance in such cases really means the prior acceptance of urbanization, of industrial employment, of the changed fabric of social customs and human relations inherent in continuing economic development. If revolutionary change of this kind occurs, atomic power will be theoretically acceptable as an assimilable component of the new configuration.

In such regions the relatively small elite, who hold interlocking positions of social, political, and economic dominance, are likely to understand that economic development can prove a threat to the special privilege they derive from carefully established positions. Change demands readjustment, and the outcome is never wholly predictable. The colonial area is a special case, in the sense that changes which are not actively desired locally may be imposed from without to some extent.

³ See, for example, Vera Anstey, *The Economic Development of India* (London: Longmans, Green, and Co., 1952), fourth edition. Dr. Anstey notes: "... certain religious ideas and conventions, and the rigid social stratification and conservatism based upon those ideas and conventions, still pervade every sphere of life, and limit economic development at every step" (p. 471). Among others, cf. Olen E. Leonard, *Bolivia: Land, People and Institutions*, Washington: The Scarecrow Press, 1952; T. Lynn Smith, *Brazil: People and Institutions*, Baton Rouge: Louisiana State University Press, 1946; and Nathan L. Whetten,

² For the reasoning behind this statement, see Walter Isard and Vincent Whitney, *Atomic Power: An Economic and Social Analysis* (New York: Blakiston Co., 1952), Part II.

Even in the industrialized nations, the heads of major companies, which may have the technical competence to assist in the development of atomic power facilities, must consider against the possibility of being "left out" in a new field the hard facts of heavy investment in conventional power plants and equipment and, especially in the United States, the general adequacy of present power sources, particularly in relation to the rather firmly established pattern of industrial and population distribution. If there is a period of additional declining employment, power production may become overproduction, further decreasing income. There are also the resistances in terms of relative power cost, size of market, industrial location, and so on (discussed by Dr. Isard in another article), and the impelling factor of subsidization by government for a variety of reasons concerned with war as well as with peace. Limited space prevents further consideration of these.

Generalized discussions of the use of atomic power and of the consequences of such use are meaningless. It will bear repetition to stress that atomic power can never be introduced into a vacuum, and that consequently it can be fruitfully studied only in the context of specific and intricate social organizations. Every people is in some degree unique. For some, atomic power will suggest compatibility and efficiency. For others, it will not.

Summarizing my conclusions elsewhere, it seems likely that atomic power will prove less useful to underdeveloped areas than to those industrialized nations which already have social and economic organizations to which it is fairly readily assimilable. But even here, the strength of resisting and impelling factors will vary from country to country,

Rural Mexico, Chicago: University of Chicago Press, 1948.

with the Soviet Union and Great Britain, for example, likely to press more strongly for atomic power under present conditions than the United States.⁴

SOCIAL ORGANIZATION AND ATOMIC POWER

In discussing atomic power as an innovation, an attempt has already been made to indicate in general terms how the pattern of social organization operates to influence the probability of a specific invention and its subsequent acceptance and use. Here attention will be focused briefly on certain details of the way in which the social organization operates as a permissive or limiting mechanism, and, additionally, on some possible consequences of the introduction of atomic power for social organization. Ideally, this would involve an empirical study of several areas. Since this is impossible in the space available, consideration will be limited to two arbitrary groupings—the urbanized-industrialized nations and the underdeveloped areas where population is primarily oriented to subsistence agriculture.

Manifestly, there are no grounds for considering any pattern of social organization as causative in the adoption of an innovation. On the other hand, given certain cultural arrangements, it is inconceivable that a particular novelty will be created or utilized. Atomic power itself could hardly have been developed in most parts of the world today. Relatively few areas combine a social organization in which complex technological innovation is stressed, with the requisite natural and human resources, the needed capital, and the necessary incentives. The existence of such a combination of factors is, of course, no guarantee of anything. It has no inevitable consequences. But it

⁴ For the argument and supporting data, see Isard and Whitney, *op. cit.*, ch. 9.

does make a particular innovation possible, and, in this sense, may be described as a permissive milieu. A lack of factors compatible with the production or use of a novel idea similarly serves to limit or exclude that idea—whether the latter be democracy or television or atomic power.

RESTRICTIVE SOCIAL ORGANIZATION

Among some one-half to two-thirds of the population of the world today, social organization is of a type I would consider limiting or excluding as far as atomic power goes. Most of Asia, Africa, and South and Central America would fall in this category. It is not that these largely underdeveloped regions lack communication with the rest of the globe, or that they have no people capable of understanding the technical details of nuclear fission or atomic plant operation. It is not merely that they lack capital or other specific economic prerequisites for atomic power production and utilization. More fundamentally, such lacks are symptomatic of the basic demographic and social situation.

This situation varies from country to country. Nevertheless, it can be described for the majority of underdeveloped countries as one in which a subsistence agricultural economy, largely uncontrolled vital rates, and a non-western value system function continuously to maintain one another. Both human and natural resources are employed with marked inefficiency, judged by western standards. Levels of living are low.

Let us for the moment put aside certain very real doubts, and make the assumption that relatively low-cost atomic power can be made available to areas of this description. Exactly what would this mean?

Some have intimated that it would mean the transformation of economi-

cally backward areas into industrial regions which would eventually attain the living standards and way of life of the western world.⁵ The result would be a more uniform economic development of the world's major regions.

In view of the multiple economic, political, and social resistances to the widespread use of atomic power, I see no reason to expect that it will in any reasonably near future be employed on anything like a universal scale. If it were, this would, of course, mean that national differentials in access to energy would be diminished. But this is quite different from saying that uniform levels of economic development would be achieved. Access to energy is not at all the same as development and use of these resources. And it is not only possible but, in my judgment, probable that any advantage gained by an increased availability of energy would be negated by the continuing existence among regions of other differentials in human and natural resources.

CULTURAL DIFFERENCES

* Let me try to state this another way. It is evident that fundamental differences exist in the ethos of national cultures. In terms of ideal types, an analytically useful distinction can be made between those in which over-all cultural orientation involves a relatively high degree of emphasis on competitive and aggressive behavior patterns directed to the attainment of individualistic ends, and those in which co-operative and nonaggressive behavior patterns dominate and group goals are emphasized. Very roughly, these types can be equated respectively with the industrialized and the nonindustrialized regions of the world. On the personal level the development of the individual

⁵ Cf. P. M. S. Blackett, *Military and Political Consequences of Atomic Energy* (London: Turnstile Press, 1948), ch. 8.

self involves the internalization of these culture patterns. Consequently, despite the wide variation in individual behavior universally found, attitudes and values, sentiments, roles—in short, a way of life—develop which distinguish any region from any other region.

These diverse orientations make it unrealistic to discuss the impact of nuclear energy except in terms of the expected interaction of the innovation with the multiple factors in the specific social organization under consideration. The introduction of atomic power in India is not the same as its introduction in the United States or in Argentina or even in China. Nevertheless, it may be postulated in general terms that the use of atomic power will tend to be fostered in varying degrees by the behaviors associated with technologically advanced culture patterns, and to be retarded in varying degrees by those typical of the overpopulated and underdeveloped regions. The point to be emphasized is that the introduction of atomic power into the latter types of societies will not ipso facto alter the social organization or remove the hindrances to general economic development which already exist. Unfortunately, nuclear energy has sometimes been confused with magic.

In Brazil, for example, we have a country rich in undeveloped minerals and other natural resources, although deficient in quality coal and developed oil resources. Although Brazil has made some impressive industrial gains in recent years, principally in São Paulo, its resources remain largely unexploited. This lack of development has frequently, and not inaccurately, been attributed to a scarcity of cheap fuel and to inadequately developed power resources. But these are not the only obstacles. The country has been handicapped by negligently transport resources and markedly insufficient transport facilities, by lack both of capital and of technical per-

sonnel, by labor scarcity and inefficient distribution of population, by poverty, sickness, and illiteracy among the great body of its people, and by a past record of political instability in an unintegrated economy. There is no reason whatsoever to believe that atomic power alone will alter these fundamental conditions. Over time, it could, of course, be one factor among many which would help to do so.

Brazil is now completing a major hydroelectric development on the São Francisco River. It is still true, however, as is the case in many of the underdeveloped areas, that existing and accessible hydropower at first-class sites remains unexploited. India's potential energy resources are largely unrealized. Rhodesia has not achieved any considerable degree of economic advance, despite the presence of the renowned Wankie coal deposits and the vast energy potential of the Zambezi River system. Expansion has been limited by a lack of consumers aside from the railways and the copper mines in the north.

Such conditions suggest that it is an error of first magnitude to ascribe the low ratio of developed power to land area, characteristic of many underdeveloped countries, to a lack of access to energy resources. The fact is that these very areas are quite commonly far from exploiting whatever energy resources they do have. In view of this, it hardly seems probable that the technical availability of another energy source, atomic power, would produce an economic renaissance or revolutionize firmly rooted cultural configurations. The very existence of such undeveloped resources suggests the tenacity of the existing patterns of social organization.

It is not to be denied, of course, that future industrial growth may be more rapid than that which characterized European expansion. The opportunity to profit from past experience and to bor-

row, rather than to initiate and perfect, industrial techniques makes this possible. It will still be true that in an economy based on peasant agriculture, the over-all social organization will tend to be a drag on rapid industrialization, whether it be stimulated by a new energy source or by some other factor.

In short, the crucial problem is that of maintaining a rate of technological growth in excess of the rate of population growth. If this is not done—and whether it can be is a tight argument—the use of atomic power will be restricted not only by lack of growth of markets, but more fundamentally by continuous diversion of potential surplus capital to the support of increased numbers at approximately the same low levels of living. Under such conditions, atomic power cannot serve to spark continuing rounds of economic development or to promote fundamental changes in social structure and values, even with subsidization.

POPULATION AND ECONOMIC DEVELOPMENT

One of the principal reasons for this is the population pattern characteristic of the underdeveloped areas that contain more than half the present population of the world. These are the agricultural areas ordinarily described as "overpopulated," in which any increases in productivity are largely absorbed by increases in numbers, with little or no net gain in levels of living. Because birth and death rates are largely uncontrolled, gradual economic development is not enough to resolve the fundamental problems involved in the pressure of numbers on available resources.

Economic development implies some degree of control over death rates. In comparison with a similar degree of control over birth rates, decreased mortality is easily achieved both because relatively cheap technical means of re-

ducing grossly high rates are available and because these can be applied with little or no interference in the daily life of the people of an area, and without conflict with established customs and values. Illustrations are improved transportation systems, minimizing local famines; the sanitation of the religious centers in India which had served as centers of infection because of the pilgrims who returned to all parts of the country;⁶ or the dusting of an area with a few hundred pounds of DDT, which in Ceylon resulted in a rapid and sharp decline in mortality.

If atomic power is to serve as a stimulus for industrialization in such countries, rapid control over births as well as deaths appears essential. This suggests the pressing need for research into cheap and effective methods of achieving control over births in the face of patterns of social organization which are frequently hostile or indifferent to the spread of family limitation. The problem is less pressing in areas like much of the Middle East or Soviet Siberia or Brazil or other parts of South America which cannot be termed overpopulated. But for the underdeveloped, overpopulated regions, the long process of closing the demographic gap by a gradual change in values as an urban-industrial base slowly develops is apparently unworkable.

The last few paragraphs may seem a digression. Actually, they are essential to demonstrate the unrealistic optimism in the view that an economic revolution will be produced in agrarian economies by the mere availability of atomic power—or even by its actual use on a limited scale, which is hard to envisage given the lack of capital and the lack of demand. The demographic characteristics

⁶ Kingsley Davis, "Demographic Fact and Policy in India," *Demographic Studies of Selected Areas of Rapid Growth* (New York: Milbank Memorial Fund, 1944), p. 47.

of such areas are simply one of several principal obstacles to economic development in general and to the use of atomic power in particular. I am not implying that they constitute obstacles which cannot be overcome, any more than I am denying that the use of atomic power could increase the productivity of specific industries in such areas. I am simply underlining that while cheap power may be a necessary condition for industrialization, it is not a sufficient one. Successful utilization of atomic power in the underdeveloped regions is hampered by present social organization. Its use could, conversely, be one of the factors leading to modifications in cultural arrangements and behavior, but only as it successfully induced general economic development.

WESTERN SOCIAL ORGANIZATION

There is space for only a brief further word about the industrialized nations. What has already been said suggests that their social organization is generally receptive to the use of atomic power. Social change is a usual condition. Technological innovation is expected and welcomed as a means of attaining higher standards of living. The demographic situation is favorable, since the degree of control exercised over both births and deaths makes it possible to maintain a ratio of numbers to available resources which will permit further increases in productivity to be applied to production and consumption needs rather than to the support of a mushrooming population. Economic arrangements too are more favorable than in the underdeveloped countries, though there is national variation in the availability and cost of capital, the investment in competing power sources, the size of market, the need for additional power or energy resources, the mobility of the labor force, and so on.

There is no evidence that in these countries atomic power will effect the revolutionary changes in social organization which have frequently been predicted in popular and semipopular literature. It is not likely to create a new type of family or of economic system or of class structure. Rather, it will fit readily into established economy and society, and at most promote social changes already in process. In partially industrialized countries like Argentina, it can speed such changes considerably if it is actually utilized.

ECOLOGICAL AND DEMOGRAPHIC CONSEQUENCES OF ATOMIC POWER

In the short space remaining, I want to mention briefly certain implications of the use of atomic power for community and population patterning. The underlying premise here is, again, that atomic power will in the next several decades prove a valuable adjunct to other power sources but that it will not lead to revolutionary changes in economic organization, settlement pattern, or population trends. Obviously, if atomic power combines with other factors to induce lasting industrialization in any presently underdeveloped countries, the latter part of this assumption will be modified for those areas in ways suggested above.

It is technically possible to build atomic power plants in the most remote areas of the world. The possible should not, however, be confused with the probable, and, except for portable units for such specialized jobs as breaking down icebergs, I see no logical reason for such an undertaking. Only in a few industries, like the electroprocess group, is cheap power of sufficient importance in inducing plant location ever to outweigh other single locational factors such as transportation, markets, labor force, raw materials, and agglomeration economies. An atomic power

station in Spitsbergen, or even in Aroostook County, Maine's northern potato empire, would have no function without a market. For a plant of optimum size, a major industrial agglomeration would be required; but other locational factors militate against such a possibility. Hence, atomic power is not likely to develop new population aggregations at remote points.

It is at least conceivable that military considerations might lead to uneconomic industrial concentrations, supported by subsidy, in distant areas like that around Arco, Idaho. It is more likely that, as in the United States in World War II, the concentration of industry in present locations will be strengthened because of their established locational advantages, the investment already made in these areas, and so on.⁷ In this country the industrial areas of the Northeast and along the Great Lakes rim are best suited as locations for atomic

⁷ Atomic power is unlikely to lead to the relocation of basic American industries. This is true even when the use of atomic power to allow new industrial processes is considered. For the evidence, see Walter Isard and Vincent Whitney, "Atomic Power and the Location of Industry," *Harvard Business Review*, Vol. 28, No. 2 (March 1950), pp. 45-54.

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plants, since they constitute principal areas of demand for power.

It seems probable that atomic power will serve to increase still further the concentration of industry, and therefore of population, in these established areas. It could also spur the industrial growth of such a region as southern California if it became competitive in cost with other power sources. Ecologically, this means a continuing expansion of the major metropolitan districts, presumably with a further dispersion of subcommunities within the metropolitan areas. It does not suggest any more uniform distribution of population in the major industrialized countries, or that such present population centers as New York or London or Moscow or Tokyo will become "ghost towns."

These remarks are necessarily extremely abbreviated. They can only suggest that existing demographic and ecological patterns are likely to be highly consequential for atomic power utilization everywhere. At the same time, they imply that any probable peacetime use of nuclear energy is unlikely to modify radically these same demographic and ecological arrangements.

Congress and the Atom

By HENRY M. JACKSON

FEW students of government would acknowledge the birth of the atomic age as a landmark in the history of American constitutional law; yet the pattern of relations which has evolved between the Congress and the executive branch in atomic energy is almost as unique as the splitting of the atom itself.

The ordinary government agency functions in a glare of publicity. Through the sheer force of public opinion, the people can themselves often shape official policy. But not so in atomic energy. The world of the atom is covered with a veil of secrecy. And even if secret data were more widely circulated, few laymen could understand their full import unless prepared to spend long and arduous hours in a study of atomic problems and issues. Against this background, five Atomic Energy Commissioners, whose only tangible link with the American people is their appointment by the President and their confirmation by the Senate, have been empowered to make decisions which not only affect our hopes for material advancement, but which may very well determine our national survival.

RESPONSIBILITY OF THE JOINT COMMITTEE ON ATOMIC ENERGY

These were the considerations in the mind of the Congress when, seven years ago, it created the Joint Committee on Atomic Energy to oversee the national atomic energy program on behalf of the Congress and the American people. The McMahon Act of 1946, which established the civilian Atomic Energy Commission, also created the Joint Committee and required it "to make continuing studies of the activities of

the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy." In turn, the Commission was required to keep the Joint Committee "fully and currently informed" concerning its programs.

As long as one speaks in the traditional language of constitutional law—with its black-and-white divisions between co-ordinate and coequal branches of the government—it is difficult to define the Joint Committee's precise role in atomic policy-making. This watchdog group has been accused both of running the atomic energy program, and of acting as a mere captive of the Commission. Neither view is correct. In truth, the Committee and the Commission jointly run the atomic program. Fundamental policy, though normally originating within the Commission, tends to be made with the advice and consent of the congressional committee. And in the case of certain vital policy decisions, the urging from the Joint Committee has played so powerful a role that it can be said the Committee made the decisions, with the advice and consent of the executive branch.

Some may lament this dual responsibility, arguing that it blurs vital divisions of authority between legislators and administrators. Others may insist that, in atomic energy, the power of Congress must be very great, in order to offset the immense authority afforded the executive branch in the McMahon Act. However history may judge this unique Committee-Commission relationship, it cannot be doubted that it now merits the closest possible examination by students of political science.

The McMahon Act entitles the Committee only to be kept "fully and currently informed" concerning the activities of the Commission. This mere right to know, with no legal authority to direct or supervise, may seem at first glance a frail foundation for Committee authority. Yet in atomic energy, this simple right to know highly classified information in and of itself confers immense powers of moral suasion upon the Committee. Here, in a most literal sense, knowledge is power.

Apart from the highly classified documents which the Atomic Energy Commission regularly transmits, the Joint Committee itself originates many secret papers covering all phases of the atomic program. It keeps in daily and intimate touch with the defense establishment, the State Department, the Central Intelligence Agency, the Federal Bureau of Investigation, and the National Security Council. Every effort is made, through a twenty-four-hour armed guard over the Committee offices and through appropriate use of vaults, safes, soundproofing, electronic devices, exclusion areas, FBI investigations of staff personnel, and the like, to maintain standards of security vigilance at least as high as those maintained within the executive branch.

ROLE OF THE JOINT COMMITTEE

The great fund of secret knowledge entrusted to the Committee has created a number of dilemmas for its membership. From a strictly legal standpoint, the watchdog group is required only to keep itself abreast of atomic developments. Should it therefore play a passive role, accepting the information furnished it and expressing no opinions of its own? Or should it assume an active role? If the latter, should it pass judgment on decisions of the executive branch only after they are made? Or should the Committee take a position

before far-reaching issues are decided? And if the Committee is to regard its mandate in this active sense, where should it draw the line in intervening in the affairs of the executive branch—where does prudent stewardship end and destructive meddling begin?

The question may be asked in specific ways. Should the Committee urge the building of certain plants which it feels that the interests of national security require? The Committee has in fact made such urgings. Should the Committee have access to confidential FBI reports on atomic employees? The Committee in fact has such access—the only group of Congress that does. Should the Committee insist upon seeing the internal staff papers of the Commission and the minutes of the Commission's meetings? The Committee has never so insisted, because the members respect the Commission's need for a certain privacy in its internal functioning. Should the Committee be informed of Commission decisions before they are reached, or only afterward? In actual practice, it knows about the big issues well in advance of any solution, but on lesser matters it is often advised following a decision.

How about the awarding of contracts, the hiring of Commission personnel, and the selection of plant sites? Should the Committee participate in these matters? In practice, it has not participated. It has followed a strictly hands-off policy—and rightly so, I believe.

COMMON-SENSE WISDOM

It may be wondered how the Committee—composed as it is of laymen—can possibly know enough about the technical facts of atomic energy to formulate sensible policy conclusions. The Committee, true, has come to rely upon the advice of its small but highly trained professional staff. Yet I do not believe this goes to the heart of the

matter. If the Joint Committee members can make rational decisions on high questions of atomic policy—as I believe they do—it is, I think, primarily because laymen may well be better qualified than specialists to play the role of basic policy-makers. After having worked with atomic problems for some years, I am deeply convinced that wise policy—in the sense of basic programmatic decisions—depends far less than most people imagine upon an exquisite technical acquaintance with atomics. A minimum understanding of the specialized lore of atomic energy is of course indispensable. Yet such knowledge can be translated into rational public policy only by decision-makers who can relate it meaningfully to the totality of human and historical experience.

A few examples may help to make my point. Just a few years ago, many technically trained people insisted that the supply of uranium raw materials was rigidly limited, and that such fixity of supply placed a sharp upper limit on the output of atomic weapons. Not a single member of the Joint Committee possesses a mining degree. But even as laymen, they knew that in the case of copper or iron or gold or almost any raw material which can be named, greater exploration and mining effort pays off in greater production. So, the views of many technicians to the contrary notwithstanding, the members of the watchdog group concluded that our nation could procure uranium in far greater quantities if it was willing to pay the necessary price; and of course this turned out to be so.

Again a few years ago, many military experts insisted that atomic bombs could never be carried by fighter planes against tactical targets; they argued that the bomb simply could not be made small enough or light enough. Once more, no member of the Joint

Committee really understood the intimate details of weapons technology. But as laymen, they could recall no piece of ordnance within human experience which could not be refined or improved or reduced in size. In addition they sensed that even the experts in the infant science of atomics had no more final knowledge about atomic weapon than the experts had final and complete knowledge of aerodynamics at the time the Wright brothers flew at Kitty Hawk. Many of the Committee members therefore urged—years before the doctrine gained wide acceptance in the Pentagon—that atomic weapons could and should be adapted to tactical uses.

Perhaps this is only another way of saying that the congressional watchdog committee has served as the guardian of the obvious in atomic energy. I have tried to make sure that the simple propositions and the everyday truths are not overlooked in the world of atomics, as they can be so easily in a subject which is synonymous with complexity. Ours is an age, if I may be permitted a philosophical digression which revels in complicated technique and subtle philosophies. We peer into the most distant reaches of the universe and try to divine the ultimate meaning of things. But in so doing, we may sometimes overlook what is standing directly in front of our faces. The memorable admonition of Justice Holmes, that the vindication of the obvious is as important as the elucidation of the obscure, has not lost its relevance in this atomic age.

LEADING RATHER THAN RESTRAINING

Not that the history of these first years of the atomic era will ever be entitled "The Joint Committee was always right." Far from it. Although the Committee has consistently led the executive branch in its insistence on an all-out weapons production program,

regret that it did not press for an expanded effort even earlier and even more vigorously than it did. And the same holds true on the peacetime side of the atom. The Committee's present chairman, to his great credit, is urging that our nation achieve a practical demonstration of useful atomic power as soon as is humanly possible.

This much, at any rate, is clear: This watchdog group simply does not conform to the popular stereotype of a congressional committee. Most people think of legislative committees as veto groups—as bodies overridingly concerned with holding the executive branch in check and preventing capricious acts. This is of course one of the vital jobs of the Joint Committee, and it performs it as best it can. More often than not, however, the Committee finds itself saying to the executive branch not "Do less; do it more cautiously," but "Do more; do it more boldly." And for every time the members ask "Isn't this program too ambitious?" they find themselves asking a dozen times "Isn't this program too cautious?"

This often surprises newcomers to Washington and to the executive branch. Having been reared on the doctrine that the executive branch proposes and the Congress disposes, they appear for the first time as Joint Committee witnesses, expecting to earn their battle stripes through defending their plans against charges of excessive boldness. But, to their surprise, they normally find themselves winning their Purple Hearts while fending off charges of excessive timidity.

PROCEDURE AND LEADERSHIP

The Committee is not very often in the headlines—which, I believe, is all to the good. Its work proceeds informally, with a minimum of fuss and feathers and klieg lights. In conformance with necessary security require-

ments, about three-quarters of the hundreds of meetings the Committee has held have taken place in executive session. The members have heard testimony from virtually every ranking government official, scientist, and military man connected in any way with atomic energy. At least once a year members or staff representatives inspect each field installation of the Commission, of which there are dozens. Trips to such major sites as Hanford, Oak Ridge, Los Alamos, Savannah River, and Paducah occur routinely at much more frequent intervals.

The performance of any congressional committee in large part reflects the quality of its chairman. On this score, the Joint Committee has been singularly fortunate. It is impossible to overestimate the contributions of the late Senator Brien McMahon to the national atomic energy program. He will be long remembered as sponsor of the Atomic Energy Act of 1946, and as a magnificently able chairman of the Joint Committee. Senator Bourke Hickenlooper, the first chairman of the Joint Committee, earned this nation's gratitude for his largely singlehanded—and successful—fight to save the atomic energy appropriations during the waning hours of the Eighty-second Congress. Congressman Carl Durham took the initiative in pressing for hearings on atomic power. The Committee's present chairman, Congressman Sterling Cole, has already won the respect and admiration of his colleagues on both sides of the aisle. In the Joint Committee, this aisle has become of less and less significance; the Committee has a firm, long, and growing tradition of bipartisanship.

APPROPRIATIONS PROCEDURE

When the McMahon Act was under consideration, Congress tended to believe that both international control and

industrial power from the atom might soon become realities. It therefore seemed sensible to furnish sweeping authorization for the appropriating of funds, since such authorization, besides smoothing the path of the civilian Commission in its first year or two in office, might shortly give way to different provisions. But what may have made sense in 1946 does not necessarily make sense today.

The Joint Committee, even now, is not empowered to report out authorizing or enabling bills—to the great detriment, I think, of the atomic program. If the Department of Defense wishes to construct a radar network or a new air base, four steps are necessary to secure congressional approval. The relevant legislative committees—that is, the Armed Services Committees of the House and the Senate—must report out an enabling or authorizing bill, which the Congress must pass. The Appropriations Committee must then report out a bill providing funds for the project in question, and the Congress must also pass this.

The wisdom of such a procedure has been demonstrated again and again. The relevant legislative committees which first evaluate a new construction program of the executive branch are uniquely equipped, through their specialized knowledge and experience, to decide whether it is desirable. If these committees place their seal of approval on the project through a favorable authorizing bill, the Appropriations Committees are subsequently assisted in considering the project from the point of view of how much money should be voted on its behalf, and how such sums will fit into the nation's over-all budget. The legislative committees, in these cases, serve as programmatic experts in their respective fields, and the Appropriations Committees serve as general fiscal experts.

The logic of such a procedure would seem especially compelling in atomic energy. Here, it is simply impossible to estimate the desirability of Commission-sponsored construction programs unless one has great familiarity with the atomic project—a familiarity which can be acquired only through day-by-day contact with the program. Although they are men of great judgment, ability, and experience, the members of the Appropriations Committees have immense demands on their time, and they have not acquired specialized competence in matters atomic. For the most part, their acquaintance with the program is transient and casual.

The ensuing difficulties can be illustrated by a hypothetical case. Suppose the Commission plans a reactor development program which may ultimately cost hundreds of millions of dollars. Suppose the Joint Committee, after holding detailed hearings, believes that the program is undesirable. Suppose it believes that construction of the proposed reactors is premature at this time. Let us even suppose that the Committee becomes convinced, on the basis of expert scientific testimony, that building the reactors would represent an extravagant waste of resources, or that the possibility of a radiation accident might endanger the lives of people living near the reactor sites. In any such cases the Commission would remain legally free (so broad is its present authorization) to proceed as it saw fit, provided it secured funds from the Appropriations Committees.

The resultant danger of ill-advised action is less acute in the Senate than in the House. Senate rules permit three members of the Joint Committee to sit as ex officio members of the Senate Appropriations Committee when the atomic budget is being considered. The regular members of the Appropriations Committee have come to heed the counsel of

their ex officio colleagues, and the Senate has exhibited great responsibility and rare discrimination in its handling of atomic energy appropriations.

Efforts to institute a similar arrangement on the House side have so far proved unavailing. Fearing encroachments upon its prerogatives, the House Appropriations Committee has denied requests for ex officio participation in its deliberations by Joint Committee members when the atomic budget is being studied. The House approach to appropriations in the atomic field has accordingly suffered, and on several occasions dangerous cuts have been restored only when the appropriations bills of the two Houses have been reconciled in conference.

Last year, for instance, the House Appropriations Committee—with the laudable objective of encouraging economy, but with mistaken notions of how to bring it about—reported out an atomic energy appropriations bill whose restrictive riders would have seriously delayed completion of the vast plant expansion program which had just been launched by the executive branch. The Senate—thanks in good part to the missionary work of its Joint Committee members—resisted the House-endorsed bill. After a dramatic all-night debate which delayed the adjournment of the Congress, the Senate view prevailed and the atomic expansion program was permitted to go forward unimpaired.

"THE ATOMIC EQUATION"

It would be both impractical and unnecessary to desire that every legislator acquire in atomic energy the kind of competence possessed by Joint Committee members. The whole point of the committee system of operation, after all, is to provide for specialists in public policy—for experts whose knowledge of some particular field transcends that of their congressional colleagues. So it should occasion no alarm if not all legislators are qualified to decide whether the Commission should build plant X or plant Y, or whether it should concentrate on developing this or that model of atomic weapon.

What can and must be asked, however, is that every last member of the Congress understand the meaning of "the atomic equation"—the terrible portent of the growing stockpiles of atomic weapons now being amassed on both sides of the Iron Curtain. What can and must be asked is that every member of the Congress recognize the imperative necessity of maintaining and increasing our atomic lead over the Soviets. What can and must be asked, finally, is that the entire Congress recognize that the atom has two sides—that the same materials which can destroy society in the form of atomic weapons can immeasurably enrich our lives if harnessed in the form of perceptive applications of atomic energy.

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The Contractor System

By RICHARD A. TYBOUT

ATOMIC energy is a contractors' industry. It was so created by the wartime Manhattan Engineer District and has been so continued by the Atomic Energy Commission.

Approximately 95 per cent of the total expenditures of the Atomic Energy Commission in fiscal year 1953 were made through contractors. Private concerns under contract construct the plants, refine the uranium, produce the fissionable materials, fabricate the atomic weapons, and develop new atomic engines for war and peace. Academic bodies search for new knowledge under contract. Contractor employees numbered 142,000 of the 149,000 persons in the atomic energy industry in June 1953. The remaining 7,000, exclusive of 65 or 70 military personnel, were employees of the Atomic Energy Commission.

ORIGINS OF THE CONTRACTOR SYSTEM

The talent for conduct of industrial and academic work of the type required in the atomic energy program resides primarily in private firms and in the universities. Cognizant of this fact, the Manhattan Engineer District provided the physical facilities for the atomic bomb project at government expense, but engaged private contractors for their operation. No one asked for, expected, or wanted private investment, though the services of operation by private concerns were highly desired. The result was government ownership and contractor operation under the cost-plus-fixed-fee contract form, which was then and still remains the key to contractual relationships in atomic energy.

With the passage of the Atomic Energy Act of 1946, the contractor system

received legislative sanction. Government ownership of the major portion of the atomic energy industry was required by statute. The Atomic Energy Commission was authorized and urged to continue the practice of relying upon private concerns for services of operation. And a new ingredient in atomic energy, the promotion of peacetime applications, was incorporated in domestic policy. This last made the Commission responsible not merely for the support of research in fields giving promise of peacetime applications, but also for the creation and preservation of competition in any future private atomic energy industries. At the present stage in the development of peacetime applications, however, the only means for the introduction of competition center around the contractor system, which, it will be shown, necessarily provides but limited scope for the independence essential to effective competition.

TYPES OF CONTRACTS

It has already been noted that all the major installations of the atomic energy industry are government owned and contractor operated. For these operations, cost-reimbursement type contracts, of which the cost-plus-fixed-fee is the most important, are almost invariably used.¹ Cost-reimbursement contracts typically account for 85 per cent by value of all prime contracts of the Atomic Energy

¹ The only exception is the case of certain government-owned plants for the production of uranium metal and uranium compounds, where the contracts are ostensibly unit-price contracts but permit price redetermination at three-month intervals. In practice, cost-reimbursement principles have prevailed in the redetermination process.

Commission. The remaining 15 per cent are fixed-price contracts, which are used in peripheral areas and in the procurement of standardized goods and services.

Fixed-price contracts

Fixed-price contracts may be either lump-sum or unit-price contracts. There is no fundamental difference between the two, but only a difference in the manner of expressing a fixed commitment. The contractor may agree to construct a building for a stated lump sum or to deliver so many tons of a chemical at a given unit price per ton. If there is free and open competition for such contracts, they provide all the built-in safeguards of a market-directed economic system.

But experiences of the Atomic Energy Commission in using fixed-price contracts are significant for the modifications which have been necessitated by the conditions of atomic energy contracting. As one moves more in the direction of contracts for nonstandardized goods, the probability of encountering classified plans and designs becomes greater, and the possibility of public advertising for competitive bidding becomes less. The special qualifications of individual contractors assume more importance, the unknown facts of new technologies become more significant, and the likelihood that fixed-price contracts, if they are used at all, will be placed by negotiation is increased. The consequences are progressive reduction in the effectiveness of competition and a tendency toward explicit coverage of the contractors' costs, with explicit allowance for increasing risks in the form of contingency adjustments, and explicit allowance for "profits."

The ultimate in the transfer of risks from the contractor to the government is found in the cost-reimbursement contracts.

Cost-reimbursement contracts

Cost-reimbursement contracts are of two major types—the cost contract and the cost-plus-fixed-fee contract—distinguished by the fact that the latter includes a fee to the contractor negotiated in advance and fixed for the life of the contract.² In both cases, all expenses properly charged to the services rendered are paid by the Commission, invariably from working capital advanced to the contractor.

Cost-reimbursement contracts are used where it is not feasible to require risk assumption by the contractor or where such risk assumption would serve no useful purpose. They are not limited to the operation of government-owned plants, but may be used under other circumstances also. Because of urgency, a construction job may be started before all the details have been sufficiently developed to permit contracting for a firm price. In this case a cost-plus-fixed-fee contract is used.

Cost contracts, as opposed to cost-plus-fixed-fee contracts, are particularly suitable for research programs carried out by academic and nonprofit institutions, either in their own or in government-owned laboratories. Research endeavors, by definition, are inquiries into the unknown; consequently it is not possible to make precise determinations of costs in advance of achieving given research goals.³

Cost-plus-fixed-fee contracts

The cost-plus-fixed-fee contract is not confined to atomic energy work. It was

² Government contracting on the inefficiency-rewarding cost-plus-percentage-of-cost basis is prohibited by law.

³ The so-called "lump-sum" research contract is also employed in financing research. It provides a fixed sum, not usually the anticipated total, for a given research undertaking in a nongovernmental laboratory.

used extensively in World War II, accounting for about 30 per cent of all contracts by value, but a negligible proportion by number.⁴ Studies of wartime experience reveal differences of opinion on many points, but there is unanimity among commentators, academic and otherwise, as to the suitability of cost-plus-fixed-fee contracts for the industrial operation of government-owned facilities, if the facility is one for which private enterprise will not assume the risk of investment or the risk of production for a market.

Is this an industry in which private enterprise should assume the risks of ownership and production? The answer depends in part upon the expected stability of defense needs in atomic energy, and in part upon the prospects for peacetime applications of atomic technologies.

One needs no special insight, but merely the public statements of all responsible officials, to know that expectations for stability in the atomic energy industry are nil. Continuous change in weapon design is implied by the existence of the Los Alamos Scientific Laboratory and by the frequency with which public announcements are made regarding weapons tests. It would appear that changes in quality and quantity specifications are the rule rather than the exception. At the other end of the production system, changes in the grade of domestic ore processed are of sufficient importance to warrant specific contract adjustments, to say nothing of the fact that the United States is heavily dependent upon the Belgian Congo and Canada for high-grade uranium ores, which introduces the complexities of foreign policy into production planning.

All the foregoing considerations intro-

⁴ War Production Board, Bureau of Program and Statistics, *Cost-Plus-Fixed-Fee Contracts in the War Program* (March 1945), p. 1.

duce a high level of variability into production activities, a variability which is close to national military planning. It is hard to see how private risk assumption, presumably operating through markets, could better serve the national interest under these circumstances than can the atomic energy industry (as a defense industry) working under direct governmental control.

The second part of the answer envisages an entirely different situation. If there is a peacetime market for fissionable materials, and if there is an established social utility in diverting fissionable materials from defense to peacetime applications, then there is the usual expectation that private ownership and private risk assumption will redound to the public benefit. It is reasonable to expect that at the beginning, at least, a peacetime atomic energy industry would be one of rapid obsolescence. There would be need for a continuing public policy to assure the essentials of competition and free entry, and perhaps a continuing need for public sponsorship of atomic research.

Thus, for the foreseeable future of defense contracting, public ownership and the cost-plus-fixed-fee contract device are likely to be of continuing importance. For the more distant future of peacetime applications, other arrangements, to be discussed at a later point, may be more appropriate.

COST-PLUS-FIXED-FEE AND EFFICIENCY OF OPERATION

The strongest criticism of the cost-plus-fixed-fee contract form is that it provides no incentive for efficiency in operations. The contractor is assured a fee, or "profit," which does not vary with performance under the contract. There is, of course, the possibility that the contractor may be interested in securing additional contracts, and for this

reason would wish to turn in a creditable performance. But it would seem just as valid to argue that the cost-plus-fixed-fee form provides an incentive to inefficiency if costs are kept up on one contract to establish higher estimated costs and therefore higher fees on subsequent contracts.

Despite the logical presumption that the cost-plus-fixed-fee form is inferior from the standpoint of efficiency of procurement, this proposition has by no means been satisfactorily verified. Indeed, J. P. Miller⁵ cites statistical evidence indicating lower over-all costs incurred by cost-plus-fixed-fee contractors than by fixed-price contractors in the production of identical airplane engines and propellers. This outcome seems to have resulted from the fact that the unit-price producers insisted upon a wide margin to meet the great uncertainties as they saw them. Since the cost-plus-fixed-fee contractors were not called upon to bear the risks, they did not require the large safety margin. The government was called upon to pay only those operating costs actually incurred, plus the fixed fee, which did not raise costs to the government to the same level as under the unit-price contracts.

The example is not regarded as typical of World War II experiences, but indicates that the cost-plus-fixed-fee device may sometimes be desired from the standpoint of over-all costs of procurement, even when the contractor is willing to operate under a unit-price contract. Presumably, there is some unit price which would be sufficiently attractive to induce private investment with full risk assumption in fissionable materials plants. That such a price may be entirely incomparable with present unit costs, whatever they may be, is suggested by previous discussion of the

⁵ John Perry Miller, *Pricing of Military Procurements* (New Haven, 1949), p. 132.

implications of full risk assumption in the atomic energy defense program.⁶

THE FIXED FEE

It is the intent of Commission policy that cost-plus-fixed-fee contractors emerge from their atomic energy operations financially whole in all respects and that they receive a fee which provides a financial return over and above all direct and indirect costs. The fee is fixed for the life of the contract, as long as the contract is not amended in a way that adds significantly to the work to be done by the contractor.

The size of the fee received by different contractors varies widely. A few of the largest atomic energy contractors operate for the purely nominal sum of one dollar for the life of their contracts. Other contractors are content with a fee which covers home office expenses attributable to atomic energy activities. Such expenses are reimbursable under cost-plus-fixed-fee contracts, but the practice of having them covered in the fee is sometimes preferred because it avoids the necessity of having the Commission audit home office costs. Still other contractors receive fees in the range of 3 to 7 per cent of estimated operating expenses under their contracts.

The economic logic of the fixed fee is tenuous at best. The fee is not a payment for risk assumption in an immediate financial sense, since the Commission takes considerable pains to ensure that contractors sustain no losses as a result of atomic energy work. A more satisfactory explanation views the fee as a compensation to the contractor in

⁶ In the event that costs are sufficiently well known in advance, an incentive schedule of fees might be established. The Bureau of Ships, Navy Department, employed such an arrangement with some success. For details see Glen A. Lloyd, "Pricing in War Contracts," *Law and Contemporary Problems*, Vol. 10 (Winter 1944), pp. 151-52.

lieu of profits⁷ which might otherwise have been earned by the employment in more profitable ways of persons assigned to atomic energy work. But the longer the time since such persons were committed to atomic energy activities, the more likely it is that their former places in the contractor's organization will be satisfactorily filled by others. Thus, the real sacrifice of the contractor in terms of profits forgone is related more to problems of replacement of individuals and organizational disruption of lucrative undertakings. These are transitional matters which have their greatest importance in periods of adjustment, as upon the assumption of contract responsibilities.

Other intangible and inexact measures affect the size of the fixed fee. The nominal one dollar "fee" is sometimes chosen as a means of offsetting the public opprobrium which may be connected with the production of war goods for a profit. On the other hand, a nominal fee does not necessarily mean an absence of compensation. What is not received in the form of a fee may be received in terms of nonfinancial benefits accruing to the contractor. The situation raises the question of the exact nature of private interest in atomic energy contracting—a matter which can best be explored in terms of the administrative relationships described in the following paragraphs.

COST-PLUS-FIXED-FEE ADMINISTRATION

It has been shown that cost-plus-fixed-fee contracts seek to establish administrative relationships for the conduct of a task which can be described only in

⁷ A distinction is often made between risk assumption and uncertainty bearing as a functional role of profits. Frank H. Knight, *Risk, Uncertainty, and Profits*, Boston, 1921. This distinction may be neglected for purposes of the present discussion.

the most general terms in the contract. This is in direct contrast to the situation in traditional contract arrangements, epitomized in the fixed-price forms, where advance commitments regarding the details of the contractual job are the essence of the contract device. The novel and close working relationships to which cost-plus-fixed-fee contracts give rise are the most significant aspects of these contracts, and, at the same time, present broad social questions regarding the nature of the economic institutions which they create.

Cost-plus-fixed-fee administration begins with a review of the qualifications of individuals assigned to atomic energy work by contractors. The Commission is interested in the quality of the team with which it must deal in working out the contractual relationship and in the conduct of the tasks to be undertaken by the contractor. This aspect of contract administration is of such importance that the letting of particular contracts is often dependent upon the contractor's assigning specific individuals to atomic energy work. As a result of the variability in the work to be done under cost-plus-fixed-fee contracts, the ultimate safeguard of the Commission's interests can be found only in these terms.

Other aspects of contract administration look toward achievement of an appropriate balance between effective control of contractors' activities and preservation of adequate latitude for freedom of contractor operation. At the top executive level of program direction, quantity and quality of product outputs are determined by the government. At the next executive level, co-ordination of activities among the different production and research installations is a direct Commission function, with some degree of private participation in the case of a few of the largest contractors, who are engaged in the operation of more than one installation. Finally, at the

various production sites, Commission officials and their staffs exercise continuing review down to a management level comparable to that of the contractor's plant superintendents.

The result of the administrative intimacy of the Commission and its contractors has been the creation of an atomic energy organization consisting of interlarded strata from the public and private sectors of the economy.

Such is the nature of the administrative organism which has grown up in the no man's land between public and private. It leads a relatively autonomous existence, separated by a layer of secrecy from the main stream of public and private institutions from which it has borrowed. From all publicly available information, it appears to have done a creditable job of producing war goods. Whether this is a consequence of the unique arrangements here involved or of transfusions from other sectors of the economy cannot be answered simply. The answer, which no attempt is made to give at this point, must be found in the details of the relationships studied in the previous paragraphs, interpreted in terms of the contemporary functioning of private industry elsewhere in the economy.

PEACETIME APPLICATIONS

Cost-plus-fixed-fee contracts have significance not only as effective instruments of procurement in atomic energy, but also as harbingers of the industrial structure of future peacetime atomic energy industries. The latter role, which will be discussed in the following paragraphs, is one in which cost-plus-fixed-fee contracts have been cast by the circumstance that the field of atomic energy is possessed of both peacetime and wartime applications. They are not intrinsically well suited to the development of a competitive structure for

peacetime industries, but have been somewhat adapted to this end, subject to the overriding objectives of national defense.

The terms of atomic energy contracts, consistent with the spirit of the Atomic Energy Act, seek to keep all industrial atomic energy knowledge in the public sphere. Thus, all patentable discoveries in the field of atomic energy and all technological information—data, notes, drawings, and so forth—become the property of the Atomic Energy Commission. A considerable number of government-owned patents in unclassified areas have been released for non-exclusive royalty-free licenses, and a large volume of unclassified technological data has been published. Presumably the same will be done with other patents and atomic energy information, including what must be a sizable literature relating to the development of power-generating reactors, when and as they are declassified.

The intended effect of the foregoing policies is to reduce the private advantage of atomic energy contractors that lies in the industrial experience, training, and know-how which members of their staffs receive while engaged in atomic energy work. But it is the writer's observation that at the two major production installations, Oak Ridge and Hanford, operating personnel tend not to be closely tied to particular contractors. They would probably be just as available to a large number of private firms as to the firm for which they are nominally working.

More vigorous efforts to develop a cadre of specially trained personnel within their own ranks are made by contractors in reactor development work—that part of the atomic energy industry closest to peacetime applications. Centrally conducted reactor development training programs for contractors' employees have long been sponsored by

the Commission, and the rotation of personnel between a contractor's home installation and reactor development installation is in accordance with accepted policy.

Manifestations of private interest in reactor development have been numerous, but it is significant that the initial proposals for private action in this area came from two groups—the Monsanto Chemical Company and the Dow Chemical Company, the latter in combination with the Detroit Edison Company—which had had long and absorbing contacts with atomic energy. Without such contacts, their proposals could hardly have been conceived. The field is technologically complex, and secrecy restrictions introduce a necessary waiting period before firms outside the atomic energy program can even begin to think about the problems involved, to say nothing of making proposals for their solution.

DEFENSE VERSUS PEACETIME INDUSTRIAL STRUCTURE

Further constraints upon the competitive structure of peacetime atomic energy industries are inherent in the attributes of cost-plus-fixed-fee contracting. Private concerns have been engaged in order to bring special talents into atomic energy, but the particular private concerns most likely to have sufficiently specialized talents are generally the largest in an industrial segment. Moreover, large firms are best able to supply a variety of specialists to meet changing technological requirements, and management talent in depth at each level to meet shifting needs in volume of output.

Not only is the case predisposed in the direction of large operating contractors, but the inherent rigidities of the contractual relationship tend to keep contracts in the hands of their present

holders. The intimate administrative contacts upon which cost-plus-fixed-fee contracts depend require time for their establishment and are not lightly severed by the Commission. Compounding these difficulties are the secrecy restrictions which, however necessary on other grounds, seriously obstruct competition from without the circle of the initiated.

THE FUTURE OF INDUSTRIAL ATOMIC ENERGY

Despite the bent of the present contractor system in the direction of established interests, it is entirely possible that normal competitive relationships could be developed under the aegis of the government, at least in limited sectors of the field.

If and when atomic energy defense needs permit a limited relaxation of cold war production patterns, much by way of disseminating industrial know-how might be accomplished by increasing the number of firms participating in the operation of selected atomic energy installations. And if full and current release of relevant industrial information can be achieved without impairing national security, while keeping rights to atomic energy knowledge in the public sphere, as they now are, then the most serious roadblocks to a future competitive structure in peacetime applications will have been substantially reduced.

The atomic energy industry is in the first stage of its development. The contractor system under which it operates has been well adapted to the needs of this stage, namely, the production of atomic weapons. Now, as a result of technological advance, the problems of the gestation of a peacetime atomic energy industry are becoming more acute, and point, for their solution, toward increasing emphasis on a new order of business-government relationships. But

only after a broad base of competitive industrial participation has been developed will it be consistent with the public interest in this new field to move on to the later stage of full-scale private ownership and operation.

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The Problem of Secrecy

By JOHN GORHAM PALFREY

THE impact of atomic secrecy on the conduct of atomic affairs and on the processes of government, science, and industry is no longer an unexamined subject. Whenever seriously examined, this impact, despite the multiple language used in defining it, has almost uniformly been regarded as unhealthy, and in some degree unnecessary.

It has often been stated that secrecy has been overrated by the government and has not accomplished what was expected of it. Particularly, it has been said that the cost of secrecy has outweighed its contribution, and that a more balanced evaluation of both could reduce the cost without reducing the actual contribution to our safety.¹

SIGNS OF FERMENT

Heretofore, these appraisals have not led to noticeable reform. But by 1953 there are signs that a change may be imminent. For one reason, critical judgments have come from sources that cannot be described as inconsequential. Two former chairmen of the Atomic Energy Commission,² the present and a former chairman of the Joint Committee on Atomic Energy,³ the former chairman

¹ For critical evaluations of atomic secrecy, see Walter Gellhorn, *Security, Loyalty and Science* (Ithaca, 1950), p. 34 et seq.; Alan Barth, *The Loyalty of Free Men* (New York, 1951), p. 177 et seq.; Ralph Lapp, *The New Force* (New York, 1953), p. 206 et seq.

² David E. Lilienthal, "Free the Atom," *Collier's*, June 17, 1950, p. 13; Gordon Dean, Press Conference, June 25, 1953, AEC press release.

³ Representative W. Sterling Cole, "The Hydrogen Bomb: A Panacea?" 96 *Congressional*

of the Commission's General Advisory Committee,⁴ and just recently the President of the United States,⁵ all have concluded, some more emphatically than others, that more atomic information should be disclosed.

For a second reason, the signs of disenchantment and discontent have been coupled with pressures from interested groups who have a particular reason for demanding that the assumptions of 1946, behind the provisions of the law, be re-examined in the light of present circumstances. The Joint Committee on Atomic Energy has been currently holding hearings on the enlargement of industrial participation in atomic energy, preliminary to the consideration of amendments to the Atomic Energy Act in the next session of Congress. Among the amendments may be one modifying the secrecy provisions of the law.

THE BASIC QUESTION

The criticisms of existing secrecy and the possibilities of change are of profound importance (and our survival may well depend upon the attention they receive and the corrective action taken), but the core of the problem is what these criticisms imply. Behind the evidence of the damage produced by an excess of secrecy lies the fact that

Record A-5316 (1950); Senator Brien McMahon, Interview, *Bulletin of the Atomic Scientists*, January 1952, p. 6.

⁴ J. Robert Oppenheimer, "Atomic Weapons and American Policy," *Foreign Affairs*, July 1953, p. 525.

⁵ Dwight D. Eisenhower, Press Conference, *New York Times*, July 9, 1953, text p. 4, col. 1.

despite the country's most earnest intentions, it has lived with the problems of the secret atom for eight years without yet learning what the experience has had to teach it, and without correcting the errors of its ways.

Despite the current signs of ferment, it is not clear that the remedy for excessive secrecy will be produced by specific disclosures or by amendments to the law. Nor is it clear that the remedy will be provided by any contrived solutions to individual problems. The genuine remedy may require a larger pursuit and less immediate results. It may have to begin not with the devising of solutions but with an understanding of the flaws in the whole process of conducting atomic affairs, which, in the course of eight years, has not generated its own correctives as experience has demonstrated the need for them.

It is therefore worth while to consider what has gone wrong, and what has led to the government's failure to identify and maintain the balance between secrecy and openness which would help us most and hurt us least.

Any complete explanation requires a study of the whole varied and intricate political experience, and the changing context in which atomic affairs have been conducted. But in the course of a survey of that experience, one factor does constantly emerge, which, while not determinative of all that has happened, is at least a significant accompaniment of many episodes in many areas affected by secrecy. These episodes involve behavior of the Congress, the Atomic Energy Commission, the President, or the military, which in retrospect seem illogical and costly. And the source of this illogic and expense seems frequently to have been the same: an indiscriminating and unexploratory acceptance of the uniqueness of all atomic secrets in their nature and importance.

SECRECY PROVISIONS OF ATOMIC ENERGY ACT

One can trace this attitude in part to the secrecy provisions of the Atomic Energy Act, although it was more implicitly than explicitly expressed. There was nothing in the policy directives of the information section itself that instructed the Commission to lean over backwards in the interest of concealing and protecting atomic secrets. In fact, the policy declaration plainly provided for a control of secret information by the Commission which would strike the optimum balance between secrecy and openness. The Commission was fully apprised by the act, as amplified by the Senate Committee Report, of the two "vital objectives" of disclosing information that would help scientific progress, and of concealing information that would help the progress of other nations. They were recognized as objectives which "compete with or are in direct conflict with one another," raising "policy considerations of opposite tendency."⁶ The section was designed to frame a program that would "reconcile their apparent divergence."

Nevertheless, in other provisions of the information section there were to be found such compelling indications of the unique importance attached to atomic security precautions as to make the contemplated balance between secrecy and

⁶ Sec. 10(a)(1) and (2) provides as follows:

(1) That until Congress declares by joint resolution that effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established, there shall be no exchange of information with other nations with respect to the use of atomic energy for industrial purposes; and

(2) That the dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticisms which is essential to scientific progress.

openness difficult to achieve. These provisions were, ironically, a manifestation of the same qualities that characterize so much that is admirable about the McMahon Act as a whole: a thoroughness and care, coupled with a sense of ferment, produced by the atom's formidable characteristics which made the exception the norm, inventiveness the criterion, and reassessment and departure from ordinary ways acceptable.

SECURITY MEASURES

The difficult problems of atomic secrecy, approached in this spirit, were thought to require more than conventional security measures, and new ones were devised that seemed appropriate to the importance of the subject. In the first place, rather than permit the Commission to determine what information should be concealed, the act made substantially all atomic energy information secret by statutory definition, and established a new category for such information, labeled "restricted data."⁷ The Commission was then authorized to declassify information, removing it from this category, as the Commission decided the information could be published without endangering security.

While this device had practical reasons to support it, particularly from an administrative point of view, it had important drawbacks. It gave statutory support to the assumption that all atomic information, unlike other government information, is "born secret,"

⁷ Section 10(b)(1) provides as follows:

(1) The term "restricted data" as used in this section means all data concerning the manufacture or utilization of atomic weapons, the production of fissionable material, or the use of fissionable material in the production of power, but shall not include any data which the Commission from time to time determines may be published without adversely affecting the common defense and security.

and it placed on the Commission the burden of justifying the disclosure of information rather than of justifying its concealment, as is ordinarily the case with other "sensitive" agencies.

In the second place, the framers of the act were not satisfied with the adequacy of existing criminal laws, such as the Espionage Act, as protection against unlawful disclosure of atomic secrets. They therefore wrote into the information section special and very severe criminal sanctions.

Lastly, the Congress concluded that personnel security clearance of those with access to secret atomic information could not be left to the agency's discretion, as is customarily the case. Instead, uniformly stringent clearance procedures were provided for all personnel with access to any level of classified information. Except in case of emergency, a full investigation of character, loyalty, and association by the Federal Bureau of Investigation, and Commission clearance, were required, whether the employee was a scientist at Los Alamos working on weapon design, or a temporary construction worker engaged in the rudimentary stages of plant construction. The assumption was plain. Even the lowliest atomic secret merited as much protection as top secret military information.

PRECAUTION ACCENTUATED

The net result of these provisions was that the Commission, in controlling information, was encouraged to conclude that something more than the conventional calculations was required before an atomic secret was declassified or a security precaution modified. If the act itself did not specifically instruct the Commission to adopt this view, both Democrats and Republicans in the Congress made it plain to the Commission, over the years, that such

was their interpretation of the meaning of the law. Senator Tydings typified this attitude when he said, in 1949,⁸ that the atom was not a case of a new 75 millimeter cannon or a supersonic aircraft, but a question of whether or not we were to survive on this planet. Therefore, he concluded, until the world prospect brightened, the Commission would do well to err on the side of secrecy.

What made this attitude particularly important was the fact that it was impressed upon the Commission from the outside, by the public and its representatives in Congress. It therefore accentuated the natural inclinations of the Commission, like any other government agency, to proceed with a superabundance of caution in controlling information. The reasons for this tendency are obvious: Unwise disclosure is irrevocable and exposes the offending official to criticism, while, on the other hand, unwise concealment can always be rectified, and, meanwhile, the act of concealment and the reasons for it are themselves shielded from public observation.

Traditionally, in activities involving military secrets, for example, this inherent tendency toward overconcealment has been at least partly counterbalanced by the jaundiced eye with which the press and, on occasion, the Congress, have regarded military security. Thanks to this outside alertness and aversion to excessive security measures, to a constant pressure to ferret out information, and to the airing of intramural controversy within the military establishment, considerable information has been disclosed and an uneasy balance between secrecy and openness maintained in defense affairs.

Until recently, at least, the situa-

⁸ Hearings before the Joint Committee on Atomic Energy on the AEC Report to Congress, 81st Cong., 1st sess., pp. 15, 18.

tion was just the opposite in atomic energy. The initiative for disclosure came largely, if at all, from within the Atomic Energy Commission, and furthermore, a penalty was often exacted for such initiative, as the Commission learned in 1949 during the Hickenlooper investigation. As a result, such efforts to disclose more information were not likely to be self-sustaining.

EXAMPLES OF SPECIAL HANDLING

Thus, from the outset, the Atomic Energy Commission was provided with many incentives to play "extra safe" and to err on the side of secrecy. One might debate abstractly the question whether atomic secrets did or did not justly merit this unique protection, either during the period of our atomic monopoly or afterward. But such debate would lack meaning. Concrete illustrations of the types of special handling atomic secrets did receive lead one to a sharper and more fruitful debate. At the same time, these illustrations demonstrate the ways in which this special handling has contributed to much that is both significant and mischievous about the impact of atomic secrecy.

Personnel screening

One major aspect of the secrecy experience was the operation and consequences of the personnel security clearance program. This is a subject discussed in another article. Here, it merits brief discussion only to illustrate one occasion of illogic produced by the concept of playing "extra safe." This occasion demonstrates that Congress not only demanded special clearance to protect all levels of secret information, but also demanded it, as a precaution, even when no secret information was involved.

The dispute over the Commission's fellowship program was an important part of the Commission's investigation by the Joint Committee in 1949. It erupted in May with the discovery that an avowed Communist had received an AEC fellowship, and that the Commission had conducted no security screening of fellows working in nonsecret fields. Three committees of Congress bitterly attacked the Commission for lax security. The Commission, in turn, defended its practice on the ground that no secrets were involved. While it subsequently yielded to the extent of adopting the requirement of an oath of loyalty and affidavit of non-Communism (a customary service to assure the proper spending of public money), it steadfastly opposed any security clearance procedures as an unnecessary and dangerous extension of security into nonsecret fields.

The Commission failed to persuade Congress. The outcome was a rider in the Commission's annual appropriation, requiring an FBI investigation and loyalty clearance of the recipients of AEC fellowship awards.⁹ The undeviating congressional attitude was bluntly stated: This special precaution was needed because there was always a chance that a person, even if studying in a nonsecret field, might "hit upon a super-duper atomic bomb, and be off to Russia."¹⁰ In "whatever it does" a "special responsibility" was said to rest upon the Commission "to be particularly sure that it does not contribute to the defeat of the United States in the cold war."¹¹

⁹ Sec. 102-A, Public Law 759, 81st Cong., 1st sess., August 24, 1949 (64 Stat. 699, 720).

¹⁰ Senator William F. Knowland, *Hearings before the Joint Committee on Atomic Energy on the AEC Fellowship Program*, 81st Cong., 1st sess., p. 43.

¹¹ Representative Francis Case, *Additional Hearings before the Subcommittee of the Com-*

A year later, the National Science Foundation was established. It was provided with authority to grant fellowships in fields of study which included those covered by the Commission's nonsecret fellowship program. An oath and an affidavit but no loyalty clearance were required of fellows in the unclassified field. In the following period, the Commission therefore began to transfer much of its original program to the Foundation—a government agency not saddled with special precautions, because the question of security had been determined on its merits, not on the fact that it was a program of the Atomic Energy Commission.

Noncommunication within the government

In very different areas of the Commission's information control activities, such as the flow of secret information within the government, or the communication of secret information between us and our allies, it has again been the special handling afforded the atom and its secrets that has caused most of the complications.

One can find numerous instances, early and late in the postwar period, where atomic information was regarded as so secret, and therefore so tightly "compartmentalized," that even top officials in the government, military and civilian alike, had no knowledge of it. For example, a wartime agreement in 1943 between the United States and England, not to employ atomic weapons without mutual consent, was kept secret from all members of Congress until mid-1947, when Senators Vandenberg and Hickenlooper first discovered its exist-

mittee on Appropriations, House of Representatives, on the Independent Offices Appropriation Bill for 1950, 81st Cong., 1st sess., p. 69.

ence. It was also kept from Secretary of the Navy Forrestal until he was elevated to the position of Secretary of Defense, and then he was informed of it, not by executive officials, but by the two Senators.¹²

There are more recent illustrations. In the spring of 1951, during the MacArthur dismissal hearings, General MacArthur indicated in a reply to a question of Senator McMahon that, although he was Supreme Commander of the United Nations forces in Korea, he did not possess any information about the nature and portent of the atomic weapons tests then taking place in Nevada.¹³ These tests, in fact, marked an important stage in the development of atomic weapons for tactical use on the battlefield.

Barriers to international exchange

These special barriers to communication within the government, however, were minor indeed in comparison to the limitations on any communication of classified atomic information with our closest allies. While military and diplomatic secrets continued to be shared with them after the war, all exchange of atomic secrets, even with our wartime atomic partners, ceased with the passage of the Atomic Energy Act in 1946.

The act prohibited any sharing of restricted data of an industrial or military nature until Congress was satisfied with the adequacy of international safeguards. This provision, however, was enacted before hopes of international control of atomic weapons had faded, and before the mounting hostility of the Soviet Union, and the Soviet atomic explosion, put an entirely new light on

atomic collaboration with those nations which had again become our formal military allies.

The two steps which have been taken in the seven years since the act represent only negligible progress toward establishing a relationship in keeping with the military collaboration we have undertaken in the collective effort to defend the free world. The first step was an executive agreement with Great Britain and Canada in 1948, permitting a rigidly limited exchange of classified information, primarily of a research nature. Even this much exchange of this information was accepted by the Joint Committee largely because the agreement also rescinded the wartime restriction on the use of atomic weapons, noted above, and established a favorable arrangement with England in the distribution of Belgian Congo uranium ores.¹⁴

For the next three and a half years, any move to enlarge co-operation was effectively resisted by Congress, even after the signing of the North Atlantic Treaty. In July 1949, for example, a proposal of the executive branch of the government to explore the possibilities of a new atomic partnership with England and Canada was stopped in its tracks by the categorical opposition of Senator Vandenberg and other Senators.¹⁵

Finally, in the fall of 1951, Congress was persuaded to amend the act to permit the exchange of restricted data with foreign countries, which could include information on reactors and the production of fissionable material.¹⁶ However, no sharing of atomic weapon information was permitted, and, before any ex-

¹² See Walter Millis (Ed.), *The Forrestal Diaries* (New York, 1951), p. 338; Arthur H. Vandenberg, Jr., *The Private Papers of Senator Vandenberg* (Boston, 1952), pp. 359-61.

¹³ McMahon Interview, cited note 3 *supra*.

¹⁴ Vandenberg Papers, cited note 12 *supra*, p. 361.

¹⁵ *Ibid.*, pp. 363-65.

¹⁶ Public Law 235, 82d Cong., 1st sess., October 30, 1951 (65 Stat. 692, 42 U.S.C. 1805).

THE ANNALS OF THE AMERICAN ACADEMY

range whatever could take place, a formidable list of twenty conditions had first to be met, which included a unanimous vote of the Atomic Energy Commission, formal approval of the National Security Council and the President, and a thirty-day interval for Congress to scrutinize the arrangement.

In 1953 there has yet to be any exchange of atomic weapon information broad, despite the success of both our enemies and our allies in the field. No such data can be shared with our allies, whether it relates to the design and production of weapons or to the very different type of weapon information concerning effectiveness and methods of utilization, and the quantity and types available for the defense of western Europe. It is no conventional relationship among military allies to have all but one of the members kept in ignorance of the capability upon which, soundly or unsoundly, they are greatly relying for their combined military effectiveness.

Public discussion rejected

There is one final illustration of special behavior towards atomic secrets which illuminates both the Commission's declassification problems and the political problems of congressional control and public accountability.

In a speech in January 1949, Senator McMahon addressed himself to the question: "Should we reveal the size of our atomic stockpile?"¹⁷ He did not answer the question; he merely said it must be publicly asked and the issues publicly weighed, so that whatever the answer, it would be a considered one. "Perhaps our military needs absolutely dictate that atomic production figures be kept secret," McMahon continued, "but if so, we were risking the 'tested

traditional principles of free and constitutional government," and we must be sure that the risk had really been calculated.

McMahon went on to identify the issues. On the one hand, concealment of production figures, even from the Joint Committee, kept knowledge from Congress which it needed to discharge its duties in providing for the national defense, and compelled Congress to purchase an atomic "defense package sight unseen," which might be the equivalent of a large army or merely a regiment. Equally important, without this knowledge, proper Joint Committee appraisal of the Commission was impossible, as was proper public appraisal of the Joint Committee.

On the other hand, McMahon said, disclosure of production data would tell the Russians what they had to do to rival our progress, what damage we could inflict, and what countermeasures they needed. Even the intermediate possibility of secretly informing the Joint Committee had its drawbacks. Since the information could not be reported publicly, the rest of Congress, in voting on the proper size of the defense forces, would be forced to rely purely on the unexplained "say-so" of the Joint Committee members.

A few days after McMahon's speech, President Truman was asked by the press about the desirability of public debate on stockpile disclosure. The President answered with a categorical No, and indicated that no part of this topic was a fit subject for public discussion.

Senator McMahon had thought the country should at least stop and consider the political consequences of existing secrecy and decide whether it was justified. The President, in flatly rejecting such an idea, plainly revealed how dangerous this experiment with atomic secrecy had proved to be. Once

launched, it not only hampered criticism—it defied examination.

Public discussion considered

Within the past few months, however, there have been some signs of a change in the government's approach to this topic, and of a modification in the absolute distinction hitherto drawn between atomic and nonatomic information. In an article published in July 1953, Dr. J. Robert Oppenheimer wrote that while there were secrets important to be kept today, including some in the field of atomic energy,

knowledge of the characteristics and probable effects of our atomic weapons, of—in rough terms—the numbers available, and of the changes that are likely to occur within the next years, this is not among the things to be kept secret. Nor is our general estimate of where the enemy stands.¹⁸

In contrast to the President's prompt rebuff of Senator McMahon's speech in 1949, top officials have displayed a respectful attitude toward the more positive conclusions of Dr. Oppenheimer in 1953. Both Chairman Dean and President Eisenhower indicated that they were not unsympathetic to many of Dr. Oppenheimer's views, and were aware of the importance of the issues. One can conclude, at least, that the issues themselves will no longer be regarded as unfit for public discussion.

THE QUESTION OF UNIQUENESS

These three illustrations, covering a variety of activities and governmental problems, lead to the conclusion that many of the dislocations produced by atomic secrets have not been due to the existence of secrets and security precautions per se, but to the accompanying frame of mind which has led the government to put the problems posed

¹⁸ Oppenheimer, cited note 4 *supra*, p. 532.

in a special category outside the orbit of normal security practices.

This, in turn, leads to a deeper question, and one which defines the real issue posed by past behavior. The crucial problem is not whether Congress was right in regarding atomic secrets as unique in their importance, but whether the proper measuring stick has been used to determine this uniqueness, its extent, and its consequences. The mischief has been done as a result of the view that, since the atom is unique, any information relating to it is unique, and therefore justifies, by definition, and without further thought, unprecedented departures from customary behavior.

The expression "atomic secrets" has accordingly been considered as a blanket term covering a single subject, which has been discussed in a collective, undifferentiated sense. It has rarely been considered as a label describing various types of data which constitute, to a greater or less degree, information worth keeping to ourselves, for a variety of important and less important reasons.

Actually, restricted data can be broken down into the same categories of information found in other secret operations. Some of it includes operational facts—what we are doing, what we are planning to do. Some of it is program status information—how many weapons we have, of what types, and how fast they are being produced. Some of it is information on weapon design, on production details, or on scientific techniques. Some of it is information on the characteristics of the weapons, their effectiveness, their method of employment. Some of it is intelligence data—information and sources of information on the status of other nations' progress. These are all traditional categories. Similarly, the various reasons for concealing restricted data are traditional reasons—to avoid helping potential enemies to rival our progress, and to

¹⁷ Brien McMahon, "Should We Tell How Many Atom Bombs?" 95 *Congressional Record* A-4051 (1949).

avoid telling them our accomplishments, our difficulties, and our plans.

The failure to distinguish between different types of information has obscured the basic point that a given type of atomic secret may have more in common with its counterpart in other secret government operations than it has with other types of atomic information. As a result, few have asked the kind of question that needs answering. For example, what are the differences, in nature, importance, and appropriate methods of handling, between top secret information on atomic bomb design, stockpile, or effectiveness, and similar top secret information on guided missile design, stockpile, or effectiveness?

Perhaps there are differences, but unless there are, one may legitimately question why Congress is informed more about guided missiles than about atomic bombs. Since we have found special barriers to communication and special precautions hampering, we should do well to avoid them wherever possible, and to demand no more barriers and precautions than are regarded as sufficient for nonatomic government secrets of the same security classification.

SPECIAL FEATURES

At the same time, the salutary impulse to bring the atom "down to size" and to relate its secrets to others in the government should not lead to the equally false conclusion that there is nothing special about the atom and its secrets. This conclusion has been the source of much ineffective criticism. Even highly informed critics too often recommend that damaging secrecy in atomic energy could be minimized by limiting secrecy to the final weaponizing stages, as it is limited with aircraft, artillery, and other military gadgets.

Such use of the analogy of atomic op-

erations to conventional military operations is likely to be unrealistic and unhelpful. The production of steel for a new gun does not correspond to the production of fissionable material for an atomic bomb. One is an essential but rudimentary process; the other is 80 per cent of the job of constructing the finished weapon. In atomic energy, a sharp line cannot be drawn between the preliminary processes and the final product, or between peacetime and wartime applications. Even between basic scientific discovery and its technological application, the line may no longer be clear. With regard to the last couplet, the virtual elimination of the time lag between discovery and its application, in the past decade, has produced a new situation, with new secrecy considerations. It is a fact that we would be unwise to ignore in an atomic weapons race.

In the political field of policy decisions in atomic energy, analogies may also be misleading. One may argue that major atomic decisions, like other major decisions in the past, involving basic moral, political, and international considerations, should receive the type of public debate through which government by consent is traditionally maintained. Perhaps this is true, but in the case of the atom and in the course of the cold war there have been genuinely new and ambiguous circumstances that demand a fresh evaluation. Many of the major atomic policy decisions have raised policy issues which are intermeshed with technological details and with facts of program status and international cold war strategy, much of which is properly considered highly classified information.

One would be just as unwise to conclude that the atom has raised no new problems of secrecy as to conclude that all its problems are essentially new. What seems to have totally escaped us

however, is a third conclusion which the eight-year experience should have made plain. While there are genuinely new problems posed by atomic secrecy, and occasions where departures from precedent in coping with them are justified and important, these problems and these occasions are identified by an open-minded examination, not by a blanket assumption or a definition. The proper response to the position that atomic secrets merit unique protection is not a denial but a series of questions and a demand to be shown.

THE DEMOCRATIC PROCESS

This analysis suggests that the significance of the atomic secrecy experi-

ence can be defined in rather basic and inclusive terms. The atom and its secrets led to the temporary capitulation of a democratic society to the apparent demands of an apparently important subject. In the process, that society failed to reserve to itself the capability of putting any departures from custom, which it imaginatively decided to make, to the irreverent test of justifying themselves in operation. It is by this process, in the past, that the most unknown and frightening subjects have been made familiar and have been effectively assimilated. In the complicated present, we should do well to remember and apply this great resource of a free society.

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Personnel Security

By RALPH S. BROWN, JR.

IN view of the obsession with secrecy in the atomic energy program, the measures that have been taken to exclude poor security risks seem surprising mild. The Atomic Energy Commission's policies and procedures are cut from the same general patterns that are in use throughout the federal establishment by agencies bearing a far lighter burden of concealment.¹ In the most general terms, personnel security contemplates the rejection of anyone whose employment potentially endangers the "common defense and security"—a recurring phrase in the Atomic Energy Act.

To protect the "common defense and security" against harm from employees requires, of course, more than the keeping of secrets. The employee may also commit sabotage, either in the classic way by wrecking the machines, or more subtly by wrecking the administration. He may even hopefully be lying in wait for the revolution when he will try to seize a key installation and hand it over to the enemy. Such threats of careless or faithless behavior are the proper subject matter of security measures. But the statute and the course of events have combined to emphasize, if not to over-emphasize, the single threat of espionage.

STATUTORY EMPHASIS ON KEEPING SECRETS

In the act the mandate for personnel screening is found in Section 10, on "Control of Information." At the heart of that section lie drastic criminal sanc-

tions, supplementing in an intricate way the general Espionage Act. They are directed against anyone who discloses or otherwise misuses "restricted data." "Restricted data" is a statutory catch-all to encompass any information about atomic weapons and fissionable material, except what the Commission decides can be published without "adversely affecting" the overworked "common defense and security."² Only after threatening malefactors with a death penalty does the statute go on to lay down preventive measures. No contractor's employee may have access to "restricted data" unless the Federal Bureau of Investigation has investigated his "character, associations, and loyalty" and the Commission has cleared him. A similar FBI investigation is required for all employees of the Commission itself.³ Language in another punitive provision of Section 10 has some bearing on sabotage;⁴ but one gains the impression that these phrases, along with the personnel screening measures just described, are but reflections of Congress' anxiety over the secrets of the atom.

ATOMIC ESPIONAGE

While the Atomic Energy Act was still under consideration, the revelation to Canadian authorities by a Russian code clerk of the operations of an elaborate spy ring led to the arrest and prompt conviction in March 1946 of Dr. Allan Nunn May, an English nu-

² Sec. 10 (b) (1) and (2).

³ Sec. 10 (b) (5) (B) (i) and (ii).

⁴ "Whoever . . . mutilates, or destroys any . . . instrument, appliance . . . incorporating restricted data . . ." Sec. 10 (b) (4).

clear physicist, for reporting to the Russians what he knew about our own as well as the British and Canadian installations. The House of Representatives, during debate on the bill, was especially alarmed by the exposure of the Canadian ring, and by vague rumors of leaks from Oak Ridge.

For the next three years tension was maintained by a series of dramatic but on the whole insignificant exposés. The House Committee on Un-American Activities uncovered some Communists among scientists who had worked on the wartime atomic projects, and developed some evidence of contacts with Russian agents. One George R. Jordan, who had been stationed at the Great Falls, Montana, air base from which air freight went to the Soviet Union, produced some lurid "diaries" describing shipments of uranium and classified documents. In due course it was established that some uranium was sent on lend-lease requests so as not to alert the Russians to our unusual interest in that metal. Jordan's other allegations appear to have been equally unsubstantial; but they served to keep the pot boiling.

Similarly, in the course of the major investigation of the Commission by the Joint Committee on Atomic Energy in 1949, Senator Hickenlooper and the press made a great deal of uproar about the disappearance from the Argonne Laboratory of about an ounce of uranium 235, which was later retrieved from a scrap heap. This incident demonstrated "how easily the American public could be frightened and their alarm turned to political mischief."⁵ Part of the "political mischief" of the 1949 investigation was a further charge by Senator Hickenlooper of softness in

the personnel security program, which the full committee found to be unsubstantiated.

Of far greater gravity than all the other spies and spy stories put together was the case of Klaus Fuchs. The most sober estimates have it that this German-born, English-naturalized physicist by his betrayals advanced the Soviet program at least a year. His confession in early 1950 was followed by further shocks: the FBI closed in on Harry Gold, courier for the principal espionage apparatus in the United States, and, through him, on David Greenglass. A technician and not a scientist, Greenglass confessed that he had been able to communicate important details of bomb construction from his Army job at Los Alamos. He and Gold implicated the obdurate Rosenbergs. The long legal and propaganda struggle to prevent their execution kept the perils of atomic espionage in popular view until the death sentence was carried out in June 1953. Meanwhile, Bruno Bontecou, another top-ranking British physicist of Italian origin, disappeared with his family in September 1950; it seems to be officially presumed that he is in the Soviet Union.

COMMISSION'S COURSE UNDISTURBED

When one considers the development of the AEC security program against this history of grim reality and irresponsible charges, the remarkable conclusion is that the Commission seems to have proceeded steadily in the direction of giving the employee an opportunity

⁵ The best survey of all these episodes is U. S. Congress, Joint Committee on Atomic Energy, *Soviet Atomic Espionage*, Joint Committee Print, Washington, 1951; see also Joint Committee Report, *Investigation into the United States Atomic Energy Commission*, 81st Cong., 1st Sess., Rept. 1169, Washington, 1949, pp. 1-2, 57-79. Cf. Ralph E. Lapp, *The New Force* (New York: Harper & Bros., 1953), pp. 213-16.

⁶ See James R. Newman, "The Atomic Energy Industry; An Experiment in Hybridization," *Yale Law Journal*, Vol. 60 (Dec. 1951), p. 1325, n. 123.

¹ See generally Eleanor Bontecou, *The Federal Loyalty-Security Program*, Ithaca: Cornell University Press, 1953.

to clear himself. From the Manhattan Engineer District it inherited what may be described as rough-and-ready personnel security methods.⁷ Its own procedures were arbitrary, and its standards not clearly formulated, until the period 1949-50. Then, just as it was under public attack for softness in not dismissing employees, and just as the hammer blows of the 1950 revelations fell on a frightened public, the Commission carried through a series of reforms. There has been no announced major alteration in the program since that time.

Two hypotheses may be suggested why the Commission was able and willing to move against the seeming tide of alarm and opinion. First, none of the substantial derelictions was its responsibility. Either they occurred during the period of Army control, or, as was the case with May, Fuchs, and Pontecorvo, the offenders were certified by the British to be eligible for whatever access they had to our operations. Second, the Commission and its staff were responsive to those critics (scientists' committees and others) who were quietly pressing the unfairness of the rough-and-ready procedures.

AEC STANDARDS AND PROCEDURES

The "Criteria for Determining Eligibility," adopted by the AEC in 1949,⁸ established two categories. Category (A) includes conduct and associations which in themselves establish a presumption of risk; category (B), those which must be "weighed"—presumably against all other information available on the individual. The first category includes—aside from such obvious disqualifications as a record of attempted

⁷ See Walter Gellhorn, *Security, Loyalty, and Science* (Ithaca: Cornell University Press, 1950), p. 81.

⁸ Reprinted in Gellhorn, *op. cit.*, pp. 238-44.

espionage or of serious disregard of security regulations—membership in subversive organizations, as identified by the Attorney General, or advocacy of violent revolution. People whom the FBI could ascertain to fall within this category would be unlikely to aspire to employment in a sensitive agency like the AEC.

Category (B) includes some criteria of a nonpolitical character, such as inability to safeguard restricted data, and homosexuality. But most of it takes the investigators and the Commission into the shadowy world of "sympathetic interest in . . . subversive political ideologies," "identification with an organization known to be infiltrated . . .," and "close continuing association with individuals . . . who have subversive interests and associations."

These criteria do not differ in scope—though there are marked variations in form and arrangement—from those that were promulgated by other sensitive government agencies, or from those now applicable to the whole executive establishment by President Eisenhower's transformation of the employees' loyalty program into a security program. It should be noted that his Executive Order 10450 does not trench upon the security operations of agencies like the AEC with a specific statutory mandate.

The administration of the program is nominally decentralized. Authority to grant clearance in the normal case, where no derogatory information appears in the investigative report, is delegated to the Managers of Operations. But only a suggestion of doubt is required to put the case in the hands of the Security Division in Washington. Either Washington or the local security officers may require further investigation or interview the employee. If substantial doubts remain, an opportunity is afforded for a hearing before a three-man board, preceded by a statement of

the derogatory information "as specifically as security considerations permit." The board does not decide the case; it makes recommendations to the manager, who, in making his decision, is enjoined to consider the effect of a denial on the atomic energy program. An appeal lies to a Personnel Security Review Board in Washington. It in turn makes recommendations to the General Manager, who acts finally for the Commission.⁹

All these administrative arrangements are again quite similar in outline to those of the military and other departments that have similar responsibilities. The chief superficial difference is that most AEC cases necessarily involve not its own staff, but contractors' employees needing access to restricted data. This is so simply because the latter are at least ten times as numerous. The magnitude of the Commission's concern with the politics and associations of persons nominally in private employment is in direct proportion to its remarkable reliance on private contractors.

A BALANCE SHEET OF THE AEC PROGRAM

We have now considered the statutory basis for the Commission's personnel security program, with its emphasis on safeguarding secrets. The development of this program, we have observed, has been one of orderly evolution, and does not appear to have been deflected by the shocks and alarms of atomic espionage. That evolution, in its major aspects, has paralleled the growth of other security programs in the national government. It is now appropriate to attempt an audit of the assets and liabilities of the AEC's record.

⁹ The hearing and review regulations are reprinted in Bontecou, *op. cit.*, pp. 341-48. For the internal procedures, see the Commission's release accompanying the hearing and review regulations, Sept. 19, 1950, and its current General Manager's Bulletin 80.

ASSETS

1. The Commission, since September 1950, has made its hearing and review procedures available to applicants for employment. No other federal agency does so for its own employees. This practice is desirable from the government's standpoint, because a hearing often overcomes doubts raised by an FBI dossier. Thus the government is not needlessly deprived of a man it wants. From the employee's standpoint, the opportunity to clear himself of an imputation of disloyalty is obviously desirable. The main objection to giving applicants hearings seems to be the administrative burden. The AEC has borne it with satisfactory results.¹⁰

2. The Commission has maintained a high-caliber independent review board. If, as is reasonable, initial hearing boards are recruited from the staff and sit at locations convenient for the employee, they may be competent, or they may not. The awesome task of a security board is, in the absence of automatically disqualifying factors, to appraise the whole man. On the basis of his total history and personality, is he a good risk? Sometimes the man may be bigger than the board. A judgment by Lilliputians needs to be reviewed.

Elsewhere in the government the composition and performance of review boards, to the limited extent that they can be appraised, have been spotty; and the trend seems to be to dispense with them.

3. The Commission claims to have exhibited restraint in requiring formal hearings prior to clearance. A hearing, though an important privilege for the employee, is nevertheless an ordeal. The Commission report attributes the low number of formal hearings to the

¹⁰ Atomic Energy Commission, Fourteenth Semiannual Report (Washington: Government Printing Office, July 1953), p. 71.

fact that informal interviews with the employee are extensively used, and often serve to "eliminate doubt."¹¹ Some security staffs avoid like the plague the one informant who knows most about the case—the employee himself. Others misuse the interview as a lever to force the employee to resign. The AEC approach is clearly superior.

4. On the asset side must also be put the recent abandonment of the routine use of the lie detector at the Oak Ridge production plants.¹²

LIABILITIES

1. The strongest criticism that is leveled at all federal loyalty and security programs, AEC's included, centers on their reliance on unidentified informants who cannot be examined before the hearing board. This routine denial of confrontation is itself justified on security grounds (undercover sources must be protected), and, less vigorously, on grounds of administrative convenience (the employee knows what he has done and said, so let him establish his trustworthiness). The difficulty and unfairness of making a man prove that he has *not* had subversive associations, when he is unable to challenge the informant who says that he has, are obvious. The convenience argument is in-

¹¹ AEC, *op. cit.*, p. 70. The statistical material which is presented to support the claim of relatively few formal hearings (there have been 287) is not exactly comparable with any other published figures. The report states that out of about 400,000 investigations, derogatory information has appeared in 4,000, mostly on applicants. "Slightly more than half" of these cases were not carried to a conclusion. This large proportion of unresolved cases may variously reflect (1) the unavailability of hearings for applicants before September 1950, (2) unwillingness of employees to wait for or to face a decision, (3) transfer by the employer to unrestricted work, or (4) circumvention of the review procedure by dismissals before adjudication.

¹² *Ibid.*, pp. 71-72.

defensible. In an activity that is a target for penetration by spies, there is some force to the security argument, but it is often overplayed.

However, the right to confrontation has no present effective official (or judicial) support in the case of government employees. The author believes that the legal case is stronger when government control of private employment is in question; there, questions of due process of law are still open.¹³ This approach might be pertinent for some contractor employees; it would depend on the gravity of excluding a man from access to restricted data. In the case of a casual construction worker, the denial of clearance might be of little import; in the case of a nuclear physicist, it could blight his career.

2. Another common failing of security programs is that they cast their net too wide. The strict statutory definition of "restricted data" is initially responsible for the unduly large number of employees who must be investigated and cleared. The Commission compounds this liability by intense physical security measures resulting in far-flung "exclusive areas" and the like. People working in these areas must also be cleared. As a result, scientists whose proposed research is entirely open and who are abstractedly incurious about official secrets may have to run the gantlet if they are to work at Brookhaven or Oak Ridge.

The statute is further at fault in requiring a full FBI investigation of all Commission employees and all contractor employees with access to restricted data. The result is expense and delay in having full field investigations, hearings, and so forth, for people who in fact learn nothing on their

¹³ See Brown and Fassett, "Security Tests for Maritime Workers: Due Process Under the Port Security Program," *Yale Law Journal*, Vol. 62 (July 1953), pp. 1191-1200.

job that "would be worth a glass of vodka in Moscow," as the respondent in one Army security case put it.

The Commission has been trying to get congressional permission to use its discretion and check names and fingerprints against security files without doing more. This reform would cut down the investigative burden for the Commission and for the 99 per cent of the applicants on whom there is nothing derogatory anyhow (in the security sense; routine name checks turn up a lot of other unemployables). It would make the mesh of the net a little coarser; but the cast would be as wide as ever.

Questionable decisions

3. One's acceptance of security programs as a necessity of the times needs to be jarred by the occasional reading of a transcript of a hearing. The author has had the privilege of examining two recent AEC cases. One was a young chemist who wanted the job; he was denied clearance. The other was an outstanding research man whom AEC wanted; he was finally granted clearance after appealing a denial to the review board; he then turned down the job. The two cases are much alike in their deplorable aspects, and have many parallels in other cases from other agencies; but it should be repeated that these aspects are reported from only two recent AEC cases.

Decisions in both cases were unduly delayed. The time span from the firm offer of the position to the final termination of the case was, in each instance, more than two years. In both of them many months passed between the initial hearing and the notification of denial.

Both cases involved courteous but extensive questioning about the applicants' private beliefs, both political and religious. The apparent intent was to

look for parallels to Communist lines. The result was a rather pointless and, one should suppose, painful probing.

Another touchstone for the board (and for the AEC counsel assisting the board) was epitomized by a ground on which denial of clearance was based in both cases: unwillingness to recognize Communism as subversive (or as a "threat to the security of the United States"). All that this means, in the author's opinion, is that the applicants did not exhibit the currently correct degree of anti-Communist fervor. Does this justify an inference that they are likely to become spies or traitors?

4. Just as a pathologist may come to believe that disease is everywhere, so security officers are prone to suspect Communists under every cabbage leaf. This excess of zeal leads to occasional absurdities—or outrages, depending on the observer's boiling point. On the evidence to date, the exclusion of a Member of Congress, R. L. Condon of California, from one of the Nevada weapons tests in May 1953 was inexcusable.¹⁴

5. There is one peculiarity in the AEC's relations with its contractors that it has never explained, satisfactorily or otherwise. The Congress of Industrial Organizations has complained of a practice of turning over to the contractor-employer investigative information that is unfavorable but not substantial enough to warrant further proceedings by the AEC.¹⁵ These are known in security jargon as "invite" cases, and the question inevitably arises, what is invited? Unceremonious dismissal by the employer? It appears that the Commission has restricted the freedom with which this information was formerly conveyed, but there is no indication

¹⁴ See *New York Herald-Tribune*, July 6, 1953, p. 1; *New York Times*, July 15, 1953, p. 13.

¹⁵ Newman, cited note 5 *supra*, p. 1385.

that it has either abandoned the practice or justified it.

ASSET OR LIABILITY?

The author is uncertain whether the Commission's security policies with respect to labor unions and their officials should be entered as an asset or a liability. The Commission has taken a stiff position that it has the power to forbid its contractors to bargain with unions it deems to be Communist-dominated (notably the United Electrical Workers, expelled from the CIO), and to investigate the loyalty of union officials who exercise any authority over employees working on restricted projects. In a legal challenge to the exclusion of UE from atomic energy installations, the Commission was upheld in 1949.¹⁶

General provisions from the Atomic Energy Act about the Commission's and its contractors' security obligations are adduced in support of these firm measures against left-wing unions. Doubts arise not so much about their legality as about their consistency with whatever national policy has developed on the touchy issue of left-wing unions. The AEC has rushed in where the Department of Defense and the Congress have feared to tread. There has been protracted agitation, but as yet no legislation to supplement the ineffective oath requirement of the Taft-Hartley Act. The AEC's actions may turn out to have been only premature, and not unwise.

STRIKING A BALANCE

The chief gain from the personnel security operations of the Commission is the absence, *as far as we yet know*, of any defections among its people. This

¹⁶ *United Electrical, Radio and Machine Workers of America v. Lilienthal*, 84 F. Supp. 640 (D. C. 1949); see Newman, *op. cit.*, pp. 1383-88.

means more than the keeping of "secrets." Confidence that every reasonable measure is being taken to ensure the integrity of the organization must also make for smoother operations. The Hiss case and, especially among scientists, the Fuchs case left their mark in a smear of mistrust. It is a pathetic commentary on our times that many of us need the tacit assurances of a vast security apparatus before we can wholly rely on the loyalty of fellow workers. These are unverifiable observations, but who will deny them?

The chief loss to the nation is the talents of those who were, but need not have been, excluded from the Commission's service, and of those who refuse to consider it because of the hazards and indignities of screening. In the long run, the greater loss may fall on the individuals who have willingly or unwillingly adjusted themselves to the standards of the security officer. To have to account for, to extenuate, to recant associations and sympathies that were in no way illegal is degrading; but that is what is required of those whose views have inclined toward the left of the political spectrum.

Is there any preferable alternative? The AEC is a high-priority target for espionage and sabotage.

You can have all the guards you like; you can put all the barriers around the plant that you like; but if the people involved in carrying out your programs are not loyal persons, you might as well not bother to put up the alarms, to put up the fences, and to hire the guards.¹⁷

Mere physical security is not enough.

The wartime program, while it was drastic in packing off those who talked

¹⁷ Tyrone Gillespie, chief security officer, Dow Chemical Co., "Security Maintenance in Industrial Enterprise," in Michigan Summer Institute, *Atomic Energy Industrial and Legal Problems*, Ann Arbor, 1952, p. 200.

to the wrong people, took successful chances on some leftist scientists who could not conceivably be cleared today. But they were totally unsympathetic to our then enemies, so the parallel fails. Besides, it is said that the Army kept such persons under surveillance. Being shadowed is not particularly preferable to passing a loyalty test.

In the search for alternatives, proposals have been made for more expert appraisals of the man, and for less burrowing into his politics in the 1930's. If the security judgment were absorbed into the general assessment of suitability for the job, then, it is argued, the stigma of a security denial would disappear.

Perhaps—doubtless—the tests could be improved. But the issue of past

politics and associations cannot be ignored, so long as it is recalled that Fuchs had been a Communist in Germany, and that the Pontecorvo family in Italy includes some Communists. And as for the formality and the finality of the present procedures, it should also be recalled that they were evolved to aid, not to oppress, radicals. They were required because when appraisals were informal the security issue was decided arbitrarily by the security officers. Because the omnipresent question of loyalty goes to a man's character and his future, because it is entangled with issues of free speech and free thought, it is of a different order from decisions on competence and personality. It cannot be decided by officials to whom security considerations are overwhelming.

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Some Attitudinal Consequences of Atomic Energy

By ELIZABETH DOUVAN and STEPHEN B. WITHEY

AN alert visitor to the United States might well arrive at the conclusion that atomic energy, in one form or another, is a primary focus of attention for members of our society. The broad area is accorded extensive coverage in our newspapers and magazines. Titles of public lectures, books, and articles on quite unrelated topics often include the phrase "in the atomic age." The inquisitive visitor would find frequent references to atomic energy in motion pictures, radio dramas, comic books, popular fiction, and a great number of other sources. He would have substantial evidence for his conclusion.

The social scientist might well draw a similar inference from these data. The mass media and channels of folk expression may be viewed as a screen on which public interests are projected, or as a set of stimuli almost continuously confronting the public. Either view would lead to the conclusion that the position of a subject in the mass media must be related in some meaningful way to the position it has in popular attitudes and thought.

Empirical studies of attitudes toward atomic energy reveal a different picture. In general, it may be concluded from these studies that this new phenomenon has strikingly little place in the conscious life of the American people. In contrast to the quantity and variety of consideration it has received in the mass media, the role of atomic energy in public opinion appears narrow and stereotyped.

EXTENT OF KNOWLEDGE

Consider first opinion regarding the atomic bomb and atomic warfare—the

most sensational and most publicized application of the broader discovery. Virtually every adult in the United States has heard of the atomic bomb. As far back as the time of the Bikini tests, less than 2 per cent of the population had not heard of it.¹ Such a finding is not commonplace. No other event in national or international affairs has registered so broadly in public awareness. "People who have never heard of the United Nations and have neither interest in nor knowledge of world affairs know that a new and tremendous force has been discovered."²

When we move beyond this minimum knowledge of the existence of the bomb to questions involving greater information, the number of informed respondents decreases substantially. In 1950³ and 1951⁴ approximately two out of three urban residents reported having read or heard something about the effects of atomic bombs "in the last year or so." About the same proportion had heard of "radioactivity or atomic rays or something like that in connection with the bomb."⁵ Since at the time of these studies there was considerable information available about radiation and

¹ *Public Reaction to the Atomic Bomb and World Affairs* (Ithaca: Cornell University, 1947), p. 89.

² Sylvia Eberhart, "How the American People Feel about the Atomic Bomb," *Bulletin of the Atomic Scientists*, Vol. 3, No. 6 (June 1947), p. 146.

³ *Public Thinking about Atomic Warfare and Civil Defense* (Ann Arbor: Survey Research Center, University of Michigan, 1951), p. 130.

⁴ *The Public and Civil Defense* (Ann Arbor: Survey Research Center, University of Michigan, 1952), p. 61.

⁵ *Ibid.*, p. 65.

other bomb effects, we may assume that the fact that a third of the sample had heard nothing of them is a reflection of lack of interest rather than lack of opportunity to learn.

Level of information is another index of interest in a subject. It requires greater interest in a field to obtain adequate and accurate information than to be able merely to report having heard "something." Only one out of five urban dwellers has a realistic conception of the effects of an atomic bomb explosion.⁶ Half the population has conceptions which can be classified "exaggerated" or "highly exaggerated." Another fifth of the population will not venture a guess as to the effects. When asked what materials are used in making an atomic bomb, less than a third can give an even partially correct answer.⁷

EXPRESSED UNCONCERN

Since the atomic bomb is a threatening phenomenon and since the general tendency is to exaggerate its destructiveness, one might expect that people would be quite worried about it. The data available do not, however, bear out this expectation—at least if we consider conscious worry which people are willing to discuss.

In 1946 half of the American people said they were not worried about the atomic bomb. Only one out of every eight individuals spoke about deep personal concern.⁸ The atomic bomb cannot, of course, be viewed outside the context of international tensions, and it is true that in 1946 relations between the United States and the Soviet Union had only begun to deteriorate.

However, as late as the fall of 1950, when people were asked if there were

⁶ *Ibid.*, p. 62.

⁷ *Public Reaction to the Atomic Bomb*, *op. cit.* note 1 *supra*, p. 28.

⁸ *Ibid.*, p. 96.

anything in the national or international situations which worried or disturbed them, only 1 per cent spontaneously raised the issue of the atomic bomb, although a substantial group referred to the possibility of war as a source of concern to them.⁹ In 1952, when international tensions were extreme, 40 per cent of the employed people of Detroit said that they were not personally concerned, even though in this case the atomic bomb was placed in the context of war threat.¹⁰

Is this verbal nonchalance concerning the bomb the result of differentiated thinking about the problem and a conscious judgment that the situation does not demand worry? Do people hold optimistic attitudes about world affairs which would logically justify this lack of concern? Our data indicate that such is not the case.

BELIEF IN CONTROL OR MONOPOLY OF BOMB

For example, the American people are not very hopeful about the prospects for international control of atomic energy. In 1947 only 35 per cent considered the outlook even "fair," and less than one person in seven felt it was "good."¹¹

The idea of a permanent United States monopoly over the bomb—combined with a belief that here the bomb is in safe hands—does not prove to be a widely held source of optimism, either. As early as 1946, between one-fifth and one-quarter of the population felt that

⁹ *Public Thinking about Atomic Warfare*, *op. cit.* note 3 *supra*, p. 17.

¹⁰ *The Impact of Atomic Energy on Society*, Survey Research Center, University of Michigan, manuscript in preparation under sponsorship of the university's Phoenix Memorial Fund.

¹¹ National Opinion Research Center survey, reported in Gabriel Almond, *The American People and Foreign Policy* (New York: Harcourt, Brace and Co., 1950), p. 111.

some other country might already have the information necessary to build the bomb, and only 2 per cent held such ethnocentrically secure views about science as to state categorically that "no other nation will be able to make it."¹² There is no reason to believe that the experience of the last seven years—including the announcement of the Soviet Union's atomic tests—has increased the proportion of the population which relies on the notion of monopoly as a source of comfort in the face of the atomic bomb.

WAR EXPECTANCY

On the question of the American people's expectations of war or permanent peace, the results of opinion surveys are somewhat unclear. Shifts and incongruities appear in the data, which may be explainable on the basis of question wording changes—an important factor in areas where opinion is uncrystallized. However, relatively cautious generalizations may be made.

The fact that the American people want and hope for peace is reflected in a survey conducted at the time of the first Korean peace talks (August 1951). Despite the flow of warnings issued to prevent overoptimism concerning the truce talks, 56 per cent of the residents in major metropolitan areas reported that they felt more hopeful for peace at that time than they had prior to the opening of the talks.¹³ There is evidently a readiness to accept even small signs as a basis for hope.

However, the general level of war expectancy remains high. The percentage of people expecting war in the next ten years was very large (74 per cent) by March 1948, and had been steadily ris-

ing since March 1946.¹⁴ The proportion of urbanites expecting another world war in "the next year or two" was 51 per cent in 1950 and 32 per cent in 1951.¹⁵ Even when the time perspective is so short, there are fairly large groups who take the pessimistic view that a world war will occur. Optimism about peace cannot be the keystone for widespread unconcern about atomic warfare.

ADEQUACY OF DEFENSE

A more generally held support for such unconcern lies in the belief that the government has the ability to provide adequate protection against an atomic attack. In 1946, 40 per cent of the population expressed the opinion that the United States would work out a defense before other countries could make the bomb.¹⁶ Despite pessimistic official pronouncements on air defense potential, by 1950 about 50 per cent of the residents of major United States cities thought that the military establishments of our country would be able to provide "complete protection" or "prevent heavy damage" to our cities in the event of atomic war. This figure had increased to 68 per cent by the following year.¹⁷

In view of frequent warnings by authorities that defense would at best be partial and is at present almost nonexistent, this seems an unstable foundation for statements of lack of concern about the atomic bomb. And considering the population's own pessimism about international affairs, it seems safe to conclude that verbal statements of lack of worry do not reflect well-developed, highly differentiated thinking

¹⁴ Almond, *op. cit.* note 11 *supra*, p. 91.

¹⁵ *The Public and Civil Defense*, *op. cit.* note 4 *supra*, p. 7, and *Public Thinking about Atomic Warfare*, *op. cit.* note 3 *supra*, p. 40.

¹⁶ Eberhart, note 2 *supra*, p. 148.

¹⁷ *The Public and Civil Defense*, *op. cit.* note 4 *supra*, p. 12.

¹² *Public Reaction to the Atomic Bomb*, *op. cit.* note 1 *supra*, p. 105.

¹³ *The Public and Civil Defense*, *op. cit.* note 4 *supra*, p. 9.

about the bomb. Little logical structure appears at the foundation of these statements.

ILLOGICAL AND UNSTABLE THINKING

An inspection of the reasons people offer for their indifference lends support to this conclusion. In an early study, less than one in five of the respondents who described themselves as "not worried very much" or "not worried" about the bomb gave reasons which implied that there was no danger in it for people in this country. "Half the people who say they are not worried indicate a recognition that the bomb is a threat—often that it is a very grave threat."¹⁸

In a more recent study in Detroit, less than 40 per cent of those who said that they felt no concern about the possibility of atomic war gave reasons which were logically consistent with a feeling of security.¹⁹

Lack of structure not only describes the attitudes of those who say they are not worried, but is a characteristic discernible throughout public opinion toward the bomb. A report of one national study cites the following examples:

A large group of people argued in the survey that the development of the bomb had made peace easier to keep rather than harder, because other countries were afraid of it and would not dare to provoke a war with us. Many of these same people, in answer to the direct question, declared freely that other countries would probably develop the bomb within a relatively short time. The information they had apparently absorbed had not shifted our monopoly of the bomb from the central position it occupied in their thinking.

¹⁸ *Public Reaction to the Atomic Bomb*, *op. cit.* note 1 *supra*, p. 99.

¹⁹ *The Impact of Atomic Energy on Society*, *op. cit.* note 10 *supra*.

Most of the people who opposed turning the secret over to the UN had expressed the opinion, just before, that other countries could develop the bomb fairly soon; yet many of them made no acknowledgment of the bearing of that probability on the question of UN control of the bomb.²⁰

There are individuals who think there is danger of American cities being subjected to atomic attack, who nevertheless say there is no need for civil defense preparations. On the other hand, there are many who do not admit such a possibility but feel rather urgently that preparations should be undertaken. Finally, there are those who think their city should take immediate preparatory steps toward caring for survivors of an atomic attack, despite the fact that they think a single atomic bomb would entirely obliterate that same city.²¹ In general, systematic and consistent attitudes toward the bomb have not been evolved.

Further evidence of the unstructured nature of popular thinking about the bomb can be cited. In many questions relating to the bomb we find large proportions of the population—in some cases a third or more—unable to state an opinion or venture a judgment. Only in the case of highly structured questions, where respondents are asked to select from among stated alternatives, is the proportion of "Don't know" responses consistently small.²² There are evidently people who have not thought enough about the topic to have opinions.

In addition to being unstructured, attitudes toward the bomb appear to be somewhat labile. Thus, the proportion of respondents expecting war within a two-year period decreased from 51 per

²⁰ Eberhart, *op. cit.* note 2, p. 148.

²¹ *Public Thinking about Atomic Warfare*, *op. cit.* note 3 *supra*, Chap. 5.

²² See, for example, the studies referred to in footnotes 3 and 4 above.

cent in 1950 to 33 per cent in 1951. The percentage who felt that the armed forces could at least prevent heavy damage to our cities in the event of atomic war increased from 48 per cent to 68 per cent in the same period.²³ Comparable fluctuations are discernible in many attitudes in this area.

The picture of public thinking about the atomic bomb is now relatively clear. We have seen that despite the magnitude of the destructive power represented by the bomb, and the unprecedented publicity it has received through the mass media, its importance is not reflected in the role it holds in the conscious life of the population. There is relatively little known about it outside of simple recognition of its existence and gross conceptions of its destructiveness. A large part of the public reports no psychological involvement in the issues of the bomb and atomic war. Moreover, people's attitudes are characterized by contradictions, lack of structure, and instability. The atomic bomb may be part of the raw material of popular fantasy, but it is not a substantial factor in the day-to-day interests and thinking of the general population.

ATTITUDES TOWARD PEACETIME USES

Before attempting to analyze the factors that account for this peculiar situation, let us look briefly at public opinion toward nondestructive aspects of atomic energy. Since the atomic bomb does not preoccupy people, we would expect the less publicized peaceful applications to play an even less significant role in public opinion. This is essentially what the available data reveal.

The study from which the following findings are drawn had as a major ob-

²³ *The Public and Civil Defense*, op. cit. note 4, p. 12.

jective the comparison of attitudes in atomic installation communities with those found in similar noninstallation communities. The nature of the sample required for this purpose limits even tentative generalizations to Americans living in small and middle-sized cities.²⁴

The attitudes of this group include a generally positive evaluation of atomic energy and a recognition of the potential importance it holds for peacetime living. There is, on the other hand, little evidence of strong interest in or information about the topic.

Nearly 60 per cent of the respondents in the study thought that "considering all its uses in peace and war" we would be better off for having discovered atomic energy. Many of the remaining 40 per cent were uncertain rather than negative in their evaluation of the discovery.²⁵ About 75 per cent of the group indicated that they considered atomic energy of *potential* importance, by their responses to the question: "How important do you think it will be for those young people (of high school age) to understand atomic energy?"²⁶

LACK OF INTEREST

Despite this gross recognition of the importance of atomic energy for the future, half of the respondents said that they felt indifferent toward atomic energy information when they came across it in their reading.²⁷ Only about 10 per cent reported discussing atomic energy with family or friends more than "once in a while." Half said they rarely or never did.²⁸ When asked whether there

²⁴ Burton R. Fisher, Charles A. Metzner, Benjamin J. Darsky, *Peacetime Uses of Atomic Energy*, Ann Arbor: Survey Research Center, University of Michigan, 1951, Vol. I.

²⁵ *Ibid.*, p. 87.

²⁶ *Ibid.*, p. 70.

²⁷ *Ibid.*, p. 86.

²⁸ *Ibid.*, p. 66.

was anything about the subject they wondered about (in addition to information they already had), about half of those questioned were "disinterested in further data about atomic energy."²⁹

This last fact gains significance when viewed in relation to the information level of this sample, for we find that the group had very little information about atomic energy. About two-thirds reported having heard of it in connection with something other than the bomb, but their knowledge was fragmentary. One person in five either "denied any impression that there were other uses than the bomb [or] did not report the vaguest concept of even general areas in which atomic energy could be used in peacetime."³⁰ In answer to a question on what atomic energy is or what it is like, about one person in fourteen was able to give an informed response. Almost half the respondents said simply that they did not know.³¹

In summarizing the section of their investigation dealing with information, the authors of this study concluded:

The field of atomic energy seemed to exist as bits of information, varying interests and reactions that related to one or another specific uses, problems, or policies. It clearly did not exist as a rather well-structured phenomenon that fitted within a relatively well-defined area of interest for the overwhelming number of . . . respondents.³²

A question was asked which combined elements of both interest and information: "Do you think that the average person can understand enough about atomic energy to make it worth while for him to read things about it?" About half of the respondents thought this amount of understanding was not within

²⁹ *Ibid.*, p. 69.

³⁰ *Ibid.*, p. 36.

³¹ *Ibid.*, p. 37.

³² *Ibid.*, p. 26.

reach of the average person.³³ Generally, people have meager knowledge of the development, and, in addition, many do not feel that rewards of increased understanding are available to the untrained individual. Under these circumstances it is not surprising that atomic energy, as such, is peripheral to the interests of many Americans.

Attitudes toward peaceful uses, like those relating to the bomb, are characterized by lack of structure and clarity. There is nothing in the picture of opinion toward this aspect of atomic energy to contradict our earlier conclusion that the development lacks salience for the population.

SPECIAL PUBLICS

This conclusion may be less applicable to certain special groups in the population. Attitudinal differences appear among the standard demographic groupings (education, age, sex, or income groups), but they are not unique to the area of atomic energy, and have therefore been excluded from this discussion. We have presented only a general picture of public opinion in the area.

Two populations which have somewhat special associations with atomic developments merit brief attention. The first comprises people living in cities near atomic installations. The study which compared this group to residents of matched noninstallation communities indicated that there were few, if any, differences between the two populations.³⁴ People living in installation areas showed no more fear or susceptibility to rumors than other people; they were neither more informed nor more interested in atomic energy. If anything, they had slightly less interest in the development. The authors of the study concluded that geographical prox-

³³ *Ibid.*, p. 97.

³⁴ *Ibid.*, p. 93.

imity did not ensure the psychological relevance of atomic energy.

A group for which we would expect atomic energy to have relevance consists of those people who work with it—particularly scientists. There is some indirect evidence concerning the effects of atomic energy on the attitudes of this group. For example, the fact that the *Bulletin of the Atomic Scientists* has assumed a political-social character seems to indicate that a change of attitude or a change in expression of attitudes has occurred among scientists.

There have, on the other hand, been very few systematic investigations of this group. A study by Kay and Gitlin⁵⁵ includes some attitudinal information on a group of scientific and executive personnel of a major atomic project. This group of respondents *thought* that their own views about atomic energy differed from those of the general population, and in cases where it was feasible to contrast their attitudes with those of a national sample, differences did appear. However, these results can only be considered suggestive, since methodological considerations prohibit their generalization.

REASONS FOR THE PARADOX

To return to the attitudes of the general public, we are still faced with the problem of understanding the following paradox: While atomic energy—particularly the atomic bomb—is of obvious significance for our society and has been broadly publicized, survey results reveal that the general population is uninformed and uninterested, and has no clearly structured system of thinking about it. In short, atomic energy does

not, to any great extent, absorb people's conscious day-to-day thoughts.

Fear suppression

A number of psychological explanations are possible. One hypothesis is that fear accounts for this attitudinal complex. If the individual knows of the bomb (as almost all people do), and is very fearful of it, one possible means of defense against this fear is to suppress or turn away from the dangerous topic. This, in turn, would lead to the kind of undifferentiated, contradictory thinking about the bomb which has been observed in public attitudes—both because suppressed fear is disruptive and because turning away from the issue cuts off information. Such a theory holds that verbal statements of lack of concern do not necessarily mean that the individual is in fact free of anxiety.

The theory of fear suppression has been considered by most researchers who have dealt with attitudes in this area. Almond says that "the typical attitude in the United States [about atomic policy], instead of sober calculation, ranges from ironic horror to simple evasion and escapism."⁵⁶ He gives primacy to the fear-suppression mechanism in his explanation of the primitive state of public opinion toward the bomb.

The evidence indicates that anxiety-motivated suppression is a factor in the attitudes of some individuals. One study demonstrated its existence by means of a projective device.⁵⁷ In interviews a few people state explicitly that they do not want to think about the atomic bomb because it is too terrible. More often we find people who say they are

⁵⁵ Almond, *op. cit.* note 11 *supra*, p. 15.

⁵⁷ W. A. Scott, S. B. Withey, and D. F. Miller, *Fear of War Catastrophe: A Projective Assessment by Interview Survey*, Ann Arbor: Survey Research Center, University of Michigan, 1953.

not concerned about the threat of atomic war but give reasons for this attitude which are highly fearful and fatalistic.⁵⁸ In these cases it seems likely that the verbalized indifference indicates a denial of fear, rather than its absence. A recent study has shown that such people are more likely to manifest gross thinking and uncrystallized attitudes about atomic developments than either those who admit their concern or those who have fairly consistent and rational attitudinal bases for their stated lack of concern.⁵⁹ Fear suppression seems to lead to some of the attitudinal characteristics which we have observed in public opinion.

On the other hand, if fear were the primary reaction of the population, we might expect wild rumors and bizarre ideas to spread easily. Although such ideas exist, successive studies have shown that they are *not* accepted to any great extent by the population.⁶⁰ While fear is one factor to be considered, it is probably not the sole determinant of popular attitudes toward atomic energy.

Impotence

A second factor which seems to diminish the role of atomic events in the conscious lives of people is a widely held feeling of lack of power or competence in such matters. One respondent in discussing this feeling said: "Why should I worry about the bomb. There's not a thing I can do about it except make myself sick. If there's a war or not, bombs or not, the people in Washington decide—not me."

This sense of impotence in the face

⁵⁸ *The Impact of Atomic Energy on Society*, *op. cit.* note 10 *supra*.

⁵⁹ *Ibid.*

⁶⁰ Fisher, Metzner, and Darsky, *op. cit.* note 24 *supra*, p. 58. See also the studies of civil defense referred to in footnotes 3 and 4 above.

of the bomb is probably closely related to fear, but has a significance of its own. It is not without a certain reality base. Atomic energy is a technical matter, and policy decisions regarding it have necessitated expert opinions. More and more such decisions are being made outside the open political arena. It is not surprising that many people feel they can have little or no influence on them. The feeling of impotence—especially combined with the impetus of fear—may easily lead to the person's turning away from the entire topic of atomic energy.

Ambiguity of stimulus

Another possible reason for uncrystallized public opinion is ambiguity in the stimulus itself. Atomic developments are a new class of phenomena. Most people do not understand them. Their irreality is intensified by the remoteness of their consequences. No one yet sees these consequences in his own life; his automobile is not run by atomic power, it has not changed his job, his diet, his house, or his recreation. Even the atomic bomb is remote—the references are to future wars and usually to bombing of distant places.

It is an adjustive aspect of man's psychological equipment that he holds his emotional energy and attention in store for those things which have clear relevance to his life. No normal person can maintain a continuously high level of tension concerning an event which may or may not occur. The obvious remoteness of atomic developments probably plays a part in flattening the public's response to them.

In addition to ambiguity of this kind, stimuli may lack clarity because of contradictory elements. In the case of atomic developments, conflicting authoritative statements have often been

⁵⁵ Lillian Wald Kay and Irving J. Gitlin, "Atomic Energy or the Atomic Bomb: A Problem in the Development of Morale and Opinion," *Journal of Social Psychology*, Vol. 29-30, 1949, pp. 57-84.

made. At one point leading scientists held that no defense against the bomb could be devised, but the military differed. Currently the military places little stock in defensive theories, but scientists are more encouraged. Announcements have been made of atomic explosions in the Union of Soviet Socialist Republics, but authorities have publicly doubted that the U.S.S.R. has the bomb. Predictions on peaceful applications have, if anything, been even less consistent. The reaction of the ordinary citizen may be: when the experts make up *their* minds about what this thing is and what it implies, I'll think about it and react. At the moment it's hard to know what to react to, much less how to react.

Relative importance of factors

It seems likely that all these factors and probably others operate to keep atomic energy at the periphery of people's lives. We can speculate about the relative importance each of them has in attitudes toward different aspects of the problem. It is probable that the fear-suppression hypothesis and the feeling of powerlessness are more applicable to attitudes toward the bomb, while ambiguity is more effective in attitudes toward peacetime uses.

The problem of underlying motivations in this area is at present only a field of speculation. The data are suggestive, but the task remaining is the systematic attempt to establish the motivations and gauge their relative weights in depressing the public's interest in and thought about atomic developments.

THE BROADER EFFECTS

Before closing this discussion, a final point seems appropriate. Any new pub-

lic event may have two levels of effect on people's attitudes. It elicits attitudes toward the specific event, which obviously could not have existed before the event occurred. Second, a new event may change or restructure old attitudes and feelings which were part of the individual's psychological structure before the event occurred. In this discussion we have considered only the former kind of effect—primarily because systematic data are available in this area. This does not imply that it is the most important attitudinal effect of atomic energy.

A number of interesting problems present themselves when we consider the broader effects that atomic energy may have on people's attitudes. One may ask, for example, whether this new discovery has caused an increase in the general level of anxiety in the population. Has the incidence of anxiety neurosis increased? Has people's time perspective changed because of the atomic bomb? Do people look less into the future, and with less optimism, than they did before "the atomic age"? Is the sense of personal powerlessness on the increase in our society?

In another area we may ask how this development has affected attitudes toward science and scientists. Have the scientists become the authoritative figures of our day? Do people feel conflictive about the productions of these men? What kind of behavior do they expect of them?

These are a few of the additional questions which need to be investigated before we are in a position to say what effects atomic energy has had on attitudes. At this stage we know that people are much less interested in and informed about atomic developments and are thinking much less actively about them than we might expect. We can theorize that this apparent indifference

masks fear, or that it stems from other factors in the present situation. The final statement of its meaning, as well as realistic appraisals of the broader effects of atomic energy on attitudes, must await further systematic investigation.

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Scientists Before and After the Bomb

By R. L. MEIER and E. RABINOWITCH

THE Second World War and the atomic bomb have greatly changed the patterns of scientific activity, particularly in the United States. All scientists old enough to remember feel the difference in their bones; and many of them are not very happy about it.

Even before the war, the United States led the world in the output of scientific work, but it was generally acknowledged that the most original researches continued to come out of Europe. The migration of Jewish scholars from Europe tipped the scales.

This has meant more than a mere shift in the geographical distribution of scientists; the typical organizational forms and fundamental attitudes of scientists have been affected. In the past, these forms and attitudes have been a reflection of those long established in Europe, tempered by the lower prestige of scholarship and greater emphasis on practical achievement in America. Now, after the massive double infusion of European theoretical insights and vast American financial resources, science in the United States is largely on its own. It is setting the pace for the world and developing its own type of *homo scientificus*, formed by native ideas and domestic events.

When we compare science and scientists before and after the war, we are thus confronted with a twofold transformation—the change from the leisurely and innocent era “before the bomb” to the feverish and troubled times “after the bomb”; and the change from the deeply etched relief of European cultural tradition to rapidly shifting patterns of American life.

CHANGE IN DIMENSIONS

Easiest to assess is the growth of the profession. There are now 600,000 professional scientists and engineers in the United States, as contrasted with 375,000 before the war. Of these 375,000, approximately 8 per cent were chemists and approximately 1 per cent were physicists. These two groups—the physicists in particular—have been most strongly affected by the change, although a few other branches also have become deeply involved.

Before the war, physicists were mainly engaged in teaching and academic research, most of which had—or seemed to have—no practical implications. In the decade of the thirties, according to Hollis,¹ less than one-third of the new Ph.D.'s in physics took positions in government or industry; the other two-thirds stayed on as teachers in universities and colleges.

Today the several societies affiliated with the American Institute of Physics have 15,000 members, of whom 10,000 belong to the American Physical Society. In other words, the profession has four times its prewar contingent. Yet the number of those whose primary occupation is teaching physics has not increased significantly. The wartime and postwar graduates in physics went largely into research, and most of them carry on this research not in academic laboratories, but in the big installations of the Atomic Energy Commission, in sprawling military establishments such

¹E. V. Hollis, *Toward Improving Ph.D. Programs*, Washington: American Council of Education, 1945.

as the Naval Research Laboratory, and in rapidly expanding physical laboratories of private industry such as the Bell Telephone Laboratories. The three presently favored branches of experimental physics—nuclear physics, electronics, and solid state physics—all have great practical importance, and much research in these fields is applied research.²

The chemists had spilled over into industry and government even before the war. According to Hollis,³ in the thirties many more Ph.D. degrees were granted in chemistry than in any other field, not excluding education; fully two-thirds of these graduates cut off their ties with academic life upon graduation. In fact, so many Ph.D.'s entered the chemical industry in those years that chemists who had merely a bachelor's degree were often employed only as routine analysts; the wartime mobilization of the chemical industry was needed to move them into positions of professional responsibility. This must be the main reason why the growth of the American Chemical Society⁴ has outpaced the growth of the total number of graduates in the field (which can now be estimated at 90,000).

ECONOMIC STATUS

Expenditures for research and development by American industry, educational institutions, and the government passed the billion-dollar mark in 1943.⁵ In relatively slow-moving industries, up to 1 per cent of total sales may now be regularly allocated to research; in industries subject to rapid technological change, the allotment may be 3 or even

10 per cent. Other firms appropriate for research 10 to 20 per cent of their total expenditure for capital investments and replacements. About 2 to 3 per cent of the American military budget has been consistently earmarked for research and development since the end of the war. According to DuBridge,⁶ nonmilitary research expenditure increased from 1940 to 1952 by a factor of four; but military research and development—including the activities of the Atomic Energy Commission—have grown by a factor of forty!

It is now more difficult than ever to separate the grains of “research” from the matrix of “development” in which they are embedded. The National Science Foundation estimates, however, that as much as 40 per cent of the federal funds assigned to “research and development” are being spent for “applied and basic research.”⁷ Expenditures for basic research alone are estimated at 7 per cent of the total, or 140 million dollars per year; about one-half of this sum goes as research grants to universities and private nonprofit research institutions.

With so much more money devoted to research and development, and with the much-publicized scarcity of research personnel,⁸ it is striking to find how little scientists as an economic group have profited from the change. Before the war, new Ph.D. graduates in science received \$2,000 to \$3,500, with the academic salaries nearer the lower limit. At present, with the cost of living just

⁵L. A. DuBridge, “Science and Government,” *Chemical and Engineering News*, Vol. 30, April 6, 1953.

⁶National Science Foundation, “Economy and the Federal Research and Development Budget,” February 1953.

⁷National Manpower Council (Ell Ginzberg, chairman of staff committee), *A Policy for Scientific and Professional Manpower*, New York: University of Columbia Press, 1953.

⁸Hollis, *op. cit.*

⁴The membership of the American Chemical Society grew from 25,000 to 62,000 in the forties, as compared with an increase by only 8,000 in the previous decade.

about doubled, beginning salaries in the science departments of universities are in the range of \$4,000 to \$5,000; in industry, \$6,000 to \$8,000. In other words, industrial scientists have kept only slightly ahead of inflation, while academic scientists have been left slightly behind. Scientists with several years' professional experience have fared even worse. Civil service and the academic promotion system hold their salary increases in check, despite active demand and short supply. Even corporations are developing bureaucratically organized research laboratories with rigid pay scales.

Physicists are the only group of scientists whose average real pay has increased considerably since before the war; and this is mainly due to the fact that many more of them are now employed by industrial organizations. On the whole, it may be said that the increase in prestige, power, and authority of scientists within academic, governmental, and industrial organizations has not resulted in a significant improvement of their real income. Those who control the salaries must feel that, for scientists, income is a lesser motivation than new equipment and plentiful technical help. In that, they are probably correct. At least, a recent survey of the chemical profession has elicited from a considerable majority the expression of satisfaction with their lot.⁸

SECURITY PRECAUTIONS

No report on today's status of scientists in America would be complete without mentioning loyalty checks and security investigations. These are the new "occupational hazards" which affect the enjoyment of a scientific career and the public standing of the profes-

sion. It has been said that the first two associations which the word "scientist" presently evokes in an average newspaper-reading American are "bomb" and "spy." All scientists in government employment have to undergo screening when applying for the job, and often again in the course of employment. The same is true of scientists in many industrial laboratories (firms often prefer to have "cleared" employees "just in case" a secret government contract should come their way), and of the many academic scientists who serve as consultants or visiting investigators in government laboratories.

Despite the safeguards which have been added to the clearance procedures, they remain vexatious and fraught with unpredictable losses of income and reputation. The initial wait for clearance may mean incomeless months and loss of other opportunities; a rejection is a stigma that is difficult to live down, and, at this stage, little if any chance of appeal is provided. Withdrawal of clearance from those already employed—often after years of satisfactory employment—is an even more traumatic experience, despite the possibility of appeal.

Every scientist who works or has friends working at government laboratories knows of cases in which clearance troubles have been caused by entirely inadequate—often outright ridiculous—reasons. After a year or two of worry, and several thousand dollars spent for counsel and witnesses, such cases usually end in reinstatement; but the expenses of the procedure are not reimbursable, and the moral scar may never heal.

When it comes to traveling abroad, scientists, particularly those cleared for secret work, are subject to a special investigation which may delay the issuance of a passport by weeks or months. The difficulties of foreign scientists

wanting to visit America are another and still sadder chapter.⁹

Whether aversion to this kind of supervision diverts some well-qualified young men—perhaps the ones with the most active minds—from scientific careers, or at least influences their choice of discipline in science, is a matter which deserves study by those concerned with the future of American science.

CHANGES IN ORGANIZATION

In the not very distant past, the ideal picture of a scientific organization was the classical one of the Greek academy—a teacher surrounded by pupils. The leading role in science was played by such "schools." In biology and psychology, different schools often disagreed in their basic beliefs and engaged in violent arguments. In physics and chemistry, where all theory has long since become subject to immediate and rigorous experimental test, such polemics disappeared around the turn of the century; instead, each group excelled in a special field. Scientists from all over the world came to the Cavendish Laboratory at Cambridge to work on electronic physics under J. J. Thompson, and, later, on nuclear physics under Sir Ernest Rutherford; theoretical physicists traveled to Niels Bohr's institute at Copenhagen. Other laboratories specialized in atomic spectra, proteins, hormones, yeasts, the pigments of flowers, and the like. Figuratively, at least, a young scientist "sat at the feet of his master," as Plato once sat at the feet of Socrates.

From the postwar crop of scientists, there have emerged few if any new great leaders. A typical picture of the science organization in the postwar era is that of a crowd of intelligent and competent young men assembled, not

around a master, but around a giant atom-smashing machine—a cyclotron, a betatron, or a cosmotron.

Scientific teams

Large scientific teams appeared in the field at about the same time as the large machines. In the past, most papers in scientific journals were signed by a single author, sometimes by two—usually a professor adding his name to the work performed by his student. Sometimes two scientists associated themselves as equals in a team which stayed together for a long time, like Hahn and Meitner in nuclear physics, or Wills-tätter and Stoll in organic chemistry. On the Manhattan Project, where speed of progress was the main consideration, research teams of five or ten were brought together, interchanged, and dissolved at a moment's notice. They often wondered how the authorship of this or that discovery, or the rights to this or that patent, would later by disentangled. This pattern has not ended with the war. Papers signed by half a dozen collaborators, none of them qualifying as the "senior author," have become common in scientific literature. The teams created nowadays often cut across the borders of individual disciplines; physiologists or psychologists are associated with physicists or chemists.¹⁰

Postwar research does not seem to have led to those brilliant insights that characterized the research of the preceding decades, but it would be rash to say that the present generation of scientists contains no one of the stature of Rutherford, Pasteur, Gauss, or Emil Fisher. The impression may be due in part to the fact that as soon as an interesting possibility opens up, there are

¹⁰ G. P. Bush and L. H. Hattery (Eds.), *Teamwork in Research*, Washington: American University Press, 1953.

⁸ American Chemical Society, "How Well Does the Chemical Profession Utilize Technical Manpower?" *Chemical and Engineering News*, Vol. 30, March 23, 1953.

⁹ See *Bulletin of the Atomic Scientists*, Special Issue, Vol. VIII, October 1952.

now numerous laboratories willing and able to investigate, whereas before the war there might have been only one or two. As a result, even a major breakthrough may be reported in fragments and small pieces that make the advance less impressive.

Furthermore, such flashes of genius as the gravitation principle of Newton, the periodic system of Mendeleev, the quantum principles of Planck and Bohr, or Einstein's relativity, which suddenly brought order and logic into what had appeared a hopelessly tangled congeries of facts, can come only after a preparatory period in which those facts are accumulated and many vain efforts made to sort them out. A sudden new understanding of the structure of the universe, of the nucleus of the atom, or of the nucleus of the cell, may come at any time; but so far the postwar era has been, above all, a time of rapid expansion of factual knowledge, and has led to more than its share of puzzling and contradictory results.

The meetings of the big professional societies—the American Physical Society, the American Chemical Society, the Federation of Biological Sciences, the American Association for the Advancement of Science—are like anthills to which thousands of ants each bring a pine needle or a small straw to throw on the heap. Every meeting seems to exceed the preceding one in the number of participants and the length of the list of "contributed talks," with the ten minutes allotted to each monitored by an electric clock and enforced by a stern chairman. Serious scientific discussion has become almost impossible at such meetings, where it flourished a decade or two ago. Special conferences, in which only a single topic is discussed by an invited group of scientists, have become the new fashion. Almost every week a conference of this type is being held on one of the American campuses,

or in a resort hotel out of season, in which twenty or fifty scientists interested in a special topic—adrenal hormones or nuclear resonance or smog control—come together to exchange ideas and keep abreast of developments in at least one small enclosure in the vast domain of science.

The research contract

One cannot leave the subject of organization without mentioning the research contract. This device was developed during the war by the Office of Scientific Research and Development. The research contract ties the unpredictable business of research to the regulated functioning of a bureaucracy. It specifies the problem area to be attacked and the amount of funds to be allocated over a period which is often set in advance. A liaison organization is created to supervise the contracts and keep the contractor organization informed regarding the progress of the research. Appraisal and review committees of respected scientists are set up in order to advise whether new proposals should be accepted and old ones extended.

This system has led to the programming of fundamental and applied research to a degree not foreseeable before the war; indirectly, but inevitably, it reduces the exploratory investigations, particularly in directions which are not in the spotlight at the moment. The research contract arrangement has become popular also with industry, municipal governments, and trade associations, as well as spreading throughout the federal government. A major problem in the organization of science at the moment is to establish new forms of contracts and liaison arrangements which would restore to science some of the flexibility and spontaneity that has been lost in recent years.

Camouflaged support

Another sensitive point that makes many scientists uneasy is the "wrong flag" under which much research in the United States is now forced to sail. It was an old story in industrial laboratories that fundamental research projects had to be sold to unsympathetic directors or stockholders as promising direct contributions to the profits of the company. The same phenomenon has spread since the war into much of the government-financed research. A large proportion of fundamental scientific research (in some branches, such as nuclear physics, almost all of it) is financed, directly or through contracts, by the armed services—the Office of Naval Research, the Air Force, and smaller branches of the military.

When this type of sponsorship developed immediately after the war it was considered as temporary, to be soon relieved by the creation of a civilian authority with the express purpose of supporting the national research effort in the basic sciences. (With the advent of the age of cosmotrons and electric brains, the support that universities can give to research has become hopelessly inadequate.) However, even since the birth of the National Science Foundation, after several congressional miscarriages, its appropriations (\$3.5 million in 1952, \$4.75 million in 1953) have been so small that there can be no question of a substantial relief for the military agencies, whose research expenditure is of the order of \$100 million per year.

The services are too realistic to ask the research they support to masquerade as military research; they have sound understanding of the long-range importance of healthy basic science for national strength—military as well as economic and intellectual; but when Congress appropriates large sums for these

military agencies and doles it out to the National Science Foundation, it does so in the satisfaction that it supports "militarily important" research.

The situation is as unhealthy as if the states and municipalities failed to provide funds for the maintenance of public schools, and the military "jumped in," in the recognition that a literate and educated population was important for the quality of future draftees. That the situation is also precarious is illustrated by the recent pronouncement of the Secretary of Defense, that "pure science" should not be the concern of the military, but should look for support outside the Pentagon.

Another example of the same unhealthy situation is that much of basic research in biology is supported in America by funds earmarked for "research on cancer" or "heart disease." Again, it is true that in the long run, any progress in the understanding of life phenomena may contribute to the solution of the cancer problem or to relief of arteriosclerosis; but it is a sign of immaturity of those who hold the purse strings that they cannot be made to support fundamental biological research without a pretense of direct medical benefits.

CHANGE IN ATTITUDES

The psychological outlook of scientists, their attitudes toward their profession and the world, are changing even faster than their economic and social status. Not so long ago, theirs was a small, dedicated group, keeping rather aloof from the rest of the world in what were referred to as "ivory towers" but were more often grimy basement laboratories. They lived in intense communion with their colleagues all over the world—an international fraternity which even wars and revolutions could not altogether disrupt.

The present generation of American

scientists is the first one without first-hand experience of this community. On the other hand, this new and more numerous American-born and American-bred generation shifts much more freely between laboratories and industrial plants, universities and government offices, than was customary of old, and shares much more fully in the affairs and attitudes of the people at large. Some of them, who grew up with the atomic spy scares, restrictions on scientific publication, and curtailed international exchange, may find it easy to look at scientists in other countries as competitors, if not enemies. Scientists of the previous generation (and many of the younger one, since it takes more than one generation to interrupt a tradition!) will never be able to do so. For them, the ideal of the "open world" of science, eloquently restated in 1950 by the great Danish physicist, Niels Bohr,¹¹ remains valid—even if they recognize how incongruous it appears in the age of iron (and paper) curtains.

Scientists of the prewar era did not doubt the fundamental worth and virtue of their avocation. Probing into the mysteries of nature was for them a sublime intellectual adventure, in which there could be no evil. Science at its purest was a disinterested search for truth, and had no relation to daily human affairs; but whatever practical results could emerge from it in the long run were bound to make man wiser and better, and to improve his fate. The short path from the discovery of nuclear fission to Hiroshima has shattered their feeling of remoteness of science from the folly of man's pursuit of power over man, and from the crime of nations warring on nations.

Technology never was so remote from the evils of society as science. Engi-

¹¹ Niels Bohr, "For an Open World," *Bulletin of the Atomic Scientists*, Vol. VI (July 1950), pp. 213-17, 219.

neers have traditionally built weapons for war. However, in the United States military engineering was so insignificant compared to the technology directed toward the increasing of human welfare that in the past its existence could not affect the American engineer's firm belief in his constructive mission. If science was all goodness, technology was all progress.

This age of innocence is past. Not that the majority of scientists have uneasy consciences because they developed the atomic bomb or prepared for bacteriological warfare. A few may have such sense of personal guilt; but the majority believe that they had no choice—in the same way as a soldier has no choice on the battlefield, or a workman no choice in a war factory. The uneasiness experienced by many of them is born out of loss of belief in the unquestioned moral goodness of their pursuit—at least in the framework of the present-day political organization of the world. Since the atomic bomb, science is no longer pure intellectual enjoyment, from which nothing but good can arise for mankind; it is also playing with hell-fire.

Political activities

Immediately after the end of the war, in 1945, the potentially disastrous implications of modern science for a society to which peace had never been but an interval between two wars, became the obsession of many scientists. It led to their sudden entry into politics. They successfully agitated for the transfer of atomic energy development in America from the military to a civilian authority. They were instrumental in formulating the program of international control of atomic energy and making this program the official aim of American foreign policy. They established the Federation of American Scientists (FAS), with headquarters in

Washington and chapters in many centers of scientific research, to give organizational form to their concern with the use (or misuse) of science by nations. They founded the *Bulletin of the Atomic Scientists*—a monthly magazine dedicated to science and public affairs, now in its ninth year of publication.

In 1945, activities on behalf of civilian control of atomic energy in the United States, and its international control in the world claimed the support of a vast majority of American scientists. The news of these activities, carried to Europe, created a considerable impression among scientists there; an Atomic Scientists' Association was founded in England. However, the traditional European detachment of academic life from political power made it even more difficult (and less congenial) for scientists in Europe to seek and acquire influence on national policies than proved to be the case in America.

Fear of atomic war

Since 1948, disappointment in the outcome of United Nations negotiations, and the general trend of domestic and international affairs, have dampened the enthusiasm, and cynicism and confusion have taken hold of many American scientists. Many try to keep the tormenting picture of a future atomic war out of their consciousness, believing that there is nothing they can do about it. The pressure of security regulations and loyalty checks, and the—sometimes imagined but often real—threat to professional status arising from any public activity, favor this trend. The inducement of secure and relatively well-paid positions, with opportunity and plentiful funds for successful research, helps to encourage scientists to forget the potentially disastrous implications of their work, and to think only of professional

achievement and the incomparable satisfaction of discovery.

A minority, however, are unable to take their minds off the terrifying picture of an impending scientific war. A small group, imitating the example of conscientious objectors, found solution in a refusal to undertake any research having military implications. They banded together in a Society for Social Responsibility in Science, centered around the Quaker-sponsored college at Haverford.

A larger and undoubtedly more representative group follows the Federation of American Scientists, which has emerged from the crisis as an impetuous but stubborn and enthusiastic organization with over a thousand members all over the country. The practical work of this organization is now concerned mostly with analyzing and trying to influence government policies in scientific matters, such as security procedures, National Science Foundation, and so forth. The real *raison d'être* of the organization lies, however, not in these vital but transitory issues, but in the concern of its membership with the terrifying possibility that science may become the gravedigger of Western civilization, if not of mankind itself.

The *Bulletin* attempts to educate its 14,000 readers, in fifty-six countries, in the realities of the "atomic age." A small number of prominent scientists who have emerged from the war as top government advisers on matters of scientific strategy use their position to attempt a similar education on a different level. Their primary assignment is to keep America's lead in the perfection of scientific weapons; but in doing so, they can try to impress the political leadership with the inevitability of other nations' acquiring the same or similar devices and with the madness of the mutual holocaust of a war fought with them. There is, unfortunately, more

concrete evidence of their success in the first than in the second endeavor.

THE PRESENT PICTURE

This, then, is the American scientific scene ten years after the chain reaction that led to the atomic bomb: a greatly expanded army of scientists, with vastly increased funds for research but with little improvement in their own economic status; enjoying new respect in society and new influence in academic and industrial organizations and yet looked upon askance as a group of doubtful loyalty and an almost demonic capacity for evil; consulted by the Executive and rubbing shoulders with the legislature, but frustrated in at-

tempts to make the national leadership fully understand the nature of science and its fearsome implications.

In the face of this contradictory picture, the majority of scientists, particularly of the younger generation, tend to seek refuge in apolitical professionalism; while a minority remain intensely concerned with the way in which the "age of science" dawns upon mankind. They are depressed by their incapacity to make the world understand that eager acceptance of new scientific gadgetry for war and peace without the acceptance of a new rational code of political behavior is a path to disaster. They feel restless, frustrated, and apprehensive.

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Human Values in the Atomic Age

By WAYNE A. R. LEYS

THE fear of the bomb is not the beginning of wisdom. Fearful men have a kind of foresight, but in their partial view of the future all signs point to a foregone conclusion. How else could the frightening consequences of nuclear fission justify both McCarthyism and pacifism? McCarthyites, thinking only of alien threats, discover in the bomb a reason for aerial Maginot lines and subterranean loyalty investigations. Pacifists, horror-stricken by the worst conceivable results of war, find in the bomb a reason for wishfully accepting the imaginary benefits of an unborn social order.

The contributors to this volume are striving for a balanced interpretation of atomic energy, an evaluation of probabilities not dictated by the strength of passing emotions. Presumably, a clear-headed view of the facts should help men to make policy decisions with due regard for all legitimate human interests and not merely for the calming of fears. An impartial weighing of predicted consequences should do justice to the very fears that make emotional "isms" attractive, but not at the expense of other values.

Unfortunately, fact-oriented policy deliberations sometimes fail to reckon with the values that people find in highly charged ideologies. Fact-oriented studies are, in many instances, tentative, piecemeal, and bewilderingly complex. They may offer no immediate satisfaction to persons who crave peace of mind, a sense of direction, and a sense of importance.

The strength of all-or-nothing ideologies lies in their response to the exasper-

ating tensions that accompany the development of a world-wide economy and a new political process. The Communist and the emotional anti-Communist both yearn for a final showdown; they want to get it over. The pacifist wants to have nothing on his conscience. None of these people can tolerate unfinished moral business.

In estimating the ultimate impact of atomic energy on the ends of life, are fact-oriented policy thinkers missing something? Is there something of worth in the extremists' demands for finality, for emotional security and morale? Are the military repercussions of the A-bomb and the industrial uses of energy properly evaluated by a cold calculation of public benefits?

I do not question the desirability of prediction and farsighted planning, but perhaps not all the planning should be at the public level. It may be that public policy-making can succeed only if we recognize a disparity between public good and private good. A review of public policy deliberations will show, I believe, that subjective and emotional adjustments are required by the very attempts to solve the military and industrial problems of atomic energy.

MILITARY PROBLEMS

Immediately after the announcement of August 6, 1945, there was a great deal of utilitarian probing into the military consequences of A-bombs. The concern with future consequences ran through the report of the Secretary of State's Committee, the Acheson-Lilienthal report, the work of the United Na-

tions Technical Committee,¹ and many issues of the *Bulletin of the Atomic Scientists*. Most of the forecasters came to the conclusion that scientific knowledge could not be monopolized, that several nations might be expected to manufacture the new bombs, that within a few years no nation would be able to defend itself against attack, and that atomic war would be catastrophic.

Such predictions led to proposals for the international control of fissionable materials and their manufacture. The Secretary of State's Committee recognized doubts about the acceptability of an international control agency, but concluded: "... one should ask oneself 'What are the alternatives?'—We have, and we find no tolerable answer."²

Four wars and seven years ago that was the way things looked to the official thinkers. The eventual alternatives may not have changed in the meantime, but is the alternative with the horrible consequences still intolerable? Any hope of speedy action to prevent an atomic armaments race has now been dashed. Within a year or two after Hiroshima it was evident that the Soviet Government would not consent to international inspection and effective control. More ominous were the signs of a policy of relentless aggression.

If the Soviet Union had not blasted the hope of international control, American politics would have offered a major obstacle. There has been a reversion to nationalism. The constitutional amendment recently proposed by Senator Bricker represents only the extreme form of this reversion. Sentiment seems to have been swinging away from ex-

ecutive agreements in the international field. If every faltering step toward international control must have the two-thirds vote of the Senate, it should be recalled that Senators representing 92 per cent of our population do not constitute two-thirds of the Senate.

The first major recommendation of atomic scientists and policy thinkers appears to have been a "political impossibility." Yet, no problem is solved by calling the future "intolerable." If intolerability is meant seriously, we might all embark on a revolutionary course of action, waging ruthless class war as the Communists and the emotional anti-Communists do.

The class warfare ideologies are not the only possible reactions to "intolerable" situations. Several systems of ethics have grappled with the predicament of individuals whose power is exceeded by the power of society. Two of these systems—stoicism and pragmatism—seem to me to merit the consideration of men who cannot persuade their governments to adopt their plans for preventing atomic warfare.

THE STOIC VIEW

Stoicism is, of course, preatomic. It flourished in the Augustan age; but it is well to recall that the Augustan age was a time when conscientious men were experiencing uncertainty and defeat. Their dilemmas were probably as distasteful as the situation that confronts men who believe in the international control of uranium and plutonium. Seemingly ruinous policies were being adopted in spite of the Roman Stoic's warnings. As a Stoic, he did not follow the Epicurean to a suburban retreat. Instead of that, he asked, "What is within my power and what is not within my power?"³ This question led him to

¹ The Scientific and Technical Committee, created by the United Nations Atomic Energy Commission in 1946.

² *A Report on the International Control of Atomic Energy* (Washington: Government Printing Office, March 16, 1946), p. 31.

³ The *Discourses* of Epictetus are timely reading for public officials, industrial executives, and labor leaders.

admit that he was only a small factor in the universe; he was a small factor in the Roman Empire. Although he could not be sure of success in any political controversy, it was within his power to try to do his duty. This virtuous intention would preserve his self-respect, and the achievement of a sense of integrity therefore was his proper objective. In a word, the Stoic found it necessary to distinguish between his personal goals and the goals of government.

Today the man who understands the need for atomic defense measures, as well as the man who believes in the demilitarization of atomic energy, is in the Stoic's predicament. He is not omnipotent. He may even concede that he is not omniscient. If he tries to do what he believes to be right, he is outvoted and outmaneuvered. He may be committing political suicide. But if he asks what is within his power, he may find something to live for, in spite of the fact that his proposals in behalf of the public good are laughed out of Congress.

THE PRAGMATIC VIEW

Pragmatic philosophers also recognize the difference between the power of individuals and the power of governments. Pragmatism is opposed to the stoic view in many respects, but the two philosophies deal with the same problem. The pragmatist asks, "What is the problem? What is *my* problem? How is thought about atomic energy related to my own activity?" While the pragmatist usually believes that public events are influenced by individual effort, he never confuses himself with the whole of society. He does not think it intelligent to try to solve problems-in-general. Public actions are joint products, and the individual's part in public action is always contributory. If idealistic programs are

not related to the limitations of the individual's actual situation, the ideals will turn out to be irresponsible talk.

When pragmatic criticism is applied to statements about the control of atomic energy, we find that many of the most sweeping assertions are made in an action vacuum. Take, for example, the first comment on atomic energy occurring in the publications of a study committee of the National Council of Churches. On page 62 of the second volume the reader is suddenly told by an economist that "... as gunpowder finally made the city-state impossible, so airplanes and atom bombs have probably made the nation-state impossible because indefensible."⁴

The interesting circumstance is that this assertion is not preceded nor is it followed by a review of the economist's special relation to atomic energy. In Volume I fifteen contributors outlined their investigation of the "values that are promoted (or not promoted) by our complex economy." They talked about capital accumulation, national defense, Communism, centralized government, nationalism, power, and economic progress. But they did not mention atomic energy in Volume I. The sudden questioning of fundamental loyalties on page 62 of Volume II, therefore, is one of those fitful deliberations in which discussion suddenly turns from subjects that economists are in the habit of discussing to atomic energy in general. Atomic energy is not approached from the economist's point of view as bearing upon the actions that the economist is actually influencing.

The difficulty is not peculiar to the authors referred to above. If you look at the index of the latest books on public policy, there is only a fair chance that you will find "Atomic Energy"

⁴ *The Organizational Revolution*, by Kenneth E. Boulding (New York: Harper & Bros., 1953), p. 62.

among the topics. When you do find the subject listed, it is the exceptional author who relates it to the main argument of his book.

An increase in available power (controlled energies) may not increase the political power of most human beings. It may actually decrease their power as leaders and as citizens. Even though, in one sense, there are now more means available for the achievement of some public ends, political action becomes more complicated. Hard-working leaders have to wait longer to see their efforts rewarded. Their contributions may be scarcely recognizable in the results finally obtained.

Anyone who tries to demilitarize atomic energy will experience the kind of frustrations that send the McCarthyites and the Communists off into a rage. The stoics and the pragmatists, in their differing ways, have thought about these frustrations. They acknowledge the difference between the power of individuals and the power of states, and they offer alternative ways of finding personal goals that are sufficiently independent of the success of public goals to make work in an unpopular cause tolerable.

INDUSTRIAL PROBLEMS

The industrial application of nuclear science also presents value problems that do not readily suit the planning frame of mind. The planning frame of mind is impatient with any sentiment that delays the setting of goals and the matter-of-fact determination of efficient methods for reaching those goals.

The goal-and-efficiency type of policy thinking is illustrated by the Iowa Plan for Atomic Energy Education. Between 1950 and 1952 the Iowa State Department of Public Instruction issued five study guides for use at every level from the elementary school to the adult

forum.⁵ The authors did a pioneering piece of work in making a lot of new knowledge understandable. They tried to satisfy the prescription which they quoted from David Lilienthal: "The discovery of the release of nuclear energy is so important, so fundamental, that the country will be wary of those who seek to treat it as just another weapon, just another invention."

In spite of this admonition, the Iowa planners focus attention upon atomic energy as a means of achieving ends to which Iowa educators were committed in the preatomic age: the increase of agricultural production, the control of disease, and the national defense.

However commendable the courageous Iowa enterprise, it is doubtful whether productivity, health, and national security are the uses which many persons really want to make of atomic energy. It is doubtful whether efficient planning for these purposes will satisfy the politically active citizenry.

The intrusion of unstated goals into legislative deliberations has occurred under the guise of appeals to traditional liberties and precedents. Thus, the debate over the Atomic Energy Act of July 30, 1946 has been carried on by spokesmen for the traditional supremacy of civilians in government and by spokesmen for the traditional freedom of private enterprise. Scientists have complained about restrictions on their time-honored freedom to publish and exchange information. Labor has worried over limitations placed on collective bargaining in atomic energy installa-

⁵ The titles are *The Iowa Plan for Atomic Energy Education; Preparing Elementary Pupils for the Era of Atomic Energy; The Atom and You: A Unit for Secondary Schools; Iowa Citizens Investigate the Atom; and Scientific and Social Aspects of Atom Energy: A Source Book for General Use in Colleges*. Published by the State of Iowa and issued by the Department of Public Instruction, Des Moines, Iowa.

tions. The champions of civil liberties have objected to loyalty investigations and the introduction of political tests of the right to work. Others have viewed with alarm the absence of the traditional practices of home ownership and local self-government in Oak Ridge, Richland, and Los Alamos. The residents of Ellenton, South Carolina, protested the decision to take a quarter of a million acres in their neighborhood for an Atomic Energy Commission project, and sympathetic reporters played up the action as "unprecedented." There has been growing objection to the appropriation of public funds without public hearings, in view of the congressional tradition of requiring administrators to justify the number of paper cups requisitioned for use at office drinking fountains.⁶

CONFLICTING INTERESTS

When the phrase "military necessity" loses its magic, the discordant opinions may be expected to become even more conspicuous than they have been during the last eight years. If, in an abstract way, people are generally agreed on the desirability of increased economic production, they are not agreed on the division of costs and gains, nor are they agreed on the extent to which traditional privileges shall be sacrificed for the sake of progress.

The conflicting interests of the whole world are involved in the politics of atomic energy. Nehru told the Pan-

⁶ Most of these controversies are well known. The following references may be useful for two of the less familiar debates: Donald B. Straus, *The Development of a Policy for Industrial Peace in Atomic Energy*, Planning Pamphlet No. 71, National Planning Association, July 1950; Lyman S. Moore, "Democratic Local Government in AEC Communities," *Bulletin of the Atomic Scientists*, January 1951, pp. 19-22. Also, "Report on Operation of Atomic Energy Commission Towns," prepared for the Atomic Energy Commission, April 20, 1948.

Asian Conference in March 1947 that Asia would play her part in the atomic age, not as a pawn but as a partner. "Peace," he said, "can only come when nations are free and also when human beings everywhere have freedom and security and opportunity." But freedom means votes and vetoes, not only by progressive leaders but also by those "who, if they have eyes left to weep with, spend sleepless nights in cursing God because he has allowed these civilizers to get into their land."⁷

The release of atomic energy seems to foreshadow more conflict rather than less conflict. Increases in productive capacity multiply the possibilities of mutual interference, particularly in the case of hitherto subject or silent peoples. The diffusion of knowledge means that more diverse demands are articulated and become the source of political pressuring. It is not only vested interests that get in the way of economic progress; it is also parochial versions of universal good that men will fight for. Mankind seems to be afflicted with small ideals at the very moment when the means for great achievement are available. It is the old story of the ditch-digger who won the Irish sweepstakes; his first thought on learning of his good fortune was that he should buy a new pick and shovel.

Pacifists cannot believe that the collective intelligence of humanity will always sacrifice great common benefits for little, local privileges and slogans. Pacifists call for an act of faith to give direction to the universal longing for peace.

The plausibility of pacifism has been attacked by a long line of "realists" who have doubted the strength of peace-loving motives. The doubters began with an attack on the most famous organic political philosophy, Platonism.

⁷ Radhakrishnan's description, a generation ago, of the attitude of some men of the East.

They observed that Plato was bothered by the inconsistency of human purposes and that he proposed the pursuit of the common good. But the critics also observed that Plato was not averse to a centralized management of every citizen's private life—a high price for harmony. The critics also recall that, since Plato's time, there have been other idealistic philosophies whose practical followers have sometimes resorted to dictatorship.⁸

TWO KINDS OF PEACE

The impracticability of plausible political idealisms may be explained by the confusion of two kinds of peace—political peace and peace of mind. Plato related "harmony in the state" to "harmony in the soul." He insisted that there was a necessary connection between these two kinds of peace. Contemporary pacifists make the same assumption. They confuse the universal desire for peace of mind with devotion to political peace.

The more we learn about political peace, the less is it identifiable with peace of mind. The causes of industrial peace, for example, are not the disappearance of disquieting antagonisms. Industrial peace comes when antagonisms are channeled into the political processes of negotiation.⁹ Although exhausting and disgusting, the raucous bargaining of managers and union men is what informed people mean by industrial peace. Wherever there is no challenging and no denouncing, one finds the dictatorship of one party and, quite

⁸ A helpful review of the organic philosophies and the philosophies of political realism will be found in an essay on "Political Morality" by Herbert Schneider in *American Philosophy Today and Tomorrow* (H. M. Kallen and Sidney Hook, editors), New York: Lee Furman, Inc., 1935.

⁹ See pamphlet series, "The Causes of Industrial Peace," National Planning Association, 1948—

possibly, the seeds of violent revolution

International peace, likewise, does not descend upon the earth as an era of good feeling. International peace is time when resentments are being talked out and decisions go to those who argue loudly (but not to those who "argue best in platoons"). In a world of human diversity and ingenuity, peace is not conducive to peace of mind. Peace means noisy debate. Peace means uncertainty and many of the irritations that we associate with the "cold war."

The impact of atomic energy, like the impact of other life-complicating inventions, is widening the gap between public necessities and personal satisfactions. To secure the benefits of atomic energy without a massacre, we must maintain political processes that are unpleasant and nerve-racking.

We must be reminded of engineering installations so vast and so intricate that, in addition to the engineering there is a personnel problem. The engineers become exhausted and have to be pulled off the job; or they quarrel and cannot co-operate. The existing blueprints for the atomic age specify technical tasks under such difficult conditions that morale and sanity are imperiled.

The plain fact of the matter is that very few human beings are willing to accept the rigors of peaceful negotiation. They do not have the patience to do so. They do not know how to find the tolerable minimum of personal satisfaction in strenuous, unisolated life.

It seems that political peace (a public condition) is very different from peace of mind (a private possession).¹

¹⁰ In one way or another many recent philosophers have given up the quest for a panacea that will provide both political peace and peace of mind. See Paul Arthur Schlipf (Ed.), *The Philosophy of George Santayana* (Evanston, Ill.: Northwestern University, 1940), pp. 3-30, 560-73; T. V. Smith, *Atomic Power and Moral Faith*, Claremont, Calif.

Political peace is a matter of agreements and acquiescences in public measures. Peace of mind may be fostered by public measures, but only indirectly and—to a large extent—by measures that are different from those that mediate the great social conflicts.

Two inferences may be drawn from the ambiguity of "peace." The first inference is that the weaker interest, the desire for political peace, needs education. The release of atomic energy is completing the destruction of the isolation of human communities. It probably means more gigantic human organizations. It creates industries that affect the public interest not only in a national sense but in an international sense. Education for the politics of such a society must build an appreciation of negotiations that resolve conflicts, no matter how annoying and personally offensive the in-fighting.

The second inference is that the stronger interest, the desire for peace of mind, must find more satisfaction in private pursuits. Peace of mind may be fostered by improvements in education and recreation, by the encouragement of the fine arts, by the betterment of local communities, by movements that secure a wider distribution of deference. Morale may also be preserved by making provision for periodic relief from arduous political duty. Whereas public agencies must never relax, officials need week-ends, vacations, and

Claremont Colleges, 1946; Richard McKeon, "The Philosophic Bases and Material Circumstances of the Rights of Man," *Ethics*, Vol. LVIII (April 1948), p. 183; John Dewey, *The Quest for Certainty*, New York: Minton, Balch & Co., 1929; Karl R. Popper, *The Open Society and Its Enemies*, Princeton: Princeton University Press, 1950; Georg Simmel, "Der Streit," in *Sociologie*, Leipzig, 1908.

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times out of office. Whereas the price of good government is eternal vigilance by an organized citizenry, one requirement for good citizenship is the emotional balance that comes to the person who can get a good night's sleep.¹¹

CONCLUSION

Knowledge is power; but the more men know about the atom, the more they need to know about themselves. Our heavy investments in the release of atomic energy could have the effect of stampeding us into some single-minded folly of avarice, hatred, or fear. I have tried to show how the sense of personal responsibility cannot be fulfilled without some appreciation of the limitations of the power of individuals. I have also indicated how citizens may be victimized if they insist upon finding peace of mind in public action. The contrast between public values and personal values has been heightened. A half-educated and overpropagandized world needs an enrichment of private life as well as an appreciation of politics (which has little intrinsic value but is necessary to secure the public good). Knowledge becomes wisdom when coupled with respect for the plurality of values. Then, no objective can be worshipped so idolatrously that it will seem to justify the sacrifice of all other human purposes.

¹¹ The reference to sleep is illustrative only. The limitations of space do not permit a comparison of escapist and nonescapist private activities. I would not want any reader to interpret my statement as placing equal value on all private activities. I do not, for example, recommend a general retreat to the place on Avenue O, which an enterprising tavern keeper has named "The Atomic Cocktail Lounge."

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INTERNATIONAL RELATIONS AND WORLD GOVERNMENT

SNYDER, HAROLD E. *When Peoples Speak to Peoples*. Pp. xiii, 207. Washington: American Council on Education, 1953. \$3.00.

This small volume, published by the American Council on Education, is a most useful publication for persons interested in international cultural relations, and the excellent way in which Mr. Snyder has treated his subject should lead to a greater and more exact knowledge of this highly important field. Indeed within less than two decades the American public has become very conscious, through the activities of governmental agencies and an ever-increasing number of private organizations, as well as through the enthusiastic interest of influential private citizens, that intercultural understanding constitutes one of the most fundamental bases of lasting peace. This subject is not "presumably boring," as the author suggests on the first page of Chapter 1, but is replete with items of the most lively human interest.

The title of the book, "When Peoples Speak to Peoples," is especially apt. Governments speaking to governments, or governments speaking to peoples, are not nearly as vital or thrilling as "When Peo-

ples Speak to Peoples." It reminds one of the distinction between the words of the Covenant of the former League of Nations, "We, the Contracting Parties . . ." and of the Constitution of the United Nations, "We, the People. . ." There is a world of significant difference between the two! Because of his experience in the United States and abroad, as director of the Commission for International Educational Reconstruction and the Commission on the Occupied Areas, Mr. Harold E. Snyder has had very signal and rare opportunities to write on the need of coordinating the great number of activities designed to improve international understanding that developed during the last years of World War II and in the period that has followed.

The first part of the volume is devoted to "Cultural Relations in the Postwar World," and the second part to "Making Action Programs Effective." In the Appendix, there is a useful list of addresses of agencies operating in this field, and also a brief bibliography of books on this subject. That this topic is of recent emphasis is attested by the fact that of the fifty titles listed in this Bibliography only three antedate 1945, or the close of World War II. The three in question were published in 1940, 1941, and 1944. Perhaps a more

careful check should have been made of the list of addresses of agencies. The Committee on Friendly Relations Among Foreign Students, with which the present reviewer has been associated for many years, moved several years ago to 293 Broadway, New York City; and also the address of the Institute of International Education is given on page 183 as 857 Fifth Avenue, and on page 185 as 1 East 65th Street. Those two addresses are the same building, but it would be less confusing to use only one of the addresses. There may be other slips as well.

There are some very telling and vivid descriptions in this volume, as well as those of very practical usefulness. Among these is the description of the growth of the United States cultural programs, the work of the CIER in educational reconstruction, the differences in American and European attitudes at the end of World War II, as well as the plight of education at that time, the relation of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) to CIER, the universities and international education programs, and some very sage comments on the criteria for developing voluntary action programs. There are various wise cautions in the discussion about those who represent us abroad either officially or as travelers, on understanding the common man, on racial prejudice, and on the interaction of domestic and foreign influences. Different chapters in Part II are devoted to the Interchange of Individuals, the Interchange of Groups, and the Interchange of Materials.

This reviewer looked in vain for any single reference to the short-lived International Education Assembly, with which he was intimately associated, and which was successively under the leadership of Dean Grayson N. Kefauver, of the School of Education of Stanford University, and of Dr. William G. Carr, of the National Education Association. The International Education Assembly was a pioneer organization during World War II, which, in a very real sense, prepared the way for the organization of UNESCO. The work of the IEA should not be lost to sight.

All persons actively engaged in interna-

tional cultural activities should have available a copy of Mr. Snyder's book, and the volume should also be accessible to any persons generally interested in this significant field.

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BARRETT, EDWARD W. *Truth is Our Weapon*. Pp. xviii, 355. New York: Funk & Wagnalls Company, 1953. \$4.00.

This timely book is a persuasive plea for a sustained propaganda campaign abroad as an indispensable instrument of America's world leadership, and as a possible peaceful means of winning the cold war. Edward Barrett is admirably qualified to present this case. Experienced in the field of newspapers and magazines, he served in executive positions during World War II in psychological warfare under General Eisenhower and in the Office of War Information, and he then helped to establish the Voice of America. Returning to government service in 1950 as Assistant Secretary of State, he had charge of propaganda abroad during two critical years.

In Part One, Mr. Barrett reviews briefly the historical background of our propaganda efforts, the postwar decline of interest paralleling the thoughtless military demobilization, the slow revival after the inauguration of the Marshall Plan, and President Truman's announcement of the "campaign of truth" in 1950. A chapter on "The Voice of McCarthy" deals forthrightly with the Wisconsin senator. Part Two considers "The Foes We Face." In the front rank, the author naturally places the men of the Kremlin and their purposes of world revolution and world domination, but he also includes as foes those on our side who are defeatists, advocates of preventive war and of liberation through insurrection. In Part Three, he offers much wise counsel. Propaganda alone, without adequate military strength and suitable policy decisions, will not be effective. He would revise the present procedure of congressional control to prevent irresponsible attacks, stabilize appropriations at a small fraction of the total defense costs, make the higher posts more attractive to the best qualified men, assure a close associa-

tion with policy making authorities, and centralize strategic decisions in Washington while leaving discretion in tactics to the responsible deputies in the field.

The author writes with "a deep sense of urgency." He sees in propaganda, or in "persuasion" as he prefers to call it, the one possible escape from a third World War. "The right words striking the right persons at the right time can change the course of history." Certainty is impossible, and doubt results in disruptive propaganda which goes beyond resistance to Communist imperialism. In this connection, the inclusion of sample broadcasts as delivered to the peoples of the Soviet Empire would have been helpful.

E. MALCOLM CARROLL

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DENNETT, RAYMOND, and KATHERINE D. DURANT (Eds.). *Documents on American Foreign Relations*. Volume XIII: January 1-December 31, 1951. Pp. xxiv, 626. Princeton: Princeton University Press (for the World Peace Foundation), 1953. \$7.50.

The World Peace Foundation's *Documents* series has long since been established as an indispensable tool to the specialist in foreign affairs. This latest volume fully meets the high standards which the editors have previously set. For breadth of coverage, convenience of arrangement, lucidity of editorial notes, and sheer quantity of key documents presented, it is unmatched by any other publication, governmental or private.

The pattern of the book follows that of previous volumes: sections on general themes appear first (Principles and Policy, Conduct of Foreign Relations, National Defense, Economic and Military Cooperation, International Peace and Security), followed by sections dealing with functional topics (Dependent Areas, Trade and Finance, Transport and Communications, Agriculture and Natural Resources, Labor and Social Problems, Cultural Relations), and the whole is concluded by documents on relations with geographic regions (Western Hemisphere, Asia and the Pacific, Europe, Middle East and Africa).

The year here covered (1951) was a

turning point in the cold war—as perhaps every year since 1947 has been. It saw a low tide in American and United Nations fortunes in the Korean war with the Chinese Communist onslaught, and saw that onslaught eventually slowed to a halt. It saw the dismissal of General MacArthur and the resulting "Great Debate" on foreign policy. It was the year of the Japanese peace treaty and the Pacific defense pacts with Japan, Australia, New Zealand, and the Philippine Republic. It was the year of Universal Military Training, of the Mutual Security Agency. If a single term could characterize it, perhaps "consolidation" would do: American opinion seemed to move steadily toward support of long-range commitments and arrangements in foreign policy and defense on a scale and of a permanency to match the ubiquity and the tenacity of the foe.

With this thirteenth annual volume, the World Peace Foundation ends its sponsorship; future volumes will appear as a supplementary series to the Council on Foreign Relations' annual publication *The United States in World Affairs*, and will be published by that organization. While deeply appreciative of the subsidies, time, talent, and eyesight expended on the series by the Foundation and its able staff, this reviewer feels the new arrangement is to be welcomed. The two series are intrinsically supplementary. Under whatever sponsor each will gain in usefulness (and one hopes in use) if planned and produced by a co-ordinated editorship.

OLIVER BENSON

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WILSON, ROBERT RENBERT. *The International Law Standard in Treaties of the United States*. Pp. xii, 321. Cambridge, Mass.: Harvard University Press, 1953. \$4.50.

The term international law or law of nations appears explicitly in treaties to which the United States is a party over 200 times and references to the concept are implicit on many other occasions. About a third of these are in treaties providing for pacific settlement of disputes. Extradition treaties, treaties relating to war and neutrality, treaties concerning diplomatic and consular

officers, treaties concerning rights of resident aliens, and treaties of commerce also contain such references.

In this volume Professor Wilson explains the diplomatic background of many of these treaty provisions, their legal significance, and their practical utility. In doing so he includes interesting and little known items of diplomatic history and judicial reasoning.

The discussion illustrates the relationship between conventional or special international law on the one hand, and general or customary international law on the other. All treaties are made against a background of general law without which the meaning of terms would often be obscure and the intent of the whole instrument illusive. More specifically, international law is referred to as the basis for dealing with disputes; as the source for interpreting terms such as "piracy," "neutrality," and "domestic jurisdiction"; or as the standard to be applied in dealing with aliens. The standard of international law may be more favorable than "most-favored-nation" or even "national" treatment.

Professor Wilson has had practical experience in the Department of State and makes some use of unpublished documents. He writes carefully on a hitherto unexplored topic. His book is for the profession rather than the general public, but it constitutes an important contribution to the understanding and perhaps to the effectiveness of international law. In this period, when "power politics" dominates so much thinking in the international field this contribution is valuable. He suggests important functions of international law, not always appreciated but susceptible of development.

Appendixes stating the practices of other great powers in utilizing the international law standard, indicate that the United States has taken an advanced position.

The process by which treaties continually introduce new principles, modifying the old law, while at the same time the general law governs the interpretation of, and provides standards for, treaties, suggests how order and progress, law and politics, may be combined in an evolving

system of stable and progressive international relations. Studies like this indicate the superficiality of the criticisms of international law by some "realists" in the international field.

QUINCY WRIGHT

University of Chicago

KUHN, ARTHUR K. *Pathways in International Law*. Pp. xi, 240. New York: The Macmillan Company, 1953. \$4.00.

Mr. Kuhn's "personal narrative" is above all an account of his lifelong and eminently successful activities—studies, practice, teaching, creative pioneering—in the field of international law. The story offers but glimpses of the nature of problems in this field, none of which is profoundly analyzed as such. Each problem of issue is described just sufficiently to explain the background for the author's views which are mostly quoted verbatim from lectures, speeches, or previous publications. The problems he mentions range over the entire field of international law—from collective security and peace-making to private international law (conflict of laws) with such questions as the validity of treaties and nationalization of foreign property in between. Together, they add up to a panoramic picture of the manifold and fascinating situations to which international law is supposed to apply. No less interesting are the author's views, which demonstrate a felicitous sense of balance between what is desirable and what is possible in the international field.

Regret arises from the fact that the author has failed to elaborate and state the underlying philosophy that may have guided him in formulating his opinions. His conservative position on the problem of promotion of human rights by international organization (he strongly attacks the classification of social and economic advantages as rights) strongly contrasts with his "progressive" views on the Nuremberg trials which, along with the Genocide Convention, he hails as unquestionable gains. What are the fundamental political theories that would give meaning and consistency to Mr. Kuhn's various judgments? The reader would have greatly profited had Mr. Kuhn's narrative penetrated to

this deeper and more important layer of thought.

GERHART NIEMEYER

Council on Foreign Relations
New York

ROBERTS, HENRY L., and PAUL A. WILSON. *Britain and the United States: Problems in Cooperation*. A Joint Report. Pp. xvii, 253. New York: Harper & Brothers for the Council on Foreign Relations, 1953. \$3.50.

This joint report of two unofficial study groups of the Council on Foreign Relations and of the Royal Institute of International Affairs, completed in October 1952 after 18 months of exchanges, is a masterly work of critical self-examination and the exposition of agreements and disagreements. It is a substantial contribution of insights and information to the Anglo-American bookshelf which is by no means overflowing. It is also a demonstration—considered by the participants to be the “real achievement”—“that with patience, inquiry and frank discussion, it is indeed possible for the citizens of one nation to gain a comprehension of the motives and methods of another, a necessary first step in the resolution or composition of their differences in foreign policy.”

“... Cooperation between the two countries will not occur automatically.” Also, “It is wholly to the good that the Anglo-American community is not monolithic.” The importance of closer co-operation permeates the study—“to each the other is its most important single ally.” Yet the two groups successfully avoid the impression of advocating the “ganging up” of Britain and America against their partners in the Western alliance and the rest of the free world.

The issues, essentially handled as case studies, range over the bases and obstacles to Anglo-American co-operation, the interplay of domestic politics and foreign policy, problems of general economic policy (containing, *inter alia*, a brief, understandable exposition of sterling balances and convertibility), the economic impact of rearmament, global military problems, the United Nations and collective security, and relations with the Soviet Union and East-

ern Europe. Separate, lucid chapters are then devoted to Western Europe, the Mediterranean area, the Middle East South and Southeast Asia, and the Far East.

The study group points out that it did not have time to tackle issues such as the standardization of weapons, the stationing of American troops in Britain, and the exchange of information concerning atomic energy, and to probe more deeply colonialism, Commonwealth relations, the international oil problem, and the functioning of the United Nations.

One of the differences likely to intrude between us is that “the British believe that to many problems there is no quick, tidy and final solution.” A successful effort in trying to distinguish and describe the predominant band or bands in the spectrum of informed opinion in the two countries could help predict divergences. The book is not filled with predictions, but an illustration is given—we tend to be nervous about the British moving too hastily in the Middle East, and the British tend to be nervous about our responses in the Far East (p. 249). “It is the part of statesmanship to foresee possible divergences between allies before they arise. This can be achieved only through continuous study and consultation” (p. 250).

The co-operative procedure of this study is no doubt an expensive one. Yet one wishes that the technique could continue to be applied—not only to Anglo-American relations, but to other crucial areas of international relationships. Possibly modest adaptations could be devised by additional institutions and groups.

RICHARD H. HEINDEL
Washington, D. C.

OSGOOD, ROBERT ENDICOTT. *Ideals and Self-Interest in America's Foreign Relations*. Pp. xii, 491. Chicago: University of Chicago Press, 1953. \$6.50.

Professor Hans J. Morgenthau's well known position on power politics is being refined and implemented by publications of the Center for the Study of American Foreign Policy which he directs at the University of Chicago. Dr. Osgood's book is one of these publications, and it makes

a threefold contribution to the Morgenthau thesis. In the first place, United States diplomatic history from the time of the Spanish American war to the present is evaluated in terms of the power politics position. Furthermore, diplomatic history, so written, becomes more than a mere record of events. We have here a study of the motivations of key opinion leaders and the response of the general public to this leadership. Finally, the Morgenthau concept of realism as stated in *In Defense of the National Interest* is redefined. Osgood would condemn “Realists” (which he spells with a capital R) along with idealists and would accept a happy compromise whereby the visionary, long-run goals of the latter would be joined by the short-run power considerations of the former. As Quincy Wright wrote in 1952, both power and values, both conditions and symbols, both passion and reason, both necessities and choices have influence in human affairs, and Osgood would call a policy which takes into account these considerations “realistic” (spelled with a small r).

For the social scientist, Dr. Osgood's book has many of the delights of forbidden fruit. His analyses of motivations are absorbing and penetrating although not always convincing. That Henry Cabot Lodge was not motivated primarily by his hatred of President Wilson but rather by his realistic evaluation of the League of Nations (pp. 282, 292) suggests that Dr. Osgood, like many realists, places reason before emotion as a motivating factor. Assuming the function of the Devil's Advocate the author blames the idealists, not the realists, for destroying Wilson's fourteen points (p. 288), defends the 1935 neutrality laws (p. 367), and blames Colonel Stimson for supporting blindly collective security for the sake of collective security (p. 354).

But the question a reader must eventually ask himself, if he has not already done so, is what useful service to the field of international relations do the obviously ambiguous terms “Realism,” “idealism,” and “realism” render? It would not be difficult to disregard the demands of the militaristic jingoists or the molly-coddle pacifists. But is there an alternative policy

upon which “realists” themselves might always agree? Finally, it seems to this reviewer that Dr. Osgood's “realism” is weighted on the side of the “Realists.” It does not embrace a consideration of long-run as well as short-run policies, of human as well as national interests, of co-operative as well as oppositional policies. Nonetheless, Dr. Osgood has produced a well-written work which is both provocative and entertaining.

MARTIN B. TRAVIS, JR.

Stanford University

WILLERT, ARTHUR. *The Road to Safety: A Study in Anglo-American Relations*. Pp. viii, 184. New York: Frederick A. Praeger, 1953. \$3.50.

Sir Arthur Willert has written a very timely and penetrating commentary on a crucial phase of Anglo-American diplomatic history. *The Road to Safety* dips into Sir Arthur's own memoirs and the memoirs of those key figures in the harrowing story of Anglo-American relations in the first World War—Lord Northcliffe, Lord Reading, Mr. Balfour, President Wilson, Colonel House—and especially it dips into the unpublished notes from the fantastic career of Sir William Wiseman, the “Lawrence of Diplomacy.”

Sir William Wiseman moves through the pages of this narrative as the confidential Englishman who suddenly became the intimate of Colonel House and of President Wilson, and who so quietly and effectively worked to straighten out the tangle of Anglo-American relations during those crowded years.

Toward the end of 1916 the Old Diplomacy represented by Sir Cecil Spring Rice and the British Embassy in Washington began to bog down hopelessly at the job of breaking through the crust of formality which stood between Wilsonian idealism and British pragmatism in London. “The routine relationships of the Embassy,” writes Sir Willert, “were carried out conscientiously by a grossly overworked staff. But in high affairs it had virtually ceased by the end of 1916 to be regarded by Washington as the link with London.”

In the meantime, the American Ambassador in London, Walter Hines Page,

had "fallen into equal disfavor with Washington as being too much in the pocket of the British to be fit to fight their diplomatic battles." Into this situation was projected Sir William Wiseman, the understanding and always sagacious, young, and charming Englishman from the information section of the Embassy. Colonel House first met him in the Autumn of 1916 and in their first interview, finishing official business in a few minutes, kept him talking for two hours. Other meetings followed at House's invitation, and the foundations of their intimacy soon placed Wiseman's relation with House almost on a plane of that of "son to father." "It was odd," concludes Sir Arthur, "that Winchester and Cambridge and Texas could have produced two men with so much in common in spite of the difference of their ages."

From this warm friendship with Colonel House, Wiseman soon found himself on terms of comfortable familiarity in the White House and possessed of a real insight into the mind of President Wilson. And so it was that the Wilson-House-Wiseman relationship, with Spring Rice's blessing, became "a bridge across the chasm" which separated the Embassy from the Administration. "Do what you like," Rice is quoted as saying, "go where you like, and, of course, don't tell me anything you think I oughtn't to know." This was the combination which handled the succession of top problems which the tumultuous days of the early years of Anglo-American partnership thrust at the heads of the British and American governments.

There are places in the swift narrative where students of the period will wish that the author had found it possible to widen the limitations of the all too brief text for a fuller discussion of weighty matters—for example, in the section on "Unconditional Surrender." But perhaps this may follow in a later volume. Certainly, however, Sir Arthur's most readable study is convincing evidence that no history of the Anglo-American partnership can be complete which fails to highlight this fascinating chapter in the brilliant career of Sir William Wiseman's mission in understanding. This is the chapter which supplies

the insight into how the bridge was first built between the old diplomacy and the new. Others were to follow twenty years later—Hopkins, Harriman, Roosevelt, and Churchill—but Sir Arthur Willert's story marks the beginning of this great enterprise.

GEORGE L. RIDGEWAY

New York City

POSSONY, STEFAN T. *A Century of Conflict: Communist Techniques of World Revolution*. Pp. xx, 439. Chicago: Henry Regnery Company, 1953. \$7.50.

One of the central problems of international politics today is whether those who direct Russian policy still adhere to the Marxist doctrine that Communism must be world-wide or whether they believe that at least for a workable future of a generation or two Communism can exist peacefully in a world part of which is organized on other principles. Professor Possony believes firmly that the present government of Russia is thoroughly committed to the first doctrine, that they believe that a world divided between Communism and Capitalism—in any of its forms—cannot stand; and he holds that they are determined to make the world Communist.

Professor Possony is an admirable historian, and he spends some two-thirds of his book in a careful and well-documented account of the development of orthodox—that is, Marxist-Leninist-Stalinist—Communism in Russia as a revolutionary force in the world. He neglects neither theory nor practice, which he well knows are subtly and constantly related. His main emphasis is on Communist concepts of revolutionary tactics and strategy, which he convincingly shows to have been based from Marxist beginnings on a supple willingness to use force, intrigue, propaganda, burrowing from within; or, put negatively, on a complete contempt for the basic Western belief in a fundamental moral order in politics.

Marx himself seems to have believed, not exactly that Capitalism would fall of itself, from its own "internal contradictions," but at least that it was slowly but surely rotting and would need no more than a final shove from the leaders of an

organized proletariat. Professor Possony does not believe that the men in the Kremlin today are naïve enough to hold this primitive Marxist doctrine; they have in their thinking introduced a variant. "Where Marx was inclined to expect spontaneous and natural developments," he writes, "the modern communists act to infect capitalism artificially. Communism is seen not as the product of relatively uncontrolled historical processes but as the consequence of sociological warfare" (p. 375).

The book concludes with an analysis of the complex methods, and especially the military methods, the present generation of Communist leaders are trying to use to bring to pass what Marx appears to have considered the inevitable working out of historical dialectic. But it is a careful, firm, and realistic analysis, by no means a frightened one. This is not a book that finds Bolsheviks under the bed, not a book to lead sensible readers to alarmist measures that will destroy our democracy in the effort to preserve it—that will, in fact, do just the work of Communists want us to do. Professor Possony by no means believes war with Russia inevitable. "The objective of our strategy should," he writes, "be to make all-out war an *extreme risk* for the Soviets, and to work toward a gradual modification, contraction, and replacement of Soviet rule" (p. 422).

CRANE BRINTON

Harvard University

MEISSNER, BORIS. *Russland, die Westmächte und Deutschland*. Pp. 372. Hamburg: H. H. Nölke Verlag, 1953. DM. 12.—

This scholarly treatise presents a chronological survey of Soviet policy toward Germany from 1943 to the end of 1952, and its relationship to the policies pursued by Western powers. It is, in the words of the author, "only a preliminary study of a later investigation into international law." As such, it furnishes the reader with a carefully annotated documentary basis for further study, since it contains little interpretation or evaluation of the objectively presented materials. The thoroughness of

the documentation is attested to by no less than 1,150 footnote references and citations.

The work covers two historical periods, the first extending from the Teheran conference in 1943 to the Potsdam conference in 1945, and the second period from Potsdam to the end of 1952. Until the Potsdam conference, Germany and Poland occupied the focal point of Soviet foreign policy. "But with the surrender of Japan and the atom bomb, her policy was extended to the near east and the far east, where it came in contact with the vital, common interests of Anglo-Saxon powers, who were no longer ready to tolerate a further extension of Soviet power, without corresponding concession" (p. 77).

Basic to an understanding of the divergent policies advocated by the Soviet Union and the Western powers, respectively, in dealing with Germany, particularly since 1945, are fundamental ideological differences, stressed by the author. "Marxian-Leninist schooled Soviet thinking expresses itself in the first instance in economic and sociological categories. Demilitarization, denazification, and democratization have always been interpreted, from the Soviet viewpoint, merely as means to a profound social transformation" (p. 49).

It is these differences which must be borne in mind, when interpreting frequently changing Soviet policy toward Germany since 1943. Strategy and tactics are altered with changing conditions, but the primary objectives, to extend Soviet power and to maintain a "cordon sanitaire" have remained unchanged. All this is clearly demonstrated in the documentary evidence presented by the author. Tactics, involving the peace offensive in 1950, yielded to so-called defensive measures, following the inclusion of West Germany in the North Atlantic Pact in 1952.

Charges of ambitious aims of world domination appear in quotations from statesmen in both the Soviet Union and the United States. Thus the recently discredited Beria is quoted as saying, "The seizure of world rulership is the chief goal of American foreign policy," while former President Truman is quoted, "the danger of world conquest by the Soviet Union

threatens our freedom and threatens that world in which the free spirit of man can continue to exist." The threat of aggression is dramatized by spokesmen of the Soviet Union and of the Western powers alike. But charges and countercharges do not conceal the power struggle between East and West, in which Germany has been playing a buffer role.

Time alone will tell how this struggle, insofar as Germany is concerned, will be resolved. The issues seeking settlement at the conference table, if they are not to culminate in open conflict, are so vast and so complex that they challenge human ingenuity to find their peaceful solution. In the author's concluding observations, "The Soviet will to understand and the possibility of a compromise solution, will, to be sure, permit itself to be judged only after a new meeting of the 'Big Four.' Such a meeting might smooth the road for a European peace congress, with all of Germany participating" (p. 360).

This invaluable source book of first hand documentary materials pertaining to Soviet and Western Powers policies toward Germany should prove an indispensable addition to the library of every student of international politics.

KARL SCHOLZ

University of Pennsylvania

PENROSE, E. F. *Economic Planning for the Peace*. Pp. xiv, 384. Princeton, N. J.: Princeton University Press, 1953. \$7.50.

Economic Planning for the Peace is based largely on the author's personal experience in London, from 1941 to 1947, as economic adviser to Ambassador Winant. It deals with events with which the author was associated and reflects the results of contacts with individuals and of participation in groups of international specialists devoted to the task of leading a warring world towards orderly recovery and peace. The book is based less on the customary documentary research than on notes, memoranda, and first-hand knowledge acquired from the "inside" during the period when plans were in process of formulation, integration, and adoption.

The central thesis maintains that the

errors of the peace were the result of omissions and of a faulty sense of proportion in planning for different aspects of postwar international economic activities. Accordingly, the treatment is based on three broad classifications of postwar activities, the specific aspects of which are traced in chronological sequence. Long-term measures of international economic organization include the specific subjects of international finance and investment, international raw materials agreements, and international trade. The problem of relief distinguishes between two aspects, namely, food relief and the establishment of an international relief organization. The third classification deals with reconstruction under two subgroups dealing, respectively, with the liberated Allied countries and the ex-enemy countries. Changing political conditions and the impact of great personalities upon the emerging plans left their final mark in great successes, such as the saving of Europe from immediate postwar disaster, and in the kind of serious errors which permitted the crisis of 1947. Plans for short-run measures and those for the long-run became increasingly separated as time passed. The more successful efforts lay in planning for the long-run while consideration of the area between immediate relief measures and long-range measures was piecemeal and often belated.

The book is a major contribution to both the economic history and the economic thinking of the period even though admittedly slanted somewhat towards the British point of view. In attributing to the lack of shipping (p. 341) the inability of the Latin American countries to meet their wartime and early postwar import demands, the author failed to mention the more fundamental reason, namely, the almost complete unavailability in the United States of the goods Latin America was eager to purchase with its large accumulation of dollar balances. Such omissions are few and usually fade into insignificance as the author outlines, in clear nontechnical language, the issues with which men and governments struggled during the fateful years after 1941 towards a system of ultimate stability and peace. Special merit attaches to the concluding chapter, *A Sum-*

ming Up, in which the main threads of the story are woven into an excellent interpretative summary, followed by a review of the underlying influences that determined the shaping of economic postwar plans.

AMOS E. TAYLOR

Washington, D. C.

AMERICAN GOVERNMENT AND HISTORY

NOURSE, EDWIN G. *Economics in the Public Service*. Pp. xiv, 511. New York: Harcourt, Brace and Company, 1953. \$6.00.

When the President submits important recommendations to the Congress, they are likely to languish unless expounded and supported by those who in the public eye are his primary advisers in the area involved. That the Council of Economic Advisers should perform this function *in re* the President's Economic Reports was fully recognized by Dr. Nourse when appointed Chairman of the Council in mid-1946. But when the Congress became Republican in 1947, Dr. Nourse told his colleagues that, unless Council members dissassociated themselves from the economic policy recommendations of President Truman, a new Republican President in 1948 might change the membership and that this would make the Council "political." He also argued that there necessarily were "political" overtones in any such presidential recommendations to the Congress and that consequently somebody in the Democratic National Committee rather than "economists" should support these recommendations. His two colleagues, regarding continuity of tenure less important to the successful future of the Council as an institution than trueness to its designated function, disagreed in principle with the Chairman without questioning his sincerity, thus producing the only serious and prolonged split within the Council.

The core of Dr. Nourse's book is a defense of a position which plunged him as Chairman into numerous inconsistencies. Avowing the desire to keep the Council

out of controversy, he publicly indicted his colleagues as "political" for wanting to appear before the Joint Congressional Committee on the Economic Report even during the two years when they refrained from doing so as a concession to him; refusing as a "confidential adviser" to support publicly even those policies he had recommended to the President, he made many speeches implying other disagreements with the President; professing a desire not to embarrass President Truman by engaging in "political" relations, he wrote a letter to Senate Majority Leader Taft in mid-1948 seeking a confidential discussion of Council affairs, and then made contacts with Governor Dewey's group to explore "the future of the Council" if Dewey became President; complaining about being ranked lower than cabinet officers at social functions, he abjured the public responsibilities which cabinet rank necessarily entails.

By late 1949, Dr. Nourse felt frustrated and resigned. His book, written before full recovery of perspective, is designed to demonstrate that, on most problems which arose within the Council, the Chairman displayed not only the practical touch but also moral elevation, while his colleagues were not only unwise but also suspect because they sought to help gain acceptance of policies which they deemed to be in the national interest. Such a book on its face is not a careful study in economics or political science, despite copious excerpts from a "personal diary" to reinforce undocumented allegations.

From early 1950, when the Council assumed responsibilities compatible with its duties, it became a more effective voice in the development of integrated and comprehensive national economic policies. Largely responsive to the Council's stress upon the nation's great economic potential, programs were adopted which sustained a rapidly increasing defense effort and at the same time expanded our general economic capacity and product enough to overcome inflation while maintaining a rising standard of living and full employment. The Council's 1950-53 commitment to "economic expansion," now vindicated by experience and widely accepted, was held up

to ridicule by Dr. Nourse in his first book after his resignation (*The 1950's Come First*), just as in 1948-49 before Korea he had insisted that defense outlays substantially above 13-14 billion dollars a year would be so inflationary as to seriously threaten our economic health. But in a very recent speech, with defense outlays at four times the pre-Korean level, Dr. Nourse fears a disastrous deflation on the ground that our productive power is more than we can absorb.

As to Dr. Nourse's "political" cause *celebre*, fortunately President Eisenhower has ended it by stating unequivocally that the Council of Economic Advisers should work closely with its counterpart in the legislative branch. And Dr. Burns as the new Chairman has already supported before a Congressional committee recommendations which, presumably after obtaining his advice, the President submitted.

LEON H. KEYSERLING

Washington, D. C.

COLE, WAYNE S. *America First: The Battle Against Intervention, 1940-1941*. Pp. xi, 305. Madison: University of Wisconsin Press, 1953. \$3.50.

Salutary reading for an understanding of domestic influences on American foreign policy is provided in this thoroughly documented study of the principal isolationist opinion group of the pre-Pearl Harbor years. The author has drawn heavily on the files of the America First Committee and on interviews. The result is a study noteworthy indeed for the abundance of first-hand material it supplies.

Stranger bedfellows never couched together than the weird company which followed the leadership of General Robert Wood under the broad blanket of America First. Lindbergh and Norman Thomas, Lillian Gish and Philip Jessup, John T. Flynn and Chester Bowles, Coughlinites and pacifists, Bundists and socialists, all used it as a vehicle for their views. Their only common denominator was a foolish notion that the oceans were moats.

Minute in its detail, the study reviews several charges made against the group. The author finds it was little infiltrated by

Nazis (though several German agents did use the organization); it was more guilty of sheltering anti-Semites (though half-hearted efforts were made to disclaim them).

Less satisfactory are the author's conclusions on effects of the America First campaign. He seems to link failure to defeat Administration measures to aid Britain with failure to keep us out of war. Despite his scholarly objectivity, this tends to the view that the Firsters were right in their claim that their principles would have avoided war. In his account of the Committee's tactic of urging a vote in Congress on "the real issue, war or peace" (as General Wood put it), he concludes that the "Committee's opportunity to win the battle against intervention lay in getting the debate on the narrow issue of war or peace. Its inability to do so and the Japanese attack on Pearl Harbor insured the defeat of the America First Committee." Does this equate the propaganda failure of the Committee with Pearl Harbor as a cause of the war? Would a vote in Congress have prevented sailing orders to the Japanese task force? This may not be the author's meaning, but if not his analysis requires sharpening. No criticism is meant here of his excellent research contribution, which is so considerable as to dictate the book's permanent place in the literature of American foreign policy.

OLIVER BENSON

University of Oklahoma

QUINT, HOWARD H. *The Forging of American Socialism: Origins of the Modern Movement*. Pp. xi, 409. Columbia, S. C.: University of South Carolina Press, 1953. \$6.00.

While the Socialist party of the United States of America was not organized until 1901, the socialist activities of the prior decade and a half, from 1886 to 1901, constitute an important and fascinating chapter in the development of the American socialist movement. In *The Forging of American Socialism*, Professor Quint, Associate Professor of History of the University of South Carolina, has presented on a broad canvas a clear, scholarly, and

accurate picture of socialist thought and action during this period.

In his book, Professor Quint patiently reviews the activities in the late nineteenth century of the Socialist Labor Party, the Social Democracy, the Brotherhood of the Commonwealth, the Nationalists under Edward Bellamy, the Christian Socialists, and others, and vividly describes the impact upon the socialist movement of that time of such leaders as Edward Bellamy, Henry Demarest Lloyd, Daniel DeLeon, Morris Hillquit, J. A. Wayland, Eugene Victor Debs, Victor Berger, Meyer London, George Herron, and W. D. P. Bliss. The author also gives a valuable picture of the various ventures of the early Socialists in Populist, Labor, Single Tax, and old party politics and of the relations between the Socialists and the trade union movement of that day.

After reviewing the variety of socialist schools, Professor Quint concludes that "the upsurge of socialism in the United States at that time was only in part inspired by the classic doctrines of the European Marxists." In point of fact, he contends, "it came primarily as a protest against the social iniquities resulting from the tremendous economic concentration taking shape in these hectic years of industrial growth."

While Professor Quint deals separately with a number of schools of Socialist thought, he indicates time and again that it is difficult to pigeonhole socialist leaders into one school to the exclusion of others, since many of them, as was the case with Debs, represented a cross section of many schools of thought.

While the author, in his Preface, dwells on the social injustices of the day as accounting for the development of the socialist movement, he, for the most part, unfortunately leaves these injustices to the readers' imagination. He fails to give an adequate analysis of what constitutes Marxism, and his inferences that advocates of the class struggle necessarily believe in the "malevolent intent of one group of individuals to oppress another" convey a false conception of this theory.

Despite these inadequacies, Professor Quint's volume provides the best and most

authoritative volume on American Socialism during these crucial years that has thus far issued from the press.

HARRY W. LAIDLER

League of Industrial Democracy
New York City

ROSSITER, CLINTON. *Seedtime of the Republic*. Pp. xiv, 558. New York: Harcourt, Brace and Company, 1953. \$7.50.

In this book Professor Rossiter has dealt with the development "of the political ideas that sustained the rise of liberty in colonial and Revolutionary America." Holding the view that the ideas of the Revolution were the product of a long process of growth in the colonies, he has devoted over two-thirds of the book to what he calls "The Circumstances" which gave rise to this body of doctrine in the colonial era and to essays of from 20 to 34 pages each on six representative colonists—Thomas Hooker, Roger Williams, John Wise, Jonathan Mayhew, Richard Bland, and Benjamin Franklin.

The circumstances, as well as the ideas, of the Revolution are treated more briefly. And where the topical analysis of the first two-thirds of the book is devoted to conditions and causes—governmental, religious, economic, societal, and intellectual—that method is employed in the discussion of the political principles of the great period of first maturity, 1765-1776.

In a book so organized, particularly one written after long study of the sources as well as secondary materials, it is not surprising that one does not find the free-wheeling quality of Parrington's *Colonial Mind*, but then all too many of that lively author's conclusions were formulated, not only without fear, but also without research. That charge cannot be made against Mr. Rossiter. But it is, I think, fair to say that though his carefully documented book will be invaluable to every future student working in this field, it probably will not be read by very many nonprofessional citizens. And it may also be said that there is relatively little that is new in the book, though many of the comments made in passing are excellent and, at least to one worker in this particular vineyard, highly satisfactory.

If Mr. Rossiter's treatment of the political principles of the Revolution is lacking in the readability possible in a series of essays such as one finds in Parrington, or, in more stately procession, in Tyler, the systematization of Revolutionary ideas which he does provide will be more helpful to the historian of ideas than another group of essays. My only general criticisms of his topical analysis in Part 3 are: first, that some of those discussions tend to leave the impression that there was no substantial change or growth during the Revolutionary years; second, that many of the topical treatments are too brief to be as helpful as they might have been. There were a good many examples of such growth, particularly between 1765 and 1776, but also in the two or three years after 1776, for example, as between the Virginia Constitution of 1776 and that of Massachusetts written three years later. They clearly came from and reflect the same heritage, but they differ in such significant respects as the method of ratification and the application of the principles of separation of powers. What is said about the separation of powers is good, but in two pages (as compared with 20 pages on Hooker or 34 on Bland) the concept could not be given the analysis its importance warrants.

BENJAMIN F. WRIGHT

Smith College

MADISON, JAMES. *The Complete Madison*. Edited by Saul K. Padover. Pp. ix, 361. New York: Harper & Brothers, 1953. \$4.00.

The bicentennial, two years ago, of James Madison's birth brought a new interest in his life and achievements. The most notable manifestation was the monumental biography by Irving Brant, of which three volumes have already been published. The present work is a compilation of most of Madison's significant writings. Its content belies its title, however, for it omits even such important summations as the Virginia Resolutions and the Report on the Virginia Resolutions. Although it will certainly be useful, it would be even more so if less space were given to the Federalist Papers and

more to the role of the courts and the province of government.

The author presents a view of Madison as a "middle-of-the-road liberal." How well this is justified can only be discovered from an intensive reading of all his writings. He was undoubtedly liberal in regard to the suffrage (but so was Hamilton) and on such issues as freedom of the press and subordination of the military to the civil authority. But the author himself admits that Madison's view of human nature was Calvinistic, and that he conceived of government primarily as a device for playing off factions and interests against one another. This is brought out particularly in Madison's ideas on freedom of religion. "Is a bill of rights a security for religion?" he asked, and answered by saying that the religious freedom enjoyed by Americans "arises from that multiplicity of sects . . . which is the best and only security for religious liberty in any society." "Divide et impera," he declared, is, "under certain qualifications, the only policy by which a republic can be administered on just principles." His attitude toward coercion as the essence of government was essentially Hamiltonian, and his position on the tariff would seem to be a shade less than middle-of-the-road liberal. He had scarcely been inaugurated President when he urged upon Congress the enactment of laws that would "more especially protect and foster the several branches of manufacture which have been recently instituted or extended by the laudable exertions of our citizens."

No one who wishes to understand the theory underlying our constitutional system can afford to neglect Madison's writings. Spokesman though he often was for the forces of order and stability, he nevertheless evolved a number of doctrines readily adaptable to liberal purposes. Dean Padover's book is a valuable contribution to an appreciation of Madison's achievement.

EDWARD MCN. BURNS

Rutgers University

BOORSTIN, DANIEL J. *The Genius of American Politics*. Pp. ix, 202. Chi-

cago: University of Chicago Press, 1953. \$3.25.

The author of these lectures has spent a year abroad as a Fulbright beneficiary in Italy. His experience in talking about the United States to Europeans and in listening to the Voice of America have given him concern. We are not understood abroad, and we are not remedying this lack of understanding by our efforts to explain democracy to the world. He believes that we are hamstrung by our effort to broadcast a theory of politics when we have none and by our attempt to extend democracy in places where it can't exist. This book is designed to show why we have no political theory and are therefore impotent in ideological warfare, and to advise us to adopt revised attitudes toward the rest of the world based upon more realistic understanding of ourselves.

We have no political theory, he maintains, because we have never needed any. Our ancestors came to an almost uninhabited wilderness, and their institutions were shaped by what they knew and what their environment made it necessary for them to do. Metaphysics was not necessary. In several penetrating chapters Boorstin shows that our most devious experiences, the Revolution, the Civil War, our religious differences, and our two-party system have never stimulated any conflict of theory. There has always been basic agreement as to underlying values. The Revolution was just a quarrel over the proper interpretation of the British Constitution. The Civil War was just a conflict over the correct operation of the Federal Constitution. Religiously and politically our disagreements do not arise out of any doubts about the need of religion or any change in the system which the two parties guide, but over ways and means of operating the accepted. In other words, we always take the basic values for granted and consider our institutions as continuous and without need of radical change.

Now, however, our new position in this bad new world of the twentieth century has brought us face to face with European ideological warfare, and we have become hypersensitive because of what Europeans

say about us and because of the designs they have upon our wealth and power. So we have begun to fight back, and, in so doing, seek a theoretical weapon which we haven't got, and expect other people to become democratic and fight for democracy. Boorstin's remedy is self-study; let us really understand that we became what we are because of our migration to this peculiarly rich and empty continent, and then let us stop trying to remake the world in our own image, with our own money. He believes that while we are seeking this self knowledge, we should defend ourselves and not pay heed to what demoralized Europe is saying about us.

Regarding the first thesis, that we have no political theory, it may be presumed this depends upon how theory is defined. While we may not have a fine-spun metaphysical system of concepts, I believe we have a reasonably well-defined theory of political behavior which serves the same purpose. The historical analysis of our political attitudes which Boorstin uses, on the other hand, is well worked out and convincing. As to the mistakes we are now making in our attempt at ideological warfare, most of them must be admitted. Let us hope that those who are making them will read this book and profit by it. In the meantime, our chief concern should be to continue to conserve and improve our own achievement. It is unique. If this smacks of intellectual isolationism, I presume the author would say, "Make the most of it."

ROY F. NICHOLS

Philadelphia, Pennsylvania

LILIENTHAL, DAVID E. *TVA: Democracy on the March*. Pp. xxiv, 294. Twentieth Anniversary Edition. New York: Harper & Brothers, 1953. \$3.50.

Ten years ago Chairman Lilienthal discussed the Tennessee Valley Authority in a book which subsequently crashed the pocketbooks market. This volume adds another decade. Chairman Lilienthal can now be called "Mr.," and his present volume, besides recording the significant changes which have occurred in the Valley, maintains a candor which the bureaucracy would not permit even to a chairman. Mr. Lilienthal now speaks of senators by name; his

writing occasionally is more flatly assertive than it formerly was.

Perhaps the most important new section of the present edition is the new preface, in which Mr. Lilienthal seeks an answer to the question: why are there no more TVAs in the United States? The answer lies, the author believes, in the determined opposition of the Washington bureaucracy—bureaus in the Departments of Interior and Agriculture and the Army Corps of Engineers. The whole book is an argument for the TVA concept of centralized authority and decentralized administration. Although the argument may be put too one-sidedly in this volume, the reviewer believes it to be basically sound. But we must look further than the Washington bureaucracy for an explanation of the failure to use the idea elsewhere. Mr. Lilienthal too greatly discounts local opposition to the Authority idea in other regions. The Washington bureaucracy could not hold the line if Congress really wished to use the form elsewhere.

Mr. Lilienthal's second edition appears at an opportune time, for TVA faces tough days ahead. The "General," who carried Tennessee after a campaign studded with public assurances of regard for TVA, has, after inauguration, applied those dread words, "creeping socialism," to the organization. In the current Congress, the resources funds of the agency were partially rescued only at the late stage of a Senate floor fight. TVA needs to produce more power, for with hydro plants it started something in the South which now requires more steam plants. Congress is proving reluctant at this point, although the power operations of the Authority are paying off handsomely enough. The South is concerned that the great change to an urban society, which Mr. Lilienthal chronicles, may be hampered by the present Administration. The people of the Valley have every reason to hope that the Anniversary Edition will be widely read outside the Valley.

LEE S. GREENE

University of Tennessee

McCONNELL, GRANT. *The Decline of Agrarian Democracy*. Pp. 226. Berkeley:

University of California Press, 1953. \$3.75.

This interesting, well-written, and well-documented book might have been more descriptively entitled, "The Rise of the Farm Bureau." The introductory argument is that agrarian democracy of the type associated with the names of Thomas Jefferson and John Taylor and of the type reflected by the Populist Movement of the 1890's has declined. In fact, it is concluded that the agrarian democracy has "gone from our scene."

Nineteenth century agrarianism with its broad political base, distrust of power, and largely economic sources of discontent is contrasted with a rise of a structure of political power during the first half of the twentieth century which is based on farm organization. The revival of farm organizations during the first two decades of the present century was during a period of upswing in the business cycle. The changes from nineteenth century agrarianism "implied a narrowing of the public interests of organized agriculture; each involved a sharper conception of farmers as a particular class."

Mr. McConnell's main emphasis is on analysis of the development of the present structure of power within agriculture. Attention is concentrated on the interrelationships among the United States Department of Agriculture (particularly the Extension Service), the Land-Grant colleges, and the American Farm Bureau Federation. The Farm Bureau Movement is described as a "direct outgrowth of the county agent system." Farm Bureau activities during the "trial-and-error" years of the farm bloc, McNary-Haugenism, and the Federal Farm Board are analyzed along with those of the "success" period of the 1930's. The "successes" of the Farm Bureau are related to the 1933 Agricultural Adjustment Administration (AAA) and its 1936 and 1938 successors.

Mr. McConnell traces the development of the Farm Security Administration as an agency interested in what is today often referred to as the "welfare" aspects of agricultural policy (as opposed to the "production and price" aspects).

A chapter entitled "Attack" presents his

interpretation of American Farm Bureau Federation attitudes toward the Farm Security Administration. The Farm Bureau is given full credit for the "death" of FSA while administrative organization was "the crux of the entire battle." A succeeding chapter is devoted to other Farm Bureau "maneuvers" in "the large campaign" which were directed at the land-use planning system, the Bureau of Agricultural Economics, and the Soil Conservation Service.

In an analysis of the rationale of organization of the Farm Bureau, Mr. McConnell concludes that the basic policy is one of self-preservation of the organization.

Some of Mr. McConnell's charges may seem to be severe to many directly concerned with agricultural policy formation and program administration. However, there will undoubtedly be agreement that he has made a real contribution to the understanding of the power structure in agriculture.

W. N. THOMPSON

University of Illinois

TAYLOR, CARL C. *The Farmers' Movement 1620-1920*. In "American Sociology Series." Pp. vii, 519. New York: American Book Company, 1953. \$5.50.

This book adds another volume on rural problems to the American Sociology series—in addition to Lowry Nelson's earlier one on *Rural Sociology*. Its overall theme is that the economic and political revolts, upheavals and efforts at organization of American farmers during three centuries have been no more than episodes in what the author calls the farmers' "movement." Although there has admittedly been no real consistency, coherence, group solidarity, or common structure in the multitude of episodes, Dr. Taylor defends his concept of "movement" by the need for some term and some concepts by the use of which one can classify and make meaningful such phenomena.

The book contains a historical sociological survey on a long line of farmers' protest actions, revolts, organizing efforts, and movements. These phenomena are the multiple counterpoint to the Leitmotiv of rising American capitalism. Veering at times toward agrarian socialism and other ideologies, they have contributed a good

deal to the evolution of constructive thought on political and economic reform and to the nation's ideas about agricultural policy.

As such a survey, on the longest secular run, the book is a highly welcome contribution. It is well documented, written in a lucid style, and with full command of the vast literature on the subject. Its straightforward brevity brings the often highly dramatic features of movements and actions to the fore and keeps the colorful story interesting to the very end. Well selected evidence from newspapers and journals of the time reveals the prevailing ideas and arguments. The epic quality probably rests to some degree on the unconcealed and warm partiality of the author to the cause of the farmers in their struggle for equity against monopoly, corrupt politics, and unfair advantage of other vested interest groups.

Inevitably the main body of the book is devoted to the period 1850-1920, and the account of stirrings in the preceding 230 years is very brief. Yet the analysis of Shay's Rebellion of 1787, the Whiskey Rebellion, and Fries Rebellion and the particularly well written analysis of the panic of 1837 and its aftermath are an excellent prelude. It leads up to the dramatic history of the impact of Civil War inflation and its succession of agricultural expansion, depressed prices, and other economic hardships for decades to come.

The reader will find a concise and well written brief history of every important farmer movement of the United States and become familiar with the specific economic circumstances as well as the grievances of the farmers and their main ideas of protest or reform and the success and failure of their action. The bibliography, the result of 35 years of the authors' continuous interest in the subject, covers it thoroughly.

KARL BRANDT

Stanford University

MERRILL, HORACE SAMUEL. *Bourbon Democracy of the Middle West, 1865-1896*. Pp. xi, 300. Baton Rouge: Louisiana State University Press, 1953. \$4.50.

In spite of the hundreds of volumes written on the subject, most of the political

history of the period from the Civil War to Bryan remains to be written. Until state and regional histories meeting the requirements of modern scholarship are produced, the larger task of synthesis must be held up. Those who despair of the length of time we must wait can take comfort from the publication of such works as C. Vann Woodward's *Origins of the New South, 1877-1913* and the present volume.

Merrill's basic idea is that the leadership of the Democracy was in the hands of Bourbons, "wealthy, self-esteeming, self-appointed guardians of an already fixed pattern for living and making a living." The Bourbons of the Middle West were not so much interested in winning elections as they were in keeping their party safe and sane through denying power to dissident farmers and wage earners. There was some truth in General Weaver's remark that the party "has simply camped every four years exactly where the Republican party camped four years before."

It may well be that distrust of the Democrats on the part of agrarian radicals of the present day is in part a consequence of the reputation built up in the Middle West by the party under such leaders as J. Sterling Morton of Nebraska and William F. Vilas of Wisconsin. It was Morton who said that *The Wealth of Nations* was "to political economy as the New Testament is to the Christian religion," and it was Vilas who invoked the divine right of loggers: "That no reproduction of the valuable pine takes place, a worthless species only springing up in its stead, seems a pregnant testimony that the purpose of this great provision was for temporary uses, more durable mineral material being substituted in after-developed prosperity."

Merrill is a lively controversialist as well as an able historian, and he does not try to hide his glee when the Bourbons finally lose control of their party in 1896. "During the second Cleveland administration," he notes, "the Bourbon Democracy outdid itself in effrontery and finally collected its just reward."

Based solidly upon manuscript collections, chiefly in the libraries of the State Historical Societies of Wisconsin and Minnesota, the book is attractively designed and

complete with a full, excellent index. Merrill has produced both a major contribution to United States history and an eminently readable book.

ROBERT E. BUNKER

University of California
Berkeley

SUMMERS, FESTUS P. *William L. Wilson and Tariff Reform: A Biography*. Pp. xi, 288. New Brunswick, N. J.: Rutgers University Press, 1953. \$5.00.

On February 1, 1894 the Wilson Bill making substantial reductions in American import duties passed the House of Representatives by a vote of 204 to 140. After twelve years of struggle against the forces of protectionism as representative of a West Virginia constituency, Wilson, Chairman of the Ways and Means Committee, was the leader of a triumphant Democratic majority. This was the climax of his career. His party, controlling both executive and legislative branches, seemed after a generation of defeat and frustration to be in a position to reverse the postwar protectionist trend. But in the Senate high tariff Democrats joined with Republicans in a "criminal operation" which completely changed the character of the Wilson Bill. Their 600 amendments made it moderately Protectionist. In disgust, President Cleveland allowed it to become law without his signature. Wilson, his hopes blasted, his health wrecked, soon came to the end of his political career. Defeated for re-election, he was appointed Postmaster General. In 1897 he was named President of Washington and Lee University, a position he held until his death three years later.

Dr. Summers' scholarly book is based largely on Wilson's diaries and correspondences and on the papers of his contemporaries. He has given us a portrait of a high-minded public servant, a gifted scholar, and a persuasive orator battling to the limit of his powers against forces too strong for him. The book presents also a revealing, well-documented view of national and local politics in a turbulent era of American history.

PERCY W. BIDWELL

New York City

NEW YORK CITY. *Modern Management for the City of New York: Report of the Mayor's Committee on Management Survey*. 2 vols. Pp. xvii, 307; x, 876. New York, 1953. No price.

Luther Gulick had courage to undertake this survey of a government the size and complexity of which is second only to that of the United States government itself. He was faced from the beginning with a series of political changes complicating a huge assignment which was already difficult enough from a technical standpoint. The resulting report is an important document and can teach us much of the science and art of how to study municipal government and effect improvements therein.

The general recommendations call for greater decentralization in the departments of government in this vast public service; the development of the central government as a management directorate; a clearer definition of the departmental functions; a modernization of the personnel administration and of the budget; relief to an overworked mayor as chief executive with a director of administration to assist him, and a public relations officer to institutionalize what used to be known as the "Grover Whalen" function; strengthening the Board of Estimate; strengthening of the other management co-ordinating agencies; modernization of the internal organization of the departments; standardization and modernization of executive salaries; enlistment of the aid of qualified committees, and the provision of adequate funds, manpower, and office space to accomplish these objectives.

Perhaps the recommendations for a reorganization of the mayor's office through increased staff to assist him in his impossible combination of roles is the most important, although the financial recommendations and a more economic rate structure for the transit system must be given high priority. Eventually the City of New York will have to reconsider the structure and functions of its unique Board of Estimate more critically than in any study made to date.

The question still to be answered is whether the dose prescribed is digestible, or whether this type of survey may not

arouse so many resistances at once that the recommendations—even the best of them—tend to cancel each other out. There is the further question whether the outside survey by battalions of experts handing in a public report is any longer the most effective method of governmental managerial reform. Is it not preferable for the outside consultant to work long enough on the inside to develop from within the will and the skill for change and improvement—wills and skills without which very little may happen to correct managerial ills.

Public management surveys can be judged only over a period of time. A fair appraisal of this one will have to wait for at least five years to determine whether sick old Father Knickerbocker has seen fit to follow some of the prescriptions. In spite of the Cassandras who have repeatedly prophesied that Megalopolis on the Subway would die of its own gigantism and that it was on the brink of decay, dispersion, suffocation, and bankruptcy, there is still hope for a patient who can command so many able consultants and who has survived so many past crises.

HERBERT EMMERICH

Public Administration Clearing House
Chicago, Illinois

CARROLL L. *The People's Right to Know: Legal Access to Public Records and Proceedings*. Pp. xxiv, 405. New York: Columbia University Press, 1953. \$5.50.

This is a lawyer's brief prepared for the American Society of Newspaper Editors. Despite an elaborate apparatus of scholarship, which includes over a thousand notes inconveniently assembled at the end of the text, appendixes, a classified bibliography, and an index, the work is not a presentation of the results of scholarly research. In fact the author practically admits in his preface that it "is something of a call to battle, with some sacrifice of neutrality and objectivity."

Nevertheless, the data assembled, though not very well organized, will have some value to students of American history and of sociology and to those interested in

"public records" in general. The term "public record," which appears frequently in the book, is always used in the sense of government records that are or, in the opinion of the author, ought to be open to inspection by the public, especially by newspapermen, and never in the sense of publicly owned records. Considerable attention is devoted to definitions of records, but the author is interested in definitions in statutes pertaining to records administration only to the extent that they may be used in connection with questions of accessibility of records, especially current records, to newspapermen.

The author finds the situation, from his point of view, much more satisfactory as respects state and local than federal records, and he is much concerned over the fact that, in many cases, the heads of federal agencies decide what records are suitable for public inspection. From the point of view of the research scholar, the archivist, and the records administration, the situation is reversed—by and large, federal records are better administered than are state and local records. Moreover the mere right to inspect records is of little value if the records desired are non-existent or cannot be found.

The author devotes five chapters to discussion of federal records and statutes and regulations pertaining to them, but he makes no mention of the Federal Records Act of 1950 (Title V of Public Law 754—81st Congress), which requires the heads of agencies to "cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities" (Sec. 506. a). No mention is made either of the definition of records originally incorporated in the Records Disposal Act of 1943 (44 U. S. C. 366), which has been given more general application by the Federal Records Act of 1950 (Sec. 511. a).

SOLON J. BUCK

Washington, D. C.

RAGER, EDWARD. *The Rat Race*. Pp. 288. New York: Vantage Press, 1952. \$3.50.

This book is an interesting and a stimulating discussion of New York city and state politics. Fortunately, the discussion is cast in the form of a novel. The word "fortunately" is used advisably since the discussion if it were not presumably fictitious would be libelous on almost every page.

The characters in the cast are thinly disguised representations of very important people in New York state and city politics. The machinations of these characters at the hands of Mr. Rager are lecherous, illegal, and wondrous to behold. It should be added that there is a substantial amount of opinion that Mr. Rager's descriptions of New York politics and its goings on are not far from the truth. If anything, it is probable that he has avoided telling the truth, the whole truth, and nothing but the truth.

Mr. Rager, an attorney, joined the Republican party in New York city in 1926 in the hope of destroying the Tammany machine. As chairman of the committee for prevention of election frauds, he fought illegal voting for years. In 1937 he became recording secretary of the National Republican Club and editor of its Bulletin. Mr. Rager gave up this work in 1947 after his election to the New York City Council. Shortly thereafter he decided that the best way to defeat bossism was not in making sporadic speeches and newspaper headlines which are easily forgotten, but through novels which would hold the reader's interest and convey the lessons of politics to the public.

The Rat Race is the first of these novels.

As a novel *The Rat Race* has the distinction of holding the reader's interest, particularly the reader who is concerned with New York politics. Nevertheless, it is apparent that Mr. Rager is not primarily a novelist but an attorney and a political reformer. Despite a very marked effort to inject into the book the customary ingredients of the novel, the pages still give the impression of being largely an attempt to conduct a political discussion.

There is, however, a substantial portion

of earnestness in the book which makes for a large amount of interest, and perhaps this is due to the fact that Mr. Rager has drawn so much on his own life and experiences for the material which he presents.

It is apparent that Mr. Rager is no Charles Dickens. Nor is this book likely to result in any major reforms in politics as practiced in New York City. Nevertheless, it is full of shrewd insights and should prove to be an eye opener to those of the political laity who read it.

W. C. CLARK

Syracuse University

ECONOMICS AND INDUSTRY

BOWEN, HOWARD R. *Social Responsibilities of the Businessman*. Pp. xii, 276. New York: Harper & Brothers, 1953. \$3.50.

Within the past quarter century much has been written and many lecture platforms eloquently held to analyze our economic structure in terms of satisfying the common weal. Dr. Bowen's book provides a fine summarization of these approaches and opinions of many businessmen, religious leaders, and community experts.

On the premise that the vast majority of the American people are purposely and determinedly wed to our system of free enterprise and the exercise of the right to private property, this book addresses itself to the several hundred largest firms in this nation as "vital centers of power and decisions" touching the lives of our people at many points. Much responsibility is therefore placed upon them, not only in setting patterns of practice in relation to profits and competitive standards, but in labor-management relations and the solution of social problems as well.

A report prepared under the sponsorship of the National Council of Churches of Christ, it is fair and reasonably thorough in its representation of what has already been accomplished by the businessman and the industrialist. But, almost uniformly, it asserts that these accomplishments have been promoted principally in the spirit of self-interest and protection of profits rather

than through the presence of higher motives. At the same time, the pages of Dr. Bowen's work are filled with statements, extracts of speeches, and examples of accomplishments by American industry establishing standards of social justice apart from any immediate or direct return to the firms or individuals involved.

A constant problem in the search for solutions of socio-economic problems has always been the part which government should play in regulation or supervision of industry and business. In this instance, our author establishes an area of proper interest by government, not as a competitive force with labor and industry but as the representative of the general welfare of all.

There is wide agreement on the propriety of this function of government among economic leaders throughout the free world. John Maynard Keynes has expressed himself in that "a high level of private business activity is compatible with a government that assumes power over fiscal policy . . . to become an ally rather than a foe of the private businessman." He points to government serving as a stimulant of private investment as "the one way of avoiding the destruction of economic forms . . . and as the condition of the functioning of private industry."

Dr. Bowen does not attempt to define government's role in any terms as specific as these. Rather, he sets forth clearly and well several channels for the review and correction of our economic ills to the exclusion of communism and amoral materialism. Here government is suggested as a restraining force in an economy built on voluntary assumption of social responsibilities by businessmen. It is to be hoped that future volumes in this study will define equally well the obligations of other areas of economic and social activity including labor, small business, education, and more general civic forces.

The book is a good review of our problems and might well be studiously read by those who now lead our business and social thinking and those who aspire to do so.

ALBERT M. GREENFIELD

Philadelphia, Pennsylvania

VINER, JACOB. *International Trade and Economic Development*. Pp. 154. Glencoe, Ill. The Free Press, 1952. \$2.75.

This series of lectures delivered by Professor Viner at the National University of Brazil in 1950 is a vigorous restatement of the truths of the classical economists and their application to the theory of foreign trade. Mr. Viner does not pretend that economic theory must not be relevant, and he accepts the necessity for bringing the classic theory of foreign trade into relation to the facts of our contemporary world, which it admittedly no longer fits. He has some lucid and pointed criticisms of the theories of Keynes which deserve noting as they bear on the same point.

Some of the most interesting passages in this little book, which probably were not well received by his South American audience, point out the fallacies of equating all agricultural economies with poverty and industrialization with high national per capita income. There are some excellent analyses also of the qualitative, as well as quantitative, differences in the contribution of what the classical economist used to call "labor" to efficiency and, hence, to cost. Perhaps these do not go quite far enough in the consideration of the factors of social rigidity, the prerequisite of large-scale markets within a single fiscal system, and the intangibles of management ability. Professor Viner recognizes these in some degree, though often a little obliquely.

In his lecture on "The Influence of National Economic Planning on Commercial Policy," he might have reinforced his case against even the indirect contribution of Keynesian theorists. This would have served to supplement the strong case he makes against national economic planning as breaking up the flexibility of adjustments on which the classical theory of international trade and most of our basic world economic development depended in the nineteenth century. There are psychological factors, unchained by Keynesian steps, which often lead to cumulative effects, then to having to compensate against the initial remedy, and so to destroying such natural factors of adjustment as might otherwise come into play. Quite apart from Keynesian remedies, the rigidities

which are induced by politically easy, and sometimes economically fatal, limiting effects through a social security system like that of France, and perhaps even like that of England, make the ordinary rules of capitalistic economies almost impossible to apply in their fundamentals.

The deeper difficulty with Mr. Viner's proposals, however, is that he recognizes only in a marginal way—though he admits, theoretically—the overwhelming power of politics, in the broadest sense, to warp economies for reasons that lie beyond mere human nature and political pressures. In the discussion that Mr. Viner engaged in with several of us at the Princeton Bicentennial meetings, the basic issue was whether or not a struggle between what now is called the free world and Moscow would not force a complete revision of economic policies to fit into new assumptions about national security involving the issue of survival itself. Countries like Brazil are under the pressure today not only of their natural desire to industrialize, at least on a primary basis; they have behind them the compulsion of memories induced by shipping shortages and the inability to get manufactured goods from a world at war. More than that, they are confronted by the prospect that a world at war again may see so great a destruction of the industrial economies that no nation will be left as intact as was the United States, even if one could be found willing to assume the burden of Atlas, through largesse, on a world scale necessary for reconstruction after atomic war.

Professor Viner himself is willing to consider the need for international lending organizations to take counter-cyclical steps. His remarks about the genuine merits of the classic economic theory, alas, apply only to conditions which make it possible or sound. He himself sees how far they are from thinking relative or applicable to a world such as we confront today. Security policy completely dominates trade policy to a degree unique in modern times.

One can only feel that, by limiting his economic analysis to rules that in the main cannot apply, Professor Viner has been more nostalgic than presently helpful. But the exercise brings out many of his

usual lucid and telling points in exposing the "quack" character of some familiar nostrums. The difficulty is that the learned medical practitioner who admits to having no real remedy is apt to be passed over for the quack in times of desperation.

WILLIAM Y. ELLIOTT

Harvard University

MEADE, JAMES EDWARD. *A Geometry of International Trade*. Pp. 112, plus pamphlet. London: George Allen & Unwin (distributed in the U. S. by The Macmillan Company), 1952. \$5.00.

The use of geometry has long been common in the exposition of the theory of international trade. Professor Meade has systematized and extended the geometrical exposition of such topics as the advantages of free trade, the effects of various (increasing, constant, and decreasing) cost conditions, the impact of taxes and subsidies, and the relationship between a trade deficit and the rate of exchange. These situations and problems are represented in 51 diagrams that are contained in a little pamphlet found in a pocket in the back cover of the book. The entire text is given over to a description of the diagrams.

The diagrams are ingeniously constructed, and, what is perhaps rarer, they are clearly drawn and lucidly explained. The basic diagrammatic device that is employed links the quantities exported and imported to domestic consumption and production. (Since two-commodity, two-nation trade is assumed, the diagrams are of the ordinary two-dimensional variety.) Indeed, domestic production and consumption as represented by transformation and indifference curves, respectively, are the starting points. From these are derived the whole apparatus of quantities traded, domestic prices, offer curves, terms of trade, and so forth.

Books dealing with geometry are not usually intended for the general reader, and this one is no exception to the rule. The orientation of the work is toward the exposition of the problems through the use of geometrical analysis rather than toward the application of trade theory to the current problems of the real world. As the author states in the preface, the book aims more at a technique of analysis than

at the solution of real problems. It should be mentioned, however, that the selection of topics was obviously made with the world's practical problems uppermost in mind. This probably reflects the origin of the book. The author indicates that the book is an outgrowth of the diagrams that he worked out for his own use in the course of preparing a more general work entitled *The Theory of International Economic Policy*. The first volume has appeared under the title *The Balance of Payments*. The well informed non-technical reader who seeks an authoritative statement of the contribution that theory can make to the world's present imbalance should consult this more general book rather than the author's geometry. The specialist in international trade theory, however, will find this little geometry a valuable addition to the literature.

IRVING B. KRAVIS

University of Pennsylvania

BUTTERS, J. KEITH, LAWRENCE E. THOMPSON, and LYNN L. BOLLINGER. *Effects of Taxation: Investments by Individuals*. Pp. xxxiv, 533. Boston: Harvard Business School, Division of Research, 1953. \$6.25.

This study is the fifth and last in a series conducted through the Harvard Graduate School of Business Administration on the effects of taxation. Its four predecessors dealt with the effects of taxation on inventory accounting and policies, on corporate mergers, on executives, and on executive compensation and retirement plans.

The problem to which this book is addressed is a fiscal one. Its solution, and the greater part of the book, however, turn on the subject of the distribution of wealth and income in the United States—what proportions of the population own and receive what proportions of the country's wealth and income. After presenting and analyzing data on this subject drawn from a number of sources, the authors establish the proposition, long generally accepted in nonprecise form, that a substantial proportion of investable wealth and income is accounted for by a minute fraction of the population. This minute fraction is an

important source of equity and venture investment. It is not the only, or even the most important, source; ploughback of business profits outweighs it.

Progressive income and estate taxes cut into the capacity of this group to make equity and venture investment, but are far from obliterating it. For one thing, "effective" progression on large incomes is much milder than commonly supposed, because of the effectiveness of various tax minimization procedures. The investment policies of this group of investors is influenced to a considerable extent by tax considerations—the severity of upper bracket income tax rates, the favorable tax treatment of capital gains, the estate tax. But these tax effects operate both ways—toward greater conservatism with some individuals, toward greater venturesomeness with others. There is a slight balance of conservative effect.

The author's conclusion is that our tax system has some effect in reducing equity and venture investment, but less than had generally been surmised. The reduction of the capacity of the upper wealth and income groups to invest is more significant than the influence of taxes upon their policies.

The authors find that the tax-exempt holdings of the wealthy are smaller than might have been anticipated, but they note the expansion of the volume of such securities as a potential threat, under high tax rates, to sound national investment policy. They confirm the opinion that the capital gains provision of the federal income tax tends to accentuate security fluctuations, especially on the up side.

In this book the reader is overprovided with summarizations. There is a four-page "Abstract" as a cover insert. The first fifty pages are a summary of the book. Each chapter carries a one- or two-page "Conclusion." All of these summaries are beyond question helpful to a running reader, but they make for repetition, and are a temptation to jump the body of the chapters.

The body of the book tends to be too much a coverage of the worksheet stage of the study, an account of the research done rather than of the results. Still, the

materials and tabular data presented in overabundance will be a mine that can be profitably worked by students in many fields besides Public Finance.

WILLIAM J. SHULTZ
College of the City of New York

SAYLES, LEONARD R., and GEORGE STRAUSS.
The Local Union: Its Place in the Industrial Plant. Pp. xv, 269. New York: Harper & Brothers, 1953. \$3.50.

The vast literature dealing with the American labor movement contains relatively little that is concerned with unionism at the local level, and much of what exists is of indifferent quality. Sayles and Strauss, of the New York State School of Industrial and Labor Relations at Cornell, now help to fill this gap with publication of a volume based on intensive study of seven locals and less thorough observation of thirteen others.

The Sayles-Strauss research focuses on three areas in the internal life of the local union—the grievance process, the officers and stewards, and problems of union democracy. The authors prove themselves to be keen observers, with considerable insight into the complex of forces that shape union policy and with an appreciation of the effect of factors such as changing relations with management upon the internal life of the union. The volume contains a number of shrewd observations upon such matters as the decline of the steward's position as union-management relations improve, the criteria used by union officers in the selection of grievances, the social characteristics of union officers, and the differences between union leaders and inactive members in the attitude toward union activities.

Methodologically the volume is not precise, as the authors frankly admit. The twenty cases that were studied, representing small and moderate-sized locals in a variety of industries, were located in four northeastern communities, and the authors relied for their material on observation, informal discussion, more formal interviews, projective tests, and documentary data. The authors point out that the selection neither of locals to be studied nor of workers to be interviewed was determined

on a random basis; they are tentative and exploratory in their judgments, and carefully note that they are raising questions rather than providing proof. In the judgment of this reviewer the methods employed are defensible in the present stage of very limited knowledge about local unionism, though more attention must be paid to methodological problems if our knowledge is to continue to advance.

The volume is a stimulating and provocative one, that adds substantially to our knowledge of local unionism. It should prove of considerable value as supplementary reading in courses in industrial relations; and the authors' generalizations, often framed tentatively in the form of hypotheses for further study, should stimulate others to attempt more precise studies and so build on the foundation that Sayles and Strauss have so competently helped to lay.

JOEL SEIDMAN
University of Chicago

BOWEN, E. R. *The Cooperative Road to Abundance.* Pp. xiii, 169. New York: Henry Schuman, 1953. \$3.00.

This is a strong plea for the further development of Co-operation with a capital C, supported by ethical, economic, and scientific arguments. Although the author claims (p. 105) that "we do not have to change human nature" to bring about this development, the verb "should be" is much more conspicuous than "is" throughout the book. "Simply let social human nature develop and suppress our selfish natures" (p. 105) does not seem so simple to this reviewer.

The author insists that competition has failed to result in either efficient use of resources or equitable distribution of product. Moreover, it not only has proven economically unsound, but it is ethically and morally vicious. "Competition is simply to declare war" (p. 81) is quoted with apparent approval. Still further, the competitive system appears to be on its way out. "The first half of the twentieth century saw the full flowering and the collapse of the competitive system. Since 1929 this system has been kept alive by

infusions in the form of subsidies from the public purse" (p. 39). The reasons for the collapse are summarized under six headings: the system is unstable, unjust, inefficient, undemocratic, leads to dictatorship, and to war (pp. 44-48). It is implied that a change in the order of our thinking from Liberty, Equality, Fraternity, to Fraternity, Equality, Liberty (p. 17) is on the way, will further reduce the role of competition, and will lead to a better social order under Co-operation.

One of the interestingly provocative sections in the book is the parallel comparison of the old pro-slavery arguments with the present pro-competition arguments (pp. 69-72) grouped as economic, political, moral, scientific, and general. The conclusion: "time may prove that the arguments which are used today to support our economic system are as false as were the arguments formerly used to support slavery" (p. 72). Certainly some of the points listed will already be branded as sophistries.

The author is unrealistic at times. For example, he says that with an ideal economic system "everyone would be able to choose the occupation that would best satisfy his desires" (p. 11). This seems to imply the belief that somehow the total of our desires to produce would nicely match our total desires to consume. But perhaps too many of us would choose to be like Ferdinand the Bull as producers while we were gourmands as consumers. Or perhaps I am the best mountain climber ever born, but I just do not like to climb mountains. What is the "ideal" economic system (Co-operative or any other) going to do about it; get along without the most efficient mountain climbing—or do I climb? Fantastically complex decisions as to who will do how much of what will always need to be made, and perhaps the old adage that where McGregor sits, there is the head of the table will continue to suggest how the decisions will be made under any system of political economy.

Someone sagely has said that the only failure of the Christian doctrine is that it never has been tried. If nearly everyone really lived the eleventh commandment "that ye love one another," Co-operation might really flourish. But we seem to love

ourselves and our immediate groups first, with only a modicum of somewhat arrogant compassion for people generically. With all respect for Mr. Bowen, I am afraid the triumph of Co-operation does require a change in human nature, at least a change in the balance between the force of personal ambition and greed on the one hand and the mutual love for mankind on the other. If and when that change matures, the details of the system of political economy will be relatively unimportant.

ROLAND S. VAILE

University of Minnesota

SOCIOLOGY AND EDUCATION

REDFIELD, ROBERT. *The Primitive World and Its Transformations*. Pp. xiii, 185. Ithaca, N. Y.: Cornell University Press, 1953. \$3.50.

Finding his inspiration in the writings of Childe, Braidwood, Toynbee, and Whitehead, Dr. Redfield searches for a few universals around which to weave a simplified but suggestive account of the history of the human race, much as did the earlier "fathers of anthropology." He aligns archaeology, history, and anthropology to bear upon two principal problems: First, "What can be said that is general and true about the condition of mankind before civilization?" Second, "What were the transformations which turned folk society into civilized society?"

He finds that archaeologists have been able, from their study of material remains, to piece together a picture of the small, homogeneous communities of precivilized society, which largely supports the notion of the "primary condition of mankind" obtained by anthropological studies of present-day primitive peoples. Emphasis is placed on the food-producing and urban revolutions as most fundamental in bringing about civilization, with perhaps greater significance attributed to the latter. He attempts to view history "from the bottom up" instead of becoming involved in the often dazzling theories of Toynbee, Spengler, or Sorokin. He seems to rely largely upon the old comparative method in an-

thropology which still proves provocative.

The author has profound respect for the power of the "moral order" over the lives of men, stressing the claim that the early societies were held together, as are present primitive groups, by largely undeclared but continually realized ethical concepts. He does not feel that the moral order has diminished since the coming of civilization, but rather that its character has changed. With the binding together of larger and larger units, it has become more independent, and in itself an agent of change. "It is the spirit of reform, the making of man's world by man's design, which makes civilization so different a thing from pre-civilized living."

This book does not claim to be a finished product or a final answer to any of the fundamental issues raised; but it is a stimulating experience to share his thinking as this writer comes to grips with them in his sincere and profound way. There is throughout a simplicity and human touch about the man that captivates the reader. While Redfield suggests that we do not want ethnologists so balanced that they lack humanity, in him we find both humanity and balance.

CAROLYN ZELENY
LEO W. SIMMONS

Yale University

RADIN, PAUL. *The World of Primitive Man*. Pp. xi, 372. New York: Henry Schuman, 1953. \$5.00.

Dr. Paul Radin's new book cannot be summarized, still less criticized, in 400 words. One of its interests and values, to specialist and layman alike, is its insistence (renewed and somewhat extended from earlier books of Radin's), that aboriginal or primitive man was (and is) a many-sided and competent man: competent technologically, politico-socially, and philosophically; and conscious and competent in his institutions directed toward socialization, personality development, and mental, even psychosomatic, hygiene. This insistence is by no means as unique to Radin as his book implies; and its thesis is developed with uneven adequacy, varying from lucidity to what may appear as im-

pulsiveness and, in places, murkiness. A few specifications follow:

Aboriginal societies usually were not simple but complex, often extremely complex while at the same time functionally and psychologically integrated. They were organic-democratic, not monolithic-coercive. They conferred on the child, the woman, and the aged, adequate roles. They affirmed, in practice and symbolically, individuality and the inalienable rights of personality. They insured, to all, those "irreducible minima" of food, shelter, and social belonging, which later, more massive, societies have denied to many or to most. Their economic systems, based on giving back more than one received, and on distribution to and through means of the community, were competent systems. These propositions are set forth and are supported factually and on the whole adequately in the book, although with what may appear as insufficient acknowledgment that they have been made and supported many times heretofore by scholars from Prince Kropotkin to Karl Polanyi. And Radin makes a statement which surely is important though not exhaustively accurate: that the real judges of the accuracy of anthropological interpretations are the peoples being specifically interpreted, rather than the social scientists of often conflicting and ephemeral schools.

In Radin's book, the more labored and, by intention, more important, portion is its psycho-cultural interpretation; and space, here, forbids a critique of this. In sum: Radin insists that man always has—since the dawn of the world—confronted those agonies and achieved those triumphs, of individuation, socialization, and discrimination between the inner and outer worlds, which many thinkers have assumed to be agonies and achievements of rather recent epochs. He furnishes evidence, as from myths and "personal documents." He seeks to push back the psycho-cultural horizon very far into human time. He is not first in this effort, nor alone, and his thought appears as uneven, his literary exposition not firmly knit, and his humility and respect for fellow-workers not impressive. The thesis, not his alone, is fundamentally important toward the under-

standing, inadequately attained as yet, of man and world as functions of each other.

JOHN COLLIER

City College of New York

LEWIS, ROY, and ANGUS MAUDE. *Professional People*. Pp. vii, 284. New York: British Book Centre (distributors for Phoenix House, London), 1953. \$4.00.

The publication of *The English Middle Classes* several years ago established Lewis and Maude as sprightly social historians and keen observers of the contemporary British scene. The present volume represents an extension of their concern for the destiny of middle class people and culture under the English welfare state, focusing on those occupations which are broadly known as the professions. On one level the reader will find uncontroversial information about the historical development of English medicine, the law, engineering, education, and so forth, the rise and proliferation of professional associations, present methods of entering the professions, and prospects of remuneration. On a deeper level, these facts are set against the authors' interpretation of the cumulative impact of increasing specialization, the growth of big business, and, most saliently, the rise of the collectivist state.

The dominant theme of the book is that the welfare state, while it has increased the quantitative employment of professional people, has undermined their economic rewards, lowered their social status, and diluted the quality of their educational preparation and their work. The evidence presented on all but the very last of these points is not unpersuasive, although whether all these results will be considered entirely undesirable will depend on one's value-judgments and a consideration of developments in other sectors of English society. There is little mystery about the authors' viewpoint. It is clear from their cumulative work that they regard the upper-middle class English way of life as *summum bonum*, and while they are quite prepared to see orderly recruitment to it from lower orders (they are by no means unreconstructed Tories), they frankly oppose any fundamental threat to its status, culture, and economic advantage. Their de-

fense of this position is a sophisticated one—a neat blend of the old-school-tie attitude and selected social research.

Their most cogent warning, for this reviewer, concerns the dangers inherent in a situation where the state is the sole employer in a particular profession and there are no alternatives in the pursuit of one's career. Only doctrinaire collectivists will fail to be impressed. On the other hand, one might well wish that the authors had devoted some attention to the comparative opportunities for native ability to rise to its natural level of achievement in the old order and the new. This would have added a great deal to the palatability of their concern for upper-middle aristocracy.

MILTON M. GORDON
Haverford College

MACE, DAVID R. *Hebrew Marriage*. Pp. xvi, 271. New York: Philosophical Library, 1953. \$6.00.

This useful book is essentially a critique of the McLennan brand of evolutionary theory as applied to the early Hebrew family system portrayed in the Old Testament. After defining his terms in the light of modern anthropology, Dr. Mace states the four assumptions of the older evolutionary theory. These assumptions were: (1) a simple unfolding of Hebrew culture, (2) totemism among the early Semites, (3) a system of "mother right" preceding the patriarchal regime, and (4) polyandry among the early Semites.

In four successive chapters these assumptions are demolished or reinterpreted. Cultural syncretism is revealed, the patriarchal system rather than totemism is regarded as basic, and a stage of matriarchy is rejected, at least as to significance. While widespread polyandry is denied, the levirate is regarded as a custom which was cherished as a means of providing continuity to the Hebrew patriarchal system.

In the second part of the book it is argued that while polygyny was freely practiced by prominent men, monogyny was the more general practice. For the common man infertility justified the taking of a second wife, although the monogamic

ideal later flourished with changing conditions.

The analysis of mating regulations suggests a cycle of change as to social endogamy and emergence of exogamy with respect to affinity. Secularly arranged marriages with exchange of gifts and transfer of masculine authority seem to have been the rule.

With respect to the status of woman, Mace makes a distinction between the wife and concubine and stresses the special father-child relationship with respect to legitimacy and parental authority. A double standard of sex conduct flourished. Attitudes toward sex expression were colored, however, by religious attitudes toward the practices of heathen cults. Mace agrees with most authorities concerning the early male divorce privilege which was later curtailed.

The charge of beating dead horses might be made against the book. Yet in the course of such beating, the reader is offered a clear, useful, and admirably arranged account of a patriarchal way of life which still exerts influence upon the present day world.

CLIFFORD KIRKPATRICK
Indiana University

RUMNEY, JAY, and JOSEPH P. MURPHY. *Probation and Social Adjustment*. Pp. xvii, 285. New Brunswick, N. J.: Rutgers University Press, 1952. \$4.50.

This welcome volume is an expression of the healthy striving within the field of probation to achieve full professional status. It may be expected that "accountability" for consequences will become a central concern as probation tends, increasingly, to represent a systematically taught and conceptualized means of contributing to the adjustment of offenders through the application, to their particular circumstances, of what is known of the art and science of helping. The measurement with public announcement of the results of one's activities is, of course, an excellent form of reporting and accounting.

While Rumney, Murphy, and the Davella Mills Foundation which backed them are to be congratulated for a responsible undertaking, a reviewer must add that their

endeavor is helpful and suggestive but not successful. It provides leads and warns future researchers of difficulties, but does not achieve its purpose of measuring the results of probation with 1,000 persons as of a date eleven years after court disposition.

To be commended, in addition to the decision to make the study, are the interdisciplinary approach to the choice of criteria and instruments, the painstaking follow-up and review of records, and the careful pursuit of all possible leads in the data analysis. These are not enough, however, to compensate for methodological and procedural deficiencies too numerous for full listing in a brief review.

The basic premise is correct: for lack of appropriate "control" groups, adjustment must be measured against community norms. However, if, as the authors warn, it was necessary to place two-thirds of the study population on probation without presentence investigation, this is hardly an appropriate group for use in research seeking to appraise a method which specifies investigations. Second, adjustment ratings were made on the basis of obviously inadequate data and in terms of very questionable criteria. Several systems of classification were developed for purposes of analysis but prove to be confused and not mutually exclusive. Moreover, the probation service being examined consisted of many different things—or nothing at all—done to or for probationers as varied as truants, husbands in support courts, and hardened criminals. Elaborate statistical processing does not overcome problems such as these. Quite properly, the authors turn from rather forced minor findings to sound discussion of what a court needs for developing sound services.

ALFRED J. KAHN
New York School of Social Work

GOLDHAMER, HERBERT, and ANDREW MARSHALL. *Psychosis and Civilization: Two Studies in the Frequency of Mental Disease*. Pp. 126. Glencoe, Ill.: The Free Press, 1953. \$4.00.

With the widespread current emphasis upon the mental health of the nation and its implications for literally every aspect

of contemporary life, analyses of the frequency of mental illness have particular significance. The most recent consideration of the problem of the incidence of mental illness, *Psychosis and Civilization*, by Herbert Goldhamer and Andrew Marshall consists of two studies. The first, and more extensive, is entitled "A Century of Mental Hospital Admission Rates in Massachusetts," and the second, "The Conditional Expectancy of Mental Disease."

The data for analysis in the first study consisted of first admissions to hospitals for the insane in Massachusetts beginning with 1840 and total admission rates for Oneida County, New York, 1843-65, together with comparable data on a wider basis. By careful and imaginative handling of the data the authors develop their analysis based on the hypothesis that there has been no increase in the frequency of psychoses during the past hundred years. Using the age distribution of first admissions rather than total admissions, the authors find no increase during the last century in the incidence of psychoses among persons under the age of 20 or in the population 20 to 50 years of age. On the other hand, they find a marked increase in the age-specific admission rate in the age group over 50 years which they ascribe primarily to the increased tendency of hospitalizing persons with the mental diseases of old age. They also suggest the possibility of some actual increase in the incidence of these disorders. They properly point out the limitations of their conclusions due to the fact that they exclude consideration of neuroses and psychoneuroses and changes in the incidence of psychoses with an organic basis.

In the second paper the authors examine in greater detail the frequency of major mental illnesses and develop an expectancy measure for the risk of such illness during the life span of an individual or at a specified age. Computations are based upon data for New York State. Estimates are also made of the frequency of psychoses that are not hospitalized.

The findings of the two studies should be of especial use to administrators faced with the problem of determining need for

hospital facilities. A summary of the concrete findings, eliminating much of the technical methodology, would be helpful for practical purposes. For the technically trained reader, the methodology merits careful study. The references to the more important earlier studies of the incidence of mental illness are useful in evaluating the contribution of these two papers.

ELLEN WINSTON

State Board of Public Affairs
Raleigh, North Carolina

SHERIF, MUZAFER, and CAROLYN W. SHERIF. *Groups in Harmony and Tension: An Integration of Studies on Intergroup Relations*. Pp. xiii, 316. New York: Harper & Brothers, 1953. \$3.50.

Groups in Harmony and Tension is both a summary of various approaches to the study of groups and a report of a specific research illustrative of the author's preferences in method. In summarizing the various approaches to this field, the authors, while overcritical of anything which suggests psychoanalysis, do an excellent job of showing how the behavior of groups, or of leaders within the group, must be viewed in interactional terms. That is to say, both the characteristics of individuals and the standards and norms of the group must be analyzed before an understanding and a prediction of group behavior may be derived. By showing the inadequacies of methods and theories which rely primarily upon any single approach, the authors demonstrate their contention that an essentially interdisciplinary approach to the study of groups is desirable.

Throughout the book, the authors blend statement of preference with theory and with fact, quoting liberally from many other authors and studies to show how previous work relates to their theories. In two chapters toward the end, the authors report two experiments conducted to relate the various hypotheses upon intergroup relations which they developed in the discussion in earlier chapters.

The importance of the topic discussed by the authors can hardly be questioned, either in its theoretical aspects or in its practical implications for complex social living. In

their analysis of these topics, they discuss various factors previously utilized in studies of groups and intergroup relations: deep-seated instincts, the inherent characteristics of race, national character, individual frustrations, special characteristics of leaders. While remaining essentially critical of all these approaches, they concede they all do have a place in a total analysis of intergroup problems. They insist, however, and probably not without good reason, that the essential feature of intergroup relations requires that consideration be given to all these and other factors within the setting of the particular case of intergroup relations being studied. Intergroup relations, they observe, is the outcome of an interaction of forces; some internal—needs, motives, attitudes—and some external—situational, organizational, socioeconomic. A point of special interest made by the authors is that the study of the factors operative within a given group may not be identical with the factors determining the behavior between two or more in-groups. This relationship has properties determined in the course of interaction, features which are not discernible from the study of any single group.

While implications for social action are inherent in the discussion, they are only infrequently made explicit. This volume will be of interest to a person with some knowledge and experience in the field of social psychology and with an interest in the development of theory in that field.

WILLIAM E. HENRY

University of Chicago

BREESE, GERALD, and DOROTHY E. WHITE-MAN (Eds.). *An Approach to Urban Planning*. Pp. xi, 147. Princeton: Princeton University Press, 1953. \$2.00.

This short anthology, derived from a conference, by its title suggests a coherent approach to the planning of cities. This is not the case. Rather, these are five approaches to different phases of urban planning by five nimble minds. These five essays are prefaced and epilogued by a pair of succinct declarative commentaries on the state of urban planning by the editors. Hugh R. Pomeroy in the initial essay on the planning process, among other

things, cautions against commitments in current planning that would irrevocably bind communities to future decisions. It is a plea for flexibility and also humility. It is a paper that ranges over a tremendous number of problems and within a very brief amount of space makes useful comments on those problems. The subject range includes the early history of the city planning "movement" in this country, the nature of the so-called master plan, and the various forms in which citizen participation in city planning may take place.

The succeeding papers are of a different, somewhat more specific, nature. Thus the second paper, on land use and zoning, by Norman Williams, Jr., tends to note the main devices and practices in the controlling of land for residential, industrial, commercial, and other uses. Similarly, the essay on housing and urban redevelopment by Charles K. Agle and the paper on metropolitan transportation by C. McKim Norton attempt to cover the main problems that have been faced in practice.

The land use and zoning essay starts with an abbreviated statement on commonly accepted goals and the legal instruments for controlling land use. The stress of the paper is on zoning devices such as minimum building size and garden factory districts. The housing and redevelopment essay in a "homey" style emphasizes the different housing requirements of the family in various stages of its life cycle. Problems mentioned include the deficiencies of housing standards, congestion and the lag between technology and consumed desires. Both possibilities and limitations of a publicly aided urban redevelopment program are indicated. The transport essay treats circulation not as an independent variable but as part of the community fabric. There are comments on metropolitan organization, parking, and transportation.

The concluding essay, by Walter H. Blucher on fiscal programming, returns to the critical over-all vein of the opening essay of Pomeroy. It briefly dissects the rule of thumb decisions that have been made in allocating funds for public development proposals, and it stresses analysis of a social and economic way of life as a basis for capital programming and for the

comprehensive planning to which such programming to be rational must be allied. The questions raised in this paper make me wish there had been more room in the volume to help develop the "basic principles and perspectives" mentioned in the preface.

Like most anthologies, this one does not present a consistent image of the subject. What it does do is to provide a set of stimulating essays (and an annotated bibliography) of interest and use to local government officials, to students and others involved in community planning, and to interested laymen.

MARTIN A. D. MEYERSON

University of Pennsylvania

FISHER, LLOYD H. *The Harvest Labor Market in California*. Pp. xi, 183. Cambridge, Mass.: Harvard University Press, 1953. \$4.50.

This is the most recent of the studies sponsored by the Jacob Wertheim Research Fellowship. It is an outstanding contribution to our understanding and knowledge of the casual farm labor market. The plight of the migratory agricultural worker has long been the subject of study by many agencies and groups which have proposed programs for improving his life. The recommendations made by these studies show a wide area of agreement on the necessary reforms. But as Professor Fisher points out, the record of accomplishment is very scanty. After reviewing the record with respect to the persistent exclusion of agricultural workers from the protection of the major labor legislation of the Roosevelt Administration, he comes to the conclusion that "the power of government is not available for every task which logic or ethics may set for it." The brightest hope for the solution of this problem of the seasonal agricultural worker, he believes, lies with the elimination of the jobs upon which they depend, largely as a result of farm mechanization and of the transfer of workers from agricultural to industrial labor markets.

In an exceedingly able and interesting exposition, Professor Fisher points out in Chapter I that the California agricultural labor market is "structureless" with no sys-

tem of job rights or preferences, no personal relationship between employer and employee involving informal obligations and various types of moral tenure. The work is largely unskilled, the method of compensation by unit of product, and, finally, the operations require very little capital or machinery. Such a market has many advantages to the employer. He can employ any kind of labor. In fact, the market for harvest labor is organized to maintain the advantages of disorganization. Prejudice and labor union restrictions play an important part in immobilizing the farm worker.

Succeeding chapters of the book discuss the history and functions of contract labor in California and wage fixing by employers associations and by the government.

Administrators of the United States Employment Service will be particularly interested in Fisher's discussion of the relatively minor role played by this Agency in organizing the agricultural labor market in California as contrasted with the position of the labor contractor.

The foreword of the book states that Professor Fisher died at the age of 41, just a few days before his book was to be published. His untimely death will be regretted greatly by all who read this book. Surely he richly deserves the encomium paid him, by Clark Kerr and John T. Dunlap in the foreword.

E. J. EBERLING

Vanderbilt University

KOGAN, LEONARD S., J. McVICKER HUNT, and PHYLLIS BARTELME. *A Follow-up Study of the Results of Social Casework*. Pp. 115. New York: Family Service Association, 1953. \$2.50.

The latest publication of the extended program of research in social casework of the Institute of Welfare Research of the Community Service Society of New York, this study presents an attempt to discover whether there is any carry-over from a client's experience with a social agency, in his future living. Designing a form of follow-up method, the researchers used a group of 38 cases which had been assessed by the Institute's "Movement Scale" while

they were being helped by the agency and which had then had no contact with the agency for five years. The determination of the predictive validity of the earlier judgment was a secondary goal of this study. The data on which the study bases its conclusions are derived from interviews held by one interviewer in unannounced direct contact with 80 individuals in these 38 cases. Discussing their previous and present experience with surprising willingness with this stranger, these former clients produced convincing evidence that they had held on to their gains and had in reasonable measure improved their status. Though the researchers found no significant relation between the amount and direction of change experienced while being helped and the amount and direction of development during the five-year interval, they concluded that there was an indubitable, beneficent result from the casework experience, still operative in the lives of these former clients.

The clients' expressed feelings about their experience with the agency were on the whole most positive. Even individuals who had been judged by the "scale" to have had little or no development, considered themselves in retrospect to have been helped. The predictive validity of the original judgment of movement was questionable on this score as well as on others. Submitting the old records to new predictive study by a team of skilled caseworkers yielded more positive correlation, thus indicating that case records contain a yet untapped resource for study, best understood by skilled caseworkers.

Presented as an exploratory study in the use of the follow-up approach, it is creative in its attempt to quantify intangibles. It courageously uses assumptions and draws inferences, and has a healthy respect for empirical results. However, the quantification of the results of these 38 cases for the purposes of measurement ignores all the great differences of problem presented in them and of time and money spent on them by the agency, and thus reduces the help given to a common denominator which to this reader seems meaningless. We have yet to discover what process was really being evaluated as to its worth to society.

The results of this study, tentative as they are, nevertheless give "the assurance of firm fact" which substantiates the community's belief in the social agency as an instrument of social betterment. Thus it encourages social workers who could not operate without that belief to continue to collaborate in the search for facts which may reveal new connections between their faith and the acts which they perform.

ROSA WESSEL

University of Pennsylvania

School of Social Work

GOLDMARK, JOSEPHINE. *Impatient Crusader: Florence Kelley's Life Story*. Pp. xiii, 217. Urbana: University of Illinois Press, 1953. \$3.50.

For those of us who knew Florence Kelley and the dedication of her life, it is good to have her story spread out before us and to see from the distance of the years that have passed since her death the pattern and design of her accomplishment.

Reading *Impatient Crusader* I am impressed with the fact that Mrs. Kelley was more interested in preventing the disease than in nursing the afflicted; she preferred safeguarding the worker to giving charity to his widow. She believed in using the tools of intelligence and research for the facts, and in bringing about cures by improving the laws of the land. Her *veni, vidi, vici* was "investigate, educate, legislate." Her ability to plan and organize her campaigns for her objectives was extraordinary; the passion of her sincerity without any hysteria was, of course, convincing and invincible.

And what a group of women developed and grew into real servants of their country within the old brick walls of Hull House: Jane Addams, Julia Lathrop, Alice Hamilton, Florence Kelley! And what allies Mrs. Kelley had when she came to New York to take up her work in the Consumers League: Lillian Wald and Paul Kellogg!

There is always a danger, when looking back, to feel that the big souls who carved out the wilderness were made of firmer and better stuff than are the crusaders of today. Miss Goldmark's beautifully told re-

view of Florence Kelley's life is an antidote for such stultifying thoughts; it is a challenge and a quickening for anyone who looks about him and sees he has a job to do as a citizen.

It is especially fitting for this simple story of a wonderful woman to have been told by her close friend and associate, Josephine Goldmark, but as we read of the long struggle for legislation concerning wages and hours, employment of children, and protection for mothers and infants, we cannot be content to call Mrs. Kelley "impatient." Her impatience was of the sort that kept her constantly working, keeping alive these most important issues; it was the impatience only of the patient, of the sure, the right.

It is appropriate, too, to have the preface and the chapter in retrospect of this fine book written by Elizabeth Brandeis, the daughter of the great man, Chief Justice Brandeis, who did so much to aid in the accomplishment of Mrs. Kelley's purposes, and the foreword done by Chief Justice Frankfurter, another clear-thinking, hard-working friend of Mrs. Kelley and of her causes, which we of today consider as parts of our inheritance.

CHARLOTTE CARR

New York City

PHILOSOPHY AND RELIGION

STUBER, STANLEY I. *Primer on Roman Catholicism for Protestants*. Pp. xii, 276. New York: Association Press, 1953. \$2.50.

It has been said, and with more than a modicum of truthfulness, that "nothing on earth consumes a man more quickly than the passion of resentment." Which could explain why Dr. Stuber, an observant Protestant, alert to the dangers threatening many of his co-believers, besieged as they are with a marked misrepresentation of things Catholic, sought to do something about the avalanche of recent literature that has, in some circles, at least, built up a mountain of Protestant resentment and ill will toward Catholics. What he has

done is to write what must be regarded as an admirably objective and highly irenic manual. For this, Catholics as well as Protestants can be grateful. It can unquestionably help both.

Carefully detailing beliefs and practices in a manner that savors of the Baltimore Catechism, he has set them forth in contrast with what he feels can honestly be stated as "Protestant" convictions. The result is a happy one: a calm and informative book which, while hardly a profound dissection of intercredal differences, is none the less a noble effort to bring about a greater understanding between all Christians.

Minus the long, tiresome harangue so characteristic of the Blanshard books on the subject, this volume is pleasantly different. Its treatment of Catholic beliefs, whose orthodoxy has been carefully substantiated by a competent priest, is a balanced and commendable one—something that cannot be said, however, in regard to all the author's reactions to such beliefs. Frequently, he can be found jumping to conclusions. And nowhere is this more evident than in the recognition of his not-too-disguised thesis that the Catholic Church is an admirable organization if it restricts its beliefs to its own followers and stays within the confines of the sanctuary.

In this conviction, Dr. Stuber turns up with the expected in his treatment of the usual points of intercredal controversy—birth control, papal infallibility, religious freedom, and divorce. Unfortunately, his conclusions are sometimes open to question. As an instance, he writes: "Roman Catholicism, because of its hierarchy, does not adjust easily to democratic principles and practices."

However, no matter how much one may find it necessary to disagree with Dr. Stuber in his reactions to Catholic beliefs, it must be admitted that he is probably as impartial concerning the Catholic Church as any convinced Protestant can be. His frank admission of suspicion and misgiving about the intentions of the Church indicates, to be sure, his fundamental Protestantism but it also establishes the not-to-be-denied tragic fact that the Catholic

Church has a great job to do in explaining its most elementary principles and practices.

JOHN H. DONNELLY
University of Pennsylvania

DAWSON, JOSEPH MARTIN. *America's Way in Church, State, and Society*. Pp. vii, 189. New York: The Macmillan Company, 1953. \$2.50.

This is the credo of a remarkable person, the closest approximation of Roger Williams produced by the twentieth century. Joseph Martin Dawson, now on the eve of his retirement from the position of executive director of the Joint Baptist Committee on Public Affairs, was for many years a Baptist minister at Waco, Texas, deep in the heart of the Bible Belt and White Supremacy. Yet he stoutly defends secularism (a term that he shows has wrongly become identified with atheism), the United Nations, a liberal immigration policy, freedom of political expression, and racial equality.

A Baptist's espousal of the principle of separation of church and state is not surprising. No group, certainly no religious group, contributed more to the evolution and establishment of this principle in the United States than did the Baptists, and for this America owes them a great debt of gratitude. But the contribution is not a matter merely of the historic past; it is a continuing contribution, and one of especial value today. For recently the principle of separation has been subjected to a steady campaign of attack and criticism whose effect, if not purpose, is to equate separation with secularism and secularism with atheism. A defense of separation by secularists such as Dewey, Kilpatrick, and Kallen fortifies rather than rebuts the equation of separation and atheism; but a passionate defense of separation by a revered spokesman of the most theologically conservative major Protestant denomination in the country cannot be so readily dismissed.

Mr. Dawson's book is deeply religious in its tone and argument. Perhaps it claims too great a role for religion in the fashioning of the American democratic so-

ciety. Yet none can deny that the social gospel has had a tremendous influence in American life, and this book recounts briefly the meaning of that gospel to one of its most devoted adherents. The book discusses the Americanization of the Protestant churches and the concomitant secularization of the American government. It discusses and defends that interpretation of the First Amendment's ban on laws respecting an establishment of religion which bars government from any intervention in religious affairs even to the extent of according material benefits to religion on a nonpreferential basis. It takes issue with Protestant no less than Catholic critics of the secularism of our public educational system and quotes Ben Franklin's pungent remark that "When a religion is good . . . it will support itself and when it cannot support itself and God does not care to support it, so that professors are obliged to call for help of the civil power, it is the sign . . . of its being a bad one."

It supports church participation in the struggle to better this life rather than merely to prepare men for the next. Opposing Marxism, it nevertheless urges a progressive labor policy. It sets forth an approach of reason rather than blinding passion to the problem of divorce; it urges integration of the Negro in American society as a command of Christianity and finds in the charter of the United Nations "an approximation of Christian principles." All in all, this is an interesting book by an interesting personality.

LEO PFEFFER

American Jewish Congress
New York City

FINKELSTEIN, LOUIS (Ed.). *Thirteen Americans: Their Spiritual Autobiographies*. Pp. xii, 296. New York: Harper & Brothers, 1953. \$3.00.

These are essays by thirteen persons who are contributing to the preservation and advancement of civilization, including Negro and white, Christian and Jew; twelve men and one woman. Eleven of the essays were delivered as addresses at The Institute for Religious and Social Studies of the Jewish Theological Seminary of

America, and two were especially written for this book.

It is rarely that the admiring bystander has a chance to look behind the scenes and see the inner motivation of the men and women who are shaping his generation, and the influences which were most potent in shaping their lives. These essays give that opportunity, to almost an embarrassing degree in some cases.

One is struck first of all by how much these men and women have in common, diverse as they are in background and religious faith. There is the early home influence, and in most cases also that of a childhood church and community, to which almost without exception they give the credit for what they have become.

Again, there is the recurrence of tribute to some great teacher or other personality who at some formative time gave sense and direction to a young life seeking a mission or just drifting.

All are persons of action, men and women who are resolved to do something toward the betterment of human persons and society. Their contributions are being made in many different directions, but with a singleness of purpose that transcends personal comfort or gain.

In all cases, social idealism is permeated by a belief in God and a dependence on the power of God for the achievement of ultimate ends. There is no labored theological argument. Each stands in humility and awe before the Creator, confessing his own sense of mystery.

Though representing many faiths, these leaders profess a breadth of religious sympathy and understanding which is able to go far beyond the petty differences which divide men. Of such is truly the Kingdom of Heaven.

The nature of the material in these essays, and the fact that most of them were delivered as addresses, sometimes give the reader the impression of an old man reminiscing about the past. This is in part due also to the reticence with which a humble person will speak about such intimate matters. The impression of the whole, however, is one of having been in communion with persons of real spirituality and humility. One could wish that many

Americans, especially young Americans, might have the inspiration of these examples of religious living at its best.

PAUL H. VIETH
Yale University Divinity School

BUTTERFIELD, HERBERT. *Christianity in European History*. Pp. 63. New York: The Macmillan Company, 1953. \$1.75.

This slender volume contains the 1951 Riddell Memorial Lectures delivered at Durham University by the distinguished British historian whose learning and sagesse have become renowned, and who in these days of renewed interest in the achievement of Lord Acton may be regarded in part as his avatar in our generation. These compact lectures continue the theses developed in such works as *History and Human Relations* and especially *Christianity and History*. The author's previously formulated admonitions against the oversimplification, overdramatization, and lurking distortion of historiography, his emphasis on the power factor inherent in social organization, and his crystallization of a Christian philosophy of history, penetratingly summarized in an earlier composition by the somber judgment that what history does is to "uncover man's universal sin," continue operative in the present book. Clearly, a brief notice is incommensurate with the magnitude of its theme and its erudition and wisdom.

The first lecture, "The Making of Christendom," re-examines the diverse factors in the expansion of Christianity in the Roman Empire and appraises the consequences for the world of the European triumph of a religion oriental in origin but subsequently largely confined to and identified with Europe. In the postclassical world Christianity performed the function of helping to create a new social order out of the chaos of barbarism, thereby producing Europe as an historic entity. This section replete with sociological observations on the origin, diffusion, and functioning of Christianity and, by extension, of other world religions, is terminated by an analysis of what Butterfield terms the "uncanny nature of the parallelism between modern communism and the Christianity of the post-classical period."

In the second essay on Christianity and Western Civilization, we survey the medieval achievement and follow the transformation of the formal religion of the mass-converted barbarians of Europe as Christianization is achieved by missionary endeavor, gospel preaching, pious example, and subtle exertion of influence. In this discourse Butterfield also traces the Great Secularization since the seventeenth century with its manifold effects, among which are an increase in the urbanities of living, the spread of unbelief among the intelligentsia, and the neutralization of the state in regard to religious matters. Like the humanism of the Renaissance not a few of the humanitarian manifestations of the Age of Reason were by-products of Christianity and persisted as hangovers from the age of faith. Modern humanitarianism, liberalism, and internationalism are interpreted as translations into a secular tongue of aspirations originally of religious provenience, which undergo attenuation and occasionally even inversion as the alienation from religious origins proceeds apace.

The last lecture is concerned with the relationship of religion to ethics and society, and it computes Christianity's achievement in man's eternal struggle for self-transcendence and collective redemption. Like other religions, Christianity as a historical manifestation cannot escape the operation of various forces which have shaped their emergence, expansion, structure, and influence. Butterfield stresses, however, that it has enriched history uniquely by its teaching and exemplification of charity; yet he does not exaggerate its beneficent influence on mundane affairs, nor gloze over the unChristian record of many of its practitioners. An iridescent *mystique* shimmers through the closing pages where the author evaluates the potential contribution of New Testament Love to the tranquillization and rectification of today's alarmed world.

EPHRAIM FISCHOFF
American International College
Springfield, Massachusetts

RICH, EDWARD CHARLES. *Spiritual Authority in the Church of England: An*

Enquiry. Pp. xxiv, 218. New York: Longmans, Green and Company, 1953. \$4.50.

This book is an attempt to examine the question of authority in Christianity, particularly as it affects the Church of England, of which the author, Canon Rich, is a distinguished clergyman.

Dr. Rich begins by describing the break-away of the Anglican Church from the papal allegiance in the sixteenth century, and the "appeal to sound learning" by which, in the hands of its great apologists, Jewel, Hooker, and Andrewes, it sought to justify and defend its position. Then he considers the several other kinds of authority which have subsequently been put forward in England—the Puritan reliance on Scripture alone, the rationalism of the Arminians and even more of the Deists, and the appeal to experience which found ultimate expression in the Quaker doctrine of the "Inner Light." This historical section closes with an account of John Henry Newman's attempt, in his *Lectures on the Prophetic Office of the Church* (1837), to think out afresh the relation of the Church of England to Roman Catholicism.

In the second section of his book Canon Rich seeks to work out a constructive solution of this problem of religious authority. He rejects the extreme biblicism of the Puritans and the rationalism of the Deists as well as the "Inner Light." While acknowledging that ultimately Christian doctrine must come home to the individual in his personal experience and freely authenticate itself to him, he contends that the final authority must be the Scriptures and tradition. These two, however, are not to be regarded as mutually disparate, but rather as constituting an inseparable unity, both being produced by that revealing act of God which culminated in Jesus Christ, and tradition merely making explicit what is implicit in Scripture. To the question of who has the right to decide as to which elements in the tradition are congruous with Scripture and therefore authoritative, Dr. Rich answers that it is the Church which has been entrusted with this responsibility.

It is at this point, however, that some

will find Dr. Rich's book least satisfactory. For outside the Roman Church, which regards the Pope as infallible when he speaks *ex cathedra* on questions of faith and morals, there is no group or body which is regarded as having the right to decide authoritatively on questions of Christian doctrine.

The value of Dr. Rich's book lies not so much in its conclusion as in the fact that it raises a question of great importance for all Christians, and discusses this question with learning and in a spirit of sweet reasonableness.

NORMAN VICTOR HOPE
Princeton Theological Seminary

LEE, MAURICE, JR. *James Stewart, Earl of Moray: A Political Study of the Reformation in Scotland*. Pp. xi, 320. New York: Columbia University Press, 1953. \$4.00.

Histories of the Reformation convey the impression that John Knox was not simply *magna pars*; he was in fact just everything in the Scottish Reformation, an impression which is not contradicted by Knox's own history of the events. One comes away with the uneasy feeling that the role of one man may have been exaggerated. This book redresses the imbalance.

The Reformation in Scotland would never have succeeded without the aid of the nobility. Among them none was more significant than James Stewart, Earl of Moray, the half-brother of Mary Queen of Scots. He was at once a convinced Protestant and an astute diplomat, and in addition was strategically situated in a turbulent time to steer Scotland toward two momentous objectives, the establishment of the Protestant religion and an alliance with England. The Earl paid for his tenacity with his life. Under James VI of Scotland (and James I of England) he was vindicated, and thereby Protestantism was quite probably also saved for England and the continent, for had Scotland remained Catholic and in league with France, England might well have been unable to maintain the breach with Rome, and had England failed, the Low Countries might also have succumbed. The achievement of Lord James was great. Here he receives his due

in a careful, well-documented and readable account.

ROLAND H. BANTON
Yale Divinity School

MUELDER, WALTER GEORGE. *Religion and Economic Responsibility*. Pp. xvii, 264. New York: Charles Scribner's Sons, 1953. \$3.50.

The concept of economic responsibility is a sign of immeasurable progress. A reign of physiocratic theory with its fiction of impersonal process is not easily overthrown. Echoes are still heard of Ricardian assumptions about a horde of unorganized individuals, shackled by egocentrism and motivated solely by self-preservation or self-interest. Respectable superstitions die hard. The demise of those twin monstrosities of abstract thinking, the economic man and the law of supply and demand, would call for a celebration. Every year their progeny multiply physical and mental disorders among "tired" business men, and in reaction some college graduates are beginning to resent a policy of "making a fast dollar" off your neighbor.

Dean Muelder's theme therefore brings the foresight of an ethical setting for vital economic and political values. He writes with keen perception and patience with factual material. He has drawn upon a host of supplementary authorities. His bibliography would enrich the library of many an educational institution. He allies himself with voices and movements bent upon humanizing social relationships, dealing plainly with such topics as postwar planning, government by cartels, decaying imperialism, Soviet totalitarianism, and the Point IV program of the United States government.

What about religion in all this? Here and there courageous persons speak out for a higher righteousness, but religious institutions generally have carried the flag of convention. Charity, philanthropy, and stewardship as yet scarcely venture beyond a shrewd meliorism. In this discussion ethical science is first reduced to "social" ethics and then suspended from a theological monism. Accent falls accordingly upon achieving an inclusive common good and elaborating the commutarian na-

ture of personality. These two emphases, together with cognate assumptions, displace what is of prime importance—the vertical dimension of a higher justice. Without that prime concern social and religious theory alike wither at the root.

IRL G. WHITCHURCH
Kingfield, Maine

SABINE, PAUL E. *Atoms, Men and God*. Pp. x, 226. New York: Philosophical Library, 1953. \$3.75.

This is a very good book, and a useful one. It gives a clear thoughtful answer to the question that must trouble a good many who are important in community leadership. The question is this: How can I believe the latest teachings of science and also believe in the Incarnation of Jesus Christ? As Sabine correctly states, most religionists and most scientists keep their science and their religion on opposite sides of watertight doors. This book safely opens the doors.

The author is a physicist, and his history and analysis of the development of scientific thought from the earliest days to Einstein and the waves or particles of light, is a model of clarity and simplicity.

It is fortunate that we have come through the period of the atomistic and mechanistic view of inert matter moved by mechanical and electrical forces, running down toward the fatal climax. That was appropriate for a world of hatred, strife, and greed. Now we have a mathematical world image of vital energy, not running down, but *becoming*, in an infinite rhythm of destruction and creation. In this physical world as described by the observer's mind there is evidence of purpose. The system of heating or cooling the human body to keep an even temperature beats the usual physical laws of loss of energy, and so do the hemoglobin of the blood, and the chlorophyll of the plants. That is what they are there to do, not just by chance. Either this physical world evidences pure thought in the mind of God, or it is not real at all.

Besides the physical world, there is the self that I know, which includes not only all my past individual experiences and the influences of my parents, but a whole un-

broken chain of ancestry. I am like an omnibus carrying innumerable ghosts of all who have gone before me, with their good and evil urges, but also with the psychic drive of their religion, something that seems essential in the evolution of the human spirit. Evolution is part of this process of a boundless vital urge, which expresses itself in adaptive variations and radical mutations. The first life on the planet and the arrival of the conscious mind were surely two of the most radical creations.

In this process of evolution in the human soul, in the days of Caesar Augustus the tribal Jehovah had become one God of justice and mercy for all people. Jove, the human emperor on Olympus, had become the divine Reason of the Logos. And many had conceived the idea of the redemptive sacrifice of a God ending in a mystical union with the believer's soul. The world was disintegrating, and yet looking expectantly for something. In Jesus and the Christianity he began they found their goal. Is there any real stretch of the scientific mind to see from these variations the sudden mutation we call the Incarnation?

The book is commended to every troubled religionist. He will find real spiritual food. It should help the parsons, too.

CHARLES P. TAFT

Cincinnati, Ohio

COLWELL, ERNEST CADMAN, and ERIC LANE TITUS. *The Gospel of the Spirit*. Pp. 190. New York: Harper & Brothers, 1953. \$2.50.

The volume's title is not provocative, but what it says should invite Christians to repent and make atonement for the traditional misinterpretation of the last week in Jesus' life. What has been the esoteric property of a few professors and students now may become the possession of any who study this volume.

There is general agreement among historians that the Fourth Gospel was composed at Ephesus in the second century but not by one of the Twelve Apostles. The facts collected in this argument compel the conclusion that its author was not

a Jew but a Gentile since he assumed that the high priest's office rotated annually, knew naught of Hebrew parallelism as a poetic form, and had stones available in the Jerusalem temple to throw at the Nazarene.

The purpose of this Gospel was to interpret the significance of Jesus to puzzled mid-second century Greeks and Romans who were calling Christians atheists and accusing them of sacrificing an infant in connection with the evening rites of the Lord's Supper. Hence he composed this philosophical treatise from which he deliberately and purposely omitted over 80 items found in the Synoptic Gospels, adding some 9 more or less new ones, transforming Synoptic materials he retained, reconstructing what he had read in available Pauline materials and perhaps in the Acts by the Spirit through the Apostles, and coming to terms with the Oriental mysticism everybody around him was so excited about.

According to the Fourth Gospel, Jesus was born of Joseph and Mary as a human being. There is no virgin birth and no immaculate conception in "John." But at the baptism, the Spirit descended upon him and abode on him. Thus Jesus became incarnate God through the possession of the Spirit to accomplish these divine ends: to die upon the cross and to bestow the Spirit upon his adherents. So the sentence of Jesus to death by Pilate was the execution of a primeval divine decree. The cross was not tragedy but triumph and exaltation. "The trial of Jesus was the trial of a god."

Judas is reconstructed in this Gospel. Jesus chose Judas as one of the Twelve in order that Judas might betray him (John 6: 64). The "disciples do nothing to prevent the betrayal." Jesus himself sends Judas out to betray him (John 13: 27-30). Judas makes no bargain with the enemies of Jesus, nor does he kiss Jesus to point him out.

Jesus is not the trembling man of Gethsemane the Synoptic Gospels describe but takes charge at his arrest. He acts as a god ought to act, and his trial is that of a god. In the Synoptic Gospels, Jesus enters Jerusalem "humble and riding on an ass";

in John "humble" has vanished! The cross is no surprise to Jesus here. He faced it from 1:29 on.

What now? Since the Fourth Gospel has become symbolism, it must no longer be interpreted as fact and the Church year in its Lenten phase demands revision.

CONRAD HENRY MOEHLMAN
University of Southern California

KIMPEL, BEN. *Faith and Moral Authority*. Pp. 186. New York: Philosophical Library, 1953. \$2.75.

The author of this book is a professor of philosophy at Drew University. He presents a well argued critique of those philosophies which hold that no general principles can be known for the dependable direction of life. He maintains that an individual cannot achieve a morally ordered life without some directives which have been learned from others and preserved in an institutional tradition. He does not contend that such principles can be intuited as self-evident but that they can be sifted, formulated and reformulated, justified, or rejected, by the processes of rational criticism. This critical search for adequate principles is an expression of moral faith which, we are told, "is a conviction that an individual has a responsibility to find out what can be known about the ways in which a more abundant life can be secured for himself and for others" (p. 105). This faith is served and guided by "moral insight" which is "a discovery of a way to act which will be beneficial to human life" (p. 109). The defense of this faith and this interpretation of moral insight lies in the argument that they are in practice essential to the moral life of the individual and society.

The author justifies his position chiefly through a comparative discussion of Socrates, Plato, Aristotle, and the Sophists, with some slight reference to contemporary naturalists. There is nothing fresh in this part of his argument. From this, however, he goes on to a discussion of contemporary existentialists, especially Jaspers and Gabriel Marcel. This forms the larger and most interesting part of the book. He argues that the phenomenalism of their

theory of knowledge and the pessimism of their interpretation of the human situation make their philosophies an inadequate basis and guide for the moral faith man needs.

A. CAMPBELL GARNETT
University of Wisconsin

WIDGERY, ALBAN G. *What Is Religion?* Pp. xi, 330. New York: Harper & Brothers, 1953. \$5.00.

Widgery's qualifications amply guarantee a work of outstanding merit. In acknowledgment of how perspective and main results in a study stem from theory of knowing, he makes that subject an early chapter. He adopts a theory of knowing by acquaintance. Mystical intuition gives the best example. It enables religion to stand on its own feet.

But can "history of religion" carry that load? What does religion say out of the rather nebulous "religious" assertions, or "religion in general," "the religions," and "religion"? Reference to many religions adds up essentially to multiplication of illustration, with a minimum of critical evaluation of ideas. The fact that many religions, for example, feature the "golden rule" is singularly unimpressive. It tabs an elementary sense of justice. At its worst it falsely glorifies any individualistic idea of justice, and at its best presents only a general admonition to be fair in our dealings. To identify justice with some abstract generalization about it is confusion, while to assume a universal knowledge of its ideal is devilish mischief.

Writers generally have slighted the emotional and practical expressions of religion, Widgery thinks. "History of religions" corrects this false step. Idea-versions also indulge in invidious comparisons. But it is far from clear that such a correction validates a religious intuitionism. Indeed that carries the seed of incalculable damage to the human spirit and to religion itself. When preferences are bathed in emotional fervor and implemented by ritual, it is a sorry day for the spirit of reasonableness. Questions about evidence are overshadowed by concern for abstract "proof," so that solipsism turns out to be

irrefutable. Or, can theism be satisfied with a consolation that "it is not inferior" to alternatives? In a time when actual religions are almost hopelessly enslaved by emotive preferences and customary practices, should reason be confused with some of its children of specialized abstraction or made to stand over against experience? Are assertions about the reality and "existence" of God the peak of religious understanding? Talk about the "existence" of God seems especially barren.

Knowledge in any field, with its beginning in abstract generalization, can move ahead toward concrete comprehension—provided reason's back has not been broken. This is admirably illustrated in later chapters on sin and suffering, significance of religious practices, emotional attitudes, and ideals. On these themes the religious judgments of mankind show remarkable unanimity. To have set out these insights with a spirit as commendable as it is rare, contributes much to religious sanity and development. Those who seek the quintessence of religion at its highest reaches cannot expect one book to do everything.

IRL G. WHITCHURCH
Kingfield, Maine

SEELY, CHARLES S. *Philosophy and the Ideological Conflict*. Pp. 319. New York: Philosophical Library, 1953. \$5.00.

This book undoubtedly belongs among the *curiosa* of sociophilosophical literature. It reminds one of Fourier's *Les Quatres Mouvements* in the manner in which phantasy, fact, misinformation, sheer mystical vision, and sharp insights are combined, but, unfortunately, it lacks the high imagination, poetry, and prophetic power of the earlier work. It is written in a matter-of-fact, almost childish naïve style, as if everything said in it is unquestionable truth and so obvious that no evidence is required in substantiation.

The author's intellectual temerity is colossal; he covers the whole history of the social role of idealism and materialism from the beginning of human history, assigning to both specific and, in general, antithetical roles in the struggle of man to establish an ideal society. To idealism,

he assigns the social role, in general, of keeping man in darkness, superstition, and subjection; to materialism, the social role of leading man out of darkness, superstition, and social subjection. Idealists, in general, are totalitarians, haters of the people, defenders of supernaturalism, opponents of science, and perpetrators of ignorance and superstition. In short, they are a bad lot. Materialists, in general, are humanitarian, democratic, idealistic, lovers of knowledge, adamant enemies of ignorance and superstition everywhere. In spite of this rather severe condemnation of idealism and high praise of materialism, he nevertheless insists that idealism and materialism as philosophies have nothing to do with ethics or morality; they are simply metaphysics—that is, conceptions of the origin and nature of the universe.

The author's knowledge of philosophy is obviously gained at second hand; and he shows no compunction about interpreting a philosopher to suit his own convenience. Thus he describes Heraclitus as a scientist of the modern stamp, although it is well known that the "obscure" philosopher attacked empirical science as an obstruction to true knowledge. Skepticism, which modern investigators have shown is the precursor of modern conceptions of scientific methodology, is described as a "philosophy of decline," a rationalization of the defeat of the Greeks.

His ignorance of modern philosophy is incredible. John Dewey, for example, is described as an idealist. The author knows nothing of modern empirical philosophy; and his interpretation of "modern materialism," which he identifies with Marxism and socialism, is one built out of an exotic amalgam of wish-fulfillment, misinformation, and sheer imagination.

While this book is full of incredible generalizations, the sheer products of dreams, it is not wholly this. The author is frankly a socialist and firmly believes that the future belongs to socialism. The evidence he affords is impressive.

The author's most interesting insight is that philosophy is today the basic instrument in the struggle between the old and the new order. The masses must become philosophers in order to decide which so-

cial order will best serve them—the socialist or the nonsocialist.

RUBIN GOTESKY

University of Georgia

MONNEROT, JULES. *Sociology and Psychology of Communism*. Translated from the French by Jane Degras and Richard Rees. Pp. 339. Boston: The Beacon Press, 1953. \$6.00.

Those who attempt to understand Communism as a political movement, and the Soviet Union as a social system and a national state, by approaching these phenomena through a study of Marxist-Leninist ideology are faced by a persistent difficulty. Fairly consistently, on the level of explicit meaning there seems to be remarkably little congruence between the ideology and social reality. Much of the difficulty, of course, stems from the fact that Western scholars display an understandable propensity to treat Marxism-Leninism predominantly at the level of the exoteric ideology and to deal only with manifest content, neglecting the esoteric ideology and the implicit, latent meanings of the exoteric ideology. Jules Monnerot's extraordinary book goes a long way in bridging this gap in our understanding of the relation between Communist ideology and Communist behavior.

Monnerot's starting point is that Communism may be understood as a secular religion, which anticipates the disintegration of capitalist society and the arrival of a new order on grounds of immanence in history, and which contains an imperative for action in this world to achieve the millennium. The prophet of this religion suffused with technological messianism is Marx, who designated the proletariat as the chosen people and founded a sect of the elect to prepare for the coming of the new day. Lenin stands in the role of the apostle who built the church, which is the Party, organized on the hierarchical principles of an army and stressing orthodox conformity. With the first successful seizure of power in Russia, the movement was transformed into a state characterized by a seigniorial and territorial despotism and by tyranny—"an internal regime imposed by a minority on the majority." As it develops this re-

gime is transformed into a "Super-state" which operates as a twentieth-century variant on medieval Islam, "the union of a religion and people for the purpose of conquest, the chiefs of this people tending to wield power beyond its frontiers by means of religion."

Ideas of this kind about Communism have recently been widely current, although one should not neglect the fact that this book first appeared in 1949. The distinctive quality of this study, therefore, stems from the great range of available insights brought together, and from the fact that they are presented in a systematic framework. In this respect there is no book in the field known to this reviewer which even approaches Monnerot. Furthermore, the summary given above of Monnerot's central thesis hardly begins to reflect adequately the impressively succinct and penetrating analyses he provides of such diverse phenomena as the Marxist principles for disorganizing society, the psychology of the intellectual's adherence to Communist movements, the nature of crowd behavior and its relation to political movements, and the sociopsychological dynamics of police surveillance and terror.

Despite these impressive achievements, Monnerot can hardly be said to have produced a successful or satisfying book. Except for scattered comments he does not deal with Communism as a system of social organization of the type developed in the Soviet Union. And even at the level which he does treat Soviet society, namely that of the political system, he fails almost completely to deal adequately with the patent contradiction involved in describing the Communist Russian empire as both a "tyranny" and an "Islam" in the sense in which he defines those terms. In addition, the book is painfully repetitious, and terribly diffuse. Indeed, Monnerot has so much difficulty in sticking to his subject, and he goes down so many historical by-paths, that his book might more appropriately have been entitled "Some Reflections on Despotism, Absolutism, Tyranny, and other Forms of Sociopolitical Organization." Regardless of these deficiencies, the richness of its insights, the range of its understanding, and the vigor

of its presentation will make this volume rewarding and stimulating reading. It adds significantly to our understanding of Communism as a political movement and a world power.

ALEX INKELES

Russian Research Center
Harvard University

COMMONWEALTH OF NATIONS

BULMER-THOMAS, IVOR. *The Party System in Great Britain*. Pp. vii, 328. New York: The Macmillan Company, 1953. \$5.00.

This is an original, useful and stimulating book. One of the great gaps in descriptive political science in Great Britain is the absence of realistic and scholarly analyses of the party system and the party machines. The material available to the student of American politics is far superior in quality and quantity. Only in recent years has a serious effort been made to redress the balance, and this book is one of the weightiest contributions to that highly desirable end. Its author, it is true, has very special qualifications. He is at once a distinguished academic, a distinguished journalist and an experienced politician, a former M.P. and former minister. It is also not a handicap that he began his political life as a member of the Labour party and passed over to the Conservative party.

Mr. Bulmer-Thomas wisely interprets his subject broadly. We are given discussions not only of party machinery or of the law (such as it is) that affects party campaigns but a realistic account of the role of party in central and local government and in the day-to-day running of the House of Commons. Other political forces affecting the party structure are dealt with. There is a succinct account of the role of the press which gains much from the author's wide experience, but it is written entirely from a London point of view, and it is surely an odd sense of proportion that finds room for the *Morning Advertiser* and none for the *Manchester Guardian*. Even from the point of view of London

circulation "the M.G." is more important. Indeed, the main interest of the *Morning Advertiser* is that its most famous nineteenth century contributors were Marx and Engels. In the section dealing with clubs, something might have been said of the ill-fated "1917" club, and the history of the Bonar Law college has been more checkered than is suggested here. Some other minor criticisms might be made. There is, for example, no "schools question" in the religious sense in Scotland, which is important in a country where religion plays a more active part than in England and where the Catholic population is proportionately greater.

On one more important point I am naturally not in agreement with Mr. Bulmer-Thomas. As one of the faithful remnant of Liberals, I do not accept the view that the party was doomed to its present role. Accident played a great part. It may be a white dwarf now (Mr. Bulmer-Thomas has a natural fondness for astronomical metaphor natural in one of his academic background), but in political as in physical cosmology there are accidents as well as predetermined events. And, if the prospects of a party are to be assessed by its appeal to intelligent youth as is suggested on page 146, Liberal prospects are brighter than the author—or the reviewer—thinks them to be. But this is an excellent book.

D. W. BROGAN

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GORDON, STRATHEARN. *The British Parliament*. Pp. 247. New York: Frederick A. Praeger, 1953. \$4.25.

Although this handbook has appeared previously in Great Britain and in other countries, the fourth edition is the first to be published in the United States. Written for the Hansard Society by the Librarian of the House of Commons, the current edition is in part offered "to all the Americans whose interest is so intensely flattering to our [British] institutions."

Mr. Gordon's purpose is to explain in simple terms how Parliament has developed, what it is, how it works, and how it affects people's lives. This multiple objective is accomplished within 175 pages of text which is well larded with illustra-

tions and tables. The rest of the volume comprises eleven useful appendixes, including a glossary of parliamentary terms, and an index.

The author begins with two chapters on the origins and history of Parliament and the British Constitution. He then covers the functions of Parliament, the members and their duties, work of the Commons and Lords. In another chapter he sets forth criticisms of Parliament and discusses them. He concludes with a few pages on the subject of "Benefits and Responsibilities."

Altogether Mr. Gordon has done a splendid job of synthesizing. In keeping to his objective of simplicity, the author boils down much of his material into generalizations. It is his manner of presentation, however, that lifts this work above the ordinary. Mr. Gordon displays great writing skill which makes his book highly readable. He has a knack of selecting apt examples to clarify or illustrate his points. Extensive use is made of quotations from English statesmen and scholars; these quotes always fit snugly into context and give the reader a sense of depth. Another technique is to raise and answer questions; this variant is a further aid in maintaining the interest of the reader.

Clearly, this work was not designed for the expert on British institutions, yet as an over-all survey of Parliament it has values which even the well-informed will appreciate and find useful. Mr. Gordon has packed his guidebook with worthwhile materials. It is an admirably written introductory survey of the British Parliament.

DAVID G. FARRELLY

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Los Angeles

KNAPLUND, PAUL. *James Stephen and the British Colonial System, 1813-1847*. Pp. ix, 315. Madison: University of Wisconsin Press, 1953. \$5.50.

Raised in the evangelical and humanitarian atmosphere of the "Clapham Sect," James Stephen was drawn toward the Colonial Office by his concern with the condition of the slaves in the West Indies. In 1813 he became legal adviser, with the duty of scrutinizing colonial legislation. His

keen and active mind was soon discerning many implications other than the strictly legal in the enactments which he was surveying, and these crept into his reports. His industry, knowledge, and insight were such that his superiors learned to treat his advice with respect, and often to follow it implicitly. He was thus already a power at the Colonial Office when in 1834 he became assistant undersecretary and, in 1836, undersecretary.

As undersecretary it seems fair to say that he, more than any other man, governed the British Empire insofar as it was governed from Westminster. He worked in relative seclusion, for all official action was taken in the name of the Secretary of State. But secretaries of state came and went, and James Stephen remained. Some of his contemporaries recognized his influence, and deemed it invidious. The attacks of Charles Buller upon "Mr. Mother-country" and "Mr. Oversecretary Stephen" were particularly severe, as well as unjust, for they presented Stephen as an opposer of colonial interests and of colonial self-government. Nothing could have been further from the truth. He indeed sometimes opposed measures and policies emanating from the colonies. Yet wherever a colonial society had emerged sufficiently from the pioneering process to have leisure for political affairs, and where it was not handicapped by the existence of a caste system, Stephen was convinced a decade and more before the coming of responsible government that it should be permitted to work out its own problems and learn from the experience of its own mistakes. On the abstract principle of responsible government he declined to comment, but there can be little doubt how he stood on the issue.

Colonies would have become self-governing, mercantilism would have died, and slaves would have been emancipated even though Stephen had never lived, but it does not detract from the man's greatness that he served the needs of his day. Nor would the outlook of the era have been quite what it was had he played no part in creating it. Operating from a uniquely influential focal position, he was able to expedite and ease inevitable transitions, as

well as to occasion many salutary minor developments which might otherwise never have occurred at all.

To survey the results of decades of work by a laborer as indefatigable as Stephen has demanded labors hardly less indefatigable. Nor was it any mean task to fit the results into the confines of the present modest volume. The author quotes at considerable length from Stephen, and one is happy that he does so, for as a writer Stephen was no unworthy contemporary of Macaulay and commands much the same magnificent style. Both for its scholarship and for its exposition Professor Knaplund's work is to be highly commended. No study in the field of nineteenth-century British imperial history was more needed than this one.

LEONIDAS DODSON

University of Pennsylvania

CRANKSHAW, EDWARD. *The Forsaken Idea: A Study of Viscount Milner*. Pp. ix, 178. New York: Longmans, Green and Co., 1953. \$3.25.

"It will almost certainly be pointed out that this book is biased," Mr. Crankshaw writes in the foreword. That the author should himself make this criticism, however, does not excuse the fault. It may be true that Lord Milner's critics have held the field for half a century, but a biased approach can hardly be expected to restore the balance and give a "true appreciation" of Milner's qualities.

We cannot quarrel with Mr. Crankshaw's purpose, namely, to rescue from the heat of controversy some of the permanent ideas in Milner's writings. But we must maintain against the author's polemic the right not to share his enthusiasm for his hero's central idea.

His argument proceeds thus. Milner believed above all in the survival of Britain and the British race throughout the Empire. All he said was related to this theme. Whether the subject was tariff reform, imperial preference, education, sweated labor, or political parties, the health of the Empire was the touchstone of judgment. Here, Mr. Crankshaw asserts, in place of the disconnected compromises of party policies was a coherent policy, constructive and

unifying; and, if steadfastly pursued, it might have saved the world from two great wars. In discarding the imperial idea for the attempts to organize world peace, first through free trade and then through the League of Nations, "we threw away the substance for the shadow."

It is hardly necessary to point out that this is a somewhat sweeping conclusion, leaving many questions unanswered. In the first place, it ignores the changing power situation, in short, the decline of British predominance. And, quite apart from Britain's ability to organize peace, it assumes that others would have been willing to remain outside and see peace organized in the British manner. Moreover, the Empire itself would not have accepted Milner's views. To say, as Mr. Crankshaw does, that the liberals frittered away all chances of imperial union, assumes that there were, in fact, real chances. The fact is that the support for imperial union, even in Canada, South Africa, and Australia, was negligible. And if we look beyond this central core of the present Commonwealth, the prospects for imperial union will be seen as even less hopeful.

In the South African issue, Crankshaw sees little more than Milner's wisdom and the home government's failure. Apparently, he believes that had his advice been heeded, South Africa would have become a key unit in his design of imperial union. But the author gives no reasons to support the view that what the moderate peace of Vereeniging failed to do, the stronger medicine Milner might have administered, would have succeeded.

The failure of Milner's imperial idea cannot be wholly ascribed to the stupidity of his opponents. It never was within any distance of broad support in the Empire overseas. The Commonwealth is today a reality, and imperial federation is dead, because the one did and the other did not take account of the growing aspirations of dominion and colonial nationhood. Lord Milner undoubtedly was a great statesman. His work has not always received its due; but this book does not achieve its purpose of setting the record straight.

EDWARD LITTLEJOHN

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HAMMOND, J. L., and M. R. D. FOOT. *Gladstone and Liberalism*. Pp. xi, 219. New York: The Macmillan Company, 1953. In the "Teach Yourself History Series," edited by A. L. Rowse. \$2.00.

The study of English constitutional and political history in the Victorian age is to a considerable degree the study of the career of William Ewart Gladstone. Consequently, he has been the object of research in monographs and biographies, and the chief figure in many other publications. *Gladstone and Liberalism* is a brief study which combines political history and biography in order to interpret his contribution to liberalism in the last century. This book, which Mr. Foot completed after the death of Dr. Hammond in 1949, is an able, friendly study whose only weakness is its brevity.

Gladstone's political career is chronologically presented, with space only in Chapter Three for a glance at industrial England in the first half of the century. This is a logical approach because of the nature of his career. He entered politics as a Canningite Tory, and the first half of his life represents his transition from Tory to Peelite to leadership of the Liberal Party. The authors assert that he forced himself on the party as its "indispensable leader" by the sheer weight of personal and intellectual superiority, a true statement but one which does not wholly explain its acceptance of him. Most of us would agree that his party leadership was inevitable after he became leader in the House of Commons in 1865.

Gladstone's career after 1865 continued to be one of movement and transition in political and constitutional controversies. As this book illustrates, one cannot discern his final position in either political theory or practical politics in any particular decade or event. He quickly won the confidence of the working classes after 1865, fought almost constant political wars with the "upper orders" whom he admired so much and believed to be an essential part of England's social stability, and finally challenged the constitutional power of the House of Lords in his last speech in Parliament. Yet this great "conservative liberal," as the authors correctly label him, declared

in the House of Commons in February, 1866, that the great pillars of civilized society are "property, authority, and religion."

Readers for whom this series was designed, especially if they are Americans, may miss the important fact that Gladstone's liberalism rested upon his frequently and carefully expounded concept of the "Social State." A. V. Dicey said that he made England a practical as well as a theoretic democracy, but most of Gladstone's program was confidently predicated upon what he believed to be England's "frame of society." Until nearly the end of his career, he advanced democratic proposals with reiterated statements that the newly enfranchised electorate would continue to let the old "governing class" govern. No people can govern itself, he asserted; they can only choose and hold responsible those who by inherited station, education, leisure time, and financial independence can govern. Only in the end did he assert that the upper orders had defaulted on their obligations and forfeited the right to govern exclusively.

It might have been possible to analyze somewhat better the great conflicts in which he explained his political and constitutional principles. Some will disagree with the assertion that his intellect was keen enough to discern and his moral sense strong enough to assert distinctions so fine as to be imperceptible to ordinary men. For example, although Lord Kilbracken could describe him as the strongest anti-socialist he ever knew and his liberalism a negation of socialism, Lord Acton pointed to the "latent socialism" in Gladstone's philosophy and asserted that he was the most illustrative representative and most eminent practical teacher in the world of "academic socialism."

Although one detects that the book is friendly toward its subject, the authors do point out flaws in his leadership and his lack of understanding of social and economic conditions. The book is an accurate, coherent study of one of England's greatest statesmen; hence, it is an important book.

ALVIN H. PROCTOR

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JONES, S. W. *Public Administration in Malaya*. Pp. viii, 229. New York: Royal Institute of International Affairs, 1953. \$3.00.

Students of government will welcome this account of the administrative system of Malaya, which is also a contribution towards an understanding of the requirements for efficient public administration in all the countries of southeastern Asia. Its author was colonial secretary for the British Straits Settlements from 1940 until the Japanese conquest of early 1942 and was an officer of the Malayan civil service for some thirty years.

The region includes the federated and the "unfederated" states of the Malay peninsula, together with Singapore and other neighboring British islands. A number of administrative experiments since the Second World War produced many administrative and constitutional changes, notably the creation in 1948 of the Federation of Malaya. This federation is made up of four federated and four "unfederated" states, together with the "settlements" of Penang and Malacca. Singapore remained a crown colony but lost Labuan to the new crown colony of North Borneo to which it is adjacent. Brunei retained its status of a protected state but passed under the administration of the new crown colony of Sarawak.

Public administration in Malaya is the product of British rule and influence. The author in wide sweeps summarizes its administrative history and problems, including its transfer from the East India Company to the Colonial Office in 1867 and the gradual entry of the British government thereafter into the administration of the native states. Administrative programs furthered local development in such fields as health, education, agriculture, forestry, and mining.

Inevitably, many political problems emerged—local, British, and foreign in nature. There was a decided weakness in the first Malayan federated administration, headed up by a combined governor and high commissioner, for the first federation failed to provide adequate central machinery for the shaping of policy. The Federation of Malaya is now governed by

executive and legislative councils, the high commissioner serving as President.

Economically, foreign buyers of Malaya's rubber and other products included Americans and non-British Europeans. Taxation had always been light. Britain sought through preferential tariffs to attract more trade with itself. But Malaya liked free trade. The Japanese vied with Europeans for economic profits in Malaya in the 1930's, doubtless accentuating Anglo-Japanese rivalry elsewhere. Masses of Chinese laborers poured in each year, as exports and prosperity increased. Yet for many of the upwards of five million inhabitants the oppression of hardship and poverty persisted. Many of the Malays and Indians were in a chronic state of indebtedness, in contrast with the prosperous Chinese element.

Recovery, reconstruction, and reform have been under way, economically and politically, since the British reconquest of Malaya in 1945. Rehabilitation has stressed an active medical department, the extension of education, social welfare programs, better housing projects, and the curbing of crime.

VERNON J. PURYEAR

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MUKERJI, KRISHNA PRASANNA. *The State*. Pp. xxiv, 382. Madras: Theosophical Publishing House, 1952.

Western students of government and political theory will be interested in and will profit from a study of this work by an Indian professor of politics at the University of Bombay as it gives a valuable insight into the character and direction of political thought in a newly created State which has increasingly become an important factor in Asian and even in world affairs. This volume gives important clues on the trend of sociopolitical thought in India; it illustrates the traditional intuitive-philosophical approach of Hindu thought; and it quite expectedly concludes with a justification of Hinduism in general and of classical Hindu political institutions in particular.

Pervading this work is the belief that the State is an agent of a moral society estab-

lished for a moral purpose. The State "is wedded to the realization of a moral purpose, viz., to the making of justice available to all on equal terms" (p. 22), and political science must be "the science of justice or dharma." The author finds his inspiration of what the State should be mainly in the classical religious and political treatises of Hinduism with their "transcendental view of reality," their "moral view of the State," and their "philosophy of spiritual reality." Western political thinkers would certainly agree that the State should coincide with freedom, justice, growth, and the best elements in natural law; but an inductive study of states of the past and even of the present would, in their view, show no essential connection between the State and morality. This is unfortunate but it is the lesson of history.

Professor Mukerji is very critical of the sovereign-nation society of the West and in fact of the entire pattern of culture composed, as he sees it, of industrialism, capitalism, imperialism, and nationalism. He refers to this pattern as the Nici-ethos order of things which, it is claimed, came to its real end in 1914. As the logical successor the author calls for the Soco-ethos of socialism and the co-operativeness of a real world order. "Our social ideal can be pursued morally only by democratic socialism and through the instrumentality of a world-State" (p. 286). Perhaps the two most interesting chapters in this book are those that present the author's defense of the welfare or socialistic state and his analysis of the failure of world government in the case of the League of Nations.

In Appendix I there is an eloquent defense of the Hindu Way of Life in which the caste system, at least in its classical form, is defended; and in Appendix II the Hindu view of the State is examined. The author maintains that the State in India always had a constitutional, even a democratic basis and has no sympathy for those who have associated Indian government with capricious tyrants. Again there is the claim that the essential philosophy of the welfare state goes back to the sacred Hindu laws of Manu. The majority of political thinkers, it seems to the reviewer, would

agree that a world order of some sort is becoming more urgent. Urgency, however, has little to do with the capacity and zeal of man to fashion this complex structure; and, further, urgency does not miraculously remove the many obstacles that must be removed before a real parliament of man is created. And in answer to the author's contention that the western state system was uniquely designed to bring about wars, it can be said: (1) that Hindu theories of the State did not reduce war or alleviate anarchy in ancient or medieval times—nor did they deter Indian imperialistic expansion in southeast Asia; (2) that the only reason why India has not engaged in power politics in modern times is because she was a dependency of Britain; (3) but now she has again become independent India in her conduct and objectives of foreign policy is acting no differently than do the other States in preserving what they deem to be their vital national interests.

T. WALTER WALLBANK
University of Southern California

KNOWLES, K. G. J. C. *Strikes—A Study in Industrial Conflict: With Special Reference to British Experience Between 1911 and 1947*. Pp. xiv, 330. New York: Philosophical Library, 1952. \$8.75.

During recent years, the emphasis on the mutuality of interest between labor, management, and the general public may have led to the development of a serious blind spot among certain observers of industrial relations. Perhaps we need such a study as this to remind us that behind every collective bargaining session is the threat of a work stoppage.

In presenting this analysis of strikes and the possibility of strikes, the author points out that while such studies have been made in the United States, no systematic treatment of work stoppages, their causes, their nature, their consequences, and what is being done about them has been attempted for Great Britain.

This work is primarily statistical. Full use is made of available statistics on work stoppages and a number of worthwhile suggestions are offered for improving the Eng-

lish statistical series. The author ventured far afield from pure statistics, however, ranging into economic history, political science, economics, and even social philosophy and psychology, to present a *tour de force* of labor-management relations in Great Britain. Statistical and descriptive demonstrations are presented of the effects of unemployment, relatively full employment, alterations in union policies and objectives, the growth of union responsibility through participation in government, the growth of employer organization, and the changed role of government, both as an arbitrator of disputes and as an employer of labor.

While the attention of the author is centered on the period 1911–1947, material is presented bearing on strikes and attitudes toward them back to 1867; thus the discussion tends to range back and forth over extended periods, during which the attitudes of the participants have changed quite drastically. The author does not, however, seem to make allowance for these changing attitudes—as though, for example, pre-World War I syndicalist theories may still have validity in the thinking of union leaders.

While an intimate knowledge is displayed of events and developments in England, no such detailed and up-to-date grasp is demonstrated in frequent allusions to things American. We are told, for instance, of cities, counties, and even states in the United States where union organization is impossible. Gary, Indiana and Longview, Washington are cited (in the present tense, but based on a 1938 footnote!) as "mill-towns" where workers are prevented from union organization by company domination; both of these cities have for a number of years been highly unionized.

This is emphatically a British book. The repeated use of abbreviations to designate English unions, of strike terms and working habits unfamiliar to American readers, and of episodes in English strike history which have little or no meaning to the American student demonstrate that while we both use the same language, colloquialisms, at times, make it difficult to comprehend what is being said.

One concluding question: Why the high

price of this book? In recent years we have seen book prices advance, along with those of most other commodities. Yet \$8.75 for a 330-page book, even with nearly 600 words in painfully small type on each page, seems excessive. As a believer in international trade, this reviewer cannot feel that it will be advanced greatly by this scholarly, but high priced, export item.

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HAYNES, WILLIAM WARREN. *Nationalization in Practice: The British Coal Industry*. Pp. xviii, 413. Boston: Harvard University School of Business Administration, 1953. \$4.00.

This painstaking and scrupulously fair study of the present-day British Coal Industry has two aspects of particular interest to political scientists—the analyses of, first, the administrative organization of the nationalized industry, and, second, the means by which the industry is made publicly accountable. In dealing with the administrative problems, Professor Haynes joins Edmund Burke in decrying, justifiably, "the closet philosophers" with, here, their organizational blueprints. He emphasizes that time must be allowed for an ethos to develop amongst the 750,000 employees, and that personal relations and a widely diffused understanding of the aims of the Coal Board are of far greater importance than any particular organizational principle.

To the problem of public accountability, Dr. Haynes gives only one chapter, despite its urgency for democracy and the Coal Board. Clearly the Board has been seriously affected in the decision-making process by the feeling that Parliament was "peering over its shoulder." Unfortunately in this connection, Dr. Haynes tends to confuse nationalization with government control and fails to make clear the considerable degree of independence accorded the Board by Parliament. For example, the Public Accounts Committee can only *examine* the published accounts and cannot

"investigate" them [p. 254 (5)]; likewise to describe the Coal Board as being "attached to the Ministry of Fuel and Power" (p. 102) much exaggerates the powers given the Minister by the Act.

Professor Haynes devotes the first quarter of the book to the prenationalization scene and includes a history of the industry; in the next third he describes the 1946 Act and the consequences thereof, especially for labor relations; and the rest, excepting two chapters on pricing and investment policy, is on the administrative organization. Had the first section been reduced, by referring the student to the very adequate sources—here fully acknowledged as being heavily drawn upon—space might have been found to analyze those problems which have arisen solely because of nationalization. This would have involved a comparison with other nationalized industries, with such ventures as TVA (the Tennessee Valley Authority), and with the histories of private businesses in the United States, many of which, in their earlier days, experienced problems very similar to those of the newly formed National Coal Board.

Undoubtedly this book could be used with advantage by an advanced seminar, or, if used alone, it provides a very comprehensive single textbook upon this industry, which is of such basic importance to the whole of the British economy.

HENRY MADDICK

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GOLLANCZ, VICTOR. *My Dear Timothy: An Autobiographical Letter to His Grandson*. Pp. 439. New York: Simon & Schuster, 1952. \$5.00.

This book is a tonic, refreshing and energizing. The author, a successful British publisher, loves people, music, and life. He writes, "The world is so beautiful, I have always loved the world; it is because I cannot bear that it should suffer torture and deformation that I am writing this book."

During two long periods, when a young teacher of boys, he saw the good and beautiful in everything—in trees, people,

and objects. He saw himself in others in crowded railroad cars and saw others as part of himself. During one of these periods he was opposing Nazism and deeply moved by the suffering of the Jews when he was organizing the National Committee for Rescue from Nazi Terror.

Here is a sage who has compiled the wisdom of the sages of all periods and absorbed much of their wisdom, who was, at the same time, a successful business man and a political figure in England. Gollancz offset the stress and fret of business striving with a love of wisdom culled from the sages of all times and all cultures.

Another of his books, *Man and God*, a selection of passages chosen and arranged to express a mood about the human and divine, is rich with the wisdom of Jewish literature as well as that of Asia and Europe.

The writer is able to communicate his enthusiasm to the reader. He loves great music including Beethoven, noble architecture including Gothic, and would travel by rail from London to Paris in one day to hear his favorite opera singers, the next day returning at midnight to London.

During one period of his life he examined the rules of Jewish orthodoxy, and, if they did not make sense to him, he discarded them. He describes the long movement of his mind that carried him out of the intense Jewish orthodoxy of his upbringing into an engulfing preoccupation with the reality of Christ and yet never led him to cut the cord binding him to the traditions of his race.

Gollancz examines everything with a fresh eye, and therefore the reader sees afresh much he had previously taken for granted.

The writer's philosophy is that the combination of evil and our struggle against it is what makes us capable of reaching our best possibilities. Therefore, evil is a means toward good. When there is no struggle against evil there is no progress. The only serenity worth having comes after a successful struggle. This is certainly good medicine for our own age of struggle, and is prescribed by one who took this medicine in sufficient quantities to become a successful publicist, philanthropist,

ator, moral crusader, and all around human being.

OTTO T. MALLERY

Philadelphia, Pennsylvania

FINER, S. E. *The Life and Times of Sir Edwin Chadwick*. Pp. xi, 555. London: Methuen & Co. (distributed in the U. S. by The British Book Centre), 1952. \$9.00.

This is a careful scrutiny of the career of Edwin W. Chadwick, the British civil servant who probably is best known as the "father of the sanitary idea" and whose report on the *Sanitary Condition of the Labouring Population of Great Britain* (1842) set in motion the public health movement. The justification for a full-length biography is that the range and depth of Chadwick's influence in a period when modern British governmental institutions were forming has not been measured.

Professor Finer has worked his way through an array of documents and contemporary accounts (these are listed in an excellent bibliography) to produce a mature analysis of Chadwick's life. This book is distinguished not only by scholarship in the usual sense but by a writing style that manages to keep interest alive throughout Chadwick's interminable controversies over the size of sewer pipe.

Chadwick was born in 1800 and early fell under the influence of Bentham and the Philosophical Radicals. He began his career in 1832 as an investigator for the Poor Law Inquiry. Subsequently he drafted the major portion of the report upon which the new legislation was based and served as secretary of the new Poor Law Commission. From the start, his ideas and methods generated opposition. Soon he was excluded from poor law matters, and in 1847, as the price of peace, he was dismissed.

Impressed by the connection he found between disease and pauperism, he had meanwhile begun the health inquiry. Ironically, this celebrated report escaped suppression only after a compromise was worked out whereby it was to appear under Chadwick's name, as his own opinions. The report won wide recognition and led to his appointment to the new general Board of

Health on which he served, again as the center of controversy, until 1854 when he was pensioned off. Although he hoped and tried to return to active service, Chadwick spent his last 36 years as a savant on the margins of officialdom. Events ultimately reshaped his reputation, and in the last year of his life he was knighted.

Chadwick's interests and activities ranged widely—police reform, child labor, tramways, and postal reform are some of the most important. He was a tireless digger for facts and a constructor of logical administrative systems. Although not an original thinker, he left his mark on nearly everything he touched. It was the systematizer in Chadwick which was at once his strength and his weakness. As Professor Finer says, he did not really understand that England was not "governed by logic, but by Parliament." Chadwick's perfect state was one in which the legislature—if there was one—obediently enacted the plans made by able bureaucrats. Thus, Chadwick's difficulties with his political superiors and the public were due only in part to an aggressive, dogmatic personality. At the root lay his antidemocratic bias—that policy should be made scientifically by experts whose prime aim would be to avoid waste. On Chadwick's side, it should be said that his political superiors were, with some exceptions, a mediocre lot.

Yet, despite these faults, Chadwick made notable contributions to sanitary reform and to the development of effective central-local government relationships. Perhaps his main achievement was the wide support evoked for the principle of sanitary reform; yet not until later was Parliament willing to say that no community had the right to be "dirty." Chadwick's impressive documentation and analysis of problems was a step forward, and perhaps was the most refreshing aspect of Benthamism at work in administration, coupled as it was with the belief that through knowledge man's lot could be bettered. Among Chadwick's accomplishments also should be cited the stimulus he gave public health pioneers elsewhere, like Shattuck in the United States.

JAMES R. DONOGHUE

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SLAVIC COUNTRIES

DEUTSCHER, ISAAC. *Russia: What Next?* Pp. ix, 230. New York: Oxford University Press, 1953. \$3.00.

This is a clever and provocative little book, written in great haste during the weeks following the death of Stalin. It is saved from superficiality by the fact that the author has for some years been engaged in research in original sources on the life and times of Stalin and Trotsky. While many readers—and this reviewer is one of them—may consider that Mr. Deutscher's conclusions are far from convincing, the book certainly does give evidence that the author has long lived with his material. However, he has a very strong tendency to interpret this material schematically, in terms of a version of Marxism which owes much to Trotsky.

Despite the title of the work, about two-thirds of it is devoted to a brief history and analysis of the Soviet Union under Stalin. Most of what the author says in this portion of the book he has said before in his biography of Stalin and in journalistic articles. He seems to take a more negative attitude toward Stalin in this book, however, than in his well-known biography. Stalin, Deutscher argues, was the inevitable product of his time. Inferior to Trotsky in most respects, he defeated Trotsky because he alone among the Bolshevik leaders could preserve and carry on the revolutionary regime in isolated and backward Russia. But in his last years, Stalin became more and more of an anachronism. Stalinism was suffocating Russia in its last years. Yet Stalin, a slave to his past, could not change.

While Stalinism brought "primitive magic" into Russian Marxism, its economic achievements were destroying its reason for being. Deutscher eloquently presents statements and statistics regarding the progressive cultural revolution brought about by Stalin's economic policies. This is presented rather glibly, with a minimum of documentation. The author is at pains to demolish the arguments of anti-Soviet writers, including Soviet refugees, who have argued that the collective farm system, for example, was

unpopular and should be drastically modified. He is convinced that all elements in Soviet society are "socialist" and that both the collective farm system and the planned industrial system are accepted by all elements of the Soviet population and cannot be eliminated or radically changed. It is a pity that the work of the Soviet émigré, Herman Achminow, *Die Macht im Hintergrund*, which presents a completely opposed argument, is not available in English.

Now that Stalin is dead, continues Mr. Deutscher, there is a good chance for a "democratic regeneration" of Russia. Stalin created the necessary economic basis, and his successors can gradually restore Leninist democracy. The process, if it occurs at all, will be gradual and it will require peace, continues Mr. Deutscher. It is rather difficult to appraise Deutscher's arguments and conclusions, because they are stated in such vague and broad terms. Certainly no such concrete analysis of Soviet society is offered as would perhaps furnish a foundation for such optimistic conclusions. The Beria affair, which of course occurred after the book was published, casts some doubt on the author's insight into the power and personal relations among the new rulers. Mr. Deutscher apparently regarded Beria as a "Malenkov liberal." However, in fairness to Deutscher, it should be noted that not a single political commentator predicted Beria's downfall.

We should welcome this optimistic book, whose position is so different from that of most other writing on contemporary Soviet affairs. Taken with plenty of salt, and as a change from heavier fare, the book can be stimulating and refreshing. It is useful to be reminded again that Russia is the least static of the great powers, that it is changing rapidly, and that the Western World will have to be imaginative, alert, and constructive in order to cope with its challenge. This, I think, is the greatest merit of Deutscher's book.

At the same time, the strong element of wishful thinking in the book serves as a warning of some of the attitudes and ideas with which American policy and our information services, if they are allowed to function, will have to cope increasingly in

the future. There is a great deal of vagueness and looseness in statement, and a few serious errors of fact, such as the assertion that the attack on Varga began in 1946 (instead of 1947) or that Beria was "called in by Stalin" in 1939 (actually in 1938). Much more serious are the glib, ambiguous, and often misleading or almost meaningless statements which occur here and there in the book. Let us hope that Mr. Deutscher's prophecies will bring a bit of sweetness and light to angry pessimists, without plunging wishful thinkers more deeply into their illusions.

FREDERICK C. BARGHOORN

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Soviet Science. A symposium arranged by CONWAY ZIRKLE and HOWARD A. MEYERHOFF. Edited by RUTH C. CHRISTMAN. Pp. vii, 108. Washington, D. C.: American Association for the Advancement of Science, 1952. \$1.25.

This is a symposium consisting of papers delivered at the Philadelphia meeting of the American Association for the Advancement of Science in December 1951. All have been prepared by scholars thoroughly familiar with the state of particular branches of science in the Soviet Union. Seven are devoted, respectively, to genetics, physiology, psychology (including psychiatry), the social sciences, soil science, physics and chemistry, and mathematics. The eighth deals with science and intellectual freedom in general; the last, written by Conway Zirkle, is a general appraisal. Most of the papers discuss not only the state of science in Russia today, but also its state on the eve of the revolution. The contributors agree that Russian science, though young, was already an important phase in the advancement of science on the international level.

Naturally, the sad story of science under the Soviets occupies the major part of the papers. The situation varies from field to field. Mathematics, in practice, is free from interference. In physics and chemistry, the impact of Communism is confined to the imposition, on the scholars, of an obligation to pay lip service to the great masters of Marxism and to denounce "the idealistic science of the West." But

genetics, physiology, psychology, and soil science are badly hurt. In each field, a kind of official deification of one or another authority, similar to the official worship of the late Stalin, prevents the scholars from reasoning along truly scientific lines and forces them to make statements which they know to be wrong. Even when the authority is well chosen, such as Ivan Pavlov in physiology, the men of science are inhibited in their efforts by not being allowed to go beyond the statements of the masters; this condemns them to sterility. In genetics, they must, in fact, go back to Lamarck.

Unfortunately, the paper on the social sciences, which is probably the subject of greatest interest to the readers of THE ANNALS, is the least satisfactory in the symposium. The author, R. L. Ackoff, confines himself to generalizations about the low status of the social sciences in the Soviet Union, the dominance of historical research and subservience to propaganda purposes of the government. Quite interesting stories, parallel to those concerning themselves with the natural sciences, could be told relative to economics and jurisprudence. The identification of sociology with historical materialism could have formed another interesting chapter. One misses also the discussion of linguistics where the development has been spectacular: after 25 years of unquestioned dominance of the doctrine of Ya. Marr, Stalin's edict on linguistics (of June 20, 1950) caused a kind of counter-revolution.

Despite these omissions, the volume contributes much valuable material to the sociology of knowledge, more exactly, to a yet unwritten chapter on directed, or managed, knowledge. A comparison of the state of Russian science before and after the Communist revolution points to a significant impoverishment of culture. "We are all poorer because Russian science has been injured by Communism," says Zirkle in one of the last sentences of his concise and illuminating appraisal.

N. S. TIMASHEFF

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TOMASIC, DINKO. *The Impact of Russian Culture on Soviet Communism.* Pp. 287.

Glencoe, Ill.: The Free Press, 1953. \$4.50.

No thinking man can in these days fail to be challenged by the question of the sources of Russian conduct. The search for satisfying explanations of past behavior and future reactions on the part of Soviet leaders and followers goes on endlessly. Are geographical factors basic? Is race, in spite of our reluctance to resort to racial thinking, a clue to the enigma? Or are personality and policy, whatever their remoter causes, fundamentally Russian rather than Communist, going back perhaps to Rurik and to Byzantium in a history and tradition more than millennial? Power-mad cliques and individuals are the explanation of many. Still others attach real importance to Marxism-Leninism and its teachings in the production of a new and different Russia. Of these and other factors the possible combinations are almost infinite, and from Custine to Crankshaw, John Fischer, Soloveytchik, Barrington Moore, Berdyaev, and Gurian the changes have been rung on them.

It is my belief that no one has written of these problems more judiciously, with fuller knowledge, or with greater wisdom than Professor Tomicic. It is a shame that the jargon which he has picked up from American social science and the slow chronological progress he makes from the most remote history to today's newspaper will discourage many readers. Those who persevere will find their reward in an understanding of the Russians which owes little to the superficialities of statistics, nor does it egregiously abuse intuition.

By examining seriatim the ancestral society of steppe warriors and of Old Slavonic plowmen Tomicic concludes that there was a blend of "two conflicting worlds" that "formed the basis of Russian Society." Nomadic invasions completely shattered "the social stability which existed in the Old-Slavic Society" and already led to a "sense of emotional and physical insecurity which fostered destructive aggression and mass violence." We begin to see the relevance to our contemporary situation. The Byzantine church helped to foster complete dependency and fatalistic resignation rather than personal and social

responsibility. That a resigned people is also a revolting people Tomicic is quite aware, and he has a partial explanation in the eighteenth-century reforms which undermined the whole realm of the sacred.

The structure of Russian Society is followed into family life and personality in a rather successful effort to understand the total context. Totally unsatisfactory to a Communist, and partially unsatisfactory to any Russian, Tomicic's study seems to this reader, who is neither, as well rounded and insightful as anything we have. Or am I merely taken in by an interpretation of history so up to date that it can talk with the psychiatrists of the release and redirection of hostilities?

W. REX CRAWFORD
Salzburg Seminar in American Studies

GURIAN, WALDEMAR (Ed.). *Soviet Imperialism: Its Origins and Tactics*. Pp. vii, 166. Notre Dame: University of Notre Dame Press, 1953. \$3.75.

This symposium has more unity than most. The contributors have conscientiously adhered to the question posed: Is Russian Imperialism or Soviet Communism the enemy? They are divided in their answers to the question and have approached it from different vantage points which do not overlap.

N. S. Timasheff argues that the Soviet territorial acquisitions in 1918-22, 1939-40 and 1944-45 would probably have been made by even a non-Communist government of Russia. The formation of the satellite states and the conquest of China, however, are at variance with the historical pattern of Russian expansion.

Richard Pipes finds that Russia's Mohammedan subjects fared better under czarism than under Communist rule. The Soviet policies of Russification and genocide make Communist expansion a historically new phenomenon in his opinion.

Frederick Barghoorn's analysis reveals that the Soviets have chosen the symbols of nationalism to disguise their totalitarianism. He stresses that the major propaganda themes in the Union of Soviet Socialist Republics continue to be Marxist rather than Russian.

Michael Pap asserts that the fate of the Ukraine under the Czars and the Reds has been much the same, except that the latter have been more vigorous in their imperialist policy of suppressing non-Russian people.

Soviet policy in Poland is a continuation of Russian imperialism by different means, according to Wiktor Weintraub. For example, the Czar tried to Russify the Poles by school curricula in the Russian language; the Soviets use Russian books in Polish translation instead.

Ling Nai-jui argues that the objectives of Soviet diplomacy in China are identical with those of the Czar.

The book does not convince the reader of the practical importance of the dichotomy: Russian Imperialism versus Soviet Communism. America is faced with a double-barrelled shotgun—the Communist ideology and its 1953-homeland. Both barrels are aimed in the same direction by the same marksman for the same expansionist purpose. To attempt to disassociate one from the other is to disregard deadly reality. Even assuming such disassociation were possible and that, for example, the enemy were found to be "old-fashioned imperialism" and not Communism, could such imperialism be resisted in this age of bi-polar power, H-bombs, and psychological warfare as it was in the era of classical imperialism? Or, what is the threat of an ideology not backed up by guns and a strong home-base? The attempt to isolate factors of Russian expansionism from Soviet expansionism may be useful in academic analysis; the usefulness for policy formation is not persuasively demonstrated in this otherwise excellent and informative volume.

C. DALE FULLER

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BERGSON, ABRAM. *Soviet National Income and Product in 1937*. Pp. xi, 156. New York: Columbia University Press, 1953. \$3.75.

While this is a monograph for specialists, its results should be of wide general interest. Professor Bergson has reconstructed, from hundreds of pieces of detailed evi-

dence in Soviet sources, an organized set of national income and product accounts for the Union of Soviet Socialist Republics in 1937. They give a cross-section view of the Soviet economy which permits objective measurement of many features of the Soviet system hitherto discussed mainly in strident political slogans.

The study surmounts formidable problems. Probably the most difficult relate to the lack of institutional correspondence between Soviet and American society. This is, of course, far more than a statistical or definitional problem; social and legal contrasts prevent any simple transfer of familiar concepts. The author, himself a notable contributor to the pure theory of income analysis, devotes a portion of this essay to broad consideration of the content of his statistical boxes. A derivative set of problems arises in eliminating various taxes and subsidies in order to approximate the desired categories. The underlying problems of ferreting out adequate raw data, while by no means negligible, were not as prohibitive as might be supposed. Students of the U.S.S.R. have found that official Soviet data are not, in general, pure fabrications. Concealment rather than invention seems to be the rule, and 1937 was chosen partly as the last year for which relatively abundant information had been released.

In simplified form, one of the fundamental differences between the Soviet economy and our own can be seen from the following percentage breakdown of the use made of the two gross national products (derived from data on pages 75 and 95):

	U.S.	U.S.S.R.
Consumption	74%	56%
Gross investment	15%	23%
Government	11%	21%

The forced industrialization drive of the Bolshevik regime has channeled almost a quarter of the country's output into gross capital formation. As a consequence, Soviet citizens are left with a much smaller share of the pie, and of course the Soviet pie is much smaller than the American to begin with, especially on a per capita basis.

For details of Professor Bergson's other

interesting findings, such as the enormous role of sales taxes, the continued massive share of agriculture in this "industrialized" economy, and the presence of "surplus value" in the U.S.S.R., the reader may profitably consult the text itself. Its 99 pages (plus 45 pages of appendixes) do not make easy reading, but they provide objective, scholarly evidence bearing on crucial issues of our time. For example, those concerned with the theory and practice of "Point Four" development overseas would do well to examine this study for comparative insight on the limitations of totalitarian industrialization.

HOLLAND HUNTER

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SWETTENHAM, JOHN ALEXANDER. *The Tragedy of the Baltic States: A Report Compiled from Official Documents and Eyewitnesses' Stories*. Pp. xi, 216. London: Hollis and Carter (distributed in the U. S. by The British Book Centre), 1953. \$2.75.

The author, a former member of the Displaced Persons Division of the British Control Commission for Germany, has compiled a report from official documents and eyewitnesses' stories, in the hope, he says, that the countries which have opened their doors to the Baltic refugees will understand something of their background and will welcome and love them as they deserve.

His summary of history of the Estonian, Latvian, and Lithuanian nations—the record of their economic, social, and cultural achievements during the twenty years of political independence and the story of their forcible incorporation into the Soviet Union—is indeed an interwoven pattern of texts and facts, but also a seizing narration.

Mr. Swettenham gives a first-hand illustration of the conditions in which the 250,000 Baltic refugees had to live in Germany and other countries, that were only "a transit halt" (Britain included). In July, 1947, the message to Congress of President Truman opened the gates of the United States to substantial numbers of the Balts. Those admitted under the Displaced Persons Act of 1948 showed them-

selves "hardy and resourceful" as the President expected them to be. Yet so many thousands were left behind. May the special immigration bill of 1953 now give a new chance to these qualified witnesses and resisters against Communist imperialism and slavery.

The Tragedy of the Baltic States is a valuable contribution to the record of the Nazi-Soviet conspiracy, of which the Poles, Balts, and Finns were the first victims. It arrives in proper time, when a special committee of the United States House of Representatives is engaged in investigation of the predatory proceedings by which the Baltic States have been pushed in the Soviet tideway.

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WESTERN CONTINENTAL EUROPE

HITLER, ADOLF. *Hitler's Secret Conversations, 1941-1944*. With an introduction by H. R. Trevor-Roper. Pp. xxxi, 597. New York: Farrar, Straus & Young, 1953. \$6.50.

The character is a familiar one in every German *Bierstube*. Self-educated, shrewd, arrogant, he holds forth on every subject under the sun, from food to world politics, from music to military tactics. Pompous and omniscient, he refuses to discuss his ideas but, instead, issues dicta and ukases. He mistakes his intuitions for scientific fact. He knows all the answers to the meaning of history. He lives in a curious dream world and dismisses as insane anyone who disagrees with his judgments and disconnected monologues.

Adolf Hitler's unguarded, all-night, off-the-record table talks were taken down in shorthand by his party associates. A few quotations will suffice to give the quality of the mind of this fanatically egocentric, hate-laden dictator: *Racial Nonsense*: "It's our duty continually to arouse the forces that slumber in our people's blood" (p. 29). *Self-glorification*: "There was a time when one could say that there was only one Prussian in Europe and that he lived in

Rome. . . . There was a second Prussian. He lived in Munich, and was myself" (p. 66). *Delusions of Grandeur*: "When one enters the Reich Chancellery, one should have the feeling that one is visiting the master of the world" (p. 67). *Psychotic Suspicions*: "I never met an Englishman who . . . didn't say [Churchill] was off his head" (p. 153). "There's no doubt about it, [Roosevelt] is a sick brain" (p. 147). *Hostility*: "There's nobody stupider than the Americans. . . . I'll never believe the American soldier can fight like a hero" (p. 149).

Some of the world's worst literature is paraphrased here in Hitler's familiar gutter style, including Arthur de Gobineau's *Essay on the Inequality of Human Races*, Houston Stewart Chamberlain's *Foundations of the Nineteenth Century*, Alfred Rosenberg's *Myth of the Twentieth Century* (though Hitler denies any debt to Rosenberg), *The Protocols of the Elders of Zion*, and an ill-digested assortment of interpretations of Nietzsche, Schopenhauer, Mackinder, Haushofer, Frederick the Great, and Carlyle. One can imagine what kind of civilization would have emerged had this hypomaniac succeeded in his ambition of conquering the world.

In a brilliant introduction, Trevor-Roper describes this mind: "A terrible phenomenon, imposing indeed in its granite harshness and yet infinitely squalid in its miscellaneous and yet infinitely squalid in its miscellaneous—like some huge barbarian monolith, the expression of giant strength and savage genius, surrounded by a festering heap of refuse—old tins and dead vermin, ashes and eggshells and ordure—the intellectual detritus of centuries" (pp. xxix-xxx). Yet, despite Trevor-Roper's extraordinarily keen analysis, it is becoming increasingly clear that an understanding of the mind of Hitler cannot be achieved by the historian without the assistance of the psychologist, the psychiatrist, and the psychoanalyst. Clues in Hitler's reading give only a part of the story. His character, like that of every human being, was molded in his early years by the acculturation process of interpersonal relations. The fears, anxieties, hatreds, and hostilities, the neuroses and psychoses exhibited on every page of this book, call for study by those

specialists whose first concern is with abnormal behavior. The historian can note objectively that Hitler rationalized mass murder and slave labor; the psychiatrist is better equipped to learn why he held such views.

Trevor-Roper judges these talkfests as indisputably authentic. Hitler, in his colossal vanity, undoubtedly believed that this record would take a place alongside Eckermann's *Gespräche mit Goethe*. As a contribution to world literature, it reaches the level of *Mein Kampf*.

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PASCAL, ROY. *The German Sturm und Drang*. Pp. xvi, 347. New York: Philosophical Library, 1953. \$4.75.

The Romantic movement of the early nineteenth century was heralded throughout the Western World by premonitory stirrings, passionate outbursts, and prophetic voices which disturbed the philosophical composure of the Age of Reason and Enlightenment. Nowhere was this prelude to the Romantic revelry more powerfully intoned than in Germany, the country that, exhausted and disunited after the devastation of the Thirty Years' War, had long been the Lazarus in the community of European nations. The movement, called *Sturm und Drang* after a play by Klinger, ushered in the Renaissance of German literature and philosophy which was to reach its climax in the republic of letters at the court of Weimar. Goethe and Schiller, later the central figures of this "Court of the Muses," belonged with their early works in *Sturm und Drang*, though Schiller had no personal contacts with the group of writers whose chief members were Hamann, Herder, Goethe, Merck, Lenz, and Klinger.

Professor Pascal, postponing to a later volume the critical analysis and appraisal of *Sturm und Drang's* poetic and literary achievements, devotes his attention chiefly to persons and ideas. He distinguishes and competently discusses the various aspects of the *Weltanschauung* which emerged in the treatises, plays, and poetic outpourings of those literary men who were revo-

lutionists of a peculiar type. Their meta-physical ardor and the remoteness of their thought from contemporary reality blunted the edge of their scathing criticism of society. Their rebellious strokes were designed to overturn minds and sensibilities rather than thrones. One by one their ideas concerning the state, social classes, religion, genius, reality, history, and poetics are competently reviewed and analyzed in Professor Pascal's scholarly study. This departmentalization of a living thought, closely interwoven and richly individualized as it was, prevents the critic from achieving the grandly synoptic picture which seems warranted by his subject-matter. On the other hand, clarity, comprehensiveness, and balance of exposition are the rewards of a method employed by the author with openness of mind and fairness of judgment. As an introductory survey the book is highly to be valued.

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OTHERS

KIRK, GEORGE E. *The Middle East in the War (1939-1946)*. With an Introduction by Arnold J. Toynbee. Pp. xiii, 311. Second Impression, Revised. New York: Oxford University Press, 1953. \$10.00.

This is a volume of "The Survey of International Affairs," covering the war period of 1939-1945 and devoted to the general area of the Middle East, published by the Royal Institute of International Affairs, under the editorship of Professor Arnold J. Toynbee. While a few sections have been written by specialists, Mr. Kirk, the author of the great body of the volume, is already well known for his *Short History of the Middle East* (1946) and other works.

Essentially the volume is divided into four parts which deal with (I) Political Motives in the Middle East, 1939-1945, including a discussion of Arab nationalism, Zionism, and the interests of the major powers in the region; (II) The Development of the War to El Alamein, 1939-

1942; (III) The Recession of the War, 1943-1945; and (IV) The USSR and the Middle East, 1939-1945. Within this framework, Mr. Kirk treats not only of military operations in the Middle East, but of the effects of the war on the peoples, governments, and national movements during the period, together with the political and economic policies of the belligerents as thus far known on the basis of available evidence. Particularly interesting, in this connection, are the discussions of the Arab national movements, for example, in Morocco, Tunis, the former Italian colonies, Egypt, the Levant States, and Iraq, and the development of Zionism, which ultimately (1948) led to the establishment of the state of Israel. The contribution of Mr. Guy Hunter concerning The Middle East Supply Center is a very welcome and succinct account of this important aspect of operations in the Middle East during World War II. A special section is devoted to the USSR in the Middle East, more particularly to its policies and activities in Turkey, Iran, and the Arab States, although Soviet interest in the area as a whole is discussed in other parts of the volume as well.

Informed opinion will vary as to the author's treatment of different aspects of his story, which is necessarily fragmentary in spots. Nor is the evidence by any means "complete" for so recent a period of history. Although only first published late in 1952, the volume has already been revised, apparently because of some of the author's reflections as to the problem of Zionism and Palestine. It may be doubted that French students of the Middle East will be much pleased by his treatment of the French position, either in North Africa or in the Levant States, during this period. The author might well have filled out the picture of Soviet policy, especially among the Arab States. Leaving these matters aside, however, *The Middle East in the War* should be required reading for all serious students of Middle Eastern problems, for it is not only well written and generally well balanced and objective, but it is the product of very extensive research and study. Another volume, covering the period since 1946, should pull the story

neatly together, and should well serve the end of a better understanding of this highly critical area in a much-troubled world.

HARRY N. HOWARD

Arlington, Virginia

STAMP, L. DUDLEY. *Africa: A Study in Tropical Development*. Pp. vii, 568. New York: John Wiley and Sons, 1953. \$8.50.

This new geography textbook on Africa comes at a time when interest in that continent is growing at a very rapid rate because of postwar economic and political developments in almost every major part of Africa. Professor Stamp, one of the best-known British geographers, places his emphasis on tropical Africa, although his book covers the entire continent from the Mediterranean shores to the Cape of Good Hope.

The book is divided into three parts. Part One: *The African Continent* treats the physical and cultural aspects of the continent as a whole. Special chapters are devoted to the history of exploration and partition, geology, climate and water, soils, vegetation, peoples and their ways of life, diseases, and transportation. Part Two: *The Countries and Regions of Africa* consists of eleven regional chapters, of which six are devoted to tropical Africa, one each to South Africa and the African seas and islands, and three to North Africa and the Sahara. The organization of these regional chapters varies somewhat, but in almost every instance each chapter presents the essential features of the physical environment, a brief sketch of the historical background, and a picture of the peoples and political organization, and discusses then quite fully the modern economic development, trends, and problems. Part III: *Africa Today* is disappointingly short, having only one brief chapter treating rather superficially past, present, and future problems.

It was a good idea to keep statistical data as much as possible out of the regional chapters and present them in a *Statistical Summary* that can be easily kept up to date. Wherever possible, the pertinent data on population, land use, crop

acreage, livestock, mineral production, and trade are given.

The purpose of the book, according to its author, is to look at the continent dispassionately and objectively, without racial or political bias, "to consider its geographical background as an environment for human activity and to study the responses which have been evoked from its African inhabitants and those who, in the last few centuries, have penetrated its fastnesses and molded its fortunes." Here in Africa we find side by side the colonial dependencies of Britain, France, Belgium, Portugal, Italy, and Spain, which invites comparisons. Each one of these colonial powers pursues its own policy in guiding the growing political consciousness of its African subjects; but the policy is greatly affected by the size of the European population and its role as either permanent settlers or sojourners. The distribution of European sojourners and permanent settlers, as well as many other problems, can be understood only when examined in its geographical setting. Rightfully so, Professor Stamp stresses that to a large degree man's life in Africa is controlled by the physical environment, in particular by the geofactor water.

The book is well illustrated with photographs and has excellent maps. Some of the chapters have a brief bibliography at the end, others have footnotes. Occasionally one comes across an interesting quotation, the source of which is not given either in a footnote, or in the bibliography at the end of the chapter. It is hoped that this will be corrected in a later edition. The book will be welcomed not only by geographers but also by other social scientists who are looking for a modern geographical treatment of Africa.

KARL J. PELZER

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THAYER, PHILIP W. (Ed.). *Southeast Asia in the Coming World*. Foreword by William O. Douglas. Pp. xii, 306. Baltimore: Johns Hopkins Press, 1953. \$4.75.

Southeast Asia today is not the unknown area it earlier was in the United States. The early postwar years have seen a num-

ber of volumes providing at least an overview of the culture, economy, and political status of the millions of inhabitants of Burma, Thailand, Indo-China, Malaya, Indonesia, and the Philippines. The stage has now been set for a presentation of basic problems facing emerging or newly-created states of Southeast Asia.

In the summer of 1952 a conference on "Southeast Asia in the Coming World" was sponsored by the School of Advanced International Studies of the Johns Hopkins University. Twenty-one conference papers form the contents of this book, mostly written by Americans who have studied the area, while several contributions come from Southeast Asians.

Five papers falling under "Political Science" discuss our foreign policy in Southeast Asia. The efforts of these authors, recognized as authorities, provide insight into our past, present, and future political relations to individual Southeast Asian states. Another five papers deal with "Economics," covering aspects of what may well be crucial factors in the current position of these states. Included are a contribution from Professor Dobby of Malaya on "Food and the Changing Function of Southeast Asia," as well as one from Professor Vu Quoc Thong of Hanoi on future economic development of Vietnam. "Ideological Problems in Southeast Asia," by Richard Gard, introduces the part entitled "Culture" providing an exposition of concepts basic to development of Southeast Asia in future decades. Implications of these concepts underlie contributions throughout the volume. The effect on Southeast Asia of cultural borrowing, including communism, makes up the remainder of this part. The fourth part is devoted to "Law," a welcome addition since law is frequently neglected in general area studies. Illuminating papers are offered by the Rector of the University of Rangoon and the President of the University of Indonesia both dealing with the customary or adat law of their respective countries. The role of Southeast Asia in international law and in international relations is also presented. The last part, "Proposals for the Future," seems repetitive

since all authors dealt with the future, as well as the past and the present. The final paper adds something new, however, in highlighting possible interaction between American and Southeast Asian universities.

An extraordinary amount of effort is evident, in the lucid presentation to educator, government policy maker, businessman, or interested general public, of the problems which must be met and solved if there is to be integration of Southeast Asia into the modern world. We need detailed documented studies of various segments of political, economic, and social life of Southeast Asia in the United States, supplementing the many prewar Dutch, French, and English studies. This volume poses the questions. We cannot be satisfied until facts upon which the definitive solution must depend are further investigated.

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ZINKIN, MAURICE. *Asia and the West*. Pp. xii, 304. New York: Institute of Pacific Relations, 1953. \$3.50.

At the very outset this reviewer must indicate that he does not agree with some statements made by the author, such as: "The West did not set out on a deliberate tour of conquest [of Asia]. As a rule it went to the East to trade, and its blind weight broke the Eastern countries." According to the author, the very fact that Japan did not become a victim of Western expansion "is an interesting proof that Europe was not bent on conquest for its own sake. It was trying, more or less consciously to create political systems which would stand the wear and tear of industrial age." This statement is a very inadequate rationalization to support Western imperialism and conquest of Asia, as if to help the peoples of Asia, which is not historical fact.

Asia and the West is, however, an excellent study of social and economic conditions of Southeast Asian countries. One chapter is on "the Eastern Village and Western City," implying that the very idea of city is Western. If the Oriental industrial cities of modern type are of recent

growth, they have grown fast. The modern cities of the West are the outgrowth of industrial revolution, but this is also the case in the Orient. The patterns of social changes in the East and West are not entirely different in character, but the time element makes the difference striking.

The author makes it clear that during the quarter century of Japanese occupation of Manchukuo outside investment and industrial development surpassed anything the Western powers had accomplished in their colonies. But he thinks that such a development did not benefit the Chinese workers. The reviewer thinks the author has a double standard in appraising British imperialism in India and Japanese imperialism in Korea.

The author suggests that America has lost China because we supported the Kuomintang and Chiang-kai Shek and cites "the White Paper on China" to substantiate his position.

The author believes that the future of Asia as it will affect the West will depend on what happens in India. The real purpose of the book can be deduced from the following passage: "The Indian sub-continent, and in particular India, dominate the whole area from Aden to New Guinea. If they go, all Asia will go with them. If they can give their people food as well as freedom, factories as well as democracy, then Communism will be stopped on the Chinese borders more effectively than by many divisions. Asia is determined to be richer, even if it means liquidation on the Chinese scale, but it would prefer its bread without bullets. There could be no better investment for America than to help India and Pakistan in showing that liquidations are not essential to welfare. This book is intended as a contribution to the study of the Asian background against which such a policy must be planned."

In one chapter Zinkin examines the Five Year Plan of India. He indicates that India needs foreign capital investment, but needs sums much smaller than those given to Japan and Germany by the United States. In the Postscript he pleads: "Whether Communism or democracy is chosen [by the Asian people] will depend

not on ideologies but on facts. If the West, which in this context means the Commonwealth and the United States, wants freedom to win, then it must make sure that India offers a more successful model for imitation than China. That will be expensive; it may cost as much as £200 million a year for India alone; and other countries will doubtless want their share. But it is much cheaper than a series of Koreas."

The book is a valuable contribution in the field of Asian affairs.

TARAKNATH DAS

Columbia University
and New York University

HSU, FRANCIS L. K. *Americans and Chinese: Two Ways of Life*. Pp. xix, 457. New York: Henry Schuman, 1953. \$6.00.

This book includes a stimulating and instructive analysis of Chinese culture. But even more enlightening to Americans is its objective and thought-provoking analysis of our culture. The author, a Chinese cultural anthropologist who completed his graduate training in England and has lived for nearly a decade in the United States, is unusually well qualified to make such a study.

It is Professor Hsu's basic premise that the American and Chinese ways of life are in diametric contrast, with the American individual-centered and highly emotional and the Chinese situation-centered and little swayed by his emotions. These contrasts appear to be somewhat forced at times, but the author is honest enough not to allow his theories to prevent the presentation of the pertinent facts. The facts tend to support the individual-versus-situation-centered part of the premise; it is more difficult to accept without reservations the author's conclusions about emotions.

Part One of this book is concerned primarily with the origin of differences in the American and Chinese ways of life in the family and in the school. Part Two examines the differences in the psychological orientation of Americans and Chinese as illustrated in their attitudes toward mar-

riage, class, personal success, government, economic life, and religion. Part Three is devoted to American problems, Chinese weaknesses, and the challenge of Communism to both societies.

In the opinion of the reviewer the author is most convincing when discussing social and political phenomena. Students of religion are likely to question various points in his interpretations of Buddhism and Christianity; and his brief excursions into art and literature are so weak that they would have been better omitted altogether. Some historians of China will feel that he underrates the changes that have occurred in the Chinese way of life during the twentieth century, that he does not distinguish sufficiently between traditional and contemporary Chinese society. But it must be said that he is consistent in upholding the thesis that there is no essential difference between Chinese attitudes today and those of the past—that the recent changes in China are no more than adjustments that have been compelled by the aggravation of ancient ills by the impact of the West. Even the acceptance of Communism is no more than the latest attempt to solve such problems. While recognizing the risk that Communism may change China, Professor Hsu feels that it is at least as likely that China will change Communism. Moreover, he believes that "despite the fact that Communists have triumphed in China while they have at least been brought to a temporary standstill in the West, . . . in the long run the West stands in more serious danger of succumbing totally and irrevocably to Communism or some other brand of totalitarianism than does China" (p. 435).

The book is clearly written, with occasional summaries that are helpful to the general reader. It grinds no political ax, and is fresh and stimulating. Its occasional sweeping generalizations and exaggerations are presumably intended to emphasize important points or to provoke thought. It is to be hoped that *Americans and Chinese* will reach a wide audience, for it could be read with profit by all Americans.

KNIGHT BIGGERSTAFF
Cornell University

MORAES, FRANK. *Report on Mao's China*. Pp. 212. New York: The Macmillan Company, 1953. \$3.75.

This readable, informative, and impressionistic account of Communist China today is written by an experienced Indian journalist. Mr. Moraes was in Chungking and Kunming as a war correspondent in 1944 and 1945 and made a tour of Communist China from April to June 1952 as a member of the Government of India's cultural delegation. Mr. Moraes covers all the main aspects of China today—the look of the towns and the countryside, relationships with Moscow, brain-washing, public works, the top Communist leaders, the emancipation of women, economics, culture, hate campaigns, and foreigners, both friendly and unfriendly, still resident in China. He concludes with a somewhat forced comparison between Gandhi, Nehru, and Mao, and some interesting comments on India and China.

Mr. Moraes looks at the world through the spectacles of his own country, but he is definitely anti-Communist and far more objective about what he sees in China than have been a good many American reporters. He feels that the Communist regime depends on the army first, and on propaganda second. The brain-washing of the young is more important than that of the old. Russian influence is strong and growing stronger. Mao emerges as a realistic and practical man who uses Marxism-Leninism as a useful tool in gaining power. He will be no Tito. His greatest weakness is his ignorance of the West.

The effort to emancipate women from the old family system is not going as rapidly as had been hoped, but the liberated ones are quickly harnessed to the all-powerful State. The theme of the all-powerful State runs through everything—culture, education, politics. Mr. Moraes in fact feels that democratic India and totalitarian China are struggling for the leadership of Asia.

Mr. Moraes sees the Chinese side of the Korean conflict more sympathetically than we do. It is hard to follow his argument that United States policy has driven Peking into the arms of Moscow—especially in view of his scoffing at the possi-

bility of Titoism. On the other hand, one can agree that China would like an easing of the tension in Korea in order to avoid a continual drain on her manpower and resources. "In other words, she wants neither war nor peace but a state of stalemate calculated to tie up the U. S. forces in Korea without placing too much stress and strain on her own economy." Mr. Moraes has no illusions about the ambitions and designs of a militaristic Communist China.

GEORGE E. TAYLOR
University of Washington
Seattle, Washington

SAVAGE, HOWARD J. *Fruit of an Impulse: Forty-Five Years of the Carnegie Foundation, 1905-1950*. Pp. viii, 407. New York: Harcourt, Brace and Company, 1953. \$6.00.

This strangely titled book is an able history of the Carnegie Foundation for the Advancement of Teaching, written on assignment by Howard J. Savage, staff member of the Foundation since 1923. It joins a rising tide of similar foundation histories, ten- and five-year summaries, and newly initiated annual reports, all testifying to a quickening consciousness within foundations of accountability to the public and the necessity for a wider understanding of this relatively new instrument of philanthropy if its greatest asset, full freedom to experiment, is to survive.

One approaches staff-written histories with misgivings. Will it be a glory book, or a dull catalogue of dates and names? This one is neither. It has its arid patches and shows no genius for portraiture, but it does have pleasant narrative touches and presents an important institutional history with every attempt at honest objectivity. Outstanding successes are duly noted, such as Abraham Flexner's notable report on medical education—though Mr. Savage gives too modest an account of his own dynamiting inquiry into college athletics. Failures and near misses, too, are noted. For example, *Bulletin No. 5* "was not too favorably received. Some scientists saw it as showing little comprehension of what a university was all about." Tremendous

controversies raged about the Foundation when long-lived annuitants, falling interest rates, and—it is frankly admitted—inadequate preliminary study forced a reduction in the retirement allowances professors were expecting. These are noted and the problem is explained at great length, though it was too much to expect that the most vituperative comment would be presented.

For the student of philanthropy here is the documented history, covering nearly half a century, of a simple, even naïve, attempt to do good with ten million dollars, and its unexpected results to the whole field of American higher education. Andrew Carnegie saw college professors, grown old in worthy service, living on in penury; he decided to help them with free pensions. But free pensions were not a good idea. Mr. Savage admits that in the light of present-day knowledge Mr. Carnegie's "gift to the teachers might have taken another form. Conceivably it would not have been made at all." It was made, but with unexpected consequences. Since the pensions were for "college" teachers, it became necessary to define acceptable colleges. The attempts of colleges to qualify worked a revolution in the standards of higher education.

Meanwhile the Foundation's firm-minded president, Henry S. Pritchett, saw the educational studies of the Foundation as potentially more important than the pensions, and after years of resistance won over Mr. Carnegie to permitting a modestly endowed Division of Educational Enquiry—a shift in course which the winds of experience have brought to many other philanthropists and endowed charities. The pensions, even when later curtailed, demanded many more millions than Mr. Carnegie originally gave or intended. The research program, helped though it was by grants from the Carnegie Corporation, seldom had substantial funds; but under direction of presidents Pritchett, Henry Suzzallo, Walter A. Jessup, and Oliver C. Carmichael (who has just resigned) it has made outstanding contributions to American education.

F. EMERSON ANDREWS
Russell Sage Foundation
New York City

DAHL, ROBERT A., and CHARLES E. LINDBLOM. *Politics, Economics and Welfare*. Pp. xxvi, 557. New York: Harper & Brothers, 1953. \$5.00.

This is a book which needs and deserves to be read more than once. Its forays into the further reaches of economics and political science, its carefully reasoned construction of a conceptual framework, and its use of a technical and in some part novel vocabulary—all make the book difficult reading. But its virtues demand the effort and justify the advertised enthusiasm of those who read the manuscript in draft and pronounced it "first-rate."

In an immediate sense, the book is the result of collaboration between two Yale professors, one a political scientist and the other an economist. Having discovered some years ago that their separate seminars on "planning" differed more in terminology than in content, the two formed a partnership in teaching and in ideas. The result was a joint seminar, and the use of the combined theoretical and technical resources of two disciplines to provide the beginning of an answer to their basic question: "What are the conditions under which numerous individuals can maximize the attainment of their goals through the use of social mechanisms?"

Their "beginning of an answer" is impressive, both in substance and in method. Though no summary can do it justice, the gist of their answer is carried in the following set of propositions:

1). Welfare must be treated as a broad concept, embracing the ultimate and immediate goals of both the "political" and the "economic" man.

2). The essential requirement in maximizing welfare is not that a once-for-all choice be made between the extreme alternatives posed in the Great (but passing) Debate over Planning and the isms. Maximizing welfare requires a commitment, not so much to a particular set of means as to the general processes of rational calculation and control; and these in turn require a great variety of specific and changing techniques.

3). Choice of these techniques need not be hit or miss. It should be governed by a rigorous appraisal of the "marginal ef-

fectiveness" and consequences of alternative methods.

4). The first step in such an appraisal is to reduce the array of available techniques to a few elemental types, best defined and analyzed in terms of the social processes to which they relate, and the varying patterns of social relationships which they involve (thus the subtitle of the book: "Planning and Politico-Economic Systems Resolved into Basic Social Processes"; and the listing, for example, of "Four Basic Control Techniques"). So fashioned, these basic processes and techniques become the common denominators of economic and political analysis and the starting point of a significant venture in political economy.

The reader will recognize from these summary propositions the extent to which the book is an amalgam of established methods and points of view—its borrowings range from the marginal analysis of contemporary economics, and the jargon current among social scientists, to the Fabian emphasis on gradualism and the efficacy of techniques. (It is difficult to forgive the jargon, though no more difficult, I suppose, than to avoid it in these days and with such refractory material. The temptation, certainly, is to write too easily and obscurely, leaving the reader to wonder whether, after all, "the emperor's clothes are woven of naught but artful invention.") The original and real contribution of the authors lies in their resourceful use of familiar materials to provide a new and badly needed analytical system.

Among many uses to which the book should be put, one is to serve as a text in a survey-review course for seniors majoring in economics and political science. Whatever the use and whoever the user, an important bit of advice is to read the "Postscript" first, which is much more significant and helpful than its modest position and title would indicate.

PAUL N. YLVIKAKER
Swarthmore College

CRAVEN, WESLEY FRANK, and JAMES LEA CATE (Eds.). *The Army Air Forces in World War II*. Vol. V: *The Pacific: Matterhorn to Nagasaki, June 1944 to*

August 1945. Pp. xxxvii, 878. Chicago: University of Chicago Press (for the Air Historical Group, USAF), 1953. \$8.50.

In many respects this volume of the projected seven-volume history of the Army Air Forces in World War II is far superior to volumes I, II, and IV, and is only equaled by volume III which deals with the campaign in Europe from January 1944 to May 1945. This is largely accounted for by the fact that it was not until 1944 that the Air Forces overseas had competent historical divisions attached to their headquarters; indeed, General Kenney's Far East Air Forces did not accept the assignment of an historical section until May 1945. Consequently, while the history of the early period of the war is handicapped by a comparative paucity of source materials, volumes III and V are based upon a huge mass of original manuscripts which were available to historians before they were destroyed by hard-pressed adjutant generals who were forced to seek filing space for current papers.

Although this volume presents an excellent account of the most complex and often bewildering campaigns in the Philippines, the naval advance from the Marianas, and the activities of the Air Forces in China and the Burma-India theaters, it is concerned mainly with the strategic bomber offensive against the Japanese homeland. The war against Japan was unique in our whole military history in that it was the only case where the role of the ground soldier was primarily a supporting one. Because of the publicity given to the long and often bitter debate that has raged since the war as to whether the Air Force or the Navy was primarily responsible for the defeat of Japan, one reads this volume in the hope of finding a definite solution to the problem. The extreme supporters of the doctrine of victory through air power alone will get little encouragement out of the contents of the book.

This whole question is analyzed in a brilliantly written "appraisal" in the final 20 pages of the work, and the editors come to the conclusion that it is quite impossible to determine to which Service the credit

should be given. It appears that the basic cause of Japan's failure was the inability of her industrialists to produce war materials in sufficient quantities for a large scale, long protracted struggle. At best they had only 10 per cent of the industrial production of the United States, and this declined rapidly in the latter half of the war. In the words of the editors: "it must be admitted that there would have been real difficulty in studying the effect of strategic bombardment as an isolated problem, for the B-29 offensive—to take but one example—had reached true effectiveness only after a blockade implemented chiefly by U. S. submarines had had a telling effect on Japan's capacity to prosecute the war."

The editors conclude that "if any one factor, aside from the weakness of Japan herself, deserves principal emphasis, it is the high degree of effective joint action achieved among the American armed services."

ARTHUR P. WATTS
Lt.-Col. USAFR

Philadelphia, Pennsylvania

LETTERS TO THE EDITOR

Dear Sir:

Reviewing our book, *Anna Ella Carroll and Abraham Lincoln*, T. Harry Williams, in 600 words, says, "Space does not permit analysis" of its case. Had he avoided offensively weighted words and toploftical misstatements, he would have had room.

1. It was not *we* who called Miss Carroll "the great unrecognized member of Lincoln's cabinet." It was the card catalogue of the Library of Congress, which quotes authorities of Lincoln's own time. Can Williams not read quotation marks?

2. Williams, echoing another Williams, says Miss Carroll did not know how her outline of strategy of November 30, 1861, was used. She made no such admission. Guarding her words to Senator Howard, Chairman of the Senate Committee on Military Affairs, in order to get him to commit himself, she drew from him a signed statement to the Senate that she

"had furnished the government with the information which caused the change of the military expedition which was preparing to descend the Mississippi River from that river to the Tennessee" (House Misc. Doc. 58, 45th Cong., 2nd ses.).

3. There is no truth in Williams' statement that "no single contemporary document indicates that Grant advanced because of her influence." On February 20, 1862, Elisha Whittlesey, of the Comptroller's Office, Treasury Department, enclosing copies of Miss Carroll's strategy outline, wrote "They are very extraordinary papers as verified by the results. So far as I know or believe, our unparalleled victories on the Cumberland and Tennessee rivers may be traced to her sagacious observation and intelligence."

Again, Senator Benjamin Wade testified (see p. 323 of our book) that within a few days of the fall of Forts Henry and Donelson, while the movements projected by Miss Carroll were still in progress, "With the knowledge of the author [Miss Carroll] I interrogated witnesses before the Committee to see how far military men were cognizant of the fact." These records were aired in the testimony before the Military Affairs Committee of the House in 1876 (House Misc. Doc. 179). Senator Wade stated in a letter prefixed to House Report No. 386 (see our book, pp. 300-301 and 304) that hearing of Anna's plan from Assistant Secretary of War Scott, he (Wade) himself urged Lincoln to override McClellan and Halleck and put it in execution with secrecy, and appoint Edwin Stanton as Secretary of War to carry out her plan, "since he [Stanton] fully believed it was the only means of safety as I did." Again, the testimony of Colonel Scott (who was Assistant Secretary of War during the Tennessee advance), which he gave seven years after the Civil War, is absolutely explicit (see our book, p. 305).

Will anyone say that the testimony of an official of comparable position made today to the Committee on Military Affairs with regard, say, to the North African campaign, could be dismissed as not "contemporary"?

Williams adds, "in fact, the contemporary documents disprove the Greenbie

thesis." Where are those documents? He cannot produce one. Grant never claimed this strategy. True "almost anyone could have thought of it." But nobody did.

4. Now to our "fascinating use of evidence" in the Conkling speech. Transcripts of this speech were submitted to the Military Affairs Committee, as evidence that that action was taken at once to prepare for future recognition by Congress of Anna's work. Williams' ignorance of this fact does not alter it. It only makes his claim about McClellan more ridiculous.

5. Williams runs riot against our "improbable conversations" which we call synthetic. Our conversations are based on actual words in written documents, or on known actions in similar situations. But Williams prefers improbable generalizations. With Freudian self-confidence, on page 26 of his book, he says: "McClellan would have been a better man had he encountered some humbling reverses in his first battles by actual or possible defeat." Through what special conversation with God does Williams know this? Many generals were defeated without being improved. This is not synthetic. It is pure eyewash.

Our first attempt to answer Williams took us 1,200 words. Since we are given only 550, we shall have to let him go at that. We find it ten times harder to answer his egregious errors in that brief review than he did to cover the errors in our 539 pages.

SYDNEY GREENBIE

Castine, Maine

Dear Sir:

I expected the Greenbies to write a letter protesting my review. They seem to make a practice of protesting reviews that do not accept their claims. I expected the letter to be of the nature it is. I have no desire to get into a squabble with the Greenbies. One cannot argue with people who are dedicated to a case.

T. HARRY WILLIAMS

Louisiana State University

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