

THE EDITOR'S CORNER

On behalf of the *Review* and The Newcomen Society in North America, we are pleased to announce the winners of the 1968 Newcomen Awards in Business History. These awards are given annually for articles published in the *Business History Review* and are voted on by the Editorial Advisory Board. Criteria for selection include: originality, value, breadth, and interest of contribution; quality of research materials and method; and quality of presentation.

Winner of the \$250 First Prize is: Matthew Simon, late Associate Professor of Economics, Queens College, New York, for his article "The Morgan-Belmont Syndicate of 1895 and Intervention in the Foreign-Exchange Market," which appeared in our Winter, 1968, Issue.

Winner of the \$100 Special Award is: Eugene C. McCreary, Assistant Professor of History, Carnegie-Mellon University, for his article "Social Welfare and Business: The Krupp Welfare Program, 1860-1914," which appeared in our Spring, 1968, Issue.

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Dr. Reese V. Jenkins, Assistant Professor of History of Science and Technology, Case Western Reserve University, has been awarded the 1969-1970 Postdoctoral Fellowship in Business History.

This fellowship is jointly sponsored by The Newcomen Society in North America and The Harvard University Graduate School of Business Administration. Its purpose is to assist a Ph.D. graduate in history under the age of 35 to improve his acquaintance with business and economic history, increase his skills as they relate to these fields, and to engage in research that will benefit from the resources of the Harvard Business School and the Boston Scholarly community. The Fellow participates in the School's business history courses and in at least one other formal course of instruction based on his particular needs or interests. One-half of the Fellow's time during his twelve-months residence at the School is spent on research of his own choosing in the field of business history.

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We are pleased to announce the publication of an anthology of articles from the *Review* entitled *The History of American Management: Selections from the BUSINESS HISTORY REVIEW*, edited by James P. Baughman (Englewood Cliffs, N.J., Prentice Hall, 1969. Pp. ix + 252. \$5.75).

Articles included in the anthology are the following: Alfred D. Chandler, Jr., "The Beginnings of 'Big Business' in American Industry," and "The Railroads: Pioneers in Modern Corporate Management"; Joseph A. Litterer, "Systematic Management: Design for Organizational Recoupling in American Manufacturing Firms"; Ernest Dale and Charles Meloy,

"Hamilton MacFarland Barksdale and the DuPont Contributions to Systematic Management"; David F. Hawkins, "The Development of Modern Financial Reporting Practices among American Manufacturing Corporations"; Sidney Fine, "The Ford Motor Company and the N.R.A."; Alfred D. Chandler, Jr., "Management Decentralization: An Historical Analysis"; and Mabel Newcomer, "Professionalization of Leadership in the Big Business Corporation."

The editor and the authors have donated all their royalties to the *Review*.

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Professor Ross M. Robertson, chairman of the Business History Conference, announces that the group has decided to publish the proceedings of the annual meeting every year, to continue without interruption the series begun with the publication of the *Proceedings of the Fourteenth Annual Meeting of the Business Conference*, held at the University of Western Ontario in 1967. Robertson hopes that each successive host institution will be able to undertake the responsibility. However, the Graduate School of Business Administration of Indiana University will publish the proceedings when for any reason the school sponsoring the annual meeting is not in a position to do so, as was the case with the 1968 meeting.

Papers of the 15th Annual Meeting of the Business History Conference, edited by Professors Fred Bateman and James D. Foust of the Department of Business Economics and Public Policy at Indiana University and published by the Bureau of Business Research, Indiana University Graduate School of Business, Bloomington, Indiana 47401, is now available in an attractive paper binding for \$2.75.

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Robert W. Lovett, Curator of Manuscripts and Archives in Baker Library, Harvard Graduate School of Business Administration and chairman of the Business Archives Committee of the Society of American Archivists, has recently edited a *Directory of Business Archives in the United States and Canada* which was published by the Society early this year.

This preliminary edition of the *Directory*, which the Society hopes to make more complete in coverage in later editions, was based on a questionnaire sent in May, 1968 to 700 United States and Canadian firms. Of the replies, 133 firms were determined to have archives which met the definition used by the committee.

The listing for each of the business archives includes the name and address of the firm, the person responsible for the archives, the date the archives was established and the earliest date of material, a brief summary of the material collected plus an indication of its size, and restrictions, if any, on use.

Copies of the *Directory* may be obtained at \$1.00 each from A. K. Johnson, Jr., Treasurer, Society of American Archivists, P.O. Box 7993, Atlanta, Georgia 30309.

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The Eleutherian Mills Historical Library, Wilmington, Delaware, offers Grants-in-Aid to a limited number of graduate students who would like to do research at the Library.

The bulk of the Library holdings relate to American economic and business history, with special reference to the middle Atlantic States region, but they also include a great deal of material on French history. In addition, the staff is compiling a list of business and industrial manuscript collections that are held in institutions within an eighty-mile radius of the Library.

The grants are issued throughout the year upon approval of the Research Committee of the Eleutherian Mills-Hagley Foundation, of which the Library is a part. For further information on the collections and the Grants-in-Aid write to the Director, Eleutherian Mills Historical Library, Greenville, Wilmington, Delaware 19807.

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The Business History Review Five-Year Index: Volume XXXVI (1962) through Volume XL (1966) can be obtained from our editorial office at \$3.00, postpaid. The fifty-nine page guide provides detailed author, title, proper name, and subject entry to our articles, notes, and reviews over its period of coverage.

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The Merrimack Valley Textile Museum of North Andover, Massachusetts, has recently compiled and reproduced a six-page listing of its holdings of manuscripts and business records relating to the textile industry in the nineteenth and twentieth century. A brief description is given of each of the twenty-three major collections held in the Museum library as of August, 1968.

The Stevens Collection, estimated to consist of approximately 900 bound volumes plus several hundred document cases of loose material, is the largest, but the Museum's holdings also include several small collections of one or two volumes or document cases and many individual pieces in addition to the major collections.

For a copy of "Manuscript Holdings of the Merrimack Valley Textile Museum," write to Helena E. Wright, Keeper of Prints and Manuscripts, Merrimack Valley Textile Museum, North Andover, Massachusetts 01845.

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Editor, Business History Review:

For a modest book on a limited aspect of the legal process to merit serious review by a professor of history in an important business history journal is indeed an unexpected honor. But it is not one without risk. (*Competition and Railroad Price Discrimination: Legal Precedent and Economic Policy*, reviewed Spring, 1969 by Professor Gerald D. Nash, pp. 106-107.)

In reading between wincing the critic's unrelenting views, I was reminded of a review of *Lady Chatterly's Lover*, reputed to have appeared some years ago in *Field and Stream*. In that case the reviewer was willing to concede that the descriptions of North Country game life were

not without merit. Unfortunately, he observed, this principal topic, of prime importance to the reader, is repeatedly interrupted by lengthy extraneous passages having little to do with the subject.

If nothing else, that episode suggests that in the art of book reviewing, parochialism, when deft and obvious, may serve as honest amusement. Had this same work, however, been somberly and unfavorably compared in some prestigious *Oxford Journal of Natural Science* with major zoological studies of the area, one would find less amusing the reviewer's irrelevant appraisal standards. One might even conclude that Lawrence was entitled to be judged in terms of *his* purposes rather than those reflecting the reviewer's faulty conceptions.

The rather narrow purpose of my legal study is to examine the use of legal precedent in defining the role of competition as a justification for price discrimination. My examination proceeds in the context of an evolution in regulatory goals from price equality to transportation efficiency. This purpose I had hoped would be clarified in the sub-title of the book.

In summary, the first chapter deals briefly with the general problem of balancing the conflicting goals of equality and efficiency in the regulation of price discrimination. The second chapter presents a detailed examination of legislative materials preceding the Act of 1887 focusing on two subjects: (1) the treatment of competition as a justification for railroad price discrimination, and (2) the related formulation of statutory provisions governing price discrimination in Sections 2, 3, and 4.

Chapter III explores in some depth the shaping of the *major* legal doctrines and precedents in terms of the differing premises brought by the Interstate Commerce Commission and the federal courts to the task of carrying out a highly equivocal legislative mandate to promote equality in pricing. For my particular purposes, I am still persuaded, it was appropriate to proceed from these premises as expressed by these agencies. It did not seem fruitful to unearth once more the sociological, historical, economic, and political roots from which these premises had emerged. It is, in fact, Professor Nash who notes the abundance of competent historians (including distinguished legal historians) "who have tilled this subject."

Chapter IV considers the relationship of these early doctrines and precedents dealing with competition and railroad price discrimination to current regulatory goals involving intermodal transportation efficiency.

My conclusions suggest the possible benefits which might derive from a reshaping of established regulatory standards to conform more meaningfully to economic standards. In particular, I question whether distinctions formulated in the period 1887-1910 regarding the differential role of competition under Sections 2 and 3 have any current validity; and whether the separate statutory sections governing price discrimination do not actually impede a more rational economic treatment of the subject.

Now these may well be topics of little import to most professional historians. In any event, it was in vain that I sought in the review any treatment of them. On the other hand, I did observe a serious misconception of my views regarding the belief "that railroad managers favored

competition." What sentence may have been seized from the total context to support that observation I do not know. More importantly, I believe that Professor Nash has failed to distinguish between early railroad attitudes favoring the rationalization of railroad competition as compared to proclivities favoring an unrestrained response to water competition.

Given the unremitting pungency of Professor Nash's comments, I might derive some comfort from the assessment of my work by another historian, with some understanding of its purpose, as "accurate and thorough." Even here my comfort is modulated by the recognition that the quality of my book must be judged *primarily* in terms of its legal, rather than its historical, content.

The review, however, is not without its insights. They perhaps reach their zenith in the comment that the book "will not be of interest to the general reader." From this standpoint, *Competition and Railroad Price Discrimination* is no *Lady Chatterly's Lover*. But in one respect they stand as equals. Each deserves to be reviewed, *if at all*, by a reader willing and able to deal with the author's, and not his own, frame of reference.

Jordan Jay Hillman
Professor of Law
Northwestern University

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Editor, Business History Review:

My attention has been called to the letter of Professor Jordan Jay Hillman concerning my review of his book, *Competition and Railroad Price Discrimination: Legal Precedent and Economic Policy*, in the Spring, 1969 issue of the *Business History Review*. I welcome the opportunity to reply since my prime aim as a reviewer is to exercise fair and objective judgment.

Certainly I agree with Professor Hillman that a reviewer should take an author's frame of reference into account in evaluating his work. At the same time Professor Hillman neglects to mention that a reviewer also has a major responsibility to the journal in which his appraisal appears, and to its audience. And I question whether the study under discussion has much relevance or value for historians, and for business historians in particular. Since the orientation of historians obviously differs from that of lawyers, Professor Hillman should not expect to receive the same type of review that might appear in a law journal.

As a matter of fact, however, space restrictions did not allow me to comment upon the limitations of Professor Hillman's conceptual framework as measured within the context of contemporary legal scholarship. Like other fields, legal scholarship can be pursued on various levels of analysis. I am afraid that Professor Hillman has chosen a very narrow, limited, and not overly sophisticated approach in his book, characteristic of a technician. By its nature, such a choice places limitations on the scope of the work, particularly in its appeal to others outside the specialty. This is certainly the author's privilege. But it is also the privilege, if not the duty, of a reviewer to appraise the intellectual con-

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cepts of the study and to point out their strengths and weaknesses. And no historian who keeps abreast of legal literature, as I try to do, can fail to note that Professor Hillman's conceptual framework is very narrow, indeed. More than half a century after the flowering of sociological jurisprudence readers of this book cannot fail to wonder about the extent of the author's acquaintance with it. His work falls far below the standards set by his fellow legal craftsmen such as Willard Hurst or Robert S. Hunt. The conceptual approaches which they have used — to cite one pair of examples — have demonstrated how the technical concepts of the law — applied imaginatively within a broad context of historical and social science scholarship — can bring new insights and understanding not only to students of the law, but to historians and social scientists. And why is Louis Brandeis's brief in *Muller v. Oregon* still read sixty years later — even by undergraduates in United States history courses — when thousands of other briefs lie unread and forgotten? There is a difference between the technicians in a field, and the creative, substantive thinkers. In the volume reviewed Professor Hillman did not display the same erudition, creativity, and imagination that endowed the work of substantive legal scholars with relevance outside the narrow confines of their specialty. Since a reviewer's task also includes comparison of a book to others of the same *genre*, I'm afraid that it cannot escape comparison. This is one of the occupational hazards of the academic profession.

But it is necessary to point out that Professor Hillman's letter, even more than his book, reveals a profound misunderstanding of the nature of creative scholarship. A distinguished career as a practicing lawyer does not automatically transform a man into a distinguished legal scholar. Professor Hillman writes that "it did not seem fruitful to unearth once more the sociological, historical, economic, and political roots" from which legal premises emerged. Quite so. What would be the sense of merely repeating what is already known. But a reviewer does expect an author to demonstrate how his findings add to or modify what is already known about a subject. A book which ignores the contributions of dozens of writers in the field and which does not build bridges between their work and its own special, unique contributions necessarily restricts its own significance. By its nature, creative scholarship is the product of manifold contributions from a community of scholars, with each indicating how his findings extend the boundaries of existing knowledge. Serious contributions to scholarship rarely spring full-blown from the head of some meditating theorist. The preparation of a work of legal scholarship, therefore, requires intellectual faculties and depth of a very different order than the preparation of a lawyer's brief.

Unfortunately, Professor Hillman devotes his letter to a lengthy summary of his book, and does not deal with the major criticisms made of it. If he did not wish to tread the ground covered by others, why did he not make any use of unpublished primary sources? Analysis of unpublished legal briefs in federal court records as well as those in the files of the Interstate Commerce Commission would have revealed very different lines of legal reasoning than those discussed by Professor Hillman. And it must be emphasized again that legal doctrines are not inanimate en-

titles in themselves which multiply like amoeba. They are the work of men and the product of human reasoning, and a legal scholar, as distinguished from a narrow technician, must treat them as such lest he descend into arid formalism.

Finally, Professor Hillman takes me to task for noting that his volume "will not be of interest to the general reader." Inasmuch as I wrote my review for readers of the *Business History Review*, and not for those of *Field and Stream* or *True Story* I assumed a certain level of sophistication. Obviously, when I refer to the "general reader" of the *Business History Review* I have in mind persons who are not business historians by profession, but who retain an interest in business history. They may be business executives, public relations men in large corporations, or business buffs. Their interest in business history, apart from intrinsic curiosity, often derives from a desire to secure new insights or broad concepts that have wide applicability in the world of business. And despite Professor Hillman's summary, I must stand by my original judgment and express doubt that such persons will find his volume very fruitful.

Let me conclude by saying that I must prefer to write a favorable rather than an unfavorable book review. But I do not hesitate to place my professional obligation before my personal inclinations. In this case I felt that my responsibility to the *Business History Review* and to its readership clearly transcended personal preferences.

Gerald D. Nash
Professor of History
University of New Mexico