

ever, the fact that it is written in outline form may deter some from investigating its contents, but for the student of Jurisprudence this will not prove a barrier to a modern exposition of the tenets of the Natural Law Jurists.

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JEAN JACQUES BURLAMAQUI — *Ray Forrest Harvey. The University of North Carolina Press, Chapel Hill. 1938*

A perusal of the Constitution of America of 1789, with its amendments to date, will make one conscious of the presence of certain concepts, such as life, liberty, and the pursuit of happiness, property rights, due process, and other similar symbols of freedom, strength in unity, and sacredness in individualism. From where did the colonists derive their inspirations and fact pattern? This question is adequately answered by Ray Forrest Harvey, author of "Jean Jacques Burlamaqui."

The title of the book, in and of itself, means little to the reader, but it represents and identifies itself with a Swiss philosopher of what might be called the "rational utilitarian school of thought." According to the author, Jean Jacques Burlamaqui (1694-1748) as a source of American Constitutionalism has never before been treated. He is the primary source of the theory voiced in the Declaration of Independence, and his principles of a constitutional system have been adopted in the Federal Constitution as well as in those of the States in the Union.

The author endeavors to point out the chief characteristics of Burlamaqui's political philosophy in so far as it relates to constitutions and constitutional governments of America. For purposes of achieving the ends desired yet maintaining the interest of the reader, the author has divided the book into two parts. The first part is devoted to a study of the Political Philosophy of Jean Jacques Burlamaqui. The second part reveals the influence he had in America at the time the Colonies broke away from the influence and control of European countries and set up their own government.

After discussing the philosophy of Burlamaqui and contrasting or comparing it with that of other philosophers, the author elaborates upon other concepts of Burlamaqui's political philosophy, namely, what is sovereignty, from whence does it derive its powers, and what are its limits. In regards to this, his entire theory may be summed up in the following: "The State or sovereignty derives its powers from the consent of the individuals ruled." The author also treats Burlamaqui's philosophy of separation of powers of the various governmental agencies into Legisla-

tive, Executive, and Judicial. The book, although covering less than two hundred pages, contains interesting and well written explanations of Burlamaqui's political philosophy regarding the above mentioned items along with many others, as for example, his concept of Constitutions and constitutional governments, checks and balances in governments, and the inherent rights of the individuals in the State.

In the second part of this book the author indicates the great influence the principles of Burlamaqui, as set out in his work entitled "Natural and Political Law," had upon the people at the time of the Revolution and the formation and adoption of the United States Constitution. He points out, by use of statistics, the number of colleges that made Burlamaqui's work a requirement in their curriculums, how many private and public libraries had copies of it, and how the American lawyers, ministers, statesmen, professors, and laymen used and quoted Burlamaqui's works. In the author's conclusion, he makes the following, his last statement: "This study has demonstrated the striking similarity between Burlamaqui's 'Natural and Political Law' and American constitutional government. It has shown the indirect and direct influence of that work upon American constitutionalism. It places Burlamaqui on equal terms with the conventionally recognized sources of American thought as Locke, Montesqui, Blackstone, Coke, and others. Upon the evidence at hand, it may be concluded that Burlamaqui was as popular in America as any of the conventionally cited authorities, he was referred to almost as frequently as they were, and he set forth a better developed constitutional theory than any of them." (page 182).

PAUL T. HART

THE LAW AND MR. SMITH — *Max Radin. Bobbs Merrill, New York. 1938.*

Certainly the person most affected by the Law is the ordinary, everyday, average layman, and undoubtedly this same ordinary, average layman is the person who knows least about the law, its history and operation. Mr. Radin has classed this unknowing person as "Mr. Smith" and has set about to enlighten him on the Law in all of its various aspects.

The writing of such a book is by no means original with Mr. Radin. Many have preceded him in the commendable attempt to show Mr. Smith "the light" in relation to the Law. However, Mr. Radin has gone a step further in the right direction, for Mr. Smith can not only learn of the Law from this book but he may do so pleasantly and without