

BOOK NOTES

If Freeman's dictum were to be squared with the present ideals in historical work, we should be compelled to say that "history is past sociology and sociology present history." It is true that for the most part the "past sociology" has consisted of the addition of a little economics to the politics of the older historians, and that, when a more comprehensive survey has appeared, it has not infrequently inspired distrust among historical students by its hasty generalizations and its efforts to achieve inclusive synthesis at all costs. But when sociological historians face their task in as scholarly a spirit as that in which Professor J. Dorsey Forrest of Butler College has written the *Development of Western Civilization* (University of Chicago Press, 1907; xii, 406 pp.), there will be less criticism, at least as to method. While not lacking in generalizations which tend *à priori* to mould the story, this book reveals, in a survey extending from primitive Arabia to the trust problem in the United States, a remarkable sureness in the choice of sources and an avoidance of learned-looking but worthless references to discredited authorities, which awaken confidence in the validity of the data which the author has selected. The deductions are perhaps in many cases unconvincing, but in many other cases they are at least suggestive and may prove helpful. While by no means a complete outline of its vast subject, the book is on the whole a worthy contribution to American scholarship. It is unfortunate that the author's style falls below the dignity of his conception, the careful marshalling of his authorities and the breadth of his learning.

Professor Ludovic Beauchet of Nancy, who has published numerous books, pamphlets and articles upon French and Roman law, and who has made excursions into Greek law, has for many years devoted himself with special enthusiasm to the investigation of Scandinavian and particularly of Swedish legal institutions. In his *Études d'ancien droit suédois* he proposes to give a systematic view of Swedish private law in the middle ages. The only work which approximately covers the field, that of Nordström, was published in 1839 and is now somewhat antiquated. Texts not accessible to Nordström have since been printed, and many valuable special studies have been made by Scandinavian and German scholars. A modern *travail d'ensemble* is lacking and this Professor Beauchet promises to provide. His first volume,

Histoire de la propriété foncière en Suède (Paris, Larose et Forcel, 1904; xx, 728 pp.), deals in its first two "titles" with the evolution of real property, from primitive community through collective family possession to individual ownership, and with the importance, extent and division of holdings. The remaining titles, which constitute nearly two-thirds of the volume, treat of the specifically legal topics of modes of acquisition, burdens upon land and rights associated with its ownership, relations between neighbors, water rights and rights in forests and mines, and the "exploitation" of the land by lease *etc.* The volume has what French publications are apt to lack, a full subject index. The author promises further volumes on family law and on legal procedure. The latter should be of especial interest, for Scandinavian procedure long preserved archaic traits.

When, in 1895, Dr. Frederick Seebohm published his volume on the *Tribal System in Wales*, he carried his detailed study of the origins of English economic institutions, so brilliantly begun in *The English Village Community*, back to those antecedents in tribal society which are disclosed in the Celtic remains, particularly the Welsh codes. English society, however, inherited its institutions and customs even more from Teutonic than from Celtic tribal life, and the Anglo-Saxon codes, so-called, reflect of course an intermediate stage of evolution between Celtic custom and the manorial life that developed after the Norman conquest. In his *Tribal Custom in Anglo-Saxon Law* (London, Longmans, Green and Company; xvi, 538 pp.), Dr. Seebohm has subjected this material to the same patient analysis that he applied to the village community and the Welsh codes. In this third work, moreover, a great deal of comparative material appears. The Brehon law, tribal custom in Scotland and Scandinavian custom are drawn upon for suggestion and illumination. Dr. Seebohm's general conclusions are so well known that it is unnecessary here to say more than this, *viz.* that he has marshalled a mass of evidence very difficult to overthrow in support of the view that tribal society in the British Isles never was in any possible meaning of the word democratic. There were always inequalities of rank and inequalities of wealth, and the normal evolution of tribal society was towards a feudal form. But, at the same time, it was usual for a kindred group to take under its protection a miscellaneous population of persons from other kindreds, to whom allotments of land were made and certain limited tribal rights granted. To this protected population the democratic rule of equality applied. In this arrangement, therefore, quite possibly may be found the beginning of those village communities in which prevailed those