
BOOK REVIEWS

BRANDEIS—THE PERSONAL HISTORY OF AN AMERICAN IDEAL
Alfred Lief, Stackpole Sons, N. Y. (1936). \$3.00.

The editor of "The Dissenting Opinions of Mr. Justice Holmes," "Social and Economic Views of Mr. Justice Brandeis" and the book, "Representative Opinions of Mr. Justice Holmes," has turned his hand to biography. Mr. Lief has undertaken the titan's task. He would set out the philosophy of the man who committed himself to none. Lief has combed the records of Mr. Justice Brandeis' work and his findings make up his "History of an American Ideal." Here follows a documented but implied philosophy.

Justice, Mr. Brandeis would say, is only justice when applied with due consideration to time and place. Therefore, the needs of situations rather than categorical philosophy should be the fuel of change. One should practice a pragmatic liberalism open to experimentation yet not irretrievably committed by dogmatism to an emphasis of a single point of view. Such adherence tends to discredit valid arguments for the position taken. Impassive consideration is the keynote of all inquiries. If this be true, then facts must be determined and related to needs. When conclusions are proved wrong, abandon them and search elsewhere for truth.

Complete freedom of speech is essential. This vital privilege should be infringed only when about to inspire an action that will not permit a full discussion of the problem involved. The danger lies not in freedom of speech but rather in the possibility that it won't last long enough to permit complete discourse. Personal freedom, of which freedom of speech is a part, is the most cherished of conditions. It is the vehicle of achievement.

Law should have a reasonable relation to the end sought. It must be preventative rather than retributive. Progress must be made through social experimentation. If bad conditions exist, the legislatures must have leeway in proposing remedies.

Bigness is an evil because it becomes top-heavy with its own structure. It cannot be controlled and the slave becomes the master. Thus, monopoly can lead only to inefficiency and infringement of liberty. Competition, on the other hand, stimulates activity and enhances efficiency by insuring manageable size and a struggle for proficiency. The policy of competition should be regulated, however, in the public interest. Price-

cutting and its disastrous effects on workers and the public must be avoided. Let a regulated competition be the keynote. Keep constantly before you the realization of the public interest. Bear in mind that the public is always the third party to any controversy.

Capital and labor no longer stand in the position of master and slave. They are associates—parties to a contract. If democratic striving is to go on, strong unions are necessary, but always the willingness to arbitrate must be wisely imminent. The relations between capital and labor being founded in contract impose mutual obligations. Both parties join by assuming the responsibilities of their duties and by enforcing their rights within the legal framework.

Thus the philosophy of an American ideal is summarized. Thus Mr. Justice Brandeis is portrayed—a powerful figure vitalizing his idealism with an empiricism gleaned from wide personal experience and the most careful study.

The career of the Jurist is traced from Kentucky boyhood to membership in the nation's highest tribunal. Although Mr. Brandeis' public endeavors are elaborated a bit burdensomely, it must be admitted that the cumulative effect of the narration is to impress one with the scope and magnitude of the ideal described and with the ability of its protagonist.

Radical or conservative—which designation fits the younger Brandeis? It would seem most reasonable to find a bit of each. What can a man be termed who applauds the I. W. W. on occasion, who feels that industrial democracy is an ultimate, and who in the next breath congratulates the American Federation of Labor in clearing the atmosphere of socialism? Mr. Brandeis preferred to express no particular political faith although he was at various times identified with LaFollette in the Progressive movement and was close to President Wilson.

Hated and respected with equal ferocity, he dispassionately pursued his way, and in the hectic days preceding the confirmation of his appointment to the Supreme bench coolness was no easy virtue. The results have vindicated his acts and Mr. Lief sets them out readably and well.

JACK G. DAY.

FIFTY-FIVE MEN. Fred Rodell. The Telegraph Press, Harrisburg, Pa. 1936.

"There were no airplanes, no railroads, no four-lane concrete highways in those days." With this sentence Mr. Rodell sets the stage for his story of the making of the Constitution. Although those were indeed "horse and buggy days," many of the matters discussed at the convention are still discussed today and many of the issues are still hotly debated.