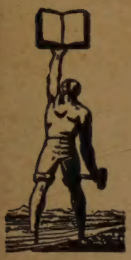

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CRITICISM AND SCHOLARSHIP

MARGARET SCHLAUCH

RIGIDITY of standards, sloganizing, wholesale uncritical condemnations on inadequate foundation, lack of historical sense in evaluating past terature—all these vices of literary criticism ought from now on, we re generally agreed, be matters of the past in our Marxist studies. They ever were characteristic of the best of those studies, it should be recalled, ut it is surely worthwhile to admit the worst distortions frankly, to dis- iss them promptly, and above all to reaffirm the still-valid methods hich persist after a tonic, if in many ways regrettable, experience of lf-criticism.

The codes of literary critics, their open or tacitly assumed standards f judgment, have a direct bearing on the teaching of courses in language nd literature on the university level. This is true in any culture where terary criticism is cultivated. In a People's Democracy, students of hilology include a number who are already completely convinced of a cialist program for the fields of economics and politics, but still may ot see the need or pertinence of a materialist approach to questions of sthetics. There are also those who think as materialists in formulating eir scientific hypotheses during six days of a week, but who become deistic idealists on the seventh. Such persons should not be viewed ntemptuously. The history of science tells of many outstanding re- archers who combined curiously contradictory trends in their thinking:

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Among her published works are *The Gift of Tongues* (recently reprinted by Dover Pub- ations as *The Gift of Language;* a textbook, *English Medieval Literature and Its Social Foun- tions;* and *Modern English and American Poetry,* which has just been issued in England by A. Watts and Co., Ltd. (40 Drury Lane, London, W.C. 2). She has also published several icles in *Science and Society,* of which she was an editor.

The article we are printing herewith has a specific as well as general interest. It represents e author's thinking preparatory to a discussion on methods in philology to be held at the iversity of Warsaw.

Newton, for instance, who laid the foundations for a completely mechanistic view of the universe, but was himself a spiritualist in his deepest personal convictions. In Poland last year I read an article in the student press which admitted the validity of Marxism in most realms, but went on to argue that there are *some* ideas of a "general human" character which are not connected either mediately or immediately with the way in which men organize their work (that is, their control of nature) and the class relations resulting therefrom. I would agree with the author on the second adverb (*immediately*), but not on the first. The question now arises: How should a professor who is also a Marxist literary critic address such students in a mixed audience, during a period of widespread discussion?

I think I may say that for me personally there is no serious problem of readjustment. I have never assumed that everyone among my listeners agreed with me as a dialectical materialist. In lecturing on medieval literature, for instance, I have tried first of all to recreate the society conditioning the works of art produced; then to explicate the works aesthetically from the point of view of the medieval period (correlating them not only with the structure of feudalism but also with the views of such outstanding thinkers as Saints Augustine and Thomas Aquinas); then finally—but only finally—to comment on the whole from the position of a modern dissenter. In other words, I have tried sympathetically to explain a past world of thinking, giving due credit to its achievements, before disavowing it and explaining why I did so. Knowing that in audiences both West and East I might be sure of having listeners who still, in effect, accept much of the medieval world, I have always prefaced this third section of my discourse with a take-it-or-leave-it statement. This was my position, I said; I might persuade others of its validity but I did not wish to exert any kind of intellectual blackmail on those with other views. Pressure, yes. Any good teaching means the exertion of persuasive argument. But in the humanities the area for dissent and debate seems obviously to be wider than in the natural sciences, or even in the more rigorous of the social sciences. Granted that area, we may expect some lively and fruitful discussion to go on in our days about basic problems. So far we have had too little of that kind of discussion.

Admitting the possibility of a non-rigorous approach, how can we formulate the fundamental tasks of philology (which includes some schooling in literary criticism) for a People's Democracy? Here are some theses that I should like to put forward for consideration at the present time.

(1) There is a practical side to advanced literary studies. The alert intelligent mass public in such a democracy that reads good literature for

pleasure has a right to expect well edited texts. Their production requires certain skills which have to be learned; they don't come into being by guess-work or intuition or any other inspirational method. It is trained philologists who are best qualified to make editions, whether for the learned or the popular reader. Hence it is part of the job of teaching philology to impart the essential knowledge about making critical editions: how to write a workmanlike introduction and lucid explanatory notes (where these are needed); how to decide on the best readings where older editions or manuscripts give conflicting versions; when and how to make conjectural emendations, and so on. The average playgoer enjoying Hamlet's mordant inquiry to Polonius: "For if the sun breed maggots in a dead dog, being a . . . kissing carrion," may not know the history of the debate about the word that should precede "kissing" ("good" or "god"?) —but the producer or somebody else has to decide what it shall be, and on the choice will depend an important nuance of feeling conveyed to the audience. That is a question to which philologists may make a contribution. They may also render an indispensable service if they know paleography, or the science of reading old forms of handwriting, without which it is impossible to surmise what poets wrote before the age of printing. Critical editing is not a dull task. It can be an exciting game. Trained editors are needed, badly needed, in countries where the demand for excellent literature is great, both for originals and translations. It is our task to produce good editions in Poland, where there is such a gratifying demand on a mass scale.

(2) Literary studies should be correlated with the other arts, and with a knowledge of the general intellectual background of literary history. This seems like an obvious thing to say, but traditional university teaching has all too often kept barriers between closely related realms of the arts even while theorists have warned against such departmentalization. According to the program now in use here, it is possible for a student in the last years of modern philology at the University of Warsaw (as in most universities both East and West) to enjoy a wide choice of courses in the history of art and philosophy as a supplement to his literary studies. As a matter of fact, however, rather few students here make use of this possibility. Inertia, the pressure of other work, absorption in research for the master's thesis, all conspire to keep them within the immediate field of their own department or those most closely allied to it. The possibilities for broadening the literary horizon are seldom fully exploited.

It therefore rests with the lecturer in philology to indicate the correlations of literature with the other arts from time to time, as best he

can. His reference to painting, sculpture, music, etc. must of necessity be incidental, but they can be none the less fruitful though brief. They will surely be picked up by alert students who are able to carry out suggestions for themselves.

THE SAME is true of intellectual currents related to literature. Here the correlation is sometimes easy and obvious, as with 18th century poetry, which is itself impregnated with ideas of deism and rationalism. Sometimes it takes more explaining, as when the study of Roman rhetoric by 16th-century school-boys in England is shown to have had a vital effect on the shaping of poetic eloquence by great masters like Marlowe and Shakespeare and Jonson. (Example: the relation of that theatrically effective but wholly implausible court scene in *The Merchant of Venice* to the *controversiae* of Roman schools of rhetoric, as revived and newly applied in Renaissance instruction. The issue here being debated was nothing more than a quite unreal class-room exercise: Suppose Citizen X to have made such and such a fantastic bargain, unknown in the world of actual law, how would you defend him?) Explanation is also needed to indicate the relation of *Tristram Shandy* to Locke's theories of the association of ideas and other matters shaping Sterne's creative writing. It is surely impossible to talk about 19th century poetry and fiction without being well informed about such intellectual currents as positivism, Bergsonian vitalism, philosophical pessimism (Schopenhauer), and the like. As for the economic and social forces of the time, more later.

Here a word of warning will be in place. Some Marxist teachers have maintained what I should like to call a Puritanical attitude to the non-Marxist materials available to them for the enrichment of literary studies. They have been shy of quoting, with the appreciation it deserves, such a masterly and witty study in the history of an idea as A. O. Lovejoy's *Great Chain of Being* (published in 1936 and reprinted in 1948). This book traces the story of a single philosophical conception about the hierarchic orders of creation, a conception which goes back to Plato, was taken over from pagan philosophers by the Christians, and continued to inspire writers in many languages down into the early 19th century. Among English poets handling the theme, Lovejoy cites Alexander Pope and Edward Young. Any serious student of European literature will find his understanding of philosophical poetry deepened by a reading of this book. It is true that the author traces his Platonic ideas down through the ages without any reference whatever to the changing social structures which conditioned the forms of thought. It is true that he isolates his theme, therefore, as no Marxist would; and he arrives at rather desperate

conclusions with respect to his theory of knowledge. Yet Marxists can learn much from him; and there is no reason why the indebtedness should not be fully indicated. A model for such acknowledgement is to be found in the statement by Engels concerning his dependence on the historical research and descriptions given by the bourgeois liberal scholar, Wilhelm Zimmermann (1841) on the Peasant War in Germany. There was no need for Engels to repeat the labors of his learned predecessor. He accepted the latter's findings, and then went on to give his own differing interpretation of the events recounted.

Among the aids quite essential in the discipline of literary studies is a mastery of allied languages (at least for reading purposes), and of the more theoretical discipline known as linguistics. The need for the practical knowledge would seem to be obvious. It is a poor sort of critic who would try to write about American drama in the 1920's, for instance, without acquaintance with the analogous products of German expressionism in the same period, and of the fountainhead of both schools, namely the plays of the Swedish dramatist August Strindberg in the period before 1914. Too much of English and American literary criticism has been stultified by a provincial ignorance of continental European literature. And there are spots of ignorance on the continent, too, regarding the more experimental type of work done in English.

AS FOR linguistic study, that is at once a more rigorous and a more theoretical discipline than the study of comparative literature. Linguistic science deals with the organizing of language patterns: sounds into words and their elements, and these in turn into those units of discourse which are called sentences. Many fascinating philosophical problems arise here: for instance, the question whether or not it is necessary to postulate a human consciousness behind the phenomena of language in order to give an adequate description of human utterances. (Mechanists say No, we can do without consciousness; dialectical materialists and vitalists alike assume the existence of consciousness, though they differ very fundamentally in other respects.) While these more theoretical matters may not concern literary students profoundly, the more practical aspects of linguistics have an immediate value for them. A critic ought to have some information at his disposal about the medium in which literature is realized: that is, physical sounds produced by a human physiological apparatus. (It must be remembered that printed words are merely symbolic substitutes for the spoken ones.) Much nonsense has been written about the sound effects in verse and prose by critics who would not know a high front unrounded vowel from a low back rounded one upon encoun-

tering them in a piece of dithyrambic utterance. You can find strange linguistic boners in the critical essays of Edith Sitwell, William Empson, Allen Tate and others—writers who are themselves quite respectable as practising poets, but are hopelessly lost, because of ignorance, when they try to lay down opinions in the area where literature and linguistics overlap. A large public with a keen interest, like the Polish reading public today, deserves and demands critics with adequate training for their jobs, including pertinent scientific information.

(3) Although literary studies are organically related to social studies, this does not mean that literature itself is merely a branch of sociology. Over-simplified Marxist interpretations have at times tended to regard literature purely as a body of source materials illustrating social conditions. As a consequence the analysis has limited itself to answering such questions as: Who are the characters, what do they do, was it right or wrong according to our standards, does the action have an immediate programmatic significance, and so on. Now these are not unimportant questions, though some are elementary. We all remember the high praise given by Marx to the novels of Balzac, as presenting a most valuable picture of the reality of French bourgeois society: an honest and unflattering reflection, suggesting a sharp implied criticism of that society, though the author himself was an arch conservative in politics and social philosophy. It is true enough that the art is good because the social observation is accurate; but that is not the whole truth. If it were so, then every well-trained sociologist would automatically be a fine literary artist. But as a matter of fact accurate social reporting does not ensure good art. And here is where one task of the critic comes in. While he may and should profit enormously from an acquaintance with sociology, he must still concentrate on the literary product as a work of art, and reveal the special qualities it possesses as an example of creative human culture.

In so doing, the Marxist critic or professor dealing with literature has to avoid more than one danger of over-simplification. Some of them are very obvious, as for instance the danger of confusing plot with content (by which Dostoevsky's *Crime and Punishment* would become indistinguishable from a typical detective story), or form with content, or legitimately difficult form with unmotivated formalism. This last confusion is one into which Marxist critics have occasionally fallen. The source of their error can I think be traced back to the pre-Marxist Romantic poets and critics who, carried away by their enthusiasm for ballads, folklore and popular tales and epics, tended to make a cult of the simple or naive style in literature—or rather what they believed to be simple and naive, which often turned out to be quite a different thing. A belated

manifesto of that cult was Tolstoy's *What is Art?* Fortunately for us, Tolstoy's artistic practice was far out of line with his neo-Romantic theories, or we should not have had the grandiosely planned yet intricately subtle pageantry of *War and Peace* as part of our literary heritage. In our own generation, the critic who automatically rejects all difficult technique as formalistic in the negative sense is operating in the tradition of Tolstoy's oversimplification. As I have tried to show in my recent book on *Modern English and American Poetry,* the first task of the critic is to try, quite patiently and with an open mind, to master the technique. It has happened often in the history of art that a new style or manner of expression has been thought to be impossibly esoteric, but familiarity with it has in the course of one generation shown it to be quite simple and obvious. Only on the foundation of an understood technique does the critic have a right to reach his conclusions of praise or blame. Here again the task calls for philology in the service of criticism. In the formulation of judgments, too, it is desirable to give reasoned argument instead of unexplained adjectives of condemnation. One valid reason for rejecting works hastily labeled formalistic or decadent, for instance, is the discovery that their meaning is too slight to warrant the burdensome efforts imposed by the technique. There are other reasons connected with point of view, congruence of form to intended audience, subordination of decoration to design, and so on, which also require aesthetic judgment based on technical understanding.

VARIOUS critics adhering to the cult of the simple in art (early Puritans, neo-Romantics as previously mentioned, and certain Marxists) have at times condemned not only difficult and mannered expression, but also art that has no immediate propositional message for the receiver. Their theories have not been kindly disposed to poetry that expresses a pure delight in experience, whether in the experience of nature, of personal gratifications, or the world of linguistic sounds themselves. We have a rich heritage of lyrics in many languages which remain within the realm of simple playfulness and delight in experience. Examples could be cited, ranging from delicate Old Irish vignettes of the seasons down to modern evocations of remembered daffodils and passing moods. These can have true qualities of greatness in miniature, and simplistic critics have never succeeded in removing them from readers' affections by an insistence on overt doctrine in every piece of verse. At the same time it should be pointed out that latent attitudes in all such poetic expression are readily discovered and may be subjected to literary criticism from a social point of view.

(4) Even at their most naive, the Puritanical vulgarizers of literary criticism, including superficial Marxists, deserve credit for challenging the antipodal thesis advanced by narrow bourgeois critics during the last 100 years, namely that any doctrine, whether overt or concealed, is inimical to aesthetic merit. "Propaganda can't be art": thus runs their formulation. To a trained philologist as to any well-read literary critic, such a thesis is far more preposterous than the one stating that all art must incorporate obvious propaganda. The most naive of Marxist critics can at least argue convincingly that Wordsworth's joy in daffodils and cataracts and moors has overtones of melancholy because his flight to nature was partly caused by distress at the conditions of human affairs in his time. His unspoken but clearly implied attitude could readily be paraphrased as a doctrinal thesis. On the other hand, a naive adherent of the doctrine of art for art's sake would be forced to throw out such literary masterpieces as Dante's *Divina Commedia* and Milton's *Paradise Lost,* and almost all of the plastic art of the medieval Gothic cathedrals. It is well known that these structures were didactic from beginning to end, barring some elements of the fantastic, the grotesque and the ribald, which served as contrast and relief. A much more egregious error, it would appear, than any committed by the least qualified of Marxist critics.

We refuse therefore to ally ourselves with those who would separate art entirely from propaganda. Let us recall that the word propaganda is derived from a 17th-century neologism of the Catholic Church referring to missionary work, the idea being that propaganda is a technique for making understood what is good and true, and making it prevail. Mostly this requires simplification; but not always and not exclusively. We who are dialectical materialists can take over that historical definition, modify its content, and apply it to art. Where we have deviated from the conception of propaganda as related to the truth of history, we have done poorly, in art as in other spheres. On the other hand we have high authority to which we can appeal on the value of propaganda as an inspirer of great literature. Readers still respond powerfully to the appeal of Dante's work and Milton's, first of all because these poets compel us to feel with them in their convictions of truth (though we may not share them intellectually), and secondly because the mythic schemes they set forth are so broadly symbolic that we can infuse into them by a mere change in terminology our own conceptions of truth and justice, struggle and responsibility and human aspiration.

WE DEFEND propaganda, then, as a legitimate and important element in art, while at the same time we reserve the territory above men-

tioned for aesthetic enjoyments not obviously connected with didactic intentions.

More than that, we emphasize that Marxists can study with profit the work of idealist critics who deliberately isolated their aesthetic studies to a great extent from the history of society, and who traced the development of art forms through the ages as if these were automatically proliferating growths. Such critics have done for art what Lovejoy and his school have done for intellectual ideas. Without agreeing with them ultimately one can still learn much from their scholarship and their appreciative estimates. An example that comes to mind is the impressive work by the German art critic Heinrich Wölfflin who wrote in the 1920's. According to his major work *Kunstgeschichtliche Grundbegriffe* (that is, *Fundamental Concepts of Art History,* 7th ed. Munich 1927), the history of painting is nothing more or less than a documentation of the ways in which people looked at and saw things: whether in sharp outline or in blurred perspective, whether in simple color effects or with awareness of the mottled constituents of those effects. Why the way of looking changed is a question about which Wölfflin troubles himself very little. He certainly does not go into any disquisitions which would relate the various schools and styles of painting with phases of the class struggle, which Marxists look upon as the direct motive force behind political history, and indirectly behind cultural history. Yet for myself I must say that I learned very much from a reading of Wölfflin years ago when I was a student in Munich. He made me see in the succeeding techniques of painting far more significance than my untrained eyes had previously grasped.

A Marxist art critic will benefit from an exposition such as Wölfflin's, then, but at the same time he will try to absorb it into a rich comprehension of the factors causing people to change their ways of looking at things and interpreting them in art. This is what Louis Harap has set out to do in his enlightening introductory study *Social Roots of the Arts* (New York: International Publishers, 1949); and it is what Arnold Hauser does on a more ambitious scale in his massive two-volume *Social History of Art* (London: Routledge and Keegan Paul, 1951). The latter is a work of vast learning which has impressed even the bourgeois critics who dissent sharply from its Marxist approach. Hauser draws upon the most diversified scholarly sources in order to illuminate, from early Egyptian times down to the age of the film, the unfailing correlation between art forms and conditioning class factors. Never is this expressed by outworn or facile generalizations, for Hauser knows too much to expect the cause and effect relations to be always obvious, and he is well aware that an art form which blossomed out of one type of society may

well persist long afterwards, when a new type has grown out of it or replaced it by revolutionary change. One of his great services for philologists, which few apparently know about, is that he pays great attention to the literary forms developing parallel with those in the plastic arts. For instance, he describes the literature of chivalry in connection with Gothic medieval art; he describes Romantic poetry and gives much space to an account of the novel of critical realism in connection with schools of 19th century painting; and he connects the technique of the film with impressionism and surrealism in both art and literature. One may find certain inconsistencies and omissions in his lengthy survey. For instance it appears to me that more attention should have been paid to factors like the passion for allegory, cross-currents of heresy and orthodoxy and the social role of the universities, along with the courts and trading bourgeoisie, in discussing the period of Gothic art. It is strange that the name of Emile Mâle, great historian of French cathedral art through the entire Middle Ages, is cited only in connection with architecture later than the Council of Trent. Specialists may quarrel with other interpretations of Hauser's here and there. But the fact is that he has given us an enormously inspiring example of how a learned Marxist may go about the critical analysis of several branches of art, with due recognition of the multiple, often conflicting social influences essentially affecting it. An exposition that is at once both profound and subtle will of necessity avoid the linguistic vice of stereotyped phraseology—what the Poles call ossified speech—about which we have recently been hearing so much well justified protest. It is my hope that Polish workers in the field of literary studies may profit from examples like Hauser's and go on to produce illuminating criticism on the basis of a like thorough training and sensitive understanding.

THE PRIME MINISTER OF GHANA

W. E. B. DU BOIS

WHEN ONE remembers the contempt and insult which for four hundred years white civilization, in Literature, Church and School has visited on people with black skins, not to mention slavery, caste and lynching, it is extraordinary to read the calm story of a man who lived through some of the worst features of this disgraceful era, and now heads a state with the nations of the world paying him homage.*

Ghana is not a large nation, just as England was never outstanding for size. But the nine million folk of Ghana have an economic significance, a cultural unity and a *joie de vivre* which makes it remarkable. It has experienced oppression since that British scoundrel, John Hawkins ranged its coast in the ship "Jesus" and stole slaves which secured him knighthood from Queen Elizabeth; to the day, when after six wars ranging over ninety years, England not only conquered the great state of Ashanti but humiliated the king by demanding that he kiss the white governor's feet. When in 1871, the Fanti, who had helped Britain against the Ashanti, drew up a constitution for self-government under the British, their leaders were thrown into jail.

After this history comes Nkrumah. He is from an humble family. He was educated in missionary schools and at the government college at Achimota where he studied under Kwegyir Aggrey, a West African educated in the United States. This determined Nkrumah to seek an education in America. Through letters of introduction from a Negro leader who, following the First Pan-African Congress had called a similar congress in Nigeria, Nkrumah entered Lincoln University, a Negro College near Philadelphia. He stayed ten years in America and learned what it means to be black in the "land of the free." He had very little money and in vacations tried to find work. He sold fish in Harlem, but could

*GHANA: The Autobiography of Kwame Nkrumah, by Kwame Nkrumah. Nelson. $5.00.

make no profit. He got a job in a soap factory and learned that black folk in America usually get the hard and dirty jobs:

> It turned out to be by far the filthiest and most unsavory job that I ever had. All the rotting entrails and lumps of fat of animals were dumped by lorries into a yard. Armed with a fork I had to load as much as I could of this reeking and utterly repulsive cargo into a wheelbarrow and then transport it, load after load, to the processing plant. As the days went by, instead of being steadily toughened, I had the greatest difficulty in trying not to vomit the whole time.

Nkrumah tried waiting on table and dish-washing; he slept outdoors and in parks; he got cheap food in Father Divine's restaurants. Once in Baltimore he asked a white waiter for a drink of water. The waiter pointed to a spittoon.

By work outside his studies and desperate application he was graduated from Lincoln University in 1939 and voted the "most interesting" of his classmates. He wanted to study journalism at Columbia but he had no money and as usual the "missionaries" tried to force him into the ministry. He studied at the Lincoln School of Theology but also took courses at the University of Pennsylvania, fifty miles away; so that in 1942 he became Bachelor of Theology at Lincoln and Master of Science in Education at the University of Pennsylvania. The next year he received his Master of Arts in Philosophy at Pennsylvania and lacked only a thesis to secure his doctorate. During this study he became interested in the future of West Africa and formulated many of the plans which he is now carrying out. He met and talked with African fellow students and did some teaching and lecturing.

For support he took a job in a ship building yard in Chester:

> I worked in all weathers from twelve midnight until eight the following morning. It froze so hard on several occasions that my hands almost stuck to the steel and although I put on all the clothes that I possessed, I was chilled to the marrow. At 8 a.m. I used to return to my lodgings, have breakfast, sleep for a few hours and then begin research for the writing of my thesis.

Naturally there came an attack of pneumonia. After recovery, in May, 1945, Nkrumah left New York for London.

IN OCTOBER of that year I saw Kwame Nkrumah for the first time in Manchester England where we were holding the Fifth Pan-African Congress. There were some two hundred delegates and he was one of a num-

ber of young West Africans many of whom had just attended a trade union meeting in Paris. I did not really get acquainted with Kwame. He was busy with organization work, a bit shabby and not talkative. He was in earnest and intelligent and I never forgot him. We had a mutual friend in George Padmore who had sparked this meeting.

Nkrumah stayed in London two years as Secretary of the West African National Secretariat and to edit a magazine. He tried to organize the colored workers and kept in touch with leaders of the Labor Party. He attended meetings of the Communist Party. But he lost faith in British Labor and in any attempt to lead Africa from Europe. In November 1947, Nkrumah left Liverpool for the Gold Coast after being held up by the authorities because of his political activities while in Britain.

Nkrumah arrived on the West Coast when the long advertised system of Indirect Rule of British officials through African chiefs was beginning to break up. The chiefs had become paid agents of Britain and after the two world wars the people of the Gold Coast were beginning to repudiate the chiefs and to demand self-rule. They felt on the one hand the weakness of poverty, ignorance and disease and on the other, their strength as producers of cocoa and other products which were making white Europe rich. The black folk, however, were divided by age-old tribal jealousies and disputes over the power of chiefs, many of whom traced their aristocratic descent back hundreds of years. Nkrumah went over the heads of the chiefs and under the authority of British overlords and appealed to the mass of people who never before had had effective leadership. The United Gold Coast Convention was organized as a group of non-partisan leaders. But Nkrumah soon decided that a regular political alignment was needed and he organized the Convention People's Party, a group demanding immediate self-government. He declared himself a socialist and repeats this statement in this book. His plan of organization as stated in "The Circle," reprinted as an appendix forecasts the creation of a "revolutionary vanguard for the struggle of West African unity and national independence." The Convention People's Party was organized in every hamlet all over the Gold Coast. Social bodies interested in all kinds of welfare work were integrated, a central office opened, newspapers were started and mass meetings held.

Then came an incident which Nkrumah had hoped to avoid but which British officials must have prayed for: ex-service men called a boycott on high prices and the police shot at a peaceful demonstration. The whole town of Accra was soon rioting with looting of stores and assault of Europeans. The police immediately arrested Nkrumah and his associates although they were not the instigators of the riot and would have strongly

advised against it. The uprising was in fact spontaneous and quite beyond control. But it was just the excuse which the government needed. They found on Nkrumah his "Circle" for socialization of the country and they faced him with his London activities. He was accused by being a "Communist" and kept in jail for eight weeks. Many of his associates deserted him. He was finally tried and sentenced to three years imprisonment. In jail he was treated as a criminal, confined with eleven persons in one cell, with a bucket in one corner as a latrine. The food was poor and scanty. They were deprived of writing material and newspapers.

But outside Nkrumah's party stood firm. After he had been fifteen months in jail, the election was held and Nkrumah, as candidate for parliamentary leader received 22,780 votes out of 23,122 cast. He was released and carried on the shoulders of a vast crowd to party headquarters. He now became Leader of Government Business in Parliament and began reform. He worked on the Civil service and began to integrate Negro officials. He reorganized the selling of cocoa by the government and the cutting out of diseased cocoa trees. He began to look into foreign investment and industrial expansion.

It was a hard job; there was opposition from the British office holders, from Negro leaders and from cocoa farmers, especially from those who defended the traditional authority of the chiefs. Nkrumah pressed Britain to set a definite date for Ghana independence; the British tried to side track and sabotage the demand. At last they asked for a new election before the terms of the Parliament then sitting had ended. They were assured by malcontents that Nkrumah would be overwhelmingly defeated. Nkrumah, contrary to expectations, assented to the test. His party won 72 of the 104 members of Parliament. Nkrumah became Prime Minister and on March 6th Ghana became an independent nation.

WHAT next? A small new nation of nine millions is usually of little significance in the modern world save as the loot of empires. But Ghana is exceptional. It supplies the world with most of its cocoa and chocolate. In the last decade it has raised an average of 228,000 tons of cocoa annually on 300,000 peasant-owned farms. Each year Ghana raises three millions tons of food. The fight on animal diseases has brought herds of cattle and sheep. It has 8,000 square miles in valuable hardwoods under government control; it catches 20,000 tons of fish a year and plans to motorize its fishing crafts. It has vast deposits of bauxite, the raw material of aluminum; it has gold, manganese and diamonds. It has a rapidly growing system of popular education and a native college, and it has a leader of integrity, courage and ideas, who knows the modern world.

Nkrumah is faced by three pressing problems: first, the unity of Ghana, with integration of the chiefs and northern Moslems into the social body of the nation; with development of Socialism rather than of a bourgeois democracy with exploited workers, and with private profit. This will be no easy task, but Nkrumah is experienced and fully aware of the difficulties. He has seen private capitalism in Europe and America. Second, Nkrumah must industrialize Ghana so that it will not remain the exploited victim of foreign investors. Already he faces long-established mining companies who have made vast profits on low rents and wages and inadequate taxation; if such corporations were exterminated forthwith as they deserve to be, where would Ghana get the new capital to mine bauxite and manufacture aluminum? Where would she get the funds for power development of the Volta river? One reason that the inauguration of Ghana attracted the cormorants of private capital from all the world was this chance for tremendous profit, provided the rulers of Ghana will play the game as it is being played in the Middle East. Nkrumah has been non-committal, but reasonable. He is not scaring private investment away; neither is he inviting it with promise of unlimited profit. If he can get capital on reasonable terms he will welcome and protect it. Already he is curbing the greed of the mines and the cocoa crop has been socialized in sales, transport and care of growing trees. Industrialization under government control has begun in small industries like soap, matches, cigarettes and timber sawing. Suppose Ghana should begin to process its cocoa?

Third and beyond all these weighty matters, Nkrumah proposes to attack frankly and head-on the whole question of the status and treatment of black Africans in modern civilization. He proposes to continue the program of Pan-Africa which began in 1919 on the initiative of American Negroes. For this Ghana occupies a strategic position. Liberia was surrounded by Britain and France who systematically choked it and invited Germany in, while America stood aside until it saw a chance of unusual exploitation of land and labor. Ghana is surrounded by 23 million French Africans who are beginning to demand autonomy; not far away is Nigeria, a British colony of 32 million blacks who are already started toward independence. Across the Sahara is the Sudan, once dominated by Britain and Egypt but now free with nine million black folk seated at the head waters of the Nile. East of the Sudan is the long independent Kingdom of Ethiopia with 20 million blacks and mulattoes. Below it is Kenya seething with hate and hurt toward Britain; and Uganda starting toward independence. Here dwell 11 million blacks. Further on is Somaliland to be free from Italy in 1960 and, below, Tanganyika, a mandate set

for freedom in the near future; the vast Congo which has just voiced an extraordinary demand for government partnership with Belgium. Then come Portuguese Africa, Bechuanaland, the Rhodesias, Nyassaland and South Africa. Nkrumah proposes, as one of his first acts of state to invite the rulers of all these lands in addition to Egypt and North Africa to meet and consider the conditions and future of Africa. He says in the last chapter of his book, independence will not be confined to Ghana:

> From now on it must be Pan-African nationalism, and the ideology of African political consciousness and African political emancipation must spread throughout the whole continent, into every nook and corner of it. I have never regarded the struggle for the Independence of the Gold Coast as an isolated objective but always as a part of the general world historical pattern. The African in every territory of this vast continent has been awakened and the struggle for freedom will go on. It is our duty as the vanguard force to offer what assistance we can to those now engaged in the battle that we ourselves have fought and won. Our task is not done and our own safety is not assured until the last vestiges of colonialism have been swept from Africa.

EAVESDROPPER

LARS LAWRENCE

The following story is from *The Hoax,* third volume of a long fiction work by Lars Lawrence entitled *The Seed,* to be published next year. The first two books, *Morning Noon and Night* and *Out of the Dust,* appeared in 1954 and 1956. Those volumes sketched four critical days in Reata, a coal-mining company town in the American Southwest. Following an eviction riot in the course of which a prisoner escapes and a sheriff and two workers are killed, hundreds of miners and their wives and children are terrorized, fifty jailed on murder charges. No lawyer in Reata will defend the victims. But a labor lawyer from Los Angeles, Frank Hogarth, enlists the aid of a conservative attorney in Hidalgo, the state capital; and the two men return to Reata to prepare their defense.

In view of the violence in Reata, lawyers Hogarth and Schermerhorn have persuaded the Governor to appoint a State Trooper as their bodyguard in Reata. The young appointee is the same Officer Ellsbergh who arrested blind Dolores Garcia in a flooding arroyo in *Morning Noon and Night,* and who road-blocked Hogarth on the highway in *Out of the Dust.*

THIS ASSIGNMENT was like the kids' game of Follow the Leader, Oliver Ellsbergh thought as he paced outside the Kovacs shack in La Cieneguita. If the guy you were bodyguarding took it into his head to go over Niagara Falls in a barrel you were supposed to be right in there with him. Also your hours were his hours and that was *all* hours . . .

This Mr. Schermerhorn, though, was not a bad guy, a sure-enough gentleman, so that you couldn't help wondering how a man like him had got mixed up in a dirty case like this was—murdering sheriffs and revolution and all . . . .

Hearing a burst of laughter from the shack, Ellsbergh wondered what in hell a bunch of people suspected of murder could have to laugh about. What were they up to, anyhow? He'd never been in on a Commie meeting

like lots of the boys in the outfit had—sent in to keep an eye on what the reds were doing. He was curious.

As a kid Oliver had been different from most of his chums who'd always wanted to be officers in Sam Browne belts swinging a billy and pushing and ordering people around; all he'd wanted was just to do a day's work and get ahead and get married to Genevieve so he could lay her without feeling so sinful.

But in this depression it wasn't so easy to "just" get a day's work to do. Seemed like nobody'd hire you without you had some experience and you couldn't get experience without you had a job. So you didn't hem or haw when something came up, you didn't let on how you felt about being a cop when Pa's friend told you they'd just passed a State Police bill and would start recruiting next month and you're just the size and age they're looking for, the pay's not so hot but at the same time it's not to sneeze at these days, a man could get married on it. You didn't ask any questions except where do I go to apply?

So the first thing you know you're something you never specially wanted to be, police, you're with a pretty rough-and-tough outfit, a rootin'-tootin' whorin' and cussin' bunch you'd never have picked to buddy with, why, you never played cards or rolled dice, you'd never even *danced,* till after you and Gen were married, but before you know it your language is getting dirty and you start treating plain folks kinda rough like as if they'd jump you from behind if you didn't right away put the fear of the Lord in 'em. Even your thoughts get to be like headlines in the paper, all about crime, you get to feeling all men are criminals, they'd all be crooks only they're scared of the law, scared of the coppers, scared of *you;* and as for women, they're all two-timers and liars and—why, from the stories you heard around headquarters you got the idea no woman could resist an officer in uniform, the minute he give her the eye she flops flat on her back. . . . Well, maybe that's exaggerated, none of 'em ever flopped for him—not that he ever give 'em the eye, not really.

Besides, like deacon Barksley had said back in Ollie's Epworth League days, they as live by the sword shall die by the sword, and not only that but a man got a gun on his hip all the time he's going to use it one of these days, and maybe he's going to take a human life, going to feel pretty bad about it, going to have to square himself with the Lord (the Deacon had said), irregardless if it's "unavoidable" or "justifiable homicide" or "in line of duty."

He felt sooner or later it was bound to happen, and it got harder and harder for him to make himself act like a sure-enough cop and browbeat people and snoop to see they didn't pull anything illegal . . .

The miners' village was quiet now, twilight had about faded out and the stars were like the million lights of a big city seen from an airplane. Puffs of cold air floated down from the sky and mixed with the layer of warmth that still clung to walls and roofs and the dust of the street he was pacing. Lamplight inside the Kovacs shack showed more brightly through the cracks in the walls, and Ellsbergh wondered if he could get close enough to a crack to see what was going on inside. He really ought to try and listen in on those Commies in there; if anything subversive was going on maybe it would get him a raise to report it, maybe skip him a few numbers up toward a promotion.

He had to have an excuse for getting so close to the wall, in case Mr. Schermerhorn came back from the store suddenly, because you wouldn't want a gentleman like him to think you were spying on his clients. You could say you'd got in the lee of the house to keep out of the night-breeze, maybe. Or to light a butt—because on this kind of duty nobody cared if you smoked. If the reds didn't like it they knew what they could do.

Funny thing his being assigned here to protect reds when just the other day he was hunting 'em down and throwing 'em in the jug. Politics was a dirty business, he didn't understand it, sometimes couldn't tell who was on what side, seemed like sometimes the right side had a lot of shady characters on it, like that Senator Mahoney, and the wrong side some pretty respectable folks, like Mr. Schermerhorn, for instance. Still and all, they said lawyer Hogarth was a radical and full of revolution talk, supposed to have agitated one whale of a riot out in L.A., stirring up the unemployed, going around the country butting into cases like this, defending lawless elements that were out to shoot down coppers and upset law and order and all. You couldn't always go by how they looked, or even how they talked, they had to be watched, even a gentleman like Schermerhorn, you couldn't tell for sure, you might just mosey over and have a peek, just for kicks.

He mouthed a cigarette out of his pack, took out his lighter and held it in his hand, ready in case he had to use it quick, and edged up to a crack the right height for his eyes.

The voices inside were so plain he didn't dare get too close at first for fear they might hear him as plain as he was hearing them, so all he could see was shadowy shapes in the foreground moving back and forth across the crack of light. In the background he could make out an old guy with grey hair sitting in a chair, and to one side of him a couple of women—one being the blind dame he'd pulled out of the flood. She wasn't saying anything, but the schoolmarmish type next to her kept

switching her eyes back and forth from the old man to someone in Ellsbergh's direction—the guy whose shoulders kept moving and blocking his view.

Ellsbergh edged to his left to get clear of the shoulders, and then he caught on to what was what. The shoulders close to the wall belonged to Hogarth, and he was questioning the old man, whose name was Galindo, about what had happened in the alley. Yipe, this might be important to hear. Maybe these Commies were conspiring and confederating to get together on a false put-up story on the riot.

Old Galindo started out by saying he didn't know what had happened in the riot because he had not been in the alley; he had been out in front of the courthouse where the Chief of Police was standing looking at the people.

"This was before the shots were fired?" Hogarth asked. "The police chief was standing in the doorway looking out, and he recognized you? Or anyway he looked straight at you, is that right?"

The schoolmarm translated the question into Spanish, but Galindo gave his answers in a mixture of both tongues.

"Sí, señor, before the shots."

"And at that time did you see the prisoner, Ramón Arce?"

"Pues, the women at the window they say They takin' Ramón out the back to beat him."

"No, no, I'm not asking what the women said. That comes later. I want to know if you saw Ramón Arce at that time."

"I no see him, no, but they see him——"

"Never mind that. I only want to know what *you* saw and what *you* did."

" I don't do nawthing. I wait."

"All right. At that time, then, you did not see Mr. Arce, but you did hear a woman say the officers were taking him out the back way. Is that it?"

"Sí, señor."

"But you didn't *see* the officers do this?"

"No, señor."

"Very well. Then what happened? What did you see?"

"Then I see the people run around to the alley. Some go that way some go this way to the alley."

"And when you saw that, what did you do?"

The old guy brushed at his grey moustaches with the back of his hand. He was beginning to sweat. It looked like he was trying hard to remember. At last he looked at his lap and replied in a low voice, "I don' do nothing."

Ellsbergh almost forgot where he was and why. Somehow, listening in

like this was more dramatic, more exciting, than hearing the same thing in a crowded courtroom.

Hogarth continued: "You just stayed where you were?"

"Sí, señor."

"Then what happened?"

"The officers try and shoot Ramón when he is pull back like this"—and Galindo jerked his head back, arching his spine.

"Now just a minute, Mr. Galindo. You have just told us that you stayed in *front* of the courthouse. Where was Mr. Arce when you saw him pulling back?" The sweat was pouring down the old man's face now, and he wiped it with a red handkerchief. "Did you *see* him do this, or did someone tell you about it later?"

"I no see, they tell me," Galindo said.

"Very well. Go on."

"Then I hear some shots."

"How many shots?"

"Pues—many shots. Ten, twenty-five. And the bombas are like shots. Quién sabe how many."

"Many shots, all right. Now when you heard all those shots where were you? Still in front of the courthouse?"

"Sí, señor."

"You were not in the alley?"

"No, señor."

"Very well. What did you do when you heard the shots?"

"I go away running."

"Running where?"

"Afuera—far away."

"Why did you run away?"

"Pues, quién sabe? I'm scared."

A breeze of giggles stirred in the room, but Hogarth shut it off. "Friends, this is serious. Please take it seriously." The schoolmarmish dame translated phrase by phrase as Hogarth talked. "It is to the credit of the witness that he admits truthfully to being frightened. I'm sure I would have been frightened, too, by all those shots." He turned back to the old man. "Now, Mr. Galindo, did you see who fired those shots?"

"No, señor."

"And so you don't know who killed the sheriff?"

"No, señor."

"You were not in the alley at any time *before* the shots were fired? or *during* the shooting?"

"No, señor, only after the shots."

"And everything you have told us is the truth, the whole truth, and nothing but the truth?"

"Sí, señor." The words were almost a whisper.

"Thank you, Mr. Galindo. You've earned a glass of water and a smoke while I explain the next step. Friends, so far I've acted as the counsel for the defense. But those of you who have attended trials know that after your lawyer finishes asking you questions there is what they call a cross-examination, when you are questioned by the lawyer on the other side—in this case it would be the district attorney, or his assistant Mr. Mallon, let's say. And he will try to discredit the testimony you have just given. He will try to make the jury think that you are a liar—to make them disbelieve all your testimony. And if he can prove that you have deliberately lied under oath, he may prosecute you for perjury and send you to jail."

Galindo smiled a sheepish smile as titters ran around the room.

"Now many people think it's called a *cross*-examination because the opposition lawyer is always cross with the witness. But this is not true. In fact, at first he may be very kind to you, to make you believe he is your friend. Then, after he has persuaded you to admit something he wants you to admit, he may pounce on you like a cat on a mouse and act very cross indeed. You must be ready for that."

So, Oliver thought, this was what meant by coaching witnesses. First you taught 'em what lies to tell, then you showed 'em how to keep from getting caught at it.

Coaching was the right word. It was exactly like skull-practice in football. His thoughts went back to the days when he'd played end on his junior class team in high school, and he chuckled recalling how once he had managed to swipe all the signals of the senior class team. As a result, his side had a big advantage, knowing the other side's plays in advance, anticipating all their tricks, and the juniors had smeared the seniors 27 to 0. For a little while Ollie had been a hero to his classmates. But when the truth leaked out there was the devil to pay. The seniors yelled Gyp. His best friends deserted him. Suddenly he was the school villain, a spy, sneak-thief, tattle-tale and traitor to good sportsmanship, feeling like a worm inside.

He grew uncomfortable, remembering. It seemed to him he was doing the same sort of thing again now. At first he'd been so sure it would be right to eavesdrop on a red conspiracy and report to the D.A. Now all at once he wasn't so sure. So far they hadn't said or done anything so bad, and he felt sneaky somehow. He ought to get away and stick to his

business—which come to think was protecting these folks from molestation, not spying on them.

He couldn't make himself leave, though. He had to see how it came out. The end of his unlit cigarette was all spit-wet and mashed. He threw it away and mouthed a fresh one.

"Now pretend I'm Mr. Mallon," Hogarth said. He put on an oily voice that sent them all into stitches—and Oliver had to cover his own mouth to keep from laughing. "Mr. Galindo, allow me to congratulate you on the frank and honest way you have helped us to establish the truth in this case. Your generosity being apparently inexhaustible, perhaps you will be willing to help us a little further. Will you?"

"Sí, señor."

"*Thank* you, sir. Now Mr. Galindo, I believe you told us on direct examination that you wanted to attend Ramón Arce's hearing because you were grateful to Mr. Arce and friendly to him, and you were morally certain that he had done nothing deserving of any punishment. Is that true?"

"Sí, señor."

"I wonder if you'd tell us a little more about that—your friendship with Mr. Arce—and why you felt grateful to him and so on. Would you do that, please?"

The old man collected his thoughts; then:

"Ramón Arce is a leader for us. He make a good striky so we win our demands. The boss is afraid of Ramón Arce, so they frame him. Is why I go,"

It was a long speech for Galindo, and he wiped his face again.

"Thank you, Mr. Galindo. But now I'd like to know if you were personal friends with Mr. Arce, or if he had done you personal favors that made you grateful."

"We live near, my house and his house, so we are friends, his wife too with my wife. Our kids too. In striky I am giving leaflets in letter boxes, is agains' the law, they arrest Ramón, but he don' tell them about me nawthing."

"In other words, you had every reason to see to it that no harm came to Ramón Arce unjustly. He was your intimate personal friend; he had led you to victory in your struggle for fair wages to feed your children; he had even gone to jail for your sake. So you wanted to pay your moral debt to him if possible. That's what you're telling me, isn't it, Mr. Galindo, before God and under oath?"

"Sí, señor," Galindo said proudly.

"Yes. Now, Mr. Galindo, I believe you testified also that shortly before the shooting you heard some women say the officers were taking the prisoner, Ramón Arce, out the back way to the alley to beat him up. Is that right?"

"Sí, señor."

"And that thereupon some of the people left the front of the courthouse and ran around the block to the alley."

"Sí, señor."

"And you testified further that you did *not* go with the people but remained in front of the courthouse. I believe you said that at no time prior to or during the shooting had you been in the alley. You did tell us that, didn't you, Mr. Galindo?"

"Sí, señor."

"Although you had reason to believe that the officers were taking your friend, the heroic leader of the strike-victory that enabled you to feed your children, into a lonely alley, perhaps to beat him up unjustly, perhaps even to kill him, nevertheless you stayed right where you were, in *front* of the courthouse. Is that true?"

"Sí, señor."

"Many other people who called Ramón Arce their leader, but who were *not* close personal friends with him as you apparently were—many such people rushed round the block to see that no harm came to Mr. Arce—but not you, Mr. Galindo. Is that correct?"

Galindo's eyes were back in his lap now as he gave his usual quiet answer: "Sí, señor."

"I wonder, sir, if you'd be so kind as to tell the jury *why* you did nothing, absolutely nothing to help Mr. Arce. Others acted but you did not. So tell us, please: didn't you care if the officers beat your friend—or even killed him?"

Galindo didn't answer, didn't look up, seemed to be struggling for breath. He licked his lips.

"Perhaps you thought Mr. Arce *deserved* a beating? *Perhaps you thought he was guilty?*"

"No, señor." The old eyes flashed an instant's indignation, then fell again.

"You believed him innocent of any crime, didn't you. That's what you told us, isn't it. That's why you came to the court in the first place—because you wanted to see that he got a fair trial. You did say that, didn't you?"

"Sí, señor."

"To see that he was not unfairly treated?"

"Sí!"

"And yet, when you had reason to think he *was* being unfairly treated, you did nothing!"

Anger crossed the old man's face as he lifted his creased forehead. "I don' see them do that," he said.

"Nevertheless you had reason to think they *were* beating him. *Didn't you care?*"

The wrinkled lips pressed together in mounting rage. They seemed glued shut.

"How does it happen that you went to the court for the sole purpose of doing something for your friend, and yet when the moment came to help your friend you did nothing?"

"Quién sabe, I . . . don' know wha' to do."

"Well! The *other* people were doing something, weren't they? They ran to the alley, didn't they? to see if Mr. Arce *was* in trouble? Didn't they? Isn't that what you told us?"

"Sí, señor." Anger was ebbing. A note of fatalistic discouragement crept into the old voice.

"They hoped to prevent harm to Mr. Arce, right?"

"Sí, señor."

"Well, why didn't you go with them?"

Ellsbergh held his breath. That stopped the old man cold. He bit at his fingers, seemed to be trying to make up his mind to something. Hogarth's voice continued, harsh now and rasping.

"There was your friend, the man you loved and admired, back there in that lonely alley, with four armed thugs who people said were beating him, killing him perhaps, and yet you didn't move a muscle, you didn't lift a finger to help him. You didn't care, apparently, if they murdered your best friend. What was the matter, Mr. Galindo? *Are you really such a contemptible coward?*"

"No, señor!" There was a break in the witness's voice. Ollie half-expected him to burst out crying.

"What do you mean, no?" Hogarth pursued. "You mean you *did* help? You mean you *did* go round to the alley? Is *that* what you're telling us now? *Is that it?*"

"No!" There was more fear than resentment in the word.

"You can't have it both ways, Mr. Galindo! Were you lying before? Or are you lying now?"

"I no lie. I go some way with the people. A little bit, no más."

"I see." A pause. Oliver thought Hogarth was through. But then he added: "One more question, Mr. Galindo. When you heard all those

shots what did you do? Did you run away like a coward? Or did you stop and help some of the people get away—some child, perhaps? or some woman?"

"I don't run away. I try and help a gooman got blood all over . . ."

"Can you prove that?"

"Sí, señor, she . . ."

"Who was the woman?"

"Señora Chavez, she got shot in leg . . ."

Consternation drained the blood from the old man's face. Ollie expected someone to laugh. No one did.

"You realize, of course, that Mrs. Chavez fell wounded *in the alley,* don't you, Mr. Galindo? So if you did help her, you must have been in the alley too."

The reaction came then, people turning and looking at each other. The old man was bloodless as a corpse.

"Mr. Galindo," Hogarth said, his voice suddenly kind, "I hope you'll forgive me for being so hard on you. I apologize." The interpreter translated rapidly. "You have done us all a great service by submitting to this unfair kind of questioning. It was absolutely necessary for me to impress upon you—all of you—what can happen when you don't tell the truth. You don't help the defendants; you don't help yourselves; on the contrary, lying harms everyone. Let's never forget for one instant that someone may be electrocuted for the mistakes *we* make."

Ellsbergh could hardly believe what he was hearing. He felt there must be a catch in this somewhere; later perhaps Hogarth would get around to coaching them on what they were to say. He'd listen for just a minute longer.

"Now, friends," Hogarth went on, "I want you to forget everything Mr. Galindo said. Remember: I was *forcing* him to lie. I did it on purpose, to show you how the prosecution will try to make you lie— to expose you as a liar so the jury will not believe you even when you are telling the truth. Now I don't know myself what the truth of Mr. Galindo's story is. I don't know if he *was* in the alley but lied because everyone in the alley is supposed to be a 'conspirator' in this case; or if he did *not* go in the alley but lied because he did not want to be thought a coward. The true story may be still different. He'll have a chance to tell it to me in private, with no one else listening. You will all have the same chance. So forget what's been said here tonight and remember only one thing: tell the truth."

The blind woman beside Galindo nodded. The old man accepted a tin cupful of water and drank greedily.

"Now why do I say Tell the truth? Is it just because the Bible says not to lie? or because Lincoln said Honesty is the best policy? Yes—but also for a lot more reasons. Number one: if you tell the truth they can't jail you for perjury in addition to everything else. Number two: it's easier to tell the truth than to try and remember the lies you've told and be consistent with them. Number three—and this is the most important reason: you're in no danger of double-crossing your friends, your attorneys and co-defendants. Let me explain.

"Let's suppose that Mr. Galindo *was* in the alley, and let's suppose that he saw one of the other defendants—Polo García, let's say—pick up a little girl knocked down in the rush just as the first shots were being fired, the shots that killed the sheriff according to Burns Bolling's story. Now Polo García may be depending on Mr. Galindo to testify that he *couldn't* have shot the sheriff because at that very moment he was picking up this little girl. But instead of telling the truth, Mr. Galindo is afraid to admit he was in the alley—remember, I'm just making this up. He lies. He says he was never in the alley, hence he could not have seen Polo pick up the child. So Polo's story is discredited, and he is convicted. (Please explain to Mrs. García that I'm only supposing—I'm *not* saying her husband really *was* in the alley.)"

Mrs. García—that was the one, the half-blind dame in the arroyo. The woman interpreter was explaining in Spanish, and the García woman was nodding.

"In other words, friends, we mustn't think only of ourselves—of saving our own skins or reputations. We've got to help each other, all for one and one for all, exactly like in the strike. Naturally we all take some risk. On the picket line you risk getting shot or beaten by thugs. Still, the only way you can win is to stick together. Here it's the same thing. And the truth is on our side. So we tell the truth and fight for it against their lies. Now some of us may suffer, like in a strike, but . . ."

The glare of headlights were full on Ellsbergh before he heard the car approach. He fumbled desperately in several pockets for his lighter, then realized it was in his hand. His cigarette was all spit-mashed again, and he had to get a fresh one. All in all it seemed about an hour before he got lit up and was able to move away from the lee of the house.

He made straight for the stopping car. It was Schermerhorn's. "Hope you don't mind me sneakin' a butt on the job," he said. "Wind's pretty brisk. I had to get behind the house to get my lighter to work."

"Maybe you'd like to come inside and warm up for a few minutes," Mr. Schermerhorn said. "I have an idea you could use a cheese-on-rye too. We treat our police escorts right. Nothing but the best."

"Aw, that's all right," Oliver said, "I wouldn't want to horn in on your private business."

He figured Mr. Schermerhorn would insist and he'd get to see all what would happen next in there. But he was disappointed.

"Well, anyway, why don't you sit in the car?" Mr. Schermerhorn said. "You'll be out of the breeze, and I'll let you know when we break for chow."

Oliver tried not to feel too disgruntled. Actually, of course, he wasn't the least bit cold. But now, after what he'd overheard, he felt he was deep on the inside of this case. All of a sudden it seemed like it might turn out to be the most important thing in his copper's career.

FOUR POEMS

JOHN FRAZER

WHITE SANDS CINERAMA

On lines of purest sundial
the smoke, like morning of Samson,
pushes bomb and reality away.
A suture of wind to the smoke
and all that's left is
Scarecrow Cactus,
sole propagation of questioning man.

The sidewinder understanding,
weaves a wonder in the sand;
a lizard's tongue blows
a stringy sibilant
to the wind's mandolin,
and the copper foxes
are pierced again
by the cellophane light,
yet somehow are immortal in their element.

> But where are the dips in the road
> that operated on my stomach last year?
> And where are they,
> the bandaged bankers
> with their frozen beards?

Now only the harsh sound of cracked corn
over the cold stones of ornamental order.

Only the little mornings of the moon,
acicular sunsets,
the hoarse and speechless birds.

LANDSCAPE NEAR A STEEL MILL

Over the books of bricks,
over the vague meanings of dust—
with a taste of leather,
with a rough static of purple, like wine—
entering the empty houses at evening,
the slow circumference of supper hangs out
its banner of striped shadow.

Wallets are closed;
cars start up
like an uprising of lions,
and the furnaces fall into themselves
like a pillow of autumn leaves,
and, with a great sigh of a dead bagpipe,
become in silence, passive sunsets.

> How shall I tell you
> of all the doors I came upon?
> Of the small shredded joys
> that cried in paper tears,
> and how I saw silence
> come down in parachutes of fire?

Yes, all things revolt against
the dying static of sunlight.
Only the bankers are left,
polishing their interest globes
through the long night,
milking their beards
like magicians pulling out quarters
from the combinations of air.

But I shall tell you of the dusty children:
I saw them
scraped through the back of a yawn:

wave-lifted,
their bird flying paper joys,
uncertain in a square of uncertainty,
but echoing in their tinny valleys, galloping hearts.
And I saw hands like
lighted menorahs on the horizon
foreseeing future sunrises,

crying: Fools! Where is our bread?

LEGEND

Happiness was found
in the strawberry sun of soda:
no disorder
divides the newly minted mirrors
from the rivers of fans;
only the strawberry sun,
only the strawberry sun.

Now feel the cold curling
like a cold onion
and the cold metal falling,
galvanized by ice,
and feel everything
cold in its place . . .

while precision
rolled out on paper towels,
catalogues our laughter
in the happy hollows of the glasses,
and over the simple counters
revolutions of happy carbonates
crinkle in our mouths,
bringing us,
under the special neatness,
a slight
taste of stainless steel
in the morning . . .

PALM SPRINGS

In summer the houses
waltz on the mountain,
shaken in the shrill heat
of a clarinet
like a hundred soldiers
in a disorderly logic.

Now butter is rusting in the sky
and the fields in the high valley
are fat with frost.

Of sudden billboards
and broken bottles
raked out along the road,
our smooth lacerations of rubber
cry out:
telling the tourist of power:
the longpaths
plugged in to the dynamos of mountains.

Down in the flats
the cans along the roadside
point to no end.
Which is always present.

John Frazer is an eighteen-year-old California poet. These are his first published poems.

THE INDIVIDUAL IN SOVIET LAW

LEON JOSEPHSON

DURING THE last ten years, much has been written about Soviet law by jurists, lawyers and scholars of all countries. In the March issue of *Mainstream,* Howard Fast contributes his opinions on the matter. He indicts the Soviet judicial system, claiming that it does not provide for habeas corpus and the right against self-incrimination, and that it resorts to the use of forced confessions and capital punishment; furthermore, he says, there exists "a lack of legal rights and protections which both the United States and England grant their citizens."

My purpose here is only to examine this part of Mr. Fast's charges. I should like first to quote certain American and British authorities on the subject under consideration.

In his book *Reflections of the Revolution of Our Time,* published in 1945, Harold J. Laski states:

> No one who has examined at first hand the Soviet administration of justice (*the sphere of political offenses apart*) can doubt that in experimentalism, on the one hand, and in quality of humane approach, on the other, it is on a level superior to that of most other countries. If, as I believe, the administration of courts and prisons is a vital index to the quality of a civilization, this is of the first importance.
>
> A person convicted of one of the ordinary criminal offenses in the Soviet Union has a larger chance of returning to normal life normally than is the case anywhere else; and the historic demand for equality before the law is, *political offenses again apart,* more substantially realized there than in any other country with which I am acquainted. Bench and bar alike have a far more active and sustained interest in the improvement of legal procedure than anyone has displayed in Western Europe since Jeremy Bentham. In this field, it is no exaggeration to say that the rest of the world must go to school to the Soviet Union (pp. 51-52).

Professor Harold J. Berman writes, in his article, "The Challenge of Soviet Law":

> The Soviet accused is treated less as an independent possessor of rights and duties . . . than as a youth whom the law must protect against the consequences of his own ignorance but must also guide and train. . . . The atmosphere of the trial approximates that of our own juvenile or domestic relations courts.*
>
> In developing the educational role of law, with its conception of the litigant, the subject of law, as a youth to be guided and trained, the Soviets have made a genuine and creative response to the values which threaten twentieth-century man—a response which has not merely a Marxist and a Russian, but a universal significance. They have met the problem of bringing law into the closest possible touch with social and economic and personal realities. The Soviets have found a basis for law in a new conception of man. It is not for us self-righteously to sit in judgment on the violence and injustice which has accompanied the birth and growth of this conception. We shall respond more wisely if we integrate our own law around a fuller and more balanced conception of man—man as child, as youth, as young man, as middle-aged, as aged—giving reflection to the real nature of man in all the phases.**

Professor John N. Hazard of Columbia University, himself a graduate of a Soviet Law School, has expressed similar opinions in various articles and books:

> The Soviet Union discards any vestige of the principle of an 'eye for an eye.' The Criminal Code has but one function, set forth in its first article —*the defense of the socialist state of the workers and peasants* and the established order therein against socially dangerous acts. . . . The word 'punishment' is deliberately avoided and in its place is substituted the term 'measure of social defense.' [*In the United States*] a person may have been in such circumstances that a jury may see fit to recommend clemency, or the judge may himself lighten the punishment under statutes declaring a minimum-maximum rule. But such action is treated as an exception. Under the Soviet system of criminal law consideration of the character of the criminal and not only the crime is the rule and not the exception.

Elsewhere, Professor Hazard writes:

> While the state has not lagged in protecting itself, it has not ignored the other side of the medal—protection of the individual. . . . Soviet jurists believe that a strong state depends, in the last analysis, upon a contented

*Vol. 62, *Harvard Law Review*, 1949, pp. 465-466.
**Ibid., 457.

citizenry, and this condition is achieved only when the majority believes that the inevitable restrictions and punishments set forth in the law are fairly administered.*

Soviet judges do equity because equitableness is inherent in socialist relationships. By a Soviet law adopted July 15, 1949, the duties of judges toward Soviet citizens are laid down as follows:

> Judges of all courts including the Supreme Court of the U.S.S.R. may be disciplined and penalized for faults in their court work as a result of negligence or lack of discipline or for the commission of acts incompatible with the dignity of a Soviet judge. . . . It is the duty of a Soviet court to educate citizens in the spirit of devotion to the Motherland and to the building of socialism, as well as in the spirit of honest relationship to the state and public duties.
>
> Soviet judges, elected by the people, must value highly the confidence of the people and be models of honest service to the Motherland . . . of moral chastity and of irreproachable conduct, so that they may have not only the formal right, but the moral right as well, to judge and to teach others.**

When Mr. Fast speaks about the superiority of American and English law he is by implication asserting the alleged superiority of American and English society, *i.e.,* American and English capitalism. But law is nothing more than a technique used to regulate human behavior and can never be superior to the conditions it regulates. Slave law, feudal law, capitalist law, socialist law, sanction and protect the class, *i.e.,* the social relationships growing out of and determined by the existing specific methods of production. One cannot speak of the "rule of law," of "justice" in the abstract, divorced from the conditions in which it operates and regulates social relations. This is known not only by Marxists, but has been frequently noted by scholars in capitalist countries. Not so long ago Mr. Fast understood this when he said:

> It has become even more important to conceal the very nature of capitalism itself, and to equate it with the words "liberty" and "democracy." . . . They (Fast included, L. J.) are now able to forget apparently all they believed in a few years back. Socialism and monopoly capitalism have alike become myths.***

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* Prof. John N. Hazard, "The Individual in Soviet Law," *American Sociological Review*, June 1944, p. 251.

** *Vedemosti Verkhovnogo*, U.S.S.R. No. 31, p. 530.

*** Howard Fast, *The Intellectual in the Fight for Peace*, p. 8.

But where then did Soviet law, which treats its citizens who have strayed from the norms of socialist life with such care, go astray? As Laski noted, in the sphere of some political offenses. To understand this fact, to evaluate it properly, we must understand the context in which these events took place.

By a law adopted on July 10, 1934, the OGPU was empowered to establish Administrative Boards to try persons and impose sentences up to five years imprisonment "against persons who are recognized as socially dangerous." On the day after Kirov's murder, November 5, 1934, the law was amended, giving the Administrative Boards the right to impose the death penalty. The precedent for this kind of method to deal with "socially dangerous" persons was the Revolutionary Tribunals, established in the critical days of the Civil War.

What were the conditions that led to the reestablishment of the Revolutionary Tribunals in the form of Administrative Boards of the OGPU? It was the time of "capitalist encirclement," of the threatening shadow of Hitlerism, of the fear of imminent war. And a terribly destructive war did come. After defeating the Nazi invaders, after terrible losses in property and people, a new threat of war appeared. This time the threat came from a foreign power which ringed the Soviet Union with military bases and threatened to annihilate her with the atom bomb. It was under these circumstances, aptly described by Anna Louise Strong,* that Stalin accepted the trumped-up charges which Beria brought against Jews and others.

With changes in objective conditions—the development of the atomic and hydrogen bombs by the Soviet Union, resulting in a military stalemate, the completion of the Chinese Revolution which made encirclement of the socialist countries impossible—fear of war in the Soviet Union abated. And with it abated the acts of political terror, even in the last year of Stalin's life. (Nor is it a reasonable assumption that all defendants in the political cases were innocent; the war revealed collaborators with the Nazis).

Yet that there arose serious abuses of this unchecked police power in some political cases is undeniable; it is to correct such abuses and preclude the possibility of their recurring that the Soviet government last year initiated significant changes. Thus, the Administrative Boards of the security police were eliminated by the law adopted April 9, 1956; this abolishes the machinery, the methods and means, by which the injustices

**The Stalin Era.*

and illegalities in political cases were made possible. Today, as a result of the experiences reviewed by the Twentieth Congress of the CPSU, all guarantees and rights provided by the Criminal Code and the Code of Criminal Procedure must apply with equal forces in all cases, political or criminal.

Further; broader, new powers were established May 24, 1955, for the office of the Procurator, the agency whose main function is to supervise all judicial agencies' adherence to the protections and rights granted by Soviet law to all citizens. This is defined in the Statute on the Supervisory Functions of the Public Procurator.* Under this statute, the office of the Procurator is charged with the duty "to guard the rights and legally protected interests of individual citizens in political, labor, housing, and other personal and property issues." In the words of Article 3 of this far-reaching provision, the office of the Public Procurator:

1. Watches over the strict application of the law by all ministries, institutions and departments;
2. sees to it that the organs of inquiry and of preliminary investigation do not transgress the law;
3. watches that sentences, judgements and decisions on matters of law and procedure are in conformity with law and are well grounded;
4. sees to it that strict legality is observed in the treatment of prison inmates.

Under this powerful statute, the new agency "must investigate all complaints," "defend the rights of the accused and of prisoners as much as of the public interest," and "appeal on its own initiative from illegal decisions or sentences." To carry out this guarantee of legal rights and protections, the agency has the right to investigate and receive the records of any other government agency. With this new legal machinery, the various state Ministries of Internal Affairs are deliberately reduced to the status of auxiliary organs in the investigation of crime and in the carrying out of court sentences. Now the ultimate responsibility for the observance of the law has been concentrated in the hands of the office of the Procurator who is appointed by the highest legislative body, the Supreme Soviet, and whose activities are not reviewable by the law-enforcing power but only by the Presidium of the Supreme Soviet, the direct representatives of the people.

This role of the Procurator of the U.S.S.R. and the Procurators of the various Constituent Republics is not entirely new (Article 418, Crim. Code of Procedure). There have been hundreds of reported cases wherein

*Partinaya Zhizn, 1956, No. 6.

a Procurator "protests" a decision because of its illegality or injustice.* The new element is to be found in the fact that the Administrative Tribunals having been abolished, the Procurators, under a wider grant of powers, now are charged with examining the justice and legality of court decisions in all cases, including political cases.

By the Judiciary Act of the U.S.S.R.** a system of court Plenums was established. The Supreme Court of the U.S.S.R., the Supreme Courts of the various Constituent Republics, the Judges of the Provincial courts and the People's Courts of a given province or locale hold plenums once every two months. At these plenums the Judges discuss the errors made and the remedies to be applied and then send "consequent directions" to the lower courts. Thus all Soviet courts are constantly reviewing the administration of justice, and by means of this examination and criticism and "consequent directions" Soviet law is constantly perfected.

Perhaps we can best understand the Procurator's role if we applied it to the American scene. Suppose every District Attorney, and above him the Attorneys General had to examine the record of every criminal case starting with the time of the arrest to see that no illegalities were committed or that no unjust sentence was imposed. Suppose the Attorney General was obliged to appeal any unjust or illegal sentence imposed, let us say, by our Southern legal authorities and to start criminal actions against them if their activities were knowingly unlawful. Simply to pose the situation answers the question raised by Mr. Fast as to which legal system is more just.

With regard to habeas corpus, it is not true as Fast asserts that this right does not exist in Soviet law; the fact is that it was exercised in every criminal case (and now, with the distinction between political and criminal cases abolished, in all cases). Every arrest in the Soviet Union must be reported within 24 hours to a People's Judge who passes on the legality of the arrest. If the investigator decides that the accused should be arrested to assure his presence at the trial, he must submit his decision in writing to the Procurator; if the Procurator's decision is against the interest of the accused he must take his decision before a proper court for confirmation or rejection (Article 148). Thus every arrest, whether made by the police or recommended by the investigator or Procurator, is reviewed in the courts. In our country, to test the legality of arrest, the defendant must employ a lawyer to file a formal writ—a procedure seldom

*Hazard & Weisberg, *Cases and Readings on Soviet Law*, Columbia University (1950).
**Vedomosti No. 11, Aug. 16, 1938. Law of the U.S.S.R. on the judiciary of the Constituent and Autonomous Republics.

used. But in the Soviet Union this procedure takes place automatically in *every* case. "A judge or prosecutor knowing that a person is illegally held in his jurisdiction, must free that person on his own initiative." (Article 6). "Failure to do so is criminally punishable by imprisonment up to one year" (Article 8). "An official making an illegal arrest is himself liable to deprivation of liberty not exceeding one year" (Article 115). Further, an accused can challenge the investigator because of prejudice (Article 122) and every act or decision of the investigator is subject to appeal immediately even before trial (Article 212). Unlike our own criminal process which usually starts with the arrest of a person charged with a crime, a person in the Soviet Union cannot be arrested on the complaint of another, or on suspicion by the authorities. Article 100 of the Code of Criminal Procedure provides against arrest except where the defendant was caught in the criminal act, or if suspected, has no permanent place of abode.

Bail is provided for under Section 144 of the Code. Usually the accused signs a promise to attend the trial and not leave the jurisdiction of the court (Article 144, Sec. 1). Or he is "bailed" if two citizens or an organization promise to pay a certain sum if the accused absconds (Article 144, Sec. 2), or cash bail is put up by the accused or his friends (Article 144, Sec. 3). In the case of home arrest, the accused is restricted to his home but is not under guard (Article 114, Sec. 4). In case of a conviction the defendant's status remains the same until the appellate court sustains or dismisses the appeal (Article 341).

In cases of serious crimes (banditry, rape, murder, etc.), bail can be denied only by a People's Judge (Article 144, Sec. 5).

Judges are liable criminally for their illegal acts (Article 18): The issuing of an unjust sentence, decision or order, from mercenary or other personal motives, entails deprivation of liberty for a period of not less than two years (Article 114).

The socialist nature of law in the U.S.S.R. is seen in Article 113 of the Criminal Code of Procedure which directs the Investigator to investigate all the subjective and objective factors of the crime and to find the answer to the following questions:

1. "Was the alleged crime committed for the purpose of restoring the bourgeoisie to power?"
2. "Was it done from base venal motives?"
3. "Was the accused charged with crime for the first time?"
4. "Did the commission of the crime take place under threat, coercion or by reason of economic strain?"

5. "Was the alleged offender influenced by the extremity of family or personal conditions?"
6. "Was he in a state of strong excitement?"

Unlike our system, the Soviet system considers that the circumstances, environment and motives are extremely relevant for the proper deposition of a criminal case. (It is not only the act itself, but the history of the accused which is often, to a greater or lesser degree, the determining factor in assessing the guilt of a defendant.)

Fast deplores the absence of the legal right against self-incrimination in the Soviet Union. Obviously he is unacquainted with Article 135 of the Code of Criminal Procedure, which specifically provides that "the accused shall not be required to give evidence against himself."

Not only does the right against self-incrimination exist, but an accused who commits perjury in his own behalf cannot be prosecuted. The theory is that it is natural for an accused to lie to protect himself. But perjury by a witness is a crime punishable by imprisonment up to three months (Article 95, Criminal Code, R.S.F.S.R.) And under Soviet law a person is "innocent until proven guilty," and "the burden of proof rests on the state to prove a person guilty," and "the burden of proof rests on the state to prove a person guilty beyond a reasonable doubt."* That forced confessions were extracted in some political cases no one will deny. But these actions on the part of Beria and his henchmen *were contrary to and violated Soviet law,* and as noted above are now subject to review and strict laws of evidence. The Soviet Criminal Code specifically enjoins an official from obtaining confessions "by means of violence, threats or similar methods" and declares the punishment for such acts imprisonment up to three years (Article 136).

Article 282 of the Code of Criminal Procedure provides "that if the accused acknowledges the facts alleged by the prosecution are true, *repeats the confession in the deposition in open court* and *gives proof of it,* the proof given by the accused must nevertheless be verified by the State."

Fast says that it is a "fact that in the U.S.S.R. justice is so much of a stranger." In the Soviet Union every collective farm and every apartment house or a group of apartment houses containing a particular number of families has its Comrades Courts. These courts, consisting of nine to twelve judges, all neighbors of the accused and really a jury of his peers, deal with such crimes as petty theft, hooliganism, drunkenness, fights, neglect of children, etc., and can impose sentences of up to five days in

*Prof. M. S. Strogovich, "Study of Substantive Truth in Criminal Proceedings," Moscow (1947), p. 264. See also *Soviet Studies,* Vol. V, (July 1953), A. Kiralfy, *Soviet Law of Criminal Evidence.*

jail and a fine of 30 roubles. There are a total of over two million Soviet citizens sitting as judges in these courts.

Similar courts deal with disputes and problems arising in the factories. There are 2,600,000 Soviet citizens acting as judges in the Workers' Control Commissions. In each People's Court there are two People's Assessors who sit for ten days. There are 700,000 Soviet citizens who act as jurors and judges in the People's Courts. So there are over five million Soviet citizens actively engaged in the administration of justice. If real democracy depends upon the people's participation in government, you have democratic justice in the Soviet Union such as does not and cannot exist anywhere else.

No serious jurist or student of law can deny that the average Soviet citizen has all the rights granted by English and American law, and then some. Thus, indictments must contain all the facts of crimes and all the names of the witnesses to be used against the accused.

Supreme Court Justice Jackson commented on this great right at the Nurnberg trial as follows:

> It was something of a shock to me to hear the Russian delegation object to our Anglo-American practice as not fair to a defendant. The point of the observation was this: We indict merely by charging the crime in general terms and then we produce the evidence at the trial. Their method requires that the defendant be given, as part of the indictment, all evidence to be used against him—both documents and the statements of witnesses. . . .
>
> When we produce it at the trial it may cause surprise and become known too late to be answered adequately. Our method, it is said, makes a criminal trial something of a game. This criticism is certainly not irrational.*

Soviet law grants defendants the right to examine all of the records in the case (Article 207); the right to appeal from the indictment (Article 112); the right to be represented by counsel or a Trade Union representative (Article 253); the right against search and seizure except on court order and done in the daytime in the presence of two neighbors who act as witnesses (Article 177); the right to be present at his trial (Article 265); the right of a speedy trial (Articles 105, 128); the right to cross-examine and comment on a witness's testimony *as it is given.* (Article 277). If the defendant refuses to select counsel, the court must appoint one for him (Article 255).

**The Nurnberg Trial,* by Robert Jackson, pp. VI-VII.

The accused must be asked questions, the answers to which would tend to exonerate him, as well as questions directed to prove his guilt (Article 111).

The defendant has additional rights: the right to call witnesses in his behalf (Article 272); the right to a trial in public (Article 52); the right to ask the State to investigate, at its expense, facts which may prove useful to the accused (Article 208); the right to expert testimony at the state's expense (Article 169); the rights granted by the Statute of Limitations (Article 84); the right of an interpreter (Article 22); the right of the defendant to speak last after his counsel has spoken, without interruption and without limit as to time (Article 409); the right of appeal by simply stating that he desires to appeal (Article 412). In that case the trial judge must send the entire record to the Appeals Court, which reviews all questions of law and fact and can reverse the judgment below if the sentence was "unjust" (Article 417). The accused has also the right to appeal the actions or decisions of the investigator (Article 212). The record must be sent to the higher court within three days. (Article 344).

If the accused doesn't appeal, the Department of the Procurator or Prosecutor reviewing the decision must protest (appeal) the decision (Article 418).

Thus in the case of Popov and Sokolov, the Supreme Court of the U.S.S.R. on the Protest of the Procurator (Court Practice of the Supreme Court of the USSR) Vol. VI, p. 19) reversed the decision of the lower court because "the convictions were based on the defendant's failure to establish their innocence."

In brief, the average Soviet citizen has all the protections our law affords, and then some. I suggest that Mr. Fast spend a few days in one of our law libraries before proclaiming the justice of class society under capitalism superior to the justice of working class socialist society, even as it has to develop under the guns of encircling aggressors.

We now turn to the question of capital punishment. Four times the Soviet government has abolished capital punishment, and four times has felt itself compelled to restore it. The reasons for this are to be found not in abstract principles or "absence of religious feelings" but in the concrete conditions of civil war, actual war and Cold War.

Lenin was against capital punishment, yet under the conditions of a terrible civil war he reestablished it. During the war, when the Nazis were outside Moscow, the State Committee for Defense ordered the shooting of spies on sight without even a trial.

Post-war conditions gave promise of a relaxation of the struggle. The death sentence was abolished on May 29, 1947, as no longer necessary

under conditions of peacetime. But the threat of an atomic war, the establishment of the C.I.A., the subversive activities of the Voice of America, the ringing of the Soviet Union with military bases, all this led to the reestablishment of capital punishment in 1950. As soon as conditions change, based on the record of the past, it is my view that capital punishment will again be abolished. But the choice in this, as in many other matters, is not a free one to be determined by lofty abstract feelings, but by what necessity dictates.

Mr. Fast says, "my democratic understanding was based on the writings of Jefferson and Lincoln." Yet Jefferson, writing on the French Revolution, said:

> . . . In the struggle which was necessary, many guilty persons fell without the forms of trial, and with them some innocent. These I deplore as much as anybody, and shall deplore some of them to the day of my death. But I deplore them as I should have done had they fallen in battle. It was necessary to use the arm of the people, a machine not quite so blind as balls and bombs, but blind to a certain degree. A few of their cordial friends met at their hands the fate of enemies. But time and truth will rescue and embalm their memories, while their posterity will be enjoying that very liberty for which they would never have hesitated to offer up their lives. The liberty of the whole earth was depending on the issue of the contest, and was ever such a prize won with so little innocent blood? My own affections have been deeply wounded by some of the martyrs to this cause, but rather than it should have failed, I would have seen half the earth desolated.

Jefferson's sentiments are not offered here, of course, as any concrete guide, but as expressing an attitude of one of the founders of our country to another progressive social revolution elsewhere. I can hear Fast and some others say, "Yes, like our Constitution, the Soviet codes contain many fine guarantees, but as here they are not enforced." But in every Soviet criminal case (except some of those tried by the Administrative Tribunals) where a Soviet citizen was charged with violating some norm of socialist society established by the criminal code, every procedural rule and constitutional guarantee was strictly enforced. Judges have been removed for being too curt with witnesses on the ground of "abusing their judicial authority." From the Soviet point of view, law is a means of educating the masses to the norms of socialist life, a means of indoctrinating "high noble feelings" but also a means of establishing faith and confidence in the government.

The incidence of crime in the RSFSR, for example for the year 1955,

was 17.7% of the 1913 figure. Of those convicted 51.5% were sentenced to "compulsory labor at their usual place of employment" with a fine and paroled into the custody of their trade union. Incidentally, the sentences for petty larceny, larceny, assault and battery, etc., are a fraction of the imprisonment imposed for similar offenses in our country. On the other hand, crime committed by gangs involves a high degree of social danger and the sentences against such accused are severe.

For the purpose of "liquidating the kulaks" in the 1930's a form of the early Revolutionary Tribunals was reestablished. For years, American, British and other jurists pointed out the lack of safeguards in such proceedings. If administered by unscrupulous men, such boards actually became a means of inflicting great injustice. But as to the regular administration of justice in the ordinary criminal courts, the fact is as Laski said, the world can go to school to the Soviet Union.

Not long ago, a different Fast answered those skeptics—tired radicals with a Socialist past—in words which answer his present disillusionment because "of the most incredible swindle of modern times" as follows:

> How wonderful it is that every week and every day intellectuals discover that they have been the "dupes" of the Communists. Somehow, when the going is good, when the progressive forces are winning victories, their eyes are closed to this 'use' . . . But when things get tough . . . the eyes of many innocent souls are opened.
>
> I have no patience with the arguments of 'disillusionment'. A sick ego measures all things by itself . . . and intellectuals who delude themselves into believing that disillusionment with the achievement of socialism in the Soviet Union is responsible for the defection from the progressive movement here are covering up a more basic reason.
>
> It is not very wrong to describe this process as madness; it is a madness which departs from reality and which expresses itself in it own insane gibberish. . . .

In the past few years hundreds of scientific articles and books on the Soviet Union have been published by American experts and scholars. They readily admit that the Soviet Union has developed a better public health system,* a wonderful educational system** in which all education, including college, is now free; that they are graduating more doctors, scientists and engineers than the U.S.; that there exists the greatest reading public in the world, and that billions of books are eagerly purchased; that their theatre, music and mass sports are superior; that their economic development is at the greatest rate in world history, that the basis for an

*Dr. Edward Podolsky *Red Miracle, The Story of Soviet Medicine,* (1948), Beechhurst Press.

**Dr. Maurice J. Shore *Soviet Education* (1948) Philosophical Library.

advanced socialist economy has been laid, that Soviet Trade Unions play an important role in the life of the country.* And all this Fast denounces as the "most incredible swindle of our time."

Certainly the Soviet Union has made mistakes. But whatever the mistakes, however it may lag behind our original hopes or our personal opinions as to how things should be done, the Russian Socialist Revolution proved to be the greatest step forward in the evolution of mankind.

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* John Maynard, *Russia in Flux* (1941).
Hodgman, *Soviet Industrial Production*, 1928-1951. Harvard Press.
Beckwith, *The Economic Theory of a Socialist Economy* (1948), Stanford University Press.
Isaac Deutscher *Soviet Trade Unions* (1950) Oxford University Press.

RiGhT FaCe

All's Well That Ends Well

THE LATE LIZ: Autobiography of an Ex-Pagan
Elizabeth Burns

The true story of how the author, born "with a silver spoon in her mouth," wandered aimlessly from one drink to another and man to man, until, at the brink of death, she found faith and God.—The *Retail Bookseller.*

Why So Few?

A sport shirt with a $595 price tag is getting an advertising play; although it seems likely that there are few sports willing to pay that much for a shirt.—The *New York Times.*

Spank Is the Word of God

Not only state law but also the Bible authorizes a teacher to strike an unruly pupil, a judge ruled today.

He acquitted Paul Baldini, 39-year-old music teacher at Columbus School on charges of assaulting Arthur Ebert, 12. The boy contended that last Feb. 2 Mr. Baldini grasped him by the neck, flung him into a corridor and struck him so hard that he required hospital care. . . .

"The permission to mete out reasonable and moderate punishment," the Court said, "finds sanction in Holy Writ: Proverbs, Chapter 23: 'Withhold not correction from the child for though thou beat him with the rod he shall not die. Thou shalt beat him with the rod and shall deliver his soul from the netherworld.' (Verses 13 and 14)."—The *New York Times.*

The Hidden Meaning

A man is rich in proportion to the number of things he can do without.
THOREAU—Ad for the Central Savings Bank.

books in review

The First Years

THE ROOTS OF AMERICAN COMMUNISM, by Theodore Draper. *The Viking Press.* $6.75.

THE ROOTS OF AMERICAN COMMUNISM by Theodore Draper is the first of a series of volumes by the Ford Fund for the Republic based on its researches in the history of American communism and its influence on American life. Draper, say the publishers, had already been working on his volume covering the earliest formative days of the Communist Party when the Fund hired him to join in its researches.

The volume ends with early 1923, when the party was barely four years old. Draper is now working on another volume that is to bring the party's history to 1945. David A. Shannon is to write a third volume covering its history up to date.

First it should be observed that Mr. Draper had himself left the camp of Marxism (some time during the war we are told), and currently vies with many competitors for the anti-Communist literary market. He is, therefore, hardly endowed with the objectivity we are asked to expect from an institution like the Fund for the Republic. At least we are told the Fund's researches are objective and not influenced by the McCarthyite craze. Draper, some will recall, wrote in the *Daily Worker* and in *New Masses,* under the pen-name Theodore Repard. He also worked for Tass, say the publishers.

There is an evident effort to style the writing to fit the Fund's "objectivity" requirements. This book is not a job of the Gitlow-Budenz variety. It contains a great deal of research and information, though Draper's own anti-Communist hostility is woven into the entire pattern of the book. But while the author's basic objective is the same as that of all others in the business of anti-communism—to uphold the "foreign agent" and "force and violence" theses—he unintentionally produces what amounts to a refutation of that proposition.

Draper holds that the key to understanding American communism will be found in its formative period. We will see why he thinks so later. For that reason he undertook to write what is now given us as the "untold story" of the CP's formative days. It is pointed out—with some truth I am sorry to say—that such writing of Communist Party history by Marxists that we have,

touched only lightly on this initial stage between 1919 and 1923. Communist writers, it must be admitted, do tend sometime to gloss over the periods that aren't pleasant and black out the names of many who may have been important in certain days but later became professional anti-Communists. There is a tendency to idealize the founders as a group and as unblemished figures.

Such editing of history, gives others, like Draper, opportunities to sneak up with their "untold stories" and palm them off as "objective" and "scholarly" works. Draper, for example, took advantage of the absence of the name Louis C. Fraina (later Lewis Corey) from Communist written history. He describes him as the No. 1 personality in the building of the left wing and the CP of which he was the first "international secretary." Fraina, who died in 1955 is "discovered" by Draper as the hero who was not given proper recognition as "the founder" of the CP. When you see what Draper does with Fraina, you see the folly of "editing" personalities out of history.

Aside from Draper's approach, the very narrowing of the scope of such a volume today to the formative days of the CP, is a service to the rabid foes of the Left and to those who seek justification for the Smith Act theses. By such limitation, Draper doesn't even need to distort and manufacture to show that in those days the thinking of many Communist leaders and much of the literature answered pretty much to the description that present day enemies give of Communists. Draper quotes a leaflet telling striking railroad workers in 1920 that their only remedy is a "proletarian dictatorship"; he cites numerous passages in documents proclaiming "force and violence" as the road to political power, rejecting immediate demands as "opportunism," opposing participation in political elections, calling for destruction of the AFL and advocating new IWW-type unions, opposing a legal party and denouncing the movement for a labor party.

This nonsense and provocative romanticism, totally rejected in the 35 years that followed, is a Smith Act prosecutor's delight today. Moreover that was a period when the various tendencies of American radicalism flowed into the new movement and each saw the new party in its own image. Some of them never did become Marxist. Large numbers were encouraged by the Russian Revolution to believe a "world revolution" was imminent. These groups had hardly a chance to discuss their different approaches when the Palmer raids struck. Then followed three years of undergroundism with splits and splits within splits, intrigues, factionalism and the operation of government agents within such a favorable framework. Draper obtained his lurid details from many early leaders of the CP who later became its enemies, and from government hearings and reports. He tells his story with hardly a reference to the historic and objective conditions of the time.

The effect of this type of book, standing by itself without an account of the Communists' contributions to the country—some very glorious ones—in the nearly two generations that followed, is to give a reader a badly distorted picture of the Communists.

Draper, nevertheless, renders some service. He refutes the widespread claim that the Communists did not have their roots in American tradition.

He traces the roots to America's populist, socialist and syndicalist traditions. He gives biographical sketches of many of the founders to show that their American ancestry runs back many generations, and that their Left activity began many years before the Russian Revolution. He even observes that the Communists are proud of the populist heritage and that William Z. Foster's history "criticizes the old socialist party and labor movements for their failure to support the Populists, implying the Communists would have done otherwise."

Draper really gives a great deal of documentation to prove the CP had its roots in American history and he even takes some delight in pointing out that Lenin was poorly informed of the developments and personalities in the American Left until quite a late stage in the Party's formative days.

Draper does more. He shows through much documentation that the "infantile disorders" and the extreme blood-and-thunder Leftism during those formative days was not injected into the country by Russians but stemmed from America's own peculiar brands of Left socialism, radicalism, and anarcho-syndicalism (IWW). He gives precisely this explanation for the early Leftist rejection of political election activity, refusal to work in the main stream of labor, emphasis on provocative methods and sabotage, the concept of an IWW-type "industrial society," rejection of immediate demands and a dogmatic (De Leonite) concept of Marxism.

"Thus it was possible," he says, "for the American Left wing to see the Bolshevik revolution in its own image. . . . When Harrison George joyfully embraced Bolshevism he did so under the misapprehension that the 'lesson of the Bolsheviki and the road to power of the IWW' were virtually one and the same thing, but the discovery of this error did not prevent him from becoming a Communist."

How then does Draper come to his "foreign agent" thesis? It is when he relates how the Communist International entered the American scene more directly around 1921, with a vigorous effort to influence and direct the American Communists along a different path. He tells us of meetings of American commissions of the Comintern and even the arrival of Comintern representatives to America. And as Draper recounts the development of this relationship he stresses there wasn't anything strange about it at the time—that the idea of international affiliation was accepted as normal and American C.P. application cards even carried the provision that the applicant was joining a branch of the Comintern. The stamp of illegality on such international relations came many years later. Indeed, something very interesting develops from Draper's material and the notes and references he cites.

He tells us, and quite truthfully in large measure, of the prolonged period of sharp struggle over program and action between the Comintern and leaders of the various factions of U.S. Communism who vied for its endorsement, but resisted its leadership. Draper shows that the Comintern insisted on a popular program that would appeal to the American workers and for "Americanization" of the Communist movement here. Draper says the Comintern did so for tactical reasons to obtain a base in the country. But whatever the reason, here are some of the Comintern demands that were opposed by most leaders of that day: unification of all

groups into one party, on the basis of formation of a legal party with a program that would appeal to the workers and farmers and for elimination from it of "proletarian dictatorship" and "force and violence" ideas; support of the then rising movement for a labor party; work within the main stream of the trade union movement and abandonment of the IWW dual union concept; struggle for immediate demands and reforms; participation in election campaigns with communist candidates; development of a program for the rights of the Negro people; establishment of a daily paper and a popular type of propaganda that would have to go with it.

The picture that unfolds is, indeed, ironic, to Americans long educated along J. Edgar Hoover lines. For several years it was the "evil" influence from abroad that was brought to bear on Americans—some of them with ancestors dating to the earliest settlers—to "Americanize" them and knock out of their heads the fantastic Leftist notions that to this day still provide ammunition for the Smith Act prosecutors. Of course, as is clear even from Draper's book, it wasn't all Comintern vs. Americans. Charles Ruthenberg, and later a group headed by Foster, J. Louis Engdahl, and others advocated a legal mass party.

As the reader examines Draper's detailed notes on the men who made up the top bodies of Communism in those early days, he is bound to be struck by the sizable number who disappeared from Communist ranks soon after those formative days, or who some years later became professional anti-Communist ideologists, informers or advisers to witch-hunters. The very men who contributed most of that blood-and-thunder bombast and provocative Leftism in the programs and "manifestoes" of that period, and who were most distinguished for the nonsense that is still held against the Communists today, have crawled off to the various vantage points from which they have been shouting "force and violence," "foreign agent" and similar slanders at the Communists.

Other extreme Leftists who were prominent in the early top leadership of the Communists, like Alexander Stoklitsky, Nicolai Hourvitch and others of Russian origin, went to the Soviet Union at a very early stage and stayed there. Still others cured themselves of their infantile disorders and developed along constructive Marxist lines.

But most ironical is the fact that Draper's No. 1 founder of the CP, the late Louis Fraina, the man who wrote the party's first convention manifesto, who contributed most heavily to the literature of the early Left, was also *most* responsible for the extreme Leftism of that period and for the insistence that a Communist program must call for "violent overthrow" and for a "proletarian dictatorship." It was Fraina who was the first to desert the ranks of Communism and go over to the very same rightwing Social-Democrats who had denounced him as an agent provocateur because of his extremely inciting language. In 1919-21, Fraina ate reform socialists for breakfast, lunch and supper.

The same holds for numerous others who were the top leaders, like Ben Gitlow, Jay Lovestone, Bertram Wolfe, Joseph Kornfeder Zack, Dennis Batt and Harry M. Wicks, whose records are given in part in Draper's book. Many of these are still in the service of the prosecutors and witch hunters, helping

to finger some of the very pages and passages they themselves contributed or inspired.

That's the fantastic element in the picture that stands out, especially today as we see the application of a wide pattern of "foreign agent" and "force and violence" laws that are based primarily on the formative period Draper covers. Unfortunately the Marxists have themselves been slow to recognize this fact, and expose it to the public. Draper, of course, doesn't draw that conclusion, but it stands out as clearly as the type in his book.

As we said above, one reason the formative period of the CP is brushed off or skimpily treated by what little history has been written by Communists, is an understandable reluctance to show association with much that happened in that period and the revulsion towards many of these treacherous ex-leaders. But evasion of that period, or omission of reference to persons who had an important role (good or bad) only leaves unchallenged the histories written by enemies of the working class. I see no harm in mentioning even the positive contributions of a person in the years gone by and at the same time putting the brandmark of traitor upon him as of the moment he earned it.

Finally, there is the question of the independent, specifically American, and peaceful road to socialism we are discussing so much these days. We have seen as even Draper concedes, that it is the Comintern which strongly influenced the first steps of American Communists for an independent and distinctly American and realistic path. In the years that followed, however, with the growing authority of the Comintern and the USSR, the relationship was increasingly marked by conformism and lesser independence.

In the current period, American Communists are renewing their efforts to bring their social conceptions closer to the realities of their country's real situation and development; they are doing this, developing the American path to socialism, on the basis of their own initiative and on the basis of the country's needs, dropping the dogma and practices that grew out of the Comintern days. They don't need, and have not needed for a long time, the extra handicaps left behind by deserters; they ought to throw this baggage back to those who were responsible for bringing it into the Communist movement in the first place.

GEORGE MORRIS

Three Decades of Poems

NEW AND SELECTED POEMS by Kenneth Fearing. Indiana University Press. $3.95.

FEARING has made a beautiful art out of revealing the top-drawer secrets of the Executive Age. He is saying things that may be more deadly to the illusions of the Power Elite than some people are jailed for. For example:

> "1-2-3 was the number he played
> but today the number came 3-2-1;
>
> Bought his Carbide at 30 and it
> went to 29; had the favorite at
> Bowie but the track was slow. . . .
>
> And wow he died as wow he lived,
> Going whop to the office and
> blooie home to sleep and biff got
> married and bam had children and
> oof got fired,

Zowie did he live and zowie did
he die. . . .

Bong, Mr., bong, Mr., bong, Mr.,
bong.

It took thirty years to write *New and Selected Poems,* but from the very first Fearing has given us a twentieth-century outlook in a free-flowing paragraph form he invented. In both what he says and how he says it there is a consistency in him which runs from his earliest to his latest lines.

Mayakovsky once observed that one of the minimum requirements for a poet is a way of handling words that is peculiarly his own. Fearing passes this minimum test easily. You would never confuse a Fearing poem with any other product.

Fearing has also written seven novels. (Perhaps it takes a good prose writer nowadays to produce good poems.) He is able to put into his verse the quintessence that's left after the prose has been extracted. He gives us closeups: "blazing with lights, with electric signs, where giants walk and mermaids swim . . . insane but true. . . ."

It is big city poetry of big city nightmares, and of big city dreams (not all rubbed out). He is the poet of our checkbook yearnings, our pinball hopes; and he gives us all that "plus 5 per cent of this . . . God's public relations . . . with a tall cold drink of rye in the hand. . . ."

I wonder whether "these poems were written in a variety of moods." It seems to me Fearing's poems are all written on a typewriter at 3 o'clock in the morning when he really has had a hot tip from the 59th story of the Empire State where the nightmares are slugging it out with gamma rays.

The punch varies but from first to last they carry the same swing. Fearing may for the most part still be advancing on the propulsion he got in the early '30's. Then he was one of the *avant garde* poets who published in *New Masses* and other radical magazines—one of the many poets of that day influenced by the so-called proletarian or Marxist currents. Today Fearing's poems are like a machine-diamond that still cuts out an accurate slice of life in the USA.

To start his book Fearing in a thirteen-page preface turns a remorseless flashlight in prose on what the Investigation and The Man Who Owns One have conjured out of the ability of men and women to talk with each other via electronics.

They are murdering the word, Fearing says. But it is murder in a mirror, where it is the poet who persists and they who become the fungoid lilies on the bank's other side.

And here—not because it is the best, but rather because it gives you the most Fearing in the least space, we will let the author sign himself off (with that compassion which his hard-boiled otherness admits—well—hardly ever):

X Minus X

Even when your friend, the radio, is
still; even when her dream, the mag-
azine, is finished; even when his life,
the ticker, is silent; even when their
destiny, the boulevard, is bare;
And after that paradise, the dance-hall,
is closed;
after that theater, the clinic is dark.

Still there will be your desire, and hers,
and his hopes and theirs,
Your laughter, their laughter,

Your curse and his curse, her reward
and their reward,
their dismay and his dismay and her
dismay and yours—

Even when your enemy, the collector, is
dead; even when your counsellor, the
salesman, is sleeping; even when your
sweetheart, the movie queen, has
spoken; even when your friend, the
magnate, is gone.

WALTER LOWENFELS

Mankind's Culture

BACK OF HISTORY, by William Howells. Doubleday. $5.00. Liberty Book Club. $2.75.

BACK OF HISTORY, by William Howells, is a good and readable introduction to anthropology, combining as it does a popular style with a scholarly presentation of material. Traditionally, anthropology is divided into four fields: Physical Anthropology, or the study of man's evolution and differentiation; Archaeology, the study of man's ancient history as revealed through remains buried in the earth; Linguistics, the study of unwritten languages; and Social Anthropology, the study of the world's myriad societies and cultures. The usual introductory anthropology book takes up these fields consecutively, discussing in turn their content, method, and conclusions. Howells, on the other hand, has combined them most successfully, by unfolding the story of mankind's development from a higher primate, as he acquires culture and speech, and progresses from the simple hunter of the "Ice Age" to the "civilized" city-dweller of the Ancient East. Howells shows how our assumptions about man's total history are arrived at both through the analysis of archaeological remains and the study of those technologically simpler ways of life which to some extent still exist in the modern world.

Howells, who is a Professor of Anthropology at the University of Wisconsin, is primarily a physical anthropologist. Therefore it is all the more to his credit, that he does not divorce the physical evolution of man from his evolution as a "culture-bearing animal," who begins to shape his own environment, rather than merely adapting to it. The reader who is familiar with Engels' essay, "The Part Played by Labor in the Transition from Ape to Man," will be particularly interested in Howells' handling of the problems which remain to be solved in order to understand better how man became man.

After describing the characteristics of hunting peoples which have persisted in the world's out of the way areas, such as the Eskimo of the Arctic and the Bushman of the South African Kalahari Desert, Howells turns to the invention of agriculture some 8000 years ago. He discusses the revolutionary significance of this development, "the greatest single change in human history right up to the present," "a breaking of one of nature's bonds, the freeing of man from the limits of the natural supply of food." Large groups, producing their own food, could cluster together, and culture could grow more complex. Howells describes the spread of agriculture throughout most of the world, and the various kinds of societies, which, until recently, represented a simple agricultural type of economy. In connection with this, he attempts to deal with the spread of the

modern types of man—an attempt which, as we shall discuss below, and as he is well aware, flounders hopelessly on a multitude of problems.

The book then leads us to the New World, where the independent development of complex societies based on agriculture, like the Maya, the Inca, and Aztec, parallels in many ways that of the Old World. The final part of Howells' story is the growth of "high" civilization in the rich river valleys of the Nile and the Tigris-Euphrates. The reader who wants a fuller picture of this last chapter in man's early history should turn to V. Gordon Childe's *Man Makes Himself*, and *What Happened in History*, which have recently appeared in paper-back editions, to the studies of the Ancient World which can be found in the Penguin series, and, along with these, to Engels' analysis in the closing section of his *Origin of the Family, Private Property and the State.*

Howells' theoretical interpretation of his material represents the best in contemporary American anthropology. The points at which his inferences or analyses do not come up to what is expected and needed in relation to today's critical problems are the same points at which American anthropologists in general—and it is hard to find exceptions—balk at facing facts and calling a spade a spade. The reason is not hard to find; we are all too well aware of the subtle process by which we both consciously and unconsciously steer away from or gloss over touchy questions that can jeopardize our livelihoods (nor, as should have been driven home by now, does supposed dedication to a Marxist point of view make one immune!). I could mention any number of points to illustrate what I mean, for Howells' work raises as many questions as anthropology itself. However, since Howells is a physical anthropologist, I shall take the problem of race. What is the basis for the present "racial" classification of man, as he outlines it, and, closely related to this, what has the role of the so-called "whites" and "Negroes" been in man's cultural history?

Like most physical anthropologists, Howells starts from the assumption that there are three inherently separable, i.e. at one time relatively isolated groups of mankind, white, Negro, and Mongoloid, that evolved a series of distinctive characteristics, and later migrated and interbred, forming mixed groups between and around pure groups. The "pure" types are seen as the European, pale-skinned, thin-lipped and nosed, and sometimes blonde and blue-eyed; the West African, dark-skinned, full-lipped, broad nosed, with very curly black hair and dark eyes; and the Eskimo, with dark straight hair, sparse beard, dark eyes with a fold of skin over the inner corner, and a non-prominent nose. The rest of the world's people represent either migrations, mixtures, or a series of problems. The narrow-nosed, thin-lipped dark-skinned people of East Africa are accounted for by "white" mixture. The curly headed Ainu of north Japan are ancient whites. The Australians are a problem; do they "go with the Whites," or "go with the Negroids?" as Howells puts it. There are groups of nomadic hunters in the Malay peninsula and Sumatra which "are something like the Whites, but smaller and darker, and also something like the natives of Australia, but not so primitive in head and face form. They are possibly another suggestion of a deeply submerged White strain, ancient in Eastern Asia," a strain which is missing among the dark Melanesians, but turns

up in the lighter Polynesians, who "are light brown, seemingly part White, part Mongoloid." Since all very dark skinned peoples had one independent origin, Negroes presumably developed in India, and migrated east to Melanesia and west to Africa. And so on and on.

The reader must take my word for it that Howells is here dealing with his material more reasonably and sensibly than many physical anthropologists; at least he is frankly dubious about many of the hypotheses he states. As I see it, he is caught in a morass of non-scientific thinking which is the heritage of economic and political issues. The assumption that there are fundamentally independent or separable categories of human beings, whose limits, though blurred, once existed, has a kind of sociological meaning; but as a physiological fact, it remains to be demonstrated. Australia is a notable exception, since it was isolated from the rest of the world for a long period; interestingly enough it is the aboriginal Australian who is stated as hard to place with either white or Negro. With regard to Europe and Africa during the Pleistocene, all archaeological evidence points to a continuity of cultures throughout the area, and to trade and contact. (The Sahara was not a desert, and there were land bridges across the Mediterranean at Gibraltar and Sicily). This does not mean that local bands or tribes did not tend to marry within a somewhat limited range, and that local types did not develop; obviously they did. But it means there never was a line—even a fuzzy one—between a "basically white" and "basically Negro" type. Rather *there always were as there still are, many overlapping types in a continuous series.* As one goes toward West Africa, people with dark skins have fuller lips, and broader noses; or as one goes northeast, they have, first, thinner lips and narrower noses, and later lighter skins. This happens until one gets to Europe proper, after which skins continue to get lighter, while lips and noses stay the same, or even fill out again a bit!

What about these medium to dark-skinned people, with thin lips and often very high narrow noses? Are they Negro or white? Howells' answer adds up to that usually given (though not in so many words). Where they are clearly associated with high civilizations, and not *too* dark, they are called "white"; where they are associated with high civilization, and as dark as West Africans, they are called Negro with "white" mixture. "Pure" Negroes, with full lips have their "proper area" in West Africa. Thus "whites" or part whites were responsible for agriculture, and for the early high civilization, and this, as we have all heard only too often, somehow reflects favorably on the blondes of north Europe, although until the Industrial Revolution they were the receivers of culture from more heavily pigmented people. Howells, of course, does not come to this conclusion, and he would, I am sure, be the first to dispute it. Unfortunately, however, it is the unavoidable outcome of his basic assumptions.

Actually, these intermediate people are what they are, groups in between people called "white" and people called "Negro," somewhat like both, and with characteristics of their own. As a result of historical and geographical factors they were responsible for the early great civilizations. The only lines that can be drawn in this area are not physiological, but cultural, social, and

historical. Socially and politically significant boundaries were set up during the period of European colonial expansion, and the final capstone was set in place when a group of northwest Europeans enslaved a group of West Africans on a new continent. Since then, our scientists have grown up in a world with European "whites" set apart from West African "Negroes," with a clearly intermediate mixed type resulting from intermarriage, and they have unconsciously set this up as the model for the racial history of man. Contemporary physical anthropologists who will have none of this are pursuing two different lines of inquiry, one the study of "populations," or actual local types, and two, laboratory study of the variability of organisms in relation to their environment. However, no one has come out clearly with a criticism of our present assumptions about physical types, and how it has been used to confound the roles of "white and Negro" peoples in man's total history.

Though I may seem to have gone into this question in some detail, considering the limits of a book review, yet a little thought will show that I have barely scratched the surface. However I hope I have been successful in my purpose, which is to whet the reader's appetite for the kinds of problems he will be led into by a critical reading of Howells' book.

LUCY HAUSER

Some Information on Labor

WHAT DO YOU KNOW ABOUT LABOR?, by James Myers and Harry W. Laidler, *John Day*. $4.75.

THIS book is by two well-known old-timers in the "labor and socialist movement," Harry W. Laidler, venerable soap-boxer for socialism, lawyer, educator, director of the League For Industrial Democracy, and former American Labor Party member in the New York City Council, and James Myers, former personnel director, and for 22 years an industrial relations secretary of the Federal Council of Churches.

The present volume, which seems to be a warmed-over version of Myers' earlier work called *Do You Know Labor?*, is obviously aimed for the general reader, and it will certainly impart a lot of information not known to the layman. In fact it will undoubtedly help him to resist the slanders of the Westbrook Peglers and more distinguished stranglers of union labor who speak at the annual banquets of the National Association of Manufacturers.

It is the sort of introductory survey that is aimed at high school students taking courses in social studies. The entire story of labor in the USA is here in 40 pages.

The authors are pro-union, of course but in a special way, favoring unions run according to the views of what is now called "labor statesmen." Unions that work with priests and ministers are also preferred, with such borers from-the Right as the Association of Catholic Trade Unionists given favored treatment. The "Reds" are of course treated with less consideration, and permitted no direct quotations in their defense.

Nor are the authors as bold as, say the Fund for the Republic, in listing among their sources, references and collateral reading recommendations an

items remotely connected with the Left. The Fund, it will be remembered, got into hot water with the professional anti-Communists when it compiled the writings and contributions of Reds to socialist theory and practice. Laidler and Myers have offended no one in this sector. They discuss strikes and union tactics, but the reader never learns that there is a great American strike leader and strike strategist named William Z. Foster, or a distinguished labor historian named Philip Foner. And Harry Bridges is an implied dupe of Moscow, his union expelled from the virtuous mainstream.

The Labor Research Association over the years has prepared a dozen *Labor Fact Books* and dozens of books on labor and unions. But perish the thought that any of these should be included in the appendix list of "agencies" that deal with "labor and economics." Instead, we find such champions of unionism as the National Industrial Conference Board, the U.S. Chamber of Commerce, the Committee for Economic Development, the YMCA, and the U.S. Department of Agriculture.

And in the Selected Bibliography there is not one book by anyone within a mile of the Left. But there are volumes on profit-sharing by some social workers, on citizenship by preachers; a book called "In Defense of Capitalism" by two professors; various Catholic dignitaries on social action; out-of-print works extolling company unions; and government pamphlets galore.

The bias of the authors in discussing events in the field of international labor relations is similar to that displayed on other subjects. For example, they discuss the World Federation of Trade Unions only as George Meany and David Dubinsky would like to have it written. The Reds, of course, betrayed the free men of the West by differing with the State Department and the Pentagon; so the free men left and set up their own International Confederation, all very principled and noble. Again, one would have to consult the *Labor Fact Books* concerning this period to learn that the WFTU survived this blow and still exists with a membership larger than that of the free worlders' new International.

So the book makes not very satisfactory reading for those who have participated in unions and labor struggles and know something of what actually went on. But the volume, as the authors imply, was not written for such. We still think it has something to offer the average high school pupil.

ROBERT DUNN

LETTERS

Editors, *Mainstream*:

Ralph Doyster's dismissal, in lieu of a review, of my recently published book, *Ivan P. Pavlov: Toward a Scientific Psychology and Psychiatry,* continues a long-established psychological tradition in our country. The tradition consists on the one hand in an enthusiastic acceptance of Pavlov's conditioned reflex *method,* and on the other in an off-the-cuff dismissal of the scientific product of the method, *the science of higher nervous (psychic) activity.* The latter is a branch of cerebral physiology concerned with the functioning of the cerebral hemispheres, the specific organ of mental life.

Psychology, the study of behavior and of psychic life generally, broke away from philosophy and established itself as a separate discipline at a time when cerebral physiology was in no position to furnish the young science with the facts and laws of the operation of that part of the brain which is the organ of mental life. This inevitably resulted in a dualistic approach to mind: while lip-service was paid to the dependence of mental activity on the functioning of the cerebral hemispheres, psychologists in most cases proceeded on a purely mental plane, as though the brain in fact had nothing to do with the subject.

The outcome of this situation has been, and still is, that there are almost as many "schools" of psychology and psychotherapy as there are writers and practitioners. There is little common ground and precious little in the way of generally accepted facts and laws of mental life. It was Pavlov's contention that such will continue to be the case so long as psychology does not base itself on experimentally derived knowledge of the functioning of the material organ of mental activity.

At least the beginnings of such knowledge are to be found in the science of higher nervous (psychic) activity. This science has been in existence now for half a century. From the very beginning, however, American experimental psychology, in the first place behaviorism, has ignored and dismissed it, with the exception of only a very few individual psychologists and psychiatrists.

In the hands of experimental psychology, the conditioned reflex was reduced to an external methodological procedure and mode of description in the practical investigation of behavior and the learning process. Pavlov's primary concern, to elucidate the functioning of the cerebral hemispheres, was entirely disregarded. Thus, as Doyster correctly points out, the conditioned reflex was not only well-known in the United States, but was early adopted and *adapted* as an experimental and descriptive method. Only in this drastically circumscribed and misleading sense can it be maintained that American psychology has already absorbed Pavlov and has no more to learn from him.

In actual fact, Pavlov's most valuable contribution, the science of the func-

ning of the organ of mental life, is le known in our country. Indeed so le known is it, that Doyster can dis- ss a book devoted to the presentation the science as having nothing in nmon with Pavlov's scientific inves- ations. The book does have very lit- to do with the "Pavlov" created by ertain trend in American psychology. There is involved, however, an addi- nal factor. The science of higher rvous (psychic) activity is a highly- rged subject. The idealist doctrine the dualism of mind and brain is a ply entrenched attitude on the part scientists and people generally, and psychologists and psychotherapists in ticular. It is one thing to hold the hly abstract doctrine that the brain the organ of mental life, and quite ther to accept the concrete and de- ed proof of this essential materialist nciple. Even avowed and otherwise nch materialists, the world over, e balked at precisely this point. Purely mental psychology and psycho- rapy are, in a profound sense, the great *theoretical* strongholds of du- tic idealism, a form of *human ex- tionalism* to the universal determin- of the material world.

The science of the conditioned reflex ychic) activity of the cerebral hemi- eres treads on a multitude of in- idual and collective toes. The osition to it is not only exceptionally ng, but often is emotionally rged, irrational, angry and vitriolic. any event, dismissal without inves- tion is the most common end-result. vas hoped that the book on Pavlov ld at the very least allow for re- ion based on careful evaluation.

Pavlov, himself, remarked on this oo-characteristic negative reaction, no means limited to our country: ". . . We must understand that the conditioned reflexes occupy an exceptional place in the world of physiology because there is a dislike for them on the part of many who have a dualistic world outlook. This is quite obvious. The conditioned reflexes force their way to the forefront. They wage a continuous fight against this dualism which, of course, does not surrender."

HARRY K. WELLS

Editors, *Mainstream*:

A little more than three years ago a memorable Negro figure passed away. I should like here to pay tribute to Owen Middleton. He was a remarkably talented Communist, artist and Negro proletarian figure. He was sixty four years of age at his death. But fifty of his years can be commemorated because they were spent in conscientious, honorable and happy struggle for life. He is also revered as an ardent patriot of proletarian struggle and because he thoroughly understood this struggle in relation to the freedom of his people.

Owen Middleton was a kindly and modest man who loved young people and they loved him. In thought and deeds he was known to all strata of the population, Negro and white, in the Bedford-Stuyvesant community of Brooklyn in particular but also to wider circles of American progressive life. At his death he was a candidate for the Assembly in Bedford-Stuyvesant on the American Labor Party ticket. He was a close friend of the late Peter V. Cacchione. He is best known and most highly appreciated for his sterling character by his closest helpmate and comrade, his wife Mary. I value him

as one of my best and dearest friends.

Owen Middleton was a versatile and talented man. He left South Carolina as a child with his parents and settled in Cleveland, Ohio, and already at an early age began to display artistic talents. He was educated in the primary and high schools at Cleveland and also at the Institute. By the time he was twenty one years of age he was graduated from the Chicago Art Institute and became a quick sketch artist on the Chicago Tribune, and was perhaps the first Negro to be employed on the repertorial staff of a metropolitan newspaper, and covered and illustrated a wide range of news stories.

He gained renown and was assigned to cover a national convention of the IWW in Chicago. There he met Elizabeth Gurley Flynn and came away from the convention with membership in the IWW. He later met William Z. Foster and knew him as the leader of historic labor struggles in the 1920s.

Owen Middleton was a finished cabinet maker and became the head designer at a furniture factory in Michigan. He also worked at many trades throughout the country. In later years he was once again at his trade as an artist and magazine illustrator in New York City. He was an honored and respected leader of the Society of Artists and Professionals.

A pioneer and advanced Negro proletarian, Owen Middleton was an active worker in the labor movement for over forty years, beginning with his membership in the IWW, or the Wobblies as he affectionately called them, and emerging in later years as a fighter in the ranks of the Communist Party. But unfortunately too little is known of his pioneering role as a Negro proletarian leader. This is due to his modesty. But most of all, it is due to the his torical lag of appreciation of the rol of Negro proletarians among labor an progressive circles. Owen Middleto was convicted as a "war objector" a the beginning of the first World Wa and sentenced to four years' imprison ment in Leavenworth Federal Peniten tiary with Bill Haywood and othe Wobblies. There he became a clos friend of Clarence Darrow, the note labor attorney and defender of th Wobblies.

Owen Middleton was an officer o the National Committee To Defen Negro Leadership. He himself was pioneer Negro victim of ruling clas persecution now known as Smith Ac persecution. He often spoke strongl against the policies and methods o struggle against the Smith Act, and e pecially of Negro victims. He often sai that "the Negro people and their strug gles was the key to open jail doors, and felt that progressives failed in thei understanding of this. He considere the Negro people and their struggl for civil rights a main point of attac against McCarthyism and Smith A terrorism.

Owen Middleton was a fountain hea of knowledge of American labor hi tory and struggles. He was a guest le turer at classes on the History of th Communist Party which I taught at th Jefferson School, and the stories he tol the students of the class struggle cove ing the period of the IWW were r markable etchings of labor history the USA.

Just before he died he told me sordid story of ruling class "justice which he seldom told to anyone exce his closest friends. In 1935, he w pardoned from a life sentence in Sin Sing prison. It was a strange but n

ıusual episode in the life of Negroes. : had been sentenced to life in prison ıder the "three convictions" law of ew York state.

His first conviction was when he ıs a juvenile. He was caught in a enile escapade with a group of white uths and sentenced to two years in Boys Reformatory at Cleveland where was beaten and otherwise horribly streated. The white youths went free. He was convicted of another offense New York after he had become a own man. He struck a white landlord ıo had assaulted him. When the urt examined his record and found ıt he had served four years in avenworth as a "war objector," he s given a vengeful life imprisonment ıtence because he was a Negro and o because he was a class war fighter.

At Sing Sing, Owen Middleton was igned as an assistant to the prison ysician. Owen had already had uired by self-study expert knowledge the anatomy of the human body and ne knowledge of medicine. He began make drawings of surgical operations formed by the prison surgeon. His wings became models for practical dy of the human body and gained le recognition among medical circles. en and the physician became close nds. On resigning his post as prison sician a recommendation was made Owen's pardon, not only for his wledge and artistic talents but also ause of his character as a man.

During the course of his life, Owen ldleton had also traveled throughout world as a seaman. Once he landed seaport in Turkey and became as- ated with Turkish workers. But he me stranded and was without ney for food. On a principal thor- nfare of this seaport City, he asked a British official for a few pennies for food, whereupon he was knocked, kicked and called a black N . . . bastard. Owen rose and beat up the official who however had him released. On learning of Owen's talents as an artist, he was employed to draw maps of the surrounding area which were filed away for British military use. When he earned enough money, he returned to America with deep hatred of British racism.

This in brief was the life of a remarkable man who, at his death, was a Communist and a fighter for peace.

JAMES W. FORD

Editors, *Mainstream*:

I have read the article by Edward Kardelj printed in your Dec., 1956 and Jan., 1957 issues with profound interest and the most careful attention. If it does nothing else it should provoke (as apparently it has already done in *Pravda* and *Borba*) the sharpest sort of debate and polemic on the question of the road to socialism.

It seems to me that while many of the organizational ideas put forward by Kardelj and apparently already being tested in life in the Yugoslav state are provocative, they fall short of being sound economics. There can be no doubt that the attempt in that country to try to involve every individual in the life of the nation, in the production processes, in the social and material welfare of the people has many features that are objectively good. By such participation the basic democratic processes are advanced, bureaucracy is substantially eliminated, methods of government are widely disseminated, mass participation encourages firmer

support for socialism and trains new cadres.

But the entire fabric of this concept runs into contradictions with the basic requirements of a sound economic base. It is very doubtful whether this methodology and practice will, in a backward state like Yugoslavia, bring about the "withering away of the state" under the existing national and international conditions. The adamant position of the Yugoslav leadership in its anti-Stalin campaign and its fight against the cult of the individual is better understood however by a scanning of Kardelj's articles. However, it seems that even within this certain contradictions are present: (a) there is little freedom of discussion when erstwhile leaders can be arrested and tried and imprisoned for disagreement; (b) the cult of the individual around Tito could hardly be more paramount.

To return to the economic contradiction. All economic systems starting from scratch have to accumulate the means of production. They do this quickly or slowly according to the circumstances under which they find themselves. The British in an advantageous position in the 18th century made haste slowly but in comparative terms with sufficient speed to give them three centuries of world economic domination.

The United States did so somewhat faster because of the lack of barriers to internal expansion and the need to meet the needs of a rapidly expanding economy at a time when production processes were expanding. In the United States the capitalist accumulation succeeded in reaching the "hump" of accumulation by the turn of the 20th century. The hump in this instance being that point of the accumulation of the means of production which permits an economic system within a nation to continue its growth while rapidly expanding the means of consumption for its people without undue strain on the entire economy. I am not at this point concerned with the rate of exploitation under any economic system nor with the capitalist contradiction.

Under socialist conditions the USSR reached the same hump of accumulation about 1933. From that point on historically it is possible to say, and life has proved it, that socialism in the USSR was indestructible, that it was possible to improve the standard of living of people by degrees without wrecking the total socialist economy. This was a phenomenal achievement and was reached despite errors by the leadership and many interferences.

At the present time the other great nations are striving under varying social systems to reach this hump, i.e., China, India, Indonesia, etc. This is so also of all the nations who are attempting to find a road to socialism, including Yugoslavia.

But life has to be observed and analyzed objectively. It is one thing for a small British nation under special conditions to reach this stage of development or for a France (never quite able to make it) or for the USSR or USA or even China, India and Indonesia. For all these nations had certain raw material advantages at their fingertips. It is not so with the smaller nations. Some, like Czechoslovakia, can do it but they are substantially dependent upon outside sources for raw materials. But others, Yugoslavia included, do not have that advantage of the great nations. There the problem of trying to achieve socialism by such a wide dissemination of democracy without reaching the "hump" of accumulation can

have only one effect—it will slow down their development and translate into decades what might be achieved in years.

It seems to me that for the United States the proposals put forward by Kardelj do, however, have much validity. For Yugoslavia, East Germany and Poland (where discussion is going on about putting such a method into practice as is in use in Yugoslavia), for other small nations who cannot rely upon their own resources for raw materials, techniques and accumulation a serious contradiction arises. The question has to be asked: How can such a nation follow this fine principle of the widest dissemination of democracy on all levels and at the same time assure, without a highly centralized control, the proper national accumulation of the means of production to enable the country to adequately supply the needs of the people in the future?

It would appear that a compromise must be reached in such a situation which will allow for the most rapid accumulation of the means of production on one hand with the maximum growth of democracy on all levels on the other. At present it seems to me that the emphasis is being placed on the latter at the expense of the former factor. This could lead to devastating economic problems in the future not to speak of the political, social and diplomatic problems which could flow from it. Actually it seems that some of these have already raised their ugly heads.

ALLAN D. MACNEIL

WHAT A PLACE

for an appeal! But we wanted you to read one more issue before judging whether we have kept our promise of last May.

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