

In collecting material on such a large number of cartels and generalizing from it, Professor Hexner undertook a task which at the best would not have been easy. As it is, his treatment is based upon a heterogeneous collection of fragmentary, and to some extent misleading, information. It is therefore not surprising that it lacks clarity. It certainly did not help matters to define a cartel in such a way as to exclude so many organizations concerned with marketing problems. Although the defects of the book are such as to diminish its usefulness to those concerned with matters of public policy, the proposals it makes which have been mentioned above for the regulation of cartels deserve serious consideration.

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Unwritten Treaty. By James P. Warburg. New York: Harcourt, Brace & Co., 1946. Pp. 186. \$2.00.

The author of this book was associated with the foreign activities of the Office of War Information. He is, therefore, thoroughly familiar with the art of war propaganda, and his description of the organization, methods, and results of Nazi, Japanese, British, Soviet, and American propaganda is both interesting and informing. He discusses the division of functions and the jurisdictional conflicts among various United States agencies such as the Coordinator of Information, Coordinator of Inter-American Affairs, Office of War Information, and Office of Strategic Services, and the failure of these agencies clearly to perceive the difference between the aims and methods of information and of propaganda, especially in conducting psychological warfare.

The author contributes to the science of public opinion by his analysis of this distinction. Information, he says, is to promote the functioning of man's reason; propaganda, to mobilize certain of man's emotions in such a way that they will dominate his reason.¹ Information is descriptive and impartial, propaganda is selective and persuasive. The author believes that only by careful discrimination of these two activities, both of which are necessary in war and both of which within limits are legitimate in time of peace, can international progress be assured. He insists that the methods are so different that each function should be conducted by a distinct agency.

Mr. Warburg is a crusader for righteousness and offers practical suggestions for a continuous flow of broad streams of information across national boundaries in time of peace and for preventing the pollution of that stream by propaganda aimed at psychological aggression.

For the first he proposes a draft treaty by which the governments would agree to allow information-gathering and communication agencies of the others to operate in their territory, and to use facilities at reasonable cost equal to that offered to nationals.²

For preventing illegitimate propaganda, he proposes an agreement extending the jurisdiction of the Security Council of the United Nations to acts of psychological aggression.³ It may be questioned whether any change in the charter is necessary for this purpose because the members of the United Nations already appear to have the right

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¹ P. 17.

² Pp. 153-54.

³ P. 157.

to place before the Security Council situations threatening the peace,⁴ and the Security Council has the power to deal with such situations⁵ even to the extent of applying sanctions.⁶ The General Assembly is also competent to consider such problems.⁷

The author's effort to define acts of psychological aggression is suggestive. He attempts to make a formula which might be acceptable to countries with a governmentalized economy as well as to those with a free enterprise economy. Consequently he ignores the rule, long recognized in international law, which forbids government propaganda libelous to a foreign state or government but does not require a government to prevent similar propaganda by private agencies. Instead, the author suggests that governments be obliged both to refrain from aggressive propaganda themselves and to prevent or counteract private propaganda of this character from their territories. In deference to constitutional guaranties of freedom of speech, the proposal qualifies the latter obligation by the phrase, "within the framework of its own constitutional relationships between citizen and state."⁸ Whether such an agreement could be steered between the Scylla of constitutional guarantees of freedom of speech and press in free enterprise countries and the Charybdis of unacceptable curbs on censorship in governmentalized countries remains to be seen, but the suggestion deserves consideration.

The book is written as a tract rather than as an analysis. The author is critical of the lethargy of the United States on the problem and convinced that psychological disarmament is no less important than military or economic disarmament. The idea of psychological disarmament was widely discussed in the League of Nations Disarmament Commission and Conference, but the experience of World War II added both to the knowledge of the subject and to definition of policies. The book deserves reading by statesmen and by lawyers with a dynamic point of view. The proper balancing of freedom of expression with legal control of dangerous propaganda is one on which much thought is necessary.

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The International Law of the Future. Washington: Carnegie Endowment for International Peace, 1944. Pp. xxi, 196. \$2.00.

An International Bill of the Rights of Man. By H. Lauterpacht. New York: Columbia University Press, 1945. Pp. x, 230. \$3.00.

Both these books are concerned with the international law of the future. The one that bears this title is the product of the collective labor of almost two-hundred American and Canadian lawyers, among whom are to be found most of the leading international lawyers of both countries. It is divided into three parts: Postulates, Principles, and Proposals. The Postulates deal with the premises "which are essential

⁴ United Nations Charter, art. 35.

⁵ *Ibid.*, art. 34.

⁷ *Ibid.*, art. 14.

⁶ *Ibid.*, arts. 39-42.

⁸ P. 158.

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