

REVIEWS

CASES AND OTHER MATERIALS ON LEGISLATION. By Horace E. Read and John W. MacDonald. Brooklyn: The Foundation Press, Inc., 1948. Pp. 1337. \$8.50.

PREPARATION of a casebook on legislation, or the conduct of a course in that field, demands more than ordinary attention to the question of what the objectives of the course should be. Unless the instructor knows what he is after and keeps a firm grip on the material, a course in legislation is likely to wander almost anywhere and hence arrive nowhere. The course is a newcomer in the law school curriculum and there appears to be no particular agreement upon what it should attempt to do or how it should be taught.¹

Certain of the problems in developing a course in legislation are only too clear. Legislation, in the sense of statutes passed by legislative assemblies, constitutes a major portion of the entire body of law. Obviously the statutory material relating to a particular field must be studied as an integral part of that field; it would be senseless to relegate legislative material to a general course on "legislation". What, then, is the purpose of the legislation course? Is it possible to cull out "general principles" applicable to legislation as a whole which are worth the study of law students? Or should the course be devoted only to matters of legislative procedure and drafting?

Furthermore, any study of legislation can readily lose touch with reality and degenerate into useless sterility. In the field of legislative law-making, the play of political, economic and social forces is particularly strong. Mere legalistic scrutiny of the final product or the formal record conveys a singularly empty notion of the legislative process. The same is applicable, perhaps to a less degree, to judicial interpretation of statutes. For this reason full comprehension of the subject matter requires intensive study of the particular problem to which the legislation is a response, as well as a clear insight into the broad "non-legal" elements in the picture. How can a sense of reality be given to a general course in "legislation"?

Again, legislative drafting—surely a vital segment of a course in legislation—is an art which can scarcely be transmitted to a student through cases or other reading materials. What kind of assistance can a casebook give on this aspect of legislation?

Messrs. Read and MacDonald struggle manfully with these and other difficulties. Some light on the extent of their success in finding a solution may be gleaned from a brief summary of their materials.

The book commences with a long introductory chapter on the "growth of law through the judicial and legislative processes." The opening section

1. Suggestive discussions may be found in Hurst, *The Content of Courses in Legislation*, 8 U. OF CHI. L. REV. 280 (1941), and Cohen, *On the Teaching of Legislation*, 47 COL. L. REV. 1301 (1947).

contains historical material pointing up the increasing importance of legislation in modern society. This is valuable background, though possibly treated too summarily. The three succeeding sections—dealing with the nature and limitations of judicial law-making, early “law-reforming” statutes, and “legislation in aid of the courts”—seem to me of dubious utility. On the other hand the final section on the origins and development of legislative policy, including the factors and agencies which influence legislative judgment, is suggestive and valuable. These are matters which go to the heart of the legislative process and are, in fact, entitled to more attention than the authors bestow.

The second chapter treats of legislative organization and procedure. This job is on the whole well done. But I would suggest two criticisms: first, that the material on parliamentary procedure is insufficient and does not give an adequate picture of the actual functioning of a legislative body—the methods by which its leaders exercise control, tactics of obstruction, the effect of debate, and similar matters; second, that the material on the investigatory function of legislative bodies is badly slighted.

The authors then include a chapter on “types of statutes,” discussing various aspects of direct, declaratory, creative and special legislation; amendments, repeals and codification; uniform laws and interstate compacts. Some of this material is significant, but much of it concerns minor matters of statutory interpretation (a subject treated at great length later) and in general the chapter strikes me as unfruitful and at many points trivial.

A chapter on measures for enforcing legislation, including “effectuation through administrative agencies,” raises squarely the problem of keeping the course within reasonable bounds. I doubt the wisdom of including such material. In any event the issues cannot be handled effectively in the space available. Thus there is little or no data on such vital matters as the statutory injunction, the civil damage suit, requirements of record keeping, organization, and many other features of the enforcement problem.

Chapter 5 is devoted to “Forms of Law-Making: The Parts of a Statute” and contains material on the use of bills and resolutions, title, preamble, enacting clause, definitions, and similar matters. Much of this material is necessary. But it is questionable whether so much space should be given to the manifold and detailed problems arising out of differing state constitutions and statutes; the problems of federal legislation in this area are insignificant. And again much of the material perforce relates to problems of statutory interpretation having doubtful general relevance.

The next chapter, entitled “Legislative Language, Its Arrangement, and the Mechanics of Drafting,” includes some material on statutory interpretation (particularly canons of construction) and a section on the rule against vagueness and delegation of legislative power. More valuable is a collection of writings on the problem of legislative drafting. This material reflects the practical experience of the authors in working with the Minnesota and New York legislatures and is one of the best sections of the book.

The remainder of the book—two chapters totalling over 350 pages—deals mainly with statutory interpretation. The collection of cases and materials is good. But the space devoted to the problem, taking into consideration the material in preceding chapters, appears excessive. And certain sections, such as those dealing with the weight given to administrative interpretation and with violation of statutes as negligence per se, seem altogether unnecessary. Moreover, the treatment of statutory interpretation poses a more basic problem. The authors have chosen to group their materials in the conventional pattern, the various sections dealing with the "plain meaning rule," the "mischief rule," the "golden rule," the effect of previous interpretation, reenactment, use of legislative history, presumptions, and similar classifications. One is left with the feeling that the study of these devices gives only faint and barren clues to an understanding of the interpretative process. It is suggested that a series of cases dealing with judicial treatment of a few selected statutes—such as the Mann Act, the Federal Trade Commission Act, the Fair Labor Standards Act—would be equally successful in presenting the various legal devices used or ignored by the courts and at the same time would permit the inclusion of political and economic material that would place the problems in a less abstract and more realistic atmosphere.

Taking the book as a whole, however, one must give full credit for a comprehensive and well-documented job. The book represents an enormous amount of hard work over a long period of time. The materials have been carefully and thoughtfully chosen. The notes are crammed with citations so that the volume is an excellent working tool in the study of legislation. And the non-case material is abundant and suggestive. The ultimate product is thoroughly worthwhile and represents a contribution to the field that certainly outshines all previous efforts.

The major shortcomings that I find have already in large part been indicated. Essentially I would offer two basic criticisms. One is that the authors have perhaps given insufficient attention to the scope of their effort and the objectives they seek to attain. The preface alleges that the work is designed for a course "in the methods of the legislative process and in judicial techniques of applying statutes in the solution of legal issues." But the attempted coverage is actually far wider and a substantial proportion of the 1337 pages skims lightly over more distant fields. In addition, too much of the material concerns details peculiar to a single state jurisdiction. At the same time certain matters, outlined below, are neglected or omitted entirely.

The other flaw, at least in my judgment, is that the total result conveys a somewhat abstract and sterile view of the legislative process. One fails to obtain from the book a clear appreciation of the function and actual operation of a modern legislative body. There is an absence of the flavor of practical politics and of the clash of social and economic forces. There is insufficient picture of the capacity of the legislature to grapple with live

modern problems,—such as a Federal program for full employment or a state program for housing. In real life the legislative process is awkward, unruly and badly integrated with other government functions; the problems it must solve are complex and pressing. Yet the legislative assembly is the core of our democratic institutions. A book on legislation should convey some of the spirit and urgency of this dilemma of modern democracy.

I believe that many of the difficulties just outlined could be avoided, and valuable advantages gained, by a somewhat different approach. In my judgment, the law school course in legislation should be built around a study of the legislature as an institution of government. It should be directed toward consideration of the function of the legislature in a highly industrialized society, the role it is equipped to play, its methods of operation, and the legal problems involved in the performance of its functions. This would have the advantage of narrowing the field to more manageable proportions and affording a clearer insight into the forces at work and the actual problems of legislative operation. Such an approach could be readily integrated with the study of executive institutions in the course on administrative process and of judicial institutions in the procedure and other traditional courses of the law school curriculum. It would permit a wider use of social science materials and facilitate a realistic treatment of the major issues that confront our Federal and state legislatures today.

A course of this kind should commence with a study of some of the problems involved in the election of members to legislative bodies—the basis of representation, apportionment and reapportionment, restrictions on voting, rights of new parties, control of corrupt practices, and the like. It should then move to a consideration of the composition of legislative bodies—the age, occupation, education, social status, geographic and group representation, experience, intelligence, and skills of the persons who get themselves elected to the legislature. Only in the light of such background is it possible to understand or appraise the working of our current legislative assemblies. From here one can begin to appraise the role which the legislature of today plays and can play in modern government and its relationship to other institutions of government.

The student should then proceed to consider the forces in our society which underlie and influence legislative action. This involves a study of pressure groups, public opinion, the impact of political parties, the part played by the chief executive and the administrative bureaucracy, and the other factors which condition the operation of the legislature.

The investigatory function of the modern legislature is certainly deserving of more attention than it has usually been accorded. The methods by which a legislature obtains information, its function as public investigator, its role in supervising the bureaucracy, possible limitation on the powers and procedures of legislative committees, are all matters of growing significance.

With respect to the law-making function of the legislature the student should be acquainted with the organization and procedure of legislative as-

semblies, including methods of maintaining leadership, the committee system, tactics of obstruction, the use of the veto, judicial review of legislative procedure, and similar matters. Next should come a consideration of certain major problems in framing a statute, covering such issues as the rule against vagueness, private and special legislation, the role of legislative findings, as well as technical requirements of title, single subject matter and the like.

Statutory interpretation, of course, requires some attention. But I believe this can be somewhat de-emphasized, and considered primarily from the viewpoint of its relation to statutory drafting. Training in drafting on the other hand should be a matter of major concern. As already indicated this requires mainly actual practice, and the contribution to be made by reading cases or other materials is a limited one. The course could well conclude with a consideration of the various proposals for reform and rejuvenation of legislative bodies.

All of the foregoing material should be presented in the context of the political, economic, social and psychological forces which shape our current legislation. The use of specific case studies—such as the operation of the Committee on Un-American Activities or the legislative struggle to pass the Employment Act of 1946—can readily be used to give life and color to the course.

This outline is necessarily couched in general and sketchy terms. But I believe it presents the framework of a course which would furnish to the future practicing lawyer, government servant, political scientist or average lawyer-citizen a valuable initiation into a critical area of modern government.

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THE POLITICAL COMMUNITY. By Sebastian De Grazia. Chicago: The University of Chicago Press, 1948, Pp. xx, 258.

WE have taken things too easy. In liberalism as well as in socialism we have put all emphasis on the hoped-for improvement of *conditions* which, in a more or less far-away future, might lead to the restoration of those community values whose loss we darkly feel as a threatening thing; conservatism, on the other hand, merely bewails this loss without knowing what to do about it. But, even supposing that it is *not* utopian to assume that, in an age of specialization and of increasingly totalitarian organization of state and society, the lost early "community" will be restorable, there is the problem whether we can afford to wait until "conditions" have been changed. Can the sense for cultural and communal values be put on ice without turning into that "ice cream" evaluation of values of the famous GI, who referred to the soda fountain of the home-town drugstore as the embodiment

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of the democracy he was fighting for? Perhaps it is unfair to ridicule this standard. After all, it merely states in honest terms what more highly placed spokesmen for present-day civilization couch in high-sounding but empty phrases. However this may be, there is real danger in the loss of a sense for cultural and communal values which threatens both the individualistic society of the entrepreneurial nexus *and* the socialized society of the bureaucratic status.

In the footsteps of Guglielmo Ferrero (who, strangely, is never mentioned by the author of the present book) and others, there has recently been some revival of concern for what keeps society together; some concern, for instance, for the import of authority and legitimacy of rulership and of belonging to a group. Now comes De Grazia and bestows upon us a full-fledged theory of the Political Community. The objective of his study, as he tells us, was "to arrive at a theory of anomie and thus at a systematized set of new hypotheses on the causes and consequences of the disintegration of political belief-systems." (P. xiv). The concept of anomie, borrowed from Emile Durkheim, literally means normlessness or rulelessness and is used by the author to describe a feeling of isolation from the group, created by men's breakdown of faith in the existence or the power of their "rulers". "A political community exists among men who regard each other as brothers. But they will not think of themselves as a brotherhood until they have and avow filial love and faith for their ruler and for their God. If they have no faith in their rulers or if they allow opposing directives to sway them from the commandment of love for their fellowmen, they have no political community; they have anomie." (P. 189).

Why is "faith in the ruler" and having a "directive of love" so fundamental? The basic reason is psychological: men are born dependent on others and in early childhood already experience that "separation anxiety" which can be overcome only through belief in a protecting "ruler" (parent in the family, later political ruler in the political community), a ruler who regulates the environment for their benefit through "cooperative directives." The rise, in our society, of a different type of value-system or directive, namely, a "competitive" one, where *homo* is *hominis* *lupus* instead of being fellow in the protected group, leads to what the author calls "simple" and "acute" anomie. "Simple" anomie is the feeling of general confusion and pointlessness which stems from contradictory belief-systems, and from which man tries to escape in various ways. Thus the "community" experience of war is shown to offer an escape from peacetime anomie in a rationalized and mechanized business society. "Acute" anomie occurs when the "ruler" disappears, as through death, or when belief in his power or legitimacy vanishes, as during a depression. Acute anomie may drive men, individually, into suicide or insanity, or, collectively, into joining "messianic" movements of religious or political character. The only remedy, as the author sees it, is in the restoration of genuine political community, where the cooperative directive replaces the competitive one; then only will man be citizen.

De Grazia's certainly is an attempt in the grand manner to provide a new and more "scientific" foundation for political science, an attempt which fills one with admiration not only for its broad sweep but also for the brilliance of countless bold insights and striking formulations. And yet, this reviewer has read the book twice from cover to cover but has been left bewildered. Somehow the book does not "come off." It comes close to but fails fully to attain its author's goal. A few points may illustrate this.

There is first what may be called the monomaniacal nature of the theory, its exclusive reliance on "psychological materialism" (if a parallel to "economic materialism" is permitted). Like other theories of a "unique factor" it explains too much in history and society by one factor, here the psychological one. For example: when asking himself why, in the history of American labor, the last decades of the nineteenth century were the only ones of violence and near-revolution, the author's explanation is in the estrangement of workers from their "rulers", the leaders in business, who at that time gave up indigenous habits in favor of imitating foreign manners; when this ceased, labor recovered from separation anxiety and ensuing anomie. One may agree with the author in many of his observations and also in his rejection of the theory according to which economic conditions, especially poverty, are *the* cause of social revolt (another theory of the "unique factor"!), and yet doubt whether he has hit upon a more adequate explanation. In the instance referred to, did not economic and political factors play at least a comparable role? And why did not the entire non-French Europe of the eighteenth century, with its upperclass adopting French culture and customs at least as much as the Gilded Age aped the British, suffer from anomie, with ensuing revolts? But it was the French who did revolt eventually, and that at a time when their upper class, romantically, tried to "go native"!—quite contrary to what De Grazia's theory would lead us to expect. Another example: The cause of the low suicide rate among Catholics, as compared with Protestants, according to the author is in the Catholic's lesser "psychological investment in the business systems of belief" (p. 170), because this means less of an "anomic" feeling of contradiction between the cooperative and competitive directives. Surely there is a more obvious explanation in that Catholic law and ethics make suicide a grave sin.

Furthermore: The basic psychological concept of "separation anxiety" seems too narrow, and the general "anomic" situation, as described by the author, seems too broadly defined to make the connection between the two convincing. Is not the basic psychological situation, as Durkheim's own definitions would indicate, "insecurity" in the sense of uncertainty about values and standards, rather than "isolation" from the group? And is separation anxiety really the only fundamental inclination in the child and later? Is it not rather supplemented by an opposite urge, provoked by too *much* normative restriction, an urge toward freedom from familial and societal restrictions, which, if suppressed, may lead to equally important, though different, anxieties and frustrations? Disregard of this factor may

account for the author's considering as satisfactory "belief systems" (those which "perform their psychological function": p. 26) only those that satisfy the urge for togetherness in the group under rulership. Is conformism the only solution? Are there no possible belief systems and directives which would allow for individual self-reliance and autonomy without, at the same time, producing anomie? This is important, because, if the author is right, the only "solution" would be in the "return to the womb," or the "shortly thereafter," the individual's merging in the group under the recognized ruler, through what the author calls the abolition of the competitive directive and the restoration of the "community of love" and cooperation. But is not this the cherished utopia of those who disregard the actualities connected with power and competition in the world and, in addition, overlook the oppressive potentialities of "community" systems? In fact, there is a danger of the author's conclusions (regardless of his intentions, which certainly are otherwise) leading right into fascism, which, in essence, is characterized by the use of community ideology in order to establish in a late, rationalized society a practice of force and violence. May man never mature?

If the psychological basis thus is too narrow, the socio-politico-cultural situations which, according to the author, are caused by it, are too broad to be easily explained this way; in fact, they are all-comprehensive. As described at length on pp. 100 *et seq.*, these "anomic" situations comprise all the phenomena which are expressive of the rationalization and mechanization of modern life and of the ensuing loss of a unified world-view: the pessimism, *Weltschmerz*, and despair of *fin de siècle* and after, the anxieties and frustrations from Kafka to Eliot, cubism in art, atonality in music. All this as result of "separation anxieties"? In addition, too much of what looks like real "community" spirit is interpreted as mere "adaptation to simple anomie": romantic love, friendship, idealization of the home and family life, membership in clubs. Does not the very abundance of these phenomena, at least in part, attest to modern man's capacity here to find in cooperation a life that, to some extent, *overcomes* the reasons for anomie? Our world, it would appear, is not quite as devoid of cooperative possibilities and actualities as the author wants us to believe; an earlier, more rigid pattern is merely replaced by a more voluntary, fluid one.

What De Grazia's view boils down to, then, is a new version of the time-honored theory of society's development from *Gemeinschaft* to *Gesellschaft*, from a Spenglerian early stage of "organic" community to the late stage of rationalized "civilization", from "status" to "contract"; all this superimposed upon a theory according to which the psychological requirements of *homo sapiens*, or rather of *homo gregarius*, agree with the early stage but not with the later one. Again: Is there no psychological foundation for a more individualistic, rulerless though not ruleless, stage?

And finally: Exactly as in his study of causes the author seemed to over-emphasize the psychological factor, for his solutions he dwells too exclusively upon belief systems as such, on contradictions between them, or their in-

ability to satisfy psychological wants. He thinks that abolishing one set of "directives", replacing one ideology with another, would be sufficient to solve the problem of anomie and all that is connected with it. Thus, referring to a future community, he suggests: "Such a community does not require a new set of institutions for economic life but that a new, a less conflict-laden, a purer spirit should move men. It does not ask that people quit all competitive behavior. . . ." etc. (p. 191). The question arises: Do not many of the difficulties, and anomies, stem rather from conflicts between ideologies and actual conditions than from conflicts between ideologies as such? As the author himself shows for the case of Protestant work ethics and its relation to the ethics of capitalism, belief systems often adapt themselves successfully to apparently contradictory systems and transform even competitive directives into ideologies of harmony of interests and public benefit. But the conflict situation remains. It continues to arise from basic social constellations such as the family father's, who as businessman "has" to act ruthlessly in the interest of the family and the firm, or the statesman's, who "has" to act ruthlessly in foreign affairs in the interest of his country; all this, despite ever so "cooperative" directives, because of the security dilemma with which competitive and power *actualities* confront men and groups. Would not such conflicts and dilemmas, rather than conflicting ideologies, give rise to guilty feelings, anxieties, and similar "anomies"? The ensuing problems, far from being solved by the mere introduction of more "cooperative" ideology, might even require for their solution some precaution *against* too high a prevalence of the group spirit, a fight *against* too much of that authority of "rulers" and that prestige of their "directives" which De Grazia wants to restore as basis of the genuine Political Community. How to chart a course between such opposed sets of requirements remains the unsolved problem.

It is customary that a reviewer, after voicing considerable objections, concludes with asserting politely that his criticism should "in no way detract from the value of the book under review." In so doing the present reviewer would like emphatically to state that he really means it. This book belongs among the few valuable publications which have appeared in recent years in the field of social and political theory. Ours is not only an "anomic" but also an anaemic age with respect to creative thought. And since, toward the end of his book, the author seems to give us the promise of another book, "to follow in the traditions of political science set by Plato and Campanella," our criticism may well turn out to have been mere anticipation and impatience. At any rate, a subsequent volume will be warmly welcomed by anybody concerned about the present and future of our Political Community.

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THE POLLSTERS, PUBLIC OPINION, POLITICS AND DEMOCRATIC LEADERSHIP.

By Lindsay Rogers. New York: Alfred A. Knopf, 1949. Pp. xi, 239.

POLITICAL theory and the pollsters' scientific body of doctrine seem to be dwelling on different planes. Our modern institutions of applied social science in their "dynamic social research" do not willingly delve into assumedly marginal problems of meaning which may arouse doubt as to the significance, if not the validity, of the polling endeavors. In turn, many of our commercial pollsters¹ are inclined to take a sanguine view of the potentialities inherent in their activities and techniques; they are prone to make polls appear as a device indispensable for the proper functioning of democratic institutions.

The chief merit of Professor Rogers' gay little book is that it places in proper perspective the polls' limitations as a prop for the democratic process. Applied social scientists may argue, with some measure of justice, that Rogers' refutation of the chances of measurement in the social sciences oversimplifies the issues; that most of the methodological shortcomings of commercial pollsters are not necessary weaknesses of political polling; and that such shortcomings can be and already have been overcome through the pollsters' arduous and extensive research. All this may be admitted without detracting from the merit of the book. Even if the optimum accuracy of the polls were established, Professor Rogers' major thesis still would stand. Only in a very limited sphere are results of the polls consequential; statesmen certainly are on their own when it comes to making political decisions though they possibly may draw some limited profit from listening to the inchoate voice of the polls.

The election prediction proper, as handled by the pollsters, calls for serious critique. Professor Rogers appropriately points to the pollsters' "ignorance of the political world in which we live."² If this point is granted, the main value of election predictions would be less in their predictive value than in the opportunity offered the pollster community for checking and verifying procedures, for studying the importance of political issues and campaign devices, and for providing evidence in support of this or that thesis as to what determines voters' reactions. As far as the public is concerned, however, election predictions are not entirely a harmless game because of their possible bandwagon effect. The public at large draws less benefit from the game than the Greeks did from their oracles. Whereas the oracles' answers to

1. "Commercial pollsters" here stands for organizations predominantly engaged in selling service in the measurement of the public's reaction to consumer goods, sales methods and promotional activities. The very same pollster organizations, in order to keep their names before the eyes of the services' potential buyers, also, as a less profitable sideline, sell election predictions and other public opinion polls, offering these to newspapers and periodicals.

2. G. D. H. Cole has recently drawn renewed attention to the difference between men's concepts of their probable action under hypothetical circumstances and their actual behavior in a concrete situation demanding action. 20 *POLITICAL QUARTERLY* 71 (1949).

queries always were framed in such a way as to allow the subsequent conclusion that at least vague vistas of future happenings had been opened up, election polls at best supply a short term forecast wherein, of the many things that may shape the future, just one is surveyed and outlined with a number of more or less pertinent data.

Outside the range of election forecasts, Professor Rogers distinguishes between those narrow fields to which the pollsters either are tied by a direct community interest or in which they have had a chance of acquiring personal experience on which to base reactions, and the uncharted sea of general opinions in regard to any variety of political problems. With respect to the former, polls, under certain circumstances, may serve as guideposts for political action, even though the scope of new insight should not be overestimated. One may exemplify Professor Rogers' reasoning by the case of polls designed to gauge workers' reactions to the Taft-Hartley Act. Reactions were rather hazy at a time of relatively full employment and good business prospects; more sharply defined reactions may be anticipated in a deteriorating economic situation when the impact of legislation on individual destinies would be more strongly felt by the respondents. But even then politicians would be likely to learn from polls only something they had known all along. Increasing awareness of the implications of the Taft-Hartley Act among worker interviewees possibly would intensify the activities of the labor unions with respect to this particular piece of legislation but surely would not change the unions' basic attitude.

As compared with polls on specific community problems or pressing social problems of our daily existence (socialized medicine, rent legislation, etc.) polls on more generalized political questions such as disarmament, peace, foreign relations, would seem subject to still greater doubt. The public's lack of familiarity with the problems involved and their ramifications, absence of intensive interest and the failure of the public to arrive at coherent conclusions from logically closely related issues rob the polls' results of much of their probative value.

All this, I think, need not imply that the public at large lacks any ideas, vague and general though they may be, as to preferable forms of social and political development. To the extent that it is technically possible within the framework of traditional political institutions, the public does express such preferences in the choice of candidates for political office. But choosing a candidate is only indirect and insecure participation in decisions on individual issues. And yet, attempts at improving the situation through having specific issues submitted to the public by way of official referenda or unofficial polls have not proven a singularly effective method of widening the scope of the democratic process. The public's lack of experience and interest, and obvious failure to relate the issues under consideration to individual patterns of political preferences, have discouraged even honest friends of direct democracy; direct democracy would seem to produce maximum technical results only when applied under conditions of great political

sophistication or rigid class formation. And such conditions, historically speaking, have been less than conducive to maintaining social equilibrium.

The notion that polls ever could play the role of a foolproof transmission belt between the will of the people and political action is among the bizarre pipedreams of our mechanically minded age. Dispelling that notion, Professor Rogers implicitly suggests that—"manque de mieux"—we turn again to representative institutions, where polls may be taken under advisement, but where decisions will be made according to the representatives' and the political leadership's own light. I hope Mr. Rogers will allow me to retain his conclusions as to the polls without my having to underwrite his alternative "en attendant un supplement d'information."

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