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Hayes: THE HISTORICAL EVOLUTION OF MODERN NATIONALISM.

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RECENT BOOKS

This department undertakes to note or review briefly current books on law and materials closely related thereto. Periodicals, court reports, and other publications that appear at frequent intervals are not included. The information given in the notes is derived from inspection of the books, publishers' literature, and the ordinary library sources.

BRIEF REVIEWS

THE HISTORICAL EVOLUTION OF MODERN NATIONALISM. By *Carlton J. H. Hayes*. NEW YORK: Macmillan. 1948. Pp. viii, 327. \$4.

Professor Hayes, a professor of history at Columbia University, traces the growth of nationalism from tribal loyalties, adherence to a city state, a ruler, a church, or a government, to modern nationalism. He discusses various stages in the evolution of modern nationalism, starting with "humanitarian nationalism," a product of eighteenth century notions of natural law, which formed the roots of later theories of nationalism. Following humanitarianism, "Jacobin nationalism" arose in France and was predominant during the French Revolution. Revolutionary in character, it reflected a great admiration for the common man and was fiercely nationalistic, interposing dominance of the nation into the army, education, and language. Opposed to this was the "traditional nationalism" which evolved in England and emphasized nationalism as an evolutionary development of historic rights. The English variant was aristocratic rather than democratic and tried to reconcile national and local loyalty. Midway between these two theories stood "liberal nationalism," another English development, favoring the middle class and stressing personal liberties. The new "integral nationalism," a development of the twentieth century, is contrasted with the earlier "humanitarian nationalism" in its emphasis on military might and in placing the state and its welfare over the rights of the individual citizen; it is exemplified by the Fascists in Italy and the Bolsheviks in Russia. Professor Hayes describes the men who were the guiding spirits of each type of nationalism and sets forth in detail their philosophies. The importance of economics in the evolution of nationalism is not neglected; the development of industry enlarged the exchange of persons and ideas, as well as changing the centers of life from rural to metropolitan areas. The author closes with his conclusions as to the influence of the various concepts of nationalism on modern life and the extent to which these ideas still prevail.

THE LAW OF FREE ENTERPRISE. By *Lee Loevinger*. New York: Funk and Wagnalls, in association with *Modern Industry Magazine*. 1949. Pp. viii, 431. \$5.

The author of this book, a practicing attorney of Minneapolis, seeks here to discover and present the essential spirit of free enterprise. In so doing, he broadly analyzes our commercial system and the laws, natural and govern-

mental, which regulate it. Assuming that the American people accept free competition rather than public or private combination as a national policy, the author concludes that we will probably continue a program midway between "anarchy and absolute despotism," thus ensuring continued free enterprise. His conclusion is supported by evidence that competition is so natural and has achieved so much that it now is an American natural resource. Free competition standing alone will not guarantee a free economy, however; it must be supplemented by government regulation and by more efficient execution of present laws designed to curtail the stifling of free trade by monopolistic corporations. Many of our present statutes will remain ineffective until they receive support from courts and administrators. This can only result from a concerted effort to educate lawyers, judges and businessmen to the real significance of laws like the Clayton Act and the Robinson-Patman Act. When accomplished, says the author, this plan, strengthened by America's increasing opportunities, can help to secure the right to earn any lawful living and to compete with anyone on equal terms in an equal market. The author traces the factual and philosophical development of the free enterprise system, then moves to a discussion of commerce, restraint of trade, competitive theory, mergers and monopolies, government regulations and remedies against monopoly. He concludes with a comprehensive collection of citations and Supreme Court decisions on the restraint of trade and monopoly.