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### Book Reviews

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## BOOK REVIEWS

LEGISLATIVE PROCEDURE; Parliamentary Practices and the Course of Business in the Framing of Statutes. By Robert Luce. New York: Houghton Mifflin Co., 1922. pp. vi + 628. \$5.00.

This volume is the first of four treatises dealing with the general subject of the science of legislation. The series proposes to treat historically, descriptively and critically the legislative branch of government in every aspect. The three volumes by the same author yet to be published are Legislative Assemblies, Legislative Principles and Legislative Problems.

The peculiar value of the present treatise lies in the fact that the author has been more concerned with practice than he has with orthodox legal theory. There are few places in the whole field of politics where the disparity between theory and practice is so great as it is in the field of legislative procedure. Many of the constitutional requirements are of such a character that compliance with them in good faith would be physically impossible; such, for example, is the rule requiring the bill to be read on three separate days. In this volume the reader gets a vivid and unusually accurate account of the actual legislative practice. The gathering of this material on such a large scale has been a tremendous undertaking, and the author has done it well. Moreover, he has not only been industrious, but he has been discriminating in discussing outstanding problems. He has not given a dry summary of all of the provisions, but has discussed with intelligence and critical comment typical examples representing the different types of practice in the various states and in Congress.

Frequent reference is made to historical materials and to the experience of other governments, and particularly to the legislative experience of the British government. The fullness of the treatment accorded to specific subjects is illustrated by the fact that 114 pages are devoted to the subject of legislative committees. In this connection, however, it should be noted that he has failed to deal especially with the work of *interim* committees. Wisconsin experience would tend to show that the work of *interim* committees has been one of the most constructive and helpful factors in the perfection of legislative technique. It would seem that the importance of this development would have justified giving it considerable attention.

Chapters 20, 21 and 22, dealing with the power of the speaker, leadership and partisanship, respectively, contain a very excellent discussion of those very interesting and fundamental problems of legislative procedure. In dealing with the problem of party caucus and party responsibility for the legislative product, the reviewer feels that the author has not come to grips with the real problem. There are undoubtedly certain evils in the rule of the caucus and in party domination of legislative activities; but is there any other way by which popular control may be maintained? An examination will show that less than one-half of one per cent of the voters have any knowledge of how their legislative representatives voted on the

important bills at any session of the legislature. The tremendous mass of legislative projects is largely to account for this. Such being the case, it is impossible to expect the average member of the public to control the legislature through any theory of personal responsibility of the representative. About all that can be reasonably expected of the body politic is to have a general impression as to whether or not the results of the session have been on the whole good or bad. If there is party responsibility, the voter can vote for or against the party in power and thus exercise indirectly a form of popular control. But if parties do not dominate and do not accept the responsibility for the work of the session, how can there be such a thing as the rule of public opinion, when less than one per cent of the people know the legislative record of their representative? The author's assumption seems to be that the public can control through the theory of personal responsibility but this is clearly negated by the actual facts as mentioned above.

The book differs from the very excellent article on *Procedure in State Legislatures* by Mr. H. W. Dodds in that it goes much more fully into the history and development of the various problems and is much more replete with illustrations. There is a wealth of material not otherwise available and it is written in an interesting informal style that is exceedingly attractive. One reads easily from chapter to chapter without being conscious of the space he is covering.

From a scientific standpoint the book is open to some criticism. The organization of the material has not been along analytical or constructive lines. There has been no conscious effort to formulate the underlying principles or to analyze inherent tendencies. In this respect the author has failed to take full advantage of his opportunity. For he has gathered here a mass of important detail which upon more scientific analysis might have yielded up some underlying principles of great value. This does not mean that the book is lacking in penetrating insight. It means rather that the basis of organization has been descriptive and historical rather than analytical and scientific. It contains the materials for scientific generalization but the generalizations themselves have not been consciously attempted. Nevertheless, no student of politics in general, or of legislative principles in particular, can afford to be without the book, not only because of the facts it contains, but because of the light it throws on the practice and theory of American politics.

ARNOLD BENNETT HALL.

University of Wisconsin.

STATE GOVERNMENT. By Walter F. Dodd. New York: The Century Co., 1922. Pp. xiii, 578. \$3.75.

Few writers on state government have had Mr. Dodd's stimulating background. His *Revision and Amendment of State Constitutions*, published in 1909, established him as one of the foremost students of state constitutional law. As a member of the graduate faculty in political science in the University of Illinois, he had much to do with the more technical aspects of state government at a time

when, prior to the organization of the Illinois Legislative Reference Bureau, the officers of the state were wont to call upon that department of the University for research and bill-drafting assistance in connection with administrative programs. He was one of those in charge of the preparation of the *Report of the Illinois Efficiency and Economy Committee*, published in 1915. This thousand-page study of the executive department of the Illinois state government, and of the experience of other states in that field, led directly to the formulation and adoption, under Governor Frank O. Lowden, of the epoch making *Illinois Civil Administrative Code*. Later, as secretary of the Legislative Reference Bureau, he acted as confidential advisor to the Lowden administration, and had charge of a research and bill-drafting staff which, in addition to the technical assistance given to the General Assembly, published a number of monographs on various legal problems connected with legislation and constitutional revision in Illinois. As the officer in charge of the collection of data for the Illinois Constitutional Convention of 1920, he supervised the compilation of the well known *Illinois Constitutional Convention Bulletins*, in which the problems likely to come before the convention were discussed against the background of the experiences of other states. His law practice in Chicago the last three years has frequently involved the actual handling of constructive state and local governmental programs in the middle west. The present volume, therefore, represents the results of some fifteen years of comparative study of governmental conditions in this country, most of which has been in connection with definite problems arising in the actual course of administration, legislation, and constitutional reform.

Designed perhaps as a text-book for college and university classes, it contains a vast amount of material of the utmost value to forward minded lawyers. Probably in no other one volume is there available so complete a body of facts and references to the literature bearing upon the economics of state and local governments. Many of the problems facing North Carolina today can be more intelligently approached after a study of the analysis here available of attempts to deal with similar difficulties elsewhere. The book has been definitely useful at the University of North Carolina, in the research organization headed by Dr. E. C. Branson, in the state government classes conducted by Professor R. D. W. Connor, and in the public law and legislation work in the School of Law. Those interested in State Auditor Baxter Durham's much discussed proposal to the recent General Assembly for a reorganization of the executive department of the North Carolina state government will find in chapters 9 and 10 a review of the relative merits of similar plans as worked out in Illinois, Ohio, Washington, Nebraska, Massachusetts, and Idaho, and other states. The discussion in chapters 12, 13, and 14, on The Work of the State Courts, The Organization of State Courts, and The Adjustment of Judicial Organization to Present Judicial Tasks, will bring to the lawyer and judge the net results of various attempts to render the judiciary more responsive to the changing needs of the people. Public spirited citizens who were aroused this winter at the crisis that developed in the North Carolina fiscal pro-

gram due to the lack of an adequate method of arriving at a balance sheet, will find in chapter 16 a constructive study of state budgetary methods and financial administration. It is interesting that Mr. Dodd picked out, as a typical historical basis for his account of the development of the function of the state constitution, the North Carolina Constitution of 1776. The legal and financial aspects of public school administration, particularly those arising in connection with the consolidated rural school movement, and the relation of public education to the state and local governmental units, are dealt with in chapters 4, 15, and 16.

In other words, this compact treatise is not so much an academic study of the political theory of state government as it is a statesmanlike survey of the actual operations of government, and of the value of the experiments that have been made in the field, through constitutional and statutory change, and administrative practice. In this respect it is more useful than Holcombe's heavy analysis of *State Government in the United States*, published in 1916. Read in connection with the more detailed studies of particular topics cited in the very full notes, Mr. Dodd's book furnishes the lawyer, judge, legislator and public official with the facts and suggestions necessary as a basis for constructive work. And chapter 20, on The Future of the State, contains a thought provoking suggestion as to the ultimate objective of present tendencies in the organization and functioning of state and municipal agencies that will provide perspective and direction for those who, troubled by the complexities of modern life, sometimes venture to ask "Whither are we going?"

M. T. V. H.

**PAGES 251-262 ARE  
INTENTIONAL BLANKS**

