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THE EARLY CRITICAL AND PHILOSOPHICAL WRITINGS OF JUSTICE HOLMES†

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68261, *Knight, Death, and the Devil*, Albrecht Dürer, German, 1471-1528, Engraving, 1515, 250 × 190 mm., Harvey D. Parker Fund. Courtesy, Museum of Fine Arts, Boston, Massachusetts.

THE EARLY WRITINGS OF JUSTICE HOLMES

I. INTRODUCTION

A. Background

Holmes entered Harvard College in the fall of 1857 and graduated in the summer of 1861.¹ At college he published essays, reviews, and poetry in two student-edited periodicals, *The Harvard Magazine* and *The University Quarterly*. The pieces appeared anonymously, but Holmes's authorship was known to contemporary readers of the journals, and the writings have long been authoritatively attributed to him by his biographers.² Holmes kept copies of some of his early publications and in 1873 collected them in a volume together with his important *American Law Review* articles. The handwritten title page to the volume reads:

Essays
from
The Harvard Magazine
University Quarterly
and
American Law Review
By
O. W. Holmes Jr.
December 1858
July 1873

¹ Treatments of Holmes's college experiences include M. HOWE, JUSTICE OLIVER WENDELL HOLMES: THE SHAPING YEARS 1841-1870 35-79 (1957); S. BENT, JUSTICE OLIVER WENDELL HOLMES: A BIOGRAPHY 56-72 (1932); S. NOVICK, HONORABLE JUSTICE: THE LIFE OF OLIVER WENDELL HOLMES 20-28 (1989); *Introduction* to O. HOLMES, THE MIND AND FAITH OF JUSTICE HOLMES: HIS SPEECHES, ESSAYS, LETTERS AND JUDICIAL OPINIONS xxi-xxiii (M. Lerner ed. 1946) [hereinafter O. HOLMES, MIND & FAITH]; C. BOWEN, YANKEE FROM OLYMPUS 105-33 (1944); Fiechter, *The Preparation of an American Aristocrat*, 6 NEW ENG. Q. 3, 4-5 (1933).

² In 1914, Holmes's classmate Frank Warren Hackett prepared an index of *The Harvard Magazine* from notes dating back to the period of Hackett's and Holmes's work on the journal. The Hackett index is preserved in the Harvard University Archives and identifies Holmes as author of the articles. The publications are discussed in Fiechter, *supra* note 1, at 8-13, and M. HOWE, *supra* note 1, at 43-62. The Archives also hold an index to volumes one through ten of the *Magazine*, compiling the attribution of works from handwritten notes in copies of the *Magazine* that the Archives received.

In the 1880s, Holmes had the volume professionally bound in a handsome leather and board binding.³

Despite recent scholarly interest in Holmes's intellectual biography⁴ and the recent republication of his early *American Law Review* articles,⁵ his college writings have attracted little attention and remain inaccessible.⁶ But the college writings illuminate perhaps the most important and least understood period in Holmes's intellectual development — though the writings appear curiously unrelated to the law. They were exercises in philosophy and criticism, heavily influenced by the transcendentalism of Emerson and Holmes's father, and by the aesthetic naturalism of Ruskin. Yet at the time the last college essays were published, Holmes wrote: "If I survive the war I expect to study law as my profession or at least for a starting point."⁷

Holmes's early writings disclosed the origins of fundamental interests and attitudes that he retained throughout his life. His interest in philosophy, so evident in the college essays, continued during⁸ and after⁹ the war. In 1866 and 1867 Holmes was studying philosophy intensively and, in rereading his college essay on *Plato*,

³ Oliver Wendell Holmes, Jr., Papers, Harvard Law School Library, Manuscript Box 18. The leather spine bears the printed gilt title "Essays/O.W. Holmes Jr.[]" The volume binds miscellaneous published essays and offprints, the last dated 1884. But Holmes continued to paste articles and manuscripts into blank pages at the end of the volume until February 1891.

The volume included his three earliest essays: *Books, Notes on Albert Durer, Plato*, and his sophomore poem *Alma Mater*.

⁴ E.g., S. NOVICK, *supra* note 1; H. POHLMAN, JUSTICE OLIVER WENDELL HOLMES & UTILITARIAN JURISPRUDENCE (1984); O. HOLMES, PROGRESSIVE MASKS: LETTERS OF OLIVER WENDELL HOLMES, JR. & FRANKLIN FORD (D. Burton ed. 1982); Grey, *Holmes & Legal Pragmatism*, 41 STAN. L. REV. 787-870 (1989).

⁵ O. HOLMES, THE FORMATIVE ESSAYS OF JUSTICE HOLMES: THE MAKING OF AN AMERICAN LEGAL PHILOSOPHY 77-259 (F. Kellogg ed. 1984) [hereinafter THE FORMATIVE ESSAYS].

⁶ Microfilm copies of the originals that Holmes retained among his papers and microfilm copies of Mark DeWolfe Howe's typed transactions are available. Harvard Law School Library, American Legal Manuscripts, *The Oliver Wendell Holmes, Jr., Papers* (University Publications of America, 1985) (Microfilm Project) reels 65 & 67. Holmes's marginal emendations to the text of his copies may suggest that he considered republishing the essays at one time, and it is possible that Howe was preparing the early essays for publication. But only one essay has ever been reprinted: Holmes, "Albert Durer," *appended to Stechow, Justice Holmes' Notes on Albert Durer*, 8 J. AESTHETICS & ART CRITICISM 119, 122-24 (1949).

⁷ Holmes, *Autobiographical Sketch*, in Fiechter, *supra* note 1, at 5; O. HOLMES, MIND & FAITH, *supra* note 1, at 8.

⁸ E.g., Holmes, fragment dated April 18, 1864, in O. HOLMES, TOUCHED WITH FIRE: CIVIL WAR LETTERS AND DIARY 95-97 (M. Howe ed. 1969).

⁹ Holmes recorded his reading after the war. See Little, *The Early Reading of Justice Oliver Wendell Holmes*, 8 HARV. LIB. BULL. 163 (1954); M. HOWE, *supra* note 1, at 255-56.

made marginal notes to his copy of the article in 1867.¹⁰ The early writings shed light on important changes in his philosophical views. While his early writings expressed commitment to the philosophical idealism of Emerson, his mature legal theory has frequently been characterized as positivist, pragmatist, or realist.¹¹ In later years, Holmes not only criticized the views of his father's generation but referred to a great gulf separating his father's views from his own.¹² He looked in later years with disappointment on the distinguished career of his accomplished father. Though his father had been recognized as an important physician, poet, novelist, critic, and philosopher, Holmes came to believe that his father had produced nothing "great," because he had dissipated his efforts in cosmopolitan or dilettante works.¹³ Holmes repeatedly manifested his fear of dissipation: he cautioned aspiring lawyers against wasting their time in the study of Roman Law, an esoteric subject not necessary for the mastery of contemporary legal practice;¹⁴ he warned his young friend Wu against spending a year in the study of the work of the philosopher Spinoza, though Holmes himself praised Spinoza's philosophy and read Spinoza repeatedly.¹⁵ Holmes's later work represented a reaction against his earlier attitudes, and his critical judgment of his father's dissipation reflected also, perhaps, his mature judgment of his own early efforts.

Holmes's intensive legal studies after the Civil War resulted in a series of important legal publications, culminating in *The Common Law* (1881). His post-war writings eschewed the broad topical coverage and sweeping generalization of his early articles. In pursuing

¹⁰ One marginal note cited a work that was first published in 1865 and that Holmes read in 1867. See *infra* notes 89 and 108.

¹¹ See, e.g., L. FULLER, *THE LAW IN SEARCH OF ITSELF* 106-07 (1940); H. POHLMAN, *supra* note 4, at 9; Grey, *supra* note 4, at 788; Howe, *The Positivism of Mr. Justice Holmes*, 64 HARV. L. REV. 529 (1951); P. WEINER, *EVOLUTION & THE FOUNDERS OF PRAGMATISM* (1969); F. Kellogg, *Preface to THE FORMATIVE ESSAYS*, *supra* note 5, at xi-xii; Kelly, *Oliver Wendell Holmes, Utilitarian Jurisprudence, and the Positivism of John Stuart Mill*, 30 AM. J. JURIS. 189 (1985).

¹² See *The Holmes-Cohen Correspondence*, 9 J. HIS. IDEAS 3, 14-15 (1948).

¹³ See Holmes's letter to Clara Sherwood Stevens, July 26, 1914, quoted in part in M. HOWE, *supra* note 1, at 19.

¹⁴ See O.W. HOLMES, *The Bar as a Profession* (1896), in *COLLECTED LEGAL PAPERS* 153, 155-57 (1921).

¹⁵ Letter to Wu, July 26, 1923, O. Holmes, *Justice Holmes to Dr. Wu* (n.d. [1935?]); O. HOLMES, *JUSTICE OLIVER WENDELL HOLMES: HIS UNCOLLECTED LETTERS AND PAPERS* 166 (H. Shriver ed. 1936). Novick may be overlooking important biographical evidence when he characterizes Holmes's interest in Spinoza as something of an escapist diversion. See S. NOVICK, *supra* note 1, at 236, 313, 361.

law, as announced at the end of college, Holmes abandoned aspirations to philosophy, letters, and poetry. The narrowing of his scholarship reflected his assimilation of insular traditions of English-language legal scholarship. It reflected also a profound transformation in his attitude towards scholarship. Important work, he came to understand, was the work of the expert who concentrated all effort on the narrow and technical problem. He retained broad literary and philosophical interests until his death, but he relegated them to a sphere of personal life, reflected in his readings, correspondence, and conversation. He abandoned his scholarly study of Dürer, but at his death over seventy years later his private upstairs sitting room in Beverly Farms was decorated with six framed copies of works by Dürer.¹⁶

The early writings provide the starting point for serious study of Holmes and indeed illuminate a critical problem in American legal history. The problem of the relation between Holmes's early and later writings is representative of the broader problem of the relation between transcendentalism and positivism — natural law and formalism. So long as transcendentalism and formalism were viewed as incompatible opposites, Holmes's intellectual development was explicable as a simple volte-face, and his college writings were safely ignored as juvenilia. But the antithetical relation between transcendentalism and formalism has itself been questioned,¹⁷ and Holmes's intellectual biography illustrates the complex symbiotic relation between the two. Holmes's early writings revealed original and critical efforts to apply transcendentalist philosophy and to confront inherent problems in that philosophy. Although his early efforts led to an intellectual impasse, he did not abandon these efforts. Holmes himself understood his later legal scholarship, even in its more mundane aspects, as pursuing the philosophical inquiry that he began at college.¹⁸ And his mature writings did not reject totally the transcendentalism of his early work; even at the end of his life he continued to admire Emerson.¹⁹ The early writings reveal the roots of the abiding admiration and of the critical en-

¹⁶ See the inventory of Holmes's estate, *The Oliver Wendell Holmes, Jr., Papers* reel 17.

¹⁷ E.g., Horowitz, *History and Theory*, 96 YALE L.J. 1825, 1835 (1987).

¹⁸ See Letter to Emerson in 1876, quoted in M. HOWE, O.W. HOLMES, JR.: COUNSELOR-AT-LAW 8 (1948); Letter to Pollock, March 5, 1881, in O. HOLMES, 1 HOLMES-POLLOCK LETTERS 16 (M. Howe ed. 1942).

¹⁹ E.g., Letter to Pollock, May 20, 1930, O. HOLMES, 2 HOLMES-POLLOCK LETTERS, *supra* note 18, at 264.

gement with fundamental philosophical issues that would result, years later, in work that effected a revolution in legal thinking.

B. Context

1. Emerson

Holmes's college writings were largely self-contained and self-explanatory, but a few words on context may be helpful. The essays evidenced a conscious Emersonian model. The transcendental philosophical perspective and outright praise of Emerson's work obviously expressed enthusiasm for Emerson. The Emersonian model was reflected also in the style of Holmes's articles — their homiletic tone, reliance on analogy, internal dialogue with other texts, frequent shifts of person and mood, repetitious use of passive voice or weak verbs, and use of pithy apothegms. Holmes's father aptly described Emerson's style as: "epigrammatic, incisive, authoritative, sometimes quaint. . . . His paragraphs are full of brittle sentences that break and fall apart and are independent units, like the fragments of a coral colony. His imagery is frequently daring, leaping from the concrete to the abstract"²⁰ In Emerson and in Holmes's earliest work, quotations and references were mustered like illustrations and incorporated into the text for their effect on the ear rather than as authority or source. Voices from widely separated times and cultures were brought together with naive disregard of their dissimilar contexts.²¹ Holmes's readers would have appreciated the contextual resonance.

Changes in style in Holmes's early writings reflected important changes in his attitude towards transcendentalism. The earliest essay was most indebted to Emerson: *Books* was modeled closely on Emerson's article of the same title, which had appeared anonymously in the January 1858 issue of *The Atlantic Monthly*.²² Emerson's article

²⁰ O. HOLMES, [SR.,] EMERSON 403-04 (1890).

²¹ Emerson's style reflected his method of composition. See 4 THE COLLECTED WORKS OF RALPH WALDO EMERSON 381 (W. Williams & D. Wilson eds. 1987). The method of composition, however, reflected his stylistic purposes.

²² Emerson, *Books*, 1 THE ATLANTIC MONTHLY, Jan. 1858, at 343-53 [hereinafter Emerson, *Books*]. Though published anonymously, the readers knew the identity of important contributors to the magazine. Because Holmes's article referred to Emerson's article, it is likely that he composed it after Emerson's had appeared. It is possible, however, that Holmes saw a draft of Emerson's article or heard Emerson lecture from it and added only later the citation to the published article.

The topic of books engaged Emerson repeatedly. He lectured more than once on the

provided sources for statements that Holmes made throughout the essay. Holmes advised reading only those works that engaged the reader: "[I]t is best to read what we like." Emerson had advised: "Never read any but what you like; or, in Shakspeare's [sic] phrase, — 'No profit goes where is no pleasure ta'en:

In brief, sir, study what you most affect.'"²³

Holmes discussed the proliferation of published works and the impossibility of reading more than a few of them — "Books are now almost innumerable." Emerson had similarly written of the proliferation of published titles — "the number of extant printed books may . . . [exceed] a million."²⁴ Holmes proposed reading the classics, for "every grand book carries with it and implies ten thousand lesser ones," condensing two themes that he found in Emerson — the articulation of experience of a culture in that culture's great literary work, and the beneficial selective process of history by which less important works were forgotten.²⁵ Holmes's praise of Herodotus's use of anecdotes echoed Emerson's praise.²⁶ Even the image

topic in the late 1840s. See G. ALLEN, WALDO EMERSON 525 (1981). He lectured again on the topic December 25, 1864; an incomplete text and summary of the lecture was published at that time, which has been reprinted. Emerson, *Books*, in UNCOLLECTED LECTURES 39–42 (C. Gohdes ed. 1932).

I have been unable to fix the prepublication history of Emerson's 1858 essay. His diary refers simply to "Books" in late 1857. See 14 THE JOURNALS AND MISCELLANEOUS NOTEBOOKS OF RALPH WALDO EMERSON 457 (S. Smith & H. Hayford eds. 1978). Emerson later made minor changes to the essay and republished it as the eighth essay in the collection R. W. EMERSON, *Society and Solitude* (1870), in 7 EMERSON'S COMPLETE WORKS 187–221 (E. Emerson ed. 1904) [hereinafter R. W. EMERSON, *Society and Solitude*].

²³ Emerson, *Books*, *supra* note 22, at 346; see also R. W. EMERSON, *Society and Solitude*, *supra* note 22, at 196.

²⁴ Emerson, *Books*, *supra* note 22, at 345; see also R. W. EMERSON, *Society and Solitude*, *supra* note 22, at 193.

²⁵ Emerson, *Books*, *supra* note 22, at 345–47; see also R. W. EMERSON, *Society and Solitude*, *supra* note 22, at 195–201.

²⁶ "Herodotus, whose history contains inestimable anecdotes, which brought it with the learned into a sort of disesteem; but in these days, when it is found that what is most memorable of history is a few anecdotes, and that we need not be alarmed though we should find it not dull, it is regaining credit." Emerson, *Books*, *supra* note 22, at 346; R. W. EMERSON, *Society and Solitude*, *supra* note 22, at 197–98. Emerson also had identified the importance of the Greek comic poets as a source for contemporary historians. Emerson, *Books*, *supra* note 22, at 347; R. W. EMERSON, *Society and Solitude*, *supra* note 22, at 201–02. Holmes wrote:

Little things — anecdotes — will often display the whole manners and customs of a period, when we should have laid down the statistics as ignorant as we took them up. What is most pleasant about Herodotus is, that, in a history of the great nations of the earth, he tells us such facts as that the mares that gained three races are buried by the side of their master. . . . This history, which we can by no possibility get, except by fragments from contemporary plays and poems . . .

Holmes, *Books*.

with which Holmes concluded the essay — books as seeds that lie dormant and later spring up — suggested passages where Emerson had written of books as “vital and spermatic,” of Plato in which one finds “modern Europe in its causes and seed,” of Robertson’s history of Charles V, “a time of seeds and expansions, whereof our recent civilization is the fruit.”²⁷

Holmes differed with Emerson occasionally as to the valuation of some book or author. He disparaged Thomas à Kempis, for example, whom Emerson praised. Holmes and Emerson also differed significantly in tone. Emerson tended to view the proliferation of mediocre works with melancholy, while Holmes looked with optimism to a future literature of “Shakespeares and Prophets.”²⁸ For the most part, however, Holmes appeared as champion of Emerson’s ideas. Holmes’s originality in the essay lay in his condensation of Emerson’s argument, the language in which he recast it, and the uses to which he put it.

Emerson’s views were, of course, neither new nor unpopular by the late 1850s. The Harvard faculty, however, remained hostile to transcendentalism, and Harvard’s religious conservatives viewed Emerson with deep suspicion. Emerson had scandalized Harvard twenty years earlier in his Divinity School address; he had not been invited back to Harvard since then, and in 1858 there was no indication that he ever would be. Defending Emerson was a radical act for a Harvard student, and Holmes pressed Emerson into service against the college orthodoxy. Relating the topic of book reading to student life, Holmes imparted a combative edge to the argument that was not present in Emerson’s article. Holmes scorned Calvinist theology: “A hundred years ago we burnt men’s bodies for not agreeing with our religious tenets; we still burn their souls.” He assailed fellow students who defended religious dogma unthinkingly and who failed to question slavery. He pointedly praised non-Christian religious scriptures, lambasting the ignorance of orthodox condemnations of such works, and emphasizing the hypocritical failure of contemporary Christians to observe the Gospels’ message of charity and forbearance.

Throughout the college articles Holmes voiced his views in deliberate opposition to the theological and academic orthodoxy,

²⁷ Emerson, *Books*, *supra* note 22, at 346, 349; R. W. EMERSON, *Society and Solitude*, *supra* note 22, at 197–98, 206.

²⁸ Compare with Emerson, *Books*, *supra* note 22, at 345; R. W. EMERSON, *Society and Solitude*, *supra* note 22, at 193–95.

revealing the iconoclastic spirit that led him in college to join the liberal religious organization, the Christian Union. He explained at the end of college that he was motivated to join the Christian Union primarily by the desire to express opposition to the orthodox student group, the Christian Brethren.²⁹ In his later college essays, he continued to put transcendentalist doctrine and liberal theology to partisan use in combat against orthodoxy. The seemingly unobjectionable humanist praise in *Plato* for the ethics of Socrates and Plato — “these two grand old heathen” — was a challenge to orthodox religious sensibilities. In *Notes on Albert Durer*, Holmes applied to religion the historicism deriving from Emerson which he had previously applied to scholarship in *Books*. He associated the power of Dürer’s pictorial representations with the artist’s naive faith and wrote romantically of the decline of faith. Such faith, Holmes suggested, remained vital in his day only for the ignorant and illiterate while the intelligent, moved by “noble philosophy,” sought “the future construction of an abstract religion.” He associated enlightened religious views with the “growth of civilization” and contrasted modern abstract religion to the “paramount importance attached in darker times to the form of the story embodying the popular religion,” which his readers would have understood as referring to contemporary conservative theology. Holmes was only adopting familiar transcendentalist teaching in identifying the “ideal spirit” behind religion with humanist values shared by non-Christian cultures — the ideal spirit “inspired the philosopher Plato . . . as well as the Christian Durer.” He turned such teaching antagonistically against the perceived conservative enemy. Readers recognized the oblique partisan thrust of the abstract discussion in *Notes on Albert Durer*, and one conservative student, writing in the December issue of *The Harvard Magazine*, characterized Holmes’s idealization of abstract religion and contempt for traditional faith as a rejection of historical Christianity. To the student the origin of Holmes’s problem was clear: he accused Holmes of mimicking Emerson and attacked Holmes’s views as “barbarous in the province of reason and practical piety.”³⁰ Soon after the appearance of the issue of *The Harvard Magazine* that contained Holmes’s article on Dürer, the college president wrote to Holmes’s father, threatening the suspen-

²⁹ Holmes, *Autobiographical Sketch*, in Fiechter, *supra* note 1, at 4–5; O. HOLMES, MIND AND FAITH, *supra* note 1; see also M. HOWE, *supra* note 1, at 47–48.

³⁰ See M. HOWE, *supra* note 1, at 59.

sion of the publication on the grounds of disrespectful words directed at a retiring faculty member.³¹

Holmes was hardly isolated in his stand against orthodoxy; the polarization of the student body mirrored the polarization of New England intellectuals. The intellectual battle was not fought in terms of a generational conflict for Holmes. Emerson was a family friend, Holmes's father's age. Holmes's father, himself a champion of transcendentalism and critic of the established orthodoxy on the faculty, wrote a spirited partisan article for the first issue of *The University Quarterly*.³² The elder Holmes most likely sympathized with his son when drawn into ongoing disciplinary skirmishes between Holmes and the college.³³

Relying on the older generation of transcendentalists for authority, Holmes wrote with the voice of that generation. The pedagogic tone of *Books* separated the writer from his college reader and identified the author with the older generation; it was the voice of age and experience in *Books* that referred to "College gossip," to "students who while still young," and to "boyish insipidity." Whether passing judgment positively — as on Emerson — or more negatively — as on Ruskin — Holmes wrote with authority that verged on presumption and that disclosed unflinching confidence in the power of his own opinion: in *Notes on Albert Durer*, for example, he proposed to discuss a Raphael painting of which he had seen only an engraved copy!

The pervasive identification with views of his father's generation conflicted radically with the gulf that Holmes later believed existed between his ideas and his father's. But even the college essays contain indications of important views and sources that anticipate Holmes's later, more critical, attitude towards transcendentalism. Holmes's continuing exoteric commitment to transcendentalism appeared throughout the college writings. He championed transcendental doctrine in part because it was established as emblem in the battle against orthodox narrow-mindedness. But the visible advocacy of transcendentalism concealed internal changes in his attitudes towards transcendentalist doctrine. His later college writings evidenced the influence of sources and the adoption of key ideas that were inconsistent with transcendentalism; yet the internal

³¹ The episode is discussed by Howe in M. Howe, *supra* note 1, at 59–60, 62.

³² 1 *University Quarterly* at 21, quoted in part in M. Howe, *supra* note 1, at 60.

³³ See M. Howe, *supra* note 1, at 60, 69–70, 75, 77–78.

intellectual dissonance led Holmes to embrace transcendentalism with renewed fervor and to seek to elaborate a broader philosophical scheme that would validate and reinforce transcendentalist insights.

2. Plato

Holmes's article, *Plato*, represented a sustained philosophical inquiry. Handwritten notes on Holmes's copy of the article and the article's explicit references give some indication of the breadth of Holmes's study. The work included translations from or references or citations to: *Theaetetus*, *Letters*, *Gorgias*, *Phaedrus*, *Timaeus*, *Phaedo*, and *Republic*. It cited and referred to two contemporary English philosophers, George Henry Lewes and William Whewell. Handwritten annotations referred to a translation of Heinrich Ritter's study of Plato.

Platonic philosophy and Plato's person had an electrified meaning for Holmes. He had been brought up in awe of Socrates and Plato, and they had been part of his early childhood education.³⁴ He approached Plato, as he later wrote Learned Hand, "expecting to find the secrets of life revealed."³⁵ In 1860 Holmes translated and delivered part of the *Apology* during exercises at Harvard.³⁶ In the writings of Emerson he found Plato virtually idolized.³⁷

Emerson's view of Plato was not naive, and his writings contained suggestions that Holmes developed critically in his article. Emerson acknowledged that Plato had no system and failed to make

³⁴ A childhood composition book, titled "O.W. Holmes, Oct. 13th 1848," has two entries on "Socrates the Philosopher," dated February 15, 1850, and one on "Plato," dated March 8, 1850. O. Holmes Papers, Harvard Law School Library.

³⁵ Letter to Learned Hand, May 6, 1924, quoted in M. Howe, *supra* note 1, at 34.

³⁶ A copy survives. Holmes, *Translation from the Apology of Socrates*, in *Commencement Performances 1859-60* item.33, Harvard Law School Archives. An anonymous notation on a program of the performances recorded that Holmes's delivery was "good." Oliver Wendell Holmes, Jr., Papers, Harvard Law School Library, Manuscript Box 69. Holmes's interest in Greek was reflected in his submission of a Greek Composition in the Bowdoin Prize competition in 1861. His submission won the prize for Greek composition. See 7 HARVARD MAGAZINE July 1861, at 362. The manuscript survives and is in the Harvard University Archives.

³⁷ Emerson's notebooks contained so many references to Plato that Emerson himself compiled an "Index Platonica" to the references. See 4 THE COLLECTED WORKS OF RALPH WALDO EMERSON 382. Holmes's father actually ventured once to count various authors to whom Emerson referred in his published works. If we combine references to Plato and Socrates, they total 125. The next most frequently cited author was Shakespeare, with 112. O. HOLMES, [SR.,] EMERSON 382.

the transition from ideas to matter; he conceded that Plato was internally inconsistent, that "admirable texts can be quoted on both sides of every great question from him."³⁸ Yet Emerson embraced the contradictions and defended the value of Plato against critics by arguing that the critics misunderstood the aims of Plato and thus unfairly accused Plato of failing to achieve results he did not attempt. Emerson also accused critics of having unfairly blamed Plato for failing to accomplish what no philosophy had ever achieved — the explanation of existence.³⁹ Emerson responded to Plato's detractors with a marvelous image, comparing Plato with the great monuments of art, "like Karnac."

In Emerson, Holmes also found a progressive historical appreciation of Plato. For Emerson, Plato's thought summarized a past epoch,⁴⁰ and his thought retained vitality because of its genetic relation to the succeeding ages and to the present. The value of Plato's thought for Emerson derived not from its science or results but from its questioning spirit and confidence in the power of thought itself.

Holmes, in criticizing Plato's lack of system and internal inconsistencies, elaborated longstanding criticisms which Emerson had acknowledged but depreciated. In valuing the dialectical inquiry and the artistic vision of Plato, Holmes also followed Emerson. The article was not a powerful new reading of Plato, and Emerson's disappointing reaction to Holmes after reading it — "I have read your piece. When you strike at a king, you must *kill* him"⁴¹ — probably reflected Emerson's awareness of Holmes's failure to advance beyond standard critiques which Emerson had previously dismissed.

The absence of textual reference to Emerson in *Plato*, in contrast to *Books*, reflected in part Holmes's greater degree of internalization of the transcendental philosophy. But the essay reflected also an ambivalent attitude towards Emerson and evidenced critical differences with him, especially in its treatment of historical progress. Holmes's devaluation of the emblem that Emerson's text had

³⁸ R. W. EMERSON, *Representative Men*, in 4 THE COLLECTED WORKS OF RALPH WALDO EMERSON 43.

³⁹ *Id.*

⁴⁰ *Id.* at 44.

⁴¹ Quoted in E. SERGEANT, *FIRE UNDER THE ANDES* 315 (1927); see also Holmes's letters to Sergeant, July 15 and December 7, 1926, in *The Oliver Wendell Holmes, Jr. Papers* reel 37.

raised for Plato exemplified the divergence. Where Emerson had marveled at the ruins of ancient Neareastern monuments, Holmes wrote — pointedly in a footnote — that “these very structures . . . owed their magnificence to a semi-barbarian disregard of the life of the lower classes by those in power.” In contrast to its neglect of Emerson, *Plato* referred to and cited recent works by Lewes and Whewell, English philosophers whose works set forth schematically and chronologically the history of philosophical ideas. Both Lewes and Whewell adopted a progressive and evolutionary theory of philosophical knowledge; both treated the history of ideas internally; both characterized the development of philosophy as alternating between idealist and empirical or sensationalist theories of knowledge. Lewes culminated his history with an enthusiastic treatment of Comte. Where Lewes championed the Positive Philosophy of Comte,⁴² Whewell criticized some of Comte’s basic assumptions, especially the attempt to reduce causal explanation of phenomena to descriptive laws.⁴³

The tone and organization of *Plato* comported with the kinds of treatments of individual philosophers that Holmes read in the histories of Lewes and Whewell. First, he defined the goals of Socrates and Plato; next, he attempted objectively to describe chief features of their philosophy, illustrating with quotation and paraphrase; then, he discussed internal weaknesses and inconsistencies; finally, he evaluated positive, enduring features, and related Plato to modern views. Behind the sequential treatment was an implicit dichotomy of philosophy into idealist or empiricist theories, reflecting the inherently bifurcated view of philosophic explanation that informed the writings of both Lewes and Whewell.

Holmes criticized Plato for failing to elaborate an adequate system of philosophy, and Holmes related this failure to Plato’s epistemology, which was unable to distinguish different types of ideas:

[T]here is a serious confusion introduced into the system, owing to the admitting equally, without distinction, the

⁴² See 4 G. LEWES, *A BIOGRAPHICAL HISTORY OF PHILOSOPHY* 245–64 (1852). Lewes also expounded Comte’s philosophy in G. LEWES, *COMTE’S PHILOSOPHY OF THE SCIENCES* (1853). Someone in the Holmes family withdrew this volume from the Athenaeum in 1859 and 1860. See M. HOWE, *supra* note 1, at 53.

⁴³ E.g., W. HEWELL, *ON THE PHILOSOPHY OF DISCOVERY* 228–29 (1971) (reprint of 1860 ed.). Another work that Holmes cited in *Plato* sharply criticized Comte. See J. DEVEY, *LOGIC; OR THE SCIENCE OF INFERENCE* 289–90, 293 (1864).

simple ideas like those on which mathematical truth is dependent, or perhaps, like beauty, which alone are recognized by our intuitive faculty . . . and the *complex* conceptions of table and chair, which are evidently mere arbitrary combinations effected by man; or, still further, those like *humanity*, which is a purely general statement, drawn from observation, of a present fact

The distinction between complex and simple ideas, current since Descartes, represented no challenge to an idealist theory of knowledge. But the dichotomy between necessary and contingent truths, and the relation of the latter to observation, evidenced Holmes's interest in the empirical origin of factual knowledge — an interest that was inconsistent with philosophical tenets and general concerns of transcendentalism.⁴⁴ Because of Holmes's continuing preoccupation with art, the divergence from transcendentalism remained undeveloped, and the internal tension remained subdued. Art remained within the realm of objects proper to idealist epistemology, and, while viewing negatively Plato's failure to elaborate a coherent system of philosophy, Holmes praised Plato's separation of ideal and real man as anticipating the best art.⁴⁵

There was a close fit between transcendentalist doctrine and its literary expression, and the style of *Plato* reflected Holmes's divergence from Emerson. The essay proceeded methodically and chronologically — Socrates, Plato, Galileo — and imposed a progressive character to the ideas discussed. Plato imposed system on Socrates's dialectic; subsequent philosophers furthered the development of systematic philosophy, just as natural scientists since Galileo added to knowledge of astronomy. The relation of past to present was imposed stylistically not by use of tense — Socrates and Plato speak most frequently stylistically not by use of tense — in the present — but by Holmes's consistent opposition of his subjects to the present narrator and reader through use of the editorial "we." Thus "Galileo's telescope, doubled, is our opera-glass" and Plato "remains the

⁴⁴ Contrast Emerson's treatment of experience in R.W. Emerson, *Essays: Second Series*, essay 2 (1844).

⁴⁵ Howe's interpretation of the early essays is extremely helpful; he noted the interest in empiricism and observed generally that Holmes "rejected Platonism in metaphysics [but] he accepted it in aesthetics." M. Howe, *supra* note 1, at 56. Emerson expressed his abiding appreciation for Plato in numerous places. His most sustained discussion was in *Representative Men* (1850), in 4 THE COLLECTED WORKS OF RALPH WALDO EMERSON, *supra* note 22, at 21.

original interpreter of certain primary facts and . . . still bears to us the same relation" Holmes as personal narrator — "I" — intruded only occasionally, with the important exception of the conclusion: "the spectacle, I say, of these two grand old heathen, the master the inspired fighter, the scholar the inspired thinker, fills my heart with love and reverence at one of the grandest sights the world can boast."

The classification of objects of knowledge in Holmes's critique of Plato suggested a rudimentary theory of knowledge that sought to harmonize aspects of idealism and empiricism by associating them with different intellectual activities. The critique of Plato sought to preserve the vitality of idealism for the limited but important area of art. Holmes stated that he intended that his criticism of idealist theory of complex ideas be true generally for both idealist and empiricist (sensationalist) perspectives. His scheme did not incorporate the hierarchy of sciences propounded by the Positivists, which had been promoted by Lewes.⁴⁶ The Positivists organized sciences, understood as the knowledge of natural laws, in a descending series according to the simplicity or generality of the phenomena proper to the science — astronomy to sociology. The autonomy of phenomena was fundamental to the Positivist scheme, and the Positivists excluded art and religion from their work, as they were neither sciences nor capable of being Positive — that is, capable of yielding knowledge of phenomena.

Holmes's retention of art as a proper object of philosophical contemplation, requiring a place within a comprehensive classification, separated him from Positivism. His examples of simple and complex objects — drawn from daily life — had no correlation to proper objects of positive sciences and did not appear to reflect a Positivist influence. He further diverged from Positivism in identifying both real and ideal simple objects — the predicates of mathematical truth and "perhaps" beauty — emphasizing similarities of the artistic experience and factual knowledge.

Holmes's concluding treatment of the advance of natural science since Galileo, and the critique of anachronistic reading of Plato that he developed by analogy with the history of natural

⁴⁶ Holmes would have found the Positivist hierarchy set forth in 4 G. LEWES, *A BIOGRAPHICAL HISTORY OF PHILOSOPHY* 258–61 (1852); G. LEWES, *COMTE'S PHILOSOPHY OF THE SCIENCES* 40–46 (1853).

science, reflected a sense of progress that was manifested by Emerson,⁴⁷ by Whewell,⁴⁸ and by the advocates of Positive Philosophy.⁴⁹ But Holmes's belief that philosophy (or at least epistemology) could be made scientific undermined the continuing vitality of Plato's work. The progressive historical treatment of Plato challenged fundamentally the utility of the sort of critical project in which Holmes was himself engaged, and the clear implication that Plato had little to contribute to contemporary philosophical study represented also implicit criticism of both Emerson and Whewell.⁵⁰ The criticism revealed a profound change in attitude from the enthusiasm with which Holmes first approached Plato and which continued to surface in occasional bursts of praise. Holmes's efforts to defend the continuing importance of Plato by emphasizing his originality served to augment historical or biographical appreciation, but it did not provide an adequate ground for the continuing relevance of Plato's thought for systematic philosophy or science.

Holmes's concept of "science" in the essay itself reflected the deep ambivalence. On the one hand, science denoted intellectual disciplines or endeavors that generated positive knowledge by studying and classifying phenomena. On the other hand, science denoted the inherent systematic or architectonic attributes of a body of thought. The inconsistency appeared in contrary characterizations of Plato "the scientific lecturer" and of the "loose and unscientific" nature of Plato's philosophy. Holmes used science in the following ways:

1. Plato was a "scientific" lecturer
2. There was a beauty of the soul and a still higher beauty of "science"
3. "Science" founded on observation took a secondary place to Logic for Plato
4. "Physical science" provided data for Logic

⁴⁷ R. W. EMERSON, *Representative Men*, in 4 THE COLLECTED WORKS OF RALPH WALDO EMERSON, *supra* note 23, at 45.

⁴⁸ W. WHEWELL, *supra* note 43, at 347.

⁴⁹ 4 G. LEWES, A BIOGRAPHICAL HISTORY OF PHILOSOPHY 248-50 (discussing the Positivist theory of mental evolution).

⁵⁰ Whewell argued that, despite great progress in the history of sciences, no one since Plato had seriously addressed "the philosophical lesson to be derived from this progress" and that "new inferences remain to be drawn, of the nature of those which Plato drew" W. WHEWELL, *supra* note 43, at 353.

5. The classification of Plato's system was "loose and unscientific"
6. Anachronistic valuations of Plato resulted from the "unscientific" neglect of the progress of thought
7. Pythagorean doctrines were devoid of value because of the "entire absence of the central idea of science"
8. Plato's insight into nature was admirable if one abandoned the "exactness of science which Plato tried too early to attain"
9. Only in recent times an "all-comprehending science has embraced the universe" by demonstrating laws in all disciplines and generalizing all phenomena

Most of the uses of the term did not distinguish between its reference to inherent attributes of a system of explanation or its reference to external fact-based methods of accumulating knowledge. Holmes used the term both in the sense that he found it used by classical philologists — the *Wissenschaft* of Ritter⁵¹ — and in the progressive naturalistic sense in which Emerson and the Positivists used it. While Holmes associated science with certain methods, he associated it above all with temporal sequence: Pythagoras was unscientific and of little value to present science, but so, too, was Galileo. Association of science with progress assumed a further standard for scientific development that Holmes did not make explicit. His ambivalent expressions comport with Positivist historical schemes in part; they comport also with Plato's differentiation of particular and ideal sciences — as explained by Ritter.⁵²

Holmes's ambivalent treatment of "science" and evaluation of Plato must be understood in the context of his contemporaneous defense of transcendentalist aesthetics and an idealist theory of art. He was able to embrace two inconsistent theories of knowledge because he associated each with different kinds of objects: idealism was proper for mathematics and art, whose objects were simple ideas; empiricism was proper for understanding the origin or truth of more mundane objects. The bifurcation of theories of ideas, however, entailed a bifurcation within systematic philosophy, which sought to comprehend all other theories. Holmes avoided confronting the internal tensions between the two theories of knowledge by

⁵¹ See 2 H. RITTER, *THE HISTORY OF ANCIENT PHILOSOPHY* 189–95 (A. Morrison trans. 1838).

⁵² *Id.*

avoiding the elaboration of systematic philosophy. But by expressing his views critically, in reaction to others, Holmes himself failed to attain the scientific philosophy that he argued had eluded Plato.⁵³

3. Art Philosophy

The problems that emerged in Holmes's application of critical methods to the history of philosophy or "science" were closely related to his contemporaneous efforts to elaborate a philosophy of art. In turning to the history of art Holmes avoided the critical problem posed by his treatment of "science," for great art of the past continued to have intrinsic value independent of its historical context. In *Notes on Albert Durer* and *Pre-Raphaelitism*, Holmes attempted to develop a systematic transcendentalist theory of art and to apply it to concrete works and movements. The essays were equally important for what they did not do: Holmes made no effort to relate his work in art to a comprehensive system of philosophy, nor did he dictate for art specific developmental norms of the kind the Positivists dictated for the mental evolution of sciences.

On the contrary, Holmes emphasized the ironic and nonprogressive character of the history of art. He related the artistic force of Dürer's work precisely to the backwardness of Dürer's times. Writing glowingly of Romantic abstract religion, he nonetheless sensed the artistic loss that resulted from the decline of the religious force of images and stories. Explaining the continuing power of religiously inspired art, Holmes fully embraced a transcendentalist view of art in which art expressed in concrete form a spiritual truth that was communicated immediately to the observer. As evidence of the transcendental message and its independence from what Holmes took to be backward faith, he pointed to the still greater power of some of Dürer's works with secular topics, like *Melancholy*.

While relating the greater effect of earlier religious art to the faith of the artist, Holmes did not explore the faith, the relation of faith to art, or the ritual aspects of earlier art. Rather, he sought to explore the power of Dürer's work through the technical methods of producing images, comparing Dürer's with modern methods. The discussion of method, with its unfavorable judgment of more recent artists,⁵⁴ reflected the reigning nostalgia of old and popular

⁵³ Holmes stated in the text that he would elsewhere treat Plato's failure to develop a system. But no such work has survived.

⁵⁴ His treatment of method, however, which focuses on woodcut technique, was ineffectively related to his discussion of particular works, most of which were not woodcuts.

art; it rejected a progressive or evolutionary view of art history and expressed a Romantic association of the decline of art with the rise of science and civilization.

Both *Notes on Albert Durer* and *Pre-Raphaelitism* evidenced Holmes's critical immersion in the work of John Ruskin.⁵⁵ Though reference to Ruskin in Holmes's articles on art, like the reference to Ruskin in *Books*, was critical, Holmes in later years referred to his youthful enthusiasm for Ruskin,⁵⁶ and his writings on art revealed familiarity with Ruskin's published work.⁵⁷ Ruskin's views, like Emerson's, were familiar to educated readers,⁵⁸ and explicit citation would have been superfluous. The title of Holmes's last article, *Pre-Raphaelitism*, was the same as the well-known polemical work by Ruskin.⁵⁹ Holmes probably acquired his great admiration for Dürer from Ruskin, which is evident in *Notes on Albert Durer*. Ruskin had repeatedly praised Dürer's work, and in *The Elements of Drawing* Ruskin treated Dürer's work as a model and urged his readers to acquire a print by the artist. Though one art critic has characterized Holmes's discussion of Dürer's technique as strikingly original,⁶⁰ Holmes derived his treatment of method from Ruskin, and Holmes's critical observations followed Ruskin closely at times. Emphasizing the importance of individual line, for example, Holmes wrote, "Thus it is, that, as I have said, we find with Durer every line is keen as the stroke of a surgeon's knife, not one superfluous, not one to be changed but with a corresponding change of effect." Holmes here followed Ruskin's emphasis on the importance of precision of line in Dürer,⁶¹ and even Holmes's language echoed

⁵⁵ Ruskin's influence in antebellum America is discussed by R. STEIN, *JOHN RUSKIN AND AESTHETIC THOUGHT IN AMERICA 1840-1900*, 1-146 (1967).

⁵⁶ Letter to Elizabeth Shepley Sergeant, July 15, 1926, quoted in E. SERGEANT, *supra* note 41.

⁵⁷ Volumes three, four, and five of *Modern Painters* were published in January, 1856, April, 1856, and June, 1860, respectively; *The Elements of Drawing* was published in 1857. A second edition appeared in 1857, and a third edition was published in 1859, 1860, and 1861. See J. J. RUSKIN, *THE WORKS OF JOHN RUSKIN* xv (Lib. ed. 1904). American editions (unauthorized) of his writings began to appear in 1847 with volume one of *Modern Painters*, and pirated versions of his later writings appeared in one or more American editions soon after publication in England. See generally R. STEIN, *supra* note 55, at 41-42, 79, 87, 90, 94, 263-65. A member of the Holmes family withdrew Ruskin's *Pre-Raphaelitism* and *Stones of Venice* from the library in 1858. See M. HOWE, *supra* note 1, at 42-43.

⁵⁸ R. Stein observes, "By 1855 Ruskin felt that he had a more significant audience in America than in England." R. STEIN, *supra* note 55, at 263.

⁵⁹ J. Ruskin, *Pre-Raphaelitism* (1851); see J. RUSKIN, *PRE-RAPHAELITISM* ([1905]).

⁶⁰ Stechow, *supra* note 6, at 120. In making the judgment, Stechow apparently neglected Ruskin's published remarks about Dürer in *The Elements of Drawing*, *supra* note 57.

⁶¹ J. Ruskin, *The Elements of Drawing*, in 15 *THE WORKS OF JOHN RUSKIN*, *supra* note 57,

Ruskin's opinion that "not a line nor dot [in Dürer] can be displaced without harm; . . . all add to the effect, and either express something, or illumine something, or relieve something."⁶² Holmes also followed Ruskin in contrasting Dürer's precision to the woodcut illustrations in contemporary popular periodicals.

In relating the power of Dürer's art to his faith, Holmes also followed Ruskin. In the last volume of *Modern Painters*, Ruskin had become increasingly sensitive to the effect of religious beliefs on artistic expression. He had explained characteristics of Venetian art by the devout faith of the city, in contrast to the more worldly and abstract faith elsewhere in Italy,⁶³ and he had written generally of the Reformation's destruction of the possibility of simple, unquestioning faith and the resulting movement of artists to worldly themes.⁶⁴ Ruskin had identified Dürer as one of the three great artists to oppose this trend,⁶⁵ and he had focused on the allegorical treatments *Knight and Death*⁶⁶ and *Melancholy* as works of religious faith and concrete representation that resisted the decline of faith and the artistic tendency towards abstraction.⁶⁷

Ruskin's increased sensitivity to the force of religion in the last volume of *Modern Painters* was the outgrowth of personal experiences. It was closely intertwined with Ruskin's change of taste and growing personal appreciation for Dürer.⁶⁸ In a sense Holmes

at 79, 81-82, 85. *The Elements of Drawing* appeared in an unauthorized American edition in 1857. See R. STEIN, *supra* note 57, at 90.

⁶² J. Ruskin, *The Elements of Drawing*, in 15 THE WORKS OF JOHN RUSKIN, *supra* note 57, at 87.

⁶³ J. Ruskin, 5 *Modern Painters*, in 7 THE WORKS OF JOHN RUSKIN, *supra* note 57, at 288-89.

⁶⁴ *Id.* at 300-01.

⁶⁵ Holbein and Salvator were the other two. *Id.* at 302.

⁶⁶ This was the title by which Dürer's *Der Reuter* (1513) was then known. See *infra* note 97.

⁶⁷ Ruskin wrote that Dürer in *Knight and Death* studied the question of death more deeply and gave more conclusive answers than any artist previously. *Id.* at 306. He gave a problematic interpretation of the allegory. *Id.* at 310-11. He wrote in praise of *Melancholy*, which he described but admitted that much of the symbolism eluded him. *Id.* at 312-13. Holmes, too, wrote that the symbolism was opaque. Ironically, Ruskin viewed the objects surrounding the central figure as symbols of labor, and Holmes viewed the objects (more accurately) as symbols of science, or "universal study"; neither viewed the objects, which include in prominent display woodworking tools, as symbolizing art.

⁶⁸ The change of attitude towards Dürer was cause as much as consequence of Ruskin's sensitivity to the religious impulse of artistic production. In earlier volumes Ruskin had treated him more coldly. He had treated *Knight and Death* as a noble example of grotesque art in volume three (1856). J. Ruskin, *Modern Painters*, 5 THE WORKS OF JOHN RUSKIN 131 (Lib. ed. 1908). He had written of the "absence of perception of the beautiful" in Dürer in volume 4 (1856). J. Ruskin, *Modern Painters*, 6 THE WORKS OF JOHN RUSKIN 404 (Lib. ed.

started at the point Ruskin had reached — deep personal appreciation of Dürer's art and concomitant appreciation of the religious impulse that generated it. But Holmes's emphasis on religious roots of artistic creation also reflected the pervasive interpretive gloss that Ruskin's theories received from American readers.⁶⁹ Holmes was not original in his effort to relate art to the naive faith of Dürer's days. Indeed, his historical understanding of that faith was less sophisticated than Ruskin's, for unlike Ruskin, Holmes did not emphasize Dürer's conservative opposition to the challenges to faith posed by the Reformation.⁷⁰ Rather, Holmes sought to further Ruskin's analysis in two separate ways. First, he sought to develop the theoretical grounds for a more comprehensive explanation of the irony of history of culture. The decline of simple faith that made possible progress in "science" accounted equally for a regression in art; and philosophy, to be scientific in the broadest sense, must account for the irony. Holmes grasped the continuing value of past art, notwithstanding progress in science, as analogy to justify the continuing merit of Plato and the critical study of past philosophy. Second, in elaborating a classification of Dürer's works, Holmes sought to develop a general system or science of classification for art.

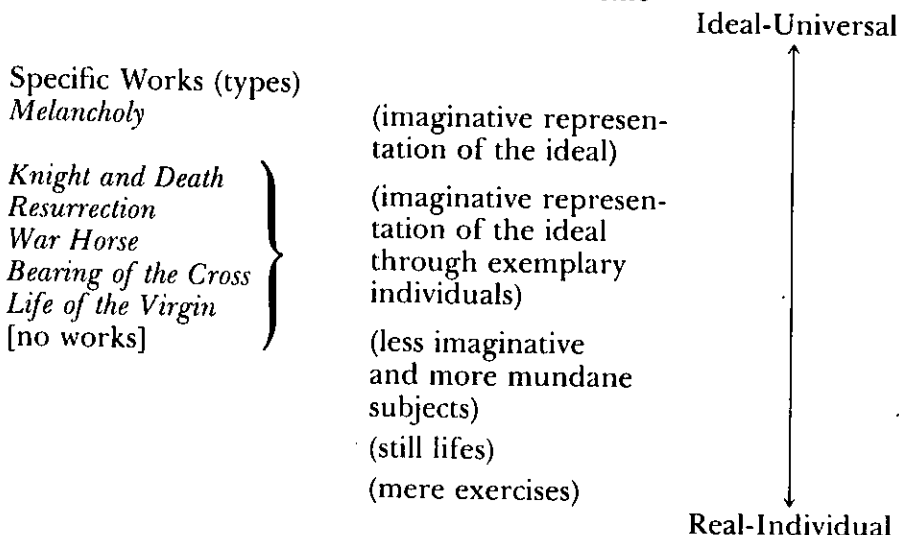
In attempting to explain the power of art and its nonprogressive history and to organize systematically individual works and types, Holmes diverged from Ruskin. Taking *Melancholy* as typical of the highest achievement in art, Holmes emphasized implicitly the inadequacy of explaining Dürer's art solely in relation to his faith, for *Melancholy* was a classical allegory, lacking the topical Christian symbolism of *Knight and Death*. Holmes, unlike Ruskin, had little interest in Dürer's realism. He organized the works according to their ideality or generality: "Highest would come such poems as the MELANCHOLIA, which is as preferable to any scene or representation of a momentary fact as existence is higher than incident" He ranked individual works in ascending order according to how effectively they represented the ideal:

1904). A brief account of some of the important formative experiences in the period between the fourth and last volume is set forth in Cook, *Introduction*, 7. THE WORKS OF JOHN RUSKIN, *supra* note 57. Ruskin also discussed them in the Preface to volume five and in later autobiographical writings. It seems likely, however, that his close study of Dürer's technique in connection with *Elements of Drawing* (1857) also affected his appreciation of Dürer's art.

⁶⁹ See R. STEIN, *supra* note 57, at 84–100.

⁷⁰ Emphasis of Dürer's conservative position would obviously have detracted from the exoteric polemical argument of the article and its defense of abstract Romantic theology.

Holme's Hierarchical Scheme



Lowest were unimaginative depictions of individual subjects without symbolic value.

While much of Holmes's understanding of Dürer's work, technique, and historical context derived from Ruskin, the theory of art set forth in *Notes on Albert Durer* was a systematic elaboration of Emerson's ideas.⁷¹ His theory rested on idealist aesthetics which, in

⁷¹ Emerson had been publishing the chief features of his idealist theory of beauty and aesthetics for decades. Holmes was doubtless familiar with Emerson's important treatments of the subject, but the source of Emerson's influence cannot be limited to his writings. Emerson was active as a lecturer in Holmes's youth. He also visited the Holmeses' home, and Holmes was doubtless present during conversations. Moreover, Emerson's ideas — often expressed allusively and indirectly — became widely diffused among persons with whom Holmes had constant contact, including his father and many in his father's circle of friends. Important books in which Emerson developed his theory of art and beauty and to which Holmes had access at or before the time he drafted his college essays included R. W. EMERSON, *NATURE* 28-30, 68-69 (1968) (facsimile of 1st ed. 1836); R. W. EMERSON, *Essays: First Series*, in 2 *THE COLLECTED WORKS OF RALPH WALDO EMERSON* 209-18 (J. Slater, A. Ferguson, & J. Carr ed. 1979) (originally published 1841) (Essay XII: Art); see also R. W. EMERSON, *The Conduct of Life* (1860), in *RALPH WALDO EMERSON: ESSAYS AND LECTURES* 937, 1104-12 (J. Porte ed. 1983). For aesthetic attitudes of Holmes's father, see [Holmes], *The Allston Exhibition*, 50 N. AM. REV. 358-81 (1840).

Holmes had personal conversations with Emerson during his college years, and he gave Emerson a copy of *Plato*. Holmes later recalled these conversations in discussions and correspondence with Elizabeth Sergeant. See Holmes's letters to Sergeant, July 15 and December 7, 1926, O. Holmes Papers, Harvard Law School Library, Microfilm Project reel 37 (Howe's copies of the originals in Sergeant's possession); E. SERGEANT, *supra* note 41, at 315-16. Howe suggests that the conversations occurred in Holmes's junior year based on the dates that *Plato* was withdrawn from the library. M. HOWE, *supra* note 1, at 54.

The only sustained study of the intellectual relation between Emerson and Holmes with

turn, derived from the German Romantics and Coleridge. Holmes wrote:

[T]he presumption is always in favor of that picture being greatest in which the lower truth of the individual is made subservient . . . to the profounder truth of the idea. [H]igher than anything connected with the individual is the conception of the harmonious whole of a great work, and this again is great, just as its idea partakes of what is eternal. And this striving to look on types and eternal ideas, is that highest gift of the artist, which is called the ideal tendency.⁷²

This classification represented the effort to elaborate a system from key concepts derived from transcendentalism. The power of art to portray the ideal and universal accounted for its greatness; that power accounted also for the survival of art independent of historical context and explained the nonprogressive character of art history.

Holmes's typology reflected his personal taste,⁷³ but it also incorporated specific aesthetic criteria found in Emerson and represented a fundamental critique of Ruskin and the Pre-Raphaelite program. Ruskin's naturalism was complex and laden with fruitful inconsistencies. It had changed over time, revealing change in Ruskin's taste and attitude towards nature. Art for Ruskin remained

which I am familiar is F. Mellen, Jr., *Ralph Waldo Emerson, Justice Holmes, Modern American Law* (unpublished M.A. thesis, University of Kentucky, 1971).

⁷² See R.W. EMERSON, *Essays: First Series*, *supra* note 71, at 209 ("In a portrait, [the artist] must inscribe the character, and not the features, and must esteem the man who sits to him as himself only an imperfect picture or likeness of the aspiring original within.").

⁷³ Holmes continued especially to admire Dürer's *Melancholy* and *Knight and Death*, and framed copies of both engravings were in his sitting room when he died. See *The Oliver Wendell Holmes, Jr. Papers*, *supra* note 6, reel 17. For Holmes, the greatest art was in the past. He was generally dissatisfied with, and disinterested in, contemporary art, though he remained hopeful of great art in the future. Prints represented a high art form. He was drawn to neither naturalism nor primitivism, and nonrepresentational art would challenge fundamentally his paradigm of art. Holmes's personal taste in later years remained true to the taste he formed at college. He continued to admire Dürer and collected his work. See 1 O. HOLMES, *HOLMES-LASKI LETTERS* 495, 561, 609, 713 (M. Howe ed. 1953); 2 *HOLMES-POLLOCK LETTERS*, *supra* note 18, at 156; *Justice Holmes to Dr. Wu*, *supra* note 15, at 11. His interest in lineal representation was reflected in sketches and maps that he made during the war. See generally O. HOLMES, *TOUCHED WITH FIRE*, *supra* note 8. He bequeathed his extensive collection of 670 lithographs, engravings, etchings, prints, and drawings to the Library of Congress. They were valued at over \$7,000 at his death. See *The Oliver Wendell Holmes, Jr. Papers*, *supra* note 6, reel 17. His extensive collection of cartoons in later years also evinced the appeal of representations with an identifiable message. *The Oliver Wendell Holmes, Jr. Papers*, *supra* note 6, reels 62 & 63.

strictly representational in the sense that nature must discipline the imagination and limit the scope of creative work. He ominously suggested that children be given colors to play with: "If it [a child] merely daubs the paper with shapeless stains, the colour-box may be taken away till it knows better; but as soon as it begins painting red coats on soldiers, striped flags to ships, etc., it should have colours at its command"⁷⁴ As to depiction of nature, Ruskin was most famous for championing the work of Turner and recent artists and for challenging neo-classical conventions; he urged artists at the end of the first volume of *Modern Painters* "to go to nature . . . having no other thought but how best to penetrate her meaning; rejecting nothing, selecting nothing, and scorning nothing." He celebrated the Pre-Raphaelites for putting his program into practice.⁷⁵

Holmes criticized sharply the lack of an explicit criterion of selection in the works of *Pre-Raphaelitism*: "Art involves in its very nature *selection* [W]e may doubt whether the present works [of the school] have the right to be called the fruits of art in its highest sense at all." The principle of selection had been central to neo-classical aesthetic theory, and Holmes appeared conservative in his attack on Ruskin and the Pre-Raphaelites. But Holmes did not purport to defend convention; rather, he followed Emerson's view that art was inherently selective and creative. Selection applied both to subject⁷⁶ and to the representation of the subject. Emerson exhorted: "[t]he details, the prose of nature, [the artist] should omit, and give us only the spirit and splendor."⁷⁷ Selection, by removing the contingent and idiosyncratic, represented the object and idealized the object by revealing the object's relation to the universal ideal. In contrast, accurate depictions of contingent phenomena, lacking symbolic value to portray the ideal, ranked at the very bottom of Holmes's classification.

Holmes's vigorous defense of selection in the service of the ideal reinvigorated the transcendentalist doctrine that he had ques-

⁷⁴ J. Ruskin, *Preface, The Elements of Drawing*, 15 THE WORKS OF JOHN RUSKIN, *supra* note 57, at 9.

⁷⁵ See J. Ruskin, *Preface, PRE-RAPHAELITISM*, *supra* note 59, at 5. It is customary to observe, however, that the Pre-Raphaelites had independent origins and comprised radically different approaches. Ruskin later soured on some of the Pre-Raphaelites he had initially celebrated so enthusiastically.

⁷⁶ "In all design, art lies in making your object prominent, but there is a prior art in choosing objects that are prominent." R.W. EMERSON, *The Conduct of Life*, *supra* note 71, at 1106.

⁷⁷ R.W. EMERSON, *Essays: First Series*, *supra* note 71, at 209.

tioned in his treatment of the progress of philosophy in *Plato*. He did not explore the underlying grounds that made the typic, the ideal, beautiful in its appeal to the individual. Rather he sought to develop a system of classification for art, representing an effort to make transcendentalism scientific.

Holmes distinguished science and art according to properties of their respective subject matters. Philosophy in the narrow sense was scientific and was characterized by progressive elaboration of results. In a more comprehensive sense, however, true philosophy must embrace art and explicate the nonprogression of the ideal: "The ideal spirit may be influenced by circumstances, but it is the great gift of humanity, not of a sect; it inspired the philosopher Plato, the artist among thinkers, as well as the Christian Durer, a thinker among artists." Yet, Holmes's critical conclusions ultimately contradicted the vision of reconciling art and science in a comprehensive art philosophy.

Dissatisfaction with both contemporary art and philosophy of art was most evident in *Pre-Raphaelitism*. Holmes, combining Ruskin's criticism with Emerson's metaphysics, sought to evaluate realistically the art actually produced by the Pre-Raphaelites. The essay contrasted with *Notes on Albert Durer*, however, in its lack of discussion of specific works or artists: it did not mention a single Pre-Raphaelite artist by name and alluded only generally to art produced by the school.⁷⁸ Holmes attributed the failure of Pre-Raphaelite art to its academic program, and the strong implication of the essay was that great art could not be wilfully produced by application of an abstract theory of art. On the contrary, Holmes had emphasized that Dürer's force lay just in his naive faith and lack of reflection.

In turning to art, Holmes avoided grappling with the impasse that he had reached in his critical treatment of the history of philosophy. But in art theory, too, he reached an impasse. Neither the historical age of faith nor its corresponding simple powerful artistic products could be arbitrarily reproduced academically. Plato's philosophic weaknesses lay in his failure to attain science; Ruskin and the Pre-Raphaelites failed to regenerate art because of their academic program. Art deterred science; science deterred art. The vision of comprehensive art philosophy reconciling science and art remained an unattained ideal. The ideal was pushed off to the

⁷⁸ He referred directly to only one work.

future in the conclusion of *Pre-Raphaelitism*, and criticism in art as in philosophy had served only to demonstrate the unreality of the vision. The partisan and ironic appreciation of history emphasized the gulf between real and ideal without demonstrating mediate steps towards their reconciliation.

C. Note on the Texts

The essays appeared in the following chronological order:

<i>Books</i>	<i>The Harvard Magazine</i> , vol. 4, 408–12 (December 1858)
<i>Editors' Table</i>	<i>The Harvard Magazine</i> , vol. 7, 26–27 (September 1860)
<i>Editors' Table</i>	<i>The Harvard Magazine</i> , vol. 7, 37–38 (September 1860)
<i>Notes on Albert Durer</i>	<i>The Harvard Magazine</i> , vol. 7, 41–47 (October 1860)
<i>Alma Mater</i>	<i>The Harvard Magazine</i> , vol. 7, 48 (October 1860)
<i>Plato</i>	<i>The University Quarterly</i> , vol. 2, no. 4, 205–17 (October 1860)
<i>Book Notices</i>	<i>The Harvard Magazine</i> , vol. 7, 11–12 (November 1860)
<i>Book Notices</i>	<i>The Harvard Magazine</i> , vol. 7, 230–32 (March 1861)
<i>Book Notices</i>	<i>The Harvard Magazine</i> , vol. 7, 235–36 (March 1861)
<i>Pre-Raphaelitism</i>	<i>The Harvard Magazine</i> , vol. 7, 345–48 (June 1861)

Holmes published *Books* in his sophomore year. At the end of his junior year (July 1860) he became co-editor of *The Harvard Magazine* for his class along with Albert Stetson and Wendell Phillips Garrison (son of abolitionist William Lloyd Garrison).⁷⁹

During the summer vacation in 1860 he wrote *Plato*⁸⁰ and *Notes on Albert Durer*.⁸¹ *Plato* appeared that fall in *The University Quarterly*, an intercollegiate publication that had been founded the previous year;⁸² the article received the prize for the best undergraduate

⁷⁹ See M. Howe, *supra* note 1, at 293 n.45.

⁸⁰ See the annotation to Holmes's copy, quoted *infra* note 104.

⁸¹ A note on Holmes's copy of this essay similarly recorded that he wrote it the preceding summer. See the annotation quoted *infra* note 92.

⁸² See M. Howe, *supra* note 1, at 60 & 293 n.48.

contribution for 1860.⁸³ *Notes on Albert Durer* and the poem *Alma Mater* appeared about the same time as *Plato*. Holmes also authored four or five⁸⁴ short editorial pieces that were published during his senior year — a short descriptive review of three titles, a scathing review of a parlor romance, and two editorial communications; the four short articles were less ambitious than his sophomore publications. Motivated in part by editorial duties,⁸⁵ he may not have considered them important, and he did not include them in his volume of college essays.

Holmes's last pre-war article, *Pre-Raphaelitism*, appeared in print after Holmes had joined the Massachusetts regiment. A "Program of the Order of Performances for Exhibition on May 7, 1861" recorded that Holmes was scheduled to have delivered "A Disquisition on Pre-Raphaelitism,"⁸⁶ but Holmes never gave the speech because he had entered military service. The article was rhetorical and was probably the paper that he had prepared for delivery sometime during his senior year.⁸⁷ It, too, was omitted from his collection of college publications.⁸⁸

The texts published below follow the texts of the original publications, preserving the original spelling and punctuation; different

⁸³ See *infra* note 104.

⁸⁴ The typescript index to volumes one through ten of *The Harvard Magazine* at Harvard University Archives attributed the review of *Autobiography of the Rev. Alexander Carlyle*, 7 HARVARD MAGAZINE 230-32 (1861), to both Holmes and Garrison. The issue of the *Magazine* held at the archives also has a tentative attribution of the work in pencil: "Holmes?" But the Hackett index did not attribute the review to Holmes, and Howe ignored it. The pro-temperance views and treatment of religion in the review suggest strongly that Garrison was the author. Compare Holmes, *Editors' Table*, 7 HARVARD MAGAZINE, at 37. But it cannot be ruled out that Holmes entertained such views in college or that he collaborated with Garrison in writing the review. The interest evidenced in the engraved portrait comports with Holmes's contemporaneous interests. The problematic review is appended.

⁸⁵ The comments in the last paragraph of the *Editors' Table*, 7 HARVARD MAGAZINE, at 26-27, suggest that the *Magazine* had some continuing difficulty in obtaining good submissions. The anonymous essays were attributed to Holmes by the indices at Harvard University Archives. Internal evidence of style and punctuation is generally consistent with Holmes's authorship, and the views expressed are consistent with the attribution of authorship to Holmes.

⁸⁶ The program is preserved. O. Holmes Papers, Harvard Law School Library. See *College Record*, 7 HARVARD MAGAZINE, June 1861, at 357 (noting that Holmes's disquisition was "omitted").

⁸⁷ See M. Howe, *supra* note 1, at 60.

⁸⁸ Holmes's papers also do not contain the poem that he delivered at Class Day in 1861. See M. Howe, *supra* note 1, at 75-76. The absence of the poem and the article on Pre-Raphaelitism suggest that Holmes may not have preserved copies because he had entered the military and was living at camp. The only work to which he referred in his *Autobiographical Sketch* was *Notes on Albert Durer*.

typefonts, however, are not reproduced. The handwritten marginal notes that Holmes made in his copies of *Books*, *Notes on Albert Durer*, *Alma Mater*, and *Plato* are included in footnotes.⁸⁹

II. HOLMES'S EARLY WRITINGS

A. *Books*.⁹⁰

The highest conversation is the statement of conclusions, or of such facts as enable us to arrive at conclusions, on the great questions of right and wrong, and on the relations of man to God. And so we all know well enough the difference, in our various associates, between him who lives only in events, and can relish nothing but the College gossip for the day, and him who feels that this is well enough, but that he can find higher food for thought, and who, while still young, passes restless hours longing to find some one who will talk to him of better things. Those, then, who have somewhat higher aspirations than the mass of their companions, and who in the ranks of boyish insipidity find none who meet or satisfy their desires, must as an alternative take to books.

And, again, many even of the somewhat unthinking will resolve every day to "read," (a phrase of slightly indefinite meaning, even to those who use it,) but, every day discouraged by the enormous quantity of books pronounced "indispensable," end by reading nothing. But this is very unnecessary trouble. Books are now almost innumerable, and most of them have been written within three hundred years. Regarding, then, what has been done already by mighty minds, and looking forward on the futurity we may reasonably suppose to be still remaining for this world, we see that the time is not inconceivably distant when a bookworm's life shall be spent in perusing a literature of Shakespeare and Prophets. This view, it is evident, will very materially contract the importance to be attached to any single volume, and will show two or three rules to be all that can be laid down with any real certainty.

⁸⁹ All of the marginal notes were in pencil. It is likely that Holmes made many of the marginal notes soon after publication. Howe identified the handwriting as Holmes's. See M. Howe, *supra* note 1, at 54 n.d.; Holmes, *Uncollected Essays and Reviews 1858-1870* (Howe ed. unpublished typescript) (Holmes Papers, Harvard Law School Library). But the orthography suggests that the notes were made at different times, and the reference to Grote, *infra* note 108, indicates that that note was made no earlier than 1867.

⁹⁰ The copy of the article that Holmes collected with his other early essays was originally presented to his father. At its head is the presentation in pen: "O W Holmes/ from the Author — O.W.H. Jr."

First, then, we must read for ideas, not for authors. And we shall find that every grand book carries with it and implies ten thousand lesser ones; just as, when a huge tree is torn from the ground, it carries along with its roots an entire body of weeds and flowers and saplings. We read the Bible, and do not feel the need of Doctor Johnson's instructions in morality; and after studying the works of William Shakespeare, we find that Addison's *Cato* can teach us nothing. The first two contain all the last, and a great deal to spare; as I said in the beginning, they imply them.

Secondly, I cannot get beyond the belief that it is best to read what we like; there must be some book or books not absolutely vicious which would be interesting to any reader of this Magazine, and these, whatever they be, will necessitate a certain degree of thought, which of itself is sufficient cause for a better choice in the second instance. Of course a certain number selecting simply by preference would choose certain yellow-clad volumes and newspapers not of the best; but they are capable of higher things, and the rule is good. A great reader said, "As soon as you forget the color of the heroine's hair, lay down the book." We must read no longer — of course I speak of such reading as fills the intervals of other study, and does not itself form our labor — we must read no longer than we are perfectly engrossed in our subject.

Thirdly, for the description of books. After what has been said, it is sufficiently evident that but few rules can be laid down when we start by leaving all to individual judgment; but this may be suggested. First, as for the great books of other tongues, there are in each language one, or perhaps two or three geniuses, that have, as it were, originated the very literature of that state and period from which they sprung; that, like the loadstone mountain of the Arabian Nights, have drawn to their own mighty bulk the nails and strength of the time, and, while everything around them has fallen to pieces, stand only in increased power and majesty. These we must know; but for the Antoninuses and Thomas à Kempises, the reflectors and commentators, their spirit is the same in one language as in another, our native English furnishes enough of them, and, moreover, all the fine ideas that were their *end* are in the books of the present day the assumed axioms from which we start. But more important than all this, we must at once in some shape understand the questions of the day. Just as one man implies humanity, so the history of the struggles of one period implies eternity. And though there always is a fight and crisis, yet are we not in a peculiarly solemn position? Books and papers, within a century or two only

accessible to the common people, have had their effect. A hundred years ago we burnt men's bodies for not agreeing with our religious tenets; we still burn their souls. And now some begin to say, Why is this so? Is it true that such ideas as this come from God? Do men own other men by God's law? And when these questions are asked around us, — when we, almost the first of young men who have been brought up in an atmosphere of investigation, instead of having every doubt answered, It is written, — when we begin to enter the fight, can we help feeling it is a tragedy? Can we help going to our rooms and crying that we might now think? And we whistle or beat on our piano, and some — God help 'em! — smoke and drink to drive it all away, and others find their resting-place in some creed which defines all their possibilities, and says, Thus far shall ye think, and no farther. No, no; it will not do to say, I am not of a melancholic temperament, and mean to have my good time. It will not do for Ruskin⁹¹ to say, Read no books of an agitating tendency; you will have enough by and by to distress you. We *must*, will we or no, have every train of thought brought before us while we are young, and may as well at once prepare for it.

History should be the finest, in fact, the all-comprehending study. But we do not find it so. The cause, as it seems to me, being that facts and dates are mistakenly supposed to constitute its chief part. Yet, if we think, we shall know that these are not what impress us with the realities of past time. Little things — anecdotes — will often display the whole manners and customs of a period, when we should have laid down the statistics as ignorant as we took them up. What is most pleasant about Herodotus is, that, in a history of the great nations of the earth, he tells us such facts as that the mares that gained three races are buried by the side of their master in the road that runs through the Hollow. This history, which we can by no possibility get, except by fragments from contemporary plays and poems, with regard to past days, at present we can have, or almost have forced upon us by the daily newspapers, reading in

⁹¹ Holmes later described his early admiration for Ruskin and Emerson and contrasted the decline of his enthusiasm for Ruskin with his continuing admiration of Emerson. Letter to Elizabeth Shepley Sergeant, July 15, 1926, O. Holmes Papers, Harvard Law School Library, *The Oliver Wendell Holmes, Jr., Papers* reel 37 (typescript copy of original). But his earliest published references to Ruskin reflected a critical attitude, and he remained critical of Ruskin in later years. Among Professor Howe's papers is the typescript of F.F.'s [Frankfurter's] recollections of a conversation with Holmes on August 10, 1932, during which Holmes spoke critically of Ruskin's "Praeterita." *The Oliver Wendell Holmes, Jr., Papers*, *supra* note 6, reel 41. The reference is to Ruskin's autobiographical fragments that were published in 1885–1889. See J. Ruskin, *Praeterita*, in 35 *THE WORKS OF JOHN RUSKIN* (Lib. ed. 1908).

them details about each day enough to fill a volume of Grote or Macaulay. And so I say again, we must study the present to know the past. Emerson, who probably takes about as large a view of men and events as any one we could point out now living in America, gains much of this breadth by the peculiar direction of his studies. Look into his article on Books, — never was a stranger list of indispensables, will be our first impression. But we shall soon see the plan that regulates him. We read principally, more even than we do Shakespeare or any great man who lived as many as fifty years ago, the ephemeral productions of the day, — a very different thing from studying the progress or regress of the day in politics and religion. We encourage a hot-bed operatic taste that requires a strong stimulus to excite it, and consequently the delicacy of the noblest and calmest books is to us insipidity. The great secret of all delight in literature is preserving this fineness of taste, and Emerson understands it, and not only reads the great works of our own tongue, but he studies all the great inspired books of all the great literatures. He knows and reverences Shakespeare, Montaigne, and Goethe; but he has also penetrated into Plato and Confucius, into the Buddhist and Zoroastrian sacred books, which we condemn on the authority of others, without ever having looked into them ourselves, and some of which, written five hundred years before our Christian Scriptures, teach us lessons of love and forbearance, that, after eighteen hundred years have gone by, we have not yet granted the New Testament to inculcate. It seems to me that there is nothing in literature so elevating as these volumes; and we cannot help feeling how infinitely better were our time spent in really learning these, than in reading book after book of puzzling and involved commentary on a book which bears on its face that it was written for all if for any. Yet books are but little seeds after all, seeming insignificant enough before the merest weed of real life; but they lie soaking in our minds, and when we least expect it, they will spring up, not weeds, but supporters that will be our aid in the sorest struggles of our life.

B. *Notes on Albert Durer*.⁹²

If we regard any of the modern finished woodcuts, we shall find them conceived primarily in *tints* expressed by delicate lines,

⁹² Holmes's copy of the article has an annotation under the title: "Written at the same time as the following article." The following article in Holmes's volume is *Plato*.

sometimes confused, sometimes systematic, which are individually insignificant, but collectively effect just and fine pictorial gradations. The same fact is further shown by the drawing on the block, which in the most characteristically modern cuts, as in the case of nearly all the illustrations of the popular periodicals, is almost entirely washed in with the brush; the reproduction of the smooth *tints* by systems of *lines*, being left to the discretion and technical skills of the engraver. Even when the drawing is made entirely with the pen by the artist, and the engraver merely cuts its fac-simile upon the block, we shall still find the fundamental conception to be the same, only in this case the draughtsman has endeavored in the first place to express those tints by careful shading with the pen, which in the other he left to the methods of the cutter. Albert Durer, on the other hand, contrary to the moderns, made a pen-drawing upon the block, bold and rudimentary, in which the finest gradations are not attempted, and all elaboration of tints is quite secondary to the thoughtful meaning of the individual *line*. The reason for the difference evidently lies in the improved methods and increased understanding of the material in our time. Thus, the introduction of the use of the graver on cross-cut blocks, instead of the old knife-cutting on blocks sawed along the grain, has revolutionized the technical methods of treatment; and the substitution of lines of differing thicknesses and varying proximity, instead of the old cross-hatchings, as a means of expressing shades, renders a thousand effects possible or easy that were once unattempted. Hence, our woodcuts are comparatively finished works of light and shade, in place of the sketches, perfect as they are as such, which are the utmost results of the old art. Ruskin, who has noticed the value of Durer's line, attributes it to his profound knowledge of drawing, using the simplest means to express the most possible truth, with a material inadequate for perfect work; but if this were all, it is evident, according to Ruskin's own principles of finish, that these means ought to give all the truth consistently attainable with the material in question, whereas quite the reverse appears to be the case. In short, it is vain to deny that the reduced prominence of the single line in our cuts is the natural accompaniment of more perfectly gradated tints of color. To be sure, there were good effects from the old limitations, and indeed it was chiefly to show these that this whole comparison has been made. When each additional pen-stroke was an additional labor to the engraver, the draughtsman would take care that every line should tell as much as possible, and, giving up the delicacy to be gained by a fuller treatment, would

put upon the block a severe and thoughtful drawing. Thus it is, that, as I have said, we find that with Durer every line is keen and searching as the stroke of a surgeon's knife, not one superfluous, not one to be changed but with a corresponding change of effect; so that, besides the care and thoughtfulness thus gained, there is the advantage in these old works, that finally a man shows just what he knows, and when he is ignorant must needs confess it without any of our possible disguises of uncertainty in mystery or vagueness.

Having seen the technical relations of the woodcuts of Durer to those of our own time, a matter which will be useful when we come to look at the work of three hundred years ago, let us now endeavor to determine his position as an artist.

The men of the fifteenth and sixteenth centuries, it seems to me, had one advantage not likely to be soon possessed again. Without stirring the dogmas of the Church, it is clear that a noble philosophy will suffice to teach us our duties to ourselves and our neighbors, and some may think also to our God. Some may take satisfaction in basing their moral obligations on this foundation, and in contemplating the future construction of an abstract religion on the same general ground; it is certainly now true, however, that the weaker faith of the majority of mankind prefers for these pure abstractions a clothing of more concrete fact, and demands the stimulus of a story and a life to excite their souls, sluggish to receive the highest truth; and that this demand will not remain to the end of time is by no means sure. But however this may be, certainly the growth of civilization increases our faith in the natural man, and must accordingly detract from the intense and paramount importance attached in darker times to the form of the story embodying the popular religion. Thus, while it has come to pass, that nowadays we see that duty is not less binding had the Bible never been written, or if we were to perish utterly to-morrow; on the other hand, the story that once made corporeal, and fit subject for the painter, man's highest religious conceptions, — that dramatized philosophy, — is now regarded in so far a different light, that those scenes, once wrought out with such loving faith, have now, I fear, passed from the province of art. This is something that civilization cannot restore; and neither the drooping sickliness of the modern religious painting in Germany, nor the feverish strength of all the Pre-Raphaelite religious work that I have seen, can compare with the unconscious work three centuries old and more, full of the life of the artist: thoughtful, for it came from the soul of a reformer, yet faithful, with the simple and childlike faith of early times.

But, however much be lost to art when the religious stories become matter for reasoning and scholarly dispute, in place of the old reverence for the letter, art does not finally depend for inspiration on religious form. The ideal spirit may be influenced by circumstances, but it is the great gift of humanity, not of a sect; it inspired the philosopher Plato, the artist among thinkers, as well as the Christian Durer, a thinker among artists. This it is that sees the eternal disguised in the visible form, in the particular event; and I notice that its highest results with Durer, after all, are not found in even the profound pathos and grand tenderness of the *Passion*⁹³ and the *Life of Christ*,⁹⁴ but in conceptions more remote from the contact of history. The mortal figures there portrayed were personal and ephemeral, but the *Melancholia*⁹⁵ sits forever, an undecaying and immortal thought.

If we study this last-named print, we shall find it more illustrative of Durer's power, and more characteristic of his tone of thought, than perhaps any other of his works. In the anatomy of that figure there is the mass and grandeur of Michael Angelo's Night, but it is hidden under the curiously crumpling folds of the enveloping garment, elaborated with a touch of German realism; this corresponds to and illustrates the peculiar power of the artist: like that form, massive and imposing, but like it, hiding its naked strength under the thousand folds of a disguising fancy; and if we turn to the idea of this great work, we find in it set down the history of Durer's inner life. It is full of a symbolism that we neither can entirely understand, nor wish to treat with too rude a curiosity; whatever was in Durer's mind when he wrought out the engraving, we feel, instinctively, as I have said, that into it he has thrown his life. That solitary woman is the true picture of his soul, in its strength and in its weakness; powerful, but half overcome by the many objects of its universal study; crowned with the wreath of the elect and beautiful with ideal genius, but grave with thought and marked with the care of the world; winged, yet resting sadly on the

⁹³ Dürer executed at least four series of *The Passion*. Holmes here probably means either the series of 16 small copper engravings from 1507-1512 or the series of 12 large woodcuts from 1496-1510. See 2 ALBRECHT DÜRER 1471 BIS 1528, at 1849-64, 1522-47 (W. Hütt ed. 1971); E. PANOFKY, THE LIFE AND ART OF ALBRECHT DÜRER 139-40, plates 186-89, 87-90, 179, 182 (1955).

⁹⁴ I do not know what work or series Holmes refers to here.

⁹⁵ *Melancholia I* (1514) (copper engraving); see 2 ALBRECHT DÜRER, *supra* note 93, at 1953; E. PANOFKY, *supra* note 93, at 157-71, plate 209.

earth. Durer's genius was thoroughly German; to all its ideality there was added a realizing tendency, that makes positive his most remote and mystical fancies, in this respect recalling the criticism of Coleridge on George Herbert and the elder English poets, as "conveying the most fantastic thoughts in the most correct and natural language;" while the antithesis of the modern school, by the same author, may be quoted as also applicable to a degree in art. Of this Coleridge speaks, as "in the most fantastic language, conveying the most trivial thoughts. The latter is a riddle of words; the former, an enigma of thoughts."⁹⁶ But this last is only true of those hangers-on to a great school, who catch the mannerisms without possessing the genius of its founders.

If I have now succeeded in making plain the character of Durer's mind, it will be easy to see that in his works we may expect a wide range between those of profound imaginative thought on the one hand, and on the other, those which his love of the simplest every-day truth has prompted; and his prints and pictures may be classified according to their position between these poles. Highest would come such poems as the MELANCHOLIA, which is as preferable to any scene or representation of a momentary fact as existence is higher than incident; even the *Knight and Death*,⁹⁷ though often called the greatest of his engravings, would, strictly, have to give place to this by just so much as, in the figure of the knight, it becomes lowered to the personal and individual; but there is, on the other hand, to this latter that active strength which almost forbids us to place it second to anything. The next division would contain those works which conveyed a great idea, through the medium of a person, either actually or conceivably historical; as in the almost awed expression, as of man rising from the experience of the other world, and yet the look of Godlike benignity, portrayed in the face of Christ (strangely contrasting with the animal immobility of the sleeping guards), in the woodcut of the Resurrection in the *Lesser Passion*.⁹⁸ A different example of the same class is the

⁹⁶ Holmes quotes, with minor alteration of punctuation, from 2 S. COLERIDGE, *BIOGRAPHIA LITERARIA* 73 (1962) (facsimile of 1817 ed.), which was available in many editions.

⁹⁷ *Knight, Death, and Devil* (Der Reuter) (1513) (copper engraving), not the woodcut *Death and the Knight* (1510); see 2 ALBRECHT DÜRER *supra* note 93, at 1952; E. PANOFSKY, *supra* note 93, at 151-55, plate 207.

⁹⁸ *The Small Passion* (published 1511) comprised 37 woodcuts; *The Resurrection* of the series was cut ca. 1509; see 2 ALBRECHT DÜRER, *supra* note 93, at 1590-1629; E. PANOFSKY, *supra* note 93, at 139-45, plates 190-94.

War-Horse, of which a good copy on wood was published by Charles Blanc, in the *History of the Painters of all Nations*,⁹⁹ the same cut being republished in the *Illustrated Magazine of Art*, for January, 1854. Only lower than the just mentioned Resurrection in the capacity of the subject, perhaps greater in power of treatment, is the larger woodcut of Christ sinking under the cross;¹⁰⁰ to judge of Raphael's similar picture¹⁰¹ by engravings, the older print is as far superior in sincerity, in sentiment, and in grandeur, as it is in vivid reality, and this though Raphael had probably seen either it, or the similar one of the smaller series, before he began his painting. Thus, through the second division there would be a gradual descent, marked by the decrease of the higher qualities, through the works containing appeals to the nobler human feelings but approaching nearer to every-day life, such as many of the cuts in the *Life of the Virgin*,¹⁰² down, finally, to purely unimaginative statement of fact.

The above classification is the best one, I believe, of so general a nature, and though, of course, not absolute, points out a principle applicable in ranking the works and in settling the position of all artists. There are various considerations, however, which act as drawbacks; thus, we have already seen that certain qualities in the *Knight and Death* caused us to value it as little inferior to the MEL-ANCHOLIA, nay, in some respects superior, though the presumption was in favor of the superiority of the latter. We can, again, easily fancy it possible that the magnificent vitality of Titian might be worth more than any less healthy, though more aspiring work; and, in the same way, the majestic grace of Raphael might very probably outweigh profounder thought expressed in the coarser forms of Durer. To speak about such different qualities relatively is as hard as to compare the commanding power of a great statesman with the more abstract ability of the philosopher; the one conveys the greater sense of power, yet in the other we recognize the higher range of thought; the best we can do is to fix on an intermediate point, where the keen eye and directing brain of the

⁹⁹ Three different editions of this work appeared in English translation: one in 1852, and two in 1853.

¹⁰⁰ *Bearing of the Cross* (ca. 1497-1498), from the series of 12 woodcuts *The Large Passion* (1511); see 2 ALBRECHT DÜRER, *supra* note 93, at 1536; E. PANOFKY, *supra* note 93, plate 89.

¹⁰¹ *The Spasimo di Sicilia* (ca. 1516) is a large canvas depicting Simon coming to the aid of Jesus, who falls under the weight of the cross. It is now believed that Raphael's assistants Penni and Giulio executed much of the painting. See Marabottini, *Raphael's Collaborators*, in *THE COMPLETE WORKS OF RAPHAEL* 247-48 (1969).

¹⁰² *Life of the Virgin* (published 1511) (series of twenty woodcuts); see 2 ALBRECHT DÜRER, *supra* note 93, at 1548-89; E. PANOFKY, *supra* note 93, at 96-194, plates 86, 141-44, 181.

man of the world keep more abstract reflection from falling into weakness. One thing I think we can say; just as the lowest form of good art is the mere portraiture of the single, unconnected fact, with no further view beyond, — like the painting of a nosegay, for instance, with the decay, the worm, and the dew-drop set down with equal faithfulness, — so art is great in proportion as it rises above this, and the presumption is always in favor of that picture being greatest in which the lower truth of the individual is made subservient (notice, I do not say falsified or even neglected, but made subservient) to the profounder truth of the idea. Knowledge of the stains of the earth, and of the decay that accompanies all earthly life, doubtless the painter needs, but higher than this is the sight which beholds the type disguised beneath the wasting form, and higher than anything connected with the individual is the conception of the harmonious whole of a great work, and this again is great, just as its idea partakes of what is eternal. And this striving to look on types and eternal ideas, is that highest gift of the artist, which is called the ideal tendency.

I had hoped finally to have devoted a few words to Durer in his wider relations, as a man who resumed in himself and represents in his works the great tendencies of his age and country, but the limited space forbids. As it is, all that I have attempted, has been to hint at that combination of noble powers, coming at a thoughtful time, that have made his works dearer to me, and more valued instructors than any book and than any other art.

*C. Alma Mater.*¹⁰³

(Read at the Sophomore Supper of the Class of '61.)

Two years have passed since fair Harvard
received us, —
Two years touched the face of our smiling young
earth, —
She who with many a pang has conceived us,
Two years from now will give some of us birth;
And we shall love her,
Our bountiful mother,
We shall all love her, wherever we go;
Both for her motherhood,
and for our brotherhood,

¹⁰³ This poem was previously published, with a few minor mistakes, in M. HOWE, *supra* note 1, at 50. The text in S. Novick, *supra* note 1, at 26, is incomplete.

We shall all love her, wherever we go.
Babies in life, we shall play with its roses,
Boys, see their opening; men, watch their decay;
But the beauty imparting a higher discloses,
And we find the fruit just as the flower drops
 away.
Then drink to our mother,
Our bountiful mother,
For we shall love her, wherever we go;
Both for her motherhood
And for our brotherhood
We shall all love her, wherever we go.

D. *Plato*.¹⁰⁴

Socrates, who is continually before our eyes as forming the nucleus of the Platonic dialogues, and as the foundation which furnished them their stability and weight, is known to us chiefly through the colored medium of those writings; and when we also include the humbler memoirs of his other pupil, Xenophon, we have the chief authorities for his life and teachings. In connection with Plato, then, he stands like one of the Blue Hills: the roots and base of the unyielding rock, but covered with the growth of forests and the accumulations of centuries, clothing and softening the contours of its rough ribs and only here and there the stern lines of the massive core showing unmistakably to the sky. As far as possible let us first settle the character and relation of this nucleus to the later growth which has enveloped it.

Socrates does not appear to have been a systematic philosopher; the dogmas he enunciated were few and uncertain. He was a rough old citizen with a big brain, who, belonging at Athens, and exceeding even his countrymen in his making man the proper centre of human thought, occupies himself in asking all sorts of questions of everybody with regard to matters practically interesting to men.¹⁰⁵ Here is a condensed translation from the *Theaetetus* of a passage wherein he speaks of himself and his province: — "Have you not then heard that I am the son of the very noble and reverend

¹⁰⁴ Holmes's copy has the handwritten note under the title: "Took the prize for the year 1860. Written in the summer vacation 1860."

¹⁰⁵ Holmes's copy contains a handwritten note in the margin: "*Memorabilia* Δ VII." This is a citation to XENOPHON, *MEMORABILIA*, bk. 4, ch. 7. At that passage Xenophon recounts how Socrates taught his students to acquire knowledge of subjects like geometry and astronomy that were of practical application in activities like surveying and navigating.

midwife, Phaenarete, and that I follow the same profession? Consider all the relations of midwifery and you will more easily see what I mean. For you know that no one at the time of conception and pregnancy delivers others, but those who are past that period; and is it not evident that midwives more than others have the power to distinguish those really pregnant and those who are not? — Now in other respects my art of midwifery resembles theirs, but it differs in that it delivers men not women, and has regard to pregnant souls, not bodies; *and in this point I am like the midwives; I am barren of wisdom, and that which many have taunted me with, that I question others but give no answer myself on any subject, is a true reproach.*¹⁰⁶ The cause being that the Deity compels me to act the part of midwife, but has prevented me from myself bringing forth. *I am not, therefore, at all wise, nor have I any discovery that is the offspring of my own mind.* But of those who associate with me, some appear at first very ignorant, but all, as our intimacy advances, if the Deity grants it, show such a wonderful proficiency that it is evident to all. And this clearly without learning anything from me, but of themselves discovering and becoming possessed of many beautiful and noble thoughts."¹⁰⁷

Though Socrates often uses these statements of his as a sly cover for an impending confutation, he still was perfectly in earnest as to the fact.¹⁰⁸ His peculiar power lay not so much in a profound perception of truth as in a natural spirit of argumentative questioning, which he developed into his system of dialectics, demanding the initiatory definition, which it is also his claim to have introduced, as the necessary first step. He had a bent not too speculative and ideal to prevent his avowing the amelioration of present institutions

¹⁰⁶ Holmes's copy contains a handwritten note in the margin: "Gorg. 506A." At *Gorgias* 506a, Socrates discusses his method of argument and disclaims any pretense to special knowledge. Robert Stoddart has brought to my attention the fact that, notwithstanding what Socrates says about method in this passage, Socrates's actual procedure in the text cited by Holmes was exceptional. Because Kallikles will not argue with Socrates, Socrates elaborates answers himself from his own questions. While Holmes may thus have cited the passage as an exception, it is equally likely, I think, that he did not appreciate the irony.

¹⁰⁷ *Theaetetus* 149a–150d. Holmes omitted much material, which is not indicated by ellipses in the text.

¹⁰⁸ Holmes's copy contains a handwritten annotation in the margin: "1. Grote, Plato Ch. VI. VII 292." George Grote's twelve-volume *A HISTORY OF GREECE* had appeared in London in 1846–1856, and there were numerous English and American versions by 1860. But *G. GROTE, PLATO, AND OTHER COMPANIONS OF SOCRATES*, three volumes, did not appear until 1865. Holmes studied the latter in 1867. His diary recorded that he finished volume three on September 24, 1867. Holmes Diary for 1867, Holmes Papers, Harvard Law School Library, Manuscript Box 19, folder 2.

as the ultimate purpose of his questions, rather than any more remote love of truth as such.¹⁰⁹ Taking a subject bearing on the education of youth, perhaps, or, as in the *Theaetetus*, propounding a question on the nature of science, he would easily obtain from his companion some definition,¹¹⁰ loosely thought out, as might be expected from the unscientific use of language and lax thought of that time, and then would proceed with fatal effect¹¹¹ to apply the proffered garment to the form it was to fit, and prove it here too short, there too full, and in another place again too tight to meet its destined end.

Many of the dialogues most representative of the real Socrates come to an end, having only indicated by negations a positive opinion, and others give us no clue to his idea of the truth; and indeed very likely he had no clear idea of it, but was working after his obstetric fashion to see if he could not elicit it from some other mind. But when Socrates did undertake to arrive at the truth constructively, his chief means was by the fallacious argument drawn from single analogies;¹¹² a plausible analogy furnished to his mind proof all-sufficient and conviction to every doubt, and when it was once in his grasp he held on to it until he had pressed from it every germ of possible suggestion. The resemblance of principal ratios being settled, he would unhesitatingly assume the same likeness in all minor points without being startled by any result that might be induced by the process. It is thus in an example from the same part of the *Theaetetus* that I have previously quoted from, which I use merely as it happens to be the nearest at hand, though in other cases results far more illogical and in some instances even shocking to sound morality occur. In this instance he merely trivially argues from a recognized similarity between the midwife and the reaper of grain that, because, as he assumes, the reaper should also know

¹⁰⁹ Holmes's copy contains references in the margin to: "Gorg[ias]. 521 D." and "Memorabilia Δ V11."

¹¹⁰ Holmes's copy contains a handwritten note in the margin: "Definition, Division &c. in Phaedrus 265: A, B." At that passage Socrates subdivides the definition of love into different types of love.

¹¹¹ Holmes's copy has a handwritten note in the margin: "Method Gorg. 474C.478D ([τὸ] καλὸν [accent sic] [the good] defined.)" At *Gorgias* 474 Socrates elicits a preliminary opinion from Polus that it is better to suffer wrong than to do wrong. Through a series of leading questions in the passage cited by Holmes, Socrates shows Polus the error of the opinion.

¹¹² Holmes's copy has a handwritten note in the margin: "Imperf. analogy. Gorg. 478.A; 480.B." Socrates, at *Gorgias* 478a, 480b, compares justice and medicine and proceeds to draw conclusions about the proper course of justice from the practice of medicine.

the proper seed to be sown in various soil,¹¹³ therefore the midwife should know as part of her business the becoming mates in marriage for the various temperaments. It is not an important point, nor does Socrates make it so, but it will illustrate the fact.

"Socr. — Didn't you know this about them, that they are most skillful matchmakers, as being competent to distinguish from what unions will spring the finest children?

Theaet. — I did not altogether know that.

Socr. — *** Consider; do you think that the cultivation and gathering of the fruits of the earth, and again the knowledge of the proper soil for the various plants and seeds, belong to the same or a different art?

Theaet. — "Certainly to the same." (In the first part of this analogy, even, we have a fallacy, for a reaper may clearly be competent for¹¹⁴ his business and know nothing of planting or cultivation.)

"Socr. — But with regard to women, my friend, do you think there is one art of adapting the seed to the soil and another of gathering the fruit?

Theaet. — It is not reasonable to suppose so."¹¹⁵

Just as personally he was a wonder of physical endurance, able to walk barefoot through the snow at a temperature which his fellow-soldiers could hardly bear, wrapt in their warm fur coverings, and undergoing all hardships without a complaint, or even the appearance of suffering, so was Socrates characterized mentally by an enormous vitality. This did not fail him in his latest hours, but gave him that confidence which enabled him to face his death with such calm dignity; and the same activity of mind which led to his questions and his public cross-examinations must have imparted to his conversations a vigor that,¹¹⁶ with the sense of his moral strength, probably did much to gain over and retain for him the many pupils who attended his daily steps.

Having now seen, as well as the brief space allows, the philosophical position of Socrates, as a man rather of a keen and caustic spirit of enquiry, than of great constructive power, and naturally therefore the one to introduce definition and logical induction from more or less accurate premises; as a man whose more practical turn

¹¹³ Holmes's copy changes "soil" to "soils."

¹¹⁴ Holmes's copy changes "for" to "to."

¹¹⁵ *Theaetetus* 149d-150a.

¹¹⁶ Holmes's copy changes "that" to "which." See *infra* note 135.

of mind and unflinching moral courage, as well a physical daring, seem to have been a foundation that was needed for the speculative superstructure reared by his chief pupil; let us, without undertaking the uncertain task of settling the distinctive dogmas of the master's creed, turn our attention to Plato, who, being apparently more devoted to purely abstract speculation, seems to have embraced all the positive opinions of Socrates, aiding them by new arguments and illustrations, and who has certainly also added new ones peculiar to himself;¹¹⁷ Plato, moreover, who was fully in our sense of the word a philosopher, has arranged and perfected the conversational method of Socrates into a delicate and powerful instrument of exact written thought, and has obtained the best results possible to be gained by its means. In addition to all this, he gives life and breath to all his dialectics by the animation of his dramatic power and the grandeur of the poetic allegory.

In speaking of Socrates, I have briefly explained the peculiar logical method which Plato received from his master, and aided and enlarged by the addition of a more rigid analysis. Now with the first of the two the method was all in all, as it gave a systematic order to his daily conversations; and though by its means truth was brought to light, yet still it was with the delivering of the person in labor, not with the child when fairly in the world, that he was especially concerned. Plato, however, the scientific lecturer, (though he too set a value on dialectic skirmishing merely as such) had aspirations also to positive theories; among these the most prominent is the famous but sometimes misinterpreted Theory of Ideas, and this, as the basis of his system, I will now endeavor to explain.

Everything material has of course certain qualities by which it is characterized; as for instance, that of beauty — a deer, a landscape, and a man, might all, though very unlike, be rightly called beautiful — moreover, there is the higher beauty of the soul, and still higher, one of science.

What is it that makes it right to apply the same adjective to all of these? It is, answers Plato, generalizing, because in an ascending scale all of these partake and more and more nearly approach the abstract *idea of beauty*; 'which is eternal, being neither produced nor destroyed, and suffering neither increase nor decay, which is not beautiful at one point or at one time only and not at another, nor beautiful in the eyes of some but not so to others; nor is this beauty

¹¹⁷ Holmes's copy changes the semicolon to a comma.

an outward appearance merely, like a face or a hand or anything corporeal, nor is it any discourse or science, nor does it exist anywhere in any being, nor in any point in space; but it subsists by and with itself in eternal unity. And all other things are beautiful in so far as they partake of this, and in such a way that while everything else is subject to birth and decay, it suffers no change and is liable to no casualty.'

Man is man, again Plato also says, just so far as he partakes of humanity, and a table a table so far as it partakes of the tabular idea. But here, as it seems to me, there is a serious confusion introduced into the system, owing to the admitting equally, without distinction, the simple ideas like those on which mathematical truth is dependent, or perhaps, like beauty, which alone are recognized by our intuitive faculty, (and which, with Plato, we may suppose necessary ideas permanently existing in the mind of the Creator,) and the *complex* conceptions of table and chair, which are evidently mere arbitrary combinations effected by man; or still further, those like *humanity*, which is a purely general statement, drawn from observation, of a *present* fact, equally as far as we know, dependent on the arbitrary will of the Deity. In other words, more briefly, as long as we have faith in reason we must believe in the truths of mathematics and the like existing as absolute necessities in the nature of things, while we see, at least, no such necessary existence for the ideas humanity, table &c.; and Plato was wrong, therefore, in characterizing both the classes as absolute and as equally *by* tw

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¹¹⁸ [Holmes's copy corrects %*wtvw* o*yta* to %*wtvw* o*nta* (actually existing [things] or substance).] [Footnote to the article:] The above is meant to be so stated as to be true in outline to sensationalist and idealist alike; for, without entering into the distinctions of necessary and contingent truth, it is evident that mathematics express the simplest relations of all created things, whereas creation might conceivably have stopped short of man or man not have invented a table. But it is especially the including of the idea table, which no sensationalists of the present time would call of the same order, in the same category with those connected with mathematical truth or beauty that stamps the unscientific character of his theory.

Since the above words were written and the whole essay finished and put into other hands, a new volume by Whewell, on the 'Philosophy of Discovery,' has appeared, in which the same criticism is made, in language so similar that I insert the passage here; "But Plato seems, in many of his writings, to extend this doctrine much further; and he assumed not only Ideas of Space and its properties, from which geometrical truths are derived; but of Relations, as the Relations of Like and Unlike, Greater and Less; and of mere material objects, as Tables and Chairs. Now to assume Ideas of such things as these solves no difficulty and is supported by no argument. In this respect the Ideal Theory is of no value in Science." pp. 12, 13. It is pleasant to find one's self sustained by such high authority. [Holmes quotes,

A convenient illustration of the above theory might be offered in the shape of a diagram.¹¹⁹

Let us suppose from a common focus the principal axes of many ellipses to radiate in all directions; the various nature of the different ellipses depends entirely on the relation of the separate foci, (which to our view may represent the centres of individuality,) to the common central focus which stands for the Platonic abstraction, and which, although the essential point common to all the ellipses, is, nevertheless, only a geometrical idea destitute of extension or any predicable qualities. The ratio of the focus of individuality to this central point, is, I say, the essential matter; and the ellipse, a figure having extension, yet depending for its character on an idea, precisely represents the relation, according to the theory of Plato, of a beautiful object to the abstract quality, beauty. Now beauty, Plato likewise holds, is the most sensible presentation of the Good, which is the definition, so to speak, of God, and which embraces all the other permanent representative ideas. The Good is the end of all philosophy, and as this is attained to by the study of the various ideas which represent it and which it comprehends, such study is philosophy, is Science *par excellence*.

Dialectic, therefore, or Logic, as concerned with these immutable ideas, which alone, as he holds, owing to their immutability, admit of definition, is exalted to this position, as science founded on observation, as concerned with mutable matters, must take an entirely secondary place. But Logic is, in fact, merely an instrument which works with data previously obtained, whether from this very physical science or from intuition; and the unhappy fallacy in connection with this point, that is, with regard to its functions, which runs all through Plato, is that he confounds this drawing of conclusions already contained in the premise, by Logic, which can only develop a preexisting statement, with the finding of new data or statements, for which we must look to consciousness or to generalizations from experience. Moreover¹²⁰ all logical investigation into

with minor changes, W. WHEWELL, ON THE PHILOSOPHY OF DISCOVERY: CHAPTERS HISTORICAL AND CRITICAL 12-13 (1860).]

¹¹⁹ The uncharacteristic one-sentence paragraph suggests that Holmes may have intended to insert an illustration.

¹²⁰ [Footnote to the article:] This latter point I first found noticed in Lewes's Biogr. Hist. of Philosophy; (library ed. London, p. 130). See also Devey's Logic, Bohn 'Nominal Definition mistaken, &c.' p. 73. Lewes also was the first, as far as I know, to point out the difference of the Socratic and Baconian induction; I have used these points as aiding in establishing conclusions originally founded on the study of Plato himself. [Works cited are: G. LEWES, A

the nature of the subject of a statement or definition, is only good so far as the definition may be supposed absolutely and not only relatively true; and yet Plato, in common with others of the ancients, assuming a definition which will only stand in the capacity of showing the meaning *he attaches* to a word to be the true expression of the actual fact referred to by it, proceeds thence to deduce consequences relative to the essential nature of the fact.

As I have made use of this prominent example of beauty in illustrating Plato's Ideal Theory, it may be worth while to try to explain, before leaving the subject, the real nature of the famous Platonic Love, which is connected with this idea of the beautiful.¹²¹

Love is the faculty by which we immediately apprehend the Good, of which, as has been said, beauty is the most sensible presentation. Every being that is mortal desires and earnestly strives to partake of these verities which are alone immortal; and this striving after immortality, in the lowest organisms, takes the forms of mere animal desire for procreation. Those, however, who feel desire in their souls, have as their proper offspring intellect and every other excellence, of which poets and inventors are the chief generators. Now when any one of a really divine soul arrives at maturity, he longs earnestly to beget an offspring; and, being unwilling to generate upon what is ugly, seeks ardently for a beautiful object. And if he meets another beautiful and noble soul, especially if it have also a finely moulded body to match, he rushes to embrace this combination, and, discoursing much on virtue, he, acting as teacher, endeavors to direct his pupil in the path of his duty, and to bring up those immortal children, (beautiful and noble thoughts,) which any one who might choose would prefer to those of mortal birth. Platonic Love is, in more modern language, the association of two noble souls, master and pupil, in the bonds of affection, for the purpose of encouraging a higher morality, a profounder perception of truth and a more real inward beauty.

I have spoken thus at length about this Theory of Ideas and the matters connected with it, because these ideas are the pillars on which Plato's system stands, and because by discovering, as far as possible, the strength and weakness of his foundation, we can infer

BIOGRAPHICAL HISTORY OF PHILOSOPHY (London ed. 1857) and J. DEVEY, LOGIC: OR, 'THE SCIENCE OF INFERENCE' (1854).]

¹²¹ Holmes's copy has a handwritten note in the margin: "Symposium 205.B." At *Symposium* 205-06 Socrates recounted Diotima's understanding of love as a yearning to conceive and generate the good or beautiful.

the soundness of the whole structure. What has been the result of our investigation? We have seen that the fundamental classification of the ideas was loose and unscientific;¹²² that Plato's conception of the true method of investigating their nature was vague and incorrect; and, to cap the climax, we need only to have studied his works to know the extreme difficulty of fixing on any exact and consistent opinion as steadily held to by him. I believe that his notion of the relation of the material individual form to the eidow, the type or species, varied at different times;¹²³ he even left room for dispute as to exactly what he thought with regard to the central matter, and has furnished texts for the extremest realists, as well as to those of more moderate views. And after the best pains that we take to find him out, there are many ready to inform us that our labor is quite vain, for all that we can gather from these writings is but exoteric doctrine, whereas his esoteric opinion was transmitted only by word of mouth to his disciples: in this latter statement, however, founded chiefly on an equivocal expression of Aristotle, I do not put the least faith, since that which we have offered us in the dialogues is exactly such as we should have expected from one of Plato's natural constitution, reacting on the method and teachings received from his masters, and since there is only too great a willingness to give credit to all remote persons and times for unattainable and hidden superiorities.

From the above results we may fairly conclude, I think, that the constructive system of Plato, confused and doubtful as it is, though a vast step as introducing more accurate and well defined thought than had previously existed, has for us no scientific value whatsoever. It needed a complete remodelling before it would suffice as a consistent cosmology. This point, which will be briefly explained in another place, we must, I think, concede, and I wish especially to insist upon it, because there is a continual unscientific neglect of the history of the progress of thought in our ordinary way of looking back upon past time; in which we seem like infants grasping vaguely at remote objects, with no power to distinguish them from those near at hand. Swedenborgianism, admirable as it is in its philosophy of human life, is peculiarly guilty in this point,

¹²² Holmes's copy has a handwritten note in the margin: "II Ritter Ch. 3 end." [The citation is to: 2 H. RITTER, *supra* note 51, at 332-37.]

¹²³ Holmes's copy has a handwritten note in the margin: "Cf. Ritter loc. cit. Was matter itself ideal? — p. 319. That it is the *mh̄on* [nonbeing thing]." The citation is to Ritter, who discussed critically Plato's idealist treatment of material objects. 2 H. RITTER, *supra* note 122, at 318-21.

looking back and quoting Pythagoras, and relying much on esoteric doctrine, not seeing that from the entire absence of the central idea of science, it was impossible for the people of that time to have held secrets that the world has not yet caught up with, or rather has entirely fallen away from. Our chemists do know really more than the best of the alchymists, and it is not worth troubling ourselves now much about their elixirs and their philosopher's stone,¹²⁴ and so with the ancient metaphysicians, we may spend much time in looking for what they never had, and for what the whole order of things forbade their having; but more of this further on. But now, abandoning that exactness of science which Plato lived too early to attain, let us wonder at the profound insight into all nature, the instinct for great truth, which he displays. His allegorical presentation of the soul, in the *Phaedrus*, as a charioteer driving two horses, the one of noble birth and beautiful, the other base and struggling with the reins, and the charioteer, as long as he can command the latter, remaining in the contemplation of the eternal verities and of God; but, losing that control, being forced to sink to an earthly body, while the twelve gods drive calmly on forever; and the rest: how sublimely does it set forth the conditions of human life! Indeed, as has just been noticed of Swedenborg, where Plato is supernatural, and deals with demons and with other states of being, he is most supremely natural; as the "Heaven and Hell," though we may not accept it as revelation, is not less wonderful if we are content to apply it to this world for its explanation of relations here.

Moreover, in separating man the idea, from man the concrete, how completely Plato has anticipated the best art by dividing the accidental from the real. How deeply would he have felt the difference of the plodder, who, professing¹²⁵ nature as his model, puts before him a flower, and copies every corrosion and chance stain upon its leaves, (not that such art may not have its place,) and the great artist, who, seizing the type of the plant, paints that upon his canvass, and leaves the rest in the subordination in which it belongs. When the admirable artist of the *White Captive*¹²⁶ said that in every

¹²⁴ [Footnote to the article:] As an example on the other side might be offered the splendid structures of Egypt and of Baalbec, both these very structures owed their magnificence to a semi-barbarian disregard of the life of the lower classes on the part of those in power.

¹²⁵ Holmes's copy inserts "to take" into the text here.

¹²⁶ The American artist Erastus Dow Palmer displayed a number of marble sculptures in New York in 1856, which aroused much public interest. "The New York exhibition spread

man and woman he tried to see their face and form as it would have been if it had descended from Adam, still characteristic, but free from the marks of sin and sickness, he was talking pure Platonism and true art.

What, again, is more profound than his perception of the fatality attaching to matter?¹²⁷ With it the law of cause and effect is absolute; if we know the data, the results are inevitable; only self-determining vital centres are free from this necessary consequence and fix on this or that for no cause except that such was their will. Matter represents the limits of our thoughts, and is the evil necessity which the free soul, inclined to virtue so far as it is free and still

Palmer's reputation far beyond his native state [New York]. Particularly gratifying was a letter asking him to exhibit his work in Boston, for it was signed by such distinguished names as Everett, Sparks, Agassiz, Longfellow, Prescott, Lowell." M. THORP, *THE LITERARY SCULPTORS* 146-47 (1965); see also A. GARDNER, *YANKEE STONECUTTERS* 32-33 (1945); Ingraham, *Erastus Dow Palmer, A Great American Sculptor*, *AMERICANA* 7-21 (1930). In the late 1850s Palmer sculpted *The White Captive* in marble. (It is now in the American Wing at the Metropolitan Museum of Art.)

The White Captive portrays a standing female nude with her arms bound behind her to a stake. The appeal of the bound female nude had been exploited in 1845 by Hiram Powers's marble *The Greek Slave*. Peter Gay treats the psychoanalytic and historical context of Powers's work. *The Bourgeois Experience: Victoria to Freud* 396-402 (1984). *The Greek Slave* caused considerable moral and critical controversy in America during its exhibition in 1847. See generally THORP, *supra*, at 73, 116-22; GARDNER, *supra*, at 14-16. Holmes was surely familiar with the great controversy generated by depictions of nudes, for in 1859 "public outcry forced the Boston Athenaeum to remove from exhibition on its walls William Page's *Venus Guiding Aeneas*." THORP, *supra*, at 23.

Palmer's sculpture was less classical than Powers's in style and theme. The native aspects of the sculpture were emphasized in an anonymous fantasy on the work Palmer's "*White Captive*," 5 *ATLANTIC MONTHLY*, Jan. 1860, at 108-09, which opined that "'White Captive' proves its claim to genuine greatness, and . . . it will presently take its place, with the world's consent, in the front rank of modern statues, — good among the best, in the flesh-and-bloodness and the soul of it. It is original, it is faithful, it is American . . ."

I have been unable to determine whether Holmes had an opportunity to view *The White Captive* before the fall of 1860, but daguerreotype and other reproductions of Palmer's work were widely available. GARDNER, *supra*, at 33.

I have also been unable to identify the source of the statement that Holmes attributed to Palmer. If Holmes refers to Palmer's writing, the citation must be to *Philosophy of the Ideal*, *THE CRAYON* (January 1856), Palmer's only published essay. THORP, *supra*, at 147. The views attributed to Palmer are not expressed in that essay, but they are very similar to those expressed by Powers. See I C. LESTER, *THE ARTIST, THE MERCHANT, AND THE STATESMAN, OF THE AGE OF MEDICI, AND OF OUR OWN TIMES* 99-100 (1845) (transcript of conversations with Powers). Holmes may have been confusing the two artists.

I am grateful to Dr. Susan P. Casteras for suggesting that Holmes was referring to a sculptor, not to an English or Pre-Raphaelite painting, as I had assumed.

¹²⁷ Holmes's copy has a handwritten note in the margin: "Tim. 68.d. 56.c." At *Timaeus* 56c, 68d, Plato referred to God's combination of invisibly small material parts so as to produce the phenomenal effects of the objective world; but Plato assumed that one could neither understand nor experience the process.

wise, must overcome. Heaven, the world of the absolute ideas and the pure spirits, cannot, consistently with the goodness of God, contain evil, and its¹²⁸ existence is consequently found to be in this gross matter, veiling the ideas and deadening the perception of the spirit. Hence the philosopher's is, in Plato's estimation, the highest pursuit among mortals;¹²⁹ for what is philosophy but a preparation for death, or the anticipation of the time when we shall be rid of those blinds of the flesh which interpose between us and wisdom.

If we could see to-day the telescope constructed by Galileo, with its clumsy tube and simple lenses, ground, perhaps, by his own hand, with what reverence should we handle that primitive instrument, with what feelings should we gaze up through it at the satellites of Jupiter first discovered by its means! But if we desired to study the mysteries which perplex the astronomer of to-day, we should very certainly seek an instrument which the latest perfections of science had best adapted to our needs. We should not, therefore, detract from the glory of him who first revealed the mighty powers hidden in what previously had been known only as an amusing toy; nor would he be less great because his successors, following in his footsteps, had attained results which he could never have anticipated¹³⁰ by means of instruments which had superseded his own. We are too apt to forget those accumulations of new material, and¹³¹ consequent correction or annulling of old results and methods in every branch of knowledge, which, with the steady advances of civilization, each eager generation continually makes.

Galileo's telescope, doubled, is our opera-glass; and as it has been with the astronomer, so also has it been with Plato, the explorer in different realms. While he remains the original interpreter of certain primary facts and relations of the human spirit to the central and eternal ideas, he still bears to us the same relation that a self-made man does to one who has been bred in the midst of riches, and educated from his earliest youth; the circumstances of the former may even have aided to display and develop his natural powers, (and genius at any rate needs but few materials to work with,) but certainly the latter starts with an advantage which can never be annulled, whatever may be his inferiority in natural parts.

¹²⁸ Holmes's copy underlines "its" and has a handwritten note in the margin, "What's?," which refers to the ambiguous reference.

¹²⁹ Holmes's copy has a handwritten note in the margin: "Phaedo. 82-83 & d. Gorg. 526. G. Theaet. 173.D to 177.C."

¹³⁰ Holmes's copy here inserts a comma in the text.

¹³¹ Holmes's copy has a handwritten note here inserting "the" in the text.

We start far beyond the place where Plato rested. He lived too early to be able to avail himself of the history of the fluctuations in philosophy, to aid in shaping his own conceptions of philosophical truth; and¹³² far more important, and what should continually be taken into account in estimating his views, it is only in these last days that anything like an all-comprehending science has embraced the universe, showing unerring law prevailing in every department, generalizing and systematizing every phenomenon on physics, and every vagary of the human mind. Plato, having raised to an exquisite perfection the instrument of dialectics which he received from his master, was led thereby to the most noble and remote of his discoveries, though scientifically imperfect as we have seen — the Theory of Ideas. When he had laid this result before the world he had done all that with his facilities was possible, and was of necessity compelled to wait for a more extended experience, and more perfect instruments to exceed his farthest vision and embrace in a wider science his boldest generalizations; and when he undertook the construction of a Republic¹³³ from the few data which he could attain, he was laboring as vainly as one who should endeavor to find the successive actual positions of the moon from his mathematical knowledge, being ignorant of the solar perturbations, and the motion of the nodes and apsides; and yet, owing to the comparative obscurity of the subject, we see his crudest ideas discussed to-day with a gravity of which the Ptolemaic system is now equally worthy.

In quitting this subject,¹³⁴ on which free criticism as well as praise has been used, I should wish my last words to be those of the reverence and love with which this great man and his master always fill me; it seems to me that on the subjects that¹³⁵ are the highest, and also the most difficult, few final *results* are yet attained; I do not feel sure that each man's own experience is not always to be that which must ultimately settle his belief, but to see a really great and humane spirit fighting the same fights with ourselves, and always preserving an ideal faith and a manly and heroic con-

¹³² Holmes's copy here inserts "what is" in the text and deletes the succeeding "what."

¹³³ Holmes's copy has a handwritten note in the margin: "That P. did not conceive his Rep. purely ideal — cf. II Ritter 420. [2 H. RITTER, THE HISTORY OF ANCIENT PHILOSOPHY at 420.] Rep. IX. 5092.a. VI 501-e. [Republic citations are to XI 592a and VI 50k.] [Illegible.]"

¹³⁴ Holmes's copy underlines the word "subject" in this and the preceding sentence to indicate the repetition.

¹³⁵ A handwritten note in the margin of Holmes's copy changes "that" to "which." The proper use of "that" and "which" continued to perplex Holmes, and he later corresponded with Pollock on the subject. See 1 HOLMES-POLLOCK LETTERS 131 (M. Howe ed. 1942).

duct; doubly recommended, moreover, to our hearts by the fact of his having only himself to rely on, and no accepted faith that killed a doubt it did not answer; the spectacle, I say, of these two grand old heathen,¹³⁶ the master the inspired fighter, the scholar the inspired thinker, fills my heart with love and reverence at one of the grandest sights the world can boast.

E. *Editors' Table.*

We read in the papers, that at the Alumni dinner Mr. T. W. Higginson gave as a sentiment, "*The Harvard Magazine*: May it have a new usefulness, long life, and *almost* as many subscribers as the Atlantic."

For this kind wish, coming just as the new debutants are making their first and naturally timid bow, they feel, of course, a gratitude as real as this demonstration of good-will, from one not immediately and personally interested in the support of the Magazine, was unexpected. And yet the very unexpected nature of the toast suggests to the editors a wish that it were not quite so tacitly assumed that a College periodical could have no interest outside of the College walls. The common assumption, that nothing but matters connected with students, as such, have here a fitting place, contributes to this impression; whereas the true statement should rather be, that the preponderance of such subjects gives the *Harvard* its distinctive tone as a College magazine, just as the opening offered to every student to speak *any* sincere opinion imparts to it its greatest value. If it were our rule never to let anything, however slight, escape from our hand into print but what was the result of our life and experience *so far*, the lightest pieces, as well as the most solid, would still find equal place; but the detestable flippancy of College slang would be avoided, while all the real wit and peculiar humor of youth would appear the more evident by the destruction of its disguises. If this were done, though new *results* would not probably be displayed to the world, *tendencies*, which, in almost every man, are more important, would be shown, and we should be free from the dread of a future shame at these productions, which no one would rightly feel as the true exponent of a certain stage of development. Moreover, an increased sincerity in fun, as well as in more serious productions, would not fail to excite that degree of attention in the surrounding world, that seems to us but the *Harvard's* proper due; — not great,

¹³⁶ Holmes's copy changes "heathen" to "heathens."

of course, but merely a proper respect for the expressions of our thought and sentiment, instead of the contempt which youthful flippancy is so sure to inspire. In offering these remarks, however, the editors would not be understood as finding proofs of what unearnest people like to call "earnestness" in a heavy subject; there is not even much presumption in favor of the superiority of an essay so mounted, but evidence is to be drawn only from the matter of the piece, and the question is, Did the author write with an intention?

To do their utmost in conducing to such writing, in place of articles only intended to fill a vacancy, the editors wish, once for all, to solicit *voluntary* contributions from *all the classes*, to prevent, as far as possible, that compulsory, hurried, and, probably, therefore bad writing, which is too apt to be the result of a promise hastily made and ill kept. As assurance, moreover, of an unbiased judgment on the contributions that may be offered, the editors have determined that each number shall be published under the care and supervision of the whole board; thinking, also, that by this means there will be prevented that limitation of the contributions to a single class — alternating as the editor for the month was Senior or Junior — that ensued under a different method. Finally, as the editors on their part promise a diligent care (for which, observe, they gain literally no remuneration), the least that the students can do, if they choose to elect editors for the continuance of the Magazine, is to contribute their annual two dollars to its support; and we would also signify to those now Alumni, that they too, as they praise, may well drop their mite into the coffers of the *Harvard*.

F. Editors' Table.

In this number will be found recorded the annual victory of the Harvard boats in the College Union Regatta of last July. For two beautiful days Worcester was overflowing with the student life that filled its hotels and streets; confident Cambridge men and more doubtful Yale, with the rarer few from other colleges. In the soul of one from Cambridge everything was calculated to inspire satisfaction and delight. The enthusiastic bets, somewhat wild in the eyes of the more prudent, that on the first day Harvard won every race, brought in to the adventurous that solid assurance of the right direction things were taking that opened the hearts of the happy ones to extraneous joys; for such, the song did not unrequited woo, with nocturnal blandishments, sleep from their embrace. Such even

the harmless but expensive pleasures of Worcesterian cabbage-leaf did not in vain allure; the Cantabrigians were happy; — nor were all others sad, but rather each after his kind, whether on the winning or the losing side, shared in the general jollity.

We cannot here detail the events that then took place, — the chess, the billiards, the songs of the Glee Club, the feats of individual prowess, nor even the meeting of sad-eyed editors, though we may mention the fact that the resolutions of their general conclave as to the University Quarterly will be printed on a separate sheet for distribution; and though we might become critical on some minor points, as for instance at the too easy down-heartedness of the Yale Sophs, on the second day, for men of real pluck, at the accidental impeding of their course by our Sophomore boat, still it is not worth while so to disturb the pleasant retrospect offered in those two days.

One matter, however, not set down in the record, yet as justly to be catalogued against us as our better parts to be noted in our favor, needs a mention here. We refer, of course, to the general rowdyism of demeanor shown by the students. We can but say *general*, for the most public demonstrations of this sort were participated in by a large majority of the collegians present; and that their conduct was only to be characterized as *rowdyism*, any one who was there, and will forget the special fact of who was concerned in it, will grant. Now, without undertaking to express a belief that when many young men meet together all will or should be members of the Temperance Society, and not forgetting that to the natural ebullition of animal spirits on such an occasion some license may be allowed, as it certainly will be taken, still we cannot but protest against such behavior as was shown at Worcester, on the two grounds of the advantage and the honor of the students; *the advantage*, for outsiders, not ever inclined to be over-lenient to such a class, and experiencing a personal offence in such proceedings, are led to form their opinion of college manners and morality from this single exhibition; and when once this opinion is formed they do not hesitate to publicly express it, to the great injury of the reputation of the college, and to the great diminution of the possible repetition of such gatherings as were the cause of the offence. Moreover, this lawless behavior is to the dishonor of the students, as it directly casts upon them the imputation that public drunkenness is a necessary concomitant of public enjoyment, and a neglect of a decent respect for the comfort and the laws of the city that receives them the consequence of a permitted increase of their freedom of intercourse. In brief, while we believe that these troubles

were the result of thoughtlessness rather than of deliberate malice, and consequently have perhaps received too harsh a treatment in some of the papers, it is clear, on the other hand, that, if the gentlemanly feeling and the morality of the collegians does not suffice to stop a repetition of the trouble, expediency tells them that continuance in such ways insures inevitably the interference of the authorities and the speedy stopping of the cause of the offence.

G. *Book Notices.*

1. *The History of England, from the Accession of James II.* By THOMAS BABINGTON MACAULAY. 4 vols. Small 8vo.

2. *The Works of CHARLES LAMB.* A New Edition. 4 vols. Small 8vo.

3. *The Lives of Dr. John Donne, Sir Henry Wotton, Richard Hooker, George Herbert, and Dr. Robert Sanderson.* By IZAAK WALTON; with some Account of the Author and his Writings, by THOMAS ZOUCHE, D.D., F.L.S., Prebendary of Durham. New Edition, with Illustrative Notes, complete in One Volume. Small 8vo. Boston: Crosby, Nichols, Lee, & Co. For sale by Sever and Francis.

The first of the above-mentioned works is offered in a most respectable library form; four volumes, well bound, and legibly printed on good paper; and thus makes decidedly the most attractive edition of the History yet published in America, and almost the only one worthy of Lord Macaulay's fame. Of the work itself, so often criticized, and surviving criticism so well, there is nothing to be said here, except that it is one of those books which maturity admires, and even youth finds attractive, in spite of the early imbibed and righteous horror of history-books as such.

But while these volumes preserve in their aspect a kind of middle-aged sobriety, becoming to the gravity of their matter, the next quaternity appears with somewhat gayer air; here there is a more open and larger type, a certain rambling generosity befitting the kind-hearted author. Leaving out of question some private leanings, and a silent preference to have Charles Lamb in a more tatterdemalion guise than the usual full-dress suit; just as he affected old copies of his favorite authors, with the odor of a dead century in their pages; we welcome this new edition as one of that order of publications which have done so much, within a few years,

toward putting the better products of our press more nearly on a level with the best English work. The Life and Letters and Talfourd's Final Memorials, combined with the more familiar Essays of Elia, the Poems, and Lamb's Miscellaneous Works, are here brought together to make an edition most satisfactorily complete.

If we may say so, *Lamb* is rather a pungent flavor than solid food; he has that unmistakable individual *smack* which is a sure mark of genius, even when its existence in excess points, as in his case, to consequent limitations of scope. His criticisms, so frequently praised with too general a commendation, though always that of a connoisseur and lover of picturesque antiquity, are often biased by his strong idiosyncrasies and personal preferences, for the very reason that he was so individual a man. Yet this, as well as his more creative work, is dear to us, for all belonged to one who had not only wit, but humor, — wit and love, — to a lovely spirit and a courageous heart.

But we must pass to the last volume of our list, the "Lives" of Izaak Walton.

This is the best edition of the book, and of the form in which it is issued we need only say it is of a size and appearance uniform with that of Lamb's Works, published by the same well-known firm. These "Lives," less known than Walton's charming pastoral, "The Complete Angler," make a book most opportune for our times; if, in an age of fast living, of hurrying business, and of unreprieve, where the general taste is for condiments and dishes unnaturally stimulant, we had constantly on hand some works of this stamp, it might prove a wholesome corrective and a useful change of diet. There is here such a delightful old-world calm, a leisure so grave and saintly, that we feel on each page the effects of the holy life that fitted Walton for his task. Though it is vain enough to attempt to transplant the habits or modes of thought belonging to another period into this, still we may learn some purity of heart, and some tranquillity of spirit from these lives, which were first published, and found "passable, in an eloquent and captious age."

H. Book Notices.

Marion Graham; or, "Higher than Happiness." By META LANDER. Small 8vo. Boston: Crosby, Nichols, Lee, & Co.

We are sorry that the publishers, whose well-known names appear on the title-page of this book, should have so far fallen away from their usually careful selection as to have undertaken its pub-

lication. It belongs to that class of vulgar novels, and, what is worse, vulgar novels written by women, which are one of the afflictions of our day. Not that this story is of the worst or weakest order, but simply that it is irretrievably vulgar without displaying ability enough to excuse its printing. The plot is poor and unpleasing, and you cannot help feeling all the time about the characters that you know them better than the authoress does, and that they are neither handsome nor wise, in spite of her assurance to the contrary. The heroine, Marion, is introduced, at first, under the influence of a sort of preliminary passion for a Mr. Maynard, a minister (ministers are as thick throughout the book as salamanders after a rain; a new one creeps out from under every leaf we turn over). But Maynard, having foolishly preferred her friend, who is more spooney than herself, Marion gives up No. 1. Then enter a dark man, black hair, glittering teeth, eyes, voice, brain, everything, and Marion proceeds to increase the size of the volume that tells her life, with her passion for him, and extracts from the more familiar writings of Carlyle. But, alas! he is an unbeliever, and she "renounces" him. So after knavish scenes with another handsome man, Mr. Perley, and other interesting by-play, she espouses No. 3 (Mr. Sunderland, a minister). Briefly after marriage enter No. 2 (who is now converted and a minister). Tableau. Marion gets over it, however, loves her husband well enough; husband and previous lover swear eternal friendship, and then the lover goes among the heathen. Now in all this there is a certain purity of tone that is really much better than the hot, bad atmosphere of some books of more ability, but *three* times are rather too many for a heroine to love, and there is through the whole this tainting vulgarity. There is no better example of this than the scene between Maurice and Julia Whipple in the arbor (p. 60) which is simply insufferable.

I. PRE-RAPHAELITISM

Within a few years a body of young men have stood forth in direct hostility to almost all the principles of modern art, and have attempted to restore by revolution the aims and motives of the painters of four hundred years ago. As if eager to provoke the contest which they challenge, they have signified their ambitious purpose by the name which they have themselves adopted, — the Pre-Raphaelites, — and hinted also at the principles which must insure their ultimate victory or defeat.

The belief on which the school founds its name is, that there exists a difference in kind between the spirit of the earlier painters, down to the time of Raphael, and those who have come after him. The difference consists in nothing less than this: that the first painted sincere and simple pictures, — the combined result of their limited technical knowledge, and their childlike religious faith, — whereas their successors painted pictures that were very often neither simple nor sincere. That such should have been the fact is quite conceivable, without imputing a personal responsibility to the later schools. Painting had advanced from its earliest stages of ignorance and conventionality, and consequently composition, drawing, and the other technical excellences of the art, as such, had acquired an undue preponderance over the spirit by which that art was prompted. In religion, too, the stage of infancy, which takes for granted all which it is told, had given way to the inquiring doubts of youth, and thus again the simplicity of the childlike work was gone forever.

The object of the Pre-Raphaelites is a reform in the spirit of their art, and a restoring of that spirit to its proper supremacy over the academic rules. The simplicity which comes from ignorance of the capacities of an art, or the religious credulity belonging to semi-barbarism, of course cannot be restored; but religious devotion after the different light of our time may be, and still more is that deep sincerity which forms the only possible basis for noble work possible for all ages and for all religions. Pre-Raphaelitism, then, though to a degree a religious movement, professes chiefly to reform the spirit of art by making it more sincere.

As the proper means of attaining their object, the men of this school adopted, as their sole principle, *truth*. Truth, literal and uncompromising, in everything, from the first general conception down to the minutest detail of the finished work. When a Pre-Raphaelite conceives a composition, his aim is to think what would most probably have happened in fact, not what might have happened most picturesquely; and when he has his general plan clearly in his mind, he strives to work it out with the most faithful portraiture of which he is capable. The trees in the distance are drawn in the open air from real trees, the flowers of the foreground are painted from real flowers, the man is a friend of the painter, the woman may be his wife, and the infant his child.

Knowing what is the principle which the Pre-Raphaelites profess, we are naturally led to ask whether they have carried out their

theory in their works. The answer is doubtful, to say the least. While their keen study of minute details gives them a nearly unequalled power in the delineation of delicate shades of expression and human feeling, they are, as a body, guilty of absurdities which it is equally hard to palliate or deny. We could excuse awkwardness and want of grace in a school which began by seeking truth and leaving beauty to come after as best it might. But when one of them makes the head of a man standing on the ground to be nearly level with that of a woman upon the top of a stile three feet high, we cannot call it awkwardness, but simply gross bad drawing, — deficiency in the very point where these artists should be strong. Whether the Pre-Raphaelite designs in general *are* probable, as they certainly are far from graceful, may well be questioned; certainly an attempt to imitate the position of the figures of the Huguenots,¹³⁷ which is one of their best and most widely known productions, will show how nearly impossible it is. Yet the pale, beseeching face of the woman in that picture shows a power unequalled in its way by the artists of any other modern school.

The brief statement of Pre-Raphaelitism is, that it is a reaction from the artificiality of earlier schools, and professedly a return to the simple copying of Nature. But as Art involves in its very nature *selection*, and as this school does not recognize that principle, the nature of its excellence and its failings becomes evident at once. Its pictures continually touch our hearts by their artless directness of appeal, and yet they are wanting in all those excellences of composition and arrangement which are the fair and rightful field for the painter's genius. As painting had before this revival degenerated into merely academical study, so we may doubt whether the present works have a right to be called the fruits of art in its highest sense at all; but they are a step towards the truth; and when, in part by their means, a more careful study of Nature shall have become universal, we may hope that a later and maturer race of painters

¹³⁷ This is a reference to Sir John Everett Millais, *The Huguenot Lovers* (painting, 1852). The work was extremely popular at the time and was widely known through engravings. See [Anon.], *Naturalism & Genius*, *THE NEW PATH* (Oct. 1863) (periodical of American Pre-Raphaelites), quoted in Ferber, "Determined Realists": *The American Pre-Raphaelites and the Association for the Advancement of Truth in Art*, in *THE NEW PATH: RUSKIN AND THE AMERICAN PRE-RAPHAELITES* 25 (L. Ferber & W. Gerdts eds. 1985). The work depicts two entwined lovers, and the man's arms and woman's hips appear awkwardly arranged. Ruskin praised the work and viewed it as evidence of a new poetic art. 3 J. Ruskin, *Modern Painters* (1856), in 5 *THE WORKS OF JOHN RUSKIN* 127 (Lib. ed. 1904). He defended its treatment of perspective in 3 J. RUSKIN, *THE STONES OF VENICE* (1853), and in 11 *THE WORKS OF JOHN RUSKIN* 59-60 (Lib. ed. 1904).

shall combine the highest art with the noblest truth, in works of worthy brotherhood with the greatest of all time.

III. APPENDIX

*Book Notices.*¹³⁸

Autobiography of the REV. DR. ALEXANDER CARLYLE, Minister of Inveresk, containing Memorials of the Men and Events of his Time. Boston: Ticknor and Fields. 1861. 8vo. pp. 471.

It is very hard to forgive an artist who botches your pet heroes and heroines on paper or on canvas. He is himself a hero who is always ready to compare notes between his imagination and the *del. et sculp.* of Tom, Dick, or Harry, R. A. But, happily, such creatures are rare. Every sensible man wants Mendelssohn's "Songs without Words," *without* words, and Hans Christian Andersen's "Picture-book without Pictures," *without* illustrations. And these remarks are pertinent to the book in hand, because there is an irrepressible conflict between the portrait on steel at the beginning, and the portrait drawn on every page of the autobiography. Unfortunately, we are not aggrieved in this case, because the artist has fallen short of our conception, but rather because he appears a prodigious flatterer; so that we doubt if there be any one who is not disappointed (whether favorably or unfavorably) on laying down the book.

Indeed, the spiritual face which serves for a frontispiece is wholly unsuggestive of the character or disposition of the man behind it. He is revealed to us in his autobiography as one who loved his stomach better than all earthly things, hardly wife and friends excepted; as one, the eras in whose life were determined by suppers, and the hardships by inferior fare; who, in his eightieth year, could recall, and took pains to jot down, the quality and the kind of liquor which he drank on all the more or less important occasions in his experience; who remembers his claret, if he forgets all other incidents; and who mentions, with the utmost nonchalance, or even with reprehension, the fate of many an unfortunate boon-companion who fell victim to the bottle that was so attractive to himself. In his epitaph, which, like most men's, is not worth much, it is recorded, "He too was worthy of the times." To our mind,

¹³⁸ Though attributed to Holmes by one source, this review may have been written by Garrison. See *supra* note 84.

nothing could be more gratuitous or unsupported by fact. He worthy of the times, who could depict the awful state of society in which he lived, and moved, and was a leading figure, without a single moral reflection, or a single indication that he lifted a finger to improve it? He drank with the hardest; ate with the greediest; thought a man squeamish who would not game for the payment of reckoning; for aught we can tell, was licentious, in his younger days at least; never lisped of the immorality of war, — nay, took up arms himself, after having determined to become a follower of the Prince of Peace; and in short, was just what other men were in those times, — as though the office of the Christian ministry were simply to follow, and not to lead.

There are two things of which Americans have no idea, in respect to Scotland; first, the desperate condition of its people in the matter of drinking, and second the intolerant bigotry of its Church. How much Dr. Carlyle did to ameliorate the former may be inferred from what has been already said. As for the latter, he seems to have been but a priest, who, not without pretensions to liberality, was zealous chiefly in adding to the privileges and emoluments of the clergy, and whose very liberality appears to have consisted in efforts to free his cloth from the responsibility attaching to its examples. For, take the Minister of Inveresk for all in all, it can only be said that he was what he himself loved not a little, — a jolly companion, whether at a tavern, a theatre, or a ball. The reader may well ask himself, in view of the premature death of all Carlyle's little ones, — "Who did sin, this man or his parents," that these died before their time?

Come we now to the book. It is the marvelous work of a gossiping memory, which retains even the most trivial circumstances of an eventful lifetime, and airs them for very wantonness. There are a thousand and one names to be met with, which an American cares not a chip about, — which makes the book, in some parts, very dull reading; but there are also many anecdotes and descriptions of really distinguished men, which, together with Carlyle's own adventures and personal history, render the whole entertaining enough. Hume, Garrick, Blair, Home, Robertson, Adam Smith, Ferguson, Smollett; Lords Chatham, Bute, and North; Dr. Franklin, etc., all enter as living characters upon the scene, and much interesting matter is written about them. Beyond this, the instructiveness of the work lies mostly in its revelations of the state of society at that day, and, on this account, we could wish that every one who believes in a Golden age, whether in the garden of Eden, or among the Apennines, would read the Autobiography.