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The Constitution at the Crossroads, by Edward A. Harriman

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emotional reaction and limited observation concerning crime, and he is doubly wise if he realizes that those observations are more than likely to be wrong. But prisoners come before the bar, they must be dealt with somehow, and there are many little changes which can be effected which are obviously needed and which will serve to hasten the day when we can rely with more safety on the data of crime. Changes in court procedure are now sufficiently agitated to warrant the belief that some relief will be afforded along that line in the not too distant future. As yet little attention has been paid to the substantive law of crime. Many obvious changes can be made there also, which would materially aid the situation. Fundamental and sweeping changes in the substantive law must, however, await the progress of medicine, psychology and criminal statistics.

OLIVER P. FIELD.

THE CONSTITUTION AT THE CROSSROADS. *By* EDWARD A. HARRIMAN. George H. Doran Company New York, 1925, pp. xv, 274.

The title of this book requires explanation. The author means that the Constitution of the United States is at the crossroads. "In one direction leads the way of national tradition and absolute independence; in the other, the way of surrender of absolute independence of action to a federation of the world" (Preface). Or, as he puts it elsewhere still more succinctly in the Preface, our "Constitution is now at the crossroads between nationalism and internationalism."

Though it is a painstaking piece of work, its conclusions are vitiated by a bad method and a false premise which renders the whole superstructure upon which it is built unstable.

The bad method consists in the lawyer-like habit of drawing far-reaching conclusions from an analysis of words or documents without reference to the actual working of the institutions described, the characteristics of human nature, or social, economic and political needs. The result is a mere textual or a metaphysical criticism which may have some value, but which, combined with an undue regard for tradition and precedent, has involved us in the network of legalism and constitutionalism from which we suffer in this country.

Then there is a false premise or an assertion (and it is a mere assertion on the part of the author for which he offers no manner of proof) which must result in the collapse of the whole structure that he has so laboriously erected. This is the assumption that the two institutions described—the League of Nations and the International Labor Office—constitute a super-state and involve a surrender of sovereignty on the part of their members. The fundamental characteristic of a super-state or sovereign body is wholly lacking in these organizations, *viz.*, the possession of sovereign or supreme power. They do not operate by their own authority; they have no power of constraint coercion or command. The main sanction for their influence is public opinion and such economic or military sanctions as have been provided must be exercised through the member states. Though by central or international laws they exercise certain limited executive and administrative duties and though they may be said to have a certain initiative in international legislation (which must be exercised through the treaty-making powers of the various states), they have no real final or supreme powers, whether of a legislative or executive character. In fact these organizations are essentially in the nature of confederacies of the type provided for in our earlier Articles of Confederation.

The Appendix includes the texts of the Covenant of the League, the Permanent Organization of Labor, and the Statute of the Permanent Court of International Justice.

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