

growing field of literature directed at divesting this body of some measure of its sanctity. Its slapdash style, frequent historical inaccuracies, and coloring of historical detail are explainable, perhaps as techniques to capture the enthusiasm of the public, and perhaps as the natural results of the author's fervor.

Starting with the colonial era, Mr. Ernst leads us along the familiar pathway of constitutional development, stopping occasionally to inject interesting sidelights on the more important men and customs of their times. The author offers his interpretation of the intentions of the framers in drafting the better known clauses of the Constitution; and contrasts the modifications and distortions introduced by the Supreme Court. He portrays this action by the "judicial witch doctors" as creating an array of bewildering decisions concerning due process, interstate commerce and the sanctity of contracts which, in turn, have created an economic chaos destined to bring revolution.

As a preface to his own proposal for Supreme Court reform the author presents an illuminating discussion of the many other suggestions now current. He then seizes upon language of James Madison to lend historical dignity to his own proposal of a constitutional amendment empowering Congress, by a two-thirds vote, to override any judicial veto. By thus insuring to Congress the final word in legislation, Mr. Ernst seeks to restore to the people "the ultimate power."

EXPANSIONISTS OF 1898. The Acquisition of Hawaii and the Spanish Islands. By Julius W. Pratt. Baltimore: The Johns Hopkins Press, 1936. Pp. vii, 360. \$3.00.

In tracing the combination of forces which resulted in the acquisition of a Pacific empire by the United States, Mr. Pratt runs counter to the current fashion of historical analysis. According to this writer, America's shift from an agrarian to a commercial imperialism owed little of its philosophic formulation to interested economic pressure groups. The need of American business for colonial markets and fields of investment was discovered not by business men but by intellectuals: historians, sociologists, clergymen, journalists, naval strategists and politicians. These men, playing with terms like destiny, duty, religion and power, worked to prepare the mass frame of mind for war against Spain long before business interests saw any advantage in the prospective war. Mr. Pratt cites impressive chapter and verse to bear out his point that until May 1, 1898, American business men were either opposed to expansion and saw only economic dangers and political risks in the program, or were generally indifferent. American business was experiencing at the time a revival after several years of depression. Business men feared that war with Spain would disrupt revival. Despite the high tariff legislation which followed soon after the war, business interests were generally disposed to accept the free trade doctrine that it was not necessary to own colonies to benefit by trade with them. They saw that they were able to trade profitably with the colonies of the world's imperialist nations without having to bear the cost of their protection and administration.

What shifted the American business man's point of view on May 1 was Dewey's dramatic victory at Manila, coming when European nations had, apparently, begun the partition of China. Though the volume of American trade with China was at the time only two per cent of its total exports, the American business man came to believe that China offered a *potential* market for his surplus goods. The victory at Manila offered the United States a far eastern base from which the threatened potential

markets in China might be defended. Though business interests did not want war, they accepted its results and began to build hopes upon the supposed opportunities for trade and expansion in a string of dependencies stretching from the Philippines to Puerto Rico. In the light of these beliefs, their insistence on the acquisition of Hawaii, an isthmian canal, and a material increase in the navy is understandable. A canal was necessary to defend the islands which in turn were necessary to defend the far eastern markets. Conversely, the islands were necessary to defend the canal. Captain Mahan sat at the vortex of the diminishing concentric circle of arguments by contending that a large navy was necessary to defend both the islands and the canal.

Mr. Pratt's work comes at an appropriate time when the United States by its recent legislation affecting the Philippines has added another chapter to a strange story ably told thus far by Mr. Pratt, a story whose thesis is our inheritance of an uncomfortable place in the sun.

CURRENT PROBLEMS OF PUBLIC POLICY. By Charles A. Beard and George H. E. Smith. New York: The Macmillan Co., 1936. Pp. viii, 523.

This volume, prepared under the direction of the American Political Science Association, is designed to make available to teachers of social science accurate and authentic materials on problems of current interest. The field chosen for this, the first of such volumes, was government—a felicitous choice in the light of the universal and intense interest concentrated on that subject. The breadth of the field chosen, the variety of topics touched upon, together with ever present considerations of space, prevent the volume from being comprehensive or complete. Yet it adequately achieves the object of the Association: an effective presentation of material that may serve as a starting point for further discussion. The compilation is divided into three parts; the first containing the official programs and platforms of groups organized to influence public opinion and action; the second treating of such momentous and controversial issues as the relation of industry and labor, unemployment relief and social security, and the problem of public utilities and holding companies; and the third dealing with certain problems of administration.

INDEX INTERPOLATIONUM QUAE IN IUSTINIANI DIGESTIS INESSE DICUNTUR. Edited by Ernst Levy and Ernst Rabel. Tomus III. Weimar, 1935.

Since Roman law has lost actual force in all European Countries (except Greece), the science of Roman law has increasingly become an historical study. Modern Romanists, no longer bound to treat the *Corpus Juris* as positive law, regard as their principal task the reconstruction of the law of the classical period (first and second centuries A.D.). The Digest, although purporting to be composed of excerpts from the writings of the classical jurists, is not a reliable source of the classical law because Justinian's compilers, and perhaps others before them, changed the texts in order to adapt them to the changing conditions of their times. Modern scholars have scrutinized every single passage of the *Corpus Juris* and the results of their research work are spread over an immense number of law review articles and other publications of different countries. The Index gives a complete list of all of these writings. It need hardly be said that it is indispensable for any serious work in Roman law.