

they thought. Each of the personages is briefly sketched. Sometimes our editor has not been as impersonal or impassive as an editor should be, but rather as his readers want him to be. I have a single fault to find with these biographical sketches. I don't think either Brooks or Henry Adams, nor any other Adams coming from Quincy, would admit that "he was as distinctively a *Bostonian* . . . as his better-known brother Henry. . . ."79

Holmes begged Laski, "*Please* keep on writing to me."<sup>80</sup> There'll be no need to beg you to keep on reading. Your eye may move quickly through Harold's book buying, and, if you are not a lawyer, you may even skip some of Holmes. But be careful. You are constantly running the risk of leaving behind you a sentence or a phrase which you'd have carried round with you and tried to make your own.

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THE TAMING OF THE NATIONS. By F. S. C. Northrop. New York: The Macmillan Company, 1952. Pp. xii, 362. \$5.00.

LIKE many other people, Professor Northrop is intensely concerned with the problem of international peace and dissatisfied with the state of our knowledge for solving it. It is not enough, he says, that international politics is a speculative program and an art; it must become a science. He despises the statesmen, the professors of international relations, and the historians who believe that domestic politics, national self-interest, or national ideals are the decisive factors in the relations between states. Ignoring their arguments, he states his own belief that the rule of law must be extended to the whole world if an enduring peace is to be established.

The main body of the book is concerned with showing the path by which this aim can be reached. Stimulated by the legal theory of Eugen Ehrlich,<sup>1</sup> Professor Northrop's argument is this: Positive law—legal constitutions, statutes, charters and codes, and the institutions and organizations created to apply and enforce them—is effective only when it corresponds to the living law, that is, the community habits, norms, and beliefs of the people of a given society. It is therefore useless to foist upon the world an artificially-created positive legal order which does not rest upon an underlying living law common to all mankind, for its terms would be meaningless or would have different meaning to different nations. In order to create a science of international politics in the absence of a living law common to all mankind, it is necessary to discover and describe the "ideological normative factors"<sup>2</sup> which determine

79. II, p. 1485 (emphasis added).

80. II, p. 1421.

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1. EHRlich, *FUNDAMENTAL PRINCIPLES OF THE SOCIOLOGY OF LAW* (1936).

2. P. 5.

the behavior of every nation. This can be done, claims Professor Northrop, by "specifying the meanings or philosophy," including the imponderables, "held in common by the leaders and majority of the people of a given society."<sup>3</sup> Therefore, to find "a trustworthy guide for international policy,"<sup>4</sup> three things need to be done: First, the living law—the ideology of each national or cultural group—must be determined; second, the relation between the normative ideology of each nation or cultural group and that of all other nations or cultural groups must be determined; and third, a foreign policy and international law must be based upon the findings of these investigations.

In tackling this formidable task, Professor Northrop takes the Korean war, especially India's attitude toward it, as the starting point for his investigation of the living law of the various cultural groups of the world. The successful defeat of aggression by the United Nations, he states, was evidence that there is a new world which is run "by law with the police power behind the law necessary to make it effective."<sup>5</sup> This system, he finds, represents the Western way to peace. India's way is mediation. Her non-participation in the police action may therefore be excused, thinks Professor Northrop, but not her denial of moral support.<sup>6</sup>

What exactly is this method of mediation and what are its roots? Professor Northrop explains that it is the Gandhian, the non-Aryan Hindu, the "more purely Asian"<sup>7</sup> way to peace. It is "the middle path between the determinate rights pro and con with respect to the legal code of the two parties to the dispute. One cultivates this middle path by bringing into the foreground the legally inexpressible felt formless vastness which is the true, permanent self identical in the disputants and by pushing into the background the transitory, relative differentiations setting one party to the dispute against another."<sup>8</sup> The Indian, unlike the Westerner, does not "appeal to determinate moral legal or religious principles, against which disputants are measured to distinguish between the guilty and the innocent";<sup>9</sup> instead, he softens down that which makes him different from anyone else, and he finds peace by immersing himself in the "all-embracing intuitively felt formlessness common to all men and things."<sup>10</sup> This formlessness cannot be formulated in a code or any determinate rule, because it can be felt only by intuition and communion of spirit.

This way to peace, as Professor Northrop attempts to show, is not only Indian but common to all peoples of South and East Asia. On this common cultural and ideological basis rests the Asian solidarity which determines,

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3. P. 5.

4. P. 6.

5. P. 15.

6. Pp. 30, 267.

7. P. 158.

8. P. 128.

9. P. 81.

10. P. 57.

according to Professor Northrop, the behavior of Asian nations. He agrees with Kakasu Okakura that "Asia is one."<sup>11</sup>

Again taking India as the main example, Professor Northrop proceeds to study the relationship between living law and social practices, especially as they are or may be affected by Westernization. The problem is of particular importance because, as Professor Northrop agrees, Asia is in need of some Western techniques. The problem is to introduce Western innovations without corrupting the Asian living law; otherwise, there will be antagonism against both the innovations and those who bring them. But Professor Northrop's solution to this problem is unconvincing. He fails to discuss the point, made by others, that perhaps the fundamental features of Asian societies need to be changed to enable the introduction of desired Western techniques.

Professor Northrop next investigates the living law of Islam. He finds in modern Islam a return to its true spiritual essence. It is shedding foreign-inspired militarism and stressing the "freedom loving, lawful universalism."<sup>12</sup> Thus, while the living law of Islam differs from that of Asia as well as that of the West, it nevertheless shows a possible way to peace. Nowhere does Professor Northrop explain why, in spite of the common ideology, the internal and external politics of the Islamic states differ so much from each other.

In finding the West's living law by tracing the history of its philosophy and ideology, Professor Northrop emphasizes first their original universality and next their later fragmentation which ended in nationalism and a multiplicity of Western ideologies, among them the Roman-Catholic of continental Europe, the British empirical, the pragmatic Anglo-American, and the Marxist Russian. He particularly devotes himself to demonstrating the falsity of communism as a social philosophy. He stresses the incompatibility of communism with any other ideology. He warns that this fact endangers any attempt to establish an enduring peace. Yet, he fails to heed this warning when he discusses his own solution to the problem of peace. Convinced that the Soviet Union's leaders will never deviate from their philosophy, Professor Northrop states that "we do not need a spy system in order to know what is going on"<sup>13</sup> in the Soviet Union, or what her future behavior, as far as it affects foreign policy, will be. All one has to know is the ideology, and one then knows the aims as well as the strategy and tactics by which they are to be reached.

Having determined, to his own satisfaction, the living law of the various cultural groups of the world and the relations between them, Professor Northrop then outlines the framework of an international organization which takes into account the world's situation as he sees it. This situation being living law pluralism, an effective world charter would emphasize two points: "[i]t

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11. P. 58.

12. P. 278.

13. P. 228.

would guarantee to each ideology and nation of the world protection of its particular norms in its own living law geographical area;"<sup>14</sup> and it would "require also of any member nation the specification of its specific ideology and living law norms."<sup>15</sup> Thereafter, the reader is hopefully assured, there could be no more failing in the application of world law, because all ambiguities have been eliminated by providing that nations submit, without reservation of a veto, "*that part of their life which is international in character*"<sup>16</sup> to the international legal institution. Just what part that is, Northrop does not specify. Nor does he seem to doubt that the living law of a nation can be stated unambiguously.

Professor Northrop is optimistic about the prospect of all nations accepting his solution to the problem of peace, about its practicability, and about the tremendous reduction in international disputes which its acceptance would bring. In elaborating on his solution, he states that "no dispute falls under the jurisdiction of this world law unless it raises the question of the violation of its basic principle of living law pluralism."<sup>17</sup> What will happen to all the international disputes—the great majority of them—which do not involve the living laws of the disputants is not explained.

This book renders a service by pointing out, as has been done before, that tension in the world may arise from cultural differences, poorly understood, and need not necessarily result from evil intentions. It is also a useful reminder that international politics cannot be fully explained by economics or politics alone, nor, one might add, solely by cultural or ideological factors, as Professor Northrop tries to do. These merits are overshadowed by the oversimplifications, unqualified generalizations, doubtful and unproven assumptions, unprecise terms, and contradictions in which this book abounds. A few examples must suffice to substantiate this statement.

A major assumption of this book is that a nation's ideology determines its international behavior. There is no denying that, in a general way, there is a relationship between ideology and action. This can be discovered by studying extremes of behavior (*e.g.*, gassing millions in Auschwitz or condemning them to slave labor in Siberia) over a long period of time. But this book is concerned with developing "a trustworthy guide for international policy,"<sup>18</sup> and Professor Northrop is willing to accept ideology as *the* guide. Unfortunately, the nature of an ideology, which Professor Northrop never discusses, and its relation to action make it an unreliable guide.

Gunnar Myrdal and others have pointed out that an ideology is not a homogeneous, integrated system, completely logical, and compatible within

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14. P. 271.

15. P. 272.

16. P. 272.

17. P. 275.

18. P. 6.

itself.<sup>19</sup> It is, rather, an aggregate of values and beliefs, some of which are used in a particular situation, while others are pushed into the background according to the necessities of that situation. Factors extrinsic to ideology may determine just what component of an ideology is applied to a particular situation. This selective use of ideology (which may be conscious or, more often, unconscious) makes it possible for diametrically opposed actions to be taken in the name of "the ideology," in spite of the fact that in the abstract the ideology appears logical and coherent within itself. In other words, behavior is not predictable on the basis of an ideology alone or at all. (*E.g.*, the American annexation of the Philippines was contrary to that component of American ideology opposing territorial imperialism, but was consistent with that part which advocated helping "our little brown brethren.")

Furthermore, the value of an ideology as a trustworthy guide is impaired because an ideology is a highly individualistic and complex thing. Yet, a prerequisite for Professor Northrop's solution is a detailed specification of a nation's ideology. If Professor Northrop's attempt to specify ideologies is an example of the best that can be done, ideology is a poor guide indeed and international policy is far from being a "science." Professor Northrop himself calls the literature of Hindu-Buddhist-Taoist-Confucian Asia "a low hanging humid, all-embracing haze."<sup>20</sup> Besides, a nation does not have an ideology, but, as Professor Northrop points out, the leaders and the majority may only share one. Each of these individuals, when asked, would most certainly not describe the ideology in identical terms. What some think it is may be more important than what others think, depending upon their influence in shaping foreign policy. In order to use an ideology as a tool in the manner suggested by Professor Northrop, it would have to be formulated in such abstract terms as to become highly inaccurate in any case.

This is the fate suffered by Professor Northrop's analysis of the various ideologies. He formulates them in a highly generalized manner. This tends to produce inaccuracies, which Professor Northrop sometimes attempts to prevent. For instance, after elaborating at great length that the Asian way to peace is mediation and not the application of force, he slips in the remark that "even in traditional Asia, for all its intuitive, pacifist mediational, spiritual values, soldiers and policemen were always recognized to be required."<sup>21</sup> This, it seems, completely destroys the value of Asian ideology, as conceived by Professor Northrop, as a reliable guide to policy, for it may lead either to mediational or military action. Another method Professor Northrop uses to prevent inaccuracies is to construct a model of the "pure" ideology, and describe all components which do not fit into the picture as foreign influences. Well they may be. But once they are there, statesmen have to reckon with

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19. MYRDAL, AN AMERICAN DILEMMA 1027-31 (1944); FOUILLÉE, LA SCIENCE SOCIALE CONTEMPORAINE 68 (1885); LEVI, FUNDAMENTALS OF WORLD ORGANIZATION 169-72 (1950).

20. P. 149.

21. Pp. 257-8.

them if ideology is to be a guide. And if they may lead to action different from what "pure" ideology would lead to, "pure" ideology is useless as a guide.

It is hardly surprising that the conclusions which Professor Northrop reaches on the basis of such generalized and even artificially constructed ideologies frequently disagree with historic facts. Here are a few examples. The Asian way to peace, he says, is mediation while the Western is recourse to determinate and explicit courts and codes. But arbitration and settlement out of court are inveterate Western practices. The history of international arbitration dates back to the days of Athens. The United Nations Charter advocates mediational methods before legal police action. Diplomacy, a form of mediation, is the most frequently used method in international relations. On the other hand, codes and courts have not only existed in China but have been used when the citizen felt he could trust their administration. In the Asian family—and this illustrates to Professor Northrop the Asian way *par excellence*—the obligation for mutual support of the members is regulated in a very specific manner, with little left to intuition and formlessness. Moreover, the history of China and Japan is full of fighting and wars, and shows little evidence of mediation as the method for settling conflicts.

From the pragmatic nature of the American living law, Professor Northrop concludes that "it is the spirit of the people of the United States that if another people want to build their institutions on a particular ideology in their own independent way, that is their business and not the business of any other people."<sup>22</sup> The United States would therefore have recognized Communist China, he maintains, but for that country's support of aggression in Korea. But how, then, can that spirit explain the refusal of the United States to recognize the Soviet Union until 1933 or the United States' sponsorship of a resolution in the United Nations in 1946 calling for the exclusion of Spain, because of the nature of her political regime, from that organization?

Does Professor Northrop claim to have anticipated all the twists and turns in the Communist Party line and policy, because, as he claims, one knows the aims as well as the strategy and tactics if he knows the ideology? Or, if he does not, is it because of the "alterations to meet local circumstances"<sup>23</sup> which he recognizes as part of the communist ideology? And if that is the case, just how useful is the ideology as a trustworthy guide to policy? Surely the Nazi-Soviet Pact was as unpredictable from communist ideology as it was an important factor in world politics.

The obvious contradiction between India's neutralist, Gandhian, "more purely Asian" reaction to Korea and her militarist action in Hyderabad and Kashmir is explained by Professor Northrop as follows: Gandhi "captured Nehru in part. It was the part which was captured that explains India's

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22. P. 316.

23. P. 228; see also p. 231.

foreign policy with respect to Korea. . . ."<sup>24</sup> How can ideology be a trustworthy guide if the various parts of a statesman are captured by different, conflicting ideologies? Could it not be that Nehru was influenced by factors beyond ideology in his Korean policy? But, if Professor Northrop wants to be consistent, he cannot concede that point (although Nehru made it).<sup>25</sup> Yet, surprisingly enough he concedes it in the case of the Scandinavian countries. He states that they "belong naturally with the United States and the nations in the British Commonwealth"<sup>26</sup> and should therefore have joined NATO. Yet, he explains, Finland and Sweden, "because of their proximity to Soviet Russia,"<sup>27</sup> find it necessary under present world conditions to stay out of NATO. This sounds like an argument of the much depised power politicians. Could it not, perchance, apply to India?

The British Commonwealth, including Ceylon, India, and Pakistan, is described as a political unit rooted in a common living law culture. "The ideology of this common culture is overwhelmingly Protestant in its religious beliefs and practices, and predominantly British empirical in its liberal economic and political philosophy while at the same time remaining bound to liberal Roman-Christian universalism through British law and a common affection for Elizabeth's succession of Queens and Kings born spiritually of Hooker's ecclesiastical polity."<sup>28</sup> The reader wonders what has suddenly happened to the Asian and Islamic living law of India, Ceylon, and Pakistan. Yet, almost in the same breath Professor Northrop concludes that "the basic cultural, philosophical and religious identities"<sup>29</sup> of the countries of South and East Asia lead them to political solidarity and unity. This must indeed make schizophrenic creatures of India, Ceylon, and Pakistan. Luckily for them, Professor Northrop's conclusion about Asian solidarity is not borne out by the facts.

The Asian-Arab bloc is an *ad hoc* arrangement based on expediency. Nehru assured his people that India's participation would be determined in every case by Indian interests, and that India's freedom of action would not be impaired. The many attempts to create even the loosest kind of an Asian regional organization have failed, partly because of rivalries among the Asian states, partly because of the fears and suspicions of the smaller Asian states about their bigger neighbors. This situation is merely an illustration of the inaccuracy of the general proposition that cultural affinity is conducive to peace. History is full of examples disproving this contention.

There is a further unexplained inconsistency which shakes the foundations of the book's thesis. Professor Northrop states that the achievements of the

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24. P. 64.

25. LEVI, *FREE INDIA IN ASIA* 88-95 (1952).

26. Pp. 287-8.

27. P. 288.

28. P. 285.

29. P. 277.

United Nations in Korea showed the world that it is now run by law and that the "peace-loving legally constituted world community"<sup>30</sup> is no longer proposing to engage merely in oratory. Two questions need explaining. First, how can the United Nations show this when the book was written to prove that there is no living law in the world community making positive law possible? And second, how can this statement be reconciled with Professor Northrop's later statement that the United Nations achievement was accomplished "more in spite of the law of the United Nations than because of it?"<sup>31</sup>

Regarding Professor Northrop's proposed solution to the problem of peace—make the protection of the living law of nations the major principle of world law—one need merely express astonishment at the complete neglect with which the realities of international life are treated and wonderment at the absence of any mention of that clause in the United Nations Charter which guarantees to the member states non-intervention in their domestic affairs. This guarantee, it seems, contains the solution to which Professor Northrop leads his readers by such a labored path.

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INCOME STABILIZATION FOR A DEVELOPING DEMOCRACY. Edited by Max F. Millikan. New Haven: Yale University Press, 1953. Pp. xxi, 730. \$5.00.

THERE has been much talk of late, backed up by goodly amounts of cold, hard cash, about the need for a broader approach to the study of social issues. Specialists in the social sciences, particularly economists, have been roundly censured for paying too much attention to their own little patches of knowledge, thereby losing sight of the work going on in related fields. This symposium, published by the National Policy Committee of Yale University, endeavors to break out of the confines of traditional economic analysis by applying an inter-disciplinary method of analysis to full employment policies for a democratic society. The core of the book, a review of government spending, taxation, monetary policies, and other stabilization instruments, is essentially economic in its orientation, but in the first and last sections of the volume a much broader frame of reference is used to consider the social repercussions of full employment programs.

The advantage to be derived from crossing disciplinary lines in undertakings of this kind can easily be exaggerated. The process of trying to reach a common ground between several fields is likely either to lead to conclusions which are so obvious they hardly need defending, or to generalizations which have nothing but the most tenuous relationship to one another. Contrary to the

30. P. 12; see also p. 15.

31. P. 267.

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