

It may be that responsibility for decision dulls the capacity of discernment. The fact is that one sometimes envies the certitude of outsiders regarding the compulsions to be drawn from the vague and admonitory constitutional provisions. Only for those who do not have the responsibility for decision can it be easy to decide the grave and complex problems they raise especially in controversies that excite public interest.

Certainly Warren and his brethren displayed courage as well as wisdom in this opinion. They may take pride in the fact that it revealed a courage and wisdom which the Congress has never shown on this issue; a courage and wisdom which was lacking in a President who waited until more than five years after the decision to put the slightest force of the prestige of his office behind the result. Not until July 8, 1959, did President Eisenhower publicly—and somewhat timidly—suggest that segregation was “morally wrong.”⁴⁵ History will vindicate Warren. It will treat him as a great judge, but for his actions like those in the *Brown* case, not for the contents of his speeches and opinions of the kind which fill most of this book.

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⁴⁵ At the President’s press conference on July 8, 1959, the following colloquy took place: “William H. Lawrence of The New York Times—Mr. President, quite apart from the legalism of the situation. Mr. President, have you any opinion as to whether racial segregation is morally wrong? A.—Myself?

“Q.—Yes, sir. A.—Well, I suppose there are certain phases of segregation, you are talking about, I suppose, segregation by local laws—

“Q.—In public facilities. A.—In other words that interfere with the citizen’s equality of opportunity in both the economic and the political fields.

“Q.—Yes, sir. A.—I think to that extent, that is morally wrong, yes.” New York Times, July 9, 1959, p. 12, cols. 2 and 3.

It should be noted that the President displayed no less courage than other politicians. Governor Stevenson’s campaign speeches, for example, will be searched without success for any more forthright position on this subject than the one quoted above.

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Why Men Confess. By O. John Rogge. New York: Thomas Nelson & Sons, 1959. Pp. 298. \$5.00.

The incredible confessions of the Old Bolsheviks during the Moscow “show trials” of the 1930s prompted the world to ask how such confessions were induced. More recent confessions, not only in Russia but by repentant ex-Communists in this country and by American prisoners of war in Korea, have only underscored the puzzling problem.

O. John Rogge, a former Assistant United States Attorney General in charge of the criminal division, offers his explanation in this short and readable book. The answer, he says, is not force, which was used by the Russians only for a year or so (1937–38) and not at all by the Chinese Communists. Rogge instead

names four influences: feelings of guilt or sin; rebelliousness against family, church or society; lack of love; and need for punishment. "Confessions are based on guilt feelings and guilt feelings represent a combination of two things: 'the dread of losing love,' to use Freud's words; and the fear of retaliation at the hands of those against whom one's own hostile and aggressive wishes as well as acts have been directed" (p. 225).

Psychologists and psychiatrists would probably not disagree with this explanation. Certainly they would agree that "The most powerful force in the world as well as the one in shortest supply is love" (p. 225), and that one great motivation for confession is the desire to obtain or regain love. Rogge does not enlarge upon the psychological bases for his thesis; his style is wholly popular. But his footnotes show that he is familiar with the professional literature on the subject.

His explanation for the "compulsion to confess" is withheld until the last forty pages of the book. The main body comprises a "catalog of confessions" which takes us rapidly through a dozen or more famous instances and epidemics of confessions, from Galileo and Joan of Arc through the wives of Henry VIII, the Earl of Essex and the witchcraft era to the present. There is a chapter on confessions by innocent persons, and some seventy pages on confessions to Russian (and Chinese) Communist inquisitors; also a chapter (4 pp.) on confessions of ex-Communists such as Chambers, Budenz and Bentley, and a few pages each on confessions in church and in court, Alcoholics Anonymous, autobiographical confessions, confessions in literature and "miscellaneous confessions" including even confessions of faith such as reciting the Apostles' Creed. (Mr. Rogge would like to have a "capitalist manifesto" or "creed for free enterprise" comparable to the Communist Manifesto. "It would," he says, "show our belief in capitalism and our opposition to communism and to socialism as well" (p. 183). This comes strangely from a man who was a fighter for liberalism when he left the Department of Justice.

While this reviewer has no quarrel with Mr. Rogge's main thesis, some of his subsidiary points seem open to question. A chapter on the Communist practice of "criticism and self-criticism," tells us that "in substance it is for confession and conformity. Periodically, numbers of communist leaders in various fields have to get up, beat their breasts, and, as at revival meetings, publicly confess the errors of their ways" (p. 128). This makes the process sound less rational than seems actually to be the case. Since the soviet state operates not only the political but much of the economic apparatus of the country, the dangers of bureaucratic tendencies are at least as great—and as greatly feared—as in our own country. Various interesting devices have been tried to combat this danger. Administrative institutions have been "raided" and inspected by detachments of young Communists. "Mass control" has been sought through wide participation in public administration. "Criticism and self-criticism" through production conferences and through use of the "triangle" of management, Party leadership

and labor-union organization is one method used to maintain an attitude of "healthy suspicion" toward the bureaucracy. In practice the result, it is true, has all too often been to define orthodoxy not only in political thinking but also in biology, literature and fashions in clothes. But it was not conceived for the purpose of obtaining confessions.

Throughout his narratives of the Russian confessions, Mr. Rogge suggests that the explanation lies in the inquisitorial system. In this country, he points out, we also have had political trials; we have indicted over 130 American Communists and convicted a hundred or more. Yet, "there have been no confessions from any of the defendants with but a single exception" (p. 25). Why? Because we have the accusatorial system rather than the inquisitorial. Yet, we are never told specifically what it is about the inquisitorial technique that leads to this result. Moreover, the reader who did not already know would not learn from this book that the inquisitorial technique is not peculiarly Russian or Communist, but is and for centuries has been normal criminal procedure in most continental countries. Even though Soviet writers themselves emphasize the distinctions, Soviet procedural codes show considerable similarity to the French and other continental codes. What the distinctions are, and wherein the Russian procedure is more effectively designed to obtain confessions, Rogge does not tell us. Does the answer perhaps lie not in the procedure as laid down in the books, but in its abuse? And if so, is the distinction that deserves emphasis not so much the virtues of the accusatorial system as against the inquisitorial, but rather the virtues of the rule of law as against the rule of men who are above the law?

Whether inherent in or an abuse of the Soviet procedure, the practice of holding suspects in isolation, incommunicado, and subjecting them to protracted questioning, usually without sufficient sleep, no doubt can be used to make the alien part of the victims' minds the ally of the inquisitor: their guilt feelings, fear of the loss of love and of retaliation will, as the author says, almost always without more pressure make them confess to almost anything. Therefore "The world should have done with investigative authorities questioning a suspected individual, like a powerful parent interrogating a helpless child" (p. 246).

Why Men Confess is the first of three books Mr. Rogge intends to write on the subject. The next will be devoted to the First and Fifth Amendments. If it follows the example of the first, it too should be a lively and provocative contribution to the subject.

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