BOOK REVIEWS


Walter Wheeler Cook has rendered a real service to our profession by collecting in book form the writings of the late Wesley Newcomb Hohfeld, for many years his colleague in the Law Department of Yale University. The book takes its title, Fundamental Legal Conceptions, from the first two of nine legal essays, which, with a brief preface, an explanatory and appreciative introduction by the editor, a table of cases, and a well-arranged index, constitute the volume. All of these essays have appeared before, either in pamphlet form or in law publications, and, as stated in the preface, the editorial work is confined to the insertion of changes and additions indicated in manuscript notes left by the author.

The essays which give the book its name deal with the rather broad subject of "Fundamental Legal Conceptions as applied in Judicial Reasoning." Here the author, in his own inimitable style, sets forth and elaborates the eight fundamental conceptions, or "lowest common denominators of the law," as he at one point expressly calls them, which, in his opinion, comprehend the essentials of all legal problems; and these he states in the following terms and arranges thus:

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<th>Jural Correlatives</th>
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Hohfeld was a practical theorist—as those who watched his all-too-short career must realize—and the editor states in his introduction, to use the words of Mr. Cook: "no one recognized more clearly than did Hohfeld that 'theory' which will not work in practice is not sound . . . . 'Theory,' to which he devoted his life, was to him a means to an end—the solution of legal problems and the development of our law so as to meet the human needs which are the sole reason for its existence." He saw that "the practical importance of accurate thought and precise expression, as regards basic legal ideas and their embodiment in a terminology not calculated to mislead," was not fully realized, and in these essays he made an able effort, through reference to many examples of what he conceived to be incorrect uses of familiar terms, to demonstrate how confusion of thought and statement had crept into the field of law and how they might be avoided by the study and employment of his scheme of jural opposites and correlatives.

Any attempt here to give an elaborate explanation of the Hohfeld system and its practical application would be out of place; properly to understand and appreciate its importance calls for a reading of his book, and this anyone interested in the science of the law will find both enjoyable and profitable. For present purposes, it is sufficient to say that the essays contain a careful analysis and comparison in detail of the author's eight fundamental conceptions, in order "to exhibit not only their intrinsic meaning and scope, but also their relations to one another and the methods by which they are applied, in judicial reasoning, to the solution of concrete problems of litigation."

It may be well to indulge in at least one quotation, from which a fair idea may be gathered of the application of the author's thought. In treating of "powers," he writes: "It might be difficult, at first glance, to discover any essential and fundamental similarity between conditional sales of personality, escrow transactions, option agreements, agency relations, powers of appointment, etc.; but, if all these relations are reduced to their lowest generic terms, the conceptions of legal power
and legal liability are seen to be dominantly, though not exclusively, applicable throughout the series. By such a process, it becomes possible not only to discover essential similarities and illuminating analogies in the midst of what appears, superficially, to be infinite and hopeless variety, but also to discern common principles of justice and policy underlying the various jural problems involved. An indirect, yet very practical, consequence is that it frequently becomes feasible, by virtue of such analysis, to use, as persuasive authorities, judicial precedents that might otherwise seem altogether irrelevant. If this point be valid with respect to powers, it would seem to be equally so as regards all other basic conceptions of the law. In short, the deeper the analysis, the greater becomes one's perception of fundamental unity and harmony in the law."

The weakness in an attempt to divide the law into any given number of fundamental conceptions, expressed in fixed words or terms, lies in the fact that the meaning of a word so often depends upon the color given by its context. In the typical language of Mr. Justice Holmes, "A word is not a crystal, transparent and unchanged, it is the skin of a living thought, and may vary greatly in color and content according to the circumstances and the time in which it is used." *Towne v. Eisner* (1917) 245 U. S. 418, 425, 38 Sup. Ct. 158, 159. Then, again, those in a position to know do not always agree about the inherent meaning or scope of given terms; this is shown by Albert Kocourek's article on the Hohfeld system in the *Illinois Law Review* of May 1920, where that writer, while giving to the author of the book now under review full credit for "originality and ingenuity," disagrees with him as to both the significance and the arrangement of several of the terms employed.

In Professor Hohfeld's table of fundamental conceptions, he necessarily makes liberal use of the word "right," a word which Mr. Justice Holmes recently said is a "constant solicitation to fallacy." *Jackman v. Rosenbaur* (1922, U. S.) 43 Sup. Ct. 9. "Right" and many other such words require a context before we can get their color; so it is difficult to arrange them in any scheme of opposites and correlatives for universal or general use; but, whether or not we accept Hohfeld's terminology, to obtain a clear view of his basic idea, and keep it in mind, will certainly make for straight thinking and exact expression in working out and stating the solution of legal problems. During the last quarter-century, the judges of our appellate courts have had a superabundance of work, and the enforced haste which this condition of affairs necessitates shows in their written opinions. One who writes over-much on technical subjects tires of the monotony of certain terms; he constantly seeks for synonyms, and, at times, satisfies himself with words which seem apt, albeit not exact, to state his meaning. If one having an important piece of legal writing to do would take time to think out the proper terms for his fundamental legal conceptions and then stick to them, it would avoid much confusion of expression. To this extent, at least, Hohfeld's suggestions can be made of real value to both the judge and the advocate.

In addition to the essays on "Fundamental Legal Conceptions," which take up only about one-fourth of the volume, the book contains articles on "The Relations between Equity and Law," "Faulty Analysis in Easement and License Cases," "Nature of Stockholders' Individual Liability for Corporation Debts," "The Individual Liability of Stockholders and the Conflict of Laws," "Have American Universities Awakened to the Enlarged Opportunities and Responsibilities of the Present Day?" and other matters of interest.

The essays on the "Relation between Equity and Law" are especially interesting and valuable. The purpose that gave rise to the writing of these particular articles was to take issue "with the thesis of such scholars as Professors Langdell, Ames, Maitland, and Stone, that there is no conflict at all between substantive legal and equitable doctrines, or, according to Maitland, only one or two possible instances of such conflict," and Professor Hohfeld well sustains his views; but
what lends the greatest value to this part of the book is a skillfully prepared analytical synopsis, with supplemental notes, which not only gives the reader a concise introduction to the subject of equity and its position in our legal system, but also outlines in a masterly way the historical development of equity jurisdiction.

In his article on "Faulty Analysis in Easement and License Cases," the author devotes thirty-three pages to a keen and searching investigation of English and American decisions dealing with the subjects indicated, in order to demonstrate what he conceived to be a serious error of the Supreme Court of Pennsylvania in the case of Penman v. Jones (1917) 256 Pa. 416, 100 Atl. 1043, and, incidentally, the correctness of a rather elaborate dissenting opinion. Whether or not one agrees with Professor Hohfeld's conclusions, the ability, learning, and power of analysis here displayed command admiration.

The chapters on "The Individual Liability of Stockholders" and "Conflict of Laws" in that relation, contain a careful analysis of the problems presented and an excellent review of the leading authorities. The author's main proposition, on the first part of his subject, is that "When all is said and done, a corporation is just an association of natural persons conducting business under legal forms, methods, and procedure that are sui generis"; that such bodies must be so viewed, if we are to have the advantages of exact thought on this important subject; and it is "merely employing a short and convenient mode of describing the complex and peculiar process by which the benefits and burdens of corporate members are worked out," when we speak of their transactions in the corporate name. In other words, stockholders are the constituent parts of a corporation much in the same way as partners are of a co-partnership, their liability depending "on the legislative enactment under which the association has transacted its business," and their individual liability, to whatever extent it may exist, being "quasi-contractual rather than contractual." On the second part of his subject—the conflict of laws relating to the liability of stockholders—Hohfeld takes, as a basis of discussion, a case decided by the English courts a few years ago (Risdon Iron & Locomotive Works v. Furness [1905] 1 K. B. 304, affirmed [1905] 1 K. B. 49), where an American creditor sued a foreign stockholder to recover a debt contracted by an English joint-stock company in California. Under the relevant American laws, a limited individual liability existed, but not according to the English law, the courts of that jurisdiction deciding against plaintiff's right to recover. While inclined to disagree with the latter view, the author analyzes both the English and American cases, in order, as he says, "to make plain the issues, to emphasize relevant analogies, to suggest possible conclusions, and to bring together the various classes of authorities believed to be more or less in point"; this, his main aim, he accomplishes in a very instructive and interesting manner.

The greater part of the remaining pages are devoted to a dissertation on education in the law. Hohfeld, who sought to make his profession not only learned in name but in fact, proceeds to tell, from his own rich fund of information, how this can be accomplished. In the first place, he would have the American universities found what he calls "schools of jurisprudence and law," for advanced courses in (1) "The Systematic and Developmental Study of Legal Systems," (2) "The Professional and Detailed Study of the Anglo-American Legal System," (3) "The Civic and Cultural Study of Legal Institutions." These courses are outlined and discussed in detail, the discussion affording the author opportunity to state his ideas on many collateral subjects, such as the need for more liberal use of legislation to keep the law up to date, instead of courts pursuing the habit of overruling precedents; the strength and weakness of the stare decisis rule; the duty of those in the law to fit themselves for the work of controlling the remaking of institutions which is now going on all over the world; and other matters of vital interest. Through these higher schools of learning, Hohfeld would train a force of professional jurists, fitted to serve as teachers, investigators, writers,
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judges, legislators, members of governmental commissions, etc.; and, as he well says, "it would be difficult to overestimate the profound influence that a fairly large body of jurists of this character would gradually be able to exercise for the improvement of our legal system." The author's interest is not, however, wholly centered on the education of jurists; he has much to say concerning the training of the practising lawyer, and this he discusses under the heading of "The professional, or vocational, study of the Anglo-American legal system." Here Hohfeld strongly advises the teaching of practical subjects to a greater degree than is now followed in our law schools, particularly court and office practice and the drafting of legislation and legal documents; but he chiefly urges courses which shall send forth the coming American lawyer instructed in: (1) "Prescribed professional courses in legal history and general jurisprudence," (2) "Prescribed reading courses in the history of the legal profession, legal biography, legal ethics, and general legal literature." Not content with telling what should be done, he tells how, in his opinion, this can be accomplished.

The concluding paper affords an opportunity for some interesting reading on the subject of trusts.

Finally, the volume is pleasing to the eye; it is systematically arranged, excellently printed and well bound—considerations of importance to those who care for books.

ROBERT VON MOSCHZISKER

Supreme Court of Pennsylvania


Lord Balfour once said that English politics were organized so that there could be a continuous quarrel. Quarrelling is the rule in all American legislative bodies also, although it is, perhaps, more of a sham than in a system with cabinet responsibility and a possibility of turning out the Government. Sometimes emotions run high and Marquis of Queensberry rules would not be inappropriate; but for the most part, the fight is carried on more irenically. The antagonists beat each other over the heads with verbal bladders: there is a maximum of noise and a minimum of damage. For this (now almost continuous) performance rules are necessary, and the procedural regulations of legislative bodies form a technical maze which can be threaded only after much study and with the aid of shadowy precedents. The layman rarely dares to pry into this maze and even the legislator frequently loses himself in its mysteries. Any issue of the Congressional Record will show the tyrocinny of members and the indecision of presiding officers as to the proper procedure to be followed. Yet the importance of the rules can hardly be overestimated. Once a matter of convenience and designed to secure order in an assembly where contradictory aspirations struggle with one another, they are now too frequently weapons of personal and party warfare. They may have as much influence as the constitution itself on the conduct of public business, and chambers do them equal reverence.

Mr. Luce—who served in the Massachusetts legislature and constitutional convention and is now a congressman from Massachusetts—has attempted, with success, to make legislative procedure seem to the reader less mysterious and more rational. The present volume is the first of an ambitious series of four which will treat "historically, descriptively, and critically, the legislative branch of government in every aspect." The author hopes soon to deal with legislative assemblies, "their makeup and characteristics"; legislative principles, and legislative problems. There would seem to be some overlapping—indeed, the present volume on procedure encroaches somewhat on those to follow—but the
subject is of such capital importance that it would be difficult to say too much about it, especially when the sayer is himself a legislator. It is such analysis and criticism that the literature of political science sadly lacks, for in order to understand politics—and particularly such technical matters as legislative procedure—it is necessary to see it alive. It cannot be described from the study. Mr. Luce's chief danger—to which the present volume occasionally succumbs—is that he will substitute garrulity for analysis; that he will accept without question the legislative branch of government in its present form, and that in dealing with the (alleged) decline of its authority, he will ignore such matters as the press, the development of extra-constitutional organizations, and the growing complexity of legislative problems with an increasingly economic orientation.

In this volume Mr. Luce is primarily concerned with more technical matters. He discusses the beginnings of parliamentary law, the quorum, the initiation of business, committees, the stages of legislation and amendments, restrictions on debate, filibusters, reporting, voting, pairs, reconsideration, deadlocks between two chambers, presiding officers, and legislative leadership, with particular reference to the powers of the speaker, steering committees, and the caucus. Mr. Luce has read widely, so far as there is anything to read, in the history of American state legislatures, and he illustrates his more important points with a thorough discussion of general tendencies throughout the United States. For comparative purposes there are brief references to Europe but this material is sometimes not up to date. Recent changes, for example, in England and France, make their old committee systems largely obsolete. As is natural, however, Mr. Luce stresses the practice in Massachusetts and Congress. He occasionally condemns certain state legislatures in rather cavalier fashion by saying that their rules "seem incredible to one personally familiar with the Massachusetts legislature," but his astonishment is justified. If, in dealing with certain practices in Congress he is more tolerant than would seem necessary, his justification may be that he, an experienced parliamentarian, sees more clearly than the armchair critic just what the difficulties are that lie in the way of improvement; and, in this respect, he is surely more radical than most of his fellow congressmen. He pronounces unhesitatingly against the antiquated methods of calling the roll which result in the loss of so much time and he says many sensible things about the detachment of the national house and senate, which are malevolent neutrals rather than allied and associated powers. Their committee system, with its double dose of seniority and mediocrity, does not appeal to Mr. Luce who favors joint committees on the Massachusetts model. This would prevent duplication and make for coöperation. Mr. Luce makes a number of such suggestions and if he were given the authority to redraft the rules, Congress would be a much more efficient body.

On two larger questions Mr. Luce is more hesitant and less sound. He discusses the mechanics of law-making, partisanship, leadership, and coördination with the executive, but he makes few proposals for the improvement of a condition which, at present, is sadly in need of improvement. The most important (and difficult) question is one of fact: who controls the House of Representatives? One member of the House resigned recently for the reason, he said, that "a half-dozen politicians do the legislating for the nation." That, of course, states the matter much too simply. When Mr. Cannon was Speaker there was not much doubt as to where leadership in the House of Representatives was vested. There was even less doubt on certain occasions during Mr. Wilson's administrations. Leadership of the House is now, apparently, in commission. It is shared, that is to say, by the Speaker, the Rules Committee, the Steering Committee, the chairmen of the most important legislative committees, and the Committee on Committees. At least, so it would seem to an outside
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observer. But in what proportions? The requiem of the private member has been sung in many legislative assemblies, but what were the time and the tune of the congressional dirge? These are questions of grave importance, but Mr. Luce answers them vaguely. He seems to dislike the caucus on the ground that it ignores the minority, but even without a flourishing caucus, the minority's rights are at present less than ever before. Mr. Luce is opposed to presidential leadership but is not its only alternative congressional inefficiency? At all events, the present leadership of the House of Representatives and its coördination or lack of coördination with the leadership of the Senate, give rise to one of the most important problems of legislative procedure, and it is a problem on which a congressman could throw a great deal of light.

The other question on which Mr. Luce is partly silent relates to the respective powers of the Senate and House of Representatives. "The Senate now dominates," he says, and he gives a number of reasons: the longer term, the executive functions, and the powers of the individual member. But why does the House submit so tamely, and in respect of what matters is its submission most frequent and important? The problem is a large one. Doubtless the House of Representatives would be willing to resolve, in the language of the House of Commons which was directed against George III, "that the power of the Senate has increased, is increasing, and should be diminished," but the parcelling out of power in a constitutional system is a matter of force as well as of words. With an intelligent and efficient organization it might be possible for the House of Representatives to reduce the influence of the Senate. One step in that direction was taken recently when the House changed its rules in order to prevent the Senate from putting riders on bills and forcing the House to adopt them as part of conference reports, when the tacking was not permissible under the rules of the House. The change in the rules seeks to allow the House a separate vote on all such senatorial amendments and the Senate complains bitterly of the practice. Perhaps additional changes in the rules would cause additional complaints in the Senate.

It is permissible to call attention to these lacunae for, although they have implications that are not procedural, Mr. Luce does give them some consideration. He has, nevertheless, performed a real service in discussing legislative procedure so clearly and learnedly. His volume will be of value to laymen, students of politics, and even his fellow-legislators. That a member of the American House of Representatives should have the ability and the inclination to appeal to a wide and non-political audience on such a technical but important matter, is as unusual as it is commendable. After all, the best way to improve congressional procedure is to improve Congress. But that is probably a counsel of perfection.

LINDSAY ROGERS

Columbia University


Some books have value as scientific treatises, others as presentations of a point of view. The present little volume is of the latter class. It appears under two union labels, printers' and bookbinders'; the author is editor of the INTERNATIONAL MOLDER'S JOURNAL; Mr. Gompers writes the introduction.

The book opens with a discussion of equity jurisdiction and its extension to labor cases, stressing the very recent character of this development and the dearth of British precedent. It discusses and opposes the "vicious" and "fallacious" theory that "business" is "property" (within the meaning of injunction law); stresses the tendency of some or many cases to find justification in a
business competitor's self-interest for prima facie torts for which a laborer's group-interests are held no justification, and objects of this type of class distinction; and, in the specifically remedial field, attacks the use of the injunction in labor cases because the wide split in the precedents makes a broad injunction in a lower court possible, no matter what the views of the upper court may prove to be; because the injunction as used has its full effect on the particular dispute before its propriety comes on to be authoritatively tested; because injunction terms are currently made so broad and indefinite as to make compliance almost incompatible in practice with conduct of a labor dispute; and because contempt proceedings are summary, juryless, and difficult to review. There are then presented from the proceedings of the American Federation of Labor some interesting excerpts relating to injunctions, and a series of cases designed apparently to show both the utmost lengths to which injunctions have been carried, and what the author regards as the preferable view (especially the Allis-Chalmers Case (1908, C. C. A. 7th) 166 Fed. 45). Particularly effective is the juxtaposition (pp. 129-139) of two lower court cases decided in Minneapolis and St. Paul respectively, in 1900. "The class distinction which was established in these two decisions is definite, for business men are held to be justified in boycotting while the very reverse is held in the case of labor." The two decisions bear out the point. This collection of cases is worth attention.

The author's text discussion suffers from a number of fallacious presuppositions. He shares the curious conception that it was proper and fitting that law, substantive and adjective, should grow and change perceptibly and far in times gone by; but that at some undetermined though comparatively recent point growth became improper, unwarranted—a judicial usurpation. He shares the unrealistic view that the Constitution, and in especial the Bill of Rights, means to-day what its language seems to him to mean, rather than what the Supreme Court has determined it to mean; and is misled into statements as to what courts cannot do in determining rights, when they have already done the very things in question. He confuses the substantive law of torts with injunction as one possible remedy.

For all that, the book is valuable. It presents forcefully what one important interest thinks, and how it comes to its thinking, in regard to the alleged abuse of the machinery of the state to maintain the status quo between the employer and the laborer. With all its misconception, it develops much solid ground for that interest feeling itself aggrieved; (though to the reviewer much of that same ground may appear inevitable in the process of social change). Its argument as to the existence of class discrimination in judicial practice bears much thought. Its criticism of the use in labor disputes of the particular remedy with which it deals may lack the literary vigor of Holmes and the technical learning of Brandeis (as in their opinions in Truax v. Corrigan (1921) 257 U. S. 312, 42 Sup. Ct. 124); but it rings with sincerity, and it is sustained with points not lightly to be brushed aside.

Karl Nickerow Llewellyn

Yale University Law School
BOOK REVIEWS

which since the First Edition appeared in 1905 has, crede experto, proved of inestimable advantage to the judiciary and Bar in Canada.

The Railway Law having been recast and recodified in 1919, 9 & 10 Geo. V, c. 68 (Dom.), the Second Edition, 1911, while still very useful became less so and a new edition was called for. While it is possible for a Railway in Canada to be wholly within provincial jurisdiction, practically all are under the Dominion. The very great importance of the (Dominion) Board of Railway Commissioners of Canada is therefore apparent, and the authors do well in giving great attention to the Board's jurisdiction, functions, practice, and decisions.

The control by the Board of Express Companies as well as of Telegraphs and Telephones is clearly explained: these parts of the work cannot fail to be of interest to the American Railway lawyer.

There is hardly a section of the Railway Act which has not been the subject of one or more decisions—these decisions are all cited, in many instances quoted and carefully discussed—the decisions of English Courts on similar legislation are also cited, quoted, and discussed in the same way. In addition to British courts there are references to decisions of the Supreme Court of the United States and the courts of Connecticut, Illinois, Indiana, Massachusetts, Michigan, Minnesota, New Jersey, New York, Pennsylvania, Vermont. I have tested the accuracy of the citation in a number of cases and have found no errors.

The law and decisions are fully and fairly discussed by barristers of great ability and experience, the book is well printed on good paper, the proof reading is excellent; and this edition must prove as valuable as its predecessors, and indispensable for anyone who desires to understand the Railway Law of Canada.

William Renwick Riddell


This volume brings together for the first time English translations of the new constitutions of Europe. It is divided into two parts. Part I, the Introduction, deals with certain important problems of present-day government in their relation to the new governments. These problems are discussed under such suggestive headings as Princes and Parliaments; Legislatures and Bureaucrats; Secondary Chambers; Segmentation and Federation; Proportional Representation; Democrats and Diplomats; Individualism and Socialism. Part II furnishes the texts of ten new European constitutions. Each is preceded by an excellent historical note which gives a background for the document. There is in addition a chapter dealing with the constitutions of Bavaria, Wurttemberg, and Baden. Five appendices to the volume contain the constitutions (with historical notes) of Belgium, France, and Italy; a note on the recognition of new states since 1913; and a reprint of the Bryce report on the House of Lords. The ten new constitutions, the texts of which are given, are those of Germany, Prussia, Austria, Czechoslovakia, Jugoslavia, Russia, Poland, the Free City of Danzig, Esthonia, and Finland. They are all carefully edited, and those of Prussia, Austria, and Finland are translated into English for the first time.

The writers say in the Preface that written constitutions are but skeletons of living governments; but they add, with truth: “An exhibit of skeletons is not devoid of interest and of instructional potentialities; the veriest layman can distinguish the frame of a quadruped from that of a biped, or the skull of an ichthyosaurus from that of a man”; and there is no exaggeration in their claim
that these constitutions "are indispensable first materials for any comparative study of the remodeled political institutions of Europe."

Until there has been time for the written constitutions to take on the customs and develop the conventions which are so influential in determining the character of a government, the most that commentators can do is to suggest the apparent similarities to, and especially the divergencies from, the established types of older governments. This the authors do in the Introduction. Quite wisely they do not there present digests of the texts or detailed comparisons. For the scholar digests are unnecessary when he is given the texts themselves; and for the student they would be pedagogically less profitable than the opportunity which is afforded him to make his own digests. More stimulating than long comparisons are the suggestive discussions of some of the broader problems with which the new governments are faced. The one criticism is that material is given on other governments which has scant connection with the new constitutions except that in a general way it furnishes information useful for comparisons. Since much of this material is descriptive of the government of England, the authors are perhaps justified in giving as their excuse that England is the mother of parliaments. At any rate adequate treatment is given of innovations in the new constitutions themselves, such as the German economic councils; and the thing is so well done that the tenacity of the unity will readily be forgiven.

The book is thus something more than a convenient assembling of accurately translated documents; it is a work of art. Woodrow Wilson, in one of his essays, quotes Bagehot as saying that many books are meant to be studied, but few are meant to be read. The volume under review is one of those exceptions which, though primarily intended for study, is also read with genuine pleasure. It is graced with a quality which most American works on political science utterly lack—that element of style which is as charming as it is subtle. The very Preface—which in most books has no excuse for being except the precedents of other poor prefaces—furnishes a relish which tempts the reader to taste the meat of the book. And distinction in style is carried through the Introduction, which is everywhere readable and in places brilliant. There are not infrequent epigrammatic statements that are not usual in American works on politics. It is said, for example, that the new Austrian constitution "has no competitor for the post of primacy in the matter of anfractuous verbiage." We are told that "Two Emperor-Kings, five Kings, five Grand Dukes, six Dukes, and Seven Princes—all reigning sovereigns under the old régime in Germany and Austria-Hungary—lost their royal jobs as a result of the World War." One of the differences between the French cabinet system and the English is epitomized in a phrase which characterizes the French Senate as "a stabilizer of ministerial instability"; while an outstanding change in the German government is summarized when the authors speak of the old "Bundesrat, now sadly reduced to the status of a gesturing Reichsrat." The new upper houses are called "not only second but secondary chambers." Not to multiply examples, we may note the significant assertion that at the moment that "common good" which is the ultimate aim of forms and constitutions "may almost be written 'common goods.'"

Finally, it is of no little interest to add that the volume is attractive in form. The footnotes, valuable in themselves, are not allowed to mar the continuity of the pages. The marginal notes in the Introduction are inviting as well as handy guides. The binding, type, and appearance of the page are pleasing to the eye.

JAMES HART

University of Michigan