

4-1-1952

**FREE ENTERPRISE AND THE ADMINISTRATIVE STATE. By
Marshall E. Dimock. University, Alabama: University of Alabama
Press, 1951.**

Herbert A. Kuvin

Follow this and additional works at: <https://repository.law.miami.edu/umlr>

Recommended Citation

Herbert A. Kuvin, *FREE ENTERPRISE AND THE ADMINISTRATIVE STATE. By Marshall E. Dimock. University, Alabama: University of Alabama Press, 1951.*, 6 U. Miami L. Rev. 519 (1952)
Available at: <https://repository.law.miami.edu/umlr/vol6/iss3/21>

This Book Review is brought to you for free and open access by the Journals at University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact library@law.miami.edu.

possible within the scope of this book to analyze deeply the reasons for the changing use of the due process tool. A partial explanation lies in the fact that the legislatures and the justices saw eye to eye on most matters during these years. Equally important is the conviction on the part of most of the justices that the Court in these areas should not try to substitute its judgment for that of the legislature. As the pressure of international tensions drives legislatures to more incursions on the freedoms of the first amendment the Supreme Court will perhaps be forced to reveal which of these explanations is sounder. Decisions of the last few years apparently indicate that the majority of the Court, though doubtful of the wisdom of certain ideas, will find nothing in the Constitution to prevent their enactment.

Two small omissions slightly impair the usefulness of this book. The absence of an introductory chapter summarizing the development of due process in the field of economic legislation prior to 1932 handicaps the non-specialist who is unacquainted with the judicial history of the previous half-century. This is only partially overcome by occasional references to several of the leading cases of the past. The other deficiency is the lack of a table showing the number of cases decided in each category in each year and whether the decision was favorable to the governmental action. Certainly the quantitative approach has its limitations but here it would be a justifiable supplement to the qualitative analysis. This reviewer found himself much more convinced of the early tendency toward change in the economic field after constructing one for himself.

DR. THOMAS J. WOOD

ASSOCIATE PROFESSOR OF GOVERNMENT
UNIVERSITY OF MIAMI

FREE ENTERPRISE AND THE ADMINISTRATIVE STATE. By Marshall E. Dimock.
University, Alabama: University of Alabama Press, 1951. Pp. 179. \$2.50.

The author, a teacher of political science in several of the outstanding universities of this country and Puerto Rico, who is also a writer of many worth-while books on business, government, administrative agencies and political enterprises, approaches the subject with a wealth of personally gained knowledge, experience and study.

He approaches the subject by first establishing his interpretation of "Free Enterprise" as the system in which the predominant characteristics are individual ownership, competition, and managerial freedom, and the "Administrative State" as the control of economy by government or by public administration.

The book deals with a series of related problems and is divided into five "essays" (as the author chooses to designate them) or chapters: the free enterprise system, what it is and what causes it to change; the problems of monopoly and antitrust laws, with the conclusion that administrative factors will be the center of any lasting solution; consideration of the

factors common to big business and big government with particular reference to the limits of administrative decentralization; exploration of the concept factors common to big business and big government with particular reference of efficiency of bigness and the reliability of the tool for judging the results; and an attempt to project some of the findings and conclusions and see the future for managerial freedom and the role of government.

Mr. Dimock's theory is that when concentration of power occurs in either business or government or both, it affects all institutions; that the bigger the institutions of business and government become the more they resemble each other; and that the way to preserve free enterprise and popular government is to decentralize — which has its problems. He finds that individual ownership and numerous competing units are the conditions precedent of free enterprise; that as these conditions change there is a steady increase toward the possibility of the administrative state and socialism coming into being.

The author maintains that to strengthen free enterprise there must be more ownership and more operators of their own businesses — whether in commerce, farming or by skilled labor. The ownership of stock in large corporate enterprise is not such ownership as is advocated.

The author believes and indicates that, basically, government is our servant; as such it performs essential functions in the realm of international relations, defense, protection of persons and property and community services; and that the course of the citizens should be to see to it that government is made more responsible, is more ably led in both policy and administration, and that it undertakes less functions and concentrates on those that are essential.

Business, by development of its bigness through mergers (horizontal, vertical and conglomerate), has not only caused concentration of power, but also caused the increase of governmental administrative agencies which attempt to cope with this situation, so that we are confronted with the inevitable spiral situation, ultimately resulting in non-democratic government. Thus, big business, unwittingly, by its concentration of growth and increase of power, is inevitably heading us into an administrative state or even socialism.

The future lies with both business and government. Both must learn to pull together, each doing its appointed job and each staying within its proper sphere as made by the conditions existing at the time.

The book has liberal references to other authorities, and this reviewer is of the opinion that it is a "must" for all who are interested in this subject which is so vital to our economic and political well-being as a nation.

HERBERT A. KUVIN

INSTRUCTOR IN ADMINISTRATIVE LAW
UNIVERSITY OF MIAMI