

only its degree of perfection, must aim at the superlative. As a doctrine forsakes its reason-to-be, it imposes the dead hand of restraint. As rules harden into a code, they enslave where they are meant to serve. It has taken a brilliant use of a superb technique for the authors to say that the life of the law is not observance, but function. They merely profess to set down an objective account of the Cheyenne way; but you and I know it is a sermon to the brethren of the American bar.

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Public Policy. Edited by Carl J. Friedrich† and Edward S. Mason.‡ Published by the Graduate School of Public Administration, Harvard University Press, 1942. Pp. xiii, 391. \$3.50.

Perhaps it is because the reviewer is too rigidly bound by canons of academic logic that he has extreme difficulty in tracing that thread of continuity which is usually found in a book. Possibly, however, there is no reason to confine miscellaneous articles to weekly, monthly, or quarterly magazines encased in paper covers. If not, here then is a series of excellent articles on various topics pertaining to problems arising out of the war (and one should add parenthetically that all deal with the social sciences) in another edition of the "annual magazine" of the Harvard Graduate School of Public Administration.

The first two articles deal with the question of war morale. In one of these, Gordon Allport discusses the problem of morale and its measurement. His is a very good survey of the various kinds of evidence pertaining to national morale, such as the suicide rate, mental illness, tax evasions, sabotage, and strikes, to name a few of the indices which he enumerates and discusses. He concludes that it is not possible to add algebraically the assets and liabilities in national morale, but points out that it is possible from empirical surveys to identify those factors which seem to be high and those which seem to be low, and to plot trends over a period of time. In the second of the articles on morale, Edward L. Bernays discusses "The Integration of Morale." He defines morale and outlines certain basic premises which underlie the building of a strong morale. He points out the need for a broad integrated plan and states its achievement is not easy because democracy means different things to different persons. In any case, it is important in a democracy that persuasion should be through truth. Although much is now being done by the public relations units of many government departments, there is no master plan marked out by technicians drawn from the fields of the social sciences. Technicians and experts in the physical sciences already advise on similar subjects, and similar advantage should be taken of expert knowledge in the nonphysical fields.

In the most lengthy article in this "year book," David Riesman discusses "Civil Liberties in a Period of Transition." He points out that we have been the inheritors of a great liberal tradition which we have been inclined neither to challenge nor to adapt to the radically changed conditions which confront us. Mr. Riesman discusses the United States Supreme Court cases dealing with freedom of speech and press, beginning

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with *Schenck v. United States*,¹ and continuing through some of the more recent cases, such as *DeJonge v. Oregon*.² He also analyzes the significance of the clear and present danger formula used by the Court and points out quite aptly that this formula was evolved under conditions totally different from those now existing or likely to exist. He proposes a new test, namely the so-called "belief in civil liberties test" under which civil liberties would be denied to those who would deny them to others. A second article on civil liberties by Alan Burr Overstreet is entitled "The Administration of Civil Liberties in Wartime." In times of crises, Mr. Overstreet points out, governments may not only be lax in their protection of individual rights against invasion by other individuals, but may deliberately disregard or circumvent their own self-limitations. If action is taken moderately and deliberately and with a clearly stated governmental policy approved by the legislative representatives of the people and by the majority of public opinion, there are no grounds for protest. In the United States, many abuses and violations of civil liberties have resulted from the fact that the protection of civil rights is not the sole affair of local, state, or Federal Government. But, building in part on experience from the last war, Federal Government officials have been treating the civil liberties problem on a much wider basis than their official legal concern would warrant, thus seeking to prevent confusion and abuses of the last war. They have undertaken to co-ordinate the agencies of the Federal Government dealing with civil liberties. Also, they have promoted federal-state conferences on law enforcement and fostered a plan of centralized federal control.

Three articles deal with labor and the war. D. H. Davenport, in his "Mobilization of Labor Resources for the Defense Effort," points out that the task of mobilizing the nation's man-power for defense production has four major aspects, namely, determination of future labor requirements, provision of efficient machinery for job placement, the fullest utilization of workers who possess requisite skills, and the operation of a nation-wide training program. The second article on labor, "The National Defense Labor Policy" by Earl G. Latham, discusses some of the problems discussed in the previous article but includes other topics such as wages and strikes. One of the features of this latter article is the comparison which Mr. Latham draws between the labor problems of the last war and those of this war, and between the administrative machinery used during both periods. In conclusion, the author states that if single words may be used to describe the two administrations, the earlier could be called "institutionalized" and the latter "personalized." "Labor Disputes during the War," by Charles E. Wyzanski, is the title of the third article in this labor series. Mr. Wyzanski discusses what he regards as the six critical problems that have arisen in the handling of labor disputes. Should the government require compulsory arbitration in vital war industries? Should each dispute be decided on its merits or on the basis of an announced set of substantive policies? What attitude should be taken on the issue of the closed shop? What attitude should be taken on wages during the war period? Should the same agency engage in both arbitration and mediation? Should the agency dealing with labor disputes be composed entirely of public officials, or should it be composed of representatives of employers, employees, and the public?

The last part of the book contains articles covering the general topic of war finance and government. In one of these, James Tobin discusses the role which statistical forecasting can play in planning for defense. Not only must those who plan in Washington

¹ 249 U.S. 47 (1919).

² 299 U.S. 353 (1937).

have a schedule of industrial requirements for the armed forces, but they must make reasonable estimates of the effects of the defense program on civilian economy. They must guess as to income, the need for expansion of production, and the institution of priorities and rationing. Statistics can be obtained which will materially aid in answering these questions far better than they were answered during the last war. Through charts and discussion the author shows what can be done. Wayne C. Grover, in his article, "The Control of Industrial Mobilization," lays particular emphasis upon government contracting and subcontracting, and discusses at some length competitive bidding versus negotiated contracts. Another article in this part of the book, "National Defense and Local Government," by Lawrence L. Barber, is a study of the Quincy, Massachusetts area which contains large defense plants. The author discusses the effect of the increase in population on the municipal problems of this area, such as fire-protection, education, and the tax rate. The last article, by Alvin H. Hansen, is entitled, "Changes in Economic Structure Arising out of the War and Their Implications for Public Policy." He points out that important changes in the world economic order grew out of the last war, that economic policy following the war failed to take cognizance of these changes, and that after this war there is reason to believe that we are less likely to make this same mistake. One of the chief reasons for this is that after the last war the overwhelming consensus of opinion favored a policy of returning as rapidly as possible to the *status quo ante*, whereas now everywhere public opinion and public leadership recognize not only that the world has profoundly changed but also that it is changing at a rapid rate. There is a growing recognition and an increasing readiness to accept the implications of this. He discusses anti-depression policy, public policy in international economic relations, and other related topics.

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The Judicial Function in Federal Administrative Agencies. By Joseph P. Chamberlain,† Noel T. Dowling,‡ and Paul R. Hays.§ New York: The Commonwealth Fund, 1942. Pp. xii, 258. \$3.00.

This general survey of the quasi-judicial functions of twelve leading federal administrative agencies is, as the authors state, not "a law book in the sense of an analysis of court cases and other legal materials." It is a broad exposition, however, of the policy-making powers of those agencies, of the sanctions employed in enforcing their orders, and of the relation between them and the courts. The authors state that the Report of the Attorney General's Committee on Administrative Procedure with its accompanying monographs "made it unnecessary to include here a large amount of the detail in respect to the procedures of the agencies, which was collected and used as a basis for this study." A resulting lack of specificity and concreteness causes this work to suffer in comparison with that Report. There is, moreover, an apparent tendency throughout most of the work to be content with mere description and exposition and to refrain from evaluation, criticism, and concrete suggestions. This deprives the study of

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