

and systematic research. "Provision for these ends is essential to a sound industrial policy, though it looks to ends far wider than mere industrial success."

Mr. Ramsay Muir's formulation of a social program is not so doctrinaire as perhaps the foregoing résumé indicates. It is characterized throughout by a modesty, by a sweet reasonableness, and by a felicity of phrase of which true Liberals in any country or in any age may indeed be proud. It is a sane and timely contribution to social theory and should have a sobering influence upon extremists whether "socialists" or "capitalists".

CARLTON J. H. HAYES

Contribution à la Théorie Générale de l'État spécialement d'après les Données fournies par le Droit Constitutionnel français.

Par R. CARRÉ DE MALBERG. Paris, Libraire de la Société du Recueil Sirey, 1920-22.—xxxvi, 837 pp.; xiv, 638 pp.

In these ample and well-written volumes Professor Carré de Malberg, of the University of Strasbourg, has begun what promises to be one of the most profound, as it certainly is one of the most pretentious, treatises on political theory. The first volume was written, and in part printed, before the Great War; although in an introduction supplied after the armistice the author gives it a fresh setting in the light of the stupendous political problems thrust into the foreground by the conflict. The second volume is of more recent composition; and others are expected to follow within such time as the magnitude of the task permits.

The first volume falls into two unequal parts, the briefer dealing with the constituent elements of the state, the lengthier being devoted to state functions. The constituent elements are reduced to three, i. e., people, territory and power. The vexed question of the origins of the state comes in for only brief and somewhat inadequate treatment. But state unity is stressed in a keenly analytical chapter; and the lengthy discussion of the nature and basis of state power comprises one of the best expositions of the various theories of sovereignty, and of the nature of federal government, to be found in print. Particularly instructive is a section in which the French origin of the concept of sovereignty is convincingly described.

From attributes the author passes to functions. Defining these as the several activities of the state "in so far as they comprise different manifestations, varied modes of exercise, of the state's power",

he finds the three familiar functions of legislation, administration and justice; for, although he allows some force to the view so widely held in France since the Revolution that justice is only a phase of administration, and therefore not a distinct function at all, he points out that, as governments are actually organized, it is a separate function, and he prefers to regard it as such throughout his discussion.

Throughout the treatment of these state functions—as, indeed, in all parts of the work—the theories and concepts that are most fully described are those that have been, or are now, held in France; English, German and other foreign views are brought in usually for purposes of comparison rather than for their own sake. Thus in the chapter on the legislative function the longest section, some fifty pages, is devoted entirely to the conceptions of law manifest in the French positive law; and the discussion of the legal aspects of the promulgation of laws proceeds almost exclusively on the basis of French theory regarding the acts of the executive in this matter under the constitution of 1875. The student who is seeking a full and authoritative exposition of French theory of administrative law, and of the power of the executive to issue and enforce *décrets*, will find it here.

The already considerable literature of the separation of powers is notably augmented by an ample chapter on that subject which closes Professor Carré de Malberg's treatment of state functions; although this chapter—which appears at the beginning of the second volume—considers the subject almost exclusively in relation to French theory and experience. The doctrine of Montesquieu, though long in high favor among Frenchmen, is represented as having largely lost its hold; and the author himself accepts it only with many reservations. The notion of plurality of distinct powers he holds to be inconsistent with state unity, and he denies that a complete independence of governmental organs is practicable or an equality of them legally possible. In France, he says, the legislative chambers, checked by the electorate, have become supreme; and he considers that in every parliamentary government the tendency in this direction precludes anything like real separation and equality of powers; so far, at all events, as the legislative and the executive are concerned.

The second volume is devoted principally to the organs of the state, and here one finds discussed the rival theories of "popular" sovereignty and "national" sovereignty, the nature of representative government, the electorate, and the basis and exercise of the con-

stituent power. Much under this general head remains to be dealt with in succeeding volumes. But the subjects mentioned are covered very fully in the present publication and receive copious consideration in separate chapters, in relation to French political thought and organization. Rousseau's atomistic conception of sovereignty, according to which sovereignty is vested separately in all of the members of a society, so that each person separately possesses a fraction of the whole, is emphatically rejected in favor of the view of French positive law, which finds sovereignty only in the nation as a whole, i. e., the unified and indivisible body of citizens; and the reasons, both juridical and historical, for the triumph of this conception are clearly expounded.

In discussing the nature and basis of representative government the author goes very fully into the rôle of the representative himself. Indeed, there has been, for France, no better treatment of this vitally important matter. From 1789 onwards the law of France has consistently prescribed that the deputy shall be considered, and hence shall consider himself, a representative of the nation as a whole, and not of the constituency which elected him. This, in the opinion of Professor Carré de Malberg, is as it should be. Nevertheless, every observer of French parliamentary life and governmental activity knows that, in point of actual fact, the deputies come up to Paris feeling themselves to be the agents of their constituents, and are looked to by the latter to obtain practical benefits for the constituency, very much as in the case of members of Congress in the United States. Professor Carré de Malberg is obliged to concede that this is true; and this steadily growing power of the voters over their representatives he portrays as an extra-constitutional, and somewhat undesirable, infiltration into representative government of the tendencies and characteristics of direct government.

To say that in the realm of French political theory these volumes fill some such place as in the field of French constitutional law is occupied by the works of Esmein and Duguit, is to accord high praise. But it seems to the reviewer to be deserved. The work is well arranged and lucidly written; almost every topic taken up is treated exhaustively; source and secondary authorities are cited and quoted copiously; the author never permits himself to become lost in airy abstractions; and if on some matters he seems to have no very clear opinions of his own, this is apparently because of his unremitting effort to give all rival or differing views a fair hearing.

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Diplomatie und Weltkrieg. Von Graf JULIUS ANDRÁSSY.
Berlin und Wien, Ullstein & Co., 1920.—349 pp.

Diplomacy and the War. By Count JULIUS ANDRÁSSY.
Translated by J. H. REECE. London, John Bale, Sons, and
Davidson, Ltd., 1921.—323 pp.

This is one of the most interesting and valuable books in the flood of post-war literature. For it is not, except perhaps in the last section, an *apologia*, but a searching examination of the causes of the great catastrophe and of the collapse of Austria-Hungary. It is, surely, one of the ironies of history that the younger Andrassy, as the last foreign minister of the Dual Monarchy, should have been the instrument for the dissolution of the system which his brilliant father had largely created and directed. Was this fate deserved? In considering the author's opinions, some allowance must be made for the fact that, though long active in Hungarian politics, he was seldom in office, and he not unnaturally argues that he would have managed matters otherwise. Nevertheless, he writes without rancor, except as regards Count Michael Károlyi; he tells a good deal not hitherto known, and he throws off many penetrating judgments and apt phrases for which the historian will be grateful. The German version, presumably the translation of a Magyar original, reads very smoothly and easily.

Count Andrassy's view, as set forth in the first section of his book, is that the war was "the result of mistakes, hatred, and a thoroughly rotten situation rather than of political calculation", "of the general conviction that it would break out sooner or later"; at times he comes fairly close to accepting the Socialist contention that it arose primarily from the conflict of rival imperialisms. But, although he considers the Anglo-German antagonism the most important element in the situation, he remarks that there was "no real conflict of interests", and that an agreement was possible at any time, whenever Germany chose to exhibit reason on the naval question. Indeed, he is so reluctant to ascribe any aggressive intent to British statesmen that he emphasizes their offer of an alliance early in this century, the refusal of which by Germany was "quite the greatest justification of [England's] later policy". The Entente, that "*non plus ultra* of diplomatic skill", was the inevitable reply to German ambitions, which Count Andrassy goes so far to condemning as to regret that the German policy in the East sought