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 some-
how, 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.

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 tex-
tual 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 pro-
vided 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 interna-
tional legislation (which must be exercised through the treaty-making pow-
ers 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 Per-
manent Organization of Labor, and the Statute of the Permanent Court of
International Justice.