



**THE
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SPRING
1977

**A NATIONAL REVIEW
OF IDEAS AND INFORMATION**

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Editor's Comment

A quarterly should not pretend to keep up with day to day changes in Johannesburg, Washington, or the Manhattan offices of CBS. But good scholars can, on occasion, provide a certain clarity and perspective to current developments that are usually missing from even the best daily journalism. With this function in mind, the *Quarterly's* editors have prepared for this issue three clusters of essays—on Southern Africa, the Supreme Court, and television news.

No scholarly consensus exists concerning the long-range future of the Republic of South Africa, and the *Quarterly's* contributors are not of one mind. But their efforts should provide a clearer view of the peculiar everyday contradictions of apartheid, the mixed heritage of both black and Afrikaner history, and the (apparently) limited possibilities open to Western diplomacy. Similarly, we believe that a sharper profile of the present, Burger Court emerges from a comparison with its predecessor, and from a look backward at the Supreme Court's institutional ups and downs since 1789. The growing academic penchant for systematic criticism of television news is more contemporary and more controversial: we present excerpts from two professors' post-mortems of the networks' 1976 election coverage and brisk rebuttals by TV news executives.

The *Quarterly's* reviews of reports and articles in specialized journals may also yield added perspectives on the headlines of the day. We point, in particular, to Colin S. Gray's critique in *The American Political Science Review* of past U.S. theories concerning arms control and the SALT talks (p. 7), and to the Congressional Budget Office's recalculation of the number of officially "poor" families in America (p. 24). Contrary analyses will no doubt be noted in future issues.

In these essays and reviews, we have sought diversity and, where possible, a certain measure of detachment. However, it must be confessed, the editors indulged two strong professional biases elsewhere in this issue. We share novelist John Updike's dogged enthusiasm for print, expressed in his wry reflections on "The Written Word." And we share Robert Conquest's lively impatience with those academics who ascribe scientific "rigor" to their studies of modern man's political behavior.

Peter Braestrup

PERIODICALS

Reviews of articles from periodicals and specialized journals here and abroad

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POLITICS & GOVERNMENT

Not All Consumers Remain Consumers

"Who Is a Consumer? An Analysis of the Politics of Consumer Conflict" by David Vogel and Mark Nadel, in *American Politics Quarterly* (Jan. 1977), Sage Publications, 275 South Beverly Drive, Beverly Hills, Calif. 90212.

Shifting allegiances often slow enactment of "consumer" legislation by Congress. Groups on the "consumer" side of one issue may jump to the "business" side in other, seemingly similar circumstances. Vogel, a professor of business administration at Berkeley, and Nadel, a staff member of the Senate Governmental Affairs Committee, analyze recent congressional struggles to prove their point.

Six years ago, initial support for a Consumer Protection Agency, later renamed Agency for Consumer Advocacy (ACA), came from "middle-class reformers" and organized labor. But the "reformers" soon bogged down in internal debates over an issue raised by businessmen—whether a single federal agency such as the ACA could effectively act as a watchdog over other federal agencies without creating administrative chaos. ACA has yet to get through Congress.

The labor unions—members and leaders—as "consumers" are usually strong advocates of protection against corporate power. But when tariff legislation comes up on Capitol Hill, they switch to industry's side and see themselves as "producers" whose livelihoods would be threatened by foreign low-wage competition.

Federal "no-fault" auto insurance provides a case in which an industry's self-interest has caused a producer-to-consumer switch. During the late 1960s, insurance companies joined lawyers in opposing the accident liability plan under which an auto owner's insurer paid damages, no matter who was at fault. By the early 1970s, however, many insurers found that without "no-fault" they were themselves consumers of increasingly costly legal services. The insurers switched; "no-fault" now has a better chance of congressional passage.

POLITICS & GOVERNMENT

*Incremental Reform
for Welfare System*

"Approaches to Welfare Reform: The Case for Incrementalism" by Richard P. Nathan, in *City Almanac* (Dec. 1976), New School for Social Research, 66 Fifth Ave., New York, N.Y. 10011.

The "welfare mess" has been exaggerated, says Nathan, a Senior Fellow of the Brookings Institution. Although streamlining and integration of many programs are sorely needed, he argues, others have been largely successful, both in themselves and as part of a general strategy to help the needy.

His "two-track" approach would expand those programs already shown to be generally sound in concept and execution. All "in-kind" benefits (helping 2 million persons in 1971 and 20 million today) have filled the money-income gap. But food stamps—an integral part of in-kind benefits—should be given outright to the needy rather than sold at a discount as at present.

Cash aid to families with dependent children (AFDC) has also worked, but Nathan says the program could be made more effective by instituting a minimum monthly payment and cost-of-living adjustment and permitting benefits nationwide for families with unemployed fathers. Another needed improvement: national health insurance to replace Medicaid and Medicare.

This selective, "incremental" approach, Nathan contends, would eliminate the need for a national income floor, advocated by Brock Adams, now Carter's Secretary of Transportation, and others. It would also avoid "comprehensive" welfare reform, which both stirs up Congress and tends to neglect the very diverse needs of the poor.

*G.O.P. Activism
Grows in South*

"Republican Party Development in the South: The Rise of the Contested Primary" by Merle Black and Earl Black, in *Social Science Quarterly* (Dec. 1976), University of Texas Press, Box 7819, Austin, Tex. 78712.

Between 1900 and 1960, Republican candidates for governor in the traditionally Democratic South were usually selected by state party conventions or nominated in uncontested primaries, which attracted few voters.

Since 1960, this pattern has begun to change, say political scientists Merle Black (University of North Carolina, Chapel Hill) and Earl Black (University of South Carolina). But vigorous Republican gubernatorial candidacies have been more characteristic of the "peripheral" Southern states—Arkansas, Florida, North Carolina, Tennessee, Texas, Virginia—than of the Deep South—Alabama, Georgia, Louisiana, Mississippi, South Carolina. Only in South Carolina did the Republican

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vote evolve from virtual quiescence in 1962 (no G.O.P. candidate), through a strong challenge in 1970, to victory in 1974 (due in no small part to the disqualification of the original Democratic nominee).

Republican activism has been marked by a steady growth in the percentage of contested Republican primary elections—with intra-party struggles increasing as the level of G.O.P. general-election competition rose. Even so, it has been difficult to persuade Southern Republican voters to participate in party primaries. Contested Republican and Democratic primaries for governor were held simultaneously on 21 occasions in the South between 1960 and 1975, and seven Democratic votes were cast for every Republican vote. Two things are apparently required to produce high levels of grassroots Republican participation: a good showing in a recent statewide battle with the Democrats and a vigorous party primary struggle.

“Given time and resourceful leadership,” the authors conclude, “the Republican primary in some [Southern] states may come to rival the Democratic primary as an arena of electoral choice.”

How About an Election ‘Jury’?

“A Modest Proposal for Election Reform” by Burton A. Abrams and Russell F. Settle, in *Public Choice* (Winter 1976), Virginia Polytechnic Institute and State University, Blacksburg, Va. 24061.

Tongue mostly in cheek, Abrams and Settle, University of Delaware economists, suggest cutting the cost of presidential elections by disenfranchising “excess” numbers of citizens now trooping to the polls every four years.

Their thesis: Now that presidential elections are financed with public moneys, the real virtue in voter participation is not more people casting ballots but a refining of the process. On the average, their data show, each voter puts in about one hour preparing to vote and voting. He spends additional time registering to vote; this “social cost” of voter registration works out to about \$270 million.

In the 1972 election, a few million voters, more or less, would not have made any difference either to Nixon or McGovern. Abrams and Settle therefore suggest a national “jury” to pick Presidents (without taking into account the closer 1976 Ford-Carter contest). Its members should be chosen from among the various groupings—men, women, blacks, whites, rich, poor—that make up the U.S. population, much as a pollster constructs his modest “model” or cross section to determine how millions of Americans will react.

About 18 million voters (rather than the 86 million who voted in 1976) should be enough to render a just verdict, say the authors. Aside from its efficiency, this system would instill an enhanced sense of political responsibility in those people selected for the “jury.”

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*Turning Around
Old Voting Trends*

"Liberalism Upside Down: The Inversion of the New Deal Order" by Everett Carl Ladd, Jr., in *Political Science Quarterly* (Winter 1976-77), 2852 Broadway, New York, N.Y. 10025.

As many political analysts have noted, the New Deal voting pattern—relatively well-to-do Republicans vs. Democratic workers—has changed greatly since World War II. Ladd, a University of Connecticut political scientist, looks at the details. He analyzes the Democratic voting trends of the high, middle, and low "socio-economic strata" (SES) in the presidential elections of 1948, 1960, 1968, and 1972.

Among his findings: 30 percent of high SES votes went to Truman in 1948, 38 percent to Kennedy in 1960, 36 percent to Humphrey in 1968, and 32 percent to McGovern in 1972.

The shifts in the middle SES (lower white-collar or skilled manual occupations) and lower SES (semiskilled and unskilled occupations, service workers, farm laborers) are far more dramatic. Truman received 43 percent of middle SES votes and 57 percent of lower SES; Kennedy 53 and 61 percent; Humphrey 39 and 38 percent (Ladd does not discuss the impact of George Wallace's 1968 candidacy); and McGovern 26 and 32 percent.

High SES professionals (doctors, lawyers, scientists, and others in related fields) now have good incomes but many do not line up with "business." Rather, they tend to see themselves as members of an "intelligentsia" that responds to liberal "intellectual values and orientations." At the same time, much of the working class has gained a greater degree of material prosperity (e.g., a house in a "first suburb"). These voters are not only "anxious to preserve a status achieved at considerable effort" but are fearful that they will have to foot the bills for the ever-widening social services to the poor advocated by well-to-do liberals.

*The Burdens
of Unemployment*

"39, 52, 65, Hike: The Lengthening Weeks of Unemployment Insurance" by Joseph M. Becker, S.J., in *Across the Board* (Feb. 1977), Conference Board, 845 Third Ave., New York, N.Y. 10022.

Since last fall, when HR 10201 was signed into law by President Ford, adding 9.1 million jobs to the total covered by unemployment compensation, about 93 percent of the U.S. civilian work force has been protected against total loss of income due to joblessness.

Yet, says Becker, a Georgetown social studies professor, this increased coverage and, particularly, the recent, recession-born extension of eligibility time have quintupled the "normal" cost (to \$15 billion) and placed stresses on the program it was not designed to bear.

Unemployment insurance is a federal-state program. Each state program must meet certain limited federal standards, but determination

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of nearly all the key provisions—amount and duration of benefits, eligibility requirements, disqualifications, tax rates for employers—is generally left up to the states. (In 1976, Texas employers paid about 0.3 percent of wages; California employers paid 2.1 percent.)

As of October 1976, 20 states and the District of Columbia had been forced to borrow an extra \$3 billion from the federal unemployment account in Washington, whereas other states had healthy reserves of federal funds, together with moneys they had raised themselves through taxes.

The new 1976 law creates a national commission to study unemployment compensation. Becker recommends that it separate myth from fact in unemployment research; it should consider whether or not employees should be taxed as well as employers and design a fair formula for state and federal sharing of the burden.

FOREIGN POLICY & DEFENSE

*A Critique
of SALT Ideas*

“Detente, Arms Control, and Strategy: Perspectives on SALT” by Colin S. Gray, in *The American Political Science Review* (Dec. 1976), 1527 New Hampshire Ave., N.W., Washington, D.C. 20036.

Certain arms control theories and strategic perceptions have shaped U.S. policy in the Strategic Arms Limitations Talks (SALT) with Moscow that began in 1969. As a result of these, SALT, in Gray’s view, has produced “no substantial measures” of arms control. The latest accord on numbers of missiles at Vladivostok in 1974, far from “putting a cap” on the superpower arms race (as Henry Kissinger put it), opened the door to “qualitative” competition and future strategic instability.

In a detailed critique of published U.S. thinking about SALT, arms control, and détente, Gray, a Hudson Institute researcher, suggests that revived debate on national defense strategy was overdue—and not only because of long-underestimated Soviet growth in ICBMs and heavy warheads.

The big questions, he suggests, still need serious study: “What really drives” the nuclear arms race? What have we learned about the “dynamics” and real “purposes” of arms control talks since 1958? What should be the criterion (“sufficiency” or “essential equivalence” with Moscow) for U.S. strategic forces in the long-range future? How do Soviet strategic concepts and negotiating policies differ from those of the Americans? And which of these differences are important?

Essentially, Gray says, American arms control theorists long assumed that, since both Moscow and Washington felt strong enough to ensure the destruction of the other side’s urban industrial base in

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case of nuclear war, mutual deterrence would work; hence, further increases in number or quality of strategic forces (e.g., bigger ICBM warheads) would make no sense politically or militarily. Then both Moscow and Washington could negotiate mutual reductions in the nuclear arms levels needed to maintain "parity," "sufficiency," and "stability."

"The crucial and avoidable Western error," Gray argues, "has been the enduring misconception that Soviet motivation [in SALT] could be explained in terms of American arms control theory." Washington's ignorance of Soviet motivations remains profound. But indications are that Moscow seeks "political gains" from military competition, that its leaders do not share the American notion of self-limiting nuclear "sufficiency," and that, unlike the Americans, they do not really regard SALT as "an institution where technical experts should seek to control a nuclear arms race that had evaded *political* control."

Only recently, writes Gray, has it begun to dawn on American arms control specialists and policymakers that the Soviets may be playing the SALT game by different rules and with different goals. The implications for U.S. defense policy are enormous. Badly needed, he contends, is less simplistic, more "political" analysis "relevant to a super-power strategic balance that is evolving in favor of the Soviet Union."

*Warnke's Views
of the World*

"We Don't Need a Devil (to Make or Keep Our Friends)" by Paul C. Warnke, in *Foreign Policy* (Winter 1976-77), 155 Allen Blvd., Farmingdale, N.Y. 11735.

The "complex game of global maneuver we play with the Soviets" should not be allowed to distort U.S. relations with other nations, writes Warnke, a Washington lawyer and President Carter's first choice as head of the U.S. Arms Control and Disarmament Agency.

Although the Soviets' military strength now approaches that of the United States, Moscow is still a "long way from first rank" in terms of economic weight and political influence; its aid to the Third World is "spotty" and "blotted with glaring self-interest." The Russians need U.S. technology and feed grain; Washington should try to work out agreements with Moscow that would contribute to world security, beyond the "imperative of an agreement at SALT that would effectively restrain the . . . accumulation of still more nuclear arms." One possibility: a U.S. offer of talks on Indian Ocean naval limits.

For Peking, observes Warnke, "our value as a friend may still be perceived as a function of our status as their enemy's [Moscow's] enemy." But U.S. policy toward China cannot hinge on how anti-Soviet we are. Nor, he adds, is it "our responsibility to re-establish Peking's control over Taiwan"; any Communist effort to settle the Taiwan issue by force would be a threat to U.S. interests in the area. Overall, the United States should act as the enemy of neither Moscow nor Peking, thereby "gaining our greatest ability" to make the future brighter.

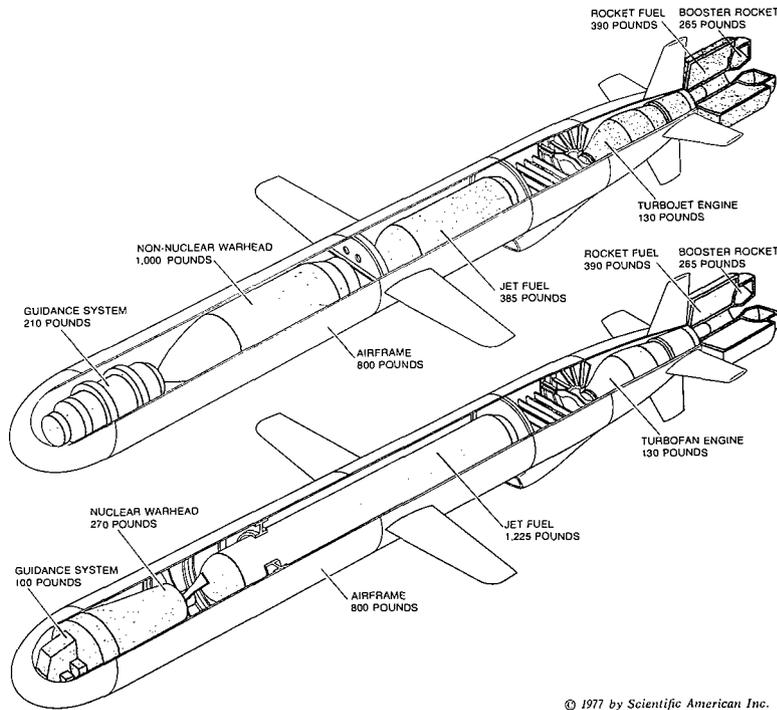
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*Cruise Missiles
and SALT*

"Cruise Missiles" by Kosta Tsipis, in *Scientific American* (Feb. 1977), 415 Madison Ave., New York, N.Y. 10017.

A descendant of Germany's World War II buzz bomb, the new U.S. subsonic cruise missile's chief military potential is not as a long-range "strategic" weapon (Polaris submarines and ICBMs are far more effective) but as a relatively cheap non-nuclear "tactical" weapon with a 350-mile range.

In theory, writes Tsipis, an M.I.T. physicist, highly accurate cruise missiles, costing \$50,000 apiece, capable of being launched en masse from ordinary ships, could replace the Navy's \$10 million manned fighter-bombers and their associated multibillion dollar carrier task forces. In combination with precision-guided short-range missiles on the ground and pilotless drones as spotter planes, the cruise missiles



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The Navy's 20-foot sea-launched cruise missile (SLCM) is shown in both its tactical short-range version (top) and its strategic nuclear version (bottom). Externally the two versions appear identical—which is part of the "cruise missile problem" at the SALT talks.

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could conceivably displace most of the costly manned fighter-bombers in the U.S. arsenal.

The cruise missile per se, Tsipis contends, is not what threatens arms control agreement with the Russians in the current round of SALT talks. It is the difficulty in distinguishing non-nuclear tactical cruise missiles from strategic nuclear missiles. Further U.S. development of sea- or air-launched "strategic" cruise missiles, Tsipis argues, jeopardizes SALT agreement and is militarily unnecessary. He urges that Washington develop "tactical" cruise missiles, recognizable as such by their limited size and engine type, and agree to forgo the nuclear "strategic" variety. Any future Soviet effort to mass-produce the strategic version could be detected, and, with its technological edge, the United States could swiftly respond.

*The Politics
of Nixon Diplomacy*

"Foreign Policy and the Politics of Interdependence: The Nixon Presidency" by Edward A. Kolodziej, in *Polity* (Winter 1976), Thompson Hall, University of Massachusetts, Amherst, Mass. 01002.

U.S. diplomacy during the Nixon years was founded less on a grand design than on "a process by which foreign policy would be managed or manipulated" to enhance presidential stature, says Kolodziej, a University of Illinois political scientist.

Discounting ideology and relying instead on "maneuvering," the President and Secretary Kissinger drew old adversaries (notably China and the Soviet Union) into mutual competition, while each was drawn closer, in separate negotiations, to the United States. Pragmatism dominated U.S. foreign policy, with short-term stability the principal goal.

Much effort was spent by Nixon and Kissinger on discovering whom to deal with—in Congress or abroad. Overseas, this approach led to "a more fluid, less structured international system." But the administration's penchant for dealing with the most powerful individuals or governments diminished the roles of client states such as Vietnam and lesser but still important power centers (Japan and the European Community).

Nixon "ironically" acted on assumptions different from those of Truman, Kennedy, and Johnson. He believed strongly in the "interdependence" of domestic politics and foreign policy. He saw himself as a leader who, "by force of his intellect, will, and imagination could impress himself on events, gaining glory denied lesser men." By ignoring Congress, manipulating the U.S. electorate, and neglecting to build a broad, philosophically based consensus, Kolodziej contends, Nixon weakened his credibility in both domestic and foreign fields. The Gaullist "personalization of diplomacy" by Nixon tended, finally, to "deflect attention from the inherent limits imposed on a nation or its executive in conducting foreign affairs."

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***The Public's
Need to Know***

"Intelligence Secrecy and Security in a Free Society" by William Colby, in *International Security* (Fall 1976), 9 Divinity Ave., Cambridge, Mass. 02138.

Must the United States forswear secret intelligence in order to prevent abuse of its domestic freedoms? Or should it accept limits on these freedoms to preserve American society in a dangerous world?

"Both exposure and secrecy are essential," writes Colby, who retired as director of the Central Intelligence Agency last year after cooperating with congressional investigations of prior Agency wrongdoing. But, Colby adds, the United States must develop a new, "appropriate" concept of secrecy—better than that embodied in the 1974 Freedom of Information Act amendments (which opened up historical documents to public scrutiny) or in President Nixon's ineffective 1972 executive order reducing "secrecy" classification of documents.

Colby urges a reversal of the old CIA rule barring secret information to all but those officials who "need to know." Without revealing sources, confidences, or sensitive technical data, he contends, the essentials of most policy problems (e.g., whether or not to intervene in Angola) and the structure of negotiations (as in the Arab-Israeli dispute) can be disclosed on the basis of the public's need to know. When, for diplomatic reasons, the executive branch must remain officially silent, basic information can then be released by congressional committees without attribution.

Endorsing proposals by President Ford, Colby urges that unauthorized disclosure by responsible officials of real secrets—such as intelligence sources and methods—should bring legal prosecution and thus provide judicial review of executive "secrecy" decisions and protection against cover-ups.

ECONOMICS, LABOR & BUSINESS

***The Court
and Business***

"What the Supreme Court Is Really Telling Business" by Walter Guzzardi, Jr., in *Fortune* (Jan. 1977), 541 North Fairbanks Court, Chicago, Ill. 60611.

The Burger Court is widely viewed as reflecting a national antipathy towards too much concentration of power in Washington. But Guzzardi, a *Fortune* editor, says the Court's apparent "attack" on central government is limited in scope and not necessarily a boon to business.

Favoring business were 1975-76 Supreme Court rulings that curbed the powers of various federal regulatory agencies, notably the Securities and Exchange Commission. The Court's majority also endorsed

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several contested bank mergers to end an almost unbroken 40-year string of Justice Department court victories in the antitrust area.

In one SEC case, the Court's majority found that the agency had been overzealous in trying to show fraud without making the case that the Wall Street defendants had acted with knowledge that what they were doing was indeed fraudulent (the principle of *scienter*). In this case, writes Guzzardi, the Court was making the point that the sheer complexity of regulation can sometimes lead to honest error.

But there was also a unanimous ruling in 1976 supporting the U.S. Environmental Protection Agency against a power company; the Court has shown "surprising deference" to state legislatures in upholding their powers to tax and regulate corporations. In general, Guzzardi finds, "it is the cause of the states, not the cause of business, that the Court is promoting."

But beyond states' rights, the Court, in a series of decisions, particularly one involving odd-lot investments, has made clear its feeling that class-action suits as vehicles to redress all grievances are "simply not permissible," and that the citizen's proper route for righting perceived wrongs inflicted by corporations or governments is through the legislature, not the courtroom.

*Karl Marx
and Adam Smith*

"Smith v. Marx on Business Morality and the Social Interest" by William J. Baumol, in *The American Economist* (Fall 1976). Long Island University, Brooklyn Center, Brooklyn, N.Y. 11201.

Karl Marx professed a more benign view of the capitalistic businessman than Adam Smith, whose *Wealth of Nations* (1776) is considered the charter document of free enterprise.

Princeton economist Baumol argues that capitalism, as depicted by Smith, "is a mechanism designed, apparently by divine providence, to curb man's inherent selfishness and, indeed, to put it to work for the general good." To Marx, the capitalist is simply the product of a historical process, neither inherently good nor evil, destined to be no more than a transitory exploiter of the working class.

To Smith, man in general (the businessman in particular) is morally weak and untrustworthy. Yet to Marx, the capitalist, "with all his crimes, is not the product of a warped morality, but of a set of circumstances that give him no choice."

Smith's economic analysis shows a progression from a simple to a complex market system, in which free enterprise can exercise perfect restraint if supply and demand are left unhampered by monopolistic restrictions or governmental interference. Marx argues that the capitalist entrepreneur should be admired for his creativity and that his energies can be redirected to serve the general welfare in another stage of history—the communist society.

ECONOMICS, LABOR & BUSINESS*Don't Break Up
the Oil Companies*

"Vertical Divestiture of U.S. Oil Firms: The Impact On The World Oil Market" by William A. Johnson and Richard E. Messick, in *Law and Policy in International Business* (vol. 8, no. 4, 1976), Georgetown University Law Center, 600 New Jersey Ave., N.W., Washington, D.C. 20001.

Legislation that would force the breakup of the major oil companies into separate producing, transporting, and refining-marketing firms would make the United States far more vulnerable to another Arab oil embargo, say George Washington University economist Johnson and co-author Messick, a research associate at Indiana University.

One of the principal arguments made for divestiture legislation is that it would weaken the OPEC oil cartel. Congressional proponents maintain that divestiture would shatter the old system under which the oil companies help sustain high prices for crude oil by guaranteeing a market and by allocating production among OPEC members so as to maintain a balance between world supply and demand.

The authors dispute this, arguing that there is a market for OPEC oil, regardless of the major oil companies, and that OPEC alone is now setting production levels. Divestiture would not weaken OPEC. Instead, it would most likely result in a proliferation of crude-short refining companies that could be expected to engage in panic bidding for oil supplies, as occurred during the 1973-74 Arab oil embargo. Moreover, some of the big integrated companies might move their headquarters abroad to escape U.S. curbs and focus on foreign operations in competition with weaker, nonintegrated U.S. companies.

For the United States to abandon its special relationship with the international oil companies would make oil sharing among Western nations (quietly arranged by the companies in 1973-74) less likely in the event of another embargo. Without this allocation system, the United States would be subject to the full force of Arab pressure.

Fish Story

"The Economics of a 200-Mile Fisheries Zone" by Robert J. Slye, in *Naval Institute Proceedings* (Feb. 1977), U.S. Naval Institute, Annapolis, Md. 21402.

A 200-mile "economic zone," unilaterally imposed by Washington, went into effect off U.S. coasts March 1. It was designed to end the influx of Soviet and Japanese fishing vessels and help U.S. fishermen, whose share of the annual catch in Atlantic waters alone has declined from 93 to 50 percent since 1960.

But Slye, a Coast Guard ensign with experience in Alaskan waters, observes that the establishment of the 200-mile economic zone does not mean that the United States is either "ready or willing" to match the foreigners' fishing efforts. "We do not want foreign vessels taking

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'our' fish to market," he writes, "yet we do not have the capability to land even enough fish for our home markets." The U.S. fishing industry has nothing to match the big Soviet or Japanese "factory ships"; over 90 percent of U.S. vessels are less than 100 gross tons. Without major federal subsidies of prices, wages, and shipbuilding, American fishermen cannot modernize, and no such subsidies have been proposed.

A less costly alternative, Slye suggests, would be to allow foreigners to continue fishing in the newly decreed zone under close supervision, with quotas, set seasons, and fees paid to the U.S. for the purpose of developing its own fishing industry.

*Business Success
and Education*

"Relating Education to Entrepreneurial Success" by Merrill E. Douglass, in *Business Horizons* (Dec. 1976), School of Business, Indiana University, Bloomington, Ind. 47401.

Although many basic texts on small-business management cite the "low formal education level" of typical individual entrepreneurs, this assumption is a "myth," even in the South, according to Douglass, a business professor at Michigan's Grand Valley State College.

Douglass interviewed 153 entrepreneurs (black and white, one-third of them women) in the greater Atlanta area; all of them were owner-operators of firms with fewer than 30 employees. He found that one-third had college degrees, 24 percent had "some college," and 31 percent a high school degree. The blacks were slightly more educated than the whites, especially the women, one-fourth of whom had graduate degrees.

But higher education did not necessarily mean greater entrepreneurial success; those owner-operators with "some college" did better—in terms of their companies' sales growth—than those with college degrees. And, to Douglass's surprise and chagrin, college graduates who had majored in business were "not as successful as other college majors," e.g., majors in engineering or science.

*Banks Need
Reform Laws*

"Banking Legislation: Key Issues for 1977" by Paul S. Nadler, in *Bankers Monthly* (Dec. 1976), 601 Skokie Blvd., Northbrook, Ill. 60062.

"Haphazard" federal regulatory and legislative practices have made it possible for savings banks, savings and loan associations, and credit unions to gain unfair advantage over commercial banks, whose activities are in general far more restricted by law.

So argues Nadler, a Rutgers business professor. He sees the dwindling membership of banks in the Federal Reserve System as a trend

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meriting serious federal attention. Banks are now withdrawing from the "Fed" at the rate of almost one a week, because many states permit banks' required reserves to be kept in interest-yielding instruments—a benefit the Federal Reserve System does not confer. Without widespread bank participation, the ability of the Fed to manage money markets would be severely hampered.

Originally, the nation's commercial banks functioned as the sole repositories of checking accounts; lax federal and state regulations now allow this function to be taken over in effect by credit unions, savings banks, and savings and loan institutions (called "thrifts"). Moreover, the thrifts in many states can offer checking accounts that bear interest—a device forbidden to commercial banks in 44 states. This is done under a number of guises; the principal one is called "Negotiated Offer of Withdrawal," or NOW.

As Nadler sees it, competition—and resulting improvement in services to customers—is being curbed by too much regulation. In many states, for example, commercial banks, but not "thrifts," are severely restricted in their use of such technological improvements as telephone transfer of funds (including bill-paying by phone) and 24-hour "electronic tellers."

Arab Oil Tankers: A Slow Start

"Arab Investment in Shipping Could Run Out of Steam Soon" by Bruce Barnard, in *The Middle East* (Jan. 1977), 17/18 Henrietta St., London WC2E 8Q, England.

When Arab states began generating huge revenues from increased oil prices in 1973, some Middle East leaders believed that a good way to put the new money to work would be to use Arab-owned tankers to carry Arab oil to foreign markets. This goal has not come close to realization.

Barnard, a writer on Arab affairs, notes that the newly created, nine-country Arab Maritime Petroleum Transport Company showed an operating loss in 1975 and that the associated United Arab Shipping Corporation will probably fall far short of its goal of 150 vessels, mostly tankers, by 1985. By then, ship tonnage controlled by Middle East states is expected to increase by only 45 percent, a growth rate, economists say, that falls well below what might be expected, given the Arabs' available capital and control of resources.

Why? Private investors in the Middle East have preferred to put money into such overseas and domestic ventures as real estate, tourism, and other potential sources of fast profits. The Arab countries entered the international shipping industry when it was showing its lowest profit rates in 30 years. And Middle East governments have had only slight success in making deals with Western or Japanese

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shipbuilders or shipowners because these firms fear competition with their own countries' tanker fleets.

There is hope, however, says Barnard. The Saudis have already built two small vessels in Finnish yards, and contracts are being signed for more. European investors, eager to stay in the Arabs' good graces, have recently opened negotiations with Arab governments on joint shipping ventures once viewed as too risky, because changes in political power could cancel or modify earlier contracts.

Iran is a focal point for joint private-government investment ventures involving foreign and domestic capital. While most big private investors in Tehran for a time eschewed shipping, chiefly because it was dominated by the state-owned Arya corporation, a new industrial development plan offers limited subsidies for investment in shipowning and low-interest, fast write-off loans for local carriers seeking to expand.

The Lessons of Concorde

"Supersonic Bust: The Story of the Concorde" by Peter Gillman, in *The Atlantic Monthly* (Jan. 1977), 8 Arlington St., Boston, Mass. 02116.

The development of the Anglo-French supersonic Concorde jetliner has taught politicians, promoters, and businessmen a number of lessons—notably that a \$6.82 billion investment does not necessarily produce profits or international harmony.

Gillman, a London *Sunday Times* aviation writer, says the greatest mistake was made when the aircraft was first being seriously discussed 20 years ago; officials thought then that high speed would be more of an attraction to passengers than cheap tickets. (The Concorde passenger who flies the Atlantic now pays 50 percent more than the cost of a regular first-class ticket.) The second lesson stemmed from faulty design. Planners assumed that the aircraft would carry 150 passengers nonstop across the Atlantic; it was later discovered that, because of engine and fuel-tank design, the Concorde could carry only 70 people between Washington and Paris, its longest route. And even those 70 are cramped for space, Gillman says.

The third lesson is that international joint ventures do not necessarily make for harmony. In 1962, the British very nearly decided to drop out of the Concorde program; President de Gaulle, who wanted Concorde for French prestige as much as for profits, responded by saying such a decision would mean that the United Kingdom was not ready for entry into the Common Market. The British reconsidered and continued to participate in a costly project that has given the French and British aircraft industries much publicity but little else.

There is now talk, says Gillman, of a "second-generation Concorde." If it comes, he adds, it will be developed for reasons of profit, not politics or national prestige.

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*Status Report
on Psychiatry*

"Psychiatry: Dead or Alive?" by Alan A. Stone, in *Harvard Magazine* (Dec. 1976), P.O. Box 301, Uxbridge, Mass. 01569.

In 1960, "as many as one out of 300 Americans was involuntarily confined in a state mental institution," reports Dr. Stone, a Harvard psychiatrist and vice president of the American Psychiatric Association; the ratio is now only one in 2,000.

Better, quicker care is not the only reason for this change. Since the mid-1960s, Stone writes, an "anti-psychiatrist crusade" by civil libertarians in the courts and state legislatures has restricted treatment techniques and confinement of the severely disturbed; Stone sees too ready acceptance of lawyers' claims that "we can solve the problems [of the mentally ill] by giving them their freedom and nothing more."

Moreover, in the early 1970s, psychiatry faced other problems. The profession suffered from bitter internal disputes among transactionalists, existentialists, gestaltists, sex therapists, group therapists, behavioralists, and neurobiologists. Finally, a new "social psychiatry" blossomed with the notion that most mental illness stemmed from job trouble, racism, sexism, the atomic threat, and the like, and hence almost "everyone can do with some treatment." This "elastic" approach, Stone notes, almost destroyed psychiatry. Fortunately, he adds, the approach is now more realistic; and the nation's 25,000 psychiatrists have begun to focus on their real mission: treating those who suffer from "incapacitating mental illness."

*How Volcanoes
Change Climate*

"Volcanoes and the Climate" by Owen B. Toon and James B. Pollack, in *Natural History* (Jan. 1977), P.O. Box 6000, Des Moines, Ia. 50340.

In 1815, 12,000 people died in the Dutch East Indies when the Tambora Volcano exploded, spewing ash high into the sky. The following year, New England and parts of Europe endured a "year without summer," with record cold weather destroying crops and causing famine and mass migrations. Were the two events connected? Many scientists believe so, say Toon and Pollack, climatologists with NASA's Ames Research Center in California. Most experts agree that a large volcanic explosion can cause bad weather for a few years but there is disagree-

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ment about the relationship between violent volcano activity and long-term climatic changes.

When a volcano erupts, quantities of ash and volcanic gases rich in sulfur dioxide are hurled into the stratosphere where they remain for several years, reflecting sunlight back into space, thus cooling the earth's surface. Studies by British climatologist H. H. Lamb show that the period of major volcanic activity between 1500 and 1912 resulted in average temperatures almost 1 Fahrenheit degree cooler than during the post-1912 nonvolcanic period. Likewise, Toon and Pollack note, a worldwide study of volcanic ash layers in ocean sediments has found that there were many more violent volcanic eruptions during the 2 million years of the ice ages than during the preceding tens of millions of years. This does not prove that volcanic activity could initiate another ice age, but the evidence suggests that volcanoes have produced unusual weather in the past and may have been involved in important climatic changes.

*'Gene-Splicing':
A Public Debate*

"Gene-Splicing: At Grass-Roots Level a Hundred Flowers Bloom" by Nicholas Wade, in *Science* (Feb. 11, 1977), 1515 Massachusetts Ave., N.W., Washington, D.C. 20005; "Recombinant DNA: Fact and Fiction" by Stanley N. Cohen, in *Science* (Feb. 18, 1977); "An Evolution-Perspective for Genetic Engineering" by Robert Sinsheimer, in *New Scientist* (Jan. 20, 1977), King's Reach Tower, Stamford St., London, SE19LS, England.

"For a research technique too new to have produced a single practical application," writes Wade, a *Science* reporter, the recombinant DNA method of "gene-splicing" has produced an unusually lively dispute revolving around safety issues. The debates have spread from university campuses to city councils or state legislatures in Sacramento, San Diego, Ann Arbor, Madison, Albany, and Cambridge. The Sierra Club and its allies seek tighter curbs on the technique; scientists who first pointed out the risks call much of the opposition "irrational." In the end, most public bodies endorsed the safety guidelines set by the National Institutes of Health last June.

Essentially, says Cohen, a Stanford geneticist, the three-year-old laboratory technique "involves the propagation of genes from diverse sources in bacteria." On a practical level, the process has potential for the construction of bacterial strains that can produce antibodies and hormones; it could vastly simplify the production of antibiotics, vaccines, vitamins, and medically and industrially useful chemicals. Other potential uses are less certain. In agriculture, the technique may someday be used to reduce plants' need for fertilizer. In the energy field, it may lead to the exploitation by man of the process

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whereby certain algae produce hydrogen from water, using sunlight as energy.

Defending the NIH guidelines, Cohen says that no such thing exists as "zero risk"; the public should weigh the "reasonable expectation" of major benefits from recombinant DNA research against "the vague fear of the unknown."

In *New Scientist*, Sinsheimer, a California Institute of Technology biologist, contends that the NIH guidelines neglect the long-range "potential evolutionary consequences" of gene-splicing because they were written to cope with "immediate medical hazards." (The complex NIH rules prohibit some experiments, notably those involving known high-risk pathogens such as the Lassa fever virus and Newcastle disease virus, which affects chickens, but some "moderate-risk" organisms, such as *Salmonella typhi*, are eligible for recombination. Release into the air of any recombinant DNA molecule is prohibited.)

Sinsheimer urges that all such research, by industry or universities, be done under maximum security conditions, using organisms which, in contrast to the commonly used *Escherichia coli*, are not apt to survive if they escape the laboratory.

Are We a Nation of Hypochondriacs?

"On the Science and Technology of Medicine" by Lewis Thomas, in *Daedalus* (Winter 1977), 165 Allandale St., Jamaica Plain Station, Boston, Mass. 02130.

Notwithstanding congressional complaints of its "insufficiency," writes Thomas, the American health care system—doctors, clinics, hospitals, nurses—has been expanding rapidly. Estimated annual expenditures for health care have gone from \$10 billion in 1950 to \$130 billion in 1976, and the costs will rise further if a national health insurance program is enacted.

Thomas, executive director of Memorial Sloan-Kettering Cancer Center in New York, sees little justification for this spending "boom" in terms of real U.S. health needs. Average life expectancy is now 72 years; far less hospital care is required for common infectious diseases (e.g., lobar pneumonia and meningitis) since the development of antibiotics in the 1940s. Nor is the boom explicable in terms of major medical breakthroughs requiring expensive new technology. Indeed, the major killer diseases of 1950 (heart disease, cancer, kidney disease) are the same in 1977; here, U.S. medicine has employed extremely costly "halfway" techniques of diagnoses and treatment, far short of "cures" or "prevention."

Most important, the lion's share of health outlays by Americans is spent on nonfatal, as yet technologically incurable, illnesses—influenza, gastrointestinal ills, arthritis, neurosis, psychosis. Thomas argues

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that TV commercials, newspaper columns, and fund-raising propaganda by "disease agencies" (e.g., the Heart Fund) have fostered a "national obsession" with disease. In turn, "unsupportable demands" have arisen for illusory preventive medicine; seeing the doctor has become a "cultural habit." Redesigned for use only when really needed, Thomas contends, the health system would probably cost much less; new investment should be for research to move future health technology beyond the "halfway" point.

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Can We Do As Swedes Do?

"Efficient Energy Use and Well-Being: The Swedish Example" by Lee Schipper and Allan J. Lichtenberg, in *Science* (Dec. 3, 1976), 1515 Massachusetts Ave., N.W., Washington, D.C. 20005.

The per capita gross national product in Sweden was only 10 percent below that of the United States in 1971. Yet, for every dollar of GNP, Sweden required only 68 percent as much energy as this country. Schipper and Lichtenberg, both energy researchers at Berkeley, studied the Swedish economy in great detail and found that Sweden uses less energy per capita in all sectors, while enjoying a standard of living rapidly approaching that of the United States.

Swedish passenger transportation relies more heavily on subsidized rail and bus systems than on automobiles and aircraft. (In Stockholm, Gothenburg, and Malmo, where 25 percent of Sweden's population lives, mass transit, motor bikes, and pedal bikes account for 75 percent of all commuting.) Swedish building codes require homes and offices to be far better insulated than in America, and 19 percent of the country's residential heating needs are met by highly efficient district heating stations. Swedish factories generally operate with higher energy efficiency than U.S. factories, in part because of more modern equipment. For example, lumber by-products provide 60 percent of all fuel used in the paper industry (which consumes 15 percent of all energy in Sweden) as against 35 percent in the U.S. paper industry.

The most important factors shaping Sweden's energy consumption patterns, the authors note, are government policy and "the relative price of energy with respect to other resources." Heavy taxes are levied on gasoline for cars, and government loans favor conservation-minded builders. The writers suggest that similar initiatives in the United States, especially those favoring smaller cars, better structures, and more efficient use of process heat by industry, "would result in savings of 30 percent in the total energy used."

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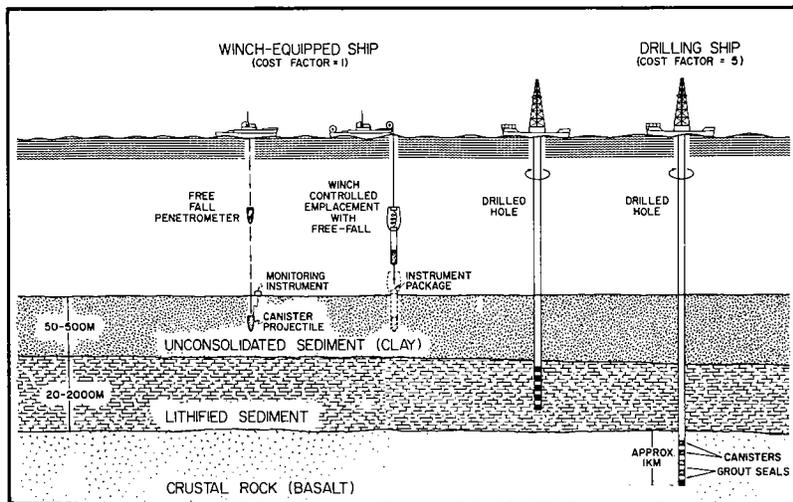
Deep-Sixing Atomic Wastes

"Can We Dispose of Radioactive Waste in the Deep-Sea Floor?" by G. Ross Heath, in *Maritimes* (Nov. 1976), University of Rhode Island, Wakefield, R.I. 02880.

Proposed solutions to the critical problem of radioactive waste disposal include: (1) burning dangerous waste elements in nuclear reactors, (2) launching waste containers by rocket deep into outer space, and (3) burial in stable formations of the earth's crust. The first option requires new technology; the second is extremely costly; but there appear to be no ecological or technological barriers to the third option when stable sediments of the deep-ocean floor are used, writes Heath, an oceanographer at the University of Rhode Island.

The deep seabed—four miles down—offers distinct advantages. It is the "least valuable real estate on earth," containing no potential petroleum or mineral resources, supporting no important fisheries, and lying too far from land for recreation or mariculture. The proposed disposal sites lie far removed from shifting and unstable mid-ocean ridges and deep-sea trenches; thus they do not suffer the earthquakes or large rock movements of tectonically active areas. Unlike land sites, they will be unaffected by future ice ages.

Present plans call for packaging radioactive waste material (em-



Adapted from diagram by A. J. Silva and C. D. Hollister.

The chart illustrates "sub-seabed emplacement concepts" for radioactive waste disposal with deep-drilled emplacement (at far right) costing 40 times as much but burying 100-200 times as many nuclear waste canisters as "free fall" emplacement (at far left).

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bedded in silicate glass) in corrosion-resistant canisters. Even these will leak after 1,000 years, requiring surrounding sediments to impede the escape of radioactivity from slowly decaying elements for up to 1 million years. Tests show that the radioactive element thorium travels through North Pacific clay sediments, for example, at a rate of one meter every 10 billion years. What remains, Heath writes, is to determine the effects, if any, of both radioactive heat and the placement of disposal canisters on the barrier properties of deep-ocean sediments. Such research is now underway.

*Better Mileage,
Less Pollution*

"More Miles Per Gallon," in *Scientific American* (Jan. 1977), 415 Madison Ave., New York, N.Y. 10017.

If 11 million 1977-model automobiles are sold in the United States as predicted, reports *Scientific American* (in "Science and the Citizen") they will burn 3 billion fewer gallons of fuel (or 2.6 percent of current U.S. consumption by motor vehicles) in their first year on the road than they would if they ran as inefficiently as cars built only three years ago. Savings to motorists: \$2 billion.

Due largely to technological improvements by Detroit in response to federal legislation, the "sales-weighted fuel economy" of the new models has reached 18.6 miles per gallon compared to the historic 1974 low of 13.9. The 19 percent greater fuel economy was achieved even though federal exhaust emission standards were tightened for 1977 models. Still stricter standards in California, requiring special antipollution devices, cost owners of 1977 models there a 12 percent "fuel penalty." The auto industry has asked Congress to ease 1970 legislation mandating "ultimate" emission standards nationwide by 1978.

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*Hare Krishna
and U.S. Youth*

"Light from the East: A Report from Naropa" by Harvey Cox, in *Christianity and Crisis* (Jan. 24, 1977), 537 W. 121st St., New York, N.Y. 10027.

"For over 100 years, some Americans have been tempted to Go East . . . when they have become discontented with what was at hand." It began as early as 1858, when India's Swami Jogut Sangooly visited Ralph Waldo Emerson in Concord. Oriental religions also intrigued Walt Whitman, William James, and the theosophists. After summer teaching at the Buddhist Naropa Institute (1,000 American students)

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in Boulder, Colo., Cox, a Harvard theologian, suggests, however, that there is "something different about the current wave of interest in Eastern spirituality."

Unlike the New England transcendentalists, today's young "seem more interested in *practice* than in doctrine." The average American "spiritual pilgrim" today is not an intellectual; he chants or does yoga before going on to philosophy, if he goes on at all; many Hare Krishna followers are working-class youths who joined up mostly to rid themselves of drug habits. In general, Americans are culturally ill-prepared for Eastern ideas, writes Cox. Many interpret the Buddhist "attitude of detachment," for example, as the "legitimization" of "free-floating irresponsibility"; they detach themselves from the world but not from their own egos.

But the challenge from the East has ended the Judaic-Christian "cartel on the religious market," Cox says, and may help to revive some neglected aspects of Western religious tradition. The Eastern emphasis on direct spiritual experience may encourage Western denominations to reaffirm their own belief that "faith must spring from real encounter" and inject a "long-needed corrective to the stern neo-orthodox suspicion of religious experience."

The Minister As Exemplar

"The Hero and the Minister in American Culture" by E. Brooks Holifield, in *Theology Today* (Jan. 1977), P.O. Box 29, Princeton, N.J. 08540.

As the American folk hero has evolved, so has the image of the ideal Protestant minister, writes Holifield, an associate professor of church history at Emory University.

"Folksiness," fervor, and the expression of rural populist values were expected of the frontier preacher. Later, as more Americans moved to the cities in the 19th century and adopted genteel ways, they wanted pastors who were "learned and refined." With the rise of industrial giants like Andrew Carnegie and John J. Rockefeller came a preference for the "prince of the pulpit," the "forceful orator," who could "hold, move, and sway vast congregations." During the Progressive era when the great tycoons were discredited as "robber barons," congregations expected the minister to be a "man of social vision, a reformer." After World War I came a "managerial revolution" in America, and pastors with executive talents were sought.

Today's Protestant clergymen have inherited the burden of all these stereotypes, Holifield contends, and many pastors feel pressured by their congregations to conform to one or more of them. Rather than succumb to this pressure, clergy should look beyond it and soothe parishioners' private anxieties—which may be its source. In the future, he adds, the growing number of women clerics may itself cause many churchgoers to "readjust their traditional images of the minister."

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*An Argument
for Women Priests*

"Women, Ordination and Tradition" by Francine Cardman, in *Commonweal* (Dec. 17, 1976), 232 Madison Ave., New York, N.Y. 10016.

Cardman, a Roman Catholic professor of church history at Wesley Theological Seminary in Washington, contends that current objections to women as priests based on interpretations of Church "practice and traditions" are "unsound either as history or theology."

First, she says, Catholics must recognize the difference between Tradition (the Gospel of Jesus Christ in the Church) and changing traditions. Influenced by the Old Testament, the early Church developed clerical asceticism, celibacy, and limited roles for women, accompanied by a "questionable" sexist theological rationale. Attention was "focused on the *maleness*" of Christ, overlooking the "common *humanity* which he had taken upon himself." Then and later, it was easy to forget that Christ was the "last and only high priest"; thus, liturgy could become an end in itself with a dominant male priestly caste to serve it.

If both sexes serve as priests, Cardman suggests, women and men will see in the church "the full meaning of the ministerial expression of the priesthood of Christ, namely the representation of the fullness of redeemed humanity . . . that has been taken up in Christ."

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*How Poor
Is 'Poor'?*

"Poverty Status of Families Under Alternative Definitions of Income," in Congressional Budget Office *Background Papers* (Jan. 1977), Government Printing Office, Washington, D.C. 20402.

How many people are "poor" in the United States depends on how "poor" is defined.

Congress's own Budget Office (CBO) says its new definition decreases the number of families living below the poverty line from 9.1 million (11.4 percent of all families) to 5.4 million (6.9 percent).

This is done, says the CBO, by including in family and individual incomes the "in-kind" benefits (food stamps, Medicaid, Medicare, child nutrition, veterans and housing benefits). Such in-kind benefits have increased 16-fold in the past decade.

Total federal, state, and local expenditures for social welfare went from \$77.2 billion in 1965 to \$286.5 billion in 1975. But this increase was accompanied by no great decrease, either in absolute or percentage terms, in the number of poor families as defined by the Census Bureau.

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Income, as reckoned by the CBO, includes all revenue from jobs, dividends, rents, government, and in-kind transfers to families and individuals—minus payroll and income taxes.

The Census Bureau calculation is the same, except that the Bureau does not subtract taxes or include in-kind benefits, even though such benefits account for 22 percent of all transfer payments (public aid to individuals and families).

Both the Census Bureau and the CBO use the same “poverty line,” however. Adjusted annually for inflation, it is currently \$5,500 for a nonfarm family of four and \$2,800 for individuals. This is roughly based on the assumption that a poor family spends one-third of its take-home income for food. Thus, the “minimally adequate” food budget (one-third of \$5,500) works out to about \$35 a week for the family of four.

The effectiveness of in-kind transfers as a means of lifting families and individuals out of poverty varies according to age, location, and type of family. Incomes of families in the Northeast and North Central states are more enhanced than those of families living in the South and West. The incidence of poverty (calculated before in-kind benefits are added as income and taxes are subtracted) is greater for nonwhites than for whites, but figuring income according to the new CBO formula seems to raise the status of whites and nonwhites about equally. According to the Census Bureau’s calculation, one in every two families headed by a person more than 65 years old is below the poverty line; according to the CBO yardstick, poverty in such families is “virtually eliminated.”

Why the South Didn't Rise Again

“The Post-Bellum Recovery of the South and the Cost of the Civil War” by Peter Temin, in *The Journal of Economic History* (Dec. 1976), Eleutherian Mills Historical Library, Wilmington, Del. 19807.

Why didn't the South regain its agricultural prosperity after the Civil War? Three conflicting scholarly explanations have recently emerged. Gavin Wright blames a shrunken world demand for cotton; Roger Ransom and Richard Sutch say the end of slavery lowered productivity. Claudia Goldin and Frank Lewis believe the wartime destruction of the region was responsible. Temin, an MIT economic historian, seeks to reconcile “these stories and to present a unified interpretation.”

He concludes that the South’s postwar slump would have been about the same, had either emancipation or the slump in cotton occurred in isolation; in combination, they help to explain Dixie’s slow recovery. But, Temin finds, the Goldin and Lewis wartime-destruction thesis overestimates the war’s “hidden costs” by a factor of 4. Wartime damage was soon repaired; the slump in cotton and the metamorphosed labor situation were more long-lasting.

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*Half the Freshmen
Now Are Women*

"First-Time College Enrollment of Women Leaps Dramatically" by Anne C. Roark, in *The Chronicle of Higher Education* (Feb. 7, 1977), 1717 Massachusetts Ave., N.W., Washington, D.C. 20036.

The number of women entering college and graduate and professional schools has grown so sharply since 1970 that women now constitute about half the first-year enrollment in most of these institutions.

Discussing a newly released 1975 U.S. Census survey, Roark, a *Chronicle* staff-writer, also notes that women are much more likely than their male peers to drop out of school before obtaining their degrees.

Some 1970-75 changes: Total full- and part-time undergraduate enrollment for women went up 45 percent (versus 21 percent for men) to 4.4 million, due in large measure to a 100 percent enrollment increase for women aged 25 to 34. Enrollment of women in graduate and professional schools rose 75 percent; despite dropouts, the number of doctorates earned by women rose 59 percent to 7,300 (versus 26,800 for men). The number of "first professional degrees" (e.g., in law, medicine, dentistry) awarded to women rose even more sharply—184 percent (to 7,000). But Roark cites recent studies by the U.S. Department of Health, Education, and Welfare, pointing out that 87.5 percent of such advanced degrees in 1975 went to men, with no end in sight to this disparity.

*'Flawed Analyses'
of Black Rioters*

"The New Urban Blacks" by Abraham Miller, with Louis H. Bolce and Mark R. Halligan, in *Ethnicity* (Dec. 1976), 111 Fifth Ave., New York, N.Y. 10003.

Social scientists, analyzing the ghetto riots of the 1960s in Watts, Detroit, and elsewhere, have produced two sharply contrasting portraits of the black rioters. Both, writes Miller, a University of Cincinnati political scientist, are highly flawed.

The first profile is based on the "riff-raff" hypothesis: the rioters were "thugs, hoodlums, the unemployed"; many were newly arrived Southerners. They were more loot-inspired—some academics claim—than politically motivated. The opposing view is that the rioters were "the cream of urban Negro youth," politically conscious protesters who were often joined in violence by their frustrated elders.

Miller, re-examining the massive post-riot surveys with the aid of Bolce and Halligan, found that ideology had apparently flavored earlier interpretations. The data, he contends, show that the typical rioter was young (16 to 29), poorly educated, and near the bottom of the socioeconomic ladder—but not "riff-raff"; his upbringing, whether in the North or South, seemed to matter little. The typical politically conscious urban black, on the other hand, was a nonviolent militant, not

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a rioter; he was married, over 44 years of age, and from the top half of the occupational hierarchy rather than the bottom.

Neither the profile of the non-violent black nor that of the rioter, Miller concludes, accounts for violence or the lack of it. What the data do show, he says, is that the better educated and more mature members of the black community were among those who sought to prevent the rioting after it had begun.

Making Death Less Gruesome

"Hospice: A New Building Type to Comfort the Dying" by Lo-Yi Chan, in *AIA Journal* (Dec. 1976), 1735 New York Ave., Washington, D.C. 20006

Roughly two-thirds of all deaths in America occur in hospitals and other impersonal institutions that are "ill suited to the needs of the dying," writes Chan, a Manhattan architect. He then describes a very different "hospice" he helped design, near New Haven, Conn.

Using as models two successful English "hospices" (hospices were originally inns run by monks in the Middle Ages), Yale medical planners and others set up the nonprofit Hospice Inc. in 1971 to provide a special 44-bed "community" for the mortally ill. Unlike the typical hospital, it has no surgical facilities; it is more spacious than most nursing homes and has rooms for diagnostic X-ray equipment and physical therapy. To avoid isolation, most patients are housed in four-bed suites, with anterooms, and relatives' visits are encouraged. A day-care center for staffers' children adds a light note. The hospice entryway has a fireplace and alcove for coffee klatches.

The hospice idea, Chan argues, is applicable to special sections of general hospitals—but designers must "put aside the efficiency esthetic" and use "familiar patterns" to create a "supportive building" that is neither a hotel nor a "machine for dying."

Abortion Rights: Questions Persist

"Abortion and the Supreme Court: Round Two" by George G. Annas, *Hastings Center Report* (Oct. 1976), 360 Broadway, Hastings-on-Hudson, N.Y. 10706.

Despite the Supreme Court's 1973 landmark pro-abortion ruling in *Danforth v. Planned Parenthood of Missouri*, legal authorities are still in a quandary over how many restrictions a state can place on a woman's right to abortion.

The Court's five-man majority held that "non-mature" or "non-competent" minors would need parental consent for abortion, even in the first three months of pregnancy, when, under the Court's ruling, no state can forbid an abortion. (In the second trimester, a state may

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impose certain health standards; in the third, it may proscribe abortion except when a threat to health or life exists.)

In *Danforth*, the Court's minority argued in favor of requiring a husband's consent to his wife's abortion because the wish to continue a pregnancy should be given weight along with the the wish to end it. The minority also said that parental consent was desirable in *all* abortions involving minors "to protect children from their own immature and improvident decisions."

Annas, director of Boston University's Center for Law and Health Services, predicts that future abortion litigation will center on the issue of consent by parents or husbands, since even the majority opinion in *Danforth* states that such consent is sometimes desirable. The courts are likely to decide who is most competent to make the final decision in an abortion, even in the first trimester, with the doctor in all probability having the most influence.

ARTS & LETTERS

*Literary Amnesia
and the Revolution*

"How the Puritans Won the American Revolution" by Sacvan Bercovitch, in *The Massachusetts Review* (Winter 1977), Memorial Hall, Amherst, Mass. 01002.

Although popular 19th-century writers used the Revolutionary War and its political tumults as a backdrop for romances, plays, and novels, the century's major American writers—from Benjamin Franklin to Stephen Crane—ignored the struggle for national independence as either theme or setting.

Washington Irving's *Rip Van Winkle* slept through the war; Franklin's *Autobiography* all but excludes it; James Fenimore Cooper's *Natty Bumppo* is a pre-Revolutionary rifleman, other Cooper heroes belong to later times. Melville, Whitman, Emerson, Thoreau—all touched on revolution in the abstract but shunned their own nation's experience.

Bercovitch, a professor of English at Columbia, suggests that this literary amnesia stemmed from the writers' strong Puritan ideology, which favored independence but feared democracy; in old age, even the Boston radical Sam Adams turned his oratorical fire on the "boundless and insatiable ambition" of what he called "king mob."

As the war faded into patriotic myth (as depicted in George Bancroft's 1834 *History of the United States*), the Puritans, not the humanistic Jeffersons and Franklins, dominated intellectual life. Puritan

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voices became, as Bercovitch says, "increasingly shrill" as the egalitarian Jacksonian Democrats threatened the status of mercantile New England and New York. Revolution in the abstract was fine, the Puritans seemed to say, but the best way for Americans to express revolutionary ardor was to transform it into support for a working and workable society. Melville's Ishmael, who followed even Captain Ahab's demented orders, alone was left to tell the tale of *Moby Dick* and became "the exemplum of shirt-sleeve democracy." Hawthorne's Hester Prynne, stigmatized as an adulteress, learned that in Puritan society the way to redemption was acceptance of the status quo.

*Art Forgery:
Is It Ever Art?*

"The Aesthetic Status of Forgeries" by Mark Sagoff, in *The Journal of Aesthetics and Art Criticism* (Winter 1976), Temple University and the Cleveland Museum of Art, Cleveland, Ohio 44106.

If a Constable painting is "a skillful, ingenious, and accurate representation of clouds, would not an excellent forgery be as skillful, as ingenious, and as accurate a representation?" According to Sagoff, a Cornell semanticist, the answer is no.

Aesthetically, originals and forgeries exhibit radical differences in texture and line, which can be readily detected by a knowledgeable historian or critic. Moreover, the original artist must solve a problem—conjuring up a convincing image by revealing, through design, the "symbols" that represent certain objects. The work of art records that discovery and advances a theory concerning the way we see things. It is an "experiment ending in a solution."

A forgery, however, merely repeats the solution to a problem that has already been solved. Even if both original and forgery are skillfully executed, the forgery "lacks the artist's representation" and substitutes only imitation. This aesthetic rule does not apply to admitted copies of works of art. According to Sagoff, a child's copy of a Constable would count as a "primitive," the art student's as a "study."

*Who Really Owns
What's on Film*

"The Case for Film Piracy" by John Ziniewicz, in *Case and Comment* (Nov.-Dec. 1976), P.O. Box 1951, Rochester, N.Y. 14603.

The movie industry prefers to destroy or sell films for scrap rather than sell them to private or nonprofit collectors—who often operate outside the law when they acquire film prints. Collectors, says Ziniewicz, a Glendale (Calif.) University law professor, are liable to search and seizure, arrest, and prosecution for receiving stolen goods.

Ziniewicz tells of films and portions of films now lost for all time

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because of the industry's insistence on perpetual ownership. For example, both negative and prints of the 1933 version of "*Dr. Jekyll and Mr. Hyde* (with an Oscar performance by the late Frederic March) were destroyed when a later version was made. Fortunately for film critics, students, and movie buffs, private collectors had already obtained several (illegal) prints.

Collectors, contend industry spokesmen, rent prints, copy them, and return the originals, showing the copies for profit. Ziniewicz argues that Hollywood's policy is monopolistic; copyright laws should not only protect the interest of the owner but also guarantee the future right of the public to benefit from the film industry's artistic endeavors.

*A Boost
for Artists?*

"Legislating Royalties for Artists" by Sylvia Hochfield, in *Art News* (Dec. 1976), P.O. Box 969, Farmingdale, N.Y. 11735.

California, the first state to mandate royalties for artists, is discovering that this gracious gesture is not to everyone's taste. According to Hochfield, contributing editor of *Art News*, many of the intended beneficiaries—painters and sculptors—now have serious reservations about the law; dealers and collectors are united against it.

The law, which went into effect in January 1977, requires that a painter or sculptor receive 5 percent of the purchase price whenever his work is sold at a profit (for more than \$1,000) either by a resident of California or in the state itself. Backing the law's passage last year in the legislature in Sacramento was a coalition of young artists, who looked on the law as a potential subsidy.

Critics of the law, however, contend that it will drive art buyers to out-of-state markets; that it tends to give the greatest benefits to established artists; and that it lacks enforcement provisions. The law's principal benefit, Hochfield suggests, lies in its recognition of the plight of most California artists, who are "desperately in need of some sort of economic assistance."

*Webster's Words
As Ideology*

"Words As Social Control: Noah Webster and the Creation of the *American Dictionary*" by Richard M. Rollins, in *American Quarterly* (Fall 1976), American Studies Association, 4025 Chestnut St., Philadelphia, Pa. 19174.

"It is obvious to my mind, that popular errors proceeding from a misunderstanding of words are among the efficient causes of our political disorders," wrote Noah Webster in 1839. According to Rollins, an Ohio State history professor, the author of the *American Dictionary of the English Language* was a disillusioned revolutionary who

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was horrified by the excesses of the French Revolution and Shay's Rebellion. Webster had become convinced, says Rollins, that Americans could best serve their own interests by obeying the "wishes of a social leadership consisting of pious, elderly property owners," and accordingly he flavored his word definitions to encourage submission to civil and divine authority.

In the *Dictionary* under "duty," Webster listed "obedience to princes, magistrates, and the laws." Under "laws," he wrote of "*laws* which enjoin the duties of piety and morality." He made "submission" a synonym for "obedience" and defined "freedom" as a "violation of the rules of decorum." Of "politicians," Webster wrote that they were men of "artifice or deep contrivance."

PRESS & TELEVISION

A Major Ruling on 'Fair Trial'

"Can Judges Stop the Presses?" by D. Grier Stephenson, Jr., in *Intellect* (Dec. 1976), 1860 Broadway, New York, N.Y. 10023.

During the past decade, judges have issued 35 restraining orders against the news media to bar publicity that could prejudice potential jurors. Stephenson, a professor of government at Franklin and Marshall College, reviews a major effort by the press in its own behalf that significantly affected the outcome of the first major court test of such curbs.

Last year, in the *Nebraska Press Association* case, a county judge banned all press and broadcast reporting of evidence which implicated defendant Charles Simants in the 1975 murder of six persons in Sutherland, Nebraska. Thirteen news organizations immediately challenged the order and won a partial stay. By the time the case reached the Supreme Court, a total of 41 press organizations had joined the original plaintiffs to oppose what they called "prior restraint" in violation of the First Amendment.

Nebraska authorities argued before the Court that the restraining order was needed to ensure an impartial jury, but the state officials, Stephenson finds, were "outgunned and outrun" by the news associations, whose lawyers' briefs were far better prepared.

Although the Supreme Court ruled that existing procedures were sufficient in the Nebraska case to guarantee fair trial without curbing the press, the decision nonetheless set the stage for future legal controversy by conceding that there could be a genuine conflict between free press and fair trial—a concession the news industry has been reluctant to make.

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*New Questions
on TV Violence*

"The Censoring of TV's Family Hour"
by Richard A. Blake, in *America*
(Dec. 11, 1976), 106 West 56th St., New
York, N.Y. 10019.

When a federal district court in Los Angeles last November struck down television's "family hour," opponents of sex and/or violence on the tube saw the decision as a serious setback. Blake, associate editor of *America*, says that when Judge Warren J. Ferguson ruled that the networks' joint policy was unconstitutional, he raised important new questions about who actually has the right to decide what goes on the air and what broadcast content shall be.

Under the family-hour policy, ABC, CBS, and NBC had agreed in April 1975 to exercise special care in choosing early evening fare suitable for children. The agreement grew out of 1974 meetings between broadcasters and the Federal Communications Commission, with FCC hinting that if the industry did not clean up TV, the federal government might. As the broadcasters laundered their programming for the start of the 1975 fall season, many costly new productions and some reruns were shelved as unfit for family-hour consumption. Even so, there was considerable argument over which of the remaining programs were suitable for family viewing.

A suit brought by a coalition of actors, writers, producers, and others alleged that the three networks, the FCC, and the National Association of Broadcasters had violated the First Amendment and that the FCC in particular had put undue pressure on broadcasters. Judge Ferguson agreed and family hour died.

Blake suggests that strong congressional reaction to the decision has helped proposals to amend the 1934 Communications Act to set new standards for broadcast content. Even if Congress does not go so far as to amend the Act, he predicts that some congressional committee hearings are not only possible but likely, promoting for the first time a full discussion of the roles and responsibilities of sponsors, broadcasters, the FCC, and the hitherto ignored citizen viewer.

*Fleet Street
Pumps Up the Polls*

"The Competition for Certainty: The
Polls and Press in Britain" by Sanford
L. Weiner, in *Political Science Quarterly*
(Winter 1977), 2852 Broadway, New
York, N.Y. 10025.

British political polls tend to be less accurate than their U.S. counterparts because the pollsters' chief client is the British national press. Pressures from newspaper editors to produce polls fast and inexpensively result in less-than-scientific sampling, which in turn produces "soft" predictions portrayed as hard fact in screaming headlines by Fleet Street.

Britain's prime ministers rely heavily on published polls and try to

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time general elections to coincide with periods of popular favor. Because the polls are subject to inaccurate interpretation, however, electoral disaster can and does result. Weiner, an MIT political scientist who studied polling in the United Kingdom, cites an example: Conservative Prime Minister Edward Heath, believing 1974 newspaper polls that showed a favorable climate for the Tories, called an election and promptly lost to Labour.

In Britain, the last nine elections have been decided by an average plurality of 3 percent, whereas pollsters admit to a 5 percent margin of error. Such disparities help explain party leaders' miscues. Another factor: U.S. pollsters analyze their own data; in Britain, this sophisticated task is left to busy newspaper political writers.

OTHER NATIONS

A New Communist Threat to Europe?

"Euro-Communism" by Neil McInnes, in *The Washington Papers* (Dec. 1976), Sage Publications, 275 South Beverly Dr., Beverly Hills, Calif. 90212.

The growing influence of the big Communist parties of France and Italy has caused alarm in the United States, but McInnes, European correspondent for *Barron's*, credits both these national parties with acceptance of "the peaceful, electoral way to office" and a willingness to soften some earlier ideological dogmas.

How would they behave sharing power as minorities in coalition governments? French Communists, now led by Georges Marchais, would not last long, McInnes predicts, because their commitments to extensive nationalization of industry would soon provoke a crisis impelling a return to an opposition role. In Italy, Communist-inspired drives for such changes as nationalization would come gradually. The Italian party, led by Enrico Berlinguer, is relatively free of "clannishness and factionalism"; it would stay in office longer because it is better disciplined than its French counterpart, and Italy's political structure offers dissidents few alternatives to supporting Berlinguer.

For the other NATO countries, McInnes argues, Communists in the French and Italian governments would be "an inconvenience, not a disaster"; Communist Party leaders in both countries apparently feel that no matter who is in power, Western Europe must remain secure against Soviet military threats. These Euro-Communists, McInnes says, will eventually break publicly with Moscow. They will thus gain votes from the ranks of those compatriots who have long supported Communist domestic goals but have shunned the Party because of its Soviet ties.

OTHER NATIONS

*Irish Cooperation
Across the Border*

"Irish Cooperation, Not Strife" by John Hume, in *European Community* (Nov.-Dec. 1976), 2100 M St., N.W., Washington, D.C. 20037.

During the past decade of Northern Ireland's civil war, Dublin and Belfast have cooperated increasingly on security matters, usually through London. Now, writes Hume, a former Northern Ireland cabinet minister, they are cooperating in an across-the-border economic development project that could be "the most significant step" in restoring economic and social cooperation since the 1921 Partition of Ireland into the Free State and the six counties of the north.

The area covered by the study—prepared under the auspices of the European Community, which both Britain and the Republic joined in 1974—are the neglected northwestern counties of Donegal in the Republic, and Derry, just across the border in the north. Their plight, Hume says, is "among the most severe in Europe" in terms of unemployment (more than 12 percent), emigration ("consistently high"), and manufacturing (mostly textiles).

Partition severely reduced Derry City's role as an urban center; Hume says it could be restored if joint regional development became a reality. Lough Foyle, the 25-mile-long estuary with the port of Derry at its head and the border running down its length, could also be developed for seagoing commerce, fishing, and tourism. The last, a major Irish industry, has suffered badly in the current "Troubles."

*Communist China:
A Not-so-Rosy Look*

"Seeing China Plain" by Edward N. Luttwak, in *Commentary* (Dec. 1976), 165 East 56th St., New York, N.Y. 10022.

"The miserable poverty of the country is everywhere in evidence," Luttwak writes after an extensive 1976 China tour. The Johns Hopkins foreign policy specialist also contends that many visiting Americans, notably John Kenneth Galbraith and James B. Reston, have been so dazzled by the Chinese government's "elegant stage-management" that they have sometimes failed to see either the poverty or the totalitarianism, which he calls the "most fundamental of Chinese realities."

The economy is not in fact super-efficient ("it has its own built-in forms of waste"). Capital laboriously generated in the communes is often squandered on projects that are sound ideologically but make for rotten economics. Example: A hydroelectric plant built "in response to slogans manufactured in Peking" during the years of the Great Leap Forward. On completion, it was discovered that the water flow during several months of the year was too small, and several costly thermal generators were required to meet local power needs. Peking, Luttwak says, has only its vast manpower as an economic and military base.

RESEARCH REPORTS

Reviews of new research by public agencies and private institutions

“Coastal Effects of Offshore Energy Systems”

United States Congress, Office of Technology Assessment,
Government Printing Office, Washington, D.C. 20402.

The oil industry will soon begin installing giant drilling rigs up to 50 miles off the coasts of New Jersey and Delaware, but lawyers, oil industry executives, and local, state, and federal officials are all aware that massive legal and technical problems—most of them relating to spills—remain unsolved.

In this 288-page study, Congress's Office of Technology Assessment (OTA) reports that adequate drilling regulations are lacking; there is no way to enforce existing safety regulations to prevent spills; present laws can deprive those damaged by spills of compensation; the technology of spill location and containment is still primitive; and when continental shelf drilling does begin, all of these problems can be ignored by industry and government without

fear of legal sanction.

In theory, the federal government can set safety standards for platform design, can decree how the rigs may be operated safely, and can test and monitor the rigs in operation. In practice, OTA notes, the oil companies now follow their own guidelines in anchoring the platforms and linking them to the shore by pipeline. Effective rules are still far off.

One solution for resolving existing conflicts in state and federal law governing spills, the study suggests, is a federal spill-liability law based on contemporary technology. Over the next 30 years of drilling, OTA estimates, at least 40,000 barrels (1,680,000 gallons) will be spilled; even if spills occur 50 miles off the Jersey-Delaware coast, beaches and wetlands will be fouled.

“Public Interest Lobbies: Decision Making on Energy”

American Enterprise Institute for Public Policy Research,
1150 17th St., N.W., Washington, D.C. 20036. Author: Andrew S. McFarland.

Since the late 1960s, a revived political species—the issue-oriented public interest lobby—has had a strong impact on certain congressional actions, notably with respect to the environment, presidential war powers, and auto safety.

McFarland, a Ford Foundation Fellow, says that a half-dozen such groups may have an even stronger effect on future Washington energy decisions, at least for the next five years.

These organizations include Com-

mon Cause, Ralph Nader's Critical Mass and other Nader affiliates, the League of Women Voters, the Sierra Club, the Consumer Federation of America, and Consumers Union.

Their support comes largely from the increasing number of college-educated men and women (13.4 percent of the U.S. population in 1950, 25.2 percent in 1974).

Many of these citizens, he notes, support public interest groups as a substitute for active membership in political parties; their faith in con-

ventional politics has been sharply eroded, according to the polls. This "civic skepticism," says McFarland, "shows no signs of immediate decline."

The strength of the major public interest groups lies in their ability to focus on single issues and to combine in ad hoc coalitions based on consensus, without being bound by dogma or rigid organizational structures. In Washington, conservative and liberal politicians alike contend that, as lobbies, the groups suffer from lack of coherent overall goals and sufficient experienced staff.

If they join forces in the field of energy, McFarland sees these groups

becoming increasingly effective in changing federal policy and America's fuel-consumption habits. For one thing, members tend to be local opinion-leaders with influence out of all proportion to their numbers. But the groups must learn to resolve major differences in emphasis. Nader, with his predilection for low energy growth, will have to alter his policies to satisfy Common Cause and the League of Women Voters, who favor a less austere approach. Similar accommodations must be made in regard to policies on alternative energy sources (nuclear and solar energy and coal), where little clear agreement now exists.

"The Comparative Survey of Freedom"

Special issue of *Freedom at Issue* (Jan.-Feb. 1977), Freedom House, 20 W. 40th St., New York, N.Y. 10018. Survey director: Raymond D. Gastil.

In terms of civil liberties and political rights as defined in the West, only one in five of the earth's inhabitants could be described in 1976 as "free," writes Raymond Gastil, Harvard anthropologist, who has directed the survey since 1972. The sponsor, Freedom House, is a non-partisan organization, currently headed by former U.S. Assistant Secretary of State John Richardson, Jr.

On the basis of conditions in 159 sovereign countries and 53 dependent territories from Afghanistan to Zambia, Gastil and his associates categorize 789.9 million people (19.6 percent) as "free," 1.766 million (43.9 percent) as "not free," and 1.464 million (36.4 percent) as "partly free."

In 1976, 86.4 million lived in countries where freedoms were "severely diminished"—half of them in Thailand, where the democratic experiment failed with "a dramatic loss to freedom." Advances were made in Portugal (8.5 million), which went from "partly free" to "free" and in Bangladesh, which went from "not

free" to "partly free."

Gastil blames the "loss" of Thailand on public attitudes that refused to accept the concept that in democratic societies "no group gets everything it desires." Some of the Thai military leaders, he says, refused to support "an essentially moderate government" and exploited disorder to regain power.

In Spain, he notes, political rights have been increased over the past two years, with more power and responsibility going to the Legislative Assembly. Censorship has been relaxed, and a "broader acceptance of political activity" has included mutual accommodations with such fervent nationalist groups as the Catalonians.

Gastil rates countries in terms of both civil and political rights—on a scale of 1 to 7. A top rating in political rights goes to countries with "a fully operative electoral procedure," where political change is not only possible but actually takes place. Civil liberties are measured by lack of censorship, open

public discussion, the "rule of law," and "freedom from government terror."

North American and most Western European nations lead those with "most free" ratings; "least free" are the Communist nations, also many African countries, several of which (e.g., Cameroon and Niger) do better in terms of civil liberty than of political freedom. Poland is rated as

slightly more free than the U.S.S.R. Also among the "partly free": Yugoslavia, Spain, Mexico, and the Philippines.

The survey's authors seek to follow "objective standards" and to avoid focusing on "partly free" countries now undergoing change (India, Chile) to the neglect of those long deprived of freedom (Albania, North Vietnam, China).

"The Social Security System: Its Evolution; What Will Its Future Be?"

Center for Information on America, Washington, Conn. 06793.

Author: Wilbur J. Cohen.

The Social Security system needs at least a 10 percent increase in revenue beyond currently anticipated levels over the next 25 years to match both inflation and the projected number of retired persons (from the present 22 million to 30 million by the year 2000). So says Cohen, a former Secretary of Health, Education, and Welfare, now dean of Michigan's School of Education.

This extra revenue can be obtained by raising the present annual level of wages subject to Social Security levies from \$16,500 to \$24,000 now (and later by covering all but the "highest" salaries) and by raising both employer and employee contributions from 1.5 to 2.1 percent. The same 10 percent revenue in-

crease could be produced, Cohen notes, by increasing contributions without raising the "taxable" salary ceiling.

Also favored by Cohen to help retirees: national health insurance and an end to discrimination in Social Security benefits to all unmarried persons and many married women.

Cohen rebuts critics who say the system discriminates against low-income workers, claiming it is designed to transfer funds from the wealthy to the less affluent. In his view, any plan to withhold Social Security benefits from retirees with other sources of income would discourage wage earners from planning for retirement income beyond anticipated Social Security income.



The white-ruled Republic of South Africa, facing economic recession and black unrest, is still the area's strongest power. With the independence of Angola and Mozambique, its neighbors are now ruled by black African regimes, except for hardpressed Rhodesia.



Southern Africa

In the wake of the Angolan civil war, the independence of Mozambique, and the pressures for black majority rule in Rhodesia, Southern Africa is back in the news. Involved directly or indirectly in all these changes has been the Republic of South Africa, whose own tranquillity was shaken last summer by the rioting black youths of Soweto outside Johannesburg. The Republic's future as a locus of Western investment, a friendly military power, and prosperous citadel of white supremacy is again a matter of scholarly speculation and much debate. Our Background Books cover the entire area of Southern Africa. Our essayists focus on South Africa. Historian Lewis H. Gann examines the peculiar white experience which has so strongly shaped Pretoria's politics. Political scientist Gwendolen Carter reviews the blacks' long history of protest. Journalist Colin Legum examines possible outcomes, and anthropologist Absolom Vilakazi supplies additional commentary.



THE WHITE EXPERIENCE IN SOUTH AFRICA

by Lewis H. Gann

It was a rough day at sea in April 1652, when the first mate of the Dutch vessel *Drommedaris* sighted land at the Cape of Good Hope. The crew, under the command of Captain Jan van Riebeeck, a thick-set, weather-beaten surgeon with much sea-going experience, dropped anchor, and the Dutch built their first crude fort of earth and timber on a site close to Cape Town's present main railroad station. Unwittingly, the Dutch had taken the first step toward permanent white settlement in

Southern Africa. They had merely been seeking a harbor where their ships might refit and obtain food and fresh water on the long trip to the Indies, but the fort and its market garden evolved into a colony as more settlers arrived. They came from Holland, Germany, and France. In 1679 a number of families moved beyond the isthmus into the Cape proper.

Life on the Frontier

The temperate climate enabled white women to settle in the country and raise healthy children. Their presence discouraged male colonists from marrying women of the indigenous Khoikhoi, a primitive, dark-skinned, pastoral people known to the settlers as Hottentots. Irregular interracial unions were not uncommon, but their offspring bore the badge of illegitimacy and were treated with contempt by both races. The Dutch introduced slaves from the East Indies into the country, which accustomed most colonists to look down on persons of color by associating menial labor with a dark complexion. More significant perhaps was the impact of the inland frontier, where European colonists confronted Khoikhoi herdsmen and the San (whom they called Bushmen), a Stone Age people dependent on hunting.

Life on the frontier did not always beget hostility. White hunters and traders often established amicable relations with the aboriginal communities, but white farmers clashed with their black neighbors over water sources, and pasture land. The native herdsmen were unable to defend their grazing grounds against the advancing whites, and many perished. Others were reduced to dependence or servile status; still others mingled with whites, acquired horses, guns, and wagons, adopted the language of their conquerors, and turned to farming on the European model.

As the tide of European conquest rolled on into the 18th

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century, the whites became increasingly color-conscious. Whereas it was possible for halfcaste Christian converts to acquire full civic status in the early days, the sacrament of baptism no longer sufficed to make a half-breed the equal of a white man in the civic sense. A Cape burgher now had to be born of free white parents to be accepted as a fully qualified citizen.

At the same time, white society split into two distinct segments: the society of the coastal Cape settlements, linked to Holland by ties of culture, ancestry, and religion (the Dutch Reformed Church) and the pastoral society of the interior. Cape Town had grown into a substantial port that looked toward both the Atlantic and the Indian Ocean. The adjoining settlements drew their grain supplies from farms of the European type in the Western Cape. These were substantial estates, worked by colored (that is to say, halfcaste Eurafrikan) labor. The wealthier European farmers built substantial but simply furnished homes, embellished with whitewashed walls, great verandas, and fine portals.

The sedentary society of the Western Cape contrasted sharply with the rude society of the interior. As the colonists pushed deeper inland, they raised livestock rather than market crops. Subdivision of land, accompanied by more intensive cultivation, was not a feasible proposition as long as labor and capital were scarce, markets inadequate, and only land was plentiful. The *trekboer*, or Boer herdsmen, kept moving in order to avoid competing with their neighbors for pastures and wells. Trekking provided opportunities for the poor who could not afford to buy the required farmland. Frontiersmen who could afford the land were apt to exhaust the soil by their methods of cultivation. "The veld got tired," the saying went, and the trekkers moved on.

The Taming of the Wilderness

The *trekboer* first supplied the Cape markets. Later the economic center of gravity shifted more toward the new ports—Port Elizabeth, East London, Durban—that were being opened on the east coast. By the middle of the last century, the trekkers belonged to a new nation, no longer Dutch, although they spoke Afrikaans, a new language derived from Dutch. The *trekboer* became one of the world's great wilderness specialists. He knew how to handle a span of oxen in rough country. As a soil prospector, he knew how to find the best farming land in the wilderness. He was a crack shot and expert hunter. The interior had no terrors for him. The Boer's wagon, or *laager*, served both as a

means of transport and a means of mobile defense in battle. His weaponry and military skill defeated the Khoikhoi and the San. Later, the Afrikaners met far more warlike opponents, the Bantu-speaking Kaffirs, first encountered on the Great Fish River in 1778. The Bantu were familiar with the use of iron and had developed their own systems of farming and grazing. These were as extensive as those of the Boers, requiring ever new expanses of woodland and pasture for sustenance. Not surprisingly, Boer and Bantu met in battle. The Bantu fought hard, but by and large, the fortunes of battle favored the Afrikaners—less numerous but better armed and organized than their opponents, who depended on rudimentary tools like the hoe, simple weapons like spears, and sheer muscle power.

By the beginning of the 19th century, the white population at the Cape was estimated to be 27,000 men, women, and children. Of these, about 6,000 lived in Cape Town, the principal city; by contemporary standards, white South Africans were already a highly urbanized people. The Dutch, French, and German population was further reinforced by immigrants from Great Britain. During the long wars against the forces of the French Revolution and Napoleon, the British seized the strategically vital Cape of Good Hope. By 1806, they held it permanently, and British settlers found homes for themselves on the Eastern Cape and in Natal. Some became farmers; others turned frontiersmen, like the Afrikaners. The majority, however, became townsmen, so that British influence became dominant in trade and finance. The British, of course, also held political power, and tried to reshape Cape society in the British image.

The Great Trek

In 1833 slavery was outlawed as part of a wider movement to extirpate slavery throughout the British Empire. Guided by missionary and humanitarian influences, the British made some attempts to improve the civic condition of the Khoikhoi. Forced labor was abandoned, and the former slaves were gradually absorbed into a wage-earning proletariat. At the same time, the British attempted to “anglify” the Cape Dutch population, but the Dutch clung to their accustomed ways. The more uncompromising elements escaped British rule by trekking into the interior.

“We complain,” wrote Piet Retief, one of the most prominent trek leaders, in words that were to echo later from Cape Town to Salisbury, “of the unjustified odium that has been cast upon us by interested and dishonest persons under the name of re-

ligion, whose testimony is believed in England to the exclusion of all evidence in our favour, and we can foresee as the result of their prejudice nothing but the total ruin of our country.”*

The Great Trek was the Afrikaans-speaking frontiersmen's declaration of independence. By the end of 1837, some 5,000 men, women, and children had crossed the northern boundary of the Cape Colony. As the wagons rolled further and further inland, the trekkers fought bitter wars against the Bantu-speaking peoples of the interior and suffered unbelievable hardships. In the end they founded two independent states, the Orange Free State and the Transvaal, with complete domination of the indigenous peoples.

Diamonds, Gold, Englishmen

The new farmer republics were not left alone for long. In 1867, diamonds were discovered in the interior near the Orange River. Prospectors of many nationalities, most of them English-speaking, invaded the Cape and set off for Kimberley, the tough frontier town that was attracting both white and black newcomers from many parts of the world. For the first time, substantial amounts of capital flowed into a region hitherto dependent economically on a few agricultural exports. The precious stones were first extracted by small entrepreneurs in open quarries, but this method soon became inadequate; control of the industry passed into the hands of a few large modern companies headed by mining magnates like the British empire-builder Cecil John Rhodes. The diamond industry was sufficiently profitable to generate more investment within South Africa. Additional expansion occurred in 1886 when gold was discovered at the Witwatersrand in the Transvaal. South Africa in time became the world's greatest producer of gold.

The exploitation of mineral resources had far-reaching consequences in South Africa. It encouraged the construction of railways and created a need for a broad range of secondary industries. The miners' compound provided markets for farm products. Johannesburg, as time went on, developed from a backwoods community into the center of Africa's greatest industrial complex. The unskilled laborers were migrants from the tribal areas in the countryside, but the businessmen, managers, and skilled workers were mainly of British origin, and they imposed the English language on the Witwatersrand.

*Cited in L. H. Gann and Peter Duignan, *White Settlers in Tropical Africa* (Penguin, 1962) p. 31.

POPULATION OF SOUTH AFRICA, BY RACE

	Total	Whites	Blacks	Asiatics	Colored (Eurafricans)
1904	5,174,827	1,117,234	3,490,291	122,311	444,991
1921	6,927,403	1,521,343	4,697,285	163,594	545,181
1936	9,587,863	2,003,334	6,595,597	219,691	769,241
1946	11,415,925	2,372,044	7,830,559	285,260	928,062
1951	12,671,452	2,641,689	8,560,083	366,664	1,103,016
1960	15,982,664	3,008,492	10,907,789	477,125	1,509,258
1970	21,447,230	3,750,716	15,057,559	620,422	2,018,533

Source: *Economic, Financial and Statistical Yearbooks for South Africa* (Johannesburg: Da Gama, various years).

By the end of the 19th century the population of South Africa had undergone tremendous growth. The exact figure for 1800 is not known, but it was probably between 1 and 2 million. In a single century, the number had increased to about 5 million—roughly 1 million whites, 3.5 million native Africans speaking a variety of languages, less than half a million coloreds, and just over 100,000 newcomers from India. From 1900 on, there has been a demographic revolution due to a substantial number of new immigrants, white, Asian, and African (see table). Declining death rates, improved medical and transport facilities, and increased supplies of food all helped to shift the demographic balance. More importantly, the well-being of all races increased, albeit at vastly different rates, by reason of such mundane innovations as brick houses (which replaced primitive huts), sewage facilities, piped water, and the growing availability of soap.

Demographically, the black and colored peoples of South Africa more than held their own with the white immigrants, who remained a minority within the country. Politically, the dark-skinned races were unable to exert much power. Mission-trained Africans acquired a certain measure of education, but the military and technological balance of power remained with the whites, who were sharply divided into opposing groups—townsmen and countrymen; employers and employees; immigrants and old-timers; above all, English-speaking whites and whites who spoke Afrikaans and were primarily of rural origin.

Anglo-Afrikaner rivalry came to a head in the South African

War (1899–1902). For President Oom Paul Kruger of the Transvaal Republic, the struggle was one of national survival for the Lord's Chosen People. "The Lord transplanted this people and led it here among miracles," he declaimed. The time had come to defend the Afrikaner heritage against the new Babylon. The British view of the war was that it was being fought not only for local South African interests but for the British Empire and civilization in general. Sir Garnet Wolseley, commander-in-chief of the British Army, said in all sincerity, "I firmly believe that . . . I work in the cause of Christianity, of peace, of civilization, and the happiness of the human race. . . ."*

To put it more realistically, Great Britain, supported locally by Natal and the Cape, went to war against the Boers of the Orange Free State and the Transvaal over the issue of who was to rule in South Africa. The struggle began as a colonial campaign against a foe whom many British officers considered barely superior to Afghan mountaineers. It ended as the greatest overseas military venture undertaken by a European power prior to World War I. Nearly 450,000 men (including English-speaking South Africans and volunteers from countries as far afield as Australia and Canada) served under the Union Jack, as against a total of about 87,000 on the Afrikaner side. To many Americans it was a replay of the American Revolution. To the Boers it was a war of national defense, known in Afrikaans history books as the Second Freedom War. To British South Africans in the Transvaal, it was a war for equal rights with the Afrikaans-speaking burghers. Socialists mistakenly regarded the war as a struggle for South Africa's gold. (The so-called Rand Lords were in fact divided.)

Defeat into Victory

Fundamentally, it was a white civil war, a war of territorial unification, comparable in a certain sense to the U.S. Civil War, with Afrikaners, Jews, Irishmen, and even Englishmen fighting on both sides. After a long and bitter struggle, the British won, but only in a military sense. In 1906, the conquerors restored self-government to the defeated Orange Free State and Transvaal, and in 1910 the four South African colonies joined in the Union of South Africa, a self-governing dominion as independent of British political control as Canada. The franchise remained largely confined to whites, of whom the Afrikaners were a majority, and Afrikaans remained the nation's most widely spoken language.

*Cited in Eversley Belfield, *The Boer War* (Hamden, Conn.: Shoe String, 1975), p. 5.

Politically, control began to pass into Afrikaner hands. (Since 1910, all South African Prime Ministers have come from the Afrikaans-speaking community.) The balance of economic power, on the other hand, continued to rest with English-speaking whites, and in a military sense, South Africa remained allied to Great Britain.

After the Boer War, South Africa seemed destined to simply supply overseas industries with raw materials, mainly metals. During the 1930s and 1940s, the most distinguished academicians predicted that South Africa's industrial progress was bound to be slow. Color-bar legislation, favoring white men in skilled jobs over black, said the experts, would prevent the country from embarking on a rapid course of industrialization, not to mention other obstacles, such as lack of capital. The country was seen as locked in a vicious cycle of rural poverty from which it could not speedily emerge.

But as happened so often in South African history, the academicians turned out to be wrong. Speaking broadly, the industrial revolution on the African continent began in South Africa. World War I saw a rapid growth of manufacturing. During the 1930s (at a time when nearly half of South Africa's European-descended population—mostly Afrikaners—were still classed as "poor whites"), South Africa began to manufacture its own steel, thereby laying the foundations of a major industrial system. During World War II, industrialization increased at a phenomenal pace, and manufactures became increasingly diversified and complex.

Africa's Most Urban Society

In the 1950s, South Africa was the first African country to reach industrial parity with the developed nations of the world. By the late sixties, the country was not only exporting specialized mining equipment but was turning out sophisticated electronic and nuclear engineering products and demonstrating managerial and entrepreneurial skills that were to influence the economic fortunes of neighboring Rhodesia and Zambia. South Africa ceased to be totally dependent on foreign capital and, for a time, even began to export its surpluses.

The social effects of industrialization were far-reaching. The Afrikaners were drawn into the cities, like their English-speaking countrymen before them. (By 1970, 86.7 percent of all whites, as against 35 percent of Africans, had become urban dwellers.) The class of poor whites largely disappeared as unskilled whites

moved into semiskilled and skilled jobs, and skilled whites moved into the managerial class. This progression was accompanied by a form of "ethnic succession" as black Africans began to move into the cities to fill industrial jobs previously held by less well-paid whites, commonly Afrikaners. Afrikaners, once the butt of ethnic jokes by English-speaking South Africans, began to make their fortunes in industry, banking, commerce, and publishing, fields where English-speakers had once been supreme. Afrikaners' political predominance solidified in 1948 when the National Party, largely an Afrikaans-speaking organization, gained victory at the polls.*

This Afrikaner victory brought about a decisive change in South Africa's international reputation. During the Boer War, liberal opinion overseas had regarded the Afrikaners as virtuous underdogs, struggling for freedom from British rule. During World War II, Jan Christiaan Smuts, ex-Boer guerrilla leader and then South African Prime Minister, had given inestimable, much-lauded service to the allied cause. The British military effort in the Near East depended on control of the Cape route; South African gold helped to sustain the Allied cause. Liberals at home and abroad were loud in their praise of Smuts, and his fall in 1948 was interpreted by the British South African press and by academia as a disaster, indeed almost as an offense against the natural order. In time, South Africa came to be the prime target of international humanitarian criticism, the "unspeakable Turk" of the mid-20th century, its tyrannies seen as worse than those of Stalin, Ho Chi Minh, or the grubby despots of ex-colonies like Equatorial Guinea.

In South Africa after 1948, the ruling National Party made no verbal concessions to the real or supposed spirit of the age. The Nationalists remained committed to minority rule by European-descended South Africans. African opposition was to be assuaged by social reform (ironically enough, the record of the Nationalists in urban renewal and the provision of medical and educational services for Africans turned out to be much superior to that of the Smuts regime). In addition, the South African blacks would enjoy local independence.

The critics, however, totally rejected what they regarded as a form of social tinkering. The South African system, as they

*Since September 1966, the Republic of South Africa's National Party Government has been headed by Prime Minister Balthazar J. Vorster. The largely Afrikaans-speaking Nationalists, as of May 1976, held 122 seats in the House of Assembly; the divided, largely "English" United Party, which advocates a federation of racially based local governments with a multiracial central parliament under white guidance, held 35 seats; the Progressive Reform Party, formed in 1975 from a liberal faction of the United Party, held 12 seats.

saw it, depended on a ruling "pigmentocracy," comprising no more than one fifth of South Africa's total population. The Bantu homelands were but a sham. The gap between whites on the one hand and browns and blacks on the other, remained unbridgeable. At a time when the peoples of the Third World were throwing off the shackles of colonialism, South Africa (its critics insisted) remained a global anachronism, a neo-Fascist state, a peril to peace and to human liberty, the problem child of the guilty West. The system must be mended or ended—mended by reform or ended by revolution. Fundamental change, they argued, was both healthy and inevitable, even if accompanied by violence and temporary breakdown.

Myths and Realities

Those sympathetic to the cause of South Africa (like the present writer) took a very different line. The belief that South Africa was governed by a rigid, unchanging dictatorship, they held, rested on an optical illusion. White South Africans, during the last three decades, had in fact evolved in a fashion that would have appeared strikingly "negrophilist" to supposedly liberal statesmen of an earlier generation such as Prime Minister Smuts.

During the 1930's, the National Party had resembled in certain respects a Middle-European anti-Semitic peasant party composed of intellectuals, poverty-stricken farmers, and white workmen threatened by unemployment because of black competition. A generation later, the Nationalists had dropped their erstwhile hostility to the Jews. Their numbers included many solid businessmen and bankers willing to give employment to qualified workmen, no matter what the color of their skin.* South Africa, moreover, was anything but decadent. It was economically the most progressive country on the African continent. Blacks as well as whites benefited from economic development. Black wages had gone up steadily, despite wage discrimination. By late 1976, less than 3 percent of all jobs in South Africa were officially restricted to whites only.

Given South Africa's economic vigor, the chances for revolution were small. The opposition was divided. The Republic's army and the administration were neither inefficient nor corrupt,

*In his forthcoming *The Politics of South Africa* (Oxford, 1977), Howard Brotz writes that the National Party has long been unduly dominated by its apartheid extremists. Brotz argues that a new "center" coalition could attract a sufficient majority of relatively moderate white voters, both from the National Party and the United Party, to a policy of "reality, sense, and decency" with respect to the homelands, urban blacks, and "law and order." But Mr. Vorster's Nationalists, he maintains, must take the lead.—Ed.

nor were they subject to infiltration like, say, the former government of South Vietnam. The country's military expenditures, though impressive by African standards, did not constitute an insupportable burden.* Despite predictions of a racial bloodbath, the whites had managed the country with infinitely less bloodshed than had occurred in independent African countries like Nigeria, the Sudan, Uganda, Zaire, and Angola. The Indian minority had grievances but were quite conscious of the fact that their existence in white-governed South Africa compared favorably with the plight of Indian minorities in black African states like Kenya or Uganda.

The Bantu-speaking black Africans likewise had grounds for discontent. There was rioting; there was much bitterness; but there was almost no black emigration. Few South African blacks left for Mozambique or Angola. On the contrary, many hundred thousands of foreign Africans had chosen to live and work within South Africa. The Bantu homelands policy suffered from a variety of severe, unresolved contradictions. It was certain, for instance, that the program would require more capital and would have to be much enlarged, and that the whites would have to concede municipal home rule to urban Africans as well. Yet by African standards, the homelands had not done too badly. (The per capita income of the Transkei—a Bantu homeland granted independence in 1976—was larger than that of Togo, Tanzania, Sudan, Somalia, Rwanda, Niger, Mali, or Malagasy; the per capita income of another homeland, Kwazulu, exceeded that of Guinea, Gambia, Ethiopia, Dahomey, Chad, and Burundi.)

No Revolution in Sight

In terms of civil liberty, South Africa is infinitely freer than most of the countries that condemned South Africa in the United Nations. The English-language press in South Africa, for instance, remains solidly arrayed against a supposedly totalitarian Afrikaans-led regime. The freedom that churchmen or dissident academics enjoy in South Africa would appear extraordinary to their counterparts in China, Russia, Vietnam, Cuba, or in most other African states. South Africa did not expel dissident ethnic minorities by the millions, as the Poles and Czechs, the Indians and Pakistanis, the Burmese, and the Ugandans had done after World War II, all without incurring global censure. Relations between the races in South Africa in the mid-1970s, though

*South Africa's military budget in 1976 totaled \$1.5 billion (17 percent of the total national budget) for a 51,000-man army, air force, and navy.—Ed.

strained, were vastly more peaceful than relations between rival ethnic groups in Lebanon, Cyprus, Nigeria, and many other strife-torn countries of the world.

South African blacks were—and are—divided along linguistic, ethnic, and social lines. No disciplined cohesive cadres capable of leading a revolution exist. Armed intervention on the part of other African states is not presently feasible, given the strength of the South African military, and the logistic, organizational, and political weaknesses of Pretoria's foes.

The old-style trekker looked for fresh pastures whenever he saw smoke rising from some newly built homestead on the distant horizon. But future treks will not avail against the new challenges of the megalopolis, as economic expansion makes Johannesburg and Pretoria coalesce into great, multiethnic, urban complexes. It is, of course, conceivable that the South African economy, already faced with recession, inflation, and fluctuating gold prices, might be shaken to its foundations by a bloody civil war. To this writer, such a contingency seems unlikely, given the balance of power. Regardless of who wields political power in the future, the nation's major task will be twofold: to feed an expanding population and to solve the problems of an industrial society. In this great task, the whites will continue to play a major, perhaps a decisive, role. But first they will have to overcome obstacles that would have taxed alike the courage of a Jan van Riebeeck and the resolution of a Cecil Rhodes.



THE BLACK EXPERIENCE IN SOUTH AFRICA

by Gwendolen M. Carter

Behind the present tension in South Africa lies more than a century of intermittent protests against the steadily increasing social, political, and economic restrictions imposed on blacks by the dominant white minority. These protests have helped to forge an African nationalism that promises to transcend ethnic divisions. From the first, however, the blacks confronted a powerful white Afrikaner nationalism imbued with elitist Calvinism and a sense of white superiority. From the time of their arrival in the 17th century, the Dutch settlers were determined to dominate the heathen and build their own society in this new world.

The Dutch—and later the English—did not conquer South Africa without overcoming strong resistance, but by the late 19th century, even the best-organized African tribes had been crushed and scattered (see preceding article). Their members became farm laborers or squatters, or were driven into the limited territories long known as reserves and now called homelands.

Before the discovery of gold in the Witwatersrand reef in 1886, some Africans, despite the disruption of tribal organization, continued to produce not only for their own needs but also for sale. Some did well in adopting new crops and techniques. Although their relations with Afrikaners were often marked by roughness, there was little calculated racial discrimination. As long as land was plentiful and the struggle was primarily for land, it was possible to accommodate both black and white. With the opening of the mines, the emphasis was on labor. The ever increasing demand for cheap manpower to service the mines led to the imposition of taxes and other measures that steadily squeezed out self-sufficient peasant economies and forced Africans into the wage system.

The plight of the blacks was not eased by the reconciliation of the Afrikaners and the English after the bitter Anglo-Boer (or South African) War of 1899–1902. Indeed, the political and economic price for this reconciliation, sealed in the 1910 Act of Union, was paid by the Africans, whose small gains toward civil rights and equal status were halted, then reversed.

The new constitution provided that only whites could be elected to Parliament. In the Cape, Africans had possessed the vote since 1853 on the basis of the same economic and educational qualifications as whites and colored, and in seven border constituencies in the Eastern Cape they exercised a strong political influence on the election of white candidates. Cape liberals sought in vain to extend this qualified franchise to Africans in the other provinces.

The whites designed the structure for an independent South Africa, but black Africans were not silent. Since 1882 their nascent political organizations had been reinforced by a widely read newspaper, *Imvo Zabantsundu* (Native Opinion) edited by John Tengo Jabavu. Educated Africans demanded that Africans share the status and rights of "civilized British subjects." On the eve of South African independence, the National Native Convention protested the exclusion of Africans from Parliament. In 1912, the South African Native Congress (subsequently African National Congress) was established through the efforts of four British- and American-trained African lawyers. The African National Congress long remained the chief voice of organized blacks.

Poor Whites, Poorer Blacks

There was much to protest. Late 19th century laws, framed to benefit mine owners, pushed Africans off the land, leaving them no alternative but to work in white-controlled mines, commerce, and agriculture. The Native Labour Regulation Act of 1911 and the Natives Land Act of 1913 ejected squatters from white farmlands. Other factors that pushed rural blacks—and whites—into the wage economy were growing population pressures, competitive food imports, local crop diseases, price fluctuations, and the worldwide trade depression of the 1890s.

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After World War I, persistent drought forced an increasing number of relatively unskilled Afrikaners off their farms into the cities, where they found that the better jobs were held by English-speaking workers and the unskilled jobs by Africans and colored. In the 1920s, South Africa faced the world's worst poor-white problem, with some 60 percent of all Afrikaners in or near poverty. Strong measures by the government were required to meet their needs.

In 1922, radical white miners on the Rand struck against a proposal by gold-mine owners that would allow Africans to assume some semiskilled jobs—at lower wages. In bloody fighting, the strike was put down by the government under General Jan Christiaan Smuts. Though temporarily defeated, white labor was victorious in the end. In 1924, General Smuts was turned out of office by General J.B.M. Hertzog at the head of a coalition of his Afrikaner National Party and the largely English-speaking Labour Party. The ultimate result was the enactment of what was known as “the civilized labour policy” that reserved all the better jobs for whites.

Besides protecting white labor against African competition, the Hertzog government was determined to eliminate the African vote in Cape Province, the one area where Africans shared voting rolls with whites. In 1934, during the crisis of the Great Depression, Hertzog joined with Smuts to form the new United Party, for the purpose of instituting the desired economic and political changes.

Rural and urban Africans protested. Under a new umbrella organization, the All African Convention, more than 400 black delegates meeting in Bloemfontein in December 1935 drafted a comprehensive charter of African grievances and urged that the African franchise be extended, not reduced. The whites—English and Afrikaner—refused. A constitutional amendment was passed by the necessary two-thirds parliamentary majority, taking Cape Africans off the common roll. After 1936, they could qualify for a direct vote only on a separate roll and then only to elect three whites to the House of Assembly to represent their interests (indirectly, they were represented with all other Africans by four white senators). In 1959, even this small degree of representation was abolished.

Although the blacks were defeated on the issue of the Cape African vote, the ferment in the late 1930s and 1940s brought rural and urban Africans closer together. Aside from sporadic anti-pass demonstrations and strikes, the African leadership until then had depended largely on verbal and written protests and

appeals to white authority. Now mass strikes, boycotts, and other forms of pressure were discussed—but not yet used.

While Afrikaner groups competed with each other for dominance, new African leaders and programs were arising within the African National Congress. In 1943, the Youth League was officially established. The names of its members were to become household words—names like Anton Lembede, A. P. Mda, Oliver Tambo, Walter Sisulu, and Nelson Mandela, a lawyer who, although imprisoned since 1961, is still the most widely acclaimed leader of black South Africans. In the same year, the African National Congress issued "Africans' Claims in South Africa," which not only emphasized African opposition to racial discrimination but also appeared to endorse the universal franchise without qualifications.

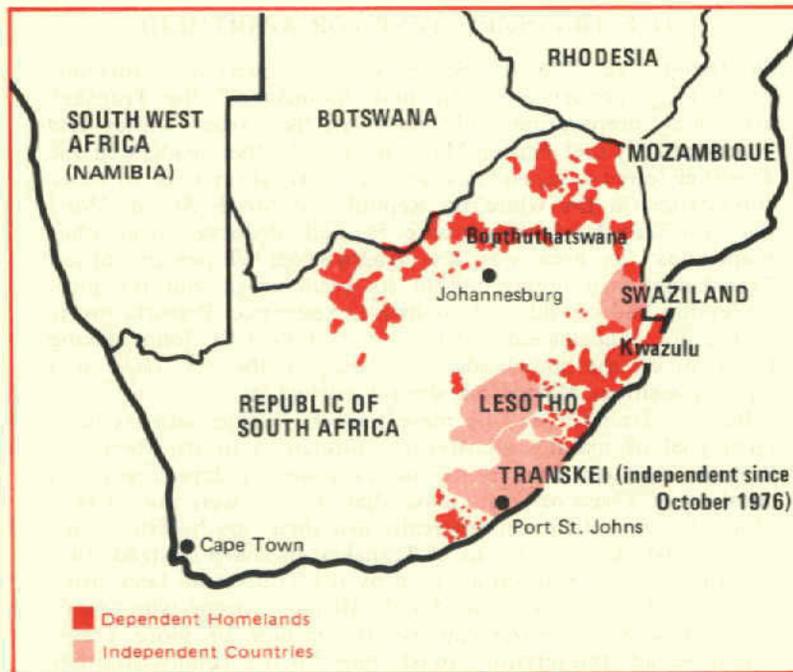
Separate and Unequal

In 1946, some 50,000 African gold-mine workers on the Witwatersrand, protesting low wages and discriminatory conditions, staged a walkout at the call of the African Mine Workers' Union. Also in 1946, the Natal Indian Congress began a massive resistance campaign in Durban against restrictions on Indian land ownership and occupation. Stimulated by these examples of protest, and despite the harsh official response, the African National Congress in 1952 started its own passive resistance campaign against "unjust laws." Most of these were laws passed by the Afrikaner Nationalist government after 1948 to enforce more rigid racial separation.

In 1948, when Daniel F. Malan's Afrikaner Nationalists came into office, whites were startled to learn that the number of Africans who had been forced to move off the rural reserves onto white farms and into urban townships was greater than the number remaining in the reserves. Moreover, the government's Fagan Commission disclosed that white dependence on black labor for the country's growing industrialization had led to "a settled, permanent Native population" in the urban areas. To Afrikanerdom this was seen as a new crisis.

Prime Minister Malan's National Party had campaigned on a platform of apartheid (racial apartness) without specifying how it was to be achieved. Once in power with overwhelming Afrikaner support, the National Party successfully increased its parliamentary majority at almost every election. This majority was used to push through progressively more restrictive racial segregation in so-called white areas. These programs not only

PRETORIA'S SOLUTION: THE HOMELANDS



Adapted from map by John Ray, Utah State University.

The homelands presently consist of 110 separate pieces of land, scattered around the periphery of South Africa (the Transkei still consists of 3). Government plans for further consolidation would eventually bring the number to 36 (the Transkei would end up with 2). Kwa-Zulu, for example, would be reduced from 48 to 10 separate pieces of land, and Bophuthatswana from 19 to 6. This "final" settlement is based on the 1936 Native Land and Trust Act, which promised to increase African-held land from 7 percent of the country's land area to roughly 13 percent.

Within these 110 fragmented areas live some 45 percent of the black population—more than 7 million in 1970, substantially more in 1977. Since agriculture is rudimentary, and exploitable mineral resources are virtually lacking, a high proportion of all adult males are forced into migratory labor; the Transkei alone "exported" nearly a quarter of a million laborers in 1972. The South African government will provide 80 percent of the Transkei's budget in its first year of independence; any reduction in such funding to homelands is likely to throw still more migrant workers into "white" South Africa, from which the homeland policy is supposed to remove them.

THE TRANSKEI: TEST FOR APARTHEID

On October 26, 1976, the South African Government formally granted independence to the first "homeland," the Transkei, after long preparation and much criticism from whites and blacks alike. Chief Kaiser Matanzima and other leaders in the Transkei found independence an attractive alternative to black subjugation in the white-run Republic of South Africa. Moreover, the Transkei [see map on p. 55] had advantages over other homelands: its area was less fragmented; 60 percent of all Transkeians had homes within its boundaries; and the local leadership had considerable political experience. Pretoria promised major financial aid and handed over Port St. Johns, giving the Transkei the homelands' only outlet to the sea. There was local opposition; Matanzima sharply curbed it.

But the Transkei was no mere puppet. In line with its long-term goal of making all Africans foreigners in the Republic, Pretoria declared that, with the Transkei's independence, all speakers of Xhosa or Sotho tribal dialects who were not citizens of another homeland automatically lost their South African citizenship and became citizens of Transkei. In sharp contradiction was the new constitution adopted by the Transkeian Legislative Assembly. It said that those South African citizens who "may" desire Transkeian citizenship, i.e. the million or more Transkeians outside the territory, must apply for it formally. In other words, the Transkei Government, supported by leaders of other homelands and urban black spokesmen, insisted that no black could be *forced* to give up his South African citizenship rights. The issue remains unresolved. For Pretoria to accept the Transkei's voluntary citizenship policy would mean giving up the basic tenet of "separate development" for blacks.

affected all nonwhite groups—African, colored, and Asians—but ultimately, and more significantly, inspired a corollary drive for separate *territorial* development for Africans.

The government's first real target was the colored, whom Hertzog had earlier called "an appendage to the whites" because of their long and close association. The 1949 Prohibition of Mixed Marriages Act and a 1950 amendment to the 1927 Immorality Act struck at colored-white marital and extramarital relations. After a long constitutional struggle, the Representation of Voters Bill in 1956 removed the colored from the voting roll in Cape Province, just as the Africans had been removed in 1936. These

measures have remained sources of intense bitterness; the government's own Theron Commission recommended in mid-1976 that they be rescinded. Nonetheless, despite other efforts to conciliate the colored and despite considerable white sympathy for sharing the vote, the government immediately rejected the commission's proposals.

Two other far-reaching pieces of legislation in the early 1950s laid the cornerstone of the urban segregation policy: the Population Registration Act and the Group Areas Act, aimed at restricting each population group—as far as ownership, occupancy, and trading are concerned—to well-defined places in or near urban areas.

Today, under these laws, Africans outside the reserves, now called homelands, are closely controlled in their movements and living places by "influx control." They must at all times carry a pass (a document including information on ethnic origin, birthplace, age, employment, etc.) under penalty of summary arrest, and secure official permission to accept or change jobs. Indians have been prohibited from living in the Orange Free State since 1891 and have long been subject to varying restrictions on property rights, occupancy, and trading in the Transvaal and Natal. The ultimate goal of the Group Areas Act was to establish residential "racial purity" by shifting groups from one place to another. In the process, colored and Asians have been moved out of long established communities in Cape Town and Johannesburg to far less desirable sites. Africans have lost their limited urban freehold areas, and a few whites have had to move.

Still more far-reaching has been the insistent pressure, formalized in 1967, to force all urban Africans who were not born or have not been long domiciled or employed in urban areas to return to the rural areas, notably the Bantustans, or homelands. Once settled in the homelands, most male Africans must become migratory workers to make a living. As many critics have noted, this type of labor means that officials in the homeland send Africans to particular jobs away from home for a specified period of time, usually a year, at the end of which workers are forced to return to the homelands.

The Bantu Authorities Act of 1951 was designed to re-establish the authority of government-appointed chiefs, the lowest tier of what was to become the political structure of the ethnic homelands. The second Bantu Education Act (1953) moved African education from provincial to central government control, reduced the role of churches in education, and threatened to make education a handmaiden of apartheid by training Africans

only for inferior roles in South African society. Subsequently, African higher education was also brought under central government control. With rare exceptions, the relatively few Africans, colored, and Asians who attend colleges and universities do so in segregated institutions.

No Right to Strike

Working conditions have not improved for Africans. Though far outnumbering all other industrial and commercial workers, they are legally omitted from the definition of "employee" and thus lack official union representation. Nor can they participate directly in negotiations over wages; their pay is low, often below subsistence levels. Although African trade unions, contrary to the common view, exist legally, they have never had any assured rights. The 1942 ban on strikes by Africans continued to

URBAN BLACKS IN SOUTH AFRICA

Some 9 million Africans, nearly twice the total white population, live in the so-called "white" area, many of them far away from the homelands. Nearly 4 million Africans work and live on white farms. The remaining 5 million live in dormitory townships near towns and cities. Except for Pretoria, where the number of government workers swells the total white population, and Cape Town, where the colored are more numerous, Africans outnumber whites in virtually all urban areas. The white population of Johannesburg is less than half a million; about 15 miles away, Soweto (or South Western Township) houses well over a million blacks, making it the fifth largest city in Africa south of the Sahara. A quarter of a million blacks commute by train, bus, or other means from Soweto alone.

Elsewhere, the mines and complexes like ISCOR, the state-financed iron and steel corporation, and SASOL, which produces oil from coal, have their own black dormitory compounds. Four largely urban centers of industrial concentration exist within the country—the southern Transvaal, the Western Cape, Durban-Pinetown, and Port Elizabeth-Uitenhage. Of these, the southern Transvaal, particularly the commercial capital of Johannesburg and the PWV (Pretoria-Witwatersrand-Vereeniging) triangle with its spreading gold-mine complex and heavy industry, has accumulated the greatest concentration of black labor and the greatest potential for unrest.

exist until the spring of 1973, but the modifications made in the ban at that time were so hedged about with restrictions that any improvements were more theoretical than practical.

All this did not come about without further black protest. In January 1952, leaders of the African National Congress demanded as "an inherent right" both the abolition of "differentiating laws" and direct representation in Parliament and in provincial and municipal councils. Later that year, as white South Africa celebrated the tercentenary of Jan Van Riebeeck's arrival at the Cape on April 6, 1652, Africans boycotted many of the celebrations and at one mass counter-rally, Professor Z. K. Matthews of Fort Hare College, President of the Cape ANC, declared that "only the African people themselves will ever rid themselves [of] political subjugation, economic exploitation and social degradation." On June 26, 1952, a passive resistance campaign began. Using tactics later employed by the civil rights movement in the American South, batches of volunteers courted arrest by open violations of apartheid regulations, such as entering African locations without permits, sitting on benches marked "for whites only," or using white entrances to post offices. More than 8,000 volunteers had been arrested by December 1952, most of them in the eastern parts of Cape Province and in the Transvaal. The membership of the ANC swelled to 100,000, and the passive resistance movement spread to the reserves.

The Road to Sharpeville

Soon there were nationwide arrests of ANC and South African Indian Congress leaders. More serious were the sporadic outbreaks of violence in East London and Port Elizabeth in which a few whites and many more Africans were killed. When Parliament reassembled in January 1953, the government reacted by introducing the Public Safety Bill and Criminal Laws Amendment Bill. The former made provision for proclaiming a state of emergency and was used in 1960 after the Sharpeville shootings. The latter instituted heavy penalties, including the lash, for supporting a campaign of passive resistance, or for soliciting or accepting help for such a campaign.

Shifting from disobedience to demonstration, and from an African to a multiracial popular front, the ANC and its allied Indian, colored, and white organizations formed the Congress Alliance and held a massive Congress of the People at Kliptown near Johannesburg. A Freedom Charter was adopted by voice vote of the 3,000 persons present. The charter began: "South

Africa belongs to all who live in it, black and white, and no Government can justly claim authority unless it is based on the will of all the people."

The government's answer was to arrest 156 leaders of the Congress Alliance in December 1956 and put them on trial for high treason. In proceedings lasting over four years, all the accused were discharged a few at a time or finally held to be not guilty. As the trial went on, a split appeared in the ANC leadership. One faction upheld the multiracial sentiments of the Freedom Charter. The other identified with the tide of black nationalism then rising through most of Africa. The latter group under Robert Sobukwe broke away in 1959 to form the Pan Africanist Congress (PAC). It was the PAC that organized demonstrations against carrying passes. On March 21, 1960, before the demonstrations were over, the police had fired into an unarmed crowd at Sharpeville in the Transvaal, wounding 186 African men, women, and children and killing 72—and creating a new level of inter-racial tension.

The government declared a state of emergency, outlawed the ANC and PAC, arrested and detained some 1,900 people, including, for the first time, members of the predominantly white Liberal Party which stood for a universal franchise under its leader, the internationally known author, Alan Paton. Thousands of African "idlers" were imprisoned. International censure on the killings was followed by an outflow of foreign capital. Only very gradually did the situation return to a semblance of normality.

The Resistance Ebbs

Despite internal dissension and the banning of their organizations, Africans made one last effort to construct a wide public front for mass protest. The "All-In Conference," with more than a thousand Africans in attendance, met in Pietermaritzburg in Natal in March 1961. Raids and arrests frustrated its call for a three-day work boycott. This was the last effort by Africans to organize such public demonstrations.

A few terrorist acts in 1962 by the PAC-inspired "Poqo" group spurred government counteraction, which systematically destroyed virtually all effective African organization in the country. Nelson Mandela, already in prison, was put on trial again in 1964 and sentenced to life imprisonment, together with Walter Sisulu. Sobukwe was already in prison on Robben Island off Cape Town and, although subsequently released, has remained under restrictions. The politically organized internal African struggle for

AMERICAN INVESTMENTS

The South African economy has long been buttressed by substantial Western investment, much of it from Great Britain, but a growing percentage from the United States, Japan, West Germany, and France. By 1974, the value of American private investment in South Africa was estimated at \$1.46 billion, over 20 percent more than in 1972, representing 16 percent of all the private foreign investment in that country (the British share is 58 percent). The 480 American firms reported by the South African *Financial Mail* in August 1975 included 136 of the concerns on the 1971 *Fortune* "500" list; 55 of these firms were among the top 100 on the *Fortune* list, and 12 among the top-ranking 15. A large portion (45 percent) of U.S. private investment is in manufacturing, e.g., automobiles and electronics, to which American technology is as essential as U.S. capital.

rights was crushed. The ANC exile leadership, under Oliver Tambo and Duma Nokwe, and PAC's exiles, under Potlako Leballo, sought support outside the country, but their contacts with colleagues within the country were tenuous, and their plan to employ infiltration tactics was frustrated (until the liberation of Mozambique in 1974) by the great distances between independent African-controlled countries and South Africa.

Throughout most of the 1960s, such vocal opposition to discrimination as there was in South Africa came from the upper-middle-class white spokesmen of interracial organizations like NUSAS (National Union of South Africa Students), the Liberal and Progressive parties, Defense and Aid with its efforts on behalf of the dependents of political prisoners, and, from 1967 on, the University Christian Movement (UCM). These organizations' black members, under official suspicion by the mere fact of their membership, stayed in the background. Inevitably, the white leaders came to be regarded as the spokesmen for all dissent; and all too often pro forma protest took the place of hard-headed political planning.

The breakout from this state of dependence came first from some 2,000 black university students on their segregated campuses. In 1969 the black students organized the South African Students Organization (SASO) and shortly thereafter broke away entirely from the predominantly white NUSAS. In two ways, SASO was distinctive: it sought to unite Africans, Asians, and colored within a single organization; and its leaders made a calculated effort to instill a new black consciousness by openly

separating themselves from the liberal whites. In some ways, they were echoing the radical Africanism of the Pan Africanist Congress but with the larger aim of uniting all races that shared a common experience of discrimination. In their view, even formal relations with whites and the associated "multiracialism" philosophy diverted blacks from the reality that fundamental change in South Africa could come only through their own efforts; whites, no matter how sympathetic, inevitably formed part of the discriminatory system that blacks must ultimately transform. Student leaders saw the homeland system—with its African leaders—as a Trojan horse designed to undermine blacks' resolve to secure full rights in an undivided South Africa.

The government reacted with expulsions, bannings, and, from September 1974 on, with detentions and imprisonment of leading members of SASO, avowedly because of the students' proposed rally at Curries Fountain Stadium in Durban to express solidarity with the blacks of neighboring Mozambique in achieving independence. Thus, black-white confrontation was reinforced. That it now goes deep into the consciousness of urbanized youth has been demonstrated by the extended series of demonstrations and outbreaks of violence in Soweto and elsewhere since June 1976.

Labor's Latent Power

Less overtly organized but at least initially more effective in securing change have been the sporadic illegal strikes by black workers that have marked employer-employee relations since 1970. Of the more than 6 million Africans in the work force, at least 2 million are engaged in mining, construction, manufacturing, commerce, finance, and transport.

At the end of 1971, 13,000 Ovambo workers in Namibia (formerly South West Africa) went out on a long and partially successful strike that received international publicity. From January to March, 1973, workers struck approximately 150 firms in Natal. The strikes took place one after another without any apparent organization. Unlike earlier strikes, force was not used against the strikers, and they largely achieved their purpose of gaining appreciable wage increases. More far-reaching effects were the overseas publicity on low wages paid by foreign as well as South African firms, the establishment of negotiating machinery by many firms, and a new national awareness of African labor's latent power. When two three-day strikes kept most Soweto workers at home in September 1976, this awareness was reinforced.

In short, strong as South Africa appears, it is a state riddled with contradictions. This has always been the case, but it is increasingly so today. Every step taken by the white supremacy system to relieve the tensions within its boundaries creates another contradiction. Curbing the influx of job-seeking Africans into urban areas adds to the population pressures in the homelands, which it is government policy to develop into viable systems. Greater dependence by white industry on *migratory* labor means increasing the flow of relatively unskilled workers but rapid economic growth demands more skilled manpower. Providing the homelands with their own African political institutions as alternatives to a voice in white institutions creates a new challenge from a black power base—whether from the independent Transkei, or from Chief Gatsha Buthelezi of the Zulus and other black leaders—which may be reinforced by fresh protest in the black urban townships. As time goes on, the contradictions and tensions will surely grow.



LOOKING TO THE FUTURE

by Colin Legum

South Africa is completely different from any other country on the continent. It is rich and powerfully armed. Even more important, it is a country where the process of economic (if not yet social) integration of the races has already gone so far as to lock the races into interdependence. The refusal of the architects of apartheid to acknowledge the extent of this integration has resulted not only in a total failure to separate the races (except into residential zones) in the industrial cities and white rural areas but has also sharpened the internal contradictions to the point where they have now actually become a more serious threat to the present system than an armed struggle.

Another major difference between South Africa and the former African colonial territories is that it ceased being a colony almost 70 years ago; South Africa does not depend on decisions

taken by a faraway metropolitan power that, like Portugal, can decide to give up an empire and withdraw its citizens. The size of its white community (more than 4 million) is greater than the combined white communities in the rest of Africa in the heyday of colonialism. White South Africans, especially the Afrikaners, whose families have been rooted in African soil for over three centuries, have no other home where they might hope to find refuge. These millions of whites still find it unthinkable that they will not continue to live in the country of their birth whatever the circumstances at the time of the transfer, or redistribution, of political power. And no black leader of any consequence has ever publicly suggested that the whites should be "driven into the sea." Quite the contrary: the blacks have always insisted on the right of the whites to remain, demanding only that they abandon their *herrenvolk* ideas.

Yet, today, there is little prospect of white South Africans—and especially of Afrikaners—yielding to such a demand, at least not before they see effective power slipping from their hands. There are signs that this possibility has begun to flicker through some minds; but most Afrikaners believe, like Mao Tse-tung, that power springs from the muzzle of a gun. And the whites have the guns. There seems to be no reasonable hope of white South Africans agreeing to meaningful negotiations with the black majority while they still remain sufficiently confident of their own strength.

Is there, then, no reasonable hope that white South Africans will consent to a peaceful process of political change? Could a nonracial society exist in which they would share a common home and destiny with blacks, through a federal system or other appropriate arrangements? Any answer to these questions must be heavily qualified. It is most unlikely that fundamental political change will come peacefully, but it could come without a totally ruinous conflagration. The idea of a federal or confederal solution might figure more urgently on the nation's agenda once the ex-

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periment of creating separate black states—the Bantustans—has proved to be a failure, and if Western policies are altered to exert a positive influence.

For more than a decade, most white South Africans have been led to believe that the current policies of “separate development,” culminating in the creation of eight or nine black, independent, economically viable republics and one white republic is the *only way* to safeguard their way of life. If this Bantustan experiment fails, as is likely, on economic grounds alone, white hopes will be dashed and a desperate search will begin for some new, perhaps more realistic alternative. Whatever it is—whether federal or confederal—its success can be assured only if South African blacks and whites sit down together at a conference table for the first time in their history. The longer this negotiation is delayed, the surer the prospect of widespread violence and of irreconcilable racial bitterness, and the fewer the chances of mutual accommodation.

One strong possibility is that the entrenched whites will resist to the bitter end, rather than accept black majority rule. The other possibility is that after three to five years more of considerable resistance, they will come to accept the necessity of negotiating a new constitution settlement with representative black leaders to replace the 1910 Act of Union.

Thus, it is extremely unlikely that any serious white attempt to negotiate will come before the situation becomes more violent and the economic system is manifestly threatened with paralysis and even collapse. This conclusion must follow any analysis of South Africa’s white political society. None of its leaders, or groups of leaders, is now able to make the kind of autocratic decision which General de Gaulle made to end the 1954–62 war in Algeria. In South Africa, political power lies exclusively with the white electorate, the majority of them Afrikaners. This electorate is still predominantly composed of diehard believers in white supremacy, even under siege conditions. If Prime Minister Vorster and his Cabinet were now to decide for practical reasons that a radical readjustment of power were urgently necessary (as some leading Afrikaner moderates already believe) they would likely be rebuffed by their own Nationalist parliamentary caucus, which faithfully reflects Afrikaner voters’ hard-line attitudes.

Some of the most powerful Afrikaner leaders in the past have had this humiliating experience. For example, General Jan Christiaan Smuts decided during World War II that racial segregation was at odds with the reality of the country’s increased economic integration; his cautious attempt to edge the electorate towards

softening segregation helped bring on his defeat and the election of the Nationalists' apartheid regime in 1948. Even such a commanding figure as the late Hendrik F. Verwoerd was unable, at the pinnacle of his power as prime minister, to get his parliamentary supporters to accept his more radical proposals to give greater substance to the idea of the Bantu homelands, of which he was the principal architect. Today, even if Mr. Vorster were to throw his own authority behind a more realistic approach to race relations, it is unlikely that he would succeed.

A Necessary Trauma

The critical factor is timing: to move too far ahead of the white electorate's perceptions would destroy Mr. Vorster's leadership as completely as it did General Smuts's; to move too slowly, in terms of the blacks' perception of their own growing power, could destroy any hope of a relatively peaceful settlement. If this analysis is correct, then the conclusion must be that the white electorate will not be ready to yield before they have suffered an extremely serious trauma. The white Rhodesians experienced such a trauma when they found themselves faced not only with a black guerrilla movement and economic strangulation, but also with open disavowals of support from South Africa, the United States, and Britain.

In white South Africa such a trauma might occur in the following way:

Urban black violence (such as that in Soweto) increases and becomes more difficult to repress. This persistent unrest erodes the whites' confidence in the effectiveness of their military-police power. The newly "independent" Transkei and other homelands become new bases of black power and serve to sharpen the confrontation between black South Africans and the white Republic.

Since the whites' basic assumption has been that the "independent" homelands will serve to *diminish* racial confrontation, this development comes as a profoundly disillusioning shock and leads to a fresh search for alternative policies. Meanwhile, black majority rule in Rhodesia and Namibia isolates the white Republic in the continent and further heightens the expectations of black South Africans, who become more defiant, and more insistent on early change. All these related developments make the Republic's basic instability more visible.

Earlier Western assumptions about South Africa being a safe place for investment are revised, and the Republic finds it increasingly difficult—and expensive—to raise new investment

ABSOLOM VILAKAZI: A WORD OF CAUTION

Anthropologist Absalom Vilakazi, 63, has taught at American University since 1965. He left his native South Africa in 1958 but has returned as recently as last year on research trips. At a seminar early this year with other Africanists at the Wilson Center, he commented on current talk of the impending "liberation" of South Africa:

The only external pressure for change that I can see as important would come from the United States, Great Britain, and the Western powers. There is a whole range of things that could happen there, but I would not want to be overly optimistic. South African whites can be pushed so far and no farther.

Insofar as black Africa is concerned, I'm afraid I am rather pessimistic. As a matter of fact, I discount all the rhetoric you hear in the U.S. from black African diplomats. It is all sound and fury, signifying nothing. Ask them, "How many troops are you going to commit to liberating South Africa?" None of them is going to commit anything.

South Africa is to Southern Africa what the United States is to the Western Hemisphere. It's like expecting Latin America to penetrate the United States.

The South African black movements—the African National Con-

gress and the Pan-Africanist Congress—have existed outside South Africa for 10 to 15 years. They make quite a lot of noise in London and New York and Washington—very safe distances. The nearest group is in Lusaka, Zambia, but again that is a very safe distance. I would pin my hopes much more on the struggle inside South Africa.

The assumption that there are no black leaders inside the country is absolutely nonsensical. They have a lot of problems because they are right there, face to face with Vorster. But the students, for instance, have done something. They are disorganized, but they have been much more effective than the people outside. My own view is that the scenario, the kind of model which was presented by Mozambique and Angola, just doesn't apply to South Africa. We don't even approximate the Rhodesian model; our blacks are not fighting like the Rhodesian blacks. South Africa is different.

capital (currently, South Africa needs \$1.5 billion of new capital for its homeland development programs alone). New investment slows down, leading to increased black unemployment. This development not only contributes further to instability but leads to a major policy reappraisal by the United States and by the nations of Western Europe.

Then, like Rhodesia in 1975–76, South Africa finds itself isolated, not only within the continent but more than ever in the Western community, its lifeline for economic support and defense against the “communist enemy.” The Communist nations increase their aid to the black challengers and to their allies in Mozambique. The Western nations are then faced with the choice of either buttressing South Africa at a time when white power has already begun to slip badly, or identifying their national interests with the black and white forces demanding majority rule. The likelihood is that Washington and London will “tilt the balance to the blacks,” as the Ford administration did in Rhodesia and Namibia.

Another more hopeful but unfortunately less likely prospect would be for the Vorster regime to react with the same kind of realism to its own situation at home as it displayed toward Mozambique and Rhodesia after the collapse of the Portuguese empire. White leaders respond to demands for a new constitutional conference, trying at first to confine black representation to the homeland leaders. But they are soon compelled to bring in the urban black leaders as well, while excluding the young militants and the leaders of the banned African National Congress. The white willingness to begin negotiations helps to defuse the more militant black opposition and wins strong Western backing. The fact that white and black leaders are negotiating the country’s future helps to condition white South Africans to accept the inevitability of a “shared society”—as has already happened in Namibia. It also strongly assists the cause of those white and black South Africans who believe that the country’s future lies in agreement on a new federal or confederal constitution.

Faced with such possibilities, what policy might one expect from the major Western nations if they hope to help avert the violent disintegration of South Africa and, in terms of their own particular national interests, to prevent the collapse of South Africa’s economy and minimize the chances of anti-Western forces gaining power with the help of external communist support? Such a policy should include:

¶ A joint U.S.–European approach to prevent the Pretoria regime from further exploiting Western differences (e.g., using the French as their major supplier of sophisticated weapons);

¶ An unequivocal commitment to the principle of majority rule in South Africa;

¶ A collective Western policy in support of the idea of a national convention, open to white and black representatives,

freely chosen for the purpose of negotiating a new constitution, with no outside dictation as to what form such a constitution should take (that is a decision for South Africans themselves);

¶ Discouragement by the West of any new capital investment before the South African whites show a willingness to call a national convention (other forms of economic disengagement should also be considered);

¶ Effective enforcement of the UN Security Council's arms embargo.

Once such a policy has been agreed upon in Washington, London, Bonn, and Paris, it would become possible to mount a concerted, carefully calculated drive to induce South Africa to seek a negotiated domestic settlement. By ending their present ambiguous policies toward South Africa, the Western nations would put themselves in a much stronger position to encourage proper change and to appear in a more convincing role as champions of "the struggle for independence, for racial equality, for economic progress, for human dignity," as former Secretary of State Henry Kissinger put it in Lusaka in April 1976.



BACKGROUND BOOKS

SOUTHERN AFRICA

What was Southern Africa like before the current protagonists arrived on the scene? Who lived in the area now dominated by the Republic of South Africa but consisting also of Namibia (South West Africa), Rhodesia (Zimbabwe), and independent Angola, Botswana, Lesotho, Mozambique, and Swaziland?

Brian Fagan and Roland Oliver in **AFRICA IN THE IRON AGE** (Cambridge, 1975) briefly sketch the evidence for the Bushmen as the original inhabitants and describe the emergence of early Iron Age African civilizations at sites established by Bantu groups migrating southward. Prehistory figures also in the early chapters of the basic **OXFORD HISTORY OF SOUTH AFRICA** edited by Leonard Thompson and Monica Wilson (Oxford, 1969-71). In Vol. I, subtitled **South Africa to 1870**, the authors show African hunters and herders arriving first in what is now known as South Africa, followed considerably later by the first Cape Town Dutch colonists in 1652. (Today's Afrikaners insist that their forebears arrived first.)

The focus of Vol. II of the Oxford history, subtitled **South Africa, 1870-1966**, is the peace imposed by Britain on the Boers and its failure to create the basis for the development of a multiracial society. Much of the background to this story is in the letters, resolutions, press statements, and other "raw materials" that fill three volumes of **FROM PROTEST TO CHALLENGE: A Documentary History of African Politics in South Africa, 1882-1964** edited by Thomas Karis and Gwendolen M. Carter (Hoover, 1972-74).

Professor Carter's own book, **THE**

POLITICS OF INEQUALITY: South Africa Since 1948 (London: Thames & Hudson, 3rd ed., 1962) is a detailed account of the crucial period after the National Party came into office. Political groups examined include the opposition as represented by the United Party, the Torch Commando (originally the War Veterans Action Committee), Labour, Liberals, Union Federalists, Conservatives, and non-European organizations.

Whether in history, politics, economics, sociology, or literature, the pervasive theme in writings about Southern Africa is race relations.

In contrast to the many largely polemical works, several studies help to illuminate South Africa's black and white politics. One is Leo Marquard's **THE PEOPLES AND POLICIES OF SOUTH AFRICA** (Oxford, 4th ed., 1969, paper), a succinct and thoughtful introduction to parties and parliament, trade unions, and economic interest groups. Another is T. Dunbar Moodie's **THE RISE OF AFRIKANERDOM: Power, Apartheid, and the Afrikaner Civil Religion** (Univ. of Calif., 1975). Moodie makes clear the relationship between the Afrikaner's Calvinist theology and the "civil religion" on which the modern South African state is founded.

South Africa is the wealthiest state in Africa. Its economy dominates the region. D. Hobart Houghton in **THE SOUTH AFRICAN ECONOMY** (Oxford, 3rd ed., 1973) discusses the rich agricultural and mining resources, the impressive industrial boom, and the rural/urban, black/white, and other imbalances and inequities of a diversified and growing economy subject to powerful

internal and external constraints.

Since 1948 the state itself has emerged as a major investor. Foreign private investment has been essential, however, in providing both capital and technology. The controversial argument that U.S. government pressures on American firms can influence the South African regime is made in a new book, **WHITE WEALTH AND BLACK POVERTY: American Investments in Southern Africa** by Barbara Rogers (Greenwood, 1976). Practices of U.S. firms in South Africa are aired in the September 1976 Senate Foreign Relations Committee hearings, **U.S. POLICY TOWARD SOUTHERN AFRICA**, available free from the Committee.

South Africa's relations with its neighbors are subject to considerable change. *Washington Post* correspondent Jim Hoagland received a Pulitzer Prize for reporting that led to his readable **SOUTH AFRICA: Civilizations in Conflict** (Houghton Mifflin, 1972). He sees little hope for heading off a violent confrontation with militant new nationalist regimes in the neighboring black states.

Mozambique, most militant of the bordering states, still depends on South Africa for jobs for its emigrant laborers and for management of its ports and railways, finance and markets, and its giant Cabora Bassa hydroelectric project. Eduardo Mondlane, the American-educated anthropologist who launched Mozambique's nationalist movement, was assassinated in 1969. His legacy includes **THE STRUGGLE FOR MOZAMBIQUE** (Penguin, 1969, paper), his account of the FRELIMO movement, guerrilla war against the Portuguese, and involvement with the Republic of South Africa.

Richard Stevens' **LESOTHO, BOTSWANA, SWAZILAND** (London: Pall Mall, 1967) describes the history and

current situation of these three weak states created by 19th-century treaties with the British that served to avert Afrikaner encroachments. Botswana has sought to use its mineral resources to reduce its economic dependence on South Africa; Lesotho, poverty-stricken and completely encircled by the Republic, resists the South African giant as best it can; conservative Swaziland, with its casino and sales of *Playboy* magazine, has catered to the demands of South African whites for pleasures forbidden at home.

The story of white Rhodesia's decolonization and likely emergence as independent black-run Zimbabwe is still being written. Former U.S. Ambassador to Zambia Robert C. Good, in **U.D.I.: The International Politics of the Rhodesian Rebellion** (Princeton, 1973), provides a scholarly account of the Rhodesian white minority's seizure of independence in 1965 in defiance of Britain and the world. African impatience with both British "liberalism" and the Ian Smith regime is summed up in Eshmael Mlambo's **RHODESIA: The Struggle for a Birthright** (London: Hurst, and Atlantic Highlands, N.J.: Humanities Press, 1972, paper).

Little-known Namibia with its vast deserts, sparse multiracial population, and history of German, then South African, occupation is nearing political adulthood and possible strife. No definitive book on this country has been written. Among lesser studies that express black African aspirations are **A DWELLING PLACE OF OUR OWN: The Story of the Namibian Nation** by Randolph Vigne (London: International Defense and Aid Fund, 1973) and **NAMIBIA '75: Hope, Fear, Ambiguity** edited by Jorden Lissner (Geneva: Lutheran World Federation, 1976).

The complex societies of Southern Africa, with their mixtures of class and

race distinctions, tradition, and modernization, have generated a rich sociological literature. One sociologist who maintains that Afrikaner political rule is likely to prevail for some time is Heribert Adam. In **MODERNIZING RACIAL DOMINATION: The Dynamics of South African Politics** (Univ. of Calif., 1971, cloth; 1972, paper) he argues dispassionately that increasing class differences within Afrikaner society will bring evolutionary change, avoiding Armageddon.

Novelist, biographer, Christian militant, and political agitator Alan Paton in **SOUTH AFRICA AND HER PEOPLE** (London: Butterworth, 1970) pleads for a de jure multiracialism based on a nationalism transcending racial and ethnic conflicts. His book also provides an appealing portrait of the human and physical splendors of the vast veldt, the Karoo Desert, and the golden coastal sands. Two other important books, both by men of religion, are **DISCARDED PEOPLE: An Account of African Resettlement in South Africa** (Penguin, 1972, paper) by Cosmas Desmond, and **BANTU PROPHETS IN SOUTH AFRICA** (Oxford, 2nd ed., 1961, paper) by Bengt Sundkler. Father Desmond is a white Catholic priest currently under house arrest. His book, which is banned in South Africa, is a systematic denunciation of Pretoria's "homeland" effort. Sundkler examines the proliferation of separatist churches as Africans sought to reconcile white oppression

with religious promise.

In South Africa's prolific literature as in its troubled politics, glimpses of the future as well as the tormented past and present abound. Alan Paton's 1948 novel, **CRY THE BELOVED COUNTRY**, the story of a rural African preacher who seeks his missing son in sinful Johannesburg, won world renown. The roster of talented writers includes the late Chief Albert Luthuli, Ben Jacobson, Bessie Head, Peter Abrahams, playwright Athol Fugard, Nadine Gordimer, poet Dennis Brutus, Laurens Van der Post, Richard Rive, Alex La Guma, poet Oswald Mtshali, Ezekiel Mphahlele, and Luandino Vieira, among others. Two collections that provide an introduction to some of their writing are out of print but available in most libraries. Editors Jack Cope and Uys Krige, in **THE PENGUIN BOOK OF SOUTH AFRICAN VERSE** (Penguin, 1968, paper), assemble translations from Afrikaans and several African languages, as well as English-language poetry. All sing the love of the fiercely contested land. Nadine Gordimer, herself a gifted novelist, and Lionel Abrahams edited **SOUTH AFRICAN WRITING TODAY** (Penguin, 1967, paper), a selection of short stories by writers of both races, dealing mostly with life in the cities. Out of their harshness and bitter humor comes a sense of a society being born—Black Africa's first completely urban society, spawned by the apartheid laws that sought to deny its existence.

EDITOR'S NOTE. *Comments on many of these books were provided by Galen Hull, a researcher with the Southern Africa project of the African-American Scholars Council, and Aaron Segal, program manager for International Science Studies, the National Science Foundation and co-author, The Traveler's Africa (Hopkinson & Blake, 1973). We are indebted also to Patrick O'Sheel, political counselor in the American Embassy, Republic of South Africa, 1965-69; and Africanists Absolom L. Vilakasi, professor of anthropology at American University; Pauline H. Baker, who has made two Rockefeller Foundation-sponsored research trips to Southern Africa; and John Purcell, Fellow, the Wilson Center.*



TV News and Politics

To a vast audience, television in America presents its own version of reality. As a result, America's political processes have been altered in ways both obvious and obscure. Election campaigns are geared to the special needs of television news; millions of dollars are spent on political TV advertising. But the effects on voters remain a matter of scholarly dispute and speculation. Here, discussing the 1976 campaign, political scientists Thomas E. Patterson and Michael J. Robinson raise some of the issues of concern to academic TV researchers. Then, in a Wilson Center "evening dialogue," network news executives respond.



THE 1976 HORSERACE

by Thomas E. Patterson

The 1976 presidential campaign, as presented on the network evening news, was primarily a competition to be won or lost. Only secondarily did it seem to involve national policy and quality of leadership.

Most of the evening news coverage was given over to what can most aptly be called the "horserace"—the candidates' comings and goings on the campaign trail, their strategies for winning votes, and their prospects for victory or defeat. Such subjects accounted for 60 percent of the networks' presidential election news during 1976. By contrast, only 28 percent of the television coverage was devoted to the "substance" of the campaign—the issues, the candidates' policy positions, their characters and abilities, their public records and personal backgrounds.

These figures come from a content analysis of a randomly selected sample of 117 weeknight network newscasts made between January 1 and November 1, 1976, 39 newscasts being

analyzed for each network—ABC, CBS, NBC.

Network television news emphasized the “horserace” aspects from the beginning. Even before the New Hampshire primary on February 24, news coverage focused on the candidates’ strategies and campaign efforts and the odds they faced in trying to win the party nominations. The early coverage of Ford and Reagan did touch on the ideological and other bases of their contest, but considerably more time was spent on the candidates’ early personal appearances—mostly Reagan’s—and the strategies and resources of each. On the Democratic side, except for one-shot biographical sketches of some of the candidates, almost no attention was given to substantive issues. The coverage revolved around such questions as who was gaining the early advantage, how effective did their organizations appear to be, and who was campaigning today—and where.

After the New Hampshire primary, the horserace type of coverage received even more emphasis. With 30 primaries to be covered in 100 days, election reporting was necessarily heavy on who was winning and by how much in each primary and where. This emphasis, however, was not limited to Tuesday’s vote predictions and Wednesday’s vote analyses. Nearly every day the lead report on both the Republican and Democratic races dealt with the candidates’ progress toward the nominations. Each development was analyzed primarily for its effect on the race. Carter’s “ethnic purity” statement, for instance, was mentioned much more often in terms of its possible effects on his chances than in terms of what, if anything, it revealed about his politics.

During the first five months of 1976, no more than 11 percent of network coverage of the primaries was concerned with the candidates’ policies and political leanings and only 5 percent with such topics as their abilities, characters, and public records. These percentages are based on all news references, regardless of length or source, originating in an anchorman’s lead, a correspondent’s narrative, or some other format. In the period of the party conventions, the horserace coverage continued to dominate.

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**NETWORK EVENING NEWS COVERAGE OF THE 1976
PRESIDENTIAL CAMPAIGN (January 1 to November 1, 1976)**

	ABC	CBS	NBC	network average
THE HORSERACE				
<i>winning and losing</i>	19%	21%	22%	21%
<i>strategy, logistics, and support</i>	22	21	27	23
<i>appearances, crowds, hoopla</i>	17	15	15	16
	58	57	64	60
THE SUBSTANCE				
<i>candidates' policies</i>	13	11	9	11
<i>candidates' characteristics and backgrounds</i>	6	8	7	7
<i>issue-related subjects (e.g., party platforms)</i>	11	12	8	10
	30	31	24	28
THE REST				
<i>(e.g., campaign calendar, election procedures)</i>	12	12	12	12
	100%	100%	100%	100%

Attention to the substance of the 1976 presidential campaign rose moderately from a three-network average low of 25 percent during the primary period to 35 percent during the post-convention period.

Once the campaign had been narrowed to Ford and Carter, "substance" did receive more attention, particularly on the evening newscasts of ABC and CBS, accounting for almost 40 percent of their coverage, as compared to 30 percent of NBC's. At every stage of the general election campaign, these network differences reflected a tendency on the part of NBC to pay consistently less attention to substance than the other two networks.

Television's emphasis on substance was greater during the 1976 general election than it had been in 1972. In our study of network reporting of the Nixon-McGovern race,* Robert McClure and I found that less than 30 percent of the post-convention

*Thomas E. Patterson and Robert D. McClure, *The Unseeing Eye* (Putnam's, 1976).

coverage was given to issue and candidate assessments.

But 1976 was different. ABC and CBS gave more continuous coverage to what the candidates were saying on a variety of issues and placed more emphasis on analyses of their characters and qualifications. Although events, such as the televised debates, contributed to the networks' substantive coverage, it is my feeling that ABC and CBS made an effort in 1976 to cover substance more heavily than in previous elections. Nonetheless, the horserace was clearly the central theme of television's post-convention coverage, accounting for about 50 percent of such reporting by ABC and CBS and nearly 60 percent by NBC.

One apparent reason for this emphasis is that television is a visual medium, which is more effective when it shows people in motion rather than "talking heads." A candidate disembarking from an airplane or wading through a crowd provides a better television picture than a candidate standing still and making a statement. But the "good picture" argument does not fully explain the 1976 election coverage, since less "action" film was displayed on the nightly news in 1976 than in 1972.

Explaining the "Why"

A more fundamental reason for the horserace emphasis in 1976 might be the interpretive form of most network news reporting. While a newspaper report is often simply a matter-of-fact description of a day's campaign events, a television report usually tries to explain a day's events and present them as a "story." A television report tends to answer why as much as what, which requires a context or perspective that will explain what happened. If the candidate is the focus of the report, as he usually is, his actions must be explained. The one thing that can be safely assumed about a major presidential candidate is that he is in the race to win, so his relative position in the race is the most obvious explanation for his actions and, in fact, the one most frequently used by network correspondents.

Although some reporters have suggested that network emphasis on the horserace merely reflects reality (the candidates *are* seeking office), the campaign actually offers the networks wide latitude in their coverage. Once in a while, a candidate will make a startling blunder or score a major triumph. Such banner stories must be broadcast, but they are not everyday occurrences, and on most days, the networks have free rein as to what they report. The typical campaign day will find candidates immersed in campaign hoopla. Nothing earthshaking may happen. Nevertheless,

the story possibilities are many.

Nightly newscasts, of course, are only one element of the networks' election coverage, but because they provide the daily news to millions of Americans, they are undoubtedly the most important. The evening news reaches an average of 28 million homes, according to the Nielsen ratings—11.2 million for CBS, 9.8 million for NBC, and 7 million for ABC. The other programming is more substantive, less so than is commonly assumed.

Whatever the explanation for network television's emphasis on the horserace, its effects are far-reaching. Television provides a window on the campaign for a vast number of American voters. Our research on the 1972 campaign revealed that regular viewers of the nightly news learned nothing more about the candidates' policies or qualifications than did non-viewers. During the entire period of the 1976 primaries, regular viewers learned almost nothing about what the candidates represented, although they were well informed about the candidates' chances of winning the party nominations. During the 1976 post-convention general election campaign, regular viewers did become better informed, but not nearly as well informed as regular newspaper readers.

Emphasis on the horserace also heightens the feeling of some voters that campaigns really are not very important and that candidates really are not very noble fellows. When asked to recall what they had seen on television in regard to the 1976 campaign, nearly 60 percent of the persons questioned in the course of this study cited a "horserace" story, which is almost exactly the percentage of such stories broadcast on the evening news during the campaign. When asked what "went through their minds" at the time, those recalling a horserace story were apt to say, "It was meaningless," or "Just more of the same old stuff." At the same time, however, particularly when the news report was about strategy or maneuvering, they tended to link a candidate's actions with negative stereotypes: "Politicians will do most anything to get votes" . . . "All politicians are the same."

People may vote differently when their votes are based on information of the horserace type rather than on substance. Our evidence on this subject has not yet been fully analyzed, but there is no reason to assume that knowledge of a candidate's strategies and campaign style—not to mention speculation on his chances of winning—provides a better basis for a voter's decision than knowledge of the candidate's policies and qualifications.

Horserace coverage may well affect the outcome of presidential elections in this country. At the very least, it affects the quality of the electorate's decision.

TV'S "HORSERACE" COVERAGE: A SAMPLE

On October 14, 1976, less than three weeks before election day, Jimmy Carter made a campaign swing through upstate New York, stopping in Rochester and Syracuse, where he spoke on taxes and economy, among other things. Professor Patterson saw it as a fairly typical campaign day; the following reports were aired that night on the three network evening news shows, as part of their election coverage.

ABC NEWS

Barbara Walters: New York State has 41 electoral votes—that's 15 percent of the total the winner needs, and that's not peanuts. So it's no wonder that Jimmy Carter followed the President into New York State by one day for a round of campaigning today. Sam Donaldson also made the trip which began in upstate New York.

Sam Donaldson: There were the old familiar lines today in upstate New York: "unemployment too high . . . home ownership too difficult . . . an income tax system that is a disgrace to the human race." Jimmy Carter returning to his tested routine—proof, if any was needed, that last week's heady mood of attack on a President then clearly on the run had given way to a more cautious thrust. More proof at airport news conferences—where Carter endorsed the special prosecutor's favorable report on the President. Smart politics perhaps—but putting Carter slightly on the defensive.

Jimmy Carter: I never have accused Mr. Ford of doing anything wrong—I just want to make sure that he lets the people have access to him, and has press conferences now and then.

Unidentified Reporter: There have been charges that you are waging

a nasty little campaign. How do you react to that?

Jimmy Carter: Well, I never have done that—and don't intend to. If I did, it would be very damaging to me, and I certainly wouldn't deliberately permit it.

Sam Donaldson: Throughout the day, the crowds were large and enthusiastic, adding to Carter's belief that he's ahead and can stay ahead. Carter and his aides expect more difficulties. A heckler in Syracuse, for instance, upset the beginning of a rally before he was carried off. But the strategy for handling difficulties in the two and one-half weeks remaining seems to be—ignore them, if possible.

CBS NEWS

Walter Cronkite: With just two and a half weeks until the voting, Carter appears to be making an adjustment in his campaign style, and Ed Bradley has that story.

Ed Bradley: Carter's campaign winged toward New York State with a sharply reduced schedule that will keep the candidate on the road less often, just two or three days at a time. Carter senses he now has the momentum and President Ford the problems, so he sharply reduced the acidity of his attacks, but still reminds vot-

ers of the President's statements on Eastern Europe and the Arab boycott. As for attacks against him, Jimmy Carter delights in telling his audiences he knows what the Republicans have to say.

Jimmy Carter: Don't believe all the stories that you hear from our Republican administration, from my Republican opposition. If I believed everything I heard said about me, I wouldn't vote for myself. You help me, I help you, and we'll have a great country once again. Thank you very much, and God bless all of you.

Ed Bradley: A number of polls both public and private show Carter with a comfortable and growing lead in several key states as well as nationwide. Carter's strategists feel the cutback in the schedule will reduce the possibility their candidate will make a serious mistake that could reverse the trend in the polls. Still, it will keep him on the road often enough to provide a contrast with the Ford campaign. Ed Bradley, CBS News, with the Carter campaign in Syracuse.

NBC NEWS

John Chancellor: Jimmy Carter was on the road in New York State while all of this was going on. He was talking about economic issues and on stopping the build-up of nuclear arms by the United States and the Soviet Union. Don Oliver reports from the Carter campaign.

Don Oliver: Carter has been criticized of late for running a some-

what mean campaign, with personal jabs at President Ford. There were no sharp attacks by the Democratic nominee today and he warned the Rochester crowd about believing charges against him.

Jimmy Carter: Don't believe all the stories that you hear from our Republican administration, my Republican opposition. If I believed everything I heard said about me, I wouldn't vote for myself.

Don Oliver: In Syracuse Carter was asked about the clean bill of health the Special Prosecutor has given President Ford on allegations of misuse of campaign funds in Michigan.

Jimmy Carter: I've never used his . . . ah . . . his ah . . . violating or not violating the law as a campaign issue. The only campaign issue I've raised is that he ought to have a press conference, reveal all his records and let the public or the investigators decide. And I think that to the extent that the investigators or the news media can have access to Mr. Ford, then that way you can keep these questions from being carried on from one day to another.

Don Oliver: Carter says he is happy that President Ford is going to hold a news conference tonight, but he is not happy that it will be carried live on nationwide TV. Carter says that puts him at a disadvantage, and he may ask for equal time. Don Oliver, NBC News, with the Carter campaign in Syracuse.



THE TV PRIMARIES

by Michael J. Robinson

Most of us have grown up with the idea that large states have more influence in the selection of a President than small states because of the peculiarities of our electoral system. The big states do wield significant power on Election Day because of the all-or-nothing quality of the electoral college vote. But there is, in fact, an even greater inequality of influence among the states during the nominating process—the state conventions, caucuses, and primary elections. This particular inequality can be attributed almost solely to the communications media. The political weight that accrues to some states because of this “communications advantage” has expanded exponentially since the advent of the present television news systems in 1963.

Three criteria help to determine the relative communications advantage of a given state: (a) the day on which it selects delegates (the earlier the better); (b) the democratic basis of the selection process (the larger the vote base the better); and (c) the journalistic tradition that has grown up around that state's selection process (the amount of news coverage attracted by a state in the last election is the best indicator).

Since it holds the first presidential primary, New Hampshire ranks very high on timing* and highest in terms of the other two criteria. In 1976, Florida and Massachusetts came out very high on all three, but no state ever approaches New Hampshire in overall news coverage.

Although California, New York, and other large states have disproportionate influence on who is *elected* President (due to the electoral college's unit rule tradition), their share of influence is less disproportionate than that of New Hampshire, Massachusetts, and Florida when it comes to deciding who is *nominated* by each party. In fact, recent history leads us to believe that

*In 1976, Iowa held delegate selection *caucuses* on January 19, 36 days before the New Hampshire primary *election*.

winning New Hampshire and either Florida or Massachusetts—or both—may now be tantamount to winning the nomination.

During the early spring of 1976, Jimmy Carter and Henry Jackson emerged as the two most likely Democratic candidates. To most observers, Carter was virtually assured of the nomination by the end of April, but it was February that was crucial, not April, because by February Carter had won the three states that determine the true strength of presidential candidacies.

Henry Jackson had won nearly 300,000 more popular votes in states where he had been a contestant—1,880,644 against an aggregate of 1,597,186 for Carter in New Hampshire (February 24), Massachusetts (March 2), Florida (March 9), North Carolina (March 23), and Wisconsin and New York (both April 6). But Jackson lost the first three states—the “top communications states”—which have become essential for the nomination. The top communications states separate losers from winners. Whoever wins New Hampshire is perceived as the eventual winner and, what’s more, is assured continuing coverage. Nothing demonstrates this more vividly than the difference in news attention given to the results of the primaries in New Hampshire on network evening news and the attention given to the results of the New York primaries.

New Hampshire, which gave Carter his first primary victory, cast a total of 82,381 Democratic votes. On the day following the election, the New Hampshire results received 2,100 seconds of total news time on the three networks—an average of 700 news seconds per network. New York, which was Jackson’s biggest victory, cast 3,746,414 Democratic votes. On the following day, his victory received only 560 seconds on the three shows combined—fewer than 190 seconds per network. Thus, the New Hampshire results received 170 times as much network news time per Democratic vote as the outcome in New York.

Promoting Primaries

The process that made this possible began ten years ago when television journalism, quite indirectly, supported the expansion of the presidential primary election system at the expense of the caucus or state convention systems. By paying much greater attention to primary politics than to other types of delegate selection, television encouraged the growth of the primary system throughout the nation, as states, like candidates, sought free television time. By 1976, 90 percent of the delegate selection stories on TV were about primaries.

Iowa attracted such meager press and television coverage of its first-in-the-nation delegate selection caucuses in 1976 that Iowa, like so many other states, is now likely to switch to a primary system in order to secure the kind of coverage only primaries can attract. Even Minnesota, long the archetype of convention politics—where primaries have never been especially important—is seriously considering moving to a presidential primary system. “Don’t kid yourself,” a state Democratic leader told us, “they want the TV time up here too.”

More primaries have meant more primary voters and a larger percentage of delegates selected by voters in the primary elections. The number of primary voters and the number of primaries more than doubled between 1968 and 1976. This has been as much an electoral revolution as doubling the percentage of delegates selected through primaries, because primary voters are always considerably less involved in party politics than state caucus or state convention delegates. They are more volatile politically, consequently more vulnerable to “bandwagon effects” and “image candidacies.” This has been the most important factor in the growing “communicational” influence accruing to states like New Hampshire, Massachusetts, and Florida.

Vicious Circles

What’s more, states that have already adopted the primary system, partly in pursuit of TV exposure, have a second card to play—holding their primary election on an earlier date. In 1976 New York and Massachusetts moved their primaries ahead in order to enjoy a communications advantage (New York even adopted a “second primary”). New Hampshire, not to be outdone, passed a public law ensuring that its presidential primary would always be first in the nation.

There are more presidential candidates than ever, now that any candidate who gives the appearance of winning in one of the top communications states believes he or she has a good chance of winning the nomination. There are earlier candidacies as well. Dark-horse candidates, or candidates challenging an incumbent

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President for the nomination, begin to cultivate New Hampshire up to two years before the general election is held.

The process is both a vicious circle *and* a chain reaction. More television coverage implies more primary states, implies more primary voters, implies more primary delegates, implies more candidates, implies more television coverage, etc. We seem, in fact, to be moving toward a 50-state primary system adapted to the needs of television news and influenced by the whims of the voters in New Hampshire.

Television increased its coverage of the New Hampshire primary by 39 percent between 1972 and 1976. Between November 24, 1975, and February 27, 1976, there were 32 more delegate selection stories on weeknight network news than in the corresponding period for 1971-72. Twenty-nine of them focused principally on New Hampshire. Television's affinity for New Hampshire increases with each passing campaign.

The one positive thing that can be said of this system of choosing nominees is that it tends to ensure predictability as to who will win, several months before the nominating conventions take place. Political mavericks, retired governors, and social scientists should at least be able to appreciate—and capitalize—on that.



TV News and the 1976 Election: A Dialogue

The issues raised by Professors Patterson and Robinson were discussed at an "evening dialogue" at the Wilson Center on January 18, just two days before Jimmy Carter's inauguration. Among those present to confront the academics were NBC and CBS news executives (their ABC counterparts were unable to attend). CBS and NBC were not in total agreement. Edited excerpts from the transcript follow:

ROAN CONRAD, *Political Editor, NBC News*: The central question posed by Professor Patterson is the proper relationship between what he calls "substance" (and what we'll call substance) and the "horseshoe" element in TV campaign coverage. I was surprised frankly, when I read his paper, that we did as well as

we did in terms of substance.

Now, from a newsman's point of view, the news is what happens. The news is what somebody says or does. The news is not a reporter's perception or explanation of what happens; it's simply what happens. That's horserace, granted. And I think there is a real question as to whether the proper role of an evening news service, 30 minutes long and much shorter than that (22 minutes) once we take out all the commercials, is to give people the kind of in-depth examination of political and policy issues that has been suggested, at least by implication.

What if the proportions were reversed? What if the networks had given twice as much emphasis to substance and only one-third to horserace? I bet you a nickel we'd be sitting in this building tonight discussing papers that said the networks had failed to report the news accurately and had devoted far too much attention to their own perceptions of the issues.

Network television news, it seems to me, is really not in the business of making assessments. We shy away from them. We get into trouble when we make assessments. Networks don't like to present themselves in the role of the arbiter of what is good and what is bad. It is safer, in all candor, to stick to the horserace elements of the election and not go wandering off into the thickets of substance.

Another point—there is a myth that networks enjoy great freedom of choice in what they can cover during a campaign, that they can choose not to film the arrival of Milton Shapp at North Ravenswood, New Hampshire, on a snowy winter morning.

Network executives would be very upset if a major event occurred and there was no one there to cover it. I'm talking about people getting shot. I'm talking about people making big mistakes, and I'm talking about every happenstance that can change the shape of a campaign in two minutes.

There is a problem of over-coverage of the New Hampshire primary that needs some explanation. The emphasis on over-coverage has proceeded from a faulty understanding of what the political process is like in an election year. The presidential primaries are a process. The process begins in New Hampshire [in February] and it ends in June. Last year, the process involved 30 or 31 different contests, depending on how you count, which have different weights. They have different weights because sometimes there are three or four contests on a single night and you can't cover them all adequately. You can't give them all equal weight. [Conrad noted the limited number of available correspondents and camera crews and the technical hazards that circumscribe

what harried network producers can put into the "campaign" segment of a 22-minute evening news show.]

Of course New Hampshire is emphasized and probably over-emphasized. There are several good reasons for that. First of all, you have to introduce to the country at large a new crop of candidates. That immediately produces more stories about New Hampshire than other states because you have a long lead time. The candidates are up there. Jimmy Carter was up there, God knows, in 1974 and '75. Ronald Reagan spent a considerable part—perhaps the major part of his total campaign time—in New Hampshire.

ROBERT CHANDLER, *Vice President, Administration, and Assistant to the President, CBS News*: We at CBS were concerned with the problem of making some sense for the public out of the preconvention campaign that involved coverage of 30 primaries within a 15-week period. But another concern of ours was the fact that in 1972 we had fallen prey to some degree to the so-called media event; to the balloons, the baby kissing, the marching bands, the hoopla, if you will. We were determined to put more substance into our reporting in 1976.

Curiously enough, we now find ourselves attacked for having done that very thing; Mr. Patterson talks about our narratives dealing with campaign tactics. Those narratives came about because we instructed our reporters and our producers not to use the hoopla, but to tell the people what was going on. Forget the pictures, but report. That's exactly what we did.*

Mr. Patterson tells us that our "issue" content was much lower during the primary campaign than during the general election campaign. Let me tell you a story. In April of last year, Governor Carter kindly consented to have lunch with a number of our correspondents and executives in New York. One of us asked him why he had not put forth any position papers during the primary campaign, why he had not taken definitive stands and put out white papers and made specific proposals. His response was that the only Presidents he knew of who had done that dur-

*According to information provided by network officials, CBS initially assigned 15 correspondents to cover presidential primary candidates (1 to each of 10 Democrats, 3 to Ford, 2 to Reagan); NBC employed a maximum of 11 (8 with the Democratic contenders, 2 with Ford, 1 with Reagan) during the peak primary period, with 3 more correspondents "roving" in early January 1976. CBS and the *New York Times* conducted 20 polls: 6 to explore issues and candidate standings prior to June 1976, 10 to analyze voters' primary choices, and 4 to test post-convention trends. NBC ran 30 polls: 7 for pre-primary guidance on key issues, 14 to analyze voter primary choices, and 9 national phone surveys. ABC followed the same pattern, assigning a maximum of 15 correspondents and making use of some 7 polls provided by Louis Harris.—En.

ing the primary campaign were Presidents Dewey, Humphrey, and McGovern.

He had no intention of dealing with the issues. That was his privilege. But you tell us we have a responsibility to raise our issue content, when, indeed, the candidates will not deal with issues. I think this places something of an unfair burden on us.

One of the ways we attacked that problem was to pick up the ball on our own. In early November 1975, we took a public opinion poll and asked the public what national problems were of greatest concern to them. Then we did a series on the evening news called "The Candidates and the Issues," which began in late November of 1975 and carried through until we had covered all 12 candidates.

We did, as did NBC, a considerable amount of polling (with the *New York Times*—in our case) to see what public positions were on the issues, what problems in the country were bothering the public, what the public perception of the candidates was—because not only issues but qualities of character were fundamental to this first post-Watergate election.

I can't say we succeeded to the extent that we should have, but I suggest that we didn't succeed largely because the candidates didn't succeed.

What we have here is Mr. Patterson constructing an elaborate thesis to the effect that we failed in our responsibilities to report the substance of the campaign. As he represents our coverage of events, he slices out only a small part and says that's what we did. Well, we did a good deal more than that. What I find in Professor Robinson's paper is a political and journalistic vacuum; nice neat sets of data about quantities of stories without any consideration of the circumstances surrounding these stories and the reasons why they had to be covered in certain ways.

Professor Robinson attempts to prolong a popular myth that New Hampshire is unimportant, that it provides so few delegates to the nominating conventions, has so limited a population, and is so atypical that its real value in the political process is negligible. I think that's nonsense. New Hampshire is important. As long as we continue to have a presidential primary system, as long as New Hampshire continues to have the first primary contest, it is important.

As I said, the primaries account for 75 percent of the delegates. Secondly, the primary process is really a continuum because it's compressed into 15 weeks and because there are 30 primaries. No one state on its own remains unaffected by the others. It is a process; it is a continuum.

The real value of primaries is that they constitute tests for the candidates, and the public can examine the results of those tests. They put the candidates out front under stress, where their strengths and their weaknesses are exposed for all to see.

DOUGLAS BAILEY, *Political Consultant, Bailey, Deardourff, and Eyre, Washington, D.C.*: It seems to me from the perspective of a professional political planner that the New Hampshire primary is beyond belief in its importance, and one of the reasons for its importance is the inevitable coverage that the networks give to it. You can't run in New Hampshire without it affecting your campaign enormously, much more so than any other primary. That shouldn't be so, but that's not the fault of the networks. It is the fault of the political system that somehow allows that to happen.

LAWRENCE LICHTY, *Professor of Communications, University of Wisconsin*: You said, Mr. Conrad, that television is not in the business of making assessments. All of the emphasis on New Hampshire aside, it seems to me that the big difference between newspapers and television during the early primary coverage is that the "standup"—the concluding statement by a TV correspondent holding a microphone and facing the camera—is almost always an assessment of how the day went, who has "momentum," and so forth.

CONRAD: Perhaps I was reflecting only my own prejudice that assessments should be kept to the bare minimum in all news. I think that the number of times a correspondent says a candidate is gaining or losing is strictly limited, and I expect that most producers would not like that kind of flat-out assessment. That's one of the reasons why we go to the trouble of taking public opinion polls. It is much easier and much better from a journalistic standpoint to have some basis on which to make an assessment.

CHANDLER: I'm afraid I don't agree. I think the reporter's job is to make assessments. That's what he's paid for. A reporter, and particularly a reporter traveling with the candidate, has a far greater basis of comparison with the past and with what the candidate has said and done than the average citizen or even the average TV anchorman. It's his job to assess as he goes along. The basis of his story selection is assessment based on his own professional judgments and what he's seen and heard not only that day, but on previous days. It's not only a justifiable responsibility; it's a necessary one.

NORMAN ORNSTEIN, *Staff Member, Senate Select Committee on the Committee System*: The comments by the network people suggest that they're trying to have it both ways. They say: We cover the primaries because they represent 75 percent of the delegates. And then they say: But we don't cover the primaries that have the delegates because they aren't the important ones. The Wisconsin primary is important because it's a beauty contest, because it's a horserace, because it's one that's close. The New York primary isn't important because it's already decided. Jackson's already got it, and it's not really a primary in which candidates are running.

MICHAEL J. ROBINSON: There was 39 percent more coverage of the New Hampshire primary in '76 than in '72. Now I don't think that's a function of the fact that there were more candidates. The candidates are not foolish, and they do not operate in a political or journalistic vacuum. If in '68 they knew that New Hampshire was going to get the plurality of coverage, by '72 challengers would have said I'm going to New Hampshire, and the media in part stimulated that.

I'm convinced that the candidates are going to be in New Hampshire in 1980, and there are going to be more of them and they are going to be spending more and more days there. But the point is they're not operating in a vacuum; they're operating in response to what the media, especially television, is doing. If television is going to increase its coverage in New Hampshire, then the activity of the candidates will increase.

CONRAD: As you know, there is a great move toward regional primaries. A number of states gathered together this year. New Hampshire wouldn't go along, but Vermont and Massachusetts decided to have theirs the same day. There was no network coverage of the Vermont primary as far as I know.

I suggest the reason there were more candidates running for President in 1976 than in 1972 is that you had the curious situation of both party's nominations being open; we had an unelected incumbent President, and we also had federal money that went to 12 candidates for the first time, several million dollars, which made possible candidacies that otherwise could not have gotten off the ground.

ROBINSON: One of the reasons we moved to a primary system as rapidly and as totally as we have is that it fits the organizational needs of television network news to cover primaries.

CHANDLER: As one of the poor victims of this situation and as the man who is responsible for putting on our primary programs week after week after week, I can assure you those are terrible television programs.

ROBINSON: But they're not as bad as caucus states. Caucuses are hard to follow, and they're not very exciting.

CHANDLER: Sure, but I can assure you that those half-hours at 11:30 every Tuesday night when there was a primary were dreadful television.

BURT HOFFMAN, *Staff Member, Office of the House Majority Whip:* My problem with television news coverage, and indeed with newspaper coverage nowadays as well, is that we're getting far too much analysis and not enough of what the candidate has to say.*

CHANDLER: I don't know what your experience is, but relating that observation to the presidential campaign, the problems our reporters had were that the candidates were saying the same thing every day, or nearly every day. We're trying to report news and when a candidate repeats the same thing day after day, at some point that no longer is news.

CONRAD: I really want to quash the notion that the networks have a vested interest of some kind in perpetuating or increasing the number of primaries. I believe the primaries are going to continue to increase, but it has nothing to do with the desires of television. It costs the networks more. It's a drain on resources, and it often doesn't turn out to be very good television.

It has much more to do with the continued democratization of our political parties, with the widespread desire among political professionals to spread the responsibility over a larger number of the people who determine who the candidates of their party are going to be. I shouldn't be surprised at all if we have 40 or more state primaries in 1980.

*Paul Weaver, a *Fortune* editor and former assistant professor of government at Harvard, argues that "newspaper and television news are alike in being essentially melodramatic accounts of current events." Hence, the "generalized image of politics as a horserace." But while the newspaper story is an impersonal, "quasi-random" presentation of information, the brief TV film report is "thematic" (often to the point of distortion), superficial, highly personal, with the TV reporter striking a "pose of omniscience." Television news is "pre-eminently an instrument of symbolic politics." See Weaver's analysis, among others, in *Television As a Social Force* (Aspen Institute for Humanistic Studies/Praeger, 1975).—Ed.

THOMAS E. PATTERSON: In the process of doing their classic studies of the 1940 and 1948 elections, Paul Lazarsfeld and Bernard Berelson did some content analysis [see Background Books, p. 91]. Their methods are not terribly clear, but I think a reasonable reader would conclude from their data that they do prove that the horserace accounted for about 25 to 40 percent of newspaper coverage in 1940 and 1948. In newspaper coverage of the 1976 campaign, it was about 50 percent. On television news, it was almost 60 percent.

Now, one can argue that there is very little choice involved on the part of the networks as to what facets of the campaign story they cover. But I think you have to confront a couple of facts if you're going to make that argument. First of all, there is almost 10 percent more horserace coverage on network news than in newspapers. And if one makes some judgment about the structure of those stories, one sees that the structure, the narrative theme that holds the TV story together, is very frequently the horserace.

My feeling is that in 1976, compared with 1972, there was a substantial difference in network news coverage during the post-convention period. It was more substantive. But from my personal bias, I don't think it was substantive enough.

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## BACKGROUND BOOKS

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### TV NEWS AND POLITICS

Books discussing broadcast coverage of presidential campaigns have followed each inaugural since 1940 as the night the day. But solid fare, as opposed to extended sermons and jeremiads, has only begun to appear.

This brief bibliography includes books that can be grouped as (a) serious attempts to assess the impact on the voter of broadcast coverage and/or campaign advertising, (b) studies of broadcast content, and (c) related general analyses of network operations and news selection.

Broadcasting and politics have been closely connected since the beginning of radio. In November 1920, KDKA in Pittsburgh, Pa., broadcast the returns of the Harding-Cox election. By 1928, despite a prominent Republican's remark that "We haven't time to monkey around with novelties," Democrats and Republicans were ready to spend a total of more than \$1 million for commercial radio time. But not until the mid-1940s did the first detailed examination of radio's impact on politics appear—in **THE PEOPLE'S CHOICE: How the Voter Makes Up His Mind in a Presidential Campaign** by Paul F. Lazarsfeld et al. (Columbia, 1944, later eds. 1948-68, cloth & paper).

The case in point was the 1940 re-election of Franklin D. Roosevelt. Lazarsfeld concluded that, although radio broadcasts (like newspapers) were frequently used as a source for concrete information, their overall impact was small. People-to-people communication had greater significance.

"Impact studies" in general fall short of providing conclusive evidence on how the mass media—print or broadcast—

affect Americans' votes. Even the widely accepted notion that Nixon's wan physical appearance had an adverse effect on voters watching the Kennedy-Nixon debates of 1960 cannot be "conclusively" proven, as Sidney Kraus's book **THE GREAT DEBATES: Background, Perspective, Effects** (Ind. Univ., 1962; Peter Smith, 1968) demonstrates.

"To trace a change in a political climate . . . straight to the door of television is a task foredoomed to failure," say Kurt Lang and Gladys Engel Lang in **POLITICS AND TELEVISION** (Quadrangle, 1968, cloth & paper). Yet "failure to 'prove' the cumulative effects does not mean that political life has been unaffected" by TV. In their view, the effects on late voters of TV broadcasts of early returns had no impact on the outcome of the 1964 election; future elections might be different.

In **THE UNSEEING EYE: The Myth of Television Power in National Politics** (Putnam's, 1976), Thomas E. Patterson and Robert D. McClure argue that "in almost every instance" the prevailing view of heavy TV influence in the election process is "wrong." They found that the average change on issues for respondents exposed to TV political advertising and news, compared with those not exposed, was small. Yet their statistics show fairly large changes on individual issues.

Most political scientists have barely considered TV as a factor in the political education of ordinary Americans. Moreover, most media studies published so far have underrated the impact of TV in "setting the agenda" in campaigns. Sidney Kraus and Dennis Davis make a start on closing these gaps in

**THE EFFECTS OF MASS COMMUNICATION ON POLITICAL BEHAVIOR** (Pa. State Univ., 1976).

The first scholarly examinations of TV news "content" have focused on the 1972 elections. Most calculate the amount of air time devoted to each candidate, the issues, and other aspects of the campaign and analyze news items for "positive," "neutral," or "negative" coloration.

One example can be found in the Alternative Educational Foundation's 1974 **REPORT ON NETWORK TREATMENT OF THE 1972 DEMOCRATIC PRESIDENTIAL CANDIDATES**, which is good on the primaries. Another is C. Richard Hofstetter's detailed **BIAS IN THE NEWS: Network Television Coverage of the 1972 Election Campaign** (Ohio State Univ., 1976). Other content analyses by university researchers generally agree with Hofstetter that network news coverage did not deliberately favor McGovern over Nixon or vice versa.

The half-hour (22-minute) nightly network news show began in 1963. But only recently have writers begun to analyze how NBC, CBS, and ABC cover election campaigns. An early example is former NBC correspondent Robert MacNeil's **THE PEOPLE MACHINE: The Influence of Television on American Politics** (Harper & Row, 1968, cloth & paper). Despite the title, MacNeil concentrates on the networks' 1960 and '64 campaign broadcast efforts and the competition for profit (ratings) and prestige (e.g., drawing the biggest audience on election nights).

General discussion, mostly by broadcast journalists, of the sins and virtues of network (and local) TV news is

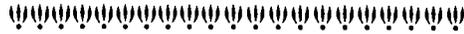
available in the five volumes of the periodic Alfred I. duPont-Columbia University Survey of Broadcast Journalism, edited by Marvin Barrett. The most recent, **MOMENTS OF TRUTH?** (Crowell, 1975, cloth & paper), is largely devoted to Watergate coverage.

Edwin Diamond, TV critic and visiting lecturer in political science at MIT, in **THE TIN KAZOO: Television, Politics, and the News** (MIT, 1975), discusses both network and local news, with no great admiration for either.

In **NEWS FROM NOWHERE: Television and the News** (Random House, 1973, cloth; 1974, paper), Edward Jay Epstein reports on news operations, primarily at NBC, over a six-month period in 1968. In the first systematic (though flawed) analysis of its kind, he describes how network news is selected; he stresses the importance of limited manpower, budgets, and the competition to attract (and entertain) mass audiences in shaping what we finally see on the evening news.

The major overview of the industry is Sydney W. Head's **BROADCASTING IN AMERICA: A Survey of Television and Radio** (Houghton Mifflin, 3rd ed., 1976). Other good treatments include Les Brown's **TELEVISION: The Business Behind the Box** (Harcourt, Brace, Jovanich, 1971, cloth; 1973, paper) and Ben H. Bagdikian's **THE INFORMATION MACHINES: Their Impact on Men and the Media** (Harper & Row, 1971, cloth & paper). Bagdikian examines newspapers as well as local TV; he considers the implications of various technologies that will affect the content of news and its delivery to the next generation of consumers.

—Adapted from a longer bibliographical essay by Lawrence W. Lichty, available on request from the author, Department of Communication Arts, University of Wisconsin, Madison, Wis. 53706. Professor Lichty will be a Fellow at the Wilson Center beginning in July 1977.



# The Supreme Court

As always when a new administration settles in, there is speculation in Washington over the Supreme Court—its future direction, possible vacancies, presidential appointees. The nine Justices often surprise Presidents. As the makeup and outlook of the Court change, the Justices do not always decide constitutional cases along predictable ideological lines. The Court's decisions have shaped America's history; in no other nation is the highest court so powerful. Here, political scientist Alpheus T. Mason reviews the Court's evolution from its origins through the mid-1950s. Law professor A. E. Dick Howard examines the changing Court under Chief Justice Earl Warren and under the present Chief Justice, Warren Burger.



## FREE GOVERNMENT'S BALANCE WHEEL

*by Alpheus Thomas Mason*

*Whether by force of circumstance or by deliberate design, we have married legislation with adjudication and look for statesmanship in our courts.*

WOODROW WILSON

The Constitution of 1789 and its 26 amendments can be read in about half an hour. One could memorize the written document word for word, as schoolchildren once did, and still know little or nothing of its meaning. The reason is that the formal body of rules known as constitutional law consists primarily of the gloss which United States Supreme Court Justices have spread on the formal document. Charles Evans Hughes declared that "the Con-

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stitution is what the judges say it is." But Supreme Court historian Charles Warren urges us not to forget that "however the Court may interpret the provisions of the Constitution, it is still the Constitution which is law and not decisions of the Court." Myth wars with reality both within and without the Court.

Constitutional law comprises an intricate blend of history and politics of which judicial decisions are but one facet. Others include the context in which decisions are rendered and the theories used to rationalize both judicial preferences and decisions. Justice Oliver Wendell Holmes considered these "the small change of thought."<sup>1</sup> He preferred "to let in as much knowledge as one can of what ultimately determines decisions: philosophy, sociology, economics, and the like." Holmes ranked theory "the most important part of the dogma of the law, as the architect is the most important man who takes part in the building of a house."<sup>2</sup>

### Oracle or Wielder of Power?

Placed in the historical and political climate of their times, Supreme Court cases reflect the tortuous course of constitutional doctrine and reveal the judiciary as a participant in the governing process. Judicial decisions range widely under the impact of various pressures. They represent the selection—rather than a soulless, mechanical choice—of alternatives.

The Court has always consisted largely of politicians, appointed by politicians and confirmed by politicians, all in the furtherance of particular goals. From John Marshall to Warren Burger, each Justice has been the guardian and promoter of certain interests and values. Judicial activism, so conspicuous in the Warren Court, was not unprecedented. In 1896, seven Supreme Court Justices restricted Negro freedom with a doctrine of their own creation—"separate but equal." In 1954, nine Justices en-

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larged human freedom by rejecting their predecessors' handiwork. More often than not, advocacy flourishes beneath the benign cloak of judicial self-restraint.

Nevertheless the myth, articulated by Chief Justice Marshall in *Osborn v. U.S. Bank* (1824), that "courts are mere instruments of the law and can will nothing" has endured. The rationale behind the myth is that constitutional interpretation involves discovery of truths clear only to judges; to the legislative and executive branches, the Constitution's secrets are hidden and obscure.

Until 1937, the Supreme Court occupied a position vis-à-vis the public not unlike that of the British Crown. A royal personage on the throne "sweetens politics with nice and pretty events, strengthens government with the strength of religion," wrote Walter Bagehot in *The English Constitution*. The black-robed Justices in their marble sanctuary excite imagination and inspire awe. To Bagehot, Parliament was the "efficient part" of the British Government; monarchy was the "dignified part." In America these roles are blended. The Supreme Court is both symbol and instrument of power. While functioning as a vehicle of revealed truth, the Court can bring the President, Congress, and state governors and legislatures to heel. At the heart of the American system of constitutional limitations lies an intriguing paradox: while wearing the magical habiliments of *the law*, the Justices, taking sides, decide controversial public issues.

The critical role of the federal judiciary had been obvious from the beginning. During the long contest over the adoption of the Constitution, the article relating to the judicial branch of the new government provoked criticism and concern.

### Drafting a Blueprint for Free Government

By 1787 it had become clear that if the inadequacies of the Articles of Confederation were to be remedied, the new American system would have to embody a coercive principle—with the central government acting on individuals rather than simply on corporate units called sovereign states. Under state constitutions framed after 1776, state legislatures enjoyed both constituent and lawmaking powers. James Madison complained that the multiplicity, mutability, and injustice of state laws had brought into question a fundamental principle of republican government—"that the majority is the safest guardian of public good and private rights."<sup>3</sup> Dependence on the electorate was not enough. A forum outside the states to consider and correct injustices engendered within them, especially inequities of property and

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contract rights, was lacking. The creation of such a forum, together with a more energetic central authority, was the major task confronting the Constitution's framers.

In *The Federalist*, Alexander Hamilton applauded the progress made in the science of politics and listed as wholly new discoveries "the regular distribution of powers into distinct departments; the introduction of checks and balances; the introduction of courts holding their offices during good behavior." New also was the concept of federalism. Six weeks before the Philadelphia Convention assembled, Madison sent Virginia Governor Edmund Randolph a message proposing a "middle ground" between "individual independence of the states" and their "consolidation into one simple republic." Madison suggested "due supremacy of the central authority" but was for retaining the states, "so far as they can be subordinately useful." <sup>4</sup> An architect would hesitate to begin construction of a house with so imprecise a blueprint, but the delegates met in Philadelphia, not to build a house, but to draft the framework of a constitutional system that would combine stability and energy in government and achieve union without unity.

### **Liberty and Restraint**

The framers called their creation free government, attempting to fuse into one coherent document the sometimes opposite, sometimes complementary elements of liberty and restraint. Crucial to the operation of the Constitution are two major principles: separation of powers and federalism. Neither is spelled out. On the contrary, lines of demarcation are not drawn with mathematical exactness. "No skill in the science of government," Madison wrote in *The Federalist*, "has been able to discriminate or define, with sufficient certainty, the three great provinces—the legislative, executive and judiciary." Even the framers most adept in political science encountered intractable difficulties in putting such new, complex, and intangible concepts into enduring language. Nor were the difficulties limited to defining the three branches of government. In delineating the boundaries between federal and state jurisdictions, members of the Convention experienced such insuperable problems that instead of "a democracy the most simple," they fashioned what John Quincy Adams described as "the most complicated government on the face of the globe."

The imponderables of politics and the imperatives of time and circumstance suggest that any effort to draw precise constitutional boundaries in 1787 would have been not only fruitless

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but also undesirable. In any case, the framers considered a condition of tension normal and necessary, as did Justice Holmes, dissenting in *Truax v. Corrigan* (1921), when he pointed out the "dangers of a delusive exactness." Madison had already expressed doubts about the adequacy of the written word to express such imponderables: "When the Almighty himself condescends to address mankind in their own language, his meaning, luminous as it must be, is rendered dim and doubtful by the cloudy medium through which it is communicated."

### Judicial Review

The authors of *The Federalist* anticipated that just as the states would resent encroachments by national authority, so the central government would protect the people from the tyranny of their own state governments. They were hopeful that any differences arising in the process might resolve themselves. In *The Federalist*, neither Hamilton nor Madison had closed his eyes to the ominous possibility of "mortal feuds" or the setting of conflagrations that "no government can either avoid or control." For peaceful resolution of controversies, whether among the three branches of the national government or between the central authority and the states, the founding fathers relied on the Supreme Court.

"One court of supreme and final jurisdiction is a proposition not likely to be contested," wrote Hamilton. The Constitution could not "intend to enable representatives of the people to substitute their will to that of the constituents." Accordingly, courts "were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority." Nor would judicial review entail "superiority of the judicial to the legislative power." Ironically, judicial review would make "the power of the people superior to both." In a flash of remarkable foresight, Hamilton suggested that discharge of these responsibilities would "have more influence upon the character of our government than but few may be aware."

At the Virginia Ratifying Convention in 1788, John Marshall had inquired: "To what quarter will you look for protection from an infringement of the constitution, if you will not give the power to the judiciary? There is no other body that can afford such protection."<sup>5</sup>

In 1803, fourth Chief Justice of the United States John Marshall seized the first opportunity (in *Marbury v. Madison*) to

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anchor judicial review as the supreme law of the land, relying primarily on separation of powers. But his ablest critic, Chief Justice John Bannister Gibson of the Pennsylvania Supreme Court, invoking the same principle, argued that if the framers had intended to confer such a "proud pre-eminence," they would have based it on "the impregnable ground of an express grant." It could be argued, however, that judicial review is so firmly rooted in general principles—natural law, separation of powers, federalism, natural rights—as to make specific authorization unnecessary.

Judicial review by the Supreme Court is only one among several devices for obliging government to control itself. It is not merely a matter of theory; it is also a matter of practice.

Between 1789 and 1835, the Supreme Court construed its power narrowly. Chief Justice Marshall, in *Gibbons v. Ogden* (1824), deferred "to the wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections as the sole restraints on which they have relied to secure them from abuse." Marshall contended that the principle of national supremacy should be the deciding factor in resolving conflicts between the Union and its member states. The principle was "safe for the states and safe for the Union." In 1819, in *McCulloch v. Maryland*, he wrote: "We are relieved, as we ought to be, from clashing sovereignties. We are not driven to the perplexing inquiry, so unfit for the judicial department, what degree of [state] taxation is the legitimate use, and what degree may amount to the abuse of power." Chief Justice Marshall used judicial review to legitimate, not defeat, the power of the central government. To the dismay of Thomas Jefferson and his fellow advocates of states' rights, Marshall's theory of federalism was couched in the language of judicial self-restraint.

### Changing Social and Political Values

Below the federal level, Marshall was an activist, safeguarding contract and property rights against invasion by local authorities. In *Fletcher v. Peck* (1810), he regarded Article 1, Section 10, prohibiting impairment of the obligation of contract, as "a bill of rights for the people of each state."

With the rise of Jacksonian democracy, social and political values underwent change. The Court's altered composition reflected these shifts. So did the nature and scope of judicial power. Marshall's successor as Chief Justice, Roger Brooke Taney, agreed that the rights of property must be "sacredly guarded," but he warned, in *Charles River Bridge Company v. Warren River Bridge*

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*Company* (1837), that "the community also have rights and the well-being of every citizen depends on their faithful preservation."

Taney also diverged from his predecessor in his views on federalism. For Marshall, the Supreme Court was primarily an organ of national authority. Taney regarded it as an arbiter, standing outside and above both the national government and the states. Dual federalism—the theory that nation and state confront each other as equals—characterized his constitutional jurisprudence.<sup>6</sup> Rejecting this arbitral role as "unfit" for the judiciary, Marshall had asked one question: Does Congress have the power? Taney asked two: Does Congress have the power? and Do the states have any rights that preclude congressional action?

The effect was to elevate the judiciary, rendering it, ultimately, the final judge of such burning issues as slavery and the nature of the Union. In a reckless display of judicial pre-eminence, the Taney Court vetoed congressional policy embodied in the Missouri Compromise Act of 1820. In the name of dual federalism, its own creation, the Court annexed power beyond that claimed by Marshall. In forestalling congressional efforts to settle moral and constitutional problems, the Taney Court helped to precipitate the Civil War. After the *Dred Scott* decision of 1857, it was hard for the Supreme Court to maintain the pose of judicial impotence. Nevertheless, the myth endured. More severe tests lay ahead. *Dred Scott* proved to be only the first in a series of self-inflicted wounds.

### Judging in an Industrial Age

The post-Civil War years witnessed the rapid creation of huge fortunes that threatened the fruits of Jacksonian democracy. Louis D. Brandeis was to define the issue as political democracy versus industrial absolutism. The word "socialism" was bandied about, and the affluent classes, no longer able to control legislatures, turned to the courts for protection.

In 1893, to stem the rising tide of organized labor and its influence on legislation, Justice David J. Brewer, doffing his judicial robe, made an impassioned plea for a strengthened judiciary. He sugarcoated his appeal with the traditional fiction that judges "make no laws, establish no policy, never enter into the domain of popular action . . . do not govern." He took satisfaction in sanctioning "the universal feeling that justice alone controls judicial decisions."<sup>7</sup> Countering Brewer's urgent call for judicial alignment with property interests, Harvard's James Bradley Thayer warned courts against stepping into the shoes of the

## THE MILESTONE CASES

### **Marbury v. Madison** (1803)

In a case arising from William Marbury's claim to be a justice of the peace, the Court firmly established the constitutional, rather than the legislative, source of Supreme Court jurisdiction and entrenched the principle of judicial review—the right of the Court to declare laws unconstitutional.

### **McCullough v. Maryland** (1819)

The Court held that the chartering of a National Bank of the U.S. was a "necessary and proper" means of achieving the effective exercise of powers delegated to Congress by the Constitution. By its broad interpretation, the Court widened the range of actions that could be initiated by the federal government.

### **Dartmouth College v. Woodward** (1819)

The Court ruled that a legislature may not interfere in the affairs of a private corporation unless the legislature, in granting a corporate charter, reserves the right to amend that charter at some later date. *Dartmouth College* reflected the high measure of protection 19th century judges were willing to extend to property.

### **Dred Scott v. Sandford** (1857)

The Court held that Congress could not prohibit slavery without violating the due process clause of the Fifth Amendment and citizens' property rights. This effectively voided the 1820 Missouri

Compromise, which had preserved an uneasy balance in the admission of new slave and free states to the Union.

### **Lochner v. New York** (1905)

The Court held that a New York State law limiting bakers to a 60-hour work week was an unconstitutional abridgement of the right of contract. Thus a constitutional provision (Fourteenth Amendment) intended to secure the rights of newly freed slaves was transformed into a buttress of laissez-faire capitalism.

### **Schechter Poultry Corp. v. U.S.** (1935)

In one of several decisions striking at New Deal measures, the Court invalidated National Recovery Administration codes established to regulate minimum wages, maximum hours, collective bargaining, and unfair competition. The Court held that the codes constituted an excessive delegation of legislative power to the executive and an unconstitutional exercise of the congressional commerce power.

### **U.S. v. Darby Lumber Co.** (1940)

Abandoning its earlier opposition to New Deal legislation, the Court upheld the Fair Labor Standard Act of 1938, which provided for the fixing of minimum wages (for men) and maximum hours for employees in an industry whose products were shipped in interstate commerce.

**Youngstown Sheet & Tube Co. v. Sawyer** (1952)

The Court held invalid the action of President Truman in seizing the country's steel industry during the Korean War without statutory authority. Sole lawmaking power, the Court decided, rests with Congress, not the President, regardless of wartime emergencies.

**Brown v. Bd. of Education** (1954)

The Court held that in the field of public education the "separate but equal" doctrine established by *Plessy v. Ferguson* (1896) was not justified, because to separate schoolchildren of similar age and qualifications solely on the basis of race may inflict irreparable psychological damage. *Brown* opened an era of civil rights initiatives by the courts and by Congress.

**Mapp v. Ohio** (1961)

The Court held that evidence produced as a result of a search or seizure violating the Fourth Amendment must be excluded from state criminal trials. *Mapp* was the forerunner of a number of decisions imposing stricter procedural protections in state criminal proceedings.

**Gideon v. Wainwright** (1963)

The Court held that indigent criminal defendants in felony cases are entitled to counsel appointed by the state, discarding a 1942 dictum (*Betts v. Brady*) that defense attorneys must be provided only where special circumstances would make trial without counsel "offensive to common and fundamental ideas of fairness."

**Reynolds v. Sims** (1964)

After ruling in *Baker v. Carr* (1962) that federal courts could hear cases involving alleged unequal apportionment of state legislative districts, the Court held in *Reynolds* that both chambers of a state legislature must be apportioned by population—one man, one vote—and that there is a presumption of unconstitutionality for any system that deviates from the norm of equal representation.

**Griswold v. Connecticut** (1965)

The Court for the first time decided the merits of a constitutional challenge to state anti-birth control laws, striking down a Connecticut statute prohibiting the sale of contraceptives, on the grounds that enforcing the law against married couples violated a right of marital privacy. *Griswold* illustrates the ability of the Court to "discover" a right (e.g., privacy) not explicitly spelled out in the Constitution.

**Miranda v. Arizona** (1966)

The Court held that the Fifth Amendment bars the use in court of statements that stem from custodial interrogation without procedural safeguards to protect the accused against self-incrimination. These include his right to remain silent, his right to the presence of counsel, and his right to have counsel appointed if he cannot afford a lawyer. The Court also held that the prosecution bears the burden of proving that the accused waived his right to remain silent.

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lawmaker and made the uncanny prediction that intervention would imperil the Court's limited, yet "great and stately jurisdiction."<sup>8</sup> His counsel was to no avail.

For nearly half a century (1890–1937), the Supreme Court successfully pitted its social and economic preferences against national and state attempts to regulate the excesses of a burgeoning industrialism by legislation. The judiciary vetoed congressional efforts to enact a federal income tax and to enforce anti-trust legislation. The Court invalidated child labor laws and frustrated organized labor's drive to make its influence felt in the nation's expanding economic life. To protect economic interests against the zeal of social reformers, the Supreme Court became a political body, not in any narrow partisan sense, but to the extent that it played a crucial role in determining public policy, functioning as an arbiter between the forces of democracy and those of property. Judicial supremacy replaced judicial review.

Justice Holmes's famous quip of 1905 (dissenting in *Lochner v. New York*) that the Constitution "does not enact Mr. Herbert Spencer's *Social Statics*" was no idle protest. Holmes's particular target was Justice Rufus Wheeler Peckham. Asked for an appraisal of his colleague, Holmes replied: "You ask me about Peckham. I used to say his major premise was 'God damn it.' Meaning thereby that emotional predilections somewhat governed him on social themes."<sup>9</sup>

### Stalling the Power to Govern

By 1936, the Supreme Court had seriously impaired the ability of both federal and state governments to govern. The number of acts declared unconstitutional had risen to an all-time high. In two terms, 13 congressional statutes were set aside, all but nullifying President Franklin D. Roosevelt's legislative program. To destroy a state minimum wage law for women, the Court invoked the liberty-of-contract concept. After joining in numerous dissents, a discouraged Justice Harlan Fiske Stone observed at the end of the 1935–36 term, "We seem to have tied Uncle Sam up in a hard knot."<sup>10</sup>

Among the Court's most deadly and tenacious restraints on governmental power has been the doctrine of dual federalism. It had played a decisive role in the slavery issue and was later to ban congressional regulation of manufacturing in *U.S. v. E. C. Knight* (1895), employer-employee relations in *Hammer v. Dagenhart* (1918), and agriculture in *U.S. v. Butler* (1936). The dual-federalism concept had created a dreamland of *laissez faire*,

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a power vacuum in which so-called free enterprise could roam almost at will. To do this the Court turned the Tenth Amendment upside down, in effect, by inserting a single word: "The powers not *expressly* delegated to the United States . . . are reserved to the States, or to the people."\*

At the very moment when politico-judicial power reached its peak, the Court portrayed its role as that of a grocer weighing coffee or a dry goods clerk measuring calico. Justice Owen J. Roberts declared for the majority in *U.S. v. Butler* (1936) that constitutional interpretation required merely to lay "the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former."

### Court-Packing

During his entire first term, President Roosevelt did not have an opportunity to make a single Supreme Court appointment. Emboldened by a huge popular mandate in the 1936 presidential election, he proposed enlarging the membership of the Court by appointing additional Justices of his own political persuasion. His plan was promptly dubbed "court-packing."

Initially, efficiency was the professed issue, not unfavorable decisions. The President's plan was to give any Supreme Court Justice past the age of 70 six months in which to retire. If he failed to do so, he could continue in office, but the President would appoint an additional Justice, presumably younger and better able to carry the heavy load. Since six Justices, including Brandeis, were in this category, the President could make six appointments almost immediately, thus raising the Court's membership to 15.

Although the Court ruled by a narrow margin and seemed vulnerable to political attack, the judicial robe continued to cast a spell. Heedless of Flaubert's warning, "Idols should not be touched lest their gilt stick to one's fingers," the President's persistence stirred stormy opposition. Overnight Supreme Court Justices were again pictured as demigods far above the sweaty crowd, abstractly weighing controversial public issues on the delicate scales of the law.

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\*Marshall regarded the Tenth Amendment as a constitutional tranquilizer, "framed for the purpose of quieting the excessive jealousies which had been excited"—*McCulloch v. Maryland*, 4 Wheat, 316 (1819), 406. In 1940 Justice Stone described the Amendment as "a truism that all is retained which has not been surrendered"—*U.S. v. Darby*, 312 U.S. 100 (1941), 124.

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The need for a Court "under the Constitution, not over it" (Roosevelt's phrase) was demonstrated by the growing number of dissenting opinions, and FDR exploited them to the limit. Even as the court-packing battle raged, the Court began to discredit its own precedents by upholding state and federal legislation that had recently been disallowed on constitutional grounds.

The first bastion to fall was *Morehead v. Tipaldo*, which in June 1936 had set aside the New York minimum wage law for women, holding that the state was powerless to fix a pay scale for women, even if it was less than a living wage. Ten months later, faced with President Roosevelt's landslide victory of 1936 and his court-packing threat, the Justices reversed themselves in effect (in *West Coast Hotel v. Parrish*, 1937), by sustaining the Washington State Minimum Wage Law, whose main features were indistinguishable from those of New York's. Still hanging in the balance was the fate of the Wagner Labor Disputes Act.

In 1936, the Court had invalidated the Bituminous Coal Act, designed to create order in the nation's most chaotic industry. Chief Justice Hughes, voting with a majority of six, agreed that though coal mining affected interstate commerce, it did so indirectly, and was therefore not subject to congressional regulation (*Carter v. Carter Coal Company*, 1936). A year later, the Court, speaking through the Chief Justice, endorsed the National Labor Relations Act. Curtly dismissing arguments that had proved effective in Commerce Clause cases of 1935 and 1936, Hughes observed, "We are asked to shut our eyes to the plainest fact of our national life and to deal with the question of direct and indirect effects in an intellectual vacuum." The Supreme Court commentator and wit Thomas Reed Powell called it "the switch in time that saved nine."

### **The Genius of Free Government**

In the historic court-packing conflict, both sides won and both lost. The Justices defeated the President, and the President, thanks to the Court's abrupt about-face, won judicial endorsement of the New Deal.

The Court did not abdicate. It merely relinquished a self-acquired role. If either Congress or the Court had scored an outright victory, free government would have suffered a well-nigh fatal blow. Demonstrated was the genius of free government that Hamilton called "vibrations of power"—rooted in the conviction, as John Randolph of Roanoke expressed it, that "power alone can limit power." Madison was resigned to free government's inevita-

ble risks. "It is a melancholy reflection," he wrote, "that liberty shall be equally exposed to danger whether the government have too much or too little power, and that the line that divides these extremes should be so inaccurately defined by experience."<sup>11</sup>

The impasse created by *Dred Scott* in 1857 and the court-packing conflict of 1937 need not have occurred if Jefferson's recipe for avoiding constitutional crises had been heeded: "The healing balm of our Constitution is that each party should shrink from all approach to the line of demarcation, instead of rashly overleaping it, or throwing grapples ahead to haul to hereafter."<sup>12</sup>

### Distrust of Power

The 1937 deadlock had been resolved by the Justices themselves, but not without revealing a capricious element in the judicial process. In 1936, the Court had stood for judicial activism in defense of property and contract rights. A year later it was championing judicial self-restraint. Tarnished was America's bur-nished symbol of divine right. With engaging candor, Justice Robert H. Jackson confessed in *U.S. v. Brown* (1953): "We are not final because we are infallible, but we are infallible only because we are final."

Distrust of government in all its branches and at all levels is free government's dominant characteristic. Courts are the exception, but even the judiciary is sometimes the target of distrust. In a trenchant dissenting opinion, Justice Harlan F. Stone, a knowledgeable and sophisticated jurist, made one of the most astonishing comments in the annals of the Supreme Court when he wrote, "While unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint." There are, in fact, various formal and informal restraints on the high court, including impeachment and the threat of court-packing. When the Court's self-restraint fails to function in vital issues of the day, as under Jefferson, Lincoln, and the two Roosevelts, the Supreme Court faces restraint from without, inspired by that all-important element in our constitutional tradition—distrust of power.

By 1938, Justice Stone had been leader of the drive for judicial self-restraint for more than a decade. When he pondered the future, he decided that if the judicial baby was not to be thrown out with the bath, the Justices would have to find new interests to protect. In an obscure case of 1938 (*U.S. v. Carolene Products*), Stone penned the now famous "*Carolene Products*

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Footnote 4," in which he did not go so far as to say that economic regulations would never transcend constitutional limits but did suggest confining the Court's role in this area within narrow bounds. Footnote 4 singled out for more searching judicial scrutiny: specific provisions such as those in the first 10 amendments; government actions impeding or corrupting the political process; and official conduct affecting adversely racial, religious, or national minorities.

In April 1938, Harvard Law Professor Felix Frankfurter endorsed Stone's Footnote as "extremely suggestive, opening up new territory," but when the Court proceeded to implement it, certain Justices, including Frankfurter, who had been appointed to the high court later in 1938, launched heated opposition.\*

In *Minersville School District v. Gobitis* (1940), the Court upheld a state act requiring all schoolchildren to salute the flag. To win Stone's support, Frankfurter wrote his colleague at length. "It is relevant," he pleaded, "to make the adjustment we have to make within the framework of present circumstances and those that are clearly ahead of us."

With the endorsement of eight Justices, judicial activism now paraded under the banner of judicial self-restraint—but not for long. Two years later, in *Jones v. Opelika* (1942), Black, Douglas, and Murphy recanted in a remarkable about-face. Encouraged by these dramatic shifts and the appointment of two new Justices—Robert H. Jackson and Wiley Rutledge—Walter Barnette, a Jehovah's Witness, brought suit to enjoin enforcement of the flag salute required of his children (*West Virginia State Board of Education v. Barnette*, 1943). Voting 6 to 3, the Court reversed itself holding that First Amendment freedoms may be abridged only to prevent grave and immediate dangers.

### Cementing National Unity

Chief Justice Hughes had resigned in 1941. As his successor, President Roosevelt elevated Harlan Fiske Stone, to the center chair. Appointment of a New Hampshire Republican as Chief Justice not only seemed a fitting reward for the uphill battle Stone had waged in behalf of the power to govern, but it was thought at the time that the appointment would help to cement national unity in the midst of a world in the throes of World War II—an

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\*A decade later, Justice Frankfurter, dissenting in *Kovacs v. Cooper* (1948), denounced Stone's prophetic Footnote as a "mischievous" way of "announcing a new constitutional doctrine."

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expectation that failed to materialize.

Between 1937 and 1943, President Roosevelt had been fortunate enough to name one Chief Justice and eight associates. Paradoxically, this so-called Roosevelt Court inaugurated the most quarrelsome period in the annals of the judiciary. When Justice Owen J. Roberts resigned in disgust after 15 years on the bench, his colleagues could not even agree on the wording of the letter customarily sent a departing Justice. The shifting positions of the Court and the individual Justices were reflected in Stone's vacillating leadership. The Chief Justice found himself pitted against judicial activists Black, Douglas, Murphy, and Rutledge. A year before his death in 1946, he lamented: "My more conservative brethren in the old days enacted their own economic prejudices into law. The pendulum has now swung to the other extreme, and history is repeating itself. The Court is now in as much danger of becoming a legislative constitution-making body, enacting into law its own predilections, as it was then."

### Igniting Controversy

After Stone's death, a Truman crony, Fred M. Vinson, was appointed Chief Justice. One of the most notable decisions during Vinson's seven-year tenure called a halt to presidential aggrandizement in the 1952 steel seizure case (*Youngstown Sheet & Tube Company v. Sawyer*). In a labor dispute during the Korean War, President Truman issued an order authorizing the Secretary of Commerce to seize and operate the steel mills. The President's action was based on the national emergency allegedly created by the threatened strike in an industry vital to national defense. Moving with rare speed, the Court granted certiorari on May 3, 1952, heard arguments on May 12, and handed down its decision on June 2. In ordering that the mills be returned to their owners, Justices Black and Jackson underscored America's cherished principle that ours is a government of law and not of men. Chief Justice Vinson dissented.

By 1953, the separate-but-equal formula, as applied in public schools, was hanging by a constitutional hair. Yet, when *Brown v. Board of Education* was first argued, the Chief Justice's colleagues realized that the weight of his authority favored its continuance. Vinson's death, just prior to reargument under his successor Earl Warren, evoked Frankfurter's pointed reaction: "This is the first indication I have ever had that there is a God."

Once again the judicial fat was in the fire. Once again the Court had become a major political issue in Congress and in the

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hustings. Just as the judicial activism of the 1930's in defense of economic rights embroiled the Court in partisan politics, so judicial decisions on behalf of civil rights (the new "preferred freedoms") stirred bitter political and constitutional controversy.

In 1938, judicial activism old-style was dead; in 1953, judicial activism new-style was just around the corner.

1 James Bishop Peabody, ed. *The Holmes-Einstein Letters*, O. W. Holmes to Lewis Einstein, June 24, 1911. New York: St. Martin's, 1964, p. 59.

2 Oliver Wendell Holmes. *Collected Legal Papers*. New York: Harcourt, 1920, p. 200.

3 Gaillard Hunt, ed. *The Writings of James Madison*. New York: Putnam's, 1901, vol. 2, p. 361.

4 *Ibid.*, p. 336.

5 Jonathan Elliot, ed. *The Debates of the Several Constitutional Conventions on the Adoption of the Federal Constitution*. Washington, D.C., 1836, vol. 3, p. 503.

6 *Groves v. Slaughter*, 15 Peters (1841), 449; *License Cases*, 5 Howard, 504; *Ableman v. Booth*, 21 Howard (1859), 506.

7 David J. Brewer. "The Movement of Coercion," an address before the New York State Bar Association, Jan. 19, 1893. In *Proceedings of the New York State Bar Association*, vol. 16, pp. 37-47.

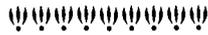
8 James Bradley Thayer. "Origin and Scope of the American Doctrine of Judicial Review," an address before the Congress on Jurisprudence and Law Reform, Aug. 9, 1893. *Harvard Law Review*, vol. 7 (1893), p. 129.

9 Quoted in: Alexander M. Bickel. *The Unpublished Opinions of Mr. Justice Brandeis*. Cambridge: Harvard, 1956, p. 164.

10 Alpheus T. Mason. *Harlan Fiske Stone: Pillar of the Law*. New York: Viking, 1956, p. 426.

11 *The Writings of James Madison*, op. cit., vol. 5, p. 274.

12 Paul L. Ford, ed. *The Works of Thomas Jefferson*. New York: Putnam's, 1904-05, vol. 12, p. 203.



## FROM WARREN TO BURGER: ACTIVISM AND RESTRAINT

*by A. E. Dick Howard*

When Earl Warren stepped down as Chief Justice of the United States in 1969, an era ended. Anthony Lewis of the *New York Times* referred to the 16 years of Warren's tenure as years of legal revolution. "In that time," he wrote, "the Supreme Court has brought about more social change than most Congresses and most Presidents."

Appraisals of the work of the Warren Court varied sharply. Harvard's Archibald Cox was confident that historians would find the decisions of the Warren Court "in keeping with the mainstream of American history—a bit progressive but also moderate, a bit humane but not sentimental, a bit idealistic but seldom doctrinaire and in the long run essentially pragmatic—in short, in keeping with the true genius of our institutions."

Alex Bickel and Harry Wellington, of the Yale Law School were more critical. They were disturbed by the many instances in Warren Court opinions "of the sweeping dogmatic statement, of the formulation of results accompanied by little or no effort to support them in reason, in sum, of opinions that do not opine and of per curiam orders that quite frankly fail to build the bridge between the authorities they cite and the results they decree."

Historian Alfred H. Kelly of Wayne State University approved the liberal thrust of the Court's opinions, but was made uneasy by what he called the Court's Marxist-flavored assumptions that "history can be written to serve the interests of libertarian idealism." Conservative newspaper columnist Jack Kilpatrick was

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especially acerbic. He referred to the Warren years as "a trail of abuses, usurpations, and invasions of power. One pursues the departed Chief Justice along a littered road of fallen landmarks and abandoned precedents. Here every principle of jurisprudence lies discarded. It is as if gypsies had passed through, leaving a bad picnic behind."

The era of the Warren Court began in 1953 when the former Governor of California was appointed to the bench by President Eisenhower—who later called the appointment "the biggest damn-fool mistake I ever made." Warren came to a Court characterized by self-imposed restraints. Having reversed its opposition to Roosevelt's New Deal measures, the Court showed little disposition to stand in the way of decisions made by other branches of the government. The Vinson Court, it is true, had ruled against Truman in *Youngstown Sheet & Tube Company v. Sawyer* (1952), when the President had sought to settle a strike by seizing the steel mills during the Korean War, and it had suppressed some of the manifestations of a racially segregated America, such as the white primary; but, for the most part, it had not seen fit to challenge the evils of McCarthyism. In the early 1950s a majority of the Justices were not disposed to challenge the prevailing passion for loyalty, security, and the persecution of persons accused of seditious speech and guilt by association.

The Court did not change overnight when Warren became Chief Justice. The balance of power on the bench did not tip toward activism until 1962, when Arthur Goldberg, a former labor lawyer and Secretary of Labor, replaced Felix Frankfurter, the great champion of judicial restraint. Goldberg's vote proved decisive. In his first term on the Court, the Justices split 5 to 4 in ten civil rights or civil liberties cases. One such case, for instance, reversed the contempt conviction of the president of a local chap-

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ter of the NAACP who had refused to surrender the chapter's membership list to a Florida state legislative investigating committee.

The Warren revolution began well before 1962 in one area. In 1954 a unanimous Court ruled against racial segregation in the nation's public schools in *Brown v. Board of Education*. That landmark decision constituted a testament to Warren's leadership. It was followed by a series of other rulings, frequently in brief per curiam opinions, applying the principle of *Brown* to other areas, such as public buildings and facilities.

### The Warren Court at Full Tide

The legal revolution of the Warren Court reached full tide in the 1960s. Over the impassioned protest of Justice Frankfurter, the Court decided in 1962 that judicial relief was available to voters who claimed their vote was diluted by the malapportionment of America's state legislatures. Two years later, Warren wrote the Court's decision requiring that state legislatures be apportioned on the basis of population—one man, one vote.

Criminal defendants were also the beneficiaries of the Warren Court's rulings. Ever since 1947, Justice Hugo L. Black—in many ways the intellectual leader of the Court—had argued that the Fourteenth Amendment, which guarantees all persons due process of law against actions of the several states, should be interpreted by the Court so as to enforce against actions of the states all of the guarantees that the Bill of Rights provides against actions of the federal government. Black was never able to secure his colleagues' approval of his notion for incorporating the provisions of the Bill of Rights, wholesale, into the Fourteenth Amendment. After 1962, however, the Court embraced a process whereby individual rights were made binding upon the states on a selective basis.

A notable case in point was that of Clarence Earl Gideon, charged with breaking into a poolhall in 1961. In *Gideon v. Wainwright* (1963), the Supreme Court affirmed the right of an indigent defendant in a felony case to have counsel appointed for him if he could not afford to hire a lawyer. Much more controversial was *Miranda v. Arizona* (1966), which requires the police to warn a suspect, prior to his interrogation: that he has the right to remain silent; that what he says may be used against him; that he has the right to the presence of a lawyer; and that a lawyer will be appointed for him if he cannot afford one.

The Warren Court moved also to expand the protection

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afforded free speech. Justice Black had long been a stout advocate of such protection. Sophisticated observers ridiculed him as an "absolutist." Other Justices were more inclined to balance First Amendment values against competing interests, such as keeping order, but with the emergence of the Warren Court came clear evidence of what Justice William J. Brennan, Jr. called "a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." The Court handed down a number of First Amendment decisions, limiting the scope of obscenity prosecutions and libel judgments, giving more protection to speech in public places (the public forum concept), striking down vague or overbroad laws that tended to inhibit free speech, and otherwise giving greater breathing space to freedom of expression.

### A Trend Toward Activism

These decisions—in regard to racial segregation, legislative apportionment, criminal procedure, freedom of expression—are by no means a complete representation of the innovative work of the Warren Court, but they serve to suggest some of the principal themes reflected in that tribunal's opinions. To begin with, there was a trend toward activism. Where Justice Frankfurter had counseled against the notion that every social ill has a judicial remedy, the Warren Court was less willing to defer to legislative judgments and to the political process and more ready to be an engine of reform. It had what University of Chicago law professor Harry Kalven, Jr. called an "appetite for action." As Chicago's Philip B. Kurland put it: "If, as has been suggested, the road to hell is paved with good intentions, the Warren Court has been among the great roadbuilders of all time."

Professor Kurland identified another theme of the Warren Court: its tendency to favor an "egalitarian society." The Court's predilection for egalitarianism was evident not only in race and reapportionment decisions but in cases where the equal protection clause was applied to economic inequalities. Many of the Court's most significant criminal justice opinions rested on a premise articulated by Justice Black in his 1956 opinion in *Griffin v. Illinois*—that in criminal trials "a state can no more discriminate on account of poverty than on account of religion, race, or color." In *Griffin*, the Court ruled, a state must provide a trial transcript or its equivalent to any indigent criminal defendant who appeals his conviction.

Another characteristic of the Warren era was a mistrust of

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those wielding official power, such as police and prosecutors. As a result, the Justices created prophylactic rules, as in *Miranda*, based on the underlying assumption that wherever power can be abused, it will be.

A Court as activist as the Warren Court could not help but play to mixed reviews. Law professors and journalists were by no means the only critics. Politicians wounded by the one man-one vote rulings or sensitive to constituents' reactions to the outlawing of prayers in public schools tried to amend the Constitution, but without success. At the 1958 Conference of State Chief Justices, a committee report complained that "the Supreme Court too often has tended to adopt the role of policymaker without proper judicial restraint."

Richard Nixon made the Warren Court a political issue in his 1968 bid for the presidency. His response to outcries over rising crime rates was a "law and order" campaign. In accepting his party's nomination, Nixon declared that judicial decisions had "gone too far in weakening the peace forces as against the criminal forces in this country." A Gallup poll found that a majority of those questioned thought the Court too soft on criminals, a finding exploited by Nixon, who said, "Today, all across the land guilty men walk free from hundreds of courtrooms. Something has gone terribly wrong in America."

### A Change of Direction

As President, Nixon sought to change the complexion of the Court through his choice of nominees. "I happen to believe that the Constitution should be strictly interpreted," he stated and expressed the hope that his first appointment, Warren Burger as Chief Justice, would affect the direction of the Court. After Justice Abe Fortas resigned, Nixon's efforts to fill that seat foundered when the Senate rejected two of his nominees in turn—Clement F. Haynsworth, Jr. in 1969 and G. Harrold Carswell in 1970. The latter was thought by many to be both incompetent and a racist. Nixon then nominated Harry A. Blackmun, a judge of the Eighth Circuit Court of Appeals, who won easy confirmation in the spring of 1970.

Before Nixon's first term had run its course, a third and fourth vacancy occurred on the Court. In the summer of 1971 both Hugo Black, who died shortly thereafter at the age of 85, and John Marshall Harlan retired. In nominating Lewis F. Powell, Jr. and William H. Rehnquist in November 1971, Nixon once again recalled his campaign pledge "to nominate to the Supreme Court

## THE SUPREME COURT

**WARREN E. BURGER**, 69, appointed Chief Justice by President Nixon (1969). A native of St. Paul, Minnesota, Burger has been a law professor, assistant U.S. attorney general, a federal appeals court judge, and a persistent advocate of court reform. He is also a talented amateur sculptor.

**WILLIAM J. BRENNAN, JR.**, 70, an Eisenhower appointee (1956). Brennan was a brilliant student at the University of Pennsylvania and Harvard Law School, later serving as a New Jersey superior court judge and state supreme court justice. He is an Irish Catholic from Newark, a Democrat, and a moderate.

**POTTER STEWART**, 61, an Eisenhower appointee (1958). A graduate of Yale (1937) and Yale Law School (1941), Stewart is a native of Cincinnati, where he served two terms as city councilman during the early 1950s. A Republican, he was a federal appeals court judge before joining the Supreme Court.

**BYRON R. WHITE**, 59, a Kennedy appointee (1962). A native of Colorado and a former college and pro football star, White excelled academically at the University of Colorado, at Oxford, and at Yale Law School. He practiced corporate law in Denver, campaigned nationally for Kennedy in 1960, and served as deputy attorney general under Robert F. Kennedy.

**THURGOOD MARSHALL**, 68, a Johnson appointee (1967). As chief counsel for the NAACP, Marshall argued 32 civil rights cases before the Supreme Court and won 29. A native of Baltimore, he graduated from Lincoln University (1930) and Howard

individuals who shared my judicial philosophy, which is basically a conservative philosophy.”

Since George Washington appointed the original members of the high court, only four Presidents had had Nixon's opportunity to change the face of the Court (Taft nominated six Justices, Lincoln five, and Harrison and Harding, four each). With the Nixon appointments, pundits expected a dramatic shift in the Court's direction. They were soon talking about a "Nixon Court"—a break with the traditional practice of referring to a Court by the name of its Chief Justice. In the 1970s, as in New Deal days, the Court was amply provided with opportunities to indicate

**OF THE UNITED STATES**

University Law School (1933). He served four years as a federal appeals court judge and was the first black U.S. solicitor general and the first black Supreme Court Justice.

**HARRY A. BLACKMUN**, 68, a Nixon appointee (1970). He was born in Nashville, Illinois, but has lived most of his life in Rochester, Minnesota. A lifelong friend of Chief Justice Burger, Blackmun was a scholarship student at Harvard (1929) and Harvard Law School (1932), a practicing attorney specializing in tax and estate work, and a U.S. circuit court judge.

**LEWIS F. POWELL, JR.**, 69, a Nixon appointee (1971). After receiving his B.A. and LL.B. from Washington and Lee (1929, 1931) and his LL.M. from Harvard (1932), he became an attorney in Richmond, Virginia. As a member of President Johnson's national crime commission, he sought to redress the imbalance between "rights of the accused" and "rights of citizens."

**WILLIAM H. REHNQUIST**, 52, a Nixon appointee (1971). A native of Phoenix, Arizona, he received his B.A. and M.A. from Stanford (1948), an M.A. from Harvard (1949), and his LL.B. from Stanford (1952). He served as law clerk to Supreme Court Justice Robert H. Jackson and gained a reputation for legal brilliance as assistant U.S. attorney general.

**JOHN PAUL STEVENS**, 56, a Ford appointee (1975). A former federal appeals court judge in his native Chicago, Stevens is a graduate of the University of Chicago (1941) and Northwestern Law School (1947). He served as law clerk to Supreme Court Justice Wiley B. Rutledge and is an antitrust specialist.

its direction. Would it preserve the Warren legacy or break new ground?

By January 1977, the four Nixon appointees had been together on the Court for five years. They had been joined in 1975 by John Paul Stevens, appointed by President Ford to replace William O. Douglas, the most "liberal" Justice. Although classifying the Court into ideological blocs can be highly misleading, it is fair to say that the number of "liberals," who had called the tune in the 1960s, had dwindled to two: William J. Brennan, Jr. and Thurgood Marshall.

Those who once talked of a "Nixon Court" now speak of a

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“Burger Court.” The dire predictions heard at the outset of the Burger era, of a wholesale dismantling of the Warren Court’s decisions, are more muted. It is now clear that the landmarks of the Warren years—racial desegregation, legislative reapportionment, expanded rights for criminal defendants—while not untouched, remain fundamentally intact. There is much continuity between the Warren and Burger Courts, especially in matters of race. The new majority seems as generous in its interpretation of Congress’s power to enact civil rights statutes as was the Court in the 1960s. At the same time, the Burger Court has begun to set its distinctive stamp on constitutional interpretation.

### Drawing Lines, Relaxing Standards

The present Court has called a halt to much that the Warren Court began, but without squarely overruling Warren precedents. There have been occasional exceptions, as in *Hudgens v. NLRB* in 1976, when the Burger Court overturned the Warren Court’s ruling (in *Amalgamated Food Employees Union v. Logan Valley Plaza*, 1968) that pamphleteers have First Amendment rights in privately owned shopping centers. More often, the Court’s technique has been to distinguish, to limit, to confine. For example, in 1961 the Warren Court held in *Mapp v. Ohio* that state judges trying criminal cases must exclude evidence produced by unreasonable search or seizure. Soon after he came to the Court, Chief Justice Burger lamented the price society pays for this exclusionary rule, which can be instrumental in overturning otherwise valid convictions. Other Justices have joined in the chorus. Without throwing out the rule, they have found ways to limit its impact. For example, the Court has ruled that state prisoners who have had a fair opportunity to raise Fourth Amendment claims in a state court may not have those claims reexamined by a federal court. The Court has found even more ways to limit the reach of the Fourth Amendment itself, sometimes by holding that there was simply no search or seizure in the first place, more often by widening exceptions to the requirement for a search warrant, as when the search is incident to a lawful arrest. The cumulative effect is such that the Fourth Amendment appears to be quite a different amendment now than when Warren left the bench.

Sometimes, the Burger majority will interpret a Warren precedent narrowly, refusing to extend its essential premise. For instance, while *Miranda* (which so far has not been overruled) could easily be read as barring the admission for any purpose of

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a statement obtained without the requisite warnings, Chief Justice Burger, in a 1971 opinion, ruled that a statement inadmissible under *Miranda* may nevertheless be used to impeach the credibility of a defendant's trial testimony. Technically *Miranda* was upheld, but the animating philosophies of the 1971 ruling and the original *Miranda* decision are obviously at odds. Another example is the new majority's handling of 1967 Warren Court precedents (*U.S. v. Wade* and *Gilbert v. California*) holding that a post-indictment, pretrial lineup at which an accused is exhibited to identifying witnesses is a critical stage of the criminal proceedings at which the defendant is entitled to have counsel present. Showing its ability to draw a fine line, the Burger Court (*Kirby v. Illinois*, 1972) refused to apply that ruling to a situation where a police station lineup had been conducted *before* the defendant had been indicted or otherwise formally charged.

### Waning Egalitarianism

In like fashion, with respect to the Fourteenth Amendment, the Burger Court by and large has refused to add to the applications of the equal protection clause that characterized the Court in the 1960s. The Warren Court embarked on strict judicial scrutiny of a statute whenever it decided the statute embodied a "suspect" classification, such as race, or impinged upon a "fundamental" right, such as the vote. Traditionally, the equal protection clause has been held to require only that a statutory classification rest on some "rational" or "reasonable" basis—an easy requirement to satisfy. But when the Warren Court began to talk about suspect classifications and fundamental rights, few statutes were able to pass muster under the demanding standards of the strict scrutiny cases.

The Burger Court, by contrast, has generally declined to recognize additional suspect classifications or fundamental rights for the purposes of Fourteenth Amendment litigation. It has been impossible, for example, to find five Justices who will agree to treat sex-based classifications as inherently suspect. In an opinion by Justice Powell, the Burger Court likewise refused to classify education as fundamental under the Fourteenth Amendment, with the result that the Court rejected a challenge to the Texas system for financing public schools—a system that created a wide disparity between wealthier and poorer school districts by relying heavily on local property taxes (*San Antonio Independent School District v. Rodriguez*, 1973).

Frequently the Burger Court, while reaffirming a Warren prin-

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ciple, has relaxed the governing standards. Thus, seats in state legislatures must still be apportioned on the basis of population, but the Burger Court has approved deviations of up to 16.4 percent from perfect apportionment. Similarly, standards applied to First Amendment cases have been relaxed, so that obscenity prosecutions are easier to maintain and libel suits are less likely to be aborted by a First Amendment objection.

Underlying these shifts in doctrine are important value judgments and attitudes that distinguish the Court's new majority. The Burger Court is markedly less egalitarian. At one time it appeared as though an indigent's right to appointed counsel, established by the Warren Court in criminal cases, might be extended to civil cases, but the Burger Court stopped that development cold. An eloquent contrast between attitudes of the two Courts toward egalitarianism is demonstrated by a 1971 decision in which a five-man majority headed by Justice Blackmun rejected an indigent petitioner's argument that he should be allowed to file for bankruptcy without paying \$50 in filing fees. Blackmun noted that the \$50 fee could be paid in weekly installments which would be "less than the price of a movie and little more than the cost of a pack or two of cigarettes." Justice Thurgood Marshall, dissenting, considered that remark the height of insensitivity toward the poor. "A pack or two of cigarettes," he wrote, "may be, for them, not a routine purchase but a luxury indulged in only rarely." The dissenters found it outrageous that Congress should be permitted to decide that some of the poor were, in the words of the dissenters, "too poor even to go bankrupt."

### **A Less Interventionist Court**

The Justices of the Burger Court are more apt to defer to the legislative process than their predecessors and to leave the solving of social problems to the political process. In 1976 when a majority of the Justices rejected the argument that capital punishment was necessarily cruel and unusual punishment, Justices Brennan and Marshall dissented. They were unmoved by the fact that most state legislatures had re-enacted capital punishment statutes in the wake of the Court's 1973 decision to invalidate the death penalty as it was then being imposed, and they displayed a Warrenesque willingness to abolish it on the grounds of "evolving standards." The majority, on the other hand, were more willing to defer to the judgments of the state legislatures. Burger argued that "in a democracy the legislative judgment is presumed to embody the basic standards of decency in the society." Rehnquist,

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in agreement, thought that the fundamental issue in the death penalty cases was that the Supreme Court in a democratic society should not exercise too freely its power to strike down legislative acts.

A recurring, closely related theme in Burger Court opinions is the notion that judges should limit themselves to doing what they are competent and have a warrant to do. Justice Powell, in the *Rodriguez* school financing case, argued that judges should not try to make judgments about educational policy that are better made by school boards and educators.

In the 1973 capital punishment case (*Furman v. Georgia*), Powell placed himself squarely in the tradition of judicial self-restraint by citing Frankfurter's admonition that Oliver Wendell Holmes's 30 years on the Court should serve as a constant reminder against the misuse of the Court's "power to invalidate legislation as if . . . it stood as the sole bulwark against unwisdom or excesses of the moment." This is not to say that the Burger Court never second guesses legislatures and never acts like a legislative body itself. The Blackmun opinions in the 1973 abortion cases *Roe v. Wade* and *Doe v. Bolton* make clear that this is not always so. Still, a sense of judicial intervention as the exception, rather than the norm, is more characteristic of the Court in the 1970s than in the Warren years.

Federalism, a stepchild in the Warren era, is again in favor. The Tenth Amendment, which reserves to the states—or to the people—powers not delegated to the federal government, had lain dormant since the 1930s. It came to life in 1976, when Justice Rehnquist wrote the majority opinion in *National League of Cities v. Usery*. By placing state and local government employees under the minimum wage and maximum hour requirements of federal law, Rehnquist concluded, Congress had exceeded its powers under the clause of the Constitution authorizing it to regulate interstate commerce. Not since 1937 had the Court ruled against congressional misuse of the commerce power.

### Trusting the System

Whereas the Warren Justices tended to be suspicious of government power, the Burger Court is more willing to trust the system to work with fairness and regularity and to assume that policemen and other officials try most of the time to observe the Constitution in the execution of their duties. In 1972 when the Court, in *Apodaca v. Oregon*, upheld a state law permitting juries to convict in certain cases by a less than unanimous vote, Justice

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Byron R. White was unwilling to assume that a jury's majority would simply override the views of the other jurors. The dissenters, in the tradition of the Warren Court, were more concerned with "serious risks of jury misbehavior" and labeled the majority's assumptions of regularity as facile. Similarly, in cases involving grand juries, prosecutors, policemen, and trial judges, the Burger majority is apt to be less skeptical about the workings of government systems than the Warren Court.

### Continuity and Change

A comparison of the Warren and Burger Courts, therefore, yields evidence of both continuity and change. Where the Warren opinions were more at odds with the national consensus, as in the criminal justice cases, the Burger Court has felt free to strike out on its own. Hence we see the marked shift of direction in search and seizure cases. In areas such as the dismantling of racial segregation in the public schools, the Warren legacy is more enduring. Although the new majority has been unwilling to sanction a judicial remedy for de facto segregation, as in racial imbalance arising from housing or other demographic patterns, the Justices continue to give the lower courts ample power to put an end to vestiges of racial segregation arising from official acts.

The Supreme Court, in some measure, both induces and reflects changes in social values. During the 1960s, the Warren Court took the lead in furthering racial equality, in reapportioning political power, and in broadening the rights of criminal defendants. In the first two instances, the country—and Congress—agreed with the Court. In the Civil Rights Act of 1964 and the Voting Rights Act of 1965, Congress enacted the first major civil rights legislation since Reconstruction. As to reapportionment, politicians who objected to legislative redistricting were unable to convince the man in the street that the old system of malapportionment was best. Broadening the rights of criminals, however, was another matter. The lack of a national consensus supporting decisions like *Miranda* made it possible for Nixon to make a campaign issue of such rulings in 1968, and the Court's criminal-justice opinions have subsequently moved in new directions.

Does this mean that the Supreme Court, as it is only too easy to assume, follows the election returns? The evidence simply does not support a positive answer. It is closer to the mark to recall the comment of Harvard law professor Paul A. Freund—that the Supreme Court is attuned, not to the weather of the day, but to the climate of the age. Thus a President, through his appoint-

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ments, can have a significant effect on the Court's direction, as Nixon clearly did in making four appointments to the bench. Yet a President's subsequent influence is greatly limited, as was revealed when the "Nixon Court" took positions in important cases markedly different from those of the President. Examples must include the Burger Court's striking down of state laws infringing the right of a woman to an abortion and the series of decisions invalidating legislative efforts to channel public funds to parochial schools. Nor should one overlook the unanimous decision rejecting Nixon's claim of executive privilege in the case of the Watergate tapes—an opinion written by Nixon's own appointee to the nation's highest judicial office.

There is an inner integrity to the workings of the Supreme Court that defies all efforts of behaviorists to reduce the Court's decisions to the attitudes and prejudices of those who sit on the bench. The Justices, like other people, are conditioned by experience, but they operate within powerful constraints. Court watchers are often so bemused by points of contention—call it the "fuss fallacy"—that they overlook the vast areas of agreement that survive changes in personnel. A new majority rarely sets out to build a new temple of justice, though it may do extensive re-decorating.

Charles Evans Hughes once said that "the Constitution is what the judges say it is." His remark was not made cynically, as is popularly supposed, but it is true that one of the most important functions of judges is to pour new life and meaning into words and phrases—such as "due process of law" and "equal protection of the laws"—whose meaning is often far from self-revealing. To that continuing task the Justices of the Burger Court have brought insights markedly different from those of the men who preceded them.



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## BACKGROUND BOOKS

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### THE SUPREME COURT

The Supreme Court of the United States has inspired a vast body of literature, some of it ill-informed and much of it useful only to specialists. But the broader, more thoughtful studies represent a wide variety of approaches used by scholars to examine the Court's intricate workings.

Three writers have successfully attempted major historical assessments of the Court. Charles Warren, a lawyer with unusual narrative skills, produced a two-volume treatment after World War I that remains a standard reference work. **THE SUPREME COURT IN UNITED STATES HISTORY** (Little, Brown, 1922-60) is a lively, comprehensive account of the high tribunal from its 18th century origins to the 1920s, with special emphasis on constitutional law cases. Warren quotes liberally from news and editorial columns of the partisan newspapers that carried word of the Court's doings to the public. He notes that "while the Judges' decision makes law, it is often the people's view of the decision which makes history."

**THE AMERICAN SUPREME COURT** (Chicago, 1960, cloth & paper) by Robert McCloskey, a Harvard political scientist, provides a briefer chronicle, again with a focus on constitutional issues. Like Warren, McCloskey is struck by the impact of popular opinion on the Justices, noting "it is hard to find a single historical instance when the Court has stood firm for very long against a really clear wave of public demand."

Although not a history of the Court per se, Edward Corwin's masterful **THE CONSTITUTION AND WHAT IT MEANS TODAY** edited by Harold

Chase and Craig Ducat (Princeton, rev. supp. ed., 1962, cloth & paper) is an annotated history of the Court's varying interpretations of the Constitution.

Some writers have sought to assess the Court in its role as an American governmental institution, like Congress or the Presidency; many of them fail to understand how cases come before the Court, or the special internal relationships that influence its decision-making. One study that escapes this weakness is **THE LEAST DANGEROUS BRANCH** (Bobbs-Merrill, 1962, cloth & paper) by the late Alexander Bickel, a professor of law at Yale. Sensing that the Court is "second only to the presidency in having effectively at its disposal the resources of rhetoric," Bickel argues for a carefully limited role for the Court in "political" affairs. In a later book, **THE SUPREME COURT AND THE IDEA OF PROGRESS** (Harper, 1970, cloth & paper), he renews this theme with a critique of the activist Warren Court.

Studies of individual Courts are surprisingly rare, but Oliver Wendell Holmes, Jr.'s \$263,000 bequest to the nation has resulted in the Holmes Devise Fund's sequential, multivolume **HISTORY OF THE SUPREME COURT OF THE UNITED STATES**. Three installments have appeared: Columbia law professor Julius Goebel's **Antecedents and Beginnings to 1801** (Macmillan, 1971), covering the formative period from colonial times through the 18th century; Harvard law professor emeritus Charles Fairman's two-volume **Reconstruction and Reunion** (Macmillan, 1971), portraying the Court between 1864 and 1888; and Johns Hopkins politi-

cal scientist Carl Swisher's **The Taney Period** (Macmillan, 1974), which covers the years 1835 to 1864. The editors of the Holmes Devise series opted for close narrative detail rather than broader thematic coverage. Only Swisher thus far has attempted to generalize about the Court's character in a given historical period.

Other valuable studies of individual Courts include historian Arnold Paul's **CONSERVATIVE CRISIS AND THE RULE OF LAW** (Cornell, 1960). Although written as a study of late 19th century legal thought rather than as an analysis of the performance of any one Court, it nonetheless casts light on the workings of the Court under Chief Justices Morrison R. Waite and Melville W. Fuller. Political scientist C. Herman Pritchett's **CIVIL LIBERTIES AND THE VINSON COURT** (Chicago, 1954) is a provocative treatment of the Court in the 1940s and '50s, which argues that the Vinson Court was too deferential to widespread public fears of Communist subversive activity in the McCarthy era. Harvard law professor and former special prosecutor Archibald Cox's **THE WARREN COURT** (Harvard, 1968, cloth & paper) attempts to comprehend and justify the Court's intense activism of the late 1950s and '60s.

The better biographies of Supreme Court Justices provide insights into the inner workings of the high tribunal. Albert J. Beveridge, a U.S. Senator from Indiana, produced a lively four-volume **LIFE OF JOHN MARSHALL** (Houghton Mifflin, 1916, 1975), which opens with Marshall's birth in rural Virginia in 1755, describes his role as the first great Chief Justice, and ends with his death at Philadelphia in 1835.

Journalist Leonard Baker's modern biography, **JOHN MARSHALL** (Macmillan, 1974), is comprehensive and readable but gives Marshall's decisions only

surface treatment, perhaps because of the author's lack of legal training.

Carl Swisher has written two impressive biographies, **ROGER B. TANEY** (Archon, 1935, 1961) and **STEPHEN FIELD: CRAFTSMAN OF THE LAW** (Brookings, 1930; Archon, 1963). Each is a full account of its subject's career and a model of balance and insight. Charles Fairman's **MR. JUSTICE MILLER AND THE SUPREME COURT** (Russell & Russell, 1939, 1966) is a revealing study of a colorful Justice, whose well-crafted opinions failed to resolve completely the sharp conflicts over property rights and civil rights that prevailed in his day. The book is based largely on Fairman's access to correspondence between Miller and his friends and relatives while Miller sat on the Court from 1872 to 1890.

Law professor and former banker Gerald T. Dunne's **JOSEPH STORY AND THE RISE OF THE SUPREME COURT** (Simon & Schuster, 1970) began as an account of the origins of Story's ideas on the law of money, banking, and commerce but became a study of the Court's role in America's expansionist period prior to the Civil War. A just-published biography by Dunne, **HUGO BLACK AND THE JUDICIAL REVOLUTION** (Simon & Schuster, 1977) assesses Black's judicial posture in the context of the Court's expanded role after World War II.

Mark De Wolfe Howe's two-volume **MR. JUSTICE HOLMES** (Harvard, 1957, 1963) sets a new standard of excellence for judicial biography. Howe's first volume, **The Shaping Years**, covers Holmes's life between 1841 and 1872 and includes vivid descriptions of Civil War action from Holmes's own diaries. The second volume, **The Proving Years**, covers the intensely intellectual period Holmes spent as a lecturer and writer between 1872 and 1881. Howe, a law

professor at Harvard and a former clerk to Holmes, died before he could complete additional volumes.

Alpheus T. Mason has written comprehensive biographies of Justices Brandeis and Stone, **BRANDEIS: A Free Man's Life** (Viking, 1946, 1956) and **HARLAN FISKE STONE** (Shoe String, 1956, 1968). The latter book contains especially valuable information about the internal workings of the Court (e.g., the process of drafting and revising opinions to make them acceptable to fellow Justices), based on Mason's access to Stone's Court papers. Journalist Merlo Pusey's authorized two-volume **CHARLES EVANS HUGHES** (Columbia, 1951, 1963) is overly sympathetic but still thorough, informative, and well written. Helen S. Thomas's **FELIX FRANKFURTER: Scholar on the Bench** (Johns Hopkins, 1960) covers Frankfurter's judicial career from 1939 through the late 1950s. Thomas had inadequate access to her subject, but her portrait is nonetheless revealing as she explores Frankfurter's "intellectual debts, his own intellectual development, and the culmination of these factors in his Supreme Court opinions."

As yet there have been no outstanding studies of Justice William O. Douglas and Earl Warren, but Douglas's autobiographical **GO EAST, YOUNG MAN** (Random, 1974; Delta, 1975, cloth & paper) should be of interest to anyone eager to understand Douglas's liberal perspective as a Justice, although his narrative ends prior to his appointment to the Court in 1937. Two other volumes, neither of them full-length biographical studies, are worth mentioning here: **SERVING JUSTICE: A Supreme Court Clerk's View** (Charterhouse, 1974), by Virginia law professor J. Harvie Wilkinson, describes the author's tenure as law clerk to Justice Lewis F. Powell, Jr., offering an "in-

sider's" glimpse of how the Court works; and political scientist David Danelski's **A SUPREME COURT JUSTICE IS APPOINTED** (Random, 1964, paper) is an incisive account of how Chief Justice William Howard Taft lobbied for the appointment of his friend, Pierce Butler, to the Court in the 1920s.

Hard cases are said to make "bad law," but they often make good reading. The "great" Supreme Court decisions in American history have often involved the resolution of sharply conflicting values or principles. Jethro Lieberman's recently published **MILESTONES** (Oxford, 1976) provides brief histories of 14 significant Supreme Court cases. Lieberman is a skilled writer who understands the peculiar contradictions in American culture, including the penchant for lawlessness and civil disobedience in a society based on a system of law.

Anthony Lewis's **GIDEON'S TRUMPET** (Random, 1964, cloth & paper) is a chronicle of the Warren Court's *Gideon* case, which makes mandatory the appointment of counsel for indigent felony defendants. It is both a helpful mini-history of Supreme Court adjudication and a vivid account of the personalities involved in *Gideon*.

Perhaps the single most impressive study of a Supreme Court decision is Richard Kluger's monumental **SIMPLE JUSTICE** (Knopf, 1976), a history of the Warren Court's *Brown v. Board of Education* decision outlawing segregation in the public schools. Kluger's purpose is to dramatize the *Brown* decision, and he succeeds admirably, combining portraits of the various characters involved in the litigation with the atmosphere of the civil rights movement in the 1950s.

Justices have been conspicuously reluctant to write memoirs. This shyness stems in large measure from a tradi-

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tion of confidentiality that has continually surrounded the business of the Court. Public expectations of impartiality also have caused judges to be reticent about disclosing the personal aspects of their tenures. Nonetheless, a few Supreme Court Justices have written memoirs.

The two most readable are **THE AUTOBIOGRAPHICAL NOTES OF CHARLES EVANS HUGHES** edited by David Danelski and Joseph Tulchin (Harvard, 1974) and Douglas's **GO EAST, YOUNG MAN**, noted earlier. The following memoirs are primarily for specialists: John Marshall's **AUTOBIOGRAPHICAL SKETCH** edited by John S. Adams (Michigan, 1937; Da Capo, 1973); Roger Taney's "Early Life and

Education" in Samuel Tyler's **MEMOIR OF ROGER BROOKE TANEY** (Murphy, 1872; Da Capo, 1970); Stephen Field's **PERSONAL REMINISCENCES OF EARLY DAYS IN CALIFORNIA** (Da Capo, 1968) and **FROM THE DIARIES OF FELIX FRANKFURTER** (Norton, 1975). Earl Warren's autobiography was close to completion at his death in 1974, but publication is still uncertain.

Finally, a useful reference work on the Court and its members, past and present, is **THE JUSTICES OF THE UNITED STATES SUPREME COURT: Their Lives and Major Opinions, 1789-1969** (4 vols.) edited by Leon Friedman and Fred L. Israel (Chelsea House, 1969).

—G. Edward White

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EDITOR'S NOTE. *Mr. White, professor of law at the University of Virginia Law School, is the author of THE AMERICAN JUDICIAL TRADITION (Oxford, 1976), a series of interpretive profiles of several leading Supreme Court Justices, which focuses attention on the Court's changing institutional role.*

# CURRENT BOOKS

## FELLOWS' CHOICE

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### **THE ARENA OF INTERNATIONAL FINANCE**

by Charles A. Coombs  
Wiley, 1976, 243 pp. \$12.95  
L of C 76-19093  
ISBN 0-471-01513-X

A forthright memoir by the man responsible (1961-75) for U.S. Treasury and Federal Reserve operations in the gold and foreign exchange markets. Coombs recounts how he and central bankers from other major countries managed the financial crises of the 1960s, achieving market stabilization through active intervention. In the process the bankers developed a club-like ambiance—and an array of unprecedented techniques with which they were able to offset the weaknesses built into the 1944 Bretton Woods monetary agreements. By 1968, says Coombs, they “had in their hands all the authority, the financial resources, and the communications facilities needed to protect the world financial system against the risk of a national currency crisis escalating into a worldwide financial explosion.” Yet a near-explosion occurred only three years later. Why? Coombs indicts the Nixon Administration’s policy of “benign neglect” of balance-of-payments and of international financial cooperation.

—Jon McLin

### **THE BA'TH PARTY: A History from Its Origins to 1966**

by John F. Devlin  
Hoover, 1976, 372 pp. \$11.95  
L of C 75-41903  
ISBN 0-8179-6561-3

The more moderate wing of the Arab Socialist Ba'th (Resurrection) Party rules Syria today; the more radical rules Iraq. Hostile toward each other, both wings lay claim to being the legitimate heir of the parent Ba'th, the first pan-Arab party, which was formally established in Syria in 1947, helped to promote the fusion of Syria and Egypt in 1958 under the leadership of Gamal 'Abd al-Nasir, and accepted its own dissolution when Nasser (as the world called him) resolved to abolish all the old parties. In the revived Ba'th of the 1960s, its military members became dominant, seizing power in Syria (after

the 1961 secession) and Iraq. Riddled by factionalism, the Ba'th split wide apart in 1966. Devlin, a U.S. Middle East analyst, helps the reader understand the Ba'th's importance today as well as the conflicting positions its two wings take in the Arab-Israeli dispute.

—George Rentz

**THE INDIVIDUAL IN  
CULTURAL ADAPTATION:  
A Study of Four East  
African Peoples**

by Robert B. Edgerton  
Univ. of Calif., 1971  
351 pp. \$14.50  
L of C 73-117948  
ISBN 0-520-01730-7

Can a portrait of a total culture be painted in more precise strokes than those used by Ruth Benedict in her classic *Patterns of Culture*—and yet be as sensitive and flavorful? This "sleeper," a study by a UCLA anthropologist, manages admirably. Edgerton devised a sophisticated questionnaire and "projective" tests to determine the values, attitudes, and personality traits of both pastoral and agricultural communities in four East African societies—the Poket, Hehe, Kamba, and Sebei. His method alone is a major innovation that should prove useful in future studies. Edgerton, however, presents it as incidental to his goal: determining whether a culture's adaptation to the environment shapes its members' common characteristics. Not surprisingly, his conclusion is that it does, in an intricate chain of causes and effects.

—James Lowell Gibbs, Jr.

**CRISIS OF THE HOUSE  
DIVIDED: An Interpretation  
of the Issues in the  
Lincoln-Douglas Debates**

by Harry V. Jaffa  
Univ. of Wash., 1973  
451 pp. \$4.95 (paper only)  
L of C 59-10671  
ISBN 0-295-95263-6

Harry Jaffa offers an account of the substance of Lincoln's thought on the nature of morals and justice, the case against slavery, and the foundations of republican government. The focus of the book is on the debates in 1858 between Lincoln and Stephen Douglas; the question in dispute was whether the rights mentioned in the Declaration of Independence arose from "nature" rather than convention. As Lincoln well understood, the case against slavery and the case in favor of democratic government were grounded in nature. For that reason their validity could not depend on whether they were accepted by a majority or whether they were approved within the culture (or conventions) of any society. As a political theorist, Jaffa

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succeeds in illuminating the tradition of political thought that lay behind Lincoln's understanding, and shows how that tradition could be made to reach the gravest matters of the day.

—*Hadley Arkes*

**THE DRIVE TO INDUSTRIAL MATURITY: The U.S. Economy, 1860-1914**  
by Harold G. Vatter  
Greenwood, 1975, 368 pp. \$15  
L of C 75-16970  
ISBN 0-8371-8180-1

Despite its occasional algebraic formulations, this economic history provides the general reader with a clear and rounded picture of U.S. growth. Vatter, professor of economics at Portland State University (Oregon), concentrates here on the great upsurge in industrialization that occurred after the Civil War. His approach differs in important ways from that taken by some of the newer economic historians: He emphasizes the regional diversity that prevailed at various stages. He describes the roles of major interest groups such as skilled (and unskilled) labor, manufacturers, farmers, and merchants, as well as smaller but politically effective groups including the "millionaire silver interests." In his treatment of pre-World War I growth, he depicts private business investment as the driving force, with Washington always aiding business. Implicit throughout the book is Vatter's belief that in its present "mixed economy" the United States has arrived at a complex set of relationships between business and government, which will require more rather than less direct federal management.

—*Irving Richter*

**THE LEGITIMATION OF A REVOLUTION: The Yugoslav Case**  
by Bogdan Denis Denitch  
Yale, 1976, 254 pp. \$15  
L of C 75-18170  
ISBN 0-300-01906-8

Denitch is a sociologist of Yugoslav origin who teaches at City University of New York and is a senior research associate at the Bureau of Applied Social Research at Columbia (formerly headed by Zbigniew Brzezinski). For several years, beginning in 1968, he has been engaged in empirical research on worker self-management and the role of elites (economists, academicians, newsmen, political administrators) in forming public opinion in Yugoslavia. Out of this comes his informative study of basic social changes

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emphasizing those areas in which considerable progress has been achieved: modernization of a traditional rural society, the emergence of a new political culture, and what he terms "the institutionalization of multinationalism." Denitch's detailed information about the economic status and political representation in Belgrade's federal institutions of the various nationalities (Serbs, Croats, Macedonians, Montenegrins, Slovenes, Bosnian Moslems, Hungarians, and Albanians) will interest American readers.

—Mihailo Marković ('76)

**THE FALL OF  
PUBLIC MAN**  
by Richard Sennett  
Knopf, 1977, 389 pp. \$15  
L of C 76-25131  
ISBN 0-394-48715-X

What cities do to people, particularly to their hearts and minds, has been sociologist Richard Sennett's driving interest in a succession of inventive though often willful books (*Families Against the City*, *Uses of Disorder*). Of these, *The Fall* is the most significant and comprehensive. In it, Sennett argues that the decline of vigor in big-city life cannot be corrected by current efforts to strengthen intimate local (often ethnic) ties. Our hunger for intimacy and "community" (as opposed to the wider associations of public life) is a symptom of the malaise in our culture. Championing the enduring worth of impersonality, artificiality, and civility, Sennett analyzes the breakdown of those 18th-century values in the behavior of the middle classes during the last 200 years to show how demands for personal authenticity and private happiness have led to passivity in politics and other public matters. His argument takes us through fascinating changes in modes of family life, the design of theaters and the style of performers, the uses of clothes, techniques of salesmanship and political mobilization, and the interconnections of all of these. Sennett's explanations are involuted and not always persuasive. His proposed correctives are nebulous. But his theme is momentous, and his eye for the shifting patterns of cultural change sharp and engaging.

—John Higham

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**NEW TITLES**


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*History***THE LIVES OF ROGER****CASEMENT**

by B. L. Reid

Yale, 1976, 532 pp. \$25

L of C 75-18184

ISBN 0-300-01801-0

Roger Casement, a former British consul knighted for his service to the Crown, left England for Germany in 1914 to fight for Irish freedom. He was captured by the English and sentenced to death. In this well-researched psychological portrait, historian Reid asserts that Casement landed in Ireland in April 1916 in order to stop, not foment, the bloody Easter Rising, which he believed was doomed to failure. Confirming that Casement's captured diaries contained authentic accounts of his homosexuality, Reid condemns British Home Office officials and the prosecutor who circulated key pages to other highly placed Londoners, including the American ambassador. By seeing to it that Casement was widely condemned as a moral degenerate, the British Cabinet vengefully ensured that this man of deeply divided personal and political loyalties would be hanged.

**FROM GEORGES SOREL:****Essays in Socialism and Philosophy**

edited by John L. Stanley

Oxford, 1976, 388 pp. \$15

L of C 75-16902

ISBN 0-19-501715-3

Turn-of-the-century Europe appeared to its critics as a mosaic of static, mediocre societies, set in their dull and unjust ways. From the Cubists to such now classic writers on bureaucracy as Robert Michel, the intellectuals often reacted impressively. But they did not enrich the field of political and social philosophy. The renowned Georges Sorel (1847-1922), remembered for his *Reflexions on Violence*, produced contradictory writings that attest principally to tireless effort. This intelligent Frenchman could neither submit to his era's conventional wisdom nor transcend it with a coherent set of answers to its problems. He remains important, however, for the start he made on the critical examination of the moral content of social movements and Marxist thought. This anthology provides the first English translations of many of his essays and reviews. A sample Sorelism: "If the reductionist [Marxist] for-

mulas of history conceal the true nature of phenomena from the eyes of an inattentive observer and hide fundamental change beneath an apparent social physics, reality nonetheless comes to light from time to time, manifested in an obvious way. Revolutions, accumulations of conclusive actions, and great men escape all determinism."

**THE RUSSIAN ROCKEFELLERS: The Saga of the Nobel Family and the Russian Oil Industry**

by Robert W. Tolf  
Hoover, 1976, 269 pp. \$14.95  
L of C 76-284  
ISBN 0-8179-6581-5

Oil, not dynamite nor peace prizes, made the Nobel name famous in Russia. Immanuel Nobel emigrated to St. Petersburg from Sweden before the Crimean War and made armaments for the Tsar; his sons Robert and Ludwig (brothers to Alfred, the prize donor, who lived mostly in Paris) dominated the Baku oil industry at the end of the century and competed successfully with Standard Oil and the Rothschilds for a share of the world market. In 1916 two-thirds of the oil consumed by Russians was produced by the Nobels. This scholarly monograph by a former U.S. Foreign Service Officer provides the first serious account of the Nobel family and the oil industry in Imperial Russia, a history suppressed in the Soviet Union. The sources are Swedish, Russian, Norwegian, German; the readable style smoothes a historical journey into the world before OPEC.

**PATIENCE WRIGHT: American Artist and Spy in George III's London**

by Charles Coleman Sellers  
Wesleyan, 1976, 281 pp. \$14.95  
L of C 76-7193  
ISBN 0-8195-5001-9

Working with a handful of his subject's letters and much logical inference, Sellers, librarian emeritus of Dickinson College, has written the surprising life and times of a little-known Revolutionary patriot-spy. Patience Lovell Wright, born in 1725 on Long Island in a vegetarian, Quaker household, grew up to be a renowned wax-sculpture portraitist and a woman of "aggressive intelligence and wild marauding energy." The widowed Mrs. Wright lived in England from 1772 until her death at 61 in 1786. Dreaming of a peacefully united America and Great Britain under a republican government, she entertained the politically powerful of George III's London and sent secret reports of their plans, hidden in hollowed-out wax busts, to the Continental Congress. Shortly before her

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death, her sister wrote an unsigned letter to Benjamin Franklin, suggesting that a tract of land be awarded Mrs. Wright for her services ("Mr. Pain has been Considerd why not Mrs. Wright"). Patience Wright never got her land, but she is remembered in Britain's *Dictionary of National Biography* as well as the *Dictionary of American Biography*.

**GUERRILLA: A Historical and Critical Study**

by Walter Laqueur  
Little, Brown, 1976  
462 pp. \$17.50  
L of C 76-22552  
ISBN 0-316-51469-1

In this exhaustive but carelessly edited analysis, historian Laqueur proves beyond question that guerrilla movements defy easy generalization. There is no all-encompassing formula that helps explain why some guerrilla wars succeed and other fail. Most do fail. In the 19th century, no guerrilla movement managed to win without the support of a regular army, foreign or domestic. (The same was true in Vietnam, where Hanoi's regular battalions were essential to Communist victory.) And despite the political achievements of some 20th-century efforts (in Cuba, Algeria, Portuguese Africa), the conditions conducive to continued success of guerrillas have faded with decolonization and the absence of the turmoil and distractions of general war. Guerrillaism, says Laqueur, is on the decline: "The retreat into urban terror, noisy but politically ineffective, is not a new departure but . . . the end of an era."

**SUN YAT-SEN: Frustrated Patriot**

by C. Martin Wilbur  
Columbia, 1976, 413 pp.  
\$16.50  
L of C 76-18200  
ISBN 0-231-04036-9

Born in a Macao fishing village, educated by Christian missionaries, revered today by hundreds of millions of Chinese as *Kuo Fu* ("Father of the Country"), Sun Yat-Sen (1866-1926) did not live to see Mao's revolution. Sun dreamed of ridding his homeland of Manchu corruption. Captured in an early, abortive uprising against the monarchy (Canton, 1896), he was condemned to death. He escaped and spent the next 16 years abroad, working furiously as publicist-evangelist for a democratic China among foreign officials, newsmen, financiers, and his overseas compatriots. Late in 1911, he sailed from the United States for Shanghai as the first, provisional President of the Republic. Amid fac-

tional turmoil, he resigned in 1913 to go into temporary exile in Japan, later came back to carry on his fight. Sun, a socialist, did not, as far as is known, ever become a member of the fledgling Chinese Communist Party. But he admired the Russian Revolution and, in 1923, obtained Soviet aid for the Kuomintang. Wilbur, a noted China specialist, brings the "frustrated patriot" out of the shadows into which vilification on the one hand, and canonization on the other, have cast him.

**THE GREAT  
ARCHAEOLOGISTS**

edited by Edward Bacon  
Bobbs-Merrill, 1976, 428 pp.  
\$35  
L of C 76-10081  
ISBN 0-672-52052-4

Since the *Illustrated London News* began publication in 1842, it has printed more than 3,000 articles on important archaeological discoveries. This compilation by the paper's long-time archaeology editor includes reports on Angkor Wat (1868), Mycenae and Troy (Heinrich Schliemann's lectures on these excavations dominated the years 1877-78), Knossos, the Altamira Caves, Mohenjo-Daro, Tutankhamun's tomb, and many others. Several matter-of-fact dispatches from the scene are by the great archaeologists themselves. A "news-history" of a century's exciting finds, reproducing many of the original illustrations, this lavish book reads like a long serial story geared to the lively but serious amateur interest of the British public in the wonders of the ancient world. It ends with 1970, the year that the weekly paper became a monthly magazine. (It still publishes articles on archaeology.)

**THE ANNOTATED  
McGUFFEY: Selections  
from the McGuffey Eclectic  
Readers 1836-1920**

edited by  
Stanley W. Lindberg  
Van Nostrand Reinhold,  
1976, 358 pp. \$12.95  
L of C 76-9845  
ISBN 0-442-24810-5

The most widely used schoolbooks of 19th-century America, the McGuffey readers were powerful influences on four generations of the nation's children. Many of the lessons, here reproduced in facsimile, came from such writers as Shakespeare, Dickens, Hawthorne, Washington Irving. The texts seem to have been chosen to cajole or frighten pupils into being industrious, humble, obedient, and honest by proofs that rewards for the dutiful girl and the plucky boy were assured and material, while retribution for the rebellious was swift and terrible. In a typical lesson

entitled "The Dead Mother," students spelled and defined "beating," "orphan," "abandoned," "violence." The stern McGuffey ethic worked well for teaching reading and grammar. As Lindberg notes, students were not coddled. They learned through comprehension of both the words and the moral.

**AMERICAN FOREIGN RELATIONS, 1971: A Documentary Record**

655 pp. \$24.50  
L of C 75-13518  
ISBN 0-8147-7763-5

**AMERICAN FOREIGN RELATIONS, 1972: A Documentary Record**

590 pp. \$24.50  
L of C 75-15127  
ISBN 0-8147-7764-3

**AMERICAN FOREIGN RELATIONS, 1973: A Documentary Record**

650 pp. \$26.50  
L of C 76-15891  
ISBN 0-8147-7775-9

(All volumes edited by Richard P. Stebbins and Elaine P. Adam, New York Univ., 1976)

This is a belated continuation by a new publisher of the documentary series sponsored regularly from 1939 to 1951 by the World Peace Foundation and since 1952 by the Council on Foreign Relations. It makes available 155 U.S. foreign policy documents for 1971, 98 for 1972, and 86 for 1973, chosen to illustrate major policy moves (military withdrawal from Vietnam, the SALT I agreements, efforts to end the Yom Kippur War). Included in the three volumes are the Shanghai Communiqué of February 27, 1972, issued at the conclusion of President Nixon's trip to China, the Anti-Ballistic Missile Treaty of May 26, 1972, with the Soviet Union, and the War Powers Resolution passed by Congress over Nixon's veto in November, 1973. The editors are both long-time staff members of the Council on Foreign Relations. The documents they have selected refresh our memories of events that seem much more distant in time than in fact they are.

*Contemporary Affairs*

**FEDERAL TAX POLICY**

by Joseph A. Pechman  
Brookings, 1977, 401 pp.  
\$11.95 cloth, \$4.95 paper  
L of C 76-54901  
ISBN 0-8157-6978-4  
ISBN 0-8157-6977-6 pbk.

Pechman demonstrates again his ability to clarify both the fiscal and social significance of U.S. tax policy. This third edition of his standard work is crammed with useful information for officials, economists, and taxpayers, notably on changes resulting from the Tax Reform Act of 1976. The book covers federal taxes on incomes (individual and corporate), consumption (excise, sales, value-added), payrolls, estates, and gifts, as well as state and local taxes. Pechman holds that the U.S. individual income tax is the "best tax ever devised" despite "unsettled problems" related to tax treatment of the family and the

aged, earned income, special deductions for personal expenditures, the minimum tax, capital gains and losses, tax-exempt interest, income-averaging, and shelters.

**ETHICS AND PROFITS:  
The Crisis of Confidence  
in American Business**  
by Leonard Silk and  
David Vogel  
Simon & Schuster, 1976  
251 pp. \$8.95  
L of C 76-14461  
ISBN 0-671-22343-7

"The least well-kept secret about business is that the overwhelming majority of corporate executives are conservative, well to the right of the majority of Americans." Having said this, Silk, economist-member of the *New York Times* editorial board, and Vogel, professor of business administration at Berkeley, go on to conclude: "the most politically and socially astute" business leaders recognize that they must change, and "capitalism itself must change" in response to new conditions and social demands. Such recognition requires "a better defense of limited government" than that of "preserving the economic freedom, prerogatives, wealth and power" of corporations and their bosses. None of the chief executives interviewed by the writers in 1974 and '75 were bursting with ideas on how this defense might be mounted. But their personal worries about Watergate and post-Watergate scandals and business ethics in general are thoughtfully presented.

**THE POVERTY CURTAIN:  
Choices for the Third World**  
by Mahbub Ul Haq  
Columbia, 1976, 247 pp.  
\$12.50 cloth, \$5.95 paper  
L of C 76-7470  
ISBN 0-231-04062-8  
ISBN 0-231-04063-6 pbk.

A Pakistani economist, now with the World Bank, describes his frustrations in applying Western economic development theory to problems of poverty and unequal income distribution in his native land. Haq urges planners to de-emphasize conventional production goals. Identifying basic needs and possible job opportunities for the poor should come first, he believes, followed by institutional reforms to meet these needs and to provide as many jobs as possible while the gross national product is increasing. Skillfully analyzing global limits to growth, environmental threats, and the Third World's population burden and troublesome cultural lags, he plumps—not unexpectedly—for a new international economic order designed to improve the political and economic bargaining power of poor nations. This "new order" should

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**WOMEN IN AFRICA:  
Studies in Social and  
Economic Change**  
edited by Nancy J. Hafkin  
and Edna G. Bay  
Stanford, 1976, 306 pp. \$15  
L of C 75-44901  
ISBN 0-8047-0906-8

rechannel world economic resources not as an act of charity on the part of rich nations but as a right of the poor.

Because women in Black Africa enjoy a substantial measure of economic independence, a strong voice in traditional political affairs, and prominent roles in village and urban society, some Western scholars in the 1960s were misled into proclaiming them as equal in status and power with men. Fresh data collected by a group of international behavioral scientists (both men and women) show otherwise. Detailed examination of varied aspects of the role of women in 10 sub-Saharan countries documents female political and social strength. But it also leads to the conclusion that structural constraints (e.g., unequal access to political position, some kinds of passage rites) limited women's potential for equality in pre-colonial Black Africa. Under colonialism, their situation worsened. Even under independence in some countries (Ghana, Tanzania) real equality remains elusive.

### *Arts & Letters*

**THE SILENT STUDIO**  
by David Douglas Duncan  
Norton, 1976, 113 pp. \$12.50  
L of C 76-5571  
ISBN 0-393-04442-4

After Picasso's death in 1973, his widow Jacqueline invited André Malraux, an old friend, to visit. In *Picasso's Mask* (Holt, Rinehart & Winston, 1976), Malraux describes what he found: a studio-home filled with "an undisturbable and scrupulous disorder [like] a living presence . . . An irrepressible genius was watching over the images heaped up by his having swirled through life like a tornado." Former *Life* photographer David Douglas Duncan, another friend, lets us see for ourselves Notre Dame de Vie, the Picasso house in Mougins on the French Riviera, just as Malraux saw it. Duncan's camera guides us through the sparsely furnished "viewing room," the sunlit salon heaped with memorabilia, and the shadowy sculpture gallery thronged with tangled figures, to the vast silent painting studio—the artist's last self-

portrait. We see some of Jacqueline's own collection of vigorous Picassos, largely of herself, not to be viewed elsewhere, and, near the end, a striking shot of an oversize photograph of the artist looking intensely alive, with two tulips stuck in a glass on the floor in front of him.

**SEGOVIA: An  
Autobiography of  
the Years 1893-1920**  
by Andrés Segovia  
Macmillan, 1976, 207 pp.  
\$10.95  
L of C 76-42291  
ISBN 0-02-609080-5

The great guitarist's witty, well-turned memoir of his early years, translated by W. F. O'Brien, is not simply a variant of the oft-told gifted young man's struggle. It is also the story of a knight errant's private crusade to raise the status of an instrument that was long considered beneath notice by serious music lovers. Segovia told a well-wisher who tried, for the sake of his career, to woo him away from his guitar: "I would never turn my back on the guitar. It needs me; the violin doesn't." Among the difficulties he faced was a lack of music written for the guitar. When he landed his first contract for a series of concert hall appearances, he exclaimed, "My kingdom for a répertoire!" Segovia's genius prevailed. Soon many composers were adapting old favorites or writing original music for his "Cinderella among all concert instruments." Insouciant drawings by Vladimir Bobri illustrate an appealing story.

**THE TALE OF GENJI**  
by Murasaki Shikibu  
Knopf, 1976, 1,090 pp. 2 vol.  
\$25  
L of C 76-13680  
ISBN 0-394-48328-6

The "shining Genji," hero of the most famous story in Japanese literature—and of the world's first historical novel—comes to us in new dress, courtesy of translator Edward G. Seidensticker, who introduced 1968 Nobel prizewinner Kawabata Yasunari to the West. Seidensticker provides a version of Genji's 10th-century adventures and affairs of the heart that is shorter and pithier than the beautiful but embroidered translation by Arthur Waley of a half century ago. *The Tale* as Waley shaped it, has been read and reread both by Orientalists and by countless lovers of romantic novels. It was written by Lady Murasaki, a sharp-eyed baroness of 11th-century Japan. In both translations, Genji's story begins with his birth as a son of the Emperor and a lady of the court. But it does not end

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with his death at 52. The complexities of plot involve 47 major characters (one courtesan is named "Lady of the Evening Faces") and endless intrigue. Genji's father abdicates in chapter 9, to be succeeded by Genji's brother, who abdicates in chapter 14 in favor of a lad also believed to be Genji's brother, but who is in fact Genji's son. Seidensticker's literal rendering of this classic work offers more than good entertainment. From its puns, poems, and offhand bits ("It was the mark of her want of culture that her delight should be so unconditional, and take no account of such matters as the proper color of a fan"), discerning American readers can gain a new understanding of many values in Japanese life that survive to modern times.

**MEMOIRS**

by Pablo Neruda  
 Farrar, Straus & Giroux  
 1977, 370 pp. \$11.95  
 L of C 76-27329  
 ISBN 0-374-20660-0

This luminous, informative, moving, and very funny book, posthumously published in English, collects the random memories of the railwayman's child born in the primeval forests of southern Chile who, even as a diplomat and Nobel-prizewinning poet, never lost his sense of wonder. There is not an ounce of padding. Neruda (1904-73) distills his life's landscapes—Santiago, Paris, Rangoon, Colombo, Singapore, Madrid, Mexico City—into vivid sketches, well translated by Hardie St. Martin. A huge cast of characters springs to instant life: public figures, eminent and obscure artists, nitrate workers, revolutionaries, intensely private eccentrics. In 1945 Neruda was elected to the Chilean Senate; in 1948 his arrest was ordered. In 1949 he fled Chile, crossing the Andes to the South, but was welcomed back in 1952. A Communist Party member for much of his adult life, he seems able to probe everything in the tumult of his days except evidence of what he calls the Party's "weaknesses." Telling stories about his "volcanic" artist friends in Mexico during the period shortly before Stalin's exiled foe Leon Trotsky was assassinated there, he writes in passing that "someone" sent the painter David Alfaro Siqueiros "on an armed raid" on Trotsky's home. Someone?

**YEATS**

by Frank Tuohy  
 Macmillan, 1976, 232 pp.  
 \$17.95  
 L of C 76-12608  
 ISBN 0-02-620450-9

**THE DRAMA OF W. B.  
 YEATS: Irish Myth and the  
 Japanese Nō**

by Richard Taylor  
 Yale, 1976, 247 pp. \$15  
 L of C 75-43336  
 ISBN 0-300-01904-1

**W. B. YEATS AND THE  
 IDEA OF A THEATRE:  
 The Early Abbey Theatre in  
 Theory and Practice**

by James W. Flannery  
 Yale, 1976, 404 pp. \$22.50  
 L of C 74-29721  
 ISBN 0-300-01773-1

New appraisals of W. B. Yeats (1865-1939) continue to come from the pens of biographers and critics. Frank Tuohy's handsomely illustrated *Yeats* differs markedly from the classic critical studies by Richard Ellman and A. Norman Jeffares. They focus on the poems—both as art and as revelation of Yeats's life. Tuohy, a successful novelist, concentrates on the man. The poetry is included, but secondarily, as a product of events in Yeats's artistic and political careers, loves, late marriage. He discusses Yeats's lifelong sense of isolation, his membership in the Irish Republican Brotherhood, his fascination with occult practices. Concise sketches of important people who influenced him further enliven this biography. Scholars may wince at the remark that "Walter Pater, who had chosen to write English as though it were a dead language, began to have a marked effect on Yeats's own prose style," but Tuohy's tone does make for easier understanding of dense information.

Taylor's and Flannery's books on Yeats as dramatist are offshoots of the recent critical reassessment of the plays as stage productions. (Earlier analyses treat them as literature.) Taylor stresses the problems of actual performance and the effects of Yeats's discovery of Japan's Nō theatre on his staging of Celtic myths; although he sees the last plays as "extensions and elaborations" of Nō, Taylor's chief contribution lies in revealing the Anglo-Irishman's mistaken notions of the Japanese forms (an appendix includes technical details of the Nō conventions).

Flannery covers dramatic theory, stage performances, the famous Fay brothers and Yeats's relations with them and other actors. He describes the practical difficulties the poet encountered in managing the Abbey Theatre at a time when it was an extension of Dublin's hectic political life. Despite its acknowledged debt to Francis Ferguson's *The Idea of a Theatre* and leftover dissertation baggage, this book supplants other analyses of the playwright's skills and most histories of the Abbey in its electric youth.

## PAPERBOUNDS

**AMERICA AND THE MEDITERRANEAN WORLD, 1776-1882.** By James A. Field. Princeton reprint, 1976. 485 pp. \$5.95 (cloth, \$16)

Out of his research on early American relations with Mediterranean countries, Swarthmore historian James A. Field, Jr. has produced a bookful of surprises. By the 1820s, Boston merchants, freed from colonial trading restrictions, were buying Turkey's entire opium crop for the China trade. By the 1880s, the United States was the sole supplier of oil (from Pennsylvania) to the Levant and Arabia. New England missionaries introduced modern Arabic printing presses and the cultivation of potatoes to the Near East. An American naval architect rebuilt the Sultan's fleet after the Ottoman naval disaster at Navarino. American officers staffed the Egyptian Army when the Suez Canal was being built. Vacillating between advocacy of the peaceful spread of Western civilization and intervention in the politics of the Mediterranean (e.g., the U.S. Navy's 1827 burning of Mykonos), American religious and secular evangelism had a century-long heyday.

**PUBLIC EMPLOYEE UNIONS: A Study of the Crisis in Public Sector Labor Relations.** Edited by A. Lawrence Chickering. Institute for Contemporary Studies, 1976. 248 pp. \$3.95

Strikes by municipal workers have continued sporadically since the New York Transit Workers' walkout attracted nationwide attention in 1966. Comprehensive information about public employee unions—of firemen, teachers, municipal bureaucrats—has been scarce, however. This collection

of essays by union leaders, big-city mayors, and such academic and legal specialists as Seymour Martin Lipset and Theodore W. Kheel, clarifies much that has been only hazily reported in the press about public workers' rights, wages, and political roles. The fastest growing segment of the labor movement, these unions have become a major target of critics concerned with government cost and efficiency. The AFL-CIO itself is torn on how to cope with conflicts arising between its old-line unions and its aggressive new 700,000-member affiliate, the American Federation of State, County, and Municipal Employees.

**SHAKESPEARE ON THE AMERICAN STAGE: From the Hallams to Edwin Booth.** By Charles H. Shattuck. Folger Books, 1976. 170 pp. \$7.95 (cloth, \$19.95)

Many Washington residents rate the Folger Shakespeare Library productions high among the city's more certain theatrical pleasures. Shattuck's illustrated history meets Folger standards. He writes about the Hallam Company's 1752 staging in Williamsburg of *The Merchant of Venice* (the first professional performance of a Shakespeare play in America), about early Philadelphia and New York theaters, Edmund Kean as Shylock, Edwin Forrest as Coriolanus, Fanny Kemble as Isabella, and Edwin Booth in his many roles. Booth was embarrassed by Romeo, insisted that Hamlet was not in love with Ophelia, and said of Benedick: "This fellow is a lover. I loathe the whole pack of them. Always did. Even as a youngster I loved the villains."

**UNITED STATES FOREIGN POLICY AND WORLD ORDER.** By James A. Nathan and James K. Oliver. Little, Brown, 1976. 598 pp. \$10.95 (paper only)

Few other books on the U.S. world role since 1945 have been so readable and balanced in perspective, satisfying both scholar and layman. Nathan and Oliver chronicle U.S. successes (NATO, the Marshall Plan, the economic rehabilitation of Japan) and failures (Vietnam). With the end of the Vietnam War they see an end to old confrontation politics and the emergence of a more complicated international political game, signaled in part by the rise of OPEC. They question the compatibility of American commitment to political liberties with the U.S. goal of an ordered, stable international system.

**NATIVE AMERICAN HISTORICAL DEMOGRAPHY: A Critical Bibliography.** By Henry F. Dobyns. Univ. of Ind., 1976. 99 pp. \$3.95 (paper only)

Studies of the history and culture of American Indians range, say the editors of this volume in a new bibliographical series, from excellent scholarship to "malicious fabrication." Dobyns reports that contemporary reservation Indians suffer from an incidence of diabetes far exceeding that among the general American population, but diabetes among Eskimos is only half that of the general population; U.S. Census figures on tribal numbers are not matched to Bureau of Indian Affairs' definitions, but the Census since 1890 has nevertheless provided valuable data on American Indians. Four simultaneously published volumes in this series of bibliographies spon-

sored by the Newberry Library cover the Navajos, the Ojibwas, the Indians of California and of the Subarctic. More will follow.

**HISTORY: Remembered, Recovered, Invented.** By Bernard Lewis. Princeton reprint, 1976. 111 pp. \$2.95 (cloth, \$7.95)

Israeli paratroopers today are sworn in on the ruins of Masada, where the Jews' last revolt against the Romans ended, A.D. 66. In October 1971, the Shah of Iran (with the glittering help of the international jet set) celebrated the 2,500th anniversary of the foundation of the Persian state by Cyrus the Great. Israelis and Iranians both had forgotten these epochal events of their pasts until they were rediscovered by outsiders. Lewis, professor of Near Eastern studies at Princeton, cites many uses and abuses of history over time. He warns against carrying resurrection of the past "beyond the stage of recovery into that of illusion."

**THE OTHER VOICE: Twentieth Century Women's Poetry in Translation.** Edited by Joanna Bankier et al. Norton, 1976. 218 pp. \$3.95 (cloth, \$10)

In these poems from all over the world, there is a sense that everywhere, as Adrienne Rich says in her preface, "women live under certain common universal stresses." Some names are familiar—Ann Hebert of Canada, Simone Weil of France—but until now most of these poets have not been translated. They write of their visions, loves, rites of passage, difficulties as artists. Israel's Leah Goldberg seems to speak for many: *My time is carved in my poems/like the years of a tree in its rings.*

## The Written Word

by John Updike

By the late 1960s, many educated Americans (novelist Updike has observed) had come to focus not on books but on "the art museum, the symphony orchestra, the cinema, the educational TV band, the charming conversation—these were where the essences of culture condensed and could be sipped." Today, to an extent not possible before World War II, "a person who takes pride in being civilized may feel, at heart, that the written word, in its less casual forms, has nothing crucial to offer." Mr. Updike feels otherwise. The above observations and the following essay are drawn from his Frank Nelson Doubleday lecture last December 8 at the Smithsonian's National Museum of History and Technology.

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The topic of the written word feels intrinsically contentious; to think about it makes us itchy, somehow irritated, as by cinder flecks in our eyes, or an uneven buzzing in our ears. Any discourse upon it is expected to strike an embattled note. Its soldiers are conscripted, in a doomed cause.

Yet the communiqués from the front are not all bad. According to the *Bowker Annual of Library and Book Trade Information*, the stocks of the major publishing companies went up roughly 85 percent in 1975, the last year for which full figures are available. In this same year, revenue from book sales rose 10 percent over the previous year's, and totaled over \$3.5 billion. Over 30,000

new titles were published, plus 9,000 new editions. In this recession year of 1975, the book industry reported a 13 percent profit overall. Up, up, the figures reach—up in book exports, up in book imports, up in average book price (for a hard-cover volume, the startling median of \$16.95) and up, of course, in manufacturing costs. A relatively small industry, but a relatively healthy one, rich enough to fling a number of new skyscrapers—the McGraw-Hill Building, the Random House Building—into the New York skyline. Creative writing is a boom major on college campuses, and one side effect of Watergate has been to lend journalism a new glamour. None of this would have been easy

to predict 20 years ago, when television was implanting itself at the center of nearly every American home, and rock/pop music was extending its hypnotic, pervasive presence in the cultural ecology. In the early '60s, Marshall McLuhan's *Gutenberg Galaxy* announced, with a compendious brilliance I shall draw upon more than once in my own dim estimations, that the print culture was obsolete—had been obsolete since the invention of the telegraph, and certainly since Einstein's special theory of relativity destroyed Euclidean space—and obsolete with crashing certainty since there came upon us "the revolution in human perception and motivation that resulted from beholding the new mosaic mesh of the TV image."

#### **Portable, Accessible . . .**

Of course, McLuhan's understanding of the previous revolution, the revolution of movable type, which was in turn predicated upon the epochal Phoenician invention of the phonetic alphabet, allows for retrograde effects within the transitional interface. He tells us that scribes in the outmoded manuscript tradition continued to survive by their pens through the 15th century, and that the material for the new presses was mainly medieval. He wrote: "As, today, the insatiable needs of TV have brought down upon us the backlog of the old movies, so the needs of the new presses could only be met by the old manuscripts." What seems clearer in the mid-'70s than it may have appeared in the early '60s is the extent to which the printed book exercises against the modern oral electronic culture the same advantages manifested against the oral manuscript culture of the

Middle Ages: the advantages, that is, of portability and accessibility.

Though we are shown advertisements of people taking portable TVs with them on camping trips and fanatically purchasing devices that enable them to record on tape one television show while they watch another, the clumsiness of these expedients is laughable, compared to the ease with which books can be tucked into knapsacks, or store their own texts against the moment when we want to consult them. The rise of television, and the proliferation of cassettes and tapes and filmstrips, all eager to take their place in the multibillion dollar educational works, has served really to emphasize what scarcely needs emphasizing here, how uniquely handy, inexpensive, and capacious sheets of printed words still are, for the transmission and storage of information and experience. McLuhan is himself a Gutenbergian polymath, who has written, "Far from wishing to belittle the Gutenberg mechanical culture, it seems to me that we must now work very hard to retain its achieved values."

#### **Reading and Survival**

A distinction should perhaps be offered between post-literacy and illiteracy. It is one thing for members of the educated middle class to sit in their electrically suffused apartments and think of Walter Cronkite as a kind of tribal elder, to read less and stare more, to imagine that their brains are proceeding by a "mosaic field" approach rather than by linear logic, and to believe that their sleepy-eyed toleration of David Susskind and Johnny Carson has something to do with the theory of relativity and the

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Heisenberg indeterminacy principle; it is quite another thing to be unable to read.

The ability to read the Bible or the Book of Common Prayer follows long after the rudimentary abilities to read an instruction leaflet, to read street signs and labels, to compose a legible letter, to keep a record of economic transactions. The Phoenicians were a trading people and the alphabet is their only known cultural accomplishment. There is nothing luxurious about literacy. As a UNESCO report of 1963 put it: "The map of hunger and the map of illiteracy in the world are the same. The regions where people do not have enough to eat are also those where they cannot read, and this is no accident." Nor is illiteracy eradicated from the United States, where, according to an estimate by David Harmon that was reported in 1970 in the *New York Times*, as much as half of the population over age 25 is functionally illiterate. In 1969 James E. Allen, Jr., then U.S. commissioner of education, told a congressional committee that in large city school systems up to half of the students read below expectation; that half of the unemployed youths between ages 16 to 21 are functionally illiterate; that an armed forces program showed 68 percent of the young men fell below grade seven in reading.

The map of illiteracy and the map of crime, vandalism, drugs, welfare, and misery overlap. In 1968, Christopher Jencks wrote:

The public school system of New York City is on the brink of collapse. . . . The origin of the crisis is simple. The public schools have not been able to teach most black children to read and write and to add and subtract competently. . . . The fact that the schools cannot teach black children basic skills has made the rest of the curriculum unworkable and it has left the children with nothing useful and creative to do for six hours a day.

#### **An Electric Galaxy**

Lest this problem be thought to belong only to the ghetto blacks, here is Karl Shapiro speaking (to the California Library Association in 1970) of college students in creative writing programs:

Students in similar programs today, according to my experience all over the United States, can no longer spell, can no longer construct a simple English sentence, much less a paragraph, and cannot speak. We have the most inarticulate generation of college students in our history, and this may well account for their mass outbreaks of violence. They have no more intelligent way to express themselves. . . . We are experiencing a literary breakdown which is unlike anything I know of in the history of letters.

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*John Hoyer Updike, 45, was born in Shillington, Pennsylvania, the son of a schoolteacher. He graduated from Harvard in 1954 and studied art for a year before joining the staff of The New Yorker. His fiction includes The Centaur (1963)—for which he won the National Book Award in 1964—Couples (1968), Rabbit Redux (1971), A Month of Sundays (1975), and Marry Me (1976). His essay is published here with the permission of Doubleday & Co. (© 1976 by Doubleday & Co.).*

At this point, where campus violence merges with the vandalism in ghetto schools, illiteracy and post-literacy merge, and McLuhan's jubilant prophecies appear in a more somber perspective. The "electric galaxy," as he calls it, is far from changing this fact about the real world: its business is conducted with slips of paper, and those who cannot read the symbols on the paper are excluded from the world's business and are potential victims of those who can.

What is this act of reading? Why do we resist it? Has—and if so, why has—a literary breakdown occurred in the student population of this nation?

The simplest theory, I suppose, is that the school systems, out of inertia, venality, and stupidity, have failed in their primary task, which is to teach children to read. This is the theory of Samuel L. Blumenfeld's *The New Illiterates*, from which the dire quotations above were taken. Mr. Blumenfeld, writing his spirited indictment in 1973, restates the conclusions of Rudolf Flesch's well-known *Why Johnny Can't Read* (1955), and of Jeanne Chall's studies a decade later; they tell us that American children are wrongly taught to read by the so-called whole-word or look-say or sight-vocabulary method, which in effect treats each word as a separate ideogram and ignores the very principles upon which the phonetic alphabet is based. "How did the sight-vocabulary establishment get such a stranglehold on the teaching profession?" Mr. Blumenfeld asks, and answers:

It was a simple process of institutionalizing vested interests. Those vested interests included the professional edu-

cators who created the sight-word basal systems, on the success of which their professional reputations depended; the publishers who invested millions of dollars in the publication of these systems; the school administrators who spent millions of the taxpayers' money to buy these books. Thus, while the whole-word basal systems have been an incalculable pedagogical failure, they have been an incredible commercial success, with authors and publishers not only making millions for themselves, but encouraging others to imitate them.

#### Look-Say or Phonetics?

Whence did this pernicious and illogical system arise, to inflict more than a century of confusion upon the basic learning task of the public school system? With the verve of a black humorist, Mr. Blumenfeld traces the whole-word recognition method back to the Reverend Thomas H. Gallaudet of Hartford, who was director from 1817 to 1830 of the American Asylum at Hartford for the Education of the Deaf and Dumb, and who developed a method, of words linked to vivid pictorial illustrations, whereby deaf children could be taught to read. These children had never heard these words, whereas a normal child arrives at the first grade with an oral vocabulary of several thousand words. Nevertheless, Gallaudet published his first primer in 1830 with the hope expressed in the foreword that "this little volume, although originally prepared for the Deaf and Dumb, will be found to be equally adapted to the instruction of other children in families, infant schools, common schools, and Sunday schools." Under the guidance of Horace Mann, the Gallaudet primers were adopted by the Boston school system, supplanting the alphabetic-

### UPDIKE'S FATHER AS READER

My father, as I remember him, read much as other Americans eat junk food—omnivorously, compulsively, and with slight nutritional benefits. By a kind of postal inertia many magazines flowed into the house, and there were few of these he did not pick up and touse, and even shake, as if long ago he had lost a jewel that might be found anywhere.

Alert for tips and oddities, he read, I believe, in hope of profit, and in search of company. "Misery loves company" was one of his sayings, and the one novel I watched him read was George Orwell's *Coming Up for Air*. My impression is that he gulped the book down in a single sitting and at the end pronounced, "Poor devil, he never had a chance."

My father read, as he walked, with surprising speed. He was an excellent speller. His handwriting was always considerably clear. He could produce out of his reading facts collected with a true tenderness toward the workings of large practical matters beyond his control; this generous curiosity, like his cheerful admiration of the exceedingly rich, may have passed away with his generation, along with phrases like "can-do" and "American know-how." The magazines, whether the *Farm Journal* or *Reader's Digest* or *Coronet* or R. G. Letourneau's evangelical pamphlet *Now*, came to him like letters from some more successful older brother, whose advice my father systematically ransacked with an impatient yet not quite hopeless air of fraternal obligation.

The hail of new checkpoints, as it were, that surrounded him in the form of print seemed to confirm his own disorientation, at the same time promising that a correct orientation was possible. As a schoolteacher and a Sunday school teacher, he read in the way of homework, I should add, and his last heart attack struck him sitting upright at a desk, doing drills for a refresher course in trigonometry, a willing student to the last.

phonic methods then in use. The Boston schoolmasters, interestingly, attempted a rebellion in 1844, pointing out the deterioration in spelling that had come about with the abandonment of the alphabetic method, but their protest had no more effect upon the educational establishment than Mr. Flesch's book more than a century later. I am no educator, but from my own glimpses of fear-

ridden academic hierarchies I find it, alas, not implausible that until recently reading has been taught to our children as if they were deaf or were learning Chinese.

Jeanne Chall's careful conclusion, after years of research, was that any one of several code-emphasis—that is, phonic-alphabetic—methods produce better results than the entrenched look-say method, which I

believe has been substantially replaced by phonic instruction now. Indeed, my two younger children were taught by a phonetic method, or "sounding out" as we called it, and I would like to report that they read fluently and spell admirably—but, though bright as buttons, they do not. And though the anti-look-say movement surely has some justice with it, and the arresting drama of any conspiracy theory, it ascribes, I believe, too large an effect to too small a cause. Even if the instructional methods *have* made reading English more difficult at the start than it should be, some difficulties exist in any case. The notorious phonetic inconsistencies of English spelling, for instance, must be treated under a phonic system as a horde of special "outlaw" cases. Millions of reading people, including myself, at any rate did learn to read in the public schools prior to 1965, and no pedagogic improvements can make up for the kind of cultural de-emphasis that removes motivation.

#### A Will to Learn

It is hard to glance into my grandfather's textbooks, with their "memory gems" and "elements of rhetoric," and not to sense that the mastery of the written word promised more to him than to us; that the written word then promised to lift its young students up from the rural world in which they dwelled into a kind of ancient light; and that, were the ghetto child of today as convinced as my grandfather that that ancient light would shine upon him, he too would study.

The human capacity to learn is enormous where a will exists; the same child who cannot read can

learn to disassemble an engine or memorize the words of a hundred popular songs. The United States Congress, attempting to stem the tide of immigration, barred, in the Immigration Act of 1917, illiterates; but the peasants of Europe learned enough English to pass the new reading requirement in droves. What happy land, what America, are reading and writing and arithmetic now passports to? This is not a question for the schools to answer, but for the society that awaits after school.

#### A Simple Matter?

Before we leave the scholastic walls, let me add one observation. Karl Shapiro specifies 20 years of decline in college literacy, and it has been about 20 years since Latin was dropped from the college preparatory course of study. Mine was the last generation, I believe, that was expected to have some Latin as an educational requisite, and in retrospect it does seem there was some point to it. Parsing one's way through sentences entirely by case ending sensitized one to grammatical nicety and illustrated the possibility, not obvious in English, of varied word order; and awareness of Latin roots in English words unhinged them in a revelatory way.

In its fossilized beauties, Latin unfolded a meaning of meaning that lazy linear English, worn smooth of almost all grammatical inflection, tends to glide over. While Cicero seems gone forever from general education, we should realize that our notions of literary excellence and grammatical integrity descend to us from writers, from Chaucer to Waugh, whose English had been crystallized by a saturation in Latin. As it happens, I have been reading

the letters of E. B. White, surely one of the great American stylists. In a preface, he describes his schooling, and mentions Latin: "I liked Latin pretty well," he says, "but never was able to get a modern language and am still monolingual." He also tells us how he learned to read, from his brother Stan:

Stan taught me to read when I was in Kindergarten and I could read fairly fluently when I entered the first grade—an accomplishment my classmates found annoying. I'm not sure my teacher, Miss Hackett, thought much of it, either. Stan's method of teaching was to hand me a copy of the *New York Times* and show me how to sound the syllables. He assured me there was nothing to learning to read—a simple matter.

But is it a simple matter? In the act of reading, a double code presents itself for decipherment: sounds that, except for a few onomatopoeic expressions, have an arbitrary relationship to things are represented by graphic forms—letters—that have an arbitrary relation to sounds. And these appear in staggering quantity. If we take an average line of type to contain 50 letters, and an average page to contain 40 lines, and an average book to contain 250 pages, then half a million individual letters must in some sense be recognized and discriminated, to trigger the infinite additional recognitions of word-meaning, of sentence comprehension, of grasped nuance and allusion, that it takes to read this book.

The physiological labor of reading has received little analysis from critics and writers; two professional groups that have had to give it some thought are typographers and remedial reading teachers. In the manuscript age, notation was a code for

the few; if those few could make it out, its purpose was served.

This is still true, by the way, of legal documents, medical prescriptions, love letters, and the fine print required by law on medicine bottles. Those of you who have looked at reproductions of the Magna Carta or even the Declaration of Independence must founder, as I have, on the length of the line. With a line of type too long, the eye tends to get lost, to double back; a line too short, however, does not utilize the eye's ability to seize 10 to 12 words at once.

#### Dyslexia

Typography is a profoundly conservative and organic art. The letterforms in use today are close copies of Renaissance manuscript hands; my distant relative Daniel Berkeley Updike, in his classic history of printing types, inveighs with surprising vehemence against the excessively regular French typefaces concocted on the principles of mathematical subdivisions so dear to the Enlightenment. "The eye," he wrote, "becomes tired when each character is absolutely perfect." The once fashionable fonts of Didot are "rigid, formal, and tiresome"; the older "most irregular" types of Garamond "make elegant, easy, readable pages." Updike prizes so-called "pen quality"—and we all see how the serif, that funny little foot left by the shaped quills of medieval scribes, stubbornly keeps toeing the line in our modern letter-forms. The *Encyclopaedia Britannica* article on typography contains a revealing passage about blank spaces:

The practice of dropping the chapter opening is justified by the fact that the eye, in traveling from the gener-

ally occasional blank at the end of a chapter to the beginning of the next, finds a companion blank an agreeable consistency. It also has the psychological advantage of saving the reader from feeling overpowered by the text.

"Saving the reader from feeling overpowered by the text"—a beautiful aim. But as we know, many children—as many as 15 percent—*are* overpowered by the text and *do* suffer from neurological disorders that significantly inhibit their ability to read. The term *dyslexia* is in some disfavor, and has been seized upon perhaps too avidly by anxious parents, but it will serve—like its brothers *dysgraphia*, the inability to write, and *dyscalculia*, the inability to do arithmetic—to indicate a medical condition, for which there is, unfortunately, no medical cure. The brain remains the most mysterious of our organs, and there is no way around dyslexia but patient training, with often modest hopes of success—the hope, as expressed by R. M. Crosby and R. A. Liston in their book *The Waysiders*, that "these children can learn to read at least well enough to obtain sufficient knowledge to make a contribution to society commensurate with their intelligence."

#### Unnatural Work

Dyslexia is relevant here because, just as psychopathology lays open the healthy psyche, so the study of dyslexia reveals what a maze of perceptions and retentions are involved in the feat of reading. Insofar as we all misspell, or pass over typographical errors, or lack the patience to assemble a toy from written instructions, we are all dyslexic, and in a state of counterrevolution against Gutenberg. Reading is such hard

work that a rebellion against it is always smoldering. The idea of mass literacy arose simultaneously with the sweatshop. In our American mythology it is associated with pioneer striving, with midnight oil and Lincoln's long trudge to return a book, with railsplitting and stump-pulling. Reading thrives during depressions, and in stifling enclosures, in attics and monasteries; the great scholars—Christian, Talmudic, Confucian—have a savor of the monstrous. Reading is not merely hard work, it is unnatural work.

#### Focus on Food

What *is* natural to man? His very cranial size is unnatural; only humans find birth a travail, only humans wear clothes, talk, write, and read. The human eye developed first in the trees where our simian ancestors swung and then on the savannah where the primitive men hunted. In the trees, depth perception was important, hence our bioptical vision and the frontal monkey faces that go with it; the conditions of the hunt demanded a far, scanning vision.

This biological preparation is not for reading. Early *Homo sapiens* would focus at book distance primarily upon things he was eating. The lemurlike creature at the fountainhead of the primates was probably an insectivore, a nut and berry eater who had to give each nibble a skeptical glance; otherwise our eyes might not now be able to focus on a telephone book. That they can doesn't mean they should; men can do many things that violate their bodies, from drinking alcohol to walking on hard pavements.

This little plane of minutely printed paper we hold for hours 18

inches from our faces is, indeed, a kind of pavement for our eyes. For most of their history men have not expected themselves to read. Systems of writing came into being, it is thought, as simple pictures to remind the song-chanter or the message-bearer of his main themes. Once invented, they were long confined to the rulers and the priesthood. By the time of the New Testament, the Hebrews encouraged literacy among themselves; nevertheless Jesus surprised the rabbis with his knowledge of the sacred literature. "Beware of the scribes," he admonishes in Luke 20:46, and only once, in John 8:6, is he described as writing, and then with his finger on the ground. St. Thomas Aquinas addresses the question of why Jesus did not himself write the Gospels:

I answer by saying that it is fitting that Christ did not commit his teaching to writing. First on account of his own dignity; for the more excellent the teacher, the more excellent his manner of teaching ought to be. And therefore it was fitting that Christ, as the most excellent of teachers, should adopt that manner of teaching whereby his doctrine would be imprinted on the hearts of his hearers.

To the Middle Ages Plato was merely the amanuensis of Socrates, and the clerk, the man who could write, was synonymous with the clergy. References to "literate laymen" begin to appear in English records at the end of the 14th century, but it took Protestantism and mercantilism two more centuries to create a literate middle class. French army records of 1832 record that half of the recruits were illiterate, and in Spain as late as 1910 half of the population over ten years of age were reported as unable to

read. An estimated two-fifths of mankind are illiterate right now.

#### **Haptic Wholeness**

No, being literate, it surprises us to realize, has little to do with being human. Marshall McLuhan claims that on the contrary it has a lot to do with being *less* human, or at least less integrated. "Writing is a visual enclosure of non-visual spaces and senses," runs one of his formulations. "It is, therefore, an abstraction of the visual from the ordinary sense interplay." A few pages further on, the invention of print intensifies this abstraction into a fission: "It was not until the experience of mass production of exactly uniform and repeatable type, that the fission of the senses occurred, and the visual dimension broke away from the other senses." This haptic (a favorite word of McLuhan's) wholeness of the senses is on the same page described as "tactile-muscular sensuous intuitions," and on the next page made to belong to an "Africa-within" Western experience, which the electronic media are going to regenerate.

#### **An African Adam**

McLuhan cites the report of a missionary doctor in Kenya on the disturbing effects of literacy upon the human qualities of the African:

The high qualities of the African untouched by missions or education impress nearly everyone. Those of this district are good workers, cheerful, uncomplaining, unaffected by monotony or discomforts, honest and usually remarkably truthful. . . . The uneducated African is incapable of filling any skilled post. At the most he can be trained to carry out work that requires no reasoning. That is the penalty paid for his good qualities.

A stiffer penalty, I might remark in passing, than the tone of the description implies. Even a touch of book learning changes this African's nervous system:

This different mentality may show itself in a shirking of work, trouble over food or in a desire to have his wife living with him however difficult for the employer. The reasons are clear; the African's whole capacity for interest, pleasure, and pain are immensely increased through even a little education. . . . Monotony has become a trial to him as it is to the normal European. It takes greater will-power for him to be faithful to uninteresting work, and lack of interests brings fatigue.

Among the untouched African's virtues were listed a prodigious capacity to go without sleep: "I suggest also that the nervous system of the untouched African is so lethargic that he needs little sleep." These observations are quoted in a 1959 article, "Culture, Psychiatry, and the Written Word," by J. C. Carothers, that operates as a virtual cornerstone for McLuhan's overall thesis. They interest us here for their depiction of the elusive pre-Gutenbergian condition. Its essence appears to be lethargy, a static equilibrium of the mind so delicate that even a sprinkling of printed symbols unbalances it. The foremost strength of this African Adam is noted as his capacity to bear monotony.

Such a capacity is indeed valuable to consumers of the electronic media. On the radio, the same "Top 40" songs, often repetitive within themselves to the point of incantation, are re-churned around the clock. On television the fight for high ratings leads to imitation of the proven and repetition of the safe; a few weary formulas run through a

scripting machine as mechanical as canned laughter. As a massage, television is triumphant; there is even a domestic syndrome called "media dependence." In a recent British study, 184 families were paid to stop watching "the telly" for one year. The deprivation caused so much anxiety that no family lasted more than five months.

#### "Books Are Never Reruns"

Television has enlisted itself among the chronic needs, with food and sleep and a bath. Unlike love or a job, it has exempted itself from the linear responsibility to get better or worse, to go somewhere. To be there, every day, is enough. It has the regressiveness, the circularity, of our animal rhythms, and in the fuzzy quicksilver of its transitory passage across the hours of the day it shares our mortality. The very mechanics of the tube forfeit that fixity we associate with art. Television is all process, as books are all product. Our intuition of television, that it is amorphous and semifluid, is reflected in popular phraseology, from the commonly printed complaint that it is "making mush of our brains" to the wonderful metaphor "chewing gum for the eyes." Whatever is formless tends to take a circular form; when I asked a 10-year-old which meant more to him, television or books, he said, "Books, because television is all reruns." And he added, "Books are never reruns."

The notorious multiplicity and variety of the forms of the printed work are its bane. We are in danger of being overpowered by the text, the wise typographer knows; we are in even more danger of being overwhelmed by the number of texts.

The philosopher Leibnitz, in 1680, feared that people might become disgusted with the sciences. He feared

that a fatal despair may cause them to fall back into barbarism. To which result that horrible mass of books which keeps on growing might contribute very much. For in the end the disorder will become nearly insurmountable; the indefinite multitude of authors will shortly expose them all to the danger of general oblivion; the hope of glory animating many people at work in studies will suddenly cease; it will be perhaps as disgraceful to be an author as it was formerly honorable.

### The Show of Wisdom

In the torrent of print our brains become bottlenecks. Who could not pity our President-elect as, the day after his election, he promised us, over television, to master the foot-and-a-half-high stack of reading material that had been piled high on his desk in Plains to begin to acquaint him with his duties? And during the campaign did not both candidates, in their honorable effort to demonstrate mastered information, seem to lose themselves as men? Long before Leibnitz, Plato had foreseen the hollow knowingness, the nervous sophistication that the invention of letters might bring.

This discovery of yours [Thamus says to Theuth in the *Phaedrus*] will create forgetfulness in the learners' souls, because they will not use their memories; they will trust to the external written characters and not remember of themselves. . . . They will appear to be omniscient and will generally know nothing; they will be tiresome company, having the show of wisdom without the reality.

Reality, for Plato, is face-to-face

instruction, the personal tribalism that saves us all from being "tiresome company." But over 2,000 years after Plato we do still look to our leaders and to our friends for a kind of haptic integrity; the personal, as a mode, persists, and the written word, which can so easily be set aside, which is so plainly *other*, interferes less, it may be, with our personal communications than a device which dominates our living rooms like a tireless, box-shaped person.

### Reading and Education

Hearing in myself the forewarned note of embattlement, I think the time has come to attempt a summary. Of the written word as a medium of education in the real world, we seem to observe:

1. It is elitist. The alphabet is a code, and large numbers of people, either through lack of opportunity or ability, cannot decipher it. It is less accessible than oratory, or music, or cinematic imagery. In this country, *Publishers Weekly* estimates, over 90 percent of the population never buy a book.
2. The written word, nevertheless, is not easily dispensed with, and those without it are disadvantaged in all but the remotest corners of our shrinking world. Literacy in this century suggests Christianity in the 19th; though subjected to intellectual challenge and public indifference in its centers of distribution, it nevertheless spreads outward with eager evangelism.
3. It retains certain competitive advantages. The transformative effect of a medium depends not only upon—to quote McLuhan one last

time—"the structuring power of media to impose their assumptions subliminally" but upon its capacity to absorb, store, and transmit content. In this capacity print has not been superseded.

4. Reading makes us nervous. Whereas the heard word thrusts itself into our ear with a measurable tactile impact, the written word skims in through the eye and by means of the utterly delicate retina hurls shadows like insect legs inward for translation. Our attention clings to the page *anxiously*; and this anxiety belongs, it may be, to the evolutionary exaggeration whereby we became eye-dominated and left the "tactile-muscular sensuous intuitions" of the dog and the bat behind.

5. It is anti-tribal. A man with a book in his lap epitomizes the anti-social, and there can be little doubt that our modern individualism, our egoism, our obsessions with freedom and personal aggrandizement are intertwined with the written word. Burning and suppression of books is a natural totalitarian act.

6. Reading is a low-priority activity. Imagine oneself reading a book in a room wherein a fistfight breaks out. The fistfight will claim priority of attention, as will a baby crying or a telephone ringing. The keenest rival to reading is of course not television but human activity. Someone in the 18th century, I think Pope, complained that people never read, they are always playing cards. But, like the universal "weak force" of gravity, the attraction of the printed page asserts itself wherever there is literacy, and in sum is surpassingly strong, and holds us fast

to the world of the written word.

And I, where do I stand, on this world? I rise in the morning and consume with my orange juice my newspaper, thus initiating myself afresh in my national tribe and the human race, as signalized chiefly by its murderous and scandalous aspects. At night before sleeping, I as dutifully take up a book or magazine, to reapply, as it were, before surrendering consciousness to the primordial deep, for membership in the international ranks of the generally cultured, the exceptionally conscious. In between, through a day as vague and endless as a housewife's, I labor or mangle in the sweatshop of the written word, reading whatever will help me write, sometimes a compulsive muncher like my father, sometimes a word-bored wanderer in the Gutenbergian wastes, sometimes even a reader as enraptured as the adolescent Proust. "A writer," Saul Bellow has said, "is a reader moved to emulation." A writer is a reader with a difference; yet perhaps that small angle of difference admits of one more perspective on our topic.

#### **The Broken Code**

In considering the written word, the printed page, the bound book, we have reified these things; we have treated the written word as the descendant of the notched stick and the knotted string that messengers in pre-literate societies carry, to prompt their memories when they arrive. Such mnemonic sticks and strings are indeed things, as is a sheet of paper covered with lines of printed letters. But this sheet of opaque paper—and how opaque a page of Arabic, or Japanese, or Finnish does look to our ignorant eyes!

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—this sheet of paper is from another angle the transparent topmost skin on a profound volume in which our minds, the code broken with a splash, immerse themselves; the volume, of course, is language.

**Descent to Delight**

Language is not merely a medium of communication but a raw material, a manmade ore, the stuff of mimesis, the most nearly complete, the most multiform and plastic and reverberant and even mysterious alternative creation Man has set beside the received Creation. Once the double code is learned, an immense space opens up in silence and privacy, a space where, literally, anything is possible. Only music offers us such release from the material accidents of existence; and music can represent nothing but itself. Exploration frequently occurs as a simile for the reading experience: Keats on first looking into *Chapman's Homer* becomes

... like stout Cortez when with  
eagle eyes  
He stared at the Pacific.

Gutenberg and Prince Henry the Navigator were born in the same decade, and print began to erode "the Africa within" at the same time as the early Portuguese probes down the coast began to map the real Africa.

A sense of vast and potent space adheres to the written word. Into an endlessly fecund subuniverse the writer descends, and asks the reader to descend after him, not merely to gain instruction but to experience delight, the delight of mind freed from matter and exultant in the strength it has stolen from matter.

The written word brought, and still brings, infinitude. Indeed, in combinative richness the written word rivals, almost blasphemously, Creation itself, and like that Creation holds within itself the seeds of infinite renewal.

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## Some Notes on Political "Science"

by Robert Conquest

Mr. Conquest's irreverent essay is excerpted from "Some Notes on the Role of the Academic in International Misunderstanding," a paper presented at a colloquium last January during his stay as a Fellow at the Wilson Center. His chief targets are the claims to scientific rigor made by many academic analysts of politics, war, and international affairs.

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"Politics is not an exact science," Bismarck told the Prussian Chamber in the 1860s.

It was at about this time that such a warning was evidently beginning to be necessary. German academics who had, so they thought, systemized most other fields of knowledge, were now treating history and politics as though these, too, could be brought within a set of formulae. They were developing a tradition that had only recently become dominant, though it went back to such aberrations as Leibnitz's "mathematical proof" in 1664 that the Count Palatine of Neuberg must win the Polish throne.

### Theories As Doctrine

In the century that followed Bismarck's warning, the prestige of the physical and other genuine sciences has grown so great that other studies have wished to share it. Unfortunately, it is not as easy to introduce the scientific rigors—such as testing of evidence—into areas from which the information extracted is as yet

greatly insufficient for such structures. As a result, in psychology, sociology, linguistics, literary criticism, and so forth, highly inflated theorizings have been treated as though they were established doctrine.

Their true intellectual position is roughly that of phrenology—the practice of measuring mental ability by the conformation of the human skull—in the last century. A complicated and (on the face of it) sophisticated methodology was used to study phenomena which appeared to be directly related to the subject, but from which in practice absolutely no useful information could be extracted. Similarly, physiognomy was developed as a "science"; Norman Douglas, in *Siren Land* (1911), effectively ridicules the attempts by its practitioners to deduce many contradictory characteristics from a bust of Tiberius—one which, as it happened, was probably not a bust of Tiberius at all.

Yet the academic mind cannot be

kept from premature theory. Behavioralism, systems analysis—and soon, no doubt, “catastrophe theory”—arise elsewhere and are applied one by one to politics.

### Wolves and Bassets

And so we see the ready adoption of terms like “system” and “structure” to describe and even to predict human activity.

The key word in modern academic studies of politics is “model.” With its overtones of something that works in the same way as its original, such as a *model* steam engine, the term is highly inappropriate. A modest and realistic word like “sketch” would be more suitable; it would avoid giving the impression that the model-maker, at least in essentials, has mastered the workings of his original. He never has. Politics are *sui generis*.

The word “system” is so general that it can be used in any field from nuclear weaponry to elementary education and thus leads to the widespread assumption that the ideas of design, engineering, measurement, and analysis suitable to the one can be applied to the other.

Resemblances of form rather than of intent or actual activity tend to mislead. A wolf has a very close resemblance, physiologically speaking, to a basset hound. Its reaction to a

pat on the head, however, is different. A death camp is “structured,” both physically and operationally, very much like a holiday camp. Two identically structured cars may present different dangers if one of them is driven by an alcoholic psychopath. The Roman Empire had the same “structure” under Nero as under Vespasian.

The same objection applies to *all* premature systematizing. The success of conceptual and mathematical rigor in the fields in which it can be applied—for example, in the engineering triumphs which went into the Apollo spacecraft—must be distinguished severely from the failure in areas where an allegedly scientific or rigorous “system” has been applied, but where the rigor is in fact inapplicable.

The failure of scientific sociologists in putting vast sums of money into poverty programs which have not done anything for poverty, except to some degree among the bureaucracy, is matched by the failure of Mr. McNamara’s Pentagon academics and their computerized science of war, with its “escalations” and “responses.”

Generally speaking, attempts by the new schools of political science to introduce “rigor” into their subject are just as fallacious, and hence dangerous if taken seriously—and, if

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not, a notable waste of money. A recent attempt is reported to analyze problems of international détente by feeding 1,200 factors into a computer. Such readily numericized factors, of course, do not exist.

It is impossible, even in principle, to design a computer that could cover all the potentialities of even a chess game, for it can be shown that such a computer would need more units than there can be particles in the entire universe. And chess has rules in the sense that international politics does not.

In all areas of historical and anthropological investigation, *genuine* scholars have progressively abandoned both theories of linear development and older attempts to attain generality by the selection and inflation of often superficial similarities.

#### A "Scientific" Delusion

On the other hand, at a certain theoretical level, worthless generalization is still rampant—nowhere more so than in political "science."

It is for the most part evident to both newspaper readers and serious students that (except in a very short-range sense) predictability in the political and social field is unattainable, at any rate by the weak and fallible general theories now in existence. The academic urge to premature and inadequately supported generalities, far from being a higher development, is a sure sign of primitivism.

Insofar as such generalities retain the element of intellectual rigor that makes them liable to refutation on empirical and evidential grounds, they are invariably so refuted. Insofar as they are irrefutable, it is precisely because they are so general and flexible as to convey no real information. In that case, why do they emerge and flourish? We are plainly in the presence not of an intellectual but of a psychological phenomenon: an astonishing tribute to the power and persistence of the human desire for tidiness and certitude, even when these are totally inappropriate.

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## LETTERS

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*We welcome timely letters from readers, especially those who wish to amplify or correct information published in the Quarterly and/or react to the views expressed in our essays. The writer's telephone number and address should be included. For reasons of space, letters are usually edited for publication.*

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### *Re President Carter: Another Viewpoint*

"Jimmy Carter's Theory of Governing" [WQ, Winter 1977] made good sense for the first 10 pages—until the concept of Zero-Base Budgeting was discussed. The writers, Jack Knott and Aaron Wildavsky, seem to miss the point that the main reason why ZBB can produce results is because both administrators and legislators in their annual budget reviews usually scrutinize only the most recent programs. ZBB "goes back to square one" and asks that *all* activities be justified. Knott's and Wildavsky's treatment of ZBB made me wary.

More doubt was raised when the *Washington Post's* widely syndicated columnist David Broder (on Sunday, February 13, 1977) combined his admiring reactions to Carter's first press conference with approving comments on the Knott and Wildavsky article and concluded that the Berkeley-based authors "have proved the inadequacy of what Carter regards as guiding principles of government." To me, as a professional problem-solver, it seems that Carter's emphasis on the methods used to solve problems should not cause anyone to despair.

This writer shares Broder's admiration for Carter's truly exemplary performance at his first press conference. But not Broder's gloom based on the overly pessimistic Knott and Wildavsky article. In my view, reporters should beware of political scientists who see

Carter as a sociological specimen in a sterile laboratory. What we have in the White House is a seasoned politician who pulled off the election coup of the century by mixing idealism with realism, energy, and intelligence in the cockpit of politics as it really is.

*Hal Tufty, National Director  
Society of American Value Engineers  
Washington, D.C.*

### *"The Changing Family"*

The cluster of articles entitled "The Changing Family" [WQ, Winter 1977] was literally crammed with statistics about divorce, working mothers, non-working fathers, blacks, whites, children of divorce—statistics that any researcher interested in the subject would itch to get her (or his) hands on. The paraphrase of Tocqueville with which you led your series was irrelevant to its content, however. In the 1830s, you wrote, Tocqueville saw "informality between parents and children, the early independence of sons and daughters, and the general belief that 'though their lot is different,' men and women are 'beings of equal value' to society."

What about *that* today? I found myself wondering, after reading the articles. Not one of the statisticians or sociologists even touched on the *character* of the American family. What, for example, will all of these upheavals (mother at work, father at home, mother alone, father alone, father out of work, a mobile family) have on relationships within individual families? How will they change? Will fathers become more autocratic? Will mothers who live alone with their children be more permissive? What kind of parents are working mothers, as opposed to homemaker mothers? What kind of fathers do working mothers marry? What kind of nuclear families (independent, strict, permissive) do divorced parents build? Will independence still be a

part of the social fabric of American family life? What long-term effects will all these changes have on our political, economic, and social life?

Those are some questions about the American family I would like to see tackled by the sociologists out there.

*Ann Pincus, Washington, D.C.*

### *Russia's Language Problem*

S. Frederick Starr's article "The Russian View of America" [*WQ*, Winter 1977] is delightful, and I am very pleased that your magazine tackled this topic. Mr. Starr's thesis—that there has been a radical change from the somewhat idiotic earlier Russian portrayal of America to the present attempts at showing the United States in a "less subjective" manner—is well proven.

In passing, he makes the interesting point that there are certain things the Russians cannot understand because they do not have precise words for them, citing "privacy" as an example. I might add that they lack a precise equivalent for "citizenship" as well.

A serious but brief excursion into the use of words in Soviet jargon suggests itself. Of course, we all know that the biggest problem has been the incorporation of German Marxism into the Russian language; to any linguist reared in non-Marxian, nondialectical reasoning, the Marxist lingua franca does not make sense. The trouble is that most Soviet writers are unable to break the pattern dictated by the "official language." The writers who can and do think in nondialectical terms are still required to clothe their writings in the mantle of Marxism.

The question of the extent to which the average Soviet citizen or even the Soviet intellectual is able to differentiate between chaff and substance gets us into a fuzzy area. I do believe that 60 years of political socialization have ended in a dichotomy: on the one hand there are people who cannot think in nondialectical terms and merely mouth incomprehensible statements; on the

other hand there are those who mouth the statements but do not believe in their relevance.

*Ivan Volgyes, Professor  
Department of Political Science  
University of Nebraska—Lincoln*

### *On Kennan's 'Pessimism'*

Lord knows that the career Foreign Service has its problems. Who better to give history and explanation than Ambassador Kennan? ["Foreign Policy and the Professional Diplomat" by George F. Kennan, *WQ*, Winter 1977.] But I believe that he is unduly pessimistic when he writes: "Nobody in Washington cares."

Ambassador Carol C. Laise, the Department of State's Director General of the Foreign Service, cares. The (Murphy) Commission on the Organization of the Government for the Conduct of Foreign Policy (1975) cared. The Department of State's Bureau of Public Affairs cares when it systematically arranges for domestic interest groups to interact with career foreign service officers. Graham Allison and Peter Szanton, as evidenced in their book *Remaking Foreign Policy: The Organizational Connection* (Basic Books, 1976), care. However, Ambassador Kennan has, as usual, performed a service in reminding us that the conduct of foreign policy is much more than the sum of its technical parts, and calls for dedicated public servants with memory, understanding, will, and grace—in a word: character.

*John Dixon, former Foreign Service  
Reserve Officer, Washington, D.C.*

### CORRECTION

*The article by Barry M. Casper entitled "Technology Policy and Democracy" was inadvertently cited in the periodical section of the Winter 1977 issue as appearing in Scientific American (Oct. 1976). The article can be found in Science (Oct. 1, 1976), 1515 Massachusetts Ave., N.W., Washington, D.C. 20005.*

*A Reader Writes:*

Re your Winter 1977 issue's "Current Books," p. 134: Historians who know something about the subject have devastatingly criticized the BBC journalists who strive to prove that the Bolsheviks did not execute the Tsar's family in 1918. The book is in fact a scandalous example of unscholarly sensationalism. Coming from the Center, which houses the Kennan Institute, the blandly favorable review of *The File on the Tsar* by Summers and Mangold is, to say the least, surprising.

Roland Stromberg, Professor of History  
University of Wisconsin—Milwaukee

*A Reviewer Replies:*

As a blandly favorable reviewer, it is difficult to reply to a reader alluding to unfavorable but uncited reviews by unnamed historians about a book he has apparently not yet read. As the *Times Literary Supplement* reviewer Igor Vinogradoff pointed out (October 15, 1976, p. 1303), *The File on the Tsar* is "much more than another artifact of the Romanov industry." I do not know if Vinogradoff should fall under the label of "historians who know something about the subject."

But I find it ironic that two BBC journalists, rather than a Russian historian, should be the first to utilize the seven volumes of raw testimony in the Sokolov papers at Houghton Library (Harvard University) or the papers of the Kazan prosecutor Nikolai Miroliubov at the Hoover Institution (Palo Alto, California), not to mention numerous other documents unearthed over four or five years from archives in England, France, Germany, and Norway.

Journalists may rush in where historians fear to tread. But for this temerity they deserve a fair reading.

Mr. Stromberg asserts that the Summers-Mangold book tries to prove that "the Bolsheviks did not execute the Tsar's family in 1918." It does no such thing. They conclude that "on or about 16 July it happened. Nicholas was shot,

and probably his son Aleksei too, because he was the male heir. But Aleksandra and her four daughters were transferred from Ekaterinburg—alive" (p. 318). Nor do they argue that the family members remained alive after December 1918, only that there is evidence that the women were moved to Perm and kept alive as potential bargaining agents with the Germans, then occupying much Russian territory in the Baltic and the Ukraine. They may well have then been killed, but there are no bones to document this hypothesis—or to indicate the murder in Ipat'ev's house in Ekaterinburg in July. That winter, Summers-Mangold speculate, "Moscow either ordered their elimination or left the women to their fate" (p. 352). They conclude only that "the file on the Tsar stays open" (p. 354).

I am afraid that Mr. Stromberg's response may be typical of those weary of previous "hunts for the Tsar," rumors of deep National Security Council secrets in hidden or shredded files, and aging Anastasias. The sensationalism surrounding this book will come as much from the emotional but uninformed reactions of the scholarly community, which has discussed the topic as unworthy of serious research, as from those who may be advertising it for their own purposes.

The purpose of my favorable review was to stimulate both the Russian specialist and the general reader to explore a fascinating piece of journalistic detective work on an old problem that scholars have ignored—and to approach the book with an open mind. I am surprised that Mr. Stromberg has apparently not done so. The book is still worth reading.

Robert C. Williams

*Mr. Williams is a Fellow of the Kennan Institute for Advanced Russian Studies at the Wilson Center. An associate professor of history at Washington University, St. Louis, he is past president of the Central Slavic Conference of the American Association for the Advancement of Slavic Studies.*

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