

Book Review: Social Politics and Modern Democracies, by Charles W. Pipkin

Major L. Younce

Follow this and additional works at: <http://scholarship.law.marquette.edu/mulr>



Part of the [Law Commons](#)

Repository Citation

Major L. Younce, *Book Review: Social Politics and Modern Democracies, by Charles W. Pipkin*, 16 Marq. L. Rev. 75 (1931).
Available at: <http://scholarship.law.marquette.edu/mulr/vol16/iss1/19>

This Article is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. It has been accepted for inclusion in Marquette Law Review by an authorized administrator of Marquette Law Scholarly Commons. For more information, please contact megan.obrien@marquette.edu.

of the method of analysis and gives two available methods to be used for this purpose, referring to the preceding text and exemplifies this mixed mass of evidence by selections and testimonies from important trials both of this country and of Great Britain.

In the appendix of this book is a very comprehensive treatment of the science of proof compared with proceedings at trial and the rules of admissibility of evidence. Then follows a complete list of trials for analysis and the problems of proof as applied to general history and to police and detectives' point of view.

This book should be in the hands of every lawyer, judge, law teacher and student, as it deals with a subject that has not been taught in the course of any law school, and can only be acquired through actual practice and conduct of cases after being taught the principles of evidence. Problems of proof are to be distinguished from the production of evidence, as proof refers to degree and kind of evidence which will produce a full conviction or establish a proposition to the satisfaction of a tribunal, being what may be termed the result of the evidence. In Mr. Wigmore's treatment of this subject he has fully and completely illustrated methods that would produce both to the court and jury the full weight and result of evidence.

WILLARD A. BOWMAN, '24,
Member of the Milwaukee Bar.

Social Politics and Modern Democracies. By Charles W. Pipkin. Published by The Macmillan Company, New York (1931). Two Volumes, pp. xxiv, 377; vii, 417.

To the student and practitioner of law who may now and then in his own heart experience misgivings as to whether the exacting demands of preparation for client-advocacy and advice are not leading him to too narrow a view of "the law that is" and shutting off exploration on the peripheries of genesis and prospects, not to mention alternatives, this convenient summary of the course of social legislation in England and France for the last 30 years will come as a welcome time-saver. Even for the specialist in social legislation some kind of guide through the intricacies of this rapidly shifting legislation is quite indispensable. Both, however, will miss in Pipkin's work adequate treatment of the significance of this legislation in terms of legal relations, judicial interpretation, and the rearing of a sociological jurisprudence and its problems—for example, the legal implications of the system of regulations issued by the Ministry of Health for the whole conception of administrative government in England. As Goodnow, Pound, Frankfurter, and especially Dickinson (*Administrative Justice and the Supremacy of the Law*. 1927) among others have demonstrated, these general considerations of practice and effects are at least as important as abbreviated descriptions of the acts themselves and the minutiae of their causation and passage, and the problems raised extend beyond those specifically dealt with by Robson and Hewart.

The book is in the main an elaboration and rearrangement by the one-time Rhodes scholar and present professor of Comparative Government at Louisiana State University of his earlier (1926) *Idea of Social Justice*, with separate volumes now devoted to England and France respectively. While, with only these two countries being treated it might be argued that the case in favor of studying

in one volume the developments in both was never very strong, yet many an impecunious scholar may question the social wisdom of an editorial policy of bringing out first editions in expensive two-volume sets, where both on grounds of convenience and cheapness a thin-paper one-volume edition could render greater social service. Of course Professor Pipkin justifies the choice of England and France on the ground that they have provided more than any other countries "a large body of political experience for the whole world" in their efforts "to meet the problems of a changing world industrial system," yet it may be doubted whether it would not have been wiser in view of the priority of Germany and Austria in the more intensive of early social legislation, to have broadened the limits of the study in this respect as well. For the sake of presenting the wider socio-legal implications of the administrative application and judicial interpretation of this legislation, and giving a balanced allocation of the general European leadership in social legislation among the different countries so meriting instead of merely limiting himself to the genesis of social legislation and featuring England and France in a great study, we believe the author might well have risked greater size limits (and justified a two-volume first edition!).

The new work carries the story of events up to 1930 and about thirty percent of the present work consists of new material, though not quite as abundantly documented a buttressed with footnote references as the old, which however is more a matter of change of style. The education acts, old-age pensions, national health (including accident and industrial-disease) insurances, unemployment insurances, minimum-wage struggles, poor-laws, housing and town-planning legislation, the weekly rest-day and other regulations governing the conditions of labor—all come under survey. And the book is more than an abstract of legislative measures. Feeling that laws can be understood and appreciated only in the light of their background and setting of the economic needs, social environment, and political influences, which brought them into being, the "story has been told as much as possible in the language of workers' congresses and debates in parliament and official reports," and "the reasons that governments gave for their social policy, through the responsible minister, have been set forth at length." Much attention has been given to the political labor and socialist movements in both countries, to the end also of showing "how the alliance of the industrial and political labor movements, much more effective in England than in France, has made it possible to call into active collaboration organized labor agencies in the public social services set up by governmental action."

Since the major change in the conception of government which marks our own age is that from the pioneer *laissez-faire* emphasis upon "maintaining peace and enforcing contracts" to the recognition of the concern of the state with welfare and "the good life," the importance of the field which Professor Pipkin's work covers scarcely requires stress. Those who consult these two useful volumes of Pipkin's will discover the extent, at least in legislative discussion and enactment, to which inroads have been made, in two of the most civilized countries of the world, upon the doctrine of "no governmental interference," and will feel that another worthy contribution has been made to the literature of a movement, broad aspects or special phases of which have already been indicated by such as Pound, Willoughby, Goodnow, Beard, Schlesinger, Faulkner, and others.

DR. MAJOR L. YOUNCE,
Department of Social Sciences.