Book Reviews

BOYCOTTS AND PEACE. A Report by the Committee on Economic Sanctions. Edited by Evans Clark. New York: Harper & Brothers. 1932. pp. xx, 381. $4.

FORCE IN PEACE. By Albert E. Hindmarsh. Cambridge: Harvard University Press. 1933. pp. xii, 249. $2.50.

PEACE PATROL. By Lt.-Col. Steward Roddie, C.V.O., with an Introduction by Sir Almeric Fitzroy. New York: G. P. Putnam's Sons. 1933. pp. 327. $3.50.

IT is fortunate, or unfortunate, according to the spirit of the times in which one lives, to have a memory. In my youth a man who remembered what he had seen or what he had read, especially if he had reflected upon it and grown wise, was highly esteemed. But—just now—such a person is in the same predicament as Caesar, Hannibal, Cato and other ancient worthies, who, as one of Congreve's characters declared, "would, if now alive, be nothing in the world, Sir; nothing in the world!" Unfortunately—just now—I happen personally to recall the times of Captain Boycott and the amiable activities of which he was the exemplar and also the victim; activities so exceptionally peaceful and productive of harmony that it was thought that the best way to identify them for future generations was to bestow upon them his name. It was the era of the Land League, of "agrarian crime," of the imprisonment of Parnell, of the Phoenix Park murders. Captain Boycott was a land agent. He evicted many tenants. Reciprocating his gentleness, they and their neighbors refused all intercourse with him and his family, would not work for him or trade with him, and would not allow others to do so. But the obstinate man, instead of receiving these attentions in a friendly spirit, asked for and actually obtained military protection; and, with the growth of passion on both sides, conditions got worse instead of better.

With a vision narrowed by these personal recollections, when I read the title *Boycotts and Peace*, I at first thought that this unusual association of names was a flash of Celtic humor; but, on examining the text, I found that it was a revelation of the new psychology, of the new "will to peace," which, in a world distracted by recent wars from the effects of which it is still acutely suffering, demands more war for its cure. I say more war, for war is nothing but a contention by force, and may as such be limited in its methods and in its extent. But the new psychology disdains these refinements, and would abolish war by calling it peace.

The contents of the volume are not of the same handiwork. They differ in texture and in quality. There is information concerning international loans, imports and exports, military equipment and capacity, foreign investments, the dependence or independence of various countries as regards military supplies, the war resources of various nations and their petroleum resources and requirements, all of which is useful in estimating their power to inflict injury as well as to repel it. Nothing could be more useful to nations, or at any rate to some of them, as a guide in making such military preparations as

might presumptively enable them to survive the attempt to carry out the new peace programme.

This programme may now be presented. In a foreword called a "Note," by the editor, Mr. Clark, we are told that the word "boycotts," as used in the title, "refers to joint and simultaneous official embargoes against an offending nation by the other leading powers of the world, enforced under mutual agreements of each of them through their own customs and port authorities," as distinguished from measures undertaken by unofficial individuals or groups "or by single governments acting independently," and does not "imply the use of armed forces through military or naval blockades or otherwise"; that the word "sanctions" means "penalties prescribed by international treaties and agreements for their violation"; and that the phrase "economic sanctions" means "penalties which involve an economic loss or disadvantage to the nation which breaks a treaty." It should be obvious even to a casual reader that these supposed definitions furnish not the slightest help to the determination of what should be done in a particular instance. They speak of embargoes against "an offending nation by the other leading powers of the world." But, suppose there should be two or more "offending" nations; and suppose they should form a majority of the "leading powers." These powers are not enumerated. We are left to conjecture whether they include, for instance, Russia, which certainly shows no disposition to be led. But they assuredly embrace the "Great Powers"; and there is nothing more notorious than the fact that the Great Powers, although accustomed to act in combination, are prone to split into groups, just as they are now, on questions fundamentally affecting their particular interests. In consequence, the barest suggestion of coercion as among themselves necessarily excites the gravest apprehension. It is only against weak powers that irritating measures can be employed with a moral assurance of impunity. Stronger powers resent, resist, and retaliate. Would the United States change front and confess itself a sinner on the threat of a boycott or an embargo? I say "confess," and I say it deliberately. For a capital defect of the present volume is the assumption, which vitiates its whole thesis, of the possibility of a unanimity of opinion such as never has existed or ever will exist until human nature shall have undergone a radical change.

Nor is it conceivable that boycotts could be effectively applied without the use of armed force through military or naval blockades "or otherwise." There is nothing stronger than the propensity to trade, and the attempt to prohibit its indulgence inevitably gives rise to smuggling. With our melancholy experience with prohibition staring us in the face, how can anyone in the United States be blind to this fact? Our government frankly recognized it in persuading various other governments to consent to the extension of the right of search for the purpose of catching "rum runners." And how was this done, or attempted to be done? By armed forces. The notion that official "boycotts," official trade embargoes, can be made effective without the use of armed force, on land and on sea, is altogether visionary. There would also arise questions of destination, of "continuous voyage," and, as a last resort, of rationing, all involving visit and search on the high seas, the intelligent abolition of which in time of peace proved to be a great step towards the establishment of international order and tranquillity. Measures of war cannot be converted into measures of peace by giving them pacific titles. This is shown by experience with "pacific" blockade, which has resulted in war when tried against large powers and sometimes even when tried against feeble ones.

History furnishes numerous instances in which small states have heroically asserted what they believed to be their rights against attempts at coercion by larger states. I would suggest, as the proper title of the present volume, "Boycotting Peace."

Force in Peace is a less pretentious volume, but is thoughtful and soberly reasoned, is compact with pertinent information, and clearly analyses the difficult problems which the new psychology deftly evades with unjustified assumptions and mystic phrases. Treating self-defense as the opposite of "aggression," the author quotes Mr. Stimson's statement that the limits of self-defense "have been clearly defined by countless precedents"; and then, instead of giving way to emotion, calmly remarks that it would be "interesting to know" what these "countless precedents" are, as "a clear definition of self-defense has been the object of an immense amount of endeavor by the League of Nations in its futile attempt to define aggression." There once was a popular ballad, which, as I recall it, told of a man who went up in a balloon to visit the stars and sail around the moon; but not, I believe, in search of statistics. Statistics are of the earth, earthy; and, in spite of the fact that, if and when obtained, they are not always exhilarating, the author is justified in asking for them. He cites M. Briand in a delphic effort to define aggression, for the delectation of an audience at Geneva. "A cannon shot," said M. Briand, "is a cannon shot"; and "you can hear it, and it often leaves its traces." Then, conjectures M. Briand, the League says "Cease fire"; and, "if one of the adversaries refuses, we can surely say that he is not really very anxious about peace." I have great respect for M. Briand, and if this was the best so able a man could do, the case must indeed be desperate. No doubt a cannon shot is a cannon shot. But, if the adversary who ceased fire on Geneva's command should then get killed or disabled, he neither could nor would feel grateful, nor would his example inspire enthusiasm. Besides, even if Geneva had large military forces of her own in Europe, and they were not already preoccupied with exerting a peaceful influence in that quarter, it is a long way, I will not say to Tipperary, but, for instance, to Singapore; and decisive wars have often been of brief duration.

I associate *Peace Patrol* with the two foregoing volumes because it so aptly illustrates the peace-creating effects of force exerted in the idealistic sense of "war to end war." The author, who rendered gallant service and received wounds in the war, was sent by the British War Office to Germany immediately after the war to aid in supervising that country's disarmament, and he later was chief of one of the sections of the Inter-Allied Commission of Control. In his first report to England, he advised the raising of the "blockade," declaring that "the policy of continuing the starvation of Germany" appeared "not only senseless, but harmful to ourselves." Nowhere, he says, were he and his associates "treated with anything but tolerance and courtesy." Had the spirit of this soldier animated the politicians and praters of peace who the next year, at Versailles and elsewhere, proclaimed and exemplified the gospel, not of magnanimity and reconciliation, but of vengeance in forms sometimes even grotesque, the world would have been spared most of the agonies it has since suffered, and the principal perils to which it is now exposed.

New York City. JOHN BASSETT MOORE.

CASES ON PLEADING AND PROCEDURE. By Charles E. Clark. Volume II. St. Paul: West Publishing Co. 1933. pp. xvi, 698. $5.50.

THE keynote of the first volume [1] of this series is the union of law and equity under modern procedural statutes. Dean Clark has not confined this matter to the first volume. Again and again it appears in the second. Moreover, he practices what he preaches. If law and equity are to be fused by the courts, the author believes that legal and equitable remedies and procedure should be taught in one course from a single collection of materials. Accordingly, more than the first half of the second volume deals with equity, and the bulk of this is upon injunctions against torts and specific performance of contracts. One chapter is then devoted to the procedure connected with these remedies. Cancellation, reformation, interpleader, bills of peace and *quia timet*, and the declaratory judgment come in for much briefer treatment. Quite aside from emphasis upon fusion, there is ample justification for inclusion of these matters in a casebook on procedure. Procedure is concerned with when and how one may obtain the remedies which the courts afford. Any complete picture should include specific performance, injunction, cancellation, etc., as well as actions for damages and for the recovery of real and personal property.

The adoption of this series does not necessarily mean that teachers of equity will join the ranks of the technologically unemployed. Their status as such is threatened, however, not only by reason of the materials included in the present volume, but also because it omits several topics, such as equitable conversion and part performance in connection with the Statute of Frauds and looks to their inclusion in a property course in Vendor and Purchaser. The subject of Trusts is unaffected, and for the most part there is no attempt to enter the field often referred to as Equity III. What an opportunity the inclusion of the latter materials would have afforded for the examination of election of remedies between the general assumpsit, the constructive trust, and other jural theories for dealing with fraud and the like! What a chance for further light upon the theory of the case doctrine, fusion of law and equity, and other practical matters of remedy! Is not Dean Clark fairly conservative after all? His restraint may be justified upon the ground that the work was devised for students early in their law school careers and before they have studied the subject of Trusts. A possible answer to this is that the course in Procedure might be offered to students in the latter part of their formal instruction in law, with a short introductory course to carry them over their earlier substantive courses.

The equity portions of the volume are vividly developed. We see the Prior of Coventry bringing a trespass action in 1309 and securing an order forbidding defendant from competing with his market (p. 4). A little more than a century later we find a request that Chancery restrain defendant from breaking complainant's leg through witchcraft (p. 27). However, for every principal case before the World War, there are two decided since. We meet the problem of enforcing the Volstead law through contempt proceedings (pp. 7, 334) and that of injunctions against repeated unsuccessful police raids (p. 73). No longer are we called upon to study the negative enforcement of personal service contracts through opera singers; syndicate writers take their place (p. 240). We can overlook the lapse into the Edwardian era by dealing

1. Reviewed by the present reviewer, (1930) 40 YALE L. J. 321.

with the employment agreement of a corset demonstrator (p. 227). Modern life buzzes throughout the volume—cooperative marketing (p. 131), Mexican divorces (p. 133), increasing sales through lottery schemes (p. 182), and fuel saving at the astounding figure of four hundred miles on a gallon of gasoline (p. 316).

In the remainder of the volume the author treats certain general matters of procedure. The division on parties is concerned almost exclusively with the real party in interest. This is followed by materials on the joinder of actions which deal with the problem of the extent of the subject matter which may be included in a single action. Herein are included not only joinder and splitting of causes of action, but also counterclaims and joinder of parties. The inevitable connection of the latter topic with problems of joinder and splitting of causes justifies its separation from the previous material on parties. In the development of a practical concept of cause of action, Dean Clark's contributions rival and supplement his exposition of a workable fusion of law and equity. Then follows material on demurrers, motions, and amendments. The author has delayed the formal presentation of demurrers until almost the end of the series. This is done, undoubtedly, with the view of minimizing the importance of the demurrer, and when the topic is reached, this point is further emphasized by contrasting the demurrer with the modern motion which is succeeding it.[2] From the pedagogical standpoint this has some disadvantages, as incidental instruction will have to be given from time to time earlier in the course upon the demurrer technic. Dean Clark is evidently of the opinion that as between the two arguments, choice should fall upon postponement of the topic. The reviewer's use of the first volume leads him to believe that the decision is not an unwise one. When this part of the work is reached, it can be speedily covered because of the student's prior incidental acquaintanceship with a good share of the problems. The last division of the volume treats the summary judgment and the summary defense, and, as a final proof of the editor's modernity, the English New Procedure of 1932.

As in the first volume, the editor has departed from the traditional casebook format which emphasizes the principal cases and subordinates all quotations, citations, problems, and explanation to the footnotes. Dean Clark believes that his own comments and suggestions, significant passages from cases not set forth in full, excerpts from texts and law reviews, and even citations, may be as worthy of large type as the principal cases. The reviewer ventures to prophesy that law school teaching materials of the future will follow the latter form to an even greater extent. There will be no hesitation in including frequent original essays of two or three pages dealing with historical, statutory, or other background matters. There will also be briefer notes of the problem-raising type, which Dean Clark uses occasionally. We will have fewer bare citations and more frequent condensations of the facts and holdings of cases, and of the views of the writers. With materials of this sort, we will have less of the deadly formal lecture, less groping for a student who has a copy of last year's notes, and more intelligent class discussion based upon the data to which all of the group have access. Moderately, yet no less certainly, Dean Clark forecasts these changes.

---

2. A summary of the relevant portions of Professor Millar's descriptive and comparative discussion of *Civil Pleading in Scotland* (1932) 30 MICH. L. REV. 545, 709, would have added materially to the enlightened viewpoint which the author has demonstrated in connection with raising objections of law.

The two volumes are admirably designed for use in law schools in which: (1) the training is primarily for practice in code jurisdictions; (2) the procedure course is given in the latter part of the first year and the first half of the second year; (3) the teacher of Pleading and Procedure can be assigned the subject matter of Equity; (4) separate courses in Vendor and Purchaser, and Equity III are offered. If all of these conditions are not met, there may be problems, and perhaps serious ones, connected with the use of the two volumes. In these days of change in the law and in the law school curriculum we need series of materials such as Dean Clark has offered us. The work under review might be even more extensive and have contained material upon trial procedure and perhaps other matters. However, if the series were cut up into smaller volumes with little or no alteration of contents, possibly it would be more adaptable to the various local conditions. There is a great deal more to the series than the admirable plan which has been offered for the presentation of the subject matter. The individual portions are developed with such critical and forward-looking skill that it would be a pity to forego the use of a part simply because the scheme in its entirety cannot be adopted. As a vehicle to bring about more intelligent practice by the bar, and more enlightened judicial and legislative action in the field of procedure, the series surpasses all earlier teaching materials.

University of Kansas Law School. THOMAS E. ATKINSON.

GLANVILL: DE LEGIBUS ET CONSUETIDINIBUS REGNI ANGLIAE. Edited by George E. Woodbine. New Haven: Yale University Press. 1932. pp. ix, 306. $4.

AFTER a lapse of a hundred years appears a new version of Glanvill, based upon the collation of all the known manuscripts of value. It will probably be definitive, for our information on the age is considerable and the present editor is admirably equipped by his knowledge of diplomacy, of history, and of law to prepare such a version. Professor Woodbine has been engaged for years upon his edition of Bracton and pauses in that task to produce a beautiful edition of this early legal classic. He must have been impelled to do so, because the longer he worked at Bracton, the more he felt to be essential a thorough understanding of Bracton's great predecessor. For Glanvill represents clearly the legal advance that had been achieved by the close of the XIIth century and his book affected the growth of the law to a marked degree, till Bracton absorbed and overshadowed him.

The introduction confines itself to the problem of the manuscripts, which "fall into two divisions, or traditions, so well defined that the traditional text is hardly ever in doubt." The earliest text in each tradition "would seem to go back to about the year 1200" within some fifteen years of the time of composition, yet both lines already represent a distinct characteristic tradition. The one seems to be the statement of the ordinary lawyer and the other a more refined discussion by a man with a better intellectual background, perhaps a canon lawyer. Twenty-seven manuscripts have been employed and by the use of extracts the expert is enabled to appraise the editor's method of establishing his text, which is furthermore accompanied by terse, incisive comment.

Professor Woodbine provides no introduction of the legal and historical background. The reason, I suppose, is that his survey of the law of the XIIth and XIIIth centuries and Glanvill's place therein will appear in the monumental edition of Bracton. The notes, which cover about two-thirds of the space of the text, he states, "are not and are not meant to be a commentary" on Glanvill. The statement is somewhat misleading, for a casual glance at them might lead one to conclude that the editor was chiefly interested in textual criticism and to fail to note the wealth of legal lore that informs them. It is well, therefore, to observe what the notes embrace. Firstly, they contain a comprehensive list of cases which illustrate points of substantive and procedural law. Nothing could be more illuminating than this elaborate documentation, this case book; we might denominate it *Glanvill's Notebook*. Secondly, there are countless references to the apposite discussions in Bracton. Thirdly, there are many citations to the modern literature on the law of that age. And fourthly, there are numerous explanations, couched in clear trenchant English, on legal points that can not readily be found elsewhere, or can not be found at all except here. If, therefore, one reads any chapter, or book, as for example in Book II on the writ of right, or the grand assize, or in Book XIII on the petty assizes, in connection with the notes, and consults the references to medieval and modern literature contained therein, he will possess, at the close of his study, a much more thorough understanding of the subject in hand than he can gain in any other way. He will see, moreover, how exact was Glanvill's grasp of the law, how the law was changing and how great the modification had been by the time Bracton's work appeared. What the editor really means is that he has not written out the comment in full, but has only supplied us with materials for our own investigation.

Among the notes, two perhaps might be singled out for special mention. One is the reference to the editor's own study (a remarkable study) on the origins of the action of trespass in which he shows that it arose out of the assize of novel disseisin and not out of a "criminal or quasi-criminal" action; the other is the reference to his penetrating demonstration that the county court was not a court of record.

Department of History, Yale University. SYDNEY K. MITCHELL.

SELECT CASES ON THE LAW MERCHANT. Volume III, (1251-1779). Edited for the Selden Society by Hubert Hall. London: Bernard Quaritch. 1932. pp. lxxxvii, 267.

THIS third, and last, volume in the well known Law Merchant series, has as its real purpose "the elucidation of a certain phase of judicial procedure." It is concerned primarily with "two aspects of the Law Merchant hitherto somewhat neglected . . . select cases illustrating various forms of pleading on Statute Merchant and Statute Staple . . . (and) specimens of the conventional procedure for a 'recognizance in the nature of a 'Statute Staple' from 1532 to 1775." A learned introduction in Dr. Hall's customary lucid style furnishes the reader with the necessary historical background.

In selecting cases for a work of this sort no two editors would be governed by the same rules of choice. The task is one in which the personal equation

plays a large part; the peculiar interests of any given editor can hardly be ignored. It is enough to say that in this volume the selected cases have been well and carefully chosen. Nor would we change this statement even though we are of the opinion that the recognizance mentioned in a certain case of novel disseisin [1] is not a statutory recognizance having to do with the Law Merchant.

In as much as the more important cases, from the point of view of their direct bearing upon the Law Merchant, are discussed in the introduction, it is unnecessary to further consider them here. But like most documents of this nature, a considerable number of the cases have an interest quite apart from the immediate subject which it is their purpose to explain. Thus in view of the discussion which is still going on in regard to the extent to which Roman Law was known in XIIIth century England, it is not altogether without interest to find that at least one clerk of the court *coram rege* was using the old Roman law term *pecunia numerata* in its original sense as late as 1286.[2] A sheriff may accuse a man of taking his panel *vi et armis*, even when that panel is not part of a door, but a body of jurors.[3] The rule in *Foakes v. Beer* [4] did not apply in 1327; then a debt of 32 pounds could be discharged by the payment of 9 pounds.[5] Even medieval creditors would permit debts to run for a long time and accumulate if the debtor was one who had much land.[6] As late as 1597 the question of the non-age of a recognizor might be settled by the early medieval method *per inspectionem corporis*.[7]

Those who are concerned with the social and economic side of trade, rather than with its legal aspects, will be interested in a case from 1277 which throws light both on the volume of trade done by some merchants and on the kind of goods in demand.[8] It has to do with two Spanish merchants whose ship had been wrecked on the Dorset coast. In an action brought against persons who had carried off their cargo after it had been washed up on the shore, these merchants enumerated the following articles as having been taken: "one hundred marcs of great money of Tours and one hundred marcs sterling; one hundred bales of cordwain, price one thousand and six hundred pounds; thirty bales of basil, price one hundred and fifty pounds; sixty bags of quicksilver, price two hundred pounds; sixty sacks of thread, price two hundred and forty-five pounds; fifty sacks of madder, price forty pounds; fifteen bales of cummin, price thirty pounds; one thousand quintals of iron, price one hundred and seventy-five pounds; fifteen sacks of wool of Spain, price twenty pounds; fifty gold florins, value twenty pounds. Also twenty hauberks, price twenty pounds; twenty robes, twenty pounds; one hundred and eight coffers, price twenty pounds; fifteen beds, price twenty pounds."

---

1. Case 11, p. 11.
2. p. 7 (*bis*).
3. 1313. Case 21, p. 29.
4. (1884) 9 Appeal Cases 605.
5. Case 34, p. 55. For very early cases to the same effect see (1199) Stratone v. Lancelevee, 2 Rotuli Curiae Regis 108; (1199) Blund v. Haxstede, 2 *ibid.* 105; (1199) Blund v. Bawes, 1 *ibid.* 425; (1200) Taillur v. Ambli, 1 Curia Regis Rolls 180.
6. Case 43, p. 76.
7. p. 90.
8. p. 139.

Another case furnishes us with certain facts and figures in regard to a part of the export trade of England toward the end of the thirteenth century.[9] A plaintiff who claimed lastage (port dues on exported goods) at the port of Lynn, by reason of a serjeanty tenure, complained that during a period of nine years three named defendants had, *vi et armis*, taken away one hundred and forty ships from Lynn without paying the lastage. We catch a glimpse of the prevailing violence of the times in the story of the English sea captains who took to piracy, captured three Spanish merchant ships off the Isle of Wight, and divided the loot.[10] That even in port the foreign trader and his goods were not always safe is shown by the case of the Dutch merchant who had brought a load of linen cloth to Southwold Haven, discharged his cargo and reloaded, and was then attacked by a mob of some eighty persons who assaulted him and his crew, took away his money chest, and sank his ship by cutting a hole in its side.[11]

One of the distinctive features of the book is the number and variety of its appendices. There is an appendix to the introduction, another to the section of cases from records of statutory recognizances, and yet another to the supplementary cases on the Law Merchant taken from the records of special assises. Among the mass of newly discovered documents presented in these appendices is found not only illustrative material, but much that for a thorough understanding of the subject is as important as the select cases themselves. So varied is the character of the entries in these appendices, that a reviewer can do hardly more than call attention to their unusual diversity and value.

Yale School of Law. GEORGE E. WOODBINE.

MEDICAL CARE FOR THE AMERICAN PEOPLE. The Final Report of the Committee on the Costs of Medical Care. Chicago: The University of Chicago Press. 1932. pp. xvi, 213. $1.50.

MEASURED by the metric system, the Final Report of the Committee on the Costs of Medical Care is pitifully small in comparison with the aggregate bulk of the articles, letters, diatribes, essays, and harangues which have followed in its wake. It contains enough substance, however, to warrant study by any person who has a serious interest in the affairs of society. In this respect it differs from many of the comments which have been made upon it, and examination of the Report itself before forming any opinion of it, or of the subject with which it deals, cannot be too strongly urged.

The Report does not pretend to offer the final and conclusive solution of all the difficulties which beset the medical profession or the American people in their efforts to obtain medical care. It presents the facts, poses the problem, and brings the divergent views of different groups to bear upon many aspects of the matter which hitherto have not been considered from more than one point of view. Such a service hardly calls for the emotional type of reaction which has been exhibited in some quarters, or for foolish insinuations that members of the Committee had communistic or capitalistic designs on the pro-

9. Case 8, p. 149. See also case 7, p. 148.
10. 1338. p. 160.
11. 1438. Case 14, p. 164.

fession or the people. The function of the Committee, as Professor Walton H. Hamilton points out, was "to study, to analyze, to investigate, and to report; it has no power to institute a single reform; its labors can be converted into a better organization for medicine only through its influence upon groups who have authority to act."

The Report is the capstone of a study conducted for five years by the Committee. It contains an interpretation of the facts embodied in 59 publications by the Committee and collaborating agencies, covering such matters as the extent of illness and of medical service in the United States, fundamentals of good medical care, personnel and facilities in the field of medicine, expenditures for medical service, financial investment in medical facilities, the income of practitioners, and experiments in group practice and group purchase of medicine. In addition, the Report presents recommendations for action signed by 35 members of the Committee, including 17 physicians. A minority report is signed by eight physicians and one other member of the Committee. Professor Hamilton, in a supplementary statement, makes a thoughtful commentary upon the present status of medical practice and stands alone in recommending immediate institution of compulsory health insurance for the entire population. A comparative study of these several sets of recommendations, and the reasons advanced in their support, will reveal to the careful student some of the human factors involved in adjusting medical service to the needs of the people. As much can be learned from such a study as from an analysis of the statistical data.

As far as diagnosis of the present status of medicine is concerned, there is little difference of opinion in the Committee. While striking technological advances have been made in medicine, and the standards of medical practice have been constantly improved, no comparable progress has been made in regard to the economic and social aspects of medicine. In its relations to the public the profession has in the main followed traditions established long ago and not yet well adapted to conditions in a modern industrial world. Because of the lag in social adjustment, as compared to technological developments, there is today a poor distribution of personnel and facilities, an undesirable excess of highly trained specialists and an undersupply of well-qualified general practitioners, as well as lack of means by which the average person can predict and prepare for expenditures necessary if he is to obtain medical care conforming to the standards which the profession itself has set. As a result of the haphazard, unguided development of medical organization, only about half of the people who need medical care receive it, and the financial burden falls unevenly upon the public and members of the profession alike. At the same time, a tremendous, uncoordinated machinery for rendering medical care has grown up, in which over one million persons gain their livelihood, and in support of which the American people spend enough money to insure reasonably good medical service for all if it were properly applied.

Emphasis needs to be placed for the present upon the many points at which nearly all groups agree. A better coordination of medical personnel and facilities must be sought in each community. Public health services must be strengthened so that the problems of mass health, as distinguished from individual care, will be more adequately met in all communities. The community must accept definite responsibility for the medical care, as for the feeding and shelter, of indigent persons; physicians must not be expected to carry this burden privately. The only difference of opinion between the majority and the minority in the Committee on these matters is the latter's insistence that

initiative must come from the profession and that full control of the economic aspects of medical service must rest with it. This is good where it works, but I think it is too much to expect that the public, which has vital issues at stake, is going to remain quiescent in instances where the profession remains indifferent to the question of how adequate medical aid may be made available to all the people at costs which they can bear.

Upon one point there is absolute agreement. The general practitioner, or family doctor, must be restored to a central place in the scheme of medical organization. The fact that technological advances in medicine have been more or less dissociated from social obligations and requirements has resulted in training many more specialists than are actually needed and in accustoming people to seek the specialist. This is economically unsound and also unwise from the health point of view. It is estimated that from 80 to 85 per cent of the medical care required can be rendered by the well-trained general practitioner with few auxiliaries and resources other than those which he can easily provide. By emphasizing the importance of general practice, by raising the prestige of the general practitioner to that of the specialist, in the eyes of the medical student, the profession, and the public, medical schools might well draw a far greater proportion of young men into this field. There are various devices which would help in this direction. Ultimately it should become possible to reach the point where the great majority of self-supporting families would take the family physician for granted as much as they now do life insurance. Continuous care by the same family doctor would provide an added safeguard against disease, it would cut down the duplication of expensive facilities required by the specialist, it would bring about a better distribution of medical personnel, it would spread the cost for the patient and make possible an adjustment of this cost to his income. It might also open the way to some form of insurance against the most expensive items in medical care, namely, those conditions requiring hospitalization.

A better balance between general practice and specialization is not a cure-all for the economic troubles of medicine but it is undoubtedly the way toward the solution of many difficulties, and absolutely sound from every point of view, whatever other developments may take place. As this is a slow process, it is desirable that in the meantime steps should be taken in each community to determine what possibilities there are along the lines of group practice, which may mean nothing more than better coordination of medical resources, and group purchase of services, where this does not conflict with the principle that the physician must be answerable to no one other than his professional colleagues in the medical aspects of his work. It seems to me that experiments conducted in the spirit of the recommendations made by the Committee, and with careful attention to all of the considerations there mentioned, could not be subversive of the best interests of the community or the profession.

I suspect that the prediction in *Hygeia*, a popular health magazine under the same editorship as the Journal of the American Medical Association, that "the majority report will probably pass into inocuous desuetude" is a wish that will not be fulfilled.

School of Medicine, Yale University. MILTON C. WINTERNITZ.