Law & Literature and the Moderns: Explorations

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Robert Maynard Hutchins, when he was President of the University of Chicago, justified the presence of the professional law school on a university campus by saying that it was often only there that the student was taught to read with care. Law and Literature courses are intended, at least in part, to supply the sound moral understanding as well as the elementary intellectual skills that law students need before they can learn to read in the way that is needed for a profession which very much depends upon disciplined reading and writing.¹

Unfortunately, many if not most of the texts drawn upon in the Law and Literature courses are, or are treated as if they were, of the third or fourth rank. These are texts which are mined in such courses for "cases" and legal issues rather than approached as texts best read on their own terms. I assume, in the discussions which follow in this Collection, that the reader knows the modern stories drawn upon, or that enough is said by me to permit my arguments to be followed, pending the reader’s going to the relevant texts for further study.²

Each of the texts discussed in this Collection is approached directly, or on its own terms, rather than being regarded as part of an overall scheme. My discussions can be read, just as they were prepared, in an order other than that relied upon in this Collection. They happen to be arranged here in the chronological order of the dates of the twenty-one authors studied.³

It is partly due to chance what happens to be available for collection on this occasion. I have been fortunate, in one aspect of my career, to have been associated with an academic program in which dozens of first-rate texts have been routinely drawn upon. This has meant that I have had the opportunity, over four decades, to examine and discuss texts in a variety of disciplines, texts which constantly challenge the reader.⁴


². The modernity repeatedly referred to in this Collection is reckoned from, say, the time of Niccolo Machiavelli. For other discussions of modern texts, see infra note 10. For discussions of ancient texts, see infra note 18.

³. I have used other principles of order in arranging other collections. See, e.g., the Appendix to George Anastaplo, Constitutionalism, the Rule of Rules: Explorations, 39 BRANDEIS L.J. 17, 219 (2000-2001). The source of each text used in this Collection is identified in the notes. The date and circumstances of the original delivery of each text can be important for a study of what is said and how it is said.

⁴. The academic program referred to, mentioned in the headnotes for a number of the Parts in this Collection, has been the Basic Program of Liberal Education for Adults at the University of Chicago. For the reading list of the Basic Program, see infra note 10. Two critical texts, very much in need of careful reading, are the Declaration of Independence and the
The greatest literature in modernity, at least in the English-speaking world, has been that which happens to have been bequeathed to us by Shakespeare. He is repeatedly drawn upon and referred to in the discussions collected here, even though I have reserved for another collection most of those of my Shakespeare discussions which remain unpublished. The primary concern here should be with attempts to understand a series of challenging texts as their authors may have meant them to be understood. This means, among other things, that the principal matters discussed, and even the ways they are discussed, should be suggested by the texts themselves. One salutary consequence of Law and Literature endeavors is their nurturing in students, and in their teachers, of an awareness of how rigorous one’s genuine thinking can be. Such thinking should be more rigorous and toughminded than even the much-acclaimed “legal reasoning” of our day.

Constitution of 1787, both of which are neglected, not least by some of those who proclaim themselves dedicated to an “original intent” approach to constitutional interpretation. Among the places in which Shakespeare is drawn upon in this Collection are Parts 2 and 14. See also infra notes 97, 285, and 300; the text at infra note 157 of this Collection. Longstanding guidance about the good and the bad, and about the just and the unjust, are repeatedly drawn upon in this Collection, as are teachings about human nature, about nature generally, and about the human community. On the Good, the True, and the Beautiful, see infra note 460. On how to read, see Sections I and VII of Part 8, Section VII of Part 14, and Section I of Part 14 of this Collection. It is also salutary to be reminded from time to time how precise some rigorous thinking can be. Consider, for example, the axioms and postulates with which Euclid’s geometry begins (once his definitions are set forth):

**Axioms**

1. Things which are equal to the same thing are also equal to one another.
2. If equals be added to equals, the wholes are equal.
3. If equals be subtracted from equals, the remainders are equal.
4. Things which coincide with one another are equal to one another.
5. The whole is greater than the part.

**Postulates**

Let the following be postulated:

1. To draw a straight line from any point to any point.
2. To produce a finite straight line continuously in a straight line.
3. To describe a circle with any centre and distance.
4. That all right angles are equal to one another.
5. That, if a straight line falling on two straight lines make the interior angles on the same side less than two right angles, the two straight lines, if produced indefinitely, meet on that side on which are the angles less than the two right angles.

**Euclid, the Thirteen Books of the Elements** 154-55 (Thomas L. Heath, ed., New York: Dover Publications 1986). Abraham Lincoln, it should be remembered, studied Euclid during his single term in the House of Representatives. Something of Euclidian rigor may be seen in how Thomas Aquinas proceeds in arriving at the following definition of law: “[Law] is nothing else than an ordinance of reason for the common good, made by him who has care of the community, and promulgated.” Thomas Aquinas, Treatise on Law, Question 90.
INTRODUCTION: HOW TO READ

Many a man lives a burden to the Earth, but a good Booke is the preitious life-blood of a master spirit, imbalmd and treasur'd up on purpose to a life beyond life.

— John Milton

I.

A proper inquiry into which books should be drawn upon for a liberal education depends upon the conclusion, reached in response to a prior inquiry, the conclusion that the written word should be at the core of such education, at least in our circumstances.

Reading requires more substantial skills and greater discipline on the part of the student than does listening to the spoken word or watching films. A much more active participation is possible, if not even encouraged.

There cannot be reasonably expected to be in any century more than a few texts of the highest stature, just as there are not apt to be more than one or two "best sellers" a year (if that many) that are truly worth reading. I am assuming, that is, that we should look, for the best education, to the very best.

II.

Which books, then, should be drawn upon? The best do tend to select themselves; a consensus develops, among people "professionally" exposed to books, as to which are the best. This consensus is reinforced by informed references, especially by authors of stature, to noteworthy books. A talk given at the University of Wisconsin at Eau Claire, Eau Claire, Wisconsin, March 2, 1988. (The original title of this talk was "Liberal Education, the Books We Read, and How We Read Them.")

There has not yet been enough time for twentieth century books to sort themselves out. Besides, if the emphasis is placed by teachers upon books produced well before the twentieth century, then students are more likely to develop a respect for enduring works of the mind, rather than for whatever happens to be fashionable at the moment.

8. A talk given at the University of Wisconsin at Eau Claire, Eau Claire, Wisconsin, March 2, 1988. (The original title of this talk was "Liberal Education, the Books We Read, and How We Read Them.")


10. For the reading list of the Basic Program of Liberal Education for Adults at the University of Chicago, see GEORGE ANASTAPLO, THE ARTIST AS THINKER: FROM SHAKESPEARE TO JOYCE 299-300 (1983) [hereinafter THE ARTIST AS THINKER]. This list has been carefully reworked annually over a half-century. See also infra note 116.
Thus, the best in the Western literary tradition should be generally apparent to us, even as we recognize that the works which have survived for our appraisal and selection may have depended to a considerable degree upon chance. "Chance" here can include the effects of persecutions, prejudices, economic arrangements, and political dispensations.

The best must ultimately be seen in terms of the finest workings of the mind. It can be hoped that these include the books which have helped shape the thought of the West.

III.

It can be instructive here to notice what should not be readily relied upon in the choice of books for the most serious liberal education. A "quota" system must be approached with caution, whether the quota is keyed to period, region, gender, ethnic group, or sect. Special problems are encountered by any effort to make use of non-Western texts: we are rarely competent, as either students or teachers, to figure out what goes on in those books.11

Quotas, no doubt, have to be resorted to in history, sociology or suchlike courses, where samplings of all kinds of secondary materials may properly be drawn upon, including memoirs, letters, and public records. We should be able to recognize the secondary as useful for the study of movements, customs, social and personal relations, and institutions. This is how Virginia Woolf put it in her challenging book, A Room of One's Own:

[The average Elizabethan woman] never writes her own life and scarcely keeps a diary; there are only a handful of her letters in existence. She left no plays or poems by which we can judge her. What one wants... is a mass of information; at what age did she marry; how many children had she as a rule; what was her house like; had she a room to herself; did she do the cooking; would she be likely to have a servant? All these facts lie somewhere, presumably, in parish registers and account books... Here I am asking why women did not write poetry in the Elizabethan age, and I am not sure how they were educated; whether they were taught to write; whether they had sitting-rooms to themselves; how many women had children before they were twenty-one;

11. I have published, since 1984, a half-dozen introductions to non-Western thought in The Great Ideas Today (an Encyclopedia Britannica annual volume). A collection of these introductions, But Not Philosophy, is to be published by Rowman & Littlefield in 2001. See Larry Arnhart, George Anastaplo on Non-Western Thought, 26 POL. SCI. REVIEWER 214 (1997); see also infra notes 27, 696, 833, 1250.
what, in short, they did from eight in the morning till eight at night.¹²

Sixty years after Virginia Woolf wrote these lines, much more is known [in 1988] about how people in various circumstances lived, not only in the Elizabethan age, but in many other ages as well. It remains to be seen whether these studies contribute to an understanding of the best works of the mind, or divert us from such understanding.

What the best looks like is suggested in what Woolf can say about the greatest of her predecessors in the art of English letters:

For though we say that we know nothing about Shakespeare’s state of mind, even as we say that, we are saying something about Shakespeare’s state of mind. The reason perhaps why we know so little of Shakespeare—compared with Donne or Ben Jonson or Milton—is that his grudges and spites and antipathies are hidden from us. We are not held up by some “revelation” which reminds us of the writer. All desire to protest, to preach, to proclaim an injury, to pay off a score, to make the world the witness of some hardship or grievance was fired out of him and consumed. Therefore his poetry flows from him free and unimpeded. If ever a human being got his work expressed completely, it was Shakespeare. If ever a mind was incandescent, unimpeded, . . . it was Shakespeare’s mind.¹³

The sovereignty of a great mind is suggested by this passage, even though (as Woolf notices elsewhere), “masterpieces are not single and solitary births; they are the outcome of many years of thinking in common, of thinking by the body of the people, so that the experience of the mass is behind the single voice.”¹⁴

It is the proper role of literary criticism, history, and sociology to investigate the rare conditions (including the “many years of thinking in common”) that permit the true masterpiece to emerge when someone of extraordinary talent does happen to appear.¹⁵ And it is the role of liberal education, in its finest form, to address directly the thought found in the masterpiece itself.

¹³ Id. at 56-57.
¹⁴ Id. at 65; see also id. at 53, 71, 111-12.
¹⁵ We are reminded by Thucydides’ account of the Peloponnesian War that true masterpieces may appear as well among works of what we call literary criticism, history, and sociology. On Thucydides, see infra note 23.
The best works of the mind deal with the enduring questions. It has been pointed out that we can often be clearer about those questions than we can be about their answers. We have been reminded of the care that must be devoted to reading the best works of the mind:

Xenophon’s writings are radical in the demands they make of the reader. Plato and Thucydides, whose works may be equally in need of interpretation to reveal their meaning, nevertheless arouse on every page a keen awareness that the wisdom being pursued is universal and profound, and thus awe-inspiring. Xenophon’s prose is unpretentious to the point of seeming shallow, graceful perhaps but uninspired (except in rare moments) and uninspiring, without any universal vision, even without any consistent plan or purpose. And so, while Plato and Thucydides continue to be read avidly even when not with great care, the failure to appreciate Xenophon’s method almost results in his not being read at all when his graceful style is out of fashion.16

There can be something quite “practical” in such study of the greatest works of the mind as may be seen in reading someone like Xenophon. Consider, for example, what has been said about Xenophon’s low-keyed account of the transformation of the Spartan city from primarily defensive concerns to the temptations and pitfalls of world empire, a transformation which anticipated that of the United States since the Second World War:

The steps from a defensive victory to empire are few and easy, and the motivations to lead their country in that direction are strong for those who are responsible for the victory and powerful among troops and allies but who are without a high place in their own polity. And empire provides further opportunities for many citizens to indulge their private desires for wealth and power. The Spartan authorities were powerful enough to suppress the personal desires of Lysander. But the Spartan citizens remained highly susceptible to the temptations of empire because their education to virtue was not an education to true virtue.17

Thus, the proper education, whether for a few or for the community, must always be kept in view by all of us. How can students become fitted to work

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16. GERALD PROIETTI, XENOPHON’S SPARTA: AN INTRODUCTION 108 (1987); see also id. at 110.
17. Id. at 111.
at the highest level of which they are capable—or, at least, how can they become fitted to recognize and to defer to those who do so work? Applying the lessons of old to current circumstances may not be the best possible use of masterpieces, but using such works thus can help engage the minds of students, leading some of them from the usefulness of practical applications to the majesty of understanding for its own sake.

In this way, the teachers themselves can also be rescued from a deadly routine, being enlivened instead by the repeated challenge and constant nourishment found in the very best works of the mind. Such works must ultimately be chosen for themselves alone, for the ideas they offer up for examination, and for that which is not available anywhere else in so pure a form. Perhaps, only a few can fully grasp such things. But those few can set the tone for the community at large for many years to come, for they alone are apt to be taught to know what they are doing.

V.

The charge can be made, and not without justice, that we in the West are essentially limited, in the choices we are to make, to masterpieces written by white male elites. Few of the greatest books, it is obvious, have been produced by women, by the poor, or by racial minorities. No one has spelled this out as effectively as has Virginia Woolf in the little book from which I have quoted.

It is the “woman question” that she is most concerned with. She insists that the considerable intellectual dependence of women upon men, which began to change only in the nineteenth century, paralyzed their development and hence has impoverished us all. Much is made of the typical woman’s lack of control of money, even in the middle class, and the related obligation she has always had to carry and to nurture the young. It remains to be seen, of course, whether material circumstances are as urgent as they are often said to be. We have seen during the twentieth century, with the liberating influences of technology, how many untapped resources there had been in the human race. We have also seen, however, that technology has not only been costly, in what it has done to social stability and to the very safety of the human race, but also that it has somehow helped depress the kind of education available at the highest level.

Be that as it may, women and minorities have not been permitted, all too often in the past and still to a considerable extent today, to develop the best in themselves. That state of affairs itself betrayed the highest principles reflected in the best works of the mind: we should not know or care who or what produced the masterpieces with which we are blessed. When those principles are respected, the best are recognized for what they are—as may be seen in the
works of Plato, where we can find tribute paid to the poetic genius of Sappho.¹⁸

Particularly reassuring as to what the human spirit is capable of when it does get an opportunity, is the career of the escaped slave, Frederick Douglass. He was, in an age distinguished by great oratory, one of the very best speakers, second perhaps only to Abraham Lincoln (another fugitive from humble circumstances) in the power of his rhetoric. It is instructive to notice how superior Douglass is when we compare his work with that of all of our orators in recent decades (of whatever color).¹⁹ The causes of our decline here bear thinking about, just as with respect to a like decline from the novels of Jane Austen.

VI.

The "woman question," which may well be really the "man question," should be kept in view, even as we are obliged to rely for the best education upon the masterpieces left us by white male elites. We are more apt to be able to do better in the future if we appreciate what has happened heretofore, including the fears and prejudices that have helped shape social relations.

But we should take care that we do not cripple women or minorities by loading them up with secondary material in an effort to correct old inequities. One is crippled, I have suggested, if one is not taught to recognize and to prefer the best. In short, some forms of self-assertion can be burdensome.²⁰ Particularly to be guarded against is that effort to raise everyone up in such a way that it leads to the lowering of the best. Such a decline means the impoverishment of the human race; it also means that no one is equipped to think through and to deal properly with the great questions, practical as well as theoretical, that confront us from time to time. It is the duty, as well as the privilege, of those entrusted with the perpetuation of liberal education to keep reminding the community of the best that should be aspired to, however rare its realization.


¹⁹. See THE LIFE AND WRITINGS OF FREDERICK DOUGLASS (Philip S. Foner ed., 1950); see also Frederick Douglass, The Meaning of the Fourth of July for the Negro, in 2 LIBERTY, EQUALITY, & MODERN CONSTITUTIONALISM, supra note 9, at 43.

VII.

Vital to the masterpieces we have had in the West is the status among us of nature. Philosophy, it seems, depends upon an awareness of nature, an awareness that may have found unique expression in the West, evidently because of "the Greek experience."

The most serious danger here today is not that of misusing talents, which can be serious enough, but rather that of discarding the idea of nature. This is sometimes seen in that rebellion against social constraints and against our legal and political history which takes the form of denying all significant natural differences.21

Are there not natural differences, including between females and males, that must always be reckoned with? Consider how Virginia Woolf touches upon this, after describing how a young woman and a young man met at the taxi-cab that would carry them off:

[W]hen I saw the couple get into the taxi-cab the mind felt as if, after being divided, it had come together again in a natural fusion. The obvious reason would be that it is natural for the sexes to co-operate. One has a profound, if irrational, instinct in favour of the theory that the union of man and woman makes for the greatest satisfaction, the more complete happiness. But the sight of the two people getting into the taxi and the satisfaction it gave me made me also ask whether there are two sexes in the mind corresponding to the two sexes in the body, and whether they also require to be united in order to get complete satisfaction and happiness.22

Consider, also, how the Socrates of Plato's Symposium anticipated this observation by his reliance upon Diotima (a wise woman) in an effort to say what love is.23

Perhaps there are, in addition to natural differences, fundamental differences between peoples which are so deep-rooted because of centuries if not millennia of conditioning as to seem natural. It is well to be reminded here

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21. See, e.g., GEORGE ANASTAPLO, Natural Right and the American Lawyer, in HUMAN BEING AND CITIZEN, supra note 20, at 46; GEORGE ANASTAPLO, Law and Morality, in HUMAN BEING AND CITIZEN, supra note 20, at 74.
22. WOOLF, supra note 12, at 97-98; see also id. at 81, 90, 103, 107-08. For a longer quotation from this passage, see infra text accompanying note 1000.
23. Compare, in the same dialogue, Aristophanes' much more "materialistic" account of what love is. See THE THINKER AS ARTIST, supra note 18, at 171-82; see also infra text accompanying note 315. On Thucydides' account of the Athens in which most of the Platonic dialogues are placed, see THE THINKER AS ARTIST, supra note 18, at 253.
of the limits there may be upon that conquest of chance which moderns tend
to make much of. Those limits mean, among other things, that prejudices,
blind partisanship and other such influences (which depend, in effect, upon the
denial of nature) will somehow have their effects.

Without a proper awareness of nature, it seems to me, we cannot have a
reliable grasp of the distinction between higher and lower, unless we happen
to be blessed by a reliable revelation. Nor are we apt to have the true
understanding to which philosophy aspires, that understanding which turns
around an identification and refinement of the enduring questions. These are
matters that we need the very best to help us begin to think about. And for
this, at least in our circumstances, the ground can be prepared only by a proper
liberal education.  

1. JOHN MILTON (1608-1674)  

[Julius Caesar,] as he was crossing the Alps, and passing by
a small village of the barbarians with but few inhabitants
and those wretchedly poor, his companions asked the
question among themselves by way of mockery, if there
were any canvassing for offices there; any contention which
should be uppermost, or feuds of great men one against
another. To which Caesar made answer seriously, "For my
part, I had rather be the first man among these fellows, than
to be the second man in Rome."

—Plutarch  

I.  

It is appropriate, in our first discussion in what is generally taken to be a
new Millennium, to reach back, however briefly, to the era from which these
millennia are figured—that is, to reach back to pre-Christian times. This is
particularly appropriate to an inquiry, such as ours in this course, which is
devoted to issues generated by invocations of liberty and equality.

24. See, e.g., George Anastaplo, Lawyers, First Principles, and Contemporary
Principles, and Contemporary Challenges].

25. A talk given in a year-long course on liberty and equality in the alumni program of
the Basic Program of Liberal Education for Adults, The University of Chicago, January 3, 2000.
See supra notes 10, 19. (The original title of this talk was “John Milton and the Satanic
Rationale.”)

Hugh Clough trans., P.F. Collier & Son 1909).
The coming of Christianity has tended to promote equality, in part, by making one's status in the everyday world far less important than the condition of one's soul at death and hence in eternity. Christianity also tends to promote liberty, not only because of the eventual political consequences of the fundamental equality of souls, but also because of the emphasis placed upon the personal choice which can guarantee salvation.27

Radical perversions of both liberty and equality may be seen, at least in the Western world, in Satan as depicted by such artists as John Milton. Satan presents himself as equal, in vital respects, to God Himself, so much so that he considers it an unacceptable invasion of his liberty to have to submit himself to the rule of God.28

Milton's Satan makes much of the unfettered exercise by him of his will. We see this approach in the widely-held opinion these days that liberty means, in effect, doing whatever one wants to do. A somewhat more moderate form of this approach is the insistence that one should not be interfered with in whatever one chooses to do, except perhaps to the extent that what one does threatens an immediate (and probably physical) harm to another.29

II.

The "pure" form of willfulness may be seen in Milton's Satan in Paradise Lost, a literary character that some (such as Percy Shelley) approve of as the true hero of this epic.30 Others (such as C.S. Lewis) condemn Satan as completely reprehensible, arguing that this is the way that Milton himself regarded his character.31


29. On the individualism that we treasure, see sources cited supra note 28. On liberty, see the seven introductions in Liberty, Equality, & Modern Constitutionalism, supra note 9.


31. See C.S. Lewis, A Preface to Paradise Lost 95 (1961). See also infra text accompanying note 185.
It is upon reaching back to pre-Christian times that we can appreciate how special Satan is in the Christian scheme of things. There does not seem to have been, in Classical thought (or, for that matter, in ancient Judaism) any character of angelic (if not divine) stature who was whole-heartedly devoted to opposing the Supreme Goodness. Our Satanic figure may have had a precursor in the god of darkness presented by the Zoroastrians in opposition to the god of light. Some such juxtaposition may have been returned to in the Manichean heresy in early Christianity.32

The Satan-issue can also take the form of an inquiry into what accounts for the existence of evil in the world. It has long been regarded as a problem, if not even as a mystery, how evil can exist if God is all-knowing, all-good, and all-powerful.33 One explanation has been that evil is not something created by God, but is rather a privation. A perhaps related explanation has been that the highest good would not exist if it could not be deliberately chosen in preference to something inferior, if not even bad, which is also available.

Certainly, the reality of evil, as exhibited in wicked men and women, seems all too evident to the ordinary human understanding. So much of this is evident in the fact that Satan can be presented among us in particularly graphic forms.

III.

Satan, in Milton's account, first comes to view in the opening book of Paradise Lost.34 The poet tells us at the outset that this is the story of human disobedience and its consequences. That disobedience is not described, however, until Book IX, in a series of what we call "flashbacks." The action of the epic itself opens with a description of the plight of the multitude of fallen angels who find themselves thrown out of Heaven and into Hell.35

All of the seven speeches in Book I, beginning at line 84, are by Satan or by his lieutenant, Beelzebub. Thus, for the reader (as perhaps in the human situation generally), the worst is what first comes to view in this world.36


34. See John Milton, Paradise Lost bk. I, l. 27; see also infra text accompanying note 57.

35. See id. bk. I, l. 45. The description in Book IX of human disobedience is anticipated by the description in Book IV of an earlier attempt by Satan to seduce Eve.

36. These seven speeches are provided, in their entirety, in an Addendum to this Part.
The fallen angels are first shown as literally picking themselves up after having had their grand uprising against God decisively repulsed. These are the angels, under the leadership of Satan, who simply would not accept subordination in Heaven.37

It is not that they cannot recognize distinctions between higher and lower: they recognize, for example, that they are in a miserable situation, which is made even more acute when they contrast their dismal place to what they had once enjoyed in Heaven. In this, at least, they can distinguish superior from inferior.38

They can recognize also that God's power is far superior to theirs—or else they would not be where they are. They may recognize as well that they had been created by God, although they seem at times not willing to concede this.39 But neither God's creating them nor his defeating them obliges them, they believe, to subordinate themselves to Him. That is, they do not seem to be able to accept what follows from what they do know.

IV.

Another way of putting this is to suggest that the fallen angels do not understand the full implications of what they should and indeed may know. A profound, or deep-rooted (if not even invincible), ignorance is critical to the kind of evil seen in Satan and his company. This is evident even in the opening words of Satan's first speech (the very first speech in *Paradise Lost*, a speech addressed to Satan's lieutenant Beelzebub):

> If though beest he; but O how fall'n! how chang'd
> From him, who in the happy Realms of Light
> Clothed with transcendent brightness didst outshine
> Myriads though bright: If he whom mutual league,
> United thoughts and counsels...

Thus, the most elementary things have become uncertain, so much so that it is now hard among the fallen angels for them to recognize (to know) one another. "If thou beest he... If he..." Satan's ignorance about others close to him is indicative of the even more serious ignorance he has about God and

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37. See, e.g., *Paradise Lost* bk. I, ll. 111-16; see infra text accompanying note 57.
39. See, e.g., *Paradise Lost* bk. IV, ll. 54-57.
40. *Id.* bk. I, ll. 84-88.
the faithful angels. The connections thus shown by Milton between ignorance and vice and between knowledge and virtue may reflect the influence, initially perhaps through the Greek language, of classical philosophy upon Christianity, that Greek language which had to be used for the New Testament. These are connections made much of by Socrates and by Plato, and thereafter by their students. 41

Still another way of putting this is to say that if Satan and his company had truly seen both what they were and what they did, they could not have believed and acted as they did. They had mistakenly seen themselves as the whole, or at least as the best of the whole. This mistake found expression in their self-indulgence (or, as we would say, in their egoism). This eventually led to Satan’s God-defying determination implicit in his announcement, that doing evil would henceforth be his goal:

... but of this be sure,
   To do aught good never will be our task,
   But ever to do ill our sole delight,
   As being the contrary to his high will
   Whom we resist. 42

What can good and delight mean for him? The emphasis is placed upon one’s own—upon that which somehow happens to be desired. The ignorance that dominates this approach reveals the radical irrationality of the malevolent Satan. This kind of senseless malevolence, which is bound to fail, is somewhat like suicidal insanity. 43

V.

Nothing matters so much for the fallen angels as their being able to control things, at least to the extent of resisting any authority (legitimate or otherwise) over them. Satan wants to rule wherever he is: he believes that it is far better to reign in Hell (dismal as that place may be) than to serve in Heaven. 44

41. “Classical philosophy created the idea of the universal state. Modern philosophy, which is the secularized form of Christianity, created the idea of the universal and homogeneous state.” LEO STRAUSS, ON TYRANNY 221 (1963); see also THE ARTIST AS THINKER, supra note 10, at 62-74, 394-98.

42. PARADISE LOST bk. I, ll. 158-62; see also id. bk. IV, l. 110; THE ARTIST AS THINKER, supra note 10, at 118.

43. See, e.g., DIEKHOFF, supra note 30, at 48 (“Those who do not find [Satan] abhorrent have misread the poem. They will do well to ask whether their liking for Satan does not spring from enmity to God.”). On the Idea of the Good, see THE THINKER AS ARTIST, supra note 18, at 309.

44. PARADISE LOST bk. I, l. 263.
His companions respond with enthusiasm to such declarations of defiance by Satan. The irrationality already referred to may be seen here as well: after all, where does the Satanic principle leave his companions? If they should want to emulate him in expressing their will by refusing to acknowledge allegiance to any superior, what can Satan say to them in order to secure and retain their support?

Satan has already conceded that the personal superiority of another does not suffice to oblige one to defer to him. Nor does gratitude for favors received, including one's own existence, suffice. On both counts, Satan and his companions would have had to subordinate themselves to God. One can be reminded here of Abraham Lincoln's 1861 insistence that Southern resistance to constitutional processes was really based on a principle of anarchy, leaving any resulting Southern confederation vulnerable to the same kind of resistance (and secession) by its own parts.45 Are not those who remain loyal in such circumstances kept in their subordination by deception, either by the deception practiced by Satan or by self-deception, if not by both? (C. S. Lewis maintained that Satan lies about every subject he talks about.46 It can be argued that Milton's Satan was so effective in his lies that he readily ensnared Shelley, among others.)

Another way of putting all this is to say that the Satanic camp, if not any evil in itself, represents negativity. If such negativity should be complete, then Satan and his kind could not even exist.47

VI.

Tragedy, of the kind developed in Ancient Greece, does not rely upon any dominant character who is an unalloyed villain. Defiance of aspects of the divine may be seen, as in the character of Prometheus, but not in the extreme form found in Satan. Even Shelley, for example, recognized that Prometheus should be distinguished from Satan. This is related to what happens to old-fashioned tragedy wherever Christianity shapes the ethos and characters of a play.

We have seen that Satan puts an overriding emphasis upon his will and upon ruling. Such ruling takes precedence over who is ruling or over what is being done with that rule. Again and again, we have also seen, all of Satan's plans are keyed to ruling or at least to that substitute for ruling which takes the form of revenge for having been thwarted in ruling, even if one can derive no

45. See, e.g., GEORGE ANASTAPLO, ABRAHAM LINCOLN: A CONSTITUTIONAL BIOGRAPHY 177-96 (1999) [hereinafter ABRAHAM LINCOLN].
46. See LEWIS, supra note 31, at 97; see also infra text accompanying note 195.
47. See supra text accompanying notes 33, 43.
enduring benefit for oneself from such revenge. (Satan’s revenge here takes the form of deliberately corrupting God’s newest creation, the human race.)

There is for Satan then, no good independent of one’s desire and will. All of Satan’s speeches, in Book One and thereafter, work from this opinion on his part, affecting how things are seen and known. (The twentieth-century form of this has been the emphasis sometimes placed upon resoluteness. This may be related to the doctrines of existentialism.)

Decisive to this approach is an emphasis upon power as decisive. God is recognized as powerful, and He is respected (that is, feared and resented) because of that. But Satan does not seem to consider whether God is good because he is powerful or whether he is powerful because he is good.

There is, in the Satanic emphasis upon the sovereignty of one’s will, a perverse tribute to God Himself, in that God is being imitated by Satan, however crudely. For Satan does appear in a tradition in which God was once identified as, “I am who I am,” or perhaps even more revealing and yet more mysterious, “I will be who I will be.”

VII.

We are left then with a question that may be raised again and again by the modern critic: Can such evil, as that exhibited by Milton’s Satan, exist? We have already noticed that “pure” evil, as extreme negativity, may not be able to exist.

When a completely evil character, with not even the saving grace of a hypocritical deference to the good, appears in literature, does not that character have to be regarded as Satanic? If that character should be important in the story, does not that affect whether that story can be understood? The actions of such a character are essentially motiveless, making it difficult, if not even impossible, for the reader to think about what is happening.

48. For the beginnings of this course of action, see PARADISE LOST bk. I, II. 650-56.
51. See, e.g., THOMAS AQUINAS, ON TRUTH Q. 23, A.6, c.; THE AMERICAN MORALIST, supra note 49, at 139.
52. See Exodus 3:14; see also Law & Literature and the Bible, supra note 33, at 597-99.
53. See, e.g., Lawyers, First Principles, and Contemporary Challenges, supra note 24, at 543 n.481.
54. For example, is the Iago of Shakespeare’s Othello humanly possible? See THE ARTIST AS THINKER, supra note 10, at 17-18, 20-21, 380-81; see also George Anastaplo, Law & Literature and Shakespeare, OKLA. CITY U. L. REV. (forthcoming).
55. Thus, the monstrous irrationality of what was done by the Nazis to millions of their victims makes such wholesale slaughter “unbelievable.” I recently made this observation to a
In such a situation, the action that matters, or that can truly interest us, is not that of the Satanic, which is like a storm, a forest fire, or some other natural calamity that has to be dealt with. It is only the response of human beings to such challenges which can truly be of interest to the literary critic or the ethicist (as distinguished from what might interest a meteorologist or a firefighter).

I return to the question of liberty by suggesting, as others have before me, that one is free only if one does what one should. For it is only that which one truly desires. As for equality, it is elusive, and perhaps self-defeating, if one cannot distinguish between the high and the low. A productive equality may only be possible among those who use their liberty to share in a proper subordination of themselves to the highest.

ADDENDUM

The Speeches of Satan and Beelzebub in the First Book of John Milton’s Paradise Lost

1. (I, 76-126)

There the companions of his fall, o’rewhelm’d
With Floods and Whirlwinds of tempestuous fire,
He soon discerns, and weltring by his side
One next himself in power, and next in crime,
Long after known in Palestine, and nam’d
Beelzebub. To whom th’ Arch-Enemy,
And thence in Heav’n call’d Satan, with bold words
Breaking the horrid silence thus began.
If thou beest he; but O how fall’n! how chang’d
From him, who in the happy Realms of Light
Cloth’d with transcendent brightness didst outshine
Myriads though bright: If he whom mutual league,
United thoughts and counsels, equal hope

survivor of the Holocaust, who observed, “You’re right! I myself was in Dachau and I could not believe what I could see happening all around me!” See infra note 112.

56. This is critical to the Socratic response to Thrasymachus in Book I of Plato’s Republic. On the Idea of the Good, see supra note 43. On the religious foundations of the West, see George Anastaplo, Law & Literature and the Christian Heritage, 40 BRANDEIS L.J. (forthcoming); see also supra note 33.

57. There are collected in this Addendum the seven speeches of Satan and Beelzebub in Book I of John Milton’s Paradise Lost. The text used for these speeches is THE COMPLETE POETRY OF JOHN MILTON 253-59, 267-68 (John T. Shawcross ed., 1971). These are the only speeches in Book I. The line numbers for these speeches are indicated at the beginning of each passage.
And hazard in the Glorious Enterprize, 
Joynd with me once, now misery hath joynd 
In equal ruin: into what Pit thou seest 
From what highth fall’n, so much the stronger prov’d 
He with his Thunder: and till then who knew 
The force of those dire Arms? yet not for those, 
Nor what the Potent Victor in his rage 
Can else inflict, do I repent or change, 
Though chang’d in outward lustre; that fixt mind 
And high disdain, from sence of injur’d merit, 
That with the mightiest rais’d me to contend, 
And to the fierce contention brought along 
Innumerable force to Spirits arm’d 
That durst dislike his reign, and me preferring, 
His utmost power with adverse power oppos’d 
In dubious Battel on the Plains of Heav’n, 
And shook his throne. What though the field be lost? 
All is not lost; th’ unconquerable Will, 
And study of revenge, immortal hate, 
And courage never to submit or yield: 
And what is else not to be overcome? 
That Glory never shall his wrath or might 
Extort from me. To bow and sue for grace 
With suppliant knee, and deifie his power, 
Who from the torrour of this Arm so late 
Doubted his Empire, that were low indeed, 
That were an ignominy and shame beneath 
This downfall; since by Fate the strength of Gods 
And this Empyreal substance cannot fail, 
Since through experience of this great event 
In Arms not worse, in foresight much advanc’t, 
We may with more successful hope resolve 
To wage by force or guile eternal Warr 
Irreconcileable, to our grand Foe, 
Who now triumphs, and in th’ excess of joy 
Sole reigning holds the Tyranny of Heav’n. 
So spake th’ Apostate Angel [Satan], though in pain, 
Vaunting aloud, but wrackt with deep despair . . .
2. (1, 127-155)

And him thus answer'd soon his bold Compeer [Beelzebub].

O Prince, O Chief of many Throned Powers,
That led th' imbatell'd Seraphim to Warr
Under thy conduct, and in dreadful deeds
Fearless, endanger'd Heav'n's perpetual King;
And put to proof his high Supremacy,
Whether upheld by strength, or Chance, or Fate,
Too well I see and rue the dire event,
That with sad overthrow and foul defeat
Hath lost us Heav'n, and all this mighty Host
In horrible destruction laid thus low,
As far as Gods and Heav'nly Essences
Can perish: for the mind and spirit remains
Invincible, and vigour soon returns,
Though all our Glory extinct, and happy state
Here swalllow'd up in endless misery.
But what if he our Conquerour (whom I now
Of force believe Almighty, since no less
Then such could have orepow'rd such force as ours),
Have left us this our spirit and strength intire
Strongly to suffer and support our pains,
That we may so suffice his vengeful ire,
Or do him mightier service as his thralls
By right of Warr, what e're his business be
Here in the heart of Hell to work in Fire,
Or do his Errands in the gloomy Deep;
What can it then avail though yet we feel
Strength undiminisht, or eternal being
To undergo eternal punishment?

3. (I, 156-195)

Whereto with speedy words th' Arch-fiend [Satan] reply'd.

Fall'n Cherub [Beelzebub], to be weak is miserable
Doing or Suffering: but of this be sure,
To do aught good never will be our task,
But ever to do ill our sole delight,
As being the contrary to his high will
Whom we resist. If then his Providence
Out of our evil seek to bring forth good,  
Our labour must be to pervert that end,  
And out of good still to find means of evil;  
Which oft times may succeed, so as perhaps  
Shall grieve him, if I fail not, and disturb  
His inmost counsels from thir destind aim.  
But see the angry Victor hath recall'd  
His Ministers of vengeance and pursuit  
Back to the Gates of Heav'n: the Sulphurous Hail  
Shot after us in storm, oreblown hath laid  
The fiery Surge, that from the Precipice  
Of Heav'n receiv'd us falling, and the Thunder,  
Wing'd with red Lightning and impetuous rage,  
Perhaps hath spent his shafts, and ceases now  
To bellow through the vast and boundless Deep.  
Let us not slip th' occasion, whether scorn,  
Or satiate fury yield it from our Foe.  
Seest thou yon dreary Plain, forlorn and wild,  
The seat of desolation, voyd of light,  
Save what the glimmering of these livid flames  
Casts pale and dreadful? Thither let us tend  
From off the tossing of these fiery waves,  
There rest, if any rest can harbour there,  
And reassembling our afflicted Powers,  
Consult how we may henceforth most offend  
Our Enemy, our own loss how repair,  
How overcome this dire Calamity,  
What reinforcement we may gain from Hope,  
If not what resolution from despair.  
Thus Satan talking to his neerest Mate  
With Head up-lift above the save, and Eyes  
That sparkling blaz'd, his other Parts besides  
Prone on the Flood, extended long and large . . .  

4. (I, 242-270)  

Is this the Region, this the Soil, the Clime,  
Said then the lost Arch-Angel [Satan to Beelzebub], this the seat  
That we must change for Heav'n, this mournful gloom  
For that celestial light? Be it so, since he
Who now is Sovran can dispose and bid
What shall be right: fardest from him is best
Whom reason hath equald, force hath made supreme
Above his equals. Farewel happy Fields
Where Joy for ever dwells: Hail horrors, hail
Infernal world, and thou profoundest Hell
Receive thy new Possessor: One who brings
A mind not to be chang'd by Place or Time.
The mind is its own place, and in it self
Can make a Heav’n of Hell, a Hell of Heav’n.
What matter where, if I be still the same,
And what I should be, all but less than he
Whom Thunder hath made greater? Here at least
We shall be free; th’ Almighty hath not built
Here for his envy, will not drive us hence:
Here we may reign secure, and in my choyce
To reign is worth ambition though in Hell:
Better to reign in Hell, then serve in Heav’n.
But wherefore let we then our faithful friends,
Th’ associates and copartners of our loss
Lye thus astonisht on th’ oblivious Pool,
And call them not to share with us their part
In this unhappy Mansion, or once more
With rallied Arms to try what may be yet
Regaind in Heav’n, or what more lost in Hell?

5. (I, 271-284)

So Satan spake, and him Beelzebub
Thus answer’d. Leader of those Armies bright,
Which but th’ Omnipotent none could have foyl’d,
If once they hear that voyce, thir liveliest pledge
Of hope in fears and dangers, heard so oft
In worst extreams, and on the perilous edge
Of battel when it rag’d, in all assaults
Thir surest signal, they will soon resume
New courage and revive, though now they lye
Groveling and prostrate on yon Lake of Fire,
As we erewhile, astounded and amaz’d,
No wonder, fall’n such a pernicious hight.
He scarce had ceas't when the superiour Fiend [Satan]
Was moving toward the shoar . . .

6. (I, 314-331)

He [Satan] called so loud, that all the hollow Deep
Of Hell resounded. Princes, Potentates,
Warriors, the Flowr of Heav'n, once yours, now lost,
If such astonishment as this can seize
Eternal spirits; or have ye chos'n this place
After the toyl of Battel to repose
Your wearied vertue, for the ease you find
To slumber here, as in the Vales of Heav'n?
Or in this abject posture have ye sworn
T'adore the Conquerour? who now beholds
Cherub and Seraph rowling in the Flood
With scatter'd Arms and Ensigns, till anon
His swift pursuers from Heav'n Gates discern
Th' advantage, and descending tread us down
Thus drooping, or with linked Thunderbolts
Transfix us to the bottom of this Gulf.
Awake, arise, or be for ever fall'n.

They heard, and were abasht, and up they [the fallen
angels] sprung . . .

7. (I, 619-669)

Thrice he [Satan] assayd, and thrice in spight of scorn,
Tears such as Angels weep, burst forth: at last
Words interwove with sighs found out thir way.
O Myriads of immortal Spirits, O Powers
Matchless, but with th' Almighty, and that strife
Was not inglorious, though th' event was dire,
As this place testifies, and this dire change
Hateful to utter: but what power of mind
Foreseeing or presaging, from the Depth
Of knowledge past or present, could have fear'd,
How such united force of God's, how such
As stood like these, could ever know repulse?
For who can yet beleeve, though after loss,
That all these puissant Legions, whose exile
Hath emptied Heav'n, shall fail to re-ascend
Self-rais'd, and repossess thir native seat?
For mee be witness all the Host of Heav'n,
If counsels different, or danger shun'd
By mee, have lost our hopes. But he who reigns
Monarch in Heav'n, till then as one secure
Sat on his Throne, upheld by old repute,
Consent or custom, and his Regal State
Put forth at full, but still his strength conceal'd,
Which tempted our attempt, and wrought our fall.
Henceforth his might we know, and know our own
So as not either to provoke, or dread
New warr, provok't; our better part remains
To work in close design, by fraud or guile
What force effected not: that he no less
At length from us may find, who overcomes
By force, hath overcome but half his foe.
Space may produce new Worlds; whereof so rife
There went a fame in Heav'n that he ere long
Intended to create, and therein plant
A generation, whom his choice regard
Should favour equal to the Sons of Heav'n:
Thither, if but to pry, shall be perhaps
Our first eruption, thither or elsewhere:
For this Infernal Pit shall never hold
Caelestial Spirits in Bondage, nor th' Abyss
Long under darkness cover. But these thoughts
Full Counsel must mature: Peace is despaird,
For who can think Submission? Warr then, Warr
Open or understood must be resolv'd.
He [Satan] spake: and to confirm his words, out-flew
Millions of flaming swords, drawn from the thighs
Of mighty Cherubim; the sudden blaze
Far round illumin'd hell: highly they rag'd
Against the Highest, and fierce with grasped Arms
Clash'd on thir sounding Shields the din of war,
Hurling defiance toward the Vault of Heav'n.
2. MOLIÈRE (1622-1673)\textsuperscript{58}

A tragedy, then, is the imitation of an action that is serious and also, as having magnitude, complete in itself; in language with pleasurable accessories, each kind brought in separately in the parts of the works; in a dramatic, not in a narrative form; with incidents arousing pity and fear, wherewith to accomplish its \textit{catharsis} of such emotions

— Aristotle\textsuperscript{59}

I.

I am grateful for the opportunity which this occasion represents, an occasion generated by the questions, if not even the challenges, posed by some of you upon our attending the dress rehearsal of the Molière play which happened to be presented here on campus this summer.\textsuperscript{60} I have, as a result of your inquiries expressing marked skepticism about the intrinsic worth of \textit{The Doctor in Spite of Himself}, been moved to read for the first time not only this play, but also several of Molière’s other major plays.

As I have read, I have been reminded of what I, like you, have seen before—that a great playwright’s work is very provocative, very suggestive, perhaps even more so in some cases than the inspired dramatist himself may explicitly recognize. It is hard for a great mind not to be interesting and, I suspect, subtle. But, one might ask, is Molière a great mind in the sense of, say, a Shakespeare?\textsuperscript{61} An extended comparison with Shakespeare I must leave for another occasion. I merely note in passing that Molière does seem less political than Shakespeare, perhaps less aware of the fundamental role of the political, of the regime, in the everyday lives of human beings. Molière cares much more, it seems, for the individual, for the private, for the tensions within

\textsuperscript{58} A paper prepared for the Irregular Seminar in Political Philosophy at the University of Chicago, September 6, 1975. On the Irregular Seminar in the Regenstein Library, see John A. Murley, \textit{In re George Anastaplo, in Leo Strauss, the Straussians, and the American Regime} 161 (Kenneth L. Deutsch & John A. Murley eds., 1999) [hereinafter \textit{The American Regime}]. (The original title of this talk was “Molière: A Doctor in Spite of Himself.”).

\textsuperscript{59} Aristotle, \textit{Poetics} 1449b24-28. We are prompted to wonder, upon studying a comedy, what medical term comparable to \textit{catharsis}, if any, is appropriate in describing the effects of comedies.

\textsuperscript{60} This play, Molière’s \textit{Le Médecin malgré lui} (\textit{The Doctor in Spite of Himself}), was first produced in 1666. Molière is the pseudonym of Jean Baptiste Poquelin. See Fernand Angué, \textit{Introduction} to MOLIÈRE, \textit{LE MéDECIN MALGRÈ LUI} 18, 19 (Fernand Angué, ed., Bordas 1963) (1666).

\textsuperscript{61} On Shakespeare, see \textit{The Artist as Thinker}, supra note 10, at 15-61. See also supra note 54.
families and between generations, for courtship, and for marriage. Thus, Shakespeare seems more classical in his inclinations, Molière more modern. Or, put another way, Shakespeare could write tragedies as well as comedies.\(^{62}\)

How seriously is Molière to be taken? Or rather, in what way is he to be seriously regarded? A caution is offered us by the learned author of the article on Molière in the *Encyclopedia Britannica*:

To think of [Molière] as the cool apostle of reason, like the *raisonneurs* of his plays, is a heresy that dies hard, but careful study of the milieu in which as a craftsman of the theatre Molière worked should make such a heresy impossible. The comedies are not sermons; any doctrine they may contain is incidental and not an attempt to improve or instruct. The ideas discussed do not belong so much to the author as to the public whom they were intended to please. Had we been able to ask their author what he thought of hypocrisy or atheism, he would have marveled at the question and agreed with Lamoignon that the theatre was not the place to discuss such matters. Despite continued argument to the contrary, there is no documentary evidence that Molière ever tried to get his own views across in his plays, whether on marriage, or on the church, or on hell or on class distinctions. Strictly speaking, we do not know his views on these subjects. All we know is that he worked for the theatre and that he used to the full his gift, unique and amazing, of forcing the maximum of dramatic suggestion out of any scene or conversation that he imagined. If he has left us a vivid picture and a sympathetic picture of an atheist, that is because of his imagination, not because of his ideas. His picture of the earthy servingman is no less vivid and sympathetic. Scholars who have tried to make his plays prove things and convey lessons have made little sense of his work and have been blind to its inherent fantasy and imaginative power.\(^{63}\)

Of course, one might ask, what does it mean to "use to the full one's gifts"? That is, are we to assume that we can see things implied and questions raised by Molière's work that the playwright himself did not notice? Might we

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62. Had Racine preempted the field of tragedy for Molière among the French? On Racine, see *The Thinker as Artist*, supra note 18, at 129-45.

63. 15 *Encyclopaedia Britannica* 662-63 (1972). On the ideas of an artist, see *The Artist as Thinker*, supra note 10, at 1-14.
not thereby underestimate his imagination as well as his understanding? At the very least, we must recognize that someone such as Molière may be a doctor—a healer of souls—in spite of himself, a healer who is somehow aware of how things are and what is needed in the circumstances in which he finds himself.

We are reminded by a well-wrought play of what a mind does and is. The investigation of such plays can be very exciting and, in cases such as this one, rather entertaining. Since a poem is, in the best manifestations, an imitation of nature, it lends itself to careful and productive inquiry irrespective of the intention or the explicit awareness of the poet, just as nature itself does even without being aware of herself. That a play “works” with an audience may reflect the role of inspiration in the artistic endeavor. I also venture to suggest that such a play as this should convey to the attentive spectator, even on first viewing, a sense of sensibleness, especially since there are immediately evident in it curious features which suggest care in composition (in that they may not be needed for the obvious purpose of the story). One is again and again moved to ask, “Why does he do that?”—and the “he” is not so much the character portrayed (although each character’s motivation must stand on its own) as it is the playwright fashioning the portrayal.

But enough of these preliminaries. Permit me to share with you some observations I have made in my first careful reading of this play.

II.

It is instructive to notice how carefully fashioned this play is, even though it is easily categorized as a farce. Three illustrations should suffice to induce us to regard it seriously.

1) Sganarelle’s dress is described by his wife, Martine, in such a fashion that Lucas is led to suggest that he must be “le médecin des perroquets”—the doctor of parrots. This is early in the play. Much later, when Sganarelle comes to treat Lucinde’s muteness, he prescribes bread and wine—and explains that such is a prescription used for parrots (the talking birds), an explanation which is received as relevant and plausible. We can note in passing that Martine considered her scheme for avenging herself upon Sganarelle as inspired by heaven; perhaps it was so inspired, in that she did hit upon a medical role for the parrot-dressed man who was later to treat as his principal patient a deparroted girl. In addition, we can ask what affinity Sganarelle has with parrots. If one pushes such an inquiry, one can notice things about the play which

64. Some things cannot be noticed by the audience the first time through the play, as illustrated by Points 2 and 3 in infra Section II of this Part; others can be, as illustrated by Point 1 in infra Section II of this Part (as well as by the miracles imputed to Sganarelle).

65. See supra note 64. See also infra note 104 and accompanying text.
might otherwise be overlooked. Thus, we notice that Sganarelle can, among other things, pick up and imitate—and thus turn to his use—what he has heard around himself (including from the doctors with whom he once associated?). He is, in a sense, a master imitator—and hence, in a way, is himself a poet.  

2) Martine, when she berates Sganarelle, throws eleven epithets at him. Her spontaneous list opens with “traitre” and closes with “voleur” (“traitor” and “thief,” respectively). “Traître” is what Géronte calls Sganarelle when he learns of the elopement arranged by the man whom he had been led to trust; “voleur” is, at the very end, what Léandre denies he wants to be as he returns Lucinde to Géronte. Central to Martine’s list is “pendard,” one who is fit for hanging, a gallows-bird—this, of course, is very much related to what almost happens to Sganarelle as a result of his contribution to the elopement. Martine herself, in her subsequent soliloquy with respect to vengeance, calls him a “pendard” again. Is Sganarelle destined to be hanged? I am reminded of the opening scene of The Tempest, where Gonzalo assures his companions that they will not drown because one of the crew has about him the look of hanging (something which is alluded to later on in confirmation). Of course, Sganarelle is not hanged—or, at least, not hanged in this play—and one may fruitfully consider whether he is destined for immortality if he does not die by hanging. (I leave for another occasion an analysis of the principle of order, if any, of the eleven epithets. It suffices, for the moment, to notice that Géronte’s immediate and emphatic use of “traitre” can be taken to reflect his awareness of Sganarelle’s revolutionary intervention, something to which I will return.)

3) I have commented upon Martine’s central epithet. Consider now Molière’s central “epithet”—that is to say, his central scene (or scenes, as the case may be). There are, according to my count, twenty-six scenes. Central

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66. Had Sganarelle observed not only the medical lingo of his day but also the limits of medicine—and hence could be less irresponsible than he might otherwise have been in passing himself off as a medical man? See infra note 70. 

67. An occasional translation into English uses ten epithets here. The eleven in the original French are “traitre,” “insolent,” “trompeur,” “lâche,” “coquin,” “pendard,” “gueux,” “bêtire,” “fripon,” “maraud,” and “voleur.” MOIÈRE, supra note 60, at 34. 

68. See WILLIAM SHAKESPEARE, THE TEMPEST act I, sc. 1, ll. 26-45; act V, sc. 1, ll. 216-18. See THE COMPLETE WORKS OF SHAKESPEARE (David Bevington ed. 1997). Martine does not know, of course, that pendard is central to her list of epithets, but Moliere does: her passion makes it central, while Molière’s reason does the same? Consider, for another arrangement of language which is difficult for the audience to catch, the Latin which Sganarelle rattles off: central to it may be, “Is this really Latin, Holy God?” This follows upon a reference to the Muse and then to various forms of bona (good). See infra note 88.

69. Whose scenes are these? They differ in various editions, with some editions even having no scene-divisions at all. But these twenty-six do reflect divisions of conversations—and hence reflect the ordering of the play. Compare the scene divisions in Gotthold Lessing’s Nathan the Wise. See infra Part 3, IV.
to these twenty-six are the seventh and eighth scenes of Act Two. In the former scene, Sganarelle tries to force himself upon a reluctant Jacqueline, who will have nothing to do with what he offers her (observing, "I will not have my body made an apothecary's shop"). She is the one, by the way, who had divined from the outset the correct remedy for Lucinde's affliction, that she be given the man she loves as a husband. She is, in a sense, a "counter-doctor"—or, in another way, a genuine doctor. In the eighth scene, Géronte tries to force himself upon a reluctant Sganarelle, who can be induced to take what is offered him: that is, money. One difference between the two central scenes—the first a failure in forcing, the second a success—is that Sganarelle is naturally more receptive toward money than Jacqueline seems to be toward Sganarelle's advances. This may be because Jacqueline does have a man, perhaps an adequate enough man for her purposes (and besides, she may have children by him), whereas Sganarelle does not have money. The question remains: does Sganarelle care more for Jacqueline (or love) than he does for money? We will return to this later. In any event, we should notice that Jacqueline is never alone with Sganarelle—and this may help explain why we never see her respond to him as much as he desires. We are left to wonder, at the end of the play, what their future relationship will be, now that Sganarelle is something of a celebrity and now (a countervailing force?) that his wife has rejoined him.

III.

But, one might observe, whatever these three illustrations—about the parrots, about the central epithet of hanging, and about the central scenes—may suggest about the care with which this play is fashioned, the reader must wonder about two massive intrusions upon the principal story. The first is the subplot of Sganarelle's pursuit of Jacqueline; the second is the blatantly

Difficulties in determining scene divisions are recognized in the observation that "according to the English system... only a shift of setting warrants a new scene," while "according to the continental system... the entrance or departure of a major character requires the indication of a new scene." JOHANN WOLFGANG VON GOETHE, TORQUATO TASSO 1 (Charles E. Passage trans., Frederick Ungar Publ'g Co. 1966) (1790) (translator's note).

70. MOLÈRE (Frank translation), supra note 67, act II, sc. 7, at 266. Does he prescribe any harmful substances for anyone? See supra note 66.

71. MOLÈRE (Frank translation), supra note 67, act II, sc. 2, at 256. Does Jacqueline see all else as a fraud?

72. Do people tend to care most for those goods of the world that they do not happen to have?

73. She had been looking for him, not the other way around. In any event, Sganarelle is never exposed in the play: only Léandre and Lucinde know (and, of course, Martine); everyone else believes he cured Lucinde.
contrived way the story ends (so as to lead both to the marriage of young lovers and to the rescue of Sganarelle from the gallows).74

Subplots can, of course, serve various purposes. One is that of comic relief, but that would not seem to be needed in a comedy. Another—and here King Lear comes to mind—is that of permitting still another examination, perhaps in a different light, of the principal issue in a play. Thus, Edgar as a son displays the prudence that Cordelia as a daughter does not.75 There is something of this purpose here, and we have touched upon it in considering why Sganarelle can be “forced” and Jacqueline cannot. Another purpose is one which, in effect, denies that what seems to be a subplot is essential to the advancement of the primary action.76

That the “confrontation” of Sganarelle and Jacqueline can be dispensed with, without making the story incomprehensible, is suggested by what has been done in a 1911 edition of the play I have examined. The editor notes, “In several instances, on account of the coarseness of the humor, a word or a line has been omitted, and four short scenes have been entirely stricken out.” He goes on to explain, “This edition is intended for preparatory schools, as well as for early reading in college.”77 The scenes stricken (Act II, Scenes 4, 5; Act III, Scenes 3, 4) are, of course, those related to Sganarelle’s attempted seduction of Jacqueline (and Lucas’s response to those efforts).78 The scenes depicting the advances on Jacqueline were cut because of their coarseness—and only those scenes. Perhaps there may something here of comic relief, after all—of low comedy which is designed to set off, if not even to expose, more sophisticated comedy? Do we return thereby to the lower comedy of the quarrel at the outset between Sganarelle and Martine and anticipate the closing exchange between these two?79

Perhaps this subplot somehow advances the action, something we are reminded of when we recall Sganarelle’s quarrel with Martine. How are we to understand the willingness of Sganarelle to involve himself in (indeed, even mastermind) an elopement, even though we first came to know him in the

74. This kind of resolution of a play is not unusual for Molière. Does this reflect the way he sees the world—or at least the way that he wants his audience to see it? See infra text accompanying note 363.
75. See The Artist As Thinker, supra note 10, at 24-25.
76. This too may be seen in Shakespeare’s King Lear. See supra text accompanying note 75.
77. Molière’s Le Médecin Malgré-Lui at iii (Richmond L. Hawkins ed., Boston: D.C. Heath & Co., 1911). Consider also what is done to the oaths in this edition. See id. act I, sc. 1, at 3-6; see also supra note 67 and accompanying text.
78. The scene I have already commented upon, regarding the “forcing” of Jacqueline in Act II, scene 7, would also have been omitted if its innuendos had been apparent to the reader who had been spared scenes 4 and 5 of Act II.
79. The play is thus framed by this marital relation.
opening scene as a man who expressed himself with vigor against the institution of marriage? That is, why does he run the risk of hanging in aiding something which he considers, at the least, foolish? Perhaps his exposure to and his attraction by the massively appealing Jacqueline have revived in him what it was that led him to his marriage in the first place—the appetites that the familiar routines of marriage had dulled and even made oppressive. The very coarseness of those appetites in him reflects, perhaps, something basic or natural in the human condition, something which Jacqueline herself recognized (even if she made too much of it) in her opening conversation with Géronte when she espoused the importance of pleasure. Her common sense, or common sensibility, may be seen in her perceptive prescription for Lucinde. In any event, we can say that Sganarelle’s pursuit of Jacqueline revives in him an openness toward love which makes more sensible (that is, more easily understood) his willingness to sacrifice himself for a marriage.

In addition, I have noticed that the subplot does contribute to an examination of the principal issue in the play, an issue which has a good deal to do with the juxtaposition of love and change, on one side, with parental authority, property, and law, on the other. That is, the subplot may help us gauge the depth of the revolutionary inclinations of Sganarelle.

With this, we must move (if only in the barest outline) to a deeper level of this play.

IV.

We move deeper by returning to the question of why Sganarelle gets carried away to counsel elopement, thereby putting his life in jeopardy. An additional possible inducement for his action must be considered: has he been caught up in the role assigned to him, just as an actor can be swept along by the character he assumes? Is he here, indeed, a “doctor in spite of himself”? Is there not something about such an imitation, about any “effective” imitation, which establishes its own momentum and leads the imitator further than he had anticipated? And is there not something reassuring about this?

80. Does marriage trap men, who marry to get something which is attractive partly because it is illicit outside of marriage? See, e.g., William Shakespeare, Sonnet 129. Compare Sonnet 116.

81. Does Jacqueline respect institutions more than Sganarelle does?

82. Does he recognize the risks he runs by aiding an elopement? Or is he carried away, forgetting what is “sensible”?

83. Parental authority, property, and law can be seen as tyrannical. Lucinde calls her father tyrannical. Will she someday speak as shrewishly of her husband?

84. Does Aristotle count upon this sort of thing in his Rhetoric? An Air Force general, in the movie Dr. Strangelove, exhibits being carried along by momentum in an unanticipated (and nominally unwanted?) way—and this can be both hilarious and sobering. DR.
This should not be surprising here. Sganarelle is not a deliberate hypocrite or confidence man: he had been forced to assume the role of a doctor—and perhaps his good-naturedness simply asserted itself. (His good-naturedness is seen during the opening scenes in his disparagement of grudge-holding—he does not resent being beaten as much as Martine does. He does manage to get back at Valère and Lucas by beating their master, Géronte? But he is good-natured and it seems that he is more or less forgiving.) Perhaps we can say that his good-naturedness is seen also in his desire for Jacqueline: does he care for her? That is to say, he is an erotic man upon whom prosaic (unerotic?) family responsibilities had imposed but to whom the bottle ministered.

Sganarelle moves, and moves quickly, to try to help the lovers who face the desperate threat of a forced marriage. (This elicits, from a man who refers to the devil many times, his lone invocation of "Mon Dieu." In so acting, he challenges the established order—and he is in the position to do so because of his reputation for miraculous cures. Some of his cures are known by word of mouth (multitudes do come to him for help), but at least one was witnessed by Géronte and his servants: the restoration of Lucinde's voice. Thus, Sganarelle is able to move from the practice of medicine to something like spiritual politics, as he guides the reordering of relations among his constituents.

The deeper level of the play runs still. What is said there is said quietly, and that has to do with, among other things, a dramatic restatement of (and hence commentary upon) the career of another worker in wood who attracted multitudes by his miracles, especially miracles of healing, who taught men to speak (thereby restoring light to the world), who instituted a regimen of bread and wine, who exalted love of one's fellow man above the demands of law and family, and who was hung for his pains in the presence of a crowd, but not without leaving behind the belief that he had made available la médecine universelle. This story is so fundamental to the way of life of the West, one might say, that playwrights can inadvertently comment upon it even in their comic endeavors—and, indeed, this story itself is (in its broadest scope) a divine
comedy. One can talk about such matters and yet not seem to do so; Molière himself displays, on more than one occasion in this play, how one may say something which is understood quite differently by different people, as when Sganarelle counsels Léandre to elope in the very presence of an unsuspecting Géronte.90

We step outside this play for a moment to observe (by drawing upon what is common knowledge about the reception of Molière’s plays) that Molière may have learned something about prudence in expression from his unhappy experiences with a play produced by him a couple of years before this one. He suffered for his boldness in Tartuffe; or, The Impostor, a play about the monstrous consequences of religious hypocrisy.91 One can also see, in an intervening play, The Misanthrope, the advice of Philinte who counsels moderation in explicit truth-telling, advice which is shown in that play to be quite sensible. That advice seems to have been taken by Molière himself in The Doctor in Spite of Himself, one of his more popular (and hence financially rewarding) plays at that time.

The commentary by Molière on the classic story of the healing woodworker, it should be noticed, is not fierce or angry. He is not simply iconoclastic. Here too the tenor of Philinte’s mind may be seen. Sganarelle is not a deliberate impostor; he is literally forced to assume the role he does. A woman is responsible for his reputation as a venerable healer—and that leads to his somewhat reluctant elevation. I mention in passing that there is about Martine something of the godmother.

Thus, it seems to be suggested, the more extreme or pervasive (and profound) deceptions among men are caused by the very people imposed upon—they are receptive to certain suggestions; they do not question properly; they do not take due notice of what is around them, of what is said to them, and of what is done in their presence. Be that as it may, it is Sganarelle’s apparent success as a healer of bodies which puts him in the position to be entrusted with healing the spirit.

Is Sganarelle himself carried away here into revolutionary experiments not by benevolence, but by a dangerous passion? Is he himself deceived regarding his own vulnerability? To say this, however, is not to speak in the spirit of the genial, comic view of this great deception presented by Molière, a deception which is not without its salutary aspects.

90. Consider the relation between Lucinde and the Luke of the Gospels. See infra note 99 and accompanying text. 91. See generally LEO STRAUSS, PERSECUTION AND THE ART OF WRITING (1952) [hereinafter PERSECUTION AND THE ART OF WRITING]; see also infra text accompanying notes 146, 1124.
But we should also notice—and perhaps this contributes to the geniality of the playwright on this subject—the healer here does not really affect the outcome of the play; he appears to have a much greater effect in resolving the marital conflict than he does. Is the audience deceived about this, just as Géronte and his household were deceived about the bodily healing? That is, critical forces were already at work which would permit the desired resolution—including the power of death against which physicians contend. One may even see a grim joke implied here: it was because the doctors (must have?) failed that the uncle died and hence permitted Léandre and Lucinde to marry with Géronte’s consent.

This is also a play, we should notice while plumbing its deeper recesses, in which someone is soundly thrashed for trying to be a good neighbor as a mediator of a family argument. The Good Samaritan is chased off the stage—and, it seems, he stays off, unless we are to see Sganarelle himself in the same role and threatened with hanging for his pains.

Finally, we notice, before returning to the surface of the play, Sganarelle is even moved at one point to entertain the possibility of having become a miraculous physician without being aware of it. He is moved to do so both by the insistence of his companions and by the apparently unmerited sufferings he is subjected to.

Be that as it may, this is a short play, a play in outline. Perhaps this is because the playwright figured that its details are to be found elsewhere. That is, perhaps he figured that the more perceptive could work things out for themselves—and that the less perceptive could nevertheless have their passions so touched as to make them sense that there is more to all this than it appears.

V.

The surface of the play draws us; we come up for air lest we drown.

I have spoken of the geniality of Molière, and yet this is a play which does exhibit several beatings. But beatings are one thing, hanging is quite another—and Molière assures us that there need be no hanging as a price for the

92. Is the healer more like the psychiatrist than like the traditional doctor?
93. It can be assumed that doctors usually try to keep rich men alive as long as possible.
94. Act I, sc. 2.
95. Act I, sc. 6.
96. Consider, in Aristotle’s *Nicomachean Ethics*, the respect that the generality of mankind have for those who seem to know more and for those who seem to be more elevated. This respect may be seen also, in a perverted form, in the modern cult of the celebrity. On the *Ethics*, see THE THINKER AS ARTIST, supra note 18, at 318.
97. Are beatings used much the same way in Shakespeare’s comedies (such as *The Comedy of Errors* and the stories about Falstaff)? See Anastaplo, Law & Literature and Shakespeare, OKLA. CITY U. L. REV. (forthcoming).
kind of social healing which Sganarelle attempts and which, perhaps, Molière himself contributes to.

We are further reminded of the gentler thrust of Molière’s version of such stories when we notice that we have here a lovesick Léandre who survives, unlike his classical prototype who drowned in the service of a forbidden love. Just as there is nothing to hang Sganarelle for, so there is nothing requiring the supreme sacrifice by Léandre. This Léandre is not really heroic, even though he is celebrated as a man of remarkable virtue by Géronte in the last scene. What does this virtue mean? Léandre is honorable—he will not steal the girl. He is proud to announce that he will behave thus (or appear thus to behave)—so long as he can get what he wants.

This kind of virtue fits well in a world which finds a father amenable to his daughter’s marriage, so long as his son-in-law has money. Is not Sganarelle—the somewhat cynical commentator on the professions and institutions of the day—the only one here who has any instinct for self-sacrifice?

And that instinct, Molière suggests, need not be exploited by a community, which is sensible, which knows what is really going on.

VI.

What makes Sganarelle as “successful” as he is?

I have already referred to his good-naturedness. Thus, he can do what his wife cannot do—that is, he is able to sincerely pardon others for offenses done to him.

He is also most ingenious, even a capitano. He is capable of daring improvisation, of being able to rise at once to the occasion. In this respect, he is well-matched with Martine, who responds imaginatively to the inquiries of Valère and Lucas about doctors. But she loses control of things—and spends

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98. Do Molière’s comedies moderate, for the French at least, the tension between nature and convention (between the young and the old, between love and the law), making them seem—and hence, to some extent, making them be—compatible? See infra note 108 and accompanying text. See also JANE AUSTEN, PERSUASION; George Anastaplo, Law & Literature and the Austen-Dostoyevsky Axis, 46 S. DAK. L. REV. (forthcoming).

99. Or does Lucinde have it also? See supra note 90.

100. That is, by a community which has been shaped by Molière’s comedies? On the constitutionalism shaped by Shakespeare’s work, see GEORGE ANASTAPLO, THE CONSTITUTION OF 1787: A COMMENTARY 74-88 (1989) [hereinafter THE CONSTITUTION OF 1787]. See also infra text accompanying note 157.

the rest of the play looking for her husband, a husband who moves from one
adventure to another in response to the initial opportunity thrust upon him. 102

In addition, Sganarelle is a man of considerable vitality. Thus, he sings
while he cuts wood; even his dress, whimsical as it is, suggests a vital force
seeking expression—and this, too may contribute to his “success.” 103

We notice again that Sganarelle does indicate, again and again, what the
truth is about various matters, but no one will believe him. Even so, he does
not lie to himself; and he is clear about what he cares for—and responds in a
healthy manner to what lies before him. This, too, may contribute to his
“success.”

A problem confronts us in the form of the woman with dropsy. Is it not
reprehensible that Sganarelle exploits the family of a seriously ill woman? But
is it not evident that the husband and son are determined to spend more
money? Sganarelle may be giving them the best available advice when he in
effect counsels them to consider how they are going to bury her. He evidently
knew that they had already consulted the medical opinion of the day, that there
really was nothing more to be done. Did he know enough to know the limits
of medicine? Is he aware of his ignorance? If so, is there not something
Socratic about this?

I have already suggested that Sganarelle is revolutionary in his
inclinations. He instinctively stands against the tyranny of the established
order—even to the neglect of his own children and at the risk of his own life.
This too sounds Socratic.

VII.

There remains for consideration one problem which I have anticipated,
and that is the problem of the contrived ending to this play. Is it contrived?
Or is it the “natural” resolution of the problem? 104

An uncle who happens to have money dies in the very nick of time. But
then, the old do tend to die before the young. Sganarelle is allied with the
vital, with the young, with the oncoming generation—that is, with love.
Whether it is love in its crudest form or in its most romantic (or ethereal) form

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102. We see here another use of “Mon Dieu.” See act III, sc. 9, at 84; see also supra note 88
and accompanying text. Do the uses of “Mon Dieu” suggest what each cares for most? Does
she care most for a husband (family ties, etc.), while he cares most for the satisfaction of his
desires (or, at least, for not being “forced”)? At the outset he wants to be master, and also at the
end. That is, he wants to have his own way, to enjoy himself.

103. His “success” is not simply that of a supposed healer, but that of one who somehow
impresses others. Be that as it may, he does get his wife back because of her efforts. See act
III, sc. 11.

104. This is one of the features of the play about which one is obliged to think, even on
a first viewing. See supra note 64 and accompanying text; supra Part 2.II.
does not seem to matter to him. Is it all somehow one for him? Does this suggest a limit to his understanding of things? He cannot become truly Socratic?

Be that as it may, the natural order of things somehow asserts itself in this play. This means, in effect, a repudiation of the heroic (as obsolete?) and an avoidance of self-sacrifice (as unnecessary, if not pretentious?). The young do inherit, despite all that the old may try to do. Perhaps Molière reminds the old in all of us of this, thereby helping us to reconcile ourselves with our mortality; perhaps he also teaches the young in all of us the fate destined for everyone in the natural course of things, thereby moderating passions which promise much, even a kind of immortality, and which can make us ridiculous in our vices. Both young and old are also reminded, but without dwelling upon it, what can go wrong when established authority does happen to be able to make too much of its power. This is quietly indicated by the sad story alluded to by Jacqueline, in Act II, scene 3, of Peter the father, Simonette the daughter, Thomas the lout, and Robin, Simonette’s true love. (I leave it to you to think about the names here.) Would the presence of Sganarelle have avoided that sad fate for Simonette? If so, it need not be because of anything Sganarelle might have done—we have seen him as essentially ineffective—but perhaps because of the workings of a world in which a Sganarelle moves and has his being, a world which has no place for tragedy.

What kind of a world is it, anyway? The warring husband and wife are reconciled; true love is recognized and legitimated; the tyranny of the law is moderated. But we notice that this love story does close with an implied threat: a regime built on benevolent healing can also be harsh—perhaps one might say, even more harsh and tyrannical in its pervasiveness (and in its claims) than a regime built on law and established family relations.

Thus, an ambiguity is left with us. But then, Molière can be understood to counsel us against simple-minded answers to things—the truth requires careful attention and precise qualifications. This counsel may be seen in still another feature of the construction of the play which might well be noticed on

105. Will Léandre someday conduct himself as Géronte did?
106. Is the determined exercise of authority by the old an effort to avoid having to face up to their mortality?
107. Is there any indication of what can go wrong when the young (that is, the “natural”) fully get their way? When a playwright puts in clues which are barely perceptible, he respects both art and nature. One can be reminded of the work done on the backs of figures in the pediments of Greek temples, that fine work which presumably no one (but the gods?) will ever again see once the figures are in place.
108. Léandre prefers a marriage with Géronte’s approval. See act III, sc. 10. If the conventions are not respected, would his own marriage be at risk? In all his comedies, Molière tends to reconcile love and law, the natural and the conventional. Can only comedy reconcile, at least in appearance, such oppositions?
this occasion—the first act opens with a “Non”; the second opens with a “Oui”; but by the third act, the complicated nature of things is respected in the opening, “Il me semble” (“It seems to me”). 109 That is, the play teaches us how to think about the things so often taken for granted by human beings.

I have suggested how it seems to me that things seem to Molière. I trust I have said enough, albeit in an appropriately entertaining fashion, to induce you to take Molière seriously even in this most innocent farce and to be grateful for the opportunity he offers us to think about what this world of ours may truly be like—or can be like, if it is ministered to with the right kind of medicine.

3. GOTTHOLD E. LESSING (1729-1781) 110

Nor do we regard the gods as different among different peoples nor as barbarian and Greek and southern and northern. But just as the sun, moon, heaven and earth and sea are common to all, though they are given various names by the varying peoples, so it is with the one reason which orders these things and the one providence which has charge of them, and the assistant powers which are assigned to everything: they are different honors and modes of address among different peoples according to custom, and they use hallowed symbols, some of which are obscure and others clearer, directing the thought towards the divine, though not without danger . . .

— Plutarch 111

I.

A paradox is suggested by the twentieth century fate of the Jews in two countries with quite different “authoritative” plays about the Jews. In England, the Jews have fared fairly well in this century. In Germany, however, they were systematically slaughtered. And yet here is where our paradox

109. MOLIÈRE, supra note 60, act I, sc. 1, at 31, act II, sc. 2, at 51, act III, sc. 1, at 71.
110. A talk given in the First Friday Lecture Series, The Basic Program of Liberal Education for Adults, The University of Chicago, at the Chicago Cultural Center, Chicago, Illinois, February 4, 2000. (The original title of this talk was “Lessing, Shakespeare, and the Jews.”)
offers itself. The “authoritative” play about the Jews in Germany seems far more humane than its counterpart in England.\footnote{112}

These two plays are Gotthold E. Lessing’s \textit{Nathan the Wise} and William Shakespeare’s \textit{The Merchant of Venice}.\footnote{113} The Jews, or at least individual Jews, come off far better in the Lessing play than they do in the Shakespeare play.\footnote{114}

But, of course, the audience shaped by German literature, or by the German arts, conducted itself far worse toward the Jews than the audience shaped by English literature. Does this suggest the limits of the arts, or does it suggest both the indirect (if not even limited) effects of the arts and the importance of other influences? Or is it that Shakespeare’s decisive influence here is not to be found in \textit{The Merchant of Venice}? 

\section*{II.}

Shakespeare’s play about Shylock is familiar to us. It is the story of a Jewish merchant in Venice who tries to take bloody revenge on a respectable Venetian merchant who has been abusing him. In doing so, the Jew brings about his own destruction.\footnote{115} Some Jews like this play, or at least, they like some of the speeches when taken out of context. But one’s experience with it in the Basic Program, when sophisticated Jewish students come upon it after discussing various other Shakespeare plays for months, can be sobering. Those students who happen to be unfamiliar with the play can be simply stunned upon first confronting it.\footnote{116}

This is how I introduced Shakespeare’s \textit{The Merchant of Venice} when I gave a First Friday lecture here seventeen years ago.\footnote{117} My discussion of the play begins with these observations:

\footnote{112. On the systematic slaughter of the Jews and of others by the Germans in the twentieth century, see \textit{On Trial}, supra note 38, at 977-994; GEORGE ANASTAPLO, \textsc{Campus Hate-Speech Codes, Natural Right, and Twentieth Century Atrocities} 71 (1999) \textit{[hereinafter Campus Hate-Speech Codes]. See also supra note 55.}

113. Even worse than \textit{The Merchant of Venice} is \textit{The Jew of Malta}, by Shakespeare’s contemporary, Christopher Marlowe. \textit{See On Trial}, supra note 38, at 1070 n.557.

114. For an instructive follow-up to the Shakespeare play, see LUDWIG LEWISOHN, \textit{The Last Days of Shylock} (1939).

115. \textit{See infra} text accompanying note 127.

116. On the Basic Program of Liberal Education for Adults at the University of Chicago, see \textit{The Artist as Thinker}, supra note 10, at 284-300. \textit{See also} George Anastaplo, \textit{“McCarthyism,” The Cold War, and Their Aftermath}, 43 S.D. L. Rev. 103, 163 (1998); \textit{supra} note 10.

117. That lecture, at the Chicago Cultural Center, was on October 3, 1983. \textit{See On Trial}, supra note 38, at 935.
The ugliest play written by William Shakespeare may well be *The Merchant of Venice*. It is a play in which considerable hate and little generosity are exhibited, although there is in it much talk of love and mercy. Even some of the sacrifices made in the name of love, of which sacrifices one also hears much in the play, seem to be due at least in part to a hatred of one’s life, if not of life itself. This may be seen in the career of Antonio, the merchant who ventures his life in securing the money needed by his friend Bassanio in order to court the wealthy Portia.\(^{118}\)

There are, no doubt, other plays by Shakespeare which have ugly features, plays such as *Macbeth*, *Measure for Measure*, *King Lear*, *The Winter’s Tale*, and *Troilus and Cressida*.\(^ {119}\) But such plays usually have redeeming characters or features about them which lighten the overall effect. Portia may be intended as such a character in *The Merchant of Venice* and the wholesale indulgence in love at her estate (Belmont) as such a feature (V:i:1). But, I confess, these effects are largely lost on me. There is hardly anyone in the play whom I can like. Bassanio may be an exception; but he is a spendthrift, and it is silly for him, in the circumstances, to allow his friend Antonio to risk his life as he does in order to secure ready cash for Bassanio (I:i:126-34).\(^ {120}\)

I then turn to what I have found particularly troublesome and troubling about *The Merchant of Venice*:

At the root of the trouble may be the fact that the kind of conflict presented here, especially when grounded in religion, is likely to degrade everyone involved. Making matters even more troublesome is one’s perhaps naive expectation that poetry should be a thing of beauty instead of the ugly exhibition that this play is. Especially ugly is how Jews—not just Shylock but all Jews who remain Jews—are meant to be portrayed in this play. I have been deeply puzzled for some forty years about the passions that permitted, and even moved, the Germans to exterminate the

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118. *On Trial*, supra note 38, at 935-36. The citations in the passages quoted in the text are to the acts, scenes, and lines in *The Merchant of Venice*.
119. See *On Trial*, supra note 38, at 1066 n.517.
120. Id. at 936.
Jews as they did during the Second World War—and the passions that have contributed to other such large-scale persecutions of the Jews over the centuries. One can see in this play something of these passions, which permitted Jews to be regarded almost as a species apart. Shakespeare helps us see these things, perhaps in part because he himself may have shared (or at least remembered having shared) certain of the sentiments, or passions, at the root of the animus against Jews in Christendom.121

Still, it should at once be added, people do like the play ..

One or two of Shylock’s speeches do appeal to people generally, including various Jewish friends of mine, as does the celebrated “quality of mercy” speech by Portia (III:i:51f, IV:i:182f). One must wonder, of course, whether Shakespeare intended at least these speeches to be remembered and to have a salutary effect, if anything of the play survived. Even so, I continue to find the play grating on the soul, even atrocious in some respects.122

Thereupon I remind the audience what this play is about:

[It] is about a Jew-baiting merchant who, for the sake of his friend’s courtship of Portia, borrows money from a wealthy Jew who hates him in turn and who requires of him the notorious “pound of flesh” bond (I:iii:145-46). This bond turns out to be something the lender, one Shylock, can foreclose on when the payment is not made in time, with the borrower being saved at the last minute, only by the ingenuity of Portia disguised as a judge (IV:i:164f) ... .

It seems to be assumed in the play that Jews will be, perhaps even should be, hostilely treated by others so long as they remain Jews (I:iii:45-48). This is so even in a commercial society such as Venice, where Jews were regarded as useful for the financial life of the city. In fact, Jews may be even more vulnerable in a place such as Venice, because there is much about that kind of community which encourages Jews to relax their vigilance and which permits citizens the liberty

121. See id. at 936.
122. Id. at 936-37.
of expressing themselves... A Jew such as Shylock would never have had either the opportunity or the effrontery to attempt in ancient Rome (that is, in ancient Italy) what he tries to do in Venice (in modern Italy). Deliverance for Antonio comes from someone with a Roman name (I:i:165-66): there can be seen here a reassertion of the prerogatives of the political community and of a prudence of sorts... ...

We must now consider how Jews are presented by Shakespeare and perhaps why, including the instructive insights he does have about the worldly shrewdness of Jews. Questionable features of the Jewish character as well as of the Christian character, as presented by Shakespeare, will be touched upon. Also to be touched upon are the limitations in Shakespeare himself that his treatment of Jews may expose to view. Before centering upon these delicate matters, it is well to remind ourselves of something that even the great Shakespeare himself seems not to have been properly aware of, the deep sense of humanity to be found in Judaism.

Assessments of both Shylock and Antonio are then called for:

The thing which Shylock proposes to do—deliberately to take a fatal pound of flesh from Antonio—is surely monstrous not only to do but even to seriously want to do. And, it sometimes seems to me, Shakespeare would have us understand that Shylock's monstrousness is intimately related to his Judaism. It is not accidental that he should be the one who wants to do this; it is not just the doing of one peculiarly demented Jew, but rather of a respected member of his community. We are shown the conversation between him and another Jew, who never counsels Shylock against what he proposes to do (III:i:109-12). It does seem that Shakespeare believes that the Jewish community in a city

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123. See id. at 1066-1067 n.519.
124. See id. at 1067 n.520.
125. Id. at 937-38.
such as Venice might tolerate this kind of conduct by one of its members.  

True, Shylock had been grievously provoked by Antonio's abuse of him (I:iii:44-47). He is angered as well by Antonio's insistence upon lending money without charge, which keeps interest down (I:iii:39-40, III:i:112-13). It is a much-reviled, much-put-upon man who strikes back as Shylock does. But whatever Antonio may have done, either by his calumnies or by his competition, he surely was not guilty of a capital offense. 

It should be noticed as well that there is also something monstrous in Antonio's desire for martyrdom (IV:i:262-79). After all, there were . . . commonsensical responses nullifying the contract that Shylock was attempting to enforce. The very fact that a contract provision was entered into for "merry sport," as Shylock originally put his proposed forfeiture arrangement (I:iii:141), could easily provide the basis for finding the forfeiture provision void as not having been truly agreed upon. It should have been enough for Antonio to say, "Man, you know that my witnesses and I never took this seriously, whatever you may have wanted or believed in your heart of hearts!" On the other hand, if the forfeiture provision was indeed valid, then Portia's "drop of blood" exception (IV:i:308) would not make sense, since a valid contract implies the likely means necessary for its execution. . . . 

The monstrousness of Christianity in this play may be evident not only in the appetite for martyrdom in Antonio (a Christlike figure) but perhaps also in the very monstrousness of Shylock. He is, in critical respects, a "reaction" to the Christianity of his time and place. That there is something critically wrong with Judaism and Christianity alike in Venice may be suggested in what Jessica can do—both in that she does to her trusting father what she does

126. See id. at 1067 n.525.
127. See id. at 1067 n.526.
128. See id. at 1067 n.527.
129. See id. at 1067 n.529.
and in that she is received as she is by the Christians who know what she has done.\textsuperscript{130}

Various commentators have argued that Shakespeare "humanizes" Shylock, making him far less of a stock villain, much more a man of sensibilities, etc., than other playwrights of the era did with Jewish characters on stage.\textsuperscript{131} But may it not make matters worse for Shylock to be as "human" as he is and still be monstrous? \ldots \textsuperscript{132}

To say that Shakespeare humanizes Shylock is to say that he knew better than his contemporary playwrights how to begin to think about Jews. But is it not also to say that he should have known better than to leave matters as he did in this play, that he should have, as a thinker, been more astute and hence more just and responsible in his presentation of a much-reviled and perennially persecuted minority?\textsuperscript{133}

Then there is the beginning of an assessment of what Shakespeare does:

Let us consider first the significance of the defense that Shakespeare did not understand Judaism, because "he saw it from the outside." Yet did he not have access to--indeed, did he not rely upon--the best that is available about Judaism, not individual Jews (who may be bad as well as good) but rather the Bible itself, with which he seems to have been quite familiar and upon which he draws in this play? One must wonder how anyone familiar with, say, the book of \textit{Isaiah} could characterize Jews as they are characterized in \textit{The Merchant of Venice}. Besides, should Shakespeare not have been able, by talking to sensible people who had traveled, either in Europe or in books, to determine what Jews of his day were really like?\textsuperscript{134}

Certainly, one should know what has happened to Jews throughout Christendom--and that should move one to be particularly scrupulous about both seeing justice done and promoting a proper compassion. Instead, Shakespeare
presents on stage a seemingly plausible version, in what
Shylock attempts to do to Antonio, of the notorious “ritual
murder” blood-libel that Jews have suffered from for
centuries all over Europe.135

Another way of putting all this is to notice that although
Shakespeare saw the ancient Greeks and the ancient
Romans, as well as the modern Italians, also from the
outside, he came closer than he did with respect to the Jews
in depicting them in their highest form. True, Shakespeare’s
depiction of the Jews may be better than that of most
playwrights of his day—but his is bad enough and has the
peculiar disadvantage of being more likely to endure
because he tells a much better story. What endures is not
only Shylock’s memorable “Hath not a Jew eyes?” speech,
but also an image of the Jew that cannot help but be both
painful and harmful and hence ugly. Another indication of
Shakespeare’s failing here is the way he treats Jessica, the
unfaithful daughter, who is never criticized by the Christians
in the play and is left in apparent prosperity, having been
enticed to flee from the “hell” of her father’s house to the
“heaven” that Christian love and fellowship promise
(II:iii:1f, V:i:1f).

At the very least, it seems to me, Shakespeare should have
been aware of the limits of his information—and should have
conducted himself accordingly.136

III.

Lessing’s Nathan the Wise, which is acclaimed as a great testimonial to
toleration, is far less familiar to us. It can be said to exhibit in action the
mercy that Shakespeare’s Portia preaches.137

A summary of Lessing’s play can be useful here:

The plot is basically simple, though complex in execution.
Set in the days of the Crusades, it brings together the large-

135. See id. at 1070 n.557.
136. Id. at 947-48. Is not this awareness of one’s limitations critical to the virtue of
prudence? See id. at 1070 n.558. See also infra text corresponding to note 158.
137. See THE MERCHANT OF VENICE, act IV, sc. 1.
hearted Muslim Sultan Saladin in Jerusalem, the scrupulously fair, generous and humane Jewish merchant Nathan, and a Christian Knight Templar. The Templar rescues Nathan's daughter from the flames engulfing his house during his absence. The knight himself owes his life to a special act of mercy on Saladin's part who stays the sword of execution because the Templar unaccountably reminds him of his long since dead brother. Through the machinations of the companion of Nathan's daughter, Recha, it is discovered that Recha is actually a Christian girl whom Nathan adopted in her infancy, the daughter of a friend who was brought to his door by the servant of a knight, her father, who was to die in battle soon afterwards. To Nathan she seemed a gift from a merciful providence, the full force of whose inscrutable, terrifying side he had just experienced when Christian warriors killed his wife and seven growing sons.

Nathan's adoption of the girl exposes him to possible Christian persecution because he has brought up a presumably baptized child in the Jewish faith and thus endangered her eternal salvation. The volatile knight, eager to marry her, and angry at what he interprets as Nathan's refusal of the plan, moves toward conspiring with the authoritarian, rigid and intriguing Patriarch of Jerusalem to plot Nathan's downfall. The Patriarch is a figure obviously patterned after a Lutheran minister with whom Lessing had crossed swords. Fortunately the plot comes to nothing as Nathan finds out not only that the Templar is the Son of Saladin's brother by a German noblewoman but that Recha is his sister. The family is reunited—Christian and Muslim at once—with the wise Jew as their spiritual guardian and the instrument of their mutual recovery.138

Saladin, the Sultan (who dies in 1193), needed money.139 So he, after consulting with his astute sister (with whom he loves to play chess), tried to trip up Nathan with a critical question about the contending religions of the

139. On Saladin, see the entry in the Encyclopedia Britannica.
day. It is that question, and especially Nathan’s response to it, that the play is best known for.

Nathan’s response draws upon an old story, which he recalls and refashions in his desperation. That story had been used, before Lessing, by Boccaccio (in about 1355) and by others. The Sultan is so moved by Nathan’s response as to become his dear friend.\(^\text{140}\)

IV.

The question put to Nathan by the Sultan is most delicate. The response given by the astute Nathan is made much of—but it should be understood against the background of the soliloquy by Nathan which precedes his remarkably successful response.

First, this is the challenge laid down by the Sultan in Act III, Scene 5, of this play. I take the passage from a 1955 English translation of the play which preserves its verse form:

SALADIN. I seek instruction from you now in quite
A different field.—Since you’re accounted wise:
Then tell me, pray—what faith, or moral law,
Has most appeal for you?

NATHAN. Your Highness knows
I am a Jew.

SALADIN. And I a Mussulman.
The Christian stands between us.—Of these three
Religions only one can be the true one.—
A man like you does not remain where chance
Of birth has cast him: if he so remains,
It’s out of insight, reasons, better choice.
Well, then! such insight I would share with you.
Let me the reasons know, which I have had
No time to ponder out. Reveal to me
The choice determined by these reasons plain—
Of course in confidence—that I as well
May make your choice my own.—This startles you?
You weigh me with your eye?—It may well be
No other Sultan has had such caprice;
Although I think it not unworthy quite
Of any Sultan.—Am I right?—Then speak!—

\(^{140}\) On Boccaccio, see THE ARTIST AS THINKER, supra note 10, at 442 n.209. See also infra note 148.
Speak out!—Or would you have a moment's time
To think it over? Good; I'll grant you that.—... 
Reflect, make haste! For I shall soon return.\textsuperscript{141}

We then have Nathan's soliloquy as he ponders what to say in response to the Sultan, the soliloquy which serves as the central scene of the play. (It is the twenty-first of forty-one scenes.) This soliloquy also happens to be at the very center of the German edition of the play, in terms of pages. (It is as well one of the two central scenes of the central act.)

Here is the soliloquy, again drawing on the 1955 translation:

\begin{quote}
H'm! h'm!—how strange!—I'm all confused.
-What would
The Sultan have of me?—I thought of money;
And he wants—truth. Yes, truth! And wants it so—
So bare and blank—as if the truth were coin!—
And were it coin, which anciantly was weighed!—
That might be done! But coin from modern mints,
Which but the stamp creates, which you but count
Upon the counter—truth is not like that!
As one puts money in his purse, just so
One puts truth in his head? Which here is Jew?
Which, I or he?—But stay!—Suppose in truth
He did not ask for truth!—I must admit,
Suspicion that he used the truth as trap
Would be too small by far.—Too small?—What is
Too small for one so great?—That's right, that's right:
He rushed into the house incontinent!
One knocks, one listens, surely, when one comes
As friend.—I must tread warily!—But how?—
To be a Jew outright won't do at all.—
But not to be a Jew will do still less.
For if no Jew, he might well ask, then why
Not Mussulman?—That's it! And that can save me!
Not only children can be quieted
With fables.—See, he comes. Well, let him come!\textsuperscript{142}
\end{quote}

What, we may well wonder with Nathan, is the Sultan after? It is not likely to be the truth simply, for we have just heard the Sultan confess that he,

\textsuperscript{141} \textsc{Gotthold E. Lessing, Nathan the Wise} 73-74 (Bayard Quincy Morgan trans., Frederick Ungar Co. 1975) (1955) [hereinafter \textsc{Nathan the Wise}].

\textsuperscript{142} \textit{Id.} at 74-75.
as a man of affairs, does not have the time (or, we suspect, the inclination) for serious inquiry. His casualness about truth-seeking as an enterprise can be contrasted to his interest and skill in such pastimes as chess-playing. (There are indications that his chess-playing sister put him up to this particular challenge to Nathan.)

A preliminary analysis of the Nathan soliloquy can be instructive, a soliloquy which can usefully be divided into seven parts. Each of these parts should be touched upon here:

First, Nathan is surprised by the question put to him by the Sultan. He expected that he would be asked for money; instead, he is asked for truth. Is this, for the Sultan, a roundabout way of getting money without seeming either to beg or to extort?

Nathan then reflects (we can be reminded here, but barely, of Jesus' Pilate) upon the nature of truth and how it is tested and acquired. If it is like ancient coin; there is room left for "weighing" and hence judging; but if it is like modern (stamped) coin, then its determination is more "scientific" or mechanical, with less "wiggle-room" for differences of opinion in assessing intrinsic worth.

This then leads Nathan to wonder, "Which here is Jew? Which, I or he?" Does this, perhaps more than anything else said thereafter in the play, suggest what is special about Jews? Jews, more than others, think about these matters, including about matters of allegiances and, of course, about the truth.

Central to this twenty-four line soliloquy is Nathan’s cautioning himself against being ungenerous by suspecting the Sultan of using the truth merely for a trap. Would this be too small (or petty) on the Sultan’s part? But, Nathan must remind himself, rulers can be—indeed, we might add, may be obliged to be—very much concerned about petty details in some situations. Is Lessing’s audience able to observe that the Sultan is indeed being petty here, at least in his initial motivation, despite the apparent high-mindedness of his inquiry? Have Jews, because of millennia of intermittent persecution, been obliged to be suspicious when others would not be?

Then there is an awareness of the impetuousness, if not the presumptuousness, of the Sultan’s inquiry. A need for caution is again recognized by Nathan.

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143. This encounter is, for the Sultan, more like a battle than like a serious inquiry. See id. at 69 (act III, sc. 4).
144. See John 18:38.
145. We are instructed, by Socrates, about the self-preserving tactics necessary for a philosopher in the ordinary city. See, e.g., PLATO, THE REPUBLIC 496D-E, 516C, 519D, 520A-E. See also GEORGE ANASTAPLO, THE CONSTITUTIONALIST: NOTES ON THE FIRST AMENDMENT 793 (1971) [hereinafter THE CONSTITUTIONALIST].
This is followed by Nathan’s rejection of the two extreme responses that a Jew might make to the Sultan’s question, both the response of the traditional observant Jew and that of the modern secularized Jew. The first response could be offensive to the non-Jew and hence dangerous; the second could invite a call from the Sultan for conversion to Islam for the sake of domestic tranquility, since it could be politically helpful to have unity in religion in a community.

Finally, Nathan as Jew is moved to recall what other Jews have evidently turned to on such occasions: a fable is needed. That is, the truth is not to be relied upon here—at least, any truth about the superiority of Judaism—but rather the truth about how to deal with rulers if one is to preserve one’s self-respect as well as one’s life and fortune. We are reminded here of the cautiousness that is central to this soliloquy. We are reminded, also, of a comment by Leo Strauss about our playwright:

Lessing, who was one of the most profound humanists of all times, with an exceedingly rare combination of scholarship, taste, and philosophy, and who was convinced that there are truths which should not or cannot be pronounced, believed that “all ancient philosophers” had distinguished between their exoteric and their esoteric teaching.146

Can something like this also be said about Nathan? If Nathan, who is known as a wise man, had been fully free to speak his mind, what would he have said about Judaism when compared to Islam and Christianity? Or, at least, what did he “really think” about the matter?

Be all this as it may, Nathan provides a story for his ruler, just as the Biblical Nathan had done in dealing with his ruler (that is, King David). (This was, it will be remembered, in response to how David had conducted himself in pursuit of Bathsheba.)147

V.

The gem of this play, at least for popular consumption, is the story that Nathan tells the Sultan about the three rings. It is indicated that it is an old story that Nathan recalls for use in this emergency.148 Here is how the way is prepared for the story, after the Sultan returns:

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146. *Persecution and the Art of Writing*, supra note 91, at 28.
147. See 2 Samuel 11:1-27. See also *Law & Literature and the Bible*, supra note 33, at 641.
148. We can notice, in passing, that a ring also figures in *The Merchant of Venice*. See supra note 118. We should also notice some distinctive features of Nathan’s version of the story, especially when compared to Boccaccio’s version. See supra note 140.
SALADIN . . . . . I hope I come
   Not prematurely? You are at an end
   With your deliberations. Well then, speak!
   No soul will hear us.
NATHAN. Let the whole world listen.
SALADIN. So sure is Nathan of his case? Now there
   Is wisdom! Not to hide the truth! To stake
   One’s all upon it! Life and limb! One’s goods
   And blood!
NATHAN. Yes, when it’s needful and of use.
SALADIN. Henceforth I may expect to hold by right
   One of my names, Reformer of the world
   And of the law.
NATHAN. Indeed, a handsome title!
   But, Sultan, ere I draw the final veil,
   Allow me, please, to tell an ancient story.
SALADIN. Why not? I always was a friend of tales
   Well told.
NATHAN. To tell them well is not, I fear,
   My forte.
SALADIN. Proud modesty again?—Tell on! 149.

Nathan then begins to tell his story thus:

In days of yore, there dwelt in eastern lands
A man who had a ring of priceless worth
Received from hands beloved. The stone it held,
An opal, shed a hundred colors fair,
And had the magic power that he who wore it,
Trusting its strength, was loved of God and men.
No wonder therefore that this eastern man
Would never cease to wear it; and took pains
To keep it in his household for all time.
He left the ring to that one of his sons
He loved the best; providing that in turn
That son bequeath to his most favorite son
The ring; and thus, regardless of his birth,
The dearest son, by virtue of the ring,
Should be the head, the prince of all his house.—

149. NATHAN THE WISE, supra note 141, at 75. Is there an implicit threat in the Sultan’s “One’s goods and blood!”? Further on Saladin says, “Don’t trifle with me!”
You follow, Sultan.

SALADIN. Perfectly. Continue!

NATHAN. At last this ring, passed on from son to son,
Descended to a father of three sons;
All three of whom were duly dutiful
All three of whom in consequence he needs
Must love alike. But yet from time to time,
Now this, now that one, now the third—as each
Might be with him alone, the other two
Not sharing then his overflowing heart—
Seemed worthiest of the ring; and so to each
He promised it, in pious frailty.
This lasted while it might.—Then came the time
For dying, and the loving father finds
Himself embarrassed. It's a grief to him
To wound two of his sons, who have relied
Upon his word.—What's to be done?—He sends
In secret to a jeweler, of whom
He orders two more rings, in pattern like
His own, and bid him spare nor cost nor toil
To make them in all points identical.
The jeweler succeeds. And when he brings
The rings to him, the sire himself cannot
Distinguish them from the original.
In glee and joy he calls his sons to him,
Each by himself, confers on him his blessing—
His ring as well—and dies.—You hear me, Sultan?

SALADIN (who, taken aback, has turned away). I hear,
I hear you!—Finish now your fable
Without delay.—I'm waiting!

NATHAN. I am done.
For what ensues is wholly obvious.—
Scarce is the father dead when all three sons
Appear, each with his ring, and each would be
The reigning prince. They seek the facts, they quarrel,
Accuse. In vain; the genuine ring was not
Demonstrable;—(he pauses for a reply)
almost as little as
Today the genuine faith. 150

150. Id. at 75-77.
There then follows an exchange which records the Sultan's resistance to what Nathan is saying:

SALADIN. You mean this as
The answer to my question?...

NATHAN. What I mean
Is merely an excuse, if I decline
Precisely to distinguish those three rings
Which with intent the father ordered made
That sharpest eyes might not distinguish them.

SALADIN. The rings!—Don't trifle with me!—I should think
That those religions which I named to you
Might be distinguished readily enough.
Down to their clothing; down to food and drink!

NATHAN. In all respects except their basic grounds.—
Are they not grounded all in history,
Or writ or handed down?—But history
Must be accepted wholly upon faith—
Not so?—Well then, whose faith are we least like
To doubt? Our people's surely? Those whose blood
We share? the ones who from our childhood gave
Us proofs of love? who never duped us, but
When it was for our good to be deceived?—
How can I trust my fathers less than you
Trust yours? Or turn about.—Can I demand
That to your forebears you should give the lie
That mine be not gainsaid? Or turn about.
The same hold true of Christians. Am I right?—

SALADIN (aside). By Allah, yes! The man is right. I
must
Be still.151

The stage is now set for the dramatic explication of Nathan's fable:

NATHAN. Let's come back to our rings once more.
As we have said: the sons preferred complaint;
And each swore to the judge, he had received
The ring directly from his father's hand—
As was the truth!—And long before had had
His father's promise, one day to enjoy
The privilege of the ring.—No less than truth!—
His father, each asserted, could not have
Been false to him; and sooner than suspect
This thing of him, of such a loving father:
He must accuse his brothers—howsoever
Inclined in other things to think the best
Of them—of some false play; and he the traitors
Would promptly ferret out; would take revenge.
SALADIN. And then, the judge?—I am all ears to hear
What you will have the judge decide. Speak on!
NATHAN. Thus said the judge: unless you swiftly bring
Your father here to me, I'll bid you leave
My judgment seat. Think you that I am here
For solving riddles? Would you wait, perhaps,
Until the genuine ring should rise and speak?—
But stop! I hear the genuine ring enjoys
The magic power to make its wearer loved,
Beloved of God and men. That must decide!
For spurious rings can surely not do that!—
Whom then do two of you love most? Quick, speak!
You're mute? The rings' effect is only backward,
Not outward? Each one loves himself the most?—
O then you are, all three, deceived deceivers!
Your rings are false, all three. The genuine ring
No doubt got lost. To hide the grievous loss,
To make it good, the father caused three rings
To serve for one.
SALADIN. O splendid, splendid!
NATHAN. So,
The judge went on, if you'll not have my counsel,
Instead of verdict, go! My counsel is:
Accept the matter wholly as it stands.
If each one from his father has his ring,
Then let each one believe his ring to be
The true one.—Possibly the father wished
To tolerate no longer in his house
The tyranny of just one ring!—And know:
That you, all three, he loved; and loved alike;
Since two of you he'd not humiliate
To favor one.—Well then! Let each aspire
To emulate his father’s unbeguiled,  
Unprejudiced affection! Let each strive  
To match the rest in bringing to the fore  
The magic of the opal in his ring!  
Assist that power with all humility,  
With benefaction, hearty peacefulness,  
And with profound submission to God’s will!  
And when the magic powers of the stones  
Reveal themselves in children’s children’s children:  
I bid you, in a thousand thousand years,  
To stand again before this seat. For then  
A wiser man than I will sit as judge  
Upon this bench, and speak. Depart!—So said  
The modest judge.  

SALADIN. God! God!  
NATHAN. Now, Saladin,  
If you would claim to be that wiser man,  
The promised one . . .  

SALADIN (rushing to him and seizing his hand, which he retains)  
I, dust? I, nothing? God!  
NATHAN. What is the matter, Saladin?  

SALADIN. Dear Nathan!—  
The thousand thousand years your judge assigned  
Are not yet up.—His judgment seat is not  
For me.—Go!—Go!—But be my friend.  

Nathan’s story is not presented by him as an investigation into the truth of the matters touched upon, but rather it is presented for an effect, with a view primarily of escaping an imminent danger. The Sultan, as we have seen, is moved at once; he does not take time to think about what has been said. There are problems with Nathan’s story, including the implications of the deception practiced (“in pious frailty”) by the somewhat weak father who had had to have the imitations fashioned.

The story does not say—at least not openly—what is good, let alone perhaps superior, about Judaism (or about Christianity or Islam). It speaks openly only to the question of why one may, perhaps should, stick with one’s own. It suggests also how the best in each can be brought out. Much is made, in effect, of accidents of birth or of place or of class. We do know that chance
may affect one's opportunity to acquire various goods, including a proper
religion or even philosophy.¹⁵³

VI.

What, if anything, is said by Nathan's story—or perhaps by Nathan's
recourse to such a story—about the true religion or about the best way of life?
It may be at least suggested that martyrdom, or witnessing for one's faith in all
circumstances, does not have as high a status in Judaism as it is said to have
in Christianity or in Islam. Even so, Nathan does recognize, early in his
exchanges with the Sultan, that there may be occasions in which one should
"stake one's all" upon the truth—but this, it seems, is not one of them.

The wisdom of Nathan then takes a most practical turn, permitting him
to confirm the conquest he has just made (and exhibiting thereby what may be
truly superior about Jews). This follows immediately upon the passages I have
just quoted:

NATHAN. Nought else
    Had Saladin to tell me?

SALADIN. Nought.

NATHAN. Nought?

SALADIN. Nothing.—
Why ask?

NATHAN. May I seek opportunity
    To ask a favor?

SALADIN. And for that you need
    An opportunity? Speak out!

NATHAN. I have returned
    From distant parts, where I collected debts.—
    I've almost too much cash on hand.—The times
    Are once more looking doubtful;—and I know
    Not rightly where to find security.—
    I wondered, then, if you perhaps—because
    Prospective war needs money more and more—
    Could use some.

SALADIN (looking him fixedly in the eye). Nathan!—
    I'll not ask you if
    [My treasurer] has been with you;—nor explore

¹⁵³. On standing by one's own, see LEO STRAUSS, Why We Remain Jews, in JEWISH
PHILOSOPHY AND THE CRISIS OF MODERNITY: ESSAYS AND LECTURES IN MODERN
JEWISH THOUGHT 311-356 (Kenneth Hart Green ed., 1997) [hereinafter JEWISH PHILOSOPHY
AND THE CRISIS OF MODERNITY].
If some suspicion urges you to make
This voluntary offer . . .
NATHAN. A suspicion?
SALADIN. I'd be to blame—Forgive me!—What's the use?
  I must confess to you—I was indeed
Intending—
NATHAN. Surely not, the selfsame thing
  To ask of me?
SALADIN. Quite so.
NATHAN. Then both of us
  Are helped at once! . . .

Certainly, the Sultan learns that not only is Nathan shrewd, but also that his shrewdness inclines him to be as helpful as he can honorably be to his rulers, or at least to this Sultan.

It must not be forgotten that Nathan himself, in his soliloquy, characterizes the story he is about to tell the Sultan, as a fable, of the kind of story needed to quiet children. This characterization obliges one to wonder, again: What does Nathan himself really believe about the relative merits of the three great religions set before him by the Sultan?¹⁵⁵

Is it not accepted throughout the play that these religions are clearly superior, both to the pagan religions that they superceded, and to the heathen religions then found in Africa and in Asia? What, if anything, is suggested about how these three religions, which are grounded in Biblical revelation, compare to philosophy?

Philosophy aside, at least for the moment, what, if anything, does Nathan say covertly, or esoterically, about the relative merits of the three religions he is asked about? What, for example, does Judaism do or hold that the other two do not? What is being said about Jews in this play—aside from the fact that they are shrewd and proud (or "chosen") and that they tend to prosper? Is there something about the Jews which is likely to leave them vulnerable in any country where Jews do not rule?

How, then, are most Jews left by this play? Consider, for example, the effects of Plato's Crito and of Lessing's Nathan the Wise: the Athenians are in effect told by Socrates that only well-behaved laws (which provide for an opportunity for would-be critics either to criticize or to leave) need be obeyed; the Germans are in effect told by Lessing that only Jews as well behaved as Nathan need be tolerated (or so it must seem to many).¹⁵⁶

¹⁵⁴. NATHAN THE WISE, supra note 141, at 80-81.
¹⁵⁵. That is, what, for Nathan, distinguishes a fable from the true revelation?
¹⁵⁶. See THE CONSTITUTIONALIST, supra note 145, at 503 n.12.
VII.

I return to Shakespeare and the paradox with which I opened—I return by way of another Jew, Sir Yehudi Menuhin. A former law student of mine called from London (during the 1996-1997 Christmas season) to tell me about a televised interview of Menuhin, which he had just watched. The violinist had been asked if he was troubled, as an interpreter of great German composers, that so much anguish had been caused his people by so cultured a people as the Germans during his lifetime. He was troubled, of course, by the anguish, but he did not believe that should keep him from working with the best that any people had to offer. He was then asked whether he believed that there could happen in England what had happened in Germany. Menuhin thought not. Why not? Because Shakespeare taught us better: he taught us not to succumb to ugly passions and ugly men.

The former student who telephoned me was moved to do so because of a thesis I had developed in our constitutional law course, a thesis drawn upon in the opening paragraphs of my commentary on the Constitution:

The American people, as a people, have had a dozen or so constitutions—if by constitution we mean that recognized body of principles which defines a community and guides its conduct. These constitutions, which are interrelated and overlapping, direct the American people to this day. A constitutional roll-call can remind us of what we are all, in one way or another, aware of.

The first constitution, in the broadest sense of the term, of the Americans is one shared with millions of people in what was once the British Empire, now the Commonwealth of Nations. I refer to the language of the English-speaking peoples. This language has been decisively shaped, for moral and political purposes, by William Shakespeare and the King James version of the Bible.

The English language is, so to speak, the sea in which we swim, a sea taken so much for granted that it is rarely regarded as decisive in the constitutional workings of our people. It provides a special guide not only to political matters but also to the human ends that political life ultimately serves. Is it possible to have a sustained constitutionalism on a large scale in the modern world
wherever the political and human sensibilities of a people have not been shaped by the language (that is, the thought) of a Shakespeare?

Or, put another way, it is difficult for tyranny to speak persuasively in English. Thus, neither Lenin nor Hitler translates easily into American thought: it can even be hard for us to see why such leaders can be taken seriously, except by the most desperate peoples.157

It should be useful to compare the long-term effects of Shakespeare and of Lessing. A beginning of such a comparison may be seen in the observation that Shakespeare is healthier, especially in love matters (however troublesome he too may sometimes be). This, in turn, may be because Shakespeare’s underlyin view of nature and virtue is sounder, so much so that one has to wonder how he was misled about the Jews (whom he did not know personally, it seems). Since the Jews were evidently not known personally to Shakespeare, can it be wondered further whether Shylock is treated roughly not as a Jew, but as some stock character adapted from others as ignorant as, but more malicious than, Shakespeare? One somewhat redeeming feature of Shakespeare’s Jewish villain, however perverse this may also be, is that he prefers his revenge to three times the money he has “invested” in his plot.

On the other hand, there is something perverse as well about what Lessing does to the would-be lovers in Nathan the Wise: he turns them into brother and sister. (It can even seem like a variation upon a Gilbert and Sullivan plot.) Is not a kind of incest at work here? Even so, Lessing can be thought of as someone who sensed his limitations; after all, he is known to have advocated that the German theatre become more Shakespearean. Besides, it was not because of Lessing, but in spite of Lessing, that the Germans had in their tradition so powerful a strain of hatred of the Jews, a strain which, evidently, was in part the doing (or the undoing) of a Martin Luther who came to be frustrated (if not even embittered) by the failure of his confident campaign to “convert the Jews.” Perhaps Lessing, aware of how that failure had corrupted Luther, wanted to show how another powerful leader (Saladin) could be elevated in his failure.

The lessons taught by Shakespeare—as well as the “sensibility” he helped shape—make for decent human relations and healthier politics than may

157. THE CONSTITUTION OF 1787, supra note 100, at 1; see also supra note 100. Winston Churchill had said something similar to the Menuhin reassurance when he predicted that socialism would not become as oppressive in Great Britain as it had become in Russia and elsewhere.
generally be found elsewhere. The virulence of the hatred of Jews has no enduring place in the Shakespearean world: that is, Shakespeare himself helps create and nourish that proper climate of opinion in which such aberrations as *The Merchant of Venice* can be seen and disposed of for what they are. The noble-minded Lessing, on the other hand, could go only so far, with his tolerant *Nathan the Wise*, in reforming that German spirit which later obliged Friedrich Nietzsche to report that he personally had never known a German who liked the Jews. But, then, were most Germans ever capable of truly seeing the Jews once Germany had been shaped as she was in her formative years by misguided, and hence misguiding, leaders?158

4. JOHANN WOLFGANG VON GOETHE (1749-1832)

Abasht the Devil stood,
And felt how awful goodness is, and saw
Virtue in her shape how lovely, saw, and pin'd
His loss . . .

— John Milton160

I.

The most recent edition of the *Encyclopedia Britannica*, in its entry on Mephistopheles, tells in this way the old story of Johann Faust:

Mephistopheles, also called Mephisto, familiar spirit of the Devil in late settings of the legend of Faust. It is probable that the name Mephistopheles was invented for the historical Faust by the anonymous author of the first *Faustbuch* (1587). Faust, in the tradition, is said to have referred to the devil once or twice as his Schwager ("crony" or "brother-in-law"). A latecomer in the infernal hierarchy, Mephistopheles never became an integral part of the tradition of magic and demonology that predated him by thousands of years. He is mentioned only in the magic manuals attributed to Faust. He belongs essentially to

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159. A talk given for the Basic Program Weekend Conference, The University of Chicago, at the Alpine Valley Lodge, East Troy, Wisconsin, May 18, 1980. See infra note 217. (The original title of this talk was "Goethe’s Faust: The Architecture of Numbers.")

160. JOHN MILTON, PARADISE LOST, IV, 846–49.
literature. In *Doctor Faustus* (1604), by the English
dramatist Christopher Marlowe, Mephistopheles achieves
tragic grandeur as a fallen angel, torn between satanic pride
and dark despair. In the drama *Faust* (Part I, 1808; Part II,
1832), by J.W. von Goethe, he is cold-hearted, cynical and
witty—perhaps a more subtle but certainly a slighter creation.
At the end of Goethe’s drama, Faust’s soul escapes from
Mephistopheles while he is making improper advances to
the angels that have come to rescue it.161

Whatever Marlowe’s limitations—and these would include his inability
to avoid having “atheistic features” detected in his work—there is evident in
that Elizabethan’s work a seriousness somehow different in, if not absent from,
Goethe’s.162 This may be seen, for example, in Faust’s fate. In Marlowe’s
account, Faust’s last speech (a long one) reeks of despair; and it ends, as devils
approach to seize him,

Adders and serpents, let me breathe awhile!  
Ugly hell, gape not—come not, Lucifer—
I’ll burn my books—ah, Mephistophilis!163

Quite different is Faust’s last speech in Goethe’s account, which concludes,

Foretasting such high happiness to come,
I savor now my striving’s crown and sum.164

—whereupon Faust dies, to have his soul contended for between
Mephistopheles and the victorious heavenly angels.

There is a vast difference between an account such as Marlowe’s which
has Faust irrevocably lost—lost in accordance with expectations developed
throughout the play—and an account such as Goethe’s which has Faust
redeemed, in the face of the traditional expectations associated with the kind
of life he had led and with the kind of pact he had made with the forces of
darkness.165 But, the reader of Goethe notices, the forces of darkness are not
as dark as they used to be. Thus, critical to the story of Faust as developed by
Goethe is the character of Mephistopheles. And examination of that character

162. *See, e.g.*, JOHANN WOLFGANG VON GOETHE, *Faust* 476 (Walter Arndt trans., Cyrus
in John Milton’s work, see supra Part 1 of this Collection.
163. CHRISTOPHER MARLOWE, *DOCTOR FAUSTUS* 78 (Louis B. Wright ed., Washington
Square Press 1959) (sc. XIV, ll. 130-32) [hereinafter *DOCTOR FAUSTUS*]. On Marlowe’s *Doctor
Faustus*, see supra note 38.
165. *See supra* text accompanying note 30.
is necessary if one is to understand what does and does not happen in Goethe's story, whatever risks any sustained exposure to Mephistopheles may pose to one's soul.

When Mephistopheles first appears in Marlowe's play, it is as a devil, to which there is this response by Faust:

I charge thee to return and change thy shape;
Thou art too ugly to attend on me.
Go, and return an old Franciscan friar;
That holy shape becomes a devil best.166

Thus, the ugliness of Marlowe's Mephistopheles is evident from the outset: Faust cannot bear the sight of him as he truly is. In Goethe's account, on the other hand, Mephistopheles appears first as a black poodle. This is evidently Goethe's invention.167 This poodle is then transformed into a hippopotamus and then into an elephant, before it steps forward "dressed as a travelling scholar" and asks of Faust, who has been using his incantations to summon the devil, "Why all the fuss? What's milord's pleasure, pray?"168 We are thus introduced to Faust's debonair, witty companion.

Marlowe's apparently greater seriousness is seen not only in the unmistakable ugliness of Mephistopheles but also in the ugliness of Hell itself, an ugliness which is related to Mephistopheles's recognition of what it is that the sinful have lost. Consider the following exchange between Faust and Mephistopheles in Marlowe's account:

F: ... Tell me what is that Lucifer thy lord?

M: Arch-regent and commander of all spirits.

F: Was not that Lucifer an angel once?

M: Yes, Faustus, and most dearly loved of God.

F: How comes it then, that he is prince of devils?

M: O by aspiring pride and insolence
    For which God threw him from the face of heaven.

F: And what are you that live with Lucifer?

166. DOCTOR FAUSTUS, supra note 163, at 15 (sc. III, ll. 26-29).
167. See FAUST (Norton edition), supra note 162, at 28 n.9. See also id. at p. 510-11.
168. Id. at 32.
M: Unhappy spirits that fell with Lucifer,
Conspired against our God with Lucifer,
And are forever damned with Lucifer.

F: Where are you damned?

M: In hell.

F: How comes it, then, that thou art out of hell?

M: Why, this is hell, nor am I out of it:
Thinkst thou that I who saw the face of God
And tasted the eternal joys of heaven
Am not tormented with ten thousand hells
In being deprived of everlasting bliss?
O Faustus, leave these frivolous demands
Which strike a terror to my fainting soul! 169

Is there anything in Goethe with the dreadful poignancy of these lines by Mephistopheles?

Thinkst thou that I who saw the face of God
And tasted the eternal joys of heaven
Am not tormented with ten thousand hells
In being deprived of everlasting bliss? 170

Substituted for this in Goethe's account is the pathos of the abandoned Gretchen and her remorseful lover, Faust. But, here too, it seems to me, there may be a difference—the difference between the serious and the sentimental.

Be all this as it may, the devil does not have in Goethe the stature he has in Marlowe. 171 Thus, Mephistopheles is more agreeable to Faust's sight than is the earth spirit which first appears to him. 172 Thus, also, Mephistopheles can lament (in perhaps his longest speech) that nowadays there are many ways to evade the devil's clutch; the old way has changed. 173 Indeed, it can be suggested, there is no "real" Lucifer in Goethe's story. 174 Nor can one take

169. DOCTOR FAUSTUS, supra note 163, at 17-18 (sc. III, ll. 70-95).
170. Id. at 17 (sc. III, ll. 90-93). See also supra text accompanying note 38.
171. And, for that matter, the devil does not have in Goethe the stature he has in Milton. See supra text accompanying note 30.
172. JOHANN WOLFGANG VON GÖETHE, FAUST 101 (Walter Kaufmann trans., Doubleday & Co. 1961) (1833) [hereinafter FAUST (Kaufmann translation)].
173. FAUST (Norton edition), supra note 162, at 295-96 (ll. 11, 611-75).
174. Id. at 511.
seriously, in his story, the talk of Faust’s eternal damnation.\textsuperscript{175} This is a long
way not only from Marlowe but, perhaps even more important, from the
tradition in which Marlowe’s play is rooted. The English tradition is reflected
in what is said about the fiend in works as diverse as Piers Plowman\textsuperscript{176} and
Shakespeare’s Macbeth, where we are reminded of “the equivocation of the
fiend.”\textsuperscript{177}

It is the unsophisticated Margarete, in Goethe’s Faust, who retains the
traditional repugnance toward the devil. She is again and again repelled by
Mephistopheles; she cannot abide the sight nor presence of him.\textsuperscript{178} But hers
is not the attitude toward him which dominates the work. Rather, the work is
such that it can be understandably described, by a sensitive student of modern
literature, as incorporating a “Satan-seeking frivolity.”\textsuperscript{179} This same student
can refer to Goethe’s Faust, called by her “the German national poem,” in
these terms: as a piece of art, it is shoddy; as a national treasure (rallying
point), it is shameful.\textsuperscript{180} Whether Faust should be a national treasure is a
question that would take us far afield. Still, it should be noticed that the great
German-Jewish poet, Heinrich Heine did observe that “the German people is
itself that learned Doctor Faustus.”\textsuperscript{181} But, unfortunately for both the Germans
and their neighbors, the Germans, unlike the English, were not taught that
Faust’s way is destructive.\textsuperscript{182} It should also be noticed that Germans of our
day have manifested some doubt about the sensibleness of Faustian
adventures. Thus, there has been reported “a marked decline in a number of
studies which have been published on Faust in Germany since 1945,” a
decline which is associated “with their recent political past.”\textsuperscript{183} A better
“national poem” for the Germans, I presume to suggest, would have been
Gotthold Lessing’s Nathan the Wise, the story of a noble and thoughtful Jew—a
story which teaches lessons of compassion not unlike those taught us by Mark
Twain’s Huckleberry Finn.\textsuperscript{184} I mention in passing that Shakespeare’s
equivalents to Faust and Mephistopheles may be Prospero and Iago. Do we

\textsuperscript{175} Id. at 513.
\textsuperscript{176} See, e.g., WILLIAM LANGLAND, PIERS PLOWMAN pas. XIV, sc. 27, l. 215f, pas. XVI,
sc. 36, ll. 41f, 54 149f, 318f, pas XX, sc. 50-60, l. 63f (trans. Henry W. Wells, 1935).
\textsuperscript{177} WILLIAM SHAKESPEARE, MACBETH act V, sc. 5. See also id. at act V, sc. vii-viii.
\textsuperscript{178} See, e.g., FAUST (Kaufmann translation), supra note 172, at 329, 421.
\textsuperscript{179} EVA T.H. BRANN, PARADOXES OF EDUCATION IN A REPUBLIC 76 (1979).
\textsuperscript{180} Id.
\textsuperscript{181} FAUST (Norton edition), supra note 162, at 370. On Heine and Moses, see Law &
Literature and the Bible, supra note 53, at 608, 609.
\textsuperscript{182} Consider the Faustian lessons for modern Germany in THOMAS MANN, DOCTOR
FAUSTUS: THE LIFE OF THE GERMAN COMPOSER ADRIAN LEVERKUHN AS TOLD BY A FRIEND
\textsuperscript{183} FAUST (Norton edition), supra note 162, at 371.
\textsuperscript{184} See supra Part 3.
not get a suggestion from *The Tempest* how Prospero would have handled someone such as Iago, someone as evil as the Devil was once known to be?^{185}

We put aside the question of whether Goethe’s *Faust* is “shameful” as a people’s standard. What about the question of whether it is “shoddy” as a piece of art? Much of what contributes to its artistic effect we cannot appreciate—that is, the language in which it is composed, a language which is, by all accounts, amazingly diverse and engaging. But the shoddiness that some complain of has to do with the way in which the work is constructed, with how it is put together—whether, indeed, the two Parts do fit together—and this, perhaps, we can say something about.

II.

It will be useful, in beginning our inquiry into how the work as a whole is put together, to approach the work from the perspective of one interested in the treatment and doings of Mephistopheles. Other approaches could also be useful for this purpose. But it should be evident enough from what I say about Mephistopheles’s role that the work may be more carefully, and hence more artfully, wrought than at first appears.

I have in my comments on Mephistopheles, thus far, emphasized how he differs in Goethe’s account from his appearance in Marlowe’s. I should now like to remind you of just what is said about him (often by Mephistopheles himself) in Goethe’s account. Not only should this help us in our effort to make sense of the whole work, but it should also help us understand one of the critical characters in this world-famous work. That Mephistopheles is critical is suggested by the fact that he has, in Goethe’s work, some one hundred more speeches than does Faust himself.\^{186} In addition, there are nine scenes in which Mephistopheles appears without Faust, while there are only five scenes in which Faust appears without Mephistopheles.\^{187}

Mephistopheles can be seen to respond to the baser side of Faust, perhaps somewhat as a bad (but interesting) companion might.\^{188} But at the deeper level of the plot, at least in Part I of the work and again at the end of Part II, we can see an alliance of Faust and Gretchen against Mephistopheles.\^{189}

\^{185} See *The Artist as Thinker*, supra note 10, at 21, 242, 389; see also supra text accompanying note 31.

\^{186} According to my count, Mephistopheles has 458 speeches, Faust has 346 speeches.

\^{187} In Marlowe’s play, there is none of its fourteen scenes in which Mephistopheles appears without Faust.

\^{188} See *Faust* (Norton edition), supra note 162, at 504.

\^{189} See id. at 521.
Mephistopheles, we are told, would do evil, but he serves the good. He is the spirit that negates, so much so that he considers that it would have been even better if there had never been any world at all, whatever that could mean. Perhaps this is why he can be called a "peculiar son of chaos." He is also known as "the Lord of Lies," the "Spirit of Contradiction". He knows much, but is not omniscient. He gladly toasts something called "freedom". His minions seek "pleasure and deed." He himself sees all as "subject to annihilation"; the meaningless of things impresses him. Certainly, his own existence has become dubious, if only because the devil "no more shocks." The most he can do is offer ever-new pleasures.

But he does not seem to be surprised that he is regarded as a liar and a sophist by Faust. It has been said that Voltarian irony in Goethe went into the making of Mephistopheles. A contemporary of Goethe’s, Madame de Stael, could sum up Mephistopheles thus:

... Goethe wished to display in this character, at once real and fanciful, the bitterest pleasantry that contempt can inspire, and at the same time an audacious gaiety that amuses. There is an infernal irony in the discourses of Mephistopheles, which extends itself to the whole creation, and criticizes the universe like a bad book of which the Devil has made himself the censor.

190. See FAUST (Kaufmann translation), supra note 172, at 159.
191. See the opening lines of the Politics and of the Nicomachean Ethics of Aristotle. See also ARISTOTLE, supra note 96. On the Good, see THE THINKER AS ARTIST, supra note 18, at 309.
192. See FAUST (Kaufmann translation), supra note 172, at 161.
193. Id. at 163.
194. Id. at 195. See supra text accompanying note 46.
195. Id. at 373.
196. Id. at 177.
197. Id. at 273.
198. Id. at 179.
199. Id. at 171.
201. See id. at 53.
202. See id. at 112. See also 1 JOHANN WOLFGANG VON GOETHE, FAUST 252-54 (Bayard Taylor trans., Houghton, Osgood and Co. 1879) (1833) [hereinafter FAUST (Taylor translation)]; 2 id. at 451, 454-55; FAUST (Norton edition), supra note 162, at 509.
203. See FAUST (Kaufmann translation), supra note 172, at 25.
Milton has drawn his Satan larger than man; Michelangelo and Dante have given him the hideous figure of the brute combined with the human shape. The Mephistopheles of Goethe is a civilized Devil. He handles with dexterity that ridicule, so trifling in appearance, which is nevertheless often found to consist with a profundity of malice; he treats all sensibility as silliness or affectation; his figure is ugly, low, and crooked; he is awkward without timidity, disdainful without pride; he affects something of tenderness with the women, because it is only in their company that he needs to deceive, in order to seduce; and what he understands by seduction, is to minister to the passions of others; for he cannot even imitate love. This is the only dissimulation that is impossible to him.\textsuperscript{205}

We shall return to some of Madame de Stael's points, including her observations about love. The power of love is suggested in Goethe’s \textit{Faust} not only by the redemption secured by Gretchen for Faust, but also by the lecherous distraction which diverts Mephistopheles from securing Faust's soul.

The traditional contract between Faust and Mephistopheles is turned by Goethe into a wager.\textsuperscript{206} This reflects, in effect, a kind of wager earlier entered into between God and Mephistopheles in the Prologue in Heaven, at the end of which Mephistopheles can refer to God as “the Old Man.” God, we are told, does not hate Mephistopheles' type.\textsuperscript{207} Mephistopheles' concluding speech, in that prologue, papers over the deep chasm we have been taught exists between good and evil.\textsuperscript{208} We are much more relaxed and sophisticated about such matters, as may be seen in Bernard Shaw's \textit{Don Juan in Hell} and in the movie, \textit{Bedazzled}.\textsuperscript{209}

Despite the learning and brilliance evident in Goethe's work—qualities which can coexist, of course, with shallowness and superficiality—the drama looks at first like a hodge-podge, indeed quite like something which was written in bits and pieces over six decades. It is quite different in this respect from other long masterworks that we know—such as Homer's great poems, Dante's \textit{Divine Comedy}, Milton's \textit{Paradise Lost}, or Tolstoy's \textit{War and Peace}.\textsuperscript{210}

\begin{thebibliography}{20}
\bibitem{faust} \textit{Faust} (Norton edition), \textit{ supra} note 162, at 441-42.
\bibitem{id} \textit{See id.} at 513-14. Compare with Blaise Pascal's “Wager.”
\bibitem{faust Kaufmann} \textit{See FAUST} (Kaufmann translation), \textit{ supra} note 172, at 89. Compare the “wager” between God and Satan in the \textit{Book of Job}. On \textit{Job}, see \textit{Law & Literature and the Bible}, \textit{ supra} note 33, at 680.
\bibitem{faust Kaufmann} \textit{See FAUST} (Kaufmann translation), \textit{ supra} note 172, at 91. Compare the last canto of \textit{DANTE}, \textit{ infra} note 1219, at 421.
\bibitem{faust Kaufmann} \textit{See FAUST} (Norton edition), \textit{ supra} note 162, at 310; 3 \textit{GEORGE BERNARD SHAW, Don Juan in Hell}, in \textit{COMPLETE PLAYS WITH PREFACES}, \textit{ infra} note 707.
\end{thebibliography}
Goethe’s work requires ordering, whether by means of a reconstruction which consists of discerning the artist’s plan or by means of a construction which consists of making clear what the artist himself did not perceive. Marlowe’s play is, on its face, fairly simple; Goethe’s is much more intricate and involved. Not only is reconstruction invited, but one is almost obliged to become an artist in one’s efforts to make sense of the whole, a whole in which Goethe draws upon much of Western Civilization. Thus, one can see in any careful study of Goethe’s Faust, the Critic as Artistic Thinker.211 Reconstruction is also invited by what Goethe himself has said about, not only within, this work. He insisted, long before the work was finished, that there was an “idea” for the work as a whole.212 He spoke of the work as growing, with all the parts contributing to the organic whole and assuming their true significance in light of the whole.213 Goethe recognized there were loose ends in his Faust, and although he does argue on another occasion that the more incomprehensible a poem is, the better, he could also insist, “There is more than people think in these matters of sense. . . .”214 Of course, as students of Aristotle’s Poetics know, it is not sufficient to be able to discern that which makes sense of a work that appears chaotic—is the chaotic appearance somehow a mark of deference toward Mephistopheles’s view of the world?—but a well-wrought work should also have the appearance of unity. This is related to the question of a work’s magnitude, a magnitude which may make it seem too long and disorganized, with its unity more intellectual than artistic.215

Certainly there is for Goethe the problem faced by any poet, the fact that (as Edgar Allen Poe noticed) any long poem risks loss of unity.216

III.

Let us recognize at the outset of our reconstruction of Goethe’s Faust an obstacle: we cannot move in and out of this work the way the Germans do, the way we move in and out of Shakespeare or even Homer. Let us recognize, also, that what I have said about the complicated, if not chaotic, appearance of the work as a whole may be due in large part to our own inexperience with the

210. See, e.g., The Thinker as Artist, supra note 18, at 13, 27; supra Part 1, infra Part 12.
211. See The Artist as Thinker, supra note 10, at 249.
212. See Faust (Norton edition), supra note 162, at 532.
213. See id. at 533.
214. See Faust (Everyman edition), supra note 200, Introduction, at vi; See also Letters and Conversations with Eckerman, in Faust (Norton edition), supra note 162, at 418, 426.
216. See Faust (Kaufmann edition), supra note 172, at 46.
Thus, there has been challenged the generally prevailing notion that "the connection between the two parts of Faust is extremely tenuous."217 Rather, it is argued, there is the deliberate counterbalancing of scene against scene; there is in addition what has been called linguistic intercommunication.218 That is, the use of language in one part echoes uses elsewhere. "What is being shown forth there, through an individual case at a particular time," it has been argued, "is Western Man himself, as he has become and as he now is, heir of all that he has ever been."219 It has also been argued that there is "an initial set of basic themes [in Part I] that are carried through the whole drama . . . "220 "In both Parts I and II there is . . . an articulation of scenes into groups, sometimes, as here, centering about a point, at other times in parallel series, never mechanical or routinely repetitive, never forcing a symmetry, always the work of a presiding genius for whom form is the direct outcome and expression of function."221

The critics who defend the unity of the work recognize why it is that "the Second Part is virtually declared to be a secondary, unimportant work, chaotic in detail and without any consistent design as a whole; in short, the mistake of Goethe's old age."222 One such defender argues that the work really is "the conception of his prime, partly written, and entirely planned, before the publication of the First Part."223 Another defender argues, "Both Parts are symmetrical in their structure. The First moves with deliberate swiftness from Heaven through the world to Hell; the Second returns therefrom through the world to Heaven."224

Whatever differences of opinion there may be about the work as a whole, there is general concensus that the First Part has merits of its own, especially the story of the relations of Faust and Gretchen. That part possesses us, it is said, independent of the rest, partly because it was written without regard for

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219. See id. at 552.


221. Id. at 559.

222. See 2 FAUST (Taylor translation), supra note 202, at 1.

223. Id.

224. 2 Note to FAUST (Taylor translation), supra note 202, at 1.
the needs of the entire work.\textsuperscript{225} It is not an accident, it is added, that the rest of \textit{Faust} tends to be forgotten by the typical reader. (It is the First Part which has been incorporated in opera, for example.) Thus, the Gretchen scenes have been shown to have been put together most symmetrically, turning around the "Forest and Cavern" scene, with scenes on either side of that one pairing off as counterparts to each other.\textsuperscript{226}

But such symmetry, I suggest, is not limited to the Gretchen scenes. Rather, the work as a whole exhibits some intriguing symmetries. But, one must at once add, there is some difference of opinion among the editors (as may be seen in the various editions available in English) as to how the German text should be divided up. Take, for example, the Everyman Library edition. These are, in the First Part, twenty-five scenes set forth in this version; and there are, in the Second Part, twenty-seven scenes set forth, assuming that the Classical Walpurgis Night found in Act II is divided into the five scenes that seem to be there indicated. This division of Parts I and II into twenty-five and twenty-seven scenes respectively conforms substantially to what the reader can himself notice upon going through any standard edition of the work.\textsuperscript{227}

The German texts I have consulted do not resolve the differences here.\textsuperscript{228} It is evident that it is not a primary concern of all editors to mark clearly the different scenes. This leads to inconsistencies, with no scene change being indicated in the text while a change is indicated at the top of the pages.\textsuperscript{229} But, still, it seems to be generally (although not universally) agreed that there are

\begin{itemize}
\item[\textsuperscript{225}] See Barker Fairley, \textit{The Gretchen Tragedy and Young Geothe}, in \textit{FAUST} (Norton edition), \textit{supra} note 162, at 519.
\item[\textsuperscript{226}] See Harold Jantz, \textit{Patterns and Structures in Faust}, in \textit{FAUST} (Norton edition), \textit{supra} note 162, at 557-59. To make it come off exactly right, "Garden Pavilion" is treated as appended to "Garden." Whether one agrees with the use of this appendage, there is something to these pairings.
\item[\textsuperscript{227}] I say "substantially" because a question can be raised as to whether there should be a third scene in Act III of Part II and as to whether the second scene in Act V of Part II ("In the Little Garden") should be cut out. I tend to favor the arrangement found in the Everyman Library Edition: that is, the "Little Garden" should be kept, whereas the suggested third scene in Act III of Part II is illusory. See \textit{FAUST} (Everyman edition), \textit{supra} note 200. In the Norton Critical Edition at page 214, Act III is divided into two scenes according to the headings at the top of the pages; but at page 214, note 2, reference is made to the three sections of this Act—but "sections" may not be the same as "scenes"? See \textit{FAUST} (Norton edition), \textit{supra} note 162, at 243 ("The scene changes completely."). The Norton Critical Edition is not precise enough, however: it should have "Martha's Garden" at the top of page 85, "Laboratory" at the top of pages 173, 175, and "Parsalion Fields" at the top of page 177. Also illusory, and certainly not to be regarded as a different scene, is where the drunkards in "Auerbach's Cellar" are led to believe that they have been transported to a vineyard.
\item[\textsuperscript{228}] One was published by the Veb Bibliographisches Institut, in Leipzig, in 1959; another was published by Worker Verlag, in Munich, in 1977.
\item[\textsuperscript{229}] See, for example, pages 371, 382-83, and 386-87 in the Veb Bibliographisches Institut text.
\end{itemize}
twenty-five scenes in Part I and about twenty-seven scenes (and certainly five acts) in Part II. A disputation scene is said to have been intended for Part I, but it was never written, it seems. But such speculations are unending, especially when one deals with a work anticipated and written over half a century.

What does seem to be evident, no matter what division is resorted to, is that there are about two dozen scenes in the first part and about two dozen scenes in the second part. Is it not odd that there should be such balance in a work that is regarded as somewhat out of control? Another interesting touch is that the Second Part should be, in number of lines, twice the length of the First Part.

IV.

One of the English translators of Faust, Louis MacNeice, himself a distinguished poet, has observed, "While everyone agrees that Part II is incoherent, I am not of those who find all its incoherences profound." But, on the other hand, there is the assurance implicit in the words of Goethe to Schiller in 1798, when he explained, "The old and very confused manuscript still on hand has been copied, and the parts arranged in separate boxes and numbered according to a detailed scheme..." This tends to support my suggestion that we are invited to make something of the fact that the number of scenes in the two parts of this work are comparable.

There would be something "neat" if twenty-five and twenty-seven should be the numbers we have to work with in ordering the First and Second Parts of this work. We notice that there are two scenes before the beginning of

230. The Munich edition (cited supra note 228) is essentially like the Everyman Library edition (cited supra note 200), except that there are three scenes (not two) in Act III of Part Two and there are seven scenes (not eight) in Part Two (cut out is "In the Little Garden"). See FAUST (Kaufmann translation), supra note 172, at 57-60; Compare. FAUST (Norton edition), supra note 162, at 557-59.

231. See Cyprus Hamin, Interpretive Notes, in FAUST (Norton edition), see supra note 162, at 314-15; From Goethe's Correspondence with Schiller, 1794-1801, in FAUST (Norton edition), see supra note 162, at 411-12.

232. Thus, I have seen it reported that the "Walpurgis Night Dream" (in Part I) was not originally intended by Goethe, but that it was induced by Lessing. Kaufmann speaks of the "Classical Walpurgis Night" in Act II, Part II, both as one scene and as more than one; the running heads in the Norton Critical Edition (cited supra note 162) show this as five different scenes. Consider, also, what is done with the "Inner Court of the Castle" in Act III, Part II.

233. See FAUST (Norton edition), supra note 162, at 10, 117, 118, 308. Part I includes lines 354-4,612; Part II includes lines 4,613-12,111.


235. From Goethe's Correspondence with Schiller, 1794-1801, in FAUST (Norton edition), supra note 162, at 409-10.
Part I, the Prelude at the Theatre and the Prologue in Heaven. That leaves us with twenty-seven scenes before and during the First Part and twenty-seven scenes during (and, in a sense, after) the Second Part. (There is also a dedication, but that is not a scene: there is no dialogue in it; and it is evident that it applies as much, perhaps even more, to the second part. Indeed, it could well go between the two parts of the entire work.)

But we need not be dependent upon the precise number of scenes, especially in the Second Part where they are harder to determine. The twenty-seven and twenty-seven lineup, however tentative, suffices to point us to a suggestive feature of Goethe’s arrangement: there are two scenes in Faust before Faust himself appears, the Prelude at the Theatre and the Prologue in Heaven; and there are two scenes after Faust dies (after, that is, he makes his final speeches), the Burial scene and something called “Mountain Defiles, Forest, Rock, Wilderness.” Or put another way, the play opens with a pair of scenes; it then explores several themes, working primarily from a “private” and perhaps modern perspective, through two dozen scenes, culminating in the death of the principal female character; it then explores the same themes, working primarily from a “public” (and ancient?) perspective, again through two dozen scenes, culminating this time in the death of the principal male character; thereupon the play closes with a pair of scenes.

If all this is so, then we must suspect the work is much more tightly organized than it seems at first reading. But we should be cautious, testing further the construction we have put upon the arrangement of the scenes thus far. We may do so by examining the first and last scenes in which Mephistopheles appears. If we can thereby be instructed about the organization of the work as a whole, we can see that Mephistopheles can indeed lead us to the good in spite of himself.

V.

I should like now to look in some detail at the second scene, the Prologue in Heaven, and at the next-to-last scene, the Burial.

But before doing so, I must notice that some critics have linked not these two scenes, but rather the Prologue in Heaven and the very last scene, “Mountain Defiles, Forest, Rock, Wilderness” (which some call “The Epilogue in Heaven.”)\(^\text{236}\) Thus, one critic has observed that “it must be emphasized that the final scene, ‘Mountain Gorges’ constitutes a separate epilogue to the drama, balanced as frame intentionally with the ‘Prologue in Heaven,’ and it

\(^{236}\) Introduction to 2 FAUST (Taylor translation), supra note 202, at viii; see also Cyrus Hamin, Interpretive Notes, in FAUST (Norton edition), supra note 162, at 310.
raises problems of interpretation quite separate from Act V itself." Another critic suggested that the Poet in the Dedication should be considered parallel to Faust's last reflections; the Prelude in the Theatre to the Burial; the Prologue in Heaven to the Mountain Gorges, etc. There is not (in this scheme) a reversal of the order at the end for the sake of symmetry; that would be artistically bad, it is further suggested.

But are there not critical similarities between the Prologue in Heaven and the Burial scenes? A parallel is indicated by still another critic, but evidently on grounds which permit him to intermingle somewhat the last three scenes. The grounds advanced by others here are vague, if not uncertain, perhaps relying more upon a kind of intuition than upon the details of the scenes.

The details of these scenes include the following: Both the Prologue in Heaven and the Burial scenes have Mephistopheles in them and not Faust; in fact, these are the first and last scenes in which Mephistopheles appears. In each scene, Mephistopheles has eight speeches—this is what first called my attention to these scenes as perhaps worthy of further investigation, a coincidence which was markedly reinforced for me when I noticed that there are nineteen speeches in each scene. I then noticed that there are four speeches in each scene before Mephistopheles first speaks, and that once Mephistopheles speaks there are thereafter seven exchanges between him and his principal antagonist (in the first case, the Lord, in the second case, the Chorus of Angels). Once one notices such a string of coincidences one is encouraged to look further and to wonder just how symmetrical this remarkably complicated book may be.

One is not surprised to learn that these two scenes (Prologue in Heaven and The Burial) were written (so far as we can tell) about the same time, the first in late 1799 and the second about 1800-1801. But this is a secondary revelation. More significant are such parallels as the fact that in both scenes Mephistopheles is left alone on stage for his final speech and that in both scenes the Book of Job is drawn upon—implicitly in the Prologue, in the encounter between the Lord and Mephistopheles, explicitly in the Burial, and in Mephistopheles's reference to Job. The nineteen speeches can be broken down as follows: there are four speeches by agents of the divine who are then countered by Mephistopheles in a single speech; there are, then, seven exchanges between the Lord and Mephistopheles or between the Chorus of

238. See STUART ATKINS, GOETHE'S FAUST: A LITERARY ANALYSIS, 259-63 (1958). See also id. at 277 (on the "full exploitation of parallelistic variations" in Faust).
240. See FAUST (Kaufman translation) supra note 172, at 23; FAUST (Norton edition), supra note 162, at 299.
Angels and Mephistopheles. Thus, there are four against one; then seven against seven. Does Mephistopheles's eight mean anything? Is it related to what Plutarch says of Poseidon's eight and stability?241 There are a half-dozen scenes in which Mephistopheles has eight speeches and another half-dozen in which he has ten speeches. But eight is special, not only in that no other number of speeches appears more often, but also in that Faust has no scenes with eight speeches.

We are led to wonder about what Mephistopheles says and does in these two scenes called to your attention as seeming to reflect one another so precisely in their construction, the second and its next-to-last scenes. After all, these are scenes which show Mephistopheles's existence prior to and after Faust's existence on earth. That is, he is shown here as somewhat independent of Faust. We see him jousting with God—and we see what is, in effect, a judgment of Faust in the Prologue, a judgment (providing for Faust's salvation) which is fulfilled in the Burial scene. We also see Mephistopheles expressing in the Prologue his appreciation of the curly hair and plump cheeks of boys, the very appreciation which distracts him in the Burial Scene while Faust's soul is spirited away from him.242 Indeed, one can say, Mephistopheles here finds out, for the first time, the power of something like love. His very last words in Faust find him berating the vulgar lust which has lost for him his prize, whereas his first words had disparaged man's reason and emphasized his brutishness.243 The redeeming power of love is, of course, made much of in the last scene of the play, that love which is best exemplified, it is suggested, in the person of the Eternal Feminine.

Does the Mephistopheles of Goethe have a future? Indeed, does he have a past? Does he, that is, have a serious existence at all, or is he too much dependent on human beings such as Faust to be taken seriously himself? Notice that it is recorded that Mephistopheles is "mentioned only in the magic manuals attributed to Faust."244 Faust does work with magic—and one is reminded of astrology and numerology. This tempts one to speculate about various numbers in this story. However that may be, there are no "interesting" numbers (in number of speeches) exclusively connected with Faust, whereas there are several connected with Mephistopheles (eight, fourteen, seventeen). Is not Mephistopheles, as Goethe presents him, in a decisive respect little more than Sancho Panza to Faust's Don Quixote? So low has the devil fallen

241. On Neptune (Poseidon), see FAUST (Norton edition), supra note 162, l. 11,546, at 293; see also infra note 275.
242. See FAUST (Everyman edition), supra note 200, at 11; FAUST (Kaufmann translation), supra note 172, at 89.
243. See FAUST (Everyman edition), supra note 200, at 405, 408-10.
244. See supra text accompanying note 161.
in modern times! One must wonder, of course, whether this means that the
divine and the human have fallen correspondingly. Goethe may not have
believed so: thus, he can speak of the First Part of Faust, in which the
traditional view of the devil’s works are more apparent, that it is “the product
of a rather dark state in the individual.”

VI.

The fruitfulness of our juxtaposition of the second and next-to-last scenes
courages me to suggest, if only briefly, a couple of more juxtapositions in
this work, juxtapositions which indicate something about Goethe’s view of
human beings and the world.

The central scenes in the entire work are, it can be argued, the last scene
of the First Part and the first scene of the Second Part. We move, that is, from
the Dungeon scene (and Margaret’s death) to a Charming Landscape. We are
perhaps given an indication of what Mephistopheles’s dragging off of Faust
would have been like, if Faust had suffered his traditional fate, by what seems
to happen to him (he is dragged away by Mephistopheles) when Gretchen goes
to her death.246

Faust, in the first scene of the Second Part, does not express any remorse
about Gretchen. He seems inclined to live out the life before him, oblivious
of her. Part II is more dreamlike; perhaps we encounter there emanations and
contortions of Faust’s soul. Is there, despite the evident diffuseness of what
we encounter, a progress in Faust’s soul? Be that as it may, Charming
Landscape (it has been said) anticipates “the poetic and symbolic scope [of]
the subsequent five acts.”247 “Particularly troubling for the reader of Part II,”
it has been noticed, “must be the laconic dismissal of all particulars concerning
the actual situation.”248

The relation of Faust and Gretchen is, as we have seen, critical to the First
Part. Much is made of Gretchen in the very last scene of Part II. But until
then, the female element must be found elsewhere: it is found primarily in the
ancient Greek world, in the person of Helen of Troy. What Gretchen means,
and how she bears on Faust, are graphically indicated in the final scene of the
First Part. What Helen means, and how she bears on Faust, can be said to be
anticipated in the first scene of the Second Part.

245. See From Goethe’s Letters and His Conversations with Eckermann, in FAUST
(Norton edition), supra note 162, at 424. On Don Quixote, see Lawyers, First Principles, and
Contemporary Challenges, supra note 24, at 437.
246. See FAUST (Norton edition), supra note 162, at 117.
247. See id. at 323.
248. See id. at 325.
Thus, Goethe himself has written that "a far richer world is displayed in the second part than in the first." "The first," he said, "is almost entirely subjective; it proceeded entirely from a perplexed impassioned individual, and his semi-darkness is probably highly pleasing to mankind. But in the second part there is scarcely anything of the subjective; here is seen a higher, broader, clearer, more passionless world, and he who has not looked about him and had some experience will not know what to make of it." 249

Notice one observation here by Goethe: Faust's "semi-darkness is probably highly pleasing to mankind." Goethe was artist enough to anticipate that the second part of his work (which was not published in its entirety until after his death) would never have the popular appeal of the first part. Is not modern man drawn more to what Gretchen means than he is to what Helen means, at least as Helen is presented by Goethe?

VII.

Still another juxtaposition—again pointing up the care with which the work has been put together—can throw a useful light on what Gretchen and Helen mean to Faust and to the story. Let us consider, that is, what is at the middle of the First Part and then of the Second Part. 250

Central to the twenty-five scenes of Part I is A Summerhouse, the shortest scene in the entire work (it has some fifteen lines). 251 We see in this scene the first kiss between Faust and Gretchen. Thus, we see that Faust and Gretchen as lovers have a "human" encounter on their own. Mephistopheles intrudes and is called a "beast" by Faust. 252

Central to the five acts of Part II is Act III, the scenes which Goethe himself would refer to as the Helena. 253 One parallel between this Act and the Garden scene between Faust and Gretchen has been noticed:

Through a parody of their rhyming, Phorcys-Mephisto intentionally disrupts the illusion of fulfillment which Helen and Faust have achieved. Thematically this intrusion

251. See FAUST (Everyman edition) at 385, 386. The next shortest is the Garden scene, with Philemon and Baucis, in Act V of Part II?
252. See the summary in FAUST (Kaufmann translation), supra note 172, at 57-60.
corresponds to a similar occasion in the affair with Gretchen in the ‘Garden Pavilion’ of Part I, line 3207ff. What has not been noticed is that both of these unwelcome, if not cruel, interventions by Mephistopheles occur in the middle of their respective Parts. That is, it is not generally recognized how symmetrical the two parts of this work are. Thus, it has not been noticed that in both parts that the union produced a child which does not survive its parents.

The two women Faust is drawn to, Gretchen and Helen, cannot abide Mephistopheles. They are instinctively repelled by him. Faust, on the other hand, does get something from him. In each case, Faust’s passion is disparaged by Mephistopheles; it is evidently something Mephistopheles cannot comprehend. He makes love difficult of complete fulfillment. Is it possible for Mephistopheles to understand what it means that it is Helen’s fate to enthrall men’s hearts everywhere? It seems not. In any event, an early glimpse of Helen (in the Witches’ Kitchen scene) leads Faust to his desire for Gretchen.

Part II builds up to the encounter between Faust and Helen. (He moves through the realms of art to her?) Is everything transformed once we get beyond that encounter? Does Faust become more political, or public-spirited, in his interests as a result of his encounter with this paragon of antiquity? We notice that Mephistopheles cannot appear in his own person in ancient settings. Thus, in Act III, he must appear only in the guise of Phorcyas, which he assumed in Classical Walpurgis Night.

Is not Mephistopheles (whether in Marlowe or in Goethe) essentially Biblical in his origins? In Goethe’s story, he can draw on Biblical sources. Thus he can refer to Naboth’s vineyard familiarly. Are Goethe and Faust, on the other hand, more inclined to classical sources? In any event, Mephistopheles does not seem comfortable with the Greeks. He is in critical

254. Id. at 239 n.7.
255. See FAUST (Everyman edition), supra note 200, at 103, 113.
256. See FAUST (Norton edition), supra note 162, ll. 3245, 2427f.
257. See id. at l. 9248. See also FAUST (Kaufmann translation), supra note 172, at 34.
258. See FAUST (Norton edition), supra note 162, at 458.
259. See id. at 334. It has been noticed that while the Walpurgis Night of the First Part is monarchical, with the devil as a decided chief, the Classical version of the Second Part is thoroughly republican. See id. at 427. (Is Machiavelli’s influence to be seen here?) Mephistopheles is not willing to admit that he has no say in the Classical Hades. See id. at 401. In fact, he can wonder what the Greeks did for Hell. See FAUST (Everyman edition), supra note 200, at 282. His Paradise is the familiar state. See id. at 282. Quite different is what Marlowe’s Mephistopheles says about both Heaven and Hell.
260. See FAUST (Everyman edition), supra note 200, at 390. May this be seen in Milton also? See supra Part 1.
261. See id. at 230; see also id. at 249, 257, 260.
respects, a product of Christian times. Would he, in classical times, have
found expression in such low figures as Thersites?263

It is no wonder then that Mephistopheles cannot understand what Helen
means to or does for men. Thus, when in Act IV of Part II Faust stresses his
desire for rule and great deeds, Mephistopheles cynically observes, “That you
come fresh from heroines, is plain.”264 Or, as Goethe put it, “Mephistopheles
has nothing to do with Greek antiquity, and has no power over such
personages.”264 Nor, as I have indicated, has he anything to do with genuine
love, whatever power he may have to disrupt it from time to time. It has been
noticed that he sniffs around in Helen’s habitat just as he had in Gretchen’s
bedroom.265 But he does not know more than the outward, physical aspects of
love, if those. Perhaps this bears on why he does not, in Act III, Part II, claim
that he has won the wager with Faust. At the climax of Act III, Faust meets
Helen and enjoys and celebrates the “moment” around which the wager
turns.266 But it is a moment rooted in love and such a moment seems to be
beyond Mephistopheles’s power to grasp fully or to take seriously.

But to say that Mephistopheles does not understand love is not to say that
he is altogether irrelevant to the pursuit or enjoyment of it. Here we touch, and
do no more than touch, on the mystery of “The Mothers,” those weird beings
who seemed somehow necessary to deal with or through if Faust was to gain
access to Helen.267 Are we meant to see that there is an intimate relation
between the ugly and the beautiful—that possession, or at least appreciation, of
the beautiful depends upon the ugly? Is this so, or is it merely Goethe’s
opinion? That is, is this a modern heresy, that the highest, the most divine,
depends upon the lowest, the most physical, if not upon the most base?

VIII.

I have said that I can do no more than touch upon this mystery here. But
I can look, if only briefly, at still another illuminating juxtaposition which
might throw light on the relation (in Goethe’s view) between the highest and
the lowest.

We have considered the juxtaposition of the second scene to the next-to-
last scene. We were led from that to consider the juxtaposition of the last
scene of Part I to the first scene of Part II (the central scenes, perhaps, of the
entire work). We were then led from that to consider the juxtaposition of the

262. See id. at 188n.
263. See id. at 355.
264. See FAUST (Norton edition), supra note 162, at 432. See also supra Part 1.
265. See FAUST (Norton edition), supra note 162, at 540.
266. See id. at 591; FAUST (Norton edition), supra note 162, at ll. 9381-82, 9418.
267. See FAUST (Everyman edition), supra note 200, at 221.
encounter between Faust and the desired female at the middle of the Part One to a similar encounter in the middle of Part Two. Finally (and to this I now turn) we have the juxtaposition of the first scene of this work to the last scene.

The first scene is, I remind you, The Prelude at the Theatre and the last scene is Mountain Defiles, etc. In the first scene, a director, poet and clown discuss an upcoming play. In the last scene, various heavenly personages discuss the disposition of Faust’s soul, with Gretchen intervening successfully on his behalf, it seems. In neither scene is there the name of any character spoken.\(^2\)

The second scene and the next-to-last scene, we noticed, had the same number of speeches. The first and last scenes have roughly the same number of lines (the first, 208; the second, 268). In neither scene does either Faust or Mephistopheles speak. Are not the two scenes also similar in that they are both somehow independent of the action we follow through the two parts? Are not both scenes radically removed from everyday life, the one being on a stage, the other being in a wilderness inhabited by heavenly figures? The director, in the first scene, insists that he wants sun, moon, stars, the entire creation, moved to serve the purpose of entertaining the assembly. In the last scene, too, heaven and earth are to be moved (also figuratively) in order to save a soul.

How do these two scenes relate to one another? Which is the more “real” in what it depicts? Do both of them display a salutary harnessing of illusion in the service of love, or at least in the service of entertainment? (Is it not love that those on stage somehow deal with, and depend upon, in their relations with their audiences?)

Do we see in the great drama of the final scene, a long-established version of that which theatre people try to put on every evening? And, in the world of Goethe, is the artist (the playwright, especially) expected to take on the role formerly played by the priest, or rather by those in whose service the priest labored?

These questions do bear on further observations suggested by the final scene. Just as the ugly and “successful” Mephistopheles of Marlowe becomes the debonair and frustrated Mephistopheles of Goethe, so does the Beatrice of Dante become the Gretchen of Goethe (of whom it is said, in this final scene, that she “but once herself forgot”). In the process, of course, the *Inferno* of Dante, with all that that stood for (including both nature and justice) may be lost sight of.\(^2\)

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\(^2\) Only one proper name is ever referred to, that of Abraham, at line 12,046 of the last scene. *See FAUST* (Norton Edition) at 306.

\(^2\) *See FAUST* (Norton edition), *supra* note 162, at 318-19. See also *FAUST* (Kaufmann translation), *supra* note 172, at 53, where Goethe distinguishes himself from Dante.
The end of Goethe’s *Faust* stresses the feminine. There are echoes here and there in the work of Aeschylus’ *Eumenides* in which, we remember, even Athena placed an emphasis on the masculine. Is Goethe’s emphasis a more refined one? or merely a more sentimental one? Certainly, Goethe seems to be incapable of genuine tragedy in what he writes— but that is a long story, perhaps for another occasion.  

IX.

It should be evident from what I have said that Goethe’s *Faust* is a work to which considerable thought has been devoted by its poet. Is it not also evident that it has been put together with a remarkable degree of care? However “inspired” a soul may be—however much the poetic soul is seized by a divine madness—it is a mind which is thus moved. And minds do tend toward the rational when they are working properly. Such rationality can be seen, I have suggested, in the structure that Goethe’s more than four dozen scenes, drawing on the vast resources of Western civilization, are built upon.

To illuminate, as I have, the rational elements in this most complicated work of art is not to say that the reasoning incorporated here is necessarily of the first order. It is to say that it is worth taking seriously, just as Goethe himself is, whatever reservations we might ultimately have about him.

Reasoning of the first order, we have been taught, is to be found in philosophy. But, alas, Faust had studied philosophy and had found it wanting. Almost all he had learned, it seems, was that “we can know nothing.” This will sound Socratic to some— but is it? It is well to remember the many things Socrates recognized that he did know even as he insisted upon what he did not know. Did Goethe share Faust’s assessment of how little philosophy had to offer? I have the impression that he sometimes did. I also have the impression that Goethe confused classical learning with philosophy, that he had never subjected himself to the discipline of genuine philosophers. Why this was so—he was, after all, probably the most learned man of his age—is also a long story. Part of that story has to do with the failure of the most gifted men by his time to continue to appreciate the care in reading and writing needed for the most thoughtful and responsible inquiry into the things that matter most.

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270. Is Goethe Christian enough to be unfitted for tragedy? Are Socrates’ reasons for not going tragic different? Does “Zeus” die along with Goethe’s Philemon and Baucis, in Act V, Part II? The “ancient God” can no longer be trusted? See THE THINKER AS ARTIST, supra note 18 at 109; see also infra note 275.


Still, it should be noticed, the central scene (not act) of Part II—central to the final twenty-five scenes of Part II (which are in some ways comparable to the twenty-five scenes in Part I) is the second Upper Peintos scene (the thirteenth scene), where we encounter Thales and Anaxagoras, two pre-Socratic philosophers, arguing whether water or fire has played the decision role in shaping the earth. This exchange between Thales and Anaxagoras, as to the causes of being and change, may be critical to Goethe's own understanding about the origins and perhaps the nature of things. There may even be found here the classical version of the contention, in a Biblical setting, between God and the presumptuous Devil. But this is an even longer story, also to be left for another occasion.

5. ROBERT BURNS (1759-1796)

At a late hour [during the recent Burns' Night celebration in Edinburgh], Burns' well known marble bowl was introduced and placed . . . before Mr. [James] Hogg, who filled it with the poet's favourite liquor, whisky punch, until the approach of morning admonished the joyous company, that (in a phrase sometimes used by Burns himself) "There was sic a thing as ga'en to bed."

— Edinburgh Weekly Journal, February 1, 1815

A volume of commentary on the Amendments to the Constitution, which I have recently completed, ends with this paragraph:

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274. FAUST (Kaufmann translation), supra note 172, at 37.
275. It can be useful to be reminded here of the traditional association of Poseidon (or Neptune) with the number eight, that number which can be connected with Mephistopheles. See supra text accompanying note 241. Does this suggest that, in the ancient confrontation, Thales (who made much of water as fundamental) is closer to Poseidon and hence Mephistopheles, while Anaxagoras (who made much of fire and, we know from others, of mind) is closer to God? In the central scene of Part II of Faust, Thales is called stubborn by Anaxagoras (is stubbornness an attribute of the Devil?). Also, Thales argues for nature, while Anaxagoras makes much of sudden, massive changes. And it is Anaxagoras who invokes the "Throned above," while Thales looks to Ocean as his "deity," even as he insists upon the course of nature as decisive. In short, are there reflected in these differences the fundamental difference between God and the Devil?
276. A talk given in the First Friday Lecture Series, The Basic Program of Liberal Education for Adults, The University of Chicago, at the Chicago Cultural Center, Chicago, Illinois, October 7, 1994. (The original title of this talk was "The Poetry of Robert Burns.")
I have heard that love sentiments are easier to convey in Italian or modern Greek or Spanish than in English. Has this, if true, helped to keep Americans from becoming either too skilled in or unduly preoccupied with matters of love? Have we, as perhaps the preeminent self-governing community on a grand scale in modern times, been fortunate in being "naturally" better at politics than at something so promising but yet so absorbing and distracting as love? To what extent is our escalating appetite for personal self-expression (both in public and in private) an ill-conceived attempt to make up for (as well as contributing to) growing deficiencies among us with respect to both politics and love? Particularly to be amended by a self-governing people is any deficiency in knowing what in human beings and in citizens is truly to be cherished.  

Love, politics and religion are interwoven in a distinctively modern way in the poetry of Robert Burns. The Scottish dialect may have permitted Burns to speak more intimately of love matters than did the English language of his day.

It was said of Burns by one of his contemporaries, "Few men had so much of the poet about them and few poets so much of the man: the man was probably less pure than he ought to have been, but the poet was pure and bright to the end." This was, observed Edwin Muir (a Scotsman who was himself one of the finest poets in English of the twentieth century), "the only humane judgment passed on Burns by a contemporary: all the others have a touch of cant in them, something morally or socially superior."  

Muir also found an occasion that year (1923) to make these remarks about Burns and the Scottish ballad:

This sense of life and death, of pleasure and sin, of joy and loss, not thrown out lavishly into all the manifestations of life as Shakespeare threw them out, but intensified to one point, to the breaking point where a flame springs forth: that is the sense which has inspired the greatest Scottish poetry: the poetry of Burns, the poetry of the ballads. Burns, it is true, was more nearly than any other Scottish poet a humanist, and had more than any other a delight in

279. EDWIN MUIR, UNCOLLECTED SCOTTISH CRITICISM 182 (Andrew Noble ed., 1982) (1923). This Burns contemporary is identified by Muir as the father of Alan Cunningham.
the variety of life; but when he was greatest he came to simplicity, that simplicity of stark, fundamental human things which the ballads more perfectly than any other poetry express. He is not greatest in lines, magical as they are, such as

Yestreen when to the trembling string
The dance gaed through the lighted ha',

but in

And sae I sat, and sae I sang,
And wistna o' my fate,

or in

We twa hae paidl'd in the burn
Fgae morning sun to dine,
But seas between us braid hae roared
Sin' auld lang syne,

or in

And I will luve thee still my dear,
Though a' the seas gang dry.

The unquenchability of desire, the inexorability of separation, the lapse of time, and all these seen against something eternal and as if, expressed in a few lines, they were what human beings have felt from the beginning of time and must feel until time ends: these things, uttered with entire simplicity, are what at its best Scottish poetry can give us, and it can give them with the intensity and the inevitability of the greatest poetry.\(^{280}\)

It can be added that although Burns was not of the stature of English poets such as Chaucer, Shakespeare and Milton, he is the greatest of the Scottish poets, however much his reputation is eclipsed these days.

The interweaving of love, religion, and politics in the poetry of Burns has been noticed. I propose to consider each in turn, however briefly.

\(^{280}\) \textit{id. at 158; see also infra} text accompanying note 286.
II.

One odd feature of Burns’s love poems is that he names one woman after another as incomparable, as the treasure of treasures. Thus he said of his Nancy,

But to see her was to love her;
Love but her, and love for ever.\(^{281}\)

That is quite a tribute, but much the same is said elsewhere about Lesley:

To see her is to love her,
And love but her for ever...\(^{282}\)

One woman after another is celebrated as supreme. Thus, of Jean it was said:

I see her in the dewy flowers,
I see her sweet and fair;
I hear her in the tuneful birds,
I hear her charm the air: \(^{283}\)

Of each of his women he could say, and could no doubt “mean” it when he said it, what he did in comparing Mary Morison to the other women at a dance:

Yestreen when the trembling string
The dance gaed through the lighted ha’,
To thee my fancy took its wing,
I sat, but neither heard, nor saw:
Though this was fair, and that was braw,
And yon the toast of a’ the town,
I sigh’d, and said amang them a’,
‘Ye are na Mary Morison.’\(^ {284}\)

How would we read these poems if we did not have Burns’s biography of seductions and perhaps not unrelated drinking bouts in the detail we do—if, that is, we knew no more about his personal life than we do about, say, Shakespeare’s? Would we not be less likely to be troubled by his chronic

\(^{281}\) Song, in \(2\) THE POEMS AND SONGS OF ROBERT BURNS 592 (James Kingsley ed., Clarendon Press 1968) [hereinafter POEMS AND SONGS]. Adjustments have been made on the basis of those Burns poems included in THE NORTON ANTHOLOGY OF POETRY 511-23 (3d ed. 1970).

\(^{282}\) O saw ye bonie Lesley, in \(2\) id. at 506.

\(^{283}\) I love my Jean, in \(1\) id. at 422.

\(^{284}\) Mary Morison, in \(1\) id. at 42.
fickleness, self-delusion, and intemperance? Would we not be inclined to suppose that the narrator-lover changed each time as the beloved changed?  

We should, lest we in our severity judge Burns unfairly, recall that one of our favorite lovers, Romeo, was smitten upon happening to see Juliet at a party where he had gone in order to be with the Rosaline whom he loves as the play opens. Still, one might ask, does any particular woman ever become Burns’s Juliet, someone he would go to the grave for and with? But then, Robert Burns, unlike Romeo, may be even more of a poet than he is a lover.

It would be considered highly questionable if the kind of flexibility exhibited by Burns in his love relations were exhibited also in his political allegiances. But is steadfastness really expected, or perhaps even possible, when one operates at the level that Burns did in love matters? One suspects that each of the women to whom love poems were addressed by him (or at least the more astute among them) liked what he said to her, even when she knew he had pledged himself similarly to other women before her—and would probably go on to others after her.

Still, it should be recognized that there is exhibited in Burns’s writings a coarse as well as a tender eroticism. Some of his letters are rough in their account of his relations with women but do not his much more refined love poems reveal that he “knew better”? Certainly, he does not want women to be as free-ranging with respect to love as he is. And he can be touching when he records what it is like to be betrayed by one’s beloved. Thus he closes The Banks o’ Doon from which Edwin Muir took the lines, “For sae I sat, and sae I sang./And wisna o’ my fate.”:

\[
\begin{align*}
\text{Wi’ lightsome heart I pu’d a rose,} \\
\text{Fu’ sweet upon its thorny tree;} \\
\text{And my fause Luver staw my rose,} \\
\text{But, ah! he left the thorn wi’ me.}
\end{align*}
\]

285. This shift in narrators may happen in, for example, Shakespeare’s sonnets. See George Anastaplo, Law & Literature and Shakespeare, 26 OKLA. CITY U. L. REV. (forthcoming).

286. In 2 POEMS AND SONGS, supra note 281, at 576.
undeserved, as we know now; yet the popular legend supported by Burns's own drinking songs *composed when he was sober*, still lives on. The harm done by biographers is almost impossible to repair.\(^{287}\)

Muir goes on to assess Hilton Brown, a recent biographer of Burns, who is by and large better. But Brown too has his shortcomings:

> Essentially his attitude to Burns is sympathetic and appreciative; but his detestation of the sentimental legend of Burns is so inveterate that it drives him to make such extravagant statements as that "For Burns women existed for one end and for one end only", forgetting for the moment that Burns wrote "Mary Morison" and "My luve is like a red, red rose", and that the feelings of the poet must have been the feelings of the man.\(^{288}\)

Brown is also faulted by Muir for presenting Burns as better than he truly was:

> Antagonism to the Burns legend may distort our image of him as badly as acceptance of it, and when Mr. Brown picks out prudence as one of Burns's characteristic qualities, one feels that he is simply having a tilt at the legend. Burns had no judgment in farming, plunged into one love affair after another, never thinking where they would lead him, got involved in what, according to Scots law, seems to have been bigamy, all with an entire disregard of the consequences. Every man is prudent in some way. But one does not insist on the caution of Don Juan, or on the practical good sense of Micawber.\(^{289}\)

One suspects, however, that Burns as he matured moved away from "an entire disregard of the consequences." Consider, for example, the closing lines of the first stanza of his famous *Tam O' Shanter* about how happily drinking husbands disregard the close of day:

> We think na on the lang Scots miles,  
> The mosses, waters, slaps, and styles,  
> That lie between us and our hame,  
> Whare sits our sulky sullen dame,  
> Gathering her brows like gathering storm,

\(^{287}\) Muir, *supra* note 279, at 202 (emphasis added).  
\(^{288}\) *Id.*  
\(^{289}\) *Id.* at 202-03.
Nursing her wrath to keep it warm.290

Even the sullen dame could appreciate, perhaps enjoy, the line, "Nursing her wrath to keep it warm"—enjoy it, if not immediately, then later on.

I return to the problem of Burns's shifting erotic allegiances.291 We can be moved by his love poems even though we do not love (or even know) any of the women referred to. However much something eternal is aimed at by the lover, particularity does seem to be preferred for a full erotic statement. Further, we can enjoy the Burns love poems even though the women are varied—and if we can enjoy them on these terms, why not also the more enlightened of his women? We can appreciate as well the desperation of Burns's wide-ranging desire, reminding us of the advice given every day to those immature commodities traders who pine over the bargains they have missed: "You can't kiss all the pretty girls."

III.

It has been noticed by Edwin Muir, "Every man is prudent in some way." Certainly, Burns seems to have been steadier in the course he pursued with respect to matters of religion. He seems to have been a lifelong rebel against the rigid orthodoxy of his day in Scotland. He was particularly troubled by the hypocrisy and intolerance that he encountered among the more respectably pious.

His steadiness as a rebel was partly due to the friendships he struck up with talented men who were the targets of religious persecution. His masterpiece here is Holy Willie's Prayer,292 in which an intimate relation is suggested between self-righteous religious fervor and unsentimental sexuality. This relation is particularly unattractive when the self-righteous are bolstered in their persecutorial zeal by confidence in their predestined salvation.

The doctrine of predestination, as understood in the Scottish church of Burns's day, is dealt bitter blows in this poem. It suffices, for Burns's purposes, to have Holy Willie open the poem in this fashion:

O Thou, wha in the heavens dost dwell,
Wha, as it pleases best thy sel',
Sends ane to heaven and ten to hell,
A' for thy glory,
And no for ony guid or ill

290. In 2 POEMS AND SONGS, supra note 281, at 557.
291. Compare Dante with his Beatrice or Petrarch with his Laura.
They've done before thee!\footnote{Id. Compare the emphasis on personal accountability in Christopher Marlowe's \textit{Doctor Faustus} and in John Milton's \textit{Paradise Lost}. See supra Parts 1, 4.}

Burns evidently believes that such a stark restatement of orthodox doctrine would suffice to condemn it among those with whom he is sympathetic. This suggests the movement there had been in Scottish thought since the days of severe theologians such as John Knox.

How grim this doctrine is may be seen in the fourth stanza of \textit{Holy Willie's Prayer}:

When frae my mither's womb I fell.  
Thou might hae plunged me deep in hell,  
To gnash my gooms, to weep, and wail,  
In burning lakes,  
Where damned devils roar and yell  
Chain'd to their stakes.\footnote{In \textit{1 POEMS AND SONGS}, supra note 281, at 75.}

But perhaps even more of a challenge to this doctrine is that someone as unattractive as Holy Willie should be considered by himself and by his partisans as one of the Elect, destined for salvation from even before his birth.

One can see anticipated here the sort of skepticism about orthodoxy found a century later in the writings of Mark Twain. One principle of morality that Mark Twain endorsed is that stated by Burns in the much-quoted closing stanza of \textit{To a Louse} (which bears the subtitle, \textit{On Seeing One [that is, a Louse] on a Lady's Bonnet at Church}):

\begin{quote}
O wad some Pow'r the giftie gie us  
To see oursels as others see us!  
It wad frae monie a blunder free us  
An' foolish notion:  
What airs in dress an' gait wad lea'e us,  
And ev'n Devotion!\footnote{In \textit{1 id.} at 193-94 (the emphasis is by Burns). Abraham Lincoln often quoted this line thus: "Oh wad some power the giftie gie you to see yoursel' as ither see you." \textsc{Michael Burlingame, The Inner World of Abraham Lincoln} 312 (1994).}
\end{quote}

The genius of \textit{Holy Willie's Prayer} is that the pious narrator condemns himself out of his own mouth: that is, he does not have the gift of seeing what he permits others (as well as God!) to see in him.

Church authority, at least of the more severe type, is certainly called into question by Burns. What the status was for him of Revelation itself remains a mystery. He is, of course, familiar with Scripture—and counts upon his
audience also to be familiar with it. He is familiar as well with Milton's *Paradise Lost*, coming away from it with great respect for the defiant Satan (a greater respect, indeed, than Milton himself had for that great fallen angel). Burns particularly admired Milton's Satan because of his "desperate daring and noble defiance of hardship." 296

One poem, *Address to the Devil* (a rather difficult poem for us), bears two lines from *Paradise Lost* as its epigraph:

O Prince, O Chief of many throned pow'rs!
That led th' embattl'd Seraphim to war297

We can see here, as in *Holy Willie's Prayer*, that the religious controversies of Burns's day (if not of all other times as well) are, at bottom, largely political struggles: much turns around the critical issue of who should rule—and who should be ruled, and how. 298

IV.

Burns addressed this vital political issue in poems devoted to two great battles in Scottish history. The first battle, in 1314, was a glorious triumph, while the second, in 1746, was a bitter disaster. In these and like poems the Scottish response to superior English power is championed. Two poems, short enough to be set forth in their entirety here, suggest the range of the political legacy that the Scottish spirit had to draw upon, a legacy that comes to have private love relations intermingled (by way of compensation perhaps) with mournful affairs of state.

Our first poem is *Robert Bruce's March to Bannockburn*. In the Battle of Bannockburn the Scots under Bruce, numbering about thirty thousand, totally defeated the English under Edward II, whose force was more than three times as large. Here is how Burns, more than four hundred years later, conjured up that great day:

Scots, wha hae wi' WALLACE bled,
Scots, wham BRUCE has aften led,
Welcome to your gory bed,—
Or to victorie.—

296. Milton's portrait of Satan is markedly nobler than that given by Dante in the depths of the Inferno. See supra Part I.

297. In 1 POEMS AND SONGS, supra note 281, at 168.

298. On Leo Strauss, prophecy, and political science, see JEWISH PHILOSOPHY AND THE CRISIS OF MODERNITY, supra note 153, at 418-26, 469; see also infra text accompanying note 314.
Now’s the day, and now’s the hour,
See the front o’ battle lour;
See approach proud EDWARD’s power,
Chains and Slaverie.–

Wha will be a traitor-knave?
Wha can fill a coward’s grave?
Wha sae base as be a Slave?
–Let him turn and flie:–
Wha for SCOTLAND’s king and law,
Freedom’s sword will strongly draw,
FREE-MAN stand, or FREE-MAN fa’,
Let him follow me.–

By Oppression’s woes and pains!
By your Sons in servile chains!
We will drain our dearest veins,
But they shall be free!

Lay the proud Usurpers low!
Tyrants fall in every foe!
LIBERTY’s in every blow!
Let us DO—OR DIE!!

Henry V’s St. Crispian’s Day speech comes to mind here, a speech which too was followed by a glorious victory against overwhelming odds.300

Our second historical poem, The lovely lass o’ Inverness, has a woman, stripped at the Battle of Culloden Field of her loved ones, despairing (as Scots were to do well past Burns’s day) as she reconciled herself to a new world order that had no place for an independent Scotland. The way that men fight, if not the political order itself, is called into question in the name of family and erotic yearnings:

The lovely Lass o’ Inverness,
Nae joy nor pleasure can she see;
For e’en and mom she cries, Alas!
And ay the saut tear blins her e’e:

299. In 2 Poems and Songs, supra note 281, at 707-08.
Drumossie moor, Drumossie day,
A waefu' day it was to me;
For there I lost my father dear,
My father dear and brethren three!

Their winding-sheet the bludy clay,
Their graves are growing green to see;
And by them lies the dearest lad
That ever blest a woman's e'e!
Now wae to thee, thou cruel lord,
A bludy man I trow thou be;
For mony a heart thou has made sair
That ne'er did wrang to thine or thee!⁴⁰¹

The concluding lines here, addressed to the ferocious leader of the English at Culloden, the Duke of Cumberland, reflect Burns’s humane approach to affairs of state:

For mony a heart thou has made sair
That ne'er did wrang to thine or thee!

"Scotland's king," "law," and "freedom" are championed in these poems—but little, besides Home Rule, is suggested as the objective of the embattled Scots. Put another way, there is little if any indication in these and like poems of a significantly different way of life (even with respect to such matters as church governance) from that of the English. The emphasis for the Scottish patriot seems to be upon one's own, something that may be seen as well in an affection for the local dialect. Perhaps what Scotland ultimately stands for, in the poetry of Robert Burns, is not a superior or even a particular way of life but rather friendship, or the old attachments that one happens to have. One can retain an affection for, even an allegiance to, the old even as one senses that the connection wears out in time and is (often imperceptibly) replaced by something else. This seems to have happened for both the political and the linguistic allegiances of enterprising Scotsmen in the nineteenth century, however often old (perhaps already dying) attachments are recalled in the late eighteenth century poetry of Robert Burns.

V.

Politics, however much it aims at justice, depends upon friendship to bring and hold a community together. Indeed, it can be said, friendship is

³⁰¹. In 2 POEMS AND SONGS, supra note 281, at 831-32.
more apt to foster self-sacrifice than even love, inasmuch as love looks more to the possession of the beloved, not primarily to doing what is best for another. It is friendship that is celebrated in the poem identified most with Robert Burns, *Auld lang syne* (a poem which reminds us of the great contribution Burns made by collecting and using the old songs of Scotland):

Should auld acquaintance be forgot
And never brought to mind?
Should auld acquaintance be forgot,
And auld lang syne!

Chorus

For auld lang syne, my jo,
For auld lang syne,
We’ll tak a cup [or, kiss] o’ kindness yet
For auld lang syne.

And surely ye’ll be your pint stowp!
And surely I’ll be mine!
And we’ll tak a cup o’ kindness yet,
For auld lang syne.

For auld, &c.

We twa hae run about the braes,
And pou’d the gowans fine;
But we’ve wander’d mony a weary fitt,
Sin auld lang syne.

For auld, &c.

We twa hae paidl’d in the burn,
Frae morning sun till dine;
But seas between us braid hae roar’d,
Sin auld lang syne.

For auld, &c.

And there’s a hand, my trusty fiere!
And gie’s a hand o’ thine!
And we’ll tak a right gude-willie-waught,
For auld lang syne.
Much is made in this song of one’s own as distinguished from the best simply—the own that one happens to have acquired over a lifetime. Thus, it can be said, friendship is at the core of the system that Burns so poignantly represents. This means, among other things, that the best is more apt to be in the past than in the future. This also means that the best is rarely in the present, not until it becomes a part of the past. A lament for one’s youth can be heard here, if not even rebellion against mortality.

Does not love, more than friendship, tend to look more to the present, or to the immediate future? Even so, it sometimes seems, recollected passion can be even more engaging than that same passion was at its most intense—if only because passion in recollection can be grasped more in its entirety with all its rough edges, its hesitations, doubts and other limitations smoothed away. It can be, in various ways, nicer to recall at leisure an encounter, ever so long ago, “Amang the rigs o’ barley,” than for apprehensive lovers to put up this very evening with the weather, insects, dirt, straw and the risk of busybodies. Much the same can be said of the paddling “in the burn/Frae morning sun till dine” that Auld lang syne fondly recalls.

I can illustrate how recollection can transform one’s experience by reporting something that happened yesterday afternoon on the campus of the University of Chicago. I was privileged to hear, at the weekly Physics Colloquium, a lecture by Subrahmanyan Chandrasekhar on the landscapes of Monet and the landscape of relativity, a lecture which suggested what is shared by science and aesthetics in their pursuit of the beautiful. It was a rich talk by a venerable physicist who called himself an “ancient mariner,” a talk which few if any in the packed lecture hall could fully follow. I told Mr. Chandrasekhar afterwards that I had particularly enjoyed reflecting, in the course of the lecture, upon the fact that there were students present (newly come to the University) who could, in the year 2050, tell their students about the lecture by Chandrasekhar that they had happened to hear in their very first week at the University of Chicago more than half a century before. By then, the rough edges of the lecture (I did not add this when speaking to Mr. Chandrasekhar) will have surely been smoothed away—and they may even come to believe that they had once grasped more than they did of a memorable experience with a by-then legendary scientist. Perhaps it is somewhat the same with old love affairs, at least with the ones that are recalled fondly.304

302. In 1 id. at 443-44.
303. It Was Upon a Lammas Night, in 1 id. at 13-14.
304. Can we reasonably hope to be remembered fondly by others, including by those whom one should have done more with? On Mr. Chandrasekhar, see George Anastaplo, Thursday Afternoons, in S. CHANDRASEKHAR: THE MAN BEHIND THE LEGEND 122 (Kameshwar
For Burns, it sometimes seems, the art of friendship takes second place to art simply. He offers himself as the patron saint of friendship—and as such can appeal to us, and not only on New Year’s Eve. The ends of friendship—virtue and pleasure and happiness—are reflected in Burns’s celebration of good company, song and, of course, drink. Drink promotes wit—or, at least, drink can create the illusion of wit (and sometimes even an illusion of philosophy), that illusion of wit which for some purposes serves well enough. One can, the morning after the festivities, recall that it had been a very witty evening—so long as there is no recollection, to say nothing of a record, of precisely what was said. Here, too, the rough edges are smoothed away.  

VI.

However much Robert Burns celebrates “auld acquaintance” and memories of “auld lang syne,” he was receptive as well to the promises of eighteenth century revolutions—the American Revolution but even more, it seems, the French.

There is not in Burns’s revolutionary fervor only a lament for Culloden, Home Rule and the like, but also an openness to a more comprehensive reordering of society. The French Revolution offered itself as more of a social reordering than did the American, looking to reform religion along with politics, and perhaps sexual relations as well. A rationalization of institutions was proclaimed, including a radical reformation of the exploitive system that the impoverished Burns family had to endure.  

The yearnings of the Revolution may be seen in the promulgation of the Rights of Man. Thus, the French Revolution made explicit for Burns various of the criticisms he had of the regime in which he had to live.

Of course, Burns was far too humane, and far too free, a spirit to have gone along with the excesses of the French Revolution (many of which came after his death in 1796). And, while he lived, he was careful not to seem too radical: he did not want to jeopardize the government job he had finally secured (in the Excises) which, although it required considerable work, paid better and much more reliably than anything that his father and he had ever

C. Wali ed., 1997); George Anastaplo, 1997 GREAT IDEAS TODAY 448 (reviewing SUBRAHMANYAN CHANDRASEKHAR, NEWTON’S PRINCIPIA FOR THE COMMON READER (1995)).  
305. On the limits of Auld lang syne in some circumstances, see Mark Twain, A Touching Story of George Washington’s Boyhood, in COLLECTED TALES, SKETCHES, SPEECHES, & ESSAYS 1852-1890, at 97, 98-100 (The Library of America, 1992).  
306. Burns's descendants fared much better financially.  
307. See THE AMENDMENTS TO THE CONSTITUTION, supra note 278, at 398-440; 1 LIBERTY, EQUALITY, AND MODERN CONSTITUTIONALISM, supra note 9, at 198-99.
been able to do as farmers. Or, as Edwin Muir put it, "Every man is prudent in some way." A little bit of "honest Poverty," Burns knew, can go a long way.  

VII.

Burns’s prudence here extended to what he considered it useful to say explicitly, or to publish during his lifetime, about the religion of his day. Hypocrisy and intolerance were fair (and safe) game, but not Revelation itself.

Even so, nature seems to take the place of religion in Burns’s poetry. His openness to nature contributes to the warm feeling people have about him, even people who do not find at all attractive the “hippies” of our day who are (in critical respects) in the Burns (as well as in the Rousseau) tradition. One consequence of a deification of nature is sentimentality of the kind seen in To a Mouse, On turning her up in her Nest, with the Plough and To a Mountain-Daisy, On turning one down, with the Plough, in April — 1786. One is tempted to wonder whether the depredations of the plow, deplored in these poems, are not the price of the civilization upon which poets, among others, very much depend.

Nature nourishes for Burns his sense of humanity and his eroticism, as in The Banks o’ Doon. Also, nature it is which made Lesley what she is, and did not make another. Nature provides as well the setting, as in Afton Water, in which the beloved (it is Mary this time) can be contemplated with pleasure as she lies “asleep by thy murmuring stream.”

Curiously enough, how nature appears and what she seems to offer—whether, for example, she provides guidance for right action or appears as something to be conquered—may be a matter of chance. Still, nature does seem in Burns to point to the divine.

308. See 2 POEMS AND SONGS, supra note 281, at 762-63; see also Law, Education, and Legal Education, supra note 101, at 676-77 n.159 (discussing contemporary approaches to poverty).

309. On the influence of Rousseau today, see infra Part 10 of this Collection.

310. In 1 POEMS AND SONGS, supra note 281, at 127, 228.

311. A different kind of sentimentality, less well-received these days, may be seen in Burns’s The Cotter’s Saturday Night. See 1 id. at 145.

312. See 2 id. at 373-76.

313. In 1 id. at 461.

314. On the guidance provided by nature in human affairs, see CAMPUS HATE-SPEECH CODES, supra note 112, at 147; see also supra note 298; infra text accompanying note 339.
VIII.

What do the love poems of Burns point to? No doubt to the divine (or to the eternal) as well, however engaging (even thrilling) each love-object may be for the moment. The divine tends to be seen by the lover in the form of completion. Consider, for example, the Aristophanes of Plato's Symposium, who saw love as a striving after permanent union with one's missing half. In these passionate strivings the lover, not unnaturally, is moved to regard each love-object as it.315

Each love affair can be so intense as to blot out, for practical purposes, earlier infatuations. Indeed, it can be said, love, for all of its acquisitiveness, is in large part a kind of forgetting, a letting go. It is in this respect quite different from friendship: love looks more to the future, while (as we have seen) friendship looks more (albeit not exclusively) to the past, to auld lang syne.

The yearning, if not virtual deification, discernible in all of the Burns poems that are addressed to the beloved are best distilled perhaps in the lyric, A red, red Rose:

O my luve's like a red, red rose,
That's newly sprung in June;
O, my luve's like the melodie
That's sweetly play'd in tune.

As fair art thou, my bonnie lass,
So deep in luve am I;
And I will luve thee still, my dear,
Till a' the seas gang dry.

Till a' the seas gang dry, my dear,
And the rocks melt wi' the sun:
O I will love thee still, my dear,
While the sands o' life shall run.—

And fare thee weel, my only luve,
And fare thee weel, a while!
And I will come again, my luve,
Though it were ten thousand mile!316

315. On the Aristophanes of Plato's Symposium, see THE THINKER AS ARTIST, supra note 18, at 171-82. See also supra note 23.
Burns’s flexibility is such that his love could be not only like (as here) “the melody/That’s sweetly play’d in tune” but also like the lilacs of another poem and like the birds in still others. In short, “my Luve” is the universe.

Mark Van Doren, in an analysis of *Mary Morison*, shows us how technically competent Burns could be. This kind of craftsmanship confirms that there are more important things in the poet than even the passion that Burns repeatedly celebrates. There is in Burns’s love poems something ethereal, if not even cosmic. Whether or not the beloved is named in the poem, the reader can apply it to his or her beloved of the moment, exalting their relationship above mundane concerns and the limitations of mortality.

IX.

But there is also in Burns’s love poems something less ethereal and more concrete, but yet something fundamental to the love relation of which most lovers may have no more than a dim awareness. Perhaps this is best seen in *John Anderson my Jo*:

John Anderson my jo, John,
When we were first acquaint,
Your locks were like the raven,
Your bony brow was brent;
But now your brow is belted, John,
Your locks are like the snow;
But blessings on your frosty pow,
John Anderson, my jo.

John Anderson my jo, John,
We clamb the hill thegither;
And mony a canty day, John,
We’ve had wi’ ane anither:
Now we maun totter down, John,
And hand in hand we’ll go;
And sleep thegither at the foot,
John Anderson, my jo.

At the very least, this poem is a salutary antidote to the musings of our contemporary students of love and friendship who have even been so childish as to wonder what interest there can be found by ex-lovers in marriages in

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318. In 2 Poems and Songs, supra note 281, at 528-29.
which they live “watching their beauties disappear slowly with age while they become bored with each other.”

The two lovers in John Anderson are going together to the grave. Their relations have been such that serenity is now possible as the end draws near. The resources of friendship can also be drawn upon by these lovers. This enduring relation is what all lovers aim at, if they but understood their strivings. Premature death can frustrate this end, as may be seen in Highland Mary. So can excessive passion and infidelity. Love, then, offers a hedge against mortality, as may be seen in one of Burns’s last poems, Oh wert thou in the cauld blast.

It is not accidental that a woman serves as narrator in the John Anderson poem. (It is not addressed to Joan Anderson.) Do not women tend to be more moderate than men in these matters (and not only because men get out more)? John Anderson’s wife can speak not only of the promise (or future) of their love but also of its accomplishment (or history). This is what makes The lovely lass o’ Inverness so pathetic: that woman knows in her very being what she has lost, forever. However insensitive Burns could sometimes be in his treatment of women, he was too good an artist not to be aware of the natural differences between male and female, differences which the sound community makes use of in creating and sustaining the conditions in which not only the community but love and love poems can prosper. The community both encourages and restrains lovers, contributing thereby to that pleasurable tension which love somehow depends upon and enjoys.

The limits of love, as well as of the community in which it thrives, are rooted in the mortality of human beings and hence of all human institutions. Mortality itself is at the core of the defeats, as well as of the aspirations, that human beings experience. It is that mortality which may be seen in Robert Burns’s It was a’ for our rightfu’ king (still another follow-up to the Battle of Culloden Field):

It was a’ for our rightfu’ king
  We left fair Scotland’s strand;
It was a’ for our rightfu’ king,
  We e’er saw Irish land, my dear,
We’ e’er saw Irish land.—

319. See infra note 526 and accompanying text.
320. In 2 POEMS AND SONGS, supra note 281, at 659-60.
321. 2 id. at 813.
322. See, for example, the comments on Sophocles’ Antigone in Hegel’s Philosophy of Right. See also On Trial, supra note 38, at 846-54; THE AMERICAN MORALIST, supra note 49, at 349-63.
Now a' is done that men can do,
And a' is done in vain:
My Love and Native Land fareweel,
For I maun cross the main, my dear,
For I maun cross the main.

He turn'd him right and round about,
Upon the Irish shore,
And gae his bridle-reins a shake,
With, Adieu for evermore, my dear,
And adieu for evermore.

The soger frae the wars returns,
The sailor frae the main,
But I hae parted frae my Love,
Never to meet again, my dear,
Never to meet again.

When day is gane, and night is come,
And a' folk bound to sleep;
I think on him that's far awa,
The lee-lang night and weep, my dear,
The lee-lang night and weep.323

But something more, and better, than weeping endures when the disasters that one encounters can be transformed into such lines as these by a poet who is very much aware of the nature of human life:

Now a' is done that men can do,
And a' is done in vain . . .

Well, not all—for something further can be done (and surely not in vain) by the poet who continues to treasure what is "rightfu":324

323. In 2 Poems and Songs, supra note 281, at 876-77. Is part of this poem, as in Stanza 3, taken from an old poem?
324. It is hard to overestimate the significance, as in the Old South, of a Lost Cause. See infra Part 21. On the significance of Thermopylae, see Law, Education, and Legal Education, supra note 101, at 763-74.
6. JANE AUSTEN (1775-1817)\textsuperscript{325}

To have beauty is to have only that; but to have goodness is to be beautiful also.

— Sappho\textsuperscript{326}

I.

We can begin, as Jane Austen can also be said to have begun, with the concluding paragraph of *Pride and Prejudice*:

With the Gardiners, [Darcy and Elizabeth] were always on the most intimate terms. Darcy, as well as Elizabeth, really loved them; and they were both ever sensible of the warmest gratitude towards the persons who, by bringing her into Derbyshire, had been the means of uniting them.\textsuperscript{327}

Although no one knows it, matters are in the course of being satisfactorily resolved when Darcy learns, during the Derbyshire visit of Elizabeth and the Gardiners, of Lydia’s flight with Wickham. Darcy at once sets about straightening things out, using his money and talents in a most effective way.\textsuperscript{328}

When Jane Bennett learns of her sister’s engagement with Darcy, she asks, “Will you tell me how long you have loved him?” She then believes Elizabeth to be jesting when she answers: “It has been coming on so gradually, that I hardly know when it began. But I believe I must date it from my first seeing his beautiful grounds at Pemberley.”\textsuperscript{329} But does not Elizabeth speak the truth here? For it was during, or because of, that visit that Elizabeth comes to learn how good (and hence desirable) Darcy is.

The encounter of Elizabeth and Darcy at Pemberley can be referred to as “this accidental meeting.”\textsuperscript{330} It is easy to overlook how accidental that meeting

\textsuperscript{325} A paper prepared for a Claremont Institute for the Study of Statesmanship panel, at the Annual Convention of the American Political Science Association, Washington, D.C., August 29, 1986. On Jane Austen, see THE ARTIST AS THINKER, supra note 10, at 86-99. (The original title of this talk was “Chance, Nature, and Providence in *Pride and Prejudice*.”)

\textsuperscript{326} Sappho, No. 58, in *LYRA GRAECA* 142-44 (Loeb Classical Library, J.M. Edmonds trans., 1979). On Sappho, see THE THINKER AS ARTIST, supra note 18, at 45.


\textsuperscript{328} See id. at 468, 499-500.

\textsuperscript{329} Id. at 540.

\textsuperscript{330} Id. at 457. Consider also this observation by a character in Plato’s *Laws*: It’s likely that almost all human beings are in a similar condition. No human being ever legislates anything but chances and accidents of every
truly was. Elizabeth would never have presumed to visit Pemberley with the Gardeners if she had not been told that Darcy was absent from the district. Nor would the three of them have been in Derbyshire at all if the Gardeners’ original plans to visit the Lakes district had not miscarried. They then had to settle for a shortened holiday in Derbyshire. The stay there would have been even shorter than it was if Jane’s first letter to Elizabeth about the misconduct of Lydia had not gone astray.

Is there not something sobering about the recognition that “the means of uniting” so attractive a couple as Elizabeth and Darcy should have been critically dependent upon chance?

II.

But, then, consider the decisive role played again and again by chance in getting, and keeping, all this going.

It is a matter of chance, it seems, that Netherfield Park is available to be let. Certainly, Bingley “was tempted by an accidental recommendation” to look at that property. Much depends in the story upon the proceedings at the first ball attended by Bingley—at which his friend Darcy also happened to be. It was on that occasion that Darcy made remarks about Elizabeth which she happened to overhear, remarks which very much affected how she conducted herself toward him thereafter and which, in turn, helped shape his interest in her as a somewhat unusual woman.

Chance may be seen in various other manifestations as well. The extended visit of Elizabeth with the Collinses had the effect of bringing together Darcy and Elizabeth, since the Collins ecclesiastical assignment sort, occurring in all kinds of ways, legislate everything for us. Either it’s some war that violently overturns regimes and transforms laws, or it’s the baffling impasse of harsh poverty that does it. Diseases, too, make many innovations necessary, when epidemics occur or bad weather comes and frequently lasts many years. If he looked ahead to all these things, someone might be very eager to say what I just said—that no mortal ever legislates anything, but that almost all human affairs are matters of chance. With regard to the sailing art, the pilot’s art, the art of medicine, and the art of the general it seems good to say all this; but it seems equally good to speak about these same affairs in the following way. In all things god—and together with god, chance and opportunity—pilots all the human things. One must, indeed, concede that these are accompanied by yet a third thing, a gentler thing: art. For I at least would declare that the pilot’s art is a great advantage when it comes to cooperating with the opportune moment in the midst of a gale.


331. See AUSTEN, supra note 327, at 382, 442.
332. See id. at 479.
333. See id. at 282.
happened to be under the auspices of Lady Catherine, Darcy's aunt.\textsuperscript{334} Even the unsuccessful effort by Lady Catherine to force Elizabeth to renounce all interest in Darcy had the unanticipated effect of informing Darcy that he might still be able to prevail with the woman who had so vigorously rejected his suit and thereafter the threats of his aunt.\textsuperscript{335}

Perhaps we need not go as far as Charlotte Lucas does when she insists to Elizabeth Bennett, "Happiness in marriage is entirely a matter of chance."\textsuperscript{336} But there is enough to what Charlotte says—especially when it is noticed how much chance can affect whom one is exposed to and in what circumstances—there is obviously enough in everyday experience to disturb the assurance we seek (and perhaps need?) that human beings can control to a considerable degree what they do and what becomes of them.

Thus, we can detect, upon examination, the various ways the special relation between Elizabeth and Darcy could have chanced to fail to mature. This recognition can be particularly unsettling because we are led by this story—that is, by the storyteller—to regard a union between Elizabeth and Darcy as a more or less natural (and certainly as a highly desirable) development.\textsuperscript{337}

\section{III.}

We should not be surprised, however, to discover chance coexisting with nature. Certainly, one's understanding of chance is enhanced by, if it does not even depend upon, a solid grasp of the notion of nature. Indeed, it might be said, everything can be regarded as happening by chance if there is not an awareness of nature by which to take one's bearings. But is not this also to say, in effect, that nothing can be regarded as happening by chance if there is no awareness of nature? That is, a rational account of things may ultimately depend on some awareness of nature.

Be that as it may, it does seem natural to be aware of the workings of chance, even in circumstances when neither nature nor chance is explicitly identified. One form such an awareness can take is the opinion that Providence is responsible for the way things work out in a manner appropriate to the character of the parties one is interested in. That is, "chance" can be regarded as benevolent, even naturally so.

A crude sense of the workings of a Providence-like nature in the affairs of human beings may be seen in the opinion reflected in the opening paragraphs of \textit{Pride and Prejudice}:

\begin{itemize}
\item \textsuperscript{334} See id. at 324 ("a fortunate chance").
\item \textsuperscript{335} See id. at 535.
\item \textsuperscript{336} See id. at 287. See also id. at 361-63.
\item \textsuperscript{337} See, e.g., id. at 494, 506, 534-36.
\end{itemize}
It is a truth universally acknowledged, that a single man in possession of a good fortune must be in want of a wife.

However little known the feelings or views of such a man may be on his first entering a neighborhood, this truth is so well fixed in the minds of the surrounding families, that he is considered as the rightful property of some one or other of their daughters.338

Thus, nature may even be seen here as the ultimate source of determinations about good and bad, exposing to view as it does what is to be judged “rightful property.” It is nature as well which “sees” to it that the vacuum associated with a single man of means should be decisively filled.

Nature can have its way even when it is not recognized as such. The thoughtlessness of Mrs. Bennett leaves her instincts free to exploit the Netherfield Park situation for all that it is worth. For the Bennett family, that situation is worth (indirectly, if not directly) three marriages. We should not forget that even the dubious marriage of Lydia to Wickham depends upon the relationships generated by the Netherfield Park situation. Nor should we forget that a woman without property very much depends upon marriage. Desperation can keep a woman alert to chance opportunities; judgment can help her make the best use of the opportunities she happens upon.

Such, then, are the ways in which chance can work—and can seem to be natural (or otherwise inevitable) in its workings.

IV.

Must we not look elsewhere in Pride and Prejudice, however, to observe nature in a less compromised form? That is, must we not look to Darcy?

When we come to know Darcy we discover that he is very good; he repeatedly conducts himself as he should, better in fact than anyone else in the story. We also discover that his conduct is guided by thoughtfulness when appropriate.

We should not be surprised, therefore, to discover that both a deference to, and a proper use of, nature have been decisive to the shaping of Darcy.

Is there any speech or letter in the book which uses some form of the word “nature” as much as does Darcy’s letter to Elizabeth in Chapter 35? This is the long letter delivered to Elizabeth the morning after Darcy had been rejected. It is there that Darcy both justifies his interference in a possible match between Jane and Bingley and alerts Elizabeth to Wickham’s true

338. Id. at 273.
character. When Darcy deals with serious matters, it would seem, he naturally draws upon “nature.” Why this should be so is suggested by Chapter 43, the only chapter in Pride and Prejudice which (it seems to me) has even more uses of “nature” than Chapter 35. This is the chapter describing the decisive Pemberley visit by Elizabeth and the Gardiners.

Elizabeth observes, when they reach “the top of a considerable eminence,” that there can be seen in a critical position below them “a stream of some natural importance [which] was swelled into greater, but without any artificial appearance.” She further observes that its banks “were neither formal nor falsely adorned.”

Elizabeth is delighted. We are then told, “She had never seen a place for which nature had done more, or where natural beauty had been so little counteracted by an awkward taste. They were all of them warm in their admiration; and at that moment she felt that to be mistress of Pemberley might be something!” Thus, we learn, Pemberley is a place where human beings of taste had put bountiful nature to good use, a use which had itself been guided by nature (that is, by a sensitivity to “natural beauty”).

Tastefulness is further evident upon the visitors’ encountering the resident housekeeper, “a respectable-looking elderly woman, much less fine, and more civil, than [Elizabeth] had any notion of finding her.” What the housekeeper has to say about Darcy, whom she has known since he was four years old, challenges critical misconceptions Elizabeth had allowed herself to entertain about him. Much of what the housekeeper says in praise of her absent master is introduced by her telling observation, “I do not know who is good enough [to be a wife] for him.” In response to Mr. Gardiner’s comment, “You are lucky in having such a master,” the housekeeper says, “Yes, sir, I know I am. If I were to go through the world, I could not meet with a better. But I have always observed, that they who are good-natured when children, are good-natured when they grow up; and he was always the sweetest, most generous-hearted boy in the world.” “Can this be Mr. Darcy?” thought Elizabeth.

We also learn that Darcy’s father had been “an excellent man.” The housekeeper expects that “his son will be like him—just as affable to the poor.” This suggests that we may have in Darcy what we have in Pemberley, something naturally well-endowed which has been taken in hand and given a

339. On what it can mean to naturally draw upon “nature,” see supra note 314. I have noticed seven uses of “nature” in the account of that visit.
340. See AUSTEN, supra note 327, at 445.
341. Id. at 445.
342. Id. at 446.
343. Id. at 448. Is it in fact true that “they who are good-natured when children are good-natured when they grow up?” Certainly, the ill-natured child can be turned into a good-tempered adult—until, perhaps, drastic changes of circumstances evoke a second childhood?
proper finish by those who knew what they were doing. The proper alliance between art and nature is evident here, that art which aspires to a conquest of chance.344

Elizabeth is reported to have “listened, wondered, doubted, and [to be] impatient for more” from the Pemberley housekeeper. She does hear more of the same about Darcy, including the challenging appraisal, “Some people call him proud; but I am sure I never saw anything of it. To my fancy, it is only because he does not rattle away like other young men.”345 Elizabeth is moved to recognize that the commendation bestowed on Darcy by the housekeeper was “of no trifling nature,” especially since it was “the praise of an intelligent servant.”346

As the fateful Pemberley visit draws to a close, the ladies agree with Mr. Gardiner that Darcy had been “perfectly well behaved, polite, and unassuming.”347 And Mrs. Gardiner observes that he did not have “an ill-natured look.”348 The chapter closes with Elizabeth’s thinking “with wonder of Darcy’s civility, and, above all, of his wishing her to be acquainted with his sister.”349

It is not said that Elizabeth herself notices one revelation which bears on what we have suggested about the relations among chance, nature and Providence. The room at Pemberley, which had been the late master’s favorite, remains as it had been before Darcy inherited. This filial piety extended even to Darcy’s allowing a miniature of the detested Wickham to remain where it had been in his father’s time.350

This, in turn, reminds us that Darcy is probably, of all the characters in Pride and Prejudice, the one who is shown as most deeply pious in his sentiments.351 Is not piety particularly reassuring in someone who has the opportunities and duties of a “great man”?352 Indeed, piety may be in such circumstances the natural response by the well-bred man who appreciates the extent to which he seems to have been favored by fortune. Piety can include a proper respect for the appearances of things. Here, too, nature can provide guidance to the man sensitive to the needs and limitations of the community.

344. We had earlier learned of the generations which had built up the fine Pemberley library. Id. at 298. Compare id. at 322 (“Mr. Collins was not a sensible man, and the deficiency of nature had been but little assisted by education or society; the greatest part of his life having been spent under the guidance of an illiterate and miserly father . . . .” See also id. at 361.
345. Id. at 448.
346. Id. at 449.
347. Id. at 455.
348. Id.
349. Id. at 456.
350. See id. at 448; see also id. at 331.
351. See, e.g., id. at 418, 536-37.
352. See, e.g., id. at 309, 455.
Nature can also be understood to have directed Darcy’s interest in Elizabeth, once he happened to come to know her. He senses, not without reason, that this lively woman has something vital to offer a most privileged man who has not unnaturally become stately and reserved in his bearing. An early indication of what he sees in her is found in his observation, “I have been meditating on the very great pleasure which a pair of fine eyes in the face of a pretty woman can bestow.” The reliable correlation between appearance and reality is something that well-ordered Pemberley tends to suggest.

But, as we know, one can be misled by appearances, not least when chance factors intervene. Darcy does happen to be shy with strangers—and this contributes to the quite unfavorable first impressions of him formed by Elizabeth and others at the ball. In addition, the way events happen to unfold permit Wickham to take advantage of his own genteel appearance in order to impose himself upon the Bennett family and others.

The disparity in superficial public appearances between Darcy and Wickham is of course critical. As the story unfolds, it becomes apparent to all with eyes to see that the apparent faults of Darcy conceal great virtues, while the apparent virtues of Wickham cannot long conceal his persistent vices. Thus, Mr. Bennett can come to say of his delinquent son-in-law Wickham, “He is as fine a fellow... as ever I saw. He simpers, and smirks, and makes love to us all. I am prodigiously proud of him.” Earlier, however, this incorrigible deceiver could move Elizabeth to believe that his “very countenance may vouch for [his] being amiable.” But, of course, she is eventually obliged to say about Darcy and Wickham, “There certainly was some great mismanagement in the education of these two young men. One has got all the goodness, and the other all the appearance of it.”

However misleading appearance can be, would it not be unnatural to simply discount it? Much is to be said for “looking good.” This can serve to remind everyone of virtues that the community takes seriously. Indeed, it can be said, nature strives to make appearances conform to reality—or at least it teaches us to expect certain things from certain appearances. Even the would-be deceiver is often obliged to conduct himself better than he would like.

353. See id. at 309, 545, 460. Was Darcy so “frozen” in a static situation that he would not have pursued Elizabeth further but for the chance encounter at Pemberley?
354. Id. at 290; see also id. at 287, 297, 310, 465; Compare id. at 392.
355. See, e.g., id. at 398; Compare id. at 411.
356. Id. at 508.
357. Id. at 330; see also id. at 334.
358. Id. at 433.
After all, how one appears does depend to a considerable degree upon how one conducts oneself. Civilization both relies upon and refines civility, which is itself, to a considerable extent, a kind of appearance.

VI.

Chance appearances, deceptive though they may be from time to time, tend to be corrected by a power of discernment rooted in and guided by nature. Critical to a useful discernment is a reliable awareness of how chance can distort the information one depends upon. But even more important is the condition of the soul which must order and assess all that might become available. Thus, one cannot reasonably hope to know others until one has come to know oneself.

The soul which is naturally well-disposed is open to much-needed instruction about what constitutes in particular situations "the happiest, wisest, and most reasonable end." And so Elizabeth is able to learn from experience—especially to learn about her own limitations:

She grew absolutely ashamed of herself. Of neither Darcy nor Wickham could she think without feeling that she had been blind, partial, prejudiced, absurd.

"How despicably have I acted!" She cried [to herself]; "I, who have prided myself on my abilities! Who have often disdained the generous candour of my sister, and gratified my vanity in useless or blameable distrust. How humiliating is this discovery! Yet, how just a humiliation! Had I been in love, I could not have been more wretchedly blind. But vanity, not love, has been my folly. Pleased with the preference of one, and offended by the neglect of the other, on the very beginning of our acquaintance, I have courted prepossession and ignorance, and driven reason away, where either were concerned. Till this moment I never knew myself."

VII.

Self-knowledge should reduce the role of chance—and extend the domain of salutary nature—in one’s life. But to reduce chance is not to eliminate it.

359. Id. at 520.
360. Id. at 421. On knowing oneself and the Delphic Oracle, see THE THINKER AS ARTIST, supra note 18, at 93-108.
It can be expected that the well-bred human being will act as one should, no matter what the challenges with which chance confronts one. But acting virtuously is one thing; being happy can be quite another. An enduring happiness may be affected by chance, however much it also depends upon virtue.\footnote{361}

Chance is such that it may even be a matter of chance whether one recognizes this or that chance development as good or bad. Thus, Elizabeth responds in this fashion to her unexpected meeting with Darcy at Pemberley:

She was overpowered by shame and vexation. Her coming there was the most unfortunate, the most ill-judged in the world! How strange must it appear to him! In what a disgraceful light might it not strike so vain a man! It might seem as if she had purposely thrown herself in his way again. Oh! why did she come? Or, why did he thus come a day before he was expected? . . . She blushed again and again over the perverseness of the meeting.\footnote{362}

She clearly does not know what she is saying here.

The artist can make chance seem inconsequential. Jane Austen conceals from view the considerable part played by chance in bringing about the fitting, even natural, union of Darcy and Elizabeth. In this perhaps she keeps up appearances, thereby reassuring readers that virtue does tend to be rewarded in a well-ordered community. There may even be, in this plausible facade, a becoming civility.\footnote{363}

7. STENDHAL (1783-1842)\footnote{364}

"But what is an individual against a vast public opinion?"

"Divine. God made man in His own image, but the Public is made by Newspapers, Members of Parliament, Excise Officers, Poor Law Guardians."

— Disraeli\footnote{365}

\footnote{361. See ARISTOTLE, NICOMACHEAN ETHICS bk. I. On the ETHICS, see THE THINKER AS ARTIST, supra note 18, at 318-34.}
\footnote{362. AUSTEN, supra note 327, at 451.}
\footnote{363. See PLATO, THE REPUBLIC 414D; see also supra note 74. For a useful comparison by Leo Strauss of Jane Austen with Fyodor Dostoevsky, see THE ARTIST AS THINKER, supra note 10, at 86-98. On Dostoevsky, see infra Part 11 of this Collection.}
\footnote{364. This paper was prepared for a course while I was a graduate student in the Committee on Social Thought, The University of Chicago, April 23, 1956. (The original title of this talk was “Stendahl on Public Opinion and the Rule of the Middle Class.”)}
\footnote{365. BENJAMIN DISRAELI, CONINGSBY (Signet Classics 5th ed. 1962) (1844).}
I.

France, in 1830, remembers the Revolution. This is made clear in Stendhal's novel, The Red and the Black. Noblemen, living in fear of the people, "dare not scold a postilion who drives them badly," the nobleman has never recovered from the shock of seeing many of his blood behave no better than "heroic sheep, allowing their throats to be cut without a word."

In fact, there is in the Franche-Comté the institution of the "last Friday of the month": masters and servants meet in fraternal services, even addressing one another as "tu." "We pay twenty francs for each servant [who attends these meetings] so that if there should be another '93 they may not cut our throats."

For the moment, the Church and the Nobility retain the power recaptured upon the fall of Napoleon. But their grasp is weak—and weakening. It is only by grace of the deposed emperor—who, for his own purposes, made both priest and nobleman respectable again—that they have the power they do. The desire for more control they dare acknowledge only among themselves. The nobility, on the one hand, would prefer to see the drawing-rooms, not the majorities, control public life: "Let us be certain whom we have to crush . . . the journalists, the electors, public opinion . . ." the Church, on the other hand, sees a need for more drastic measures:

"To-day, Gentlemen, it is not a man that we must destroy; it is Paris. The whole of France copies Paris . . . Paris alone, with her newspapers and her drawing rooms, has done the harm; let the modern Babylon perish . . . Why did not Paris dare to breathe under Bonaparte? Ask the artillery of Saint Roch."

Both Nobility and Church are destined for disappointment: the middle class, led by the wealthy manufacturer, is rising—and with it comes a life dictated by the power of opinion.

366. This novel, Le Rouge et le Noir, was originally published in 1830.
368. Id. at 113. Much the same has been said about the way millions of men and women in the Nazi death camps conducted themselves during the Second World War. Decades, if not centuries, of law-abidingness had paralyzed them, it seems, as well as the unbelievablebility of what had been planned for them.
369. 1 id. at 126.
370. See 2 id. at 13-14.
371. See id. at 193, 195.
372. Id. at 200.
Public opinion controls men's lives more and more. A segment of it, expressed in the Liberal papers, can intimidate defaulting governors of poorhouses. Seminaries close to Paris are less unjustly administered than they would otherwise be: "I must admit it, the proximity of the Parisian newspapers make the petty tyrants afraid." But the press does not exercise the dominant influence upon public opinion. In the provinces, for instance, public opinion is ultimately the opinion of "the sober and moderate folk." Among this folk, there are the old families and the new, represented by M. de Rénal and M. Valenod. M. de Rénal, a somewhat honest mayor with aristocratic pretensions, will be replaced one day by the upstart Valenod, who is vulgar and unscrupulous. The Rénals see themselves as protectors of "the King's interests, those of Monarchy, and above all those of our holy religion." The Valenods, on the other hand, are a species marked by coarseness and effrontery. Being extremely active, "blushing at nothing, interfering in everything, everlastinglly going about, writing, speaking, forgetting humiliations, having no personal pretensions," such people forge ahead. The past provides them nothing but unpleasant memories: "There was always the dread of bankruptcy, wealth and poverty were always fighting for the upper hand."

M. de Rénal's dignity, however, is for the most part borrowed. He owes his reputation for wit and good tone to half a dozen pleasantries inherited from an uncle who had had the right of entry into the drawing-rooms of the Duke of Orléans. "Always zealous in imitating the habits of the Court," M. de Rénal, with the first fine days of spring, removes the household to his sumptuous country home. He considers the hiring of a tutor "a necessary expense to keep up our position": "I wish them to see M. de Rénal's children go by, out walking in the care of their tutor. It will make an impression." "As he was in other respects most refined, except when the talk ran on


375. 1 id. at 13.

376. Id. at 129.

377. Id. at 186-87.

378. Id. at 184.

379. See id. at 23.

380. See id. at 67.

381. Id. at 22.
money," M. de Rênal was regarded as the most aristocratic personage in his town.\footnote{382}

In spite of all his pretensions, however, the Mayor will behave just as public opinion prescribes, even with respect to suspected adultery on the part of his wife.\footnote{383} A jealous Sultan might simply dispatch a suspected mistress.\footnote{384} M. de Rênal, however, shrinks from the thought of blood: his passion can be expressed only in the mutilation of the drawer of a valuable mahogany desk, "imported from Paris, which he used often to polish with the tail of his coat when he thought he detected a spot on its surface"—and even in this outburst, he is only being manipulated by a desperately resourceful wife.\footnote{385}

Public opinion, the opinion of these moderate and sober folk, is controlled by the husbands, men such as M. de Rênal and M. Valenod.\footnote{386} Strong preference is expressed for that mediocrity which leads to assured comfort, while there is a deep distrust of the heroic dreamer and the thinker.\footnote{387} The decisive phrase is "Yield a Return":

Yielding a return is the consideration that settles everything in this little town which seemed to you, just now, so attractive. The stranger arriving there, beguiled by the beauty of the cool, deep valleys on every side, imagines at first that the inhabitants are influenced by the idea of beauty; they are always talking about the beauty of their scenery: no one can deny that they make a great to-do about it; but this is because it attracts a certain number of visitors whose money goes to enrich the innkeepers, and thus, through the channel of the rate-collector, yields a return to the town.\footnote{388}

One result of this mediocrity is that distinction, unjustified by tangible "success", is hated.\footnote{389} Not what one thinks of Biblical teaching, for instance, but that one has succeeded in learning by heart the Latin text, provokes in a town an admiration "that will endure for, it may be, a century."\footnote{380} Men of feeling, of innate worth, are treated with hostility.\footnote{381} One is prudent to speak of the fallen Napoleon only with horror.\footnote{382} The emphasis is upon the

\footnote{382. \textit{See id. at 24.}} \footnote{383. \textit{See id. at 157.}} \footnote{384. \textit{See id. at 173.}} \footnote{385. \textit{See id. at 169.}} \footnote{386. \textit{See id. at 172, 190.}} \footnote{387. \textit{See id. at 102; see 2 id. at 37-38, 91-92.}} \footnote{388. \textit{See 1 id. at 16.}} \footnote{389. \textit{See id. at 237, 251, 252.}} \footnote{390. \textit{See id. at 102; see also id. at 47-48, 181-83.}} \footnote{391. \textit{See id. at 190.}} \footnote{392. \textit{See id. at 48, 80, 123-24.}}
unoriginal; sensitivity is stamped out. Virtue is mistaken for pride, foolishness or hypocrisy;\textsuperscript{393} coarseness and vulgarity, for wit and gallantry.\textsuperscript{394} The natural and beautiful are suppressed: even the sturdy plane trees lining the public ways are lopped twice a year before they can assume "those magnificent forms which one sees them wear in England." The Mayor vigorously defends this policy: "I like shade, I have my trees cut so as to give shade, and I do not consider that a tree is made for any other purpose, unless, like the useful walnut, it yields a return."\textsuperscript{395}

The days of great deeds are gone. Even opportunities for civic distinction are severely limited in these times:

Fortunately for M. de Renal's reputation as an administrator, a huge retaining wall was required for the public avenue...[This requirement] placed M. de Renal under the fortunate obligation to immortalize his administration by a wall twenty feet in height and seventy or eighty yards long.\textsuperscript{396}

In the place of great deeds are found dullness and barrenness of heart. "Hypocrisy has made the most brilliant advances even among the Liberal classes."\textsuperscript{397} Almost everything seems to illustrate the maxim, "Speech was given to men to enable him to conceal his thoughts."\textsuperscript{398}

III.

But, one may wonder, is not Paris different, is it not more receptive to passion and true nobility than the Renals and Valenods? True, one could, in order to escape provincial despotism with its "pestilential atmosphere of small financial interests,"\textsuperscript{399} seek "solitude and rustic peace in the one place in France where they exist, in a fourth-floor apartment, overlooking the Champs-Elysées."\textsuperscript{400} Such withdrawal is not feasible, of course, for the ambitious, to say nothing of the penniless soul; he must, if he is privileged, enter the life of the Parisian drawing-rooms. There he will find life less vulgar than in the provinces: "they are so considerate as to turn their backs to laugh

\begin{footnotes}
\item[393] See id. at 23, 266.
\item[394] See id. at 23, 53, 56, 60, 155.
\item[395] Id. at 15-16.
\item[396] Id. at 14.
\item[397] Id. at 60. See also 2 id. at 88. There is, for the purpose of this paper, no essential difference between the contending Ultra and Liberal parties. The reader should not be misled by references to the "opposition press." In Stendhal's view, a genuine opposition press is probably seen only in writings such as his. See 1 id. at 145; see 2 id. at 182, 184.
\item[398] 1 id. at 175.
\item[399] Id. at 11.
\item[400] 2 id. at 12.
\end{footnotes}
at you, but you will always remain a stranger." 401 One learns that Paris can be just as cruel as the country town, and more adept in charlatanism; it is less romantic and more ironic. 402 Thus, there might be found in Paris fewer obstacles to clandestine love affairs and more instruction as to how one should proceed in such matters; in short, things might move faster, but there would be no life in the liaisons established. 403 In fact, the romantic soul can prefer to return to the provinces, where there is a possibility of a more nearly full and natural love. 404

Once the novelty and excitement of Parisian society wear off, one recognizes in the drawing-rooms "the native heath of boredom and dreary argument." 405 Some subjects are forbidden for serious discussion:

So long as you did not speak lightly of God, or of the clergy, or of the King, or of the men in power, or of the artists patronised by the court, or of anything established; so long as you did not say anything good of Béranger, or of the opposition press, or of Voltaire, or of Rousseau, or of anything that allowed itself the liberty of a little freedom of speech; so long, above all, as you did not talk politics, you could discuss anything you pleased with freedom. 406

Thinking, one soon learns, is distrusted in Paris also: "There is no income of a hundred thousand crowns, no blue riband that can prevail against a drawing-room . . . The smallest living idea seemed an outrage." 407 "In the upper classes of Parisian society . . . passion can only very rarely divest itself of prudence." 408 The disillusioned nobility must look to another era for example or inspiration: to the heroic age of Charles IX and Henry III or even to the days of Louis XV, when the aristocrat was still above the law. One could observe "that the word Crusade was the only one that brought to their faces an expression of intense seriousness, blended with respect." 409

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401. Id. at 53.
402. See id. at 333; 1 id. at 96. This should be distinguished, however, from Socratic irony.
403. See 1 id. at 53-54. See also infra Part 10.
405. 2 id. at 22, 175.
406. Id. at 37.
407. Id. at 37-38, 91-92.
408. Id. at 302.
409. Id. at 39, 264 [emphasis omitted].
IV.

If a man is poor, ambitious and without a noble sponsor, he may look to Napoleon for an ideal; but it is to the Church he must turn for what opportunities he may have for advancement. Here, however, just as in the provinces and in the Parisian drawing-rooms, are found dullness and barrenness of heart.

From the beginning of his career, the seminarist is cut to a pattern. Distinction is abhorred, submission rewarded:

Since Voltaire, since Two Chamber government, which is at bottom only distrust and private judgement, and instils in the hearts of the people that fatal habit of want of confidence, the Church of France seems to have realized that books are its true enemies. . . . Success in studies, even in sacred studies, is suspect, and with good reason. What is to prevent the superior man from going over to the other side, like Sieyès and Grégoire?

Dining well is, in the Seminary, an immediate end; a good living, not the salvation of the soul, is the ultimate objective: "When [the seminarists] were not discussing sausages and rich living, their talk ran on the worldly side of ecclesiastical teaching." The seminarists' love of money is attributed to all; the man who cautions them about damnation is regarded as nothing but a hypocrite: "Not one seminarist was simple enough to believe in the voluntary resignation of a post which provided so many opportunities for dealing with the big contractors."

Nor do matters improve when the seminarists become priests among their flocks. Worldly standards prevail as attempts are made to shape public opinion: "There were a Te Deum, clouds of incense, endless volleys of musketry and artillery; the peasants were frantic with joy and piety. Such a day undoes the work of a hundred numbers of the Jacobin papers." A sensational conversion is urged upon a condemned prisoner: "The tears which will flow at your conversion will annul the corrosive effect of ten editions of the impious works of Voltaire." Jesuits are even seen as deliberately

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410. See 1 id. at 35-36, 80, 85, 180; 2 id. at 125.
411. 1 id. at 226-27, 239.
412. See id. at 233.
413. See id. at 239, 266.
414. Id. at 239.
415. Id. at 266.
416. Id. at 140.
417. 2 id. at 347.
corrupting a previously honest Justice of the Peace, forcing him to harass readers of the opposition press.\(^\text{418}\) True, there are exceptions: the honest curé who is unworldly and foolhardy enough to obey his conscience;\(^\text{419}\) the Jansenists who are pure in heart—so pure, in fact, that they become the unwitting tools of the Jesuits who see too well how to move them.\(^\text{420}\) Even so, not even the Jesuits are supreme: a Valenod, once he has an appointment in his pocket, defies them with impunity.\(^\text{421}\)

A woman, misled by her spiritual adviser, laments, "What a terrible crime religion has made me commit!"\(^\text{422}\) A man who is preparing himself for execution experiences a lapse into weakness and fear only after he has been ministered to by an ardently hypocritical priest.\(^\text{423}\) Here, perhaps, are the ultimate repudiations, seen by Stendhal throughout this society, of all that is natural and noble.

V.

Almost everyone in all walks of life, Stendhal seems to say, is damaged by the prevailing prejudices and hypocrisies—either one accepts them, thereby crippling oneself, or one conducts oneself so as to circumvent their thrust, but not without severe inner distortions. There is, on the one hand, the devout king who is putty in the hands of an eloquent churchman;\(^\text{424}\) and there is, on the other hand, a Julien Sorel who regards himself as noble at heart.\(^\text{425}\) He vows "never to say anything except what he himself believed to be false."\(^\text{426}\) "What an immense difficulty is this incessant hypocrisy! It would put the labourers of Hercules to shame. The Hercules of modern times is Sixtus V, who for fifteen years on end, by his modesty, deceived forty Cardinals, who had seen him proud and vigorous in his youth."\(^\text{427}\) Distrusting everyone, Julien can take all too easily to hypocrisy:

\(^{418}\) See 1 id. at 35.
\(^{419}\) M. de Chelan:

Well, gentlemen, I shall be the third parish priest, eighty years of age, whom the faithful will have seen deprived of his living in this district. I have been here for six and fifty years... Verrières is my family, but the fear of leaving it will never make me traffic with my conscience, or admit any other influence over my actions.

\(^{420}\) See 2 id. at 52, 346-47.
\(^{421}\) See id. at 334.
\(^{422}\) See id. at 329.
\(^{423}\) See id. at 333, 340.
\(^{424}\) See 1 id. at 140-42.
\(^{425}\) See 2 id. at 336.
\(^{426}\) 1 id. at 183.
\(^{427}\) See id. at 230; See also id. at 197, 225, 239.
We need not augur ill for Julien's future; he hit upon the
correct form of words of a cunning and prudent hypocrisy.
That is not bad at his age. As for his tone and gestures, he
lived among country folk: he had been debarred from seeing
the great models. In the sequel, no sooner had he been
permitted to mix with these gentlemen than he became
admirable as well in gesture as in speech.\footnote{428}
Perhaps he is sometimes too ready to accept the prevailing morality: at one
point in his relationship with Madame de Rénal he does himself a disservice
because he lacks the courage to be sincere.\footnote{429} Furthermore, Julien, just as M.
de Rénal before him, can become quite concerned about possible public
scandal.\footnote{430}
There is, nevertheless, something distinctive about Julien.\footnote{431} Despising
all the classes in which he comes to move, he cannot conceal his contempt for
them.\footnote{432} His feelings escape him; his accomplishments and ambitions become
apparent; and he arouses the resentment of those who are reminded that he has
risen out of his class:

"Whatever induced your friend... to go and arouse and
attack the petty vanity of that middle-class aristocracy?
Why speak of caste? He shewed them what they ought to
do in their political interest: the fools had never thought of
it, and were ready to cry. The caste interest blinded their
eyes to the horror of condemning a man to death. You must
admit that M. Sorel shews great inexperience. If we do not
succeed in saving him by an appeal to clemency, his death
will be a sort of suicide."\footnote{433}
Thus, even a Julien Sorel is depicted as somewhat warped in this society,
but much less so than puzzled compatriots who cannot even have intimations
of the heroic passions that drive him to his destruction.\footnote{434}
VI.

Heroic passions and noble ambitions are liabilities in 1830. Church, nobility, and middle-class combine in only one objective, that of stemming the "torrent of private judgment" flowing from Reformation and Revolution. Each attempts to establish its particular control over public life. Only the middle-class, however, seems to have both the faith and the energy required for success.

The manufacturers and their allies are both the masters and creatures of public opinion. Moved only by thoughts of material success, that class allows its worst elements to set standards for all; everything decent about this middle-class "aristocracy", including its self-respect, is cheapened by being put on the market. Both its virtues and vices become petty, whether it be building the town wall or, in the fashion of a Valenod, robbing the poor house. It can, under cover of law, even dispatch an enemy—but only when the victim threatens its system and is foolish enough to indulge in a rash escapade. This show of passion is, of course, far from typical; the accepted approach, through public opinion, is usually much less spectacular, but none the less deadly: "There are no longer any genuine passions in the nineteenth century... We commit the greatest cruelties, but without cruelty.'

young man, riding [in the Guard of Honour] one of M. Valenod's Norman horses, young Sorel, the carpenter's son.

Compare 1 id. at 132. Does Stendhal see in the passionate career of Julien Sorel a secular parallel to that of another carpenter's son? Compare 2 id. at 340-41.

435. See 1 id. at 127, 220-21, 226-27, 229; 2 id. at 37, 270.

436. Another French author, Alexis de Tocqueville, saw (at about the same time) the middle class come into its own in the United States. See ABRAHAM LINCOLN, supra note 45, at 81. On the middle class in France, see supra note 373.

437. 2 THE RED AND THE BLACK, supra note 370, at 88. The author of this observation, Conte Altamira, owned the distinction of having a death sentence waiting for him in his country. Stendhal respects, but would not follow, him:

In this conspirator, with his black moustaches, she detected a resemblance to a lion in repose; but she soon found that his mind had but one attitude: utility, admiration for utility. Excepting only what might bring to his country Two Chamber government, the young Count felt that nothing was worthy of his attention. He parted from Mathilda, the most attractive person at the ball, with pleasure because he had seen a Peruvian General enter the room. Despairing of Europe, poor Altamira had been reduced to hoping that, when the States of South America become strong and powerful, they might restore to Europe the freedom which Mirabeau had sent to them.

Id. at 82.
Public opinion, it is said, is a terrible force in the country of the Charter.\textsuperscript{438} It is also said, "The drawback of the reign of opinion, which however procures liberty, is that it interferes in matters with which it has no concern; such as private life. Hence the gloom of America and England."\textsuperscript{439} Government by the superior, perhaps even by the truly noble, is outmoded. Instead, there is continual and intensive supervision by the sober and moderate folk who are animated with the vitality of the selfish passions released by accelerated commercial activity.\textsuperscript{440} Under these circumstances, Stendhal suggests, the transfers of power from Napoleon to Rênal to Valenod are almost inevitable.\textsuperscript{441}

8. JOHN KEATS (1795-1821)\textsuperscript{442}

When I have fears that I may cease to be
Before my pen has glean'd my teeming brain,
Before high-piled books, in charactery
Hold like rich garners the full ripen'd grain;
When I behold, upon the night's starr'd face,
Huge cloudy symbols of a high romance,
And think that I may never live to trace
Their shadows, with the magic hand of chance;
And when I feel, fair creature of an hour,
That I shall never look upon thee more,
Never have relish in the faery power
Of unreflecting love;-then on the shore
O the wide world I stand alone, and think
Till love and fame to nothingness do sink.

— John Keats\textsuperscript{443}

\textsuperscript{438.} See 1 id. at 190.

\textsuperscript{439.} England is referred to here. 2 id. at 351; see also 1 id. at 13; 2 id. at 20 [emphasis omitted].

\textsuperscript{440.} Compare 2 id. at 112; Compare also 1 id. 269, 2 id. at 64.

\textsuperscript{441.} See 2 id. at 13-14 ("Bonaparte . . . made possible the reign of the Rênals and Chelans, which has paved the way for the reign of the Valenods and Maslons.").

\textsuperscript{442.} A talk given to the Master Teachers Institute, Northwestern University, Evanston, Illinois, November 12, 1987. This talk is given annually by a speaker nominated by the high school teacher selected that year as the outstanding teacher in the area. The teacher making the nomination on that occasion was Hanna Goldschmidt of the University of Chicago Laboratory Schools. (The original title of this talk was "The Central Teachings of John Keats's Ode on a Grecian Urn.").

\textsuperscript{443.} This poem is dated 1818.
Perhaps the most vexing problem for the teacher of the young is educating them about the nature of education itself. We may well wonder how students can be induced to take seriously the things they are educated in—to take these things seriously primarily for themselves rather than for what they seem to offer for the future, for careers, and the like. It has been noticed that there is often a conflict between liberal education and vocational interests (in the broadest sense of vocational, that which includes preparation for college admission or for professional training).

How then, can students be persuaded to take seriously the things they study—to regard those things as worthy of study for themselves alone as well as for various other benefits? Three means of persuasion seem to be available to the teacher:

1) The teacher can tell students that the study and understanding of some things is good and hence good for them. Teachers can reinforce this teaching by showing that they so conduct themselves personally as to testify to their own reliance upon this opinion.

2) The teacher can tell students that the study of certain things can indeed help with their practical concerns (about admission to college, etc.), but that in order to do this such study has to take the things studied seriously for themselves. In this way, for example, one can learn to read better, the general usefulness of which should be generally apparent.

3) Perhaps most important, the teacher can show what happens when one does study things for themselves. That is, such study can be made attractive, drawing upon the natural desire in human beings to know. 444

Be this as it may, the teacher could well keep in mind what James Russell Lowell identified as the chief end of classical studies, the instilling in the young "a love for something apart from and above the more vulgar associations of life."445 The importance of love in these matters is testified to in the poem we will be considering on this occasion. This poem makes much of the relation between the immediate and the enduring, as distinguished from the future, which ambitious youth are much more likely to make much of.

444. See the opening passage of Aristotle's *Metaphysics*.
II.

I propose to consider (or, rather, to display) what can happen when one does study something for itself alone. It remains to be seen whether this is so intrinsically interesting that youthful intelligence can thereby be appealed to.

Our poem for this occasion is John Keats's *Ode on a Grecian Urn*, written in 1819 and first published in 1820, a poem that many people regard as his masterpiece.\(^{446}\) It has been suggested by one critic, "The perfect, the concentrated shape is achieved in the *Grecian Urn*.\(^{447}\) He added, "*On a Grecian Urn* is the *Hamlet* among Keats's odes, in more senses than one. It is the most familiar, the richest in texture, the most obscure. Puzzlement over its concluding phrases has become a critical commonplace.\(^{448}\)

Let us consider, first, the physical underpinning of this poetic endeavor. An ode, we are told, is "a rather extended poem, usually complicated in metrical and stanzaic form, dealing with a serious theme."\(^{449}\) This particular ode uses ten-line stanzas in pentameter, with variable rhyme schemes.\(^{450}\) It can be regarded as a pastoral, which is to say that it is a "sympathetic literary treatment of simple rural life." More specially used, "the term [pastoral] applies to a poetry which is based on the conventions descended from the classic poetry of shepherd life."\(^{451}\)

The rhymes are such that each of the first three stanzas has a different rhyme pattern. The fourth stanza repeats the pattern of the third stanza, and the fifth (or final) stanza returns to the rhyme pattern of the first. An affinity between the first and fifth stanzas is thereby suggested. Also suggested may be a culmination in development in the third stanza, which the poet then perpetuates into the fourth stanza, before returning (surrendering?) to the original pattern (of the first stanza).

I shall return to these patterns and affinities. It is only prudent to notice here that little, if anything, which has been said thus far about the structure of the poem is apt to be of much interest to the typical student. Perhaps of somewhat more interest is a recognition of the physical underpinnings represented by the urn itself, upon which so much seems to depend. It does seem to be a funeral urn. It also seems to be important that it is a Greek urn, not a Roman urn or even merely an ancient urn. Greece is somehow looked

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\(^{446}\) This poem is set forth in the Addendum to this Part (at infra note 462). See infra text accompanying note 453.


\(^{448}\) Id. at 329.

\(^{449}\) CLEANTH BROOKS & ROBERT PENN WARREN, UNDERSTANDING POETRY 558 (1966) [hereinafter BROOKS AND WARREN].

\(^{450}\) See id. at 431.

\(^{451}\) Id. at 558.
to for guidance in the matters dealt with in this poem, Greece with its gods, yearnings, and rituals.

We are reminded by the poem of still more physical underpinnings, the things all around us that we usually take for granted: trees, human bodies, and the associations of human beings.

III.

Now we must begin to look at the urn itself with some care. Two scenes are dwelled upon by the poet; they seem to be all that there are on the urn. The first scene is described in the first stanza; the second scene is described in the fourth stanza. These are the only stanzas in which questions are set forth. It can be said that these are the scenes which have implied in them problems that must be addressed.

The first scene (in Stanza I) is sylvan, with frolicking human beings and human-like divinities. It is quite lively, if not helter-skelter, which is reflected even in the staccato barrage of questions at the end of the first stanza; an outburst found nowhere else in the poem. Ecstasy is featured as connected with the piping and wooing depicted here. Life is very much in evidence, but not natural completion or fulfillment, as may be seen in the references of the opening lines to the “unravish’d bride” and the “foster-child.”

The second scene (in Stanza IV) is much more sedate, with a considerable number of people organized in a solemn procession. There are no divinities on view here, unlike the first scene which includes lustful gods. The gods looked to here are offstage. Instead of life, death seems more in evidence, as testified to by the sacrificial heifer “lowing at the skies” (a sound quite different from the abandoned noise in the first scene).

IV.

The language of this poem has always had a remarkable effect. One does not have to understand it to be moved by it. It may seem presumptuous, therefore, to attempt to subject it to a dissection that may threaten the very life of it—but (if done right) it can also be rewarding, thereby reinforcing the poem’s effects.452

The version of the ode I rely upon seems to be the one that has the greatest support among scholars. It may be found in the Modern Library

452. Consider, for example, the analyses of the Alice stories and of the Gettysburg Address in THE ARTIST AS THINKER, supra note 10, at 166, and in ABRAHAM LINCOLN, supra note 45, at 229.
When we subject the language of the poem to close analysis, what do we see? Despite the considerable variety in sentence lengths in the poem and in the number of words in each stanza, the central word in the poem lies in the central sentence of the poem, which in turn is to be found in the central lines in the central stanza.

The central stanza is one in which there is displayed a culmination (but not fulfillment, except perhaps the fulfillment of perpetual yearning). It is the rhyme pattern established in that stanza (ababdecde) which is the perfection, in terms of symmetry, of the patterns experimented with in the first three stanzas. It is that pattern, which is kept for the fourth stanza, before the ode reverts in the final stanza to the rhyme pattern of the opening stanza.

Perpetual yearning may be seen in the central lines of the entire ode (which are also the central lines of the central stanza):

More happy love! more happy, happy love!
For ever warm and still to be enjoy'd . . .

The first of these lines is, in turn, part of the central sentence (the ninth of seventeen sentences) in the ode, which sentence is made up of lines 21-25 (the first five lines of the central stanza).

There are in the ode as a whole 373 words (which number is itself a most symmetrical looking number!). Central to that array of words is the love of “more happy, happy love” in line 25. Thus, the entire poem can be said to turn around love. 454

Thus, I suggest, there is a remarkable symmetry in this poem, something that can be exposed by the kind of inquiry we have been making. Is not all this testimony to the importance of order and numbering even in that poetry which seems most inspired? We can be reminded of the insistence by another poet that “Euclid alone has looked on Beauty bare.” 455

The symmetry here is revealed as even more remarkable when one notices how the addressees in the poem are arranged. There is one addressee in the first stanza (the urn, that “sylvan historian”); there are two addressees

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453. The version in Brooks and Warren’s Understanding Poetry is slightly different from the Modern Library/Harvard University Press version used in the Addendum to this talk at infra note 462. See BROOKS AND WARREN, supra note 449, at 431.

454. If the Brooks and Warren version is relied upon, the central words are “love” and “forever” (at the end of line 25 and at the beginning of line 26). BROOKS AND WARREN, supra note 449, at 432.

455. Edna St. Vincent Millay, Euclid Alone Has Looked on Beauty Bare, in THE BOOK OF SONNET SEQUENCES 409 (Houston Peterson ed., 1930). On the ordering of the Catalogue of Ships in Homer’s Iliad, see THE CONSTITUTIONALIST, supra note 145, at 807.
in the second stanza (the "soft pipes", which may refer to the pipers, and the "bold lover"); there is one addressee in the third stanza ("happy, happy boughs"); there are two addressees in the fourth stanza ("O mysterious priest" and "little town"); there is one addressee in the fifth stanza (again the urn, referred to as "O Attic shape," "thou, silent form," and "Cold Pastoral"). Thus, there are one addressee in the first, the third, and the fifth stanzas and two addressees in the second and fourth stanzas—or seven addressees in all.

The seven addressees fall in this pattern: the first and last are the urn; the second from the beginning and the second from the end are multiples, the pipes (or pipers) and the little town (or the people in the town) (both inanimate and animate). Then there are the third from the beginning and the third from the end, the wooing youth and the mysterious priest; these are polar opposites who officiate over proceedings, with both of them yearning for something. In the center there are the evergreen boughs, which are linked to the unwearied melodist (who is not directly addressed here). Thus, at the center of the addressees is the natural world with its seasonal changes, but changes which are arrested—but not permanently, it seems, as the poem moves on to that recognition of mortality and change found in the solemn (funeral?) procession. A transition away from perpetual Spring may be seen in lines 28-30 (at the end of the third stanza):

All breathing human passion far above,
That leaves a heart high-sorrowful and cloy’d,
A burning forehead, and a parching tongue.

I have been talking, in this part of my analysis of the poem, of the shape of things. (Stanzas I and V make explicit an interest in the shape of the urn itself.) At the center of the poem—as seen in terms of stanzas or of lines or of addressees—are the woods, the physical underpinnings, or "nature," upon which all this depends. We notice that the gods referred to or implicit in the first and fourth stanzas are never addressed (or prayed to) by the poet.

We venture to speculate further about the organization of this poem by commenting upon the central words of each of its five stanzas. Central to Stanza I is the word "deities." This is the point of departure, with divinity being what most human beings look to for meaning and stability in an ever-changing world. This is found in a stanza which is characterized by considerable motion. Central to Stanza II is the word "song." The poet relies upon song, particularly moved as he is by "unheard" melodies, to make sense of all this. His and the pipers’ success is such as to lead to the central word in Stanza III, "forever." This permanence is what is aimed at: an unchanging Spring, constant ecstatic piping, perpetual wooing. Everything turns around unrequited love, which is the most exciting stage of love, provided that there
is hope of eventual satisfaction. Central to Stanza IV are the words "sea shore." This reminds us again of the changing. Whereas the second stanza from the beginning emphasized "unheard" melodies, there is an emphasis in the fourth stanza (or the second stanza from the end) upon unseen places (origins and destinations). Central to Stanza V is the word "this." We can see here, at least for poetry, the importance of the particular, the concrete. An enduring image, or thought, remains while generations vanish. This can be said to be a crystallized, if not frozen, version of the first scene. (This affinity is suggested by a return to the rhyme pattern of the first stanza.) The price to be paid for such a resolution is that this is now a "Cold Pastoral," with "marble men and maidens," no longer the warm, ecstatic scene in the first stanza.

V.

I have suggested that the symmetry of the various parts of the poem throws considerable light upon the vital relations between the two principal scenes depicted on the urn. One scene looks to life, love and even lust; it is intensely human. The other scene looks to death and the gods, with the sound provided not by lively piping, but by a lowing heifer on the way to a sacrifice.

The first scene has almost "everything" on stage. The poet speculates on what is going to remain unchanged (as well as unfulfilled). Off-stage, so to speak, is consummation of love. One must wonder whether that is not bound to be the case for most, if not all, deep yearning.456

The second scene has the most important things truly off stage: the altar to which the procession is moving (to say nothing of the gods worshiped at altars), and the town from which the procession comes. Thus, the emphasis here is upon transition, whereas in the other scene, the emphasis is upon the present. The "little town" from which the procession comes could be located by a river or by the sea or on a mountain. It could be anywhere. The desolation of the town here referred to is itself an image of the eventual disappearance of everyone in any town at any particular time.457 We are thus reminded of what is most critically off stage: where or what the soul is before birth as well as after death.

Each of the two scenes can be seen to depend upon the other. They are braided together, as indicated in lines 41-42. (Does this refer also to a pattern around the top of the urn?) Thus, the urn as a whole can be returned to in the final stanza after its two great scenes have been commented upon. The urn

456. On the yearning for immortality, see Law & Literature and the Bible, supra note 33, at 738.

457. The weeping of Xerxes upon beholding his magnificent army comes to mind: He sadly recognizes that this, too, will pass.
stands for both scenes together, even though each of the two scenes appears to exist somewhat independently of the other.

Each scene, it can further be said, indicates a way of coping with the human condition; a condition that is characterized as woe in the final stanza. The desolate town from which the procession comes represents all towns, which means the movement of all human beings toward death. Can such woe ever be permanently removed for them, or only relieved from time to time either by love or by worship? In both cases, is yearning more important, if only because more accessible, than true consummation? Why does the poet not depend upon what can be considered the natural consummation in each case of the activity depicted: the production of offspring (in the case of love) and the grace of the divine (in the case of worship)? Does his sense of the human condition, and hence of resignation, come from a considerable self-centeredness on the part of the poet, a considerable concern with his own and hence with particulars?

VI.

The "message" of the poem, or at least of the urn, is reflected in the closing lines. This has long been recognized as mysterious; as mysterious as the priest referred to in the fourth stanza. Mystery lies here in a kind of silence in the message, so cryptic is it. This reminds us of how much is made of silence in the poem as a whole. Only in the central stanza is there no reference to the silent or the unheard. In that stanza, happy melodies and continual piping are offered as alternatives (ultimately fragile alternatives?) to the mysterious silence by which human life naturally finds itself surrounded.

What is the beauty referred to? What is the truth? Keats has said in a letter, "What the Imagination seizes as beauty must be truth." Are not both beauty and truth reflected in the uses of language in this poem and in the way things are arranged? Are they not reflected as well in what is indicated about the relations between the scenes and why both are needed? The beauty of symmetry may be critical to truth, especially as presented to the general community. Truth is related to the beauty of the formulation, including the organization of the poem.

Just as the two scenes depend upon one another, so do the urn and the poem. There are two great works of art here, but with the poem far better than the urn, starting with the fact that the poem alone exists in its own medium. Indeed, the maker (or artist) of the urn seems himself to be a product of the

458. BLACKSTONE, supra note 447, at 340.
artist of the poem. It is a matter of chance, or at least a matter of choice by the
to the poet, that this urn is singled out. 459

There is a special mystery here, as to who says what at the end. Even
with the quotation marks placed as they are in standard editions (there is some
evidence that there should be no quotation marks at all), the final thirteen
words could still be regarded as those of the speaker of the preceding five
words found in quotation marks. That is, the thirteen words are what the other
five say, when explicated or developed. They could be those of the urn or of
the artist of the urn. But, just as earlier with the two scenes, the urn “says”
only so much. The poet needs to elaborate upon the message, as upon the two
scenes.

Whether these closing words are also the sentiments of the poet remains
a question which may depend for its resolution upon what one regards the
understanding of the poet to be. Can the beauty-truth relation be all that one
“need[s] to know” on earth? How can one know that *that* is indeed “all [one]
know[s] on earth”? 460

VIII.

There are, in any event, limits also to what poetry says. A proper or full
analysis of poetry does not depend upon poetry alone. What, for example, is
the significance of the Greekness drawn upon in this poem? An analysis of a
poem depends upon and looks to something beyond poetry.

Of course, there is a limit to analysis, however much it can enhance one’s
reading of poems. Most of the scholarly analysis of this poem does not seem
to me to be helpful since it is primarily for specialists. The poem itself
somehow remains independent of the analysis; it can have, as we have noticed,
a considerable effect without being analyzed and understood. The analysis one
attempts with students should make an effort to permit the poem to be fully
itself—and thus to work its magic with the young. The young should be
encouraged to notice that one can indeed learn to read by studying poetry with
care, especially since every word counts. There is a considerable and useful
discipline in that. If students are led through such an analysis as this, may they
not be stimulated to be interested in it for its own sake?

But we should not close upon so pragmatic a note. I return, if only
briefly, to the truth/beauty issue, something which depends upon more than
poetry. Do we not sense here too the limits to poetry, partly because it

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459. One may even wonder whether this urn ever “existed.” It has been said, “Keats’
urn is known to have been a composite of several he had seen.” *Id.* at 340 n.1.
460. On the Good, the True, and the Beautiful, see *THE ARTIST AS THINKER*, *supra* note
depends so much upon particulars (upon the this at the heart of the final stanza)? Is there in this emphasis upon immediacy and the concrete a noble fiction promulgated by the poet—by a sometimes desperate poet in the face of an inevitable and pervasive human mortality?

The limits of this poet (perhaps of most poets, if not of all poets as poets) may be seen in his regarding the human condition to be characterized by woe. Does this come from taking particulars so seriously? Or does taking particulars so seriously follow from regarding the human condition as woeful? Or is this a reciprocal relation? (If this is a funeral urn, it is literally in the midst of woe, since it would originally have had mourners around it.)

We must wonder, as we prepare to close, how much of all that has been pointed out on this occasion was noticed by the poet himself? We recall Socrates' report in the Apology of how limited he found poets to be in explaining (or even noticing fully?) the many fine things they make.461

In any event, the poet of the ode seems to recognize that this urn (another piece of art) is in need of explication. We have taken our cue then from John Keats himself. An analysis is useful, if not necessary, to elaborate upon the poem, just as the poet had elaborated upon the two scenes depicted on the urn. It seems to be evident that the maker of the ode is superior to the maker of the urn and that the poet senses this. We, on the other hand, do not have the craft (that gift of song which braids together heard and unheard melodies for all to be moved by)—we do not have that inspired craft which would make plausible, to say nothing of justifying, any pretense on our own part to any superiority.

ADDENDUM

Ode on a Grecian Urn462

I.

Thou still unravish’d bride of quietness,
Thou foster-child of silence and slow time,
Sylvan historian, who canst thus express
A flowery tale more sweetly than our rhyme:
What leap-fring’d legend haunts about thy shape
Of deities or mortals, or of both,

461. See PLATO, THE APOLOGY 22C; see also HUMAN BEING AND CITIZEN, supra note 20, at 15, 17, 21-25.
462. JOHN KEATS & PERCY BYSSHE SHELLEY, COMPLETE POETICAL WORKS 185-86 (Modern Library Giant); see supra text accompanying note 453.
In Tempe or the dales of Arcady?
What men or gods are these? What maidens loth?
What mad pursuit? What struggle to escape?
What pipes and timbrels? What wild ecstasy?

II.

Heard melodies are sweet, but those unheard
Are sweeter, therefore, ye soft pipes, play on;
Not to the sensual ear, but, more endear'd,
Pipe to the spirit ditties of no tone:
Fair youth, beneath the trees, thou canst not leave
Thy song, nor ever can those trees be bare;
Bold Lover, never, never canst thou kiss,
Though winning near the goal—yet, do not grieve;
She cannot fade, though thou hast not thy bliss,
For ever wilt thou love, and she be fair!

III.

Ah, happy, happy boughs! that cannot shed
Your leaves, nor ever bid the Spring adieu:
And, happy melodist, unwearied,
For ever piping songs for ever new;
More happy love! more happy, happy love!
For ever warm and still to be enjoy’d,
For ever panting, and for ever young;
All breathing human passion far above,
That leaves a heart high-sorrowful and cloy’d
A burning forehead, and a parching tongue.

IV.

Who are these coming to the sacrifice?
To what green altar, O mysterious priest,
Lead’st thou that heifer lowing at the skies,
And all her silken flanks with garlands drest?
What little town by river or sea shore,
Or mountain-built with peaceful citadel,
Is emptied of this folk, this pious morn?
And, little town, thy streets for evermore
Will silent be; and not a soul to tell
Why thou are desolate, can e’er return. 40

V.

O Attic shape! Fair attitude! with brede
Of marble men and maidens overwrought,
With forest branches and the trodden weed;
Thou, silent form, dost tease us out of thought
As doth eternity: Cold Pastoral!
When old age shall this generation waste,
Thou shalt remain, in midst of other woe
Than ours, a friend to man, to whom thou say’st,
“Beauty is truth, truth beauty,”—that is all
Ye know on earth, and all ye need to know. 50

9. EMILY BRONTÉ (1818-1848)463

There is a history in all men’s lives,
Figuring the nature of the times deceased,
The which observed, a man may prophesy,
With a near aim, of the main chance of things
As yet not come to life, which in their seeds
And weak beginnings lie intreasurèd.
Such things become the hatch and brood of time;
And by the necessary form of this
King Richard might create a perfect guess
That great Northumberland, then false to him,
Would of that seed grow to a greater falseness,
Which should not find a ground to root upon,
Unless on you.

— Warwick to King Henry IV464

463. A talk given for the Basic Program Weekend Conference, The University of Chicago, at the Alpine Valley Lodge, East Troy, Wisconsin, November 3, 1985. (The original title of this talk was “Emily Bronté’s Wuthering Heights: Usurpation and the Law.”)

I.

Usurpation is something with which we are all too familiar, especially the most insidious kind which is cloaked by outward respect for the rules (sometimes newly-fashioned rules) of the community. By "usurpation" I mean, on this occasion, the taking of something which belongs to or is intended for another, especially when to do so is to put oneself in a position to control the lives and fortunes of others. When such usurpation is cloaked in the forms of the law it secures and is reinforced by the acquiescence, if not even the support, of those who are uninformed or timid or ambitious. And, of course, usurpation takes advantage of the natural and not improper inclination of human beings to submit to authority, however contemptible such submission might be in some circumstances.

Heathcliff, in Emily Brontë's *Wuthering Heights*, can usefully be examined by twentieth century readers who have been plagued by repeated abuses of the will of the community, for he emerges as a master usurper, one who can help us see both what usurpation depends upon and what its limits are. He is, in some ways, like the Iago of Shakespeare's *Othello*, but is less villainous and more moved by promptings of love—and hence perhaps better suited, at least immediately, for application to our everyday affairs. And we should see with Heathcliff, as with Iago, the limits of usurpation: we should see, that is, that "the system works." 

It is the system which the author is quite familiar with, and which she very much takes for granted, that we should examine during much of this lecture. Much of what I will say will be devoted to discussion of matters that the author does take for granted but does not explicitly notice or reflect upon. I hope thereby to shed light on what the book *is* about, and is intended to be about, perhaps enhancing the interest and pleasure of those who can be induced by this discussion to read the book and to reflect on such problems as I suggest.

The social system available in England at the beginning of the nineteenth century produced a recognizable refinement, a certain charm. Refinement may be seen in the language of the author, which includes considerably more humor than appears at first glance. It may be seen as well in the openness of

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467. On the *Book of Job*, and what "the system" might mean, see *Law & Literature and the Bible*, supra note 33, at 680-91.
the author to nature—to the ways of birds, to the passage of the seasons, to the teachings of land and sky.

II.

The ladies and gentlemen of *Wuthering Heights* are trapped by the system which is so good to them. They are much deferred to, but they in turn defer to the system which caters to them. Their vulnerability, especially when a Heathcliff appears, is intimately related to their privileges.

The prevailing system is reflected in the rule of law, to which the book may be seen as a testimony. That system can be scrupulously adhered to, affecting the rights of spouses in marriage, affecting how property is to be passed on, affecting how careful one must be lest one do physical harm to another. (Europeans may not be as impressed as Americans by this feature of the book, since they still are more apt to be accustomed to an externally disciplined life.)

It is useful to notice that Emily Bronte (1818-1848) and Abraham Lincoln (1809-1865) are contemporaries: one can see in *Wuthering Heights*, as in the slavery controversy in the United States, what deference to the law can mean, the dedication and discipline it can further and promote, and the misery, if not even tyranny, it can make possible.468 But in the Bronte book, a much more rigid system of law enforcement is taken for granted than in the world of Lincoln—no serious effort is made by any of Heathcliff’s victims to evade the law; none is made to amend the law. Indeed, there is hardly any criticism, among the gentry, of the workings of the law, whatever may be said about those who have not been sensible in what they did with matters on which the law bears (such as how property is provided for in wills).

Thus, there is in *Wuthering Heights* hardly any question but that the law should be the way it is, with far less resentment than we would expect among us as to how it works its way out even when manipulated by someone such as Heathcliff. (A similar reliance on law, with difficulties following thereupon, may be seen in Jane Austen—for example, in *Pride and Prejudice*, where it can be taken for granted that the Bennett property will go to another family upon Mr. Bennett’s death without a male heir. On the other hand, one cannot imagine Elizabeth Bennett being trapped the way young Cathy Linton is in *Wuthering Heights.*469

468. On the respect for the law reflected in the Emancipation Proclamation, see ABRAHAM LINCOLN, supra note 45, at 197-227.

469. On Jane Austen, see supra Part 6; see also THE ARTIST AS THINKER, supra note 10, at 86.
Tradition, as well as law, binds this people. A law of sorts also binds the servants in Wuthering Heights, and obliges masters to keep and rely upon (and to put up with a lot from) particular servants. So thoroughly ingrained is the prevailing system that there is no sense of anyone being able to change it: it is as if the entire system is natural—and this, too, Heathcliff can take advantage of, up to a point.\textsuperscript{470}

III.

The system of law may be seen both on the civil side and on the criminal side. On the civil side it is most dramatically seen in how property is allocated, those allocations which can make one both vulnerable (as in the case of young Cathy Linton) and independent (as in the case of Mr. Lockwood).\textsuperscript{471} What will happen to property is always known, it seems; there is an established way (with wills being a critical means of establishing that way). The power given to dispose of property in one generation, perhaps in that generation which designated any piece of property as a settled estate, is respected in future generations: this testifies to the respect to be given to the ultimate (or original) owners of property, however unseemly the results can sometimes be. Are we thus reminded that freedom has its questionable, unpalatable, and even unjust side?\textsuperscript{472} But we are also reminded that there really is property here, in that the will of some owner is scrupulously, if excessively, catered to.\textsuperscript{473}

In many ways, it seems, the law of property is a reflection of what happens in marriage and in family relations. Thus, the subjugated status of the married woman is again and again indicated.\textsuperscript{474} Heathcliff can even refer to his son as his "property."\textsuperscript{475} His prerogatives as his son's father extends to his control of his son's wife.\textsuperscript{476} His influence over his dying son is such that he

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\textsuperscript{470} For another somewhat arbitrary and yet seemingly unchangeable family-based system, see infra Part 21.

\textsuperscript{471} On the significance of property in the Anglo-American constitutional systems, see THE CONSTITUTIONALIST, supra note 145, at 213-17.

\textsuperscript{472} On the perennial issues with respect to freedom throughout history, see 1 LIBERTY, EQUALITY, AND MODERN CONSTITUTIONALISM, supra note 19, at xi-xvi, 1-2, 88-90, 213-14; 2 id. at xi-xvi, 1-3, 40-42, 99-101.

\textsuperscript{473} And so it can be lamented, but nothing can be done about the fact, that old Mr. Linton preferred his daughter to his son’s daughter, which meant that his property would pass from his son to his daughter's son and hence to the control of Heathcliff, since his own son Edgar did not leave a male heir. See WUTHERING HEIGHTS, supra note 465.

\textsuperscript{474} See, e.g., WUTHERING HEIGHTS, supra note 465, at 126-27 (ch. 14). On the despotic powers of husbands, see JOHN STUART MILL, THE SUBJECTION OF WOMEN (1869).

\textsuperscript{475} WUTHERING HEIGHTS, supra note 465, at169 (ch. 20).

\textsuperscript{476} See, e.g., id. at 226-28 (ch. 29).
can induce him to make a will leaving his personal property to his father.\textsuperscript{477} This is after he has so arranged matters that his sickly son and young Cathy Linton marry, thereby bringing under his control all of the property of both the Earnshaws and the Lintons.\textsuperscript{478}

Thus, it becomes important who outlives whom and what the financial arrangements, and hence the expectations, are, most of which are keyed to property. It is evident throughout the book that Heathcliff would have had little control over these people, and perhaps little interest in them, if there had not been significant estates upon which these people depended and in which they could be enmeshed.\textsuperscript{479}

One curious thing about Heathcliff is that he remains very much the outsider, with the spirit of the usurper, despite his skillful exploitation of property law. This is in part because of the way he obtains the property he does among these people: it is the moral weakness of Hindley Earnshaw that leads him, in order to satisfy his appetites, to mortgage his estate to Heathcliff.\textsuperscript{480}

What accounts for Heathcliff's success in establishing himself at Wuthering Heights? He does have a considerable store of natural talent, a disciplined intensity, and perhaps also something diabolical about him.\textsuperscript{481} Then there is the role of chance as well.

\textbf{IV.}

Chance may have a greater role in such a setting, when it can have an effect at all, because there is for the gentry a life which is generally quite predictable and thoroughly provided for, a life which their efforts and discipline may enrich over generations. Thus, when chance does have an effect, it can be quite bizarre in its consequences, especially since everything is so keyed to long-established routines.

The disruptive chance developments in this story begin, of course, with the elderly Mr. Earnshaw's bringing home with him a boy he found abandoned and starving on the streets of Liverpool.\textsuperscript{482} It seems not to have been unusual that such children were abandoned--and, no doubt, the community was as

\begin{itemize}
  \item \textsuperscript{477} \textit{Id.} at 233 (ch. 30).
  \item \textsuperscript{478} \textit{See id.} at 174-75 (ch. 21).
  \item \textsuperscript{479} Without these properties to exploit, would not the passions evident in \textit{Wuthering Heights} be played out in the world of Thomas Hardy?
  \item \textsuperscript{480} In this respect, Heathcliff may be a malevolent version of Henry Fielding's Tom Jones.
  \item \textsuperscript{481} \textit{See supra} Part I (discussing the character of Satan in Milton's \textit{Paradise Lost}).
  \item \textsuperscript{482} Who is the prototype here, Oedipus or Moses? On Moses, see \textit{Law & Literature and the Bible, supra} note 33, at 591-613. On Oedipus, see \textit{On Trial, supra} note 38, at 830-46.
\end{itemize}
likely to harden itself to the death of such children as it was to harden itself to the frequent, and often early, deaths of much more fortunate people.

Mr. Earnshaw should have known better—that is, he should have anticipated how the foundling he befriended would be received, how much of an outsider he would remain—and so he should have provided some independent means for him once he brought him into his society. Instead, he left the “gypsy” child, Heathcliff, in a most vulnerable condition, thereby exposing him to the neglect (if not the abuse) which would alienate him from his contemporaries and which would leave him deeply resentful and otherwise crippled.

Even so, things would have probably worked their way out in a roughly satisfactory way, without the considerable suffering that followed, if one of Mr. Earnshaw’s children, Catherine, had not chanced to have a spirit which was drawn to that which Heathcliff chanced to have. And so there blazed up between them a fire which threatened the established order and which fueled Heathcliff’s machinations. Perhaps things would still have turned out differently if Heathcliff had not chanced to hear only part of Catherine’s confession to Nellie Dean about how she felt about Heathcliff. And so he fled from Wuthering Heights, believing himself driven to pursue a course which could not accommodate itself to the ordinary processes of that community. Of course, it can be said, the temperaments of both Heathcliff and Catherine were such as to make a highly irregular relation based on intense longing and profound frustration the only thing that would satisfy them.

Chance is related to the unknown—and among the things unknown are the dark corners of Heathcliff’s soul as well as his origins. Also unknown, except perhaps to Heathcliff, is how he made the money (evidently a considerable amount) which he accumulated in a few years, while out in the world, and with which he works in his campaign to take over both Wuthering Heights and Thrushcross Grange. It is with such mystery that the well-ordered life of this community does not seem equipped to deal.

But still, chance seems to have a brighter side as well, as may be seen in how things finally do work out properly for everyone whom Mr. Lockwood comes to know after he comes upon the scene in 1801. Indeed, things work out so neatly that one can wonder whether what one might call “chance” here is really “providence.” But we do remember that Heathcliff had been “harboured by a good man to his bane.” It is odd that Mr. Earnshaw’s considerable generosity should have been “repaid” as it was by Heathcliff, whatever grievances he may have had against the Earnshaw children. We shall

483. See WUTHERING HEIGHTS, supra note 465.
484. We can again be reminded of the Oedipus saga. See source cited supra note 482.
485. WUTHERING HEIGHTS, supra note 465, at 260 (ch. 34).
have to return to the problem of the moral order which governs the world of *Wuthering Heights*.

Something of the brighter side of chance may be seen as well in that Mr. Lockwood happens to return to the neighborhood of Wuthering Heights a few months after Heathcliff’s death. This permits him (and hence us) to learn just how things have worked themselves out. Thus, chance here is in the service of art as well as of the moral order.

V.

I have noticed that the people in this community do not seem to be intimidated by the frequency among them of early and frequent deaths. And yet, one sees again and again that they are governed in what they do—and do not do—by the prospect of capital punishment. We have already observed that the civil side of the system of law, within which all this goes on, is most dramatically seen in how property is allocated. On the criminal side, the system of law is most dramatically seen in how homicide is regarded.

It is startling for the American reader to observe that no one is killed in this story despite the monumental passions that are stirred up and sustained. Certainly, there are provocations enough; and it would be most convenient to have Heathcliff done away with quite early in his campaign of usurpation. Blows *are* exchanged—with Edgar Linton striking Heathcliff on one occasion, with Hindley Earnshaw and Heathcliff exchanging blows on another, and with young Cathy (and others) being slapped now and then. In the world of Mark Twain, such passions would get someone killed (as may be seen in both *The Adventures of Tom Sawyer* and *Huckleberry Finn*); in the world of Jane Austen, on the other hand, there would not even be the blows.

In the world of *Wuthering Heights*, there are the passions and the blows, but no more—and on several occasions reference is made to even an impassioned man’s recognition that there is capital punishment in England and that he must, against his deepest desire, restrain himself. When Heathcliff first returned from his travels, he later tells Catherine, he had planned to kill Hindley Earnshaw out of revenge. The law had not acted to deter him, but he

486. The American viewer of British television can be surprised to see how restrained the English are expected to be even when severely provoked. But Americans can also be surprised by the violence resorted to by some English soccer fans, especially at Continental matches.
487. Are these regarded as particularly striking forms of expression?
488. On Mark Twain, see *The Artist as Thinker*, supra note 10, at 179-94. On Jane Austen, see *id.* at 86-99. See also supra Part 6.
recognized its inexorable course and so had planned to anticipate its effect by committing suicide immediately after the murder.\footnote{490}{Is this a form of self-punishment?}

We must wonder, of course, how so harsh and inexorable a law had come to be regarded as necessary. Perhaps it is related to the considerable privileges available in that community. It is as if it were generally sensed, at least among the privileged, that there had to be a clear and inescapable law (on the criminal side as well as on the civil side) if property were to be distributed and maintained as it was.\footnote{491}{Early in the story we learn of the consternation among the Linton family about the robber band (employing even little children), who would kill sleeping householders in order to loot their homes. \textit{See id.} at 48 (ch. 6).}

Law-abidingness is seen as well in the marital fidelity to which spouses adhere, despite severe provocation.\footnote{492}{It is only afterwards that we realize that Heathcliff's impassioned meeting with Catherine, just before her death, is "chaperoned," so to speak, by her physical condition, since she \textit{is} on the verge of delivering a baby.} And Heathcliff can assure Nellie Dean that he had, in his treatment of his wife Isabella, kept strictly within the limits of the law, not giving her grounds for any separation which would affect his claims upon any property through her.\footnote{493}{\textit{See id.} at 127-28 (ch. 14).} And when Heathcliff does strike Hindley, he counts upon those present to testify that he had not struck the first blow, in case his blows should prove mortal.\footnote{494}{\textit{See id.} at ch. 15.} Furthermore, the grip of the law upon these people is such that it is again and again obvious that reluctant (if not even hostile) witnesses \textit{can} be counted upon to testify honestly about what they have witnessed.

Heathcliff exploits the law to the limit, even as he is repeatedly deterred by it.\footnote{495}{\textit{See e.g., id.} at ch. 27.} All this makes even more implausible what happens with the virtual kidnapping and forcible detainer by Heathcliff of both Cathy Linton and Nellie Dean, with the forced marriage of Cathy and Heathcliff's Linton, and with the subsequent treatment of Cathy.\footnote{496}{Is this kind of melodrama a quite tame version of the sort of things encountered in such plays as Shakespeare's \textit{Titus Andronicus}? \textit{See THE ARTIST AS THINKER, supra} note 10, at 29-61.} It is difficult to see why Heathcliff would not have been brought to account in some court for such conduct, as well as for his part in keeping the lawyer Green from going to Edgar Linton to make the will that would have safeguarded for his daughter the personal property that Heathcliff managed to secure control of.\footnote{497}{Does Heathcliff enjoy here the temporary immunity of the diabolical? \textit{See supra} text corresponding to note 481.}
Be all this as it may, it does seem odd that people thereabouts, who see what has been going on, do not try to do something to curtail Heathcliff’s power.498 Perhaps it is that these people have been taught to believe that a scrupulous respect for the law will permit things to work out right, however dubious some activity may be along the way. And, as Mr. Lockwood would extract medicine from Nellie Dean’s bitter herbs, so people can learn salutary lessons from the biography of villains.499 Thus, it can be insisted that duty (or virtue) is inevitably rewarded, that cruelty and misery go together.500 That is, should it not be recognized that the ugliness of the vicious is punishment enough, even if one does seem to “get away with it”? Is not Heathcliff’s sordid ugliness partly concealed by the author’s desire to make him interesting, to keep her story alive? He does seem to be satanic.501 His presence can be recognized as a “mortal poison.” But the more “successful” he is, the more of a failure he is bound to become.502 Thus, at the end, he is deeply frustrated, so much so that he becomes unable to decide what to do with the property he has come to control: “I wish I could annihilate it from the face of the earth,” becomes his last wish with respect to it.503

Those who believe that things do tend to work out right in the everyday world would not be surprised to see Heathcliff seeming to be afflicted by his conscience.504 He becomes unable to enjoy the destruction he had planned.505 Another way of putting all this is to say that a respect for solid conventions (for example, in scrupulous law-abidingness) may help nature have her way. We are given to understand in this story that nature does assert herself: this may be seen in the inability of even a Heathcliff to turn young Hareton Earnshaw into an animal.506 Hareton’s innate talents and inclinations somehow come to the surface, especially under Cathy’s ministering care, a care which can be taken to recognize what is indeed innate in him. As he becomes educated, he improves in appearance; his good nature manifests itself. Heathcliff sees all this as an absurd conclusion to his efforts; he is

498. Dr. Kenneth, for example, thinks him a villain.
499. See id. at 130 (ch. 14).
500. See id. at 206 (ch. 25).
501. See id. at 97-98, 115-16 (chs. 11, 13). See also supra Part 1.
502. See, e.g., id. at 98-99 (ch. 11). Or, indeed, the more “successful,” the more of a failure he is.
503. See id. at 202 (ch. 34).
504. See, e.g., id. at 256 (ch. 33). Is this related to his evident belief in ghosts and witches?
505. See id. at 255 (ch. 33). We can see here an anticipation of Adolf Hitler in his bunker, contemplating with some satisfaction the complete ruin of Germany.
506. See id. at 161, 177-78 (chs. 18, 21).
unable to destroy the young lovers; everything he has tried to do, in large part out of revenge and resentment, has become obviously purposeless.507

A solid morality asserts itself through Nellie Dean, although one must wonder whether she herself can reach as high as the events suggest. One must wonder, furthermore, whether the nature we see working out here is related to the workings of Providence. This connection is left to be made by Joseph, the somewhat unattractive “pious” servant at Wuthering Heights. Upon seeing Heathcliff dead he is quite pleased, falling “on his knees, and raised his hands, and returned thanks that the lawful master and the ancient stock were restored to their rights.”508 Thus we see brought together here three elements: the divine, the lawful, and (in the form of “the ancient stock”) the natural (or the customary which is so long established that it can seem natural).

What does the author herself think about all this? We can notice that she is scrupulous about not endorsing the supposed working of the supernatural—in the story—and thus the ghost at Catherine’s window at Wuthering Heights and the spirits haunting the graves at the end are presented only through the distorted perceptions of others.509 What are we supposed to think, when all works out as well as it does? Nellie Dean had urged Heathcliff to have someone (the minister of any denomination) explain the Bible to him, and this in the hope that he would repent his ways before his rapidly impending death.510 But we are left far from clear as to what accounts for what happens: how seriously, that is, is Joseph’s account of things to be taken? He does not seem to be a character that we are supposed to admire or to rely upon—and he had been one of those who had acquiesced in, and in effect contributed to, Heathcliff’s usurpation so long as he was alive.

One may wonder as well whether Heathcliff’s collapse is properly prepared for. (Is its unexpectedness such as to make Joseph’s reading of events more plausible than it might otherwise be?) Certainly, we seem to be told (even if we may not be fully shown, as a work of art)—we seem to be assured of the limits of usurpation in a well-ordered community. That is to say, nature is reflected in, or works through, good order. And so usurpation will collapse, because the passions involved undermine the usurper. The soul of Heathcliff is shown to be corrupted, so much so that he can insist (and perhaps even believe), as his life draws to a close, that he has done nothing unjust.

507. See id. at 254-56 (ch. 33).
508. Id. at 264 (ch. 34).
509. See, e.g., id. at 265-66 (ch. 34). On the ghosts in Charles Dickens’s A Christmas Carol, see THE ARTIST AS THINKER, supra note 10, at 123.
510. See WUTHERING HEIGHTS, supra note 465, at 262-63 (ch. 34).
Thus, we are asked to believe, usurpation cannot truly endure. The question always remains, however, whether the community being exploited by the usurper will share in his ruin. Still, we are also asked to believe, the natural love of Cathy and Hareton ends up circumventing Heathcliff’s schemes, including the plan he had had for the total degradation of Hareton, as the son of the hated Hindley (who had been weak, if not even cruel). The boy Hareton, however, becomes tougher and better than his father (and hence better able to deal with the world)—and this is, in part, because he generously loves the monstrous Heathcliff who had tried to destroy him. He, unlike Heathcliff, is not corroded by hate. Here, too, the ministerings of Providence may usefully be seen.\footnote{511}

\section{VII.}

Heathcliff is displayed in the novel as a consummate psychologist and a master strategist. “Prudence” is given a bad name by his conduct. But it is redeemed somewhat by Cathy and Hareton, who prudently avoid Heathcliff’s tyranny.\footnote{512} Moreover, as we have seen, his life became purposeless, and he collapsed (whether in exultation and ecstasy we cannot know; perhaps we do not really care).

Indeed, it can be said of him that he was but a temporary emanation, someone who came from nowhere and who goes nowhere—and, perhaps, someone who was never anywhere in that he really did nothing. That is, Heathcliff’s enduring effect (or at least his intended effect) was inconsequential. The nothingness of his soul is reflected in the abyss he sees himself facing when Catherine dies.\footnote{513} She is, despite her eccentricities, his only link to the established way, perhaps even to “the real world.” In fact, Heathcliff is in many ways like a bad dream, leaving only memories and nothing substantial. Is he in effect a romantic exhalation, a manifestation of a troubled (or adventurous) psyche, the psyche of Catherine?

There does not seem to be anything personal to Heathcliff left after his death. No blood of his survives, no known relative. In fact, things work out—with the marriage of the only surviving children of the two neighboring estates—things work out pretty much as they might have worked out without any intervention by Heathcliff at all. It is useful to emphasize this point by recapitulating here the story of \textit{Wuthering Heights}:

\footnote{511. One can be reminded of the character and career of Prospero in Shakespeare’s \textit{The Tempest}.}
\footnote{512. See \textit{id.} at 251 (ch. 33).}
\footnote{513. See \textit{id.} at 139-40 (ch. 16).}
At the center of the book (as measured both by chapters and by pages), there are the death and burial of Catherine and the flight of Heathcliff’s wife, Isabella. It is also in the center of the book that a child is born of Catherine (by Edgar Linton) and, about six months later, a child is born of Isabella (by Heathcliff). Hareton, the son of Hindley Earnshaw, had been born several years before. Thus, by the time we get to the center of the book Heathcliff has lost both of his women, the woman he loves-hates (Catherine) and his tyrannized wife (Isabella). The rest of the story is devoted (in large part, or in effect) to bringing together Hindley’s Hareton and Catherine’s Cathy (who are first cousins). And, as I have suggested, the final resolution (with the children of Edgar and Catherine Linton and of Hindley Earnshaw marrying each other and joining together the Earnshaw and Linton properties in a proper combination)—this resolution is the “natural” outcome of all these movements.514

And so, although Heathcliff may not have been punished in his lifetime, or indeed after his death, this “natural” resolution may be the most severe punishment that could have been visited upon him—that he should indeed prove to be as inconsequential as he had always felt the established society wanted him to be, something which he deeply resented and which fueled his desire for revenge. Or, if he is of consequence, it is in having helped make the next generation of Earnshaws and Lintons sturdier that they would otherwise have been—and this partly in response to his deliberate mistreatment of them.

Furthermore, Heathcliff offers a radical challenge to the conventional opinion about things, a challenge which permits (perhaps even obliges) ordinary people to appreciate the ordinary way much more than they otherwise might. He does serve to remind others of what a normal decent life has to offer, however unspectacular it may be. He also reminds others of the vigilance needed to guard against usurpation, including seemingly high-minded usurpation.

We are left with the hope that usurpation should not be expected to prevail forever, however “successful” it may appear for awhile. Usurpation cannot prevail against the old way and against those decent people who have helped make the old way as good as it is by their long and faithful service.

514. On the guidance provided human beings by nature and the natural, see CAMPUS HATE-SPEECH CODES, supra note 112, at 127, 147.
10. GUSTAVE FLAUBERT (1821-1880)

You can’t expect orange trees to produce apples.
— Gustave Flaubert

I.

The reader can find in Allan Bloom’s *Love and Friendship* the merits and defects found in his surprise bestseller, *The Closing of the American Mind*, merits and defects that are related to the author’s publicly-exhibited talents, character, and passions.

I have, in my reviews of *Closing*, assessed the Bloom approach to texts and to issues of the day in much more detail than I can here. Those assessments questioned his scholarship as well as his campaign against the young with respect to the Vietnam War, race relations, and sensuality. Whatever reservations one may have about Professor Bloom’s scholarship, however, one should recognize that he was remarkably effective in the classroom. In addition, we have all benefited from his translations of Plato and Rousseau and from his development of good scholars (especially those pointed by him in the direction of Leo Strauss). It is to be regretted that his collaborators were not able to help him more than they did with his defects. The lack of resistance in some quarters may have even reinforced bad tendencies in him, not least because he could count on the mostly undiscriminating approval (at least in public) of those closest to him.

515. This talk was prepared for a Claremont Institute Panel at the American Political Science Association Convention, New York, New York, September 3, 1994. This panel, on Allan Bloom’s *Love and Friendship* (cited infra note 517), was chaired by Peter W. Schramm and included Charles R. Kesler, Clifford Orwin, and Diana Schaub. (The original title of this talk was “Allan Bloom and Emma Bovary.”)


Straussians should not allow “outsiders” to believe that they do not recognize the intermittent unreliability of Mr. Bloom’s “Straussian” accounts of the great books that he undertakes to discuss.521 One critical concern we should have is that the details of a text not be used by its interpreter to confirm or to elaborate opinions about that text and other matters previously conjured up, in place of studying an authoritative text in order to determine what one’s opinions should be. There is, about the approach to be deplored here, a perverted Straussianism. Insofar as we are guilty of this sort of thing, we are in need of good-natured but firm correction.522

One reader of Love and Friendship opens his review with these observations: “Allan Bloom’s last book is a 560-page epitaph to a scholarly life. Equal parts insight and vitriol, it reconfirms Bloom’s position as the Edmund Burke of our times.”523 My own reading of this book, limited as it has been, has noticed many insights but little, if any (and certainly not “equal parts”), “vitriol.” Another reviewer suggests that, “at base, Love and Friendship masks great pain and a kind of intellectual brokenheartedness.”524 There may be something to this suggestion.

Still another reviewer voices criticisms of Allan Bloom that have been directed over the years (mistakenly, I believe) against Leo Strauss as well:

[Allan Bloom displays] an exhilarating respect for the writers and thinkers who preceded us; and [he does] not attempt to stretch them or to force them into a Procrustean bed of modern clichés . . . But Bloom’s problem is that he does not sufficiently respect his own contemporaries. This is one of the most unpleasant aspects of his style. A few thinkers of our own time, such as Sartre and Buber, must content themselves with brief and disdainful remarks.525

521. On Leo Strauss, see The Artist as Thinker, supra note 10, at 249-72. See also Original Intent, supra note 28, at 363, The American Regime, supra note 58; Leo Strauss, the Straussians, and the American Regime (Kenneth L. Deutsch and John A. Murley eds. 1999).


525. Sigmund Freud, too, is dealt with disdainfully, but not briefly. See also The American Moralist, supra note 49, at 135-38.
Bloom seems to have flattered himself that he went into the desert alone—a strangely “modern” belief for a man who prefers all that is “ancient.”

He also has another modern weakness: his vision is skewed by a fear of boredom. What interest can be found, he wonders, in a marriage in which ex-lovers live “watching their beauties disappear slowly with age while they become bored with each other,”526 or in the existence of a mother who “lives in the boring details of taking care of her children”527. Bloom likes to think of himself as a “Platonist,” but in fact he was more of a closet Nietzschean. Deep down he believed that whereas Plato tells us what is good, Nietzsche tells us what is true.528

The most instructive review I have seen of Love and Friendship is the one published by Diana Schaub.529 She provides the points of departure for my remarks on this occasion when she observes, “Despite [Allan Bloom’s] penetrating criticisms of Romanticism, and the psychological acuity he demonstrates in uncovering romantic illusions, there is, in [him], an irrepressible, almost swooning self-identification with figures like Julien Sorel [in Stendhal’s The Red and the Black] and Emma Bovary [in Flaubert’s Madame Bovary]. Moreover, he believes that their creators identified with them as well.”530

It seems to me useful to consider here what is done with the Flaubert novel in Love and Friendship, especially since Flaubert is central to the seven

526. This quotation is taken from the following passage: Romeo and Juliet, no matter how many times read or seen, always induces a reaction that if this or that little thing had been changed, they would have lived happily ever after. There seems to be no reason why this great tragedy could not have been replaced by the lesser tragedy of their settling down together, watching their beauties disappear slowly with age while they became bored with each other. LOVE AND FRIENDSHIP, supra note 517, at 276. See infra text accompanying note 527. See also THE ARTIST AS THINKER, supra note 10, at 17, 21; Compare ROBERT BURNS, John Anderson My Jo, in 2 POEMS AND SONGS, supra note 281, at 528; Part 5 of this Collection; infra text accompanying note 1253.

527. This quotation is taken from the following passage: “[In Tolstoy’s Anna Karenina, Oblonsky’s wife] is a decent woman who is almost exclusively defined by motherhood. She lives in the boring duties of taking care of her children, and worrying about their health and their good character.” LOVE AND FRIENDSHIP, supra note 517, at 236. It is not certain how much Mr. Bloom endorsed such sentiments. See also supra note 516.


530. Id. at 105. See supra Part 7.
authors listed by Mr. Bloom (with their texts) in his chapter titles. The sequence is Rousseau, Stendhal, Austen, Flaubert, Tolstoy, Shakespeare and Plato. 531

The first and last authors, Rousseau and Plato, are given by far the longest treatment. 532 Four of the authors are discussed in large part because they are influenced or challenged by Rousseau. I am reminded here of a comment by the scholar who published what may have been the best review of The Closing of the American Mind. 533 “Mr. Bloom’s often anonymous and torrential mode of presentation makes it hard to tell whether the trouble is with his accuracy or his perspective. Moreover, he sometimes seems to present an anonymous modern opinion as though it had but to come in contact with the air to self-destruct, while his great moderns, Rousseau and Nietzsche seem somehow to merit awed admiration for setting us on the road we are condemned for following. Mr. Bloom’s relation especially to Rousseau is the mystery of mysteries to me.” One could well add here that Mr. Bloom was too receptive in his publications to the reigning interest in sexuality and not receptive enough to the marvels of modern science.

II.

Illustrative of what is called in the Schaub review Mr. Bloom’s “penetrating criticism of Romanticism” and his “psychological acuity . . . in uncovering romantic illusions,” is his perceptive account of the two sets of concurrent encounters involving Emma and Léon, Charles Bovary and Homais, an account which begins in this way: “One of Flaubert’s techniques for illustrating the idle opinions of his various human types is to orchestrate conversations in which there is a counterpoint between treble and bass, in which they do not communicate at all but nevertheless make together a harmony that is a musical joke.” 534

531 Montaigne is treated in a special way. See LOVE AND FRIENDSHIP, supra note 517, at 33, 157. Madame Bovary is discussed at pages 309-29 of Love and Friendship.

532 The principal texts by Rousseau discussed in Love and Friendship are Émile and La Nouvelle Héloïse, and the principal text by Plato, The Symposium. See LOVE AND FRIENDSHIP, supra note 517, at 39-150, 431-551.

533 Eva T.H. Brann, The Spirit Lives in the Sticks, in ESSAYS, supra note 518, at 184, 185-86. See also id. at 279-80 n.25.

534 LOVE AND FRIENDSHIP, supra note 517, at 216. Mr. Bloom’s sensitive account continues:

When Charles and Emma arrive in Yonville, they meet M. Homais and his young boarder, Léon Dupuis, and dine together. Charles, the doctor, and Homais, the pharmacist, naturally gravitate to each other, while the handsome Léon and the beautiful Emma are moved toward each other by spiritual magnetism. While Homais tells Charles about the attacks of fevers, biliousness, and enteritis common to the country, as well as the
Also revealing of the sort of thing that Bloom can do effectively is his discussion of how Emma Bovary responds to an aristocrat’s dinner party:535 

"Here Flaubert shows the difference between what Emma sees and what everyone else sees. Others see only a repulsive old man; Emma sees the remnant of the ancien régime and its grandeur." One difficulty here is that the Bloom interpretation does not seem to recognize that the devastated condition of the “repulsive old man” may be related to the uninhibited life he had led. Have we not all known old men who could, because of their lifelong virtues,

good money to be made out of them, Emma and Léon find they have a common taste in travel. The professionals discuss temperatures and the presence of nitrogen and hydrogen in the air, while the Romantics move from walks to their passion for the sea and, even better, for the mountains, and from there inevitably to the inspirational power of music, and finally to reading and feelings Art should awaken. At this point the two groups meet as Homais, a lover of culture, offers Emma the use of his personal library, stocked with the best authors. Dull materialism and vapid spirituality have played their tunes, the one with no uplift, the other with no foundation. Homais and Bovary have established a business relationship; Léon and Emma an erotic one. Ultimately one player, Léon, will join the other two with their calculating rationality, his higher concerns being but the amusement of late adolescence preparatory to tension-relieving sexual experience. That will leave the only true high-stakes player, Emma, alone at the gambling table.

Id. 535. Id. at 213. Mr. Bloom then adds:

In a sense the others are right. This is in fact a senile old man. Emma is silly and inflates the world with her uncontrolled imagination. But Flaubert prefers her delusions to other people’s reality. Moreover, the ancien régime really did exist, and from full awareness of that fact comes awareness of the deepest fact of Emma’s time: the heroes have departed, perhaps forever. Hers are not just childish fantasies, but insights into the way things once were. She is taking a self-destructive course, but her empty longing is more profound than is others’ acceptance of the way things are, as though they had always been that way.

Id. at 213-14. This passage in Madame Bovary is commented upon as well, but with a somewhat different emphasis perhaps, in The Closing of the American Mind:

Others see only a repulsive old man, but Emma sees the ancien régime. Her vision is truer, for there once really was an ancien régime, and in it there were great lovers. The constricted present cannot teach it us without the longing that makes us dissatisfied with the present. Such longing is what [American] students most need, because the great remains of the tradition have grown senile in our care. Imagination is required to restore their youth, beauty and vitality, and then experience their inspiration.

The Closing of the American Mind, supra note 518, at 135. I notice in passing that different translations of this Madame Bovary passage, with perhaps significant variations, are used by Mr. Bloom in his two books. See infra notes 538, 548 and accompanying text. On the longing that is, and is not, needed, see infra notes 539, 627.
make a finer showing in the years of their decline than could this "remnant of
the ancien régime"?536

Even so, these accounts by Allan Bloom are arresting and instructive. They help account for Diana Schaub's judgment upon Love and Friendship: "Quarrels and cavils aside, one cannot but be charmed by this book."537

III.

However many charms there may be in the musical and other images of 
Love and Friendship, the discussion of Madame Bovary opens on a false note:

Madame Bovary is the simplest of tales, about a small-town adulteress. One has to restore, in thought alone, of course, something of the significance of adultery in order to see why so much of the nineteenth-century novel was devoted to it. Once in class I said, with a rhetorical flourish, that all nineteenth-century novels were about adultery. A student objected that she knew some which were not. My co-teacher, Saul Bellow, interjected, "Well, of course, you can have a circus without elephants." And that's about it.538

It is useful here to have a sample of the fateful collaboration of sorts between Allan Bloom and Saul Bellow, especially because Leo Strauss was out of the way.539

This passage in Love and Friendship is an unfortunate way to begin a discussion of Madame Bovary. For one thing, many if not even most of the greatest novels of the nineteenth century were not devoted to adultery.


537. Schaub, supra note 529, at 110. Was not the term "charm" a favorite for Allan Bloom?

538. LOVE AND FRIENDSHIP, supra note 517, at 209. My page references and quotations are from GUSTAVE FLAUBERT, MADAME BOVARY (Allan Russell, trans., 1950) (1857) [hereinafter MADAME BOVARY], the edition used most recently by Mr. Bloom. See LOVE AND FRIENDSHIP, supra note 517, at 210; Compare supra note 535, infra note 548.

539. See ESSAYS, supra note 518, at 277-78 n.10, 278 n.12; Compare id. at 278 n.15. For recent appreciations of Saul Bellow, see Julian Symons, Against the Bitch Goddess, N.Y. TIMES LITERARY SUPPLEMENT, Sep. 23, 1994, at 25; James Wood, The Long Walk from Chicago, GUARDIAN WEEKLY, Oct. 9, 1994, at 29; Compare John K. Wilson, If he hollers ..., U. OF CHI. MAROON, Sep. 28, 1984, at C11. For reservations about the Bloom-Bellow (and implicitly anti-Strauss) collaboration, see ESSAYS, supra note 518, at 277 n.10, n.12, n.15; see also Andrew Patner, Allan Bloom, Warts and All, CHI. SUN-TIMES, Apr. 16, 2000, at 14E; infra notes 558, 627. For reservations expressed 'in 1994 and before, about "undiscriminating approval" of Mr. Bloom, see supra text accompanying note 520.
(Novelists such as Austen, Conrad, Dickens, Dostoyevsky, Melville, Scott, and Twain readily come to mind.) Besides, is it adultery that defines Emma Bovary? What finally ruins Emma Bovary has a surprising amount to do with the prospect of financial collapse.

Why did Mr. Bloom begin his discussion of *Madame Bovary* the way he did? In part because he was inclined toward what he calls "rhetorical flourishes," something with which a man of his talents and ambitions can get considerable attention. This inclination contributed both to Mr. Bloom's accomplishments and to his difficulties, difficulties he shared with the Sophists who were also men with noteworthy accomplishments. These "rhetorical flourishes" make much of what he says unreliable, however stocked they may be with penetrating insights. Unfortunately, the Bloom approach may also give "outsiders" the wrong impression of Leo Strauss's influence.

An undue concern for the rhetorical may be seen in expressions used by Mr. Bloom throughout the book, not least in his openness to the seamiest side of things. These include expressions, appropriate perhaps for the lectures from which they may have originated, that display Allan Bloom as "with it." Examples from the Flaubert essay include: "Rodolphe has been putting his moves on Emma"; Emma, "ever the sucker"; "the nineteenth-century prefiguration of the Visa card"; "Ain't it the truth"; "a pecking order of vanities." 540

More serious is what is said by Mr. Bloom about marriage and religion: "Any serious reader of *Madame Bovary* cannot help seeing that both marriage and religion are treated with contempt." 541 It is far from clear that Flaubert was as decidedly against marriage and religion as Mr. Bloom believed him to be. Indeed, many of the judgments indicated by Flaubert would not make much sense if, for example, marriage was simply contemptible. Related to this critique of *Love and Friendship* is the way Mr. Bloom can dismiss both the daughter and the husband of Emma Bovary. The child can be described as "her repulsive little girl." 542 This is the way Rodolphe, and at times Emma, saw the little girl. This may also be the way Mr. Bloom (perhaps identifying himself with Emma) saw her; but I do not recall that Flaubert portrayed her thus. In fact, she is shown as rather cheerful when we last see her as a child in the family home before she is consigned to her dismal fate. Observations such as these are related to the unfortunate forms that Bloom's anti-feminism views could sometimes take.

541. Id. at 227.
542. Id. at 222. Here Mr. Bloom echoes Emma ("Strange, what an ugly child she is!").
*Id.* See *Madame Bovary*, supra note 538, at 129.
They may be related as well to Bloom’s response in *Love and Friendship* to the students who proclaimed, “Great Sex is better than Great Books.” His devastating response is, “Sure, but you can’t have one without the other.”543 We have here still another rhetorical flourish which is highly questionable: one has only to recall the many great lovers (and others with great souls) in the Western tradition who may be in great books, but who have probably never read any of the great books.

Far more restrained, and hence more instructive, than either the *Closing book* or the *Love and Friendship* book are Allan Bloom’s essays in *Shakespeare’s Politics*544 and some of the older essays in *Giants and Dwarfs*.545 In the development of his best work Allan Bloom chanced to have the advantage of being curbed by scholars such as Leo Strauss and Harry Jaffa. More recent attempts to curb him, especially when made by lesser mortals, could be risky, for he could cripple himself by cutting off all social contact with anyone who presumed to offer criticism that might have benefited him, his associates and his readers.

IV.

Allan Bloom both identifies with Emma Bovary too much and deprecates her unduly.546 Even so, the specialness of Emma seems sometimes to elude Mr. Bloom. It is not likely that having a heroine with the limitations he emphasizes would have permitted this novel to live as it has.

Charles Bovary, for one, senses that she is special. (Even the ruthless, self-centered Rodolphe gets glimpses at times of her specialness.) It is curiously revealing of Allan Bloom’s own limitations as a critic that he dismisses Charles Bovary as he does. (Perhaps this is related to his “self-identification with” Emma Bovary.) Dr. Bovary can be referred to by Mr. Bloom as “the cloddish Charles,” as “the perfect cuckold,” as “a hapless, useless fellow,” and as “the incompetent duffer.”547 But Charles and Emma

546. Is Emma Bovary somewhat like Marianne Dashwood in Jane Austen’s *Sense and Sensibility*: sentimental, but without artistic talent? We can observe, with Michael Platt, “We shall never know in what degree the appearance of a real man would have rid [Emma Bovary] of what is vaporous in her longing.” Michael Platt, *To Emulate or To Be (Aeneas and Hamlet)*, in *Law and Philosophy*, supra note 300, at 917. On the limits of longing, see supra note 535; infra note 627.
turn out to be much more alike than they had seemed at first. (This is suggested by each giving, at the end of their respective lives, a five-franc piece to a supplicant.) Emma had, unknown to herself, reshaped her husband (Flaubert can speak of Emma “corrupting him from beyond the grave”). Although Charles’s own romanticism emerges only after Emma’s death, the dying Emma saw him “look[ing] at her with such tenderness in his eyes as she had never seen before.”

Although Mr. Bloom dismisses Dr. Bovary, treating him as little more than a foil for his wife’s adventures, the novel opens and virtually closes with Charles Bovary. If reports of the genesis of the novel are to be credited, it was inspired by the story of a local doctor because of his unfaithful wife. That is, Flaubert’s friends are said to have advised him, “Why not write the story of Delamare?” Flaubert himself, in one of his letters describing the novel he was writing, anticipates his account of “[his] little lady’s death and funeral and of her husband’s grief.” Charles Bovary imitated his wife in several ways. He even surpasses her in one critical respect by doing what she sometimes wanted to do: he died of a broken heart.

Why does Mr. Bloom fail to take adequate account of Charles Bovary? Perhaps because of his presuppositions, his lack of discipline with respect to details, and his temperament. What is there that Charles, and we with him (if we are attentive), can notice and treasure about Emma? It is useful to match the dreadful poison-gulping scene at the end with something that should also be memorable: the scene at the beginning which has Emma laughing as she tries to lick up the last drop of liqueur in her glass, an enchanting scene which contributes to the bewitching of the reader along with Charles Bovary.

548. MADAME BOVARY, supra note 538, at 353. On the dispensing of five-franc pieces, see id. at 311, 348. In the French text, “une pièce de cinq francs” is referred to in both places, not “a half-crown piece” and “a crown piece.”

549. Id. at 328. See also Mary McCarthy, Foreword to GUSTAVE FLAUBERT, MADAME BOVARY xvi, xix-xx, xxi-xxii (Mildred Marmur trans., Signet Classic 1979) (1857); Walter Goodman, That Bovary Woman, Making Trouble Mostly for Herself, N.Y. TIMES, Feb. 5, 2000, at A15.


551. Letter from Gustave Flaubert to Louise Colet (June 26, 1853), in LETTERS OF GUSTAVE FLAUBERT, supra note 516, at 152 (emphasis added).

552. LOVE AND FRIENDSHIP, supra note 517, at 224; MADAME BOVARY, supra note 538, at 325-26.

553. Here is that early scene:

In accordance with country custom, she offered him a drink. He declined. She pressed him. Finally she suggested with a laugh that they should take a liqueur together. She fetched a bottle of curaçao from the cupboard, reached down two small glasses, filled one to the brim, poured
Emma got to be the way she was partly because of her reading. Her mother-in-law, at least, recognized this. This is an instance where what could have become a healthy, or good, sexuality is subverted by Far-from-Great Books. Curiously enough, Charles Bovary, who is definitely not a reader, has his own romanticism stimulated by reading a “book” — that is, a collection of the love letters he finds his wife to have received from her lovers. He even wants to have been one of her lovers.

Had Emma Bovary been more thoughtful, she could have turned her husband into a usefully romantic figure. Perhaps, if thoughtful enough, she could have restrained herself from spoiling her relation with him also. But would she still have been Emma Bovary, as interesting (or exasperating) as we find her? Certainly she is supposed to be, and is for the typical reader, far more interesting than her husband or anyone else whom we get to know well in this novel. (Homais, too, is quite interesting. His perhaps-too-rapid moral disintegration at the end mirrors Emma Bovary’s collapse, although he is generally regarded as successful by the community at large.)

The career of Emma Bovary (if not also the end of Charles Bovary’s life) is anticipated by the career of Don Quixote, another adventurous soul influenced by what he reads. We can see here one of the many advantages of “romantic” being a male rather than a female in the everyday world.

the merest drop into the other and, after clinking glasses, raised hers to her lips. As there was practically nothing in it, she tilted her head right back to drink. With her head back and her lips rounded and the skin of her neck stretched tight, she laughed at her own vain efforts, and slid the tip of her tongue between her fine teeth to lick, drop by drop, the bottom of the glass.

MADAME BOVARY, supra note 538, at 35. See also McCarthy, supra note 549, at xxi; THE CONSTITUTIONALIST, supra note 145, at 773 n.195; HUMAN BEING AND CITIZEN, supra note 20, at 297 n.20.

554. See MADAME BOVARY, supra note 538, at 138-39. See also LOVE AND FRIENDSHIP, supra note 517, at 211-13, 226-28; McCarthy, supra note 549, at xi-xii.

555. See MADAME BOVARY, supra note 538, at 319.

556. Here is the incipient Feminist in Emma Bovary: She wanted a son. He should be dark and strong, and she would call him George. The thought of having a male child afforded her a kind of anticipatory revenge for all her past helplessness. A man, at any rate, is free. He can explore the passions and the continents, can surmount obstacles, reach out to the most distant joys. Whereas a woman is constantly thwarted. At once inert and pliant, she has to contend with both physical weakness and legal subordination. Her will is like the veil on her bonnet, fastened by a single string and quivering at every breeze that blows. Always there is a desire that impels and a convention that restrains. The baby was born at about six o’clock one Sunday morning.
The career of Emma was followed, in a sense, by the career of a leader treated with considerable respect by Allan Bloom in Closing: Charles de Gaulle, a man with great illusions whom fortune treated far better than it treated Emma Bovary. He could easily have ended up on the gallows or even worse, a laughing stock. Certainly there seems to be something distinctively French about both Emma Bovary and Charles de Gaulle.557

VI.

Although Allan Bloom does not appreciate Dr. Bovary for what he is worth, he, in concluding his essay on Madame Bovary, does notice Dr. Larivière’s virtues.558

But it is, in mid-nineteenth-century Europe, a time when the great ones of old are not being replicated. Thus, there are now only imitators of the outer form of Dr. Larivière, not of the real thing. Similarly, Emma can only imitate the forms of great passion. Flaubert may himself be aware of such parallels. Yet it may be a mistake to see this novel as Mr. Bloom does, when he regards it as “as much the tale of a lost artist as of a lost woman.”559 Certainly, a novel may be highly artistic without being primarily about art.

as the sun was rising. “It’s a girl,” said Charles. She turned away and fainted.

*Id.* at 101. Flaubert, who admired Cervantes greatly, could have agreed to a link between Emma Bovary and Don Quixote. See Levin, *supra* note 550; see also LOVE AND FRIENDSHIP, *supra* note 517 n.182; Lawyers, First Principles, and Contemporary Challenges, *supra* note 24, at 436; Compare LAW & LITERATURE AND THE BIBLE, *supra* note 33, at 564 (on the exploits of Rebekah); *supra* Part 6; *infra* Part 17. In any event, Emma Bovary needed someone who, while truly caring for her, could rule her as she needed to be ruled until (if ever) her judgment matured.


558. Here is the appraisal of the conscientious doctor (what can be the meaning of “does not fit into the plot”?):

Larivière does not fit into the plot of Madame Bovary, but he is not to be ignored as a human possibility. *Practicing virtue without believing in it* is the decisive statement. It would not be exhaustive but it would be revealing to say that there is something of Flaubert as artist expressed in this character. Art for its own sake is all that is left.

LOVE AND FRIENDSHIP, *supra* note 517, at 229. See MADAME BOVARY, *supra* note 538, at 331-32; Levin, *supra* note 549, at 130. Is there an existentialist cast to Mr Bloom’s (if not also to Flaubert’s) emphasis here? See THE AMERICAN MORALIST, *supra* note 49, at 139-60. Be that as it may, Mr. Bloom himself made good use of physicians. It is noteworthy that he could work as much and as well as he did in his last years, considering how devastated his body had long been. For the modern model in such perseverance and its limitations, see the account of Stephen Hawking in LAW & LITERATURE AND THE BIBLE, *supra* note 33, at 803-27.

It may also be a mistake to consider Madame Bovary as Mr. Bloom does, as "a plausible candidate in any contest for the greatest of all novels."\textsuperscript{560} Henry James could see Madame Bovary as "really too small an affair."\textsuperscript{561} More important, perhaps, Emma herself, although bigger than Mr. Bloom sees her, is not big enough for the greatest novels. One cannot care as much about, say, what happens to her as one does about, say, what happens to Anna Karenina or even to Leopold Bloom. She is hard for the reader to like for long, however sorry one can be for her at times.

VII.

One reason why Emma is not seen and dealt with as she should be by most of those around her is that they confused the high and the low. Is there not also something of this in Mr. Bloom's account, keeping him from appreciating the depths if not the nobility of Emma and of Charles?

The merits and defects in Bloom's reading of Madame Bovary are, I have indicated, much like those found in The Closing of the American Mind and in other works by him for some years now. We are reminded, at the end of Flaubert's novel, about what confusing the high and the low can do to one's judgment when we notice the gravedigger's mistaking as a potato thief the young Justin who he slips in and out of the cemetery to grieve at Emma's grave.\textsuperscript{562} A similar mistaking may be seen in how Mr. Bloom and all too many

\begin{flushright}
560. \textit{Id.} at 226. On things always assuming a "grander size" for Mr. Bloom's association with them, \textit{see} Sara Prince Anastaplo, \textit{Allan Bloom at 26, in LAW AND PHILOSOPHY, supra note 300, at 1034.}

561. \textit{Weir, supra note 550, at xi.}

562. Does "the young Justin" mature into Flaubert the artist? The episode drawn upon here is anticipated and then described in this fashion:

\begin{quote}
Weary though they were, Charles [Bovary] and his mother stayed up talking very late [after the funeral]. They spoke of the old days and the future; she would come to live at Yonville now and keep house for him, they would never be parted again. She was tactful and comforting, inwardly delighted at the prospect of regaining an affection that had been slipping from her over so many years. Midnight sounded. The village was silent as ever. Charles lay awake thinking incessantly of her.

Rodolphe, who had been out beating the coverts all day to beguile the time, slept peacefully in his mansion. Far away, Léon was sleeping too.

There was one other who was still awake at that hour.

On the grave among the pines a boy knelt weeping. His chest, shaken with sobs, heaved in the shadows beneath the burden of a measureless sorrow that was tenderer than the moon and deeper than night. Suddenly the gate creaked. It was Lestiboudois, returning to fetch his spade which he had left behind a while before. He recognized Justin clambering over
\end{quote}
\end{flushright}
of his partisans disparaged the student opposition to our ill-conceived intervention in the Vietnam War.563

If I, in turn, have mistaken the high for the low in the small part of Allan Bloom’s last book that I have been able to examine on this occasion, I hope that I will be usefully corrected by those who know all of his work far better than I ever will.

11. FYODOR DOStOYEVSKY (1821-1881)564

And I heard: “On the ground of human reason and of the authorities in harmony with it, the highest of all thy loves look to God; but say further if thou feelest other cords draw thee to Him, so that thou mayst name all the teeth by which this love bites thee.”

— Dante565

I.

It is astonishing how well-crafted Fyodor Dostoyevsky’s novel, The Brothers Karamazov is.566 It is astonishing, considering how big it is (some nine hundred pages), how it was written (hurriedly and in serial form), and how much passion is evident in it and expressed through it.567

the wall and knew at last where to put his finger on the rascal who stole his potatoes.

MADAME BOVARY, supra note 538, at 351. See also id. at 85-86; Compare id. at 354 (on Justin’s immediate fate).

563. See ESSAYS, supra note 518, at 272-73, ORIGINAL INTENT, supra note 521, at 361-67, THE AMERICAN MORALIST, supra note 49, at 225-44. There was, unfortunately, considerable self-deceptive, and self-destructive, partisanship on all sides of the Vietnam War controversy in the United States. On the proper relation of the high to the low, see LEO STRAUSS, SPINOZA’S CRITIQUE OF RELIGION 2 (1965) [hereinafter SPINOZA’S CRITIQUE OF RELIGION], infra text accompanying note 615. For tributes to Allan Bloom, see supra notes 520, 560; Compare supra note 539, infra note 627.

564. A talk given in the First Friday Lecture Series, The Basic Program of Liberal Education for Adults, The University of Chicago, at the Chicago Cultural Center, Chicago Illinois, June 3, 1983. (The original title of this talk was “Law and Order in Dostoyevsky’s The Brothers Karamazov.”)


566. This novel was first published 1879 to 1880. See infra text accompanying note 581.

567. Fyodor Dostoyevsky was anticipated, in his mode of working and in his serial publication, by another great nineteenth century novelist, Charles Dickens.
One is told by the sensitive Russian reader that the book is written in a nervous journalistic style, quite different from the simple beautiful style of Leo Tolstoy. In various letters to the journal publisher who was releasing the book in installments, Dostoyevsky reported that his story was running away with him, that characters were entering and conducting themselves in unexpected ways, that the novel was in many respects quite different from what he had anticipated.568

Indeed, one can get the impression that Dostoyevsky was describing what he was discovering, rather than what he was inventing. One also gets the impression that the artist took over again and again from the ideologue and propagandist (religious or political), obliging Dostoyevsky to modify a line of argument he had planned to develop.

In the light of all this, it is remarkable that the novel is as meticulously organized as it is. Despite its massiveness, this novel exhibits the control over material that one might expect in a sonnet.

Many consider it Dostoyevsky's greatest novel; some even consider it the greatest novel ever written.

II.

It is a novel that anyone interested in modern literature is familiar with, even if one has not read it. It is a novel in which the opening lines anticipate the violent end of the Father Karamazov, an episode which does not come until hundreds of pages later but which is prepared for long before that in many ways.569

"In the title to Dostoyevsky's novel," it has been noticed, "Mitya, Ivan and Alyosha are given to us as the brothers, definitive of the universal history of the family of man. The blood tie is both concrete and universal, and each of the characters of the novel is judged in terms of his willingness... to be his brother's keeper."570

I remind the reader of those parts of the plot which are critical to our discussion. There is a lustful, hard-living man of some means, a man of energy and shrewdness, who lives in a provincial town, one Fyodor Karamazov, who has had (by two wives) three sons whom he has done little to raise, leaving it to a servant Grigory to do what he can for the neglected

568. Other novelists and playwrights have reported the same experience.
569. We can be reminded here, in this anticipation from the outset of what is to come, of such great works as Homer's Iliad and Odyssey and Sophocles' Oedipus Tyrannus. See infra notes 585, 594.
children. There seems to be a fourth son as well, an illegitimate one by an idiot girl whom the elder Karamazov may have imposed himself upon, one Smerdyakov, who lives in the Karamazov household as an epileptic servant. This father and one of his sons (Dimitri, or Mitya) compete for the favors of Grushenka, an attractive young woman of an adventurous disposition. Mitya is from the beginning of the action incensed with his father both because of Grushenka and because of the money Mitya believes due him from his mother’s estate. His jealousy becomes so intense that he goes to his father’s house one night in an effort to catch Grushenka with his father, and perhaps even to kill him. She is not there, but he finds her elsewhere and is reconciled (permanently reconciled, it seems) to her. It is while the young lovers are at last of one mind that Mitya is arrested for the murder of his father, who had been killed earlier that night while Mitya was on his father’s grounds searching for Grushenka. Much of the rest of the book is devoted to the investigation, trial and conviction of Mitya for this crime. He is destined at the end of the book to penal servitude in Siberia where he will be joined, it seems, both by Grushenka and by his brother, Alyosha, the saintly one of the Karamazovs. The third brother, Ivan, seems to have gone mad, perhaps partly because of his iconoclastic theories. The illegitimate Smerdyakov commits suicide, shortly after the death of the Father Karamazov.

Much is made in the book of the relations among the sons of Karamazovs and of the relations between those sons and their father. Much is also made of contemporary concerns with scientific progress, religion and politics. Marcel Proust has said that all of Dostoyevsky’s novels are stories of crime. This is certainly true here, with the violent end of the elder Karamazov anticipated from the beginning. Also anticipated is that the violence should be at the hands of an offspring. Thus one sensitive commentator Helen de Alvarez, whom I will be drawing upon several times on this occasion, can speak thus of an early encounter (at a monastery) between Mitya and his father:

The foretelling of Mitya’s struggle with himself, the secret trial that takes place in the depths of his soul, occurs in [the monastery cell of Alyosha’s holy teacher, Father Zossima]. Mitya has been quarreling with his father over Grushenka, and ends his speech with the fateful words: “Why is such a

571. See infra text accompanying note 578.
573. See infra text accompanying note 587.
man alive?" (BK, p. 84) His father cries out: "Listen, listen, monks, to the parricide!" (BK, p. 84) The narrator [then] describes what follows this profoundly discourteous scene between father and son... 574

To speak of this scene as "profoundly discourteous" is quite apt, since courtesy can be understood as an expression of profound consideration for others. Much of this novel can be understood as an investigation of the difference between the forms and substance of divinely-ordained courtesy among human beings.

III.

But, as I have indicated, it is not all of the novel that we can study here but rather the surprising meticulousness of its organization and how that can be said to bear on its overall argument. 575

It has long been noticed that "The Brothers Karamazov hinges on the killing of a father, on parricide." 576 But I have not seen it noticed anywhere in print—but, then, there is a voluminous literature on Dostoyevsky which I do not pretend to know—I have not seen it noticed that the book can be said literally to hinge, or turn, on that killing. 577

It has been noticed that "the narrator withholds the murder scene entirely [from the reader], offering instead a row of dots..." 578 And, it is added, "the reader senses the concept of the novel in the narrator’s mind as an entity which determines his ordering and choice of data fully as much as the events which he knows about." 579 One cannot help but be intrigued by the data omitted here, the description of precisely what happened in the killing of the elder Karamazov, an omission marked by a row of dots. One’s curiosity is further stimulated when one notices just where and how those dots are used by Dostoyevsky.

First, one notices that this is the only place in the entire novel where (in the copies I have examined) a line of dots goes across the page. (This is different, that is, from the many places in the description where the author uses

574. De Alvarez, supra note 570, at 47-48. The "BK" references in the text are keyed to the edition of The Brothers Karamazov used by Mrs. de Alvarez. (Constance Garnett trans., New York: Modern Library, 1950).
575. See supra text accompanying note 567.
577. As to what is central, compare de Alvarez, supra note 570, at 206, 255.
579. Id.
a few dots, indicating lacunae or gaps in his description, lacunae which oblige
the reader to work things out for himself. Not only is this row of dots
unique in this novel, and not only does it conceal (so to speak) perhaps the
most critical action of the story, action which had been built up to from the
very beginning and action which much of the rest of the book is concerned
about, but also this row of dots is so placed as to assure us of the meticulous
organization of this seemingly wild novel. For this row of dots may be found
in one of the two central chapters, the forty-ninth chapter of the novel (that is
in Part III, Book VIII, Chapter 4).

Since there is an even number of chapters (ninety-six) in the novel, there
are two central chapters (the forty-eighth and the forty-ninth). One can
wonder whether the two chapters are peculiarly linked, with the former
showing Mitya making one last desperate (and unsuccessful) attempt to get the
money he believes he needs for the future, and with the latter devoted to his
stalking of his father and Grushenka that fateful night. It does seem to me
appropriate that of the two central chapters, the one utilized for this fateful
encounter should be the forty-ninth—since 49 is the product of 7 times 7, a
mystic number which suggests chance upon chance or, one might even say, a
high providence. More will be said about all of this later. It is instructive
to notice here that in a movie version of the book made in Russia in 1972, the
blank indicated by the row of dots is, in effect, replaced by a fierce storm
(another form of concealment of the critical action).

What happens during this interval is not spelled out in the book until
later, and even then only in bits and pieces and never in full. One must wonder
whether there is a difference in the character of the book between its first half
and its second half. One critic suggests that the second half describes "the
adventures of Alyosha as epic hero." Is the first half of the book primarily
domestic in its emphasis, while the second half is primarily public (with the
trial of Mitya as the acme of this)? Certainly, the murder of a father by a son

580. See de Alvarez, supra note 570, at 260, 261.
581. See THE BROTHERS KARAMAZOV, supra note 576, at 370. Consider what all this
suggests about the integrity of the entire volume, as something complete in itself, whatever may
be believed about it as a part of a much longer whole that Dostoyevsky (who died in 1881) did
not live to complete. Aside from the dots commented upon here, there are three places in the
first half of the book only, where spaces within chapters are marked by asterisks (not dots). See id. at 143 (ch. 24), 265 (ch. 39), 302 (ch. 41).
582. These are Chapters 3 and 4 of Part Three, Book Eight, entitled respectively, "Gold
Mines" and "In the Dark."
583. It may not be irrelevant to notice here that Dostoyevsky is known to have been at
times a compulsive gambler.
584. De Alvarez, supra note 570, at 229.
is shown as somehow fundamental to human conflict, and about this too more will have to be said on this occasion.\textsuperscript{585}

IV.

There is something else of considerable significance about that forty-ninth chapter with its concealing, and hence most revealing, row of dots—and that is its title, “In the Dark.”\textsuperscript{586} This refers, of course, to the darkness of that night in the garden in which Mitya lurks as he spies on his father and as he searches for Grushenka (who never does visit the father). But this “in the dark” also refers to much more than this; indeed, it points to what may be the central teaching of the novel.

Readers will remember the killings in another great novel by Dostoyevsky, \textit{Crime and Punishment}. There, however, the killings are described in some detail—the premeditated killing of the unattractive pawnbroker and then the spontaneous killing of the pawnbroker’s innocent sister who happened upon the scene.\textsuperscript{587} Thus Dostoyevsky is not in principle adverse to such descriptions, when called for; nor does he avoid using them merely as means to heighten reader interest, although that is one consequence of how he presents (or, rather, does not present) the killing scene in \textit{The Brothers Karamazov}. The parallel “spontaneous” violence in \textit{The Brothers Karamazov} is presented, Mitya’s striking down, but not killing, Grigory as he flees from the garden.\textsuperscript{588} Since Dostoyevsky does describe violence elsewhere, therefore, one must wonder why this particular kind of violence, associated with parricide, should be kept “in the dark.”

Immediately preceding the revealing row of dots are these sentences: “This personal repulsion [against his father] was growing unendurable. Mitya was beside himself. He suddenly pulled the brass pestle out of his pocket.”\textsuperscript{589} Immediately after the row of dots, there is this report, “‘God was watching over me then,’ Mitya himself said afterward.” Thus, what is fully in the dark, at least for awhile, is what happened in the garden between Mitya’s pulling the brass pestle (the weapon) out of his pocket and the flight scene which is the next event described. What did happen to Mitya during that interval? Mitya, we have seen, believes afterwards that God was watching over him then,

\textsuperscript{585.} We have been reminded of Sophocles’ \textit{Oedipus Tyrannus}. See supra note 569. We can be reminded by the fate of the Father Karamazov of how Oedipus’ being cut off from the community permits him (inclines him?) to do what he did to his father. Such cutting off bears also on his relations with his own sons in turn. See infra note 594, 623.

\textsuperscript{586.} See supra note 582; \textit{THE BROTHERS KARAMAZOV}, supra note 576, at 367.

\textsuperscript{587.} See FYODOR DOSTOYEVSKY, \textit{CRIME AND PUNISHMENT}, Part One, Chapter 7.

\textsuperscript{588.} See \textit{THE BROTHERS KARAMAZOV}, supra note 576, at 371. See also infra text accompanying note 602.

\textsuperscript{589.} Id. at 370.
staying his hand from striking down his father. Thus, we are tempted to say, what is literally in the dark is the working of God.

That God moves in mysterious ways had already been indicated in the novel. Thus, for example, the “Odor of Corruption” chapter testifies to the proposition that the judgments of God are not the judgments of men (and vice versa).\textsuperscript{590} Is there, men wonder, a divine plan to things? If so, how does the divine work in human affairs? What, furthermore, is the relation between the divine agency and the inspired artist?

However inspired the artist may be, Dostoyevsky suggests, he is not truly omniscient. There do seem to be some things that the narrator himself does not know.\textsuperscript{591} Certainly, Dostoyevsky wants us to know that he is aware of his own limitations.\textsuperscript{592}

Perhaps we can venture even further. Perhaps, that is, some things are left in the dark because of the very nature of things. It may be impossible for men to know all, however confident we are allowed to become about such things as that the fatal blow was struck by Smerdyakov\textsuperscript{593} and that the elder Karamazov fathered Smerdyakov or at least was responsible for that fathering. But even here we must tread with care: since the world is a very confusing place, and especially any world in which nineteenth century Russians predominate, it may be difficult to determine just who is responsible for what. Thus, it can be argued, all of the brothers are partly responsible for the killing of the father Karamazov.\textsuperscript{594} Even the saintly Alyosha can be shown to have been derelict in his duty, as we are reminded by one commentator:

But what of Alyosha’s fault and its consequences upon the world?... Twice [during the period when Mitya is running wild], Alyosha’s responsibility to find and remain with Mitya has been mentioned; Alyosha has been sent specifically to guard and protect Mitya from himself. . . .

\textsuperscript{590} Id. at 310f.

\textsuperscript{591} See de Alvarez, supra note 570; compare Beknap, supra note 578, at 93 (the narrator is “aware of all that took place”).

\textsuperscript{592} On the other hand, is there not the possibility that Dostoyevsky left open the possibility of showing in a sequel that someone else had done the actual killing? See The BROTHERS KARAMAZOV, supra note 576, at 748-49, where the killings indicated are left uncertain, with the truth coming out years later. Compare id. at 763-64, where Dostoyevsky explains to a rather anxious reader what “actually” happened to Fyodor Karamazov: “The servant Smerdyakov killed old Karamazov.” Even so, he does not, in this letter or later in the novel, give the details, even though he does say in the letter, “All the details will become clear as the novel progresses.” Id. at 763.

\textsuperscript{593} But was it premeditated or in self-defense?

\textsuperscript{594} See de Alvarez, supra note 570, at 26, 149, 159-61, 186, 199-200, 264, 295. Compare, with respect to the question of “one murderer or many” in the case of Oedipus, On Trial, supra note 38, at 1045-46 n.197. See supra notes 585, 623.
Alyosha's later ecstasy in the monastery garden occurs at the very time Mitya is in the garden behind his father's house watching [his father] surreptitiously. It is true that at the time Alyosha prays for the world, Dimitri is rejecting his own temptation, saying, "God was watching over me then." (BK, p. 476) But if Alyosha had not needed his faith restored to him, Dimitri might not have been in the garden at all, the opportunity for Smerdyakov to commit murder might never have occurred, and certainly Mitya would not have had to undergo a prison sentence and exile.595

All this is to suggest that the human condition is such that certainty, especially in moral determinations, can be hard to come by.596 Even scoundrels can have good streaks in their makeup; and, of course, good men can have flaws. What is needed, of course, is a God's-eye view of things.

Thus, we can also say, with respect to many of the most important things, all of us are in the dark. That is, there is a profound mystery about cause and effect, about what the world is like and how we can come to terms with our existence (and with our non-existence).597 Such mystery, intrinsic to the human situation, can be said to require a mystery to minister to it, which is, of course, what Dostoyevsky can be understood to show radical Christianity with its revelation as offering.

When thus alerted to the intrinsic mystery of things, we can notice many other things in this novel which are left unresolved, such things as whether Mitya had spent 3,000 rubles or only 1,500 rubles during an earlier spree, whether Smerdyakov had an incapacitating epileptic fit the night the elder Karamazov was killed, and who kindly put the pillow under the sleeping Mitya's head.598 All these puzzles, however, are nothing compared to the mystery of precisely what happened in the Karamazov death chamber and the related mystery of who or what was responsible for the open gate to the Karamazov garden, if indeed it was open. Is this latter mystery related to the problem of grace—who is blessed by critical opportunities and influences and

595. De Alvarez, supra note 570, at 230-31. See also id. at 233. Alyosha knew that he was foreordained to be his brother's keeper and that he failed, for a critical moment, in this duty.

596. Socrates, of course, was aware of this. See, e.g., HUMAN BEING AND CITIZEN, supra note 20, at 8, Freedom of Speech and the First Amendment, supra note 272, at 1945, Law, Education, and Legal Education, supra note 101, at 604.

597. See De Alvarez, supra note 570, at 252. One can return to "the mystery story" of this novel.

598. See THE BROTHERS KARAMAZOV, supra note 576, at 480.
why—as well as related to the problem of whom the devil chooses to tempt one and how?\textsuperscript{599}

One can be moved to awe, or at least to wonder, when one begins to notice the things around us which defy explanation.\textsuperscript{600}

V.

Particularly mysterious and troublesome, one might say even universal and perennial in its significance, is the relation between father and son, between whom there sometimes seems to be a natural antipathy. This antipathy can even be taken as an image of a longstanding tension between God and man.\textsuperscript{601}

Thus, Mitya is not altogether without fault: he did “want” to kill his father; certainly, he had once given him a severe thrashing. Of course, it can be said, the elder Karamazov was not like a father to him; rather, Grigory served in that capacity. But even Grigory was struck down by Mitya, albeit spontaneously and with considerable remorse afterwards.\textsuperscript{602} That Mitya could and did strike out at Grigory, his longtime benefactor, is indication enough that he had too much self-regard in his make-up. Thus, Mitya is not altogether innocent, so his condemnation and punishment are not altogether uncalled for. Indeed, they may even be good for him, in the long run, and good for anyone who appreciates both why Mitya must suffer and the benefits of such suffering in his circumstances.

Still, is the killing of a father (even if by a Smerdyakov rather than by a Mitya) something that is too painful, too cataclysmically unnatural, to show? After all, the name of this father, Fyodor, means, “God’s Gift”—and the great gift of God, Alyosha’s holy teacher seems to say, is the gift of earthly active life, which the elder Karamazov does have in an exuberant form.\textsuperscript{603} And so this act of killing the source of life is left in the dark, as is of course the act of procreation with which life begins. That the conflict between father and son should be over a most desirable woman intensifies, and helps universalize, this encounter.\textsuperscript{604}

\textsuperscript{599} See supra Parts 1, 4.
\textsuperscript{600} See THE ARTIST AS THINKER, supra note 10, at 463 n.259.
\textsuperscript{601} Was Cain, in striking down his brother, really aiming at Adam, if not even at God Himself? Consider also the story of Abraham’s attempted sacrifice of Isaac. See de Alvarez, supra note 570, at 118-19, Law & Literature and the Bible, supra note 33, at 548-64, On Trial, supra note 38, at 854-73.
\textsuperscript{602} See supra text accompanying note 588. See also de Alvarez, supra note 570, at 132.
\textsuperscript{603} See de Alvarez, supra note 570, at 39.
\textsuperscript{604} Also in the dark, of course, is precisely what will follow from any particular sexual encounter.
That there is something primeval, or fundamental, in all this is suggested further by the fact that this mystery, this vital Karamazov-killing activity in the dark, takes place in a garden. One can be reminded of the Garden of Eden.\footnote{605} What happened in the Garden of Eden is in the dark also: it is mysterious, hard to understand. Furthermore, what happened in the Garden of Eden put the human race in the dark (and, Christians would say, in the dock).\footnote{606}

So we can be told about those fateful hours in the Karamazov garden, of “the dark night resounding with the shout ‘Parricide’.”\footnote{607} Do not Christians hear a similar shout across the millennia, testifying to “the fall of man”? Certainly, Dostoyevsky seems to hear such a shout. Of course, Mitya can insist, after having been found guilty of the murder of his father, “I swear by God and the dreadful Day of Judgment I am not guilty of my father’s blood!...”\footnote{608} Should we be reminded of Cain’s protest? Are we meant to be reminded by Dostoyevsky that none of us is fully guiltless of the gravest offense?

Particularly apt here, as reflecting Dostoyevsky’s assessment of human conditions (an assessment Augustinian in some respects), is the correction by one commentator of a suggestion by Andre Gide, who saw a pious monk humbling himself (before Mitya, in fact) “not merely before suffering but before sin.” Our commentator adds, “Perhaps to say ‘before the mystery of sin and redemption’ would be more accurate.”\footnote{609}

With this reminder of the Christian doctrine of redemption, we move now to a consideration, however brief, of the place of love in Dostoyevsky’s world.

VI.

It is, as we have Dostoyevsky say, difficult to sort things out, to make the proper connections, to unravel complications. This reflects the limits of reason in human affairs.

That is to suggest that prudence is not (in the final analysis, or with respect to “the first and last things”), a reliable guide to life, whatever the

\begin{itemize}
\item \footnote{605} Alyosha, as we have seen, is at the same time in the garden of the monastery, setting up a counterforce, so to speak. On the Garden parallels, see de Alvarez, supra note 570, at 54-59, 265-66.
\item \footnote{606} See, e.g., On Trial, supra note 38, at 676. On the longing for personal immortality, see Law & Literature and the Bible, supra note 33, at 738. See also infra text accompanying note 620; note 627.
\item \footnote{607} See THE BROTHERS KARAMAZOV, supra note 576, at 371.
\item \footnote{608} \textit{Id.} at 716.
ancient thinkers may have believed. To rely on prudence is to attempt to understand things as God does—and that, Dostoyevsky would have us believe, is folly.\footnote{610} We can see here, then, one cause of the conflict between pagans (whether ancient or modern) and Christians: no one, the Christian insists, can be expected to be guided sufficiently by human reason in the fashion suggested by, say, the \textit{Nicomachean Ethics} of Aristotle.\footnote{611}

In the place of prudence as authoritative, the Christian offers love as the only reliable guide. Not all love, of course, but that love which finds one’s will completely submissive to God’s word. One, when rightly directed, is characterized by a \textit{good} will. It is love, not prudence, which tells us that all have “responsibility” for all. It is love, not prudence, which tells us that “the refusal to act immediately is to transgress the standard of humble loving-kindness.”\footnote{612} And so it can be said of the \textit{Brothers Karamazov}, that much of it is about “Alyosha’s private dark night of the soul and victory over his self-love.”\footnote{613}

Proper love leads to compassion, which recognizes the limits of us all—the guilt of all, the smallness of all when compared to God, the responsibility all have for all. And love leads us to recognize the goodness of life for which God alone is ultimately responsible. A respect, however perverted, for love \textit{is} seen in Fyodor Karamazov’s insistence that every woman is deeply attractive, if one really comes to know her. A recognition of the limits of us all may be seen in Mitya’s discovery that he had no right to find his father repulsive.\footnote{614} Compare, however, the \textit{Nicomachean Ethics}, which does assume that that which is truly repulsive should be recognized as such—and that one is defective if one cannot recognize noble and base things as they are.\footnote{615}

It should at once be added that the love which Dostoyevsky makes so much of is not sentimental—at least, he would insist that it is not—but rather tough-minded: it is love with a “bite,” to borrow an expression from Dante.\footnote{616} True love—love of others rather than mere self-regard—makes great demands

\footnote{610} This is to be seen in Ivan’s troubles—Ivan of the Grand Inquisitor story and of eventual madness.
\footnote{611} On the \textit{Ethics}, see \textit{THE THINKER AS ARTIST}, \textit{supra} note 18, at 318-334. \textit{See also LAWYERS, First Principles, and Contemporary Challenges}, \textit{supra} note 24, at 424-431. What is proposed in the \textit{Ethics} by Aristotle is supported by what he says in his \textit{Politics} and his \textit{Poetics}.
\footnote{612} \textit{De Alvarez}, \textit{supra} note 570, at 175.
\footnote{613} \textit{Id.} at 257.
\footnote{614} \textit{Id.} at 71.
\footnote{615} \textit{See supra} note 611. On the need to distinguish between the high and the low, \textit{see} source cited \textit{supra} note 563.
\footnote{616} \textit{See the epigraph from Dante’s Paradiso XXVI} (cited \textit{supra} note 565). \textit{Compare the exchange with Sophocles recorded in Book I of Plato’s Republic.}
upon us even as it holds out the prospect of great rewards. Such love can affect us, even when we are not aware of it. 617

The Christian recognizes, Dostoyevsky would have us understand, that the reliance upon love of which so much is made can seem “absurd” to the world, particularly since it seems to sacrifice reliance upon reason. 618 Reason is seen as sterile, as lifeless, while love is life-giving. There is, in the Karamazov way, a vitality which may draw upon, sometimes perversely, the demands of love—even though it can be said of the Karamazovs by a cynical rationalist, “Who could tell which of them was to blame, and who was in debt to the other, with their crazy Karamazov way of muddling things so that no one could make head or tail of it?” 619

All this is related to the appeal of Christianity: it is absurd, yes; but it somehow speaks to what moderns call the human condition; vital yearnings of the soul—of the individual, immortality-seeking soul—are being ministered to. 620 Whether these yearnings are natural or acquired (and misdirected) does not seem to concern the Christian, who sees the acquired yearnings to be now so deeply ingrained as to be virtually natural in their effects.

With such sentiments, Dostoyevsky challenges the claims of the Enlightenment, of that rationalistic movement which would Westernize and thus ruin Russia. 621

VII.

Particularly threatening about the rationalistic movement, Dostoyevsky would have his countrymen believe, is that it would destroy the community (including the Church) upon which the best in the Russians (as in any other people?) depends. It is a community which can sustain its people because it is down-to-earth, rooted in the very earth, the virtue of which rootedness we are again and again shown. 622

We need the help of one another, Dostoyevsky teaches. He also teaches that the Old Way has an almost instinctive regard for mutual accommodation.

617. After all, Mitya was saved from parricide—by his mother’s prayers? or by his guardian angel? or by Alyosha’s influence (even though Alyosha was somewhat negligent)? or by the “miracle” of the conscientious Grigory’s intervention? See de Alvarez, supra note 570, at 55.

618. See, e.g. FRIEDRICH NIETZSCHE, BEYOND GOOD AND EVIL, Aphorism 46. On Nietzsche and his influence, see THE AMERICAN MORALIST, supra note 49, at 125-38, 139-43, 144-60.

619. THE BROTHERS KARAMAZOV, supra note 576, at 633.

620. See Rome, Piety, and Law, supra note 609, at 47-67; see also, supra note 606.

621. See de Alvarez, supra note 570, at 193-94.

622. On Dimitri’s very name being connected with the earth, for good and for bad, see id. at 28.
The vulnerability of the elder Karamazov is in large part because of his isolation from his sons, especially from his illegitimate son. The sons, too, are isolated in varying degrees: perhaps Ivan and Smerdyakov most of all, with their resulting madness and suicide, respectively. The killing of the old man reveals the crisis of the community, a community in which Westernized intellectuals such as Ivan teach that “all is lawful.” Indeed, to say that “all is lawful” is to say that there is no law—and hence no community that need be taken seriously.

The vitality of a community is related to the strength and soundness of its memories: that is, the community is the repository of those memories which remind human beings of what they have always known to be good and pious. *The Brothers Karamazov* closes with Alyosha, who has (pursuant to his holy teacher’s instructions) returned to community life—the novel (itself a revival of old memories for readers) closes with Alyosha explaining and thereby refining and reinforcing critical memories for a band of boys, memories which make much of sacrifice, love and compassion. Alyosha succeeds thereby, at least in words, in creating a community to sustain and guide these youngsters in the decades ahead.

To make much of memories is (once again) to prefer revelation over reason: that is, the things which the community has long ago accepted (and relied upon) are to be preferred to the things which can now be figured out and experimented with. Still, one must wonder, what does Dostoyevsky’s own craft—the thinking reflected in it, the order to which he subjected it (as seen in the meticulous way this book is organized)—what does his craft say about the role of reason in the affairs of human beings, even with respect to that imagination which is so vital to art and revelation?

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624. See de Alvarez, supra note 570, at 128.

625. Id. at 128.

626. Is Alyosha Christ-like in this respect? See the concluding pages of Mrs. de Alvarez’s dissertation (cited supra note 570). On Jacob Klein and “the mingled and mangled memories of the polis,” see *Human Being and Citizen*, supra note 29, at 85-86.

627. On Fyodor Dostoyevsky and the Russian soul, especially when compared to Leo Tolstoy, see 2 Oswald Spengler, *The Decline of the West* 194-96 (1932). Does Dostoyevsky, unlike Tolstoy, tend to see the extreme case as most revealing? On Tolstoy, see Part 12 of this Collection. On the serious thinking needed for the greatest art, see *The Artist as Thinker*, supra note 10, *The Thinker as Artist*, supra note 18. To place considerable emphasis upon longing (as in the text at supra note 535) can lead one astray. See supra note 539, 606. One can see in Saul Bellow’s *Ravelstein* (2000) how longing may either elevate, if not even spiritualize, the base or, unfortunately, may trivialize, if not even degrade, the noble. The sovereignty of reason, in the disciplining of longing, is inadvertently testified to in what Saul Bellow evidently believed to be a friendly portrait by him of Allan Bloom. Alcibiades, not Socrates, comes to mind. See *Essays*, supra note 518, at 272. On the advice of true friends,
Indeed, one must wonder, may not the sovereignty of reason in human affairs manifest itself even in those arguments, in the form of powerful stories, which make so much of the supremacy of sublime passions such as love?628

12. LEO TOLSTOY (1828-1910)629

[Professor Moriarty] is the Napoleon of crime.
— Sherlock Holmes630

I.

What do the following things have in common: a Café du Monde beignet, Michelangelo’s Pietà, and Tolstoy’s War and Peace?631 Each of these, as well as such things as Leonardo’s Mona Lisa and the onion soup of Les Halles (the now-demolished Paris central market), has plausible imitations which can make us believe that they are close to “the real thing.”632 The real thing can immediately impress itself upon us, however, when we happen to return to it. The first “bite,” so to speak, suffices.

The pleasure to be gotten from each of these, whether food or art or novel, is immediately obvious. Far less obvious may be a determination of “how it is done,” and whether the pleasure thus conveyed is good for us. Whatever may be said of the other masterpieces I have mentioned, there surely cannot be anything wrong with indulging oneself in a plate of beignets on the sidewalk at the Café du Monde. This is especially true if it is a nice day in New Orleans and a companion is there to share this simple delicacy and the conversation that it can inspire.

see id. at 276, 284. But it is indeed an ill wind that blows no good: one advantage of what Saul Bellow has done to his fallen comrade in Ravelstein is that it can make my criticisms of Allan Bloom in 1988 and thereafter appear now (even to the more determined Bloom partisans) as friendly as they were originally intended to be. See infra note 1116.

628. What, indeed, is the lover truly after? On the Good, the True, and the Beautiful, see THE ARTIST AS THINKER, supra note 10, at 275-78. See also THE THINKER AS ARTIST, supra note 18, at 171-82, 303-17.

629. A talk given at the Basic Program Weekend Conference, The University of Chicago, Alpine Valley Lodge, East Troy, Wisconsin, April 23, 1995. (The original title of this talk was, “Leo Tolstoy, the Napoleon of the Novel.” See infra note 720. See, also, infra text accompanying note 730.)


631. The Café du Monde is in New Orleans; the Pietà is in Rome.

632. The Mona Lisa, too, is in Paris, most of the time.
At the other extreme from the simplicity of beignets are the complications of Leo Tolstoy's gifts as a storyteller. An encyclopedia introduces him in this way:

The enduring fame of Leo Tolstoy, Russian author, reformer, and moral thinker, rests mainly on two novels, *War and Peace* and *Anna Karenina*. A deeply contradictory man, Tolstoy was an individualistic aristocrat who in his later years tried unsuccessfully to lead the life of a poor peasant, a sensualist who ended up as an intransigent puritan, a man of singular vitality who feared death at almost every step. This extraordinary duality of character led him in middle life to abandon his career of a mere writer of fiction to become a radical Christian; in a stream of essays, pamphlets, and largely didactic short stories and plays, he propagated his belief in a life of love and faith and his rejection of property and such man-made institutions as government and churches. 633

We can see in *War and Peace* various elements that became prominent in Tolstoy's beliefs once he abandoned "his career of a mere writer of fiction."

A portrait of Tolstoy by C. P. Snow opens with these observations:

Someone once said of [Tolstoy's two greatest novels], that it was as though God Himself had taken up his pen and written. Proust made a similar remark, to the effect that in those books humanity was being judged by a serene god. Even in the backing and shifting of literary opinion there is no room for doubt about the supreme greatness of the Tolstoyan masterpieces; and there is not much room for doubt, either, about what makes the greatness. 634

Snow continues:

It is permissible to argue, and many of us have done it, whether [Tolstoy's] *War and Peace* or [Dostoevsky's] *The Brothers Karamazov* is the ultimate height of all novel writing. Crossing their hearts, some have to say that, though *War and Peace* may be more godlike, *The Brothers Karamazov* means more to them. Neither Tolstoy nor Dostoevsky would have considered any comparison

reasonable. Dostoevsky, though he once tried to make
amends in print, couldn't understand why all this fuss was
made of Tolstoy. Tolstoy . . . had even less use for the one
contemporary of his own stature. He produced an adjective
for Dostoevsky's work which few others would have
thought of. It was 'superficial.'

Anyway, there is no question about Tolstoy as a writer, and
won't be while men are able to read. There is considerably
more question about Tolstoy as a man. We can all accept
Proust's statement that he wrote like a serene god. But he
didn't act like one. Sometimes like a god maybe; but about
as little serene as a god, or even a man, can be.635

Among the opinions of Tolstoy by people who knew him well, the
following in a letter by Maksim Gorky is particularly useful on this occasion:

Count Leo Tolstoy is an artist of genius, perhaps our
Shakespeare. But, although I admire him, I do not like him.
He is not a sincere person; he is exaggeratedly self-
preoccupied; he sees nothing and knows nothing outside
himself. His humility is hypocritical and his desire to suffer
repugnant. Usually such a desire is a symptom of a sick and
perverted mind but in his case it is a great pride wanting to
be imprisoned in order to increase his authority. . . . No,
that man is a stranger to me, in spite of his very great
beauty.636

We shall return to the relation of Tolstoy to Shakespeare. But now we must
begin to talk about War and Peace.

II.

It is a story about the lives of five people: Natasha Rostov, her brother
Nikolay, Pierre Bezuhov, Andrey Bolkonsky, and his sister, Marya. All others
in the story, including emperors and generals, serve primarily to illuminate the
lives of these five people. Perhaps it should even be said that all the other
characters illuminate the lives of Andrey and Pierre. Parents, suitors, spouses,
friends, and foes help us to see better the interconnected stories of this critical
half-dozen. Both the major and the minor figures in the novel come alive, so

635. Id. at 178-79. See supra text accompanying note 560.
636. Id. at 180.
much so that the barest sketches of them suffices to call them up in their amplitude for a Russian audience. 637

Perhaps as much as anyone in the novel, Natasha is Russia, certainly Mother Russia. She, a vivacious child of aristocrats, can dance and sing as the peasants do. She has what we would call “soul.” Everyone wants her; she entertains a half-dozen proposals of marriage. Tolstoy was, according to C. P. Snow, “what would now be called a male chauvinist.” 638 Women were made for tending to their husbands, breeding and nursing children, and being responsible for the running of the household. “The final appearance of Natasha in War and Peace is the concrete expression of all he believed a woman should be.” 639 She is shown there as very much the settled matron, wholeheartedly serving her husband and children, and very much content with her life.

Russia may be seen, at least on the male side, in the conjunction of Andrey and Pierre as the focus of our attention—in the movement from one to the other as that focus, with Natasha engaged first to one and then to the other. The congenitally good-natured Pierre, who has been very much influenced by a remarkably pious peasant, serves as the mentor for Andrey’s son. This alliance of Andrey, Pierre, and Natasha is reinforced by the marriage of Andrey’s sister to Natasha’s brother.

III.

These personal stories are interwoven with the history of nations, especially Russia and France. The backdrop which is sometimes the main stage, of the drama is provided by the decade-long Napoleonic challenge in Europe, which eventually engulfs Russia.

The novel opens by anticipating the French invasion of a Russia already very much influenced by France. This may be heard in the “natural” language of Russian aristocrats. It then presents the military encounters between the Russians and the French, primarily at Austerlitz and then at Borodino. It suggests also the aftermath of that great war. Dynastic struggles are thus interwoven with the personal stories.

Tolstoy’s accounts of the greatest battles of the war, as well as of the guerrilla efforts which took such a heavy toll on the “French” army (especially in retreat), are recognized as among the most graphic military stories ever penned, not least for what is shown about the confusion and grimness of battle.

637. This may be seen in the Bondarchuk War and Peace film. WAR AND PEACE (Continental Distributing 1968).
638. SNOW, supra note 634, at 188.
639. Id.
Napoleon’s Russian campaign was thoroughly researched and then described at length by Tolstoy. A useful summary of that campaign, which may help us to see Tolstoy’s revealing assessment of Napoleon better, is provided by Winston Churchill.\(^640\) First, there is the build-up to the invasion of Russia by Napoleon’s army:

All through the spring of 1812 the Emperor had been gathering forces on a scale hitherto unknown in Europe, and as the summer came he drew them eastward from all his dominions. For two years past his relations with Russia had been growing more and more embittered. The Czar had gradually become convinced that no general European settlement could be made so long as the French Emperor dominated the scene. The amiable days of Tilsit were forgotten, and the Emperors who had sworn friendship on the raft in the river Niemen were now foes. Napoleon determined to get his blow in first, and to make it a shattering one. Although his generals and Ministers were reluctant and apprehensive a kind of delirium swept the martial classes of the Empire. The idea of a campaign larger than any yet conceived, more daring than the deeds of Alexander the Great, which might lead to the conquest of all Asia, took possession of the fighting men. Napoleon marshalled beyond the Vistula a group of armies nearly five hundred thousand strong. His Viceroy and stepson Eugene marched from Italy with fifty thousand Italians. Holland, Denmark, and all the states of the Rhine sent their contingents. Austria and Prussia took the field as Napoleon’s dutiful allies, each with thirty thousand men. War-ravaged Europe after all these years of strife had never seen such an array. Among these armies moving eastward were barely two hundred thousand Frenchmen. They formed the central spearhead of attack under the Emperor’s direct command. Thus the great drama reached its culmination.\(^641\)

Churchill’s account takes Napoleon into Russia, recalling the successful eighteenth century assault upon that vast country by Sweden and anticipating the disastrous twentieth century assault on it by Germany:

\(^641\). 3 id. at 274.
Many voices had warned Napoleon of the hardships and difficulties of campaigning in Russia. Nor did he disregard their advice. He had assembled what seemed for those days abundant transport and supply. It proved unequal to the event. In June 1812 he crossed the Niemen and headed straight for Moscow, some five hundred miles to the east. He was confronted by two main Russian armies totaling two hundred thousand men. His plan was to overwhelm them separately and snatch at the old Russian capital. He confidently expected that the Czar would then treat for peace. All the other sovereigns of Europe in similar circumstances had hastened to bow the knee. But Russia proved a different proposition. In this fateful month of June the Russian Ambassador in London made a startlingly accurate prophecy. It reflected the expectations of the Czar and his advisers. “We can win by persistent defence and retreat.” He wrote. “If the enemy begins to pursue us it is all up with him; for the farther he advances from his bases of supply into a trackless and foodless country, starved and encircled by an army of Cossacks, his position will become more and more dangerous. He will end by being decimated by the winter, which has always been our most faithful ally.” Defence, retreat, and winter—on these resources the Russian high command relied. Napoleon had studied the amazing Russian campaigns of the great Swede, King Charles XII. He thought he had profited by his reading. In the twentieth century another more ruthless dictator was to study Napoleon’s errors. He too thought he had marked the lesson. Russia undeceived them both. 642

The Churchill account then recapitulates Napoleon’s Russian campaign and its aftermath:

Before Napoleon the Russian armies fell back, avoiding the traps he set for them and devastating the countryside through which the French had to pass. At Borodino, some sixty miles west of the capital, the Russians turned at bay. There in the bloodiest battle of the nineteenth century General Kutusov inflicted a terrible mauling on Napoleon. Both the armies engaged, each of about a hundred and

642. Id. at 274-76.
twenty thousand men, lost a third of their strength. Kutusov withdrew once more, and Moscow fell to the French. But the Russians declined to sue for peace. As winter drew near it was forced on Napoleon's mind that Moscow, burnt to a shell by accident or by design, was untenable by his starving troops. There was nothing for it but retreat through the gathering snows—the most celebrated and disastrous retreat in history. Winter now takes its dreadful toll. Rearguard actions, however gallant, sapped the remaining French strength. Out of the huge Grand Army launched upon Russia only twenty thousand straggled back to Warsaw. Marshal Ney was said to have been the last Frenchman to quit Russian soil.

On December 5 Napoleon abandoned the remnant of his armies on the Russian frontier and set out by sleigh for Paris. Whatever salvaging could be done he left to his Marshals. For himself he was insensible of disaster. He still put trust in his Star. If he had failed to extend his Empire to the East, he could yet preserve it in the West. By tremendous efforts he would raise new forces and fight again. In the spring of 1813 he once more took the field.643

Churchill describes Napoleon's desperate efforts in Europe, then his escape from exile in Elba, and then the grand final effort in 1815 at Waterloo. Thereafter, we are told by Churchill:

The [British] Government, acting for the Allies, decided on exile [for Napoleon] in St. Helena, an island about the same size as Jersey, but very mountainous, and far away. Escape from it was impossible. On July 26 the Emperor sailed to his sunset in the South Atlantic. He never permitted himself to understand what had happened at Waterloo. The event was everybody's fault but his own. Six years of life in exile lay before him. He spent them with his small faithful retinue creating the Napoleonic legend of invincibility which was to have so powerful an effect on the France of the future.644

643. Id. at 275.
644. Id. at 311.
It is the Napoleonic legend, whatever its ultimate source, to which much of Tolstoy’s *War and Peace* is devoted.

IV.

A theory of history is presented by Tolstoy as critical to his story of Andrey, Natasha and Pierre. Vital to that theory are Tolstoy’s notions about the limited, even non-existent, influence of great men upon the affairs of the world. Illustrative of these notions is the determination with which Tolstoy dismisses Napoleon again and again. But it is not Napoleon alone whose influence is discounted so vigorously by Tolstoy.

Tolstoy’s approach may be countered by that of Churchill. Consider, for example, how Churchill describes the contribution that the Duke of Wellington made to the momentous Allied victory at Waterloo:

The Duke rode back to Brussels [after the Battle of Waterloo]. The day had been almost too much even for a man of iron. The whole weight of responsibility had fallen on him. Only the power and example of his own personality had kept his motley force together. The strain had been barely tolerable. “By God!” as he justly said, “I don’t think it would have been done if I had not been there.” As he took tea and toast and had the casualty lists read to him he broke down and wept.645

It sometimes seems that insofar as Tolstoy considers Napoleon as somewhat influential, he treats him like a Hitler. But the Hitler we are dreadfully familiar with helps us see what is right about Napoleon or, at least, what is limited in Tolstoy’s account of him.

The attractions, if not the merits, of Napoleon may be gleaned from the way that the spirited Julien Sorel, of Stendhal’s *The Red and the Black*, laments the absence of the Napoleonic opening for aspiring young men. Napoleon’s merits, as well as his limitations, are appreciated in Ralph Waldo Emerson’s account of him as one of the great men that he respects. Artists such as Thomas Hardy can find Napoleon fascinating.646 A recent article in *Le Monde* spoke of Napoleon Bonaparte as having “confused things [in France] by rehabilitating the principle of monarchy while at the same time founding the institutions and laws that were to shape the republic.”647

645. *Id.* at 308, 310.
646. See CARL VAN DOREN & MARK VAN DOREN, AMERICAN AND BRITISH LITERATURE SINCE 1890 245-47 (1925). *See also infra note* 650.
When one considers the respect, as well as the reservations, with which Napoleon is regarded by many well-informed, morally sensitive and politically sensible students of the early nineteenth century, the wholesale condemnation of him by Tolstoy can indeed be revealing. No doubt, the bitter grievances of the Russian patriot partially account for Tolstoy's passion here—but, they hardly account for his overall dismissal of the influence of most, if not all, great actors upon the world stage. This kind of determined argument by the novelist invites a critical assessment of Tolstoy himself.

V.

Central to the Tolstoyan antipathy to Napoleon, and perhaps to all great men of action, may be political and social developments recognized in Churchill's concluding remarks about the Napoleonic wars:

So the scene closes on a protracted peace-making after the longest of the world wars. The impetus of the French Revolution had been spread by the genius of Napoleon to the four quarters of Europe. Ideals of liberty and nationalism, born in Paris, had been imparted to all the European peoples. In the nineteenth century ahead they were to clash resoundingly with the ordered world for which the Congress of Vienna [of 1815] had striven. If France was defeated and her Emperor fallen, the principles which had inspired her lived on. They were to play a notable part in changing the shape of government in every European country, Britain not excepted.648

In short, it can be said, Napoleon first defended and then spread throughout Europe the spirit of the French Revolution, including its egalitarianism. True, an emperor emerged as the champion, if not also as the corrupter, of a democratic revolution. But he was an emperor about whom it could be said that every soldier in his army carried in his knapsack a marshal's baton. There was, for the aristocratic Tolstoy, something decidedly un-Russian about this sort of thing—and so he could repeatedly dismiss the ambitious Corsican as a presumptuous upstart. Thus Tolstoy said of him, "A man of no convictions, no habits, no traditions, no name, not even a Frenchman, by the strangest freaks of chance, as it seems, rises above the seething parties of France, and

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648. 3 CHURCHILL, supra note 640, at 314 (emphasis added).
without attaching himself to any one of them, advances to a prominent position."

The "confrontation" between Russia and France or that between Napoleon and Tolstoy may depend, at its roots, upon the age-old tension between rationalism and revelation, if not also between philosophy and poetry. We have already noticed how Napoleon served as at least the carrier of the ideas of the French Revolution across Europe. Emerson spoke of him in this fashion:

I call Napoleon the agent or attorney of the middle class of modern society; of the throng who fill the markets, shops, counting-houses, manufactories, ships, of the modern world, aiming to be rich. He was the agitator, the destroyer of prescription, the internal improver, the liberal, the radical, the inventor of means, the opener of doors and markets, the subverter of monopoly and abuse. Of course the rich and aristocratic did not like him. England, the centre of capital; and Rome and Austria, centres of tradition and genealogy, opposed him.

Emerson also said, "Napoleon was entitled to crowns; he won his victories in his head before he won them on the field. He was not lucky only."

Further on, Emerson returned to this theme, "He never blundered into victory..."

He then added:

He is firm, sure, self-denying, self-postponing, sacrificing every thing,—money, troops, generals, and his own safety also, to his aim; not misled, like common adventurers, by the splendor of his own means.

Not bloodthirsty, but not sparing of blood,—and pitiless. He saw only the object: the obstacle must give way.

Napoleon’s identification with the cause of rationalism probably had its roots in his having been influenced, before he became famous, by Voltaire and

649. LEONARDO TOLOSTOY, WAR AND PEACE 1056 (Constance Garnett trans., Modern Library) [hereinafter WAR AND PEACE]. Curiously akin to Tolstoy in "putting down" Napoleon was George Bernard Shaw. See VAN DOREN & VAN DOREN, supra note 646, at 251, 256. It could also be said of Hitler, "not even a German."

651. Id. at 21.

652. Id. at 40.

653. Id. at 41, 42.
Rousseau. "For the liberals of the time," an Emerson scholar observed, "it was Napoleon who had delivered the French Revolution from the chaos into which it had fallen, who had given it co-ordination and direction and extended its principles to Italy, Egypt, and Spain." Other Americans, such as Thomas Jefferson and John Adams, tended to be more critical of Napoleon than Emerson. And even Emerson could say that Napoleon was deeply flawed by the lack of moral principle. Still, Napoleon was important for the modernizing, and constitutionalizing, of much of modern Europe, thereby rationalizing modern society. Evidently, Napoleon was at his best as a military leader, especially in those battles which could be observed by field glasses and which could be directed by messengers on horseback.

So much then for the rationalism to which Napoleon and the Revolution considered themselves dedicated. The Tolstoyan openness to revelation made more of the instinctive and the traditional. Piety and mysticism take center-stage, but not necessarily conventional religious allegiances and practices. Tolstoy, it has been noticed, did not have "a reverence for human intelligence and for political or scientific greatness." He discouraged the belief that we can know the final end of man any more than we can know, for example, the final end of the bee.

The emphasis in Tolstoy upon the instinctive and the mystical goes hand-in-hand with his recourse to determinism to explain great events; a determinism which includes for him a depreciation of heroes. The ancients, he reports at the beginning of his second epilogue, did make much of the heroic, but they understood their heroes to be acting in accordance with the will of God. Moderns, he continues, have rejected the ancient faith "in the immediate participation of the Deity in the affairs of mankind." That being the case, Tolstoy argues, they should also reject the doctrine of heroism dependent upon such a faith. Further on he argues, "The more remote in history the subject of our observations, the more doubtful we feel of the free

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655. EMERSON, supra note 650, at 10.
656. See THE AMENDMENTS TO THE CONSTITUTION, supra note 278, at 107, 330, 335.
657. See EMERSON, supra note 650, at 62-3.
659. WAR AND PEACE, supra note 649, at 1054, 1055, 1060-61. See also BRANDES, supra note 658 (on Russian peasants and workmen awakening from a sleep of a thousand years).
660. See WAR AND PEACE, supra note 649, at 1101.
661. Id.
will of the persons concerned in the event, and the more obvious is the law of necessity in it.\textsuperscript{662}

A critique of what Tolstoy says here could well begin with an examination of what the more thoughtful ancients considered to be the causes of great actions. It does seem that Thucydides, for example, believed that individual men could (independent of deities) make considerable difference in the life of a city. Thus, Alcibiades was critical to the Athenian decision to undertake the disastrous Sicilian expedition.\textsuperscript{663} It is highly unlikely that the Athenians would have gone to Sicily if Pericles had not happened to have died in the great plague. Even so, Thucydides also indicates, the Athenians might have won in Sicily if Alcibiades had been left in charge of the expedition.\textsuperscript{664} The remarkable influence of other individual men is shown again and again in Thucydides' history, such as in the career of Brasidas among the Spartans.\textsuperscript{665}

More can and should be said about the origins and consequences of Tolstoyan determinism. We limit ourselves, for the moment, to the additional observation that such determinism may have contributed to the receptivity of Russian intellectuals in the generations after Tolstoy's \textit{War and Peace} to Marxist determinism and its laws of history.\textsuperscript{666}

\section*{VI.}

The anti-rationalist tendency of Tolstoy's thought reflected, if it did not reinforce, the longstanding mysticism in the Russian soul. (This may also be seen in Dostoyevsky, as well as in aspects of twentieth century Marxism-Leninism.) One consequence of the Tolstoyan approach is the depreciation of governmental action. Forms of anarchism and of pacifism, so prominent in Tolstoy's career after he gave up writing novels, tend to be encouraged.\textsuperscript{667}

The Tolstoy influence, or the anti-Napoleonic emphasis, may be seen in the fact that there still does not seem to be solid grounding for the rule of law

\textsuperscript{662} \textit{Id.} at 1128.
\textsuperscript{663} Was Napoleon's influence in the French decision to undertake the Russian expedition comparable?
\textsuperscript{664} Indeed Pericles had emphatically warned the Athenians against any attempt to expand the war, especially by attempting to gather in new territories. It should, he counseled, remain a defensive war. Thereafter the Athenians could resume their imperialist ways. See \textit{THUCYDIDES, THE PELOPONNESIAN WAR,} 2:65(7).
\textsuperscript{665} On Thucydides, see \textit{THE THINKER AS ARTIST, supra} note 18, at 253.
\textsuperscript{666} On Marxism, see \textit{LIBERTY, EQUALITY, AND MODERN CONSTITUTIONALISM, supra} note 19, at 167-69. \textit{\textit{See also Law & Literature and the Bible, supra} note 33, at 849.}
\textsuperscript{667} We are seeing some of this now, and not only in Russia. The influence of Tolstoy on Gandhi is well-known. Less well-known is his influence on such movements as that which found dreadful expression in the 1995 Oklahoma City federal building bombing. \textit{\textit{See Lessons for the Student of Law, supra} note 536, at 198, 206.}
in Russia. Emerson, among many others, noticed the importance of the Napoleonic Code not only for France but also for a great part of Europe. Thus, it can be said, the defeat of Napoleon in Russia led to an even wider gap between Russia and "Europe."

Thus, it can be suggested, Russia never recovered from its dramatic victory over Napoleon, a victory ratified (so to speak) in Tolstoy's great novel. Russia was deprived thereby of the modernizing effects of the French Revolution, something that Lenin and Stalin tried to make up for in their particularly brutal ways. Other countries in Europe recall Napoleon much more favorably than does Russia. For example, he contributed significantly to the unification of Italy, as well as to the emergence of Poland as a modern nation.

All of this means, among other things, is that authoritarian rule remains the order of the day in Russia. Perhaps that was inevitable, with or without the Napoleonic movement, so long as Russia is as gigantic as she has long been. To this extent the Tolstoyan argument for determinism may have merit.

VII.

Tolstoy's understanding of the souls of human beings and of the workings of communities may be illuminated by considering his vigorous denunciations of Shakespeare. One of his essays is devoted, with an emphasis upon *King Lear*, to showing the serious moral and dramatic defects of Shakespeare. Tolstoy's attitude in these matters is reflected in what he once said to Chekhov, "Shakespeare's plays are terrible, but yours are even worse."

It is intriguing that so much should have been made by Tolstoy of the Lear play in his slashing attack upon Shakespeare. After all, Tolstoy conducted himself in his last decades more and more like Shakespeare's Lear,


669. *See Emerson, supra* note 650, at 35.

670. The visitor to western Russia can be startled to hear Europe routinely referred to in such a way as to assume that Russia is not part of it. The same can happen in modern Greece.

671. There can be, therefore, a Napoleonic museum in Rome.

672. The second stanza of the Polish national anthem recognizes, by name, Bonaparte's contribution to Polish liberation.

673. My wife recalls that a social work teacher of hers at the University of Chicago (one of the Chicago Harris family) once insisted that although Sigmund Freud's theories may have been true in Vienna, they were certainly not true in Minnesota. Similarly, perhaps, it may be said that although Tolstoy's theories of history may have been true in Russia, they were certainly not true in Western Europe and the United States. *See also the opening paragraph of The Federalist No. 1.*

heath and all. This can make us wonder whether Tolstoy ever knew himself any better than he knew, say, Napoleon. Even so, did he perhaps sense that the Lear of Shakespeare was someone that he should take seriously, even if he did not grasp the full significance of their affinity?675

It may be natural for Tolstoy to condemn Shakespeare as he does. It is surely natural that he should not be able to make explicit the basis of his antipathy for Shakespeare. Shakespeare is far more political than Tolstoy could ever be—and this is reflected in the status of constitutionalism and the rule of law among the English-speaking peoples.676 The appeal, as well as the vulnerability, of republican government may be seen, for example, in Shakespeare’s Roman Plays. Constitutionalism and its challengers are examined in his English History Plays. It is appropriate that Shakespeare’s birthday be celebrated on the festival of that great hero, St. George.677

Also instructive in Shakespeare is a sense of a rational moral order that governs the universe, whatever the effects of both the divine and chance may be. There was evidently something about all this that Tolstoy could be repelled by.

VIII.

The differences between Shakespeare and Tolstoy have had other significant practical consequences as well. One such difference is with respect to the guidance provided to potential military leaders. The better leaders in Shakespeare are shown to be very much in control of what is happening. They are a far cry, by and large, from Tolstoy’s greatest military leader, General Kutuzov.678

It would be instructive to investigate how the Kutuzov cult, to which Tolstoy contributed so much, affected Russian military strategy during the First World War and perhaps during the opening months of the Second World War as well.679 Aleksandr Solzhenitsyn suggests the bad effects that a reading, or a misreading, of Tolstoy’s War and Peace could have on military competence:

General Biagoveshchenskiim [the commander of VI Corps at the beginning of the First World War] had read about

675. George Orwell has useful things to say about Tolstoy on Shakespeare. On Orwell and tyranny, see THE AMERICAN MORALIST, supra note 49, at 557.
676. See THE CONSTITUTION OF 1787, supra note 100, at 1-12.
678. On Kutuzov, see supra text accompanying note 643.
679. This is in marked contrast to what is taught by such plays as Shakespeare’s Henry V. On Henry V, see GLEICHER, supra note 300, at 959-77.
Kutuzov in Tolstoy’s novel, and at the age of sixty, gray-haired, fat, and slow, he felt himself to be just like Kutuzov, except that he still had the sight of both eyes. Like Kutuzov, he was cautious, wary, and cunning. And, like Tolstoy’s Kutuzov, he realized that one should never issue his own decisive and sharply-worded orders; that “nothing but confusion would result from a battle started against one’s will, that military matters go their own way, which they are fated to follow whether they agree with what men propose or not; that there is an inevitable course of events, and that the best general is the one who abdicates from participation in those events.” His long military service had convinced the general of the correctness of these Tolstoyan views, and there was nothing worse than sticking one’s neck out by using one’s initiative—people who do so always get into trouble.680

For Tolstoy, Napoleon may be the classic illustration of what happens when one presumes to “stick one’s neck out.”

Reliance upon the Kutuzov-Tolstoy strategy may have contributed to the Russian debacle during the First World War. This, in turn, contributed to the collapse of the Czarist regime and to the rise of the Bolsheviks among the Russians. Perhaps it would have been better, for the cause of constitutionalism and the rule of law in Russia, for the Czarist regime to have come to an accommodation with Napoleon in 1812. This could have opened the way to a more humane program of modernization of that great country than the Bolsheviks could manage.681

IX.

I have suggested that there are flaws in how Tolstoy understands the causes of great movements on the stage of history. May those flaws be seen as well in his accounts of his principal characters, accounts which must rely upon his opinions about cause and effect and about the roles of chance and of divine dispensation in everyday human affairs. Related to all this is the significance of the mysticism or intuitions that may be critical to the development of Pierre, a character in War and Peace who (unrecognized and

681. See, e.g., HUMAN BEING AND CITIZEN, supra note 20, at 226-28; see also supra note 668.
without knowing it himself) can play a significant part in a great battle.\footnote{682} These observations also bear upon the reservations one may have about how well Tolstoy knows either himself or philosophy.

Still, it should be recognized that Tolstoy can have, as an artist, a profound effect, especially in modern times. The wide appeal today of his story about the death of Ivan Ilytch, a rather superficial but passionate treatment of the subject of death, is indicative of modern tastes.\footnote{683} Perhaps Tolstoy could be as effective as he was here because of that lifelong preoccupation with death referred to in the encyclopedia article I have quoted.\footnote{684}

I have also suggested that Tolstoy is Napoleonic in his campaigns as a novelist, planning the development of a complicated novel the way Napoleon planned his most successful campaigns. Tolstoy is also like Napoleon in the grandiosity of his efforts, reinforced by extended opinionated discourse.\footnote{685} The scope of a Tolstoy novel is such as to imitate a major campaign, with various elements taken as given with which the novelist must work (such as historical "facts" and the Russian language and character).

Tolstoy insists that Napoleon did not control what he did, but that he was the mere instrument of mass movements and hence of fate or of chance. Can the same be said about Tolstoy’s own work? Is he inspired to write as he does, not truly controlling what he say?\footnote{686} Certainly, Tolstoy’s repeated reliance upon coincidences (such as the conjunction of Andrey and Anatole in a field hospital) seems to be a form of the providential (or the inspired).\footnote{687} Or should we say that Tolstoy is inspired when he does things well, thereby producing “the real thing,” and trapped by his passions and limitations when he does things poorly?\footnote{688}

Are the failings of Napoleon that Tolstoy insists upon also the failings of Tolstoy the novelist? This would include the failing of not being as much in control of what one is doing, especially when acting on a grand scale, as one believes oneself to be. To carry the identification between the Emperor and

\footnote{682. On the relation between history and poetry, with poetry deliberately conquering chance, see ARISTOTLE, POETICS, supra note 215 at 1451a36-b22. See infra text accompanying 687; see also infra text accompanying note 1098; infra notes 885, 922, 1127.}
\footnote{683. See HUMAN BEING AND CITIZEN, supra note 20, at 317 n.4; see also infra note 689.}
\footnote{684. See supra text accompanying note 633.}
\footnote{685. But he may be, in some ways, like the title character in Herman Melville’s Bartleby the Scrivener.}
\footnote{686. See supra text accompanying note 461.}
\footnote{687. See supra note 682.}
\footnote{688. The Platonist sees the Good, the True, and the Beautiful reinforcing (or at least illuminating) one another. See THE ARTIST AS THINKER, supra note 10, at 275-78; Compare infra text accompanying notes 694, 698.}
the Novelist even further, one could see *War and Peace* as Tolstoy's Austerlitz and his closing years in the guise of the pious peasant as his St. Helena.689

Whether Napoleon truly controlled his most important achievements remains a question to be debated. Perhaps the same kind of question should be asked about Tolstoy's most important books, a question we should be reminded of when we notice how the story of the characters in *War and Peace* ends. That story began with Andrey who wants to distinguish himself in the service of his country. The story ends with Andrey's son, mindful of Plutarch's heroes, vowing to do something that his father would have approved of.690 Does Tolstoy himself appreciate how much this heartfelt yearning for heroic challenges that disparagement of the heroic and hence of the political to which the epilogue that follows is devoted? In short, does Tolstoy understand what he is saying and why? That is, need the real thing depend at all upon the wisdom of its creator?691

13. OSCAR WILDE (1854-1900)692

Look up in the sun’s eye and give
What the exultant heart calls good
That some new day may breed the best
Because you gave, not what they would,
But the right twigs for an eagle’s nest!

— William Butler Yeats693

I.

It sometimes helps, in discussing a text, to notice a problem with it. That problem, in the case of a text not of the first rank, may be one which the text's author may not appreciate.

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689. Does the intervening novel, *Anna Karenina*, a soul-wrenching success, prove to be Tolstoy's Borodino, with stories such as "Ivan Ilytch" and "The Kreutzer Sonata" his Waterloo? See supra text accompanying note 683.

690. On Plutarch, see THE THINKER AS ARTIST, supra note 18, at 401; See also Lessons for the Student of Law, supra note 536, at 44-62; Law, Education, and Legal Education, supra note 191, at 724, 734.

691. See supra notes 686, 688.

692. A talk given at a Paideia Teacher Training Conference, organized by Mortimer J. Adler, Chicago, Illinois, November 19, 1988. (The original title of this talk was "Oscar Wilde's The Happy Prince: On the Utility of Beauty.")

693. To a Wealthy Man Who Promised a Second Subscription to the Dublin Municipal Gallery If It Were Proved the People Wanted Pictures, in THE COLLECTED POEMS OF W.B. YEATS 105, 105-06 (Macmillan Co. 1936) (1933).
If the problem is properly selected by the reader, it can be useful in guiding one's re-reading of the text. It can stimulate the reader to notice parts of the text that might otherwise be overlooked; it can lead him to challenge the text or to be challenged by it.

II.

A critical problem in Oscar Wilde’s *The Happy Prince* is suggested by the fact that beauty is deliberately sacrificed to utility. The beauty in this instance is that manifested in the statue of the prince: “He was gilded all over with thin leaves of fine gold, for eyes he had two bright sapphires, and a large red ruby glowed on his sword-hilt.”

This beautiful object is dismantled as its precious stones and gold leaf are stripped off for distribution among the poor. This is done by the Swallow upon the command of the Happy Prince (the statue itself). Thus, beauty is subordinated to compassion, or to the desire to do good. The Swallow is very much moved by pity in the service he contributes; this is in response to the sovereign pity exhibited by the Prince.

One can wonder whether the Prince’s considerable compassion is, at least in part, due to his having been sheltered so much in his formative years. Is moderation called for in these matters—and, if so, how is that to be developed and maintained?

III.

It is evident in the story who gains, and how, by the disbursement of gold and jewels, but we are left to notice for ourselves what is lost by this generosity. The statue of the Happy Prince had served to stimulate the imaginations of children (for example, angels became more “real” for them) and to provide reassurance, if not even a model, of happiness for the disconsolate. It was, above all, something pleasant to look upon.

In this story the poor are helped at the expense of the physical well-being of the Swallow, who becomes “poor”, and eventually dies, in the service of a Prince moved to minister to the poor. One result of this is that not only the statue but also something else of beauty—the beauty of a compassionate soul who is also a teller of marvelous stories—is lost to the world, at least until rescued by another teller of stories.

694. Compare supra note 688.
695. OSCAR WILDE, THE HAPPY PRINCE 1 (Literary Guild of America 1940) (1888) [hereinafter THE HAPPY PRINCE].
Is it clear that these sacrifices—of the beautiful statue and of the blithe swallow—are worth what is gained in temporary relief of the poor?

IV.

It sometimes helps, in noticing a problem with a text, to consider somewhat different responses to a similar situation in another text of at least comparable stature.

Consider the “counter-argument” to Wilde’s fairy tale found in this account from the twenty-sixth chapter of the Gospel of Matthew:

Now when Jesus was in Bethany, in the house of Simon the leper, there came unto him a woman having an alabaster box of very precious ointment, and poured it on his head, as he sat at meat. But when his disciples saw it, they had indignation, saying, “To what purpose is this waste? For this ointment might have been sold for much, and given to the poor.” When Jesus understood it, he said unto them, “Why trouble ye the woman? for she hath wrought a good work upon me. For ye have the poor always with you; but me ye have not always. For in that she hath poured this ointment on my body, she did it for my burial. Verily I say unto you, Wheresoever this gospel shall be preached in the whole world, there shall also this, that this woman hath done, be told for a memorial of her.”

Jesus speaks here of “a good work” done by the woman, using a term (kalon) which can also be translated as fine, if not even as beautiful.698

Thus, here at least, service to the poor is subordinated to something higher, something which is memorable. Is it not the beauty of this action by the woman that deserves to be celebrated?

To be sure, the poor are not served immediately by such actions. But may not the poor be helped, in a more enduring way than through charity, if the souls of a people are elevated by being shown things, including acts, of beauty? How does the memorialized beauty of the woman’s action compare to the beauty of the unknown sacrifice by the Prince and the Swallow?699

697. Matthew 26:6-13; see also Mark 14:3-9, John 12:3-8.
698. On the Idea of the Good, see The Thinker As Artist, supra note 18, at 303, 314-16. See also supra note 688.
699. Unknown, that is, but for the story that happens to be told about it. On the limits of charity, see Law, Education, and Legal Education, supra note 101, at 676-77 n.159.
There is tension between the position implicit in the Wilde story and the position enunciated in the Gospel: in one, beauty is sacrificed to utility; in the other, beauty is defended from the urge to be useful.

Is it possible to resolve this tension? Or are we limited to noticing it and to considering the implications of such a juxtaposition? Some reconciliation appears in the observation that the useful deed (such as an act of self-sacrificing charity) can itself become a thing of beauty. But what about the other kind of beauty—the beauty not of moral actions but of physical things? Is not the world poorer if that, too, is not cherished? It seems that this statue was the most beautiful object on general view in the city—and its loss, as a thing of beauty, is not regretted by the citizen body. Does the author regard this as a problem resulting from the Prince’s charity? The Prince himself recognizes that gold is of limited usefulness; but he never recognizes that beauty is being sacrificed to compassion.

It should be noticed, by way of further partial reconciliation, that we do have to take seriously the useful, in order to have a proper community setting for the beautiful, just as we must have beauty held out as an end of community endeavor.

A key question, in considering such a text as Wilde’s story, is how much an author is himself aware of any serious problem the reader may notice with the “argument” of his story. This may really be a question about how good an author is.

How good is this author? The best authors are aware of the limitations of their characters and of the “argument” developed by those characters’ conduct. Consider, for example, what the author’s hero is moved to say, “Dear little Swallow, you tell me of marvelous things, but more marvelous than anything is the suffering of men and of women. There is no mystery so great as misery.”

Is there not something peculiarly sentimental about this, if not even impoverishing? Is it not implied by the Prince’s observation that the world would be bleaker, stripped of something most marvelous, if poverty should be eliminated? On the other hand, the poor themselves might well wonder if a little more bread now and then is worth the loss of such stories as those told by the Swallow to the Prince of what he had seen in strange lands:

701. THE HAPPY PRINCE, supra note 695, at 11.
He told him of the red ibises, who stand in long rows on the banks of the Nile, and catch gold-fish in their beaks; of the Sphinx, who is as old as the world itself, and lives in the desert, and knows everything; of the merchants, who walk slowly by the side of their camels and carry amber beads in their hands; of the King of the Mountains of the Moon, who is as black as ebony, and worships a large crystal; of the great green snake that sleeps in a palm-tree, and has twenty priests to feed it with honey-cakes; and of the pygmies, who sail over a big lake on large flat leaves, and are always at war with the butterflies. 702

In short, we are moved to wonder, upon considering what is sacrificed for what, does the author of this story appreciate what he is saying? Does the mysterious tone deliberately created by the author extend to the principal questions addressed on this occasion?

VII.

Early on in Wilde’s story we encounter a town councillor who notices the beauty of the statue. But his profession of admiration for this beauty is tempered by his desire not to seem “unpractical.” Further on, the author reports the Prince’s observation that people “always think that gold can make them happy.” In both cases, the author seems to side with the unpractical—that is to say, for beauty and against the efficacy of gold.

But the destruction of the statue, in an effort to make some happier by giving them access to a little gold, is presented as a worthy enterprise on the part of the Prince and the Swallow. We again wonder: Does the author sense the conflict between what is said in his story about the disparagement of that practical spirit which is wary of beauty and what is said in the same story in commendation of that form of practicality which permits, if it does not require, the sacrifice of beauty? 703

Consider further, the implications of the closing lines of the story: an Angel, commanded by God, to bring to Him “the two most precious things in the city,” returns with the broken leaden heart of the Prince and the corpse of the Swallow. “You have rightly chosen,” said God, “for in my garden of Paradise this little bird shall sing for evermore, and in my city of gold the Happy Prince shall praise me.” Does such praise accommodate itself to the

702. Id.
703. This is a question investigated at much greater length in supra Part 10 of this Collection.
continuing presence in the world of considerable, unrelieved human suffering? 704

God, it would seem from this account, wants things of beauty in His domain and not just things of use. Had not the splendid statue provided, before its charitable dismantling, an earthly image of what heavenly life would be? Does the author of the story about the Happy Prince and his Faithful Swallow fail to recognize what he has been inspired to say? Are we to be denied in our world what, we are told, God chooses to enjoy in His?

14. GEORGE BERNARD SHAW (1856-1930) 705

If the truth must be told, our British island has not had much help in its troubles from Mr. Bernard Shaw. When nations are fighting for life, when the Palace in which the Jester dwells not uncomfortably, is itself assailed, and everyone from Prince to groom is fighting on the battlements, the Jester's jokes echo only through deserted halls, and his witticisms and commendations, distributed evenly between friend and foe, jar the ears of hurrying messengers, of mourning women and wounded men. The titter ill accords with the tocsin, or the motley with the bandages. But these trials are over; the island is safe, the world is quiet, and begins again to be free. Time for self-questioning returns; and wit and humour in their embroidered mantles take again their seats at a replenished board. The ruins are rebuilt; a few more harvests are gathered in. Fancy is liberated from her dungeon, and we can afford, thank God, to laugh again. Nay more, we can be proud of our famous Jester, and in regathered security rejoice that we laugh in common with many men in many lands, and thereby renew the genial and innocent comradeship and kinship of mankind. For when all is said and done, it was not the Jester's fault there was a war. Had we all stayed beguiled by his musings and his sallies, how much better off we should be! How many faces we should not have to miss! It is a source of pride to any nation to have nursed one of those recording sprites who can

704. See THE HAPPY PRINCE, supra note 695, at 13; see also supra note 699.
705. A talk given at the University of Chicago Basic Program Weekend Conference, Alpine Valley Lodge, East Troy, Wisconsin, November 4, 1984. (The original title of this talk was “Shaw’s Caesar and Cleopatra.”)
illuminate to the eye of remote posterity many aspects of the age in which we live. Saint, sage, and clown; venerable, profound, and irrepressible, Bernard Shaw receives, if not the salutes, at least the hand-clappings of a generation which honours him at another link in the humanities of peoples, and as the greatest living master of letters in the English-speaking world.

—Winston S. Churchill

I.

The sixteen-year-old queen of the Egyptians, upon being told by one of her subjects that she had changed, explains:

Do you speak with Caesar every day for six months: and you will be changed. . . . When I was foolish, I did what I liked. . . . Now that Caesar has made me wise, it is no use my liking or disliking: I do what must be done, and have no time to attend to myself. That is not happiness; but it is greatness. If Caesar were gone, I think I could govern the Egyptians; for what Caesar is to me, I am to the fools around me. . . . No, no: it is not that I am so clever, but that the others are so stupid.

This explanation is found in Caesar and Cleopatra, published by George Bernard Shaw in 1898. It can be taken to reflect the influence that Shaw imagines a distinctive kind of leader to have upon others. The model for Shaw of such a leader is Julius Caesar, the great Roman leader whom Shaw regarded as “the greatest of all protagonists.”

Four decades later, Shaw had the forty-two-year-old Queen of England (who had come from Portugal) say to her husband, Charles II (upon being told by him that she had “more brains and character than all the rest of the court put together”):

I am nothing except what you have made me. What did I know when I came here? Only what the nuns teach a

706. WINSTON S. CHURCHILL, GREAT CONTEMPORARIES 56-57 (University of Chicago Press 1973) (a 1937 portrait). See THE CONSTITUTIONALIST; supra note 145, at 256-60; see also infra note 803, infra text accompanying notes 816, 851.

707. 3 GEORGE BERNARD SHAW, CAESAR AND CLEOPATRA, in COMPLETE PLAYS WITH PREFACES 438 (Dodd, Mead & Co. 1963) [hereinafter COMPLETE PLAYS WITH PREFACES].

Portuguese princess in their convent. . . . With what you have taught me I shall govern Portugal if I return to it?\textsuperscript{709}

The self-deprecating Charles is told by his queen that he is "the best of kings."\textsuperscript{710} It is evident that Shaw himself thinks well of this monarch, even though he is aware of the saying about Charles II (referred to in the play), that he had never said a foolish thing or ever done a wise one.\textsuperscript{711}

It sometimes seems that it is far more important for Shaw what one says, even if one is a man of action, than what one does. Charles II is presented as worldly-wise, not moved by desire for blood and violence, somewhat vain and yet aware of it. This is very much like Caesar, but a Caesar who had enough sense to die in his bed, and whose successor, too, would have to face up to reality. Thus this play, "In Good King Charles's Golden Days" (which although not well known, is much better than its reputation suggests), is occupied by historical characters—King Charles, his brother James, Nell Gwyn, Isaac Newton, George Fox, and Godfrey Keller—who are said to be chosen for their symbolic qualities and are brought together for an imaginary conversation.\textsuperscript{712}

Was Shaw aware of the parallels between these two plays, written almost a half century apart, with the first being one of his most successful plays, and the second known only to a few today? "Good King Charles" and \textit{Geneva} have been called the best of Shaw's later political plays, although neither is regarded as a top-flight performance.\textsuperscript{713} It is tempting to believe that there is something deliberate about this juxtaposition, or is it that Shaw says more than he recognizes, in the fashion of inspired poets? Would it be irritating to the quite sophisticated Shaw, to be told that he did not fully know what he was doing? Be that as it may, the first queen I have quoted is Cleopatra and the second is Charlotte. The rulers made so much of by the queens as teachers were, respectively, Caesar and Charles I. There is, that is, a combination of "C. and C." in each instance.

The parallels between these two plays extend even to the fact that Shaw moderates, with respect to each of these rulers, their reputations as womanizers. There is no indication that Shaw's Julius Caesar has any kind of serious affair with Cleopatra (even though some historians have him infatuated

\textsuperscript{709} GEORGE BERNARD SHAW, "In Good King Charles's Golden Days," in COMPLETE PLAYS WITH PREFACES, supra note 707, at 77.

\textsuperscript{710} Id. at 78.

\textsuperscript{711} Id. at 46.


\textsuperscript{713} \textit{See GERARD A. PILECKI, SHAW'S GENEA 171 (1965). The Shaw Chicago Company's performance, a few years ago, of "Good King Charles" was quite entertaining.}
by her, so much so that she could even claim to have had a child by him. Shaw could say of Charles II, perhaps somewhat tongue in cheek, "Unfortunately the vulgarity of his reputation as a Solomonic polygamist has not only obscured his political ability, but eclipsed the fact that he was the best of husbands."71

Again and again, passion is shown by Shaw to be restrained. So it can be said of Caesar, as a mark of, perhaps a condition for, his greatness, that he neither loves nor hates.

II.

It is difficult to talk about Shaw one play at a time. This may be because he is, in a sense, bigger than any of his characters, certainly his male characters. Caesar may seem an exception, but the parallels between Caesar and Charles II which I have pointed out suggest that even Caesar does not stand apart from Shaw, that Caesar too represents what Shaw considers to be (however rare) an eminently sensible politician. Compare Shakespeare: precisely who he is, or what he stands for, can be a mystery. Certainly, his characters stand alone—they are not principally exponents of the playwright's opinions in the way that Shaw's characters are. Even the Dauphin, the weak Charles II in Shaw's *Saint Joan*, can be Caesarian in his sentiments: "... I am quiet and sensible; and I don't want to kill people: I only want to be left alone to enjoy myself in my own way..."715

Thus, there were for Shaw, themes and notions he kept returning to, not only in the plays of a very long career but also in his many political tracts. A proper tribute to Shaw may be seen in questioning what he does, however exalted he may be these days, just as he insisted upon challenging all established enterprises, political as well as cultural (including, even, the alphabet in which the language of his time was written).

The attractiveness of Caesar for Shaw can be said to be not his inherent greatness, but rather, that he is great enough (especially in his celebrated clemency?) to provide a plausible basis for being transformed into a hero-ruler that Shaw can fully "identify" with. It has been said of Shaw, "Again and again we find him repeating himself, not because he has nothing to say, but because what he valued as really important was largely ignored."716 Whatever the explanation, what is being done is that Shaw returns again and again to

714. 6 COMPLETE PLAYS WITH PREFACES, supra note 707, at 5.
715. 2 GEORGE BERNARD SHAW, *Saint Joan*, in COMPLETE PLAYS WITH PREFACES, supra note 707, at 345.
716. PILECKI, supra note 713, at 121.
critical themes. It can be said that Julius Caesar is “more Shaw than Caesar.” 717

The high opinion that Shaw has of himself is suggested by the pedestal upon which his Caesar is placed. Caesar, in his desert monologue, observes that he has no one like himself who can “think [his] night’s thought.” 718 Much is made, in the play, of the difficulty of understanding Caesar. He is portrayed as remarkably subtle and complex. Cleopatra is not surprised that Pothimus does not understand Caesar—but she does: “by instinct,” she says. 719 Shaw, too, evidently believes he understands Caesar—and understands him better, and in a more reliable fashion, than does Cleopatra.

One can suspect that Shaw saw himself as the Caesar of literature, 720 and perhaps not only in the English-speaking world. Shaw, like Caesar, was a generous man personally, with considerable common sense with which to serve his civic-minded projects.

III.

Caesar and Cleopatra, Shaw’s ninth play, is regarded by some to be his first great play. 721 Certainly, it is one of his most durable plays. 722

G.K. Chesterton, whose study of Shaw is quite instructive, could say of this play (in 1910), “Shaw has done nothing greater as a piece of artistic creation.” 723 He regarded this play as marking “the turning tide of Bernard Shaw’s fortune and fame.” 724

It is remarkable that this play was published so long ago as the time of the Spanish-American War: it is still quite lively. It must have been much ahead of its time. I would have placed it, from its language and tone, at least a quarter century later, and yet it is a contemporary of the work of Gilbert and Sullivan. 725 It is rooted in its time, however, in that it exploits the interest of that day in the European encounter with North Africa and the Middle East, that

717. Louis Kronenberger, Introduction to FOUR PLAYS BY BERNARD SHAW p. x (Modern Library 1953).
718. 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 374.
719. Id. at 440.
720. On Tolstoy as the Napoleon of the novel, see supra note 629. It should be noticed that Shakespeare admired Caesar far more, it seems, than Tolstoy admired Napoleon.
721. See Bowman, supra note 712, at 8, 82. It can also be regarded as an excellent melodrama. Id. at 154.
722. See Kronenberger, supra note 717, at xi.
723. G.K. CHESTERTON, GEORGE BERNARD SHAW 115 (1914).
724. Id. at 126. He did write most of his great plays afterwards.
725. On Gilbert and Sullivan, see THE ARTIST AS THINKER, supra note 10, at 195, 199.
encounter reflected in the paintings recently collected for a remarkable exhibition in the National Gallery in Washington, D.C.\textsuperscript{726}

The stage directions for the beginning of Act I include this description: "Then a man comes from the south with stealing steps, ravished by the mystery of the night, all wonder, and halts, lost in contemplation, opposite the left flank of the Sphinx . . ."\textsuperscript{727} This, of course, is Caesar and, here, Shaw is about to begin one of his great scenes, in which the magic of the desert night and thousands of years of legend conspire to move Caesar and Shaw alike.

\vspace{1em}

IV.

We have noticed that in "Good King Charles's Golden Days" Shaw carried into his old age the interest, exhibited by his middle-aged \textit{Caesar and Cleopatra}, in the masterly ruler who is above passion and the markedly intelligent man who will remain sensible when no one else is likely to be. A slightly earlier play by Shaw is, as Chesterton observed, "a kind of parody of \textit{Caesar and Cleopatra} before it was written."\textsuperscript{728} This play, \textit{The Man of Destiny}, is about the young Napoleon and how he dealt, not unsuccessfully, with a conniving, yet quite attractive, woman.\textsuperscript{729} It has been described in this fashion:

The play is an awkward length--too long to be a curtain-raiser, too short to fill an evening's bill; and it has seldom been acted. But it is an entertaining piece, though it infuriates Frenchmen, including [Shaw's] translator...who said that [Shaw] had read all the wrong books about the Emperor.\textsuperscript{730}

Shaw's Napoleon anticipates Shaw's Caesar. That is to say, Napoleon is on the way to being the kind of man Shaw sees himself as inclined toward. Napoleon is identified by Shaw in the preface to \textit{The Man of Destiny} as "an original observer."\textsuperscript{731} We are then given a description which could apply, in large part, to Caesar as well:

\vspace{1em}

\textsuperscript{726} See Bowman, \textit{supra} note 721, at 96-97, 117.

\textsuperscript{727} \textit{3 COMPLETE PLAYS WITH PREFACES}, \textit{supra} note 707, at 374. I recall the magical qualities of the night desert from the time I was stationed there in the United States Army Air Corps more than fifty years ago. See, \textit{e.g.}, \textit{CAMPUS HATE-SPEECH CODES}, \textit{supra} note 112, at 52-53.

\textsuperscript{728} CHESTERTON, \textit{supra} note 723, at 130.

\textsuperscript{729} See \textit{supra} notes 629, 720.

\textsuperscript{730} ST. JOHN ERVINE, \textit{BERNARD SHAW, HIS LIFE, WORK AND FRIENDS} 283 (1956).

\textsuperscript{731} I GEORGE BERNARD SHAW, \textit{The Man of Destiny, in COMPLETE PLAYS WITH PREFACES}, \textit{supra} note 707, at 697.
He has . . . a clear realistic knowledge of human nature in public affairs, having seen it exhaustively tested in that department during the French Revolution. He is imaginative without illusions, and creative without religion, loyalty, patriotism or any of the common ideals. Not that he is incapable of these ideals: on the contrary, he has swallowed them all in his boyhood, and now, having a keen dramatic faculty, is extremely clever at playing upon them by the arts of the actor and stage manager. Withal, he is no spoiled child.732

Shaw then goes on to say about Napoleon something else which applied to Shaw as well, especially since he had a considerable struggle in establishing himself in London, and then only after a period of fierce austerity:

[T]hese trials have ground his conceit out of him, and forced him to be self-sufficient and to understand that to such men as he is the world will give nothing that he cannot take from it by force. In this the world is not free from cowardice and folly; for Napoleon, as a merciless cannonader of political rubbish, is making himself useful . . . 733

In still another respect, Napoleon may be closer to Shaw than to Caesar. In The Man of Destiny, Napoleon is said to be “careful of everything except human life.”734 (Napoleon did add that human life was one thing that could take care of itself.) Caesar, on the other hand, is displayed in Shaw’s play as being particularly conscientious about the welfare and survival of his men. Shaw’s affinity to Napoleon took the form, several decades later, of his apparent willingness to countenance, and at times to defend, “necessary” public programs of liquidation (as distinguished from what he considered the senseless slaughter of the First World War). About this we shall have to say more, further on, when we consider Shaw’s political judgment.

V.

Caesar and Cleopatra does seem to be Caesar’s play. Cleopatra is hardly a match for him. Certainly, she is not a Saint Joan in her competence and

732. Id. at 697. Compare infra text accompanying note 854.
733. 1 COMPLETE PLAYS WITH PREFACES, supra note 707, at 698.
734. Id. at 702.
assurance. And, it seems, she can be fobbed off with Antony. This may seem to trivialize Shakespeare's *Antony and Cleopatra*, but only because Shaw does not make either Antony (about whom we only hear) or Cleopatra big enough. At times, it seems, she is supposed to be more, but *that* does not come off.736

Cleopatra can recognize Caesar's aloofness. "Caesar loves no one," she can say. "He has no hatred in him."737 She, however, cannot truly practice what he preaches, and so she can justify herself to him after having had a political opponent murdered, "I am not Julius Caesar the dreamer, who allows every slave to insult him."738 But then, he is past fifty, while she is only sixteen.

It is Caesar in his maturity who is evident throughout the play, and evident as a teacher, something that Shaw fancied himself as being. It is as a teacher of young women that one can be most effective. This is reflected even in Shaw's big book on socialism, which is said by him to be an "intelligent woman's guide" to the subject.739

The most celebrated instance by Shaw of such teaching is, of course, what is to be seen in his *Pygmalion*.740 "The basic idea of *Pygmalion* (1912)," we have been told, "was conceived at the same time Shaw was putting together [in 1897] the ideas for *Caesar and Cleopatra*."741 It has been aptly noticed, "Step by step, Shaw shows Eliza's conversion proceeding under Higgins's hand until she can be passed off, like Cleopatra, as a royal personage."742

The education of Cleopatra is nicely suggested by an exchange she has with Caesar. She finds offensive the impudence of his subordinates in dealing with him. So she suggests, "You can have their heads cut off, can you not?" To which he replies, "They would not be so useful with their heads cut off as they are now, my sea bird."743 Of course, if men are allowed to keep their heads, it is useful to know what they are thinking. Caesar advises Cleopatra

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735. See 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 401-07, 439-40, 469. Did Vivien Leigh make Cleopatra more impressive than Shaw made her? See CAESAR AND CLEOPATRA (Metro Goldwyn Mayer, 1945).

736. It may be, however, that she is one of the few characters in a Shaw play who shows some development.

737. 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 439.

738. Id. at 456.

739. See GEORGE BERNARD SHAW, THE INTELLIGENT WOMAN'S GUIDE TO SOCIALISM AND CAPITALISM (Brentano's Publishers 1928).

740. 1 GEORGE BERNARD SHAW, *Pygmalion*, in COMPLETE PLAYS WITH PREFACES, supra note 707, at 197-281. Americans are more apt to know this story in the musical adaptation, *My Fair Lady*.

741. Bowman, supra note 712, at 231.

742. Id. at 232. On the education of Cleopatra, see id. at 121.

743. 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 430.
to allow people around her to talk so that she can learn things, especially what they are like. 744

Cleopatra comes to recognize, even though she herself cannot follow, Caesar’s way: “Without punishment. Without revenge. Without judgment.” 745 All this could lead Chesterton to characterize Shaw’s position in this fashion: “Julius Caesar attracted Shaw not less by his positive than by his negative enormousness.” 746 In the course of his discussion here, and elsewhere in his book, Chesterton said things which may have challenged Shaw, years later, to produce his Saint Joan.

What “negative enormousness” means seems to be spelled out in what Chesterton then goes on to say about Caesar and, in effect, about Shaw the artist (someone whom he did cherish personally as a kind and thoughtful friend):

It is, I think, no injustice to Bernard Shaw to say that he does not attempt to make his Caesar superior except in this naked and negative sense. There is no suggestion, as there is in the Jehovah of the Old Testament, that the very cruelty of the higher being conceals some tremendous and even tortured love. Caesar is superior to other men not because he loves more, but because he hates less. Caesar is magnanimous not because he is warm-hearted enough to pardon, but because he is not war-hearted enough to avenge. There is no suggestion anywhere in the play that he is hiding any great genial purpose or powerful tenderness towards men. In order to put this point beyond a doubt the dramatist has introduced a soliloquy of Caesar alone with the Sphinx. There if anywhere he would have broken out into ultimate brotherhood or burning pity for the people. But in that scene between the Sphinx and Caesar, Caesar is as cold and as lonely and as dead as the Sphinx. 747

In fact, Caesar walks under the shadow of death throughout the play. His impending assassination back in Rome is several times alluded to—and he seems to welcome it, as if not much interested in what more life might have to offer. Certainly, he seems to be tired. 748

744. Id. at 436.
745. Id. at 467.
746. CHESTERTON, supra note 723, at 155.
747. Id. at 156-57. Was Claude Raines too warm and humane in this part? See CAESAR AND CLEOPATRA (Metro Goldwyn Mayer, 1945).
748. Does Caesar sense what Rome needs, a martyred proto-Emperor?
It is the end of things that Shaw may be said not to know what to do with. Thus, one play after another concludes with a scene that appears not to live up to the vitality of all that had gone before. This may be seen in *Caesar and Cleopatra* as well, with the fobbing off of Cleopatra with the prospect of Antony.\(^749\) It sometimes seems that Shaw simply cannot leave well enough alone. It has something to do, I suspect, with his overall understanding of things. He seems to have deep reservations about the sense that it all makes.

VI.

A comparison with Shakespeare should be instructive here. Not only did Shaw recognize throughout his career that Shakespeare was the great alternative to him among the English-language dramatists, but his *Caesar and Cleopatra* resounds with echoes from Shakespeare’s *Julius Caesar* and *Antony and Cleopatra*.

Shaw had opinions, of course, about both of these plays. He once called *Julius Caesar*, “the most splendidly written political melodrama we possess.”\(^750\) He himself devised a splendid piece of melodrama when he had the stricken Pothimus supply the anguished voice of the god Nile being invoked in the seance.\(^751\) As for *Antony and Cleopatra*, Shaw disliked its “reliance on symmetry of melody and impressiveness of march” to redeem what he considered its “poverty of meaning.”\(^752\)

One sometimes gets the impression from *Caesar and Cleopatra* that some of its incidents or allusions are there only because they are historical. It is sometimes difficult to see how they fit in or what use they are. In fact, there are several episodes (especially those having to do with military tactics) that are far from clear to us. We cannot be certain why this or that is done, or what difference it makes. When, as in other plays by Shaw, the playwright can identify an entire act of a play as expendable (here it is the third act), one must wonder about the integrity of the whole.\(^753\)

Be all this as it may, there are echoes from, or implicit commentaries upon, Shakespeare’s *Julius Caesar* and *Antony and Cleopatra*. In *Julius Caesar*, too, there is a Caesar contemptuous of death. A somewhat exasperated Rufio can even speak of Caesar’s “favorite sermon about life and

\(^{749}\) Or are Antony’s merits such as to make this more than a “fobbing off”? *See supra* text accompanying note 735; *see also infra* note 765.

\(^{750}\) This was in 1898. *See Bowman, supra* note 712, at 25.

\(^{751}\) *See 3 COMPLETE PLAYS WITH PREFACES, supra* note 707, at 452.

\(^{752}\) *3 GEORGE BERNARD SHAW, Better than Shakespear, in COMPLETE PLAYS WITH PREFACES, supra* note 707, at iii-lxii.

\(^{753}\) Consider, on the other hand, what is lost when directors dispense (as some do) with, say, much of the opening shipboard scene in Shakespeare’s *The Tempest* or much of the Bimam Wood element in Shakespeare’s *Macbeth*. 
death." 754 Later we hear Shaw’s Caesar explain, “I have always disliked the idea of dying. I had rather be killed." 755 This Caesar, like Shakespeare’s, refuses to take seriously documents which offer to help protect him from the machinations of his enemies in Rome. 756 In Shaw’s play, as in Shakespeare’s, Antony can be identified as someone who likes to eat, drink and carouse. Here, too, he is said to be swift of foot. 757 But Shaw makes Caesar out to be a better swimmer than Shakespeare (or, rather, Shakespeare’s Cassius) reports him to be. 758 This Caesar is shown to be generally wiser, although still capable of vanities and of pontification; he is more self-conscious in his foibles—and he certainly can be teased and argued with.

Of Shakespeare’s Antony and Cleopatra, there are also reminders: The familiar women around Cleopatra (such as Charmian) are brought forward, albeit in a more frivolous form. 759 The physical cowardice of Cleopatra, which proved so harmful to Shakespeare’s Antony, is evident here also. 760 The legendary emergence of Cleopatra from the rolled-up carpet is transformed by Shaw from the exotic to the burlesque (or close to it). 761 Such transformations, as well as the lessened seriousness of love here, can lead to the characterization of Antony and Cleopatra as “grand opera” and Caesar and Cleopatra as “comic opera.” 762

Many more affinities among these three plays could be noticed. But, I suggest the Shakespeare play that Caesar and Cleopatra may be closest to is neither Julius Caesar nor Antony and Cleopatra, but rather The Tempest. For there is in The Tempest the same kind of powerful (even omnipotent-seeming) figure guiding the action, knowing most if not all of the time what is going on. In Shaw’s play, the problems facing the hero are not primarily of his making. That is, they are not due to defects either in his character or in his judgment. The same may be said of Prospero, once exiled and now inactive. In a sense, nothing really happens in either The Tempest or Caesar and Cleopatra. At least here, there are no serious choices for Caesar. He, like Prospero before him, must suddenly stop fooling around and get down to serious business
when threats materialize.\textsuperscript{763} In both plays there is also the \textit{Pygmalion} motif, with a young girl educated by the much older man.\textsuperscript{764} In both plays as well much is made of forgiveness, but is not Prospero's approach to these matters more serious, in that he does recognize evil for what it is (more than does Shaw's Caesar)?

Perhaps, indeed, it is the recognition of evil for what it is that permits Shakespeare to carry off the idyllic element better than does Shaw.\textsuperscript{765} Another way of putting all this is to say that there may be lacking in Shaw's play the toughness evident both in the Roman plays of Shakespeare's and in \textit{The Tempest}.

Having noticed all these things, we should be better equipped to appreciate what Chesterton says in comparing \textit{Caesar and Cleopatra} to \textit{Julius Caesar} and \textit{Antony and Cleopatra}:

And exactly what annoys Bernard Shaw about Shakespeare's version is this: that Shakespeare has really written a problem play. Shakespeare sees quite as clearly as Shaw that Brutus is unpractical and ineffectual; but he also sees, what is quite as plain and practical a fact, that these ineffectual men do capture the hearts and influence the politics of mankind. Shaw would have nothing said in favour of Brutus; because Brutus is on the wrong side in politics. Of the actual problem of public and private morality, as it was presented to Brutus, he takes actually no notice at all. He can write the most energetic and outspoken of propaganda plays; but he cannot rise to a problem play.

\textsuperscript{763} In both cases, the trappings of a party must be swept aside when the time for action comes. \textit{See supra} note 511.

\textsuperscript{764} But in the allocation of an appropriate mate for the young girl, the Ferdinand of \textit{The Tempest} is a better bet, for everyday purposes, than the Antony of \textit{Antony and Cleopatra} (and hence of \textit{Caesar and Cleopatra}).

\textsuperscript{765} We have already noticed how Cleopatra is fobbed off with Antony. And then there is the silly business about white cats and a fear of being eaten by the Romans. \textit{See 3 COMPLETE PLAYS WITH PREFACES, supra} note 707, at 377, 379-80, 381, 383, 392, 401; \textit{Compare supra} note 749.

\textsuperscript{766} Consider what Shakespeare can indicate about the limitations, yet the "success," of an Octavius. \textit{See, e.g., THE ARTIST AS THINKER, supra} note 10, at 55; \textit{see also infra} note 772. The insistence upon Rufio as Caesar's "only son" suggests that Octavius is not what he pretended to be. \textit{See 3 COMPLETE PLAYS WITH PREFACES, supra} note 707, at 442, 460, 465. Octavius, in Shakespeare's \textit{Julius Caesar}, can implicitly question whether Cleopatra's son Caesarian was fathered by Julius Caesar even as he calls Julius Caesar his own father. (III, vi, 1-11).
He cannot really divide his mind and let the two parts speak independently to each other.\textsuperscript{767}

VII.

This Chesterton observation points, it seems to me, to related and perhaps even more serious questions about Shaw: Is he generally able to grasp the best of the past? Can he see, as say Plutarch and Shakespeare did, what was both questionable and attractive and, hence, truly special about the Roman Republic and about Julius Caesar himself? Is Shaw prepared to read, with the seriousness they require, the best works of the mind which happen to be available to him?\textsuperscript{768} It may well be that \textit{Caesar and Cleopatra} is particularly instructive in that it reminds us of how difficult it can be for even the most gifted moderns to see the enduring questions in their amplitude.\textsuperscript{769}

One feature of moderns is that they tend to stand alone, even when they say (as Shaw himself respects somewhere) that they are ordinary people standing on the shoulders of giants. That is, they tend to strike out on their own, somehow curiously oblivious to what had been accomplished before them. (Perhaps this has something to do with the greater emphasis in modernity upon self-consciousness.) The older approach is reflected in the seventeenth century Vico, who could recognize that Alexander burned to follow the example of Achilles in valor and that Alexander's example, in turn, inspired Julius Caesar to great deeds.\textsuperscript{770} But it is difficult to speak of Shaw's Caesar as "inspired," especially when one notices (as we have) that he and Charles II of England can be shown to be so similar in sentiments, and perhaps even in character. Does not this lose sight of the specialness both of Caesar and of the Roman situation? Certainly, there is not in Shaw the respect for the Roman Republic, and the poignancy at its loss, evident in Shakespeare. True, Shaw can have his Caesar say, in reflecting upon the death of Pompey his rival, "Did not I, as a Roman, share his glory? Was the Fate that forced us to fight for the mastery of the world, of our making?"\textsuperscript{771} But is not this Caesar generally presented as too "realistic" to be able to take seriously either glory

\textsuperscript{767} Chesterton, supra note 723, at 176.
\textsuperscript{768} His Misalliance exhibits the range of his reading. See 4 Complete Plays with Prefaces, supra note 707, at 109-204.
\textsuperscript{769} See, e.g., George Anastaplo, Leo Strauss at the University of Chicago, in The American Regime, supra note 58, at 3.
\textsuperscript{770} See Giambattista Vico, Autobiography 143 (1944). On Vico and his limitations, see The Thinker as Artist, supra note 18, at 367-82.
\textsuperscript{771} 3 Complete Plays with Prefaces, supra note 707, at 397. See also id. at 361, 367, 396, 398-99.
or fate? How is one to take a man who can be made to say that "taxes are the chief business of a conqueror of the world"?\textsuperscript{772}

True, also, Shaw can have his Caesar say, "Were Rome a true republic, then were Caesar the first of Republicans."\textsuperscript{773} But this is also the Caesar who can disparage (to Britannus) the sacrifice of lives to honor. One must wonder whether the Roman republic is conceivable without an extraordinary deference among its best men to honor, as well as to the forms of piety.\textsuperscript{774} Indeed, one must wonder, does Caesar's "celebrated clemency" depend at least in part upon his disparagement of honor? Honor is to be distinguished from pride, and it is with "infinite pride" that Shaw has Caesar say, "He who has never hoped can never despair. Caesar, in good or bad fortune, looks his fate in the face."\textsuperscript{775} That is, honor tends to look outward, while pride tends to look inward. The Republic depended on men who were very much concerned about what their peers thought of them. The Republic depended as well upon the collegiality of the best men; and this Caesar is shown as being able to make men serve him, but only (as it is pointed out by a perceptive Persian) those men who are "too humble to become dangerous rivals to him."\textsuperscript{776}

The realism of Caesar is made more of by Shaw than by Shakespeare; even the clemency of Caesar is presented by Shaw as rooted in policy. Thus, Caesar is understood to be "foxy," something which it is difficult to say about Shakespeare's man.\textsuperscript{777} But it is a "foxiness" that the ordinary soldier, as well as the loyal lieutenant, can be guided by; and we are permitted to see how Caesar can respond decisively and effectively to a military threat, and how others in turn can respond to \textit{that}.

The realism of Caesar seems, in Shaw's play, to be an extension, or refinement, of what is to be found in the Roman army itself. It is noticed by an Egyptian that the Romans don't care for "the pride and honor of war." They would rather fight efficiently. This may also be seen also in the advice that Rufio gives to Cleopatra, "[I]f Pothimus had been properly killed—in the throat—he would not have called out. Your man bungled his work."\textsuperscript{778} We then see, not long afterwards, how aptly Rufio followed his own advice.\textsuperscript{779}

\textsuperscript{772} \textit{Id.} at 390. Is not this closer to the Octavius than to the Julius Caesar of Shakespeare—to the kind of organization-man who can institute an enduring Caesarism? \textit{See supra} note 766. \textit{See also infra} text accompanying note 806.

\textsuperscript{773} \textit{3 COMPLETE PLAYS WITH PREFACES, supra} note 707, at 398.

\textsuperscript{774} \textit{See id.} at 425. Plutarch, whom Shakespeare respects more than Shaw seems to do, is instructive here.

\textsuperscript{775} \textit{Id.} at 459.

\textsuperscript{776} \textit{Id.} at 466.

\textsuperscript{777} \textit{On Shakespeare's Julius Caesar, see THE ARTIST AS THINKER, supra} note 10, at 22. \textit{See also infra} note 804.

\textsuperscript{778} \textit{3 COMPLETE PLAYS WITH PREFACES, supra} note 707, at 461.

\textsuperscript{779} \textit{See id.} at 462, 467-68.
Still, one must ask, is such refinement of "realism", such a depreciation of honor, an advance to be celebrated or a deterioration to be lamented, however impressive it can seem to be in its results?

Even so, Chesterton does see Shaw's Caesar exhibiting a "colossal sanity."\textsuperscript{780} And this is despite the fact that Caesar can be shown as exclaiming, when he is "ravished by the mystery of the night" in his visit to the Sphinx, "Rome is a madman’s dream: this is my Reality."\textsuperscript{781} And Cleopatra can say, upon overhearing Caesar's soliloquy on this occasion, that he is "a little mad."\textsuperscript{782}

VIII.

Caesar's (and, it seems, Shaw's) "colossal sanity" is supposed to be related to a heightened sense of reality. Socrates, one of the founders of philosophy, comes to mind. But Shaw can speak at times of philosophy in such a way as to suggest that his grasp of it is substantially that of the modern intellectual. Thus, he can refer in \textit{Caesar and Cleopatra}, to "the sarcastic vigilance of a philosopher."\textsuperscript{783} Elsewhere he can say that "there can be no drama without a new philosophy."\textsuperscript{784} And Shaw evidently considered himself an "intellectually conscious philosopher."\textsuperscript{785} This means, among other things, that he (unlike other playwrights) is capable of writing prefaces to explain his plays.

It is certainly true that Shaw is a rather adventurous intellectual, which may contribute to his evident desire to be different, even as he wants to be influential. Thus, Chesterton could observe,

\begin{quote}
Almost everyone of Shaw's plays is an expanded epigram. But the epigram is not expanded (as with most people) into a hundred commonplaces. Rather the epigram is expanded into a hundred other epigrams; the work is at least as brilliant in detail as it is in design.\textsuperscript{786}
\end{quote}

But another critic could speak, particularly in connection with Shaw's \textit{Saint Joan}, of his "itching for cheap paradox."\textsuperscript{787} This may be one of the risks run by anyone who, with the most humanitarian impulses, adopts the stance of the

\begin{thebibliography}{99}
\item\textsuperscript{780} Chesterton, \textit{supra} note 723, at 117.
\item\textsuperscript{781} \textit{3 Complete Plays with Prefaces}, \textit{supra} note 707, at 374-75.
\item\textsuperscript{782} \textit{Id.} at 377. For what may be at the core of Shaw's life of the mind, see \textit{infra} text accompanying note 831.
\item\textsuperscript{783} \textit{3 Complete Plays with Prefaces}, \textit{supra} note 707, at 386.
\item\textsuperscript{784} Bowman, \textit{supra} note 712, at 88.
\item\textsuperscript{785} \textit{See 3 Complete Plays with Prefaces}, \textit{supra} note 707, at lvii.
\item\textsuperscript{786} Chesterton, \textit{supra} note 723, at 148.
\item\textsuperscript{787} Ervine, \textit{supra} note 730, at 499.
\end{thebibliography}
congenital de-bunker. He can be engaging, entertaining, even instructive, but not really serious; hence, not as thoughtful as he might seem to be.  

The modern intellectual, and perhaps the ancient sophist, may be seen as well in how Shaw can explain his approach to things:  

To me the tragedy and comedy of life lie in the consequences, sometimes terrible, sometimes ludicrous, of our persistent attempts to found our institutions on the ideals suggested to our imaginations by our half-satisfied passions, instead of on a genuinely scientific natural history.

Chesterton does report that Shaw was very much influenced by Plato. But there does not seem to be any indication in his work which I have seen that he has the faintest idea of what Plato and Aristotle stand for. (This is related to what I will soon have to say about the status of prudence for Shaw.) Indeed, one must suspect that Shaw’s effectiveness as a modern playwright, especially as a witty one (who is also quite learned), depends on his inability to take philosophy seriously. Thus, there is no indication in his work that he can defer to the extent that Shakespeare does to the desire of Prospero to lose himself in his books. Instead, there is the seemingly cavalier way that Shaw’s Caesar puts the prospect of the burning of the great Library of Alexandria to tactical use.

IX.

A massive fact faces anyone who attempts to assess Shaw’s career, that being his repeated (almost chronic) display of bad judgment in political matters. That is, he again and again took public positions which have had to be explained away by himself or at least by his partisans. But is there not something wrong when explanations have to be repeatedly made in such matters?

Shaw’s bad judgment relates to both the substance and the form of his public positions. Bad judgment as to form may be seen in taking the right position, or in being right, but doing so in such language or in such a way as to make a sound position seem more questionable than it may truly be. That is, Shaw was all too often irresponsible in his rhetoric: it was almost as if he did not believe a position was sound if he should state it in such a way as not to antagonize or befuddle the generality of mankind. This may be in part due

788. He may be like Oscar Wilde in this respect. See supra Part 13.
789. 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 121. See infra text accompanying note 818.
790. CHESTERTON, supra note 723, at 204.
791. See 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 406-08.
to his failure to appreciate the good sense often found in established institutions and in the received way of saying things.

Bad judgment as to substance may be seen in various arguments Shaw made. Particularly notorious were his endorsements, or seeming endorsements, of dictators such as Mussolini, Hitler and Stalin.\textsuperscript{792} He did develop reservations about Hitler, regarding as particularly stupid his self-defeating policies toward the Jews.\textsuperscript{793} His public support of Stalin, however, was never disavowed. In his stubbornness, and perhaps in other respects, he was like Martin Heidegger on his association with the Nazis.\textsuperscript{794} Part of Shaw's difficulty stemmed from his tendency, if not eagerness, to see twentieth century dictators in nineteenth century terms, with his \textit{Caesar and Cleopatra} providing guidance as to how a proper ruler should conduct himself.\textsuperscript{795} The elevation of the ruler may be seen in the final words of both the first and last acts of the play: “Hail Caesar!” The twentieth century was to see a good deal of such resort to the cult of personality. This approach could even lead Shaw to number Stalin among those who “have made good by doing things better and much more promptly than parliaments.”\textsuperscript{796}

A curious feature of Shaw's public position was his insensitivity with respect to the persecution of the Jews by the Nazis.\textsuperscript{797} It seems that, in 1939, Shaw regarded Hitler as “obsessed by a Jewish concept: that of the Chosen Race which had led him into wholesale persecution and robbery.”\textsuperscript{798} Even so, Shaw could take “the stand that the Jews had brought continual persecution on themselves by an attitude of superiority.”\textsuperscript{799} It is not difficult to find quotations suggesting not only insensitivity, but even callousness, in his response to reports of extermination.\textsuperscript{800} In some ways, it can be said, the Jews did to him what Shakespeare did—they manifested a superiority which challenged all too tellingly his own considerable sense of superiority. Shaw's brilliance kept him from being thoughtful (that is to say, truly sensible). And

\textsuperscript{792} See ERVINE, supra note 730, at 564-99.
\textsuperscript{793} See 5 GEORGE BERNARD SHAW, Geneva, in COMPLETE PLAYS WITH PREFACES, supra note 707, at 626, 638-43; PILECKI, supra note 713, at 148.
\textsuperscript{794} Thus, it could be said of Shaw, that he “never reversed his opinion about Stalin, regarding him as the lone exception to the rule that power corrupts.” PILECKI, supra note 713, at 134; see also id. at 148, 150, 156f; \textit{Compare id.} at 180. On Heidegger, see THE AMERICAN MORALIST, supra note 49, at 144-60.
\textsuperscript{795} See, e.g., PILECKI, supra note 713, at 128, 140.
\textsuperscript{797} This is aside from another position of his which seemed to support “the painless extermination of the undesirable in the human race,” a position which can be, to say the least against it, irresponsible to play around with in public. See PILECKI, supra note 713, at 97.
\textsuperscript{798} \textit{Id.} at 148; see also id. at 151.
\textsuperscript{799} \textit{Id.} at 157.
\textsuperscript{800} COUCHMAN, supra note 708, at 159-61.
this may be seen in his failure to appreciate the difference between the Jews' sense of "chosen-ness" (with the awesome burden that that includes) and Hitler's race hatred (in which he was to find his only distinctive mark of superiority to others). In this and in related respects, Shaw's great contemporary, Winston Churchill, was clearly superior. 801

Shaw considered the cause of peace and social justice, rooted in a kind of equality, to be paramount. In this respect, too, he was very much a modern. At times, the cause of peace took precedence over everything, in part because of his horror at what he had seen civilized Europeans do to each other during the First World War. 802 He was particularly suspicious of high-sounding ideals, especially those which might lead men to destroy one another. This could move him to speak disparagingly of the "liberation" of various Western European cities from Nazi rule, seeming to suggest that they would fare no better under allied dominance. 803

Shaw's evident inability to appreciate properly the appeal of liberty and the dignity of republican government can be said to have affected how he saw Caesar as the end of the Roman Republic. 804 Perhaps Shaw's consuming concern to avoid the worst (the destruction of the human race?), paralyzed his willingness to acknowledge the very best. In addition, there was manifest in him that all-too-modern tendency to see the high in terms of the low. 805 Thus, Shaw can have Caesar insist, as we have seen, that "taxes are the chief business of a conqueror of the world." 806 Also, the heroine of The Man of Destiny suggests that traits such as truthfulness and unselfishness are but the effects of cowardice, while will and courage free one from such attitudes. 807 She later tells Napoleon, "I adore a man who is not afraid to be mean and selfish"--and the playwright does seem to endorse her sentiment. 808

Chesterton recognized in Shaw an astute practical sense, which included his remarkable ability to manage his financial affairs. He recognized as well some of the things I have been trying to say here, especially about Shaw's

801. Consider the serious flaw manifested in Shakespeare's The Merchant of Venice. See, e.g., On Trial, supra note 38, at 935-50.
802. PIELEKI, supra note 713, at 145-56. On the First World War, see CAMPUS HATE-SPEECH CODES, supra note 112, at 49; see also infra text accompanying notes 850, 899.
803. See 5 COMPLETE PLAYS WITH PREFACES, supra note 707, at 623-50. The gallantry of the Battle of Britain seems at times to have eluded Shaw. See also supra text accompanying note 706.
804. Shakespeare was better able to give the republicans their due. See supra note 777.
805. See, e.g., SPINOZA'S CRITIQUE OF RELIGION, supra note 563, at 2.
806. 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 390. See also 5 id. at 632-33.
807. See 1 id. at 720.
808. Id. at 741. For Shaw's admiration of that courage which faces up to humbug, see CHESTERTON, supra note 723, at 113-14.
pervasive rhetorical inclinations. Chesterton could put this in his own
inimitable way in describing his old friend: "But when all his powerful
practicality is allowed, there does run through [Shaw] this erratic levity, an
explosion of ineptitude. It is a queer quality in literature. It is a sort of cold
extravagance; and it has made him all his enemies." 809

X.

In thinking about Shaw, it is well to be reminded how he differs from
distinguished Englishmen of his time and place. (He himself was Anglo-Irish,
perhaps never fully at home either in Dublin or in London.)

Two of his contemporaries (who published commentaries upon Shaw)
have been drawn upon in what I have already said—Chesterton and Churchill,
one a fellow man of letters, the other a man of action. Both are more solidly
patriotic—or, it can be said, English—than is Shaw. This means, also, that they
are more respectful of the sentiments (including the religious sentiments) of
their countrymen. Certainly, neither Chesterton nor Churchill would have ever
permitted himself the "luxury" of observing (as Shaw once did) that "it is even
now impossible to live in England without sometimes feeling how much that
country lost in not being conquered by [Napoleon] as well as by Julius
Caesar." 810

Of course, both Churchill and Chesterton were more political, and politic,
men than Shaw. Neither of them would speak of using laws to make
depredation appear seemly and honest. 811 Neither of them would refer, as
Shaw does, to palaces and soldiers as "notable drawbacks of civilization." 812
Both of them would make more, than Shaw cares to, of retribution in the
proper ordering of human affairs. 813 Neither of them would make as much of
Woodrow Wilson as Shaw did. 814 And both of them would have appreciated
better than Shaw seemed to why desperate republicans back in Rome would
want to kill Caesar for the sake of their venerable regime. 815

809. CHESTERTON, supra note 723, at 164. See also supra text accompanying note 747.
810. 1 COMPLETE PLAYS WITH PREFACES, supra note 707, at 698.
811. Compare Caesar and Cleopatra, 3 COMPLETE PLAYS WITH PREFACES, supra note
707, at 357-58.
812. Id. at 363.
813. See CHESTERTON, supra note 723, at 147-50. Consider also "Moral of the Work"
provided by Winston S. Churchill at p. viii of each volume of his History of the Second World
War.

In War: Resolution
In Defeat: Defiance
In Victory: Magnanimity
In Peace: Good Will.

814. See PILECKI, supra note 713, at 117.
815. See 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 360-61.
Be this as it may, we can see in Churchill’s tribute to Shaw the respect paid by the dedicated statesman to the master artist of his time in the English language, an artist who considered himself obliged as free-thinker to subvert the allegiances of his fellow citizens.  

XI.

Patriotic citizens take far more seriously than Shaw considered it either honest or salutary to do the conventions and traditions they inherit. Shaw, as we have seen, questioned established institutions in the name of “a genuinely scientific natural history.” In his *Geneva* he can have a character who is somewhat based on Hitler explain his success by “his complete disregard for tradition, treaties, and all the half-hearted threats of nations,” claiming “a private vision of the future for his guide.” And so it has been noticed that “genuine Shavian supermen are always shown to be realists, without illusions about their world or about themselves and judging everything in the cold light of reason and common sense.”

Chesterton, on the other hand, could lament that “much of Bernard Shaw’s splendid mental energy has been wasted in this weary business of gnawing at the necessary pillars of all possible society.” In this, too, Shaw is very much of a modern. Consider, for example, how carelessly some people can speak today of the Constitution of the United States, casually suggesting that we could easily “start over again.” That is, it seems to be assumed by such commentators that the American people have learned enough to be able to do without the old forms. Perhaps they may even resent any reliance upon inherited forms as somehow weak, if not even as unnatural and dishonest.

But is it not natural to have conventions? I shall say more about this further on, but not before glancing at one particularly influential set of conventions, those bearing upon the religion a people happens to inherit.

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816. *See supra* text accompanying note 706.
818. *See supra* text accompanying note 789.
819. PILECKI, *supra* note 713, at 162.
820. Id.
821. CHESTERTON, *supra* note 723, at 73. *See also id.* at 184-86.
822. We are reminded of Thomas Jefferson’s disparagement of “the dead hand of the past.” *See, e.g.*, THE AMENDMENTS TO THE CONSTITUTION, *supra* note 278, at 107-124, 330-334.
823. *See, e.g.*, LEO STRAUSS, NATURAL RIGHT AND HISTORY (1953), CAMPUS HATE-SPEECH CODES, *supra* note 112, at 127, 147. *See also infra* text accompanying note 848.
For Shaw, what are the status of piety and the standards of conduct related thereto? Egypt is presented as a country in which superstition is choking the society, keeping men and women in authority from being sensible. Several times Caesar does not bother to conceal his contempt for the practices associated with the worship of the gods of the Egyptians.824 Rome is regarded by him as somewhat more liberal, but still as susceptible to religious fervor. Caesar, of course, is even more liberated, however susceptible he may be in some particulars now and then.825 Indeed, Caesar can be superstitious without being pious.

One suspects that Shaw does not appreciate the traditional political case for piety. That is, he does not seem to recognize what Plato, Aristotle and Plutarch saw here. Even so, he does seem more appreciative of religion in *Saint Joan*. Perhaps this has something to do with the most perceptive comments, and implicit challenge, he encountered in the Chesterton book.

Even so, what he has to say (and to show) about miracles in *Saint Joan* seems rather dubious. And he seems to me to strike a false note in the use he makes there of the resumed laying of eggs by the barren chickens.826 He generally reduces miracles to the seeming, to a matter of opinion, not to anything “objective.” And Caesar can be acclaimed by Egyptians as a miracle-worker because of, for example, the wells he was able to have dug.827

Part of the difficulty in all this is how Shaw himself reads, or perhaps misreads, the Bible. Thus, he can seem to dismiss the God of the Old Testament as “'a tenth rate tribal deity' of the most vindictive, jealous, and ruthless pugnacity.”828 It is easy, of course, to take away from the Bible the impressions of God that Shaw emphasizes here, but that is hardly the entire story.829 In this misreading, too, he was very much the modern intellectual. And so he could declare himself an atheist of sorts.830 In these matters he may have been very much under the influence of Nietzsche, that most gifted scholar whom Chesterton aptly referred to as an “eloquent sophist.”831 And it was

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824. *See, e.g., 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 451-52.* Also, he sits on the sacred tripod. *See id.* at 389-90.

825. *On the philosopher in the graveyard, see THE ARTIST AS THINKER, supra note 10, at 13.*

826. *See 2 COMPLETE PLAYS WITH PREFACES, supra note 707, at 332.* On the trial of Joan of Arc, see *On Trial, supra note 38, at 919-35.*

827. *See 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 445.*

828. *See 5 COMPLETE PLAYS WITH PREFACES, supra note 707, at 636.* This seems to be related to Shaw’s critique of the arrogance of the Jews. *See supra text accompanying note 747.*

829. *See, e.g., Law & Literature and the Bible, supra note 33, at 517-21.*

830. *See CHESTERTON, supra note 723, at 58.*

831. *Id.* at 203. *See supra note 782.*
Chesterton who observed of Shaw that “in a sweeter and more solid civilization he would have been a great saint,” shrewdly adding, “[Shaw] would have been a saint of a sternly ascetic, perhaps of a sternly negative type.” That is to say, the prevailing conventions very much affected what Shaw (in his inherent negativity?) would say and do in response to the call of the divine.

XIII.

Times do change. Should they be spoken of as changing for the better of for the worse? The long prologue by Ra, the Egyptian god, seems to deny that there has been any progress since the time of the Romans two millennia ago. Yet Shaw does seem to recognize that people in one time or place may be better, or at least better off, than people in another time or place. He recognizes, for instance, that Chicago is more up-to-date in some respects than England. Furthermore, is there not something special about Rome? The marked superiority of the Roman army is evident throughout the play. What is that due to? Certainly, it is not due just to Caesar; nor is it “merely” a military superiority. Is Shaw equipped to face up to what may be at the core of whatever superiority that Rome, or rather the West, may have when compared to the rest of the world?

At times, Shaw too seems to deny that there is, or has been, progress. And yet he can have Caesar speak, with some authority, of the contributions of Rome to the art of government and the establishment of that peace upon which the arts of civilization depend. Perhaps it is the idea of an inevitable progress that Shaw denies, thereby challenging the optimism of many of his late nineteenth century contemporaries. And yet there sometimes seems to be, in his emphasis on the existence and effects of a vital-force among mankind, the assumption that things will somehow get better. That is, he seems to make much of the perfectibility of human life, and, it also seems, his emphasis upon Bergsonian “creative evolution” suggests such perfectibility.

832. Id. at 22-23.
834. See 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 474-75; see also id. at 366 (the Romans fight to win: “The pride and honor of war are nothing to them.”).
835. See id. at 466. On the possibility of enlightenment, see 5 id. at 635-36.
836. See PIELECKI, supra note 713, at 93-99; CHESTERTON, supra note 723, at 106, 194-96. How does this relate to Caesar’s “boasted laws of life”? 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 467.
837. See Bowman, supra note 721, at 2; see also 2 GEORGE BERNARD SHAW, Back to
But, one must wonder, does Shaw's approach make it likely that the greatest things will not be recognized for what they are? Might not this be seen, for example, in his inability to acknowledge the greatness of Shakespeare?

To make as much as Shaw did of the vital-force may be to make more of energy and process than of an end, standard, or goal. And this virtual disregard of the end may make it impossible, in principle, to speak seriously of better and worse. In any event, it may be his elevation of the vital-force which can lead him to say elsewhere, "In short, it is not proved that there is such a thing as natural death: it is life that is natural and infinite." 838

XIV.

We can now address explicitly, however briefly, something which we have touched upon several times already on this occasion, the status of nature and the natural for Shaw. Again and again in his work, he considers himself to stand for the natural, especially when he defends "the natural morality of [his] plays" against "the romantic morality of [his] critics." 839

In *Caesar and Cleopatra* there are seven uses of "nature" and "natural" in the play, as well as eleven uses in the Preface. We must confine ourselves here to the uses in the play itself. The first two are by the god Ra in the prologue (which seems to be a late addition to the play [1912]). 840 Such is the nature of mortals, Ra says, that they look up to a man when he is a slayer, not when he is genuinely concerned for their welfare. And it is their welfare that is referred to in Ra's second use, when he says that "it is in the nature of a god to struggle forever with the dust and the darkness" in human beings, however hopeless may be the god's effort "to drag from [human beings], by the force of his longing for the divine, more life and more light." 841 Thus, whatever may be said about the nature of a god, the nature of man does not seem to have much to recommend it.

And, it would seem, when man himself invokes nature, he is apt to be foolish. Britannus's shock upon learning about incest in the royal family of Egypt draws this response by Caesar, "Pardon him, Theodotus: he is a barbarian, and thinks that the customs of his tribe and island are the laws of nature." 842 A somewhat higher view of the natural may be seen in what

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*Methuselah*, in *Complete Plays with Prefaces*, supra note 707.

838. 5 *Complete Plays with Prefaces*, supra note 707, at 647; See also infra text accompanying note 846.

839. 3 *Complete Plays with Prefaces*, supra note 707, at 119.

840. See Bowman, supra note 721, at 93.

841. 3 *Complete Plays with Prefaces*, supra note 707, at 361.

842. Id. at 392-93.
Cleopatra says about Caesar: "His kindness is not for anything in me: it is in his own nature."\(^{843}\) But here again, it seems, it is the godlike which is spoken of: Caesar is like the god Ra? The next two uses of nature in the play come when Caesar insists that it is only natural that there be treachery in the world (in this case, that Cleopatra should be plotting against her benefactor Caesar). It may be natural for most men to resent treachery, but not Caesar. So Caesar can say to his informant:

Resent! O thou foolish Egyptian, what have I to do with resentment? Do I resent the wind when it chills me, or the night when it makes me stumble in the darkness? Shall I resent youth when it turns from age, and ambition when it turns from servitude? To tell me such a story as this is but to tell me that the sun will rise to-morrow.\(^{844}\)

We see again here the distinction between what is natural for human beings and what is to be expected from the exceptional being, be he god or man. Nature, when seen in most human beings, expresses itself in low passions; nature, when seen in the exceptional being, leads to detachment and even coldness. These two aspects or approaches to nature are somehow brought together in the final use of nature in the play, when Caesar responds "energetically" to Cleopatra's "vehement" protest about the killing of her servant Ptateeta by Rufio:

On my head be it, then; for it was well done. Rufio: had you set yourself in the seat of the judge, and with hateful ceremonies and appeals to the gods handed that woman over to some hired executioner to be slain before the people in the name of justice, never again would I have touched your hand without a shudder. But this was natural slaying: I feel no horror at it.\(^{845}\)

Here, the immediate inclination of the passions (to kill at once a dangerous enemy) is ratified by a god-like detachment. A "natural slaying" is preferred to due process of law (even though, elsewhere, Caesar can extol the contributions Rome makes to civilization through the establishment of a lawful order).

All this is related to the inability of Shaw to take seriously the conventions that a people inherit. That is, he does not seem to recognize that

\(^{843}\) Id. at 439.
\(^{844}\) Id. at 447.
\(^{845}\) Id. at 468.
it is not merely passion but perhaps also good sense (and in that sense nature) which moves people to have and to cherish conventions.

Thus, Shaw does not seem to recognize the promptings of nature in the development of and respect for institutions. On the other hand, he can (almost perversely) deny the limitations set by nature (in the ordinary material sense) upon the doings of human beings: and so he can say elsewhere, as we have seen, that "it is not proved that there is such a thing as natural death."\textsuperscript{846}

But, it should at once be added, the problems Shaw may have with nature are not distinctively his own but rather those of moderns generally. This may be seen, for example, in what Chesterton himself does with nature, preferring to invoke instead of its authority that of God alone.\textsuperscript{847} In a sense, perhaps, Shaw has inherited (without quite knowing how or why) the Christian tendency to rise above nature, perhaps even to consider man's nature as fallen.\textsuperscript{848}

One critical difficulty with this development, of course, is that a due appreciation of nature is distinctive to the West, and when that goes, the West becomes hollow at its core.

XV.

I have suggested that there is an inconsistency in Shaw's opinions about nature. But this may not have been of much concern to him, especially since he always seemed more interested in the effect he was having than in the depth of his own understanding.

In some ways, Shaw was too much concerned about consequences, and so he could be sophistical. But, in other ways, he was not concerned enough about consequences, and so he could be careless in how he said various things, which is the problem of rhetoric I have referred to. Another way of considering all this, which I have not been able to do more than glance at on this occasion, is to examine what Shaw means by "prudence." It is related, no doubt, to what he has to say about "philosophy", which means, among other things, that he is not truly receptive to serious political philosophy.\textsuperscript{849}

Particularly graphic for Shaw are the consequences of wholesale war. This led him to be more sensible than most of his contemporaries about the First World War, that suicidal war (without any enduring serious purpose) that

\textsuperscript{846} 5 id. at 647. This is in the course of comments on the effects of good nutrition. See supra text accompanying note 838.

\textsuperscript{847} See CHESTERTON, supra note 723, at 197, 213.

\textsuperscript{848} Is this reflected in what Shaw had to say, in the passage I have quoted, about natural death? See supra text accompanying note 823. On the yearning for personal immortality, see Law & Literature and the Bible, supra note 33, at 738-52.

\textsuperscript{849} On prudence, see ABRAHAM LINCOLN, supra note 45, at 368 (index).
the West insisted on fighting, and fighting as if it were truly a life-or-death struggle. On that occasion, it seems to me, Shaw was in critical ways superior even to that great statesman, Churchill, but he may have been only accidentally superior. In any event, he can be seen to have subverted the good he did then by what he said and did later.

And even with respect to the First World War, he may not have explained in the best possible way the salutary position that he took. Did he allow himself to appear as too much the Jester, as Churchill indicates in his tribute to him (which does refer to Shaw’s response to the challenges of the First World War)\(^\text{851}\)

XVI.

Shaw could argue in a political tract that “what is the matter with us politically is not natural, ineradicable villany but simple ignorance.”\(^\text{852}\) And it is ignorance that he valiantly set out to combat, not as a philosopher or as a statesman, but as a playwright. In this respect he was like Professor Higgins and the public was his Eliza.\(^\text{853}\)

One critical distinction between the artist and the politician is noticed in these terms by Shaw himself:

As a rule, I find that the actor-manager is over-sanguine, because he has the artist’s habit of underrating the force of circumstances and exaggerating the power of the individual to prevail against them; whilst I have acquired the politician’s habit of regarding the individual, however talented, as having no choice but to make the most of his circumstances.\(^\text{854}\)

But Shaw differed from the politician in one critical respect, and that was in his inclination to make much more of “personality” than the responsible politician can afford to do. In fact, it seems at times that the political is somehow lost sight of even in Shaw’s more political plays. This may be related to the fact that in Shaw’s plays, the nominal rulers usually do not truly rule (whether they be Cleopatra, Charles II or the Dauphin).\(^\text{855}\) Indeed, so

\(^{850}\) See supra note 802; see also THE CONSTITUTIONALIST, supra note 145, at 784-85 n.11.

\(^{851}\) See supra text accompanying note 706.

\(^{852}\) PIŁĘGŁY, supra note 713, at 149.

\(^{853}\) See supra note 740.

\(^{854}\) 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 118.

\(^{855}\) And so, in Caesar and Cleopatra, Caesar can ask at one point, “Which is the king? the man or the boy?” 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 388.
much is made of “personality” by Shaw that his discourse can be seen (in contradistinction to the discourse in Plato’s Republic) as devoted to “the city writ small.”

On the other hand, it can be complained of Shaw that he is in some ways too “political”: he does not look enough (in his overriding concern with peace and social justice) to the trans-political, or the philosophical—to that full development of the human being to which the political can be said to be directed one way or another.

XVII.

And yet, Shaw’s adeptness in language, his interest in ideas, and his openness to paradox do reflect a philosophical appetite. I have argued, however, that Shaw is not a wise man. One would not go back to him again and again, as one would to a Shakespeare, in an effort to plumb the depth of characters and thought.

Shaw is clever, adept, good-hearted (certainly in personal relations), and well-meaning, but not truly thoughtful. Rather, he is an adroit intellectual. I was reminded of him, while working on this lecture, by a squirrel I stopped to watch jump from tree to tree outside my study window. The squirrel executed remarkable movements as he leapt from branch to branch, always sure of himself, always managing to pull off in a seemingly effortless manner whatever he attempted, and always worthy of interest and even admiration, whatever reservations one might have about what ultimately moves a squirrel. I believe Shaw would have liked this comparison, and not least because it seems so natural.

After all, when all is said and done, one must recognize, as Churchill did, Shaw’s preeminence as a modern man of letters. In one of his prefaces, Shaw noticed that some of his critics reduce his art to “a trite formula of treating bad as good and good as bad, important as trivial and trivial as important, serious as laughable and laughable as serious, and so forth.” Shaw then laid down this challenge, which we should consider addressed to ourselves as well, “As to this formula I can only say that if any gentleman is simple enough to think that even a good comic opera can be produced by it, I invite him to try his hand, and see whether anything resembling one of my plays will reward him.”

856. See PLATO, REPUBLIC, bk. 2. On the Republic, see THE THINKER AS ARTIST, supra note 18, at 303, 316.

857. On the status of the contemplative life, see THE THINKER AS ARTIST, supra note 18, at 318-334.

858. 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 119.

859. Id. at 119.
The identification by Shaw of himself with Caesar, which we noticed at the outset of these remarks, extends (it seems to me) to Caesar's last words in the principal play that we have been studying—those last words in which Shaw reminds us of how special he himself may be, however flawed he also happened to be. "Farewell," Caesar says, "I do not think we shall meet again. Farewell."  

15. ARTHUR CONAN DOYLE (1859-1930)

Tut, tut, Walters. This is not talk for a police-constable.
— Inspector Baynes

I.

It was on the Halloween weekend three decades ago that I talked at a Basic Program Weekend about what we can learn about the human soul from conventional ghost stories. I open my Sherlock Holmes lecture this Halloween Weekend with recollections of that lecture, in part because of what Spiritualism came to mean in the career of Sir Arthur Conan Doyle, the celebrated author of the Sherlock Holmes stories.

Doyle, in his two-volume History of Spiritualism, spoke of Spiritualism as a movement built around the efforts of living human beings to communicate with those, especially loved ones, who had passed over to what he called "The Other Side." Doyle himself wrote and lectured extensively about his experiences with attempted communications with the spirits of the dead, especially through the use of mediums. One can derive, from the conventional ghost story some notions about what Doyle and those of like mind presupposed and looked for.

The prevailing sense today of the word "ghost" is this: "The soul of a deceased person, spoken of as appearing in a visible form, or otherwise

860. Id. at 469-70.
861. A talk given at the Basic Program Weekend Conference, The University of Chicago, Alpine Valley Lodge, East Troy, Wisconsin, November 1, 1997. (The original title of this talk was “Sherlock Holmes: Somewhere Between Mycroft and Moriarty?”)
862. SIR ARTHUR CONAN DOYLE, The Adventure of Wisteria Lodge, in THE COMPLETE SHERLOCK HOLMES 878 (1930) [hereinafter THE COMPLETE SHERLOCK HOLMES].
863. On the relation of soul to body, see THE THINKER AS ARTIST, supra note 18, at 171-82, 224, 303-17; THE AMERICAN MORALIST, supra note 49, at 582-90. See also infra text accompanying notes 892, 893.
864. SIR ARTHUR CONAN DOYLE, HISTORY OF SPIRITUALISM 278 (1926). On William Butler Yeats and his interest in "automatic writing," see supra Part 16 of this Collection.
manifesting its presence to the living.\textsuperscript{865} Perhaps the best-known instance of this in our literature is the Ghost of Hamlet’s father, the late King of Denmark. That ghost, you will recall, walked the walls of the castle at Elsinore in its effort to enlist Prince Hamlet to right a terrible wrong that had been done to King Hamlet.\textsuperscript{866}

Ghost stories, I argued at that Basic Program Weekend some thirty years ago, can help us investigate what we moderns are ill-equipped, if not even reluctant, to talk about, the nature of the human soul. I suggested, for example, that the ghost stories which manage to move us usually reflect an awareness of the human soul (in the Classical, not necessarily the Christian, sense).\textsuperscript{867}

The human soul is regarded, in the typical ghost story, as somehow distinguishable from the body, however much its experiences in and through the body may influence and shape it. The dependence of the soul upon the body seems to be recognized by the inability of the separated soul (that is, the dead) to take any action on its own to affect or change things in our everyday world, except perhaps by communicating with and persuading the living.

The soul, as the animating principle or agent for the body, is evident in the typical ghost story. It is the soul which is somehow responsible for the sensing, feeling, thinking, and remembering that the human being exhibits. Even so, it can be wondered how much, if anything, the soul can do without the instruments provided it by the body.\textsuperscript{868}

Ghost stories very much depend upon the awareness that the soul, or at least the healthy soul, is particularly moved by moral concerns. Most of the concerns of our everyday life, such as about material well-being, about sporting contests, about politics, about entertainment, and even about education, all of which now call for so much of our attention, do not usually seem to matter to ghosts. It is instructive, as reflecting our awareness of what is critical for the permanent repose of human beings, that it is the moral dimension of the soul that is usually so critical to ghost stories. In this, as we shall see, ghost stories are much like detective stories, and especially our best-known detective stories, the adventures of Sherlock Holmes. We are drawn to the soul of Sherlock Holmes, particularly as seen through the medium of Dr. John H. Watson.\textsuperscript{869}

\begin{footnotes}
\begin{footnotetable}
\footnote{865. OXFORD ENGLISH DICTIONARY 149 (1st ed. 1933).}
\footnote{866. See THE ARTIST AS THINKER, supra note 10, at 18.}
\footnote{867. See, e.g., THE CONSTITUTIONALIST, supra note 145, at 395.}
\footnote{868. On the implications of the yearning for immortality, see Law & Literature and the Bible, supra note 33, at 738-51.}
\footnote{869. Does the sobriety of Dr. Watson both dramatize and “authenticate” the extraordinary Holmes?}
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II.

Two characters who appear briefly in the Holmes stories, his brother Mycroft Holmes and his arch-enemy Professor Moriarty, help us see Sherlock Holmes better than we otherwise might.\textsuperscript{870} Both of these men may themselves be seen in other characters in the Holmes-Watson corpus.

Professor Moriarty, for example, is anticipated in the aristocratic John Clay of Doyle's very early story, "The Red-Headed League."\textsuperscript{871} Holmes talks about him in terms which can remind us of what is said much later about Moriarty:

John Clay, the murderer, thief, smasher and forger. He's a young man, Mr. Merryweather, but he is at the head of his profession, and I would rather have my bracelets on him than on any criminal in London. He's a remarkable man, is young John Clay. His grandfather was a Royal Duke, and he himself has been to Eton and Oxford. His brain is as cunning as his fingers, and though we meet signs of him at every turn, we never know where to find the man himself. He'll crack a crib in Scotland one week, and be raising money to build an orphanage in Cornwell the next. I've been on his track for years and have never set eyes on him yet.\textsuperscript{872}

And here, in a very late story ("The Adventure of the Three Gables"), is a description by Dr. Watson which can remind us of what is said elsewhere about Mycroft Holmes (although he operated on a higher level):

I saw no more of [Sherlock] Holmes during the day, but I could well imagine how he spent it, for Langdale Pike was his human book of reference upon all matters of social scandal. This strange, languid creature spent his waking hours in the bow window of a St. James's Street club and was the receiving-station as well as the transmitter for all the gossip of the metropolis. He made, it was said, a four-figure income by the paragraphs which he contributed every week to the garbage papers which cater to an inquisitive public. If ever, far down in the turbid depths of London life, there was some strange swirl or eddy, it was marked with

\textsuperscript{870} We should see, as we proceed, what there is (and is not) of each of these two men in Sherlock Holmes. See, e.g., infra text accompanying note 875.

\textsuperscript{871} See \textit{The Complete Sherlock Holmes}, supra note 862, at 176.

\textsuperscript{872} \textit{Id.} at 186.
automatic exactness by this human dial on the surface. Holmes discreetly helped Langdale to knowledge, and on occasion was helped in turn.873

We can be reminded by these parallels of the range of characters to which Doyle's Sherlock Holmes stories are limited, perhaps effectively so. It is a range that can usefully be said to extend from Mycroft Holmes to Professor Moriarty. Mycroft and Moriarty, who are in a way "grotesques," help us to see Sherlock Holmes more clearly than we otherwise might.874

All three men are quite intelligent. Mycroft Holmes has the good will, but not the energy, of his brother. Moriarty has the energy, but not the good will, of Sherlock Holmes. We can see in Mycroft that Sherlock Holmes is not the only one who can figure things out. We can see as well that Sherlock Holmes and Professor Moriarty threaten to cancel each other out. One might even speak here of angel and devil, if not of matter and anti-matter, being brought together for mutual annihilation.875

Both Mycroft and Moriarty, it can also be said, suffer from serious moral deficiencies. (It is, after all, not an unfortunate physical disability, nor a laudable preference for philosophy, which leaves Mycroft as inactive as he is.) We must wonder whether a deficiency in one's moral energy cripples one's understanding of the world. We see very little of either Mycroft or Moriarty in the sixty Sherlock Holmes stories, and yet we feel that we know them. This may be, in part, because these two men are variations of Sherlock Holmes, whom we do know well.876 Mycroft is redeemed somewhat later on by being presented as critical to the workings of the British government, but our first impressions of him linger, if only because they are so intriguing.877

III.

At the heart of the enduring appeal of the Sherlock Holmes stories may be the inspired aptness with which both Victorian England and its divergent human types are described. Two of the leading American literary critics in the twentieth century responded with enthusiasm to these stories. I refer to Mark Van Doren and Edmund Wilson. The Wilson endorsement is particularly

873. Id. at 1028. All this, we notice, was a good half-century before Princess Diana and her insatiable public and press.

874. See, e.g., infra text accompanying note 1000.

875. Sherlock Holmes has to "die" before he can get rid of Professor Moriarty. See supra Part 1; see also infra text accompanying note 893.

876. So well is Professor Moriarty grasped by readers that he can provide the easily-recognized model for one of T.S. Eliot's cats. See supra text accompanying note 630.

877. For a parody of Professor Moriarty, see SIR ARTHUR CONAN DOYLE, The Adventure of the Dying Detective, in THE COMPLETE SHERLOCK HOLMES, supra note 862, at 937.
significant because it comes from a critic known for his vigorous
disparagement of detective stories, culminating in an infamous essay.

Whatever the usual limitations of detective stories, they do not seem to
apply to the Sherlock Holmes stories. The plot, or whodunit, is secondary for
the reader; much more important are the vignettes of Victorian England (and
especially London, the then-center of the world). These stories have many
eminently quotable lines, in part because one epigram after another crystallizes
the thought and self-confidence of an accomplished class of people.

Detective stories, like ghost stories, are largely concerned with
reaffirming the moral order of the universe. They have been acclaimed as
particularly apt for democratic regimes, reminding us that no one should be
considered above the law (however often Sherlock Holmes himself tempers
rigorous law-enforcement by mercy).

Ephemeral and even wasteful as detective stories may sometimes seem,
we are encouraged to take them seriously when we recall that perhaps the
greatest play in the Western world, is in large part, a detective story.

IV.

Consider further what the character of Sherlock Holmes and Dr. Watson
and the stories about them tell us about what kind of world this is. The best
stories are laid in England before the First World War. It is a fairly steady,
regular, reliable world. It is that steadiness which permits Holmes to make as
much as he does of details that he notices. It is that which also permits him to
inventory all the alternatives available in a situation, and hence to be able to
say, “It is an old maxim of mine that when you have excluded the impossible,
whatever remains, however improbable, must be the truth.” Part of the
attraction of the stories is the charm of the world that is described, or at least
the charm of the way it is described.

The emotional range of Arthur Conan Doyle’s Londoners is not that of
Charles Dickens’s, however much more cosmopolitan Doyle’s London may
be. Even so, Doyle makes good use of the materials available to him. For
example, an optometrist in one of my adult education classes pointed out to us,
several decades ago, how much is done by Doyle with the eyes of the

878. See EDMUND WILSON, Who Cares Who Killed Roger Ackroyd?, in CLASSICS AND
COMMERCIALS: A LITERARY CHRONICLE OF THE FORTIES 257 (1950); see also JANET MORGAN,
879. On Sophocles’ Oedipus Tyrannus, see On Trial, supra note 38, at 830-46.
880. SIR ARTHUR CONAN DOYLE, The Adventure of the Beryl Coronet, in THE COMPLETE
SHERLOCK HOLMES, supra note 862, at 315; see id. at 926; see also id. at 666.
881. On Dickens’s London, see THE ARTIST AS THINKER, supra note 10, at 123.
characters he describes. We can see in this observation, how much both Sir
Arthur and an optometrist were influenced by their training in the care of eyes.

Another reminder of how the experience of one's time can affect what the
artist has available to draw upon is illustrated by an observation which Holmes
makes to Watson, "Circumstantial evidence is occasionally very convincing,
as when you find a trout in the milk, to quote Thoreau's example."

Circumstances can make an allusion such as the "trout in the milk"
difficult to understand today. But, it is argued in the Sherlock Holmes stories,
changes in circumstances cannot, for long, subvert the moral governance of the
universe. It is argued, that is, that natural justice tends to prevail, that bad men
are likely to make mistakes that will trip them up, and that a disciplined reason
can be used to help the good and to expose, if not always to punish, the
wicked.

V.

How far does reason take us? Or rather, what did Doyle himself believe
about this? We can be challenged here to ponder the significance of Doyle's
lifelong interest in and eventual conversion to Spiritualism, and his years of
vigorously missionary efforts on behalf of that faith, even as he continued to
write Sherlock Holmes stories.

No matter how convinced Doyle personally was about Spiritualism,
however, he never suggested that his Sherlock Holmes was at all receptive to
such things, even though it would no doubt have been useful at times for
Holmes to confer with, say, a murder victim about what had happened to
him. Holmes can consistently dismiss suggestions about phantom hounds,
troublesome spirits, and the like. "No ghosts need apply," he pronounces on
one occasion. He is repeatedly supported in this "no-nonsense" approach
by Dr. Watson.

Still, Doyle certainly believed (for much of his life) that Spiritualism, and
especially communication by us with the dead, is supported by ample evidence

882. SIR ARTHUR CONAN DOYLE, The Adventure of the Noble Bachelor, in THE
COMPLETE SHERLOCK HOLMES, supra note 862, at 294. Compare SIR ARTHUR CONAN DOYLE,
The Boscombe Valley Mystery, in THE COMPLETE SHERLOCK HOLMES, supra note 862, at 204
(“Circumstantial evidence is a very tricky thing. It may seem to point very straight to one thing,
but if you shift your own point of view a little, you may find it pointing in an equally
uncompromising manner to something entirely different.”). George Hirsh, the Chicago
optometrist referred to in the text following supra note 881, has long been intrigued by how
contemporary readers respond to the "trout in the milk" quotation.

883. Compare RASHOMON (Jing Minory 1950).
884. SIR ARTHUR CONAN DOYLE, The Adventure of the Sussex Vampire, in THE
COMPLETE SHERLOCK HOLMES, supra note 862, at 1034; see also supra text accompanying note
862; 3 COMPLETE PLAYS WITH PREFACES, supra note 707, at 451-52.
available to reasonable men and women. But he also sensed, perhaps even recognized, that someone such as Sherlock Holmes could have none of this. Do we not see here an illustration of a finding reported by Socrates in Plato’s *Apology*, that inspired poets often do not understand the fine things that they make?885

We can also see, in these stories, that a poet can somehow describe characters (such as Professor Moriarty, Sherlock Holmes, and Mycroft Holmes) who are more intelligent than he is. He cannot reason forward with his characters, but rather backwards, so to speak.886 I notice in passing that Doyle is closer in talents and temperament to Dr. Watson than to Sherlock Holmes, however uninclined Watson, too, is to rely on the spirit world.

VI.

Further consideration of the puzzle of Doyle’s refusal to make a Spiritualism convert out of Holmes can be instructive.

One explanation for this might be that Doyle, however fervent his own dedication to Spiritualism, was aware of its limitations. Thus his sense of this, reinforced by his artistic inspiration, may have restrained his “reporting” about Sherlock Holmes.

Certainly Doyle must have known intelligent, perceptive people, somewhat like Sherlock Holmes, who were not at all receptive to Spiritualism. Besides, Doyle had come to learn what the public would accept. He could no more have Sherlock Holmes become a convert to, and dependent upon, Spiritualism than he could kill him off. Did the vigorous public refusal to accept the death of Sherlock Holmes have warned Doyle about the difficulty he would have in getting the public to accept a Holmes open to Spiritualism (which may be, for someone such as Holmes, another kind of death)?887

Or perhaps it suffices to notice that a Holmes who effectively relies upon Spiritualism would no longer be of interest to the public as a detective who figures things out. This would be something like having one case after another solved by voluntary confessions by the culprits.

885. See Plato, THE APOLOGY 22A; HUMAN BEING AND CITIZEN, supra note 20, at 15; see also supra text accompanying note 461; supra note 682; infra notes 922, 1098, 1127.

886. Thus, for example, an artist may not be able to figure out that features of a man’s appearance show he must have served in Afghanistan or wherever. But the artist can decide what his detective might notice about a visitor that would point to service in Afghanistan, etc.

887. See, e.g., supra note 884; infra text accompanying note 893.
VII.

But we, like Doyle, can venture further. Did Doyle, as creator, consider himself superior in critical respects to both Sherlock Holmes and Dr. Watson? One sign of his superiority, a moral superiority, perhaps, more than an intellectual superiority, is that they would not be able to accept the evidence and arguments establishing Spiritualism.

Indeed, some might even at times suspect, that Doyle did not really like Sherlock Holmes. After all, he did try to kill him off.888 A better way of putting this may be to say that Doyle wanted to get Sherlock Holmes out of the way so that he could get on to his more important work, especially in the Spiritualism movement. Not only might he not have wanted to spend more time on the Holmes stories, but also he might have sensed that his hero stood for something radically in opposition to what Doyle was experimenting with.

Perhaps Doyle sensed as well that Holmes's intermittent cocaine habit was his version of, or at least substitute for, Doyle's dedication to Spiritualism. Did Doyle recognize, that is, the limits of an approach—that of the rationalist—which was illuminated by the attractive character and the remarkable career of Sherlock Holmes?

VIII.

It might even be said that the more effective Doyle can make Holmes, the more significant is Doyle's advocacy of Spiritualism. That is, Doyle thereby shows the public, to whom he is preaching Spiritualism, that he appreciates what evidence and sound reasoning look like. Thus, the better he seems to know Holmes, the less likely is he to be (or to appear to be) deluded in his dedication to Spiritualism.

Doyle failed to appreciate, however, one way in which the "phenomenon" of Sherlock Holmes tended to support the case of, or at least the basis for, Spiritualism. That is, one can see in Sherlock Holmes how one may continue to survive "beyond the grave," and to communicate with the living. Holmes, in some ways, is more "real" than Doyle.

What does all this suggest about the human spirit, about those traits of character or personality which do not depend upon material things for their perpetuation, however much such things may be required for their manifestation here and there?889

888. Compare, for example, Plato's relations with Socrates, the principal hero of his stories: He could not even be present at Socrates' death, much less volunteer to kill him. See PLATO, PHAEDO 59B.

889. Compare how Falstaff eluded, although he did not surpass, his creator.
Particular manifestations of the human spirit, and their troubles and yearnings, may not matter so much if one senses that the best of oneself has been here before and will return again and again in a variety of circumstances.  

IX.

I return, however briefly, to the ghost stories with which I began. Those stories (and their contemporary counterparts in UFO-abduction reports), which may be particularly compelling wherever the Holy Ghost no longer dominates the scene today, can help us reflect upon the mysterious connection between body and soul, something that is testified to by the natural desire for self-preservation.

Arthur Conan Doyle can help us here. However dubious his allegiance to Spiritualism, his instincts as an artist are manifested in stories which can continue to entertain and hence to challenge and instruct us. Is it not fitting and proper to conclude this investigation with a mystery? We recall that when Doyle tried to kill off Sherlock Holmes, he did it without leaving a vacated or empty body. Consider, therefore, what is being suggested about the ever-mysterious collaboration between body and soul by the very title of the story about Watson’s learning that Holmes is not dead, the story with which the author begins the collection, _The Return of Sherlock Holmes_. The title of that story, in which the soul of Sherlock Holmes is shown to have returned to its

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890. See, e.g., _HUMAN BEING AND CITIZEN_, supra note 20, at 214. See also _Introduction to Hindu Thought_, supra note 27; _THE THINKER AS ARTIST_, supra note 18, at 303.

891. See, e.g., _Lessons for the Student of Law_, supra note 536, at 187-98. See also Hellmut Fritzche, _Of Things That Are Not_, in _1 LAW AND PHILOSOPHY_, supra note 300, at 3.

892. On the desire for self-preservation as all-consuming, see Laurence Berns, _Thomas Hobbes_, in _HISTORY OF POLITICAL PHILOSOPHY_, supra note 32, at 396. Consider also these observations:

As things stand, I do not believe that a convincing or even plausible case has yet been made to prove [Leo] Strauss's radical dependency on [Friedrich] Nietzsche. The only way in which this assertion that Strauss's teaching is integrally related to Nietzsche's teaching makes even some fragmentary sense, and is not entirely farfetched, is to look at Strauss as trying to provide the antidote to Nietzsche's poison. If this were the case, I would further suppose that Strauss's relation to Nietzsche is not at all the same as the relation of Sherlock Holmes to Professor Moriarty, as Strauss himself puts it about [Thomas] Hobbes and [Niccolo] Machiavelli, since it would still put him in the dependent and derivative relation of Hobbes to Machiavelli.

body and thus to have resumed its full powers, "happens" to be entitled, "The Adventure of the Empty House." 893

16. WILLIAM BUTLER YEATS (1865-1939) 894

Poetry is the record of the best and happiest moments of the happiest and best minds.

— Percy Bysshe Shelley 895

I.

It has long been known that it is far better to act virtuously and in accordance with the morally excellent than it is to seem virtuous. But it is not generally known that it is even better to seem virtuous even as one acts virtuously. The truly, or fully, excellent (with respect to courage or temperance or justice) both looks and is good. That is, good as someone may be, he would be even better if he appeared to be good. The expression, "ugly as sin," is revealing here as in the characterization of someone as "angelic" in appearance. There is, in short, something to be said for a thorough going consistency in moral, as well as in intellectual, matters.

Any inquiry into consistency in the poetry of an artist should recognize the beauty of his language, even when that language is sometimes either incomprehensible in its meaning or wrongheaded in its thought. In the case of William Butler Yeats my inquiry depends primarily upon consideration of three of his finest poems: An Irish Airman Foresees his Death, Sailing to Byzantium, and Byzantium. 896 The beauty of the language in all three poems is apparent to anyone properly schooled in English. So beautiful is Yeats's language that we are very much inclined to assume that profound things are being said by him again and again. Such an inclination on our part is more or less natural, so much so that one runs the risk, upon presuming to examine the thought undergirding a beautiful poem, of being condemned (as Shelley said)

893. THE COMPLETE SHERLOCK HOLMES, supra note 862, at 483; see also supra note 863; infra text accompanying note 974.
894. A talk given at a Basic Program Weekend Conference, The University of Chicago, Alpine Valley Lodge, East Troy, Wis., Nov. 5, 1995. (The original title of this talk was "Impulses of Delight: On Death Early and Late in the Poetry of W.B. Yeats.")
896. See THE COLLECTED POEMS OF W.B. YEATS 133, 191, 243 (Macmillan Co. 1956) [hereinafter POEMS OF W.B. YEATS].
for casting a violet into a crucible. But this is a risk that has to be run if one is to comply with one's assignment.

The Irish Airman poem was written during the First World War (at a time when Ireland was still ruled by Great Britain). Yeats, who was by then in his early fifties, had in view for this poem the life and death of Robert Gregory, the only child of his patron and friend, Lady Gregory. Here it is:

I know that I shall meet my fate
Somewhere among the clouds above;
Those that I fight I do not hate,
Those that I guard I do not love;
My country is Kiltartan Cross,
My countrymen Kiltartan's poor,
No likely end could bring them loss
Or leave them happier than before.
Nor law, nor duty bade me fight,
Nor public men, nor cheering crowds,
A lonely impulse of delight
Drove to this tumult in the clouds;
I balanced all, brought all to mind,
The years to come seemed waste of breath,
A waste of breath the years behind
In balance with this life, this death.

A sense of resignation, if not of despair, and yet gallantry are evident in the narrator. One is intended to believe, partly because of the warrior thus celebrated, that Yeats sympathizes with the doomed airman, whatever his personal relations with Major Gregory may have been. The Irishness of the airman (airman is a slightly archaic term perhaps, separating one from the earth) points up the ambiguous allegiance of this man in the service of the British.

Why does he fight? Why does he risk his life? Perhaps more important, why does he try to kill others? The cataclysmic absurdity of the First World War is evident here. It almost seems that the ability to fly and fight is enough

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897. See Percy Bysshe Shelley, A Defense of Poetry, in Poetry and Prose of Percy Bysshe Shelley, supra note 895, at 498. The complete sentence reads: "Hence the vanity of translation; it were as wise to cast a violet into a crucible that you might discover the formal principle of its colour and odour, as seek to transfuse from one language to another the creations of a poet." Elsewhere, Shelley observed that "the violet does not cease to emit its odour in whatever soil it may grow." Speculations on Morals, Poetry and Prose of Percy Bysshe Shelley, supra note 895, at 486.

898. An Irish Airman Foresees His Death, in Poems of W.B. Yeats, supra note 896, at 133-34.
to justify this exercise, a somewhat thoughtless response we have seen again and again during the twentieth century.\textsuperscript{899} An impulse of delight is what he is moved by, or so he believes.

Does the narrator, this airman, understand what he is doing? Does he know himself? Does he recognize what is happening to him and what is to become of him? Does what becomes of him make sense, or at least begin to make sense, only if there should be someone such as Yeats to immortalize his deadly impulsiveness in this manner? Does Yeats himself recognize that it is his art that makes some sense of what this Irish airman is doing?

It can be a fine thing for a young man to face death \textit{and survive}.\textsuperscript{900} Survival can take several forms, of course. The kind of survival provided in speech by this poem means something to us only if the kind of survival provided in the flesh is also to be cherished.\textsuperscript{901}

II.

Ten years later Yeats crafted what some consider his finest poem, a poem which is often regarded as expressing his deepest yearnings, \textit{Sailing to Byzantium}:

\begin{flushleft}
I
That is no country for old men. The young
In one another's arms, birds and the trees
—Those dying generations—at their song,
The salmon-falls, the mackerel-crowded seas,
Fish, flesh, or fowl, commend all summer long
Whatever is begotten, born, and dies.
Caught in that sensual music all neglect
Monuments of unaging intellect.

II
An aged man is but a paltry thing,
A tattered coat upon a stick, unless
Soul clap its hands and sing, and louder sing
\end{flushleft}

899. Compare the principles of the Nuremberg Trial of 1945 to 1946. \textit{See On Trial, supra} note 38, at 994; \textit{Lawyers, First Principles, and Contemporary Challenges, supra} note 24, at 523; \textit{see also supra} note 802.

900. The fifty percent flight-pay supplement provided by the United States Army Air Corps and then by the United States Air Force recognized that extra risks were indeed being run by aviators, aside from actual combat. \textit{See The American Moralist, supra} note 49, at 580.

901. \textit{See Law & Literature and the Bible, supra} note 33, at 738; \textit{see also infra} text accompanying note 910.
For every tatter in its mortal dress,
Nor is there singing school but studying
Monuments of its own magnificence;
And therefore I have sailed the seas and come
To the holy city of Byzantium.

III

O sages standing in God's holy fire
As in the gold mosaic of a wall,
Come from the holy fire, perne in a gyre,
And be the singing-masters of my soul.
Consume my heart away; sick with desire
And fastened to a dying animal
It knows not what it is; and gather me
Into the artifice of eternity.

IV

Once out of nature I shall never take
My bodily form from any natural thing,
But such a form as Grecian goldsmiths make
Of hammered gold and gold enamelling
To keep a drowsy Emperor awake;
O set upon a golden bough to sing
To lords and ladies of Byzantium
Of what is past, or passing, or to come.⑨02

Another man has left Ireland, but by sea this time, not by air. His exile
is not that of the typical emigrant who went in his desperation to America.
Nor is it the more Romantic type of exile, as may be seen in the Continental
career of James Joyce.

Unlike the Irish airman during the First World War, this narrator foresees
death and tries to avoid it. Yeats evidently considered himself an old man
when he wrote this poem.⑨03 Critics speak of Yeats as troubled first by the
prospect and then by the restraints of old age. He can be spoken of by another
poet who admires his work as having had a "crude hatred of old age and bodily

⑨02. Sailing to Byzantium, POEMS OF W.B. YEATS, supra note 896, at 191-92.
⑨03. I am now [in 1995] a decade older than Yeats was then, but I somehow remain
oblivious, perhaps because of a congenital insensitivity, to the sense of vulnerability exhibited
in this poem. See Lessons for the Student of Law, supra note 536, at 174.
One does not find in Yeats's finest poems a disposition to grow old gracefully.  

Dubious sentiments can follow from this approach to life and death. “Once out of nature,” it is said, “I shall never take/My bodily form from any natural thing...” Natural things are shunned, perhaps because natural living things do grow old and die. Made things, on the other hand, may be so fashioned that they can seem permanent, especially if the materials worked with are carefully chosen.

A work of the mind, whether a scientific discovery or a philosophical insight is not what is sought for by this narrator. Rather his quest culminates in a made thing, which may stand for the realm of art. Not only is the narrator-poet to be “out of nature” but the “bodily form” that is crafted is not taken “from any natural thing.”

One must wonder, however, how carefully this is thought through when one notices that the thing which is referred to here as made by goldsmiths is described in terms of its material (gold), its setting (a golden bough), and its activity (singing), as well as by its effects (such as keeping “a drowsy Emperor awake”). It is odd, to say the least, that this thing is not explicitly referred to as a “bird.” It is called that in the next poem that we will consider, but that is some distance from the stanza here in which there is emphasized the shunning of “any natural thing” for the form that is to be relied upon.

One must also wonder whether Yeats himself recognized on his own what he was and was not saying. Nature is to be left behind, but she still asserts herself somehow. The thing made in the final stanza of *Sailing to Byzantium* can be said to echo the “birds in the trees” of the opening stanza which recalls the country of the young. Is the narrator, or his poet, aware of this? This problem was evidently pointed out to Yeats, but he continued on the course he had charted for himself. It seems that he could be comfortable with deep-rooted inconsistencies.

III.

A few years later Yeats returned to Byzantium. His elderly narrator is still there, presumably settled into his life (his deathless, and hence perhaps...
lifeless, life) there. The poem reporting on “life” in Byzantium is considerably more obscure in parts than its predecessor. Here it is:

The unpurged images of day recede;
The Emperor’s drunken soldiery are abed;
Night resonance recedes, night-walkers’ song
After great cathedral gong;
A starlit or a moonlit dome disdains
All that man is,
All mere complexities,
The fury and the mire of human veins.

Before me floats an image, man or shade,
Shade more than man, more image than a shade;
For Hades’ bobbin bound in mummy-cloth
May unwind the winding path;
A mouth that has no moisture and no breath
Breathless mouths may summon;
I hail the superhuman;

Miracle, bird or golden handiwork,
More miracle than bird or handiwork,
Planted on the star-lit golden bough,
Can like the cocks of Hades crow,
Or, by the moon embittered, scorn aloud
In glory of changeless metal
Common bird or petal
And all complexities of mire or blood.

At midnight on the Emperor’s pavement flit
Flames that no faggot feeds, nor steel has lit,
Nor storm disturbs, flames begotten of flame,
Where blood-begotten spirits come
And all complexities of fury leave,
Dying into a dance,
An agony of trance,
An agony of flame that cannot singe a sleeve.

Astraddle on the dolphin’s mire and blood,
Spirit after spirit! The smithies break the flood.
The golden smithies of the Emperor!
Marbles of the dancing floor
Break bitter furies of complexity,
Those images that yet
Fresh images beget,
That dolphin-torn, that gong-tormented sea.908

Instructive comparisons by competent critics of the two Byzantium poems are available. Yeats himself indicates, in a letter, what it is in the first poem that he tries to elaborate upon in the second.909 Various terms, images, and sentiments are in play between the poems. It is also instructive to notice that the preoccupation with aging and death evident throughout the first poem is muted in the second. To that extent, the flight from death has been successful.

But is “life” in Byzantium what the narrator had expected? Nothing is said about others like him having come to share this new existence. Indeed, no relations with others are indicated, no sense of community. Nor is there any sensuality evident here, except perhaps in the degenerate form of the soldiers’ drunken sleep. Sensuality, it seems, has been bequeathed to the young left behind. There is not even a glimpse of the beautiful women who brighten various of Yeats's poems.

It is the exotic, not the erotic, that is featured in Byzantium. This is reflected in the difficulty of making sense of the images with which this poem ends. If there are any impulses of delight here, they are severely strained. One may well ask, What do people do here, in this realm of the artist? What is a good life here? What are the prospects for the narrator?910

One is moved to wonder as well how early did Yeats himself recognize the limitations, as well as the power, of the sensual. Did that recognition make the risks run by the Irish airman more attractive?

IV.

Byzantium, it can be said, is at the heart of Yeats’s being, at least during the last decade or so of his life. This utopian place, or state of the artistic mind, is related to the historical city of Constantinople of the fourth century. That city is extolled by Yeats, in a letter, as perhaps the preeminent moment in history. Yeats’s Byzantium replaces both Bunyan’s Heavenly City and Milton’s Paradise as the place to be yearned for.911

908. Byzantium, POEMS OF W.B. YEATS, supra note 896, at 243-44.
910. See supra note 901.
911. John Milton’s Paradise Lost and John Bunyan’s Pilgrim’s Progress were the great
The historical Byzantium, a "holy city," was an amalgam of Classical (or Hellenistic) and Christian influences. There is a tension between these two constitutive elements, especially with respect to the status of the natural.

Neither the Classical world nor the Christian world is made much of in the two Byzantium poems. Instead of Christianity, Yeats has his A Vision; instead of the Classical, he has his turn away from nature. It is not a matter of chance what appeals to Yeats in Byzantium or, rather, what does not appeal to him there.913

Sailing to Byzantium is better than Byzantium, partly because the narrator is somehow on his way to the city in Sailing (although he is technically presented as there), while in Byzantium he is in spirit settled in the city. Yeats is enough of a modern to be moved more by a process than by an end. Yeats himself never did go to Constantinople. If he had, its aura might have been dissipated for him.914

Yet Yeats did go to a Byzantium of sorts. There was a Byzantium (or two) in his neighborhood, so to speak—that is, Oxford University and Cambridge University, those historic sites where aspects of the Classical and the Christian had long been amalgamated on a very high level. I have had, for two decades now, an unpublished account, that I would like to share with you, of a visit to Oxford by Yeats when he went there in 1931 to receive an honorary degree.

This account was supplied to me by Sister Cyrille Gill (of Rosary College) and is taken from her Oxford journal entry of May 26, 1931. (Sister Cyrille was there, with another young Dominican nun, sixty-four years ago, to work toward a Master's Degree.) Here is how Yeats (who had been awarded the Nobel Prize for Literature in 1923) carried off this sailing to Byzantium:

This afternoon we went to Convocation in the Sheldonian Theatre to see the ceremony of the conferring of the LL.D. on William Butler Yeats. All honorary degrees are stories in English literature (aside from Shakespeare) until the twentieth century, giving way then to such productions as James Joyce's Ulysses. See THE ARTIST AS THINKER, supra note 10, at 62-74, 75-85, 226-248; see also infra Part 18; supra note 28.

912. See Denis Donoghue, The Magic of W.B. Yeats, N.Y. REV. BOOKS, Apr. 21, 1994, at 49; see also infra note 918.

913. Compare Constantine Cavafy's view of these matters. I venture the opinion that Cavafy may be a better poet than Yeats, as Edwin Muir may be also. See infra note 1116. Compare also the modern Greeks' yearning for Constantinople, Ayia Sophia, and all that. Is this yearning reflected in the dome referred to in the Yeats poem? On Constantinople, see NIKOS KAZantzakis, SAINT FRANCIS 102 (1966) [hereinafter SAINT FRANCIS].

914. Compare James Joyce's refusal to return to Dublin once he began to write about the city of his youth. See infra Part 18.
conferred here. The event is called Commemoration or Encaenia (initiation into new things).

In the body of the theatre were assembled the reverend representatives of the University, as they always come together for the reception of those whom the University honors. The rest of the room was well filled with us undergraduates in our undistinguished academic gowns and caps. This group had none of the dignity or solemn composure of the Doctors.

My first impression of Mr. Yeats was of his impressive height, his broad shoulders, his abundant iron-gray hair. His face was handsome, large, and glowing with color. (This high color is characteristic of Britshers.) He seemed an heroic figure in a scarlet and gray gown.

The Vice-Chancellor was seated on a platform reached by seven or eight steps at the front of the room. Mr. Yeats, preceded by four mace-bearers, in academic attire, walked with Doctor Poynton, the University Orator, to the place in front of the Vice-Chancellor where the orator made his presentation speech in Latin. The Vice-Chancellor read the conferral speech in Latin after which Mr. Yeats advanced to shake hands with him. With solemnity the Vice-Chancellor then invited Mr. Yeats to a seat among the assembled Doctors.915

We are reminded here that Yeats, however much he threw himself into Irish causes, was always in critical respects very much an Englishman. (He can even be described as having "the high color that is characteristic of Britshers.") We can also see here how Yeats carried himself as a public man, something that he was conscious of. Such an awareness was recorded a few years before in his poem, Among School Children, one of his more famous poems.916

916. See POEMS OF W.B. YEATS, supra note 896, at 212.
V.

Sister Cyrille Gill’s journal account, on the occasion of the Yeats ceremony at Oxford in 1931, was followed by this observation:

I want to make special mention of the glorious Christopher Wren room in which the ceremony took place. It has a remarkable ceiling, characteristic of the 17th century, on which is painted an allegorical picture of Truth triumphant over Envy, Ignorance, etc., typifying the victory of the Arts and Sciences.917

We can be reminded, by the fruitful collaboration of the Arts and Sciences depicted on the ceiling of the Sheldonian, of Yeats’s lifelong suspicion of, if not even distaste for, science. In fact, Yeats has been called a “natural believer.”918 One result of this tendency in him seems to have been the astonishing amount of time and effort he lavished for years upon the “automatic writing” relayed to him by his devoted wife. This kind of stuff was not kept separate by him from the rest of his life and thought.919 Rather, it figured very much in his later poetry, or so he said, even giving him confidence to develop and insist upon the things he says.

Much, if not virtually all, of this stuff was nonsense and Yeats should have known better. He does seem to acknowledge, in his Words upon the Windowpane play, the arguments against taking such stuff seriously, but here, too, he continued for years in the course he had charted for himself. The would-be scientist in him should have been able to assess, and to give up on after a reasonable time, the experiments being conducted. But not Yeats once the “bug” bit him.920

Homer was widely regarded as a wise man. The same could be said of other great poets such as Dante, Shakespeare, and Milton. No doubt all of them believed what they considered important things that would not be widely held today. But the questionable things they accepted and even worked into their poetry were commonly accepted in their own time, whereas the questionable (indeed bizarre) things Yeats occupied himself with were largely of his own doing. It is difficult to regard as wise any artist who is as much

917. There is then added by Sister Cyrille: “We left the Sheldonian filled with renewed hope of coming next year to the same hall to receive the Honours M.A. Oxon.” See supra note 915.


919. We can be reminded of Arthur Conan Doyle’s susceptibility to fairies, psychics and the like. See supra Part 15.

920. Compare Fritzsche, supra note 891.
caught up in his poetry by such eccentricities as Yeats was. It is also
difficult not to conclude that so pervasive a flaw limits significantly, if it does
not diminish, one's stature as an artist. That Yeats could still be as good a poet
as he was, despite his vigorous eccentricities, testifies to the immense natural
talent he must have had.

VI.

Contributing to, if not primarily responsible for, Yeats's immersion in
one silly fantasy after another, was the kind of determined, if not even
doctrinaire, rejection of the natural that we have noticed in Sailing to
Byzantium. In this, Yeats may have been very much a modern: Eccentricity
is related to the wilfulness that is made so much of in modernity. It is a
wilfulness that is somehow independent of nature and that shapes one's
opinions. This is what may come from being a "natural believer," especially
when the remarkable achievements of the natural sciences can be repeatedly
dismissed. Much more sensible, if not even wise, is the observation by another
good poet, Emily Dickinson:

Faith is a fine invention
When gentlemen can see!
But microscopes are prudent
In an emergency!

Wisdom, which Yeats did not have an abundance of, is to be distinguished
from word-magic, in the practice of which Yeats may have had no superior
among twentieth century English-language poets. It is magic, grounded in a
kind of inspiration, that permits one to say things that seem profound but
which do not yield up any reliable meaning upon careful reading. Madness,
too, can be associated with inspiration; but it does not seem to be madness in
Yeats's case, however gullible if not even batty he may have been in some
respects, not least in the attachments he tried to form with various women
(including both the somewhat perverse Maud Gonne and then her daughter, a
rather unbecoming escapade in a man of his years).  

921. See Lerner, supra note 904, at 50.
922. On the limitations, as well as the magical merits, of poets, see PLATO, THE
APOLOGY 22A; HUMAN BEING AND CITIZEN, supra note 20, at 15; see also PLATO, ION 533D;
supra text accompanying notes 461, 885.
923. "Faith" is a Fine Invention, SELECTED POEMS AND LETTERS 280 (Robert N.
Linscott ed. Doubleday 1959). This is a sentiment that faith-healers could well ponder,
especially those who attempt to minister to children.
924. Similar problems are said to have appeared in the life of Molière. See supra Part
2.
Does the obscurity of key lines help or hinder Yeats's poetry? At first obscurity may contribute to the mystery, or the magical effect. Then it can become tiresome, affecting the staying power of a poem. It can even seem pretentious and forced, if not simply contrived. That the magical can be both respectful of the natural and destined to endure in its appeal may be seen in such disciplined flights of fancy as *The Tempest* of Shakespeare.  

VII.

I have sketched out a critique of Yeats's thought, working from some of his finest poetry. This critique has questioned Yeats's eccentricities, his turning away from nature, and his problems with aging and death.

A somewhat more natural, and hence healthier, effect is apparent when other poems by him (albeit poems that are regarded as inferior) are surveyed. Three such poems can be offered as counterparts to the those already considered on this occasion: *For Anne Gregory, Politics*, and *When You Are Old*.  

We can see in these poems that impulses of delight grounded in a respect for sensuality may affirm life more than do the *Irish Airman* and the two *Byzantium* poems.

The first of this alternative sequence deals, as does the *Irish Airman* poem, with the challenges of youth. Here is *For Anne Gregory*:

'Never shall a young man,  
Thrown into despair  
By those great honey-coloured  
Ramparts at your ear,  
Love you for yourself alone  
And not your yellow hair.'

'But I can get a hair-dye  
And set such colour there,  
Brown, or black, or carrot,  
That young men in despair  
May love me for myself alone  
And not my yellow hair.'

'I heard an old religious man  
But yesternight declare  
That he had found a text to prove

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925. For similar disciplined flights of fancy, consider the adventures of Lewis Carroll's Alice. See *The Artist as Thinker*, supra note 10, at 166-178.

926. See *Poems of W.B. Yeats*, supra note 896, at 40, 240, 337.
That only God, my dear,
Could love you for yourself alone
And not your yellow hair.927

We can see here the lure of the intrinsically beautiful, even as we enjoy the charm of the girl who wants to be loved “for [herself] alone,” whatever that may mean. Here, thank Heaven, the impulse of delight is not expended in deadly tumults in the clouds.

Our second poem this time around, Politics, written on the eve of the Second World War, also recognizes the lure of the beautiful:

How can I, that girl standing there,
My attention fix
On Roman or on Russian
Or on Spanish politics?
Yet here’s a travelled man that knows
What he talks about,
And there’s a politician
That has both read and thought,
And maybe what they say is true
Of war and war’s alarms,
But O that I were young again
And held her in my arms!928

However unwilling this man—this older man—is to be reconciled to his years, he is not about to sail to Byzantium in order to cast off his bodily form. No doubt there is something deficient in him, but perhaps the poem is intended as a corrective to the tendency indicated in the epigraph for this poem taken from Thomas Mann: “In our time the destiny of man presents its meanings in political terms.” Salutary as this kind of corrective may be in some circumstances, there can be something unnatural about the refusal to accept the limits and the duties (including the political duties) of maturity. Our third poem in this cycle, When You Are Old, anticipates even older actors than does Politics. But it seems to be a young man talking (and it was written by the youthful Yeats):

When you are old and grey and full of sleep,
And nodding by the fire, take down this book,
And slowly read, and dream of the soft look
Your eyes had once, and of their shadows deep;

927. Id. at 240. Anne Gregory was Lady Gregory’s granddaughter; her son, we have noticed, inspired the Irish Airman poem.
928. Id. at 337.
How many loved your moments of glad grace,
And loved your beauty with love false or true,
But one man loved the pilgrim soul in you,
And loved the sorrows of your changing face;

And bending down beside the glowing bars,
Murmur, a little sadly, how Love fled
And paced upon the mountains overhead
And hid his face amid a crowd of stars. 929

I have known for some years now a man drawn to this poem far more than is his wife, perhaps because she is put off by its intimidating undertone. Perhaps, also, she does not want to imagine herself as "old and grey and full of sleep." Yet, he claims to look past that and other deficiencies to "the pilgrim soul" in her. In that way, perhaps, he as an old man would become young again by holding her in his arms. In any event, old age is more or less faced up to in this poem—the old age of human beings and the old age (and flight) of the passions and relations that lovers, or would-be lovers, might have once had. 930

Is there not youth and beauty, or a certain vitality, in these three latter poems, even when the limitations of old age are recognized? The erotic, which is squeezed out of the Irish Airman and Byzantium poems, is celebrated in these poems. Eroticism, the wise have always known, is essential not only to the sensual but also to the philosophical. The proper country even for old men, then, is a place where the young continue to find themselves "in one another's arms," something that the thoughtfully old can appreciate more, and make even better use of, than the young.

This, then, has been the beginning of a critique (or the beginning of two lines of critique) of Yeats inspired by his poetry and illuminated by his biography. The achievements, as well as the limitations, of Yeats's poetry have been suggested. Even so, the fairminded critic who aspires to thoughtfulness, when he ventures to judge an artist of great natural talents and recognized accomplishments, should keep in mind Yeats' pithy poem, The Scholars:

Bald heads forgetful of their sins,
Old, learned, respectable bald heads
Edit and annotate the lines
That young men, tossing on their beds,
Rhymed out in love's despair

929. Id. at 40.
930. On the complexities of love, see THE AMERICAN MORALIST, supra note 49, at 358-59, index at 614. See also infra note 942.
To flatter beauty's ignorant ear.

All shuffle there; all cough in ink;
All wear the carpet with their shoes;
All think what other people think;
All know the man their neighbour knows.
Lord, what would they say
Did their Catullus walk that way?

Still, one suspects, and indeed hopes, that an ever-vital Catullus (for all his limitations) would never have sought either refuge or fulfillment in Yeats's Byzantium, that peculiarly lifeless "country for old men."

17. VIRGINIA WOOLF (1882-1941)

Whatsoever therefore is consequent to a time of Warre, where every man is Enemy to every man; the same is consequent to the time, wherein men live without other security, than what their own strength, and their own invention shall furnish them withall. In such condition, there is no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth, no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; and the life of man, solitary, poore, nasty, brutish, and short.

— Thomas Hobbes

931. POEMS OF W.B. YEATS, supra note 896, at 139. The Catullus referred to here is the Roman poet notorious in antiquity for his celebrations of eroticism.
932. Id. at 191; see also supra text accompanying note 902.
933. A talk given at a Basic Program Weekend Conference, The University of Chicago, Alpine Valley Lodge, East Troy, Wisconsin, November 4, 1990. (The original title of this talk was "Mrs. Woolf's Sixty-three Shillings.")
934. THOMAS HOBBES, LEVIATHAN, ch. VIII.
I.

"How in your opinion are we to prevent war?" 935 This question, put to Virginia Woolf in a letter of solicitation from a society for the promotion of peace, was addressed by her in a political tract entitled, *Three Guineas*, published in June 1938. A brief review of this book in the *Times* opens with this description:

The three guineas of Mrs. Woolf's title are the three subscriptions she has been invited to send to a society for the promotion of peace; a women's college, and a charitable fund for furthering the employment of professional women. Her book is in the form of a letter to the male treasurer of the first society; but her argument is that the three causes are so inextricably interwoven that to solve one of their problems is to solve them all. This thesis is developed with a persuasive dialect delightfully shot through with ironic wit, and in a prose of a cool and quiet beauty.

After surveying, lightly yet profoundly, nearly all the questions that affect the position of women in contemporary society, and passing the guard of male complacency with a hundred dexterous thrusts, Mrs. Woolf offers as the contribution of her sex to peace the formation of a league of Outsiders. The Outsiders, recruited from the women of the educated class, are to have no organization and accept no dignities, take part in no ceremonial and wear no symbolic dress; and they will answer the war-making passions, not with opposition, but with the more subtle reply of indifference. 936

A guinea is one pound, one shilling, or twenty-one shillings. The salary of a judge we are told in the book, was 5,000 pounds a year in 1938. 937 An English friend of ours recalls buying an ice cream cone for a half-penny just before the war. Thus, a guinea could have bought some five hundred ice cream cones in 1938. More to the point, a guinea (with an extra 6 pence) could have bought three copies of the Woolf books (which was priced upon publication at 7 shillings 6 pence). 938

935. VIRGINIA WOOLF, THREE GUINEAS 3 (A Harvest Book, Harcourt Brace Jovanovich) [hereinafter THREE GUINEAS].
937. THREE GUINEAS, supra note 935, at 54.
938. Three guineas, I presume to add, are sixty-three shillings. Sixty-three, as the
The opening words of this book are, "Three years is a long time to leave a letter unanswered, and your letter has been lying without an answer even longer than that." The self-consciousness evident in this opening sentence is found throughout the book. It can even be seen in how Woolf uses, and comments on her uses, of three dots. An emphasis upon three-ness is part of the self-conscious position assumed by the author throughout her book, a book called by her "my war book." It is a war book in which the author wants to make readers appreciate what the issues addressed on this occasion mean to a woman. Wartime decisions often have to be made promptly, but not (it seems) books about the war question, especially when they are linked to the woman question.

II.

Does it make sense to combine, as Virginia Woolf does in Three Guineas, the anti-war cause and the feminist cause? Various talented women praised the book enthusiastically upon its publication in 1938. Several of Woolf's male friends, who had liked A Room of One's Own a decade earlier (such as E.M. Forster and John Maynard Keynes), were rather critical of Three Guineas.

We are told in Three Guineas that men have been exploiting women a very long time, in effect making war on them. That, it seems, helps prepare men for making war against each other. Woolf is troubled by war, especially by the pictures of the civil war in Spain (where a favorite nephew of hers had been killed in 1937) and by the war being made by the German and Italian dictators on their own peoples.

Three Guineas was written between 1936 and 1938, with its genesis (along with The Years) going back to 1932. What was the best approach then to head off the great war that many were dreading? It was evident by

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939. THREE GUINEAS, supra note 935, at 3.
940. See id. at 4, 58, 103, 120.
941. Note the title of the Times review cited supra note 936.
942. On "the woman question," see THE AMERICAN MORALIST, supra note 49, at 346-363; 2 LIBERTY, EQUALITY AND MODERN CONSTITUTIONALISM, supra note 19, at 161. See also infra text accompanying note 962.
943. A striking exception was Queenie Leavis in the September 1938 issue of Scrutiny. See QUEENIE D. LEWIS, Caterpillars of the Commonwealth Unite, SCRUTINY, Sept. 7, 1938, at 203.
944. A Room of One's Own had been published in 1929. See infra note 1000.
945. The Second World War officially began in September 1939, the year after Three Guineas was published.
946. The Years was published in 1937.
1934 that Britain should arm, but the more influential public opinion
(traumatized by the First World War) made that virtually impossible.947 Even
so, a firm stand by Britain and France might well have stopped Hitler in 1936
and 1937, permitting the Germans themselves to return to their senses and
bring him down. By 1938 the widespread concern to "prevent war" may well
have contributed to the cataclysm of the Second World War, which began in
September 1939.

Even so, the underlying question in Three Guineas is neither the war
question nor the woman question, but rather the question of what
statesmanship called for in 1938. But before we consider this question of
politics, we should be reminded of what Virginia Woolf had to say about the
woman question.

III.

The decisive, or at least the most persuasive, arguments made by Wolff
on the woman question are found in A Room of One's Own, published in
1929.948 The merits of her challenge on that occasion could be taken seriously
partly because the book came from the pen of an author who had already
established herself both as a novelist and as a literary critic.

Whether the greatest artists have required rooms of their own can be
questioned, however. Consider, for example, this report about Cervantes:

[I]t is reasonably certain that at least a part of Part One of
Don Quixote was written in [the] apartment [in Valladolid],
which has been preserved intact to this day, and which all
young writers who complain of not being able to work
except under ideal conditions should visit long enough for
at least one prayer. The little apartment teemed with
women; there were certainly five and perhaps six in it.949

Similar reports have been made about the conditions in which many other
artists of note have had to work.950

We should be cautious in adopting an approach which makes as much as
Woolf's does of the materialist underpinnings for the highest human

947. On the remarkable folly of the first World War, see CAMPUS HATE-SPEECH CODES,
supra note 112, at 49. Compare infra text accompanying note 988.
948. By that time Virginia Woolf had established her literary credentials, so to speak,
having published Mrs. Dalloway (1925), To the Lighthouse (1927), and Orlando (1928). For
discussions of Virginia Woolf, see Joel Rich & Nancy Henderson, Virginia Woolf on Women
949. Herschel Brickell, Introduction to CERVANTES, DON QUIXOTE v, xii (Peter Motteux
950. See, e.g., supra Part 5; infra Part 18.
achievements, an approach which is reflected in the title of her book, *A Room of One's Own*. Even so, we should recognize with her the sacrifices made by those who do spend all their time working for a living, even though that living may be quite comfortable.951

There may be exhibited in the Woolf argument here the influence both of upper middle-class life in England before the First World War and of Marxist ideology in the twentieth century. Be that as it may, American youngsters of talent (including promising academicians) should probably be discouraged these days from making much of their prospective standard of living. Or, put another way, the critical problems in education today may have relatively little to do with how much money is available there.952

Certainly, self-indulgence and feeling sorry for oneself, to which we may be particularly prone these days, should be discouraged.

IV.

Virginia Woolf repeatedly quotes the laments of women in more benighted ages who were denied the education available to their brothers and husbands. All too often, however, these women compare favorably, in their mode of expressing themselves, with supposedly educated people of our own time.

In her novels, also, we are accustomed to women who, although not trained at a university, are humane, sensible and even wise. For example, does not Mrs. Ramsey (in *To the Lighthouse*), with her receptivity to Shakespeare's *Sonnet No. 98*, draw upon better poetry than anything her learned husband quotes?953 "And he wondered what she was reading, and exaggerated her ignorance, her simplicity, for he liked to think that she was not clever, not book-learned at all."954

Virginia Woolf herself is considerably better educated than she sometimes seems to believe she is, even while her arguments are not as good as she all too often believes they are. The daughters of educated men were likely to have considerable leisure. This meant that they had access to the books that everyone once recognized as the best.

I suspect it is often misleading to assess the status and happiness of women simply by relying on what the laws and formal arrangements of a

954. Id. at 182.
community indicate. Women have often been more influential than they seem at first glance (that is, from the outside) to have been.\footnote{955}

V.

Virginia Woolf's circumstances, particularly her health, required that she be educated at home. This meant, among other things, that she could read some very good books, and this she did.

The faults she has in the way she surveys war, peace, law, education and society are not those of a simple woman but rather those of the modern intellectual. Consider, for example, the way she talks about Antigone. The deeper questions posed by Sophocles' play tend to be neglected by the intellectual today.\footnote{956} For one thing, is it not a mistake to see Creon simply or primarily in terms of modern dictators? Is it not also a mistake not to notice the gallant Antigone's own shortcomings?\footnote{957}

Woolf recognizes that the great Greek plays are not easily kept in modern dress. She has some sense of what \textit{Antigone} is about, but only up to a point.\footnote{958} Too much is made by her, as well as by others, of Antigone as an individual confronting the State. She is seen in \textit{Three Guineas} as a young woman who insists on her prerogatives as a human being, but this response by Woolf does not recognize sufficiently the significance of religion and related family ties for Antigone. This failure on Woolf's part is consistent with the depreciation of religious institutions throughout her work.\footnote{959} Woolf generally tends to look down on organized religion, which is hardly a teaching of the \textit{Antigone}. Tiresias, for one, does seem to know a thing or two, however much he may resemble some of the English churchmen that Woolf derides.

VI.

An underlying problem in the \textit{Antigone} is that neither Creon nor Antigone appreciates how the institutions they respectively stand for are intertwined. He speaks for the City and the gods above; she speaks for the Family and the gods below. The status of "individuality," as the modern intellectual knows it, is not the fundamental issue that divides them.

What does the modern intellectual truly know about these matters? Antigone herself seems to stand much more for the prerogatives of the family.

\footnote{955. See, e.g., \textit{Law & Literature and the Bible}, supra note 33, at 564.}
\footnote{956. See \textit{Three Guineas}, supra note 935, at 81-82, 138, 141, 181 n.32, 184 n.42.}
\footnote{957. See \textit{On Trial}, supra note 38, at 846, 849.}
\footnote{958. See \textit{Three Guineas}, supra note 935, at 138, 143, 184 n.42.}
\footnote{959. See, e.g., \textit{id.} at 161 n.10, 187 n.49.}
and indeed a patriarchal family, than the emancipated Virginia Woolf is able to acknowledge.

Woolf considers the whole world to be the "country" of a woman who is able to break her shackles.\footnote{960} Such a woman is an outsider, insistently so.\footnote{961} Antigone, on the other hand, seems more inclined to the opinion that the family is the "country" of the woman, without appreciating how much the family itself is dependent upon the city.

Has it been merely accidental, if not the result of male oppressiveness, that women have been largely associated with the home? Does it still make sense (if it ever did) for most women to consider the home or family life as their primary base? Is this what she is best suited for, or at least better suited for than men? And is it not essential that the governance of family life be entrusted to those with a special capacity to care for it?

VII.

What the status of nature is may be central to a proper assessment of the thought of Virginia Woolf. Indeed, it is very difficult for moderns to see nature clearly and to recognize how it guides us. The woman question can be particularly illuminating here.\footnote{962} Woolf, as a quite sophisticated intellectual, is suspicious of any argument from nature, partly because of modern theories and partly because of the way she believes nature has been used for millennia to justify the oppression of women.\footnote{963} Thus, she can be dubious about any argument from nature.\footnote{964} No one, we are told, is entitled or equipped to direct or shape another.\footnote{965} There is no "unalterable nature" to be taken into account.\footnote{966} This is related to the spirit of relativism which permeates Three Guineas. The only absolutes seem to be keyed to the recognition of the evil of war and dictators and the recognition of the related oppression of women. The dictators, on the other hand, talk about nature in justifying their deadly certainties.\footnote{967}

Woolf argues that the unwritten laws that civilized peoples have invoked from time to time were not laid down either by God or by nature, whatever was once believed. Their God, we are told, was really of a patriarchal origin

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960. See id. at 108-09.
961. See id. at 107.
962. See supra note 942.
963. See, e.g., THREE GUINEAS, supra note 935, at 167 n.38, 185 n.42. On nature as a guide, see CAMPUS HATE-SPEECH CODES, supra note 112, at 127, 147. Compare infra text accompanying note 1017.
964. See, e.g., THREE GUINEAS, supra note 935, at 139-40.
965. See, e.g., id. at 184-85 n.42.
966. See id. at 140.
967. See id. at 9-10, 53.
and limited to certain races or circumstances. As for nature, she is "now known to vary greatly in her commands and to be largely under control."\textsuperscript{968} We are further told that each generation has to discover these matters for itself, "largely by [its] own efforts of reason and imagination."\textsuperscript{969} But is not this the way nature works, by being evident in and accessible to the rational capacity of human beings, with adjustments made in the application of nature's teachings as the circumstances change? Critical here is the fact (if fact it be) that there is something enduring to be discovered and applied from one generation to the next.\textsuperscript{970}

One consequence of Woolf's disavowal of both the divine and the natural law is to make much of psychology as a discipline. Is this the peculiarly modern subject, one that women may be better equipped to master, especially since they may have sounder instincts in dealing with children and the childish, both of which figure hugely in modern psychology?\textsuperscript{971} Woolf's own novels are psychological studies, with much less of that political grasp of things evident in, say, Shakespeare (whom she does respect).\textsuperscript{972} Whatever the limitations of Woolf's political discourses, nature asserts herself in how well Woolf describes both women and men in her novels.

Nature is evident as well in Virginia Woolf's relation to and dependence upon Leonard Woolf, who seems to have been a remarkable man, something she sensed and relied upon from early on in their acquaintance.\textsuperscript{973}

VIII.

Does not the relativism we have noticed lead to making too much of particulars? One consequence of this is to make much of the body, rather than helping the spirit liberate itself from matter to the extent that that is desirable.\textsuperscript{974}

The way women had been treated, at least in Europe, contributed to the notions that intellectuals developed about the nature of man and of society. The way war manifested itself in the First World War led many intellectuals

\textsuperscript{968} Id. at 185 n.42. To this extent, at least, Virginia Woolf was a descendant of Francis Bacon.

\textsuperscript{969} Id.

\textsuperscript{970} See, e.g., supra note 963. This is one problem implicit in the general acceptance of Erie R.R. Co. v. Tompkins, 304 U.S. 64 (1938). See William T. Braithwaite, The Common Law and the Judicial Power, in LAW AND PHILOSOPHY, supra note 300, at 774.

\textsuperscript{971} See, e.g., THE AMERICAN MORALIST, supra note 49, at 135.

\textsuperscript{972} Consider how Virginia Woolf is spoken of, with respect to these matters, in the Dictionary of National Biography.

\textsuperscript{973} This, too, may be seen in the Dictionary of National Biography.

\textsuperscript{974} See supra text accompanying note 893.
to the conscientious disavowal in the 1930s of all war. Thus, war became the immediate enemy, rooted as it was taken to be in the nature of man.

War was seen as simply and always evil; pacifism was encouraged.\textsuperscript{975} In addition, politics were seen as closely connected with war and hence had to be shunned by decent women and men.

This could lead, in the Woolf analysis, to the repeated suggestion that the dictators abroad have their counterparts in the patriarchal masters in England who had long subjugated women, including the daughters of educated men.\textsuperscript{976} That Woolf really knew better than this is testified to by the preparations she and her husband made for suicide in the event the Nazis took over in Britain.\textsuperscript{977}

Woolf's crippling approach to politics is somewhat like that of the abolitionists in the United States a century before. If the American abolitionists had gotten their way, including the dissolution of any Union in which slavery was tolerated, Abraham Lincoln would not have been able to use the Constitution and the law the way he did in the cause of liberty.\textsuperscript{978}

A low view of politics threatens to cripple us in the 1990s as well. It may be seen, for example, in the argument heard across the land these days that we should vote out of office next Tuesday all incumbents.

IX.

Politics are reduced by Virginia Woolf to little more than the instrument of competitive materialism. Consider the argument, that there is a war of all against all and even a war within the soul of every human being, that the Athenian Stranger must contend with in Plato's \textit{Laws}.\textsuperscript{979}

Woolf does not seem at times to recognize either the achievements of or the conditions for constitutional liberty in Britain. She espouses "freedom from unreal loyalties," and she does so in such a way as to subvert that salutary public opinion which makes possible both dedication to the common good and great sacrifices.\textsuperscript{980} Does not the healthy community require the harmony of various elements—and has not Britain exhibited a good deal of that for centuries?
Not so, Virginia Woolf insists, as she sums up (to a friendly lawyer) the centuries of oppression to which the English woman has been subjected by "society", however affectionate the relations between brothers and sisters may be "in private, as individuals":

They respect each other and help each other and have aims in common. Why then, if such can be their private relationship, as biography and poetry prove, should their public relationship, as law and history prove, be so very different? And here, since you are a lawyer, with a lawyer's memory, it is not necessary to remind you of certain decrees of English law from its first records to the year 1919 by way of proving that the public, the society relationship of brother and sister has been very different from the private. The very word "society" sets tolling in memory the dismal bells of a harsh music: shall not, shall not, shall not. You shall not learn; you shall not earn; you shall not own; you shall not—such was the society relationship of brother to sister for many centuries. And though it is possible, and to the optimistic credible, that in time a new society may ring a carillon of splendid harmony, and your letter heralds it, that day is far distant. Inevitably we ask ourselves, is there not something in the conglomeration of people into societies that releases what is most selfish and violent, least rational and humane in the individuals themselves? Inevitably we look upon society, so kind to you [men?], so harsh to us [women?], as an ill fitting form that distorts the truth; deforms the mind; fetters the will. Inevitably we look upon societies as conspiracies that sink the private brother, whom many of us have reason to respect, and inflate in his stead a monstrous male, loud of voice, hard of fist, childishly intent upon scoring the floor of the earth with chalk marks, within whose mystic boundaries human beings are penned, rigidly, separately, artificially; where, daubed red and gold, decorated like a savage with feathers he goes through mystic rites and enjoys the dubious pleasures of power and dominion while we, "his" women, are locked in the private house without share in the many societies of which his society is composed. For such reasons compact as they are of many memories and emotions—for who shall analyse the complexity of a mind that holds so deep a reservoir of time
past within it?—it seems both wrong for us rationally and impossible for us emotionally to fill up your form and join your society. 981

What, indeed, was the condition of British women in the 1930s? Can one be "free" if one responds as Virginia Woolf does to circumstances that had markedly improved in the twentieth century? Was her psychic condition such that she could not be truly free, no matter what changes were made in the laws and customs of society? What the ultimate causes of her psychic condition were may be difficult, if not impossible, to determine. Besides, far more important than the question of how one has happened to be shaped is the question of how one should now think and act. To allow oneself to be preoccupied by one's origins and grievances is not only childish but also self-destructive, in that it sacrifices the present to the past. 982 The present may also be sacrificed by expecting too much of the future. Either way, self-indulgence has to be curbed, including that form of self-indulgence which strips oneself of moral dignity by blaming others for one's shortcomings.

X.

We return, however briefly, to the question of what the status has been of the British female in the twentieth century. We return thereby to the question of nature.

Are there not profound natural differences between the typical female and the typical male that have to be taken account of by any sensible community? These differences are related, but not limited to, the capacity of women to bear the children of the race. Is there not something shortsighted, if not even silly, in the way that Virginia Woolf endorses certain mechanical findings of a male "expert" on this subject? She quotes him: "In point of fact this process [childbirth] actually disables women only for a very small fraction in most of their lives—even a woman who has six children is only necessarily laid up for twelve months out of her whole lifetime." 983 She then adds: "At present, however, she is necessarily occupied for much longer. The bold suggestion has been made that the occupation is not necessarily maternal, but should be shared by both parents. And actually an English Member of Parliament has resigned in order to be with his children." 984 Her endorsement of this kind of analysis should make one wonder about the soundness of what Virginia Woolf has to say about sexuality in her political tracts as distinguished from her

981. Id. at 104-05.
982. Seeinfra text accompanying note 1001.
983. THREE GUINEAS, supra note 935, at 186 n.47.
984. See also id., at 140.
novels. The artist in her, I have suggested, is a better thinker than the propagandist.\footnote{985}

Men have usually been better fitted, psychologically as well as physically, to do the killing that war requires. Women tend to be led by their maternal instincts away from such harsh necessities. This is to their credit in some ways, however much of a limitation it may be in some respects. I believe that Woolf's considerable disparaging talk about uniforms and ribbons is really beside the point here. These are, at most, reinforcements of something fundamental not only to the male psyche but even more perhaps to the needs of the community.\footnote{986}

If men are likely to do most of the fighting required by the country, then it is also likely that they will do most of the ruling. Generally, we should not want leaders making life-and-death decisions about war and peace who have not been willing to be put at risk themselves in their youth.\footnote{987}

XI.

All this is not to deny that the consequences of a war are often difficult to anticipate. Thus even Virginia Woolf is obliged to recognize that the First World War, that horrible monument to sustained misjudgment, contributed considerably to the social and economic liberation of women in the Western world.\footnote{988} But she deprecates the continued "subjugation" of women. She does not seem to be aware of why this was still happening in the late 1930s, despite the various legal and social reforms that had been instituted. This continued "subjugation" all around her was in part due, I suspect, to the persistent effects of nature in determining relations between men and women, no matter what had been done to permit women the vote, to provide women access to higher education and to the professions, and to afford women an assurance of paid employment (although still at lower rates than men for the same work).

\footnote{985} Similar questions can be raised about the work of George Bernard Shaw. See supra Part 14.

\footnote{986} One classic illustration of natural differences between men and women is the bitter contention between Julius Brutus and his wife about what should be done to those sons of theirs who threatened the newly-established Roman Republic. See \textit{The Thinker as Artist}, supra note 18, at 361. We can imagine also the difference between Abraham and Sarah about the fate of Isaac. In any event, both God and Abraham knew better than to tell \textit{her} about the proposed sacrifice. See \textit{On Trial}, supra note 38, at 854; see also infra note 1253.

\footnote{987} In some situations, that risk can take the form of resistance to the prosecution of an unjust war. But it is probably presumptuous to insist that all wars are always unjust for all the parties engaged in them. See George Anastaplo, \textit{Church and State: Explorations}, 19 LoY. U. Chi. L.J. 61, 127 (1987) [hereinafter \textit{Church and State}].

\footnote{988} See \textit{Three Guineas}, supra note 935, at 140-41; see also supra note 947.
Nor does Woolf seem able to anticipate in the late 1930s the continuing, and accelerating, social revolution that would be fostered by the impending war. The reforms in education that would be, and are still, needed, however, have relatively little to do with the woman question with which Woolf seems to be preoccupied.

Rather, we are all much more in need of what our greatest poets have had to teach us about human nature, something that the decent community must take due account of—and something that the stable community usually does take some account of. Modern intellectuals, male and female alike, sometimes have to be brushed aside by those who are determined to try to learn what human beings have always known about the most important things. Among those things has been the recognition that "the affairs of human beings are not worthy of great seriousness," however necessary it may be for the statesman to be serious about them.989

XII.

Virginia Woolf several times laments in *Three Guineas* about the three hundred million pounds spent annually upon arms.990 Pacifism seems to follow naturally for her upon our being liberated from the old-fashioned "natural and eternal law."991

But, alas, was the critical problem in 1938 not that too much had been spent upon arms but rather that not enough? Would not culture and humanity have been better served in the 1930s if the Allies had been able to go to war sooner—and did not this require both more arms in the hands of the Allies and a proper will to use them?992

This is not to suggest that "more arms" is always better. Certainly, we can appreciate that various of our judgments about such matters during the Cold War have been mistaken.993 The patriot today can have serious reservations about what we may try to do in the Persian Gulf. We should take to heart the recent observation by the commander of the American forces in Saudi Arabia that although his troops could obliterate Iraq, the total destruction of that country might not be "in the interest of the long-term balance of power in [that] region."994

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989. See PLATO, LAWS 803B.
990. See THREE GUINEAS, supra note 935, at 8, 59, 105.
991. Id. at 186 n.48. See supra note 963, 987.
992. See, e.g., THREE GUINEAS, supra note 935, at 97.
No mechanical approach, whether that of an insistence on pacifism or that of recourse to arms, can suffice. Rather, statesmanship, which is aware of the role of prudence in dealing with change in human affairs, is called for, and it is that which Virginia Woolf's deep abhorrence of politics undermines. A proper study of her political pronouncements in the 1930s should consider as well the positions taken at the same time by Winston Churchill, perhaps the greatest statesman, at least in the Western world, of her day.6

Churchill, when he speaks about the public issues that she does, sounds more solid than she does—and more solid than did most intellectuals of that time. I notice in passing that he, like Virginia Woolf, was spared the harmful effects of the standard university education of their generation. It is to Virginia Woolf's credit that Churchill comes off well in the private diaries of her last years.7

Vital to Churchill's preeminence as a statesman, it should be added, is his dedication to the moral order. Consider, for example, the Churchill quotation provided us by Virginia Woolf:

Certain it is that while men are gathering knowledge and power with ever-increasing and measureless speed, their virtues and their wisdom have not shown any notable improvement as the centuries have rolled. The brain of a modern man does not differ in essentials from that of the human beings who fought and loved here millions of years ago. The nature of man has remained hitherto practically unchanged. Under sufficient stress—starvation, terror, war-like passion, or even cold intellectual frenzy—the modern man we know so well will do the most terrible deeds, and his modern woman will back him up.8

I believe it would be instructive to figure out what Churchill expected of modern women, especially with respect to that civilizing function that begins in the family and perhaps transcends politics, however much it depends for its existence upon a sound political order. I suspect he would look back to couples such as Justinian and Theodora in the Roman Empire of the sixth century for models of productive collaboration between women and their men. Consider how that particular collaboration could be described by a contemporary of Virginia Woolf's:

995. See THREE GUINEAS, supra note 935, at 106-07, 108-09.
996. On Churchill, see THE CONSTITUTIONALIST, supra note 145, at 812 (index).
997. See DIARY, supra note 977, at vol. 5, pp. 33, 297. Compare id., at 35.
998. THREE GUINEAS, supra note 935, at 73.
Justinian and Theodora constituted the first notable man-and-woman partnership in history. They still remain perhaps the most striking example of what is possible through the combination of a first rate masculine mind with a first rate feminine mind. All who knew them recognized that this fact of partnership was the chief and decisive fact about them. Even a modern reader may find it interesting and helpful to see a working model of the dual machine in operation. Theodora was the first feminist in modern history. If she had faults, it may be said of her with some confidence that the Lord made her to match the men.  

We can be reminded here of the engaging taxi-cab scene Woolf provided us in *A Room of One's Own*, her 1929 statement of the feminist position that is not encumbered by the foreboding and dubious political statements of the late 1930s:

It was tempting, after all this reading, to look out of the window and see what London was doing on the morning of the twenty-sixth of October 1928. And what was London doing? . . . Here came an errand-boy; here a woman with a dog on a lead. The fascination of the London street is that no two people are ever alike; each seems bound on some private affair of his own. There were the businesslike, with their little bags; there were the drifters rattling sticks upon area railings; there were affable characters to whom the streets serve for clubroom, hailing men in carts and giving information without being asked for it. Also there were funerals to which men, thus suddenly reminded of the passing of their own bodies, lifted their hats. And then a very distinguished gentleman came slowly down a doorstep and paused to avoid collision with a bustling lady who had, by some means or other, acquired a splendid fur coat and a bunch of Parma violets. They all seemed separate, self-absorbed, on business of their own.

At this moment, as so often happens in London, there was a complete lull and suspension of traffic. Nothing came down the street; nobody passed. A single leaf detached itself from the plane tree at the end of the street, and in that

pause and suspension fell. Somehow it was like a signal falling, a signal pointing to a force in things which one had overlooked. It seemed to point to a river, which flowed past, invisibly, round the corner, down the street, and took people and eddied them along, as the street at Oxbridge had taken the undergraduate in his boat and the dead leaves. Now it was bringing from one side of the street to the other diagonally a girl in patent leather boots, and then a young man in a maroon overcoat; it was also bringing a taxi-cab; and it brought all three together at a point directly beneath my window; where the taxi stopped; and the girl and the young man stopped; and they got into the taxi; and then the cab glided off as if it were swept on by the current elsewhere.

The sight was ordinary enough; what was strange was the rhythmical order with which my imagination had invested it; and the fact that the ordinary sight of two people getting into a cab had the power to communicate something of their own seeming satisfaction. The sight of two people coming down the street and meeting at the corner seems to ease the mind of some strain, I thought, watching the taxi turn and make off. Perhaps to think, as I had been thinking these two days, of one sex as distinct from the other is an effort. It interferes with the unity of the mind. Now that effort had ceased and that unity had been restored by seeing two people come together and get into a taxi-cab . . . For certainly when I saw the couples get into the taxi-cab the mind felt as if, after being divided, it had come together again in a natural fusion. The obvious reason would be that it is natural for the sexes to co-operate. One has profound, if irrational, instinct in favour of the theory that the union of man and woman makes for the greatest satisfaction, the most complete happiness.1000

Here the gifted artist has nicely taken over from the dedicated polemicist.

1000. VIRGINIA WOOLF, A ROOM OF ONE'S OWN 95-98 (Harvest Books 1981) (1929); see supra note 944. See also supra text accompanying note 22.
XIII.

Virginia Woolf's *Three Guineas* is curiously repetitive and largely unpersuasive, especially when compared to *A Room of One's Own*. One has in *Three Guineas* the sense of something not quite under control, even though one also has the sense of an author who is trying very hard, indeed perhaps too hard.

The reader today cannot help but see signs in *Three Guineas* of the disintegration, or at least of the desperation, that led to Woolf's suicide. It seems to have taken three more years for Virginia Woolf to despair of life altogether, with the war going all-out by then. May there not even have been an element of mortification in her suicide, in that she recognized that she had radically misjudged what was called for in 1938? Did she ever wonder whether her political efforts in the 1930s had contributed to a devastating war being worse than it need have been? The element of anger implicit in suicide, except when resorted to for the relief of great physical pain as ordinarily understood, should not be underestimated.

It is sad to realize that Virginia Woolf again misjudged public matters in 1941. How would she have conducted herself, in dealing still another time with the depression she was subject to since her youth, if she had appreciated that Britain was then on the brink of her finest hour? The cause of freedom and human dignity could have been well served by a gifted and remarkably sensitive artist able to warn her fellow citizens of the perils of victory even as she celebrated with them the triumph of the human spirit exhibited in their resistance to the Nazis. She, like Churchill, could have counseled magnanimity in victory.

The merits of Virginia Woolf are aptly suggested by the way she can describe what happens when we use our radios: we "turn on the wireless and rake down music from the air." Do we not have here an image of the great and humanizing artistic gift with which she was blessed, despite the pain she endured and all the disabilities, real and assumed, with which she had to contend? The gallantry she displayed even in her most desperate moments could be inspiring to both men and women alike.

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1001. Suicide by drowning is anticipated in *THREE GUINEAS*, *supra* note 935, at 74. On Virginia Woolf's sometimes crippling sensibility, see *SAMPLINGS*, *supra* note 952, at 416.

1002. *THREE GUINEAS*, *supra* note 935, at 81.
18. JAMES JOYCE (1882-1941)

A. DUBLINERS\textsuperscript{1003}

It is important, therefore, to hold fast to this: that poetry is at bottom a criticism of life; that the greatness of a poet lies in his powerful and beautiful application of ideas to life, to the question: How to live. . . . A poetry of revolt against moral ideas is a poetry of revolt against \textit{life}; a poetry of indifference towards moral ideas is a poetry of indifference towards \textit{life}.

— Matthew Arnold\textsuperscript{1004}

I.

James Joyce was evidently buoyed up, if not inspired, by his associations in exile with Italians, as during his years in Trieste. I, during the months I have been thinking about my assignment for this occasion, happened to spend considerable time in Italy, and so several of my illustrations here draw on that visit.\textsuperscript{1005}

There is, in the Chiesa di Sant’ Agostino in Rome a painting by Caravaggio (1573-1610), \textit{The Virgin Mary of the Pilgrims}.\textsuperscript{1006} It shows two weary pilgrims, a man and a woman, kneeling before the Virgin and Child. The walking sticks of the pilgrims anticipate, in their positioning, the Cross for which the Child is destined. It is odd that the soles of the bare feet of the

\textsuperscript{1003} A talk given at a Basic Program Weekend Conference, The University of Chicago, Alpine Valley Lodge, East Troy, Wisconsin, November 1, 1992. (The original title of this talk was “The Pains and Pleasures of James Joyce’s \textit{Dubliners}.”)

\textsuperscript{1004} MATTHEW ARNOLD, \textit{Wordsworth, in Essays in Criticism, Second Series} 143-44 (Macmillan Co. 1924) (1888).

\textsuperscript{1005} The occasion of this Conference was a Halloween weekend, which was appropriate enough since so much of what Joyce did was an attempt to deal with ghosts. Consider the status of ghosts for Arthur Conan Doyle and William Butler Yeats, as touched upon in supra Parts 15 and 16 of this Collection.

\textsuperscript{1006} A contemporary of the painter commented on this 1604 painting, \textit{Madonna dei Pellegrini}, thus: “[Caravaggio] did a Madonna painted from life with two pilgrims, the man with muddy feet and the woman in a dirty torn bonnet. Because he trivialized the attributes that a major painting ought to have, the lower classes made a huge fuss over it.” PETER ROBB, M:\textit{THE MAN WHO BECAME CARAVAGGIO} 267 (1998). A twentieth century critic adds, “It was a shock of recognition from the people themselves, who weren’t used to seeing themselves reflected in others’ eyes at all, let alone as art. No wonder they made a huge fuss when they flocked amazed to see it.” \textit{Id.}, at 268. \textit{See also Id.}, at 295-96, 508.
adoring couple should be so prominent in the painting. They are the dirty feet of pilgrims who have come a long way.\footnote{1007}

The viewer enters this scene along the line of sight initiated by the man’s feet, especially since the painting, which was evidently commissioned originally for this very spot, is elevated for the viewer. It is instructive for us to notice how this painter can be spoken of:

As the 16th century drew to a close, the bright, humanistic order of the Renaissance was eclipsed by something crueler, more elemental. From the 1590s until his death in 1610, Michelangelo Arerighida Caravaggio revolutionized Italian painting with his melodramatic naturalism and eerie, preternatural lighting effects.\footnote{1008}

One of the many artists influenced by Caravaggio in the opening decades of the seventeenth century was the Spanish-born painter, Jusepe de Ribera. Some comments made about Ribera’s work apply also to Caravaggio’s:

The bodies in Ribera’s pictures are bodies with a history: They have lived and suffered in the here and now. One is reminded that many of his models were from the poorest classes. The poses struck may be noble; the countenance may be endowed with articulate melancholy and religious awe. But the gaunt torsos and sagging flesh, the creased foreheads and sunken cheeks—to say nothing of the patched and tattered garments—betray the earthy wages of sin and spiritual torment. . . . Ribera’s naturalism can also be brutal, especially in his early work, but is never crude or condescending. Indeed, a fierce, dignified humanity everywhere tempers his unpityingly exact observation.\footnote{1009}

We can see in such painters a movement from the prosaic to the sublime—and this is the way of that modern art which very much relies on the well-crafted handling of details. The extent to which details matter may be seen as well in James Joyce’s \textit{Dubliners}.\footnote{1010} We can see there, and perhaps even more in his \textit{Ulysses},\footnote{1011} the implications of mosaic-like arrangements of

\footnote{1007}{It has been said that these are “the most famous dirty feet in art.” See Paul Levy, \textit{The Gallery: Fathers of the Baroque}, WALL ST. J., Feb. 8, 2000, at A20 (with a photograph of part of this painting). Do this man and woman recall Adam and Eve?}


\footnote{1009}{Id.}

\footnote{1010}{JAMES JOYCE, DUBLINERS (Modem Library 1926) (1914) [hereinafter DUBLINERS].}

\footnote{1011}{JAMES JOYCE, ULYSSES (Vintage Books 1986) (1922) [hereinafter ULYSSES].}
the incidents of daily life. The people portrayed are not of the lowest classes, but the things they do very much include the low.

Joyce seems merely to be describing things that others can see and describe also. As a result, stories are told, and the reader gets the impression that this is the way things were. There can be something engaging, if not even beautiful, in such presentations. This mode of presentation is not unrelated to the way that the modern sciences (both the natural sciences and the social sciences) investigate and describe mundane matters in order to get to the truth of things.

Another Italian example can be instructive here. Around the corner from our Rome apartment this summer a film crew spent a week shooting a movie or, rather, the well-equipped crew of some thirty to forty people worked hard to produce thirteen minutes of usable film, their weekly quota. One night, for example, several hours had to be devoted to filming the fall of a body from the fifth floor of an apartment building. We learned how it is possible to make a dummy look like a falling body, so long as hitting the pavement is not shown on film.

The difficulty the film crew faced came not only from the way the falling “body” looked, but perhaps even more, from the need to coordinate details of the fall with what went immediately before and after. Since, for example, it happened to rain during an episode immediately after the fall (which had been filmed the first night of the week), rain had to be provided artificially during the rest of the filming that week. This reminds us of how art must master chance, even when it is attempting to present something that is supposed to be happening by chance. This is particularly important for the modern artist of a more or less “realistic” inclination. Joyce’s correspondence with relatives and friends back in Dublin is repeatedly concerned with checking out trivial details vital to the kind of account he wanted to provide in *Ulysses* of daily life in that city.

II.

Dublin itself is, in a sense, a character in *Dubliners*, a character with a “personality” as well as a physical makeup of its own. Much of the detail which illuminates the characters and lives of various people in *Dubliners* is found in, or is reinforced by, descriptions of the city itself. We are familiar with this approach as exemplified in what Henrik Ibsen did with his country and in what William Faulkner did with his county. It can be added that both Ibsen’s Norway and Joyce’s Dublin look better to us today than they

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1012. On Faulkner, see infra Part 21. On Ibsen, see THE ARTIST AS THINKER, supra note 10, at 469.
evidently did to Ibsen and Joyce in their own time. However stifling they might have appeared then, those places had a vitality and provided a level of civilization which have become, since then, less prevalent and (hence?) more attractive.

Much of Joyce's presentation is "impressionistic," as is some modern painting. (This technique does not seem to work as well, for the typical audience, in the composition of music.) A skillfully executed, impressionistic presentation can be satisfying. One may sense that one has seen a slice of life. At the least, a mood is generated and the stories may even seem to grow naturally. Indeed, Joyce can seem, to some, to be no more than an artless reporter. Thus, it has been said of him, "[Joyce] was never a creator ex nihilo; he recomposed what he remembered, and he remembered most of what he had seen or had heard other people remember."1013 Joyce himself counselled, "A writer 'should never write about the extraordinary.' That is for the journalist."1014

The stories in *Dubliners* can be inconclusive. Again and again, the reader may not be sure what happened or why. The full grasp of some of the stories do seem to depend upon a detailed knowledge of Dublin and, as time goes by, there is less and less direct knowledge, even in the Irish reader, of what Dublin was like then. Some, perhaps many, details in the stories are "personal" and, as such, probably indecipherable. This may contribute to the effect Joyce strives for. After all, everyday life itself is punctuated by all kinds of minor mysteries, and a story which leaves its share of mysteries, especially mysteries dependent upon personal things known to few, may have its proper mood reinforced thereby.

In a sense, the *personal* may be the only thing that is real, or so some might argue today. This supposition opens the way to an extreme subjectivism, which can permit one to *feel* that one grasps the truth of the matter described. All this can mean, among other things, that art becomes more important than the things described, if not even more important than the truth itself. Thus, a Joyce biographer has observed, "At the age of twenty-one Joyce had found he could become an artist by writing about the process of becoming an artist, his life legitimizing his portrait by supplying the sitter, while the portrait vindicated the sitter by its evident admiration for him."1015

One implication of this approach, pointing to the modern departure from ancient teachings, may be seen in Joyce's observation, "My art is not a mirror held up to nature. Nature mirrors my art."1016 What we may see in this

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1013. RICHARD ELLMANN, JAMES JOYCE 364-65 (1982).
1014. Id. at 457.
1015. Id. at 144.
1016. Id. at 677 n.121.
Joycean approach is not a celebration of life but rather a celebration of art. Art can be substantial and reassuring in a life which is otherwise mixed up and inconclusive. It is, however, an approach to these matters that may lack a moral dimension, especially one grounded in nature.  

Once the emphasis is shifted from the thing imitated or rendered artistically to the artistic process itself, there is apt to be greater reliance upon details known only to a few, if not even to the artist alone. This can be reinforced by what may be done to and with the language used. Joyce himself became more and more obscure in his writing as he “progressed” in his career. This “progress” culminated in *Finnegans Wake*, the labyrinth to which he devoted the last decade of his life.  

I was reminded this past summer of the radical inaccessibility of *Finnegans Wake*. I devoted a dozen hours to skimming its text, pen in hand, something which I had done before. I came away from the book with no more idea of what it is “about” than I had before I started, however many literary and other allusions I happened to notice. Joyce argued that a way is provided here to genuine understanding, but an understanding of what? Three quotations I drew from the text, however, may be apt here: “But would anyone, short of a madhouse, believe it?” “Cease to be civil, learn to say nay!” “But there’s a great poet in you too.”  

III.  

Critical to the mood established or explored in the infinitely more accessible *Dubliners* is the fact of betrayal. This leads, in one story after another, to a character’s dissatisfaction with, if not reexamination of, his or her life. It is shown again and again that people or things are not what they seem—and disappointment, if not a soul-shaking crisis, follows.  

This may be seen most dramatically in *The Dead*, by far the longest and probably the best story in the collection, if not even the story for which various of the others are preparations. The hero of this story, Gabriel, a writer, does seem to become reconciled to his circumstances, perhaps more than Joyce ever did. Patriotic appeals also seem to have more effect on him than they do on other Joycean heroes or, for that matter, on Joyce himself.

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1017. Compare supra note 963.
1018. Joyce had an illustrious precedent here in Isaac Newton, who devoted his closing years to superhuman efforts to crack the codes of the Bible. To what extent, or in what way, was God always the center of Newton’s inquiries?
1019. JAMES JOYCE, FINNEGAN’S WAKE 177, 193, 619 (Viking Press 1947) (1935) [hereinafter FINNEGAN’S WAKE].
1020. For the prototype in betrayal, at least in the West, see LAW & LITERATURE AND THE BIBLE, supra note 33, at 835. See also infra note 1026, 1219; infra text accompanying notes 1035, 1175.
Betrayal and treachery are terms repeatedly employed by Joyce in his writings, including in his correspondence. Is a form of art which stresses subjectivism and the personal more likely to be threatened by betrayal? An extreme form of this may be seen in the considerable, if not even near-hysterical, jealousy exhibited by Joyce himself occasionally in connection with his wife.1021

If Joyce’s accounts of daily life are accurate, then the sense of betrayal he portrays had long been endemic in the Irish society he chronicles. Perhaps it may be related to the considerable solace sought in alcohol, something which is also evident in these stories.

IV.

Fundamental, perhaps, to the sense of personal betrayal exhibited by Joyce is the political betrayal which may be at the heart of the Irish experience in the twentieth century, if not well before this century. This is dramatized, of course, by the career of Charles Stewart Parnell. David Grene has reminded us that Parnell is still enormously venerated in Ireland, where he, a Protestant, is widely considered to have been done in by English politicians and the Irish clergy.1022

The Parnell story is touched upon here and there in Dubliners, with the principal explicit consideration of it in “Ivy Day in the Committee Room,” where a poem recalling Parnell’s betrayal is recited.1023 The risk of betrayal continues in this story, with questions raised about the loyalty of those working in the political campaign of that day. The passions associated with the Parnell career may be seen in its most dramatic, even dreadful, form in the Christmas Dinner eruption described in A Portrait of the Artist as a Young Man.1024

One consequence of any emphasis on betrayal is that it is usually someone else’s fault when something goes wrong. This may be seen in the history of Modern Greece, where it has long been the fashion to blame one great power after another for disasters to which the Greeks themselves have

1023. See DUBLINERS, supra note 1010, at 148.
1024. The reader will remember the violent argument which ends with Mr. Casey weeping for his “dead King.” JAMES JOYCE, A PORTRAIT OF THE ARTIST AS A YOUNG MAN 39 (Penguin Books 1980) (1916) [hereinafter PORTRAIT OF THE ARTIST AS A YOUNG MAN]. In juxtaposition to Mr. Casey is a pious woman, also a patriot, who is furious at the sexual immorality of Parnell. The talents and recklessness of President William J. Clinton come to mind here.
contributed their full measure of ambition, self-destructiveness, and miscalculation. The betrayal motif runs deep in the West, with the conduct of Judas Iscariot, if not the serpent in the Garden of Eden, providing the prototype.

Is the sense of betrayal at the root of Irish troubles? If so, is it cause or is it effect? Does the sense of deep hurt come in part from Parnell’s failure to take proper precautions? Did Parnell himself betray the Cause by the way he conducted himself, thus becoming peculiarly vulnerable?

Also contributing to the Irish sense of vulnerability to betrayal may be the recognition that their greatness depends in large part upon the English-speaking world, its language and its literature. They both do and do not want to break loose from this intense embrace.

Another way of putting the problem here is to notice that the term prudence does not figure prominently in the discussions of political and social matters either in Dubliners or in Portrait.

V.

What is ultimately responsible for the preoccupation of a sane person with the betrayals he has suffered? It can be suspected that to make much of this sort of thing is somehow to want it and to enjoy it. That is, the victim must get pleasures from it as well as pain. The locus classicus of this may be seen in the opening pages of William Shakespeare’s The Winter’s Tale: everything one happens upon can stimulate the passion, or the heart sickness, that one happens to be inclined to.

If one is “determined” to be moved, especially because of something that happened long ago, then no day, perhaps even no waking hour, need pass without stimuli to remind one of key incidents, conversations or memories, especially if one is alert and sensitive. The world is so multifaceted, and yet so limited in practical possibilities, that there is more than enough to lead the self-abuser from one thing to another, until the tormenting matter is once again resurrected.

1025. See, e.g., The Artist as Thinker, supra note 10, at 352. See also my discussion of modern Greece in the 15th edition of The Encyclopedia Britannica.

1026. Compare how the Mayans, in Guatemala, deal with Saint Judas: they cannot bear, it seems, to have anyone permanently condemned. See supra note 1020; infra text accompanying note 1085; see also Saint Francis, supra note 913, at 196. In 1937 Joseph Stalin was moved to exclaim, “There is one eternally true legend—that of Judas.” The Oxford Dictionary of Quotations 736 (1999).

1027. On paranoia, see Abraham Lincoln, the Gettysburg Address, and American Constitutionalism 147-48 (Leo Paul S. de Alvarez ed., 1976).

1028. This is a teaching of Plato’s Meno. On the Meno, see Human Being and Citizen, supra note 20, at 74.
I have noticed the suspicion that one may allow, if one does not even seek out, such repeated self-flagellation. After all, who else is "in charge" of such intensive recollections, if not oneself? Would not one take measures to head off, or to "deactivate," such recollections if one did not somehow "want" them? The festering of such recollections may even be a form of self-indulgence of a masochistic character, unless it is done in such a way as to permit one to work poisonous things out of one's system. One risk here is that the "working out" can even become pleasurable in itself, especially when someone else is the target for, if not the projection of, one's passions. In *The Dead*, for example, does not Gabriel have to come to terms with his desire to possess his wife completely, a somewhat childish desire which is impossible of realization, especially if she should happen to be someone who has ever had a meaningful mental as well as physical life of her own—if, that is, she is someone worth living with?[^1029]

Indulgence in a sense of betrayal leads to isolation, either because of what others do to one or, more likely, because of what one does to oneself.[^1030] But then, there may ultimately be *something* natural about isolation, for is it not the condition to which human mortality moves each of us? The underlying cause of our receptivity to the sense of betrayal may even be our awareness of human mortality. We find ourselves "betrayed" by death, which keeps taking away our loved ones and threatens our own existence.[^1031]

Death, then, may be the Great Betrayer, keeping us from a permanent and hence full enjoyment of life. This may be especially true for those who make much of individuality and self-expression. Joyce's work seems to reflect the fact that he, early in life, discovered death and evidently found it monstrous.[^1032] Ever afterwards, he can be said to have searched high and low for those responsible for the deprivations that naturally follow from the fact of death in human affairs. It is no accident, of course, that *Dubliners* opens and closes with the dead.[^1033] For an artist to proceed as Joyce does, however, is to run the risk of turning every city into a graveyard, albeit a well-tended graveyard.

It would seem that what is ultimately needed here is an informed awareness of what is eternal, of that which transcends the personal existence one happens to have. Even so, one's own sense of personal betrayal, and the

[^1029]: See *Dubliners*, *supra* note 1010, at 224. Much of what is suggested in this part of my talk can help illuminate the character and workings of dreams. See also infra text accompanying note 1050.

[^1030]: See *e.g.*, JAMES JOYCE, "A Painful Case," in *Dubliners*, *supra* note 1010, at 133.

[^1031]: Captain Ahab comes to mind here. See THE ARTIST AS THINKER, *supra* note 10, at 144; see also HUMAN BEING AND CITIZEN, *supra* note 20, at 214.


[^1033]: See *Dubliners*, *supra* note 1010, at 7, 224.
crippling anger, if not paralysis, that sense may provoke, can keep one from facing up squarely to the nature of things. One way of dealing with this sense of grievance is to appreciate the extent to which it is a form of self-indulgence. It may also help here to recall those whom one has severely disappointed if not even betrayed, sometimes without even recognizing how unfair, or at least how obtuse, one had been.

When the fact of mortality is faced up to, various “remedies” come to view, some of which we have already glanced at, including politics, religion, love, narcotics, and art. Vital to any critique of an artist’s understanding of and recourse to art is what he takes nature to be.1034

Prudence encourages us to recognize that we could not truly live as human beings without death. Art can reinforce what philosophy discovers and teaches. Related to all this is another lesson that philosophy offers: the betrayer is the one who truly suffers most. The betrayed, if he dwells upon his grievances, neglects the considerable good still in the world, allowing the failings of others to affect him unduly. He does not control here what he can control, which is not what others do, but rather how he responds to it.1035

VI.

It is fitting that the central story of Dubliners should be A Little Cloud, for it reminds us of how self-conscious the modern artist, and certainly Joyce, can be about himself as artist. Little Chandler fancies himself a poet in embryo, but it seems that he is not destined to come to term.1036

We can see here what the would-be Irish artist faced in Joyce’s day. If he stays in Ireland, he is apt to be stifled by community opinion and family ties, if not even hated by his spouse. If he leaves Ireland, he is apt to take on no more than a veneer of sophistication, even as he deprives himself of the nourishment that had helped make him what he is. Mr. Grene has informed us that young people in Ireland today still say what Little Chandler did, “There was no doubt about it: if you wanted to succeed you had to go away. You could do nothing in Dublin.”1037

Joyce himself decided to combine, even as he elevated, the ways of both Ignatius Gallagher and Little Chandler. He does leave Ireland, only to dwell thereafter, and perhaps even more thereby, in the Dublin of his youth. This story is a little cloud, a portent of the storm that Joyce’s career would blow up.

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1034. Perhaps the most profound distortion, if not even betrayal, of art in the face of human mortality in our time may be found in Finnegans Wake.
1035. See THE AMERICAN MORALIST, supra note 49, at 596.
1036. See DUBLINERS, supra note 1010, at 85.
1037. Id. at 88.
No matter how long, or how far, gone from Dublin Joyce may have been, he always "cares" for what, and how, Dublin thinks. Maturity may take the form of no longer caring what one's city or family think, unless they think what they should.

VII.

Joyce's preoccupation with Dublin is legendary for its intensity. To make as much as he does of Dublin is to be polis-oriented and hence political in one sense, however apolitical, if not anti-political, Joyce's conscious motivation may have been.

I have suggested that the city can be, for Joyce, a graveyard, albeit a rather lively if not vital graveyard. The artist, in these circumstances, becomes a gravedigger, excavating detail after detail, rearranging them so as to achieve a pleasing and an instructive effect.1038

I drew upon Caravaggio in opening my remarks today. I return to Italy as I close. It is surely more than a coincidence that what I now draw upon manifested itself as we walked down a lovely country road in July to another graveyard, the Etruscan graveyard of Cerveteri.1039 Impressive as that cemetery was, even more so was the large flock of sheep that we happened upon. Every third or fourth sheep wore a bell, and since there was constant motion as the flock grazed, a steady stream of sweet sounds, not unlike those reported by Caliban, flowed from the meadow onto our road. It was a remarkably haunting symphony, made up of a cascade of prosaic sounds.1040

Since I had been working on Dubliners, I noticed that this flock of sheep was doing, ever so engagingly, what Joyce also does well, "organizing" a multitude of details into a memorable vignette. Neither sheep nor poets, in order to achieve marvelous effects, need to know what they are doing, although in James Joyce's case a high level of conscious craftsmanship is evident. The human soul can be enriched by such exhibitions, thus nourished by artistic revelation of the particular in the general. Perhaps the soul is enriched even more, however, by the revelation and exploration of the particular and mortal in the general and immortal.1041

1038. Gravediggers, we notice in passing, are very dependent upon death in order to make sense (as well as cents) of life itself.

1039. This was a magical moment, shared by my wife and me with the family of William and Wendy Braithwaite.

1040. One can sometimes get a little of this effect in a boat harbor when the wind rattles the ropes against the masts.

1041. There can be thus a grasp of immortality, now and then. See Law & Literature and the Bible, supra note 33, at 738.
B. ULYSSES

Odysseus, the great teller of tales launched out on his story:
"... I am Odysseus, son of Laertes, known to the world for every kind of craft—my fame has reached the skies. Sunny Ithaca is my home. . . ."

— Homer

I.

Three recent revelations of sorts have illuminated for me this reading of Molly Bloom's bedroom ruminations in the early morning of June 17, 1904. The first, reminding me of an earlier age which James Joyce and others have critically changed, came upon overhearing one young woman say to another, as they were leaving a Chicago office building at the end of the business day two weeks ago (October 13, about 5 p.m.), "I met the nicest man today. I'm so sad that he's married." There is—or, at least, there would once have been—a note of poignant finality to these words. One could hope to come to know such a woman better. One could also hope that she might have better luck next time.

A second revelation, of a week later, is more complicated, beginning with a visit on the University of Chicago campus to a building that I had somehow neglected, a building which has in its main lobby a United States Department of Interior plaque designating it as a Registered National Historic Landmark. Nearby, in that lobby, is an explanation (of September 19, 1967, by Norman H. Nachtrieb), which begins,

On September 10, 1942, an event took place in Room 405 of [this building,] the George Herbert Jones Chemical Laboratory[,] that was a milestone in the research that led to the Nuclear Age. On that day a small group of chemists working under the leadership of Dr. Glenn T. Seaborg weighed a minute sample of a pure compound of the element plutonium. These scientists, Drs. Burris B. Cunningham, Louis B. Werner, and Michael Cefola, had in preceding weeks extracted and purified plutonium from a solution of uranium cyclotron targets that had been bombarded by co-workers in the great cyclotrons of the

1042. A talk given at a Basic Program Weekend Conference, The University of Chicago, Alpine Valley Lodge, East Troy, Wisconsin, October 31, 1999. (The original title of this talk was "Molly Bloom, Her Will and Testament (June 17, 1904).")

University of California at Berkeley and Washington University, St. Louis. The quantity of plutonium with which they worked, although exceedingly small, had taken months to produce by repeated cyclotron irradiation of the uranium targets.

Some knowledge of the chemical properties of the new element had been obtained by means of "tracer" experiments, in which the similarity in its behavior to that of certain other elements had been established...

This 1967 description of the celebrated 1942 operation, accompanied by photographs of the activity, is typical of what we have come to expect from modern science, with its concentration upon minute particulars that have cosmic implications. It is this kind of meticulous attention to detail, characteristic of a remarkably productive modernity, which can be said to have influenced artists such as James Joyce and legions of devoted critics thereafter. Joyce is concerned with getting the details of a day and a place just right—and in the process he aims to illuminate human life everywhere and always. In this expectation he is very much a modern, not least in his reliance upon the kind of research that can have explosive consequences.

My third revelation followed immediately upon my second—for it came upon going up to the fourth floor of the Jones Laboratory building to its famous Room 405, which has at its door a copy of the Registered National Historic Landmark plaque seen in the lobby. The cinder-block-lined room is quite small—about 12 feet by 15 feet, with no windows—and is now used as a place where snacks can be prepared by the building's chemists. There is a small refrigerator, a microwave oven, a coffee-maker, and a counter. This room, which looks like a rundown utility room in the basement of a house, is anything but impressive. We can once again be reminded of the world of Joyce's *Ulysses*, where the mundane, even base and ramshackle, can provide the points of departure for the most revolutionary and instructive inquiries.

Joyce's *Ulysses* is, in short, very much a modern phenomenon, consciously so and influentially so.

II.

Why are so many people interested in this book? Why do they come to know so well and, in a sense, care for its characters as much as they do? In large part because Joyce himself is intensely interested in (and likes most of)
his characters. Joyce, it seems, was never bored by the people he encountered: they were all material to be worked and re-worked into his intricate mosaic.

It is not a mosaic to which everyone can be expected to devote all of the attention required for its comprehension. I know many widely-read people who will not, perhaps even cannot, make themselves get through the novel. Why is it so hard to read? Partly because the people within the story can talk past each other without appreciating the effects of what is being said. This is dramatized, among the occupants of the carriage going to the Dignam funeral, by the talk (offensive to some) of the awfulness of suicide and of the talk (offensive to others) of the advantages of dying in one’s sleep.

Still, there are intelligent and well-read people who devote to *Ulysses* a depth of devotion infrequently seen in literary circles these days, the kind of devotion once reserved for the Bible. This has been going on for so long now that even those of us who are not captivated by the book are encouraged to concede that there must be much more to it than we recognize.

It should also be conceded that however difficult *Ulysses* is to read, it is remarkably easy to listen to. It can even serve, in its lyrical quality, as “background music” while one is working on something that does not require complete attention. Perhaps Joyce’s talent as a musician may be heard here. I am reminded of a passage in an account of Abraham Lincoln by his Springfield law partner:

> In the office, as in the court room, Lincoln, when discussing any point, was never arbitrary or insinuating. He was deferential, cool, patient, and respectful. When he reached the office, about nine o’clock in the morning, the first thing he did was to pick up a newspaper, spread himself out on an old sofa, one leg on a chair, and read aloud, much to my discomfort. Singularly enough Lincoln never read any other way but aloud. This habit used to annoy me almost beyond the point of endurance. I once asked him why he did so. This was his explanation: “When I read aloud two senses catch the idea: first, I see what I read; second, I hear it, and therefore I can remember it better.”

1044. Is the Jew-hating Cyclops who baits Leopold Bloom an exception for the tolerant Joyce?

1045. See *Ulysses*, supra note 1011, at 79.

Some of the interest in *Ulysses* seems to depend upon the challenge posed to readers by Joyce to figure out the intricate web he has woven. After all, this has been the century of the crossword puzzle and of the detective story. Joyce gives literate men and women an opportunity to recall a lot of information and to organize the culture they have assimilated. Tantalizing glimpses are provided into literature, history, and movements of all kinds (including physical and social). Thus, curiously enough, annotations of Joyce's *Ulysses* can be captivating, reflecting thereby the kinds of things which caught Joyce's attention and intrigued his lively imagination. I share a few of these annotations with you, from Don Gifford's "*Ulysses* Annotated" volume, keyed to lines in Molly Bloom's ruminations:

**18.760 (759:18-19).** *the sun dancing 3 times on Easter Sunday morning*—A popular superstition in Ireland was that when the sun rose on Easter morning, it danced with joy at the birth of man's hope of salvation.

**18.767 (759:27-28).** *the language of stamps*—"When a stamp is inverted on the right-hand upper corner, it means that the person written to is to write no more. If the stamp be placed on the left-hand corner, inverted, then the writer declares his affection for the receiver of the letter. When the stamp is in the center at the top it signifies an affirmative answer... when it is at the bottom, it is negative," and so forth through a number of other positions (The Century Book of Facts [Springfield, Mass., 1906], p. 658.) Standardized postage practices have, of course, rendered the "language" all but obsolete.

**18.871-72 (762:23//).** *that derelict ship... the Marie whathyoucallit*—The *Mary Celeste* remains one of the great unsolved sea mysteries. En route from New York to Genoa in 1872, the ship was abandoned off the Azores; several days later (4 December 1872) it was intercepted off the coast of Portugal, in good condition and still under sail. It was detained from mid-December until 1 March 1873 in Gibraltar pending settlement of insurance and salvage claims. Why captain and crew left an apparently sound ship and vanished has never been explained.\(^\text{1047}\)

Even more captivating can be the annotations in which Irish expressions of Joyce’s day are noticed. Here are a few, again from the Gifford collection of annotations (and again from Molly Bloom’s ruminations):

18.160 (742:23). *give us a swing out of your whiskers*—An expression from the west of Ireland meaning, “Preserve me from the story you’re telling.”

18.164-65 (742:28-29). *you couldn’t hear your ears*—“An odd [Irish] expression:—‘You are making such noise that I can’t hear my ears.’” (P.W. Joyce, *English*, p. 201)\(^\text{1048}\)

And one of my favorites:

18.882-83 (762:35-36). *I beg your pardon coach I thought you were a wheelbarrow*—A west-of-Ireland expression of contempt for pretentious talk or behavior.\(^\text{1049}\)

So much, then, for an introduction to our return to Joyce’s *Ulysses*, an introduction which suggests the modernity of this artist as well as both the difficulties and the charms of his work. I will say more, further on, about the sources upon which Joyce draws, particularly Homer. But, first, we must ruminate upon Molly Bloom’s ruminations.

III.

The distinguished English literary man, Arnold Bennett (who died in 1931) has endorsed what Molly Bloom conjures up:

The long unspoken monologue of Mrs. Bloom which closes the book (forty difficult pages, some twenty-five thousand words without any punctuation at all) might in its utterly convincing realism be an actual document, the magical record of inmost thought by a woman that existed. Talk about understanding “feminine psychology”! . . . I have never read anything to surpass it, and I doubt if I have ever read anything to equal it.\(^\text{1050}\)

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1048. *Id.* at 611.
1049. *Id.* at 624.
1050. ARNOLD BENNETT, *Concerning James Joyce’s “Ulysses”*, OUTLOOK (London, April 29, 1922), 337-38; reprinted in *American Bookman* (1922); see supra note 1029.
If Bennett is sound in his appraisal, the only serious task before us, with respect to what Molly Bloom says, may be to determine how and why Joyce uses her as he does in this concluding episode of *Ulysses*.

A preliminary answer to this question would include the observation that putting Molly Bloom and her assessments of Leopold Bloom at the end of the novel is parallel to the reunion of Odysseus and Penelope at the end of the *Odyssey*. (In saying this we need not assume that Joyce was suggesting that the physically abandoned Penelope may have been, during the two decades of Odysseus’ absence, no more chaste than Molly Bloom was during her evident spiritual abandonment by Leopold Bloom). In both stories, a multitude of suitors “have” to be dealt with one way or another, to round out the account.

Molly Bloom’s ruminations are divided into eight collections of run-on sentences with no punctuation, organized to a considerable extent by free association. Detailed summaries of these collections are available from scholars. We can see what had mattered in her life and how she has made sense of things, including many things we learned about earlier in the novel. She puts her distinctive mark on everything she recalls and reflects upon.

Why eight parts in the eighteenth (or final) episode? Because her birthday falls on the eighth of the month?1051 Don Gifford notices for us, about her date of birth, September 8:

> Molly’s birthday is also celebrated as the Feast of the Nativity of the Blessed Virgin Mary. Born under the zodiacal sign of Virgo, the Virgin (an earth sign), Molly could be expected to have quick and loving sympathies and to be interested in and skillful at physical methods of gratifying human needs.1052

Among the other evocations, in this novel, of Mary, the Mother of God, there is the somewhat sickly encounter, at a distance, between Leopold Bloom and Gertie McDowell. Is there not something disturbingly arch in Joyce’s presentation of this encounter (a parody of the Annunciation?) against the background of a church service?

Molly Bloom is working things out, feeling her way to momentous decisions. In the process she recapitulates some of the story that we have been following for seven hundred pages. Everything she happens to touch upon is reconsidered from her perspective. The three men who are in the foreground of her meanderings are the voracious lover of the afternoon of the 16th, her

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1051. See GIFFORD, supra note 1047, at 613 (Entry 18.329-30 (747:14)).
1052. Id. at 605 (Entry 17.2275-76 (736.5)). Why 18 episodes? Is this somehow drawn from Homer? On the use of 18 in the *Bhagavad Gita*, see *Introduction to Hindu Thought*, supra note 27, at 279 n.30.
complicated husband, and the challenging student who had briefly visited the house this very night.

The perspective she works from seems to be regarded by Joyce as quintessentially feminine. There is considerable debate among feminists of recent decades, into which I dare not enter, about the soundness of Joyce’s grasp of the feminine. Some of them side with Joyce’s wife, Nora Barnacle Joyce, who insisted that her husband knew nothing about women. (The 16th of June is said to have been selected by Joyce for Bloomsday because that was the date he began courting his wife).

Certainly, there is in Molly Bloom something of that “infinite variety” attributed to Cleopatra, but at a different (perhaps lower) level on the scale.1053

IV.

But Molly Bloom does consider herself more of a moralist than Cleopatra seems to consider herself. She knows, of course, that she is now an adulteress, and can call herself that. She, not altogether comfortable with this designation, faults her husband for her illicit actions. One suspects, I mention in passing, that most if not all adulterers can find something in their partners’ conduct or temperament to justify, if not even to require, their infidelity. A few of these unfortunate spouses may even be reliable in their analyses of their situations. Did Joyce intend his readers to be able to determine how the blame was ultimately to be apportioned in this case?

However her conduct should be viewed, this does not keep Molly Bloom from passing sharp moral judgments upon others. Nor does it keep her from being jealous and possessive toward her husband, and at times even somewhat proud of him, especially as she recalls the vulgarity of her mindless lover of the afternoon before, and the failings of the many men all around her. Certainly, she can weigh Leopold Bloom against alternatives available to her, just as she had when he had proposed to her, and she senses that he is better than anyone she is likely to be able to get and to keep.

For all her faults—and, as she would say, the Lord knows she has her share—she is rather decent. She is a somewhat conscientious parent and housekeeper. She is not unthrifty. She hates cruelty and does not share some of the uglier prejudices of the day. She believes she does not like pretense, and she exhibits some charm in the way she can contradict herself again and again.

Indeed, it is the ease with which she can contradict herself—which is related to her ability to calculate what is called for (or is at least advantageous)

in any situation immediately at hand—it is this ease which permits her to have the equanimity she does seem to have most of the time. She can even be considered to exhibit here that weaving and unweaving upon which Penelope relied in dealing, year in and year out, with the challenges she faced.  

V.

Both the low and the high may be seen at the core of Molly Bloom's being. She, as an intelligent but not well-educated woman, has robust desires which she is anything but ashamed of, even considering them natural and thus proper. Joyce, in the way he describes the workings of her body, ratifies in effect both the propriety and the usefulness of an interest in the low. (In much earlier times, literary accounts of these activities would have been confined to comedies. She herself can be rather funny, having assimilated as she has the inventive phrases and supple expressions of the Irish).

The high can be said to be seen in her piety, a piety tempered by considerable superstition, as may be seen in her reliance upon reading cards. A book she would have liked is one I saw a respectable-looking woman studying this week on a Chicago bus: *How to Cast Out Demons: A Beginner's Guide.* It is that “beginner’s guide” qualification which made that book appear so practical in its matter-of-factness.

Not that Molly Bloom considers herself or others around her as demon-infested. But a manual for casting out demons would have seemed to her additional testimony to the necessity of the divine in human affairs, something that she is moved to insist upon on several occasions. Perhaps her most biting comments are reserved for those presumptuous men who have no place for God in the origins of things. She seems to believe that out-and-out atheism threatens one's confidence in the foundation of things. One can wonder how much, or in what way, Joyce himself was open to this concern in his passions, however much he had ruled it out in his thought.

One can get the impression from Molly Bloom's ruminations that she, more than any other character in the novel, draws upon language and responses nurtured by the religious tradition in which she and the Irish around her have been raised. How much she understands of these things, and how

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1054. See *Homer, The Odyssey*, bk. XIX.

1055. One can be reminded of the remarkable medieval handbook, *Malleus Maleficarum*. See *Church and State*, supra note 987, at 79. A member of the Basic Program Weekend Conference audience for this 1999 talk, Susan Levitt, reports she has found that the *Beginner's Guide* which I had seen on a bus was authored by H.A. Whyte.

1056. There was, by the way, no religious service at Joyce's funeral. His wife rebuffed those who counseled otherwise, saying that she could not do that to him. Compare infra text accompanying note 1103.
much she really cares about them, may be difficult to determine. The terror induced by the thunder which woke her from her post-adultery sleep seems to have been real enough. Confused and somewhat unpredictable she may be, but not simply hypocritical. One Irish woman I know finds Molly Bloom predictable enough to suggest that things would have gone better between the Blooms if he had taken her out to lunch once in a while.

VI.

One suspects that whoever knows Molly Bloom well, in her social commentaries, should have a fairly reliable guide to the Irish public opinion of her day, at least among women. She is fairly good-natured, however much of a bite there can be to her judgments. Despite her fantasies and experimentations, she seems to be grounded in what would generally be called reality.

She likes gentility, but she is not apt to be so enamored of honor as to be eager for war and killing. She can even observe that she hates the mention of politics, which can sometimes seem in Ireland to be a form of war. She, in part because of her soldier-father's service in Her Majesty's Service, probably sees more good in the English than most of her fellow Dubliners. She is capable of being fair-minded, especially if she gives herself time to come back to a subject from another angle. She is also capable of being tough-minded, however careful she has to be not to allow herself to dwell upon the loss of her infant son eleven years before, an evidently unavoidable loss which has crippled relations between her and her husband.

One way of talking about Molly Bloom is to say that she has (to use modern terminology) a strong ego, by and large thinking well of herself. This is reflected in what she says about a visit of the Prince of Wales to Gibraltar (where she was born):

[H]e was in Gibraltar the year I was born I bet he found lilies there too where he planted the tree he planted more than that in his time he might have planted me too if he had come a bit sooner then I wouldn't be here as I am ...

That is, if the Prince of Wales had fathered her, then she wouldn't be here as she is now—but she is quite certain that she would somehow still be the same

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1057. See ULYSSES, supra note 1011, at 611.
1058. See id. at 616.
1059. See id. at 637.
1060. Id. at 619.
person. I am reminded of a story to the same effect told by a Syrian author (Zaharia Tamer) who has his narrator reporting this episode:

Abu Ahmad, the owner of [a modest café frequented by factory workers], is a tall, old man with wide shoulders and a moustache that lends a touch of cruelty to his fully-wrinkled face. He is very proud of his café. A few days ago, he told me: “My father was poor. He died, leaving me nothing. I sweated, starved and lived in exile to buy this café. For man to be happy, he must have something—his own property. I hated my grandfather. If he had married my mother off to a rich man, I wouldn’t have known the taste of misery.”

Certainly, Leopold Bloom senses there is something special about his wife, something that often makes it seem important for him to try to keep her. He may even sense that she sees more in him than does anyone else in Dublin, however puzzled she may be by his having “ordered” her to serve him breakfast in bed on the morning of June 17. Perhaps this is more significant, if not also more intimate, than what she had done in serving and being served by her animal-like lover in that very same bed the day before. That service of breakfast by her can even be still another version of the Communion parodied by Buck Mulligan in the opening pages of the novel.

VII.

The vitality of Molly Bloom, Joyce seems to believe, may be detected in her openness to affirmation. There are women—and no doubt men also—whose initial impulse upon hearing any proposal is to say no. This can be tiresome, of course, however troublesome if not even dangerous it may also be to offer no resistance at all to innovation and experimentation.

Molly Bloom’s inclination is to say yes. Thus I count, in her ruminations, some eighty uses of yes to some twenty uses of no. (There may be more of each—but the four-to-one ratio is probably reliable.) This suggests a basic affirmation of life on her part, albeit often life at a rather low level.

In any event, this seems to be the way that Joyce regards her. How much does that which he has available to describe depend upon chance? Does he have the capacity to see for what they are the finer heroines in, say, the novels

1061. THE AMERICAN MORALIST, supra note 49, at 11. The question addressed there is “Who Am I?”. That question can be said to be central to the philosophical enterprise, especially when expanded to mean “What is human?”.
1062. See ULYSSES, supra note 1011, at 3, 608.
of Jane Austen? Is he capable of understanding them, to say nothing of the grander heroes of Homer? Or is Joyce too much of a "modern" to be able to refrain from reducing the high to the low? He may be seriously misled, in his grasp of Homer, by his considerable admiration for Giambattista Vico. Is the truly heroic—the truly noble, as well as the truly philosophic—beyond the ken of realism-plagued moderns? And is the heroic, with its disregard for self even as it yearns for glory, not characterized by enduring suffering and mere perseverance?

But our preference for the truly noble should not blind us to the merits and attractions of Molly Bloom. One thing that can get in the way of a proper viewing of her is an exaggeration of her flaws, such exaggerations as are challenged in the following observation by a contemporary feminist:

Nora Joyce asked: "What do you think . . . of a book with a big, fat, horrible, married woman as the heroine?" (Budgen 37) A good question. Responses to it in the form of readings and reassessments of Molly Bloom abound. One need only recall the many years it was considered critical gospel that Molly had had twenty-six lovers, until [several recent critics] pointed out the absence of evidence for more than one . . .

This critic, further on, notices that the Blooms are similar in critical respects:

Each of them considers the other a character, whose talk and actions would make amusing reading. Bloom remembers when he used to try to jot down what she said on his cuff while she was dressing (69), and Molly remarks, "if I only could remember the one half of the things [he says] and write a book out of it—the works of Master Poldy yes" (754). The book she wishes for is in part the book that Joyce has written, which is in part also the book that Bloom had made notes for. It can be said, therefore, that Joyce himself is made up not only of Stephen Dedalus but also of both

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1063. I discuss elsewhere the theories of Vico about Homer which are in the same spirit, and as unreliable, as Stephen Dedalus's (and Joyce's) theories about Shakespeare. See THE THINKER AS ARTIST, supra note 18, at 367; see also infra note 1072.


1065. Id. at 470-71.
Molly Bloom and Leopold Bloom. One can be reminded of Gustave Flaubert’s observation that he was Emma Bovary. ¹⁰⁶⁶

VIII.

The cascade of yes-es at the end of *Ulysses* is followed by the dateline: “Trieste-Zurich-Paris, 1914-1921.”¹⁰⁶⁷

The book had taken seven years to write, its author records. Buck Mulligan had predicted (on June 4, 1904) that in ten years Stephen Dedalus would “write something.”¹⁰⁶⁸ Short stories and *A Portrait of the Artist as a Young Man* had been published by 1914.¹⁰⁶⁹ But as for *Ulysses*, the book in which Buck Mulligan and others would appear, it was not “begun” until the tenth year after the most famous June 16th in “history.”

Why these three cities, Trieste, Zurich, Paris? In part because they are not Dublin and Rome. Evidently, Joyce had first begun to work out his greatest novel in Rome in 1906 and, of course, he had first begun to gather material for it in Dublin. But he was determined to write Dublin out of his system, both Dublin and that place, Rome, of which Dublin (or all of Ireland) is somehow a provincial version.

Joyce religiously stayed away from Dublin during the last three decades of his life, partly to get rid of it, to free himself from its suffocating embrace. But, it can be added, also partly to preserve it, so that he could write about the old Dublin as he remembered it, that Dublin which had shaped his consciousness as a rebellious and determinedly (if not even obsessively) self-conscious artist. One can be reminded on this Halloween that some gifted artists can be very much occupied with the ghosts they must cope with. This is related to Stephen Dedalus’s opinion that history is a nightmare from which he must awake.¹⁰⁷⁰

Joyce is a rebel, but it very much matters what he rebels from. The Ireland which helped produce him sits on the fringe of Europe, being in Europe but yet able to survey it from the sidelines. Perhaps, indeed, no other country “in” Europe can be so detached from the Europe of which it is a part and upon which it so much depends.

¹⁰⁶⁶. On Flaubert, see *supra* Part 10 of this Collection.
¹⁰⁶⁷. *ULYSSES*, *supra* note 1011, at 644.
¹⁰⁶⁸. *Id.* at 205.
¹⁰⁷⁰. On history, see *ULYSSES*, *supra* note 1011, at 17-18. *See also infra* note 1186.
After *Ulysses*, Joyce can more or less settle down in one place to piece together his next book, *Finnegans Wake*, with its dateline, "Paris, 1922-1939." Did Paris become, for him a new Dublin in which he could breathe freely?\(^{1071}\)

It can raise questions about Joyce's judgment that he should have regarded *Finnegans Wake* not only as a further development, but even it seems as virtually the perfection, of what he had begun in *Portrait* and had far advanced in *Ulysses*. Certainly, it would seem questionable to those who consider *Finnegans Wake* unreadable without an inordinate expense of effort, so unreadable in fact that it can also be considered by some as the greatest display ever of literary deterioration by an author of genius, at least in the English (if that is what it is) language.

Or perhaps *Finnegans Wake* should be set aside by the charitable critic, assigning to it a variation of the epitaph which Joyce (in implicit self-criticism) assigns to a character in *Ulysses*: "Shakespeare is the happy huntingground of all minds that have lost their balance."\(^{1072}\)

IX.

On the other hand, the appeal of *Ulysses* seems to be growing, which may be a symptom of the state of world literature today. Joyce himself, I venture to suggest, would have enjoyed learning, for example, about the fate of his novel in China.

An account of its translation into Chinese, which I happened upon recently, opens with this report:

Xiao Qian, a Chinese war correspondent and a literature student, stood over the grave of James Joyce in 1946 in Zurich and mourned, "Here lies the corpse of someone who wasted his great talents writing something very unreadable." Forty-nine years later [that is, in 1995] Xiao still thinks that Joyce carried his virtuosity too far. He has earned the right to his reservations: he and his wife, Wen Jieruo, have just finished a labor that might have humbled Hercules—translating *Ulysses* into Chinese. "In old age one should do something monumental," says Xiao, who is eighty-five. This translation is quite monumental.\(^{1073}\)

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1071. See *FINNEGAN'S WAKE*, supra n.1019, at 628. Had Joyce's outward life become somewhat simpler even as his inner life became more complicated and obscure?

1072. *ULYSSES*, supra note 1011, p. 204. See supra note 1063.

Further on this report provides a reminder of Joyce’s ambitious stylistic endeavors:

If Homer marks the beginning of Western literature, Joyce suggested, *Ulysses* was its culmination. “The task I set myself technically in writing a book from eighteen different points of view and in as many styles,” he wrote to his benefactress, Harriet Shaw Weaver, “all apparently unknown or undiscovered by my fellow tradesmen, that and the nature of the legend chosen would be enough to upset anyone’s mental balance.”1074

Then, we are told,

Xiao and Wen don’t need to read Joyce’s paean to his own genius to appreciate the mental upsets that *Ulysses* can produce. “There are places,” Xiao says, “where I think he made it unnecessarily difficult.” His fellow translators can only agree. *Ulysses* has been translated into more than twenty languages, including Icelandic, Arabic, Malayian, and fittingly, Irish.1075

Joyce, I also venture to suggest, would have enjoyed as well the dynamics of the great enterprise that was undertaken by our Chinese couple. It was the wife, like Molly Bloom wanting to get her Leopold to do something worthier of his talents, who galvanized her understandably reluctant husband:

Wen was undaunted by the complexities; indeed she was positively eager to take a crack at Joyce. Then sixty-two, and recently retired from a career as a translator of Japanese and the editor of other people’s English translations, she felt it was time to put her skills to the test. “In Chinese [she said] there is an expression, “Only the head, not the tail’—meaning that a work has been started but not completed. For forty years I only polished the translations of others. I never had a chance to translate a famous book, a classic. Why not *Ulysses*?” Eventually she persuaded her husband that they could crack it together. The project has been an act of teamwork from the beginning, with Wen

1074. *Id.*, 2 of 9.
1075. *Id.*, 2 of 9.
doing the first draft, Xiao applying the polish, and the two of them arguing over the final version. 1076

Here is how they worked, applying themselves as religiously as Joyce himself had done to one novel after another:

Beginning in October of 1990 they set the following schedule. Rise at 5:00 each morning (Wen often had to rouse her less committed husband [I notice in passing that one can see here that the male need not be dominant even in long-established traditional societies]), work until 8:00 and pause for breakfast. [I also notice that there was evidently no breakfast in bed for either of this couple.] Then work until lunch, and again into the late afternoon. Wen worked nights and weekends as well, putting in, she figures, fifteen hours a day just about every day. She even gave up television and newspapers. For two years her sister took over the household, doing the shopping, cooking, and cleaning, so that the couple could work. The sister died in 1992; the translation is dedicated to her memory. 1077

The final passage to be taken here from this report includes data that would probably have delighted Joyce with his heroic thoroughness:

[The translators] adapted Chinese styles to Joycean ones. Molly, Leopold, and Stephen all have interior monologues, and all sound different. Molly is not very well educated. She occasionally misuses difficult words, and her thoughts, in the famous soliloquy that ends the book, have an earthy resonance. Stephen, the teacher and literary scholar, is philosophical. And Leopold is a middle-class bloke with a big heart who often thinks about sex and bowel movements.

So in the Chinese, Molly is rendered in working-class Beijing slang, Stephen mostly in classical Chinese, and Leopold mostly in a mixture of modern and classical that dates from the early twentieth century. By varying the styles, the translation manages to convey the differences in character among the three.

When there is no linguistic or literary analogue, which is most of the time, footnotes do the job. So much of Ulysses

1076. Id., 5 and 6 of 9.
1077. Id., 6 of 9.
is built around puns, allusions, and time- and place-specific Irish humor that really cannot be translated: one must simply plough through. Wen and Xiao made the most readable Chinese translation they could and then explained the Joycean quirks in footnotes—5,991 of them, the most in any Chinese book ever published . . . The reviews in the Chinese press pay tribute to the couple’s thoroughness, and however unwieldy the footnotes may be to read, they are the only way to clue Chinese readers in to Joyce’s intentions.1078

The desperate male, we are also told, thought there were several thousand footnotes too many. But as another determined female once said, “I knew I could always get around him.”1079

Still, would not the astonishing efforts devoted by many to Ulysses be better directed to a study of Plato or Dante or Shakespeare—to say nothing of the Bible—or (if active moderns are of more interest) to a study of Lincoln or Churchill or DeGaulle? But such substitution is not likely to be made—and so the educator might consider what constructive use might be made of the prodigious energy and dedicated attention to detail exhibited by Joyceans. One thing that can always be done is to try to talk about someone such as Joyce in such a way as to point receptive Joyceans to something higher, making use of the aspirations that have been nurtured and of the habits that have been formed in them.1080

I return, as I prepare to close, to the Jones Laboratory with which I began. There is, on the University of Chicago campus, in that building an elegant gem-like library which is in marked contrast to the drably utilitarian Room 405 of the path-breaking plutonium experiment. That library is graced by a photograph of Madame Curie, a contemporary of Molly Bloom (they were born three years apart, 1867 and 1870, respectively)—an intriguing photograph of a woman who demonstrated what a properly instructed, and properly married, woman was capable of even then.

Also in that library is a sign that the ingenious magpie in Joyce would have wanted to make use of somewhere:

DO NOT OPEN WINDOWS!! USE THE AIR-CONDITIONER IF IT IS HOT, PIGEONS WILL ROOST IN THE BOOK SHELVES.

1078. Id., 7 and 8 of 9.  
1079. ULYSSES, supra note 1011, at 643.  
1080. It is said that the generations of data accumulated by astrologers proved useful for the first systematic astronomers.
No doubt, James Joyce felt that far too many pigeons had come to roost in the literary shelves of the West—and he offered a system that would clear the air. It remains to be seen whether that system, in subduing and replacing the finest natural elements, will have a chilling effect on high-minded and hence enduring artistry.

19. NIKOS KAZANTZAKIS (1883-1957)\(^{1081}\)

That the fortunes of descendants and of all a man’s friends should not affect his happiness at all seems a very unfriendly doctrine, and one opposed to the opinions men hold . . .

— Aristotle\(^{1082}\)

I.

It has been said that he was “flamboyant, vivid, impulsive, immensely readable, frequently exaggerating his true position or contradicting what he said elsewhere in order to put over a point forcefully.”\(^{1083}\) This description, which applies so well to Nikos Kazantzakis, is taken from an account of Martin Luther, the great reformer whose 500th birthday is being celebrated the day after tomorrow.

Luther and Kazantzakis do have much in common, both being men of great energy and talent and imagination who challenged in a decisive manner the established order. Kazantzakis was so much a challenge in his time that he could be condemned as someone who wanted “to destroy religion, morality, fatherland, etc.,” charges that no doubt were leveled with at least equal intensity against Luther as well.\(^{1084}\)

Indeed, it can be said of Nikos Kazantzakis that he was the Martin Luther of Greece, challenging as he did the theological, moral and political presuppositions of his time and of his countrymen in a most radical way. But it is easy to overlook the age-old sobriety at the core of such thought,
especially since its exuberant liberating influence can be so welcome to the young at heart.

II.

Of course, Kazantzakis, in the century since his birth, has become eminently respectable, just as has Luther (whom the Pope himself is paying tribute to, in a Lutheran Church in Rome, on his 500th birthday). Kazantzakis's respectability, ratified even by his appearance on a postage stamp issued recently by the Greek government, may tempt us to believe that the things he challenged no longer are problems for thoughtful men to worry about.

To believe this would not only be a mistake; it would also be a disservice to the memory of Nikos Kazantzakis. What he has to say about the follies of nations, about the blindness of religious passions, about self-righteousness, about ignorance and greed, and about thoughtless inhumanity can still instruct us. What he has to say about the shortcomings of his own people (wherever they may happen to be found in the world) also continues to warn us. One of the most critical shortcomings of the Greeks, both as a nation and as individuals, is their tendency to blame others than themselves for their troubles. In fact, this can be for one the most critical shortcoming at times, since it can deflect one from doing what one can do oneself to improve unfortunate situations.1085

A case in point is the state of current relations of Greeks and Turks. The Turks are the way they are, both good and bad (and they do have their good points, it should be emphasized). There is really very little that Greeks can do to make the Turks other than they are. What the Greeks can perhaps do something about is themselves, but this they will not be inclined to do so long as they can place the blame primarily on the Turks for the chronic difficulties between them. Thus, even something as controversial as the situation in Cyprus today might be seen otherwise by Greeks (including Greek-Americans) if it should be recognized that much of the blame for what has happened there is due both to the Greeks and to the most influential Greek-Americans: the Greeks for having so recklessly mismanaged their affairs as to permit the Colonels to seize power in 1967, and the Greek-Americans for having supported as much as they did the tyranny of the Colonels between 1967 and 1974.1086 These errors on the part of both Greeks and Greek-Americans

1085. See supra note 1026.
1086. See HUMAN BEING AND CITIZEN, supra note 20, 3-7; THE ARTIST AS THINKER, supra note 10, 331-53; THE AMERICAN MORALIST, supra note 49, at 501, 508; see also supra note 1026.
contributed to giving the by-then desperate Colonels an opportunity to attempt to take over Cyprus in 1974, with considerable resulting misery for the people of that much-exploited island.\textsuperscript{1087}

I believe Kazantzakis would have been inclined to call a spade a spade in these matters. I believe he would have counseled against blaming only the Turks, and the American government as well, for what the Greeks did, in large part to themselves, with respect to Cyprus. Those among us today who may happen to resent the kind of analysis I have just suggested are thereby equipped to imagine the kind of resentments Kazantzakis encountered in his lifetime for speaking as frankly as he did and for urging upon his countrymen both clearheadedness and generosity in dealing with their supposed enemies at home and abroad.\textsuperscript{1088}

III.

Yet, it must at once be added, it was the country which sometimes hated him for his criticisms which did provide Kazantzakis the materials out of which he fashioned his many things of beauty. It was Greece that furnished him a rich language and a great tradition which he put to such marvelous use.

That there is indeed something special about Greece, and certainly for the poet, may be seen in the fact that so small a people should have been able to produce in the twentieth century artists as gifted as Kazantzakis, Cavafy, and Seferis. It is a country worth criticizing—that is to say, it is a country worth taking seriously—because there is so much good mixed into its composition.

It is particularly fitting that the beautiful things Kazantzakis himself made should be celebrated here today—not only because this is one of the most magnificently beautiful rooms in this country (a country which has meant so much to the very survival of Greece during the past half-century), but also because this is a city which has done so much to make known to the world the work of Kazantzakis: for it is in Chicago that there were nurtured three of the most faithful translators into English of Kazantzakis, Kimon Friar and the Vasilis sisters, as well as Kazantzakis’s most distinguished disciple among Greek-Americans, Harry Mark Petrakis.\textsuperscript{1089}


\textsuperscript{1088}. I believe that George Sefaris, another eminent Greek man of letters, would have endorsed these sentiments. See THE ARTIST AS THINKER, supra note 10, 331-53; see also infra note 1185.

\textsuperscript{1089}. For samples of these translations from the Greek (of Constantine Cavafy), see 1 LAW AND PHILOSOPHY, supra note 300, at xiii; 2 id. at 1046; see also Law, Education, and Legal Education, supra note 101, at 774 n.397.
And in many ways, Chicago is like the Greece that Kazantzakis took to
task: it has its faults, but it also has resources and a spirit worth taking trouble
with and out of which good things can be made. We are privileged to have
Mrs. Kazantzakis here today: we can only hope that we will be further
privileged to hear from her some day, in the spirit of her late husband, what
should be said about the limitations and defects of our own way of life.

IV.

Greece, I have noticed, provided the materials out of which Kazantzakis
fashioned his art. But he, of course, brought something special to the poetic
encounter with his country.

His vitality is evident in everything he touched: his travels, his loves, his
stories. And it is as a gifted story-teller that he excelled, surpassed by no one
in the Europe of his time.

His gift as a story-teller is evident not only from the stories themselves
but perhaps even more when one compares the casual events (reported in
autobiographical passages or in biographies of him), events which he shaped
to his purposes. Kazantzakis did have the knack of transforming, almost like
a magician, everything he touched, so much so that even those who disliked
his politics and religious opinions could not help but recognize the appeal of
his stories as stories.1090

How did Kazantzakis get to be the way he was? That, of course, is a
mystery: how much was due to education and training, how much to nature,
and how much to divine inspiration and chance? He did have great personal
material to work with, real people, not least among his family—and this no
doubt helped shape him.

V.

His mother was, of course, important: can there be a Greek whose mother
is not important? But his father, it seems, was the truly special influence in his
life. What that father was, and what he believed in, must have had a good deal
to do with making Nikos Kazantzakis what he was.

Various passages in Kazantzakis's autobiographical Report to Greco
display the fierce man that was his father. Permit me to read one such passage
which reveals as well much about what Greece meant to Kazantzakis. The day
is December 9, 1898, the day Kazantzakis was to remember as one of "the two
supreme days" in his life. "Whenever I recall that day," he says, "I thank the

1090. The same can be said about Mikis Theodorakis: The Greek colonels, in 1967-1974,
tried to appropriate his quite popular music for their cause, even though he was known to be an
opponent to their regime.
Lord for allowing me to be born." 1091 For that was the day the Prince of Greece came to Crete, thereby confirming for all to see that Crete had finally been liberated after centuries of Turkish oppression. 1092

The celebration of the Cretans was wild. 1093 Among those celebrating on that great December day in Heracleion, Crete, in 1898, was, of course, Kazantzakis' father—the father who had, a few years before, forced the young Nikos to confirm his devotion to liberating Crete by kissing the bare feet of patriots, executed by the Turks, whose corpses swung in the public square. 1094

But now, the day of liberation had come—and among the scenes recalled by Nikos Kazantzakis decades later is the following:

My father took me by the hand in the early afternoon, while Megalo Kastro was still bellowing with joy. Stepping upon myrtles and laurels [laid out on the streets for the Prince of Greece,] we walked the length of the main street. Then we passed through the fortified gate and emerged into open fields. It was winter, but the day was pleasantly warm and an almond tree behind a hedge had produced its first flower.

... My father was in a hurry, and I had to run to keep up with him. "Where are we going, Father?" I asked, gasping for breath. "To see your grandfather. March!"

We reached the graveyard. My father gave the gate a push and opened it. Painted on the lintel was a skull over two bones crossed to form an X, the initial letter of [Χριστός] Christ—who rose from the dead [as Crete had done that day]. We proceeded to the right, between cypresses, striding over abject graves with broken crosses and no watch lamps. I was afraid of the dead; I clutched my father's jacket and followed behind him, stumbling constantly.

1091. See NIKOS KAZANTZAKIS, REPORT TO GRECO 98-100 (P.A. Bien trans., Simon-Schuster 1965) [hereinafter REPORT TO GRECO].

1092. Liberty had come to the Greek mainland more than a half-century before.

1093. A country such as Greece is capable of a general enthusiasm in a way perhaps unknown to us here in the United States: A sustained ecstasy followed upon the Greeks' driving out the Italians in 1940; then there was the occasion, in 1974, when Constantine Karamanlis returned to Greece to take over the government from the Colonels (with a wild celebration greeting him upon his arrival from "exile" in Paris). See infra note 1095.

1094. REPORT TO GRECO, supra note 1091, at 98-100.
My father halted at one of the abject graves—a small mound of rounded earth with a wooden cross. The name had been effaced by time. Removing his kerchief, he fell face downward on the ground, scraped away the soil with his nails and made a little hole in the shape of a megaphone. Into this he inserted his mouth as deeply as he could. Three times he cried out, “Father, he came! Father, he came! Father, he came!”

His voice grew louder and louder. Finally, he was bellowing. Removing a small bottle of wine from his pocket, he poured it drop by drop into the hole and waited each time for it to go down, for the earth to drink it. Then he bounded to his feet, crossed himself, and looked at me. His eyes were flashing.

“Did you hear?” He asked me, his voice hoarse from emotion. “Did you hear?”

I continued silent. I had heard nothing.

“Didn’t you hear?” said my father angrily. “His bones rattled.”

VI.

Kazantzakis’s father, too—as you can tell from this passage—was an artist of sorts, a driven, ferocious and perhaps mad artist whose considerable imagination took a far more disciplined form in his son.

One of the things taken for granted in this passage, and something which is very much evident throughout the work of Nikos Kazantzakis (as it is also in the work of someone such as William Faulkner), is a deep sense of community: the past, present and future are tightly bound together. And one’s sense of duty corresponds to this sense of community. Thus, the dead live on and continue to be accessible to us. Not only do the dead live on, they continue to care about what is happening among those who still walk the

1095. Id. at 99-100. “He is coming!” was enthusiastically announced for the return of Karamanlis in 1974. See supra note 1093.

1096. Elsewhere, Kazantzakis describes villagers’ giving messages to a dying man, messages to be carried from the survivors to those who had gone (that is, died) before.
earth—and the survivors are obliged to keep them informed. And so the bones of the grandfather rattled in acknowledgment of the great news: he had danced in his grave, so to speak.

To think of the dead thus, and of our relations to them, reflects an older, and in some ways a healthier, view of things. It is that view which is taken for granted by Kazantzakis throughout his work.

VII.

It is a view of things which is quite different from ours in many other respects as well. Not only does the community mean much more—which community can, of course, be suffocating at times—but physical decline and death can mean much less. Or rather, they can be seen as natural and hence are expected, however much their particular manifestations may be due to chance.

Death is, for the artist, a special problem—not when he comes to describe it but when he personally comes to confront it. For the artist, as artist, battles mortality, attempting to shape and preserve a world which he controls—and death reminds him of the limitations he had hoped to transcend. The artist is, in a critical respect, different from the philosopher, since the artist very much depends upon the particular, the concrete, the body.

The artist, since he does have to make so much of his control over matter, can sometimes be more subdued and intimidated by signs of his own physical decline than the ordinary human being who has been properly raised. His imagination, always lively and fertile, can turn in upon him—and he can find it particularly difficult to accept in and for himself that which he had many times found and described in others. He may not even be able to see properly and to accept the fact that his physical decline ultimately means little, so long as his mind remains unimpaired—and that the best part of him will continue, not only through severe disability but also after his death.

The young Kazantzakis was terrified of death. So he tells us. But he grew to maturity, beyond the temptations to dramatic self-pity that self-centered artists (and especially modern artists) are all too often susceptible to, especially when fear, guilt and anger take possession of them. And so Kazantzakis could write one day, in his epic Odyssey, that death is the salt which gives life its sting. And so, also, his widow could conclude her biography of him with these words, “Confronting death as he had lived, he had

1097. Consider the discussion, in Book I of Aristotle’s Nicomachean Ethics, about how the dead are affected by what happens to their survivors.
1098. Even so, Aristotle argued that poetry is more philosophical than history, in that poetry deals with universals. See ARISTOTLE, POETICS 1451b1-11. See also supra note 682.
1099. See THE ARTIST AS THINKER, supra note 10, at 129 n.127.
just given up his soul. 'Like a king who had taken part in the festivity, then risen, opened the door and, without turning back, crossed the threshold.'

VIII.

In his responses both to community and to death, then, Kazantzakis was not fully a modern, however much he was influenced by the thinking of contemporaries such as Bergson, Nietzsche and Lenin. But what saved him from the alienated, curiously uninformed fate of most intellectuals today were his roots in the very old—his roots in both Classical and Byzantine Greek thought and art. He could grasp the new more confidently and more responsibly because of his instinctive rootedness in the old. His inherited sense of humanity, as well as his artistic vitality, protected him from both the harshness and the purposelessness to which modern ideology is prone.

In short, his education was simply better than that of the typical artist today—and his flaws and shortcomings, including occasional political naivete, did not matter as much in his work as it did in that of most of his contemporaries. He knew—knew in his bones, bones which could rattle him back to his senses if he should dare to forget—that his generation was not the first, that he was the beneficiary of and a trustee for a continuous tradition that went back at least three thousand years.

Thus, whatever else Kazantzakis became, as a much-traveled citizen of the world, he always remained a Greek. In fact, it could be said, he was never anything but a Greek, but a Greek who knew what the rest of the world was like because he could sense in others the humanity which he had in such full measure.

IX.

Thus, we can see in Kazantzakis a constant reaffirmation of the human spirit. In response to the suggestion that he himself had suffered much, he could say to his wife (as she tells us), "Where do you get that? You remember only the unpleasant things, . . . whereas I think only of the joys I've had." It should be obvious to all who know her, and to you who will hear her, that Mrs. Kazantzakis surely does not remember only the unpleasant things. For one thing she herself derives great joy from having served as well as she did a man who could believe that he thought only of the joys he had had.

Perhaps at the core of Kazantzakis's sanity as a fruitful artist was the way that he could combine the divine and the natural in his thought, and this in an

1100. Kazantzakis, supra note 1084, at 562.
1102. Kazantzakis, supra note 1084, at 231.
unashamed disregard of the modern ideologies that he believed he believed in. Here, too, he was very much a Greek, but a genuinely pious Greek with the theological-political mission of a Martin Luther and perhaps centuries of disciplining influence before him as well as behind him.

Kazantzakis’s grave, on the outskirts of Heracleion, is marked most dramatically by a stark cross. It is a simple cross, less elaborate to be sure than what one is accustomed to see in the Greek Orthodox setting—but it is a cross.1103 And yet that gravesite could be desecrated, as it was again and again during its first decade. But those desecrations were, in fact, inarticulate tributes to Nikos Kazantzakis, for it reminded everyone that his countrymen took him most seriously: he challenged their most treasured opinions—not in order to tear their heritage out of their hearts but in order to make them appreciate and to make more of what was truly precious in what they believed both as Greeks and as Christians.

The relation of the natural to the divine, and a divine seen originally by him and perhaps always through Greek Orthodox eyes,1104 is evident throughout the work of Nikos Kazantzakis, perhaps most vividly in what may be his greatest book, The Greek Passion (as it is known in our English translations, but really Christ Recrucified).1105 How he saw the divine in the natural is suggested by the following lines (in his Saint Francis book):

I said to the almond tree:
"Sister, speak to me of God."
And the almond tree blossomed.1106

Nikos Kazantzakis was an almond tree, blessed with the earthly durability of the olive tree and infused by the spirit of the divine, which blossomed for all of Greece, and through Greece for the world, to marvel at.

1103. See supra note 1056.
1104. See Law & Literature and the Bible, supra note 33, at 719.
1105. See THE ARTIST AS THINKER, supra note 10, at 344-45. On the other hand, Kazantzakis could refer to Goethe’s Werther as “the sentimental and melancholy suicide.” Id. at 421 n.159. On Goethe, see supra Part 4 of this Collection.
1106. See SAINT FRANCIS, supra note 913, at 176-77. On nature as a guide, see source cited at supra note 963. For additional discussion of Kazantzakis, see Section XII of the Conclusion of this Collection.
20. T. S. ELIOT (1888-1965)\textsuperscript{107}

[Those Spartans who remained bachelors] were denied the respect and observance which the younger men paid their elders. No man, for example, found fault with what was said to Dercyllidas, though so eminent a commander: upon his approach one day, a young man, instead of rising, retained his seat, remarking, "No child of yours will make room for me."

— Plutarch\textsuperscript{108}

I.

I confess that if our beginning is our end, we should expect to finish this symposium on T. S. Eliot's *Four Quartets*\textsuperscript{109} just about where my old teacher David Grene started us Friday evening with his evocative readings of passages from the poem. We must, nevertheless, venture to "fare forward."\textsuperscript{1110}

One massive fact should be noticed: superlatives are used again and again by distinguished critics in praising *Four Quartets*. Some consider it the finest poem in the twentieth century. T. S. Eliot himself can be ranked among the best of his craft in our time, a distinction testified to by his Nobel Prize.\textsuperscript{1111}

In order to make certain that I give T. S. Eliot his due on this occasion, I draw at length upon another old teacher of mine, Henry Rago,\textsuperscript{1112} who had occasion to introduce T. S. Eliot to "the greatest crowd ever assembled in the history of Chicago to listen to poetry." \textsuperscript{1113} Mr. Rago presented his Orchestra Hall remarks as "an effort to define the exact sense in which T. S. Eliot, more than any other writer in the twentieth century, has given our age its complete expression":

\textsuperscript{1107} A talk given at a Basic Program Weekend Conference, The University of Chicago, Starved Rock State Park, Illinois, November 13, 1988. (The original title of this talk was "T. S. Eliot's *Four Quartets*: Poetry as Agony, Enigma, and Intimidation."

\textsuperscript{1108} PLUTARCH, LYCURGUS XV, 2.

\textsuperscript{1109} In *THE COMPLETE POEMS AND PLAYS* 117 (Harcourt, Brace & Co. 1962) [hereinafter COMPLETE POEMS AND PLAYS].

\textsuperscript{1110} Id. at 134 (The Dry Salvages, l. 162). On David Grene, see supra note 1022.

\textsuperscript{1111} The Nobel Prize for Literature was awarded to Eliot in 1948. See 4 ENCYCLOPEDIA BRITANNICA 451 (15th ed. 1995).

\textsuperscript{1112} On Henry Rago, see Anastaplo, supra note 116, at 167.

\textsuperscript{1113} This was at Orchestra Hall, on November 6, 1959. A member of our 1988 Basic Program Weekend Conference, Ruth Horwich of Chicago, helped organize that spectacular event for *Poetry* magazine in 1959.
More than Yeats; more than Pound; more than Valery, or Rilke; more than Joyce or Proust;—to name almost the entire list of those few who are in his company. I am thinking of three things: the terms to which he brings his age in expressing it and judging it; the range of that judgment; and, what is hardest of all to talk about, his language.

His terms have been more fundamental, more radical, than those of any other modern writer. He has thus given our age its most basic metaphors. And the range of the judgment is more completely achieved, more coherent, in this poet than in any other. Which is to say: he has seen more deeply and more truly than any other writer the horrors of our time, and he has named and withstood those horrors. He has had 'such a vision of the street/As the street hardly understands.' Those words might be the motto for his entire work.

Finally: his language is such that at its most characteristic moments it brings both the terms and their far-ranging implications into an almost unbearable focus, into a burning clarity, into an anguish of meaning. Seldom, in all our literature, has the English language been used with such swiftness and penetration and vibrant lucidity.

This is the poetry he has found: a complete poetry, refusing no knowledge, 'costing not less than everything.' In finding this poetry he has found for us—again, more completely than any other poet has done—the possibility of a poetry for our time.

But I wish to say more than this; I wish to say, in these two minutes, immeasurably more than this. This poet has endured what he has seen. He has not simply cried out; he has endured. Claiming nothing more for himself than that he is one of those who are only undefeated because they have gone on trying; claiming no more for the possibilities of reason and order than that little as they yield they might yield more than we can hope for from 'the systematic derangement of the senses'; claiming only a human voice and not attempting to impersonate a natural force or a preternatural force as some of our best poets and many of
our worst poets have done (one hears that human voice always, beneath the more obvious brilliances, in lines like 'I am moved by fancies that are curled/Around these images and cling:/The notion of some infinitely gentle/Infinitely suffering thing'—or 'I do not think that they will sing to me'—or 'I made this, I have forgotten/And I remember'—or 'That was a way of putting it, not very satisfactory'—or 'The poetry does not matter'); suggesting only an implacable honesty and going this long way, this poet has endured the terrors of his own poetry and has found 'something/Upon which to rejoice.' The poetry does not matter: it is written only in pursuit of wisdom and courage so that the poet, the man, might endure. If I have already said that his poems have found for us the possibility of a poetry for our time, I say now that the full contour of this poet's career tells us something that we in our times especially need to know, about the possibilities of the human life.\footnote{1114.}{T.S. Eliot: A Memoir and a Tribute, POETRY, Mar.1965, at 392, 394-95.}

Mr. Rago told me once that Eliot wrote poems, not poetry, indicating thereby that each piece produced by the poet was special, that it was somehow an event.

Some critics can see our age as the age of Eliot. Eliot himself could regard Four Quartets as his masterpiece. Indeed, he is quoted as saying, "I stand or fall by it."\footnote{1115.}{See THE MYSTERIOUS MR. ELIOT (Insight Media 1973).}

These, then, are the superlatives that it has become fashionable to associate with T.S. Eliot and with his Four Quartets. Anyone who undertakes to play in these circumstances the role of the little boy who risked scorn for protesting that the Emperor had no clothes should not do so without noticing as well how fine the thread and how intricate the weave are in whatever royal clothing there may be.\footnote{1116.}{Partisans of those who have been criticized may moderate their animus toward the well-intending critic when they see how much they can be surprised and threatened by "friendly fire." See supra note 627. Consider how T.S. Eliot can be "rescued" from time to time: By presenting Eliot as a flawed and tireless searcher for perfection, [Lyndall] Gordon seems kinder to him than some recent writers, like Cynthia Ozick and Anthony Julius, who have compellingly brought to light his undeniable prejudices, especially his dislike of Jews. Ms. Gordon does not turn away from these faults; indeed, she argues that in one way Eliot was even worse than his critics believe because his misogyny was as strong as his hatred of Jews. . . .}
II.

Another massive fact should be noticed: *Four Quartets* is disturbingly opaque as poetry. True, few lines in it are intrinsically difficult to read, but it is difficult for the reader to get a reliable sense of what is happening. One can read it again and again without securing a steady grasp of what the sequence of passages is and why.

I have recently had the experience of trying to read *Four Quartets* with a small group of gifted high school teachers who know and love poetry. That experience tallied with that which I have had with others: the overall poem, even after repeated readings, can seem incomprehensible even to articulate people who have always liked to read poetry. The reader’s mind can keep bouncing off the lines, unable to catch on anywhere; the poem presents, in its elegance, a remarkably smooth if not impenetrable surface.1117

It is sometimes said that it will take time for the modernist approach reflected in Eliot’s poems to develop a proper audience.1118 But it has been more than seventy years now since the modernist approach first ventured forth among us—and poems such as *Four Quartets* find as difficult going today as their predecessors did before the First World War.

All this is not to deny that powerful lines and passages from these poems can sink into our souls to inform our thoughts and to shape our sensibilities. Consider the opening lines from an early Eliot poem, *Preludes*:

The winter evening settles down  
With smells of steaks in passageways.  
Six o’clock.  
The burnt-out ends of smoky days.  
And now a gusty shower wraps  
The grimy scraps

The theme throughout [*the Gordon book, T.S. Eliot: An Imperfect Life* (W.W. Norton 1999)] is a kind of moral agony. It does not excuse the horrible flaws in the man, and, indeed, Ms. Gordon makes no attempt to excuse them. It is perhaps Eliot’s signal flaw that he forced others to share his moral agony. But moral agony also suggests a bitter, lifelong struggle and an overweening seriousness of purpose, and while these qualities do not make a portrait of virtuousness, they need to be remembered as part of a complicated and troubling whole.

1117. Once again an endorsement of Constantine Cavafy and Edwin Muir is called for. See supra note 913.  
1118. See, e.g., T.S. PEARCE, T.S. ELIOT 10 (1969). The same has long been said about modern symphonic music, which experienced audiences continue to be dubious about.
Of withered leaves about your feet
And newspapers from vacant lots;

The showers beat
On broken blinds and chimney pots,
And at the corner of the street
A lonely cab-horse steams and stamps.
And then the lighting of the lamps.\textsuperscript{1119}

Consider also these lines from \textit{Little Gidding}:

The dove descending breaks the air
With flame of incandescent terror
Of which the tongues declare
The one discharge from sin and error.
The only hope, or else despair
Lies in the choice of pyre or pyre—
To be redeemed from fire by fire.\textsuperscript{1120}

III.

What should we make of an age of which it can be said, by a sensitive observer, that T.S. Eliot, “more than any other writer,” has given it “its complete expression”?\textsuperscript{1121}

\textit{Four Quartets} can impress us as meditative, as almost an extended prayer. It can help the reader if he is taken through the poem by a disciplined guide, a kind of priest. Even without such a guide, one can sense that there is here the story of a good man struggling and perhaps prevailing, at least for awhile, but not without considerable effort and obvious fatigue.

Ours seems to be an age in which this kind of ambiguous triumph has become familiar. Obscurity in expression has also become familiar, to which respectable scholarship has sometimes seemed eager to contribute—an obscurity that permits the poet to conceal himself among the anthropologists, psychologists, and philologists.

Modern poetry can all too often seem fragmented, disjointed, uncommunicative, and yet evocative. Eliot himself exhibits in his career a personal movement from despair to reconciliation and perhaps to serenity. This movement may be seen in \textit{Four Quartets}. The narrator’s explorations

\textsuperscript{1119}. \textit{In COMPLETE POEMS AND PLAYS}, supra note 1109, at 12.
\textsuperscript{1120}. \textit{In id.} at 143-44 (I-II. 200-06).
\textsuperscript{1121}. See supra text accompanying note 1114.
take him back to where he began. He attempts to know himself, but primarily as a particular person. Self-expression, if not even self-indulgence, seems to be the order of the day. This is most evident in *The Love Song of J. Alfred Prufrock* and in *The Waste Land*, perhaps Eliot’s best long poems. But it may be discerned in *Four Quartets* as well.

Knowing oneself through self-expression is significantly different from that form of exploration in which the self is subordinated to enduring principles, with individuality (including one’s personal history) discarded or at least temporarily set aside.

IV.

What accounts for the special effects and considerable appeal of *Four Quartets*?

T.S. Eliot’s Orchestra Hall experience, in 1959, is suggestive here. Not only was the auditorium packed, but so was the stage itself, where temporary seats were set up. I am reminded here of another performance I attended at Orchestra Hall, a piano recital by Vladimir Horowitz about ten years ago. Is not the response to *Four Quartets* very much like the standard response today to serious music?

Of course, poets need not be like concert pianists or other musicians if they are to attract a large audience. Thus, a couple of years ago, at the Chicago Public Library Cultural Center, I could get a sense of the exuberant performance that Yevgeny Yevtushenko can put on to draw large audiences in Russia. But in his case there is no difficulty in understanding what he is saying, except whenever allusions to tyranny require some concealment.

I have listened to Eliot’s reading of *Four Quartets* as I have worked at my desk: it can “function” like background music. The sounds themselves, and the images which very much depend on sounds, create a mood and a sense of something deep that one is sharing with the artist. In this, too, *Four Quartets* is indeed like music.

Music may matter more to large numbers of people in the twentieth century than it ever has before. Friedrich Nietzsche could speak of *The Birth*
of *Tragedy out of the Spirit of Music.* We have moved in poetry, it now seems, back toward the spirit of music.

Related to this development is what poems such as *Four Quartets* do to reinforce Christian piety. This particular poem resembles the Latin liturgy of the old days—familiar and yet largely obscure to the layman, but still reassuring and in a sense instructive.

V.

Whether it is the poet's disability, or the age's flaws, or both, what is to be made of the obscurity, the great difficulty in being able to follow things, in *Four Quartets*?

Lines from the poem, as from *The Waste Land* and *Prufrock,* do creep into our consciousness and stick there. They can be influential. Even so, is not the prevailing obscurity somehow a challenge to, if not even a denial of, reason? This is aside from those instances in which artists are merely "showing off," or otherwise baring their souls in an unseemly fashion.

We may see here another skirmish in the age-old quarrel between poetry and philosophy. There is carried to an extreme, in poems such as *Four Quartets,* the artistic rootedness in particulars. The personal, or private, is both exploited and catered to. Some counsel that to look for meaning is to try to write another poem: the poet says here what he "meant"?

Still, are we not obliged to try to grasp the sense in what the poet has done? Or is this to go beyond the poet's intention? At least, are we not entitled to ask, What accounts for the poet's flow of images, for the poet's train of "thought" or associations? What follows what, and why? Must he not have had something, and especially a sequence, in mind?

Without some account of what the poet had in mind, one's grasp of the poem may be severely limited. The uninstructed reader may thus be used rather than being properly instructed.

If we cannot understand what is said in a poem, then probably either the poem or we are limited. The intimidated reader is apt to blame himself. But consider the significance of what Mr. Grene said the other night about what he chose in *Four Quartets* to read and to read so well. He selected passages, he said, only from those parts of the poem that he himself understood. This is only natural: language depends ultimately upon, even as it serves, meaning.

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1126. This was published by Nietzsche in 1872.
1127. This skirmish took the form, in Plato's *Republic,* of the somewhat curious confrontation between Socrates and Homer. *See* THE CONSTITUTIONALIST, *supra* note 145, at 278-81; *see also* infra text accompanying note 1215; *supra* notes 682, 885, 922, 1098.
There must be for us an overall meaning if facts, including images and descriptions of concrete things, are to be grasped.

Indeed, there is rationality at the core of human existence, even when that existence finds expression in inspired artistic utterances. Consider the comment I made in 1971 upon a conversation I had had in Athens with George Seferis, the Greek Nobel Laureate poet:

I once had occasion to mention to him that however difficult sanity may be to define, it is fairly easy for the sane man to distinguish the sane from the insane. Yes, he responded, it is like the obvious difference between activities so similar as going upstairs and going downstairs. Is this not a poetic way of reaffirming the sovereignty of common sense in human affairs?\textsuperscript{1128}

I then added, in my 1971 comment, “Compare Heraclitus’ hardly commonsensical, however challenging, paradox, “The way up and the way down is one and the same.”\textsuperscript{1129} This you will recall is one of the epigraphs provided by Eliot for \textit{Four Quartets}.\textsuperscript{1130}

Eliot, in siding with Heraclitus as he does, dramatizes an inherent ambiguity in human affairs. At the heart of Eliot’s obscure mode of expression may be what troubles him most: the terrors, corruption, and prospect of death that he makes so much of in his poems. This is in marked contrast to someone such as Socrates who does not seem to be troubled either by the prospect of death or by any sense of guilt for sin, original or otherwise.\textsuperscript{1131}

It should be instructive to identify, however briefly, the movement through the four parts of \textit{Quartets}. There is throughout a concern with time, but most obviously so in \textit{Burnt Norton} with its twenty-nine uses of \textit{time}, that time within which (and yet outside of which) all must happen for mankind. Much is said about what \textit{time} is \textit{not}. Central to the uses of \textit{time} in \textit{Burnt Norton} is the line, “Only through time time is conquered.”\textsuperscript{1132} It is to a spiritualized conquest of time that the remainder of \textit{Four Quartets} can be said to be dedicated.

\textsuperscript{1128} \textit{The Artist as Thinker}, supra note 10, at 338-39.
\textsuperscript{1129} \textit{Id.}
\textsuperscript{1130} \textit{See Complete Poems and Plays}, supra note 1109, at 117 (this is given by Eliot in the Greek, citing Diels, as Fragment 60). For the first Heraclitus fragment used in this set of epigraphs, see infra note 1147.
\textsuperscript{1131} \textit{See Plato, Phaedo. See also Human Being and Citizen}, supra note 20, at 8, 203, 214.
\textsuperscript{1132} \textit{Complete Poems and Plays}, supra note 1109, at 120.
The narrator moves in *Four Quartets* from seeming despair to a kind of reconciliation or affirmation—from a dark night to a brighter day. But is this done, the reader may wonder, in a significant enough way to warrant all of the efforts required of the reader to figure things out? It is primarily a Christian orientation overall, perhaps, but with an effort to weave “everything” into it that a cultured man has accumulated from the East as well as from the West.\(^\text{1133}\)

Eliot keeps circling his center. Is he anxious, fearful, frustrated, paralyzed? Is there exhibited here too much of the craftsman, not enough of the artist, as he produces a poem which is in a sense the fruition of the academic scholarship of the nineteenth and twentieth centuries?\(^\text{1134}\)

Eliot’s circling may also reflect his suspicion that the truth may be deadly. There may be seen in *Prufrock* and *The Waste Land* the despair to which the truth can lead. Perhaps, then, *Four Quartets* conceals threatening truths not only from the reader but also from the poet himself. He may see Faith and Salvation, or a kind of Serenity, as more dependent on intuition and circumspection than on that direct apprehension of the truth that Socrates strove for. Humankind, Eliot advises us in *Murder in the Cathedral* as well as in *Burnt Norton*, cannot bear very much reality.\(^\text{1135}\)

VI.

I have offered some general impressions of Eliot’s work, especially of *Four Quartets*. A more disciplined approach, which moves us beyond the things that may have first struck our fancy, may also be instructive now.

Consider the lines at the center of each of the four parts of *Four Quartets*. Do we give Eliot the benefit of the doubt by assuming that he was aware, at least intuitively if not consciously, of the lines around which each part of his poem literally turns?

The central lines in *Burnt Norton* are these, including a line we have already glanced at:

> Time past and time future
> Allow but a little consciousness.
> To be conscious is not to be in time
> But only in time can the moment in the rose-garden,

\(^{1133}\) Is the narrator presented as unable to avoid wanting to be *au courant*? On non-Western thought, see supra note 11.

\(^{1134}\) Eliot, we remember, has been called probably the most erudite English language poet in his time. See, for example, the *Encyclopedia Britannica* entry on him, supra note 1111.

\(^{1135}\) See, e.g., *COMPLETE POEMS AND PLAYS*, supra note 1109, at 118 (*Burnt Norton*, ll. 42-43).
The moment in the arbour where the rain beat.
The moment in the draughty church at smokefall
Be remembered; involved with past and future.
Only through time time is conquered. 1136

We can see here both the limits and the importance of time for the conquest of time. Time, we can also see, is keyed to the personal and the concrete. We see vividly in the next part what time, with its determined mutations, imposes upon mankind.

The central lines in *East Coker* are these:

O dark dark dark. They all go into the dark,
The vacant interstellar spaces, the vacant into the vacant,
The captains, merchant bankers, eminent men of letters,
The generous patrons of art, the statesmen and the rulers,
Distinguished civil servants, chairmen of many committees,
Industrial lords and petty contractors, all go into the dark,
And dark the Sun and Moon, and the Almanach de Gotha
And the Stock Exchange Gazette, the Directory of Directors,
And cold the sense and lost the motive of action.
And we all go with them, into the silent funeral,
Nobody's funeral, for there is no one to bury.
I said to my soul, be still, and let the dark come upon you
Which shall be the darkness of God. 1137

All go into the dark, the narrator recognizes—so much so that the life of human beings can seem to be continuous funeral-going. Further on, in *East Coker*, he can "call this Friday good," despite the dripping blood man must deal with. 1138 Help must be sought.

The central lines in *The Dry Salvages* are these:

People change, and smile: but the agony abides.
Time the destroyer is time the preserver,
Like the river with its cargo of dead Negroes,
   cows and chicken coops,
The bitter apple and the bite in the apple.
And the ragged rock in the restless waters,
Waves wash over it, fogs conceal it;
On a halcyon day it is merely a monument,
In navigable weather it is always a seamark

1136. *Id.* at 119-20 (*Burnt Norton*, ll. 82-89).
1138. *Id.* at 128.
Agony abides, as does the "bitter apple and the bite in the apple." The "ragged rock" which had been depended on as help can prove illusory and even harmful. What the poet can provide, or seem to provide, from the tree of life is touched upon in the next part.

The central lines of *Little Gidding*, quoting from a master, are these:

But, as the passage now presents no hindrance
To the spirit unappeased and peregrine
Between two worlds become much like each other,
So I find words I never thought to speak
In streets I never thought I should revisit
When I left my body on a distant shore.
Since our concern was speech, and speech impelled us
To purify the dialect of the tribe
And urge the mind to aftersight and foresight,
Let me disclose the gifts reserved for age
To set a crown upon your lifetime's effort.
First, the cold friction of expiring sense
Without enchantment, offering no promise
But bitter tastelessness of shadow fruit
As body and soul begin to fall asunder.

We see again and again in *Four Quartets* the importance assigned by Eliot—and here by his master—to the purification of "the dialect of the tribe." Somehow, poetry itself is vital to human salvation, even when it is (or is it because it must be?) ambiguous and obscure. What is not obscure is the extent to which the poet must be, and must display himself as being, self-conscious.

I turn now to the central lines of all four parts of *Four Quartets*, which can be said to be found in *The Dry Salvages*:

Where is there an end of it, the soundless wailing,
The silent withering of autumn flowers
Dropping their petals and remaining motionless;
Where is there an end to the drifting wreckage,
The prayer of the bone on the beach, the unprayable

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1140. In *COMPLETE POEMS AND PLAYS*, supra note 1109, at 141-42 (*Little Gidding*, ll. 120-134). Earlier, the narrator had said, "I caught the sudden look of some dead master/ whom I had known, forgotten, half recalled/ Both one and many..." *id.*, at 140 (*Little Gidding*, ll. 92-94).
Prayer at the calamitous annunciation?

There is no end, but addition: the trailing
Consequence of further days and hours,
While emotion takes to itself the emotionless
Years of living among the breakage
Of what was believed in as the most reliable—
And therefore the fittest for renunciation.

All this, turns—indeed all of *Four Quartets* turns—on the words, "There is no end, but addition..." Annunciation and prayer are made much of here, but as an unending process.\(^\text{1142}\) Does the denial of an end suggest that there is no natural culmination or peak? Is the status of nature, as a guide, thereby called into question?

Nature had culminated, for Eliot, in skepticism—and in man’s recognition of his desperate circumstances and prospects? We can see this in *Prufrock* and *The Waste Land*. Does, then, his resort to tradition and revelation constitute a retreat from nature?\(^\text{1143}\)

VII.

Why does Eliot use the things he does and not other things? How do they advance his "argument" or achieve the desired effects. We have noticed that emphasis is placed on the personal and the private, if not on the eccentric, even as poetry is pushed to its limits, making it as much as possible like music. Chance becomes critical when this is the approach. It is no accident, nor unevident in Eliot’s poetry, that so much should depend upon the personal associations, readings, and experiences of the poet. Compare Homer or Shakespeare or the Greek dramatists: personality and biography are much less important if one is to understand their works than is the case with twentieth century poets. Is it not odd, and somehow reassuring, that we routinely find ourselves capable of reading ancient authors without recourse to the biographical and other scholarship that we very much depend upon in reading many of our contemporaries?

One result of the emphasis on the personal is that one’s religion, as well as one’s "world view," becomes intensely private. It has become fashionable to believe that each may, indeed should, go off on his own with respect to

\(^{1141}\) *In Complete Poems and Plays*, *supra* note 1109, at 131-32 (*The Dry Salvages*, ll. 49-60).

\(^{1142}\) Compare the comment upon the Annunciation and the Leopold Bloom-Gertie McDowell encounter. *See supra* text following note 1052.

\(^{1143}\) On nature as a guide, see source cited at *supra* note 963.
these matters, abandoning, in effect, family or community. There is something both admirable and appalling about such self-reliance.

What difference would it have made, we may well wonder, if T.S. Eliot had joined the Church of Rome rather than the Church of England? Would that have meant, for him, a more disciplined, a less individualistic, approach to spiritual as well as to "philosophical" and artistic matters? The institution itself—that is, the Church—might have had to matter much more, and personal associations less, than his poems suggest.1144

Something more of a community, with its discipline, may be seen in Eliot's efforts as a playwright. He could not be as obscure or elusive on the stage as he was in Four Quartets. Are not the materials he works with in plays, including Murder in the Cathedral, exposed thereby as considerably thinner than the same materials appear when they can be costumed and hence concealed in his poems?1145

VIII.

The poet is determinedly autobiographical—and the reader is encouraged, perhaps required, to be so also, as he in turn “makes” the poem what it is to be for him.

Chance plays a role as well in the way something appears to the reader, who brings to the poem his own associations and energy, including whatever he has chanced to do or to study. For example, I happen to be reminded, by the talk of the garden early in Burnt Norton, not only of the Garden of Eden but also of Alice in Wonderland.1146 Eliot's first epigraph from Heraclitus, with its openness to a kind of relativism and the sovereignty of personal experience, bears on this point.1147

1144. Of course, one could not tell, from listening to T.S. Eliot, what his personal associations had really been. I was most intrigued, upon first hearing him speak at the University of Chicago a half-century ago, that a man born, as I had been, in St. Louis should be so “high-falutin” in his accent. Where on earth, I wondered, did he get that! The English I heard from other distinguished foreign visitors to the Chicago campus in those days (such as Jacob Klein, Jawaharlal Nehru, and R.H. Tawney) sounded much more natural. See infra text accompanying note 1150.

1145. On Murder in the Cathedral, see Rome, Piety, and the Law, supra note 609, at 138. On Alice in Wonderland, see THE ARTIST AS THINKER, supra note 10, at 166. On the Garden of Eden, see Law & Literature and the Bible, supra note 33, at 548; On Trial, supra note 38, at 767.

1146. See COMPLETE POEMS AND PLAYS, supra note 1109, at 117. The Heraclitus fragment drawn upon here is: “Therefore it is necessary to follow the common; but although the Logos is common the many live as though they had a private understanding.” PHILOSOPHIC CLASSICS 15 (Walter Kaufmann ed. 1968) (citing Diels, Fragment 2). Do both Heraclitus and Eliot (who drops the opening words) indicate that the common should be followed, unlike what the many are inclined to do? Would Heraclitus consider the common to be related to the natural? And Eliot? For the remainder of this epigraph, see source cited supra note 1130.
I have already suggested, in accounting for *Four Quartets*, a movement from despair to affirmation and redemption, with a reconsideration of what time means and an exploration of one's self. But however personal poetry is—both for the poet and for the reader—a poem is not apt to "resonate" widely, or to have a sustained effect, if it does not draw upon something more than one personality or another.

Perhaps, then, there is even more of a story line in *Four Quartets* than I have already sketched, a story line that draws on something deeply ingrained in the Western consciousness and that shaped Eliot and us, no matter what Eliot believed.

What story line is there, aside perhaps from the formal allocation of the four parts of *Four Quartets* to air, earth, water and fire? The line which seems to me to order the four parts is the basic Biblical story as known to Christians: the reader it seems to me, is taken through Holy Week as celebrated by the Church. The movement of *Four Quartets* can be said to go like this:

*Burnt Norton*, with its worrying of the question of time, takes us into Thursday, addressing the despair of mankind following upon the Fall in the Garden. *East Coker*, dominated by death, can speak explicitly of Good Friday. *The Dry Salvages* takes us into the unexpected and hence particularly dark night of Saturday, including a journey into Hades. *Little Gidding* invites us to consider, or to reconsider, the Resurrection, Pentecost, and the ultimate Reconciliation.

The four stages I have just sketched, and which were anticipated by what I had said about the central lines of each of the four parts of the poem, can be said to have been drawn upon in *Four Quartets*. It should not be surprising to find these stages there, considering how vital the Christian story is to Western civilization. A would-be Christian is bound to move according to this rhythm, if he is at all knowledgeable about and sensitive to the Biblical story and its massive influence.

The extent to which the reader is empowered by Eliot's kind of poems to range freely and "make" his own poem is suggested by the fact that the four stages I have sketched, which do seem to me to be indicated by dozens of details, have not been noticed among the half-century of critics of *Four Quartets* that I have happened to review. Is there not something questionable, as well as of course something challenging, about poetry which can lend itself to, perhaps even require, such seemingly fanciful reconstruction as has been

1148. The way Eliot wants us to pronounce *The Dry Salvages* can prompt the reader to think of "The Dry Salvation." The salvation that has been counted upon is lost in the despair of Saturday.

1149. Are Jews immersed in the Christian world likely to be considerably moved as well? On Eliot and the Jews, see supra note 1116; compare infra text accompanying note 1152.
conjured up by Eliot's piety? Radical innovation in such matters, to which I plead guilty, should be suspect, especially if poetry is to shape or revive and refine the soul of a people.

IX.

_Four Quartets_ does seem to depend upon a reconciliation of both art and philosophy with Christian faith. The poem can move the serious reader, and especially the Christian who is open to, if not even yearning for, reaffirmation.

Thus, the philosophic tradition and the religious tradition are drawn upon and fused together by Eliot. Whether this can properly be done his way depends, in part, on what one understands both by philosophy and by religion.

Eliot is learned in philosophical studies. But, I suspect, he is generally regarded as more philosophical than he truly is. I have already noticed, for example, that he makes much more than a Socrates would of terror, death and despair. Related to this undue concern about death is the emphasis placed by him upon the individual personality. It can also be noticed that the fashionableness he displays—whether in dress, in accent, or in scholarship, to say nothing of religion itself—is hardly likely to be that of the philosopher, not least because of its considerable dependence upon chance.\textsuperscript{1150}

Reservations should also be noticed with respect to what Eliot takes religion to be. The stories drawn upon by him, including pagan myths and Biblical tales, are much more solid and straightforward than what he offers in his poems.\textsuperscript{1151} The tradition is not as self-centered, or as self-indulgent, as Eliot's longer poems seem to be. The kind of story he tells cannot serve, as the ancient stories did, as the foundation of civilization. If it is not possible to tell such stories today, is it because of the times or because of what story-tellers have allowed themselves to become? Eliot, in any event, does not lay out a way for more than a few of his successors to follow.

Thus, it can be said, if Eliot is in the great tradition, it is more as a scholar and a craftsman than as an artist of the first rank. He is certainly craftsman enough to be able to do whatever he wants, or dares, to do. But he is not artist enough, with a solid grounding in nature, to be able to determine what he truly should do. Ultimately, there is a problem here of knowledge, not of sensibility. Mr. Eliot's good-heartedness is testified to by Henry Rago's observation, "Of all the poets I have ever known, old or young, he was the kindest."\textsuperscript{1152}

\textsuperscript{1150} See _supra_ note 1144. _See also supra_ text accompanying note 1123.

\textsuperscript{1151} See sources cited _supra_ note 33.

\textsuperscript{1152} Rago, _supra_ note 1114, at 393. These are the remarks of a man who was himself very kind. _See supra_ note 1112.
Our inquiry may come down, then, to the question of what is truly worth knowing. This question should be addressed in assessing how much effort is required and justified in figuring things out when we confront the work of the modern artist. It is symptomatic of our times that the mystery story, and even more the crossword puzzle, should be so popular. The misdirection, if not trivialization, of intellectual talent is again and again evident among us, with the mass media particularly voracious here.

Still, it has been instructive for us to investigate T.S. Eliot as we have done in this conference. Our joint inquiry has given us an opportunity to discover what is not there, what we are not missing, if we continue to prefer the Classics and Shakespeare to the most fashionable moderns. It has also given us an opportunity to begin to see what needs to be done, what a more solid poetry offers and requires. And it has given us an opportunity to begin to see as well what has gone wrong with modern intellectual life.

The finest talents of the age have been tempted into talking more and more to each other about less and less. This failing is particularly to be lamented among academicians, who may have been largely responsible for the privatization, if not even for the crippling, of all too many artists during the past century. The ultimate sources of this diversion and decline go back for centuries; it is something to be investigated by us on other occasions. It suffices for this occasion, if we are to be able to begin to retrace our steps and to restore proper communities among ourselves, a prospect that T.S. Eliot himself would have heartily endorsed—it suffices for this occasion to observe that we seem to have ended up where we should not want to be.

21. WILLIAM FAULKNER (1897-1962)

And the king [David] said unto Cushi, Is the young man Absalom safe? And Cushi answered, The enemies of my lord the king, and all that rise against thee to do thee harm, be as that young man is. And the king was much moved, and went up to the chamber over the gate, and wept: and as he went, thus he said, O my son Absalom, my son, my son

1153. See, e.g., supra Part 15.
1155. On the use and abuse of third-rate books, see Law, Education, and Legal Education, supra note 101, at 774. On chance and our access to the Good, see id. at 781.
1156. A talk given in the First Friday Lecture Series, The University of Chicago, at the Chicago Cultural Center, Chicago, Illinois, November 4, 1988. (The original title of this talk was "William Faulkner's Absalom, Absalom!")
Absalom! Would God I had died for thee, O Absalom, my son, my son!

— Samuel

I.

William Faulkner's *Absalom, Absalom!*, regarded by some critics as the greatest novel of the twentieth century, incorporates three major stories, each of which has a shadow story of its own.1158

The tale upon which all the other stories build is that of the career of Thomas Sutpen in Jefferson, Mississippi, from his dramatic arrival there in 1833 until his death in 1869, after honorable service as a colonel in the Confederate Army. Shadowing this story is the account, fragmented and elusive, of Sutpen's impoverished youth in what is now West Virginia, of his seeking a fortune in Haiti, and of the escapades he must have ventured upon to advance and furnish his Mississippi enterprise.1159

The second major story touches upon what happened between 1869 and 1910 to various of Sutpen's relatives and near-relatives, including his sister-in-law Rosa Coldfield whom he had tried to marry and who, hating him for four decades, closes out accounts with an assault upon the Sutpen mansion that leads to her death, the death of Sutpen's surviving children, and the destruction of the house itself. She recruits for her preliminary foray against the Sutpen establishment a young Jeffersonian, Quentin Compson, who is about to leave Mississippi for his freshman year at Harvard. Quentin's grandfather, General Compson, had been Sutpen's best (perhaps his only) friend in town. The boy's father, a Jefferson lawyer, had (along with Rosa Coldfield) a shadow story of what happened between 1869 and 1910, a story (in critical respects unsubstantiated) which shaped Quentin in decisive respects and upon which he in turn builds.1160

The third major story incorporated in the novel is that developed by Quentin and his Harvard roommate, Shreve McCannon, in the Winter of 1909-1910. They try to bring everything together, ranging over almost a century of reports and rumors. In a sense, the action of the novel extends over only a few hours of speculative storytelling between the two young men at Harvard. In another sense, it runs from a stifling September afternoon in Mississippi to a freezing January night in Massachusetts. This story is

1157. 2 Samuel 18:32-33; see also infra text accompanying note 1180.
1159. Summaries of the story are provided in infra note 1165 and in the accompanying text.
1160. *See infra* note 1165.
shadowed by another that the reader is aware of as he evaluates the various conjectures that the young men depend upon.\textsuperscript{1161}

The reader wonders whether the novel is primarily about \textit{now} (1909-1910) or about \textit{then} (1833-1869 and thereabouts). The parallels between the two times become obvious, perhaps most significantly in the parallel between the association formed at the University of Mississippi between Henry Sutpen and Charles Bon and that at Harvard University between Quentin and Shreve.\textsuperscript{1162} Are we supposed to care most for how things are now, however much things now depend on what happened then or rather on what is believed to have happened then? Even if the primary concern should be with what is happening “now,” Faulkner describes more of the Civil War in this novel than he does in any other of his stories.

These three major stories, with their shadow stories, are themselves parts of the novel in which they are incorporated, the overall story—the story of the stories—told by Faulkner himself. In a sense, then, this novel is a story of how stories are developed and responded to.

The reader is guided, by the story developed by Quentin and Shreve, to what might have happened. Chance seems to have made these two youngsters roommates in their Harvard dormitory. It is important that Shreve is not a Yankee but rather a Canadian, an outsider who can assume the stance of the objective observer, however limited he must be (as Quentin several times reminds him) because he did not grow up “there.” Faulkner has so organized his own story of these stories as to lead to the exchange between Shreve and Quentin with which the novel ends:

“... Now I want you to tell me just one thing more. Why do you hate the South?”

“I don't hate it,” Quentin said, quickly, at once, immediately; “I don't hate it,” he said. I don't hate it he thought, panting in the cold air, the iron New England dark; I don't. I don't! I don't hate it! I don't hate it!”\textsuperscript{1163}

The detached Canadian puts the challenge to the engaged Southerner: “Why do you hate the South?” All of the book leads up to this question, the significance of which is pointed up by Quentin’s vehement denials, which denials Faulkner leaves hanging in the “New England dark.” Faulkner’s overall story, then, may be that of the crisis of Quentin Compson, who will die a suicide in the Charles River on the eve of his scheduled return to Mississippi

\begin{flushleft}
\textsuperscript{1161} See id.  \\
\textsuperscript{1162} See infra Section VII of this Part.  \\
\textsuperscript{1163} Id. at 378; see infra note 1169; see also infra text accompanying note 1172.
\end{flushleft}
at the end of his freshman year at Harvard. The question put by Shreve is not, "Do you hate the South?"\textsuperscript{1164} That hatred seems evident enough to Shreve, but not why Quentin should have it. Does the novel reveal why a sensitive Southern youngster should hate the South? Or is it that one is intended to see how far off the mark even a well-disposed and not-uninformed outsider can be?

II.

The foundation story, I have suggested, is that of Thomas Sutpen in Jefferson, Mississippi between 1833 and 1869. A Faulkner Glossary can sum up that career in this fashion:

\begin{quote}
Sutpen, Thomas. The founder of the Sutpen family in Yoknapatawpha County [Mississippi.] He was born in the mountain country of western Virginia in 1807, and around 1820 went to Haiti, where he married a Eulalia Bon, the daughter of a French planter there. They had one son, Charles Bon. When Sutpen discovered that his wife had Negro blood he divorced her. He arrived in Jefferson in 1833, and built himself a large plantation in the northwestern part of Yoknapatawpha County on a hundred acres of land gotten from the Chicasaws. He married Ellen Coldfield of Jefferson in 1838. They had two children, Henry and Judith. His whole life was dedicated to establishing a family, and when his son disappeared he tried other means of getting a male heir. When he spurned Milly Jones because her child by him was a girl, he was killed by Wash Jones, Milly's grandfather. This was in 1869. Appears in Absalom, Absalom!, "Wash," and Requiem for a Nun. Is referred to in The Unvanquished, "The Old People" (Go Down, Moses), The Town, and The Rivers.\textsuperscript{1165}
\end{quote}

\textsuperscript{1164} Is this a question left for the reader by the end of the novel?

\textsuperscript{1165} HARRY RUNYAN, A FAULKNER GLOSSARY 161 (1964). Another summary of the career of Thomas Sutpen is provided in TWENTIETH-CENTURY INTERPRETATIONS OF ABSALOM, ABSALOM! 101-02 (Arnold Goldman ed., 1971) (page references, which appear in parentheses, are to the Modern Library edition of the novel):

Colonel (126) Thomas Sutpen (9): Born West Virginia in 1807; one of 7 children; poor white, Scotch-English (381); arrives in Jefferson one Sunday in June 1833 (11); aged 25 in 1833 (17); marries Ellen Coldfield; he is a debased man who stages fights between his wild Negroes for entertainment; even fights them himself; forces his son Henry to watch; Henry gets sick at sight, but his sister Judith watches secretly and voluntarily (29-30); expert pistol shot (33); acquires 100 square miles
Perhaps the most dramatic episode in the Sutpen career, aside from the epic of his coming to Jefferson with his wagon of wild Negroes and a captive French architect to build his mansion, is that of Henry Sutpen killing his half-brother Charles Bon upon reaching the gate of the Sutpen estate after their riding across the South together at the end of their service in the Civil War. This killing, which obliges Henry to disappear for decades, is intended to prevent the impending marriage of Charles Bon and Henry’s sister, Judith.\footnote{1166}

Henry had pleaded with Charles not to go through with the marriage (Judith herself does not participate in their negotiations); Thomas Sutpen evidently depended upon Henry not to permit the marriage. The killing of Charles is built up to several times in the novel. For example, one chapter ends with the vulgar Wash Jones announcing the killing to Rosa Coldfield, Henry Sutpen’s aunt (who is younger than he is): “‘Air you Rosie Coldfield? from Chickasaw Indians; uses his last coin (a Spanish coin) to record deed (34); returns two months later with a captive French architect and 20 slaves (35, 37); borrows his first seed cotton from General Compson to start plantation (40-41); first goes to church in 1838 where he sees Ellen (41); he got his land from [the Indian] Ikkemetubbe (44); after his deliberate siege of Mr. Coldfield and Ellen, he disappears again and returns in 2 months with a fabulous cargo of rugs, mahogany, crystal, etc. to furnish his house (43-44); is engaged to Ellen (1838); is arrested on suspicious about furniture (47); is married in June 1838, two months after arrest (48); refuse is thrown at couple when they leave church (56); returns home from war in 1866 (62); in 1858, he is “biggest single landowner and cotton-planter in the county” (72); begins war as second in [regimental] command to Colonel Sartoris in 1861 (80); nearing 55 in 1861 (80); visits New Orleans to learn of Bon’s association with nonwhite mistress (92-93); he decides to prevent the marriage to Judith (93); [from p. 92 to p. 104 ff. there is constant hinting that what Sutpen discovered was the mistress, not that Charles Bon was his own son;] elected Colonel when Colonel Sartoris is deposed by his own officers (126); during war his wife dies (188); returns from war January 1866 (158); is engaged to Rosa Coldfield 3 months later (158); Sutpen 59 in 1866 (160); determines to restore the place (160); is killed by Wash Jones (17-72; 284 ff.), in 1969 (181-82, 185) because he seduced Jones’s 15-year-old granddaughter and then scorned her when she bore a girl (183, 185). [There is a discrepancy in date on p. 185; Judith is said to be 30 when he died; thus the date of his death would appear to be 1871 here.] Sutpen dies on August 12, 1869 (188); he had been born in 1807 in West Virginia; his early life is narrated (220-38); he went to West Indies to start his fortune (238); put his first wife aside because she did not fit his design (241); got Spanish coin in West Indies (238); the wife he repudiated was West Indian French [Charles Bon’s mother] (248); he also repudiated their child (262); he saw Charles Bon during the war and knew he intended to marry Judith; he confronted Henry with this fact; finally he told Henry that Charles had Negro blood (354-55); this fact, not incest, convinced Henry to kill Bon (355).

\footnote{1166. See \textit{Faulkner}, \textit{supra} note 1158, at 132-33.}
Then you better come on out yon [to the Sutpen estate]. Henry has done shot that durn French feller. Kilt him dead as a beef.”

It takes some time after that—in fact, a couple of hundred pages—before this episode is fully described. Much of the book is devoted to explorations of what happened and why. It is difficult to be sure why it happened, as one speculation after another, from this source and that, is drawn upon. The reader is finally led to believe that Henry felt obliged to kill his half-brother not because of the prospect of incest that the impending marriage represented but because of Charles’s Negro blood. That, we are given to believe, accounts for what happened.

III.

Much depends upon this killing, including what it does to Sutpen’s dynastic plans and to his desperate experiments thereafter with Rosa Coldfield and with Milly Jones. It is important, therefore, to be as clear as one can be about what seems to be the principal motive for the killing, the prospect of a marriage between the headstrong Judith and a man with Negro blood.

Who is the “Negro” who has to be killed to save the honor of the Sutpen family? He is someone whose mother (Thomas Sutpen’s first wife, in Haiti) was herself light enough to pass as white and whose father, Sutpen himself, is completely white. He is someone, therefore, who has very little Negro blood and who easily passes for white; indeed, he is someone who may not have known, until late in his life (if at all?), that he had Negro blood.

In addition, the man complained of had been raised in New Orleans as a white gentleman, had attended the University of Mississippi as a white, and had served for four years in a Mississippi regiment of the Confederate Army as an officer who is said to have been wounded at Shiloh. Thus, to treat him thereafter as a Negro could well be understood as preposterous.

Are we meant to see it as silly that people such as the Sutpens can care so much about this sort of thing? Or is it that Faulkner himself is being silly if he wants his readers to take seriously Charles Bon’s fatal taint? Is it at all “probable” that this could have happened as reported (whatever may happen to be available in Southern annals)?

The obscurity of the story line helps conceal the silliness of the plot in so vital an element. If so, does this suggest that Faulkner was aware of the

1167. Id. at 133.
1168. There are many places in the novel where the questions of who is Negro and what that may mean are touched upon. See, e.g., id. at 106, 115, 198, 204, 240, 264-65, 321, 327, 333-34, 335-36, 354-55.
1169. That the preposterous “has” to be taken seriously could contribute to the desperation that may be evident in Quentin’s protest at the end of the novel. See supra text accompanying note 1163; see also infra note 1172.
difficulty here and of what it exposed about the irrationality at the core of Southern pretensions and aspirations? Does this, in turn, suggest why the South could drive those who love her most to hatred?

IV.

The first major story (up to Thomas Sutpen's death in 1869) depends then upon a dubious, even silly, improbability, an improbability that reaches back to Sutpen's divorce in Haiti and the need to strike out for Mississippi. The killing by Henry Sutpen of his half-brother, if that is indeed who he is, virtually finished off the career of Thomas Sutpen and, not long after, his life as he tries to recoup his genetic fortunes.

We must now consider at greater length the second major story, about the efforts of the Sutpen people (including the deeply-offended Rosa Coldfield) after Thomas Sutpen's death. But first, something must be said about the third major story, which culminates in the efforts by Quentin and Shreve one cold night in Cambridge, Massachusetts to make sense of what had happened not only in the 1860s but also since.

Critical to the efforts at Harvard is Rosa Coldfield's enlisting of Quentin in her September foray against the Sutpen mansion. It is this foray that provides Quentin both information and incentive for the Harvard project. It may be more than chance that led to Rosa's enlistment of Quentin. After all, his grandfather, General Compson, had been as intimate as anyone in Jefferson with Thomas Sutpen. Does Rosa sense that Quentin, as a Compson, would be as likely to be obsessed with the Sutpen saga as she may know his father to be.1170

Rosa acts decisively, recruiting Quentin, in September 1909, several years after she had come to suspect that Henry Sutpen had returned to hide in the mansion with his Negro half-sister, Clytie. Perhaps she senses that Quentin is now old enough to help her—and that she had better get him before he leaves for Harvard, perhaps never really to return to Jefferson. The help she most wants from him may be to tell her story, for she seems to know he has literary talent—and she does want to have the story told, although it probably does not come out in its telling the way her passions would have it.

Rosa is correct in discerning the born story-teller in Quentin. But she probably does not appreciate how soul-wrenching this and related experiences can be for him—or how vulnerable Quentin himself is. But he does tell "her" story to Shreve—and, we can say, it comes through Shreve to us. That is, Shreve is a Canadian who went on to serve in the Royal Army Medical Corps

1170. She is not likely to know, however, that his own family relations are not unlike the relations of Henry Sutpen, Judith Sutpen, and Charles Bon.
during the First World War; and Faulkner, we know, trained with the Royal Air Force in Canada during that war. We can surmise, therefore, that the story of these stories develops from the perspective of a Southern writer who “gets” it through a Canadian associate and embroiders it thereafter in the Southern style.\footnote{The embroidery evident here is in the tradition to which Odysseus so artfully contributed. See, e.g., THE THINKER AS ARTIST, supra note 18, 27-44. See also the Conclusion of this Collection.}

Whether it is Quentin's story or Faulkner's, it is curious how it comes across to us. It is conveyed in an obscurantist manner. Is this related to the pain of seeking and learning the truth? We notice again and again passages in which a simple, and available, explanation could have cleared up a great deal. The pervasive pain of the inquiry is reflected, as we have seen, in the final question put by Shreve to Quentin, “Why do you hate the South?”\footnote{See supra text accompanying notes 1163-64. Underlying the preposterousness to which I have referred in supra note 1169 is the marked irrationality of the slavery regime (and hence its aftermath) in the South. See infra text accompanying note 1176.}

The reader is repeatedly obliged to consider who the sources are of what information and how accurate one or another report is. (In fact, so complicated is the story that one can make a rather contrived, but not altogether implausible, argument that it was Bon who killed Henry at the gate, rather than the other way around. Certainly, Bon would have more reason to flee than a Southern gentleman protecting his sister's and the family honor. Either way, however, Henry is eliminated from Thomas Sutpen's plans.) The overall story—Faulkner's story—is as much, then, about how the truth comes to be known as it is about what the truth is (that is, about what “really happened”).

Facts, we are thereby taught, do not stand alone. One cannot help but wonder why things happen as they do in Faulkner's world, and what this says about what “really happened.” Myth and history are revealed as vital, and yet as never clear and certain. Thus, we can recognize, there is evident a lot of thinking by Faulkner himself; it is not merely inspiration that we see at work here.

The concealed, even tortuous, arrangements and rearrangements, of facts in this novel may testify to the difficulty human beings can have facing up to the truth, especially in the South. This, too, is reflected in the final question put by Shreve to Quentin, “Why do you hate the South?”\footnote{Compare the Odyssey of Homer. That, too, is a complicated tale, or family saga, with a great war, returning warriors, and an overriding concern...}
about the relations of fathers and sons and of husbands and wives. But we are not strung along in the *Odyssey* as in *Absalom*, deliberately confused, or obviously misled. Rather, we are told at the outset and several times thereafter what has happened and what can be expected to happen. The overall story is straightforward, even though Odysseus himself is a great fabricator of stories.\(^{1173}\)

Does not the variety of narrators and the conflicting stories testify to deterioration in the South? The overall plot comes down to us primarily through Quentin, who is a disturbed young man. The concealments and distortions we have noticed minister to Southern pain. The decadence of a South obsessed with itself, reduced to evasive words once bold deeds have failed, permeates this novel if not all of Faulkner's work. This is radically different, in critical respects, from Thomas Sutpen's congenital innocence.\(^{1174}\)

Southern self-absorption, especially after the war is lost, is evident in the story that ranges from 1869 to 1910—that is, from the Civil War to the burning of the Sutpen mansion. These are people who can neither acknowledge the errors of their ways nor at least leave well enough alone. One encounters again, almost as a native growth, betrayals and perversions. Of course, this can be interesting, especially when related by an artist of genius, but that can be largely because of bizarre (or improbable) developments.

These people live too much in memories that they cannot cope with. They come to feel betrayed—and they in turn betray those who depend upon them.\(^{1175}\) Suicide in circumstances such as Quentin's is itself a kind of betrayal by the betrayed. Does the sense of betrayal, or treason, figure so deeply in the life and thought of the South since the Civil War because that war was itself an unwarranted repudiation by headstrong Southerners of what the greatest men in the South, going back to Jefferson and Washington, had originally stood for?\(^{1176}\)

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\(^{1173}\) The most contrived and unpersuasive parts of *Absalom* are the episodes having to do with Charles Étienne de Saint Velery Bon and Jim Bond.

\(^{1174}\) The problem with Southern self-knowledge is further testified to by the fact that one may not readily recall anywhere in Faulkner a recognition by any prominent white character either of the stature of Abraham Lincoln or of the nobility of the Northern cause and sacrifices in the Civil War. Much the same can be said about the failure of Stephen A. Douglas to grasp the superiority of the Lincoln with whom he had been contending for years. See *Abraham Lincoln*, supra note 45, at 166-67.

\(^{1175}\) See supra note 1020.

\(^{1176}\) See *Abraham Lincoln*, supra note 45, at 358-59.
VI.

Thomas Sutpen, base-born though he was, is perhaps the best of the lot in his time and place. There is nothing prosaic about Sutpen; he dreams big dreams. He is the least corrupted of the men we encounter; his single-mindedness, as well as his curious innocence, may be seen in how he has his regimental forage-wagons haul thousand-pound grave monuments (for his wife and himself) from one battlefield to another in the War. General Lee himself recognized his valor; and his men put him in place of the aristocratic Sartoris as Colonel of the regiment; after the war, he can dare to dismiss the night-riding Ku Klux Klan as foolishness.

We can see in Sutpen a certain manliness, some mad actions in his ruthlessness, but not madness itself. We can also see in him what a Founder can look like before his memory is glossed over by success and by generations of veneration. Even so, Sutpen is trapped by the public opinion he generally despises, beginning with the repudiation of his first wife, which eventually leads (and would, even if the War had not made things worse, have led) to his decline. If he had been sensible—and he does exhibit less race prejudice than any other major character in the book—he would have had a successful career in Haiti or, if need be, in Charleston (if the whites had seen fit to leave Haiti with their fortunes).

There are, of course, echoes in Sutpen's career, in his dealings with his children, of the story of David and Absalom. The New Columbia Encyclopedia sums up in this fashion that Old Testament story: "Absalom, son of David. He murdered his brother Amnon for the rape of their sister Tamar and fled. After a time he returned, but no sooner was he reconciled with his father than he stirred up a rebellion ultimately resulting in his death. 2 Sam. 3.3, 13-39, 2 Chron. 11. 20, 21." And, we are told by the Bible, King David wept after the death of Absalom. The poignancy of the story of David and Absalom, with the king's cry of anguish, may be detected not only in the title of the Faulkner novel but also in the encounter of Sutpen and his son in a battlefield tent. What loss is commemorated in the title of the book—Henry or Charles or both?

How are we meant to assess Sutpen's life? Is there not something grand and admirable about him, despite his obvious, sometimes appalling,
shortcomings? Even his most barbarous exploits, the brutal wrestling with his wild Negroes, testifies to his opinion that he is not only the legal but also the natural master of his slaves. He is, in critical respects, better than the more cultivated men around him—and he knows it. There is in his grandeur something which defies ordinary tests.

We can well wonder what advice Sutpen should have been given in 1833, when he first came to Jefferson, Mississippi (if not earlier in Haiti), or in 1860, when he had to deal with the reentry into his life of his repudiated son Charles Bon, or in 1866, when he came home from the War to find his sons gone and his daughter in perpetual mourning. The advice he perhaps needed most of all would have had to take account of the fact that this David had no Abraham or Moses behind him, which made him too susceptible to the collective opinions of the men around him whom he not unjustly considered himself superior to.\textsuperscript{1182}

\section*{VII.}

Is Sutpen destroyed then partly because of his deficiencies, partly because of the South’s? The silly business of the fratricide, for the reason given in the novel, is a symptom of the Southern disease. Quentin is infected by the same disease, seen more in his case perhaps in an interracial concern within his own family and in efforts to be reconciled to the past. He may be, in 1909-1910, before the South was somewhat redeemed by its return to recognized national service in the First World War, in the position of young Germans who inherited after 1945 the legacy of the Nazi regime, including atrocities that they could not bear either to acknowledge or to forget.\textsuperscript{1183}

Quentin does seem to be like Faulkner in critical respects. But, we have noticed, Faulkner, with his temporary escape to Canada during the First World War, also has Shreve in him. He can find salvation in his art. It is a credit to Faulkner’s respect for his art that every Negro we come to know in his stories is a human being, whatever reservations one might have about some of his political statements elsewhere about twentieth century race relations.\textsuperscript{1184}

\textit{Does} Quentin hate the South? If so, it is a kind of hate that is generated by a love gone sour, by a love that cannot find in the beloved the fine things that the lover has been taught to expect. The exhibitions we have of hate in this novel—that of Rosa Coldfield toward Sutpen, and perhaps also that of Sutpen’s first wife toward him—are especially virulent, leading eventually to

\textsuperscript{1182} On Abraham, see \textit{On Trial}, supra note 38, 854. On Moses, see \textit{Law & Literature and the Bible}, supra note 33, at 591, 604, 613.

\textsuperscript{1183} On these atrocities, see \textit{CAMPUS HATE-SPEECH CODES}, supra note 112, at 71; \textit{On Trial}, supra note 38, at 977-94.

\textsuperscript{1184} Consider, for example, Lucas Beauchamp in \textit{Intruder in the Dust} (1948).
the destruction of the very people that the haters most care for. Rosa had been “propositioned” by the desperate Sutpen after the War: let us conceive a child, he had suggested; if it is a son, I will marry you. Would she not have done better to have taken up his offer? That is, would she not have had a better life with a daughter, even though illegitimate, than to live alone and hate Sutpen as she does the rest of her life (assuming these were her two principal choices). Besides, if her first child had been a daughter, then would not Sutpen have had to try again with someone—and why not again with Rosa? Or is it that such questions expose the inquirer, still another time, as insensitive to Southern sensibilities?\footnote{\textsuperscript{1185}}

We return to Quentin and his hate of the South. Whether Quentin hates his country may ultimately depend in part upon whether the South is indeed hateful or lovable. Is it hateful for fighting the disastrous war that it did, or for fighting it in large part to protect slavery from outside interference, or for being trapped thereafter by the race question?

The diagnosis of an unhealthy hatred in Quentin is made by Shreve after an intimate exposure to him. (Is this novel in part a study of incipient insanity in Quentin?) Shreve is a future doctor, a sensitive, imaginative and interested fellow. And he has had the advantage of listening not only to what Quentin says about the South but also to how he says it.

What are we supposed to make of the repeated vehement denials by Quentin at the end? (These repetitions echo those in King David’s cry of anguish, but without the underlying faith upon which David depends.) Does Quentin’s vehemence anticipate the desperation of his suicide, which also involves (as for Henry Sutpen and Charles Bon) questionable relations with a sister? Does Quentin hate the South because he knows he should love it but cannot do so? Or is it that he loves what he knows he should not?

Quentin is obsessed with the past; Sutpen is obsessed with the future. Quentin is trying to control the past in the way that Sutpen tried to control the future. Quentin cannot bear to return home from Harvard to face the disintegration of his family. He becomes paralyzed, partly because of his efforts to comprehend what had happened, partly because of his inability to muster efforts to deal with what was happening or was soon likely to happen. And so, like Ophelia, he drowns himself.\footnote{\textsuperscript{1186}}

\footnote{\textsuperscript{1185}} Even so, such sensibilities (which one can see elsewhere, as among the modern Greeks) can become tiresome, as well as life-denying. One can be reminded of Robert Burns’s portrait of the woman who nursed “her wrath to keep it warm.” See supra text accompanying note 290. On the modern Greeks, see supra Part 19 of this Collection.

\footnote{\textsuperscript{1186}} Quentin is also like Hamlet. He could have endorsed Stephen Dedalus’s opinion that history is a nightmare from which one must awake. See supra text accompanying note 1070.
Quentin’s interest in the South goes back to his ineffectual Polonius-like father. Does it take hatred to be as obsessed as Quentin is with the South? Shreve sees the South as theatrical: this helps keep him from hating the South. The South does not appear “real,” but rather contrived, to Shreve. “You would have to be born there,” Quentin tells him.

Is it an instinctive Southern reaction to hate the South? That is, is this the way that the more sensitive Southerner, who cannot bear to live anywhere but in the South, is likely to respond to all this? A Socratic, we suspect, would not succumb to hate in these circumstances. Rather, he would want to figure out what happened, so as better to understand human things. He would not regard what had happened and what is as a personal “insult,” permitting it to fester as hatred.

Are we not supposed to be intrigued by, and to learn from, the South, not to hate it ourselves, by the time this treasure-trove of a book ends?

CONCLUSION: THE FUTURE OF ODYSSEUS

For illustrious men the whole earth is a burial place, and not only do the burial markers at home commemorate them but even abroad there lives for each an unwritten memorial, resting more in the minds of men than in any physical marker.

— Pericles

I.

Still another survey of the literature of modernity can be developed by reviewing how an ancient character or story has come to be used across the millennia. Each use of such a story or character by an artist has to be read on its own, even as the reader is expected to be aware of the tradition in which the retelling appears. One can be reminded, as such texts are examined, of how serious writers should be read. We have noticed in the Preface to this Collection that this is a lesson that is particularly important for lawyers—that is, for a profession which very much depends upon disciplined reading and

1187. See FAULKNER, supra note 1158, at 217. Compare id. at 377.
1188. Id. at 361.
1189. This Conclusion is taken, for the most part, from a talk given at a Basic Program Weekend Conference, The University of Chicago, Alpine Valley Lodge, East Troy, Wisconsin, October 25, 1998. (The original title of this talk was “The Future of Odysseus.”)
1190. THUCYDIDES, THE PELOPONNESIAN WAR 2: 43 (Thomas Hobbes trans.); see 1 LIBERTY, EQUALITY & MODERN CONSTITUTIONALISM, supra note 19, at 37.
writing. All this can be illustrated by a return, however briefly, to someone as familiar as Odysseus, who is a vital part of the Western tradition.\footnote{We have a notable recent retelling of the Odysseus story in \textit{supra} Part 18 of this Collection. On Homer's \textit{Odyssey}, see \textit{THE THINKER AS ARTIST}, \textit{supra} note 18, at 27.}

The career of Odysseus, after the slaughter of the suitors and the cleansing of his palace, is anticipated by what Tiresias is reported to have said during Odysseus' encounter, on his long way home, with various souls from Hades.\footnote{\textit{See ODYSSEY, XI: 90-149.}} Odysseus is instructed by Tiresias to make his peace with Poseidon by setting up a shrine to him so far inland that people there are unfamiliar with an oar: this is indeed a tribute to Poseidon, since it provides him recognition for his prowess at sea even among those who are not at his mercy as sea-going people. Even so, Tiresias can be understood to have indicated, Poseidon would get his "revenge" of sorts, in that Odysseus in his old age would eventually die a gentle death at sea.\footnote{\textit{See id. Poseidon was also associated with earthquakes, able thus to reach everyone on earth.}}

Questions can be raised, of course, about the reliability of the accounts, provided primarily by Odysseus himself, of encounters not only with Circe, Calypso, and the Cyclops, but even with the likes of Tiresias and other souls in Hades.\footnote{\textit{See id. at IX-XII.}} Perhaps a poet here and there, in thinking about what is and is not said by Homer in the \textit{Odyssey}, has considered it left to his own investigation what "really happened" to Odysseus after his recovery of his palace (with the aid of his son) and his reunion first with his wife and then with his father.\footnote{\textit{See id. at XXIII.}}

The fact that his father is still alive, and not simply feeble (however demoralized) in his old age, suggests that Odysseus has several decades ahead of him. His great adventures are over, adventures on the way home which have perhaps been embellished by him.\footnote{\textit{See id. at IX-XII.}} Odysseus' struggle is over: he is home, and that home is clearly his now, in a way that it had never been before, for he now has a wife who has been tested and a son who has matured. Odysseus has faced up to the challenge of not only the suitors but also of alternative females. He can now settle down with Penelope.

How is Odysseus' life, during the generation ahead, going to be different from, if not better than, the life of Laertes, a man who had had notable adventures in his own day? Something of the Laertes of long ago can be seen in the revivified warrior who helps Odysseus confront the angry relatives of the slaughtered suitors.\footnote{Homer himself, it can be said, vouches for what happened at Troy.\footnote{\textit{See id. at XXIV.}}}
II.

Homer says relatively little about what happened to Odysseus before he went off to Troy. Even so, more is said by Homer about the pre-Iliad than about the post-Odyssey Odysseus. We are told something, in the Iliad, about Odysseus' origins and how he had come to the war (that is, with some reluctance); we are told, in the Odyssey, about the youth of Odysseus (for example, how he had gotten the scar on his foot that the nurse recognized) and about his relations with Penelope (for example, about the bed that had been made by him).1198

Other things in the past can be referred to. Thus Odysseus is called a sacker of cities, suggesting feats of his other than the taking of Troy.1199 Similarly, feats by others, even in times long past, can also be referred to, such as those that Nestor recalls.1200 We can wonder how many of the adventures of the earlier generations, reported by Homeric characters, "actually" happened. That is, did Homer create a past that can be alluded to by his characters?

There is evidence for a series of stories about Achilles and others which precede Homer.1201 We are reminded by the Odyssey itself that there can be varieties in the stories told about the great men of old. Thus, the story told (again out of Hades) about Oedipus and his mother is not the one we are most familiar with by way of Sophocles.1202

There seem to have been old stories about Odysseus as well, with variations exhibited therein of his name. One of his old names seems to have been "Ulixes." Perhaps this was what the Romans drew upon in their use of "Ulysses" instead of "Odysseus."1203

One feature of Odysseus' career which is, of course, made much of by Homer is that he was a great traveler. It is appropriate, therefore, that Odysseus should travel as he does through the worlds of other poets across the ages.

1198. See Homer, Iliad at X; Odyssey, at XIX, XXIII.
1199. See, e.g., Odyssey at I, IX.
1200. See Iliad at XI.
1201. Is Homer aware, for example, of the story about Achilles' mother dipping her infant in the River Styx in order to make him invulnerable to wounds? This does not seem to be a story that Homer used.
1202. See Odyssey at XI, 270.
III.

Whatever else Homer is silent about, as well as what he does indicate about, Odysseus, it is clear that his hero is a complex man, a man of many turns, something that is noticed in the opening lines of the *Odyssey*. He is, it seem safe to say, the most complicated of the Homeric warriors.

Odysseus himself keeps telling different stories about what he has been doing since Troy. His greatest adventures, we have noticed, are told by him, not directly by Homer. In this sense he is the most poetic, even Homeric, of the heroes, telling memorable stories in a manner worthy of Homer himself. It is indeed appropriate that there should be a wide variety of stories about his post-*Odyssey* life. That, it can be recognized, is truly Odyssean.

Odysseus is Homeric also in that he is challenged to keep things interesting. To this end, as well as to advance his interests, he can be imaginative and deceptive. Athena can even be amused by his inventiveness: only a goddess such as Athena can easily keep track of this wily man, although Penelope does not do badly.

Other female divinities had attempted to keep Odysseus with them, even promising him immortal life. But did he not become someone memorable (and, in a sense, immortal) by not succumbing to such a temptation: he could not be fully himself, "forever," until he reestablished himself firmly at home. As such, he continues to "live," while divinities such as Calypso are virtually gone. That is, there may be better and worse forms of "immortality."

IV.

Odysseus, it sometimes seems, tests others through the stories he tells them, watching to see what they do with what they are offered. We, in turn, can test the artists subsequent to Homer who have ventured to do more with Odysseus. Perhaps no other Homeric hero has had as much done with him as this one.

It is significant, perhaps, who the artists are who tend to be silent about Odysseus. Most revealing here may be the fact that the Germans have made a lot of Achilles, Ajax, Hercules, Oedipus, and the like, but not of Odysseus. Goethe, it is said, intended to do something with him, but evidently did not. The Germans, it seems, have gone in for a tragic view of life; it is for them a
dark world that has to be dealt with, whereas the world of Odysseus is more comic than tragic.\textsuperscript{1209}

Elements of the Odysseus story are developed among us by Mark Twain in his \textit{Huckleberry Finn}. We can see there something of Odysseus as a boy, a thoughtful boy intrigued by what the adventurous, Achilles-like Tom Sawyer can offer.\textsuperscript{1210}

V.

Before we look more closely at what modern artists have done with Odysseus, we should notice what may be the most challenging assessment ever made of him, that which is provided us by Plato’s Socrates in Book X of the \textit{Republic}. It is there that we are offered the future of Odysseus one thousand years after his death, when his soul comes to choose its life “the next time around.”\textsuperscript{1211}

Here is the account passed on to us by Socrates as part of his story about how souls chose their next lives:

\begin{quote}
And by chance Odysseus’ soul had drawn the last lot of all and went to choose; from memory of its former labors it had recovered from love of honor; it went around for a long time looking for the life of a private man, who minds his own business and with effort it found one lying somewhere, neglected by the others. It said when it saw this life that it would have done the same even if it had drawn the first lot, and was delighted to choose it.\textsuperscript{1212}
\end{quote}

Odysseus is seen, in his Book X choice of his next life, to be somewhat “philosophical,” in that his is closest, of all the choices reported, to what Socrates would probably do in like circumstances. This is particularly striking in the light of what the Greek playwrights of Socrates’ time had been doing

\begin{footnotes}
\item[1209] See supra Part 4; Compare supra Part 3.
\item[1210] One of Mark Twain's heroes, by the way, was \textit{Ulysses S. Grant}. The use of that name by the Grant family suggests that Odysseus may have been well-regarded in nineteenth century America. On Mark Twain, see \textit{THE ARTIST AS THINKER}, supra note 10, at 179; \textit{Law, Education, and Legal Education}, supra note 101, at 684.
\item[1211] There is even something Odyssean in this presentation in that it is an account provided neither by Plato nor by Socrates but rather by someone else, a man (not otherwise known?) named Er.
\end{footnotes}
with Odysseus in their tragedies, making of him a somewhat dubious character, however talented he may be.\textsuperscript{1213}

Does Plato, in developing this future of Odysseus, go beyond Homer? This inquiry bears upon how seriously we should take the Socratic condemnation of the poets in Plato's \textit{Republic}.\textsuperscript{1214} After all, we can see in Book X of the \textit{Republic} that the poet, Homer, had anticipated in Odysseus the "philosophical" man.\textsuperscript{1215}

\section*{VI.}

Plato's account of Odysseus is to be contrasted with the accounts of others "around" him, both the Greek playwrights before Plato and the Latin writers after him. Although the seeds of the philosophical Odysseus may be seen in his curiosity, he can also be condemned in the Western tradition as a liar, largely because of his part in devising the notorious trick with the Trojan Horse.

Thus, Odysseus came to be regarded as much more questionable morally than he was evidently regarded by either Homer or Plato. This depreciation of Odysseus may be due, in part, to circumstances, as well as to the limitations of those authors who had read, or misread, Homer.

The circumstances of the Greek playwrights included the need to deal with the problem of the status of the \textit{polis}. Fifth century Athenians had to come to terms with the at times anarchic Homeric standards and tendencies if peace, the \textit{polis}, and hence genuine political life were to be soundly established.\textsuperscript{1216}

Then there are the circumstances of the Latin authors, such as Virgil and Seneca.\textsuperscript{1217} The Romans saw themselves as the heirs of Troy, partly because of Trojan virtues and partly because of their own anti-Greek stance.\textsuperscript{1218} And

\begin{footnotesize}
\textsuperscript{1213.} What Socrates does with Odysseus, in Book X of the \textit{Republic}, is consistent with what the Platonic Plutarch does in considering Odysseus to be "wise." See Stanford, \textit{supra} note 1203, at 297; see also id. at 127, 277 n.14.

\textsuperscript{1214.} \textit{THE REPUBLIC}, Books II-III, X.

\textsuperscript{1215.} The Socratic condemnation of Homer had made much of what Achilles had said to Odysseus "in Hades" about the awfulness of death, as if the Homeric stories really would make cowards out of their audiences. (Was the problem instead that those stories promoted recklessness?) The very Homeric passage that Socrates condemned here is later rehabilitated, albeit quietly, in the \textit{Republic}. See \textit{THE CONSTITUTIONALIST}, \textit{supra} note 115, at 278-81; see also \textit{supra} notes 1061, 1098, 1127.

\textsuperscript{1216.} This may be reflected in the ancient quarrel between philosophy and poetry. See \textit{supra} text accompanying note 1127. However that may be, the Odysseus of Sophocles' \textit{Philoctetes} can be referred to by Classicists as "the black Odysseus."

\textsuperscript{1217.} It is worthy of investigation to determine precisely what the Platonic Cicero, as well as of the Platonic Plutarch, does with Odysseus. See \textit{supra} note 1213.

\textsuperscript{1218.} This could happen even as the Romans adopted and very much depended upon
the Romans, as partisans of Troy, could particularly resent Odysseus as the
deviser of the trick that finally led to the destruction of Troy.

VII.

The conquest of the Western world by Rome meant, among other things, the
eclipse of Greece for centuries. This was reinforced by the ascendancy of
Christianity, which adapted to its ecclesiastical use the Roman political order
and bureaucratic organization. The collaboration between Rome and
Christianity may be seen in Dante’s consignment of Brutus and Cassius to the
lowest depths of the Inferno. They were thus condemned, as betrayers of
Julius Caesar (the founder of the Roman Empire), along with Judas Iscariot,
the betrayer of Jesus. 1219

One consequence of the Roman ascendancy seems to have been the lack
of direct access to the Greek texts for centuries in the Western world. 1220
Symptomatic of this may be the use of the name Ulysses as in Dante and
Shakespeare. This Latinized Odysseus is different, in where the emphasis is
put in his character, from Homer’s. Dante emphasizes the adventurousness of
Odysseus, not to acquire booty or to get home and recover his rule but rather
to make ever more discoveries. But it is not for this that he is condemned to
the Inferno by Dante as an heir of Rome, but rather for his deception at Troy,
something for which neither Homer nor, it seems, Plato would have
condemned him. 1221

VIII.

We can see in Shakespeare also the Roman influence with respect to the
status of Odysseus. Although Odysseus can be described, in The Rape of
Lucrece, as “sly Ulysses” who could exhibit “deep regard and smiling
government,” he is implicitly repudiated when Sinon and the Trojan Horse are
explicitly condemned in that poem. 1222 Repudiation of Odysseus is explicit

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1219. See DANTE, THE INFERNO, Canto 34; see also supra notes 1020, 1026.
1220. The principal exception, of course, was the Greek New Testament. On the tension
between the East and West, especially as reflected in struggles relating to the Nicene Creed, see
Law & Literature and the Bible, supra note 33, at 719.
1221. Compare infra text accompanying note 1253.
1222. The men in the Horse at Troy are reported by Homer to have been led by Odysseus.
See ODYSSEY, bk. VIII, 502.
in Shakespeare’s *Troilus and Cressida*, in which Ulysses (impressive as he can sometimes be in that play) is not regarded as attractive.1223

Indicative of the status of Odysseus among the Elizabethans is what can happen to Antinous, who is presented by Homer as perhaps the most villainous of Penelope’s suitors.1224 Antinous can be presented by Sir John Davies, a contemporary of Shakespeare’s, as an attractive man with ingenious notions about the arts.1225 In this and other ways, therefore, Odysseus and his practices are in effect disparaged.

What accounts for this treatment of Odysseus by the Elizabethans, even though some of them had access (either directly or indirectly) to Homer’s poems? Is it because they identify themselves with the Romans and hence with the Trojans, an identification established long before any Homeric texts became available in the post-Classical West? Or is it that they are influenced somewhat by Christianity, with its suspicion of slyness, “deep regard, and smiling government”1226

IX.

Before I say something about Odysseus in recent centuries, it should be instructive to consider further both the Roman and the Christian responses to Odysseus by noticing, however briefly, even more serious reservations about Odysseus than those which have been mentioned. Here we can draw upon Plutarch.

The Platonic Plutarch describes two episodes of self-destructive superstition, one among the Athenians, the other among the Jews. Here is what happened among the Athenians:

It would perhaps have been the best thing in the world for Nicias, general of the Athenians, to have got rid of his superstition in the same way as Midas and Aristodemus [that is, by committing suicide], rather than to be affrighted at the shadow on the moon in eclipse and sit inactive while the enemy’s wall was being built around him, and later to fall into their hands together with forty thousand men, who were either slain or captured alive, and himself meet an inglorious end.1227

1223. Consider, however, how the story is told by Geoffrey Chaucer.
1224. It is Antinous’ father that Laertes kills when the relatives of the slaughtered suitors come for revenge. See *Odyssey*, bk. XXIV.
1225. This may be seen in Davies’s long poem, *Orchestra*.
1226. Compare Harry V. Jaffa’s observation that Shakespeare transmitted the Socratic teaching to modernity.
1227. PLUTARCH, ON SUPERSTITION 169A.
Plutarch then explains:

> For the obstruction of light caused by the earth's coming between sun and moon is nothing frightful, nor is the meeting of a shadow with the moon at the proper time in its revolution anything frightful, but frightful is the darkness of superstition falling upon man, and confounding and blinding his power to reason in circumstances that must loudly demand the power to reason.  

And here is how the Jews get into Plutarch's account. He describes how both Ajax and Agamemnon did not neglect to arm themselves properly even as they called upon the gods for help in an impending battle. But, he adds, "the Jews [on one occasion], because it was the Sabbath day, sat in their places immovable, while the enemy were planting ladders against the walls and capturing the defences, and they did not get up, but remained there, fast bound in the toils of superstition as in one great net."  

The Nicias episode is presented similarly by Thucydides. But the Jewish episode may be more complicated than Plutarch understands it, especially since there is now a self-defense exception to Sabbath restrictions among the Jews.

We need not concern ourselves, however, with the accuracy of these descriptions. They suffice to suggest to us the deeper, if not the deepest, reservations that Romans and Christians may have had about the likes of Odysseus.

The Romans, like Nicias, and the Christians, like Plutarch's Jews, could be inhibited in their worldly actions by otherworldly apprehensions (what Plutarch called "superstitions"). Odysseus is for less so. In this way, too, he is Socratic, which can leave him suspected by the pious in somewhat the way that Socrates was: that is, both can be so sensible as to be threatening.

Odysseus, then is much more this-worldly and self-reliant (sometimes even ruthlessly so) than either Roman or Christian piety (and perhaps also the

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1228. Id. at 169B. Compare the handling of such matters by another Nicias in Plutarch. See Law, Education, and Legal Education, supra note 101, at 724.

1229. On Superstition 169C.

1230. There may not have been such an exception at the time of the episode (perhaps in 63 B.C.E. or in 38 B.C.E.) used by Plutarch for his illustration. For an attempt to apply these lessons to modern circumstances, see Yehoshafat Harkabi, The Bar Kokhba Syndrome: Risk and Realism in International Politics (1983).

1231. Consider also the statement by, and the response to, the philosopher in the opening passage of Judah Halevi's The Kuzari. Consider as well how the politic Pericles responded to an ominous eclipse. See Plutarch, Pericles XXXV; see also id. at IV-V.
Greek *polis* can tolerate. Indeed, such a man can seem so acquisitive as to be destructive, whether in pursuit of treasure or of students.

Even so, he is not as free-thinking and as self-centered or individualistic as modern sensibilities (in determined rebellion against revealed religions, social conventions, and established political orders) tend to be.\(^{1232}\)

X.

The voyage of exploration by Odysseus to the West seems to have been Dante's invention.\(^{1233}\) It is this, it seems, which influenced poets, such as Alfred Lord Tennyson, who present Odysseus as bored with life in Ithaca and eager for new sights. Tennyson's poem, *Ulysses*, opens with these lines:

\[
\begin{align*}
\text{It little profits that an idle king,} \\
\text{By this still hearth, among these barren crags,} \\
\text{Match'd with an aged wife, I mete and dole} \\
\text{Unequal laws unto a savage race,} \\
\text{That hoard, and sleep, and feed, and know not me.} \\
\text{I cannot rest from travel: I will drink} \\
\text{Life to the lees. All times I have enjoy'd} \\
\text{Greatly, have suffer'd greatly, both with those} \\
\text{That loved me, and alone...} \quad ^{1234}
\end{align*}
\]

A critical problem here is evident at the outset with the tacit dismissal of Penelope as "an aged wife," a dismissal which does not see the wily Penelope for what she is in her "infinite variety."\(^{1235}\) Further on Tennyson has Ulysses saying:

\[
\begin{align*}
... \quad \text{I am become a name;} \\
\text{For always roaming with a hungry heart} \\
\text{Much have I seen and known--cities of men} \\
\text{And manners, climates, councils, governments,} \\
\text{Myself not least, but honor'd of them all,--} \\
\text{And drunk delight of battle with my peers,} \\
\text{Far on the ringing plains of windy Troy.} \\
\text{I am a part of all that I have met...} \\
\text{How dull it is to pause, to make an end,}
\end{align*}
\]

\(^{1232}\) On self-centeredness, see supra notes 1123, 1154. On a suspicious acquisitiveness with respect to students, see THE AMERICAN REGIME, supra note 58, at 10-11.

\(^{1233}\) This is the opinion of a University of Chicago colleague whom I have consulted, Paolo A. Cherchi, of the Department of Romance Languages and Literature.

\(^{1234}\) TENNYSON'S POETRY, 52 (Robert W. Hill, Jr. ed. 1971)(ll. 1-9).

\(^{1235}\) Shakespeare's Cleopatra provides a model here—at least so long as her man is somewhat sensible?
To rust unburnish’d, not to shine in use!
As tho’ to breathe were life! Life piled on life
Were all too little, and of one to me
Little remains, but every hour is saved
From that eternal silence, something more,
A bringer of new things; and vile it were
For some three suns to store and hoard myself,
And this gray spirit yearning in desire
To follow knowledge like a sinking star,
Beyond the utmost bound of human thought.  

Tennyson can have his Ulysses conclude with this resolve:

Tho’ much is taken, much abides, and tho’
We are not now that strength which in old days
Moved earth and heaven, that which we are, we are,—
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.  

Fundamental to this approach may be an undue subservience to chance and an insufficient respect for nature and hence a proper fulfillment. It would be presumptuous to deny the merits of this poem, a poem that has been well received for a century and a half. Even so, if we have Homer’s Odysseus and Penelope in view, we can see this poem as wrongheaded.

XI.

An even better poem drawing on Homer is Cavafy’s Ithaka. But that, too, is wrongheaded (and ever so modern in its restlessness, with a hero somehow unable to be grounded in the community he happens to have). Cavafy ends his poem with these somewhat perverse stanzas:

Keep Ithaka always in your mind.
Arriving there is what you’re destined for.
But don’t hurry the journey at all.
Better if it lasts for years,
so you’re old by the time you reach the island,

1236. Tennyson’s Poetry, supra note 1234, at 52-53 (ll. 11-18, 22-32).
1237. Id. at 54 (ll. 65-70).
1238. This sort of sentiment may be seen in Pascoli, d’Annunzio, and others. See Stanford, supra note 1203, at 210, 240f; see also Tennyson’s Poetry supra note 1234 at 47-52, 73-79 (Alfred Lord Tennyson’s “Lotus-Eaters” and “Tiresias”).
1239. On Constantine Cavafy, see supra note 913.
wealthy with all you've gained on the way,
not expecting Ithaka to make you rich.
Ithaka gave you the marvelous journey.
Without her you wouldn't have set out.
She has nothing left to give you now.

And if you find her poor, Ithaka won't have fooled you.
Wise as you will have become, so full of experience,
you'll have understood
by then what these Ithakas mean.\textsuperscript{1240}

It may seem unfair \textit{not} to take these and other like poems simply on their
own terms. But they do depend upon the Homeric account and, as such, they
invite if they do not demand the kind of assessment I am suggesting.

\section*{XII}

We find, upon surveying Odysseus in the twentieth century, that his
future goes into two principal directions, one celebrated by James Joyce, the
other by Nikos Kazantzakis. Only Homer's account of Odysseus is as
extensive as these two.\textsuperscript{1241} Both of these authors returned, much more than any
others in modernity, to Homer's account, even though Joyce kept the Latinized
name.\textsuperscript{1242}

Joyce, who is grounded in Roman Catholicism, presents an Odysseus (in
Leopold Bloom) who is much more prosaic than is Homer's. This reflects
twentieth century demythologizing, influenced in part perhaps by the work of
Sigmund Freud.\textsuperscript{1243}

Kazantzakis, who is grounded in Eastern Orthodoxy (against which he
rebels, as does Joyce against Roman Catholicism), presents an Odysseus who
is even more heroic than Homer's. He is like Dante's Odysseus in that he
insists upon ever more voyages of discovery, with the whole world as his
domain.\textsuperscript{1244}

\textsuperscript{1240} C. P. Cavafy, \textit{Collected Poems} 35-36 (Edmund Keeley & Philip Sherrard trans.,
George Savidis ed., Princeton Univ. Press 1975) Is such voyaging one alternative for Odysseus
to Laertes' fate, the fate of an old man who must step aside for a powerful son? Was Laertes' situation made worse upon his being abandoned through the suicide of his unPenelope-like wife? Nothing is said by Homer explicitly either about why Laertes gave up rule to Odysseus before the war or about why Laertes did not resume rule, in Odysseus' absence, at least until Telemachus reached maturity.

\textsuperscript{1241} Stanford, \textit{supra} note 1203, at 211. On Joyce's effort here, see \textit{The Artist as Thinker}, \textit{supra} note 10, at 226, and \textit{supra} Part 18 of this Collection.

\textsuperscript{1242} See, in our time, Derek Walcott, \textit{The Odyssey} (1993) (following upon his epic poem, \textit{Omeros}).

\textsuperscript{1243} On Freud, see \textit{The American Moralist}, \textit{supra} note 49, at 135.

\textsuperscript{1244} On Kazantzakis's story, see Stanford, \textit{supra} note 1203, at 211, 227, 235. One
Indicative of twentieth century interests is the greater attention paid in our time to Oedipus instead of Odysseus, and not only because of Freud. Our openness to the “hero” as the common man—with Willy Loman as an Odysseus turned traveling salesman—was anticipated by Huckleberry Finn. It was anticipated as well by another nineteenth century character, the Karaghiozis figure in the Greek puppet play tradition, the “hero” who is sly, clever, and always looking for his main chance. He is far from handsome, but he is witty and otherwise interesting—and always someone to be reckoned with, very much Odyssean in his temperament and inventiveness, if not in his scope.

Huckleberry Finn, see THE ARTIST AS THINKER, supra note 10, at 179; Law, Education, and Legal Education, supra note 101, at 684.

We have noticed that the renditions of the Odysseus story by various authors, ancient and modern, may permit us to assess how well those authors understood Homer. In many cases, we have noticed, they may not have had the Homeric text to draw upon, but only other (usually Latin and medieval) retellings of the Homeric story.

Even so, these inquiries about the “history” of the Odysseus story may help us see better than we otherwise might, the most important of all the accounts we have of Odysseus, that is, Homer’s. Similarly, someone such as Freud, whatever his limitations, can help us see someone such as Oedipus better. Thus, we can notice, the Oedipus of Sophocles, whatever his failings, does not have what we call an Oedipus Complex.

And, by delving into that “history” of the future of Odysseus which I have sketched, one can see better what both the Greek playwrights and the New Trojans (that is, the Romans) did, as well as what Dante, Tennyson, Cavafy, and others have done with Odysseus. One can also see better perhaps the difference between Greeks and non-Greeks (or Romans) and between the differences between Eastern Orthodoxy and Roman Catholicism, see Law & Literature and the Bible, supra note 33, at 720. On Kazantzakis, see supra Part 19.

This inquiry can be carried over to the Biblical stories, the reworking of which may be seen in authors such as Thomas Mann and William Faulkner. See, e.g., supra Part 21.

This seems to have been the case, in effect, with Shakespeare.

On Oedipus, see THE THINKER AS ARTIST, supra note 18, at 119; On Trial, supra note 38, at 830.
Ancients and Moderns, with the Moderns anticipated more by the Romans than by the Greeks, however much many in the world of the arts and sciences today may properly identify with the Greeks.\(^\text{1250}\)

One’s appreciation of what is sound and truly admirable in Homer’s Odysseus can be deepened by seeing what Shakespeare does with the real Odysseus, compared to what he does with the Odysseus that seems to have been inherited by him from the Romans and the medieval world.\(^\text{1251}\) His “real Odysseus” may be seen, in effect, in Shakespeare’s Edgar (in *King Lear*): Edgar is the much-buffeted man who, through the use of sound judgment, disguise and valor, stands by his father and helps restore his household and his community to a healthy state.\(^\text{1252}\)

This encourages us to believe that if Shakespeare, and perhaps Dante as well, had truly seen the Odysseus described by Homer, the merits of the man would have been recognized, as would have been the merits of the woman to whom he was determined to return forever.\(^\text{1253}\)

\(^{1250}\) Perhaps we can see ourselves better (whether Greeks or non-Greeks, whether ancients or moderns), if we compare as well Western and non-Western thought. See *supra* note 11.

\(^{1251}\) What Shakespeare might have done with all of Homer is suggested as well by what he does with Plutarch, whose work he did have access to in a reliable translation.


\(^{1253}\) We have seen discussed throughout this Collection how to read, which depends in large part upon what there is available to be read as well as upon what is thought worthy of serious and repeated attention. Lawyers and students of law are peculiarly handicapped, however talented they may be, because most of what they are obliged to read (as well as to write) is markedly inferior stuff. This tends to incapacitate them for serious reading and thinking, even when they can “afford” the leisure needed for the study of a first-rate book. On the use and abuse of third-rate books, see *Law, Education, and Legal Education*, *supra* note 101, at 774. On the poverty of all too many successful lawyers today, see *Lawyers, First Principles, and Contemporary Challenges*, *supra* note 24, at 390-99, 406-15. On the Classics and the Bible (with a return to Abraham and the Binding), see *id.* at 415-20; *supra* note 986. On the need for disciplined longing, which is central to “the situation” of all too many of the naturally gifted today, see *supra* note 627.