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BOOK REVIEWS

THE DEVELOPMENT OF ACADEMIC FREEDOM IN THE UNITED STATES. By Richard Hofstadter and Walter P. Metzger. New York: Columbia University Press, 1955. Pp. xvi, 527. $5.50.

Academic freedom has become one of the foremost issues of our time, and during the last decade much has been written and published on the subject.[1] One of the most recent and important additions to this literature is the volume under review. It is one of the studies of the American Academic Freedom Project established at Columbia University in 1951 through the initiative and generosity of Louis M. Rabinowitz. The project was placed under the direction of the distinguished political philosopher, Robert M. MacIver and was divided into two parts, the report of each having now been published as a separate volume. The first study is a historical survey, the work of Professors Hofstadter and Metzger of the History Department of Columbia University.

At the outset it seems safe to say that this is the first comprehensive treatment of the development of academic freedom in this country. The authors have avoided the natural temptation to make this a running account of the leading cases involving violations of freedom. This is commendable, for the story of academic freedom is more than one of academic suppression. It is important to know why freedom exists and why it has been limited. The authors have sought to show "what freedom has meant to successive generations of academic men, to what extent they have achieved it, and what factors in academic life itself, as well as in American culture at large, have created and sustained it." Despite an admitted prejudice on behalf of freedom of thought the authors have achieved a surprisingly detached and fair-minded presentation of the "history of academic man and the complex circumstances under which he has done his work."

Although the volume is a collaborative effort it is divided into two distinct parts, each of the authors having assumed full responsibility for his part of the text. Part One by Hofstadter is

[1]For a selected bibliography on academic freedom see that given by Robert M. MacIver at the end of his book, ACADEMIC FREEDOM IN OUR TIME (1955). While not complete it has most of the significant articles and books.

chiefly concerned with the American college down to the period immediately following the Civil War, an age overshadowed by religious and theological questions. Part Two deals with the modern American university in a period preoccupied with science and social problems. As a background for the treatment of academic freedom in this country Chapter I introduces us to some phases of the history of intellectual freedom in the universities of Western Europe prior to the Reformation. The other four chapters of Part One deal with a period when colleges were under denominational control and the problem of academic freedom, as we understand it today, was hardly posed. This situation existed for the reason that the sponsors of such colleges, in the main, did not intend that there should be any significant degree of freedom, and the men who taught in the colleges seemed to have had, for the most part, only the slightest aspirations toward intellectual freedom. Not only did the pre-Civil War denominational colleges fail to accord an adequate measure of freedom to those who taught in them, but far worse, their sponsors and promoters sabotaged and crippled attempts by others to establish freer and more advanced institutions. The authors are quick to point out, however, that some of the same religious sects that opposed academic freedom a hundred years ago have in recent years produced some of its most articulate spokesmen. Chapter III deals with the distinctive system of collegiate education which had emerged in the American colonies by the middle of the eighteenth century. Its three unique features of denominational sponsorship, lay government, and lack of connection with professional or advanced faculties had important consequences with respect to the status, freedom and initiative of teachers.

While the scope of the project is broad indeed the authors have not touched all aspects of the subject. They have been primarily concerned with the freedom of faculty members and even here have confined themselves to those teaching in colleges and universities.[2] The authors have dealt with freedom for students only where this issue has converged with that of freedom of teachers. It is interesting to note, however, that in the early American

[2] Those interested in the history of the freedom of teaching in secondary schools are referred to two volumes by Howard K. Beale. A HISTORY OF FREEDOM OF TEACHING IN AMERICAN SCHOOLS (1941); ARE AMERICAN TEACHERS FREE (1936).

college freedom of thought as a consciously expressed objective appeared first as religious freedom for students. In a chapter entitled "Religion, Reason and Revolution," we find a discussion of narrow sectarianism at Yale, especially during the regime of Thomas Clap, and a treatment of liberalism at Harvard under the Unitarians.

The final chapter of Part One (Chapter V) covers the Old Time College during the first sixty years of the nineteenth century. Here is an account of what is termed the great retrogression in the state of collegiate education brought about primarily by the indiscriminate establishment under denominational sponsorship of numerous and scattered small colleges fostering narrow sectarian doctrine instead of developing further the substantial and altogether adequate number of institutions which were in existence. A contributing factor to this educational backsliding was, however, the repression both in the North and South on the slavery issue. To many readers this will prove the most interesting chapter of Part One. It contains a discussion of a number of the most celebrated cases of religious and community interference with educational administration and professorial freedom. In Kentucky the small but dominant clergy group, the Presbyterians, succeeded in driving Horace Holley, a Unitarian and a distinguished educator, from the presidency of Transylvania University, a blow from which the University never recovered. An Episcopal majority on the Board of Columbia University rejected the proposed appointment of Professor Walter Gibbs, another Unitarian, who went on to a distinguished career at Harvard. Fierce and continued opposition by the Presbyterians to Thomas Cooper because of his attack on Calvinism did such damage to the College of South Carolina that Cooper, one of the most distinguished men in American academic life, was forced to resign. But these clouds in the sky of freedom are not entirely without some silver lining. Probably the most articulate and advanced rationale for academic freedom to be expressed by an American during the pre-Civil War period was formulated by President Cooper, then in his seventies, and was sustained by the trustees. And although the narrow-minded action of the majority of the Columbia trustees was a blow to intellectual freedom at the time, the repercussions

of the *Gibbs* case were momentous, and it is fair to say that the strong position taken by the minority and its later exploitation were responsible for the emergence of Columbia as a great university.

Professor Metzger takes up the story with the end of the Civil War. During the ensuing twenty-five years an evolution in American higher education took place. Ideas which had reached only the stage of discussion in pre-Civil War days — elective subjects, scientific courses, graduate instruction — became educational realities. The university as we know it today began to emerge and with it the modern concept of academic freedom. Research now assumed a place along with teaching as a major function. The authority of religion was displaced by the methods and concepts of science. The growth of university resources, increase in educational activities and the assemblage of large faculties led to the establishment of rules of tenure, formal procedures for promotion and dismissal, and to delegation of authority. For the first time the academic profession took on the character, aspirations and standards of a learned profession.

Every revolution is born in an old regime and so with the university revolution. In order to understand the new developments it is important to consider the problems faced by the pre-Civil War denominational colleges with which they were unable to cope. Chapter VI attempts to provide this setting but unfortunately there is considerable overlapping and repetition of the historical material already given in Part One. The Darwinian controversy and its impact upon the academic revolution is discussed in Chapter VII. It brought new boldness into scientific investigations. In the attack of the evolutionists upon religious authority over education the most prominent argument was the contention that the clergy were incompetent to judge the issues of science. The academic freedom cases which arose from this conflict involved many temperate evolutionists, such as James Woodrow and Alexander Winchell, who suffered for the cause by dismissal from their posts. In many of the eastern colleges courses in evolution were proscribed. And as late as 1879 the president of Yale ordered William Sumner not to use Herbert

Spencer's *Study of Sociology* as a textbook. While the trend was toward freedom its progress was slow and at times unsure.

The final stage in the academic revolution was the building of the graduate school on the model of the German university. The latter part of the nineteenth century saw the full impact of the German universities with their extraordinary freedom of inquiry (except for political questions), and Chapter VIII is devoted to an analysis of this influence. *Lehrfreheit,* expressing the German educator's concept of freedom of teaching and inquiry, became a byword in the American academic world. Although the great contribution of the German *Lehrfreheit* to the development of professorial freedom in this country is graciously acknowledged, it is significant that the concept of academic freedom as formulated here was substantially different from that prevailing in the German universities. Within the academic walls the Germans not only permitted but expected a wide latitude of utterance. But outside the university the same degree of freedom was not condoned, it being assumed that professors as civil servants should be circumspect and loyal, not participating in politics. In contrast, in the classroom American professors were expected to be neutral on controversial issues and silent on substantive issues that lay outside the scope of their special competence. Beyond the university, for professors in their roles as citizens, a wider latitude of expression was permitted, apparently because of a stronger social and constitutional commitment to the idea of freedom of speech, and it was in this latter arena that the greater portion of academic friction was generated.

Toward the end of the nineteenth century American business leaders began to support universities on a scale completely without precedent, and in most of the larger gifts the initiative was with the giver. The increased gifts brought with them an interest in the purposes for which the funds were to be used. In constantly increasing numbers prominent businessmen and industrial leaders were added to the boards of trustees, until by 1900 some sixty-five per cent of the membership consisted of businessmen, bankers and lawyers. As compared to the German universities with faculty control the great anomaly of American higher education has been the domination of the professionals by laymen, and this became

more pronounced with the passage of time. The high-handed dictation by donors to university presidents in some instances and the supine surrender of such officials to pressure from the business community in others led to the thesis, developed during the populist period, that businessmen and industrialists as a group were opposed to academic freedom. Chapter X, "Academic Freedom and Big Business," is devoted to an examination of this thesis, and incidentally to an analysis of some of the more famous violations of academic freedom due to such interference. Illustrative are those of Edward Ross, fired from Stanford by President David Starr Jordan at the direction of Mrs. Leland Stanford, and of Edward Bemis, relieved of his post at Chicago by President Harper for his expressed views antagonistic to the railroads. But Professor Metzger demonstrates the flaws in the thesis. Its broad general characterization of business leaders as enemies of freedom is not supported by the evidence. While some wealthy donors and businessmen trustees were guilty of intolerance, a notable list of conservative trustees were in the vanguard in the battles for academic freedom. The refusal of the Wisconsin trustees to fire Professor Richard T. Ely because of his pro-labor views, and the decision of the trustees of Trinity College to retain Professor John S. Basset (author of an unpopular article on the negro problem) in the face of a tremendous pressure group, were actions of conservative business leaders. The statements issued by the trustees in connection with their actions have been termed charters of academic freedom. Furthermore, the economic conservatives did not sin alone. Intolerance on the part of the populists is well demonstrated by the vicissitudes suffered by Kansas State College in the 1890's.

The tendencies toward professional consciousness which had been in operation for decades culminated in the establishment in 1915 of the American Association of University Professors. This was the beginning of an era in which the principles of academic freedom were codified and in which violations of such freedom were systematically investigated and penalized. The final chapter of the book analyzes the events which brought about the A.A.U.P., examines its achievements during the last forty years, and explores some of the difficulties which it encountered during World

War I. The first major accomplishment of the new association was the "Report of Committee A on Academic Freedom and Tenure" in 1915. Its fundamental premises were that:

> Academic freedom was a necessary condition for a university's existence; that trustees occupied the position of public officials discharging a public trust; that the only exception to this was when they served private propagandistic purposes, in which cases those purposes ought to be made explicit; that in the classroom professors were limited to the norms of neutrality and competence; that outside the university professors had the same right as any other citizens to freedom of utterance and action, limited only by the obligation to observe professional decorum.[3]

In addition to these generalities the report offered practical proposals. In order to provide for some limitation on the power of the trustees to fire teachers, it suggested trials under faculty auspices and under a uniform procedure designed to insure due process, and it also proposed that there should be unequivocal understanding of the terms of every appointment. In other words, due process and the establishment of professional competence were necessary to academic freedom. This report, undoubtedly one of the most comprehensive declarations of the principles of acdemic freedom to appear in this country, became the basis for the statement of principles of academic freedom and tenure endorsed in later years by the Association of American Colleges, representing college administrators, and the American Association of University Professors. The 1940 statement, approved by both groups, is set forth in full.[4]

In the other category of its activities, i.e., investigation, the A.A.U.P. has met with somewhat less success, due in large part to the lack of adequate resources. Funds have never been sufficient to provide enough capable full-time personnel for the extremely difficult job of investigation, and for the most part the Association has had to depend upon members of Committee A, who through the years have gratuitiously devoted enormous amounts of their time to this work. But in the balance sheet of forty years of effort, substantial accomplishments may be recorded. These include: the

[3] p. 480.
[4] pp. 487-489.

introduction of a device for fact-finding in a difficult field, and the focusing of the light of publicity upon certain institutions whose malpractices for years had gone unnoticed. The very threat of investigation often proved sufficient to cause administrators to drop contemplated questionable actions.

The crisis of World War I created new difficulties for the academic profession. Would-be patriots became fanatics endangering all freedom. Professors were special targets in the hunt for "slackers," "pacifists" and "pro-German sympathizers," and they were totally unprepared to deal with this problem of loyalty in a time of national emergency. And so it was that with the ink hardly dry on A.A.U.P.'s bright new principles of academic freedom, they were sullied by a retreat. Confronted with the mass of dismissals for alleged disloyalty the A.A.U.P. Committee embraced the gospel of expediency. Assuming that the war had fundamentally changed the conditions of academic freedom it set forth four grounds on which administrators might legitimately dismiss professors. It accepted the premise that the university might impose greater restrictions of speech upon its members than the state imposed upon its citizens. This blot on the shield of the A.A.U.P. is understandable when we consider not only the grave national emergency and the storm of national patriotism which swept the country, but also the infancy of the new association with some 2000 members. It was hardly in a position to speak with force sufficient to deter college administrators. At any rate the damage done to freedom was not irreparable and during the intervening forty years the Association has grown in strength and prestige. Today the A.A.U.P. with more than 42,000 members is a force of great significance in the academic world, and in recent years it has stood staunchly for its principles in the face of the most severe pressures. With a more sympathetic understanding of academic freedom on the part of administrators and trustees, and better developed mechanisms for its defense, professors who have the courage to assert themselves may well enjoy a considerable measure of security.

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NON-INTERVENTION. By Ann Van Wynen Thomas and A. J. Thomas. Dallas: S.M.U. Press, 1956. Pp. XVI, 476. $8.00.

The United States won its independence aided to a considerable extent through the intervention of France under the Treaty of Alliance in 1778. The treaty later became entangled in domestic politics. Washington finally terminated it, and in his "Farewell Address" warned his countrymen against any further "permanent entangling alliance." From its very beginning, this country has been plagued by intervention. Organized opinion against the practice of it, crystallizing in formal treaties and state papers as well as in learned writings, has finally won its way.

Non-Intervention is the captivating title of a sturdy book written by Professor A. J. Thomas and his wife, Ann Van Wynen Thomas. It is a compendious treatise on all aspects of the practice of intervention in its various forms in modern times, its restricted place under international law, and international efforts to eliminate, or at least to minimize, both the policy and the practice of it in the Twentieth Century. The treatment is divided into three major sections, each broken down into subdivisions, thus permitting more precise allocations of topics.

A brief survey will indicate the broad scope of the subject matter. The first part is devoted to an adequate history and nature of intervention. The second part deals with the legal aspects of individual State intervention under general international law and particular or regional international law. The scope of this part extends to collective intervention under the United Nations Charter and under the Charter of Organization of the American States (O.A.S.), to collective non-intervention, and to a discussion on self-defense and sanctions. The concluding section is an elaborate discussion on the various grounds for intervention which States have used as justification for their interventionary acts, such as civil strife; the protection of life, liberty and property of citizens abroad; the protection of democracy; humanitarian purposes, and a few others. The section also discusses the various types of intervention such as by propaganda and by recognition of a new State, or new government, or newly acquired territory. The work is amply supported by copious footnote references to authorities of the high-

est respectibility, to treaties and other state papers, and to important judicial decisions.

Lack of space precludes consideration in detail of the many timely questions elaborated upon in this book. Emphasis on the few that are selected in this review is not for the purpose of indicating priority of importance, but for expressing personal reflections.

The first part adequately surveys the history and nature of intervention, and the triumph of non-intervention in the Americas. Washington's "Farewell Address" is germinal, for it starts an argument. Jefferson's embargo edicts, which were retaliatory acts, and his neutrality policy seemingly invited more retaliation, until finally the War of 1812 was begun. Soon after its termination the Latin American people gained their independence. Meanwhile the Holy Alliance asserted a doctrine of self-protection against the growth of republican government and the danger it posed to the existing monarchies. Then came the announcement of the Monroe Doctrine in 1823, the first declaration of non-intervention in the Western Hemisphere — a stop-order on further territorial expansion and colonization in the new world. It was not a total denunciation of intervention in all its forms, or aimed at all nations, for the United States assumed for itself the unilateral authority to interpret the meaning of the Doctrine and to apply it in the politics of the Americas. Europe acquiesced in this self-proclaimed trusteeship — for a while — and the Latin American Republics welcomed the friendly protection.

While European dynasties were busy with their family quarrels and snatching each others' thrones, the United States was nursing a crisis which erupted in the War Between the States, and later became involved in a war with Mexico over territory claimed by Texas, itself a former part of Mexico. After the end of the War Between the States, the first real test of the Monroe Doctrine occurred when the United States expelled Maximilian who had come to Mexico and set up housekeeping in the Halls of Montezuma.

During this time some of the Republics were suffering from civil war, insurrections, and mob violence causing destruction of property owned by alien owners who demanded payment. Foreign governments began to intercede for their subjects, and threatened

to use force to collect the money. In 1868 Calvo, the great Argentine jurist, announced a second non-intervention policy, called the Calvo Doctrine, that no State has the right to use force against another sovereign State to collect in behalf of its subjects, private claims which arise out of violence.

Public debts mounted in a few of the Republics, fiscal administration faltered, and defaults occurred on bonds and public contracts. Again the foreigners asked their governments to intervene and to force the payment of their claims. France, England, Germany, and Italy so acted with a show of armed force. The United States became alarmed at this display of military intervention, suggested a method of collecting the revenue to pay off the obligations, and the intervenors eventually accepted the plan. In the midst of these negotiations, Louis M. Drago, Minister of Foreign Affairs of Argentina, proclaimed a doctrine — later known as the Drago Doctrine — similar to the Calvo Doctrine, except that it was aimed at eliminating armed or diplomatic intervention of a foreign State to collect public debts owed to its subjects, whether based on bonds or public contracts. These two doctrines seemed sensible and began to attract the support of statesmen all over the world.

President Theodore Roosevelt, who had intervened a few times in some of the Latin American countries, and who had become dissatisfied with methods of collecting debts due European creditors, in 1906, joined by the Czar of Russia, invited the nations to meet at The Hague for the Second Peace Conference to discuss this subject, together with other items. The Second, or Porter, Convention incorporated the substance of the Drago Doctrine: "The contracting parties agree not to have recourse to armed force for the recovery of contract debts claimed from the government of one country by the government of another country as being due to its nationals." This was subject to the condition that the debtor State would not refuse to arbitrate or to abide by the award. This doctrine was a mile-stone toward a fuller declaration against armed intervention. It was followed by other declarations, treaties, and pacts, announcing a rule of general international law that intervention is illegal except for self-defense in case of attack or of threatened attack.

At the various International Conferences of the American States, the delegates from the Latin American Republics repeatedly sought to induce the United States to accept a declaration outlawing the practice of intervention in any form or for any purpose. At last, in the midst of their disappointment, Franklin D. Roosevelt announced in his inaugural address in 1933 the "Good Neighbor Policy." He specified nothing in particular, but it was interpreted as a friendly gesture, even if it was received by many Latin Americans as political platitude. At the next Conference, held in Montevideo, December, 1933, the United States accepted the principle that "No state has the right to intervene in the internal or external affairs of another state," reserving its rights given by international law.

Not completely satisfied with this partial adherence, the Latin Americans submitted at Buenos Aires in December, 1936, a more definite proposition, intended to become a treaty, stating that "intervention by any one of [the parties], directly or indirectly, for whatever reason, in the internal or external affairs any one of the other parties" was prohibited. This statement broadened the Drago Doctrine substantially and impliedly incorporated that portion of the Calvo Doctrine relating to intervention for the purpose of collecting private debts.

The prohibition "for any and all reasons" could include intervention for self-defense, clearly conflicting with international law. On the other hand, it could be said that the language was so broad and general that it meant nothing in particular. Obviously it needed specification and clarification, and these were supplied at the Ninth Conference in 1948, in Chapter II of the Charter of the Organization of American States, sections 15 and 16. The first clause of section 15 repeats the 1936 formula, amplified by, "The foregoing principle prohibits not merely armed force" — which was uppermost in the thinking in 1936 — "but also any other form of interference . . . against the personality of the state, or its political, economic, or cultural elements." Section 16 denounces any kind of economic or political coercion to obtain an advantage from a state.

These sections are implemented by the Pact of Bogata of 1948 providing for the procedure in settling disputes and setting up the

possible organs of administration. There is much freedom allowed to the disputants in selecting the method for adjusting their differences, such as good offices, mediation, conciliation, and arbitration; the parties also select the members of whatever kind of tribunal is chosen. None of these organs has compulsory jurisdiction, and the enforcement of their decision is left the party or parties affected. Article 31 of the Pact recognizes the compulsory jurisdiction of the International Court of Justice in all juridical disputes relating to (1) the interpretation of a treaty, (2) any question of international law, (3) breach of international law, and (4) the nature and extent of reparation to be made for such breach. It is well that the American States merely "recognize" the existence of this jurisdiction. A dispute involving these international law questions does not automatically go to that Court.

The Organization of American States makes the beginning of collective intervention; but operating under the U. N. Charter, its work in this respect may be disappointing. The Treaty of Reciprocal Assistance (1947) deals with mutual assistance and common defense in case of attack, and sets up an Organ of Consultation which is empowered to determine whatever collective measures should be taken in case of aggression. Collective intervention is anticipated, but no administrative machinery is set up. Whatever action is to be performed on the Organ's recommendation is apparently left to each individual member state.

There is one clear assurance running through the Charter, the Rio Treaty of 1947, and the Bogata Pact on the question of collective intervention that is a positive step toward international peace and justice: all disputes and controversies between the member States shall be referred to an appropriate Organ for settlement; and all attacks or threats of attack by one upon another member State shall be made a common cause of all (collective intervention) against the disturber. The very existence of these provisions will be a patent restraint upon the desire of any government to violate its pledge.

The Charter of the United Nations is amazingly vague on intervention. One reason for this is that the U. N. has veered away from the established rules of international law, whereas the O.A.S. has adhered to them. The U.N. Charter refers to international law in

the preamble and declares it the duty of the Assembly to develop international law,[1] but there is no requirement that member States must follow it.[2] The Council or the Assembly can apparently make the law as cases or situations arise. If there is no principle of international law which the U.N. will consistently observe, except for its own transient declarations, then it has no law at all. This condition breeds defiance and contempt, bringing humiliation to the founders and dismay to the believers in the organization. When Albania, having consented to abide by the decision of the International Court of Justice, in the *Corfu Channel Case,* refused to obey the Court's decision, and when Iraq did likewise in the oil dispute, they considerably weakened the faith of millions of people who had expected a respectful compliance with the Court's determinations. It may be that the Court's indecision in accepting the evidence presented in the *Corfu Channel Case* had some influence on Albania's reaction to the judgment. It still appears that the Court was not sure of its international law — the general law or a nascent law.

Furthermore, the United Nations was founded on a compromise of two diametrically opposite ideological systems. The Communist concepts of the state, law, and the international community are, when closely analyzed, so far at variance with Western concepts, that an irreconcilable cleavage occurred at the very inception of the new organization.

The Soviets have a sneering contempt for Western law — it is the product of capitalist manipulation;[3] all international organizations and tribunals are "organized on the basis of modern bourgeois international law" and of imperialistic nations; the promise of "equality of states" in international law is but a snare to "veil the serfdom of the weak nations by the dominant classes of the powerful nations."[4]

The sovereignty of the Soviet State is the supreme, absolute authority of the proletariat, vested of course in the rulers — the dictatorship of the proletariat. The State is independent of any foreign control, especially of capitalist control. This means in

[1] Article XIII-1a.
[2] THOMAS AND THOMAS, NON-INTERVENTION 105.
[3] VYSHINSKY, THE LAW OF THE SOVIET STATE 235.
[4] *Ibid.*

practice that the Soviets must stand aloof from collaboration with capitalist countries, lest they be controlled by them by derogating from Soviet sovereignty; hence Soviet treaty promises are not binding in any sense; they are mere devices to ingratiate Communists with capitalist nations in order to infiltrate and spread their doctrines. Treaties therefore are but pretenses for intervention in foreign countries to convert them to communism, although intervention is officially and outwardly denounced by Soviet leaders. An international organization that embraces such divergent factors is inherently susceptible to friction and ultimate failure, unless wholesome changes occur later to heal the cleavage.

Another indication of Soviet intransigency is vividly revealed in rejecting the principles of international law by making detailed objections to the draft proposed by the International Law Commission to the Assembly concerning the duties of States under the Charter, notably the duty to refrain from intervention in the affairs of another State and to refrain from fomenting strife in other States.[5] These two duties are vital principles of international law; they are implicit in the very idea of sovereignty, equality, and independence of States, and of the existence of a world community. This attitude manifests plainly a clear intent not to be bound by general international law, not to submit to the jurisdiction of the International Court of Justice, just as the Soviet Union would not submit to the jurisdiction of the Permanent International Court of Justice in the *Eastern Carelian Case* when the Court was asked to give an advisory opinion on whether the Treaty of Dorpat between Finland and Russia regarding the autonomy of Eastern Carelia, constituted an international engagement.[6] There is little prospect that the Soviet Union will ever submit its dispute with another State to the determination of the International Court of Justice.

Even if the Soviet Union should submit its dispute with another State, what assurance is there that the Court's order, if against the Union, would be enforced? Possessing the veto power in the Council, the Union could prevent enforcement of the decree and thus make a mockery of the whole solemn proceedings. This inherent

[5] THOMAS AND THOMAS, *op. cit. supra* 103.
[6] HUDSON, CASES ON INTERNATIONAL LAW 1218.

weakness in enforcement procedures has been bitterly criticized by Brierly who says that "such a system is little better than a sham;" that "it is a mere hypocricy that the Charter should declare that the people of the U. N. have determined to unite their strength to maintain peace and security," yet fail to protect the little powers against a great power.[7]

These observations lead to the conclusion that a thorough revision of the Charter is urgently needed. This alteration cannot be accomplished unless there is a change of political philosophy and of regimes in Russia, for the present one has demonstrated unmistakably that its promises cannot be trusted.

The authors of this book started out to find all information that is available on intervention and non-intervention. They have manifested an almost uncanny ability to select the pertinent issues and rules of law involved, to assemble the material in an orderly system, and to express their conclusions in felicitous phrase and lucidity of style that induce the reader to peruse with intense pleasure this weighty volume to the end. The task was logically planned, systematically developed, and concluded in a manner consistent with the high tradition of scholars who seek and find, and weigh what they find. They had something important to say, and they have said it clearly, vividly, and vigorously. Their book will remain a standard treatise for a long time, and is destined to become a classic in its field.

The foreword by Dr. Julio Cueto-Rua is a concise but scholarly summary of current problems of research in international law and a refreshing prelude to the development of the doctrine of non-intervention, originated and largely perfected in its present form by Calvo and Drago of Argentina, the land of Dr. Cueto-Rua's birth.

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[7] BRIERLY, LAW OF NATIONS 281-82 (4th ed. 1949).

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