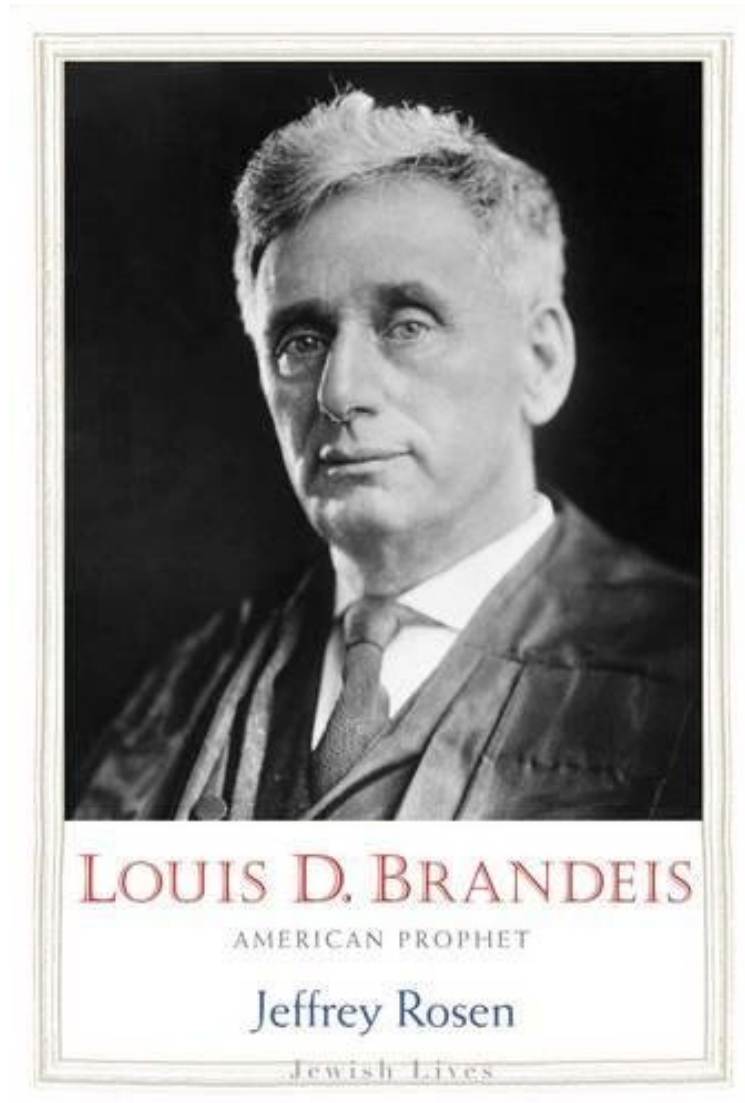


Louis D. Brandeis: American Prophet (Jewish Lives)

Jeffrey Rosen

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Jeffrey Rosen : Louis D. Brandeis: American Prophet (Jewish Lives) before purchasing it in order to gage whether or not it would be worth my time, and all praised Louis D. Brandeis: American Prophet (Jewish Lives):

32 of 33 people found the following review helpful. The Thought and Character of Louis D. BrandeisBy Ronald H. ClarkIt is often the case that good things can come in smaller packages. This is certainly true of this perceptive study of Louis D. Brandeis (1856-1941), one of the Court's greatest Justices, among other accomplishments. While this book is part of Yale's acclaimed "Jewish Lives," series, the author cautions us that it is not meant to be a full biography but

rather a 240 page condensed study of Brandeis's thought and character. The reader is referred to the major biographical studies of LDB, particularly Melvin Urofsky's nearly 1,000 page definitive analysis, if more biographical background is sought. However, Brandeis's thought and values emerge with clarity and precision in this compact study. The book's major themes are previewed in the Introduction, "Isaiah and Jefferson." One of the great values of the book is that it focuses in on key books that Brandeis read that helped to shape his outlook. In particular, the author discusses A.J. Nock's 1926 biography of Jefferson and a book particularly important to Brandeis, Zimmern's "The Greek Commonwealth." The author relies upon Brandeis's own writings to expound upon his ideas; his frequent recurrence to LDB's family letters is particularly helpful in gaining insights into his thinking and reactions to various developments. As the intro's title indicates, the author sees major points of comparison between LDB and Jefferson, and this is one of the more fascinating aspects of the book. All of the key aspects of Brandeis values and ideas are covered, concisely but effectively. His fondness for small scale farms and businesses versus industrial giants is thoroughly discussed, as is his conception of the states as "laboratories of democracy" well suited to try out new ideas. The importance of scientific management generating leisure for citizen study becomes evident. The author does not just focus on ideas, but looks at LDB's practical impact. His close relationship with Wilson during the 1912 campaign yielded among other advances the Federal Trade Commission, the Federal Reserve, the Clayton Act, and laid the foundation for the later Glass-Steagall Act. The author discusses how Brandeis's ideas would have mitigated the 2008 financial meltdown. When Brandeis joins the Court in 1916, the author's focus continues on his ideas and values even as some (but not too many) decisions and dissents are discussed. LDB's pragmatic theory of constitutional interpretation, focusing upon the adaptation of the document's values to current applications, would not have pleased the late Justice Scalia--it would have been interesting to see the two of them debating the issue. But judicial deference did not mean judicial abstinence. His distaste for centralization in both government and business led LDB to oppose the initial round of New Deal legislation, which surprised FDR given that LDB (whether appropriately or not) had advised him on several matters. Privacy, free speech, and opinions that educate as well as explain Court holdings were important values. Finally, the very complicated relationship between Brandeis and Zionism is most effectively examined. That Brandeis sort of saw Palestine as a cross between the Periclean Athens of Alfred Zimmern and Jefferson's agricultural republic of small, independent farmers has always fascinated me; the author's cogent discussion helped me better understand this aspect of Brandeis. What he might make of today's Israel is interesting to contemplate. In the Epilogue, the author theorizes about how Brandeis's ideas would react to some current developments, such as cloud computing, the European "Right to be Forgotten," and "Citizens United" among other aspects of modern life. Just a concise yet complete introduction to Brandeis and his continuing importance to us today. It is amazing how many times we see references to the Justice in discussions of current issues. At least four members of the current Court obviously have been impacted by his thinking and approaches. It is all here and effectively presented, including 31 pages of often fascinating notes. The book should become an essential introduction to the Justice and his many contributions to us.

14 of 15 people found the following review helpful. Pertinent today
By Jean
In 2013 I read Melvin I. Urofsky's Louis D. Brandeis: A Life. When I saw Rosen's book on Brandeis, that was published in June 2016, I almost passed it up, but then bought it. Brandeis is one of my historical heroes and I just wanted to see what Rosen had to say. I am very glad I did as the book is not really a biography of LDB but a review of his philosophies and legal decisions and how they relate to today's problems. LDB was appointed to the Supreme Court by President Wilson one hundred years ago this year. Rosen built a case showing how Brandeis's decisions and philosophy are important and relevant to today's issues. Rosen has crafted a careful study of Brandeis's key points and compares them to today's problems. Rosen has done meticulous research and the book is well written. Brandeis was a critic of bigness as was Thomas Jefferson and Rosen compares the two men's viewpoints. LDB denounced big banks, big government and big business; he was a critic of concentration of financial power and a big opponent of J. P. Morgan. Rosen shows how the stock-market crash of 1929 vindicated LDB's viewpoint. LDB was an advocate of free speech and privacy. Rosen reveals how he almost foretold the technological age and its issues of privacy and free speech. Rosen discusses Brandeis's book published in 1913 entitled *Other Peoples Money* and how its premise of protection of liberty and opposition to monopoly went hand in hand. Louis D. Brandeis was devoted to free speech, privacy and pro-immigration diversity, and a mistrust of big business and big government. Rosen discusses LDB's viewpoints and solutions to these issues and how these compare to the current political presidential candidates' viewpoints, as well as how current judicial philosophy compares to LDB's. Rosen says we all should ask ourselves on these key issues: What would Brandeis do? The author states that on today's Supreme Court there are three scholars of Brandeis and they are Justice Ruth Bader Ginsburg, Justice Elena Kagan and Justice Stephen Breyer. The book is 257 pages long and is easy to read for the average lay person.

3 of 3 people found the following review helpful. The People's Lawyer
By Ricardo Mio
In a world rife with political cynicism, reading a biography of Louis D. Brandeis is a refreshing experience. Here is proof that one man committed to the best in humanity can make a difference. The author, Jeffrey Rosen, is a wonderfully clear and focused writer who examines Brandeis's exceptional life in a mere 206 pages. The book concentrates on three aspects of Brandeis's public career: as a crusader against the curse of bigness in business and government, as a Supreme Court Justice committed to individual rights, and (beginning at the age of 57) as leader of the Zionist movement. Like many

exceptional people, Brandeis had exceptional parents. While Jewish, his parents insisted on rigorous moral standards but not on organized religion. His mother, Frederika, in her *Reminiscences*, explained why she chose to raise her four children this way: Love, virtue, and truth are the foundation upon which the education of the child must be based. They endure forever. . . . And this is my justification for bringing up children without any definite religious belief: I wanted to give them something that neither could be argued away nor would have to be given up as untenable, namely a pure spirit and the highest ideals as to morals and love. Brandeis was incredibly bright. At the age of 20, he graduated from Harvard Law first in class, with the highest marks in the history of the school. Said a classmate: The professors listened to his opinions with the greatest deference. And it is generally correct. As an attorney, Brandeis invented the Brandeis Brief, a comprehensive collection of empirical studies designed to persuade judges about the importance of facts on the ground. The Brandeis brief would later transform civil rights litigation and inspire both Thurgood Marshall and Ruth Bader Ginsburg in their arguments for equal rights for African Americans and women by introducing the idea that constitutional decisions should be informed by facts and evidence rather than purely deductive analysis. Thanks to a prosperous legal practice in Boston, Mass., Brandeis became financially independent, allowing him to pursue his real interest, social reform, and take on numerous pro bono cases. As a result, he soon known as the Peoples Lawyer. He wrote two books that garnered national attention: *The Right to Privacy* (co-written with his law partner Samuel Warren) and *Other Peoples Money And How Banks Use It*. Several of the reforms that Brandeis advocated in *Other Peoples Money* would eventually become law, including the Federal Trade Commission Act and the Clayton Antitrust Act. As advisor to President Woodrow Wilson, he also was instrumental in framing The Federal Reserve System. As a progressive, Brandeis targeted business monopolies, which destroyed competitive balance in the marketplace. He also attacked how Big Business hoarded capital and power among the management elite few, thus keeping democracy out of the workplace (in conflict with the nations democratic principles). Brandeis goal was to see management and labor problem solve together in true democratic spirit, thus making him an early advocate of quality circle management (adopted by the Ford Motor Company in the 1990s). Brandeis also denounced what he called interlocking directorates whereby financial oligarchs such as George F. Baker, chairman of the board of the First National Bank, served as directors of 22 railroad and industrial corporations whose securities the First National Bank underwrote, guaranteed, or distributed. Said Brandeis: such practices tends to disloyalty and to violations of the fundamental law that no man can work for two masters. In 1916, President Wilson appointed Brandeis to the Supreme Court where he wrote landmark court opinions concerning free speech, freedom from government surveillance, and freedom of thought and opinion. Brandeis opinion in *Whitney v. California* offered a unique philosophical justification for free speech that in the process (according to the author) achieved a kind of constitutional poetry: Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth. . . . From indifference about Judaism to becoming a crusader for Zionism concerns the final third the book. By his own account, Brandeis had come to Zionism through Americanism. In particular, he was influenced by the work of Horace Kallen, the leading American theorist of cultural pluralism. Hugely influenced by the writings of Thomas Jefferson, Brandeis concluded that Zionism would extend the Jeffersonian values of liberty and equality to all members of a self-governing Jewish state. As the leader of the Zionist movement, he convinced Woodrow Wilson and the British government to recognize a Jewish homeland in Palestine. All in all, a remarkable biography of a truly great American who advanced democracy on several fronts and made America a freer place to live. Five stars.

A riveting new examination of the leading progressive justice of his era, published in the centennial year of his confirmation to the U.S. Supreme Court According to Jeffrey Rosen, Louis D. Brandeis was the Jewish Jefferson, the greatest critic of what he called the curse of bigness, in business and government, since the author of the Declaration of Independence. Published to commemorate the hundredth anniversary of his Supreme Court confirmation on June 1, 1916, *Louis D. Brandeis: American Prophet* argues that Brandeis was the most farseeing constitutional philosopher of the twentieth century. In addition to writing the most famous article on the right to privacy, he also wrote the most important Supreme Court opinions about free speech, freedom from government surveillance, and freedom of thought and opinion. And as the leader of the American Zionist movement, he convinced Woodrow Wilson and the British government to recognize a Jewish homeland in Palestine. Combining narrative biography with a passionate argument for why Brandeis matters today, Rosen explores what Brandeis, the Jeffersonian prophet, can teach us about historic and contemporary questions involving the Constitution, monopoly, corporate and federal power, technology, privacy, free speech, and Zionism.

"[E]loquent, insightful and compact Rosen's accessible prose makes a difficult intellectual feat look easy. He provides an excellent introduction to Brandeis's ideas about government regulation and big business, free speech,

technology and privacy, and Zionism."(The Washington Post)