

the mark proposed by those sociologists who find analytic and genetic interpretation abortive unless it leads to a teleological section of sociology. Even M. Worms, in describing the classes of laws which it is the province of sociology to seek, does not find room for laws to apply in conscious and reflective progress. Mr. Novicow's paper fills 153 pages, and is the most elaborate defense of the "organic concept" that has yet appeared. I cannot escape the feeling that it is very largely love's labor lost. As has been said so often, all that is worth contending for in the case is virtually accepted by everybody, even those who scoff at the idea. The rest will either take care of itself in due time, or it is accident and exaggeration that cannot be dropped too soon. This paper should, however, be compared with a recent monograph by Dr. H. Kistiakowski, *Gesellschaft und Einzelwesen, eine methodologische Studie* (Berlin, 1899), especially pp. 19-31. This author, too, has made a distinct contribution to the analysis of our material, although he numbers himself with those who find it necessary to oppose the organic theory in terms, while positing all its essentials, and making them more evident in the body of his discussion. The organic concept controversy seems to me to have done more than all the other phases of sociological discussion put together to impeach the sociologists' sense of humor.

Professor Puglia's brief paper appears to have been suggested by Professor Vaccaro's book, *Les bases sociologiques du droit et de l'état* (vide this JOURNAL, Vol. IV, p. 103). His thesis is: The law of "adaptation" is doubtless a general law of the life of beings, and men among them are consequently subject to it, but for man, for human nature, it is a *specific* law. There is a law superior to that of adaptation, a law which should be considered as the supreme law of our existence, viz.: the law of *progress* or of *perfection* (*perfectionnement*). On the whole this volume is a valuable addition to our literature.

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*Mr. Lex, or The Legal Status of Mother and Child.* By CATHARINE WAUGH McCULLOCH. Chicago: Fleming H. Revell Co., 1899. Pp. 81.

THIS little book shows that married women still have their grievances against the law. In England as well as in this country the old common law of husband and wife, the law of coverture, which has been aptly summarized by saying that husband and wife were one,

and that one was the husband, has been superseded by far-reaching statutory enactments, which place the wife, as far as property capacity is concerned, substantially on a par with the husband. It is true that the wife still holds a position subordinate to her husband in her relation to the children of the marriage. Mrs. McCulloch describes the miseries resulting to Mrs. Lex and her children from the exercise by Mr. Lex of his legal rights as the head of the family. The picture is a harrowing one, and the author is careful to show the legal justification of every abuse of marital and parental authority on the part of Mr. Lex by references to statutes and decisions of Illinois. Conceding the statements of law to be correct in every point, it would not follow that the author has made out her case. Marriage is a community relation in which there can be no majority rule. In case of disagreement between father and mother as to the exercise of parental rights, the law must either support the authority of one or undertake to decide for itself. Our law, like that of all other countries, recognizes the superior authority of the father, interfering only in cases of gross abuse. It is difficult to see how it could assume any other position. The only other alternative would be to accord the supreme authority to the mother, and we have not come to that point yet. The old common law was unjust, in that it ignored the rights of the mother entirely; but equity modified the harshness of this rule from an early date, and it is now the tendency of the courts to deny any absolute right of parental control, and to check the abuse of parental power, where the welfare of the child requires it. Naturally, however, such power of interference will not be exercised except in extreme cases. This principle operates in favor of the mother as well as in favor of the child. It will not and cannot remove the possibility of hardship and injustice within certain limits. Mrs. McCulloch has shown the possible abuse of the power of the father under the law; she might have equally shown the possibility of greater abuses of the power of both parents over their children; but would she therefore argue that the parental power should be altogether abolished? The two cases seem to be entirely parallel. It is, however, not to be denied that the law is capable of improvement in minor particulars, and the author has done well to call attention to some anomalies and unjustifiable relics of the past, as, *e. g.*, the barbarous theory of the action for seduction. The book is well written, and will undoubtedly find many readers who do not otherwise care for legal literature.

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