



1903

## REVIEWS

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### Recommended Citation

*REVIEWS*, 13 *YALE L.J.* (1903).

Available at: <https://digitalcommons.law.yale.edu/ylj/vol13/iss2/6>

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## REVIEWS.

*Valor Social de Leyes y Autoridades*; por P. Dorado, Catedrático en la Universidad de Salamanca. Barcelona, 1903.

This volume, which constitutes the thirty-eighth of the *Manuales-Soler*, opens by putting the question whether law and political authority deserve to be considered as instruments of well-being and progress, or as obstacles to them. This, Professor Dorado maintains, is simply to ask whether man is free or slave (p. 5). Are his reason and conscience his masters, or is his own personality, with respect to outward conduct replaced by another personality, imposed upon him by law? That it is not, Spanish jurists and theologians have united in asserting from the sixteenth century, under the maxim *Oportet obedire Deo magis quam hominibus* (p. 8). Fray Alonso de Castrillo, in his *Tratado de Republica*, published in 1521, had roundly declared that obedience "was introduced more by force and positive law than by natural justice," and that saving that due by children to their parents and elders, all "other obedience is by nature unjust, for we are all born equal and free" (p. 15). This freedom is preserved if we make organized human society the source of human law, and custom the channel through which it is derived, producing an "order, real, moral, and juridical, all in one" (p. 45). Its source is pure, though it may ultimately develop into either an instrument of tyranny or of liberty (p. 72). It will restrain individual liberty for the common good. Public homes for the reception and restraint of neglected children, schools, tramp-laws, reformatories for the young do this in one way and for one purpose; in another way and for another purpose it is accomplished by statutes to regulate the length of factory days, the minimum rate of wages, the employment of women and children in fatiguing labor, the formation of labor unions or of associations of employers. As a typical example of the latter, the author cites, with an enthusiasm perhaps not wholly born of knowledge, the success of trades-unionism in England. Such combinations, at first regarded as an enemy of trade, now "are considered as one of the firmest supports, as one of the greatest guaranties of the establishment and prosperity of society" (p. 107).

Professor Dorado deplors the modern adoration of codes as something ultimate and final. Law, he says, is treated too commonly as a formula of legists. Thus regarded it is a powerful obstacle to scientific investigation from the standpoint of a jurist or philosopher. Lawyers clamor for a more "practical" preparation for the bar. Publishers and booksellers say that there is no sale

for law-books of a philosophical character. The bar want nothing but legal texts fortified by the commentaries and interpretations of the Supreme Court or Council of State. Jurists in general are persuaded that scientific theories and dissertations ought to be banished from the tribunals of justice and relegated to academies and universities (p. 153). On the contrary, statutes should be made and expounded by those familiar with the reason of the law. Then would men see that as society becomes more perfect, it will exercise and need to exercise less coercive power. Public opinion will count for more (p. 188). Forced co-operation is preparing the world for voluntary co-operation (p. 189). Legal protection is an indispensable stage in collective progress, but the necessity for it is in inverse proportion to the mental enfranchisement (*desarrollo*) of the individuals to whom it is extended (p. 191).

Professor Dorado's conclusion is that nihilism, *laissez faire*, anarchy, and all their kind have no philosophical foundation. The gradual suppression of laws, as they are shown to be unnecessary, does not imply, as some assert, the abolition of the State. The only thing that it implies is the replacement of the State of authority founded on force, by another State, one of co-operation, whose functions will not be, so to speak, the property of a sovereign, but collective services, and whose organs and functionaries will hold no other character than that of managers of common interests, designated by the community, and responsible to it (p. 200).

This brief sketch will serve to show that Professor Dorado has given thoughtful consideration to some of the most difficult questions with which a student of jurisprudence or legislation has to deal, and that the traditions of the University of Salamanca have not prevented him from treating them with a free hand.

S. E. B.

*The Anglo-Saxon Century and the Unification of the English-Speaking People.* By John R. Dos Passos, of the New York Bar. G. P. Putnam's Sons, New York. 1903. Cloth, pp. 242.

Most thinking men are probably to-day agreed that Anglo-Saxon unity in some form and degree is a fact which a not distant future has in store. The logic of events is clearly pointing in that direction. The Spanish-American war, the present complications in China, the will of Cecil Rhodes, the steady movement toward arbitration, the better public feeling on both sides of the Atlantic are, each in their way, indications of the trend of affairs. This contribution of Mr. Dos Passos, looking toward a probable union between the United States and Great Britain, will at least focus and crystallize the rather vague and often fanciful discussion which has thus far marked consideration of the question.

No space has been wasted upon impracticable and undesirable ideas of federation or of offensive and defensive alliance. After tracing in logical sequence the historical facts which are a common heritage of the Anglo-Saxon race and outlining the natural forces

and selfish reasons which are at work impelling and justifying unity, the author presents what he believes to be a feasible and effective means of securing the desired end—a treaty between the two countries covering certain subjects which would naturally precede any political bond, were such a bond eventually to come. His suggestions as to what subjects the treaty should embrace are five: The voluntary admission of Canada into the Union; a common citizenship between the citizens of the United States and the British Empire; absolute freedom of commercial intercourse between the two countries; an uniform standard of money and of weights and measures; and a permanent arbitration tribunal to which all disputes should be referred.

The sound sense of the author is nowhere marked more clearly than by this proposed scheme of unification. Freedom of commercial intercourse and other like measures are emphasized, for he recognizes that the strongest ties, after all, are the ties of business and social life; only let these be sufficiently strong, and political unity of some sort will follow as surely and naturally as day follows the night. In his suggestions of common citizenship and admission of Canada, approval is given to ideas which perhaps by many will still be regarded as visionary; yet as is pointed out, there can be no satisfactory and permanent bond of union which does not eventually embrace those features.

One is rather amused to find "duty" classed as one of the "*selfish* causes which provoke and support an alliance." However, "duty" has so subtle a way in this life of turning up on the side of self-interest, that possibly one ought not to hitch over such a classification.

Mr. Dos Passos' style reveals his profession. The work is a logical, easy-flowing argument, well built, strongly supported and, above all, clearly stated—in every respect an admirable presentation of the case for Anglo-Saxon unity.

S. W. E.

*Where and How, a Handbook of Incorporation.* By John S. Parker. Brown-Green Co., New York. 1903. Paper, pp. 164.

The corporation laws of New York, New Jersey, Delaware, Maine, Massachusetts, West Virginia and South Dakota are digested and compared with a view to furnishing immediate and accurate information as to the most desirable State in which to incorporate, according to the nature and needs of the particular corporation to be formed. The matter is systematically arranged, and shows a thorough knowledge of the corporation laws of the States mentioned. An important addition is made by giving a chapter on the taxation of domestic and of foreign business corporations in New York.

J. J. F.

*Handbook of the Law of Principal and Agent.* By Francis B. Tiffany, author of *Death by Wrongful Act*, *Law of Sales*, etc. West Publishing Co., St. Paul, Minn. Sheep. 609 pages.

One is puzzled to know just what niche in legal literature this latest work of Mr. Tiffany fills. The practitioner will not find it as

useful to him as other books upon the same subject. It does not display the depth of research apparent in Story, nor has it the fulness of detail we find in Mechem; its citations of cases are brief; and the value of the index is diminished by numerous cross-references. It is perhaps intended especially for the student. As one of the "Hornbook" series, it has the advantage of emphasizing the salient features of the law with which it deals. But one wonders if too easy access to these does not induce a superficial examination of their hardly less important qualifications. And it is questionable whether there is time to take up in classroom work so long a treatise upon a subject which, after all, is hardly more than a subdivision of the law of contracts. Yet in itself the work is well done; it formulates in clear, terse language the leading principles of the law of agency; and, for one who desires to familiarize himself with these, it will repay a close reading.

*W. M. M.*

