

endants — would have had to pay fines totalling \$2,996,481,268! Facing such ruinous penalties for any violation of a vague law — however small, technical and localized — management would hardly be able to operate at all.

A third proposal is to illuminate the twilight zone of the anti-trust laws by enabling industry to get official opinions in advance (“declaratory judgments”) as to proposed agreements. The problem here is to hold this within practicable limits. One of the leading business associations has recommended a bill whereby *all agreements to eliminate unfair practices* could be submitted to the Department of Justice for approval or disapproval. If the Department approved, then it could not institute civil or criminal action under the anti-trust laws against that agreement. If it disapproved, this would mean that the Department intended to prosecute, and this justiciable controversy could then be submitted to the regular courts.

One small additional change has also been suggested, in order to lessen the encouragement to unjustified damage suits: namely, to limit the *tripling* of damages to cases where the court declares the violation to be intentional.

These proposals would give industry a fairer chance to oppose those anti-trust actions which seemed unreasonable, and this in turn would help to clarify the Sherman Act. They would also help industry to determine whether it could safely proceed with agreements designed to eliminate unfair or undesirable trade practices. This would promote fair competition among business enterprises, on the one hand, and, on the other, would restrain the Anti-Trust Division from remolding American business to its heart’s desire, a task which it is neither designated nor qualified to perform. This would be important at any time; it is doubly important now when industry must operate at top efficiency if the nation is to be adequately defended.

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## PORTRAIT OF A PHILOSOPHER

A DARK thorn-apple tree is he,  
his sharp wit gone awry,  
who with his cryptic question stabs  
an unsuspecting sky. — FRANCES FROST

► *A Bulgarian statesman and soldier who knows his Latin neighbors well writes*

## IN DEFENSE OF ITALIAN SOLDIERS

BY KOSTA TODOROV

MONTESQUIEU once remarked of the Italians: "Their imagination is so lively that they foresee danger before it exists." Never in history have they been eager soldiers; but until recently it was supposed that nineteen years of Fascist rule had changed the Italian people and "restored" to them the military virtues of ancient Rome. Greece and Libya have demonstrated that despite Mussolini, the Italians still don't enjoy war for the sake of a politician's ambitions. Besides, despite Fascist mythology, Italians have nothing in common with the Romans, who disappeared as a people centuries before the Italian race emerged from the barbarian hordes that overran Rome in the days of its decline.

The French and Germans have always been excellent and determined fighters. The Russians arrive late to the battlefield, as to their private appointments, but, although often badly led, they have been stubborn fighters. But Italians have always been brilliant

politicians and bad soldiers. Italy as such began to take shape in the Twelfth Century. When the cult of knighthood flourished, almost all the European aristocracy was of military origin. Italian aristocracy is the exception — it sprang from banking and trade and received letters of nobility from the Pope. Only a few noble families of Italy originated in *condottieri*, military chieftains, and the fighting prowess of these gentry has been much misunderstood and more overrated.

During the Renaissance, the teeming Italian city states, republics and principalities sometimes did wage war against one another. But these struggles, known as the *elegant wars*, were little more than Italian operas. In the first act, the overture was played before the walls of the besieged city and the two contending armies exchanged eloquent curses at the expense of each other's patron Madonna. In the second act, several knights on horseback, clad in invulnerable Milanese armor, staged a mock