

world war. Once again we are taking steps to prevent another world catastrophe for we are more than ever aware that if we do not succeed in this effort, democracy may not survive. We should be equally aware of the threat to our way of life from economic chaos. This threat, though it be from within, can be as great as any threat from abroad and it is not so easily recognizable. After the great depression of the early 1930s we took some of the first steps required to provide economic security through social security and other laws. Those steps were merely a beginning. If, even before unemployment, suffering and all of its attendant risks of social and political upheaval once again are upon us, we are able to agree upon the measures necessary to our economic security within the framework of our fundamental institutions, we shall have not only solved a major problem of our time but demonstrated that we can learn more from history than history itself has taught.

ALFRED E. DAVIDSON†

ECONOMIC UNION AND DURABLE PEACE. By Otto Tod Mallery. New York: Harper & Brothers, 1943. Pp. 183. \$2.00.

THIS is an appeal to reason, written in the language of the layman, urging nations to cease their economic warfare and to form unions by which trade barriers can be lowered and economic processes developed to the advantage of all members of the union. The author is doubtful of the efficacy and practicality of political arrangements for maintaining peace, but sees in the nations' economic interests a parallel goal to harmony and a realizable method of coordinating their interests, requiring but a modicum of political understanding. It is a question how much of such understanding will be left after the present holocaust. But no one can gainsay the value of coordinating economic interests which of necessity transcend national boundaries.

The methods Mr. Mallery suggests are based on an expansion of the Hull reciprocal trade agreements into what he calls the promotional trade agreement among two or more nations. He would later have these expand to obtain the adherence of additional nations. His Board of Managers, based on the experience of the International Labor Organization, would consist of national representatives of employers and employees and of the public. He promotes the possibility of national acceptance by confining the Board's conclusions to recommendations solely for the consideration of the participating nations. The bank which he foresees has now been realized by the proposed Bank for Development and Reconstruction conceived at Bretton Woods. He points out how colonial systems have operated to favor the home country and considers this inconsistent with the "equal access" which

† Member of New York bar; General Counsel, Foreign Economic Administration.

peaceful development requires. The enforcement of international fair trade practices which he advocates is illustrated by the recent United States tin agreement with Bolivia contemplating a price conditioned upon certain advantages and security for the tin worker in Bolivia. It must be conceded that such an agreement is facilitated by the Bolivian tin monopoly and by the fact that only one power is the consumer.

Mr. Mallery would also regulate international cartels first by publicity and then by price control. Every State, he asserts, possesses the means for protecting the public against imposition. He would have depressions countered by joint international action instead of the current recourse to national protective measures bound to affect other nations disadvantageously. Finally, he would have the principles of economic union coordinated by a world trade board which might join several economic unions in one organization.

There seems little doubt that the unfair competition which symbolizes international relations finds one of its notable manifestations in the economic field. There also is little doubt that sensible cooperation in this field would neutralize much political hostility and promote the interests of all participants. The question which observers will ask is whether the political arrangements about to be made will be sensible enough to permit of this economic development. The problem is universally recognized and efforts to meet it have not been infrequent. The author's proposals warrant most earnest consideration.

EDWIN BORCHARD†

THE PERSONALITY OF THE JUDGE. By Bernard L. Shientag. New York: The Committee on Post-Admission Legal Education of the Association of the Bar of the City of New York, 1944. Pp. 97. \$1.00.

JUDGE SHIENTAG begins the lecture which is printed in this little book, the third of the Benjamin N. Cardozo lectures delivered before the Association of the Bar of the City of New York, with the statement that the theme has long intrigued him. That will cause no surprise to those who have enjoyed his essays which, from time to time, have appeared in various periodicals, and several of which have been gathered in a volume entitled *Moulders of Legal Thought*. Rather, the surprise will be that he has been able to keep so closely within the bounds of the subject he has chosen. "As a man thinks, so is he" has much truth when applied to one at the basis of whose calling lies the need of the continual exercise of his intellectual faculties. The judicial process is but the endeavor of the judge to reach a reasoned solution of the problems before him by the application of accepted or developing rules of conduct to particular facts. Some one has said that the com-

† Justus S. Hotchkiss Professor of Law, Yale Law School.