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Book Review of Melvin I. Urofsky's Louis D. Brandeis: A Life

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ers. James D. Schmidt's *Industrial Violence and the Legal Origins of Child Labor* builds on this scholarship by focusing on a question that has received little attention: How was the legal conception of child labor, developed by reformers during the Progressive Era, written into the nation's social and cultural consciousness? Schmidt's answer is that the law—especially as represented in trial court proceedings involving actions for negligence by or on behalf of youthful victims of industrial violence—was constitutive of the cultural ideology concerning child labor. His research highlights the Appalachian South, but his conclusions speak to the country at large.

Legal historians have long discussed whether law directs or reflects cultural and social change. Schmidt's work contributes to this debate, but the strong claim he makes about the power of law to create a new social consciousness of child labor is circumscribed by his data. Among other constraints, as Schmidt notes, the cases he relies on are drawn almost exclusively from the Appalachian South, the child litigants in these cases are almost all native-born white males, and it is unclear how and to what extent the surrounding community, much less the nation, was aware of, and thus subject to be influenced by, these court proceedings. Although the nature of these cases may limit what can be said about their power to serve as the engine of cultural change, Schmidt's use of these historical records breaks new ground and makes a singular contribution to the history of child labor. In particular, by drawing on court transcripts and depositions, Schmidt has uncovered the actual words of these children and their families, something heretofore missing from child labor histories. Schmidt uses this new resource to help paint a vivid picture of the nature of child labor in the Appalachian South, effortlessly weaving the words of the child workers and their families into the historical record. As social and cultural history, the study is impressive and compelling.

Such trial court records have been underutilized by historians. Legal scholars, for example, discount their importance because trial courts do not establish, but rather are bound by, the law. Interested in precedent, these scholars rely almost exclusively on appellate court decisions. By emphasizing these rarely used primary sources Schmidt has found a way to give voice to children who have been silenced for far too long. In child labor histories, as elsewhere in the history of children, the children's words are almost always absent, even when they are central to the historical drama under scrutiny. By bringing these long-silenced voices to life Schmidt has opened an important door for future scholarship in histories related to children.

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Louis D. Brandeis: A Life. By Melvin I. Urofsky. (New York: Pantheon, 2009. xiv, 953 pp. $40.00, ISBN 978-0-375-42366-6.)

To attempt a biography of Louis Brandeis is to confront a herculean challenge, for Brandeis was a central figure in many of the major developments that transformed the United States in the long, critical age from Reconstruction to World War II. He was a pivotal figure in the rise of the modern American legal profession, a dynamic force in many of the important events and achievements of the Progressive Era, the galvanizing leader of American and even world Zionism, a major force in shaping and checking the New Deal, and one of the most inspiring and influential justices ever to sit on the U.S. Supreme Court. From Alpheus T. Mason's early biography to a variety of more recent works, including excellent studies by Lewis J. Paper and Philippa Strum, scholars have recounted and illuminated Brandeis's rich distinguished career. Seldom, however, have they done so with the comprehensive, deeply informed, and graceful qualities that mark Melvin I. Urofsky's monumental *Louis D. Brandeis*. Small wonder, too, for Urofsky has spent more than four decades studying his subject, superbly editing (with David W. Levy) six volumes of Brandeis's letters, thoroughly combing the private papers of dozens of Brandeis's close friends and colleagues, and writing extensively on both Brandeis and the America in which he lived. His book will surely stand for decades as the definitive biography.

Covering every aspect of Brandeis's life, from personal and family matters through his

elaborate public campaigns and behind-the-scenes machinations to his fervent social exhortations and seminal Supreme Court opinions, Urofsky insightfully identifies the "two great driving forces of his life, idealism and pragmatism" (p. 74). Brandeis combined a passionate, iron-willed, and quite lofty idealism with a calculating, sophisticated, and sometimes ruthless pragmatism, and it was that combination that gave his untiring and wide-ranging efforts their distinctive and highly integrated character. To those qualities, too, one would have to add, as Urofsky's narrative repeatedly shows, exceptional intelligence, determination, discipline, energy, and courage. Examining all of Brandeis's major battles and achievements, Urofsky paints an insightful and coherent portrait of a believable and understandable—if quite exceptional—human being.

Although Urofsky obviously admires his subject, he nonetheless recognizes his shortcomings and explores his missteps. Brandeis sometimes seemed "oblivious" to certain economic realities (p. 182), badly misjudged the extent to which Prohibition would be honored and enforced, and misunderstood aspects of conservation, scientific management, European Zionism, and the views of organized labor. Perhaps most notably, in one instance he left himself open to vicious charges of unethical conduct when he "violated his own cardinal rule about investing in a client's company and lost, at least to some extent, the objectivity he valued," and in another, while on the Supreme Court, he maintained "a level of extrajudicial activity that, by current standards of judicial ethics, would be either impermissible or at best questionable" (pp. 310, 460).

Revealing, persuasive, and highly readable, Urofsky's *Louis D. Brandeis* is exemplary in every way.

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On Floods and Photo Ops: How Herbert Hoover and George W. Bush Exploited Catastrophes. By Paul Martin Lester. (Jackson: University Press of Mississippi, 2010. xviii, 260 pp. $50.00, ISBN 978-1-60473-286-3.)

The study of visual culture is defined in part by the promise and the challenge contained in the old adage that a picture is worth a thousand words. On the one hand, any image, no matter how banal, might contain important resources for understanding social reality; on the other hand, because the image is mute the task remains of teasing out its meaning and significance. Paul Martin Lester has taken up this challenge in his analysis of two unexceptional photographs: one of Herbert Hoover standing with children at a refugee camp during the great flood of 1927 and the other of George W. Bush standing with children outside an elementary school after Hurricane Katrina.

The express purpose of the comparison is to identify key features of the photo opportunity as a genre, although much of the book is devoted to synoptic accounts of the two disasters and the two presidencies. Successive chapters provide a cursory discussion of visual analysis, a pocket history of the photo opportunity as a political tool, a discussion of floods and flood control from antiquity to Katrina, comparative biographies of Hoover and Bush, analyses of each of the two featured photographs, and a conclusion that focuses on the differences in style, context, and character between the two men and their magnificent publicity machines.

The strongest chapters are those on presidential public relations and the lives of the two presidents. Lester provides a lively account of the development of the photo opportunity; although hardly a comprehensive survey, he captures the sense of how modern media strategies are not technological impositions but rather the direct extension of the democratic politician. The parallel chronicles of Hoover and Bush are taken well beyond the analogies that are common today, and it becomes clear that although some similarities (personal inflexibility) are very strong, there remain vast differences in background, ability, and commitment to public service. One could perhaps say that at least Hoover earned his faults.

The weakest chapters are those dedicated to Lester's critical method and its application to the two representative photographs. The method involves providing a rich historical context for interpretation and a close reading of the literal surface of the image. Unfortunately, each approach has its problems here, and,