Vanderbilt Journal of Transnational Law

Volume 1 Issue 2 *Spring 1968*

Article 1

1967

Book Reviews

Josef Rysan

L. G.

G. C.

R. P. B.

W. E. W.

Follow this and additional works at: https://scholarship.law.vanderbilt.edu/vjtl

Part of the European Law Commons, International Trade Law Commons, and the Military, War, and Peace Commons

Recommended Citation

Josef Rysan, L. G., G. C., R. P. B., and W. E. W., Book Reviews, 1 *Vanderbilt Law Review* 27 (2021) Available at: https://scholarship.law.vanderbilt.edu/vjtl/vol1/iss2/1

This Book Review is brought to you for free and open access by Scholarship@Vanderbilt Law. It has been accepted for inclusion in Vanderbilt Journal of Transnational Law by an authorized editor of Scholarship@Vanderbilt Law. For more information, please contact mark.j.williams@vanderbilt.edu.

BOOK REVIEWS

Karl Jaspers, The Future of Germany (University of Chicago Press, 1967)

It is significant that the most brilliant and penetrating analysis of the West German democracy comes from the pen of the leading German philosopher, Karl Jaspers. This fact demonstrates that German philosophy which used to be exclusively an "ivory tower" affair has finally come to grips with contemporary social problems. The English edition contains not only the translation of Jaspers' German bestseller, but also of the philosopher's just published "Answer to My Critics."

In this lucid and compact study, Jaspers asks and provides answers to such crucial questions of the German democracy as: "How are we ruled? Who rules us? Where do our politicians come from? What is the structure of our republic in terms of fact, rather than of law and theory? What are the changes that take place in the structure? Do we not seem to be moving from democracy to an oligarchy of parties and from there to dictatorship? What do we propose to do?"

Jaspers is far from being optimistic in regard to the future course of the Bundesrepublik. Although Bonn's government is a parliamentary democracy, the voters have very little influence on the government because the political parties are no longer organs of the people, but organs of the state. state leadership rests with the oligarchy of the parties which have usurped the power of the state in a truly authoritarian As an example of this unhealthy change, Jaspers cites the notorious "five per cent clause" which means that no party which does not receive at least five per cent of the total votes may enter the Bundestaq. As a result, new parties can scarcely develop. Jaspers also criticizes in this connection state financing of parties, a tendency towards an all-party government, the communist party ban, the decline of checks and balances, increasing pressure for secrecy. Above all, the proposed emergency laws. Although the West German constitution safeguards the security of party and government officials, the Bundestag in its craving for immunity from criticism, particularly that of the press, has been preparing a series of special security measures. Jaspers contends that the present rule of the "Grand Coalition," namely that of Kiesinger and Brandt, has resulted in de facto elimination of parliamentary Jaspers does not believe in a revival of Nazism, opposition. but in the possibility of military dictatorship and concludes: "A new moral-political catastrophe may be in store for us."

Jaspers' study is far from being a negative analysis of Bonn's domestic policies. It contains positive suggestions of truly democratic German policy. Among them are suggestions to reform certain political institutions, particularly that of the presidency; of changes in education, particularly of political education; and in general of German participation in political affairs. In Jaspers' view, most Germans are still subjects of the State rather than participants in it.

In regard to Bonn's foreign policy, Jaspers urges the Germans to cease to deceive themselves and to break with their past political thinking and behavior. He recommends the recognition of the Oder-Neisse boundary line, of the present division of German and, above all, of the fact that the Bundesrepublik represents a minor European power which must act within the framework of Western Europe. It is significant that in the present period of anti-American feeling because of Vietnam, Jaspers is an ardent exponent of firm pro-American foreign policy on the part of the Bundesrepublik. He is convinced that if an atomic holocaust and the ultimate destruction of Germany are to be prevented, a firm pro-American and pro-NATO policy is the only alternative for West Germany.

Jaspers' excellent and penetrating study is in some respects unduly pessimistic. Some promising changes have occurred on the present West German political scene such as the emergence of a powerful independent press (e.g. <u>Der Spiegel</u>), the increased positive influence of the mass communication media, the vanishing enthusiasm of the labor unions and some segments of the Social Democratic Party for the proposed emergency laws, the closer cooperation between the two Germanys and between the <u>Bundesrepublik</u> and the East European communist countries, to name only a few.

Jaspers points out that the most prevalent form of contemporary government, particularly in less developed countries, has been military dictatorship. He emphasizes that de Gaulle came to power in this manner in France, and Jaspers sees a similar danger in West Germany.

Josef Rysan

THE ENGLISH. by David Frost and Antony Jay., 255 pages Stein and Day, New York, 1968.

"Gravy, Sir. One lump or two?" With such witticisms, the authors introduce their subject in inimitable British fashion. Though the writers are primarily portrayed as social anthropologists with an introspective mission, they are perhaps better identified as missionaries seeking to reflect the true image of life in present-day Britain.

With a type of Noel Coward flippancy, they breeze through the hallowed halls of England with cryptic complacency, belying their concern and frustration with the "mad dog Englishman out in the midday sun." This impression of a nation entrenched in the institutions and customs of over 2,000 years is mirrored in the reality of currency devaluation, continuing class struggle, and death as a major world power The authors give the pomp and majesty of the British Empire a facelift. With subtle barbs of insight they strike bare the hypocrisy of England's democracy. Such hypocrisy is evident in the unjust assumption of the criminality of the lower classes. False too, is the bi-partisan perpetuation of the democratic facade of representation of the people, by the people. The English political parties cater exclusively to special interest groups, with Labor representing the minority trade union interests, and the Tories representing England's hoy poloy. The great mass of the people have no actual representation at all.

The English is an excursion into the innards of a fading beauty; with poignant satire the authors unfold the petals of their wilting English rose. However, there is nothing poetic about their hardhitting commentary on England's demise.

The unending ostrichism of the English attitude is exemplified by the writers' orientation. They write of only "the English" when they should actually be speaking of all the British people. This failure to recognize and overcome such cultural blindness is a major factor in the country's inability to restore harmony and infuse a resurgent spirit of national self-sacrifice necessary to stave off complete disintegration.

Such typically overbearing and pontificated attitudes have served the English poorly in adapting to the bastardized American business methods now necessary to England's existence if she wishes to compete in the world market. Resistance to change is apparently inbred in all classes of British society. The authors scrape off the façade of prosperity; they change and highlight the pitfalls of national ostrichism!

Paradoxically, England wishes to regain prosperity with—out undergoing the social and technological transformations that the rest of the world deem necessary. The island economy, failing on all fronts, is further strangled by a foreign relations policy too ambitious for her means. England could not reconcile herself to becoming just another member of a united Europe anymore than she could become the 51st state of the Union.

The English might be considered a book of revelation to the United States. Whether or not this was intended is not important. But it is possible to see our reflection in the bumbling bureaucracy of England, and the image is frightening. Where does Britain go from here? Perhaps in the potential of her new role we see a decision that will certainly face us in the near future. The authors dwell upon this question and somewhat humbly suggest that the character of such a people can still lend itself to a measure of victory and rebirth of greatness, akin to the renaissance of Greece. Will Britain become such a flourishing Athenian catalyst of world affairs or continue as an eroding, corrupt mini-Rome? Or is she possibly so far gone that she can no longer realistically control her destiny?

The authors have generally followed a pseudo-anthropological classification of the English culture in their topic outline. This is not effective because of the many hidden subtleties within their headings. Never at any time do they specifically adhere to their chapter headings, and often the points they make are quite unrelated. There is a great deal of difficulty, however, in attempting to orient a reader to a country and it's problems. Perhaps in this case the use of the institutions and the social organization of the culture were necessary to expose the weaknesses of the structure.

A page by page scrutiny is advised since much would be lost if one attempted to save on his reading time by merely eliminating those chapters whose headings belie their content. This book must be read in it's entirety, with the proper perspective that it is basically a culture capsule and revelation of the rebirth or final trumpet of Britain as a modern world power. This work does not have all the answers. It is merely a candid appraisal of the state of the nation. If there is any real value in this work, it is that we must learn to look at ourselves without fear and without cultural myopia as have the authors.

REPORT FROM IRON MOUNTAIN ON THE POSSIBILITY AND DESIRABILITY OF PEACE By "John Doe", DIAL PRESS, 1967, NEW YORK

The dictionary defines satire as a "literary composition in which vices, abuses, follies, etc. are held up to scorn, derision, or ridicule." If the reader considers war a vice, folly or abuse, then the slim volumn under discussion is a satire. On the other hand, if the reader is a war lover and thinks war serves social and political ends, then the book is his new Bible.

The Report is ostensibly a suppressed "white paper" prepared for an unnamed government agency to advise them on the probably effect and possible contingencies of a world-wide breaking out of peace. This supposedly top-secret document was suppressed to prevent public uproar over its findings, but a conscientious member, "John Doe," felt that the blissfully ignorant public had a right to know what they are to expect if peace happened.

The gist of the Report may be discerned from the introduction:

Lasting peace, while not theoretically impossible, is probably unattainable; even if it could be achieved it would almost certainly not be in the best interests of a stable society to achieve it, . . .

Behind [the authors] qualified academic language runs this general argument: War fills certain functions essential to the stability of our society; until other ways of filling them are developed, the war system must be maintained—and improved in effectiveness.

In 100 or so pages of intentionally bureaucratic prose, this thesis is spelled out in terms of "peace games", functions of war in terms of economics, sociology, ecology and politics.

The book seems to be saying that the old cliche'- factories turning out swords will be able to retool successfully to turn

out plowshears—is false. As such, the Report slaps a good 5,000 years Judeo-Christian philosophy right in the mouth. It makes the moral truths of the Old and New Testaments obsolete. It is enough to make one think that its author was George Orwell, who in reality is not dead, but alive and well in Argentina.

But, before you give up all hope for our tainted and Godless society, be assured that there is an official government study entitled "The Economic and Social Consequences of Disarmament: U.S. Reply to the Inquiry of the Secretary-General of the United Nations" (Washington, D.C.: USGPO, June 1964), which does seem to feel that peace is possible, and if it comes, we all won't be going to hell in a bucket.

This study makes it clear that peace probably will cause problems in our society, but that these problems are not overwhelming. Re-education (job training) and relocation of portions of the work force (based on the historically correct assumption that workers go where there are jobs) will overcome many of the initial problems to the economy.

The Report is about two basic facts of life--war and peace. The viewpoint is simple: War is good because it preserves our society, economy and way of life; peace is bad because it will disorient the economy and ultimately our society and way of life.

But such morally "loaded" words as Good and Bad should not necessarily be considered in black and white. Good and Bad may be thought of in an intellectual manner or a foolish one, in a serious manner or a light tone.

There are other possible alternatives to the Report. For instance, everybody now realizes that Christmas extends a lot longer than its one alloted day of December 25th. In fact, cities start putting up their Christmas decorations a little before Thanksgiving in some localities. Christmas sales start as much as two months before the big day.

Why not extend Christmas to nine months a year? That way everybody can be giving each other presents all the time. They will be buying goods and pumping money into the economy. If—to paraphrase Gertrude Stein—a satire is a satire is a satire, it is no more ridiculous to suggest, tongue—in—cheek, a nine month Christmas season as a reality, than it is to suggest that war is a necessary cornerstone for a modern, and hopefully rational society.

The Report from Iron Mountain is a valuable addition to the literature of the times, from a number of standpoints. In the first place, it is all too rare that a really clever satire finds its way into print. It deserves to be read on this count. Secondly, the book makes a cogent point about the way some people in this society are thinking about the future—a future where cynicism and logic, cold and hard, prevails. Third, although the points mentioned as justification for preserving war as a social institution are often valid and always presented in a believeable form, they are refutable and should not frighten any informed reader with more than an eighth grade education. It is a sophisticated fairy—tale and should be treated as such. It would be a mistake to attribute a vast seriousness to the proposals, although the points do deserve to be thought about.

Finally, the book provides a very enjoyable way to kill a night. The time won't be wasted. It's a shame the author chose to remain out of the glare of publicity. We may have a budding Johathan Swift walking the streets, and we can't even pay him tribute.

G.C.

OLD MYTHS AND NEW REALITIES. By J.W. Fulbright. 147 pp. New York: Random House.

Senator Fulbright criticizes Americans for confusing means with ends, and their consequent unthinking adherence to prevailing practices. Some of these practices are based on nonfactual myths which should be disspelled by current realities. The "master myth" is that the Communist bloc is a monolith composed of organized conspiracies, not of governments. Another "myth" is that the national power and prestige of the United States should be the supreme goal of our endeavors. Thus the conflict is between a crusading self-righteous nation dressed in white and a monolithic conspiracy veiled in black, doing battle in the arena of international politics.

Reality, as seen by the author, is that nationalism is the most powerful single force in twentieth century world politics. It has divided the Communist nations and created important opportunities for Western policy to influence the course of events within the polycentric Communist bloc. extending commercial credits to Poland or Yugoslavia, exchanging ambassadors with Hungry, broadening East-West trade, cultural and educational relations, and enacting treaties similar to the Nuclear Test Ban Treaty, the West can become more influential in determining whether the Chinese brand of Communism, the Soviet variety, or perhaps a more liberal type will ultimately prevail within the Communist world. a confusion of means with ends has constituted a major barrier which has hindered efficient utilization of these opportunities to shape the course of the Communist movement. In the past, the means used in our foreign policy have not included significant negotiation with Communist nations because that approach was condemned as dealing with the devil. Many policy-makers, Senator Fulbright alleges, have permitted mere consistency with these past means to be the determining factor in formu-The Senator feels we should lating current foreign policy. remember the end result toward which we strive and let it determine our policy. That end result is the achieving of national security.

J. William Fulbright has served as chairman of the Senate Committee on Foreign Relations since 1959. That position has provided him with many opportunities to express his views on broad and specific issues of foreign policy. The commentaries contained in this small, but thought-provoking book are based primarily upon speeches made by the Senator. They reveal the conclusions of an informed statesman regarding the foreign policy of the United States as it is, and as he believes it should be.

In a day where an increasing number of smaller nations are developing nuclear weapons, the attainment of national security by the stockpiling of weapons is unrealistic. "Security is a state of mind rather than a set of devices and arrangements." Weapons are important only to the extent that they encourage a "psychological process" in which world citizens think of war as undesirable and unfeasible. creating this worldwide state of mind, all the resources of human knowledge should be brought to bear; the recources of economics, sociology, history and political science, literature, psychology, and the arts. Through these means there could be developed peaceful and civilized contacts between Communist citizens and ourselves, which could result in an atmosphere and an attitude conducive for individuals in all nations to become more concerned with personal fulfillment than with the desire to make war.

The Senator believes the principal stumbling block keeping us from achieving worldwide security is nationalism. An example of this force in our country is the realization that the pride and courage of the United States was considered at issue when tiny Panama urged a review of the status of the Canal Zone. Nationalism is further illustrated by the manner in which General de Gaulle forcefully has defended the concept of French sovereignty. Senator Fulbright, on the other hand, visualizes an Atlantic partnership as a realistic compromise between an intolerable nationalism and an unattainable world community. This Atlantic concept is one of a European federation with limited supranational powers bound to the United States and other Atlantic countries by specifically defined mutual obligations in the fields of defense, trade, and political organization. The Senator warns:

Our survival in this century may well turn out to depend upon whether we succeed in transferring at least some small part of our feelings of loyalty and responsibility from the sovereign nation to some larger political community.

The results of nationalism and of a world preoccupation with a fatal expectancy of war have been that men have had to turn away from their hopes in order to concentrate on their fears. Consequently, an accumulating neglect has permitted increased poverty, disease, insufficient education, and denial of opportunities for personal growth, enjoyment, and development. Senator Fulbright eloquently argues that the myths which most trouble modern nations are those

associated with nationalism itself. He concludes that it is the individual, and not the state, in whom ultimate sovereignty is vested. Thus the challenge is recognized; but, the essential question which arises from an analysis of the Fulbright philosophy is: <u>can</u> man turn away from old myths and accept such a reality?

R.P.B.

GREECE: THE STRUGGLE FOR FREEDOM. Stephanos Zotos. 186 pages. Tomas Y. Crowell.

Greece deals with the period from 1940 to 1949 and the successive but unsuccessful attempts by the Fascists, Nazis, and Communists to control the land where democracy was born. Stephanos Zotos presents an adept mixture of the broad historical picture and his personal experiences during the era. Zotos, a Greek writer now living in New York, has an impressive record both as an author and as a reporter. From 1944 to 1949 he worked for the Athens daily newspaper Embros and served as Athens correspondent for Le Figaro. He was formerly Director of the Press and Information Service of the Greek Embassy in Washington, D. C.

Mr. Zotos discusses extensively the Greco-Italian War (1940-1941) which the Greeks were winning handily until the German invasion. More important, however, he reveals how an inadequate leadership during the Axis occupation led to a divided resistance movement. During this wartime the Communist organization appealed to nationalism while increasing and solidifying its following. The Greek Communists then began to engage other Greek resistance movements in combat and to prepare to take over control of the post-war government. While condemning the Communist brutality which pitted Greek against Greek, Mr. Zotos reveals the political persecution they suffered under the pre-war Greek government.

The Communists were unable to take control by political maneuvers, and the post-war elections proved to be disastrous for them. As a result the Communists employed guerilla war-fare against the government. The author's discussion of this period reveals a striking similarity to present day wars of liberation.

The civil war continued, but in 1947, the government lost the military support of Great Britain because of Britain's own economic problems. Within three weeks the United States had extended \$300,000,000 in military and economic aid to Greece. Zotos believes that as a result of the United States action Russian support for the Greek Communists wavered. The Communists now decided to fight a more conventional war, but divisions in their ranks and the American aid led to the end of Communist military operations in Greece in 1949.

Greece makes it quite clear that Communist tactics have not substantially changed in 20 years and that wars of liberation are not new. It reveals that the amount of United

States effort required to suppress a Communist uprising is small when the country has its own political institutions and a tradition of independence. It is impossible not to feel that there will probably never again be an act by the United States to suppress Communist force that will be so inexpensive or so successful.

Greece is quickly read, and the reader obtains a detailed and comprehensive overview of the period. While published prior to the coup by the present military regime, Greece provides a substantial background against which the present political situation may be analyzed. The historical aspect covers many intricate acts of states; this, mingled with Mr. Zotos personal involvement both as a Grecian soldier and as a reporter, gives the book a "You are there" affect.

W.E.W.