

will be helpful to both the novices as well as the initiates. The discussion of limitation of liability is also well conceived. It gives an interesting historical background on the development of the law—how, from the high point of its application by the courts about the turn of the last century, it has been reduced in importance as a result of the shipping business being more and more conducted by corporations with limited liability. But it combines this historical analysis with a practical present-day point of view, and helps one to ascertain the state of the law as of the date of publication.

The chapter on charter parties is, however, in the opinion of this writer who practices law in the inland waters, too sketchy on bareboat charters. These are more in use in these areas than elsewhere, and a more detailed treatment of this type of charter party would have been welcome. However, the treatment of the voyage charter is well considered and helpful, as is the chapter on salvage.

This work points up many of the weaknesses in the field of admiralty that require remedying. It is, in many places, quite provocative of thought. For those who practice admiralty law, this book will be both entertaining and rewarding because of its fresh approach to the several subjects. In this writer's opinion, it is a must in any admiralty library. It will also stimulate the young student.

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SOVIET MARXISM: A CRITICAL ANALYSIS. By Herbert Marcuse. New York: Columbia University Press, 1958. Pp. 271. \$4.50.

To appreciate this important and suggestive volume, American readers will find it necessary to set aside some of their most cherished prejudices. For Dr. Marcuse, Professor of Politics and Philosophy at Brandeis University, rejects the smug and pervasive conviction that ideological formulations are largely irrelevant for the analysis of political and social behavior. He does not share the pseudo-sophisticated and pseudo-scientific assumptions that Soviet doctrine "merely" serves to rationalize the behavior of Soviet decision-makers, or "merely" constitutes an aggregate of symbols cleverly manipulated by unscrupulous leaders, or "merely" provides an arsenal of verbal ammunition with which power-hungry communists attack and annihilate each other. Nor does Marcuse pander to the widely-held predilection for neat operational concepts; the study presupposes a considerable knowledge of Marxism, refuses to sacrifice intellectual nuance for readability, and casually employs such phrases as "immanent critique," "law of the negation of the negation," and "hy-

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posttatization of the state." Perhaps his education in Germany endowed the author with the courage to cast such weighty intellectual rocks into the ideologically indifferent seas of American life. In any case, the "rocks" are sufficiently rich in analytical content and practical implication that heroic efforts appropriately may be employed to rescue them from drowning.

Although Marcuse appears to find a Hegelian-Marxist philosophical framework a congenial one for critical analysis, he prefers to assess the trends of Soviet Marxism in terms of an "immanent critique." As he describes the method, "it starts from the theoretical premises of Soviet Marxism, develops their ideological and sociological consequences and re-examines the premises in the light of these consequences. The critique thus employs the conceptual instruments of its object, namely, Marxism, in order to clarify the actual function of Marxism in Soviet society and its historical direction." On the basis of this approach, he assumes: (1) that the various expressions of Soviet Marxism (Leninism, Stalinism, post-Stalin ideological formulations) express "in various forms the realities of Soviet developments," and "the extreme poverty and even dishonesty of Soviet theory" do not "vitiolate the basic importance of Soviet theory"; and (2) "that identifiable objective trends and tendencies are operative in history which make up the inherent rationality of the historical process." Specifically, he seeks to identify and account for the "Political Tenets" and the "Ethical Tenets" promulgated in the name of Soviet Marxism (as distinguished from the doctrines originally enunciated by Marx and Engels in the nineteenth century).

The core of Marcuse's thesis revolves around a concept of deceptive familiarity—coexistence. "Coexistence," he argues, "is perhaps the most singular feature of the contemporary era, namely, the meeting of two antagonistic forms of industrial civilization, challenging each other in the same international arena, neither one strong enough to replace the other." In fact, he concludes, "almost every turn in the development of Soviet theory (and Soviet policy) reacts to a corresponding Western development and vice versa." In his view, the characteristic features of Soviet Marxism—the Leninist conception of imperialism (with its corollary that communists would come to power in the "weakest link" of the imperialist chain), Stalin's emphasis on the possibilities of socialism in a single country, the stress on the "strengthening" rather than the "withering away" of the state, the transformation of the dialectic into a "world outlook," the perception of the transition from socialism to communism in terms of greater productivity—reflect the fact that the Soviet Communists attempted to apply the doctrines of Marx under conditions of competition and rivalry with the West. Communists, despite the anticipation

of Marx and Engels, failed to come to power in a large number of "advanced" industrialized countries simultaneously. Soviet Communists, accordingly, have shaped their theories and policies, including programs of repression and accelerated industrialization, to conform to the fact of a divided world. Thus the distinctive elements of Soviet Marxism, according to Marcuse, are a function of coexistence. And only an expansion of production which eliminates economic scarcity or, more basically, the elimination of the split between East and West can provide a basis for significant changes in Soviet theory and practice. "The rising welfare state," Marcuse observes of the Soviet Union, "may render life more comfortable and more secure, but as long as the East-West conflict remains a determining economic and political factor, it precludes the decisive transformation, for it serves to justify—subjectively and objectively—repressive competition and competitive mobilization on a totalitarian scale." (While Marcuse, incidentally, believes that the intense concern with industrialization in an environment of conflict results in similarities of political behavior between East and West, he does not introduce massive and conclusive substantiating evidence.)

In relying so heavily on coexistence as the crucial, determining variable in shaping the contours of Soviet Marxism, Marcuse implicitly and explicitly discards and minimizes some of the most popular interpretations of our time. Hence he obviously does not regard the "Russian past" or "Russian history" as a decisive variable; he shows no sympathy for the hypothesis that Soviet Marxism simply reflects the machinations of inherently "evil men"; and he minimizes the role of competition for power among individuals and groups within a society in creating and exploiting ideological forms. Marcuse's eggs of prediction are almost entirely to be found in the basket of coexistence.

In the light of the contemporary preoccupation with problems of values, Part II of Marcuse's volume, which is devoted to analysis of "Ethical Tenets" proves somewhat disappointing. Again the author finds the source of Soviet ethics in the drive for industrialization amidst conditions of East-West conflict. But the conclusions, when not lacking in originality, appear to rest largely on the interpretations which the author imposes on limited data and fragmentary documentation. (In the context of the rather skimpy evidence incorporated in this section, the solemn reliance on a declaration by Madame Kollontai in 1921 appears to call for justification.) And while Marcuse laboriously distinguishes between alienated and non-alienated work, in order to differentiate the Soviet from the originally Marxist stress on labor as a positive value, work is so inherently a part of the Marxist ethic (Engels postulated that ultimately work would become "man's prime want") that it is difficult to unravel a specifically Soviet

ethical strand in this fabric. Perhaps three points made by the author, however, are worth summarizing: (1) since Soviet morality is in the service of industrial productivity, it combines "elements from the ethics of Calvinism and Puritanism, enlightened absolutism and liberalism, nationalism, chauvinism, and internationalism, capitalist and socialist values"; (2) Soviet ethics are instrumentalistic and ethical values are regarded as "'external' to any specific individual action or thought, the latter being instruments for attaining an ethical goal which is that of society"; (3) the preoccupation with technological values forces Soviet writers to attack such diverse exponents of "bourgeois irrationalism" as Nietzsche, Schopenhauer, existentialists and Freud. With qualifications, Marcuse offers the prediction that ideological pressure in the sphere of ethics "seems to tend in the same direction as technical-economic pressure, namely, toward the relaxation of repression."

Clearly, Marcuse's evaluation of Soviet Marxism is sufficiently provocative to invite protracted debate, and the issues do not readily lend themselves to condensed analysis. But there is much, for all serious students of Soviet society, to ponder in this volume. Few books legitimately can stake off the same claim.

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PAY THE TWO DOLLARS: OR, HOW TO STAY OUT OF COURT AND WHAT TO DO WHEN YOU GET THERE. By Alexander Rose. New York: Simon & Schuster, 1957. Pp. 225. \$3.50.

Unbelievably, this delightful book, written by a non-lawyer, is at once entertaining to the layman, invaluable to the inexperienced prospective witness, amusing to the seasoned trial lawyer, and both interesting and instructive to the law student. A genuinely witty book rather than a reprinting of hackneyed gags, it abounds with highly practical, earthy advice for layman, witness, and leaglet.¹ It is also appropriate for a lawyer's waiting room.

The curse of the author being a non-lawyer is removed when it is noted that he served for more than twenty years as a court reporter ("for courts ranging from New York Magistrates to the United

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1. Another reviewer characterized the book as informative and entertaining, "a lighthearted, do-it-yourself legal primer." *N. Y. Times*, Oct. 6, 1957, p. 28. The self-help suggested is, however, largely of the preventive law variety and limited to that appropriate for prudent laymen. Hereinafter, unless otherwise indicated, page references are to the book being reviewed.