

Constitutional law (*le droit public moderne*) is not the fundamental law of the state organizing the government and delimiting the rights of man (page 52) ; it is collection of rules determining the organization of public services and assuring their regular and uninterrupted operation. Law is not the command of a sovereign state ; " elle est le statut d'un service ou d'un groupe " (page 280). *Herrschaft, souveraineté, volonté générale, potestas, dominium*, and *les droits naturels et imprescriptibles de l'homme* are now being arranged among the curiosities of intellectual history—in no spirit of contempt but with full recognition of their past services, after the fashion of pragmatism.

Modern public law needs no such abstractions for a foundation. " Le droit public moderne repose tout entier sur une conception réaliste et socialiste. " Its foundation is in realism, because the juridical system rests entirely upon facts, social functions imposed upon the government by the nature of circumstances. Its foundation is socialistic because the purpose of constitutional law is not to settle the boundaries between the so-called subjective rights of individuals and the so-called subjective rights of a personified state, " mais simplement de régler l'accomplissement des fonctions sociales des gouvernants " (page 281). But this new system, socialistic, realistic and objective, which takes the place of the old system, individualistic, metaphysical and subjective, makes no claims to finality. It is the work of an epoch, and destined in its time to reach the goal of all that is mortal.

Is this abandonment of old dogmas progress or reaction? Our author does not pretend to know and he thinks that the question has little meaning for science. " Est-ce un progrès ou un recul? Nous n'en savons rien. En science sociale de pareilles questions n'ont guère de sens " (page x). It may be imagined that this book will make a tempest in the land of Rousseau, where " the grand principles of the Revolution " form the stock-in-trade of those who make extensive pretension to profundity and patriotism.

CHARLES A. BEARD.

The Cambridge Medieval History. Planned by J. B. BURY and edited by H. M. GWATKIN and J. P. WHITNEY. Vol. II: *The Rise of the Saracens and the Foundation of Western Europe*. New York, The Macmillan Company, 1913.—xxiv, 891 pp.

The second volume of the *Cambridge Medieval History* covers the three centuries from Justinian to Charlemagne. When one finds this period of history characterized as primarily that of the " Rise of the

Saracens" one expects to find the survey itself novel in perspective and treatment. As a matter of fact, Islam is hardly so much in evidence as are the Celt and Teuton; and the perspective remains substantially that of Gibbon and the text-books. But within each monograph there is a new attention to social history which makes this volume one of the most important in the long series of Cambridge histories.

It is at last clear that the historical treatment of primitive peoples must be social and anthropological, even when they appear upon the open stage of history, settle on the soil of the Empire and begin to develop institutions which furnish us still with the mechanism for national politics. One cannot understand a Frank or a Saxon by studying his institutions in the light of what they have since become. It is a correct historical perspective which enlarges upon the social aspects of peoples who have yet to achieve political institutions worthy the name. That, upon the whole, is the character of this volume. To be sure, the history which analyzes the elements of Anglo-Saxon or Frankish society is less dramatic than that which indulges in the myth-epic of the ancient "kings." But by way of this social survey we are coming to understand the complex origins of feudalism, and so to get a more just conception of the age that followed.

From this point of view the most important chapter in this volume is that by Vinogradoff, in which the author of *The Growth of the Manor* cuts his way through the intricate questions of kindred and settlement, points out the great significance of the breaking of the Germanic kindreds, and the strength acquired by the semi-artificial organizations which took their place. This is a story which no one has yet told in simple English. Professor Pfister continues his survey of the Frankish history. It must be a painful experience, however, for such a careful scholar to read the English version of his text. Let us hope that the translation will be better in the future. The origins of the Slavonic peoples has fallen into the hands of a historian, Dr. Peisker of Graz, who traces their original racial movements back to the marshes of Polosie mainly by the roots of their language. The section is well written; but one has reservations as to the reliability of a narrative which risks such principles of analysis. Considerable space is given to Celtic and Teutonic religions, though one wonders what the editors meant by inserting this material between the account of the Slavs and that of England and of Charlemagne.

Indeed the whole volume is a puzzle in arrangement, a fact which perhaps emphasizes all the more the variety and distinct quality of its contributions. It is less a history than a collection of monographs;

and this being so, there is no excuse for the editors to claim, as they do, that the section on the Roman law is the first since Gibbon to handle that subject in general terms and historically. The *Encyclopædia Britannica*, published by the same press, has articles not less helpful, and certainly as historically conceived as that by Dr. Roby. There is one American contributor, Professor G. L. Burr of Cornell, who writes on the Carolingian Revolution and the Frankish Intervention in Italy. His contribution shines in this company not less in the skill of its compact yet graceful narrative than in its scholarship. Twenty-seven historical charts are given in the appendix.

J. T. SHOTWELL.

English Industries of the Middle Ages. By L. F. SALZMANN.
Boston, Houghton Mifflin Company, 1913.—x, 260 pp.

The English Scene in the Eighteenth Century. By E. S. ROSCOE.
New York, G. P. Putnam's Sons, 1912.—xii, 293 pp.

These two books represent the treatment of social history from opposite poles. The first is intended as an introduction to the industrial history of the Middle Ages. The plan is to deal with each industry by itself and thus attempt to present its development, less as a changeful part of a varying social complex than simply as an industry, with a description of its processes and an account of its extent. There are chapters on mining of coal, iron, lead and silver, and tin, on quarrying, metal-working, pottery, cloth-making, and brewing. A final chapter takes a general survey of the control of industry, and a careful index serves to coördinate the material. The book is well done. It is a scholarly production, showing ready familiarity with the rather technical documents into which are tucked away clues as to the extent of mediæval trade and history. Municipal records and material at the Record Office and the British Museum have been freely drawn upon, and for the first time we have a history of the mediæval phase of these industries. The *Stanneries* by G. R. Lewis, and *The Annals of Coal Mining* by Galloway are the only partial predecessors. It is much to be regretted that Mr. Salzmann has not been able to follow out his original plan of publishing a companion volume of documentary materials. It must be admitted that the volume is not excitingly interesting to any but one already rather deep in the subject. There is too much detail of an unimportant type—unimportant except for a historian intent upon rescuing every trace of industries which left but little