

of the trust problem. But it is also recognized that a protective tariff so high as to be prohibitive to European producers even when extortionate prices are secured here leaves the trusts a great incentive for crushing independent rivals. The tariff should be reformed so that foreign competition may enter at a period when such extortionate prices exist, but there should always be a margin of protection sufficient to secure a field for home competition alone.

As has been said, this book is clear and sensible. Such faults as it has are due to the difficulty of coming to a precise and definite result in dealing with this intricate subject. The reader finds familiar ideas clarified and new ones suggested, but does not feel that the problem is settled. Indeed that would be too much to ask of any book.

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*The Courts, the Constitution, and Parties: Studies in Constitutional History and Politics.* By ANDREW C. McLAUGHLIN. Chicago: The University of Chicago Press, 1912. 12mo, pp. vii+299. \$1.50 net.

This volume is composed of five papers or addresses given by the author upon various recent occasions, dealing with the topics indicated in its title. Two of them are careful historical discussions of the origin of the American doctrine that courts can declare acts of the legislature void; a third shows the influence of theories of political philosophy upon the antebellum controversy regarding the nature of the Union; and the remaining two consider the significance of American political parties and their real function in popular government.

To the reviewer the two papers first mentioned seem to be contributions of great and permanent value to the discussion of their topic, and perhaps the most important since Professor Thayer's well-known essay upon the subject. The theory of social compact and the earnest desire to limit government by some power outside of itself, both inherited by the colonial Englishmen of the eighteenth century from their political forebears of the Rebellion in England, are convincingly shown to have been the really effective influences in launching and sustaining the doctrine that an unconstitutional act of the legislature may be disregarded by the courts. As becomes a sound lawyer as well as a careful historian, Professor McLaughlin does not fail to point out what current discussions commonly ignore, that this is conceived as no duty peculiar to the courts, but that it rests equally upon all other officers of government, or, for that

matter, upon all individuals within the jurisdiction. They, as well as the judges, are under an obligation not to violate the constitution, though bidden to do so by the legislature, and, under the Anglo-American principle of the supremacy of law over even governmental action which infringes private rights, public officers are individually liable for the violation of any law applicable to their acts, including of course the supreme law, the constitution. Thus was realized in some fashion the dream of those who sought to impose ordered limitations upon government itself, and chiefly through the medium of the courts because their judicial function compelled them to decide finally, as between individuals, controversies about the meaning of constitutions. Dreams change with the centuries, and if today the ideal of the right of society to act for the collective good begins to dim the older vision of the right of the individual to be protected from the tyranny of government, that is no good reason for misreading history.

Professor McLaughlin's book, tracing the ancestry of the political ideals of the Revolution, and Professor Beard's recent article in the *Political Science Quarterly*, March, 1912, "The Supreme Court—Usurper or Grantee," investigating the individual views of the framers of the federal constitution, have replaced plausible conjecture with tolerable certainty regarding two important phases of the question to which they relate.

The style of all of these essays is easy and delightful, and their argument sane, thoughtful, and persuasive. The ones discussing political parties are marked by a quiet humor, and disclose glimpses of the author's political philosophy that tempt one to hope he may elaborate it further before long.

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JAMES PARKER HALL

*Socialism and the Great State.* By H. G. WELLS and OTHERS. New York: Harper & Brothers, 1912. Pp. vi+379. \$2.00 net.

*Socialism and the Great State* is a collection of essays by various writers discussing the actual and desirable relations between the state and society, and the functions of each. The crucial point of the essays is that the "great state" of the future should be more conducive to the creation of conditions which will develop a "normal social life." The facts presented seem to have been selected for the purpose of pointing out the evils, wastes, and crudeness of the present state organizations and functions. The essays on "Law and the Great State," "Democracy and the Great State," and "Women in the