

general social and economic benefits of short hours. This same method he follows in his opinions so that they are veritable economic monographs on the subjects considered. His mastery of the technical details of his subject, whether it be railroading or accounting practice or trade customs, is extraordinary. To give a single example, public utility rate-making has been one of his major interests. He has supported the theory of adjusting rates, not, as now required by law, on the fair value of the utility's property, but on the amount prudently invested therein, and in a series of notable dissents has provided in effect a standard text for that point of view.

The present book represents a praiseworthy attempt to bring Justice Brandeis's social views before the general public. At best it is a task of some difficulty to present judicial opinions effectively to the lay reader. Holmes's decisions by reason of their terseness, their mellow philosophy, and their style lend themselves perhaps most easily to this purpose. Yet the volume of Holmes's opinions was only a partial picture, due to the necessary editorial exclusions and the impossibility of giving in any detail the legal setting of each case. It is all the more difficult to do this for Brandeis's detailed and documented opinions. It was necessary to leave out the footnotes—often as important as the text—and to omit most of the details of the economic data. The result is to show the Justice's judicial method more in outline form than by way of exact reproduction.

Even though the picture is necessarily incomplete the collection is still notable. It, like the Holmes collection, shows that judicial opinions may really be literature. Further, it gives some idea at least of Brandeis's very real contribution to American jurisprudence. The cases are grouped in various sections dealing with labor, regulation of business, public utility valuation, and free speech, prohibition, and taxation problems, followed by some quotations from his earlier writings and briefs. Among others things we see here his support of the constitutional guarantees and of standards of fair play and decency towards all men, including even the pacifist and the bootlegger. Witness his strong protest against obtaining evidence of law violation by wire-tapping. We get, too, a somewhat different conception of his attitude towards business. Far from being merely critical and destructive, he has shown a more favorable attitude than his colleagues towards certain business developments, such as coöperative movements and combinations under the Sherman Act. Here the editor might have included the New England Divisions case to point out the fine irony that Brandeis, in former days the virulent critic of the New Haven Road, should now be the spokesman for the court in seeing to it that that railroad received a just division of through freight rates. There are other omissions, such as of all opinions showing his care to protect the Supreme Court from hearing disputes not properly within its jurisdiction, and some of the more recent social cases are missing. But the necessity of editorial selection and the limited size of the book make this necessary. Perhaps the wonder is that in view of the difficulties so much of the flavor of the material is retained.

The book, therefore, affords a good introduction to one of the ablest scholars and one of the most interesting and independent figures now on the bench. Within the limits necessarily set by the nature of the editor's plan, the work is well done. And it will have fulfilled its purpose best of all if it sends the reader back to the original opinions, there to see the persuasive force which an orderly presentation of detailed facts can exert on the human mind.

A "Temple of Poetry" where poetry societies may meet and young bards find an audience has been urged in London by Lady Keeble. Her aim is to "conquer England for poetry and put poets back on their pedestals as national heroes." Lady Keeble's plan calls for a plain oak hall holding no more than 300 persons and furnished with low divans and arm chairs. Along the walls would be shelves of poetry. Alcoves would be set aside for special poets and personal relics kept there, as well as their works.

The Great X

THE SOVIETS IN WORLD AFFAIRS. By LOUIS FISCHER. New York: Jonathan Cape & Harrison Smith. 1930. 2 vols. \$10.

Reviewed by WILLIAM HENRY CHAMBERLIN
Author of "Soviet Russia"

THE Union of Soviet Socialist Republics that has replaced the old Russia is the supreme enigma, the great "x", or unknown quantity in international affairs. The Western powers have been almost equally unsuccessful in making war on Bolshevism and in making peace with it. The intervention sponsored by Winston Churchill failed to destroy the Soviet régime. The subsequent theory, championed by Lloyd George and others, that political recognition and trade contacts offered the best means of essentially altering the socialist character of the Soviet economic system has also failed to work out in practise. The Soviet Union, under the Five Year Plan, is more uncompromisingly socialist than ever and is rapidly stamping out the last remains of private capitalism in the country.

The best way to approach an enigma is with a fund of solid information; and such information is

have been more cynical in handling the episode of the overthrow of the Menshevik régime in Georgia (if England, and not Soviet Russia, had been the intervening power on that occasion) such considerations cannot obscure the conspicuous and outstanding merits of the work.

Here for the first time all the main tangled threads of Soviet foreign policy over a period of twelve years are drawn together and woven into clear and intelligible patterns. The panoramic sweep of the history is enormous. The author transports us from the European council halls where Soviet and Western statesmen cross swords over political and economic issues to the remote defile in Turkestan where the romantic Pan-Islamist adventurer, Enver Pasha, met his death at the end of a long career of intrigue and grandiose schemes. The quiet talks between the Soviet envoy, A. A. Joffe, and Dr. Sun Yat Sen, in which much of the program of contemporary Chinese nationalism was worked out; large business deals, some actually carried through, others projected and thwarted, between American industrial and financial magnates and Soviet representatives; Soviet military aid to Turkey in the closing stages of the Græco-Turkish War; these are only a few of the themes which lend color and variety to the work.

Mr. Fischer starts out by showing the representatives of the young Soviet Republic faced by German and Austrian generals and diplomats at the Brest-Litovsk Conference. The odds were hopelessly against the former, especially after the hopes based on the outbreak of revolution in Germany and Austria proved illusory, and despite, or in part because of, Trotsky's brilliant sparring Soviet Russia was forced to sign a peace that registered the extreme German annexationist demands.

The author then carries his narrative through the phase of German, Austrian, and Turkish intervention, which was operative in southern Russia, the Caucasus, and Finland, ending more or less automatically with the breakdown of the Central Powers, and devotes more space to an analysis of the longer and more important phase represented by Allied intervention.

The main facts here are already known in a more or less fragmentary way; the author pieces them ingeniously together and casts some useful light on the Russian angle of the Paris Peace Conference and on the futile efforts of Bolshevik diplomacy to stave off and stop intervention by making conciliatory peace offers and proposing sweeping economic concessions in the early part of 1919.

After the intervention had run its inglorious course (its failure could have been foreseen in advance from all the historical precedents and was made doubly certain because of the irresolution, weakness, and conflicting policies which made themselves felt not only as between different powers but even in the inner councils of the same power) the Allied governments made an effort to present a united front to the Soviet Republic and obtain substantial business privileges at the Genoa Conference in the spring of 1922. Here again no positive results were achieved, partly because the Soviet representatives, even then, placed definite limits on what they were willing to concede, partly because British and French interests were at cross-purposes on the very combative subject of oil. Mr. Fischer makes out a convincing case for his thesis that, although America was unrepresented at Genoa and its minor sequel, The Hague Conference, powerful American oil interests contributed in no small degree to the breakdown of both these parleys.

After Genoa and The Hague there was no longer even a pretense of unity in the dealings of the West European powers with the Soviet Union. Each country went more or less its own way, the influence of some great powers being, of course, more or less determining for that of some of the smaller ones within their orbits of influence. Mr. Fischer traces the relations of the Soviet Union with each country in great detail, showing that Germany, despite episodic periods of coolness, has been obliged by a combination of political and economic factors to remain on reasonably good terms with the Soviet Union,



ROBERT BROWNING, TAKING TEA WITH THE BROWNING SOCIETY
A cartoon by Max Beerbohm, reproduced from "The Stuffed Owl"
(Coward-McCann).

furnished in full measure in Mr. Fischer's two volume history of the development of Soviet foreign policy. The author's qualifications as an exponent of Soviet foreign policy are quite exceptional. The highest Soviet diplomatic officials gave him valuable aid and coöperation in preparing his material. The former Commissar for Foreign Affairs, Chicherin, the present Commissar, Litvinov, and the now exiled ex-Ambassador to England and France, Rokovsky, supplied him with valuable written and oral material about the Genoa and Lausanne Conferences, about the negotiations with France and England, and on other subjects. The author's background is further enriched by detailed conversations with several present and former Soviet Ambassadors and by archive material obtained from the Commissariat for Foreign Affairs.

From an English source Mr. Fischer received an interesting document which is reprinted in his appendix: a convention between Great Britain and France, signed by Lord Milner and Clemenceau on December 23, 1917, dividing southern and southeastern Russia into French and British "zones of influence." Another bit of research on which he must be congratulated is reflected in his clear and original narrative of the circumstances which caused the Polish army to remain passive at a decisive moment in the Russian civil war, in the autumn of 1919. At this time the White army of General Denikin had reached a point less than two hundred miles from Moscow and active coöperation between Denikin and the Poles might have altered the issue of the Russian civil war, or at least prolonged it and given it new forms.

Mr. Fischer's viewpoint does not, as a rule, differ very much from that of his Soviet informants, and this is sometimes evident when he departs from straightforward narration to express opinion or to pronounce judgment. But, while one may, I think, reasonably dissent here and there on points of judgment and emphasis and interpretation (one wonders, for instance, whether Mr. Fischer might not

that France, since 1927, has been uncompromisingly hostile, while England has wavered. The short-lived Labor Government of 1924 and the present Labor Government have pursued the policy of establishing diplomatic contact for the purpose of endeavoring to promote trade and settle outstanding economic issues. The Conservative Government which was in power from the autumn of 1924 until the last parliamentary election was uncompromisingly hostile. It owed the size, if not the existence, of its parliamentary majority to the "Zinoviev Letter" sensation, which developed on the very eve of the election.

The antipathy of the Conservative Government to the Soviet régime was strengthened by the financial aid which the Soviet trades unions offered on the occasion of the general strike and the miners' strike in England and by the growing Soviet influence in China; and these two factors, rather than any immediate issue, were probably the dominating elements in the Soviet-British breach of relations in the spring of 1927.

The Soviet Union is a great power in Asia as well as in Europe; and two of the most interesting chapters in Mr. Fischer's work deal with the past background of Anglo-Soviet rivalry in the Near and Middle East and with the Chinese Nationalist Revolution up to the period in 1927 when more conservative elements took the upper hand in the Kuomintang, or Chinese Nationalist Party, and broke off with the Communists. A good deal, of course, has been written about contemporary China; but Mr. Fischer's chapter is almost unique, at least in English, in giving a lucid and interesting picture of the development of the Chinese Revolution from what may be called the Soviet angle. One can find here a fascinating, if not perhaps altogether complete, account of the activities of the brilliant Soviet "High Advisor" to the Chinese Nationalists, Michael Borodin, and especially of Borodin's actual and projected last moves in the effort to stave off defeat when the tide was running strongly against the Chinese Communists and the Left Kuomintang in the summer of 1927.

The writer was in China during the latter part of the period which Mr. Fischer describes in this chapter; and it is my impression that he exaggerates somewhat the voluntariness of Borodin's withdrawal. It is doubtless true, as Mr. Fischer says, that some of the more radical Kuomintang leaders desired the Russian advisor to stay, because his courage and ingenuity in facing difficulties represented a tower of strength for them. But by June and July, 1927, these civilian leaders had lost almost the last vestiges of authority. The generals were masters of the situation; and these generals, despite their incessant intrigues and feuds among themselves, were sufficiently frightened by the labor and peasant unrest which followed in the wake of the Nationalist advance from Canton to the Yangtze to be pretty well agreed on a program of outlawing the Communists, eliminating Borodin from Chinese political life, and placing the Kuomintang on a more definitely conservative basis. Of course a cloud of mystery still surrounds certain aspects of Borodin's mission in China; and final judgment must perhaps be suspended until fuller knowledge is available. Near the end of his otherwise admirable chapter on "Moscow and the Chinese Revolution" Mr. Fischer commits one or two factual slips when he writes:

Then occurred that famous bombardment at Nanking in which one or two foreigners were killed . . . Chiang Kai-Shek officially expressed his regrets . . . and permitted the massacre of trade-union leaders and radical Chinese in Shanghai. He proposed in this manner to placate the powers.

Now the several foreigners who lost their lives at Nanking in March, 1927, lost their lives not in a bombardment, but as a result of an outbreak of disorderly violence among the Chinese troops who occupied the city. The bombardment of a stretch of territory outside the Nanking city limits was undertaken by British and American warships for the purpose of facilitating the rescue of the surviving foreigners, who had gathered on Socony Hill. Furthermore Chiang Kai-Shek's suppression of radical labor unions and executions of their leaders were primarily an essential part of his program for establishing a conservatized Kuomintang régime in the coastal provinces around Shanghai. The idea of placating the foreign powers was at best a secondary consideration.

Mr. Fischer's book is calculated to strengthen advocates of recognition of the Soviet Union in the United States insofar as it emphasizes the stability of the Soviet régime and its prospects of industrial and commercial development. Regarding the thorny

problem of Communist propaganda which has vexed Soviet relations in more than one part of the world he writes:

The question whether the Soviet Government is organizationally connected with the Communist International is of little practical importance until and unless the Soviet Republic admits that fact. The admission, even if it were true, is, however, not likely to be forthcoming.

At the same time he is under no illusion as to the difficulties which confront the Soviet Union in establishing normal relations with foreign powers. He ends his book with the statement that "as the years go by the Bolsheviks look to the outside world less for aid and more for passive enmity or even violent obstruction."

For anyone who wishes to get away from the jerky and spasmodic knowledge of Russian foreign relations that comes from reading occasional magazine articles and newspaper headlines there is no better recourse than Mr. Fischer's book. Nowhere else certainly is there such an able and complete marshalling of all the facts relating to Soviet foreign policy. The two volumes possess encyclopedic scope without the dullness that is sometimes, however unjustly, associated with encyclopedias.

Vigorous History

THE DRY DECADE. By CHARLES MERZ. New York: Doubleday, Doran & Co. 1931.

Reviewed by CHARLES MC. D. PUCKETTE

TO Mr. Merz a vote of thanks. It takes a strong individual constitution voluntarily to read another book or argument upon the Eighteenth Amendment to the United States Constitution. Many wishing to give time and thought to convictions upon subjects of more moment than prohibition fairly resent the constant intrusion of this topic upon American life today, though admitting that the situation is a challenge politically and socially to the country. It fills newspapers, pulpits, political campaigns, conversation, distracts deserved attention from great national problems; many citizens delude themselves by fancying they are thinkers upon government because they utter facile, noisy opinions upon prohibition. The argument is tiresome.

Mr. Merz is entitled to thanks because his book should make many others unnecessary. It is a comprehensive, swift survey of ten years of prohibition. His narrative is a fair report of the decade since the United States became legally dry, on January 16, 1920. Only the extreme propagandists on either side will take exception to Mr. Merz's summary or charge that bias enters into it. The sensitive dry may, however, feel that in some chapters Mr. Merz's recital puts him on the defensive; but so do the facts. Mr. Merz's balance is excellently preserved.

The battle of statistics so eagerly joined by wets and dries is not fought over by Mr. Merz. There is just enough of tabular and source material in the appendix or adduced in the narrative to make the volume a good work of reference, but no mass of those statistics of benefits or harms of prohibition which propagandists on both sides have so often twisted, isolated, and misinterpreted until the seeker after truth is wearied, disgusted. Mr. Merz presents his story in the main chronologically, and his tale is an humbling one for the sober-minded citizen. The evidence of stupidity, braggadocio, and cowardice distributed impartially among wets, dries, Senate, and Congress—and corruption among enforcement officers—is appalling.

A brief background of the early temperance movement is capably done. Mr. Merz correctly says that the abysmal ignorance of the brewers' attempts to stop prohibition was a help to the dries. Prohibition came without a real fight of the proportions justified by the merits of the question as a national policy; it came because a determined body of citizens, knowing exactly what they wanted, ready to vote as they talked, shrewdly managed so as to be effective at the polls, were met by no intelligent or organized opposition. The wets, so angry as to be almost incoherent now, are really chagrined to realize how surpassingly able was the generalship of the dries almost from the day that the Anti-Saloon League was born in the Oberlin, Ohio, meeting in 1893.

Mr. Merz quotes Mr. Cherington's summary of the strategy of the League . . . "dependent upon the church, first of all, for financial support . . . also dependent upon the church for the necessary influence and power to turn the tide along non-partisan lines." The dries controlled voters, and worked night and day at enforcement of their

power. Mr. Merz is sound in pointing out that the wave of prohibition which finally achieved the Amendment and Volstead Act (it was not the first such wave in the United States) drew its strength from the agricultural states which had not felt the industrial development of the East. He is an impartial historian in apportioning the dry and wet areas of the country prior to national prohibition, but might have gone more fully into the smaller political subdivisions dry by local option.

The anti-prohibitionists will not be pleased with Mr. Merz's judicial treatment of their pet dogma "that national prohibition was foisted upon the country without the slightest semblance of a warning," and the twin dogma that the "arbitrary action of the state legislatures" rather than the popular will had achieved prohibition. It is hard for the wets to be driven from these trenches, but Mr. Merz does it briskly.

It is in describing the fate of prohibition enforcement legislation in Congress, and the abortive policies of successive commissioners that Mr. Merz's narrative is at its best. That many congressmen voted for prohibition hoping to be rid of an annoying question, and that Congress has failed to grapple with enforcement is a truth abundantly proved by Mr. Merz. Wayne B. Wheeler's confident estimate that \$5,000,000 a year would make the country as dry as Sahara remains one of the unfulfilled predictions of history, equalled only by Congress's and the prohibition enforcement administration's fumbling with the real problem. Mr. Merz concisely sums up the "policies" of Kramer, Haynes, and others—brave, if foolish promises, and sorry failure; the tomtoms of Smedley Butler, and the antics of Izzy and Moe. If the innocent bystander interested in his country's welfare is weary of anything more than of wet and dry argument, it is of the repeated news stories of new "drives" and raids which put a stop to great bootlegging rings—and achieve next to nothing. Enforcement in the present state of the popular will may be impossible; Mr. Merz fairly reports our failures to do anything really intelligent about it.

A chapter on the battle of propaganda sets off counter-claims of wets and dries; one wishes that in addition to his rapid covering of this field Mr. Merz could have added a summary, for example, of Jane Addams's admirable and judicial statement upon prohibition from the social worker's point of view in a recent *Survey Graphic*. Then Mr. Merz proceeds to describe the appearance of the new opposition—so different from the stupid brewers—and the rise of public opinion led or represented by Alfred E. Smith, Dwight Morrow, Pierre Du Pont, the New York Bar Association, and others. He devotes a chapter to Mr. Hoover's program on the "noble experiment" of which the main point was the appointment of the Wickersham Commission. The appeal to the states to aid in enforcement, as Mr. Merz shows, fails—and this brings us to the position in 1930.

What next? Formidable as the difficulties of repealing the Eighteenth Amendment are, Mr. Merz remarks, it "was an open question" whether they were more or less than "the difficulties involved in an effort to persuade the public to accept the law or the effort to persuade the federal government to enforce it, or the effort to solve an unsolved problem by any other means than a policy of drift." Is the way out to be Smith's modification, or Dr. Hadley's polite nullification? Shall we, with Mr. Morrow, "look forward to the time when the moral teachers of the country will realize that in the battle for a great social reform there was a wisdom in the old system of experimenting in forty-eight laboratories rather than one!"

Whatever one's opinions may be, they will be

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