

indifference with which they have been and are regarded by the representatives of science is easily understood. Still, one would suppose that untenable Utopias would stand self-convicted, even though it be distasteful to every earnest thinker to oppose them. Unfortunately this is not the case. The irrational theories of the Social Democracy concerning the establishment of a social order in which "freedom and absolute equality" shall rule, find acceptance among very large masses of the population. Bebel's book "*Über die Stellung der Frau im künftigen Socialstaat*" has gone through a number of editions, and no scientific work can boast of so large a circle of readers as this Utopian book written with the tone of unerring prophecy. Thus, Professor Ziegler performs a valuable service in undertaking to marshal the evidence which shows that Bebel's citation of Darwin and modern natural science as the basis of his Utopia is entirely unwarranted, and that Bebel either misunderstands or puts a false interpretation upon the sentences quoted from Darwin or taken from natural science. Likewise, Professor Ziegler corrects several false ideas that have found a place in socialistic literature through the influence of Morgan's work on the primitive family relation. The author's criticisms are partly based on the work of Westermarck and partly on the analogies which, as a zoologist, he himself is able to draw from the animal world.

The book is a very serviceable one; but whether it will accomplish its aim is another question. In this particular it is not safe to be optimistic. The masses who read Bebel's book with credence and enthusiasm, will not read Professor Ziegler's work. What the masses hope for, is what they gladly believe. Bebel's Utopian pictures of the future lighten their burdens greatly and delight their fancy. Professor Ziegler's book would tire them and disturb their dreams; that they do not wish. The author, nevertheless, followed a higher aim than success. He followed the promptings of the truth, and did it well.

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*Sources of the Constitution of the United States Considered in Relation to Colonial and English History.* By C. ELLIS STEVENS, LL.D., D. C. L. Pp. xii, 277. New York and London: Macmillan & Co., 1894.

The conception formerly entertained of the origin of our constitution has been undergoing an important change during the past few years. We no longer look upon this document as the half-inspired product of a little group of men who met together in Philadelphia in 1787. The continuity of history was bound to assert itself here as in every other great and successful piece of organization. Obvious as the

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truth of this now appears, the sources from which the framers of the constitution drew were scarcely touched upon by the earlier historians of the constitution who seem not to have recognized that the prevailing theory of the complete originality of our form of government was *a priori* untenable.

While several attempts have been made of late to fill this *lacuna* in our history Dr. Stevens is the first to present the subject in a complete and satisfactory form. His treatment is scholarly and free from all narrow national bias which can so easily vitiate the work even of a careful historian. The book is furthermore characterized by a liberality which does not hesitate to recognize the merits of other work in the same field. Dr. Stevens began his investigations in this subject several years ago, since that time several important contributions have appeared treating various phases of the subject. These the author has to a large extent reproduced in his ample notes. Consequently his book contains not only a clear and concise statement of the result of his own investigations, but gives as well the salient points in the special articles or chapters which others have written.

The book while comprehensive is in no way diffuse, details being treated in foot-notes which form over one-half of the work. Mr. Stevens, after two introductory chapters on the organization of the Anglo-American colonies and the formation of the constitution, takes up in order the legislative organism, the executive, the judiciary and closes with a chapter on the "Bill of Rights"—a topic which has failed heretofore to receive the attention it merits.

Our institutions are not simply English, the author claims, but may more properly be termed Teutonic. In every case he points out the earliest distinguishable forms of the several features of the constitution, and then traces their development in England and the Anglo-American colonies. "The American Constitution," he justly observes, "though reflecting a contemporaneous stage, was not a mere imitation of the constitution of the mother-land, but an historical development from it. Its similarity to its prototype resulted not from any copying process first undertaken in the convention at Philadelphia. Rather was it a reaffirmation of principles already American by hereditary usage or long-established custom. The earliest attempt at a national constitution, that of the confederation, had been a failure precisely as to the points in which it departed from these principles; and the present constitution was a return to a system from which the colonies themselves had never departed. . . . The members of the convention, though consciously taking much from the old system, were doubtless incompletely aware of the extent to which they themselves were influenced by their training under such institutions." (pp. 53-4.)

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The debt which the convention owed immediately to the existing State constitutions can only be realized by one who takes the pains to read these documents where we often find the very words which were adopted in the Federal constitution. Dr. Stevens might with advantage have dwelt at greater length upon this phase of his subject. He shows a tendency to give the remoter causes which influenced the convention an undue emphasis while he certainly neglects the influences which may be traced immediately to the institutions of the several American States. Too little is said of that most fruitful period perhaps of all our history in the matter of constitutional growth, namely, that which intervenes between the recommendation of congress (1775) that the several States provide themselves with constitutions, and the meeting of the Constitutional Convention of 1787. This period immediately preceding as it did the drafting of our present form of government, is the most important link in the chain of development. While Dr. Stevens quotes the vague reports of Cæsar and Tacitus concerning early Germanic customs he makes no direct reference to the constitution of New York of 1777 or that of Massachusetts of 1780. The theory of Mr. Douglass Campbell, who would attribute a Dutch origin to most of our institutions, is carefully treated by Dr. Stevens and satisfactorily refuted. "In simple truth," the author concludes, "the presence in America of other races than the English has left scarcely a trace in the national constitution." (p. 5 n.)

Dr. Stevens has erred perhaps in not incorporating in his text in some instances the matter contained in the foot-notes. For the notes instead of furnishing simple amplifications of the text often discuss points essential to the general presentation of the subject. The style and general arrangement of the book is, however, excellent. The work has evidently been for him a work of love and Dr. Stevens has made a really important addition to our historical literature.

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