

references: chapter i, V. T. Wilson, *Federal Aid in Domestic Disturbances* and D. Y. Thomas, *Military Government of Newly Acquired Territory*; chapter vi: *The American Passport* (Government Printing Office, 1898); chapter xii: R. Weil, *Legal Status of the Indian* and E. Womack, *History and Business Methods of the Department of the Interior*; chapter xv: *Organization of the Department of Agriculture* (Washington, 1904); chapter xvi: Hillyer, *Organization and Law of the Department of Commerce and Labor* (Washington, 1904).

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The opening paper of these proceedings, the address of the president, Professor Frank J. Goodnow, on "The Work of the American Political Science Association," is of particular interest as a preliminary survey of the association's field of activity. In a brief analysis the several divisions of its work are thoroughly correlated. The object of study is, in brief, the state. To the realization of the state will, its formation, expression and execution are necessary. The formation and expression of the state will involve the study of political theory, of constitutional law and of extra-legal custom and organization, such as nomination methods and the political party. The content of the state will is ordinarily considered to be the law, both public and private. A convincing argument for the inclusion of much of the private law is incorporated, and a knowledge of the public law is pronounced essential to any one in any sense a student of political science. Finally the execution of the state will, a subject which has never received the attention it deserves, involves "the ascertainment and application of correct principles of administration," and thus, primarily, the study of administrative law.

Many of the subjects thus enumerated in the president's address are represented in the papers which follow. The first session was devoted largely to international law. The subjects were of timely interest. Professor Theodore S. Woolsey, discussing "The Beginnings of War," distinguished sharply the beginnings from the declaration of war. The declaration of war, when subsequent to its commencement, is for domestic purposes, and when omitted it is with no intent to deceive, but as a mere superfluity. The actual moment at which war begins was discussed at some length. Professor George G. Wilson's address on "Unneutral Service" emphasized the importance of clear

recognition of the category of unneutral service. It would remove the confusion resulting from the forced interpretation of certain principles of international law, particularly the law of contraband. Speaking on the subject "Contraband of War," Professor Harry Pratt Judson assumed an advanced position in argument for an extension of neutral obligation. Prohibition by municipal law of trade with a belligerent in certain articles which are always contraband, such as artillery, small arms and ammunition, was strongly advocated.

The papers on colonial policy and administration, considered together, reflect the fickleness and unsettled condition of public and expert opinion on the Philippine problems. Professor Bernard Moses' discussion of "Colonial Policy with Reference to the Philippines," emphasized the debt to Spain for the earlier civilization of the islands, and asserted the advisability of building on the Spanish foundations rather than those of the Dutch in Java or the British in India. The paper is valuable as an instructive statement of present and past conditions in the islands. Professor Paul S. Reinsch, unlike his predecessor, strongly criticized the Philippine policy. Under the heading "Colonial Autonomy, with special reference to the Philippine Islands," he attacked the land, labor and tax systems, the system of general administration, and, above all, the system of "literary" education, for which he would substitute manual and technical training. In the light of this and more recent testimony, Professor Moses' characterization of the labor problem may be extended to the general question of Philippine policy. It is a "rough road of diverse opinions."

The centralization of state administration was discussed by Dr. Charles V. Chapin and Professor John A. Fairlie. The former submitted a paper on "State Boards of Health," the latter spoke on "State Supervision of Local Finance." In both directions there is a decided tendency toward centralization, a tendency strongly defended. In contrast with these papers was that read by Professor L. S. Rowe on the "Reorganization of Government in Cuba," in which he spoke of the great opposition to centralization in Cuba, and the difficulties resulting therefrom. Professor William A. Schaper, in discussing these papers, expressed the opinion that a policy of centralization, without sufficient popular education in government, might prove dangerous. "The Relation of the Executive to the Legislative Authority," by Professor James T. Young, may be appropriately considered here, because of its administrative significance, though it appears just after the president's address. This discussion is of singular suggestiveness and value. It emphasizes some of the broader causes of executive supremacy in the

United States—causes which have been almost forgotten in the detail of the subject. To some it will seem that he barely escapes falling into grievous error, in that he comes close to a recognition of an executive supplementary ordinance power—a position, however, to which, and even beyond which, students of administrative law will possibly have to follow him before long.

The concluding session, held with the American Economic Association, was devoted to industrial combinations, railroad rate legislation and railroad taxation. Mr. Edward B. Whitney, in a paper on "Government Interference with Industrial Combinations," considered, among other things, the virtues of a national incorporation law and national control through creation of the jobbing corporation. The latter device was disapproved because it would increase centralization, whereas the "spawning of corporations for export" is neither natural nor necessary to the regulation of the District of Columbia. The latter part of the paper indorsed the Interstate Commerce Commission as the proper "dispensing body," if any governmental body is to be given the power to discriminate between—and permit certain—contracts or combinations in restraint of trade. Chairman Martin A. Knapp, of the Interstate Commerce Commission, in an address on "The Regulation of Railroad Rates," distinguished sharply the remedies for rebates and discriminations in the published tariffs. There seems to be an increasing tendency on the part of the commission to relegate the former to the courts. Mr. Knapp's arguments for a government rate-making power and against the requirement of competition in transportation were sustained by most of those who discussed the paper. Professor W. Z. Ripley believed that pooling should be made not only legal but legally enforceable. President E. P. Ripley of the Atchison, Topeka & Santa Fé Railway Company contended that the commission should not be given the power to make a rate effective until disapproved by the court, because the railroad had no security against the individual pending adjudication, whereas the railroad itself could be made to give a bond. Mr. Horace White suggested that if the railroads could be compelled to do this, why not the shipper?

Professor Henry C. Adams discussed "Tendencies in Railroad Taxation." The absence of an independent system of railroad corporation taxation and the prevalence of the general property tax on railroads were remarked. It was contended that the proper system of taxation should give attention to surplus value. Surplus value is created by amalgamation and consolidation, density of traffic, organization and vitality. A portion of the surplus value is thus a direct contribution of

the public. The general property tax makes no provision for the situation thus disclosed, assuming value to be homogeneous, which is not the case. The paper was discussed by Mr. William A. Baldwin, who departed from the text, however, and took up the tax situation in Michigan and Professor Adams' work there.

Possibly an interesting forecast of the future work of the association may be found in the incidental suggestions of the papers of this its first meeting. Professor Goodnow's suggestions for the indexing and digesting of administrative reports, Professor Fairlie's comment on the possibilities of the association as a clearing house for the reduction of the enormous waste in experimental legislation, and the consideration of a "Colonial Institute," were the most definite contributions of this nature. That the association has made good its claim to a separate existence is thoroughly demonstrated by the excellence of the work of the first meeting, and by the wide gap which its work has filled. Economics and politics miss their opportunity and shirk their chief responsibility if they fail to minister to the state itself. An institution which shall invite their theories and devices, but so far as possible test them thoroughly by the weights and measures of the public and the private law, stands in a position to do much in behalf of the public welfare.

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*L'État moderne et son droit.* Par GEORG JELLINEK. Traduit de l'Allemand et annoté par GEORGES FARDIS. Première partie: Doctrine générale de l'État. Livre I: Introduction à la doctrine de l'État. Paris, Albert Fontemoing, 1904.—viii, 223 pp.

Professor Jellinek some years ago, while exploring the world of political science, discovered America and wrote a very interesting little book about it—*The Declaration of the Rights of Man* (see this *QUARTERLY*, vol. xi, p. 582). The denizens of his new-found region are now enabled, through the kindness of M. Fardis, his authorized French translator, to become acquainted with his systematic philosophy of the state. The present volume contains only one book of part i; the complete work is evidently to be another of those imposing aggregations of *Bände, Teilen, Bücher* and *Abteilungen* without which no German professor's career is complete. In the four chapters here presented the author explains the scope of his work. He is to treat of the doctrine of the state, and this topic he here discusses from the point of view of its object, its method, its history and its relation with the sci-