

and Father Charles Coughlin launch what in Lukacs's view were the only real threats to President Franklin D. Roosevelt. Today we have the "Republicans, who are more nationalist than socialist, and the Democrats, who are more socialist than nationalist—whence the rise of the former and the decline of the latter during the last forty-odd years."

The future, Lukacs thinks, will be differ-

ent. As "the welfare state is a universal reality now, the conflicts and the compounds of nationalism and socialism have lost much of their meaning." And nationalism all over the world has been devolving into ethnic tribalism. "Given the changing ethnic composition of the American people . . . American nationalism, too, may devolve into tribal struggles of a peculiarly American kind."

Free the Courts!

"Judicial Gridlock: The Case for Abolishing Diversity Legislation" by Frank M. Coffin, in *The Brookings Review* (Winter 1992), 1775 Mass. Ave. N.W., Washington, D.C. 20036.

Over the past three decades, the burden on the federal court system has grown enormously. The caseload has tripled in federal district courts and increased tenfold in the courts of appeals. And there is no end in sight, notes Senior U.S. Circuit Judge Coffin, given the "unceasing flow of federal statutes and entitlements, resulting in inexorably increasing federal litigation." How can the serious strain on the courts be reduced? One way would be to expand yet again the 837-member federal judiciary. Coffin urges a different solution: Get rid of an anachronism called "diversity jurisdiction."

Thanks to the Federal Judiciary Act of 1789, out-of-state parties involved today in state civil cases (in which the amount at issue is at least \$50,000) have recourse to the federal courts if they fear the state judge will be biased in favor of their home-state opponents. The need for such protection from local passions "has long since disappeared," Coffin says, yet that "diver-

sity jurisdiction" provision survives.

Since the early 1970s, diversity cases have accounted for one-fourth of the district courts' civil docket, one-fifth of their total criminal and civil docket, and almost one-seventh of the appeals courts' total docket. The amount of judicial time and effort consumed is even greater. In fiscal 1990, diversity cases accounted for 40 percent of all trials, jury and nonjury.

In 1990, the Federal Courts Study Committee, which consisted of members of Congress, federal and state judges, and lawyers, recommended abolition of diversity jurisdiction, shifting the cases back to state courts. Many state and federal judges concur, but there is one notable group of dissenters: lawyers who do not want to give up the option of transferring cases to a federal court when that seems advantageous. If diversity jurisdiction is to be laid to rest, Coffin notes, "it will be because of support from beyond the borders of the legal community."

FOREIGN POLICY & DEFENSE

Waiting for Mr. X

"The Case for Pragmatism" by William G. Hyland, in *Foreign Affairs* (special annual "America and the World" issue, 1991-92), 58 East 68th St., New York, N.Y. 10021.

The end of the Cold War has been a bonanza for the punditocracy. Opportunities

to spin new theories about the proper U.S. role in the world abound. Should America

now return to isolationism, or, as the lone remaining superpower, should it take the lead in creating and enforcing the rules for a new world order? Should the United States now pursue only its own narrow interests as a nation, strive to promote democracy around the globe, or try to do whatever needs to be done in the world, with little thought for its own selfish interests? Casting a skeptical eye on the whole "disappointing" debate, *Foreign Affairs* editor Hyland contends that to search now for "a politically correct concept of the national interest to justify American foreign policy" is "fruitless" because we are in a murky time of transition in world affairs.

While the debate's various protagonists—isolationists, internationalists, and realists—"are quick to prescribe policies," Hyland asserts, they are "reluctant to analyze the new circumstances" in the world. It will take years just to absorb the implications of the radical changes that have already taken place. While the United States is the only superpower left, it "does not have anything approaching the freedom of action it enjoyed in the Cold War decades," he points out. In those years, "even though the lines were sharply drawn, the United States could choose to intervene or not, and much of the world deferred to Washington. Now the political lines are far less distinct, and allies that were almost totally dependent on Wash-

ington seek greater autonomy and, like the United States, are under domestic pressures to assert more nationalistic positions." Moreover, the United States no longer can act abroad without regard to the economic consequences at home.

Hyland is willing to rule out isolationism, however. It is natural for America now to give domestic affairs priority, he says, but a return to pre-World War II isolationism is hardly practical. The same constraints that prevent the United States from dominating world affairs also bar it from withdrawing from them: "The United States is deeply entangled by the world's economy, by global technology, by international politics and institutions, and by half a dozen security alliances." To extricate the United States from world affairs would take years of dedicated efforts by Congress and the president, he says, and the unhappy result would be "a global crisis of unimaginable proportions in a world of a dozen or more nuclear powers."

But while the United States cannot simply withdraw from the world, Hyland says, it still may be a decade "before the outlines of a new world order emerge." And when that happens, he adds, "it will probably be more by trial and error than by design. No overriding principle articulated in advance will be sufficient to handle the burgeoning diversity of the new international agenda."

Was China Just Bluffing?

Did undue fear of Chinese intervention lead the United States in the mid-1960s to adopt a "no-win" strategy during the Vietnam War? Critics have long argued that the U.S. decision to escalate the bombing of North Vietnam only gradually and to confine ground operations to South Vietnam meant fighting (and losing) on Hanoi's terms. The United States, said retired Col. Harry G. Summers, Jr., in *On Strategy* (1982), let itself be "bluffed by China throughout most of the war." Garver, a

"The Chinese Threat in the Vietnam War" by John W. Garver, in *Parameters* (Spring 1992), U.S. Army War College, Carlisle Barracks, Carlisle, Pa. 17013-5050.

professor of international affairs at the Georgia Institute of Technology, is not so sure that Beijing was bluffing.

Just because China "did not react strongly" to the heavy U.S. bombing and naval blockade of North Vietnam in 1972, Garver writes, does not mean that it would have held back in 1965 if the United States had tried, as Air Force General Curtis LeMay famously urged, to bomb North Vietnam "back to the Stone Age." After border clashes between the Soviet Union