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## BOOK REVIEWS

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AMERICAN POLITICS — *Peter H. Odegard and E. Allen Helms. Harper and Brothers, New York. 1938.*

In the preface to this volume the authors state that it is primarily a book for college students. Although essentially a text-book in the field of Political Science, it differs widely in both treatment and scope from the garden variety of text-book and will prove of interest not only to the political scientist but to anyone who has an interest in our government, its development and its functions. The authors have shown parties, pressure groups, bosses, and machines in action. They discuss the history of American politics not only in terms of party leaders and organizations but also "in terms of fundamental economic and social cleavages from Bacon's Rebellion to Franklin Roosevelt's reelection." In pointing out that the book is essentially a study of the dynamics of politics, the authors make the following interesting statement: "The constitution itself is like a skeleton which politics endows with flesh, blood and the breath of life. The study of government without regard for political dynamics resembles the study of dead bones in a reliquary. For politics is to the science of government what physiology and pathology are to the science of medicine."

The study of politics is divided into two elements, a distinction being drawn between political parties, interested chiefly in *who* shall exercise power, representing the durable organizations which ask the people to permit them to administer the government, and pressure groups, concerned chiefly with *how* power shall be exercised, i.e., with the *policy* of government. The authors first take up an historical study of these two forces, tracing them through the beginnings of political parties as seen in the split during Revolutionary War times between Whig and Tory on down to the present day trend toward a split between Liberal and Conservative, and show how these forces manifested themselves in the conflict of interest that has constantly been present in the American political scene.

One of the most interesting parts of the book from the standpoint of a lawyer or student is the discussion of the effect of politics on Congress, the executive, and especially on the courts. In regard to the United States Supreme Court, this can best be summed up in a quotation: "If it is too much to say, as Brooks Adams says, that the court has always

had a partisan bias, it is none the less abundantly clear that partisanship, both nominal and real, has influenced its composition and that its decisions have in turn played a prominent role in American party battles." The American constitutional system has been the basis for criticism because "in passing upon the constitutionality of legislation it (the court) must decide matters of policy and its decisions are therefore political in a very real sense."

The main theme of this book is the contest of various interest groups, and the authors point out the pressure which these groups, economic and sectional, exert upon parties and government: pressure which is seen in every phase of politics—bosses and machines, nominations, financing of campaigns, propaganda, and the verdict of the voters. The closing note is one of tolerance for minor parties and pressure groups. "The future of modern democracy will depend upon the extent to which it affords opportunity for a peaceful—and, one is tempted to say piecemeal—transition from capitalism to democratic collectivism. To accomplish this it is vitally necessary that those who challenge the existing order, either wholly or in part, have ample freedom to do so not only as minor parties but as enclaves of pressure and persuasion within the major parties. Only thus can both parties move forward with the times and avoid that fatal cleavage which results in civil war."

One can scarcely refrain from questioning, however, whether the authors would be so insistent upon granting such freedom to those who would change the existing order if change would result in other than "democratic collectivism."

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JAMES F. BELL, JR.

JURISPRUDENCE — *Jerome Hall. The Bobbs-Merrill Company, Indianapolis. 1938.*

In this first attempt at a compilation of materials giving a comprehensive survey of legal philosophy, the author has used a three-fold treatment. Philosophy of Law, as the first part is described, deals with the literature and thought of all the schools of jurisprudence except the two most recent, deemed to merit co-ordinate headings. The relation between logic and law, the limitation on the use of logic arising from the very nature of law, the media through which the logical method operates, their value and inherent weakness, and the natural confines of any purely deductive or formal science form the subjects of part two on Analytical Jurisprudence. Part three, Law and Social Science, is