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MEXICO: THE STRUGGLE FOR PEACE AND BREAD. By Frank Tannenbaum. New York: Alfred A. Knopf. 1950.

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their professional lives by making and publishing community studies of law in action. The studies in Florida badly needed are, among many others, the use of the master in chancery as a substitute for the judge, the manner of handling divorce cases, the governor's manner of handling the constitutional duty "to see that the laws are enforced," the effect of race in criminal trials as to verdict and sentence, and the extent to which juries ignore the law of contributory negligence and substitute comparative negligence. Heretofore, the main source of material for writers in law school periodicals has been the opinions of appellate courts. This is the obvious corollary of the case book method of teaching. The appellate opinion is a valid and important, but by no means exclusive, object of legal study.

Professor Hurst shows us new areas of valid legal study so underworked that laborers in it are assured of a socially fruitful reward. If some leave the overworked field of rehashing appellate opinion so much the better.

HON. STANLEY MILLEDGE

CIRCUIT JUDGE
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MEXICO: THE STRUGGLE FOR PEACE AND BREAD. By Frank Tannenbaum.
New York: Alfred A. Knopf. 1950. Pp. xiv, 293, xi. \$3.50.

Three years ago Mexico's newly elected president, Miguel Aleman, declared that Mexico's long Revolution was over and that his country now had a job of modernization to do. This book is a significant attempt to evaluate the gains and analyze the results of that long, painful struggle out of which modern Mexico has been born. Few men are better qualified to make such a study than Frank Tannenbaum who has won for himself a hemispheric reputation by his stimulating lectures and seminars at Columbia University and whose knowledge of Mexico grows out of three decades of familiarity with that country.

This is a book about Mexico. It began, however, as a study of the issues at stake between Mexico and the United States since 1910. The author quickly realized that the matters at stake could not be understood without a careful study of the "Mexican complex of economic and social tensions that gave the diplomatic dispute its peculiar flavor and significance." Understanding between the two nations became possible only when the United States recognized that the basic premises upon which each nation based its arguments were different and finally conceded to Mexico that same right to determine its own policies for its own people that the American people have always cherished for themselves. Before that

The American argument persisted in restating the traditional position of the rights of foreigners contractually acquired under previous law. The Mexicans denied the very basis of the contract,

not only for Americans, but even for Mexicans. In their view, the American thesis had no validity, being based upon a series of assumptions that they denied. This was especially true after the Constitution of 1917 came to rule Mexican political thinking. The Mexicans could not repudiate the program the Constitution sanctioned, and the United States could not accept it. Had the Americans really meant to assert the arguments they were elaborating in diplomatic notes, their only recourse would have been military intervention.

When the United States finally came to an agreement with this point of view held so tenaciously by her nearest neighbor, it suddenly became evident that her moral and political role had acquired increased prestige and trust throughout the world. As Tannenbaum puts it: "American foreign policy has been hammered out on the Mexican anvil."

In his development of this theme, the author begins—as every book on Mexico must begin—with a description of the strange and difficult land which has played so large a part in shaping the destiny of the people who occupy it. A brief but understanding survey of the historical development of the Mexican nation up to the twentieth century follows. The bulk of the book is then devoted to the Revolution of 1910, its causes, its significance, its unfolding action culminating in the highly controversial Constitution of 1917, which represents a bold attempt to bring Mexican law into line with Mexican practice with regard to politics and government, the theories regarding property and labor, and the delicate problems regarding the use of land and the relations of Church and State. After a short summary of the aims and achievements of the educational program of the Revolution, Tannenbaum turns to the chapters which give his book its title—the struggle for peace and *bread*. Here is a thoughtful study of the economic problems facing Mexico today, along with a conscientious effort to determine the degree of success which the Mexican Revolution has achieved in attempting to solve some of the basic economic difficulties which brought it into being. His sober, somewhat sad conclusion is that these answers have not yet been found in the Mexican economy. There is still not food enough for Mother Mexico to feed her population nor are there any hopeful signs of her being able to do so in the near future. Instead, he notes a mood of cynicism which has taken hold of the country which is profoundly discouraging to those who had held such high hopes for the Revolution. Tannenbaum points out, however, that this does not prove that the present policies have failed. Instead, he emphasizes that they are still on trial and have yet to prove themselves.

The concluding chapter in the book is the one for which the rest was written; an analysis of the diplomatic relations between Mexico and the United States and the way in which these served to shape our Good Neighbor Policy and eventually our foreign policy toward other nations.

The great value of Tannenbaum's new book lies in its acceptance, both implied and expressed, of the Mexican Revolution as an *indigenous* move-

ment, as an attempt on the part of the Mexicans themselves to seek a purely Mexican solution—or, at least, one satisfactory to Mexicans—to those political, social and economic problems which in different manner and degree are plaguing most of the rest of the world. Foreign influences and ideologies have been important, of course, but they have not been slavishly accepted and blindly followed by the Mexicans. It is the original quality of the Mexican dream which has exerted such magical charm on its admirers for the past few decades. Tannenbaum was—and is still to be—numbered among these, but in this book he has presented a sober, down-to-earth, honest analysis of the gains achieved so far that is a valuable contribution to the current literature about Mexico. Most people will probably agree that it is still too soon to speak objectively about such a vital, controversial subject as the Mexican Revolution, and few will dispute the fact that the bibliographical materials are still lacking to make such a study complete and definitive. On the other hand, after four decades, it is time to take stock and Professor Tannenbaum has performed that task extremely well.

From the point of view of a scholar or one interested in further research into specific aspects of the general problems discussed in this book, this study would have been much more valuable if it had included footnote references or at least an annotated bibliography. Such quantities of material of varying value have appeared about Mexico in the past few years that some guidance through the maze by an experienced hand would have been most welcome. In all other respects, *Mexico: The Struggle for Peace and Bread* is a distinguished, stimulating and yet satisfying report on the progress made by one of our nearest and boldest neighbors in an experiment which has attracted and held world attention for the past two generations.

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EFFECTIVE APPELLATE ADVOCACY. By Frederick B. Wiener. New York: Prentice-Hall, Inc., 1950. Pp. 574. \$8.50.

An attorney defeated in the trial court has the alternative of either accepting defeat or taking an appeal. The shelves of American law libraries containing reports of decisions in appeal cases is evidence of the important role the right to appeal has played in our legal system. It constitutes the client's last chance; consequently, it is little wonder that an appeal is regarded as the big moment for attorney and client alike. If the cause has been won in the trial court, it becomes the duty of counsel on appeal to retain that important advantage. If the cause was lost, the attorney on appeal