BOOKS AND AUTHORS—REVIEWS AND COMMENT

LITERARY CRITICISM AND BOOK NEWS

The Constructive Statesmanship of Charles E. Hughes Found in His Supreme Court Opinions—Shakespeare's Jewels.

THE CANDIDATE.

CHARLES E. HUGHES, The Statesman as Shown in the Opinions of the Jurist. By William L. Ransom, Justice of the City Court of the City of New York. 12mo, pp. xxiii, 323. E. P. Dutton & Co.

With acknowledgments to Johnson's epigram upon Chesterfield, there may be those who would ask if Mr. Hughes has been a statesman among jurists, or is to be merely a jurist among statesmen. If so, here is their answer. It is given indubitably, from the records of the Supreme Court; and it is set forth with judicial authority, by a competent and eminent member of the bar and of the bench. And apart from any temporary and special purpose which it may serve, it should be a valuable reminder of what is too often ignored or misunderstood, namely, the great part which both individual jurists and courts collectively have played in the work of American constructive statesmanship.

Probably the most important act ever performed in the establishment of our foreign policies and in the development of our foreign relationships was John Jay's charge to the Richmond grand jury in May, 1793. The significance of John Marshall's decisions, a few years later, has long been a commonplace of American history. The Dred Scott decision, so often misquoted and misrepresented, was literally epochal. The manner in which the Legal Tender decision was obtained has been the subject of much criticism, but the immense beneficence of the decision stands unquestioned. Elsewhere in our history other judicial decisions form landmarks of constitutional development and progress.

The last six years, the six years of Mr. Hughes's service on the bench of the Supreme Court, have been quite comparable in interest and importance with any preceding era of judicial activity. In the constantly increasing complexity of our social and political organism there is a corresponding increase of complexity of legislation, and this in turn entails a commensurate increase of difficulty and of importance in judicial interpretation and application of the laws. The last word on contracts was not spoken in the famous Dartmouth College case. On the contrary, there have been decisions on contract cases since then which have quite overshadowed that in significance. Nor did Marshall's judgments by any means definitively establish the bounds and metes between state rights and national sovereignty.

It was, indeed, with these two classes of topics that Mr. Justice Hughes and his colleagues were most conspicuously called upon to deal; and it was in his attitude toward them that he manifested his highest qualities of constructive and progressive statesmanship. There had grown up the indolent and cowardly fiction of a "twilight zone," a borderland between state and nation in which powers and rights had an equivocal and indeterminable status. To Mr. Hughes's alert, energetic and courageous mind such a conception was obnoxious. It might require both labor and valor to determine in some cases precisely where the line of demarcation between state and nation ran, but it could be done and it should be done; and whenever Mr. Hughes had the doing of it, it was done. His inclinations, because of both his political antecedents and his constitutional studies, were strongly toward the national side. Yet such was the clarity of his vision, and such his stalwart impartiality, that he was more than once the champion of the powers and functions of the state against Federal interference.

More notable still was his advanced and enlightened course in dealing with those economic—social, industrial and fiscal—questions which in late years have risen to first place in importance to the vital welfare of the nation. In this predominant department of his judicial work he showed himself no slave to "strict construction" or to precedent. No economic theory was to him like the laws of the Medes and Persians. No governmental policy was sacrosanct. To his mind, economic and social laws were enacted for the welfare of the people. They had no other excuse for enactment. Consequently, they were to be interpreted and applied toward the realization of that end; and therefore interpreted in the light of existing facts and actual needs. A single circumstance of twentieth-century social economy was of more importance than all the Pandects of Justinian.

The army of topics which came beneath his judicial purview is most impressive, and a review of it is a reminder of the extent to which the bench has in late years been marshalled to the duty of constructive statesmanship. National authority, police power, freedom of contract, pure food and drugs, the eight-hour day, compensation for occupational disabilities, the "open shop," the rights and industrial status of women, franchise obligations and vested rights, restraint of trade, immigration, official responsibility and administrative efficiency—these are some of the matters with which Mr. Hughes was concerned during six busy years. Upon them and their like he personally prepared no fewer than 150 opinions, which were accepted by his colleagues and were promulgated as judgments of the Supreme Court—one every fortnight for six years—and among them all there were only nine cases in which even a single one of his colleagues dissented from his views, and in only three cases did more than one Justice dissent. That is a record of leadership of the Supreme Bench for which we think it will not be easy to find many parallels.

Timely as this volume is, in view of Mr. Hughes's candidacy for the Presidency, and impressive as is its denotement of the quality of his statesmanship, these are by no means its only nor its most enduring merits. It is no mere campaign eulogium of Mr. Hughes. So far as it deals with him personally it is a comprehensive and analytical review of his work as a jurist. But it goes far beyond that, and presents a record of six years of Federal jurisprudence, so pleasantly written as to be at once easy and profitable reading to the intelligent lay citizen, and so arranged, annotated and indexed as to be a singularly convenient and useful work of reference to the student either of law and constitutional development or of the general history of the American people.

GEM LORE

Jewels in Shakespeare's Works—Some Curious Information.

SHAKESPEARE AND PRECIOUS STONES. By George Frederick Kunz, Ph. D., Sc. D., A. M. With illustrations. 8vo, pp. 190. Philadelphia: J. B. Lippincott Company.

This is Dr. Kunz's contribution to the tercentenary celebration. His book treats of the known references to precious stones in Shakespeare, with comments on the sources of his material, his knowledge of precious stones, and with information concerning the places of origin of these stones in his day. The "Orient pearls" of Shakespeare's period, we learn, for instance, came chiefly from the Panama fisheries discovered by the Spaniards a century earlier, and many fine fresh water pearls were found in the Scotch rivers. That Shakespeare knew somewhat of the details of pearl fishing is proved by his comparison of an honest man in a poor dwelling with "a pearl in your foul oyster." ("As You Like It.")

The turquoise is mentioned only once by Shakespeare—in Shylock's ring, which he "had of Leah when I was a bachelor." In Shakespeare's day only few of the world's great diamonds had been brought to Europe, but two of them were already in his native country: the jewel of Charles the Bold, bought from the Fuggers by Henry VIII, and the Sancy diamond, purchased in 1604 by James I.

No reference is found in Shakespeare to the talismanic and curative lore of precious stones. In his day the setting was as important, and even more so, than the stones themselves. Hence some information concerning the court jewellers of the time, Holbein designed many settings, Mr. Kunz also furnishes a list of the books on precious stones which Shakespeare might have consulted; and, in some connection or other, reminds us that, "while both Shakespeare and Cervantes died on April 23 of the year 1616, it strangely happens that Cervantes had been dead ten days when Shakespeare expired. This apparent paradox is due to the fact that, while in Spain the Gregorian calendar had already been introduced, the Julian calendar was still used in England."

The book closes with a list of all the precious stones mentioned in Shakespeare's plays, with the passages in which they occur. Of these none is more graceful, more richly imaginative, more truly poetic than

I must go seek some dewdrops here
And hang a pearl in every cowslip's ear.

PHILOSOPHY AND WAR.

In "The Free Man and the Soldier," by Ralph Barton Perry, professor of philosophy in Harvard University, we find a new and refreshing viewpoint on such questions as preparedness, the righteousness of war and the duties implied by patriotism. The abstract principles underlying each of these questions rather than momentary opinions or prejudice form the basis of Professor Perry's essays. The book is to be published shortly by the Messrs. Scribner.

HILAIRE BELLOC.
(The Great War: "The Second Phase"; Hearst Library.)

MARGARET DELAND.
("The Rising Tide": Harper & Brothers.)

OWEN JOHNSON.
("The Woman Gives": Little, Brown & Co.)

ADELE LUEHRMAN.
("The Curious Case of Marie Dupont": Century Co.)

AN ENGLISH "J'ACCUSE"

Zangwill's Contribution to the Literature of the War.

THE WAR FOR THE WORLD. By Israel Zangwill. 12mo, pp. 165. The Macmillan Company.

To rank Israel Zangwill with the authors of "The German J'Accuse" and "Because I Am a German" would be unjustifiable injustice to a stanch, sound British patriot. His place among the protestants of this war is rather by the side of Romain Rolland, from whom, indeed, he quotes what might well be called the text of this book: "A nation at war must not only defend its frontiers, but its sanity as well." Therefore, like the French idealist, Zangwill has become suspect to many of his fellow countrymen.

Hence his introductory "apologia for not being pro-German"—pro-Prussian were the better word. Zangwill is not only anti-Prussian abroad; he is, above all, and most apprehensively, anti-Prussian at home. The dread of England's Prussianization by force of arms is dissipated. In its stead, he claims, a more insidious danger has arisen in the kingdom, that of its Prussianization from within. The Defence of the Realm act, he says, has made an end of Magna Charta; Habeas Corpus has been suspended, Parliament shorn of its rights and powers. A free press has been muzzled by the censorship; and the mob outdoes the government in forbidding Englishmen to exercise their right of free speech, opinion, conviction and action. What is this but Prussianization? asks Mr. Zangwill, what but the triumph of kultur in the very home of the enemy sworn to destroy it?

Then the inconsistencies of England's course in this war! The government, while claiming to fight militarism in Europe, supports Japanese militarism against China:

> Why make Turkey's German ally responsible for the Armenian massacres, which she could have stopped by a word, but hold England blameless for Russia's anti-Jewish pogroms? . . . Breathe one syllable suggesting that France, Belgium, Russia, Italy, Serbia, Montenegro and Japan are not academies of archangels, and you are pro-German. There was a moment with Bulgaria balancing—when Sofia, too, was a holy city, though finally Czar Ferdinand had a Jewish nose. Who would dare say to-day what the "Westminster" said then—that Bulgaria was the great peasant democracy? That would be pro-German. Fairness, in short, is the mark of the beast.

And the latest symptom of British militant patriotism, according to Mr. Zangwill, has taken the form of anti-Semitism—from Prussianization Great Britain is progressing to Russification. At the request of the Russian government his play "The Melting Pot" was suppressed by the Lord Chamberlain. And it is treason not to speak and write with enthusiasm of "Rosy Russia," once so regrettably misunderstood and suspected in England, now seen at last in her true color of the dawn of a new world, a new spiritual message and mission. Mr. Zangwill has the courage of his convictions, of his consistency. That one cannot make war abroad without the creation of a rampant, unreasoning, unreasonable war spirit at home is beyond his comprehension. Nor can he understand that, though *inter arma silent leges*, though for the moment England has surrendered her liberties for the more efficient conduct of the war, the spirit of her will survive and automatically restore all liberties voluntarily surrendered the moment peace returns. He, on the spot, foresees a permanent "Prussianization" of British institutions. We, over here, are expectant of a more truly democratic England than ever was before.

For all that, this is a thoughtful, a richly suggestive book. It makes for world peace, but not for the pacifism that refuses to prepare in a world armed to the teeth. If Mr. Zangwill disagrees with Wells, who has accused him of "treason" because he refuses to join in the chant of praise of all things Russian, he disagrees as strongly with Shaw, whom he, in his turn (all of us have our inconsistencies), suspects of having pronounced pro-German leanings. And he complains satirically that the English novelists have not been invited to take an official part in the conduct of the war. With Shaw, on the other hand, he wonders at man's interest in the perfection of engines of destruction, so much stronger than his interest in the perfection of the machinery of peace. And this leads him to write of the disappearance of the glamour, the romance of war. It has become anonymous, invisible, the butchery of the unknown by the unseen. The knightly sword has been supplanted by the torpedo, asphyxiating gas and liquid fire. Even the colors of war have paled into a dirty khaki. Only rats and lice flourish on this devastation. And as for the churches: *Vox populi, vox dei.* They exist on sufferance. It has been said ere now that this war has proved the bankruptcy of Christianity. What Mr. Zangwill proves, however, is merely that many Churchmen have lost their heads in this struggle that patriotism has got the better of their religious teaching, and that some of them have joined the mob in the chorus of hatred.

There is so much in this book, it touches upon so many revelations of human nature in war, upon so many sudden changes of viewpoint and temper and convictions, that one can only dip into it here and there in a review. There is the chapter on Germany's revival of her tribal gods, her progress from Wagner to Nietzsche; but Mr. Zangwill does not forget to remind England of her own tribal god, who always sides with her because her cause is always just. There are chapters on women and the war and the drama and the war, there are brief annotations on others of its phases, but throughout the author seeks to appeal to reason where passions rule and rage. He preaches the need of common sense and consistency in a crisis of confusion and contradictions and paradoxes all compact.

His country's danger he sums up in the conviction that "Germany's machine cannot be imitated in parts. It works only as a whole." The book certainly gives one a high opinion of the strength of Mr. Zangwill's convictions, his loyalty to his ideals, and his moral courage.

ISLAM

Its Origins, History, Present Status and Future.

MOHAMMEDANISM. By C. Snouck Hurgronje, Professor of the Arabic Language in the University of Leiden, Holland. American Lectures on the History of Religion, Series of 1914-'15. 8vo, pp. ix, 184. G. P. Putnam's Sons.

Professor Hurgronje stands in the first rank of the authorities on Mohammedanism in Christendom, and has the high regard of Moslem scholars of the liberal, progressive wing. His life work has been almost exclusively devoted to the study of Mohammedanism as a religious and political growth, with special reference to its significance at the present day to the Netherlands government, which counts among its colonial subjects some 30,000,000 followers of the Prophet. A recent translation of his book on the fallacy of "The Holy War Made in Germany," also published by the Messrs. Putnam, is still fresh in the mind.

In these lectures delivered by him at Columbia, Yale, Chicago, Johns Hopkins, the Lowell Institute and elsewhere, under the auspices of the American Committee for Lectures on the History of Religions, Professor Hurgronje gives not only a historical survey, religious and political, of Mohammedanism, but enters at considerable length upon a discussion of its gradual approach to international civilization, significant symptoms of which are seen in the Young Turk movement, and, perhaps even more significant, in the progressive tone of the great Mohammedan university at Cairo, so strongly in contrast with the persistent conservatism of the schools of Mecca, where one feels "as if he were conversing with our ancestors of five or six centuries ago."

It is by constant comparison and contrast with Christianity past and present that Professor Hurgronje succeeds best in giving his readers a vivid view of Mohammedanism once and now. Its accommodations to the religions it conquered suggest similar methods adopted by early Christianity; the conversion, for instance, of pagan into religious festivals. In fact, "in the attitude of Islam toward other religions there is hardly one feature that has not its counterpart in the practice of Christian states during the Middle Ages." And so, to-day, "a knowledge alone of the orthodox system of Islam, however complete, would give us an even more inadequate idea of the actual world of catholic Islam than the notion we should acquire of the spiritual currents moving the Roman Catholic world by merely studying the dogmas and the canonical laws of the Church of Rome."

The author's sketch of the beginnings of an understanding of Mohammedanism by Christian Europe is brief, but packed with information. In the Middle Ages it was, of course, grossly misrepresented. An occasional theologian took the trouble of acquainting himself with its tenets before condemning them, but did so at the risk of churchly discipline. In the seventeenth century the light began to dawn; in the eighteenth, the age of many philosophies, there was even a wave of enthusiasm, but the foundations of the serious study of this religion were not laid until in the middle of the last century. What may be called its higher criticism began in 1870, with a German. One is tempted to add "of course."

It is in the light of these modern studies that Professor Hurgronje examines the religious teachings and governmental precepts of the Koran, separating the original from the traditions and additions that were later fastened upon it in order to give them authority. There is an account of Mohammed's life and work, of which far less is known than is generally supposed.

That Mohammedanism is a growing, not a waning influence, is recognized by all the colonial powers, among which the United States is counted to-day. Its increasing conquest of Africa is acknowledged by Christian missionaries, who can make no progress against it. But at the same time socio-economic conditions lead to its closer approach to modern civilization. A day of rest on Friday is growing to be as difficult to keep as is the orthodox Jew's Sabbath. Rites repeated several times a day, the seclusion of the forty days of Ramadan must increasingly fall into disuse in the face of modern conditions. Polygamy has become an economic question; its practice is no longer recommended by the majority of Moslem theologians. And thus Professor Hurgronje approaches the woman question in Islam. There, as with us, the most irreconcilable antis are women:

> It is a pity indeed that thus far women vigorously striving for liberation are rare exceptions in Mohammedan countries. Were Mohammedan women capable of the violent tactics of suffragettes, they would rather try to blow up the houses of the feminists than those of the patrons of the old regime. The ordinary Mohammedan woman looks upon the endeavor of her husband to induce her to partake freely in public life as a want of consideration; it makes on her about the same impression as that which a respectable woman in our society would receive from her husband encouraging her to visit places generally frequented by people of bad reputation. It is the girls' schools that will awaken these sleeping ones, and so, slowly and gradually, prepare a better future, when the Moslem woman will be the worthy companion of her husband and the intelligent educator of her children. This will be due, then, neither to the Prophet's Sunnah nor to the infallible Agreement of the first centuries of Islam, but to the irresistible power of the evolution of human society, which is merciless to laws even of divine origin, and transfers them, when their time is come, from the treasury of everlasting goods to a museum of antiquities.

The book is as readable as it is informing. And it deals with one of the important questions of the future: the encouragement of a closer association in intellectual, social and political life between Christianity and Mohammedanism.

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In THE LITERARY DIGEST for September 9th, there is a striking article, graphically illustrated, which shows this latest phase of the great European war from many angles. Responsible newspaper opinion in America and Europe is presented so that the reader may know exactly how Roumania's entrance into the war affects the general situation.

Among other articles of great interest in this number are:

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