

CHECK LIST of NEW BOOKS

PUBLIC QUESTIONS

PROHIBITION, LEGAL AND ILLEGAL.

By *Howard Lee McBain*. *The Macmillan Company*
\$2 7½ x 4¾; 171 pp. New York

Dr. McBain is the Ruggles professor of constitutional law at Columbia, and the author of a number of valuable works on government and politics. The present book is a reworking of lectures delivered at Cornell and the University of Richmond. It presents a comprehensive and excellent review of the legal aspects of Prohibition, and discusses at length the statutes and judicial decisions underlying the current attempt to enforce it. The tale, in the main, is a melancholy one. At almost every point of conflict between the Eighteenth Amendment and the Bill of Rights the Supreme Court of the United States has given the Eighteenth Amendment the right of way. Dr. McBain analyzes some of the leading decisions in detail, and points out their effects, now and hereafter. He believes that the best way to get rid of the intolerable nuisance of so-called Law Enforcement would be for Congress to "adopt the Prohibition laws of the several States as the Prohibition law of the nation, retaining the Volstead Act for enforcement only in those States which refused to adopt Prohibition as a State policy." This would force all the States to adopt Prohibition acts in self-defense, and they could be framed to suit local tastes. Once they were on the books, the Federal Prohibition agent would have to retire. Dr. McBain believes that the Supreme Court would approve such a scheme, and that it holds out the only plausible prospect of release. He is aware, of course, that putting it into execution would present tremendous difficulties, but all other schemes, he believes, are downright impossible. His book is very fair, intelligent, learned and valuable.

FREEDOM IN THE MODERN WORLD.

Edited by *Horace M. Kallen*. *Coward-McCann*
\$2.50 8¾ x 5¾; 304 pp. New York

This book is made up of a series of lectures delivered at the New School for Social Research in New York. The lecturers are Walton H. Hamilton, Father John A. Ryan, F. J. Foakes-Jackson, Zechariah Chafee, Jr., Clarence Darrow, Silas Bent, Max Eastman, Robert Morss Lovett, Joseph Jastrow, John Dewey and Horace M. Kallen. They naturally approach the subject of liberty from widely differing viewpoints. Dr. Dewey discusses it as a philosophical idea, Father Ryan as a theological concept, and Messrs. Chafee, Bent, Darrow and Lovett as a practical matter. Father Ryan's lecture is a frank and straightforward statement of the

Catholic position: it is clear and logical, but it is surely not reassuring. Perhaps the most interesting of all the lectures is Mr. Chafee's on "Liberty and Law." He tells the depressing, and, in some of its details, almost incredible story of the raids made upon the constitutional guarantees in the United States since 1917, but he closes upon a note of hope. The very violence of these raids, he believes, has only made the value of liberty more obvious, and in the long run it will be restored. The book is well planned and full of interesting stuff. It needs an index badly, and it would have been the better for a greater documentation.

THE AMERICAN EXPERIMENT.

By *Bernard Fay*. *Harcourt, Brace & Company*
\$2.75 8¾ x 5½; 264 pp. New York

This book is bound to be compared to Dr. André Siegfried's "America Comes of Age," published a year or so ago. It is, in part at least, a better piece of work, especially in its historical section. M. Fay summarizes the political history of the United States with great shrewdness, and says a lot that is interesting about such figures as Lincoln, Roosevelt and Wilson. But though he had the collaboration of an American, Mr. Avery Claflin, his discussion of the America of today is by no means as penetrating as Dr. Siegfried's. What he has to say, indeed, is mainly obvious, and when he looks into the future he is very vague. At the end he indulges himself in speculation regarding the probable relations of the United States and Europe hereafter. It is difficult to make out what he intends to say. He seems to favor a sort of European federation, but he is plainly in doubt that it is feasible. His book, at worst, is well written, and shows a civilized attitude of mind. It is badly damaged by the lack of an index.

THE RE-DISCOVERY OF AMERICA.

By *Waldo Frank*. *Charles Scribner's Sons*
\$3 8¾ x 5¾; 353 pp. New York

Precisely what Mr. Frank is trying to say in this book it is almost impossible to make out. The writing in it is even more confused and obscure than in his previous works. He starts out with a discussion of the "causes and conditions" of America. He seems to think that Europe, from which America sprang and to which it still owes intellectual allegiance, has been in a state of "cultural decomposition," especially since the scientists began to have a say about its ideas. The arch culprits have been such men as Darwin, Gauss, Freud and Monkowski, of whose general outlook on life Mr. Frank says, "No shallower idea ever

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