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constituency, and he provides interesting and significant data on the occupations of legislators.

Altogether Mr. Gosnell has produced an interesting and provocative book which should prove useful to anyone interested in the electoral and representative processes. That the author raises more questions than he answers is a tribute both to his wisdom and his power of calm analysis.

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CONSTITUTIONAL DICTATORSHIP, by Clinton L. Rossiter.[†] Princeton University Press, 1948. Pp. ix, 314. \$5.00.

This book is motivated by the belief that "we must cease wasting our energies in discussing whether the government of the United States is to be powerful or not. It is going to be powerful or we are going to be obliterated. Our problem is to make that power effective and responsible, to make any future dictatorship a constitutional one." (p. 314) It is toward a solution of this problem that this book is directed. Professor Rossiter shares the assumption made by many people that "the complex system of government of the democratic, constitutional state is essentially designed to function under normal, peaceful conditions, and is often unequal to the exigencies of a great national crisis." (p. 5) The corollary is likewise assumed, that in times of crisis democratic government "must be temporarily altered to whatever degree is necessary to overcome the peril and restore normal conditions." (p. 5) Crisis government must thus be strong but with limitations. It must have no other purpose "than the preservation of the independence of the state, the maintenance of the existing constitutional order, and the defense of the political and social liberties of the people." (p. 7) A government that satisfies these conditions is one that Professor Rossiter thinks must approach, if it does not equal, a "constitutional dictatorship."

The term "dictator" here and throughout the book is used in the sense in which that office functioned in the Roman Republic where the creation of a dictatorship "involved the legal bestowal of autocratic power on a trusted man who was to govern

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the state in some grave emergency, restore normal times and government, and hand back this power to the regular authorities just as soon as its purposes had been fulfilled." (p. 5) Thus the essence of constitutional dictatorship is that it is temporary and self-destructive.

The general scope of the book may be described as an inquiry into the means by which democracies have secured their own survival in times of severe emergencies by resorting to the institutions and methods of dictators. The inquiry consists of a collection of selected case studies of emergency government in democracies of modern times. Following an introductory section on the nature of constitutional and Roman dictatorships the book is divided into four parts dealing successively with the constitutional provisions affecting the shift from peace-time to crisis government in Germany, France, England and the United States. The treatment of Germany is confined to the story of the Weimar Constitution. The analysis of France and Great Britain begins with World War I and continues through World War II, while that of the United States deals briefly with the four crisis periods of the Civil War, World War I, the Great Depression, and World War II. In making his analysis of the four countries mentioned the author directs his attention to the following specific aspects of governmental activity: The manner in which the emergency is declared; the manner in which the emergency is dissolved; the degree and form of control exercised by the legislature and the judiciary over the executive; and the safeguards against unnecessary invasions of personal liberties.

The case studies of this book clearly support the author's observation that in crisis governments of modern democracies "power can be responsible, that strong government can be democratic government, (and) that dictatorship can be constitutional." (p. 314) But of more significance is the conclusion that in none of the countries studied has there been consciously developed a completely satisfactory set of constitutional principles for the establishment, operation and dissolution of crisis government. This statement needs slight modification due mainly to the fact that the crisis occasioned by an invasion force or domestic rebellion is anticipated both by the continental doctrine of the "state of siege" and the Anglo-American doctrine of "martial law." Neither of these doctrines, however, recognized the domestic crisis of modern times occasioned by a war on foreign soil. A third category of crises—those caused by internal social and

economic conditions—is one which has presented a problem for modern democracies only within the past few decades. However, as a problem of modern government it may well require as much if not more attention than is now given to the first two categories. Indeed it is interesting to note that only in Article 48 of the Weimar Constitution do we find a constitutional development consciously directed to the solution of internal economic and social emergencies. The author is thus convinced that the institutionalization of crisis government particularly in the United States is urgent if we are to be assured that crises in the future will be met by a government strong enough for the occasion yet limited by adequate safeguards for constitutionalism.

This study is based almost entirely on the works of others to be found in books and learned periodicals, a great number being written by German and French scholars. This has its advantages in that it has enabled Professor Rossiter to give an orderly and comparative analysis of recent crisis governments in four countries. In this way the work of others is brought together into a systematic and comprehensive whole, and at times the conflicting views of different authorities have been pointed out, as for example the different explanations for the cleavage between martial law and the state of siege that are to be found in Reinach's *De L'Etat de Siege*, Muth's *Das Ausnahmerecht*, and Friederich's *Constitutional Government and Politics*. (Footnote, p. 291). However, the analysis of crisis government in the United States is disappointing and hardly adequate for the task the author sets for himself in the final chapter. Professor Rossiter notes that the war governments in the United States "set important precedents for future crisis action" (p. 264) and further that in 1941-1946 "the mould of 1917-1918 was rarely broken; the grooves were simply cut a little deeper." (p. 265) It is thereby implied that a pattern for crisis government in the United States is evolving and becoming institutionalized, yet the author has not given the careful and penetrating analysis of the shortcomings of that pattern which would so properly fit the setting laid in the first part of the book. As a result, when he comes to the climactic point of offering the American people "certain criteria with which to test the worth and propriety of any future resort to emergency powers" and of making "a few suggestions for the more precise and candid institutionalization of American constitutional dictatorship" (p. 288) he is virtually confined to listing points—eleven in all—that are

either self-evident from his very definition of constitutional dictatorship, or are pious hopes. The steps by which these points could and should be more securely incorporated into the American pattern of government is a vital area of analysis left practically untouched.

In spite of the above comments on its shortcomings and limitations this is a book of great value. It is thought-provoking on a subject about which too much thought cannot be provoked. Professor Rossiter has here presented much pertinent factual information and many ideas. It would be a strange reader who did not question and ponder some of the ideas presented, but it is hard to believe that any reader possessed of an open mind would close this book without acquiring new ideas and a fuller insight into the problem of crisis government in the United States.

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