

laudable and on the whole successful effort has been made to treat controversial questions and issues still undetermined with due impartiality.

The illustrations are as a rule very well selected. Those which present scenes of mediæval life and the portraits of famous men are particularly useful.

#### POLITICS OF THE PRESENT.

*The Underlying Principles of Modern Legislation.* By W. Jethro Brown. New York: E. P. Dutton & Co. \$2.25 net.

Professor Brown has written an able, even a brilliant, book. In a simple and refreshingly untechnical manner he has tried to analyze the basic conceptions of modern politics. He has the advantage of being, as an Englishman, in touch with the conservative aspect of modern legislation, while as a professor in an Australian university he is able to understand and, what is more, to sympathize with, the radical experiments of that fascinating democracy. The result is a volume which no student of modern political thought should neglect to read.

It is of the deepest interest to place this book side by side with Professor Dicey's superb lectures on "Law and Public Opinion in England." The point of view is essentially antithetic. The temperament of the writers is singularly reverse. Professor Dicey, looking back on the nineteenth century, agrees with Professor Brown in thinking that its main motif has been the gradual triumph of collectivist principles. He is doubtful of the wisdom of their application. He urges that they have led, and are leading, to the gradual enervation of individual initiative, to the transference to the state of functions that it is unable adequately to perform, with the result that, in M. Faguet's illuminating, if lugubrious, phrase, modern democracy to him becomes "a cult of incompetence" against which it is essential to raise an arresting hand.

Professor Brown is troubled by no such doubts. To him the evolution is natural and good. It shows the gradual acceptance of a social will as intrinsically superior in moral worth to the will of any individual. The state to him is not a substitute for personal responsibility, but, on the contrary, something very like the armed conscience of the community, pricking it into activity when it seems most likely to lapse into forgetfulness. The dangers which oppress Professor Dicey he does not deny; but he argues that they are the natural errors of a novel method of action to be cured by experience. He does not shrink from admitting the bigness of the issues involved. He sees the complex nature of the social problem. He insists that it is not to be solved by the iteration of any panacea, whether of Karl Marx or of Henry George. What he does believe is that when a nation—it is impossible to doubt that he is analyzing his Australian experience—consciously sets itself to the study of its difficulties, we have every ground

for hopefulness. The action of the state is not to be deprecated, for the simple reason that the state is expressing the outcome of such collective thought.

We have principles that are growing from our facts—that is Professor Brown's main contention. We want not "natural" rights, but those "rights" without which the foundation of the state cannot be secure. We do not, to take his own example, urge the rightness of woman's suffrage on the ground that every human being ought to vote, because he or she is a human being. We urge it on the ground that the results of women's exclusion from the franchise lead us to believe that their inclusion is necessary. We are not socialists, he says again, except in the sense of Disraeli. We apply a piecemeal system of experiment. We try municipal or state ownership in various branches of industry. Sometimes we succeed, sometimes we fail; but in either case we draw our principle from the facts.

It is interesting to note that Professor Brown, while accepting the Gierke-Maitland theory of the state's "real" personality, yet does not doubt that it is a single, unified thing, necessarily transcending the discords of its elements. He declaims, for example, against those sections of the Australian people who believe on the one hand in strikes, on the other in anti-social monopolies, because each endangers the well-being of the whole. But here, as a fact, we think that Professor Brown is over-simplifying his problem. A rough generalization about Australian democracy would undoubtedly admit the reality of its unity at the present time. But, surely, it would urge also that this unity is due to the newness of the Commonwealth. Differences have hardly had time to develop. The emigration to Australia has mainly been that of a type similar to the original colonists. The burden of economic pressure has as yet been but little felt. No acute religious problem has divided public opinion. The best of unity, surely, will only come when Australia, like the United States, confronts the problem of absorbing half a hundred different peoples, each with a distinct, often un-American, tradition of its own. That test Australia has yet to face; and until she does, declarations of an inherent unity seem a little premature.

Not less interesting is Professor Brown's view of the nature of a democracy. In equality of opportunity he believes most firmly. But he is not one of those who, neglecting the obvious biological fact of variation, seek to gloss over the fact that men actually are born with differing capacities; and he therefore urges that it is those with the superior ability who should be invested with the function of government. His democracy, in brief, is an aristocracy by delegation. He thinks that the referendum and the initiative are, in fact, but political crutches, of use only until the most satisfactory method of representative government is obtained. Counting heads seems to him about as bad a method of government as removing them; the lyrical enthusiasm of Mr. U'Ren repre-

sents no more real democracy than the sinister essays of Robespierre. That is a valuable comment on the direction of Australian political ideas.

We may offer one or two criticisms in conclusion. The book needs an index; its absence is not compensated for by the analytical contents at the beginning. The introductory analysis of Anarchism would be improved if Professor Brown gave his quotations at first-hand, and not as citations from the handbooks of Zenker and Eltzbacher. Moreover, it is incomplete in so far as it neglects the "polyarchism" which thinkers like Maitland and Figgis have derived from the work of Gierke. Anarchism, at bottom, is, as Professor Brown realizes, an attack on the Austinian idol, and this most important of its developments necessitates a fuller treatment. Lastly, Professor Brown must know that Maitland did not, as he states on page 237, write a book on "The Service of the State."

#### ORIGINS OF AMERICAN INSTITUTIONS.

*Holland: An Historical Essay.* By H. A. van C. Torchiana. San Francisco: Paul Elder & Co. \$1.25 net.

In common with those who have acquaintance at first hand with the archives of Holland and Belgium, this author, a lawyer in San Francisco and Consul-General of the Netherlands, believes that in American historiography and in popular notions there is much confusion of thought as to the origin of American institutions. His general thesis is that the framework of our national system is derived from old Holland, a republic, rather than from England, a monarchy. In his view the territory occupied by the four Middle States was the only portion of what is now the American Union which in their early history were politically homogeneous, that is, under one social and governmental system. These States have formed the centrum from which the full body of the nation has developed.

Almost every one of the salient features of our national Government is borrowed from the republic of the United Netherlands, the less desirable ones of the original model being rejected. Even in American pre-national and colonial days, "we find a certain unity of political ideas"—freedom of religious belief, proclaimed by William the Silent in 1577; "no taxation without representation," enunciated by the Netherlands in 1477; a comprehensive school system supported by taxation, easily traced in Holland to the thirteenth century and made general after the Reformation; written Constitutions, of which the Union of Utrecht, made in 1579, was one; and the supremacy of the judiciary, which in the Low Countries was a fixed principle in the time of Charles V. The fathers of the Constitution, dropping most of the peculiar features of political England, the throne, the State Church, primogeniture, and the financial and educational systems, adopted the ideas which the founders of American commonwealths, Pilgrims,

Puritans, Anabaptists, Quakers, had brought from Holland. The common notion that our country is a New England instead of a New Europe, Mr. Torchiana ascribes to the tremendous influence of Diedrich Knickerbocker, the effect of whose "literary joke," as Washington Irving called it, surprised no one more than the genial humorist himself. Yet it is certain that this amusing caricature was taken seriously, not only by a learned German commentator on Thucydides, who quoted from Knickerbocker's "History of New York," adding Latin notes to prove his point, but even in America, as more than one history—made in New England—shows.

Mr. Torchiana devotes one chapter to Dutch Influence on Civilization, European and American, and another to The Direct Influence of the Netherlands on America. These show in detail the direct and vast importation from the Land of Grotius into the colonies of the little and great things which make up civilization. He has read other authors than Motley and Campbell, and gives an array of facts that are as a b c to those familiar with the Dutch language and documents, but are not yet considered as material for orthodoxy in American historiography. In the chapter on Holland's Attitude During the Birth of the American Republic, he recalls events that are strangely absent or absurdly subordinate in our school histories. In resistance to unlawful taxation, in organized revolt under the forms of law, in a declaration of independence, in abjuration of a prince considered a tyrant, in the experience of Federal Government—with the long conflict between State right and national supremacy—in ordaining a flag on which each stripe represented a State having, whether large or small, an equal vote in the national Senate, Holland furnished us vital precedents. These things, in Mr. Torchiana's view, were well known to our fathers, though now they are often forgotten. The historian who is critically familiar with the Dutch language and archives, and especially with the documents of the seventeenth century, has yet to appear in the United States.

The warp and woof of this Dutch lawyer's essay are not closely woven together, and the literary texture seems somewhat flimsy, but most of the facts cited are beyond question. Moreover, some of the most telling arguments for his thesis are not utilized. We may mention, for example, the constant supply, during our Revolutionary War, by the Dutch from St. Eustatius of most of the munitions used by the Continental army, including the very paper on which Thomas Paine wrote his soul-stirring appeals, and the loan of four millions of dollars, which paid our army at Newburgh in 1782, and which, when repaid in 1808, amounting, then, with compound interest, to fourteen millions of dollars, was used to develop over four millions of acres in western New York and Pennsylvania.

In arguing on the question of American political and social origins, there is danger of a partisanship like that of the late Douglas

Campbell, from which Mr. Torchiana is not wholly free. Yet it is certain that Hamilton Madison, John Adams, and Benjamin Franklin were more familiar with the workings and defects of the living model of the Dutch Republic than before their eyes than are the statesmen and scholars of to-day. Moreover, while there are Dutch writers, who in Holland have made merry over the undue praise of their country by J. Thorold Rogers and Douglas Campbell, the serious historians, like Groen van Prinsterer, Motley's severest critic, and Prof. P. J. Blok, of Leyden, have acknowledged the substantial justice of assertions like those of Mr. Torchiana, by pointing out in detail ideas and institutions that existed in Holland long before they were known in England. The conscious debt of our fathers to the Republic may be summed up in what John Adams, a student on Dutch ground, wrote in 1780: "The originals of the two republics [Dutch and American] are so much alike that a page from one seems but a transcript from the other."

## Notes

Walter Lippman's "The Stakes of Diplomacy" will be published shortly by Henry Holt & Co.

Moffat, Yard & Co. announce the forthcoming publication of "The Issues of Life," by Elwood Worcester.

"The Rhythm of Life," by Charles Brodie Patterson, and a revised and enlarged edition of "Opera Synopses," by J. Walker McSpadden, will be published shortly by the Thomas Y. Crowell Co.

The following volumes will be issued shortly by E. P. Dutton & Co.: Camille des Moulins, by Violet Methley; "Some Elderly People and Their Young Friends," by S. MacNaughton; "Between the Lines," by Boyd Cable; "Attila and the Huns," by Edward Hutton, and an English translation of the history of Tacitus, by George Gilbert Ramsay.

Included in the autumn list of the Macmillan Company, in addition to the volumes announced last week, are the following: Biography—"Henry Codman Potter, Seventh Bishop of New York," by George Hodges; "The Life of Clara Barton," by Percy H. Epler; "A Reverie of Childhood and Youth," by William Butler Yeats, and the fourth volume of the "Life of Benjamin Disraeli." History—"The Story of the American Merchant Marine" (enlarged edition), by John R. Spears. Philosophy—"The Problem of Knowledge," by Douglas Clyde Macintosh. Religion—"What is a Christian?" by John W. Powell. Science—"Who Is Insane?" by Stephen Smith; "Man: An Adaptive Mechanism," by George W. Crile, and "A Handbook of Weaves," by G. H. Oelsner, translated and revised by Samuel S. Dale. Music and Art—"A History of American Music," by Louis C. Elson (new edition), and "A History of American Painting," by Samuel Isham (revised edition). Mathematics—Volume I of "The Mathematical Theory of Probabilities and Its Application to Frequency Curves and Statistical Methods," by Arne Fisher. Medicine—

"Diseases of Nutrition and Infant Feeding," by John Lovett Morse and Fritz B. Talbot; "Treatment of Acute Infectious Diseases," by Frank Sherman Meara; "The Criminal Imbecile," by H. H. Goddard; "Diseases of the Arteries, Including Angina Pectoris," by Sir Clifford Allbutt.

In "Matrimony" (Kennerley), John Trevena, by means of a lightly sketched narrative, gives concrete form to the full ceremony of betrothal and marriage as practiced by the mediæval Church. For his setting he employs the Dartmoor of his familiar choice, or rather its ancient prototype, home of a rude peasant life which hardly touches beauty and dignity except at the hands of mother Church. Young Anthonie and his Petronel are simply embodiments of youth and pure mating love. In a series of scenes painted with skilful if conscious artifice, the course of that love as ratified and blessed by religion is set forth. No moral is drawn in stated terms, but the writer's motive has evidently been to bring home to an age to which marriage is for the most part an arrangement the solemn beauty with which men in more childlike phases have invested it.

Mr. James Huneker, the author of "Ivory, Apes, and Peacocks" (Scribner; \$1.50 net), was a critic of music, plays, and "art" in New York at about the time when Mr. Bernard Shaw was performing similar duties in London. The experience left its mark upon both of them. That was the period in which everybody was scintillating, and the only way to score was to coruscate. Unluckily, a trick like that easily becomes habit; hence our *ante bellum* spectacle of a group of stout or gray gentlemen being consistently startling for the glory of English letters. More than any other American of the generation, Mr. Huneker resembles them in brilliancy and skittishness of manner. His weakness for epigram, always irritating, is sometimes fatuous. What meaning in such pronouncements as "It is a holy and unwholesome idea to purge the mind every now and then"? If there is any functionary who ought to eschew the sprightly jingle of words, it is surely the critic. Here, too, we find extreme instances of the practice of carrying over terms from one art to another. So, although he apologizes for mixing his metaphors in saying of Strauss's Salome: "Very intense, an apparition rather than a human, she sounds the violet rays of eroticism," he can go on in the next breath: "The *tempi* were different from Campanini's—i. e., the plastic quality of the reading gave us new colours, new scents, new curves." Ideas, the best of them, must be driven home with a sledge-hammer. For example, to enforce his preference for "pure music above impure," he must cry: "I dislike grand opera as a miserable mishmash of styles, compromises, and arrant ugliness"—an extravagance of terms which at once demands the confession, "I say this, knowing in my heart that nothing is so thrilling as 'Tristan and Isolde.' . . . So I'm neither logical nor sincere." Not a dryasdust critic, that is, but a creature of spontaneity, nature's child, flinging himself upon our bosoms and our kind indulgence.

This is all playfulness, of course, since, if any modern commentator sets store by his sincerity and the value of his opinions, it is plainly Mr. Huneker. His, if a soul adventuring, is a soul well equipped with maps and guide-books and knowledge of the experiences