
BOOK REVIEWS

THE POWER TO GOVERN — *Walton H. Hamilton and Douglass Adair. W. W. Norton and Co., Inc., New York. 1937.*

In "The Power to Govern," Walton H. Hamilton and Douglass Adair present their case for an interpretation of the scope of Federal power consistent with the needs of the industrial economy of the day. To support their thesis that the commerce clause of the Constitution is capable of supporting new expeditions into the realm of governmental regulation of the industrial order, the authors revisit the birthplace of the Constitution, seeking to discover the political and economic philosophy of the "Founding Fathers," as well as the climate of opinion of that day. The Convention of 1787, they point out, was dominated by moneyed men, with the commercial interests of the country having a representation all out of proportion to their numbers. These men, fully cognizant of the language of the times which accorded to the word "commerce" an expansive meaning sufficient to include trade and manufacture, were mercantilists, "although they might have raised their eyebrows over a term not yet in general use."

To secure the new government with adequate machinery to promote as well as protect commerce, the power of taxation and the power of regulation were provided—these being common facets of the power to govern. Thus there was lodged in the Federal government two powers by whose use the commercial interests of a new nation could compete in a world of mercantile states. The narrowing of the concept of the word "commerce" by the Supreme Court, they declare, is at odds with the contemporary usage of that part of the eighteenth century in which the Constitution was drafted. The authors suggest that while we are no longer concerned with imposing a mercantile pattern on our national economy, the Constitution, stripped of the gloss that has been placed upon it, can be interpreted to meet all the vicissitudes of national existence today.

The central theme of the book is thus that the framers intended that a broad interpretation should be given the commerce clause. The authors seek to advance their thesis through an approach in terms of economic analyses, in contradistinction to an approach in terms of the refinements of legal reasoning, such as employed by Professor Corwin. Nearly two hundred pages are devoted to this effort. What they chose to place

within the confines of a book could easily have been presented in an article without any loss of essential content. But aside from criticism of form, the theme itself is subject to criticism. For instance, the authors' theory that the framers intended the word "commerce" to include industry and manufacturing has been questioned by students of constitutional history. To cite a single example, John U. Nef, in his article entitled, *English and French Industrial History after 1540 in Relation to the Constitution*, appearing in "The Constitution Reconsidered" (1938), suggests that the word "commerce" was also used in its narrower, modern sense, and that "If the delegates to the constitutional convention had wanted 'commerce' to be understood in its broader sense, as covering industry or manufacturing, they could easily have made their meaning plain, by adding one or the other of these words."

A second shaft of criticism might be directed to the suggestion that the framers were mercantilists. That mercantilism, as an economic philosophy, had practically disappeared by the time the delegates met in Philadelphia is evident from the reading of an article by Conyers Reed entitled, *Mercantilism: The Old English Pattern of Controlled Economy*, appearing in "The Constitution Reconsidered," referred to above, where he says that in England, the mother of mercantilism, anything like a controlled economy was being abandoned for almost half a century before Adam Smith's "Wealth of Nations" (1776), and that "So far as any effective governmental regulation was in question, the English official attitude was in fact *laissez faire* by the year 1700." And, aside from whatever censure can be directed to the authors for failing to keep up with the times, a word of criticism of their overemphasizing economic motives to the exclusion of other motives, less mercenary and more idealistic, would not be amiss.

But granted that the framers were mercantilists, does it follow that they intended that a plenary power over commerce should be lodged in the *Federal* government? Had not the states, as colonies, fought in defense of the division of governmental power between the colonies and the mother country when the mother country attempted to invade what the colonies considered their local governmental powers? Now that their freedom had been obtained, but only after a revolution, was it to be surrendered in such an important aspect to the central government? To put the question is to suggest the answer. That such was not the intention of the framers is clearly demonstrated by Professor McLaughlin, who, in his book "The Foundations of American Constitutionalism" (1932), shows that the Federal system was to be a system where sovereignty was to be divided, with a relative balance between state and

federal powers, and with neither sovereignty interfering with the powers of the other.

The reader will find "The Power to Govern" to be an interesting volume, even though, as already indicated, its contents might have been stripped of superfluous adjectives and its chapters purged of the extended quotations from the founding fathers without loss to its theme. In short, "The Power to Govern" is an article raised to the dignity of a book.

EDWARD C. KING

THE MARXIST PHILOSOPHY AND THE SCIENCES. J. B. S. HALDANE. Random House, \$2.00.

An eminent British scientist, J. B. S. Haldane, has recently published a book¹ extolling Marxism, which is a body of doctrine that has been assembled from the writings of Karl Marx, Frederick Engels, and Lenin. It is not strictly codified, and, to some, includes material from writers other than the three persons named. Strange as it may seem, Engels, who was more versatile than Marx, is the source of much that is called Marxism.

One who knows something of Marx, and nothing of Marxism, might expect that the body of doctrine would have to do with economics—that it would pertain exclusively to the origin and development of capitalism and its emergence into socialism. But in fact, it is carried much beyond this by some of its adherents and is held to concern all realms of life and human experience. This book, as the title indicates, is an attempt to apply Marxism to the sciences—to quote the chapter headings: to Mathematics and Cosmology, Quantum Theory and Chemistry, Biology, Psychology, and Sociology.

The principles that Haldane would apply to these fields of science are: the principle of the unity of theory and practice, materialism, as defined by Marx and Engels, and "dialectical principles," namely, the principle of the unity of opposites, the passage of quantity into quality and conversely, and the negation of the negation. This last named principle, which may be taken as illustrative of Marxism, comes out of the dialectical process as formulated by Hegel and taken over by Marx, which conceives of knowledge and of historical evolution as proceeding through the three steps of thesis, antithesis, and synthesis. Thus, a fact is discovered, then its opposite, and out of this conflict, or negation, a wider truth is found, which negates the negation. Or, in medieval

¹ The Marxist Philosophy and the Sciences.