BOOK REVIEWS


It is never possible to serve the interests of liberalism by believing that which is false to be true. The liberal must have as exact a view of the universe on the common-sense plane as it is possible for his perceptions and his intellect to give him, because it is the aim of liberalism to grant each individual the fullest degree of liberty which can be enjoyed without damage to the claims to liberty justly presented by other individuals. Where liberalism has created a social situation in which the claims of the individual and the rest of the community swing level on the scales, and forces alter this situation so that the balance is disturbed and either the individual or the rest of the community suffers wrong, then liberalism ceases to be itself unless it immediately seeks to restore the balance. For should it fail to make that effort it establishes precedents which must impede it in subsequent attempts to impose its will, and by acting against its nature it weakens its will and passes, often without knowing it, to the side of its enemies. Authoritarianism need not fear such mishaps. Not in violation of its principles, but in fulfilment of them, it can pretend that the individual or the rest of the community is receiving some advantage from the situation which will compensate it for the diminution of its liberty. But, by definition, a liberal cannot make such an apology to others or to himself.

The fact-finding powers of liberals have, therefore, always to be at work. They must be on guard to detect such conflicts of just claims as soon as they occur, and they must be fully acquainted with the contemporary world which is the context of such situations. It is hard to think of any recent event which calls for more careful attention from liberals than the case of Alger Hiss. The obvious issues are interesting enough. It cannot be a matter of indifference to any of us, American or British, that a man who is felt to be typical of the administrative class of his age should be accused of having diligently labored to place his country's secrets at the disposal of a country not guaranteed never to be its enemy. It cannot be a matter of indifference, if that version of the affair be rejected, and it be propounded that a man, so intellectually typical of his age that he could edit over a long period an enormously popular magazine, could nourish through the years a lying story for the purpose of ruining a former friend not seen for over a decade, and ruin himself in order to tell it. In either case something is happening which is as odd as if human beings were being born bright green with five legs. But there are many secondary issues which are almost as interesting as these monstrous births, and journalists must be spe-
cially fascinated by one problem. There is an immense wave of emotion passing
over the American people which is generated by the Hiss case. How far is this
the effect of a reasoned judgment based on knowledge of the facts of the Hiss
case, and how far is it hysteria caused by the reactions of the American uncon-
scious to certain new and disturbing ideas? How has the press succeeded in its
task of conveying to the public the facts of this vast, sprawling, intricate, pro-
found case which included two court trials lasting an aggregate of fourteen
weeks?

Partisans of both sides, travelling in Great Britain, have raised doubts in
English hearers. Sometimes their arguments have been of fantastic simplicity.
Defenders of Mr. Hiss have been known to allege the untrustworthiness of Mr.
Whittaker Chambers on purely physical grounds, with special reference to the
fact that he is fat. The only answer deserved by such an argument is that our
Mr. Winston Churchill is very fat, and we have never caught him committing
perjury. Only a little less infantile are the people who believe that the case
against Mr. Hiss was finally proved when Mr. Chambers told the Un-American
Activities Committee that Mr. Hiss had boasted to him of having seen a pro-
thonotary warbler on the Potomac, and the Committee got Mr. Hiss to confirm
this independently at another sitting. Now, bird-watching, as we British in our
informal way call what you Americans term amateur ornithology, doubtless has
its own esoteric conventions. It may be that a bird-watcher would no more talk
to a stranger about his single glimpse of a prothonotary warbler than he would
describe to him the intimacies of his honeymoon. Nobody knows what the next
man will consider sacred. But till that is established, it would seem that this is
precisely the sort of incident that a host, looking for small talk, might recount
to a man who was his guest but not his familiar friend: who was, in fact, on the
terms with him that Mr. Hiss insists he was on with Mr. Chambers. Partisans
speaking with only that incident as their ammunition are poorly armed; and it
is to be regretted that none of them seem, as compensation, to be equipped
with an answer to that perplexing question as to whether the bird is named
after the secretary of the Patriarch of Constantinople or the seven prelates who
are in charge of the canonizations of saints. Hardly better equipped are those
who rely on the declaration of Mr. Dean Acheson that he would not turn his
back on Mr. Hiss. Sir John Cockcroft, the head of British atomic research,
signed a petition for the reduction of the sentence passed on Dr. Alan Nunn
May, but this could not imply a belief that Dr. Nunn May was innocent, for
he had pleaded guilty. Good men are loyal to the better part of their friends,
even, and, it might be said, especially, when their worse parts have got them
into trouble. What Mr. Dean Acheson said did him honor, and did Mr. Hiss
honor too, but it has no bearing on the problem of Mr. Hiss's loyalty.

These straws are too flimsy to tell us what way the wind blows; the gale takes
them out of the hand. There remains the verbatim report, which has the oppo-
site defect of excessive solidity. One rarely hears it mentioned without the addi-
tion of the remark, "I was too busy to read it." The solution might be thought
to lie in the book written after the case by a journalist who covered it: a very good formula, and so it should be, for it fulfills the requirements laid down by Wordsworth for true poetry, since it takes its origin from "emotion recollected in tranquillity." That is why many readers will turn in hope to *A Generation on Trial: U.S.A. v. Alger Hiss*, by Alistair Cooke, the chief American correspondent of the great English liberal newspaper, *The Manchester Guardian*. That might well convey the true poetry (that is to say the essential truth) of the Hiss case, just as the book written by the English newspaper correspondent, G. W. Steevens, after he had covered the Dreyfus trials, conveyed the essential truth, which the historians have never superseded but only confirmed, about that tremendous conflict of conceptions of the public good. A first turning of the pages suggests that has happened; but here we come up against an inconvenient fact of literary history. Fifty years ago, when Steevens wrote, the author gifted with sharp and just perceptions, a command of logical process, and the capacity of relating events to their social context, usually announced what he was by writing sensitive and coherent and allusive prose, and the author who had none of these gifts usually wrote tritely—and loosely without reference to anything outside the narrowest limits of his subject. But the advance made by literary criticism during the past half-century, particularly on the technical side, has destroyed this sign-posting. It might be said that many young men and young women leave their universities having learned nothing but the art of giving a good surface to what they write, and having learned that well. Mr. Cooke's book is a typical product of this phase. It looks very good indeed. Its prose suggests precision, deliberation, impartiality. But, alas, here is no emotion recollected in tranquillity. There is plenty of emotion, but it is undigested. Of tranquillity—sufficient to allow the use of logic there is no sign. And as for recollection, it is most imperfect. This book is likely to be a serious stumbling-block to historians of the future by reason of its constant vagueness and inaccuracy.

It is always difficult to describe a trial of any length and complication, partly because lawyers, who are so precise when they write, often use language very loosely in court, and partly because affairs do not come into court until they have baffled people by their resistance to the ordinary technique of understanding and negotiation. Hence any description other than a verbatim report must be an interpretation rather than an exact account. But Mr. Cooke's interpretation strays far further from what is possible to ascertain about the interpreted material than is helpful. Let us take an early example of his methods. Regarding the people mentioned as Communists at the first appearance of Mr. Whittaker Chambers before the Un-American Activities Committee, Mr. Cooke says:

The employment records of some of these were read into the record, a proceeding which evidently shows that before this hearing the Committee investigators knew the names of the people to be accused. (Chambers was to testify in the First Trial that two investigators came to see him in New York early in June 1948.) [p. 57].
Now, it is not a secret that the whole Committee knew before the hearing started what line Mr. Chambers was going to take. Earlier that morning they had in executive session heard him give a summary of his evidence, and had decided that it ought to be given in public. Also Mr. Chambers had on his arrival handed his prepared statement (in which he mentioned the names of the alleged cell-leaders) to the chief investigator, Mr. Stripling, who had studied it during these earlier proceedings. Not only are these facts easily established by any inquirer, but the printed record shows that the only researches into the employment records of these men was made in a form which suggests just that brief and scanty degree of foreknowledge. When Mr. Chambers had made his statement, and was being questioned, the names of two of the men he had mentioned recurred, and Mr. Stripling then intervened with particulars of these men's careers, which were not drawn from the employment records of the Civil Service Commission, as Mr. Cooke's readers might suppose, but from two reference books, *Who's Who in American Jewry* and *Who's Who in Labor*. The only true employment record read during that hearing was that of Alger Hiss, but it was twelve years out of date, lapsing before he left government employment. These are facts quite inconsistent with a theory of preparations lasting for two months.

There is an even grosser distortion on the next page, where Mr. Cooke drops a broad hint of a previous rehearsal of Mr. Chambers by the investigators. He writes:

> When he [Chambers] left the Party, the only man he tried to persuade to break with him was Alger Hiss, who "absolutely refused to break."
> "He cried?" asked Mr. Stripling, anticipating nothing but the truth.
> "Yes, he did," said Chambers, "I was very fond of Mr. Hiss" (p. 58).

Now, what is printed in the record is this:

> Mr. Chambers: ... [W]e talked and I tried to break him [Mr. Hiss] away from the party. As a matter of fact he cried when we separated, when I left him, but he absolutely refused to break.
> Mr. McDowell: He cried?
> Mr. Chambers: Yes, he did. I was very fond of Mr. Hiss.¹

There is in fact no foundation for the suggestion of a leading question put by an investigator to a coached witness. There is simply a repetition, natural enough in view of the convention which maintains that men do not cry, of the word "crying" by a member of the Committee whom it had surprised.

This is very odd reporting; and Mr. Cooke's comments are as odd. He seems to have a difficulty, which is possibly a serious handicap to a journalist reporting a trial, in understanding the drift of any prolonged examination or cross-examination; and his comments on evidence often reveal a virgin unawareness of ordinary life which make the reader feel as if he were visiting a picture gallery

¹ Hearings before the House Committee on Un-American Activities, 80th Cong. 2d Sess. 572 (1948).
in pitch darkness. Let us turn to the incident of the New Year's Eve party. Mrs. Chambers claimed that she and her husband had spent the last day of 1936 with the Hisses. Mrs. Hiss, supporting her husband's claim that they had known the Chambers family only briefly and slightly, denied this, and produced a letter written by Mr. Hiss in Washington and postmarked December 30, 1936, and addressed to her at Chappaqua, N.Y., where she was nursing her little boy through chickenpox, telling her not to worry and to stay till the child was well, and assuring her that he would go alone to a party on January 2. This seemed to disprove Mrs. Chambers' story, until there appeared a woman doctor who gave evidence that Mrs. Hiss and her little boy had attended her consulting-room in Washington on January 2. Mr. Cooke's comment is: "Timmie may well have recovered in time to rob this date of any aspersion on the Hisses' testimony" (p. 297). It is impossible to imagine a readjustment of the universe which would make this comment sensible. Can Mr. Cooke really think that chickenpox is a disease without a definite infective period, and that a pediatrician would welcome the attendance of a child with that complaint at her office? Must he not have reflected that if the child was able to travel from Chappaqua to Washington so soon after the letter of December 30, there must have been some circumstance, such as a mistake in diagnosis, or a second thought about the date of the infection, which somebody would surely have remembered? There may have been, of course. But Mr. Cooke does not inform his reader of it.

This ineptitude in comment is shown again in the passage dealing with a point of great importance in the case: the value of the documents which Mr. Hiss is supposed to have copied. Both Mr. Sumner Welles and Assistant Secretary Francis B. Sayre were appalled by the thought of these papers falling into Russian hands at such a crucial time, particularly as they would have been of great use in helping the Russians to crack the American codes. Mr. Cooke submitted the text of these documents to an English historian of the highest standing, Professor Lewis Namier, and asked his opinion on their usefulness to the Russians. Professor Namier very sensibly answered that he had none, and could have none. He had no idea what the Russians knew at that time or what they wanted to know; and the subject matter of many of the documents was completely outside his province, which is the rise of the cabinet system in the eighteenth century, and the diplomatic documents directly relating to the outbreak of the Second World War. He added that, of course, the code-breaking possibilities offered by the transmission of these documents to the Russians must have been of the greatest importance. From this reply Mr. Cooke draws the curious conclusion that "[i]n view of this sensible modesty, it seems fair to assume that neither . . . Mr. Welles nor Mr. Sayre could begin to have a reliable opinion about the political value to the Russians of . . . these documents" (pp. 163-64). Now, it is perfectly true that the personnel of neither the State Department nor the British Foreign Office seem to have been listening when it was said that the meek shall inherit the earth, and most of us have thought from
time to time that they would be the better for being taken down a peg. But surely Mr. Sumner Welles and Mr. Sayre are here being taken down a peg too low. It seems odd that they should not be allowed to express their opinions on documents originating in their own Department, because an English professor says that he knows nothing about them.

It might still be true that, though Mr. Cooke's reporting is often inaccurate and his comment less than enlightening, *A Generation on Trial* gives a fair picture of the main issues of the case. But this cannot be claimed. It fails to address itself to the primary problem raised by the case, which is the reliability of Mr. Whittaker Chambers' testimony regarding Mr. Hiss; and here English readers would be very glad of guidance. To them especially it would seem no proof of Mr. Chambers' truthfulness that the story which he told to the ruin of Hiss brought ruin on himself as well. That superb exponent of historical mysteries, Andrew Lang, acquainted us all in our early youth with the Campden Wonder, the authentic story of a seventeenth-century Englishman who got his mother, his brother, and himself soundly hanged by confessing to the murder of a man who afterwards turned up alive and well. Only seventy-five years ago a girl of twenty-one ruined the career of Sir Charles Dilke, who promised to be our greatest statesman of the second half of the nineteenth century, by confessing to her husband that she had committed adultery with him in peculiarly degrading circumstances, and repeating the story through two court trials without wavering, though this meant divorce and complete social extinction for herself; and that story, read today, is wholly incredible, and only to be explained by her neurotic constitution and her belief that Sir Charles had been her mother's lover. Only twenty-eight years ago, Mrs. Edith Thompson was hanged for complicity in the murder of her husband by her lover, largely because the police found letters from her in which she gave elaborate accounts of attempts she had made to murder her husband on previous occasions; and later investigation has made it almost certain that these attempts took place only in her imagination. English readers, at any rate, would be prepared to accept the theory that Mr. Whittaker Chambers is a neurotic fantasy builder.

But Mr. Cooke does not help his readers to accept or reject that theory. Indeed, he suppresses a fact so important that he actually prevents them from forming a sound opinion. For they must reflect that it is easy to imagine a neurotic liar inventing a vast and complicated fantasy and keeping it to himself for his private enjoyment, and easy to imagine him telling it to one person, some people, or everybody, either perpetually or in phases of a self-determined cycle, but that it is not easy to imagine him inventing such a fantasy and telling it once, at a time most appropriate from the realistic point of view, and then never mentioning it again, except when he is forced to do so by quite reasonable considerations. But they must also reflect that this last difficult effort of the imagination is just what they will have to make if they accept this theory that Mr. Chambers was a neurotic liar. For Mr. Chambers seems to have told his
story only once of his own free will, and then two days after the signing of the Stalin-Hitler Pact, a most reasonable time to tell his tale if it were true, for he must have known that all the information he had collected was henceforward at the disposal of Hitler. Thereafter he seems to have told the FBI officers what they wanted to know at the interviews which he brought on himself by this confession, but when it became plain that these were going to have no results he simply let the story lie. It seems not to be disputed that his appearance before the Un-American Activities Committee was involuntary; the Committee itself has stated clearly that he never offered to give evidence before it, and a newspaper man has accepted the responsibility of having suggested to the Committee that he was possibly an interesting witness. Then there comes a turn in the story which, as Mr. Cooke describes it, suggests that Mr. Chambers once again chose to talk.

He writes: “Two nights after this last hearing, Chambers appeared on a national radio program and said that Alger Hiss ‘was a Communist and may be now’” (p. 91). This certainly looks as if Mr. Chambers had shown the persistence of a bloodhound on the trail. It is not unless the reader should scan the Chronology at the end of the book that he will find that Mr. Chambers made this statement on the Meet the Press program, an identification which surely necessitates some fuller description of the incident. Those who are aware of the nature of this program must wonder whether Mr. Chambers, once he was invited to appear on it, could have refused the invitation without doing fatal damage to his credit, and bringing himself much nearer that prosecution for perjury which can never have seemed far away; and those who pursue the matter into the files will wonder also whether Mr. Chambers, since he appeared on the program with friends of Mr. Hiss, who challenged him to repeat his allegations against Mr. Hiss so that Mr. Hiss could sue him for defamation, could possibly have avoided making the statement quoted by Mr. Cooke. The failure to discuss these points is the more unfortunate because it creates an ambiguous impression at the one point in the years after 1939 when such ambiguity is possible; for as Mr. Hiss did in fact bring an action for defamation, he thus took the responsibility for all further developments of the case.

If we turn from our uncertainty about Mr. Hiss’s concrete enemy, Mr. Chambers, to his abstract enemy, the legal system, we are still left in doubt. Mr. Cooke writes throughout the volume as if the whole inquiry had been a mistake, and as if all right-thinking men ought to blame authority for the direction it had taken. Now, we must all agree that authority should have started the inquiry long before it did. If action had been taken when Mr. Chambers told his story to Mr. Berle in 1939, it would have been far fairer to Mr. Hiss. His statement that someone must have been in the habit of entering his home and using his typewriter would plainly have been much easier to prove in 1939 than nine years later. But Mr. Cooke does not make this point, and we must conclude that by his way of thinking authority should have abandoned the inquiry at
some stage after it was started in 1948. As he never indicates the appropriate stage we must ask ourselves which it was. At the beginning? Should the Un-American Activities Committee have dismissed Mr. Chambers after they had heard the summary of his evidence in executive session, and never brought the matter to a further hearing? Surely not. The Committee exists to investigate subversive influences which seek to destroy the government and institutions of the United States. It could hardly have set aside as failing to fall within its terms of reference the evidence of a man in responsible employment who asserted that he had for years acted as a courier for a group of Washington civil servants who aimed at the communist infiltration of the American Government. Possibly such a committee need not exist; but as it did exist, it was bound to investigate such a story as this. Shall we pass on and say that the Committee should have stopped the proceedings after Mr. Chambers had given evidence? Obviously not. Mr. Hiss had to be given the opportunity which he demanded to deny these charges; and when he had done this, and the difference between the two men’s testimony proved to be so great that it was clear that one or other of them was among the greatest perjurers of all time, it became imperative that the matter should be sifted. At this point we have to cease blaming authority for the direction then taken by the case, for the responsibility rested elsewhere.

The sifting was inconclusive. The Committee issued an interim report2 (of which Mr. Cooke quotes only a few sentences) which contains no allegation that Mr. Hiss was a Communist. It states that his evidence was evasive, and “not completely forthright” over several specific points raised by Mr. Chambers, such as the details of the automobile transaction, and over his recognition of Mr. Chambers.3 But the only direct reference to communism in connection with Mr. Hiss is contained in the passage which expresses incredulity as to Mr. Hiss’s statement that he had associated with various known or admitted members of the Communist Party “without at some time suspecting that they were members of the Communist Party.”4 Though the Committee accepted Mr. Chambers’ word that he himself had been a communist agent, and praised him for being “forthright and emphatic” and said that the “burden of proof” had shifted from Mr. Chambers to Mr. Hiss,5 the report does not state that the Committee had accepted Mr. Chambers’ allegation that Mr. Hiss had been a Communist and had worked with him. The report, and the records of the hearings themselves, very strongly suggest that the Committee thought that there had been some oddity of behavior, but was not at all sure what it was, and indeed a rather silly and extreme form of fellow-travelling might well have been suspected as the sum of the whole complication. The report was dated on August 27; if, on the same date, Mr. Chambers appeared on the Meet the Press program and was challenged by Mr. Hiss’s friends to make the statements about

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2Ibid., at 1,347–57.
3Ibid., at 1,353.
4Ibid., at 1,353–54.
5Ibid.
Mr. Hiss which he had made before the Committee in a form which would give
Mr. Hiss an opportunity to sue him for defamation, and Mr. Hiss took the
opportunity, authority can hardly be blamed. It is, indeed, interesting to reflect
what a different turn the Hiss case might have taken if authority had been left
on its own.

Authority cannot be blamed for Mr. Chambers’ production of the pumpkin
papers, nor for the decision of the attorneys of Mr. Hiss and Mr. Chambers to
hand those documents over to the Department of Justice. And surely it cannot be
seriously argued that, if the Department of Justice was handed a pile of copies
of secret documents and was told that a witness alleges that it was a dis-
tinguished ex-civil-servant who made the copies, it should not have laid the
matter before a grand jury which was sitting at that moment to investigate
espionage. It is simply not possible to conceive any theory of the administration
of justice which would permit the authorities to act in any other way. Thereafter
the course of the case was determined by the normal operation of the jury sys-
tem. Why then does Mr. Cooke write as if the prosecution of Mr. Hiss could
only have happened by some deplorable debauchment of the normal legal
process? Whether Mr. Hiss be innocent or guilty, it could have been prevented
only by such a debauchment.

His complaint is, in part, of course, against the procedure of the Un-American
Activities Committee. Here British readers are most ready to be sympathetic,
for we ourselves have a Tribunals of Inquiry Act (1921) which is rarely used and
never enjoyed in use. It was called into being to sift allegations that certain
official papers had been deliberately destroyed in the Ministry of Munitions at
the end of the First World War, and its function has in practice proved to be
the investigations of crimes difficult to deal with by the existing law because
they are committed within the shelter of closed systems created by the modern
state. It has only been used four times, and each time it has elicited facts which
could never have been discovered in the courts, much to the benefit of the state;
we owe to it some reforms in police procedure which are most valuable safe-
guards of the liberty of the subject. But it owes its efficiency to its admission of
hearsay evidence (which is not accepted unless substantiated but is used as a
basis for examination and cross-examination and the calling of witnesses) and
to the pursuit of a roving line of inquiry not restricted to the limits set by in-
dictments; and these relaxed practices tend to produce sluttishness. The situa-
tion would not be tolerable were it not that the Tribunal consists of three judges
selected either from His Majesty’s judges or from the senior Bar, and that all
examinations and cross-examinations are carried on either by the Tribunal
itself or by attorneys instructed by the Government and by the persons con-
cerned in the inquiry; that throughout the proceedings no person can refer to
political matters directly or indirectly, except neutrally, in reference to matters
of fact; and that any person mentioned in the proceedings can apply to the
Tribunal for permission (which is in practice not withheld) to be represented
by counsel who can examine and cross-examine the witnesses and address the court on his behalf. Even with these precautions, the proceedings are disagreeable. Reputations are besmirched by unfounded charges, and the very means which are provided to enable the innocent to cleanse themselves of such charges clutter up the inquiry with masses of verbiage which the average person has no time to master. This happens to some extent in any long trial, but it happens to a greater extent where hearsay evidence is admitted and there is no limitation set by indictments.

British readers, therefore, are willing to listen when they are told that the procedure of the Un-American Activities Committee is galling to the liberal American public. They are quite willing to believe that a tribunal is handicapped in its search for truth if it consists of politicians who, though they may also be lawyers, still regard what they are doing as primarily political, and feel themselves free to deliver political speeches during the proceedings. They are quite willing to believe that persons mentioned in evidence or giving evidence before the Committee must suffer considerable hardship if their counsel is not allowed to cross-examine other witnesses or to address the Committee on their behalf. But British readers get very little help from Mr. Cooke in judging how flaws in the system affected the Hiss case. The printed record suggests that there is a great deal to be said on this point. From our angle we must wonder whether it was proper of the Committee to use in its report the phrase: "all of whom are either known or admitted members of the Communist Party, or who have refused to answer the question as to whether they were members of the Communist Party on the ground of self-incrimination"; or whether the Committee was not striking at the roots of legal representation by subpoenaing the attorney of one of the witnesses concerned in the automobile transaction to appear before them, and then questioning him about his political beliefs. But Mr. Cooke's own criticism of these proceedings are baffling. He ends a paragraph describing an argument among the members of the Committee during a hearing at which Miss Elizabeth Bentley gave evidence, with the comment: "In this flip way did some members of the Committee ignore the old and necessary distinctions between hearsay and evidence, between what is alleged and what is true" (p. 51). This, as the preceding paragraph has no clear connection with the admissibility or credibility of evidence, will send the conscientious reader back to the printed record again; and there he will find that the argument actually concerned the conditions under which the Committee could fairly read at a public hearing evidence given before it in executive session, which is quite a different matter. The Committee ultimately determined to read some parts of this evidence and not to read others, and it may be that the parts they did not read contained passages of dubious admissibility and credibility. But as it was not read it is not apparent how Mr. Cooke knew this, and there is need for explanation.

6 Ibid., at 1,353.
7 Ibid., at 1,343.
Only a curmudgeon would reproach Mr. Cooke for giving him the trouble of checking that reference, for it was at this hearing that Representative Rankin laid before Miss Bentley the definition of Russian Communism as “a system of abject slavery, dominated by a racial minority that has seized control, as members of the Politburo.” On this Miss Bentley meekly commented, “I am not clear about the racial minority,” to which Representative Rankin sternly replied, “I am.” But apart from directing his readers to this pearl, Mr. Cooke does little for them in regard to the legal aspects of the case; and indeed he finally chooses another approach to it. He begins by writing as if Mr. Hiss were innocent of the charges made against him, but goes on to write as if maybe Mr. Hiss were not as innocent as he had hoped, but that nevertheless it is a pity if he should be convicted, because things higher than innocence or guilt are involved. To explain this attitude he quotes a passage from the brilliant English critic, William Empson, in which he pleads for a “generous skepticism which can believe at once that people are and are not guilty” (p. 337). It is an extremely interesting passage, worth reading for its bearing on existentialism, but it does not deal with reality on the plane on which legal business has to be conducted. This is obvious if we imagine the probable reactions of Mr. Hiss or his attorneys on being invited to agree that Mr. Chambers is and is not guilty of perjury. But in order to straddle both planes Mr. Cooke goes on to invent a myth of a period before the war, “the squalid decade before Munich,” in which “thousands of intellectuals in Britain and America held the Soviet Union as a shining thing at the front of their minds” (p. 170); and he suggests that Mr. Hiss and Mr. Chambers were “idealists at a time when idealism, and the nature of loyalty, were undergoing an historic test” (p. 341). He refers sympathetic to a government economist named Julian Wadleigh, who confessed to having pilfered government documents when he was employed in the State Department and handed them over to Whittaker Chambers and another courier. Mr. Cooke calls him “a walking symbol of the shattered gallantry of the idealistic Left, a fugitive from the ruins of the Popular Front and the classless society, an earnest fellow traveller who had now to pay for the pride he felt, a dozen years ago, in trading in the loyalty of his oath of office for the true glory of being in the advance guard of the resistance to Fascism” (p. 170). Mr. Cooke holds out to Mr. Hiss, who surely will not be grateful, the promise that if he “had said he had done all this, that he had passed papers proudly to confound the Nazis, to quicken the day of deliverance of enslaved populations, he could have been a greater Wadleigh” (p. 341). This extraordinary phrase, “a greater Wadleigh,” speaks of chaotic moral and intellectual values.

There could hardly be a more dangerous and unfounded myth. The advance guard of the resistance to Fascism did not consist of Communists, in either Britain or America. The vast majority of people who aided the Italian anti-Fascists, the Republican side in the Spanish Civil War, and the anti-Nazi
refugees, were neither Communist Party members nor communist sympathizers, and they would no more have stolen state documents than they would have practiced any other form of sneak-theiving. It is true that in the first years of the U.S.S.R., a certain number of intellectuals joined the Communist Party. But as the conspiratorial activities of the Communist Party developed, most of these people left it. Only those conspicuously lacking in sense fail to recognize that no society, whether capitalist or socialist or communist, could last for five minutes if it abandoned the principle that a contract is sacred. The exodus began very soon, and any student of the British General Strike, which took place in 1926, must be struck by the number of people involved in it who had been Communists and had already left the Party. They never returned; and the Communists appeared in the anti-Fascist picture only as a small body which moved in at strategic points with the aim of getting control of anti-Fascist organizations in order to divert their resources and their policies to communist ends against the will of the non-communist members. Though communism was bound to strike deeper roots in the United States than in Britain, because the American Left Wing has not an orderly and honorable means of realizing its aspirations in a developed Labor Party, it was still true that on both sides of the Atlantic the anti-Fascist Left was predominantly non-communist; it is significant that, though the American recruits for the International Brigade in the Spanish Civil War of 1936–1939 were enrolled and organized by crypto-Communists, the majority of the recruits themselves were not communists. It is an absurd perversion of historical fact to suggest that in the nineteen-thirties it was anything but an abnormal action for an American or an Englishman who disapproved of Hitler and Mussolini to show it by becoming a spy for the U.S.S.R. A simple examination of the dates in the Hiss case shows us the preposterousness of this suggestion, particularly in this instance. Mr. Hiss himself places his first association with Mr. Chambers in the early part of 1934. As Hitler came into power only in 1933, Mr. Hiss was really a little quick on the trigger. He might well have given more orthodox methods of confounding the Nazis a chance, before deciding to aid their victims by "passing papers proudly" to a party which had wrecked the German Social Democrat opposition to Hitler and was at that time offering on its own hearthstone nothing better than famine and a succession of repellent purges. It is only fair to recall that Mr. Hiss's own defence is untainted by such nonsense. He simply says that he did not type the pumpkin papers.

But Mr. Cooke goes to further heights of incomprehensibility in the reasons he gives for deploiring Mr. Hiss's conviction, which are unlike the reasons which might make the rest of us deplore it:

The verdict ... brought back into favor the odious trade of the public informer. It gave the FBI an unparalleled power of inquiry into private lives that in the hands of a less scrupulous man than its present chief could open up for generations of mischief-makers an official wholesale house of blackmail. It tended to make conformity
sheepish and to limit by intimidation what no Western society worth the name can safely limit: the curiosity and idealism of its young. It helped therefore to usher in a period when a high premium would be put on the chameleon and the politically neutral slob (pp. 18–19).

Now, many curious people bobbed up in the Hiss case; but surely none of them carried on the odious trade of public informer. And did the case increase in any way the power of inquiry into private lives already possessed by the FBI? If so, Mr. Cooke tells us nothing about it. As for the suggestion that a police force might become a blackmailing institution, this has suddenly become a fashionable idea, but it is hard to take it seriously. Of course a police force might devote itself to blackmail, just as any hospital might convert itself into an abortion shop. But such things are hardly likely to happen except in a community more inert and more inept than the United States is supposed to be, indeed, so inert and so inept that nobody could care what happened to it; and in the meantime we must have police forces and hospitals. Scarcely more wise is it to ask us to shed tears over Junior and Miss Teen-age, closing their books and renouncing altruism, because they realize that, from now on, they might get into trouble if they become State Department officials and take copies of secret documents, and will be unable with impunity to differentiate themselves from sheep by committing perjury before a grand jury. It is hardly necessary to point out that these disturbed ejaculations of Mr. Cooke, though they are uttered with a vaguely liberal air, are incompatible with liberalism, because they are incompatible with reason.

That A Generation on Trial should have been written by an author who is plainly not a lonely dissident, but who obviously seeks to please his public, is significant. The Hiss case has now split into two. There is the real case, the facts of which are known to a certain number of people, who have considered them carefully and come to their own conclusions about them. But there is also a second Hiss case, the distorted image of the real case, a fantasy floating in the American national unconscious. This fantasy has its eternal elements. It gratifies our desire to do what we wish, without fear of the frustrating force of reality. All of us repress a desire to steal. Let us pretend that we can steal. Let us pretend that we can steal from that which prevents us from stealing, the state. Let us pretend that we can steal from the state something relevant to the function which gives it the right to frustrate us in our desires, its function of protecting us. And let us pretend that we commit this specially satisfying theft, and that no disagreeable consequences will follow, either for us or for the state. Identification with a person accused of stealing state papers, followed by a demand that he should be considered either as innocent, against the weight of evidence, or as guilty with a guilt mystically more innocent than innocence, and a claim that the papers were of no importance, provide a holiday for the infantilist within us. Moreover, this fantasy fills a need felt specially by the contemporary infantilist. The governing class in the community has till now always
enjoyed a certain amount of privilege, including immunity from just punishment. But today that class is liberal, and its own professions prevent it from claiming that privilege and that immunity, which indeed could not be granted without lawlessness, since that class is indistinguishable from the majority. But this is not to say that it does not hanker after that privilege and immunity; and in this fantasy it can enjoy them.

A consequence of the contemporary element in this fantasy, which is to be recognized in Mr. Cooke's book, is the illogical hatred felt by non-Communists for Communists who have left the Party. The bitterest passage in *A Generation on Trial* refers to the ex-Communists who attended the Hiss trial, describing them as "that solemn breed of renegades, the reconstituted patriots who survived their Russian baptism of the twenties and thirties and are now keen for anything that someone will dignify by calling the American Way," to whom "all jokes are suspect, honest doubts a weakness, and a liberal... a Communist on plain-clothes duty" (p. 331); and abuse of this sort has, of course, been showered upon Whittaker Chambers, even by those who do not disbelieve his evidence. Yet those who adhere to reason must admit that a person who is not a Communist is not entitled to feel violent hatred and contempt for a person simply because he has left the Communist Party and is now working against it. Anyone who really thinks that a person who leaves the Communist Party and works against it is doing wrong, ought to join the Communist Party at once. Inability to make this admission can spring only from abandonment to this fantasy of unlimited privilege for liberals, which here is taking a not unfamiliar form. The mechanism is thus: A liberal should think of himself as holding a certain creed; but he may also think of himself as somebody "on the Left," and if he is simpleminded or fatigued he may use that expression as if it were not merely a rough and ready reference to a symbolical political map but an indication of a position he actually occupies in the material world. While he thinks of himself as holding liberal ideas he will recognize the Communist as his antithesis; but if he thinks of himself as "on the Left," then the Communist may seem to him as somebody further to the Left, and therefore an extreme specimen of his own type. It often happens that people derive pleasure from the spectacle of another person enjoying a far greater share of the world's good things than can ever come to them, provided that this person is an extreme specimen of their own type. Many nineteenth-century Englishmen and Americans who were extremely needy but who accepted without cavil the capitalist system, regarded with delight the wealth and power of the millionaires produced by that system. Even so a liberal who thinks of himself as "on the Left" may rejoice in the extravagant assaults on society of a Communist, and prefer him to go unpunished or even uncondemned, though he himself would never dream of making these assaults. Such a one naturally turns in wrath on the ex-Communist, who, poor soul, may have fled the Party in order to escape from complicity in actual crime, which is surely
an excellent reason, but who is nevertheless spoiling his fun by interrupting his fantasy of unlimited privilege for liberals with a horrid story about reality.

But it is fatal for liberals to claim privilege even in the world of fantasy. The stuff is poison to them. Let nobody think they can take it or leave it. In no time the thing will fuddle them into that state of coarse indifference to the claims of the individual which they must acknowledge, if they are not to cease to be liberal. In A Generation on Trial it is left obscure that Mr. Hiss himself makes no complaint that in 1950 he should be held accountable for his deeds in the thirties, and has shown no signs that if he were a little braver he would offer the bizarre excuse that he was once inflamed by a desire to be "a greater Wadleigh." Simply the poor man says that he did not steal any documents, and that if they were copied on his typewriter somebody else burgled his home in order to do it. The true liberal will incline an ear to his plea and note that, if he be innocent, he is of all men the worst betrayed, with a single exception: himself, if he be guilty. For a guilty man would not have denied his guilt had he known that Mr. Chambers possessed the pumpkin papers. But how is it possible that Mr. Hiss (if the assumption of his guilt be made) did not know that those papers were still in Mr. Chambers’ hands? For surely when Mr. Chambers left the Party, an organizer must have gone to see Mr. Hiss and the technician who microfilmed the papers and inquired as to the date on which they had last handed papers to Mr. Chambers, and the number and nature of those papers. It is not credible that an organization so efficient as the Communist underground would not have taken those precautions. It would follow, it might be thought, that the organizer would say to his fellow-conspirator: "Now you must be careful. Chambers kept the last batch of papers." But that is just what he cannot have said. He must, in his desire that Mr. Hiss should continue to serve the Party, have told a merciless lie: "That’s fine, we have them all." He must even have persisted in that lie eleven years later. And indeed he, or rather the Party that instructed him, would see no reason against that. For the denials of Mr. Hiss, though they were bound to be proved perjury in the end by the production of the pumpkin papers, would in the meantime have served the Party well by stirring up a controversy which threw discredit on authority and impeded the investigation of communist infiltration; and Mr. Hiss could go hang himself. It is not easy to imagine the chill which must have stolen into Mr. Hiss’s heart when he was told by his attorneys that Mr. Chambers had produced these papers, and he experienced, in a terrible public solitude, the prime disadvantage of treachery: that the man who becomes a foreign agent has thrown off his loyalty to his own state, but the foreign nationals for whom he works have not thrown off their loyalty to their own state, and will always sacrifice him to it.

Those who desire to understand this tragedy will do better to turn from Mr. Cooke’s unsatisfactory attempt at a factual account to a work of imagination, which, after the magical fashion of art, manages to convey the essence of an
event which had not happened when it was written: Mr. Lionel Trilling's *The Middle of the Journey* (1947), one of the few truly contemporary novels produced in this age when fiction lags half a century behind life. We must look forward to the last unveiling of the mystery, on a factual plane, to some political writer of the future, who will be able to see in perspective our world where men break their hearts and minds in trying to realize their fantasies through politics, as previous generations (also breaking their hearts and minds) have tried to realize them in their personal lives or in religion, although in no medium can fantasies become reality. In the meantime we would all be grateful for some specialist studies on various aspects of the case: on the abortiveness of elaborate and expensive procedure suggested by the failure of the repeated interrogations of Mr. Chambers by the FBI to diminish the gulf between the time when Mr. Hiss ought to have been tried (if he and the community were to have a fair deal) and the time when he was tried; on the part played by the press, and how it aided, and how it frustrated, its own mission and the mission of the law; and, above all, a refutation of those who seek to use the case as an excuse to limit the liberties of citizens as they are at present defined. There is not a single point in the story at which it could be said that here, had the state possessed some right to interfere with its citizens which is now lacking, the theft of the documents could have been brought to light earlier than it was; and it is such facts that liberals should publish to the community.

*Rebecca West*†


Professor Frank Thayer, in his second edition of *Legal Control of the Press* has brought up to date his comprehensive yet handy guide to "those potential or actual controls that affect the press, particularly libel, privacy, contempt, copyright, etc." The author, who is a professor of journalism and lecturer on the law of the press at the University of Wisconsin and a member of the Illinois Bar, has used his practical knowledge of newspapers and his legal training effectively in order to produce an orderly presentation of the law affecting newspapers.

Throughout his book the author expresses a tempered and reasonable view of the rights and duties of the press in our country.† He states categorically that in his opinion the two real tests for freedom of the press are first, whether the press is restricted unreasonably by governmental action both prior to and subsequent


For example, in his chapter on so-called "Trial By Newspaper," at 489, he remarks that "[T]he term 'freedom of the press,' is equally general in its concept; clearly, it does not mean unbridled expression of either 'alleged' fact or opinion. As previously explained, freedom of the press is not absolute. . . ."