

presence. They also used gas in the days before the attack as a morale weapon, drenching the approaches through which German ration parties brought food and drink and ammunition by night to the front lines. The British had so much of the stuff that they would routinely continue gas bombardments for days at a time, knowing that at some point the German gas masks would be overwhelmed. And they would mix their fire, using shrapnel to force the German troops to take cover in trenches and dugouts, where the follow-up rounds of gas would be most lethal. From research in the archives of artillery units and the Ministry of Munitions, Palazzo demonstrates that by 1918 British barrages were routinely half gas and half high explosive.

At the Ministry of Munitions, Winston Churchill was so enthusiastic that he promised to triple the number of gas shells in 1919 if the war continued. By the time of the Armistice in November 1918, the British, French, and American armies were all enthusiastic converts to the new potential of chemical warfare. The heartening surprise is that, in the 1920s and 1930s, memories of the horrors and a strong pacifist sensibility produced such public outrage that statesmen sought to ban gas warfare and generals agreed to abjure it.

—MARTIN WALKER

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**LAW WITHOUT VALUES:  
*The Life, Work, and Legacy of  
Justice Holmes.***

By Albert W. Alschuler. Univ. of Chicago Press. 325 pp. \$30

When I ask law students to name three leading Supreme Court justices, Oliver Wendell Holmes, Jr. (1841–1935) always gets mentioned. Was he, as the students maintain, one of the great liberal justices on the Court? The answer is a definite maybe.

Along with those who resolutely defend Holmes's liberal credentials, there are those who vigorously challenge them. Grant Gilmore, selected by the Holmes estate to write the justice's authorized biography (a project he never completed), reached this conclusion: "Put out of your mind the picture of the tolerant aristocrat, the great liberal, the eloquent defender of our liberties, the

Yankee from Olympus. All that was a myth, concocted principally by Harold Laski and Felix Frankfurter, about the time of World War I. The real Holmes was savage, harsh, and cruel, a bitter and lifelong pessimist who saw in the course of human life nothing but a continuing struggle in which the rich and powerful impose their will on the poor and weak."

Alschuler, a professor at the University of Chicago Law School, quotes Gilmore's statement, adopts it, and makes it his theme. He charges that Holmes injected a poisonous skepticism into the body of American law, that he permitted government to behave unjustly, and, worst of all, that he did not believe in a divinely imposed distinction between right and wrong. The book bespeaks careful scholarship and a long-term, intense, and, one might say, obsessive interest in Holmes and his legacy.

Like other Holmes biographies (this is the fourth in 12 years), *Law without Values* says much about the main event in Holmes's life, the battlefield woundings he suffered as a Union soldier in the Civil War. For the rest of his years, Holmes reflected on his military service. He often described life itself as a battle carried on by soldiers blindly following orders drafted by an unseen hand.

After the war, Holmes attended Harvard Law School. He did some teaching. He wrote *The Common Law* (1881), a book that is still in print, still being scrutinized by cheerleaders and detractors. He tried practicing law but didn't like it. When offered an appointment to the Massachusetts state trial court, he grabbed it. In 1902, President Theodore Roosevelt appointed him to the Supreme Court, where he served for 30 years.

Moral preferences are "more or less arbitrary," Holmes wrote. "Do you like sugar in your coffee or don't you? . . . So as to truth." He believed that these "more or less arbitrary" choices ought to be made by legislators, not judges, so he was disinclined to strike down laws as unconstitutional. He voted to uphold progressive laws (hence, in part, his liberal reputation), but he also voted to uphold regressive ones. The author blames Holmesian moral skepticism for some of the social disintegration we see today—no discipline, no standards. Strange that Holmes, a man who imposed

strict military discipline on himself, should be indicted for such an offense.

During his long lifetime, Holmes worked hard, read widely, knew many of the great personages of the day, and, especially in his letters,

grappled with the big subjects—history, philosophy, literature, life, and death. After all the shot and shell, this intriguing figure remains standing.

—JACOB A. STEIN

## CONTEMPORARY AFFAIRS

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### WASHINGTON.

By Meg Greenfield. PublicAffairs.  
272 pp. \$26

Meg Greenfield richly enjoyed stories about the peculiar characters whose talents and ambitions (or hungers) led them to assume roles on the national political scene. When she began her career as a Washington reporter, the vast majority of such persons were those elected to public office by their less driven fellows in the rest of the country. Another sizable number were staffers, bit players empowered and obligated by their politician bosses. Later on, masses of journalists joined the scene, either in print or on the tube. By the time she became editorial page editor of the dominant paper in the capital, the Washington stage was crammed with politically interested men and women, talking and writing up a storm, measuring and rating as they schmoozed, using others at least as often, and as effectively, as they themselves got used.

Greenfield's memoir, published two years after her death, depicts this political tableau in rather muted colors. It is not a Daumier or a Nast, in which political actors fairly leap off the canvas or page. It is more like a carefully composed setting by the American painter William Merritt Chase. There are beautiful disclosures in Chase's paintings; he knew the environment inhabited by late-19th-century gentlefolk, and rendered it well. Yet few of his works had the pulse and heat of common life. In the same way, Greenfield's elaborate, witty observations have the feel of occurring to her not on the street, or even in the newsroom, but in the quiet of the editorial office.

There are, to be sure, amusing snapshots of the political animal. "I haven't done anything scientific to corroborate this," she writes, "but it does seem to me that an awful lot of our national political leaders established their reputations for

special moral worthiness and a sense of responsibility beyond their years precisely against the backdrop of that entirely different sibling who slept in the next bed—the defiant player-around, breaker of rules, and flunker-out, who, though often the more charming of the two, was always either in trouble or just about to be. Let your mind range over the astonishing number of exhibitionists, rogues, and ne'er-do-wells who have turned up in the exalted role of First Brother, for instance—people like Sam Houston Johnson, Donald Nixon, Billy Carter, and Roger Clinton. Right along with their willingness to exploit their presidential brother's status, many have betrayed a smirking disdain for Mr. Goody Two-Shoes and a self-centered indifference to whether or not they caused him embarrassment with their kited checks and turbulent nights spent drying out in the local jail."

Whether Bill Clinton was ever precisely a Mr. Goody Two-Shoes can be argued, but the passage has a wonderful plausibility, and it embodies many of the concerns Greenfield wrote about for nearly 40 years: the moral character and personality of politicians; the attractions of charming rascals, and the need to deal with, to manage, both their charm and their rascality; the sense that arguments over policy, and even over such things as conviction and ultimate purpose, were often less significant to those involved in them than were things like loyalty and rooted connections. She writes with affecting sympathy about Bob Haldeman, whom her *Washington Post* regularly skewered in its pages, and his son Peter, as they struggled to maintain the bonds between them in a time of awful stress. In the din of Watergate denunciations and high-minded preachments, many of them issuing from the *Post*, Greenfield heard the whisper of the vulnerable.

There should be more such stories in *Washington*. The painter's strokes should have