

and work co-operatively for the common purpose of truth-seeking. This final paragraph deserves quotation in full:

So far as research is concerned, there is no reason to assume that epistemological differences are insuperable bars to collaboration. If we recall the disastrous results of ivory-tower aloofness in Europe, we may well conclude: Let all scholars, whatever their ultimate perspectives may be, join forces in research on the most challenging problems of our times! They already share the opinion that empirical knowledge is essential in any sound problem-solving. They would discover other areas of agreement if they joined in a common enterprise because of the necessity to solve urgent problems, here and now. Finally, the widely shared purpose to preserve and expand the law of democratic society encourages the hope that disagreement in the higher levels of theory will not prevent cooperation in vitally needed research.

Jerome Hall's jurisprudential writing makes difficult reading. But I should like to remind the reader who too lightly would give over the task of following Professor Hall's thought of the line with which Spinoza closed his treatise on Ethics: "Things excellent are as difficult as they are rare."

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THE VITAL CENTER. By Arthur M. Schlesinger, Jr.* Boston: Houghton Mifflin Company, 1949. Pp. x, 274. \$3.00.

THE TWILIGHT OF WORLD CAPITALISM. By William Z. Foster.** New York: International Publishers, 1949. Pp. 168. \$1.50.

The contemporaneous appearance of two books—Arthur M. Schlesinger, Jr.'s *Vital Center* and William Z. Foster's *Twilight of World Capitalism*—offers an unusual opportunity for comment on the contrasts between two fringe movements in American politics which epitomize the fundamental world political conflict of our time. Neither the redefined liberal calling himself a member of the non-Communist Left or of the Americans for Democratic Action, nor the Communist or fellow-traveler who follows the Moscow line, can expect to dominate American politics as a member of a numerically dominant party within the foreseeable future. Yet both liberals and Communists, because they exemplify poles of choice, exercise influence and command attention far beyond that bespoken by their numbers. Both movements urge their cause in the name of freedom: freedom from the brutality and dreary enforced uniformity of the totalitarian state on the one hand; freedom from the imputed chains of capitalist exploitation on the other.

Both books have a biographical origin and orientation. Schlesinger's book is formed by the experience of a young historian who grew up after the

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depression had shattered the beliefs and securities of the pre-Rooseveltian era, and who knew no other political regime than that of New Deal or Fair Deal. Foster's book is that of an old man who has consistently fought within a revolutionary party against the fundamentals of the American order, pre- or post-Rooseveltian. Both books are testaments of faith—the one, in the possibility and necessity of a free and humane, although struggling, social order; the other, in the inevitable victory of violent revolution founded on a further faith in the omniscience of a pair of surly German sociologists and their Russian conspiratorial heirs.

Both books reveal in their formal tone and structure much of the essence of the philosophies they expound. Schlesinger's book is testimony to the flexibility and inclusiveness of the liberal mind, which is free to look for its facts and interpretations to any reputable source, which can arrange them according to the dictates of logic rather than faith, and can assess them without slavish conformity to the current slogan of the party leader. Foster's book reveals the rigidities, tortuosities, and omissions of the Communist Party line which it is his prime function to parrot from Stalin and *Pravda* for the American Communist Party and its intellectual captives. Both books contain errors. Schlesinger can correct his at any time without endangering (in all probability, improving) his political position, his career, or his life. Foster can correct his only at Moscow's pleasure—and then at the certain prospect of censure and discipline if not demotion or severer penalty.

For Schlesinger, liberalism consists of Franklin D. Roosevelt's America; it has a positive and confident ring; it stands for responsibility and achievement, not frustration and sentimentalism; it is an instrument of social change, not of private neurosis.¹ Furthermore, Schlesinger speaks for a generation which, he avers, came along late enough to miss the false aura which Communism, especially Soviet Communism, had for the liberal of the nineteen-twenties. He and his contemporaries saw in Russia "a land where industrialization was underwritten by mass starvation, where delusions of political infallibility led to the brutal extermination of dissent, and where the execution of heroes of the revolution testified to some deep inner contradiction in the system."² This Russian spectacle, together with Fascism, revealed man's corruptibility and imperfection to a generation which might have missed it because of nineteenth-century optimism. These beliefs led to "an unconditional rejection of totalitarianism and a reassertion of the ultimate integrity of the individual."³

Schlesinger describes his book as a report on the fundamental reexamination and self-criticism which liberalism has undergone in the last decade. He

1. Pp. vii-viii.

2. P. viii.

3. P. ix.

sets out to demonstrate the effects of anxiety on politics; to show the failure of the right and of the left; in particular, to demonstrate the depth and gravity of the Communist challenge to freedom; to note the nature and revival of American radicalism; to describe the techniques of freedom; to assess freedom in the world; and to state his fundamental articles of freedom as a fighting faith.

The treatment of anxiety and politics is hardly more than sketched; it appears from time to time throughout the analysis, in the comments on totalitarianism, for example, where the "totalitarian man" is defined as the man without anxiety. Those who would pursue this relationship further would do well to turn to Harold Lasswell's *Power and Personality* and to the literature there cited, pausing with Schlesinger long enough only to note that much of the appeal of totalitarian society is its proffer of surcease from doubts and instabilities—those uncertainties which lie at the core of free society.

Schlesinger's crisp style and concern for literary effect lead him often into overstatement. The free society has failed, we learn on page ten, and then go on to chapters on the "failure" of the right, and the "failure" of the left. Weaknesses certainly; but failures? The failure of the right, says Schlesinger, is the failure of the plutocracy. The businessman, however competent in economics, is timid and stupid in politics. His failures are writ large in the defeat of the British and French plutocracies by Hitler during the thirties; the free world's victory was founded on the leadership of such aristocrats, not plutocrats, as Churchill. Schlesinger distinguishes between the businessman and the conservative. He reviews American political history quickly to show that American conservatism, starting on a high plane, was finally emasculated and captured by the standpat business leader, despite the neo-Hamiltonian conservative resurgence at the turn of the century. There is added to the businessman's political incapacity new weakness from the "gradual disappearance of the capitalist energies themselves." The capitalists lack both skill and will to govern. "This process of capitalist suicide is complex but apparently remorseless."⁴ It is founded on the impersonalization of property and of business organization. Without personal fire, business loses its fighting incentives and its capacity to command loyalty. Capitalism loosed free intellectual inquiry which turned to attack capitalist roots; capitalism could not discipline the intellectuals without denying the freedoms it had to have for itself. Through disuse or criticism, basic capitalist impulses are atrophied or burned away. Despite the businessman's fear of violence, which opens the way to fascism (whenever a demagogue can offer "protection" to the business community) we need not fear fascism in this thoroughly middle-class country, because available organized resources of violence are too small. The impli-

4. P. 26.

cation remains, however, that the business community would, in Schlesinger's view, fall for such tragic tempting if it were offered. Meanwhile, the free society cannot be saved by the businessman.

What of the left? Schlesinger's target here is the Progressive; not the hard Communist, but the modern Doughface—a democratic man with totalitarian principles—who founds his philosophy on a sentimental belief in progress, on a soft and shallow conception of human nature as inescapable good. The Doughface maintains his faith stubbornly in the face of facts; his thinking is tripped up by his weakness for impotence, by his belief that man can be reformed by argument and logic alone, by economic fetishism, and by his dependence on political myth. The fellow-travelers come off with deep wounds from this section. This weakness for impotence is demonstrated by their preference for dreams and symbolic action to the confining responsibilities of power. The belief that man can be reformed by argument alone consorts strangely enough with a dogmatism founded on preference and ignorance, by which the Progressive seeks to advance his darling movements of the moment. The Progressives, in dealing with the Spanish war, showed “they did not know anything about history, but they knew what they liked.”⁵ Economic fetishism is nowhere clearer than in the Webbs' *Soviet Russia: A New Civilization?*—a dream-like interpretation of the Soviet world built on the belief that nationalization of the means of production liquidated injustice in society and evil in man. A prime example of the political myth is the “mystique of the proletariat,” which had some possible rational justification in the mid-nineteenth century, but which is tenaciously affirmed despite the capitalist-founded increase of the wealth and freedom of the ordinary worker. An even better and more dangerous example is the mystique of the USSR, under which “each success of the Soviet Union has conferred new delights on those possessed of the need for prostration and frightened of the responsibilities of decision.” Surrender to such emotions, says the author, “destroys the capacity for clear intellectual leadership which ought to be the progressive's function in the world.”⁶

In sum, the conservative in crisis turns to Fascism; the progressive to Communism. Hence neither can make his proper contribution to free society nor can save it.

The “challenge” of totalitarianism consists in its appeal to the anxious, insecure man characteristic of liberal society. This appeal is founded on the one hand on certitude, on incorporation of the individual as a cog in a machine, ultimately, that is, on freedom from the strains of independent thought and decision. On the other, it is based on the compulsion which power always

5. P. 44.

6. P. 49.

exercises on those who feel they must make terms with it, whether it be Fascist or Communist. In the Russian case, the appeal is heightened by its apparent humanitarian, selfless quality symbolized by Lenin. The Fascists offered abundant opportunities to the sadist and to the masochist; the Russians offer these and more.

Schlesinger states the price of this certitude with great clarity in his chapter on the "Case of Russia;" here is the answer to Foster's Utopia. Schlesinger notes Lenin's deification of the party, as the core on which Soviet totalitarianism is wound. Through it, all other parties were smashed. Through it terror was raised to a principled instrument of power. Through it, Stalinism became inevitable. (Trotskyism, comments Schlesinger, would have been the same had Trotsky been in a position to wield the bureaucracy against Stalin.) Schlesinger spends considerable time demolishing the fiction that workers are not exploited in the USSR because they "own" the instruments of production. The operating realities of control have destroyed every labor freedom. Artistic and intellectual inquiry are prostituted to the operational requirements of the revolution; religion is prostituted into idolatry of Stalin. Personal humiliation and subordination of the individual to the state are enforced. This is inevitable, because "the whole thrust of totalitarian indoctrination . . . is to destroy the boundaries of individual personality."⁷

In the face of these Russian exemplifications of Communist realities, in what does the Communist challenge to America consist? First of all, the imperialist Russian challenge to America's world position—a challenge rooted in Russian history and the nature of Soviet society which only slumbered fitfully during the war and which the Kremlin decided to resume well before Roosevelt's death. Russia under the Romanoffs would have striven for the same world strategic objectives now sought by Communist Russia. Totalitarian Russia, moreover, is a more serious contender because its inner system is founded on tension—tension which can be conveniently maintained by invoking external threat. Its appeal is unlimited by the parochial bounds of Pan-Slavism; it can foster support in any nation of the world where poverty and injustice sap loyalty to established governments. This is the warhead of Russian expansionism; the bomb and delivery agent is the local Communist parties in all countries. This becomes the second threat: of internal unrest, disruption, revolution. In America, mere numbers are unimportant; the Party now commands some seventy thousand. But its threat is vastly increased by tight organization and discipline, and fanatical devotion to Moscow. (Moscow stupidities, on the other hand, lessen threat insofar as they expose the anti-nationalist purposes of the CPUSA, and interfere with local judgment and initiative in favor of decisions dictated by Moscow omniscience. CPUSA

stupidities, undisciplined by responsibility to a genuine mass following, undercut the Moscow line by excessive zeal in execution.) Numbers are enhanced, as is now well known, by work through front organizations and fellow-travelers. Appeal is enhanced by systematic agitation of known areas of injustice or unrest, in particular with respect to minorities. Threat is enhanced by the secret intelligence organization, separate from the overt Party organization, working through secret members and fellow-travelers, with the special missions of espionage, of penetrating government, and of manipulating public policy and opinion.

The greatest challenge, from Schlesinger's standpoint, is the success of the CPUSA in dividing and weakening the U. S. left—the "vital center" on which our political regeneration and security depend. The main target of Leninist-Stalinist Communism has been less the conservative or fascist than the independent left. Formal alliance has always been accompanied by unceasing internecine ideological and organizational attack. The reforms advocated by other left parties are always anathema to the Communist, because they strengthen rather than destroy the existing system. Co-operation of Communists with reform movements always has the single purpose of using them for Communist ends, and ultimately of destroying them. Communist duplicity in deals is best illustrated by the Nazi-Soviet pact—a move which Foster ignores. Yet the hardest and most essential task for the democratic left is the unconditional rejection of totalitarianism. This is made more difficult by the liberal's agnosticism, which opens the way for the possible but devastating thought that the Communists might be right! Yet the most important political commitment for the democratic left is belief in the limited state. Only in the limited state can opposition enjoy freedoms and resources necessary to check growth of oppression by the ruling class.

What of the way forward? Schlesinger finds it in a revival of American radicalism, reaffirming the early doctrine and responsible action of the leaders who founded our state on a doctrine of equality. Through radical (liberal) action, not Doughface ritual expiation or inaction, can we reaffirm for our time the freedom asserted and won by our predecessors. In essence, this position combines a reasonable responsibility about politics with a reasonable pessimism about man. Schlesinger finds it epitomized in Americans for Democratic Action, and symbolizes its philosophy by the title, Non-Communist Left (NCL). Emerging in Europe, the NCL moved into American labor and into various sectors of government and found national expression in the electoral mandate of 1948—a mandate which repudiated both Wallace and the dominance of the business community. NCL responsibility about government breeds decisive action; NCL pessimism about man guarantees against totalitarianism, since no man or special elite group can be thought perfect or perfectible.

The task facing revindicated liberalism is to order society "so that it will subdue the tendencies of industrial organization, produce a wide amount of basic satisfaction and preserve a substantial degree of individual freedom."⁸ To do this, it must solve the problem of classes in politics, and the problem of the role of government in social planning. For Schlesinger, class conflict is necessary to prevent domination, yet must be kept short of the point where class conflicts destroy the principles making the liberal state possible. This can be done by preventing classes from solidifying themselves into castes. The problem of role of government is not so simple. If new economic organizations of unparalleled power call forth government of new power to regulate them, how keep the economic organizations from dominating the government? And how resolve the dilemma of the choice between the state expanded to cope with the new business combines, and a state so limited as to preserve vital freedoms? If the market society is being replaced by the administrative society, why not centralize power in government, so decisions can be kept in some degree responsive to public wishes through the political process? Schlesinger's solution, at least for state planning, is to keep short of pin-point planning. The state should "aim at establishing conditions for economic decisions, not at making all the decisions itself. It should create an economic environment favorable to private business policies which increase production; and then let the free market carry the ball. . . ."⁹

Schlesinger thus places great faith in Keynes and the manipulators of fiscal policies—especially in the capacity of such methods as they suggest to maintain adequate private investment and consumption and prevent economic breakdown. The regulatory and social-insurance state is well enough, but not enough; the state must put main effort into determining the broad level and conditions of economic activity through indirect means, and make a success of projects clearly its own responsibility.¹⁰ Government ownership, just as private ownership, must not be overconcentrated; it should take many forms.

Schlesinger completes his argument in his last three chapters—a chapter on the techniques of freedom, on freedom in the world, and on freedom as a fighting faith. The first chapter puts a curious distinction between civil rights and civil liberties. Civil rights concern issues of racial or religious discrimination; civil liberties are founded on the Bill of Rights and on the Thirteenth, Fourteenth, and Fifteenth Amendments. The issues of civil rights are summarily dealt with by reference to the Civil Rights Report, and are said to be clearly understood by our people. The problems of civil liberties are treated by reviewing quickly some of our national sins against freedom, and our national revulsions against those sins; by showing how due process of law

8. P. 171.

9. Pp. 182-183.

10. P. 185.

and the clear and present danger doctrine have formed the framework on which our liberties depend; and finally by pointing out recent trends toward stigmatizing seditious thoughts, not just acts, stimulated by recognition that in the modern world, totalitarian propaganda may already have won its battle if the governments of free peoples wait before taking counter measures until acts precipitating clear and present danger are committed.

"Freedom in the World" sets forth the author's views on the position and problems of United States foreign policy; it contains interesting applications of the author's theories about the liberal's dilemmas in domestic politics to the foreign sphere. Here again we find the conflict between the sentimentalists and the activists, the artificers of symbols and the architects of policy in action. Schlesinger sees our 1948-49 foreign policy as a combination of containment (Truman Doctrine) with reconstruction (Marshall Plan). Containment of the Soviet Union includes protection for non-Communist countries; it gives aid to the peace parties in Communist-dominated areas by opposing Communist expansionism by strength. Reconstruction is important as a means of eliminating the conditions, not only in Europe but even more urgently in other areas, which foster Communist growth.

"Freedom: A Fighting Faith" is not only a rallying-cry to revitalize freedom. It is an analysis of the central difficulty of the free society: how can free society maintain its fighting faith in itself, which it must to survive, when democracy by its nature dissipates rather than concentrates its moral force: Says the author:

The thrust of the democratic faith is away from fanaticism; it is toward compromise, persuasion and consent in politics, toward tolerance and diversity in society; its economic foundation lies in the easily frightened middle class. Its love of variety discourages dogmatism, and its love of skepticism discourages hero-worship. In place of theology and ritual, of hierarchy and demonology, it sets up a belief in intellectual freedom and unrestricted inquiry. The advocate of free society defines himself by telling what he is against: what he is for turns out to be certain *means* and he leaves other people to charge the means with content.¹¹

Furthermore, democracy cannot be transformed into a political religion without losing its essential belief in individual dignity and freedom.

How, then, can democracy survive? Not by exhortation or self-flagellation; not alone by the long-run impossibility of totalitarianism, which has great short-run strength. Not by the formal freedoms of democracy, which have meaning for a man free from anxiety, but which do little in themselves to reduce the sense of insecurity and loneliness which well up from industrial life. Democracy to survive must reintegrate the individual into the community; it must concern itself with ends, not means alone; it must provide a

11. P. 245.

tolerable minimum of material and physical security; it must offer the individual opportunity freely to unite in continuous and intimate association with like-minded people for common purposes; it must give its citizens a feeling of initiative, function and fulfillment in the social order. The crisis of democracy is internal; the conditions of democracy must help to exorcise the Stalin in every man's breast.

The survival of democracy depends precisely on offering the opposite of the temptations offered by totalitarian security; it depends on a continuing state of tension and strife. Struggle is not the whole meaning of conflict; conflict guarantees freedom, is the tool of change, and "above all, the source of discovery, of art, and of love. The choice we face is not between progress with conflict and progress without conflict. The choice is between conflict and stagnation."¹² The new radicalism depends on a "determination to create a social framework where conflict issues, not in excessive anxiety, but in creativity. The center is vital; the center must hold."¹³

It is hardly necessary to spend so much time in summarizing Foster as it was with Schlesinger; Foster offers the Party line with unblushing faithfulness. Here is the doctrinal faith in the decay of world capitalism and the inevitable victory of "world socialism" (i.e., all Left parties which are not subservient to Moscow); the decline of religion (chief competitor for the Communist bid for the emotional loyalty of mankind); the expanding Communist movement; the Communist fight for "peace and freedom"; the ability of the Communist Party in Russia to meet capitalist onslaught and to cope with the problems of survival; and finally, the advent of "socialist man." Foster employs his concluding chapter of personal observations to defend the Communist against the charge of being anti-patriotic because of his loyalty to Moscow; to advance other current canards and polemics; and to describe his biography as "progress" from capitalistic, religious faith through socialism to all-out acceptance of Communism.

Needless to say, Foster disagrees with Schlesinger at almost every point, although some of Foster's statements confirm Schlesinger's arguments. Foster's chapter on "The Advent of Socialist Man" furnishes convenient examples. He puts the Socialist utopia, where man is freer, happier, higher in type, over the current reality wherein man is disciplined by the class struggle. Even in the current period of class struggle, however, Foster cannot agree that man is trampled under Communism as Schlesinger says he is. Collectivism and individualism are compatible under Communism where, says Foster, the state serves the individual. Under Communism, in Russia now, the individual enjoys the right to work (as prerequisite to the right to eat); the people are free politically and intellectually, since they are freed from capitalist

12. P. 255.

13. P. 255.

domination; they are free culturally. (Foster adds with complete aplomb that the arts are free to serve "the people"; he means the socialist state, and the reality of this service is demonstrated by the current rigidification of the arts and sciences in post-war Russia.) Socialism also frees women from bourgeois male supremacy; frees youth from the "artificial handicaps" found in capitalist countries; and frees nationalities. Socialism replaces capitalist ethics (from each what can be squeezed out of him; to each what he can grab) by the socialist slogan, from each according to his abilities, to each according to his work (the essence, that is, of the familiar piece-rate system so roundly denounced by Communists in capitalist hands); and promises the ultimate Communist hope of "from each according to abilities, to each according to needs." Here also are found standard cliches on freedom of the press, assembly etc., in Communist regimes. Socialism offers unlimited economic development, together with improvement of the human species itself. In sum:

Socialist man and woman are free individuals in the highest sense of the word . . . Socialist man and woman have no masters, economic, political, intellectual or religious. They represent mankind finally emancipated, achieving a truly upright position, freed from every kind of exploitation and oppression, and bending the knee to no one.

This happy state, remember, is not a future Utopia; Foster claims it for socialist man in the here and now. The ultimate Communist perspectives call for "freedom, development, and happiness which man now hardly dares dream of!"

Foster abundantly demonstrates the correctness of Schlesinger's view that the fundamental appeal of Communism is its proffered release from anxiety; both the Communist Utopia and the "Socialist" present are indicated as states free from worry. Moreover Foster shows that the independent left (in Communist lingo, the Right Social Democrats) is as deadly an enemy to the Communist revolution as the out-and-out capitalist.

Some final comparisons and comments may be in order. It is indeed noteworthy to compare the Schlesinger and the Communist view of the businessman. For the former, he is stupid, timid, weakening in his loyalty to his entrepreneurial interests and principles. For the latter, he is crafty, powerful, malevolent, and dominant in his society—the Wall-Street warmonger who manipulates society and politics in his own interest and who destroys his own class in his blind pursuit of individual profit. It is also noteworthy to compare the two views of the role of classes in society. The Communist view is well-known: inevitable class-conflict, ending in the inescapable victory of the proletariat which ushers in first dictatorship, then socialism, and finally a Utopia in which struggle and conflict are abolished. For Schlesinger, classes and class conflicts are equally inevitable; but they never end, they are the conditions of creativity and health in society, and are rendered tolerable by

the factors of social mobility and the relative dispersion of economic and political power. Both analyses proceed within the limits of great adulation for certain political leaders. It is difficult indeed to find in Schlesinger any mention or implication of shortcoming in Franklin Roosevelt; it is hardly more difficult (though less to be expected) to find any criticism of Marx, Lenin, or Stalin.

Both books, as political platforms, are propaganda. Foster's is far more so than Schlesinger's, by common tests: Foster ignores or slides over much more of the truth. Much of what Foster says depends for plausibility on the circumstance that Russia is not easily observable by his readers. Schlesinger, on the other hand, must run a far stiffer course in that the sources of American history and life are as open to his readers as they are to him.

Foster is worth reading as a lesson in Communist propaganda. Schlesinger is worth reading as a provocative analysis and program of choice in American politics.

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SOCIAL MEANING OF LEGAL CONCEPTS—CRIMINAL GUILT, New York University School of Law, 1950. Pp. ii, 93. \$1.50.

Under the guidance of Professor Edmond N. Cahn, New York University's very able legal philosopher, annual conferences on the social meaning of legal concepts were initiated two years ago. The subject of the first conference was the inheritance of property. In his Introduction to the published report of that conference, Arthur T. Vanderbilt, a former president of the American Bar Association and now Chief Justice of the New Jersey Supreme Court, explains the purpose of the project:

Progress in the law is manifestly dependent upon our utilization of all the available knowledge of man and of society.

The annual conference on SOCIAL MEANING OF LEGAL CONCEPTS is a scholarly effort, not merely to pose the fundamental educational problem of the relation of the law to the social sciences but, by focusing attention upon a particular legal institution, to come forth with specific findings and recommendations from the several social sciences which will have concrete significance for the single fundamental legal concept chosen for discussion.

The monograph here reviewed contains essays by a law professor, an anthropologist, a criminologist, a psychiatrist, and a professor of theology, with remarks by a judge, several lawyers, and a sociologist. The purpose

14. P. 151.

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