

It would undoubtedly be of immense value if some incisive observer were able to make a revealing analysis of the process by which facts and values were weighed in making practical judgments and were able to suggest improvements in the art of practical judgment. However, this book fails in the task which the author has undertaken. The book is, unfortunately, constructed in too large a part by the "scissors and paste pot" method of compiling quotations from a great number of prominent authors without adequately correlating them into a well-constructed, cohesive whole. Too large a portion of the book is devoted to the adulation of Mr. Justice Holmes and to a mere recital of the facts of his well-known cases. In fact, Mr. Gall fails to extract from any of the judicial decisions which are considered, or referred to, in his book any direct suggestions for the improvement of the art of making a sound decision in the ordinary affairs of daily life.

Mr. Gall is probably quite sound in assuming that an acquaintance with some legal decisions and literature would be very illuminating to a large number of people. Whether or not it would be sufficient to make them more sophisticated and effective with respect to the processes which they follow in reaching ordinary decisions is something that remains to be proved. It would seem relevant, for example, to include some evidence in this type of book to establish that the lawyer, by virtue of his education, acts in a more informed and enlightened way in reaching a practical judgment than does the average citizen. It would also seem important to include some more extensive consideration of the relation between ethical requirements and the making of practical judgments than this book contains. Students of philosophy will probably also think that some greater consideration should also be given to the distinction between the making of theoretical judgments and practical judgments.

Mr. Gall has suggested an interesting and provocative thesis; unfortunately he has not contributed a great deal to demonstrating its utility or exploring its ramifications. Perhaps some other examiner into this subject will present a more fruitful consideration of its possibilities in some future book.

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Political Reconstruction. By Karl Loewenstein. New York: The Macmillan Co., 1946. Pp. xii, 498. \$4.00.

This book, to quote the author's preface, "has one central thesis; namely that the right of every nation to choose the form of government it pleases, now enshrined in the Atlantic Charter,¹ is the safest way to World War III."² The liberal doctrine of non-interference in the political institutions of a foreign state was one thing in the early nineteenth century, when the drift was toward democracy and when intervention came from the side of the Holy Alliance; lately, however, its tolerant shelter has proved congenial to dictatorships, fifth columns, and puppet regimes. "No nation after this war—least of all, the defeated Axis states and their satellites—must be permitted to choose a form of government which fails to conform to political democracy. . . ."³ "A Demo-

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¹ "Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them. . . ."

² P. viii.

³ P. 12.

cratic International is the only guarantee of political reconstruction, which, in turn, will be lasting only if guided by the Categorical Imperative of Political Democracy."⁴

Professor Loewenstein is a man of accurate learning and extensive observation; his argument is tightly-jointed. He understands the course by which dictatorships make their way to power and develops his conclusions with a powerful philosophy. If one would evade by saying that his scheme for imposing "democratic legitimacy" is impracticable, that events in the year and a half since the book was completed have not obeyed its precepts, the author has anticipated all that: "Frankly, I do not expect my suggestions to have any effect after this war. . . . Perhaps in one hundred or in three hundred years" this "basic prerequisite of world peace" will have attained acceptance.⁵

The argument of the book advances by five stages. The first object is to convince the mind that it is neither necessary nor wise for the international community to maintain an attitude of unconcern toward domestic violence and oppression in any country. "The Form of Government" goes on to lay down the "nuclear demands of political democracy"—the essential features of any government worthy of acceptance into the society of free nations. It is evident that the Soviet system does not pass muster. "De Monarchia, Model 1945" discusses European monarchy, a subject which to many Americans might seem as remote as Graustark and Ruritania. Yet who conversant with the facts can doubt that the recent maneuverings of Umberto and George II of Greece have affected adversely the repose of Europe and hence of the world? "The 'Choice' of the Form of Government" discusses with rare insight the ways of provisional governments and resistance movements and the finesse of plebiscites and referenda. In the anxious undertaking of restoring democratic processes after the fascist paralysis there are so many ways to do the wrong thing! The book concludes with a call to accept "The Democratic Imperative of Political Reconstruction." The nations which have won the right to reorder the world should exploit their victory in grim earnest. An international bill of rights should be proclaimed and enforced. And the peoples whose madness brought the world so near to ruin should undergo a long course of reform and probation. "Repentance, this time, should come before forgiveness. Political tutelage, or whatever name be given to Germany's loss of the right of self-rule, is the keystone of world security."⁶

As the instrument for administering this tutelage Dr. Loewenstein proposes an Inter-Allied Political Control Commission representing the four great powers and those members of the United Nations which border on the state to be controlled. The executive agent of the IPCC would be a Constitutional Commissioner, supported by an international staff of specialists. The control would last for years, a decade or longer, and at the start would be very energetic. As the ward grew in democratic strength the restraining hand of the guardian would become more gentle. The reviewer is inclined to believe that Dr. Loewenstein is unduly sanguine about the Inter-Allied Commission as an instrument of permanent regeneration. During hostilities allied control was exercised—with considerable success, all things considered—in the Mediterranean and European theaters, as a combined civil affairs operation of the British and the Americans. Their national objectives were generally reconcilable through the Combined Chiefs of Staff in Washington. But in Greece, it will be remembered, the British had to

⁴ P. 379.

⁵ Pp. 402-3.

⁶ P. 356.

go it alone. It even proved possible to bring the French into this system of control with respect to Elba and their sector in the assault upon Western Europe. But when the Western allies and the Soviet Government made contact in Germany and the Balkans, it was evidently out of the question to establish unified secretariats to administer allied control. In the Balkan areas the Soviet authorities seem to have brooked no interference, even as the British and Americans had acted pretty much on their own in the Allied Control Council for Italy. Germany, on which all four governments had a hold, was given a quadripartite Control Council; but this really consists of four separate secretariats, each controlling its own zone, with a fragile bond tying them for common counsel at the center. As the hopeful American participants say in effect, We must make this thing work, for this is the great test of our ability to get on with the Russians! But the scheme is more to be admired as an experience in working with Soviet authorities than as an exercise in enlightening the Germans. The American Government has sent many very able men—Dr. Loewenstein among them—to share in these efforts at allied control; but the possibilities of imposing permanent democratic reforms by the hand of alien governors are believed to be less promising than the book concedes. Dr. Loewenstein says candidly that “it is well realized that the condition for successful operation of the IPCC is continued unity of purpose among the Western powers and the Soviets. If they should fall apart the entire system of European reconstruction would fall.”

The remark just quoted illustrates the one aspect of the problem—and it is a very great one—which Dr. Loewenstein declined to explore. Where do the Soviets come in? Their institutions do not meet the “nuclear demands.” It may be possible to attain a wide acceptance of an international bill of rights; certainly the Roman Catholic nations would generally subscribe to that affirmation of the dignity of the human being, even if they proved touchy about accepting intervention to redress a breach. But the Soviets will not accept that formulation of ultimate political values. The Soviet bloc at the moment stands pre-eminent in urging that the United Nations get tough with the authoritarian regimes which Dr. Loewenstein would put at the top of the blacklist; yet some nations which hold membership in the democratic society would support a demand that somebody (else) stop the Russians. The author has responded “no comment” to this problem, save that “speculation should be left to the radio commentators” and that “politics is the art of the possible.”⁷ The outcome to be hoped for is that those who maintain the respective systems, democratic and Soviet, may find a basis of mutual forbearance while the ultimate values in their diverse institutions are being worked out by a slow and peaceful process of trial and observation and eventual acceptance or rejection by the choice of free people. (Since the Soviets are the newcomers to the society of nations, self-conscious and—not entirely without reason—inordinately suspicious, it is proper for the established democracies to make doubly sure of the purity of their own purposes, and then to make a sincere effort to find a common ground with the puzzling strangers.) Even if the so-called United Nations are as yet far from agreement on the essentials of a “good” form of government, at any rate they know some kinds that are “bad,” and they recently endured in common the agony of bringing the worst of them to unconditional defeat. Dr. Loewenstein agrees that a spirit of understanding between the American, the British and the Soviet nations is a prerequisite to the political reconstruction he seeks:

⁷ P. 396.

Under no circumstances must ideological differences make us forget the fact that the United States has fewer points of friction with Russia than with any other great power on this narrow globe. Both nations are self-contained—both, vigorous and ambitious peoples devoted to technological progress. If our relations are not disturbed by our differing ideologies, the three-cornered guardianship will provide the breathing spell which the world needs for finding its equilibrium.⁸

CHARLES FAIRMAN*

A Cartel Policy for the United Nations. Edited by Corwin D. Edwards. New York: Columbia University Press, 1945. Pp. vii, 124. \$1.25.

A more appropriate title for this booklet would be: "Cartels—How bad they are and how to destroy them."

Where the title of the book would lead one to expect an evaluation of cartels, we find instead a collection of articles—otherwise excellent and well written—all based upon one premise: Cartels are evil and must be destroyed if at all possible. The book has a decidedly pessimistic note. Ben W. Lewis cries out almost in desperation: "The cartel problem will be with us always. We shall not see the time when it will be safe for us to loosen our grip and turn our backs" (p. 28). The hopelessness of the task in no way affects his conviction that the noble fight must be continued, for he says: "Even those persons who can find some positive good in moderate cartel programs carefully supervised by public authority cannot afford now to aim for less than the complete elimination of private cartels in international trade" (p. 46). One cannot but admire Lewis' frank statement: "I do not like them in time of war or in time of peace," but "those persons" to whom he refers would not therefore accept his interpretation of their attitude.

It is not usual to find such unanimity of opinion among five authors dealing with different aspects of the same problem. This harmony of thought is easily accounted for. All the authors are convinced that the salvation of the world must be sought in free and effective competition. Starting from that assumption, the argument proceeds with little difficulty. Seen through these glasses, Fritz Machlup with inescapable logic says: "The disadvantages of cartels are self-evidence from the very definition: They reduce competition . . ." (p. 12).

Unfortunately there creeps in a note of inconsistency. For Lewis speaks of "a world that needs more, and more regular, production, better directed" (p. 26). While there is room for disagreement with the first part of this statement that what we need is more and more, the argument defeats itself by calling for a "better directed" production. This is indeed the crux of the whole matter.

Continued reference to Mr. Berge's thesis that cartels are evil because they will destroy "our free economic system," rejuvenates the basic premise throughout the book. The unprejudiced reader, however, cannot but wonder how this typically American point of view will be received abroad where cartels are not looked upon with the same horror. The gospel that all our economic problems will be solved by a benevolent Providence—once we do nothing to solve them—comes with poor authority from a country which has drifted into near chaos as the result of a lack of planning for the difficult reconversion period.

⁸ P. 397.

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