

REVIEWS

DEMOCRACY, EFFICIENCY, STABILITY. By Arthur C. Millspaugh. Washington: The Brookings Institution, 1942. Pp. 522. \$4.00.

THERE are times when not only political institutions and processes themselves have to be reinterpreted, but the very criteria and basic assumptions upon which the interpretation is based must be submitted to fresh examination. Now is certainly one of these times, and it is to the credit of Mr. Millspaugh that he has recognized it. His book sets up a more meaningful scheme of analysis than most of the standard texts on American government. If it does not quite measure up in execution to conception it is because the latter is too ambitious. The author ranges so widely in the fields of history, political science, economics and sociology that his terms of reference sometimes become blurred and his work loses direction and synthesis. His style is often abstract to the point of obscurity and some of his judgments so cautious as to seem evasive—faults which should, perhaps, be more appropriately charged against his institutional sponsors than against the author himself. Nevertheless, he has brought together in one volume the dynamic political trends of our times and measured them by standards of genuine significance to the United States of 1942.

The book opens with a brief introduction in which Mr. Millspaugh establishes his criteria for democracy, efficiency and stability. This is followed by two major sections of some two hundred pages each, in which the outstanding trends and institutions of American political life are tested against these criteria. The author then returns in a conclusion to his original definitions, sums up the evidence, and renders his verdict. As his title suggests, he is at pains to show whether efficiency and stability, the two primary essentials of modern government, may be achieved in a democracy, or, for that matter, whether democracy itself is any longer attainable. Democracy means a form of society in which "the people, if they are not actually *the* government, are at least a fundamental organ of government." Efficiency, an "intangible quality . . . ultimately measured by net results" means the ability to bring about "economic progress and national security." Stability "implies predictability. It means, not changelessness, but peaceful, orderly change."

In Part I, entitled "Evolution and Experience", these qualities are sought in the principal trends of American government from the framing of the Constitution to the Hoover Administration. Here the political and economic history of the United States is severely abstracted and compressed into five chapters roughly chronological in design. In the opinion of the reviewer, this is the weakest part of the book. It is too condensed for a lay reader and not condensed enough for an informed one. It adds little, either in facts or ideas, to the composite of innumerable existing historical and economic texts. Much, if not all, of it could have been assumed, or stated as "given" without damaging the author's attempt at a truly thorough, "scientific" analysis.

Part II, "The Latest Time of Test", is far more successful, and forms, with the conclusion, the real substance of the book. In this the political life

of the American people during the New Deal decade is broken down into particulars and reviewed in eight chapters, entitled, respectively: Depression Policies, Social and Economic; Bureaucracy and Public Power; Centralization; Congressional Weakness and Presidential Domination; "Making Democracy Work"; Managed Opinion; The Constitution and Stability; Government and World Crisis. Here the truly functional problems of a modern democracy are presented and studied, in a manner happily uninhibited by institutional forms or stereotypes of national policy. Whether for its synthesis or for its itemized criticism of detail, this part is to be commended to any serious student of American government and political economy.

If there is any central theme to Part II, or indeed to the whole book, it is the steady rise of executive leadership in the United States, with its corollary, the steady delegation of authority and responsibility by the people to those who govern them. The implications of this trend for a system and an ideal of government supposedly based on the concept of popular sovereignty are clear. Mr. Millspaugh writes a scholarly epitaph for the day of legislative supremacy, at the same time pointing out the shortcomings of the administrative process which has superseded it. He reveals, with cogent suggestions for the future, the enormous powers of the economic pressure groups that have assumed the sovereignty of the people and wield it more effectively than the parties. The comprehensive expansion and extension of state initiative into every phase of American life, evidence for which fills his pages, finally leads Mr. Millspaugh to the conclusion that the United States has moved far from democracy in its classical meaning and into an era in which democracy can be realized in spirit only by fundamental political readjustment. As for efficiency and stability, these, too, hover in the balance. The most he can offer for them is a hung jury over in the Brookings Institution.

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THE STRENGTH OF NATIONS. By George Soule. New York: The Macmillan Company, 1942. Pp. 268. \$2.50.

IN his latest book Mr. Soule calls for honest inquiry into the social ills of our day. He challenges the now muddling social sciences to re-examine so-called facts and old theories, to pose new and pertinent questions. He implores these quasi-disciplines to proceed "scientifically", to discover new methodologies and techniques. In time, it is hoped, such relatively objective re-evaluation will produce workable hypotheses and basic laws. In turn, these newer formulations are to offer direction for action which will help solve the problems of human society.

We can accept without contention Mr. Soule's list of major social ills: unemployment, uneven distribution of income, needless waste of natural resources, widespread existence of physical and mental illness, high prevalence of crime, numerous political difficulties, "the conflicting sets of notions

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and ways of political behavior that lead not only to war but to civil repression and misery." (p. 7). We accept less readily, however, his interestingly stated, if not entirely original, suggestions for the solutions of these ills.

The seemingly broad discussion of the nature and present status of the sciences (particularly physics, physiology, psychology and psychiatry) needs little comment here. With due acknowledgment, the author borrows from R. H. Shryock and Leslie A. White to develop a rational basis for the main theme of his book.

Mr. Shryock has conveniently summarized four developmental stages in science. "The first stage reveals a minimum of observation and a maximum of theoretical synthesis; the second, an early attempt at objectivity and measurement, characterized by pioneer enthusiasms; the third reveals a partial reversion to speculative synthesis (with its inevitable 'schools' and controversies) and a partial lapse of quantitative procedures due to difficulties in carrying out the quantitative program; the fourth level witnesses a revival of the quantitative procedure, this time upon a firmer factual basis and with a technique so improved as to make possible a final victory for modern methodology." (p. 33).

Mr. White offered a useful classification of the sciences. Mr. Soule rephrases it thus: "There is first, the inorganic, which includes only those phenomena which we call inanimate or lifeless. Next there is the organic, which includes living organisms. Finally there is the super-organic, which deals with the relationships among organisms. Mr. White calls this third realm 'cultural' and says it pertains solely to human society, since man alone possesses a culture." (p. 44). Mr. Soule believes that he can contribute to the fourth stage in this scientific progression and that he can enhance the understanding of the super-organic structures through application of Freudian theories.

In the past the super-organic structure, which Mr. Soule narrows down chiefly to socio-economic considerations, was studied primarily through approaches pertinent to the inorganic. These attempts have given incomplete and ineffective results, particularly with reference to basic laws and workable hypotheses which have not been forthcoming. The author offers many illustrations along these lines in his nicely condensed review of the various "economic systems". He believes that the effective study of the super-organic is through the organic, rather than through the inorganic. Since the dynamic (Freudian) approach has been so valuable in analyzing and directing the organic (individual), it is assumed that similar procedures directed toward the super-organic will bring forth the theoretical and functional desiderata.

The book unfortunately does not reveal why it may be assumed that inquiries into the super-organic are on the verge of entering into the fourth stage of the cited scientific progression. The methods and techniques whereby this dynamic approach is to operate are not given in any detail.

It is, perhaps, not insignificant that we find in juxtaposition Mr. Soule's succinct summaries of Freudian and economic theories. (Incidentally, the summary of Freudian theory is both accurate and concise.) In the author's sample analysis of two new social orders, fascism and communism, this same juxtaposition of psychological theory and socio-economic patterning remains. One fails to perceive here that the application of Freudian theory has ren-

dered more comprehensible the organization and functioning of these two societies.

Although in an occasional sentence Mr. Soule admits the possibility that the super-organic may be something more than a simple multiplication of the needs and expressions of organic units, nevertheless he proceeds as if the latter were true. The aim of making the individual function effectively "by the development of a conscious rational ego, an organized personality competent to deal with reality", is suddenly translated into a group goal. There is a tacit assumption that the resultants of multiple and complex human intra- and inter-personal relationships can be scrutinized by the same principles which apply to the individual. But may not the aggregation of individual needs, desires and gratifications through their quantitative expression obtain qualitative changes? And if different qualities ensue, may not these in turn have inherent patterns and be directed by forces different from those which we now associate with the individual?

In the analysis of an individual, his behavior, his conscious thoughts and unconscious material brought to a conscious level are constantly pitted against the "realities" of the individual's life-situations. These "realities" are essentially the super-organic structure of our discussion. An individual is mature, well-adjusted and "free" only when he can cope with this super-organic structure, driven and motivated least by anxieties and irrational thinking and most by his own rational values, judgments and choices. Such an individual can act with his energies well-channeled and not dissipated by neurotic behavior. Such an individual is "free" only to the extent that he has come to terms with the culture in which he lives, neither being overwhelmed by its demands nor radically opposing it to a point of ostracism from the group.

Against what "reality values" is Mr. Soule going to pit the analyzed abstractions of super-organic expressions? Even if aspects of the super-organic can be described along analytical lines, what is Mr. Soule going to motivate in the super-organic toward different expression and action that will seek goals in social welfare, freedom and total peace? Examples of such a "dynamic approach", including those given in Mr. Soule's book, reveal as yet too little real analysis and too much squeezing of observable facts into preconceived theoretical patterns.

We share with Mr. Soule the desire for social change; we share also his sincere interest in and admiration for Freudian theory; but we do not share his belief that the dynamic approach, unmodified and merely transformed from individual to social-economic realms, will offer the "scientific" basis for the solution of our social problems.

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FEDERAL COOPERATION WITH THE STATES UNDER THE COMMERCE CLAUSE.

By Joseph E. Kallenbach. Ann Arbor: The University of Michigan Press, 1942. Pp. 428. \$4.00.

IN administering the commerce clause of the Constitution, the Supreme Court has had a highly practical job on its hands. The familiar story begins with the joint premises that the Court is the keeper of the Constitution and that the commerce clause needs no Congressional action to bring it into play against state enactments. It continues with the peculiarities of a system of Constitutional litigation which, emphasizing the role of the individual against the State or the Nation as the case may be, have come dangerously close at times to making commercial freedom a right of the individual akin to the freedoms of the Bill of Rights. And it involves, for its first hundred years or so, a Congress that had little inclination to exercise the power which was given it by the clause—almost as little interest, in fact, as it has taken in its power under the last paragraph of the Fourteenth Amendment.

A hundred years of litigation yielded many attempts by the Court to formulate criteria for determining when state statutes should be held inoperative. The need-of-uniform-regulation test was one of these criteria.¹ The original package doctrine was another.² The direct-or-indirect-effect question posed still another. Often these formulae spoke in terms of the unchallengeable. But always they were exercises in practical reason. Their variety shouted of the tentativeness of the judicial rule. Put side by side, they raised the *quære* whether no other body than the Court was competent to exercise the same sort of reason.

The Court itself began to suggest that laying down such tests as these was not something to which it alone was competent. Quietly, in *Welton v. Missouri*³ and in *Robbins v. Shelby County Taxing District*,⁴ the now familiar phrase "in the absence of Congressional action" or its equivalent began to put in an appearance. The phrase was not a sign that the Court had resigned its power; it was an admission that Congress, too, could exercise the same power. And the admission came to full fruit in *Clark Distilling Company v. Western Maryland Railway Company*⁵ when, in the midst of his customary obscurities, Chief Justice White suddenly reminded his hearers that it was a "mistaken assumption that the accidental considerations which cause a subject on the one hand to come under state control in the absence of congressional regulation, and other subjects on the contrary to be free from state control until Congress has acted, are the essential criteria by which to test the question of the power of Congress to regulate and the mode in which the exertion of that power may be manifested."

1. Realistically, the formula might better have been phrased in terms of uniformity of non-regulation.

2. Some irreverent person, tracing the development of the doctrine, has suggested that, having been born of the virgin Marshall and having suffered under Pontius Pilate Taney, it was raised the third day by Chief Justice Fuller and, at a considerably later time, ascended into heaven under the guidance of Mr. Justice Cardozo.

3. 91 U. S. 275 (1875).

4. 120 U. S. 489 (1887).

5. 242 U. S. 311, 330 (1917).

Though Mr. Kallenbach does not give this pronouncement the emphasis that it deserves in his story,⁶ it is to the elaboration of its background and to the developments that have followed from it that, with much learning and a wealth of detail, his story is devoted. Unlike Jane Perry Clark's book of a not dissimilar title published a few years ago,⁷ it is not an attempt to give a full account of the devices which the states and the federal government have used to achieve concerted action.⁸ Rather it confines itself to Constitutional problems and sticks very close to the doctrinal discussions that have taken place in Congress and the Court. In doing so, it covers not only the familiar territory of Federal liquor legislation and the Twenty-First Amendment, but also their counterparts in the oleomargarine, prison-made goods, stolen automobile, contraband oil and other less important fields. It deals not only with federal legislation that, *via* divestment or prohibition, goes to the protection of receiving states but as well with that that has to do with protection of the state of origin and with that which, instead of laying down a new Congressional rule of interstate commerce, adopts state legislation as Congress' own.

The result is an exceedingly full, and occasionally repetitious, rehearsal of pros and cons of the sort with which Constitutional debate has abounded. The rehearsal is so full in fact that it is unlikely that it will have to be repeated again for a long, long time. It is because it is so satisfactory in this way that one regrets that it is marred by minor misstatements,⁹ by bits of naïvete,¹⁰ by occasional dogmatic statements where guesses would be more in order,¹¹ and by a too frequent willingness to carry water on both shoul-

6. Mr. Kallenbach apparently finds it extremely difficult to swallow such doctrine or even to believe that Chief Justice White meant it. Compare p. 232: "Though the result of the ruling in the *Clark Distilling Company* case was a desirable one, it is difficult to accept the reasoning of the Court without an acknowledgment that Congress possesses power to overrule the Court on the question of the limits to be ascribed state authority in relation to interstate commerce."

7. *THE RISE OF A NEW FEDERALISM: FEDERAL-STATE COOPERATION IN THE UNITED STATES* (1938).

8. Neither does Mr. Kallenbach pay attention to the possible use by Congress of its commerce power to remove State interference with commerce—*e.g.*, in the interstate barriers field.

9. For example, the apparent ascription of *Willson v. Blackbird Creek Marsh Co.*, 2 Pet. 244 (U. S. 1829), to "a strongly pro-states'-rights Court." (p. 38 ff.).

10. For example, speaking of a suggestion that Chief Justice White's reference, in the *Clark Distilling Company* case, to "the exceptional nature of the subject regulated" might mean "that Congress could not permit state regulation of commerce in goods innocuous in themselves", the author adds that the Court's sustaining of the prison-made goods acts in 1936 and 1937 "would seem to have settled the point that the Court could not have meant" this. (p. 232).

11. For example, "No rulings illustrate more clearly than these involving commerce in liquor and game the uncertainty of the result in judicial determination of the limits of state authority to restrain interstate and foreign commerce. What the Court actually did in the two instances was to measure national and state interests against each other. With reference to intoxicating liquors national commercial interests were of sufficient importance in the judgment of the Court to warrant imposition of a check upon state action, subject to possible reversal by Congress. With reference to game national commercial interests were not sufficiently involved to impel the Court to take this action." (p. 124).

ders.¹² Most of all, one regrets Mr. Kallenbach's apparent incapacity or unwillingness to assess the merits and demerits of the new way of freedom for the states in terms other than doctrinal—an incapacity or unwillingness which makes it look as though the law can properly be a judge in its own cause.

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THE JOURNAL OF SIR SIMONDS D'EWES. Edited by Willson Havelock Coates.
New Haven: Yale University Press, 1942. Pp. xlv, 459. \$6.00.

BIT by bit the full story of the Parliaments of the early Stuarts is becoming available to scholars. The publication of the story began over three hundred years ago in the *Diurnall Occurances* and *Passages in Parliament*, inaccurately printed narratives of the doings of the Long Parliament by shabby contemporary journalists. It went on in the seventeenth century and in the eighteenth with the work of Clarendon, Nalson, and Rushworth, and the printing of the official journals of the Houses; and it was resumed in the nineteenth century when Carlyle's *Cromwell* revived interest in the first Stuarts. In the 1870's S. R. Gardiner, as a by-product of his monumental *History of England 1603-1642*, published a number of Parliamentary diaries of Lords and Commoners of the days of James I and Charles I.

The magnitude of Gardiner's work frightened the English away from the field; it was only after the lapse of a half century and on our side of the Atlantic that scholars began anew the task of publishing the narrative of the Parliaments of the early Stuarts. In 1921, Wallace Notestein's and Frances Relf's *Commons Debates for 1629* inaugurated the great tradition in the editing of the diaries of members of the Stuart Parliaments. The tradition is

12. Compare his criticism of the Court's reliance on the Webb-Kenyon Act in the *Clark Distilling Company* case with his comments on its action in *Silz v. Hesterberg*, 211 U. S. 31 (1908). On the first the author writes: "The Court failed to seize the opportunity to reverse its error in the earlier liquor cases by holding that commerce in liquors was a subject upon which state measures enacted under the reserved powers of the states might operate without express federal sanction . . . [Had it done so] long-established constitutional doctrines would not have been seriously affected . . . The Court would thus have avoided the task of elaborating a novel theory concerning Congressional power to subject interstate commerce to state control by a de-legitimization formula. Furthermore, the Court would not have so openly appeared to uphold the authority of Congress to overrule it on a question of the constitutional distribution of power between the national government and the states in the regulation of commerce." (p. 247). On the second he says: "In thus reaching its conclusion upon the basis of a broad view of the police powers of the states the Court avoided placing itself in the awkward position of acknowledging that Congress, by the Lacey Act, had permitted the states to modify a federal statute . . . For the Court to take the position it did was no doubt fortunate for the cause of wildlife conservation; but it achieved this proper result through a ruling that represented a remarkable amendment of earlier judicial statements on the power of states in their own right to interfere with the sale of goods in the original package." (p. 123).

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one of exhaustive search in public collections and private muniment rooms for every available diary, of accurate transcription of the diaries, of thorough cross-referencing and meticulous indexing, and of painstaking and detailed indication of supplementary and complementary data already in print or still in manuscript form on each point as it arises in the diaries. It is this perfectionist editorial zeal which makes the *Commons Debates in 1629* a joy for the working scholar. In the past twenty years, Notestein, his collaborators, and his students have published many thick volumes of Parliamentary diaries all adhering to the same high standards, and more, we may hope, are on the way.

The latest publication in the series, Willson Coates' edition of the *Journal of Sir Simonds D'Ewes* for the period between October 12, 1641, and January 10, 1642, is worthy of its pedigree. It is edited in the grand manner. Coates' introduction with its explanation of editorial method, its analysis of other available sources, and its biographical sketches of the diarists whose work makes up the body of the book is also in the great tradition. Mr. Coates has included, too, what has unfortunately been lacking in previous editorial work by Notestein and his associates, a brief appraisal of the more significant historical developments in Parliament during the period covered in the book.

At first glance the last months of 1641 seem barren of measures having a direct permanent effect on England's legal and constitutional structure. The great days of constructive legislation had ended before Charles I left for Scotland. The four months covered in the diaries edited by Coates are a time of political disintegration, accelerated by the "Incident" in Scotland, the revolt in Ireland, and the bitter struggle in Parliament itself over the political powers of the Episcopate. The breaking up of the unity of Parliament into Roundheads and Cavaliers, soon to be locked in Civil War, proceeds apace.

A closer examination of the diaries edited by Coates does not entirely confirm this first impression. It reveals, rather, a course of events in the House of Commons that seems to proceed on three levels. First, immediately visible on the surface, is the smooth functioning of the Parliamentary machinery. Petitions, investigations, legislative drafting, committee work, conferences, debate—all the necessary duties of a representative legislature—are handled with certainty and precision. Notestein has traced the origins of this legislative "know how" during the reigns of the early Stuarts in his *Winning of the Initiative by the House of Commons*. In the first months of the Long Parliament the new legislative machinery had turned out that mass of permanent law which twenty years later was to serve as the foundation of the Restoration settlement. But, by the end of 1641, a second development had taken place. This machinery, formally unimpaired, has ceased to turn out law, because it has been converted into a weapon which factions struggle to control. It is this ever more intense battle of faction that dominates the Long Parliament (and the diarists' narratives) in the last months of 1641. In this connection the diaries serve to dispel an old illusion. Because the members of the Commons soon had to take sides in the Civil War—go with the King or stay at Westminster—scholars have assumed that

Parliament had previously divided into two fairly distinct parties, Roundheads and Cavaliers. The diaries up to the end of 1641 indicate the existence of at least four factions in Commons—the out and out King's men, the Episcopal moderates led by Hyde, the Puritan reformers led by Pym, and the Radicals. These factions do not comprise the whole membership of Parliament. They are, rather, fairly close-knit clusters of members, each group acting along preconceived lines, seeking to rally to itself the unattached majority of the House. This pre-existence of groups in the Long Parliament alone suffices to account for the early emergence of factions among both Cavaliers and Roundheads after the outbreak of the Civil War.

In connection with the evolution of faction in the House of Commons a third level of development appeared in the waning months of 1641, at once the least conspicuous and one of the most durable of the legacies of the Long Parliament. Under tremendous pressure the great politicians, Pym and Hyde, worked out the technique of partisan manipulation of the representative body, the technique that has been employed by legislative leaders ever since. They worked under the cover of a comforting myth. With that preference for fiction over fact which alone makes change possible in conservative bodies, the House persistently denied the existence of faction in its midst. Yet a careful reader of the diaries can hardly miss the wide variety of modern party tactics that the leaders of the Parliamentary factions employed in the last months of 1641: the trial balloon, the interment by committee, the covered retreat from a dangerous position, the filibuster, the careful timing of motions and proposals (see Introduction p. xxvii ff.). It is not by chance that the relations of parties in free legislatures have always been described in military terms—strategy, tactics, maneuver, force, combat, battle. Nor is it mere metaphor. Party conflict in free legislatures is a real struggle for power in which other weapons have been substituted for the instruments of physical force. In 1641 we see those weapons being forged and wielded for the first time in the way to which generations of Parliamentary tradition have accustomed us. In the very last days covered by Coates' edition of the diaries, an attempt at the exercise of naked force by the King, seeking to arrest five members of the House of Commons, disrupts the wordy warfare of the factions. But the traditions and methods of Parliamentary maneuvering survive the shock; they endure in the Long Parliament after the outbreak of Civil War, in the Parliaments of the Protectorate; and they are resumed with little delay in the Cavalier Parliament of the Restoration. From 1660 to the present among English-speaking peoples, they have continued with little change in a much changed world.

In his preface Professor Coates speaks of his edition of D'Ewes as "useless" research. In a sense he is right; it is likely to be useless because historians addicted to modern fashions in history are not likely to use it. They will probably neglect it because old D'Ewes' patient note-taking, instead of dealing with the impersonal "forces" and extra-human "factors" that are the sustaining myths of present-day methodology, reflects with mirror accuracy the unschematic push and pull of human wills that give the shape to history as it is lived. This sort of thing perplexes and annoys the historian who sees only streams of tendency unbroken by the rough play of human hopes

and fears, by erring men making mistakes, gauging things wrong, stumbling about in the gloom of human ignorance, and thus making the queer decisions that make history. He is so obsessed by the modern phobia, the dread of not seeing the forest for the trees, that he ends up by seeing an ideal Platonic forest in which there are no trees at all. D'Ewes, assisted by Professor Coates, may serve to remind the modern historian that to understand what the forest is one must know at least something about the trees.

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INTERNATIONAL LABOR CONVENTIONS: THEIR INTERPRETATION AND REVISION. By Conley Hall Dillon. Chapel Hill: University of North Carolina Press, 1942. Pp. xii, 272. \$3.00.

HOWEVER presumptuous it may be for one who has never published a book to criticize the work of a fellow-teacher written after many years of diligent research, I cannot conceal my disappointment over the fact that, after having collected his material so carefully, Professor Dillon has presented it so poorly.

The book often lacks both coherence and clarity. While events as late as 1940 are occasionally mentioned, much of it speaks as of 1933 (*e.g.*, an enlightening enumeration of the treatment of labor cases by German courts) or some undefined intermediate date. In addition, the subject matter of the book is not tied together; what is said about revision and what is said about interpretation seem to straggle apart and are not linked together even by the closing chapters. In the next to the last chapter, "Effect on Treaty Law and Technique" (effect of what?, one may ask), the author, seemingly without any clear purpose, rambles off into a discussion of the general procedure of the International Labor Conference and then considers Conference recommendations and their "ratification". The chapter entitled "Conclusion" is a mere recapitulation that ends with the confused statement that "The value of a workable method of revision administered by permanent agencies in a legal, scientific manner possibly will cause the application of some of the newly evolved principles in other fields of international action". Finally, because of nonsequiturs, round-about language, and inaccurate terminology, many statements are hard to grasp or misleading. A few typical examples will suffice. "The procedure involved in the making of conventions demonstrates the complexity of any attempt to conciliate the views of three groups of technical subjects." (p. 15). "Amendment is provided for in the League Covenant when agreed to by the Council and by a majority of the Assembly." (p. 26). "Technical considerations constitute an unusually large percentage of the clauses necessitating modifications" [*i.e.*, apparently, technical provisions often need revision], (p. 31). "The very term revision involves the idea of effecting a junction, so to speak, between the new provisions with which they are combined." (p. 100).¹ "In applying the provisions of bipartite instruments, it is

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1. Perhaps there is an inadvertent omission of a phrase here. The book is marred by many such, even in quoted passages. Minor errors in quotation, particularly in foreign words, are rife.

essential that the parties concerned have an understanding of the principles involved and of the application of the provisions to be applied." (p. 127). "This early expression of faith in recommendations as a means of advancing national legislation may have been prompted by an overestimation of their value, as there is no accurate means of measuring how they have been applied." (p. 202). "The formulation of conventions that are not binding until they are ratified by two-thirds concurrence of the delegates present at the Conference may weaken the unanimity rule to the extent that state sovereignty may be less jealous of international authority." (p. 217).

It must be conceded that Chapter Six, "Interpretation by International Bodies", is an admirable description of instances of interpretation of labor treaties and refusal to interpret them by the Office (the Organization's staff of employees headed by the Director), the Governing Body (the Organization's executive committee), and the Permanent Court of International Justice. But even here the author's conclusions do not clarify; and in bad chapters, like those on "Interpretation in National Courts" and "Legal Questions in Revision", one feels he often does not himself fully understand the facts and the arguments he is expounding for the reader.

If this review deals largely with the form of the book, it is because Professor Dillon's contribution to learning is one of research and arrangement. In brief, it sets forth: (1) that the International Labor Organization has developed a procedure for revising its conventions that differs in detail from the procedure followed in drafting conventions and that this revisory procedure may well serve as a pattern for others; (2) that the International Labor Office usually, but not always, will, upon the request of governments, interpret "unofficially" the text of its conventions; (3) that proposals for interpretation by the Governing Body or by the Conference have always been rejected, partly because the Permanent Court is designated by the Constitution as the interpreter both of the Constitution itself and of conventions drafted under its terms; and (4) that the Permanent Court has given advisory opinions of interpretation at four separate behests of the Council of the League of Nations, while courts of member states have repeatedly applied (and incidentally interpreted) such of the conventions as form part of the national law administered by these several courts. These are matters of some importance in the refounding of world order after the War. But Professor Dillon shows them to us through so ill-ground a lens that the image is blurred.

One cannot take issue with the author's conclusions for they tend to such futilities as, "This decision in favor of the claim under the convention indicates that the circumstances of the case have much to do with the decision and the rigidity of the law may be tempered to provide equity" (p. 181), or "It would seem, from the cases examined, that the English courts are generally very liberal in their legislation under the convention and in the application by the courts." (p. 184).

Future investigators will be indebted to Professor Dillon for his pioneer work, with its good bibliography and index, but they will, I trust, expound and comment with greater accuracy and penetration.

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