

**THE  
DECLINE OF LIBERALISM  
AS AN IDEOLOGY**

**WITH PARTICULAR REFERENCE TO  
GERMAN POLITICO-LEGAL THOUGHT**

**BY**

**JOHN H. HALLOWELL**

**UNIVERSITY OF CALIFORNIA PUBLICATIONS IN  
POLITICAL SCIENCE**

**Volume 1, No. 1, pp. i-xiv + 1-146**

**UNIVERSITY OF CALIFORNIA PRESS  
BERKELEY AND LOS ANGELES**

**1943**

**THE  
DECLINE OF LIBERALISM  
AS AN IDEOLOGY**

**WITH PARTICULAR REFERENCE TO  
GERMAN POLITICO-LEGAL THOUGHT.**

**BY**

**JOHN H. HALLOWELL**

**UNIVERSITY OF CALIFORNIA PRESS  
BERKELEY AND LOS ANGELES**

**1943**

UNIVERSITY OF CALIFORNIA PUBLICATIONS IN POLITICAL SCIENCE  
EDITORS: M. W. GRAHAM, W. W. CROUCH, BRAINERD DYER, F. M. STEWART

Volume 1, No. 1, pp. i-xiv + 1-146

Submitted by editors April 3, 1942

Issued June 15, 1943

Price, \$1.50

UNIVERSITY OF CALIFORNIA PRESS  
BERKELEY AND LOS ANGELES  
CALIFORNIA

---

CAMBRIDGE UNIVERSITY PRESS  
LONDON, ENGLAND

PRINTED IN THE UNITED STATES OF AMERICA

**PATRI DILECTO  
FILIUS GRATUS**

What the notions of "form" and "harmony" were to Plato, that the notions of "individuality" and "competition" were to the nineteenth century. God had placed his bow in the skies as a symbol; and the strip of colours, rightly read, spelt "competition." The prize to be competed for was "life." Unsuccessful competitors died; and thus, by a beautiful provision of nature, ceased from constituting a social problem.

—A. N. WHITEHEAD, *Adventures of Ideas*.

## PREFACE

**W**ITH THE RISE to power of the National Socialists in Germany liberal political institutions collapsed like a house of cards tumbled over by a gust of wind. The rapidity and completeness with which liberal institutions were destroyed suggested that the spirit in which these institutions were originally conceived had reached a heretofore unsuspected stage of inner degeneracy. For no nation, however severely beaten into submission, however cleverly seduced by the winning wiles of a master propagandist, would calmly submit, without resistance or civil war, to the wanton destruction of political institutions if these were securely and deeply rooted in the spiritual consciousness of the people. That it was possible expeditiously to annihilate liberal institutions without more than a murmur of dissent is eloquent testimony to the degeneracy of German postwar liberalism.

How was it possible for prominent professors, judges, lawyers, and civil servants, who before 1933 were professed liberals, to accept, and some even to acclaim, a despotism that not only repudiates the fundamental postulates of liberalism but seeks actively to banish every liberal institution from the face of the earth? It is the purpose of this study to suggest a possible answer.

In 1837, when a Hanoverian government abrogated a constitution it had sworn to uphold that act met with vigorous popular protest, a protest that found intellectual expression in the now famous statement drafted by seven Goettingen professors. But in 1933 those German intellectuals who did protest against despotism were conspicuous because they were comparatively few. In 1933 there was no Dahlmann to ask, as he did in 1837, "Must I teach henceforward that the supreme principle of the State is that whatever pleases those in power is law? As a man of honor, I would cease to teach rather than sell to my audience for truth that which is a lie and a deceit." That there was no organized collective resistance in 1933 such as there was in 1837 suggests, not that the German intellectual of the twentieth century was any less brave or vocal than the intellectual of a century before, but rather that his liberal convictions were less securely and deeply rooted.

In view of this the suspicion arises that liberalism was not murdered, as is often said, but that it committed suicide. The

suspicion arises that probably the death of the liberal ideology in Germany and the subsequent destruction of the institutions which were originally conceived and established to translate its aspirations into practice is to be attributed less to the machinations of Hitler and the National Socialists than to the liberals themselves. A desire to test the validity of this hypothesis motivated the undertaking of this study. And if liberalism, by some inner necessity to be found in the ideology itself, develops from something live and vigorous to something decadent and degenerate then this analysis, although confined for the purposes of this study to Germany, should have especial interest to those who are concerned about the survival of liberal political institutions wherever found.

To ascertain *when* and *how* liberalism as an ideology became decadent in Germany is the purpose of this study. Except by implication I have not tried to answer the somewhat more difficult question *why* liberalism became decadent. Confronted with the formalism of a Kelsen, who, while asserting himself a liberal, in effect declares *every* state to be a *Rechtsstaat*, I have endeavored to search further for the roots of his thought and to examine the development that produced him. The process of formalization that characterizes the decline of the liberal ideology is described in the pages that follow.

Although, for the purposes of this study, attention has been focused primarily upon the development of ideas rather than institutions, I do not feel that my study is unrelated to practical political developments. I recognize a mutual dependence and a reciprocal influence between ideas and institutions, between theory and practice, between ideologies and practical politics. Ideas are not generated in a vacuum. They do have a sociological, as well as a physical, background. In focusing attention primarily upon ideas I attempt to keep this in mind but I am particularly aware that institutions, as the structural expressions of conceptual schemes, need a consistent ideational foundation if they are to enjoy a vigorous and live existence.

Vigorous institutions require deep-rooted convictions. So long as there is a close correlation between the faith, the aspirations and ideals, of any particular society and the institutions that are established to translate those aspirations into practice, the order

thereby created appears stable, rational, and orderly. When, however, this close correlation is lacking, when institutions, in the eyes of the great mass of people, fail to fulfill the faith which originally inspired them, the order becomes disorder, the system appears irrational and degenerate. Rationality itself, then, is in large measure a function of the relationship between man's faith and man's deeds, his "inarticulate premises" and his experience, his philosophy of life and his way of life. While I have directed my attention primarily to an analysis of the development of the liberal ideology, I have by implication, I believe, said something of significance about the development of liberal institutions. Political institutions are shaped, to a considerable degree at least, by man's conception of himself and of his place and function in society.

If we recognize that liberalism in the Germany of 1933 was decadent the logical inference is that there must be some liberalism "as it ought to be." The word decadent itself suggests a departure from or perversion of original or integral ideas. If one acknowledges the degeneracy of postwar German liberalism as it found expression in the writings of men like Kelsen and Carl Schmitt (and one is forced to do so if he concedes that irresponsibility is incompatible with individual freedom) he must further concede that there is such a thing as liberalism integrally conceived. The notion of decadence presupposes it.

Accordingly, the first task of my study has been the reconstruction of liberalism as an integral system of ideas, the delineation of the idea of liberalism in the Platonic sense. Since definitions at best are but symbols of a process of thought, I have not endeavored to define liberalism in succinct phrases but rather to distinguish it by describing in some detail the attributes that characterize it. In order to do so it has been necessary to examine the philosophical roots of liberal thought, to find the fundamental presuppositions that constitute its "inarticulate premises."

Thus, so far as my study is accurate, it should contribute something to a more precise conception of liberalism. This is needed today and especially in our own country where practically everyone calls himself a liberal and embodies in the term all that is congenial to his particular way of thinking. It has been customary in this country to distinguish the continental meaning of the word liberal from the American use of the word. Now, although it has



been fairly clear that when a contemporary American uses the word liberal he means something very different from the eighteenth-century continental meaning of the word, it has not been clear in a positive way what he actually means by it. This confusion is possibly the result of an uncertain, if not aberrant, conception of liberalism. For the sake of clarity, the word liberal should be used to describe one who believes in liberalism; it should be more precisely defined than it is today or else it should be abandoned.

After describing the fundamental elements of integral liberalism, as found in German thought and elsewhere, I have endeavored to trace, through the works of representative German politico-legal thinkers, the process by which these elements were in part discarded and in part transformed into concepts with different meaning and implication. By tracing the dialectical evolution of fundamental liberal concepts I have tried to ascertain if there is some "law" of development peculiar to liberalism.

This analysis is based largely upon the writings of representative German jurists. Since in Germany it was the jurists more than any others who concerned themselves with the problems and concepts of political thought it is impossible to make any clear and decisive distinction between political and legal thought, even if it were desirable to do so. I have made no pretense at exhaustiveness, but I have tried to select thinkers and writings which appeared to me to be most representative of trends of thought characteristic of the period under examination. The broad general development has interested me more than the details of debates within particular schools of thought, the highway of thought more than the innumerable byways that lead from it.

Throughout I have sketched the development of liberalism with particular attention to its elements as I believe them to be. I have been more interested, therefore, in the changing meaning and evolution of certain fundamental concepts than in the chronological, strictly historical, development of political ideas. The logical development of a concept rarely, if ever, corresponds to its chronological treatment by various writers, and, in order to clarify my analysis, I have abandoned the strictly historical method of examination in favor of a logical method.

To some extent I have sought to correlate the development of liberal political concepts with similar developments in other fields.

Such correlations are necessarily incomplete but are intended only to indicate here and there that tendencies found in political-legal thought are not peculiar to this realm of thought alone. These correlations serve only to indicate that modes of thought found in political-legal philosophy are part of a general intellectual consciousness peculiar to the period and society under examination.

This study should be regarded as an interpretative essay since it makes no pretense to fathom what is an infinitely broad and fathomless subject. If, however, it suggests an interpretation of the development of liberalism which has remained undiscovered or neglected by other writers, it will have justified my efforts.

For their friendly encouragement and constructive criticism I am indebted to Professors William S. Carpenter and Gerhart Niemeyer of Princeton University under whose direction this study was originally begun and submitted as a doctoral dissertation at Princeton. I am particularly indebted to Professor Niemeyer for it was his keen and original insight into the problem and his familiarity with German sources that guided me through a maze of literature and aided me immeasurably in the task of analysis. I owe a special debt of gratitude to my former colleague Professor Malbone W. Graham of the University of California at Los Angeles for a painstaking reading of the manuscript that helped me to avoid many errors of style and of thought.

But it goes without saying that for any errors of fact or of judgment which may be found in the pages that follow I am alone responsible.

JOHN H. HALLOWELL

LOS ANGELES, CALIFORNIA  
January 26, 1943

## CONTENTS

CHAPTER	PAGE
I. INTEGRAL LIBERALISM AND THE PROCESS OF FORMALIZATION	1
II. INTEGRAL LIBERALISM .....	21
III. THE INFLUENCE OF HISTORICISM AND POSITIVISM UPON ORIGINAL LIBERAL CONCEPTS .....	51
IV. FORMAL LIBERALISM .....	70
V. BEYOND GOOD AND EVIL .....	88
VI. FROM NIHILISM TO TYRANNY.....	108
BIBLIOGRAPHY .....	141

## BIBLIOGRAPHY

## SELECT BIBLIOGRAPHY

- ARIS, REINHOLD. *History of Political Thought in Germany from 1789 to 1815* (London: Allen and Unwin, 1936). 414 pp.
- ASHTON, E. B. *The Fascist: His State and His Mind* (New York: Morrow, 1937). 320 pp.
- BÄHR, OTTO. *Der Rechtsstaat: eine publicistische Skizze* (Cassel: Wigand, 1864). 194 pp.
- BERDYAEV, NICHOLAS. *The Fate of Man in the Modern World*, translated by D. A. Lowrie (London: Student Christian Movement Press, 1935). 131 pp.
- BEROLZHEIMER, FRITZ. *The World's Legal Philosophies*, translated by R. S. Jastrow (Boston: Boston Book Co., 1912). 490 pp.
- BODIN, JEAN. *Les Six Livres de la République* (Paris: Jacques du Puy, 1583). 1104 pp.
- BOTT-BODENHAUSEN, MANFRED. *Formatives und funktionales Recht in der gegenwärtigen Kulturkrise* (Berlin-Grunewald: Rothschild, 1926).
- BRECHT, ARNOLD. "The Myth of *Is* and *Ought*," *Harvard Law Review* (March, 1941), pp. 811-831.
- BREDT, J. V. *Der Geist der deutschen Reichsverfassung* (Berlin: Stilke, 1924). 465 pp.
- BRINTON, CRANE. *The Anatomy of Revolution* (New York: Norton, 1938). 326 pp.
- BRUCK, W. F. *Social and Economic History of Germany from William II to Hitler 1882-1938* (London: Oxford University Press, 1938). 291 pp.
- COHEN, H. E. *Recent Theories of Sovereignty* (Chicago: University of Chicago Press, 1937). 169 pp.
- CORWIN, E. S. "The 'Higher Law' Background of American Constitutional Law," *Harvard Law Review*, Vol. XLII (1928), 149-185, 365-409.
- DILTHEY, WILHELM. "Weltanschauung und Analyse des Menschen seit Renaissance und Reformation," *Gesammelte Schriften* (Leipzig: Teubner, 1914). Vol. II.
- DRUCKER, P. F. *The End of Economic Man: A Study of the New Totalitarianism* (New York: John Day, 1939). 268 pp.
- EDMAN, IRWIN. *Fountainheads of Freedom: The Growth of the Democratic Idea* (New York: Reynal and Hitchcock, 1941). 576 pp.
- EINSTEIN, ALBERT, and INFELD, LEOPOLD. *The Evolution of Physics: The Growth of Ideas from Early Concepts to Relativity and Quanta* (New York: Simon and Schuster, 1938). 319 pp.
- EMERSON, RUFERT. *State and Sovereignty in Modern Germany* (New Haven: Yale University Press, 1928). 282 pp.
- ERMARTH, FRITZ. *The New Germany: National Socialist Government in Theory and Practice* (Washington: Digest Press, 1936). 203 pp.
- FICHTE, J. G. "Grundlage des Naturrechts nach Principien der Wissenschaftslehre," in *Sämtliche Werke* (Berlin: Veit, 1845). Vol. III, 8 vols.
- GERBER, C. F. *Grundzüge eines Systems des deutschen Staatsrechts* (Leipzig: Tauchnitz, 1865). 264 pp.

142 *University of California Publications in Political Science*

- GIDE, CHARLES, and RIST, CHARLES. *A History of Economic Doctrines from the Time of the Physiocrats to the Present Day*, translated by R. Richards (New York: Heath, 1916). 672 pp.
- GIERKE, OTTO VON. *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien* (4th ed.; Breslau: Marcus, 1929). 366 pp.
- . *Natural Law and the Theory of Society 1500 to 1800*, with a lecture on "The Ideas of Natural Law and Humanity," by Ernst Troeltsch, translated with an introduction by Ernest Barker (Cambridge, England: University Press, 1934). 2 vols.
- GNEIST, RUDOLPH VON. *Der Rechtsstaat* (Berlin: Springer, 1872). 202 pp.
- . *Zur Verwaltungsreform und Verwaltungsrechtspflege in Preussen* (Leipzig: Brockhaus, 1880). 76 pp.
- GROTIUS, HUGO. *De Jure Belli ac Pacis*, edited by Whewell (Cambridge, England: University Press, 1853). 3 vols.
- HAENEL, ALBERT. *Studien zum deutschen Staatsrecht* (Leipzig: Haessel, 1873-1888). 2 vols.
- HAINES, C. G. *The Revival of Natural Law Concepts* (Cambridge: Harvard University Press, 1930). 388 pp.
- HARVARD, UNIVERSITY. *Authority and the Individual* (Cambridge: Harvard University Press, Tercentenary Publication, 1937). 371 pp.
- HEGEL, G. W. F. *Grundlinien der Philosophie des Rechts* (Berlin: Nicolai, 1821).
- HELLEB, HERMANN. *Die politischen Ideenkrise der Gegenwart* (Breslau: Hirt, 1926). 156 pp.
- . *Die Souveränität: ein Beitrag zur Theorie des Staats- und Völkerrechts* (Berlin: Gruyter, 1927). 177 pp.
- . "Der Begriff des Gesetzes in der Reichsverfassung," *Veröffentlichungen der Vereinigung der deutschen Staatsrechtslehrer*, Heft 4 (1928).
- . *Rechtsstaat oder Diktatur?* (Tübingen: Mohr, 1930). 26 pp.
- . *Europa und der Fascismus* (2d ed.; Berlin: Gruyter, 1931). 159 pp.
- . *Staatslehre*, edited by Gerhart Niemeyer (Leiden: Sijthoff, 1934). 298 pp.
- HOCKING, W. E. *Present Status of the Philosophy of Law and of Rights* (New Haven: Yale University Press, 1926). 97 pp.
- HORTON, W. M. *Realistic Theology* (New York: Harper, 1934). 207 pp.
- JELLINEK, GEORG. *Allgemeine Staatslehre* (3d ed.; Berlin: Häring, 1914). 837 pp.
- . *System der subjektiven öffentlichen Rechte* (2d ed.; Tübingen: Mohr, 1905). 366 pp.
- JHERING, RUDOLPH VON. *Law as a Means to an End*, translated by Isaac Husik (Boston: Boston Book Co., 1913). 483 pp.
- JOAD, C. E. M. *Guide to Philosophy* (New York: Random House, 1936). 592 pp.
- KANT, IMMANUEL. *Grundlegung zur Metaphysik der Sitten*, edited by Roudolph Otto (Gotha: Klotz, 1930). 213 pp.
- KAUFMANN, ERICH. *Kritik der neukantischen Rechtsphilosophie* (Tübingen: Mohr, 1921). 102 pp.

- . *Das Wesen des Völkerrechts und die Clausula rebus sic stantibus* (Tübingen: Mohr, 1911). 231 pp.
- KAUFMANN, F. W. "Fichte and National Socialism," *American Political Science Review* (June, 1942), pp. 460 ff.
- KELSEN, HANS. *Allgemeine Staatslehre* (Berlin: Springer, 1925). 433 pp.
- . "The Pure Theory of Law," translated by C. H. Wilson, *Law Quarterly Review*, Vol. LI (1935), pp. 517 ff.
- KÖHLER, J. P. "Staat und Gesellschaft in der deutschen Theorie der auswärtigen Wirtschaftspolitik und des internationalen Handels von Schlettwein bis auf Fr. List und Prince-Smith," *Beihefte zur Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte*, Heft VII (1926).
- KÖHLER, WOLFGANG. *The Place of Value in a World of Facts* (New York: Liveright, 1938). 418 pp.
- KOHLER, JOSEF. *Philosophy of Law*, translated by Albert Albrecht (Boston: Boston Book Co., 1914). 390 pp.
- KOLNAI, AUREL. *The War Against the West* (London: Gollancz, 1938). 711 pp.
- KORKUNOV, N. M. *General Theory of Law*, translated by W. G. Hastings (Boston: Boston Book Co., 1909). 524 pp.
- LABAND, PAUL. *Deutsches Reichsstaatsrecht* (Tübingen: Mohr, 1907). 448 pp.
- . *Das Staatsrecht des deutschen Reiches* (4th ed.; Tübingen: Mohr, 1901). 4 vols.
- LASKI, H. J. *The Rise of Liberalism: the Philosophy of a Business Civilization* (New York: Harper's, 1936). 327 pp.
- LASSON, ADOLF. *System der Rechtsphilosophie* (Berlin: Guttentag, 1882) 708 pp.
- LAUN, RUDOLPH. *Der Wandel der Ideen Staat und Volk als Aeußerung des Weltgewissens* (Barcelona: Elzeviriana, 1933). 463 pp.
- LIPPMANN, WALTER. *An Inquiry into the Principles of the Good Society* (Boston: Little, Brown; 1937). 402 pp.
- LOCKE, JOHN. *The Works of John Locke* (12th ed.; London: C. and J. Rivington, 1824). 9 vols.
- MACKINTOSH, H. R. *Types of Modern Theology: Schleiermacher to Barth* (London: Nisbet, 1937). 333 pp.
- MANNHEIM, KARL. *Ideology and Utopia*, translated by L. Wirth and E. Shils (New York: Harcourt, Brace, 1936). 318 pp.
- MARCK, SIEGFRIED. *Substanz- und Funktionsbegriff in der Rechtsphilosophie* (Tübingen: Mohr, 1925). 156 pp.
- MEINECKE, FRIEDRICH. *Die Idee der Staatsräson in der neueren Geschichte* (Munich: Oldenbourg, 1924). 545 pp.
- MERRIAM, C. E., and BARNES, H. E. (editors). *A History of Political Theories: Recent Times* (New York: Macmillan, 1924). 597 pp.
- Modern Theories of Law* (London: Oxford University Press, 1933). 229 pp.
- MOHL, ROBERT VON. "Gesellschaftswissenschaft und Staatswissenschaft," *Zeitschrift für die gesamte Staatswissenschaft*, Vol. VII (1851).
- MOORE, E. C. *An Outline of the History of Christian Thought since Kant* (New York: Macmillan, 1912).

144 *University of California Publications in Political Science*

- MUMFORD, LEWIS. *The Culture of Cities* (New York: Harcourt, Brace, 1938). 586 pp.
- . *Faith for Living* (New York: Harcourt, Brace, 1940). 333 pp.
- NIEBUHR, REINHOLD. *The Nature and Destiny of Man* (New York: Charles Scribner's Sons, 1941).
- NIEMEYER, GERHART. *Law Without Force: The Function of Politics in International Law* (Princeton: Princeton University Press, 1941). 408 pp.
- ORTEGA Y GASSET JOSÉ. *The Revolt of the Masses* (New York: Norton, 1932). 204 pp.
- PARKES, H. B. *Marxism: An Autopsy* (Boston: Houghton Mifflin, 1939). 299 pp.
- PFEIFER, KURT. *Die Idee der Grundrechte in der deutschen Literatur von 1790 bis Georg Jellinek (1890)* (Jena: Inaugural dissertation, 1930).
- POUND, ROSCOE. *The Spirit of the Common Law* (Boston: Marshall Jones, 1921). 224 pp.
- . *Interpretations of Legal History* (New York: Macmillan, 1923). 171 pp.
- PUCHTA, C. F. *Outlines of Jurisprudence as the Science of Right—A Juristic Encyclopædia*, translated by W. Hastie (Edinburgh: 1887).
- RADER, MELVIN. *No Compromise: The Conflict between Two Worlds* (New York: Macmillan, 1939). 403 pp.
- RAUSCHNING, HERMANN. *The Revolution of Nihilism: Warning to the West* (New York: Alliance, 1939). 300 pp.
- RAUSHENBUSH, STEPHEN. *The March of Fascism* (New Haven: Yale University Press, 1939). 355 pp.
- READ, CONYERS (ed.). *The Constitution Reconsidered* (New York: Columbia University Press, 1938).
- ROSENBERG, ARTHUR. *Democracy and Socialism* (New York: Knopf, 1939). 369 pp.
- ROUSSEAU, J. J. *The Social Contract*, translated by H. J. Tozer (3d ed.; London: Sonnenschein, 1902). 247 pp.
- RUGGIERO, GUIDO DE. *The History of European Liberalism*, translated by R. G. Collingwood (London: Oxford University Press, 1927). 476 pp.
- SABINE, G. H. *A History of Political Theory* (New York: Holt, 1937). 797 pp.
- SAVIGNY, F. K. *Of the Vocation of Our Age for Legislation and Jurisprudence*, translated by A. Hayward (London: Littlewood, 1831). 182 pp.
- SCHMITT, CARL. *Politische Romantik* (2d ed.; Munich: Duncker and Humblot, 1925). 234 pp.
- . *Verfassungslehre* (Munich: Duncker and Humblot, 1928). 404 pp.
- . *Der Begriff des Politischen* (3d ed.; Hamburg: Hanseatic, 1933). 61 pp.
- SELIGMAN, E. R. A. *Encyclopaedia of the Social Sciences* (New York: Macmillan, 1937). 15 vols.
- SHEPARD, MAX. "Sovereignty at the Crossroads," *Political Science Quarterly* (1930). pp. 580 ff.
- SMITH, ADAM. *The Theory of Moral Sentiments* (Boston: Wells and Lilly, 1817). 2 vols.



- . *Wealth of Nations*, edited by Edwin Cannan (London: Methuen, 1904). 2 vols.
- SONTAG, R. J. *Germany and England: Background of Conflict 1848-1894* (New York: Appleton-Century, 1938). 362 pp.
- SPANN, OTHMAR. *The History of Economics*, translated by Eden and Cedar Paul (New York: Norton, 1930). 328 pp.
- SPENLÉ, JEAN-EDOUARD. *La Pensée allemande de Luther à Nietzsche* (Paris: Colin, 1934). 177 pp.
- STAMMLER, RUDOLPH. *Theorie der Rechtswissenschaft* (Halle: Waisenhaus, 1911). 851 pp.
- . *Wirtschaft und Recht nach der materialistischen Geschichtsauffassung* (3d ed.; Leipzig: Veit, 1914). 704 pp.
- . "Fundamental Tendencies in Modern Jurisprudence," *Michigan Law Review*, Vol. XXI (1923), pp. 862 ff.
- . *The Theory of Justice*, translated by Isaac Husik (New York: Macmillan, 1925). 591 pp.
- STEIN, LORENZ VON. *Der Begriff der Gesellschaft* (Leipzig: Wigand, 1855). 445 pp.
- . *System der Staatswissenschaft* (Stuttgart: Cotta, 1856). 2 vols.
- SULLIVAN, J. W. N. *The Limitations of Science* (New York: Viking, 1933). 307 pp.
- TILLICH, PAUL. *The Religious Situation*, translated by Reinhold Niebuhr (New York: Holt, 1932). 182 pp.
- TRIEPEL, HEINRICH. *Völkerrecht und Landesrecht* (Leipzig: Hirschfeld, 1899). 452 pp.
- WEBER, MAX. *The Protestant Ethic and the Spirit of Capitalism*, translated by Talcott Parsons (London: Allen and Unwin, 1930). 292 pp.
- WHITEHEAD, A. N. *Science and the Modern World* (New York: Macmillan, 1925). 304 pp.
- . *Adventures of Ideas* (New York: Macmillan, 1933). 385 pp.
- WILSON, EDMUND. *Axel's Castle: A Study of the Imaginative Literature of 1870-1930* (New York: Scribner's, 1931). 319 pp.
- ZORN, PHILIPP. *Das Staatsrecht des deutschen Reiches* (Berlin: Guttentag, 1880). 460 pp.