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Book Reviews

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Book Reviews

JUDICIAL REVIEW IN THE CONTEMPORARY WORLD. By Mauro Cappelletti,¹ Indianapolis: Bobbs Merrill, 1971. Pp. xi, 117. \$8.50 (\$4.50 student edition).

In the present age of democracy much attention is being paid to the problem of how to curb majority rule. Not only dictators can ride roughshod over basic interests of individuals. Democratically elected majorities may just as well be tyrants. Examples abound. How can individuals and minorities be protected? The inclusion in national constitutions and international declarations of catalogues of basic human rights does not suffice. How can legislatures be effectively prevented from disregarding such limitations? Mechanisms to guarantee the observance of constitutional limitations on legislative power have been established in numerous countries. They are comprehensively discussed in the book under review. Its author, Mauro Cappelletti, is simultaneously a member of the law faculties of the University of Florence and of Stanford University and is Director of the Institute of Comparative Law at the University of Florence. He is a humanist and a man deeply concerned about human rights and social justice. As one of the world's leading comparatists he places the institution of judicial review in a worldwide frame. Indeed, the book opens with a citation to Jacob Burckhardt's observation that:

In the realm of thought, it is supremely just and right that all frontiers should be swept away. There is too little of high spiritual value scattered over the earth for any epoch to say: we are utterly self-sufficient or even we prefer our own.²

Comparison of legal systems is the search for the technical legal method that is best suited under given national conditions to deal with a social problem common to all nations included in the review.

Cappelletti's first chapter presents a country by country survey followed by a typological classification of the possible methods of control: political and judicial, and among the latter, the systems containing special institutions of judicial control and those lacking such institutions. There follows, in Chapter II, a concise survey of the historical antecedents of judicial review: the higher law conception of

1. Director of the Institute of Comparative Law, University of Florence.

2. J. BURKHARDT, *FORCE AND FREEDOM* 80 (J. Nichols transl. 1955).

classical antiquity and of the Middle Ages; the control function exercised in the French *ancien régime* by the regional supreme courts, the *Parlements*, especially the *Parlement de Paris*; the French Revolution theory of popular sovereignty; the idea of superiority of the Common Law once held in England; the control of colonial legislation exercised by the English Board of Trade. The American technique pronounced by John Marshall is thus shown not to be, as it is sometimes assumed, the first and sole fountainhead of all safeguards of the basic human rights against encroachments by the law-giver.

Chapters III and IV constitute the detailed analysis of the system. They are classified under two aspects. Institutions of centralized control, such as the special constitutional courts of Austria, the Federal Republic of Germany, or Italy are distinguished from those of decentralized control as exemplified by the United States. The second line of distinction is that between review of the constitutional question *principaliter*, as designed for the Austrian Constitution of 1920 by Hans Kelsen, and the American system of review *incidenter*. The two lines of distinction are connected with each other but they do not coincide. Where, as in the United States, the question of the constitutionality of acts of legislation can be reviewed by any court in any case of civil or criminal litigation, the review is decentralized and in one sense *incidenter*. But where, as also in the United States, decisions of the top court are treated as binding precedents, the determination of constitutionality when made by such a court is *principaliter* in the sense of being decisive as against all the world—at least as long as it is not overruled by the court. On the other hand, centralized control may be both *principaliter* and *incidenter*, depending on whether it is decided abstractly by the constitutional court in special proceedings dealing exclusively with the issue of constitutionality or upon reference by another court as an incidental question arising in a concrete case.

Cappelletti's inquiry ranges over, it seems, all nations in which some devices have been designed to safeguard the constitutional control of acts of legislation, including France, where under the de Gaulle Constitution of 1958 the constitutionality of bills can be tested by a special organ, the *Conseil constitutionnel*, before enactment by the *Assemblée nationale*, but not thereafter. The worldwide survey reveals a wide variety of modifications and combinations of the basic systems.

In the final chapter, conclusions are drawn from the comparative analysis of the various techniques. Their effectiveness for the protection of the constitutional limitations or the powers of the legislatures is critically evaluated.

Necessarily the reader is led to the conclusion that in the last analysis the effectiveness of constitutional protection of basic human

rights and of the ideal of social justice depends upon the personal ethics of the individuals to whom the control is entrusted. American experience has abundantly shown that control through the judiciary—federal, and perhaps even more so, state—may be used to block “social” legislation. The American scheme also holds another lesson, that of the necessity of framing a constitution in such broad terms that through the judiciary the text can be adapted to changing social conditions even, and particularly when, the legislative branch is unwilling or unable to take necessary action. Judicial control thus holds the danger of usurpation of unwanted power by the judiciary, of what Edouard Lambert, in his critical inquiry into the American situation of the first of the present century has aptly called *le gouvernement des juges*.³ Of necessity, the appointment of members of the Supreme Court of the United States is thus treated as an issue of the highest political significance. Where, as in European continental countries, the judiciary has traditionally occupied a position of lower status than that of American judges of courts of last resort, judicial control has been vested in special bodies composed of high members of the judiciary expected to be guarantors of legal objectivity, and representatives of diverse political groupments. Where, as in France, the revolutionary distrust of the political attitudes of the judiciary still lingers on, control of legislation once enacted, or once promulgated by the Government on the basis of the “reglementary power” constitutionally reserved to it, is excluded altogether, and the pre-enactment control seems to be meant primarily to protect the Government’s law-making power against the Parliament. In a country where, as in Yugoslavia, both the legislature and the judiciary are dominated by an ultimately deciding political party, judicial control seems to be limited to that division of powers between the central government and the states which has been found necessary to assuage the tensions traditionally existing between the various nations of which Yugoslavia is composed. Cappelletti’s work should stimulate detailed research into the working of the Yugoslav system as well as into that of the techniques nominally existing in the Soviet Union where all legislatures and all judges are equally the organ of an all-powerful party.

The American experience of both judicial resistance to “progressive” legislation and that of judicial activism reveals the delicate nature of the relationship between legislatures and organs of control of constitutionality of legislation. Such control will be exercised as a means of promoting individual rights and social welfare if, and only if, the individual members of the organ of control are imbued with the

3. 6 E. LAMBERT, *LE GOUVERNEMENT DES JUGES* (1923).

spirit of liberalism and social welfare. Under all circumstances acceptance of judicial control requires skillful exercise of the difficult art of combining the traditional "application" of existing law with moderation in volitional choices between policies. Both elements are contained in every judicial decision. But in constitutional law the political element is stronger than in ordinary cases. Its successful exercise in the form of judicial decision requires skill, caution and intuition on the part of the judges, and a high measure of respect on the part of the public.

American experience points to another not altogether beneficial aspect of judicial control of constitutionality of legislation. Raising the issue of unconstitutionality may be used as a means to delay decision in a desperate case and thus to press the other party into a compromise. In that respect the practice of constitutional law resembles that of the law of conflict of laws. Lawyers tend to shy away from its mysteries and intricacies unless they can use it for chicanery. One may well ask whether the invocation of constitutional law in matters of minutiae is altogether wholesome. But how can judicial control once institutionalized be restricted to issues of serious political importance? And how, if it should be limited to such issues, can one preserve the image that decision of constitutional questions is "judicial"?

Another even more delicate problem is posed by attempts to guarantee integrity of human rights through the operation of supranational organs of control. So far no nation has been willing to entrust the enforcement of the Universal Declaration of Human Rights to the International Court of Justice or to any other organ of the United Nations. The cautious beginning of a hesitant subjection of national sovereignty to the European Court of Human Rights deserves careful observation.

The liveliness of the Cappelletti text indicates the book's origin in lectures orally presented. A rich documentation is given in the footnotes, together with additional thoughts of the author.

The book is well suited for the purpose its author seems to have had in mind, that of serving as stimulating reading in courses of constitutional law. Where such a course is devoted specifically to the constitutional law of the United States, the book will present the worldwide background before which problems and solutions of American law will appear in a new, revealing light. Simultaneously, the book constitutes a model for any kind of work in comparative law.

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THE PRICE OF INTERNATIONAL JUSTICE. Philip C. Jessup.¹ New York: Columbia University Press, 1971. Pp. ix, 82. \$5.95.

This artful and engaging book of the Blaustein Lectures, given at Columbia in 1970, poses a preliminary question: Who wrote it? Professor Jessup, Judge Jessup, or Ambassador Jessup?

We can put Judge Jessup to one side. He scarcely makes an appearance, even in the footnotes, sitting in his stiff Dutch palace, dressed in his stiff continental robes, and pronouncing formal opinions in the Roman style of the Code.

At first, it seems obvious that it is the Ambassador's book. The lectures have the disarming air of worldly and rather resigned after-dinner ruminations—good ruminations, after an excellent, ambassadorial dinner—ruminations altogether appropriate to the classic interval for serious men's talk, while the host and his gentlemen guests are enjoying brandy and cigars, before they rise to join the ladies.

How sad it is, really, the Ambassador seems to be saying, and how unnecessary, that so few international disputes are submitted to the International Court of Justice, to arbitration, or to other accepted judicial methods for resolving international conflicts in peace, and in accordance with the modes of law. Surely, he suggests, with a wave of his brandy glass, the world would be a much better and safer place if the nations used such procedures more often. After all, they worked well in the 19th and early 20th centuries. Even better legal machinery exists today. Why shouldn't they work again? Why *are* we so foolish? Why doesn't the State Department do something to revive and enlarge the custom?

In the end, however, for all its casualness, it is very much Professor Jessup's book. The most frequently repeated rule of diplomacy—*surtout, pas de zèle*—gives his style the mild patina of the chanceries. The argument beneath, however, is closely reasoned, beautifully crafted, and imbued with the Quixotic passion that is the hallmark of academia in its finest moments. Professor Jessup argues:

Man will never discover peace and a cure for war, as we may reasonably hope that man will discover health through a cure for cancer.

Yet each time that international judicial surgery is used to excise from the world's political turbulence even a small irritant in the relations of two countries, the world advances a few inches on the long road to peace. (p. 82).

1. Former Judge, International Court of Justice; former United States Representative, United Nations Security Council and General Assembly; Hamilton Fish Professor of International Law and Diplomacy, Emeritus, Columbia Law School.

In his first lecture, Professor Jessup sketches the model he wants to see triumphant—the great vision of nations overcoming the obstacles of politics and pride and submitting even serious, important and explosive disputes to international tribunals for final settlement “in accordance with generally accepted principles of international law.” Like so many other civilized and rational ideals for human society, this practice gained influence steadily throughout the 19th and early 20th centuries, but has withered since 1919, and especially since 1945.

After all his wanderings among the continentals and the text writers, Professor Jessup falls back on the case method of his youth. In the brief, sharp strokes of a master, he evokes five important cases in which nations were willing to swallow their pride and pay the price of international justice by accepting the adverse decision of a tribunal conscientiously attempting to apply the principles of international law.

He starts, altogether properly, with the remarkable story of the *Alabama* arbitration—a great monument in international law and politics for many reasons. Not the least of those reasons, these days, is that the decision rests on the fundamental principle that states are quite as responsible for the use of force directed against other states by private persons or irregular groups operating from their territories as would be the case if their own forces had been involved. In the controversy over the *Alabama*, the British Government had originally taken the position that the dignity and honor of the nation precluded submission to foreign judges of the question whether the British Government had acted in good faith, and with due diligence, in failing to prevent the armed raider *Alabama* and other Confederate cruisers from slipping out of British ports. In the end, however, the principle of arbitration was accepted, and the arbitration, successfully launched by treaty, determined that Great Britain had indeed violated her duties to the United States under international law, by providing military assistance to revolutionary forces within another state.

The remaining four cases which constitute Professor Jessup's paradigm illustrate less inflamed problems of international law. They all are instances, however, in which governments had to suppress or repress strongly exploited feelings of nationalism and base policy on their larger but less visible interest in the development of a system of peace.

The settlement of the eastern boundary of Alaska by arbitration in 1903 was complicated by the personalities of Theodore Roosevelt and Sir Wilfred Laurier, and by the strong feelings boundary disputes between the United States and Canada have always aroused in both countries. The Rough Rider charged up San Juan Hill several times

before and during the arbitration, and made its outcome precarious, and problematical. But Elihu Root and Lord Alverstone managed to achieve a judicial settlement of the dispute, despite the rage of the two Canadian commissioners, who publicly denounced the award and refused to sign it. Taking note of the uproar a little later, Lord Alverstone responded classically at a London dinner:

If, when any kind of arbitration is set up they don't want a decision based on the law and the evidence, they must not put a British judge on the commission. (p. 12).

The third case Professor Jessup invokes is the boundary dispute between Cambodia and Thailand, adjudicated by the International Court of Justice in 1959. Significantly, the case was settled on the basis of an earlier treaty between France and Siam—that is, a treaty of the “colonial” era—whose legal authority is supposed to be doubtful, especially in Communist countries and nations of the Third World. Nonetheless, as Professor Jessup points out, the judges of the Court did not divide along political or ideological lines. Similarly, in 1960 the Court settled a fifty year old boundary dispute between Nicaragua and Honduras without revealing East-West or North-South divisions. Finally, Jessup recalls the arbitration between India and Pakistan over the Great Rann of Kutch, after the hostilities of 1965; there the Indian Government, and indeed the Indian courts, accepted the outcome despite the sensitivity of the issues and the passions of the moment.

The second and third lectures document the widespread and perhaps growing refusal of nations to accept the jurisdiction of courts or other tribunals even for disputes over title to remote and unimportant islands and channels, as well as to territory as vital as Gibraltar or the Shatt al-Arab. In this class of situations, Professor Jessup criticizes the Security Council for its regular and systematic failure to use the procedure it employed successfully in the *Corfu Channel* case—*i.e.* to take action under article 36 in recommending the reference of a dispute to the International Court of Justice.² Could the deepening tragedy of the Middle East have been avoided if the authority of the General Assembly to determine the fate of mandated territories had been authoritatively declared in 1947, in terms as strong as those used in the *Namibia* decisions?³ If an adjudication had been obtained firmly establishing the international

2. The Corfu Channel Case, [1949] I.C.J. 4.

3. Legal Consequences for States of the Continued Presence of South Africa in Namibia, [1971] I.C.J. 16.

character of the Strait of Tiran and rights of passage through the Suez Canal?

Why has the United Nations failed so miserably, even in this modest aspect of its responsibility for keeping the peace? "Perhaps," Professor Jessup remarks, "the reason for such inaction is . . . that delegates come to the United Nations not to settle their disputes but to win them." (p. 45). Quoting at length and with approval from a recent speech of Secretary Rogers, Professor Jessup takes hope.

It is encouraging that the United States seems to have roused from its lethargy in promoting the International Court of Justice . . . If this exploration . . . leads to the discovery of even small islands of peace in this turbulent world, the voyage will outrank those of Cortez, Drake, Magellan and Columbus. (p. 49-50).

The phenomenon is much deeper and more difficult to reverse, however, than Professor Jessup indicates. It is the symptom of a grave, perhaps a fatal illness, which cannot be dealt with by superficial measures. No conceivable quantum of virtue, energy and charm on the part of the State Department—however desirable—can have much effect on the trend, unless it is part of a successful effort to stabilize the world political system and enforce the Charter far more strictly. Until nations come to believe that the world is reasonably safe and take the political order for granted, fear cannot be dissipated, nor faith restored.

It has proved impossible even to persuade Canada, Peru, or other nations making extensive claims to fishing jurisdiction to allow the legality of their claims to be tested by the International Court of Justice or any other tribunal. "We cannot submit our ichthyological patrimony to adjudication," patriots proclaim.

As the inhibitions supporting article 2(4) of the Charter have weakened, and the world political system therefore disintegrated, stage by stage, along the path to anarchy, many nations have turned to more and more frenetic nationalism as their only bulwark, psychologically and practically. Their security depends upon

4. See the debate reviewed in Bowett, *Reprisals Involving Recourse to Armed Force*, 66 AM. J. INT'L L. 1 (1972), modifying his earlier views, and conceding that an acceptance of the legality of "reasonable" reprisals under article 51 is necessary in the absence of the possibility that the Security Council can or will enforce article 2(4). As compared to his earlier book, Mr. Bowett's article comes a long way in accepting the realistic and persuasive basic analysis of Professor McDougal. See M. McDUGAL & F. FELICIANO, *LAW AND MINIMUM WORLD PUBLIC ORDER* 232-53 (1961).

configurations of forces they cannot control or, in many cases, even influence. They seem to be more and more alone in a world whose nightmares do not disappear at dawn. Absent a United Nations' system for enforcing article 2(4) or strong coalitions determined to achieve the same end through regional defense arrangements, since the Security Council is paralyzed, survival for most nations—however illusory—has come to mean reliance on the full range of measures within the historic concept of an “inherent” right of self-defense—reprisals and all.⁴ In such a world—a world of fear and insecurity in which we have no choice but to live—it is no wonder that the nations are less and less willing to entrust important disputes to international tribunals.

In the voice of sweet reason, Professor Jessup shows conclusively that with a little good will and mutual trust, many, perhaps most, of the disputes which inflame international relations and are sometimes the occasions of war could readily be settled by the existing adjudicatory institutions of international law. He is, of course, quite right.

But the political climate of trust and confidence which made the *Alabama* arbitration possible has gone, like Humpty-Dumpty. We have discovered that it is far easier to destroy habits, traditions, and institutions, and the value systems which give them life, than it is to replace them with social organisms of equivalent strength. In the middle of Victoria's reign, when the *Alabama* arbitration took place, all institutions seemed more stable and permanent than any now appear. Despite brave swallows like the Cambodian case and the settlement of the dispute between Nicaragua and Honduras, nations simply do not believe that the I.C.J., or any other conceivable tribunal, would in fact decide highly political cases in an impartial way, on the basis of “generally accepted principles of international law.” The poisonous suspicion of political or ideological commitment, even among the judges, is deeply rooted and rooted, alas, in considerable experience.

Can we ever achieve again a political order generally capable of practices like that of the *Alabama* arbitration? That should be the subject of Professor Jessup's next book. It is no reproach to this one that the task was not attempted.

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THREE WORLDS OF DEVELOPMENT: THE THEORY AND PRACTICE OF INTERNATIONAL STRATIFICATION. By Irving Louis Horowitz.¹ New York: Oxford University Press, 1972. Pp. xxx, 556. \$15.00 (Paperback, \$3.50).

For a century or so the separate disciplines of the social sciences have become more specialized and technique-oriented, and consequently more isolated from each other. As long as their major concern was with problems of "developed" or "modernized" societies this isolation was not intolerable. However, once the intellectual world discovered what is now called the Third World of poor and backward nations, where economic, political, social and behavioral problems have to be examined within a context of widespread, and often abrupt, institutional change, the specialized models of each science often provided answers to irrelevant questions. Social scientists talked about economic and political problems, but they had precious little to contribute toward the solution of the human problems we find in the Third World. Economics, for instance, perhaps the most advanced member of the family of social sciences, discovered only that economic development was not simply an economic problem. As a result, in recent decades the call has been loud, if not for the approach of the 18th century moral philosophers, at least for more intensive interdisciplinary research, leading, hopefully, to a true "social science." There have been many attempts, none anywhere near successful, and Horowitz's *Three Worlds* is yet another failure.

Horowitz sets out to examine the development path of the United States (the First World) and the Soviet Union (the Second World), and on the basis of the knowledge gleaned from this examination he then attempts to predict, or perhaps to suggest, a "better" path for those yet to come—the two-thirds of the human race still in the Third World of poverty. Thus, the sub-title: "Theory and Practice of International Stratification." *Three Worlds* was first published in 1966, and what we have before us is Horowitz's attempt to update and revise the original work after a span of six years. On the whole it is much the same work as before, with very few new references; what new material there is consists of passing remarks on works, largely of economists, that do not substantially affect either Horowitz's approach or his conclusions. It is doubtful that anyone owning the 1966 edition would want to buy or read the 1972 edition, despite Horowitz's claim that his book "remains as operational for diagnosing the development problems of the seventies as the first edition was for the sixties." (p. xiii).

The new edition leaves us without a clear or workable definition of development. It does show how difficult it is to distinguish among

1. Professor at Rutgers University, New Brunswick, New Jersey.

degrees of development. Horowitz tries to differentiate between development and mere change or growth, and between development and modernism, but that still leaves him with the following categories: developed, undeveloped, underdeveloped, overdeveloped and misdeveloped. Just how all these fit neatly into a schema of "three worlds" is not made clear and we seem to be mired in classification and definition, perceiving only dimly the inscrutable process of social change.

Part I of the book deals with the Sociology, Ideology, Morphology and Psychology of the Three Worlds. The last chapter, entitled "Psychology of the Third World," includes a new concluding paragraph noting that "race in some measure can be treated as an independent variable and not simply as a function of class in the developmental process." (p. 113). Yet, in a book structured around the importance of classes and conflict between classes, that is about all we hear of the problems of race and color, and Horowitz's fairly detailed subject index does not refer to either.

Part II is a review of historical development in Worlds One and Two. Chapter 7, "The United States, the Soviet Union, and the Third World," is completely new, but it repeats much of what is said elsewhere in the book and contains a belabored discussion of such very elementary notions as an explanation of Colin Clark's sequence of development into primary, secondary and tertiary economies, and Horowitz's comments on classifying social systems on the basis of how economic decisions are made into traditional, command and market economies. Surely this is stuff for elementary texts, not for a treatise on the problems of world development. This is immediately followed by what seems to be a not particularly relevant commentary on "Marx and determinism," in the middle of which we read that the emergence of the welfare state as a reaction to the Great Depression, "verifies Marx's prediction that increased economic planning would be necessary as the capitalist system developed." (p. 211). Marx never made such a prediction² and what predictions he did make have subsequent-

2. In one of the very few references to planning in a socialist society Marx simply noted that labor would be apportioned "in accordance with a definite social plan [which] would maintain the proper proportion between the different kinds of work to be done and the various wants of the community." 1 K. MARX, *CAPITAL* 79 (1967). Not much help here for Indian or Cuban planners! As Heilbroner has stated, *Capital* is the Doomsday Book of capitalism, and in all of Marx there is "almost nothing which looks beyond the Day of Judgment to see what lineaments paradise may present." R. HEILBRONER, *THE WORLDLY PHILOSOPHERS* 147 (1967).

ly been proven wrong. Marx did, of course, write reams of pages on the historical development of capitalism, but he was pitifully negligent when it came to looking into the future and predicting how the economic structure would look once socialism or communism took over. Not only did he have nothing to say about "planning" but most scholars have pointed out that Marxian economics is inferior in this respect to "bourgeois" economics. As Oscar Lange lamented years ago:

What can Marxian economics say about monopoly prices? What has it to say on the fundamental problems of monetary and credit theory? What apparatus has it to offer for analysing the incidence of a tax, or the effect of a certain technical innovation on wages? And (irony of Fate!) what can Marxian economics contribute to the problem of the optimum distribution of productive resources in a socialist economy?³

There is one interesting idea discussed at the very end of Chapter 7. This is the "convergence thesis," which raises the question whether economic development gradually eliminates national differences. If so, the convergence of the major powers within the First and Second Worlds may present a polarization of the world economies into the "haves" and the "have-nots," forming, as Horowitz calls it, a new dyad. Perhaps Horowitz's next edition will then have to be entitled *Two Worlds of Development*.

Part III in both the old and new editions examines in depth the development of the Third World from the economic, political, social and psychological points of view. This is, perhaps, the soundest section of the book, but surely not original at this late date in the history of development literature. The concluding Part IV is thin, and ends in mere formalism, in what Horowitz calls his "model of models." (p. 510). The latter is a series of some 181 short statements. I list only six to give their flavor: (1) the forced maintenance of the social process at the expense of the social structure is called social coercion; (2) the forced maintenance of the social structure at the expense of the social process is called social coercion; (3) the unobstructed transformation of an old structure into a new structure is called social consensus; (4) the unobstructed transformation of old processes into new processes is called social consensus; (5) on a national scale, the assignment of labor tasks is based upon sex, age, race, and caste; and (6) on an international scale, the assignment of labor tasks is based upon color, language, and geography. This "model of models," for which Horowitz tells us he is indebted to Pareto (in sociology) and Wittgenstein (in linguistic philosophy), represents his

3. Lange, *Marxian Economics and Modern Economic Theory*, 2 REV. ECON. STUDIES 189, 191-92 (1935).

“attempt to come to terms with the problem of development by considering the interplay of social order and social change.” (p. 510). I cannot imagine any scholar interested in development or modernization benefitting from a study of these pages, which apparently represent the capstone of the entire work.

In one sense it might be said that Horowitz is trying to describe how development took place, to ascertain the social costs it required in the United States and the Soviet Union, and to offer some indication of what the future holds in each social system. His purpose presumably is to lay bare two alternative paths open to poor and underdeveloped nations as they begin their pursuit of socio-economic development. Indeed, the opening sentence of the book quotes Marx's well-known but unsubstantiated statement that “[t]he country that is more developed industrially only shows to the less developed the image of its own future.” (p. 1). And the critical choice then facing Third World planners is: Which image?

Apparently Horowitz assumes that an understanding of the differences in the approaches of the first Two Worlds will, or ought to, guide decision making in changing society in the Third World. The relation between the desire to understand and the desire to change society probably is vastly more complicated than this implies, but even if this were not so the social research that may guide decisions is never itself solely objective or simply scientific. Gunnar Myrdal has recently noted: “the implicit belief in . . . a body of scientific knowledge acquired independently of all valuations [is] . . . naive empiricism.”⁴ But granting this, there is in Horowitz's presentation a powerful, steady and pervasive bias against the market mechanism and in favor of “authoritarian models” which, at least for this reader, distracts from *Three Worlds*' usefulness as a “style of handling social facts.” Two examples, from many, should suffice to illustrate the point.

In the chapter on U.S. development we read that “the mechanical age has succeeded in displacing human labor power [which] has become fragmented, alienated, and deeply torn from the social fabric,” so that men become “transform[ed] into instruments, commodities, or things which are themselves measured by the products they create, and thus give an ‘anti-human’ and ‘pro-machine’ quality to society,” making labor spokesmen “outraged at the miseries brought about by planless progress.” (p. 155). In the following chapter on Soviet development, however, the hardships of its early industrialization process are summarized in the statement that “the factory [was] a learning experience, and brought science to factory management.”

4. G. MYRDAL, OBJECTIVITY IN SOCIAL RESEARCH 9 (1969).

(p. 173). On the basis of such comments the politico-technologist in the Third World today would surely choose public over private ownership of factories. One wonders if his choice would be so clear and easy if he had instead imbibed his knowledge from Bertrand Russell (hardly a supporter of the bourgeois society). Upon his return from the Soviet Union in 1925, Russell noted the similarities of the factory system in Russia and that which had existed in early 19th century Britain: "long hours, a sweated wage, prohibition of strikes, absolute submission of the workers to the captains of industry."⁵ Quite a "learning experience." Russell attributed the similarities to the attempt, in both England and the Soviet Union, to achieve industrialization without the help of foreign capital. Such was not the case in the United States, and consequently most scholars would agree that American industrial workers bore less of the social costs of industrial growth than their counterparts in the Soviet Union's "forced industrialization," and in England's "First Industrial Revolution."

Horowitz's strong ideological bias against the market-oriented decentralized decision system shows most vividly in his discussion of the role of terror in development. He says:

It is useful to divide Soviet terror between that aimed at stifling liberal freedom of speech . . . and that form of terror aimed at recalcitrant classes as a means of boosting economic development. [Terror] is a method for control of the economy through the political apparatus. . . . Thus, the victory of the Soviet Revolution represented the triumph of bureaucracy no less than of socialism. . . . Terror may have helped bring Russia into the modern technological world [W]hile the average efficiency of conscript labor was perhaps half that of free labor, its value in Russia's "take-off period" can hardly be questioned. . . . Terror was vindicated as a necessary feature of accomplishing the tasks of the social revolution [and demonstrating] that the socialist revolution was possible, it became a desired goal for other countries. . . . Clearly, the Soviet development has given enormous stimulus to new forms of controlled development. . . . The final question here is not an easy one: To what degree is terrorism warranted on pragmatic grounds? . . . [T]errorism was the consequence of an approach to development in which planning, decision-making, and policy-determination were all centralized and expected to be realized—whatever their human cost. . . . Political liberalism has turned out to be less viable with respect to sustained high industrial growth rates than totalitarianism at least in the context of a less than fully educated or fully cultivated underclass. (p. 175-92).

One can only wonder what impact this type of analysis is supposed to make on the leaders of the Third World—those "caretakers of

5. B. RUSSELL, *SELECTED PAPERS* 254 (1927).

transitional regimes and transitional economies." This vision of Horowitz in the role of the "sociologist becoming the physician of society" is a disconcerting one, at least to the many who still believe that planning, or social management, is compatible with democracy and liberalism. It is, of course, quite true that the guts needed for the assault on the "Threshold," or the social fortitude necessary to achieve the "Great Ascent" places tremendous strains on any political structure. And it may be that "Western democracy" as we know it in the United States may not be a viable political vehicle for rapid development today in the Third World. Nevertheless, the pendulum need not swing all the way. Surely the Turkey of Ataturk and the Brazil of Medici cannot be equated with the Russia of Stalin or the China of Mao. If indeed there is no "in between," then one can only ask: is it all worthwhile? Horowitz seems to think so. How ironic—I used to think it was only some economists who, on occasion caught up in the enthusiasm of the Cornucopia of Economic Development, sometimes forgot the cost side.

One comes away disappointed, and a little wearied, from Horowitz's big book of over 550 pages with some 700 references to the vast interdisciplinary literature of social and economic development. I had trouble pin-pointing my own dissatisfaction until I remembered the distinction Isaiah Berlin made in his brilliant essay on Tolstoy's view of history.⁶ There he noted that intellectual thinkers can be divided into two groups: those who pursue many ends "often unrelated and even contradictory, connected, if at all, only in some *de facto* way," and these he labelled the Foxes. At the other end of the scale were the Hedgehogs: those who possessed, or at least thought they possessed, some universal explanatory principle giving them a monistic vision of life. Now it seems to me Horowitz is encamped in neither of these categories, but rather represents the sorry spectacle of a frustrated Fox bitterly intent upon seeing in the manner of a Hedgehog. But, of course, in this predicament he surely is not alone.

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6. I. BERLIN, *THE HEDGEHOG AND THE FOX* (1966).