Report from Central Europe

EUROPE UNDER THE TERROR. By John L. Spivak. New York: Simon & Schuster. 1936. $2.50.

Reviewed by
PRINCE HUBERTUS LOEWENSTEIN

MR. SPIVAK'S book is a presentation of current conditions in Italy, Germany, Poland, Austria, and Czechoslovakia. Why he groups these states together is not very clear, since Mr. Spivak only uses "terror" to describe the governments of the states mentioned, and does not take into account the pressure of external terrorism to which certain European states are subject. Thus the deplorable economic conditions Mr. Spivak purports to have observed in Czechoslovakia, are the direct result of the standing threat to that country's borders represented by the Polish and German dictatorships. For it is scarcely fitting to blame a country in the throes of defending its democratic liberties for the economic and social hardships its enforced militarization may inflict upon its citizens.

Barring this chapter, in which Mr. Spivak lumps the only democratic state of Central Europe together with the dictatorships surrounding it, Mr. Spivak has, on the whole, done a meritorious piece of work. I say meritorious, because Mr. Spivak has succeeded in compiling the newspaper reports and personal observations of greatest interest to the American reader.

No one who has not had personal experience of dictatorships can form an adequate conception of what life in a totalitarian state means, and how minutely each public measure affects the lives of individuals—no freedom of press or speech, arbitrary justice, an all-embracing spy-system, the total elimination of the individual. It was perhaps to point this the more strikingly that Mr. Spivak has chosen the medium of dialogue between proponents and opponents of fascism. Yet the wisdom of this method is bound to be open to question, because of the very danger of using the misery of millions, the death of thousands, and the imprisonment of hundreds of thousands to make a thriller. As a result many who seek unbiased information may regard even the most widely accepted basic facts of Mr. Spivak's exposé with suspicion. The book would thus indirectly serve the purposes of terroristic governments, an end Mr. Spivak would undoubtedly deplore.

Such scenes as the following abound in the book: the author, presented to a high fascist dignitary, questions him in regard to strikes in Italy.

"We have no strikes," the official tells him; "strikes are forbidden in Italy."

Whereupon the author proceeds to quote statistics of strikes, lockouts, sentences against workers, and wage cuts to the slowly paling fascist. The conversation over, the author hies him to still another fascist office, where a similar scene is enacted. Once again the fascist "pales," while the unbiased reader is at a loss whether to wonder at the courage of the interviewer (an American passport, after all, is something of a protection), or at the sloppy organization of fascism. The fact is that our reporter would never have been admitted to his second interview, as information about him would have been transmitted long before the first was over; or, had he been received, we may safely assume that the officials would have been prepared to answer all his questions.

Then, too, there is Germany. As far as statistics are concerned, Mr. Spivak's data are correct: Over 100,000 political prisoners, innumerable murders, growing misery, lower wages, the greatest political racket in history—in short a nice compendium of Nazi achievements. That there is an underground movement is likewise undeniable; only it nowise resembles Mr. Spivak's description. To begin with, a communist leader gives the interlocutor the address of a night resort in Hamburg, where communists may be observed in the manner of fabled creatures whose wild life is of interest to every student. Furthermore, to point the advanced stage of the disintegration of the Hitler regime the more unmistakably, the communist is made to enter attired in an SA uniform, accompanied by a blonde, who acts as a lookout while revolutionary matters are being discussed.

Such a scene may have a place in a film twenty years hence; it certainly has none in a current volume. Any book written at this time must present facts whose genuineness is above doubt.

More examples of the same tendency toward unwarrantable conclusions: the author concurs in the claim that the social democratic movement against Hitler is practically devoid of political significance; only the "elders" are said to belong to it, the rank and file of youth having gone over in a body to the communists. Aside from the fact that this happens to be outright Hitler propaganda—"if we go the communists will follow"—it simply isn't true. Can it be that Mr. Spivak, who purports to have such an intimate knowledge of Germany under the terror, has never heard of the political mass trials in which communists are everywhere in the minority? At the moment there are trials in progress against 628 workers in the Ruhr, almost 1000 in Westphalia, 400 in Berlin, and 300 in Dresden, in which the majority of the accused have been members of the social democratic organizations such as trade unions, social democratic sport clubs, and party youth groups. A striking feature of these trials, moreover, is the high percentage of Catholic workers and white collar men among the accused.

To consider still another aspect of the situation, how does it happen that Mr. Spivak has nothing to say about the suppression of Christianity? Have not all the Catholic and Protestant organizations, the Christian press, and confessional schools been suppressed at the same time as the communist party? Why is there no word of the mass murder of Catholic leaders on the thirtieth of June, and the subsequent arrest of Catholic and Protestant clergymen? Nor is Mr. Spivak any more specific about the heroic fight men like Cardinal Faulhaber, Bishop Count Gahlen, Pastors Niemoeller and Jacobi, and other nameless thousands are waging against Hitlerism.

The answer is self-evident: Mr. Spivak's silence serves to permit him to conclude that the Communist Party, and the Communist Party alone, suppressed, struggling, marches on, the victor of tomorrow.

The same shortcomings are also manifest in the chapter about Austria. The author discusses the murder of socialistic workers in February, 1934, but omits to mention Cardinal Archbishop Innitzer of Vienna, who did all in his power to stop the deluge of blood, and saved the lives of over 500 workers after the massacre. It is Cardinal Innitzer, and the Cardinal Archbishop of Salzburg, Primate of Germany, who today are the staunchest defenders of popular rights in Austria. To overlook this is, to say the least, careless.

After the events of February, 1934, one Catholic clergyman openly declared that "Austrian labor has saved the honor of the German nation." Mr. Spivak need not be expected to be familiar with this statement. What he should know, however, is that it reflects the opinion of a very considerable portion of the Catholic camp.

Clearly the reason no chapter about Russia is included in this book of "Europe Under the Terror" is that the author would be unwilling to designate anything occurring in that country as terroristic.

To sum up the book as a whole, the facts it presents are genuine, though the manner of presentation lays them open to attack; what it omits to say, moreover, considerably diminishes the value of the whole.

Prince Hubertus Loewenstein of Bavaria has been engaged in organized resistance to the Nazi government, especially in Austria, since his departure from Germany some years ago.

Wood Engraving

AN INTRODUCTION TO THE HISTORY OF WOODCUT, WITH A DETAILED SURVEY OF WORK DONE IN THE FIFTEENTH CENTURY. By Arthur M. Hind. Boston: Houghton Mifflin Co. 2 *vols.* $25.

THESE two quartos of very handsome English make offer pretty much everything that the special student or the collector needs to know about technical processes and the beginnings of the woodcut. Indeed the collector who adds this new work to Mr. Hind's former "History of Engraving" has the solid beginnings of a working library. The numerous vexed points concerning the early history of the woodcut are considered with patient fulness and caution. We have to do with a richly factual book, in which an author who is eminently qualified to maintain opinions on the whole modestly withholds them. For actual consultation and research it is hard to imagine a better made or more convenient manual. Every print room and print dealer must have it, while the mere student of the earliest woodcuts, if he cannot buy it, must beg, borrow, or steal it.

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Labor and the Law

ADMINISTRATIVE LABOR LEGISLATION. By John B. Andrews. New York: Harper & Brothers. 1936. $2.50.

Reviewed by CHARLTON OGBURN

HOW labor legislation in its extensive modern development necessarily utilizes the field of administrative law, a field rapidly growing in importance, is explained in this volume by Dr. Andrews, for twenty-five years secretary of the American Association for Labor Legislation.

Administrative law is the outgrowth of delegated legislation—the delegation by the legislature to boards and commissions of the rule-making authority—often tantamount to law-making power. Without this ability to delegate authority the Federal government and most State governments could not function.

The power of Congress to delegate its power to commissions, in fields other than labor, has been upheld by the Supreme Court of the United States in sustaining the authority of the Interstate Commerce Commission, the Federal Trade Commission, and the Federal Communications Commission. But when the National Industrial Recovery Act came before it, the Supreme Court in two cases dealing with different sections of the Act, the "hot oil" case and the Schechter poultry case, held that the delegation of power in the Act by Congress to the President was unconstitutional. But the Court made it clear in both cases that it was the failure of Congress to set up standards which made this delegation of power unconstitutional. Dr. Andrews lays the blame partly to the emergency nature of the N. R. A. A more carefully and adroitly prepared N. R. A., setting up standards to guide the President, might well have been upheld by the Supreme Court, if we read the Schechter decision correctly.

The main topic of this book, however, is limited to a consideration of the delegation of rule-making power by the legislatures of thirty States to their labor departments. The most notable example of administrative labor legislation, the National Labor Relations Act, adopted July 5, 1935, is not even mentioned in this book—a strange oversight. Nor is the National Labor Relations Board, the most important labor administrative body in America, referred to. "Administrative Labor Legislation" also omits all reference to the Federal Railway Labor Act, 1926, one of the most important examples of the delegation of legislative power in labor matters, sustained by the Supreme Court in a unanimous opinion in 1930. The only permanent Federal administrative bodies named by the author, authorized to exercise rule-making functions in the labor field, are the Interstate Commerce Commission and the Steamboat Inspection Service, created to protect the public rather than employees.

The first broad delegation of administrative labor legislation was the Wisconsin Industrial Commission Act of 1911, drafted by Professor John R. Commons of the University of Wisconsin. Most of the development of administrative labor relations is in the field of industrial safety and hygiene. Dr. Andrews itemizes and to some extent analyzes the codes, rules, and orders which have been issued by the State labor departments of thirty States. Some States have gone beyond mere questions of safety and hygiene. By 1935 there were sixteen States with minimum wage laws for women. (The constitutionality of these minimum wage laws will have to be passed on by the Supreme Court of the United States, and that court has recently consented to hear the appeal from the decision of the Court of Appeals of New York, rendered since the publication of this book, holding unconstitutional the New York Minimum Wage Law for Women.) Seven States have women's and children's laws in which the power to regulate hours is granted to a commission.

Dr. Andrews comes to the conclusion, and it seems to me correctly, that the validity of properly drafted administrative labor legislation is today almost beyond question.

Charlton Ogburn is General Counsel to the American Federation of Labor.

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