

to say that "Weber, Freud, Durkheim, and Croce succumbed to a psychological malaise" because they acknowledged "irrational forces underlying even the most rational behaviour and institutions?" And there are errors of fact. The "Economic Circle" did not lead to "the founding of the Fabian Society" though it had some influence on Fabianism. Moreover, Ms. Soffer's treatment of social thought is, like so much of her subject matter, rather insular. The absence of any reference to Parson's classic study, in which Marshall is treated along with Pareto, Durkheim and Weber, is indicative. So too is the absence of any reference to Marx. Indeed, from a broader framework one might question the usefulness of her distinction between "revolutionaries" and "revisionists." Marshall, James, and Wallas after all remained firmly wedded to the essentially individualistic commitments of their liberal predecessors. McDougall and Trotter, in contrast, made the fundamental methodological shift which Durkheim had made earlier—to the "social fact" or society as a reality *sui generis* as the main object of investigation. From a European perspective who, then, were the revolutionaries in England?

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GEOFFREY WILLIAMS. *The Permanent Alliance: The European-American Partnership, 1945-1984*. Pp. xii, 407. Leyden: Sijthoff, 1977. \$37.00.

This extended essay about relationships between the United States and Western Europe in the period since World War II concentrates primarily on security and military strategy issues, and especially on the problem of security of Western Europe vis-à-vis the Soviet Union. The North Atlantic Treaty figures prominently in the analysis. Although the broad outline of the book follows a chronological sequence, it is not a history and within chapters events are treated topically rather than chronologically. At least half of the book deals

with the 1960s. Great attention is given to the disagreements, controversies, and conflicts among the NATO members. The final chapter of the book calls for a new institutional relationship between the United States and the members of the European Economic Community, and it expresses the hope that Japan could be brought into this arrangement. The author adjures that the "super-super power" thus created could "ensure peace for a generation or more" (p. 365).

Unfortunately the prescription for the new institutional relationship between the United States and Western Europe is not very detailed. It is asserted that Europe must be an equal partner to the United States, and that European leadership is vitally needed. Both points are persuasive, but the real issues concern the details of implementing these suggestions, not the broad goals. The real issues involve bringing several key European polities together for the pursuit of coordinated or joint policies. One cannot recommend how to do this without examining issues that have traditionally been considered domestic rather than international.

There is little analysis of such issues in this book, and what analysis there is is confined largely to the United States and the United Kingdom. There is even little analysis of such matters as the successes and failures of the Eurogroup within NATO, and of the difficulties that have arisen in connection with the coordinated or joint production of armaments for NATO forces. A detailed analysis of these matters might have resulted in a better understanding of the difficulties that stand in the way of crafting a new relationship between Western Europe and the United States, and offered new insights concerning ways in which these difficulties might be overcome.

The book is more an account of major controversies than a detailed study of any particular aspect of the Atlantic partnership. These controversies are presented clearly and fairly, although the author's disdain for certain positions taken by various British and French of-

ficials is evident. It is regrettable and annoying that the account is marred by several minor inaccuracies and errors.

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HOWARD BALL. *Judicial Craftsmanship or Fiat? Direct Overturn by the United States Supreme Court*. Pp. xiv, 160. Westport, CT: Greenwood Press, 1978. \$18.95.

In 1959 Herbert Wechsler rekindled the long-standing debate regarding the need for principled decisions in constitutional interpretation. To Wechsler—and to many others before, such as James Bradley Thayer in the nineteenth century—the limits of the judicial function are prescribed by the logic and language of law itself. For judges to go beyond such externally imposed limits leads to an adulteration of the judicial process. But can the outcomes of difficult constitutional cases rest solely upon the logic, consistency, and general principles of law? Of course not. To try to understand—and then to cast into intelligible language—the nature of the judicial function has been the mission of many. Few have succeeded. Benjamin Cardozo, Felix Frankfurter, and Glendon Schubert (each in his own diverse way) have. Howard Ball has not.

Ball has attempted to create an operational definition of judicial craftsmanship using Wechsler's notion of a principled decision. In order to exhibit such craftsmanship, the United States Supreme Court, in reversing itself, must decide "in a principled manner." Ball goes on: the "thesis posited is that when the Court overturns, it must base its stance on one of three justifications: rightness, factual correctness, and constitutional principles" (p. xiii). The absence of craftsmanship is decision by fiat.

Undaunted by the overwhelming problems (which eventually ensnare the author himself) of trying to operationalize

rightness, factual correctness, and extant general principles, Ball produces a chapter each on three Supreme Court reversals of the twentieth century. He examines: *United States v. Darby Lumber Co.* (1941) (overturning *Hammer v. Dagenhart*); *West Virginia Board of Education v. Barnette* (1943) (overturning *Minersville v. Gobitis*); and *Hudgens v. National Labor Relations Board* (1976) (overturning *Amalgamated Food Employees Union v. Logan Valley Plaza*).

His conclusions are that both *Darby* and *Barnette* (the *Second Flag Salute Case*) are good examples of judicial craftsmanship because they right the errors of anachronistic precedents. That *Minersville* was an anachronism is not so clear cut, Ball seems to tell us, because of the complicating factors of external political conditions (the coming of World War II) and Mr. Justice Frankfurter's call for judicial restraint. *Hudgens* is a decision by "judicial fiat" in large measure because Ball regards *Logan Valley Plaza* as correctly decided, for the latter "took cognizance of changing economic and social conditions and began to develop the law in light of these realities" (p. 133).

By the conclusion of the three "case studies," one can only agree with the implicit thesis embedded in the analysis: it is indeed necessary to go beyond the general principles woven into constitutional law in order adequately to understand the judicial process. That Ball so steadfastly refuses to recognize (as contemporary political scientists almost universally do) the importance of such factors as changed Court personnel, justices' ideologies and role definitions, and collegial or group decisionmaking, in explaining the judicial process will, if nothing else, surprise his readers.

There are other surprises. Noted constitutional scholars Alpheus T. Mason and Walter F. Murphy became Arthur T. Mason and William Murphy in bibliographic citations.

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