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Law & Literature and the Austen-Dostoyevsky Axis: Explorations

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I. INTRODUCTION

We are in need of a second education in order to accustom our eyes to the noble reserve and the quiet grandeur of the classics. Xenophon, as it were, limited himself to cultivating exclusively that character of classical writing which is wholly foreign to the modern reader. No wonder that he is today despised or ignored. An unknown ancient critic, who must have been a man of uncommon discernment, called him most bashful. Those modern readers who are so fortunate as to have a natural preference for Jane Austen rather than for Dostoievski, in particular, have man easier access to Xenophon than others might have; to understand Xenophon, they have only to combine the love of philosophy with their natural preference. In the words of Xenophon, "it is both noble and just, and pious and more pleasant to remember the good things rather than the bad ones."¹

—Leo Strauss

It is useful to be reminded from time to time that Law and Literature courses in law schools are intended, at least in part, to reinforce the moral
understanding as well as the elementary intellectual skills that law students need in order to be able to think in the way required for a profession which very much depends upon disciplined reading and writing. It is much to be preferred that the texts read in such courses be of the first rank and that they be approached as texts best read on their own terms, rather than merely being mined by law professors for "cases" and legal issues.

The texts by Jane Austen and Fyodor Dostoyevsky, which are read in some detail in Parts 1 and 2 of this Collection, are quite divergent in the sensibilities exhibited and in the interests examined. One can well wonder what Xenophon, the Athenian student of Socrates, who has been likened to Jane Austen because of his reserve, would do with Dostoyevsky. Certainly, Xenophon would be tough-minded enough to take from Dostoyevsky whatever may be available there for dealing with the sentimentality and attendant mostrosities of modernity. Part 3 of this Collection considers, however briefly, the "progress" of the quite instructive feminist movement from Sophocles' ANTIGONE to Virginia Woolf's A ROOM OF ONE'S OWN. Modernists tendencies, which move well beyond Dostoyevsky, are investigated.

I suggest, in Appendices A and B to this Collection, the foundations of Western Civilization to be found in Biblical and Classical texts. Thereafter, in Appendix C, I challenge the eagerness for innovation and trendiness which threatens to undermine the respect for tradition required for productive reading and reliable thinking—and hence for an enduring community. It is salutary, in any event, to recall in these matters the counsel left us in 1790 by a statesman well-versed in the Western tradition: "A spirit of innovation is generally the result of a selfish temper and confined views. People will not look forward to posterity, who never look backward to their ancestors."
II. CHANCE, CONSCIENCE AND PRUDENCE IN JANE AUSTEN’S PERSUASION

No more shalt thou by oracling abuse
The Gentiles; henceforth Oracles are ceast,
And thou no more with Pomp and Sacrifice
Shalt be enquir’d of at Delphos or elsewhere,
At least in vain, for they shall find thee mute.
God hath now sent his living Oracle
Into the World, to teach his final will,
And sends his Spirit of Truth henceforth to
dwell In pious Hearts, an inward Oracle
To all truth requisite for men to know.

—Our Saviour to the Fiend

A.

Captain Frederick Wentworth, once his engagement to Miss Anne Elliot has been revived after almost a decade-long estrangement, learns from her that if he had, a couple of years after their engagement had been broken off, renewed his suit, she would have accepted him again. His response, which is the last speech quoted in the novel (at the very end of its next-to-last chapter), is reported thus:

“Great God!” he cried, “you would! It is not that I did not think of it, or desire it, as what could alone crown all my other success [as a naval officer]. But I was proud, too proud to ask again. I did not understand you. I shut my eyes, and would not understand you, or do you justice. This is a recollection which ought to make me forgive every one sooner than myself. [Here he is alluding to, among others, Lady Russell, who had persuaded Anne Elliot to break off her engagement with an unproven naval officer.] Six years of separation and suffering might have been spared. [There had been eight such years altogether.] It is a sort of pain, too, which is new to me. I have been used to the gratification of believing myself to earn every blessing that I enjoyed. I have valued myself on honourable toils and just rewards. Like other great men under reverses,” he added with a smile, “I must endeavour to subdue my mind to my fortune. I must learn to brook being happier than I deserve.”

Thus, we are told by the Captain, he has gotten more than he deserves: he has, as we say, “lucked out.” Or to use language borrowed from the Easter Service celebrated in the Eastern Orthodox World, he is “resurrected.”

8. A talk given at a weekend conference of the Basic Program of Liberal Education for Adults, The University of Chicago, Alpine Valley Lodge, East Troy, Wisconsin, April 30, 2000 (Eastern Orthodox Easter Sunday). Professor Stephen Vanderslice, of Louisiana State University of Alexandria, has made several useful suggestions about this talk.

9. JOHN MILTON, PARADISE LOST, I, 455-64.

Perhaps part of his considerable success as a naval officer, who has advanced in the ranks and managed to effect several captures at seas which have made him a rich man, is that he gets on well with his fellow-officers, not least with his superiors. A capacity for self-deprecation can be useful to this end.

Here, too, he defers to another superior, his wife-to-be. He leans over backwards, because of his deep love of her, in his amiable self-deprecation. He assures her that, upon examining his character, he finds it wanting—and he proposes to do better in the future.

Is Anne Elliot somewhat like Homer's Penelope, waiting a decade for her seafaring "husband" to return to her, laden with prizes, honors, and stories? Is this, then another "take" on the ODYSSEY?11

B.

Just before the Captain's last speech in the novel there is a speech by Anne Elliot (her last extended remarks in the novel), in which she assesses her conduct eight years before and thereafter. Critical to her assessment is what she says about Lady Russell's counsel a decade earlier:

I have been thinking over the past, and trying impartially to judge of the right and wrong, I mean with regard to myself; and I must believe that I was right, much as I suffered from it, that I was perfectly right in being guided by the friend whom you will love better than you do now. To me, she was in the place of a parent. Do not mistake me, however. I am not saying that she did not err in her advice. It was, perhaps, one of those cases in which advice is good or bad only as the event decides, and for myself, I certainly never should, in any circumstance of tolerable similarity, give such advice. But I mean, that I was right in submitting to her, and that if I had done otherwise, I should have suffered more in continuing the engagement than I did even in giving it up, because I should have suffered in my conscience. I have now, as far as such a sentiment is allowable in human nature, nothing to reproach myself with, and if I mistake not, a strong sense of duty is no bad part of a woman's portion.12

Captain Wentworth hears this defense—and shortly thereafter he makes the self-assessment we have heard, an assessment in which he certainly does not say that he has "nothing to reproach [him]self with." It is a tribute to his love of this woman, if not also a sign of this quite attractive man's limitations, that he does not notice how muddle-headed Anne Elliot really is in her apologia.

11. How does this Penelope compare with the one (Molly Bloom) in James Joyce's ULYSSES? What did Joyce think of Jane Austen? On Homer's ODYSSEY, see ANASTAPLO, THE ARTIST AS A THINKER, supra note 4, at 226; Anastaplo, Law & Literature and the Moderns, supra note 2, at 504. For another account of mature love, see WILLIAM SHAKESPEARE, ANTONY AND CLEOPATRA. In PERSUASION, the woman who is named "Penelope," Mrs Clay, is somewhat questionable in her moral character. Does she, however, end up as mistress of the Elliot family estate? See AUSTEN, PERSUASION, supra note 10, at 16, 22, 220.
12. See AUSTEN, PERSUASION, supra note 10 at 261. See also id. at 26-28, 38.
Critical to her self-examination is her deference to Lady Russell, who stood in the place of her dear mother. It is one’s conscience which tells one that one should respect one’s elders, especially those who are, or who happen to stand in the place of, one’s parents.

There is, of course, much to be said for such respect, not least when one considers marriage, a step which will change forever one’s relations with one’s own family. One’s elders have many advantages in evaluating the prospective spouse, including the advantages of considerably more experience, of not being impassioned themselves, and of having seen other “desperate” cases. They may even be aware of how they themselves erred on a similar occasion in the generation before.

Unfortunately, however, the elders are not always correct in their estimates and expectations. Indeed, my own observation has been that they are likely to be correct in about half of these instances. This does not mean that the flip of a coin would serve as well—but it does mean that the youngster has to assess the counseling advisor’s character, circumstances, and (most of all) reasons. Also critical here can be the assessment of the motives and limitations of any other elder in the situation who might be giving contrary advice more in line with the youngster’s immediate desires. In short, a more or less mechanical response to these counsels is ill-advised.

Anne Elliot insists here that her conduct poses no problem, “much as I suffered from it.” Although elsewhere she speaks of having acted as she did for his sake as well as for her own sake, she does not say here, “much as we suffered from it.” One can even imagine a good man, decades later, being moved, if only in passing, to want to strangle this ever-so-good woman who always seems to speak with exasperating authority.

One should not fault Anne Elliot as much for what she did then as for how she assesses it all now. She has now had one-third of her life to think about what happened then—and it is what she thinks now about what happened then, and why, that is most interesting.

We can be reminded of how level-headed people of that day spoke about worldly affairs by noticing an observation made by Benjamin Franklin, on the floor of the Constitutional Convention in Philadelphia on the very day that we are told that Anne Elliot was born (August 9, 1787). Franklin said on that fateful Thursday:

The people in Europe are friendly to this Country. Even in the Country with which we have been lately at war [Great Britain], We have now and had during the war, a great many friends not only among the people at large but in both Houses of Parliament. In every other Country in Europe all the people are our friends. We found in the Course of the Revolution, that many strangers served us

13. Id. at 216.
15. See AUSTEN, PERSUASION, supra note 10, at 1.
faithfully—and that many natives took part against their Country. When foreigners after looking about for some other Country in which they can obtain more happiness, give a preference to ours, it is a proof of attachment which ought to excite our confidence & affection.\textsuperscript{16}

Franklin does not fault the consciences even of those Britons who sympathized with the Americans during the Revolutionary War. We can be confident that he, in his generous open-mindedness, would not discourage any match between the likes of Anne Elliot and Frederick Wentworth, a young man who is somewhat “American” in his ambition and hopefulness, especially after he had looked about for some other woman with whom he could obtain more happiness.\textsuperscript{17}

C.

What are we as readers meant to think of Lady Russell’s counsel to Anne Elliot about her proposed marriage, years before, to Frederick Wentworth?\textsuperscript{18}

One must start by considering what one should think of Lady Russell herself. It is perhaps of some significance that she considers the rather vain and silly Sir Walter Elliot one of her best friends (even though she has had enough sense not to try to marry him).\textsuperscript{19} Anne Elliot knows that her own judgment is superior to her father’s: his disapproval of the Wentworth match would not have been enough to stop her.\textsuperscript{20} She knows that her judgment is clearly superior to that of her sisters as well. Does Lady Russell recognize the defects in Sir Walter, in addition to his unfortunate spendthrift habits?\textsuperscript{21}

Lady Russell is, or at least could be, useful in counseling Sir Walter about household economy—but, by now, his case is rather hopeless, no matter what she or Anne Elliot might say.\textsuperscript{22} But Lady Russell as matrimonial counselor is far more confident than she has any right to be. She had not only deprived her much-loved goddaughter of a decade of married happiness, but she had tried in the meantime to get her married first to Charles Musgrove (an amiable, decent but inadequate man) and then to William Elliot (a scoundrel with a plausible veneer).\textsuperscript{23}

Anne Elliot had been able to assess Frederick Wentworth properly from the beginning—and she retains her original assessment of him, which we are to understand is quite sound. If she can do this, then she should have been able, eventually if not immediately, to see Lady Russell as

\begin{itemize}
  \item \textsuperscript{16} THE RECORDS OF THE FEDERAL CONVENTION II, 236-37 Max Farrand, ed. 1937.
  \item \textsuperscript{17} See AUSTEN, PERSUASION, supra note 10, at 209, 212.
  \item \textsuperscript{18} See id. at 24-25, 216. See also infra note 57 and accompanying text.
  \item \textsuperscript{19} See id. at 6.
  \item \textsuperscript{20} See id. at 24.
  \item \textsuperscript{21} See id. at 12.
  \item \textsuperscript{22} See id. at 13.
  \item \textsuperscript{23} See id. at 26, 131, 142-43, 144.
\end{itemize}
simply inept, almost recklessly inept, in these matters. The Elizabeth Bennett of PRIDE AND PREJUDICE provides a better guide than does Anne Elliot in how a confident young woman should deal with an overbearing older woman who means well—as can be seen in the wonderful encounter of Elizabeth Bennett with Mr. Darcy's aunt.\(^\text{24}\)

D.

Anne Elliot is shown twice in the course of this novel as recognizing that she would not give to a young woman, in similar circumstances, the kind of advice she had gotten from Lady Russell years ago. The second such time we have already quoted: "... I certainly never should, in any circumstances of tolerable similarity, give such advice."\(^\text{25}\) Early on in the novel, it is recorded:

... Anne, at seven and twenty, thought very differently from what she had been made to think at nineteen. She did not blame Lady Russell, she did not blame herself for having been guided by her; but she felt that were any young person, in similar circumstances, to apply to her for counsel, they would never receive any of such certain immediate wretchedness, such uncertain future good. She was persuaded that under every disadvantage of disapprobation at home, and every anxiety attending his [Frederick Wentworth's] profession, all their probable fears, delays and disappointments, she should yet have been a happier woman in maintaining the engagement, than she had been in the sacrifice of it; and this, she fully believed, had the usual share, had even more than a usual share of all such solicitudes and suspense been theirs, without reference to the actual results of their case, which, as it happened, would have bestowed earlier prosperity than could be reasonably calculated on. All his sanguine expectations, all his confidence had been justified. His genius and ardour had seemed to foresee and to command his prosperous path. He had, very soon after their engagement ceased, got employ; and all that he had told her would follow, had taken place. He had distinguished himself, and early gained the other step in rank—and must now, by successive captures, have made a handsome fortune. She had only navy lists and newspapers for her authority, but she could not doubt his being rich—and in favour of his constancy, she had no reason to believe him married.\(^\text{26}\)

A “young person in similar circumstances,” Anne Elliot insists, would never receive from her the guidance that she had received from Lady Russell. What does she know that Lady Russell did not know? And why did not Lady Russell, who was already older than Anne Elliot is now, know better? Even more important, why does not she ever say flat-out, if only to herself, that Lady Russell either should have known better or should not have been followed?

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24. On PRIDE AND PREJUDICE, see ANASTAPLO, THE ARTIST AS THINKER, supra note 4, at 86; Anastaplo, Law & Literature and the Moderns, supra note 2, at 350.
25. AUSTEN, PERSUASION, supra note 10, at 216.
26. Id. at 26-27.
Anne Elliot would not give such advice as Lady Russell gave. But, if another high-minded girl of nineteen has been given such advice by another "Lady Russell" (either as mother or as quasi-mother), how would Anne Elliot advise such a girl, in good conscience, to respond? One hopes she would have more sense than to talk about such matters the way we have heard her talk to her lover at the end of the novel.\(^{27}\) One also hopes she would not indulge herself in such dubious sentiments as the notion that there are "cases in which advice is good or bad only as the event decides..."\(^ {28}\) Can this kind of talk be excused only as an all-too-human effort to mask the harm she has received, and allowed herself and her lover to receive, at the hands of an inept counselor who no doubt "meant well''?

E.

"Meaning well" seems to be intimately connected with a reliance upon the conscience, something which is invoked in Anne Elliot's final apologia: "... I should have suffered more in continuing the engagement than I did even in giving it up, because I should have suffered in my conscience."\(^ {29}\)

Is not conscience, at least as she understands it with her emphasis upon the deference due to the parent or would-be parent, keyed to the conventions of one's time and place?\(^ {30}\) If so, this dependence upon what has shaped the rules of the community is likely, in the typical situation, to be very much affected by chance. This is particularly likely to be the case whenever much is made of social rank and the rules of etiquette, especially when that rank no longer reflects the intrinsic superiority which might have originally given rise to the rank of a family. Indeed, may not most privileges of rank, when long perpetuated, be in large part due to chance?

One's unthinking subordination of one's self to the conventions of one's time and place—including those conventions which exhibit filial piety—is illuminated for us by another visit to the Philadelphia convention on the day of Anne Elliot's day of birth (August 9, 1787). This time we are counseled by another delegate from Pennsylvania, Gouverneur Morris (who later became the principal draftsman of the Constitution of the United States prepared in the Convention; this comment, like Franklin's earlier, is in the course of a discussion of what the political status should be of immigrants to the United States):

The lesson we are taught is that we should be governed as much by our reason, and as little by our feelings as possible. What is the language of Reason on this subject? That we should not be polite at the expense of prudence. There was a moderation in all things. It is

\(^ {27}\) See supra note 12 and accompanying text.
\(^ {28}\) Austen, Persuasion, supra note 10, at 216.
\(^ {29}\) Id. at 216.
\(^ {30}\) On conscience, see Anastaplo, The Artist as Thinker, supra note 2, at 389 (Index); Anastaplo, The American Moralist, supra note 4, at 607 (Index). See also infra note 39 and accompanying text.
said that some tribes of Indians, carried their hospitality so far as to offer to strangers their wives and daughters. Was this a proper model for us? [I] would admit them to [my] house, [I] would invite them to [my] table, would provide for them comfortable lodgings; but [I] would not carry the complaisance so far as, to bed them with [my] wife.31

Thus, prudence is much preferred by Morris to reliance upon the conventions of the place, those conventions which are so critical to conscience, at least as conscience seems to be determined for and understood by an Anne Elliot. Reason, prudence, and moderation are firmly connected by Gouverneur Morris—and he wants his fellow delegates to be of like mind.32

The locus classicus for us perhaps of a conscience that is unduly dependent upon the conventions of one’s time and place is the account of the struggle that Huckleberry Finn has when he debates whether he should, against his conscience, help a slave to run away.33 No doubt, another child of his age, but one not raised as Huck was in Missouri but instead in an abolitionist community, would not have suffered the intense pangs of conscience that Huck did in helping a runaway slave. Do we not draw on something more than the conventions and hence the standard conscience of our own time and place when we decide, with Mark Twain, that Huck did the right thing in sacrificing his “conscience” to justice and the good?34

And if the much-neglected Huckleberry Finn can somehow reason to the right conclusion, despite his “conscience,” why not also the exquisitely-privileged Anne Elliot? Judgment, in short, is superior to conscience, as each is ordinarily understood.

F.

We often hear the advice, “Let your conscience be your guide.” How good such advice is depends, in part, upon how much is made here of your. One’s conscience may be—partly because of one’s inclinations, partly because of one’s circumstances—one’s conscience may be in rather sorry shape. An emphasis here upon “your” tends to prefer the personal to the communal, thereby promoting an undisciplined individuality.35

An examination of the nature and status of conscience, an examination we can do little more than suggest here, can well begin by noticing that this is not a term found either in the Hebrew Bible or in

32. On prudence, see GEORGE ANASTAPLO, ABRAHAM LINCOLN: A CONSTITUTIONAL BIOGRAPHY 368 (Index) 1999.
33. On HUCKLEBERRY FINN, see ANASTAPLO, THE ARTISTS AS THINKER, supra note 2.
34. HUBBLEBERRY FINN can be usefully compared to Henry Thoreau in these matters. See ANASTAPLO, HUMAN BEING AND CITIZEN: ESSAYS ON VIRTUE, FREEDOM AND THE COMMON GOOD 203, 1975.
35. This is related to the emergence of Existentialism in the Twentieth Century. See ANASTAPLO, THE AMERICAN MORALIST, supra note 4, at 130, 607 (Index).
ancient Greek philosophical texts. Thus, the Hebrew Bible prefers to emphasize lawabidingness rather than conscientiousness; the Greek thinkers prefer to emphasize being bound by a sense of shame than by a conscience.  

Both lawabidingness and the sense of shame look much more than conscience does to rational guidance by the community and hence to the common good.

In the most exalted view of things, of course, the conscience is reliably guided by the Holy Spirit. This approach is reflected in the following definition of conscience from a Protestant dictionary, an entry in which episodes in the Hebrew Bible are given a Christian slant:  

Conscience (Greek. synderisis), a word that is not found in the OLD TESTAMENT, but the idea [is it the same idea?] frequently appears, as when Adam and Eve hide from God (GEN 3:8) and Joseph’s brothers confess their guilt regarding him (GEN 42:21). In ancient religion and philosophy the word seldom appeared in its modern meaning of the moral sense of the individual applied to his conduct, but it was never thought of as having any religious connection. Jesus never used the word.

In the NEW TESTAMENT outside of Paul’s epistles, where it is found with fair frequency, [conscience] is used only in ACTS (in speeches by Paul) and in HEBREWS and I PETER. Nowhere in the NEW TESTAMENT is there a clearly defined doctrine of conscience, or even a description of it. The most illuminating passage in the NEW TESTAMENT on the nature of conscience is ROMANS 2:14, 15, where Paul declares that all men, both Gentiles and Jews, are responsible for their actions before God, because all have a revelation of God’s moral law as their standard for right living, the Jews in the law of Moses, and the Gentiles in the law written on their hearts. Heathen Gentiles, moreover, know that they ought to obey it, for their conscience tells them to. I CORINTHIANS 8-10 is the passage where conscience occurs most often. There Paul says that the Christian whose conscience allows him to eat meat offered to idols has no right to disregard the conscience of a less well-instructed Christian brother who thinks it wrong to eat it (I COR. 8:7, 12), or the ignorant conscience of a heathen (I COR. 10:27). In II. COR. 4:2 and 5:11 he applies the word conscience to the approval of his conduct by others. Repeatedly, Paul, Peter, and the author of HEBREWS stress the need of having a good conscience toward God. HEBREWS, which emphasizes the effects of the atonement on the individual, declares that the OLD TESTAMENT sacrifices did not produce a conscience free from the sense of guilt, because only the blood of Christ can do that.

36. See supra note 30.

37. See, e.g., ANASTAPLO, ABRAHAM LINCOLN, supra note 33, at 340. See also id. at 104. See also the discussion of the Conscientious Objector in George Anastaplo, Church and State: Explorations, 19 LOY. U. CHI. L.J. 61, 127 (1987).

38. See, e.g., supra note 9 and accompanying text.

The kind of conscience depicted here is certainly not dependent upon the conventions of one’s time and place. Instead, it permits defiance of those conventions in the name of something much higher. Even so—and here we get closer to Anne Elliot’s situation—there is about the term conscience a recognition of one’s right, if not also one’s duty, to stand apart from others, especially as one curbs the desires one happens to have, deferring instead to something higher.40

The alternative to conscience, we have noticed, is prudence, that virtue which takes consequences (or costs) into account and which permits one to minimize the worst effects of chance. Anne Elliot, unless she changes her ways, will always do what she happens to consider the right thing, regardless of costs. That is, costs do not figure into what is considered right or sensible in the circumstances in which one happens to find oneself.41

It is sobering to notice that the happy resolution at the end of this novel could easily have been otherwise, primarily because of Anne Elliot’s wrongheadedness years earlier. It can also be noticed, if only in passing, that in other circumstances, conscience can be regarded by the convention of the day to require one to choose love instead of stability, etc., a preference which too may be wrongheaded if carried to the extreme that an Anne Elliot can carry such matters.42

G.

The maneuvering we see in this novel is like an intricate dance, with people going through the prescribed motions, however many explorations and rearrangements there may be within each person trying to understand or to adapt to what is being done and said.

Somehow the dance is worked through. But is it based on the rational? Does it promote rationality? One suspects that a frank conversation now and then could make quite a difference—and could help reduce the elements of chance, of misunderstanding, and of unnecessary pain.

The limits upon rationality are suggested by the scarcity of serious conversations between our principal lovers. There are fewer than ten conversations between them recorded in each of the two volumes of this novel, and most of them are superficial, however significant they can

note 30.

40. This development is related to the modern insistence upon “freedom of conscience,” or religious liberty, and upon “freedom of expression” (which as taken the place in our constitutional system of the traditional, more politically-minded, “freedom of speech and of the press.” See GEORGE ANASTAPLO, THE AMENDMENTS OF THE CONSTITUTION: A COMMENTARY 459 (Index) (1995). Consider what is said about conscience in Jane Austen’s principal novels. See, e.g., ANASTAPLO, THE ARTIST AS THINKER, supra note 4, at 92.

41. The costs her include one-fourth to one-third of the span of a couple’s normal married life.

42. See supra note 12 and accompanying text.
perhaps be taken to be.43

Chance is very much depended upon in what happens to be heard and what can be made of it in the circumstances. But then, chance is remarkably influential throughout, almost distressingly so. Chance may be seen in who happens to lease the Elliot estate, in the war having ended when it did, in Frederick Wentworth not having married (which he might properly have done if he had taken with full seriousness his rejection years before, or if Anne Elliot had been obliged to marry someone else).44

Most of this novel is devoted to the reconsideration of what had been definitely “decided” before, long before—as if it did need to be reconsidered. This can also be seen in PRIDE AND PREJUDICE—but there the original decision (Elizabeth Bennett’s initial rejection of Mr. Darcy) had been due to her misapprehension of his character, a less troubling error than that committed by Anne Elliot who had had before her all the facts she needed for a proper judgment.45

H.

Captain Wentworth is a successful naval officer—but he does not act, through most of this novel, like a man who can take charge of matters. We do see his ability to improvise and execute a stratagem effectively when he overhears the conversation between Anne Elliot and Captain Harville.46 He writes her a letter, while pretending to be still writing another letter, and then contrives to get it to her—and once he does that, it is all over: all will be well, “forever,” no matter what is said thereafter or when it is said.

Will these lovers’ life together be better because of these “principle”-guided delays? One can be reminded of the delay that Jacob had had to endure in order to get Rachel.47 But one can be reminded, also, that this contributed, indirectly, to the troubles much later between Joseph and his half-brothers.48

Are not Frederick Wentworth’s instincts sound when he exhibits a reluctance to forgive Lady Russell?49 After all, she does almost ruin the lovers’ lives on more than one occasion, persisting over a decade in her unjustified self-confidence with respect to matters of the heart.50 Does Lady Russell ever learn much about herself, whatever she may be obliged to recognize eventually about Frederick Wentworth and William Elliot?

43. In Volume I of PERSUASION there are such conversations recorded at pages 65, 71, 99 (twice), 102, 105; in Volume II there are such conversations recorded at pages 156, 157, 161, 168, 198, 209, 211, and 216 (which include that fateful letter written by the Captain).
44. It is almost as if all these things happened thus for the sake of the story, rather than the story developing because these things happened.
45. On PRIDE AND PREJUDICE, see supra note 24.
46. This is anticipated by his quietly, but firmly removing the clinging child that had been oppressing Anne Elliot. See AUSTEN, PERUSASION, supra note 10, at 71-72.
47. See GENESIS 29: 15-29.
49. See AUSTEN, PERSUASION, supra note 10, at 217.
50. See id. at 24-25, 26, 80, 84, 95, 121, 131-32, 142-44, 186-87, 219.
Louisa Musgrove’s instincts may also be sound here, in that she does not take Frederick Wentworth when she could have had him. Perhaps she lets him go because he did not save her from her near-fatal fall.\textsuperscript{51} That fall was primarily her fault, of course, but she may “unconsciously” expect her man to save her from her mistakes.\textsuperscript{52} The Louisa-accident and its immediate follow-up are presented in the two central chapters of the novel.\textsuperscript{53} These chapters, along with the opening and closing chapters, provide all of the story one really needs, except for the account of how Lady Russell persuaded Anne Elliot not to marry Frederick Wentworth eight years before, to understand what has happened and why.

Be that as it may, Anne Elliot, in the central chapters of the novel exhibits much more of the qualities of the commander (in response to Louisa Musgrove’s accident) than anyone else does anywhere in the novel.\textsuperscript{54}

I.

We have noticed the remarkable, if somewhat questionable, self-confidence exhibited by Anne Elliot in her last extended remarks in this novel.\textsuperscript{55} She will be predictable in the years ahead—and can always be depended upon to do “the right thing.” Her considerable respect for authority should make her a good naval officer’s wife. But will she, in her prosperity, be as perceptive as she was in adversity?

Of course, she will always love her husband and be properly dutiful toward him. But he, in turn, will always be subservient to her in at least one critical respect: he will always be “in the wrong” when they happen to differ about important matters, unless she comes to reconsider what had happened between them. That is, he will be the one who will be inclined to see the fault in himself; she will be inclined to simply stick by what her conscience has chanced to tell her to do, that conscience which is highly likely to be shaped by the conventions or forms of her circumstances. Odysseus’ Penelope, too, respected the forms of the day, even as she worked around them (without obviously repudiating them) in her determination to select and to keep the best man who was available to her.\textsuperscript{56}

What should an Anne Elliot learn from a book such as PERSUASION?

\textsuperscript{51} See id. at 98.
\textsuperscript{52} We need not go far as to suggest that the Captain “unconsciously” wanted to miss her in order to “show her” what he really felt about her and thus could “properly” be rid of her.
\textsuperscript{53} The two central chapters of PERSUASION are Chapter XXI of Volume I and Chapter I of Volume II.
\textsuperscript{54} It is Anne Elliot who takes charge when Louisa Musgrove has her accident. See AUSTEN, PERSUASION, supra note 10, at 98. On other occasions, her Captain acts effectively. See id. at 204-09 (on writing the letter), 221 (on recovering for Mrs. Smith her husband’s property). And, of course, he had been quite effective as commanding officer, earning himself a fortune. See supra note 26 and accompanying text.
\textsuperscript{55} See supra note 12 and accompanying text.
\textsuperscript{56} See supra note 11.
Might not she learn from it both the use and abuse of conscience? One should not expect a Lady Russell to profit from such a book, even if she could discipline herself to think about it. Is there not, moreover, a profound condemnation of Lady Russell implicit in how her responses (external as well as internal) to news of the supposed attachment between Captain Wentworth and Louisa Musgrove are described? The ugly state of an unduly censorious soul is beautifully revealed here:

Lady Russell had only to listen composedly, and wish them happy, but internally her heart revelled in angry pleasure, in pleased contempt, that the man who at twenty-five had seemed to understand somewhat of the value of an Anne Elliot, should, eight years afterwards, be charmed by a Louisa Musgrove.  

Does Jane Austen appreciate also the considerably more amiable limitations of her heroine in this book? Still, is there not, for this author, something uncharacteristically sentimental in the way that Anne Elliot's kind of situation is described by her? Is this—the last novel that she finishes—somehow autobiographical for the author, as she looks back on what did and did not happen to her, and why? Do we see in Jane Austen's own life, without the protection of a proper marriage, how the trials of Anne Elliot could have come out, even with the best will (that is, with the best conscience)? Is Jane Austen like the unmarried Anne Elliot in that she plays music, so that others may dance?

Another way of putting these questions, which can perhaps illuminate further the entire novel and help explain what can seem to be its pervasive touch of ambiguous melancholy, is to ask, Would Anne Elliot in her instructive adversity, without the once-abandoned Prize she was fortunate enough to recapture, have also turned to novel-writing, thereby making us all her gladly subservient and permanently-enriched lovers?

III. HOW DID THE GRAND INQUISITOR READ THE BIBLE?

The possessive instinct never stands still.

—John Glasworthy

A.

The story of the Grand Inquisitor, told by one of the principal

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57. AUSTEN, PERSUASION, supra note 10, at 112.

58. See id. at 64.

59. We can wonder whether Jane Austen had herself missed an opportunity for a somewhat fulfilling marital life—and whether well-meaning advice from an incompetent counselor had led her astray on that occasion. Is Jane Austen somewhat like Mrs. Smith? See id. at 180. Mrs Smith, however, is reluctant to give advice, while Jane Austen does seem to do so, at least as an artist. See id. at 175.

60. A talk given in the First Friday Lecture Series, The Basic Program of Liberal Education for Adults, The University of Chicago, at The Cultural Center, Chicago, Illinois, April 7, 2000. On reading the Bible, see Anastaplo, Law & Literature and the Bible, supra note 6, at 517. See also infra Appendix A.

61. JOHN GALSWORTHY, IN CHANCERY 3 (1920).
characters in Fyodor Dostoyevsky's *The Brothers Karamazov*, has taken on a life of its own somewhat independent of the massive novel in which it is found. A proper study of this challenging story would include an account of where it appears in the novel, why it is told by one brother (Ivan Fyodorovich Karamazov), and what the effect is on the brother (Aloyosha) who hears it. A proper study would also include a survey of Dostoyevsky's likely sources (such as Friedrich Schiller's *Don Carlos*) and of the uses by others of some of the same material (as in John Milton's *Paradise Regain'd*).

The narrator himself mentions one source, another story out of the Sixteenth Century in which he places his own story about the Grand Inquisitor of Seville. That other story, *The Wanderings of Our Lady Through Hell*, is said to have had this plot:

Our Lady visits Hell, and the Archangel Michael leads her through the torments. She sees the sinners and their punishment. There she sees among others one noteworthy set of sinners in a burning lake; some of them sink to the bottom of the lake so that they can't swim out, and "these God forgets"—an expression of extraordinary depth and force. And so Our Lady, shocked and weeping, falls before the throne of God and begs for mercy for all in Hell—for all she has seen there, indiscriminately. Her conversation with God is immensely interesting. She beseeches Him, she will not desist, and when God points to the hands and feet of her Son, nailed to the Cross, and asks "how can I forgive His tormentors?" she bids all the saints, all the martyrs, all the angels and archangels to fall down with her and pray for mercy on all without distinction. It ends by her winning from God a respite of suffering every year from Good Friday till Trinity Day, and the sinners at once raise a cry of thankfulness from Hell, chanting, "Thou art just, O Lord, in this judgment."

The story of the Grand Inquisitory, conjured up for this occasion by Ivan Karamazov, also turns around a conversation which is "immensely interesting," a conversation between the Grand Inquisitor who is godlike in his authority and the Christ-figure who expresses the pity for mankind that Our Lady had done in the earlier story. But whereas God had been moved by Our Lady to relent somewhat in the course He had laid down, the Grand Inquisitor (who also presides over the burning of sinners, in the form of heretics) remains, at least in words, unrelenting to the end.
That Seville has become something of a Hell on earth is suggested by what had happened there the day before the Visitation by the Christ-figure:

Of course, this was not the coming in which He will appear, according to His promise at the end of time in all His heavenly glory, and which will be sudden as lightning flashing from east to west."

No, He visited His children only for a moment, and there where the flames were crackling round the heretics. In His infinite mercy He came once more among men in that human shape in which He walked among men for three years fifteen centuries ago. He came down to the "hot pavement" of the southern town in which on the day before almost a hundred heretics had, ad majorem gloriam Dei, been burned by the cardinal, the Grand Inquisitor, in a magnificent auto da fe, in the presence of the king, the court, the knights, the cardinals, the most charming ladies of the court, and the whole population of Seville.68

The distinguished personages included among the audience assembled for these executions testify to how firmly established had become the reign of the Grand Inquisitor and his colleagues.

This is a fierce state of affairs. Is it becoming steadily worse because of the determined, perhaps desperate, ninety-year-old man who presides over all this, an old man who must wonder (or, at least, had once wondered) about what he should believe and do?69 Is it this which moved the Visitor to intervene?

B.

What really happened here? Or rather, we may be obliged to ask, can what is described here have ever happened?

We can readily believe that there were trials and executions of medieval heretics, perhaps on a large scale, just as there had been the trial and execution of Jesus.70 But can we believe that Jesus could return to earth, doing again (in a place such as Seville) what he had done before (healing the blind and raising the dead)? Of course, some might wonder whether such healing and raising ever happened "the first time around" a millennium and a half earlier. However that may have been, the repetition of such things in the kind of circumstances depicted in Ivan Karamazov's story is not likely to be believable.71

But we know that the story can engage the reader, a fact which is testified to by the many reprintings of that story alone. Our interest in this story does not depend upon whether the Visitor could return to earth, or has actually done so. It depends, rather, on what the Grand Inquisitor

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68. Id. at I, 45.
69. See id. at I, 53: "Know that I too have been in the wilderness, I too have lived on roots and locusts." Id.
70. On the trials of witches, see Anastaplo, Church and State, supra note 37, at 65.
71. See DOSTOYEVSKY, The Grand Inquisitor, supra note 64, at I, 45-46.
says, which is the only thing said verbally in the course of the reported encounter. This can be understood, in short, as a very old man reflecting upon his own career of opinions and deeds.

Similar considerations apply to our interest in other “fanciful” stories, such as Charles Dickens’s account of Ebenezer Scrooge and the visitations of his three Ghosts. I have argued elsewhere that Dickens’s account in *The Christmas Carol* is consistent with Scrooge’s having a redemptive dream. His soul is thus subjected, one Christmas Eve, to thoroughgoing introspection, stimulated by what had happened to him earlier that evening in his counting-house on the seventh anniversary of the death of his partner, Jacob Marley.

Thus, also, the soul of the Grand Inquisitor can be understood to have been subjected to a profound challenge, stimulated, at least in part, by the experience the day before of having presided over the execution of almost one hundred heretics, one for every year of his very long life. The Grand Inquisitor is challenged in the most soul-searching way, questioning himself thereby, or at least reassuring himself about what he has been doing on so fierce (even, we might be tempted to say, on so un-Christian) a scale.

In such cases—whether Ebenezer Scrooge in his private life or the Grand Inquisitor in his public life—the “hero” is obliged to face up to his career. The pressure in such situations, even if only an “internal” pressure, may find expression in hallucinations—and can contribute to stories which interest and instruct us.

C.

Is not all that is said and done during this Great Conversation in Seville keyed to what the Grand Inquisitor has “always known,” including what he knows about the Roman Catholic Church’s teachings and practices. Those teachings include the lessons left behind by Jesus.

One striking feature of the Great Conversation reported in Ivan Karamazov’s story is that the Visitor does not utter any words. This is in accordance with the experience we have had as dreamers: nothing truly new is discovered in a dream, however much reinterpretation and reassessment there may be of what is already known by the dreamer. Thus, for example, one can, as a dreamer, open a reference book and confirm therein what one already knows—but “somehow” one is not able to turn the page and add thereby to what one already knows. Similarly, the Grand Inquisitor’s Visitor cannot add anything to what is recorded in, say, the Gospels, and the Grand Inquisitor senses that this is the way it will

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72. See *Charles Dickens, or A Christmas Carol* (1843).
73. See *Anastaplo, The Artist as Thinker*, supra note 4, at 137, 426-27, 429-31.
74. See id. at 126-27.
75. See *Dostoyevsky, The Grand Inquisitor*, supra note 64, at I, 45.
76. See id. at I, 46: “Is it Thou? Thou?” Id.
A dream then is a remembering (and rearranging) of what has been "forgotten" or of what has been poorly assimilated. But, as we can see in Ivan Karamazov’s story, a dream can have a "mixed-up" character, with its use and acceptance of improbabilities. Thus, the historical Jesus is in effect defied (not deified!). Even though Christianity and hence the Grand Inquisitor’s power seem to depend upon a general faith in that Jesus. Also, if this Visitor had come from the dead, or from the other world, with miraculous powers, could the Grand Inquisitor either imprison him or have him burned at the stake, as he threatened to do? But dreams are like this, having incongruous combinations of elements that may help one see something better, or at least other, than one has seen before.

When the Grand Inquisitor undertakes to reinterpret what he has been taught, what he has accepted, and what he has done, he looks primarily to the account in the gospel of MATTHEW of the Three Temptations of Jesus in the Wilderness.

These Temptations, as presented by Satan, come early in Jesus’ career: they seem to go to the foundations of the mission and the message of that career. The Grand Inquisitor, who recognizes that these Temptations were significant and perhaps fundamental, has come to believe that Jesus’ responses to them should, for the sake of the bulk of mankind, have been quite different from what they evidently were, however appropriate the position taken by Jesus may have been for the relatively few in the human race who are strong and thrive on challenges.

That the Grand Inquisitor has succumbed (and hence “succeeded”) may be testified to by the obviously submissive people who attend his executions, people who range from the undistinguished multitudes to aristocrats and royalty. We are never told what the local heretics are guilty of (the “terrible new” Northern German heresy had been referred to earlier). The challenges that the Grand Inquisitor addresses in the Great Conversation suggest that those heretics may have been suspected of opposition to the stance that the Inquisitor generally champions. That is, these heretics may have been too much like the historical Jesus, or like primitive Christians.

It is evident in this story that the Grand Inquisitor aligns himself

77. This is aside from the access claimed by the Roman Catholic Church to continuing revelation, whatever that may mean. In any event, the Visitor had done, on the streets of Seville on this fateful day, only the sort of things that he had done long ago in the Holy Land.
79. Another version of this episode may be found in the gospel of LUKE. But the sequence of the temptations used here by Ivan Karamazov is that found in the gospel of MATTHEW.
80. See gospel of MATTHEW, 4: 1-11.
81. See DOSTOYEVSKY, THE GRAND INQUISITOR, supra note 64, at I, 48-53.
82. See id. at I, 44.
83. See ANASTAPLO, THE ARTIST AS THINKER, supra note 4, at 62.
somewhat with Satan, accepting in some form what is offered in the Temptations.\textsuperscript{84} I say "in some form" because the Inquisitor does seem to be aware of the superiority, or the nobility, of the nay-saying course exhibited by the historical Jesus. But since only a relatively few can benefit from this course, the Inquisitor seems to consider it more practical (or at least humane) to settle for the second-best.\textsuperscript{85}

We should be reluctant, of course, to accept large-scale executions of "heretics" as in the service of "the second-best"—or, indeed, of any good at all. Rather, this sort of thing can seem to us now—and perhaps seemed to some then—as madness rather than statesmanship.

One vital question we are left with here is as to the status of the political (and hence of prudence). This question can be asked both of the original program of Jesus and of the transformation of that program by the Grand Inquisitor.\textsuperscript{86}

\textbf{D.}

The Three Temptations, especially in the sequence recorded in MATTHEW, can be said to probe into the nature of things.\textsuperscript{87} Indeed, there can even be said to be something in this ordering which is aware of that understanding (however limited, ultimately) of the nature of things exhibit in the work of someone such as Thomas Hobbes.\textsuperscript{88}

The First Temptation (on turning stones into bread) draws upon the constant need of human beings for nourishment.\textsuperscript{89} They can become desperate in striving for an adequate share of the goods of the world.\textsuperscript{90}

The Second Temptation (on relying upon God to save one from bodily harm, such as would come from casting oneself off a tower) draws upon the constant need of human beings for protection from bodily injury, if not from death itself.\textsuperscript{91} They can submit themselves to anyone who provides assurances here.\textsuperscript{92}

The Third Temptation (on acquiring dominion over all the kingdoms of the world that may be seen from a high mountain) draws upon the

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\textsuperscript{84} See DOSTOYEVSKY, \textit{THE GRAND INQUISITOR}, supra note 64, at I, 48, 53
\textsuperscript{86} On prudence, see supra note 32; see also infra note 100 and accompanying text.
\textsuperscript{87} The same can be said about miracles. See Anastaplo, \textit{Law & Literature and the Bible}, supra note 6, at 629f.
\textsuperscript{88} One can be reminded of the temptation of Adam and Eve by the Serpent in the Garden. One can be reminded as well of the deadly testing recorded in the book of JOB.
\textsuperscript{89} See gospel of MATTHEW 4: 3-4.
\textsuperscript{90} On Marxism, see Josph Cropsey, \textit{Karl Marx}, in HISTORY OF POLITICAL PHILOSOPHY, supra note 84, at 802. See also infra note 111 and accompanying text.
\textsuperscript{91} See gospel of MATTHEW 4: 5-7.
\textsuperscript{92} See Laurence Berns, \textit{Thomas Hobbes}, in HISTORY OF POLITICAL PHILOSOPHY, supra note 84, at 396. The desperation to which the natural need for assurances can lead may be seen in the two most destructive political heresies in the Twentieth Century, the Stelin movement and the Hitler movement. See infra note 182, infra note 37 in Appendix B of this collection. See also infra note 40 of Appendix B and accompanying text.
\end{flushright}
attractions of universal sovereignty. This state of affairs, even if it should seem to defer to Satan, does offer assurances of, among other things, reliable nourishment and effective protection, at least for "ours."

Jesus’ response to these temptations announces, at the outset of his career, that his mission is not of this world. The Grand Inquisitor, in repudiating Jesus’ guidance to these matters, identified himself (without saying so) with the authorities with whom Jesus contended. It should be remembered that the authorities in Jerusalem (just like the Grand Inquisitor in Seville) knew about, if they did not even personally witness, the miracles performed by Jesus. They question, however, the source of his powers, and hence the significance of his miracles, as well as his effect and ends.

Indeed, it can be said, the Tradition with which Jesus took issue had long since accommodated itself to different responses from his to these "Temptations." Thus, the leadership, in the form of Moses, had overseen the systematic provision of manna during the forty years of the exodus; the founder, in the form of Abraham, had been prepared to put the life of his son in jeopardy, relying upon God to deliver him; and Moses, again, had been shown the Promised Land which was to be awarded to his people. The Israelites, in short, had faced up to what was required for the proper happiness of a people in this world, something which the Grand Inquisitor (speaking for the Church) considered it his duty to do also in his own time. In both cases, freedom was regarded as illusory and destructive, at least for most human beings.

E.

Even so, the Grand Inquisitor does not speak from the perspective of an established Jewish leadership, which is in critical respects less sophisticated than he is. Nor does he speak from the perspective of a great pagan leader, who is more apt to be guided (both in what he says and in what he does) by prudence.

What is the good for him? Is he not decisively shaped (unlike either the Jews or the pagans) by the humanitarian impulses of Christianity, however toughminded he may be? The love of mankind—an unsentimental, realistic love, he might insist—seems to move him deeply, however troubled he may be in his heart of hearts because of what he is

93. See gospel of MATTHEW 4; 8-10.
94. See gospel of MATTHEW 4: 11: "Then the devil leaveth him, and behold, angels came and ministered unto him."
95. See, e.g., gospel of MATTHEW 9: 34.
96. See EXODUS 16: 2-36.
97. See GENESIS 22.
98. See DEUTERONOMY 34: 1 sq.
99. On the career of Moses, see Anastaplo, Law & Literature and the Bible, supra note 6, at 591, 604, 641.
100. See supra notes 82 and 86. See also George Anastaplo, Lawyers, First Principles, and Contemporary Challenges: Explorations, N. ILL. U. L.R. 353, 453 (1999).
saying and doing.101

Perhaps, indeed, this conversation—this dreamlike conversation—is for him like a confession. Is the story as powerful as it evidently is because the Grand Inquisitor can be taken as talking to himself, to the Christ in himself? But however much he takes issue with the teachings of Jesus, he cannot simply abandon Christianity and return to the Classical approach to the governance of human affairs.102

Does the Grand Inquisitor know himself? Does he see himself as he is? Does he come to know himself better because of this highly personal encounter? We ourselves are tempted to believe that no one who engaged in the deliberate wholesale slaughter of others truly sees what he is doing. That is, is it not prudent to regard a systematic annihilation of heretics, especially in the Grand Inquisitor’s circumstances, as simply incomprehensible and hence inexcusable?103

F.

What happens next, after the Visitor is gone? What happens in Seville, for example (if this is not a dream), to the man whose sight had been restored or to the maiden who had been resurrected?104 We do not know, just as we are not told what happens, in the long run, to the people reported healed in the Gospels.

Does the Grand Inquisitor, who is quite elderly, continue with his deadly campaign against heretics? He is warmed by the kiss of the departing Visitor. It can be seen as still another “reading” of the Bible if we are thus given a variation of the kissing of Jesus by Judas just before they part.105

Whose idea is that kiss? That is, if all this is essentially the dream of the Grand Inquisitor, then he himself must have conjured up the kiss of the Visitor. This means, in effect, that the Grand Inquisitor not only endorses the Temptations-linked doctrines of Satan but also revives the dramatic gesture of Judas. One should not make this suggestion, however, without recognizing that Judas Iscariot may be a far more complicated character than he is usually taken to be.106

But then, the novel as a whole, of which the Grand Inquisitor story is a very small part, is itself quite complicated—and, as I indicated at the outset of these remarks, a proper study of this story would include an account of where it appears in the novel and how it bears upon (and how it itself is illuminated by) other parts of the novel.107

101. See e.g., DOSTOYEVSKY, The Grand Inquisitor, supra note 64, at 1, 51-52.
102. See supra note 4 and accompanying text.
103. One can be reminded of the excesses of the Thirty Tryants in Athens following upon the end of the Peloponnesian War.
104. See DOSTOYEVSKY, The Grand Inquisitor, supra note 64 at I, 45.
105. See, e.g., gospel of MATTHEW 26: 48-50.
106. See, e.g., Anastaplo, Law & Literature and the Bible, supra note 6, at 828.
107. Consider, for example, how the chapter following the story of the Grand Inquisitor
I bring these remarks to a conclusion at least for this occasion, by recalling observations I made in a lecture on Dostoevsky's *The Brothers Karamazov* in this lecture series seventeen years ago this Spring.\(^\text{108}\) Among the things said then were the following:

That God moves in mysterious ways had already been indicated in the novel. Thus, for example, the "Odor of Corruption" chapter testifies to the proposition that the judgments of God are not the judgment of men (and vice versa). Is there, men wonder, a divine plan to things? If so, how does the divine work in human affairs? What, furthermore, is the relation between the divine agency and the inspired artist?

However inspired the artist may be, Dostoevsky suggests, he is not truly omniscient. There do seem to be some things that the narrator in this novel does not know. Certainly, Dostoevsky wants us to know that he is aware of his own limitations.

Perhaps we can venture even further. Perhaps, that is, some things are left in the dark because of the very nature of things. It may be impossible for men to know all, however confident we are allowed to become about [some episodes in this novel].\(^\text{109}\)

What I say here about the novel as a whole can be applied, to some extent, to the story of the Grand Inquisitor.

Further on in my 1983 lecture are observations which may illuminate further the position taken by the Grand Inquisitor even as they suggest what Dostoevsky himself believed about the challenge posed by that very old man:

[T]he love which Dostoevsky makes so much of is not sentimental—at least, he would insist that it is not—but rather tough-minded: it is love with a "bite," to borrow an expression from Dante. True love—love of others rather than mere self-regard—makes great demands upon us even as it holds out the prospect of great rewards. Such love can affect us, even when we are not aware of it.

The Christian recognizes, Dostoevsky would have us understand, that the reliance upon love of which so much is made [in the novel] can seem "absurd" to the world, particularly since it seems to sacrifice reliance upon reason. Reason is seen as sterile, as lifeless, while love is life-giving. There is, in the Karamazov way, a vitality which may draw upon, sometimes perversely, the demands of love...

All this is related to the appeal of Christianity [of traditional Christianity, not the "realistic" form developed by the Grand Inquisitor]: Christianity is absurd, yes, but it somehow speaks to what moderns call the human condition; vital yearnings of the soul—of the individual, immortality-seeking soul—are being ministered to.

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\(^\text{109}\) Id. at 409.
Whether those yearnings are natural or acquired (and misdirected) does not seem to concern the Christian, who sees the acquired yearnings to be now so deeply ingrained as to be virtually natural in their effects.

With such sentiments, Dostoyevsky challenges the claims of the Enlightenment, of that rationalistic movement which would Westernize and thus ruin Russia.110

Indeed, we can wonder in closing, is that dangerous rationalistic movement in the West anticipated in the statecraft of the Grand Inquisitor, a materialistic statecraft which eventually found monstrous expression in Holy Russia herself in the Leninist-Stalinist aberrations?111

These, then, are suggestions about how to begin to think both about the story of the Grand Inquisitor and about the novel which this story in effect bitingly challenges from within.

IV. A TOMB OF ONES OWN: THE FEMINIST MOVEMENT FROM ANTIGONE TO VIRGINIA WOOLF112

What are you saying? What man has dared to do it?113

A.

Our discussion on this occasion is not primarily about either Sophocles’ ANTIGONE or Virginia Woolf’s A ROOM OF ONE’S OWN, whatever the title of this talk may suggest. I have discussed elsewhere, at greater length than I will today, both Sophocles’ plays and Virginia Woolf’s political tracts.114

Rather, this discussion is more about how the ANTIGONE play and the ROOM book have come to be regarded, which requires of course some consideration of what these works are like.115 How these works have come to be regarded is suggested by the decision of the Basic Program Staff, a few years ago, to replace ANTIGONE by A ROOM OF ONE’S OWN in the first quarter of its four-year program.116 On doing so the Staff removed Antigone from its decades-long distinction as the first of the five dozen

110. Id. at 413-14.
111. See supra note 90.
113. SOPHOCLES, ANTIGONE 248 (Elizabeth Wyckoff trans, 1954). This is said by Creon to the guard who reports the “burial” of Polyneices, whose burial had been forbidden by Creon. See infra note 155.
115. It is much to be preferred, however, that such texts as these be read primarily for themselves, not for how they relate to other texts. See the Introduction to this Collection.
texts read by Basic Program students.\textsuperscript{117}

Our inquiry here is more in the realm of the sociology of culture than it is in the realm of literary criticism. The Basic Program Staff, in making the change it did, was moved in large part by a commendable desire to encourage students to recognize the plight and the opinions of women in the Western World. This is not to suggest, however, that there are not many important women evident elsewhere in various of the texts on this reading list.\textsuperscript{118} There may be something “symbolic” in this dramatic change in our reading list, even holding up Virginia Woolf as “a role model,” serving thereby as a sign of these topsy-turvy times.

These are, after all, times which (despite the unparalleled prominence of women in our public life) find more and more people, men as well as women, lamenting that women have never been truly appreciated and permitted the intellectual and spiritual fulfillment of which they are capable. Not only have talented women been systematically stunted in their development, it is argued, but also the human species has been diminished thereby. Care must be taken, however, in the remedies resorted to, lest everyone be diminished by not having the best available seen and used for what it is.

Happenstance can very much matter in these circumstances. Not only have I been challenged to think about the Basic Program curriculum revision, but this thinking-out-loud is being done today in the very building which houses the University of Chicago Center for Gender Studies, the overarching spirit of which Center (it can be hoped) may inform what I am about to say, along with whatever influence can be attributed to Women’s History Month.\textsuperscript{119}

Happenstance may be seen also in the Gilbert and Sullivan operetta, PRINCESS IDA, which was presented on this campus earlier this month. In this Nineteenth Century operetta, which anticipates the phenomenon of Twentieth Century gender studies, women separate themselves from men to establish their own regime (a regime based on study). Aside from the natural inclination of some of the women toward the male invaders they are supposed to resist, two serious flaws appear: the women are simply not suited for the combat required to defend themselves; the women will not be able to perpetuate themselves if their isolation attempts prove successful. In short, there is a natural pairing of male and female which must be provided for. Although love is again and again seen in the Gilbert and Sullivant operettas to be changable, it is also seen to be inexorable.\textsuperscript{120}

\begin{itemize}
\item \textsuperscript{117} For the Basic Program reading list, see ANASTAPLO, THE ARTIST AS THINKER supra note 4, at 299-300. For recent changes in that list, see infra note 175.
\item \textsuperscript{118} Perhaps the greatest female artist in the Western tradition has been Sappho, whose poetry may be studied in the Basic Program poetry tutorial. On Sappho, see ANASTAPLO, THE ARTIST AS THINKER, supra note 6, at 45.
\item \textsuperscript{119} See infra note 160 and accompanying text.
\item \textsuperscript{120} ANASTAPLO, THE ARTIST AS THINKER, supra note 4, at 205. One can be reminded here of Aristophanes' LYSISTRATA. See also infra note 162.
\end{itemize}
B.

What, then, does the ANTIGONE offer? Fundamental issues are presented which are not easily, if at all, resolvable. Or, rather, it can be difficult to be confident about any resolution that one advances. The modern reader, and this includes Virginia Woolf, is inclined to see Creon simply as a tyrant, with Antigone standing firmly against him in still another conflict between "the individual" and "the State." But, it can be argued, Antigone does not stand simply or primarily for "individualism"; she is rooted in the family and in an almost desperate devotion to the ancient divinities beneath the earth, as distinguished from the "newer," polis-oriented divinities to whom Creon looks for support and vindication.\(^1\)

We can be reminded of the fundamental issues here by the comments made by readers of Sophocles' play such as G. W. F. Hegel. Two excerpts from Hegel's reflections on the ANTIGONE can be instructive, even though one might have reservations about the way he does read the play. Our first excerpt is taken from THE PHILOSOPHY OF FINE ART:

The principal source of opposition, which Sophocles in particular . . . has accepted and worked out in the finest way, is that of the body politic, the opposition, that is, between the ethical life in its social universality and the family as the natural ground of moral relations. . . . Antigone reverences the ties of blood-relationship, the gods of the netherworld. Creon alone recognizes Zeus, the paramount Power of public life and government.\(^2\)

Our second Hegel excerpt is taken from THE PHILOSOPHY OF HISTORY:

The collision between the two highest moral powers is set forth in a plastic fashion in that supreme and absolute example of tragedy, ANTIGONE. In this sense family love, which is holy, which belongs to the inner life and to inner feeling, and which because of this is also called the law of the nether gods, comes into collision with the law of the State. Creon is not a tyrant, but really a moral power; Creon is not in the wrong; he maintains that the law of the State, the authority of government, is to be held in respect, and that punishment follows the infraction of the law. Each of these two sides realizes only one of the moral powers, and has only one of these as its content; this is the element of one-sidedness here, and the meaning of eternal justice is shown in this, that both end in injustice just because they are one-sided, though at the same time both obtain justice too. Both are recognized as having a value of their own in the untroubled course of morality. Here they both have their own validity, but a validity which is equaled. It is only the one-sidedness in their claims which justice comes forward to expose.\(^3\)

The modern reader, however tyrannical she considers Creon to be,

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1. See, e.g. SOPHOCLES, ANTIGONE 450.
3. HEGEL, THE PHILOSOPHY OF HISTORY, supra note 122 at 325.
may be troubled even more (if she should stop to think about it) by the “superstitions” regarding the dead to which Antigone owes allegiance. Even in antiquity, of course, there were thinkers who had reservations about the prevailing opinions of the day, as may be seen in Socrates’ evident lack of concern about what is to be done with his earthly remains after his death.\footnote{See, e.g., PLATO, PHAEDO.}

Even so, Antigone can be admired as a heroine: her nobility is apparent to all of us—and this may be seen in Virginia Woolf’s comments upon her. But the feminist who looks to Antigone for inspiration should not forget that Oedipus’ daughter, as a female champion, is very much rooted in the family, so much so that her devotion to parents and brothers takes precedence (at least, she says) over devotion to any children or husband she might have had.\footnote{See SOPHOCLES, ANTIGONE 904-13.}

C.

We are prepared, by these observations, to look more closely at Virginia Woolf’s \textit{ROOM}, which was described in this way (a generation ago) by her nephew-biographer:

\begin{quote}
There were [in the late 1920’s] other unwritten books to which [Virginia Woolf] had committed herself and of these the one that interested her most was the one concerned with women and fiction; it was based upon the two lectures which she had given in Cambridge in October 1928. She addressed herself to the task of turning them into a book with some enthusiasm. It was finished by the middle of May and in October \cite{1929} the book was published under the title \textit{A ROOM OF ONE’S OWN}.\footnote{QUENTIN BELL, VIRGINIA WOOLF: A BIOGRAPHY, II, 144 (1972).}

Her nephew continued:

It is, I believe, the easiest of Virginia’s books, by which I mean that it puts no great burden on the sensibilities. The whole work is held together, not as in her other works by a thread of feeling, but by a thread of argument—a simple well-stated argument: the disabilities of women are social and economic; the woman writer can only survive despite great difficulties, and despite the prejudices and the economic selfishness of men; and the key to emancipation is to be found in the door of a room which a woman may call her own and which she can inhabit with the same freedom and independence as her brothers.\footnote{\textit{Id.}}

The longstanding alternative to such independence is then described:

The lack of this economic freedom breeds resentment, the noisy assertive resentment of the male, who insists on claiming his superiority, and the shrill nagging resentments of the female who clamours for her rights. Both produce bad literature, for literature—fiction, that is—demands a comprehensive sympathy which
transcends and comprehends the feelings of both sexes. The great artist is Androgynous.\textsuperscript{128}

The passage I have taken from Virginia Woolf's nephew-biographer concludes:

This argument [in \textit{A ROOM OF ONE'S OWN}] is developed easily and conversationally, striking home in some memorable passages but always lightly and amusingly expressed. It is that rare thing—a lively but good-natured polemic, and a book which... is of particular interest to the student of her life.\textsuperscript{129}

Another biographer—a woman who was then on the faculty of Cleveland State University—has provided us a useful summary, chapter by chapter, of the \textit{ROOM} book.\textsuperscript{130} Her summary is prefaced by these remarks:

The author's thesis is simply stated but she develops it carefully in the book: certain conditions are most conducive to success as a writer, and these conditions have not, until relatively recent times, been available for women. Like so much else in the book, its title is symbolic. "A room of one's own" suggests privacy and perhaps time to write, freedom to choose a career, "the power to think for oneself" (110). It implies also a certain level of financial independence (defined as about 500 pounds a year) which in turn stands for freedom from the unrewarding labor which makes writing a desired avocation rather than an active vocation. Money also makes education available, and education (knowledge of the classics and other literature as well as the experience which such contact may confer) is essential not only for a writer but also for full development of human potential.\textsuperscript{131}

The author of this preface, very much a professional herself, continues with an appreciation of what professionalism can mean in one's career:

A tradition of women professionals, whatever the field, is necessary to force changes in society's attitudes toward women's roles. Few women will become writers or doctors, inventors or politicians if they must battle parents who scoff at their professional plans, a society which expects them in their teens to accept husbands chosen for them and then to give birth to a large number of children, even (in modern times) parents and teachers who do not encourage them to explore whatever areas appeal to them. A room of one's own, money, education, a corps of women professionals, and a tradition of women authors are the items which Virginia Woolf believes necessary to create the best state of mind possible for a woman to become a writer. In the essay [\textit{A ROOM OF ONE'S OWN}] these arguments unfold gradually, supported by various kinds of evidence (historical, political, and literary) and often made more palatable by the author's creative imagination.\textsuperscript{132}

How does all this look now, three-quarters of a century after Virginia

\begin{itemize}
  \item \textsuperscript{128} \textit{Id.}
  \item \textsuperscript{129} \textit{Id.}
  \item \textsuperscript{130} See SUSAN RUBINOW GORSKY, VIRGINA WOOLF 142-47 (1972)
  \item \textsuperscript{131} \textit{Id.} at 142.
  \item \textsuperscript{132} \textit{Id.}
\end{itemize}
Woolf wrote her best-seller? The emphasis upon the five hundred pound annuity can seem rather dated—and, indeed, may have already begun to be dated then, partly because of what the First World War had done in recruiting women to work out of the home. Today, certainly, competent women are much freer than they were in 1928 to earn a substantial income which liberates them from dependence upon some male.\footnote{133} Perhaps even more important is what the vote, effective birth control, and the decline of religious fundamentalism have done in this country, as well as in Britain, to remove the shackles of which Virginia Woolf complained.\footnote{134} Indeed, it is difficult to think of any significant legal disability under which women are laboring these days, at least in this country. When I recently pressed a law school Constitutional Law class of mine, half of whom are women, the only disability which was ventured was that women are not required to register with the Selective Service system. The young man who offered this as a female grievance got no support from the women in the class.\footnote{135}

In the academic setting—that setting in and for which Virginia Woolf initially developed her thesis—women have prospered to a remarkable degree since her time, perhaps more so than in any other major institution in this country. And yet there is an unease, if not even a malaise, that sensitive women sometimes seem to exhibit when they contemplate their “situation” in academia today. This has something to do, I suspect, with dissatisfaction about what has happened to female/male relations generally in the Western World—and to what has happened as well to the traditional (if not even instinctive) female rootedness in the family.

Insofar as the ROOM thesis emphasized the material basis of artistic achievement, it may have been somewhat misguided. There have been many artists far less privileged, and far less comfortable, than the middle-class woman of the 1920's in Britain, who nevertheless produced great work. Cervantes reminds us of what determination can do in the most adverse circumstances.\footnote{136} And the career of Socrates should make us question the dictum laid down in ROOM, “One cannot think well, love well, sleep well, if one has not dined well.”\footnote{137} However that may be, Virginia Woolf’s description here of a sumptuous meal (primarily for men, of course) at an Oxbridge college is treasured by readers who take their food and wine seriously. It has even been called “one of the immortal

\footnote{133} Although women may still earn less than do men doing the same work, women do account now for thirty percent of American lawyers and for a majority of students entering law schools. See Denise Lavoie, Study Finds Inequities for Women Attorneys, CHICAGO TRIBUNE, April 27, 2001, sec. 1, at 20.

\footnote{134} On the critical birth control issue, see ANASTAPLO, HUMAN BEING AND CITIZEN, supra note 34, at 46. On fundamentalism today, see infra note 178.

\footnote{135} On military service, see supra note 37.

\footnote{136} On Cervantes, see Anastaplo, Lawyers, First Principles, and Contemporary Challenges, supra note 100, at 437.

\footnote{137} VIRGINIA WOOLF, A ROOM OF ONE'S OWN 18 (Harvest edition, 1989).
meals in literature.” 138

We should notice, before proceeding further in our inquiry about these issues, that there is always the problem of interpreting properly (especially in controversial matters) the experience, or evidence, one happens to have. Consider, for example, how Virginia Woolf presents in her book the first episode of male interference with female self-fulfillment. It was during her visit to an Oxbridge college for men and while she was caught up in “such a wash and tumult of ideas that it was impossible to sit still”139 She continues,

It was thus that I found myself walking with extreme rapidity across a grass plot. Instantly a man’s figure rose to intercept me. Nor did I at first understand that the gesticulations of a curious-looking object, in a cut-away coat and evening shirt, were aimed at me. His face expressed horror and indignation. Instinct rather than reason came to my help; he was a Beadle; I was a woman. This was the turf; there was the path. Only the Fellows and Scholars are allowed here; the gravel is the place for me. Such thoughts were the work of a moment. As I regained the path the arms of the Beadle sank, his face assumed its usual repose, and though turf is better walking than gravel, no very great harm was done. The only charge I could bring against the Fellows and Scholars of whatever the college might happen to be was that in protection of their turf which had been rolled for 300 years in succession, they had sent my [ideas] into hiding.

More precisely, it could be said, “He was a Beadle; she was a woman (and hence an outsider).” But male outsiders would have been treated the same way, as I learned a couple of decades ago upon walking across the lawn of King’s College, Cambridge. I happened, on that occasion, to be walking with a distinguished Fellow of that College whom I was visiting.141 Sure enough, a Beadle—the spiritual, if not even the lineal, descendant of the indignant Man that Virginia Woolf immortalized a half century earlier—a Beadle charged across the law, gesticulations and all, to drive us off that sacred turf. My host chuckled, observing to me that he had obviously not been recognized by the still-distant Beadle. When recognition did register—we were not merely men but rather a Fellow and Somebody Else (Male or Female would not have mattered)—the Beadle, changing directions without breaking stride, greeted my host respectfully as he veered off to other duties. I rather enjoyed this encounter, even though I did not anticipate then the lesson it would someday provide in the interpretation of evidence.

138. Id. at ix (Foreword by Mary Gordon). See also Harriet Blodgett, Food for Thought in Virginia Woolf’s Novels, 3 WOOLF STUDIES ANNUAL 45 (1997).
139. WOOLF, A ROOM OF ONE’S OWN, supra note 137, at 6.
140. Id.
141. My host was Richard B. Braithwaite, at whose home I was staying during that visit to Cambridge.
D.

At the heart of any examination of the provocative and hence instructive Woolf thesis should be an assessment of what she has to say about politics. Although she herself had worked for woman suffrage in Britain, she was very much a modern in believing that material conditions should be prior to political concerns in diagnosing and prescribing for social relations and personal happiness.  

Much is made in the ROOM book, as we have seen, of the legacy which provided Virginia Woolf a substantial annual income. Here is the way the legacy is introduced by her:

The news of my legacy reached me one night about the same time that the [parliamentary] act was passed that gave votes to women. A solicitor’s letter fell into the post-box and when I opened it I found that [my aunt] had left me five hundred pounds a year for ever.  

I understand that five hundred pounds a year was, at that time, more than what three skilled craftsmen might make, craftsmen who could each expect to earn one hundred and fifty pounds a year. Virginia Woolf’s account of the receipt of the legacy continues:

Of the two—the vote and the money—the money I own, seemed infinitely the more important. Before that I had made by living my cadging odd jobs from newspapers, by reporting a donkey show here or a wedding there; I had earned a few pounds by addressing envelopes, reading to old ladies, making artificial flowers, teaching the alphabet to small children in a kindergarten. Such were the chief occupations that were open to women before 1918. I need not, I am afraid, describe in any detail the hardness of the work, for you know perhaps women who have done it; nor the difficulty of living on the money when it was earned, for you may have tried.  

“But what still remains with me as a worse infliction than either,” she goes on (revealing thereby perhaps the innate vulnerability of her soul, especially considering how distinguished her family had long been)— “what still remains with me . . .”  

was the poison of fear and bitterness which those days bred in me. To begin with, always to be doing work that one did not wish to do, and to do it like a slave, flattering and fawning, not always necessarily perhaps, but it seemed necessary and the stakes were too great to run risks; and then the thought of that one gift which it was death to hide—a small one but dear to the possessor—perishing and with it myself, my soul—all this became like a rust eating away the bloom of the spring, destroying the tree at its heart.

142. On the “philosophical” system implicitly drawn upon here, see HISTORY OF POLITICAL PHILOSOPHY, supra note 85, at 802. See also infra note 174 and accompanying text.
143. WOOLF, A ROOM OF ONE’S OWN, supra note 137, at 37.
144. It was not unusual, of course, that such craftsmen supported substantial families with their wages.
145. WOOLF, A ROOM OF ONE’S OWN, supra note 137, at 37.
146. Id. at 37-38.
Then came the bountiful legacy:

However, as I say, my aunt died; and whenever I change a ten-shilling note a little of that rust and corrosion is rubbed off; fear and bitterness go. Indeed, I thought, slipping the silver into my purse, it is remarkable, remembering the bitterness of those days, what a change of temper a fixed income will bring about. No force in the world can take from me my five hundred pounds. Food, house and clothing are mine forever. Therefore not merely do effort and labour cease, but also hatred and bitterness.\footnote{Id. at 38.}

The passage I have been quoting (which reminds us of Virginia Woolf's considerable gift of language) concludes, for our purposes, with a scathing indictment of that masculinity which she no longer had to cater to once she had gotten her legacy:

I need not hate any man; he cannot hurt me. I need not flatter any man; he has nothing to give me. So imperceptibly I found myself adopting a new attitude towards the other half of the human race. It was absurd to blame any class or any sex, as a whole. Great bodies of people are never responsible for what they do. They are driven by instincts which are not within their control. They too, the patriarchs, the professors, had endless difficulties, terrible drawbacks to contend with. Their education had been in some ways as faulty as my own. It had bred in them defects as great. True, they had money and power, but only at the cost of harbouring in their breasts an eagle, a vulture, forever tearing the liver out and plucking at the lungs—the instinct for possession, the rage for acquisition which drives them to desire other people's field and goods perpetually; to make frontiers and flags; battleships and poison gas; to offer up their own lives and their children's lives.\footnote{Id. at 37 (emphases added)}

The priority, for her (as for many moderns), of material conditions over political concerns is itself decidedly a-political, if not even anti-political. "Food, house and clothing are mine for ever," because of the legacy, that legacy from her aunt which had left her "five hundred pounds a year for ever."\footnote{Id. at 38.} Does not this double use of "for ever" presuppose a social/political order which supervises investments, maintains the currency of the realm, and protects legacies? Consider, also, the confidence relied upon in the assertion, "No force in the world can take from me my five hundred pounds [a year]."\footnote{Id. at 38.} That is, "no force in the world" can deprive her of this legacy so long as the British Government can maintain both itself and the rights of property-owners. To what extent is such maintenance dependent upon "frontiers and flags," upon the masculine willingness to kill and to risk being killed? Is there not something remarkably naive in the notion that the benefits of civilization can be relied upon, including the protection of the weak from marauders, without a political order backed up by force? Such naivete may be seen as well in
Virginia Woolf's other notable feminist tract, THREE GUINEAS, the pacifist book she published on the eve of the Second World War.\textsuperscript{151}

After all, it has been the use of the political power of enfranchised women which has contributed during the past half-century, in Britain as in the United States, to the steady provision of equal educational, medical, and other rights for women, rights and opportunities generously supported by public funding. The occasional legacy is not the dramatic liberating event it may once have been. It is the use of the law, not increased private endowments of women's colleges, which has raised the status of women in academic ranks throughout the Western World.

Virginia Woolf was a great admirer of the Greek plays, not least of Sophocles' \textit{ANTIGONE}.\textsuperscript{152} She can even be said to have understood Antigone much better than Antigone, if she had had access to something like the \textit{ROOM} book, would have understood Virginia Woolf. But it can be said on Antigone's behalf that she was aware of deeprooted political and familial considerations that Virginia Woolf, as a modern, seems almost obliged to disregard. Antigone's deeprootedness, which contributes to the enduring challenge posed by the Sophocles play, depends in part upon at least an awareness of natural differences that moderns are apt to minimize if not even to deny, differences that extend even further than those between females and males.\textsuperscript{153}

E.

It is one mark of the savage, the Declaration of Independence indicates, not to distinguish in war among "Ages, Sexes and Conditions."\textsuperscript{154} Natural differences are presupposed here by the Declaration, including between the generality of males and the generality of females.

Those differences, which are related to differences both in physical strength and in the child-bearing capacity, pretty much determine who will do most of the fighting (both the defensible and the indefensible fighting) that is done in and for a community. (After all, it was Antigone's brother who had fallen in battle, not her sister.)\textsuperscript{155} And, in a healthy community, experience in war is \textit{apt} to be a condition for effective ruling at the highest level.\textsuperscript{156}

\begin{footnotesize}
\begin{enumerate}
\item On \textit{THREE GUINEAS} (1938), see \textit{BELL, VIRGINIA WOOLF}, supra note 126, at II, 201-05.
\item \textit{See}, e.g, Sybil Oldfield, \textit{Virginia Woolf and Antigone-Thinking Against the Current}, 29 S.C. L. REV. 45 (1996). \textit{See also infra} note 166 and accompanying text.
\item Consider, for example, the implications of this observation by a Socrates-like Athenian in Plato's \textit{EPINOMIS} (973D): "My thesis is that attainment of bliss and felicity is impossible for mankind, with the exception of a chosen few." \textit{See also PLATO, EPINOMIS} 992C.
\item In fact, two brothers had fallen, but one of them (Eteocles) was provided a proper burial by Creon. \textit{See supra} note 113.
\item \textit{See e.g.}, George Anastaplo, Letter to the Editor, \textit{CHICAGO SUN-TIMES}, November 1, 2000, at 50.
\end{enumerate}
\end{footnotesize}
Women, on the other hand, are more apt to care "too much" for family and children to make the sacrifices (the sometimes senseless sacrifices) exacted by war and politics. We do not speak of nature but temperament here, perhaps preferring the latter term because it may suggest that the critical shaping has been done by social forces which can be changed. Be that as it may, "temperamental" differences are likely, for a long time to come, to determine the career choices that women, with their typically gentler and more sensible inclinations, are likely to make and to persist in.  

Temperamental differences may be seen in the disinclination of women for the foolishness of high-powered legal practice. It may also be seen in the more conciliatory tendencies of female police officers. It may even be seen in the graduate school studies to which women are drawn in the universities (English, the languages, and biology), and the subjects that they shun (physics and mathematics). It may be seen as well in the fact, reported to me by a knowledgeable observer, that the more interesting fiction these days comes from women. A caution is in order here: the natural inclinations of women can be misdirected by a susceptibility to the trendiness that is fashionable in some feminist quarters, a trendiness which can subvert the discipline and competence evident in someone such as Jane Austen.

I have noticed reservations about the materialistic basis of Virginia Woolf's social criticism. But material factors cannot be simply ignored, however careful one should be to keep them in their place. Materialism, of sorts, is implicit in what can be said about the physical differences between male and female, and about the enduring significance of such differences even in our highly mechanized world. Those physical differences are evident in athletic competitions, as testified to by the track and field records enshrined in a display in the Henry Crown Field House on this campus, records that go back to 1971. It is obvious there that the best men are clearly superior to the best women, whether in running races, short or long (with or without hurdles), in jumping, and in shot-putting. A

157. Thus, the fierceness of Lear's daughters (in Shakespeare's KING LEAR) can be regarded as disturbingly unnatural.

158. The prototype here, Portia in Shakespeare's THE MERCHANT OF VENICE, restricted herself, it seems, to one case, a case in which her partisanship drove her to use questionable tactics. On women and the law, see supra note 133, infra note 165.

159. This is not to deny that men sometimes act "macho" because women are watching. This is critical to the appeal of a famous Charles Atlas advertisement. See Natalie Angier, Bully For You: Why Push Comes to Shove, NEW YORK TIMES, May 20, 2001 Sec.4, at 1. See also Diana L. Swanson, An Antigone Complex? The Political Psychology of A The Year" and A Three Guineas," 3 WOOLF STUDIES ANNUAL 28, 32, 34,38 (1997).

160. This can affect the academic disciplines that women pursue. See supra note 119 and accompanying text. On the work of Jane Austen, see Anastaplo, THE ARTIST AS THINKER, supra note 4, at 86; Anastaplo, Law & Literature and the Moderns, supra note 2, at 350. See also Part 1 of this Collection.

161. Much was made, a generation ago, of the tennis match in which Billie Jean King defeated Bobby Riggs. But it should be noticed that there could even be a plausible match on that occasion because she was close to her prime while he was long past his. Riggs had been the U.S. Open Champion (in the Men's Singles) in 1939 and 1941; King was the U.S. Open
recognition of natural differences here may even be seen in the different weights assigned to each for throwing, 35 pounds for the males, 20 pounds for the females (and even so, the record male distance is longer than the record female). Another recognition, having to do with upper body strength, may be seen in the lack of a listing for female pole-vaulting.

I do not mean to suggest that there has not been, over the past quarter century, steady improvement in athletic performance for both women and men. But differences between them remain—and can be expected to remain. Nor do I mean to suggest that some women cannot defeat most men in virtually all contests. I do not need to learn from experience whether our athletic granddaughter, who is both a boxer and a runner in her current college career, can handily defeat me both in the ring and on the track, no matter how superior I was to her in both respects twenty years ago whenever I took charge of her (as only I could do at that time). I do mean, however, to remind us of something we all know, that the physical superiority of men is not only enduring, but that it is likely to continue to affect decisively (and in many ways) relations between women and men for a very long time, if not “for ever.”

F.

Even so, this “for ever” should remind us of one very significant form of physical superiority that women have long enjoyed, that of longevity. And this difference, depending upon the social organization, can lead to greater control by women of the wealth of a country than they might otherwise have.

It is longevity which may be partly responsible for the considerably more time middle-class women have for the finer leisure-time activities. I say “partly responsible” because another factor, perhaps an even more important factor, is that women, almost instinctively, shy away from the all-consuming moneymaking activities of all too many men, something that Virginia Woolf did recognize. Women somehow know better than to waste their lives thus.

A recognition of women, as the more-leisured class, cuts across the grain of Virginia Woolf’s argument in her ROOM book. I was reminded of this leisure-time difference while attending the Chicago Symphony Champion (in the Women’s Singles) in 1971, 1972 and 1974 (that is, three decades later). See THE WORLD ALMANAC 929 (1995).

162. Compare the Amazons of Antiquity, who can be described in this fashion: Amazones and Amazonides (a Greek work “breastless”), a mythical race of warlike females, are said to have come form the Caucasus, and to have settled in Asia Minor. They were governed by a queen, and the female children had their right breasts cut off that they might use the bow with more ease. The male children were killed or disabled, and the race was preserved by periodical association with men of different race... In the reign of Theseus they invaded Attica. Towards the end of the Trojan War, they came, under their queen Penthesilca, to the assistance of Priam; but she was killed by Achilles.

SMALLER CLASSICAL DICTIONARY 21 (William Smith, ed., 1958). See also supra note 120 and accompanying text.
Orchestra concert last Friday afternoon, at a time when I was still mulling over some of the points to be made on this occasion. I counted the house, as best I could from my gallery seat: of the five hundred or so people that I could readily count, almost two-thirds of them were women. (This was to be contrasted to the less than one-third of women playing in the orchestra to which we were listening. And I could be reminded of what Alexander to-be-Great’s father said to him, suggesting that it is far better to listen to music than to make it.) My own count of the house was confirmed when I visited, thereafter, the Orchestra’s offices, where I was told, upon inquiry, that 57% of the C.S.O. subscribers were women. (The makeup of this audience today provides us similar data.)

All other things being equal, the leisured would seem to be those who are “better off” in a community. Another indication of superiority, as conventionally understood, is that of who spends the money of the family. Much of that spending takes the form of chores, such as keeping the household larder stocked. But what of the substantial “recreational shopping” that women engage in, evidently much more than do men? Kimon Friar used to speak of his sisters-in-law, and hence of all Greek-American women, as centaurs, so much time did they spend running around in their automobiles. (I mention in passing here that another granddaughter of ours is much more adept with personal computers than I ever want to be.)

Be all this as it may, it can be wondered whether the male ability and desire to “manage the world” have trapped men, more so than women have been trapped in our time, by lives that have turned the most successful (and often quite talented) men among us into highly-paid slaves. Women, on the other hand, should take care lest they be enslaved in turn by doctrines and expectations which drive them to press for things that they do not truly want.

G.

We return, if only briefly, to Sophocles’ ANTIGONE and to Virginia Woolf’s ROOM. I have noticed critical differences between the approaches to life recorded in these texts. Our students, too, seem to sense critical differences, as may be seen in the fact that one rarely if ever hears, in class, references back to A ROOM OF ONE’S OWN, while ANTIGONE is drawn upon again and again to make a point about another text. Virginia Woolf

163. Philip is said to have admonished Alexander, “You should be ashamed, my son, to play the flute so well.”
164. See Cornelia Grumman, Wrong Question, CHICAGO TRIBUNE MAGAZINE, November 26, 2001, at 14, 22. For the work of Kimon Friar, see LAW AND PHILOSPHY, supra note 63, at 1046.
165. See, e.g., ANASTAPLO, THE AMERICAN MORALIST, supra note 4, at 349.
herself, I dare say, would do the same, sensing as she did the superiority and universality of the Greek text.\textsuperscript{166}

But an important similarity should be noticed between these two works before I bring these observations to a close—and that is with respect to how the principal woman in each case (Antigone and Virginia Woolf) closed out her life. Both of them, it turned out, were suicidal, perhaps even from the beginning of their careers.

Antigone insists upon controlling her fate: she hangs herself rather than waiting to die of starvation in the cave to which she has been confined. Had she waited, she would probably have been saved, for Creon had been frightened into reversing his dread decree.\textsuperscript{167} Virginia Woolf, too, wanted to maintain control over her life, evidently dreading a relapse into insanity.\textsuperscript{168} But her unfortunate condition was aggravated by her misreading of the political situation in Europe, a situation which found Britain about to rescue herself from the bleak future threatened by the Nazis. This was the last stage, I am afraid, of the political miscalculations which distorted her work from time to time.\textsuperscript{169}

The enduring contribution made by Virginia Woolf is not to be found in her political tracts, but rather in her finer novels, especially in those stories which she (as artist, not as political thinker) describes for us in loving detail the essential differences (as in her ORLANDO book) between women and men, even as she reminds us of how much of human happiness depends upon a proper collaboration between the male and the female.\textsuperscript{170}

It is this reminder of critical differences, important for the human species,

\begin{enumerate}
\item See supra note 152. A useful set of materials on Virginia Woolf and liberal education has been compiled by Joel Rich and Nancy Henderson on their Website, www.cygneis.com/woolf.
\item See SOPHOCLES, ANTIGONE 1091-1114, 1098-1240. See also infra note 172 and accompanying text.
\item Did she, like her character Judith Shakespeare (in A ROOM OF ONE'S OWN), attempt a Winter suicide (but, botching the first attempt, this carried her over into early Spring)?
\item Consider, for example, this report on her essay, "Thoughts on Peace in Air-raid" (written in August 1940, published in the United States): Her subsequent thoughts in that short essay were indeed profoundly heretical. Her own countrymen fighting against Hitler were not, as they claimed, free, because fighting itself is incompatible with freedom, and no more than anyone else were they—or we—immune from the drive to aggress, the need to dominate and enslave that is the essence of Hitlerism.
\item Oldfield, \textit{Virginia Woolf and Antigone}, supra note 152, at 55.
\item The principal character in Virginia Woolf's ORLANDO (published in 1928) has been described in this way: Orlando, a young English nobleman of Elizabeth I's reign, He is a descendant of fighting men but is himself a poet. He becomes a courtier, though scarcely growing older, during the times of Elizabeth, James I, and Charles II. Failing to find satisfaction in literature, he turns to materialistic goals, searching all Europe for furnishings to refurbish his great mansion. While serving Charles II as Ambassador Extraordinary at Constantinople, Orlando sleeps an entire week, during which he mysteriously changes into a woman. Although now female and beautiful, Orlando is still a restless soul, searching for satisfaction in the brilliant society of Queen Anne's court and, as well, in the streets and pubs of London. During the Victorian period Orlando, still a woman, marries and returns to literary pursuits. She comes to think of herself, now a woman of thirty-six during the 1920's, as a symbol of English history.
\end{enumerate}

FRANK N. MAGILL, CYCLOPEDIA OF LITERARY CHARACTERS 815 (1963).
that one sees even in the ROOM book, in the justly-famous taxicab scene.\textsuperscript{171}

Antigone’s tomb is in the cave to which she was condemned. She is eventually buried “properly,” as is her brother. Indeed, Creon makes the mistake of taking the time to bury the long-dead brother before he releases the still-living sister.\textsuperscript{172}

Virginia Woolf’s tomb is the room, the seeming financial independence, that she makes so much of, connecting it as she does not only with opportunities but also with communal respect (and eventually with self-respect). Such calculations can undermine that justified self-confidence upon which an enduring happiness depends.\textsuperscript{173}

Thus, it can be said that both of these remarkable women are entombed by dubious opinions, their own and those of the people they must deal with. One is drawn to her doom by the “religious” opinions of her day, the other by the “sociological” opinions of her\textsuperscript{174} day. In juxtaposition to each of them can be placed other powerful characters of “the day”—Alcestis and Medea in case of Antigone, Florence Nightingale and Lady Randolph Churchill in the case of Virginia Woolf.\textsuperscript{175} We can be reminded by such juxtapositions of how varied and challenging “the eternal feminine” can and should be.\textsuperscript{176}

\section*{V. CONCLUSION}

People would not then tolerate natural philosophers, and theorists, as they then called them, contemplating things above, as lessening the divine power, by explaining away its agency into the operation of irrational causes and senseless forces acting by necessity, without anything of Providence or a free agent. Hence it was that Protagoras was banished, and Anaxagoras cast in prison, so that Pericles had much difficulty to procure his liberty; and Socrates, though he had no concern whatever with this sort of learning, yet was put to death for philosophy. It was only afterwards that the reputation of Plato, shining forth by his life, and because he subjected natural necessity to divine and more excellent principles, took away the obloquy and scandal that had attached to such contemplations, and obtained these studies currency among all people.

—Plutarch\textsuperscript{177}

\begin{itemize}
\item \textsuperscript{171} See \textit{Woolf, A Room of One's Own}, \textit{supra} note 137, at 96-98.
\item \textsuperscript{172} See \textit{ supra} note 167.
\item \textsuperscript{173} See, e.g., \textit{Aristotle, Nicomachean Ethics}, BK. I. See also \textit{Anastaplo The Thinker as Artist}, \textit{supra} note 6, at 318.
\item \textsuperscript{174} “Sociology” had become a kind of religion? \textit{See supra} note 142.
\item \textsuperscript{175} Alcestis and Florence Nightengale appear to have been far more self-sacrificing than Medea and Winston Churchill’s mother. But the latter two\textit{ are} more “interesting”?
\item \textsuperscript{176} See the ending of Goethe's \textit{Faust}, “The Eternal Feminine calls us ever higher.” Three months after this talk was given, the Basic Program staff restored \textit{Antigone} as the first reading on its list and replaced \textit{A Room of One's Own} by \textit{Virginia Woolf's To the Lighthouse}. \textit{See Supra} note 117.
\item \textsuperscript{177} \textit{Nicias}, in \textit{Plutarch, The Lives of the Noble Grecians and Romans} 645 (Modern Library, n.d.).
\end{itemize}
First the spiritual and then the philosophical foundations of Western Civilization are examined in the two appendices to this Collection devoted to the Bible and to the Platonic dialogues. The development of serious interest among students in both the Bible and the Platonic dialogues is now generally at risk, partly because of the fashionable scholarship of our day.

A distinguished historian of the ancient world published in 1999 a widely-noticed book which examines what he calls “the strange triumph of Christianity.” I recently had occasion to ask him whether any of the many critics who have reviewed his book suggested that Christianity may have prevailed over its many competitors during the First and Second Centuries simply because it had the support of Divine power. He replied that “Will of God” explanations carry no weight among those who reviewed his book. 178

One can wonder whether, in such circumstances, the religious supports for morality are likely to be reliable. There are problems also with the philosophical supports today for morality. In the law, for example, influential students of jurisprudence are apt to be “realists” about these matters, holding that moral preferences are more or less arbitrary and that there are no objective standards of right and wrong. Among these “realists” is perhaps the most distinguished American jurist in the Twentieth Century, a thinker whose philosophical presuppositions have been challenged from time to time. 179

Such challenges (in the name of values) can be extended to the related, and quite influential, “Law and Economics” movement in American law. Even so, the challenger who stands for enduring standards of right and wrong, more or less grounded in Nature (if not also in Revelation), may often be trapped himself by the prevailing modes of

178. The historian drawn upon here is Keith Hopkins of Cambridge University; his book is A WORLD FULL OF GODS: THE STRANGE TRIUMPH OF CHRISTIANITY (1999). (Our exchange was at the University of Chicago, May 24, 2001.) It is possible, of course, that the more old-fashioned believers would not be asked to review this kind of book in the journals which serve the academic community as well as the general public. On the Moral Majority, its virtues and limitations, see ANASTAPLO, THE AMERICAN MORALIST, supra note 4, at 327. See also supra note 134 and accompanying text.

Why did Christianity prevail? It does seem, in the orthodox form we are familiar with, to have been more sensible than most of its competitors. It was able, perhaps partly for this reason, to incorporate some of the then-available Classical learning as well as much of a sober-minded Judaism. St. Augustine reported that God, with the aid of his determined mother, had moved him to accept the Christian faith. See infra note 43 of Appendix B of this Collection. See also infra note 31 of Appendix A of this Collection.

discourse about these matters. Thus, one can be vigorous as a champion of values, not noticing that that term itself is far less steady than is required for a serious critique of current fashions. Values does seem to be a term rooted in economics, a discipline which relies primarily upon the market to reveal the constant fluctuations in what something may be said to be worth from hour to hour.  

Socrates and the Socratic method can still be extolled in law schools. But we cannot be confident that the people who talk this way, perhaps with the most highminded of intentions, have more than the faintest notion of what Socrates was like and how he worked. At times, indeed, the questioning mode of Socrates is made so much of that the many things he affirmed are lost sight of.

A proper grounding in philosophy is hard for the talented student to get these days from the “professionals” in the field, inasmuch as they tend to be quite technical (as well as otherwise deficient) in how they read. One is more apt to get what is truly needed here by most citizen-students that is, thoughtful guidance for prudential conduct of one’s affairs and the affairs of the community, from ancient philosophical texts, from the most serious American constitutional documents, and from literature of the first rank. This is where properly constituted Law and Literature courses can sometimes be of use.

A proper respect for, and salutary use of, the religious sensibilities of a people are apt to be promoted not only by the greatest of the ancient writers but also by the more thoughtful artists who provide the literature to which human beings at large are likely to be drawn. Particularly in need of deepening here is the recognition of the tension between Reason and Revelation, that tension which has been said to have contributed significantly to the vitality of the West—and which the spirit of irresponsible criticism and thoughtless innovation can undermine. The best literature,
most of which is bound to be old, tends to hold our passions in check even as it liberates the mind and elevates the spirit.

VI. APPENDIX A. HOW TO READ THE BIBLE\textsuperscript{183}

But in order to come to those who have become princes by their own virtue and not by fortune, I say that the most excellent are Moses, Cyrus, Romulus, Theseus, and the like. And although one ought not to reason of Moses, he having been a mere executor of the things that were ordained by God, he ought yet to be admired, if only for the grace which made him worthy to speak with God.

—Niccolo Machiavelli\textsuperscript{184}

I have long advocated a better grounding for our law students in Shakespeare and the Bible, as well as in American constitutional documents.\textsuperscript{185} This should help immeasurably in preparing students for their careers as lawyers, as well as for their service as judges and politicians.

Indeed, it may be virtually impossible to understand our way of life without much more familiarity with the Bible than most students have these days.\textsuperscript{186} Such familiarity is not advocated by me with a view to converting anyone to any particular faith, or even with a view to persuading anyone one way or another about the claims made on behalf of divine revelation. Rather, students, by pondering the Bible stories that we have inherited, should be helped to think about serious matters. They should be helped as well to be “in tune,” as lawyers, with the people they will routinely deal with as clients, jurors, voters, and the like.\textsuperscript{187}

Consider, for example, the lessons to be learned—and, perhaps even more important, the questions to be raised—upon the study of the following passage from Moses’ “farewell address” to the Israelites who are about to cross over the River Jordan without him into the Land promised to them by God (DEUTERONOMY 4:5-6):

See, I am teaching you laws and regulations as [the Lord] God has commanded me, to do thus, amid the land that you are entering to

\textsuperscript{183.} A talk given at the SOUTH DAKOTA LAW REVIEW banquet, Sioux Falls, South Dakota, April 6, 2001. The guest of honor on that occasion was Roger L. Wollman, Chief Judge, United States Court of Appeal, Eighth Circuit. \textit{See infra} note 8.

All citations to notes in this Appendix are, unless otherwise indicated, to the notes of this Appendix of this Collection.

\textsuperscript{184.} MACHIAVELLI, \textsc{The Prince}, chap. 6 (Leo Paul S. de Alvarez, trans. 1980). \textit{See infra} note 24. \textit{See also infra} note 267 of Appendix B of this Collection.


\textsuperscript{186.} See e.g., George Anastaplo, \textsc{Law & Literature and the Bible: Explorations}, 23 OKLA. CITY U. L. REV. 515 (1998).

\textsuperscript{187.} See e.g., \textsc{George Anastaplo, Human Being and Citizen: Essays on Virtue, Freedom, and the Common Good}, 46 (1975).
possess. You are to keep (them), you are to observe (them), for that (will be) wisdom-for-you and understanding-for-you in the eyes of the peoples who, when they hear all these laws, will say: "Only a wise and understanding people is this great nation!"  

Here is the same passage, as found in the King James translation, a translation which constantly reminds us of the majesty of which the English language is capable:

Behold, I have taught you statutes and judgments, even as the Lord my God commanded me, that ye should do so in the land whither ye go to possess it.

Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, "Surely this great nation is a wise and understanding people."  

It is the authority of the English language at its best that may be seen in the way a judge among us may craft his opinions, not least in how he may lament "this era of generally impoverished discourse."  

A.

Our own pondering of a Biblical passage on this occasion can usefully begin by recalling another majestic proclamation, that found in the opening lines of the Declaration of Independence:

When in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

Not only is deference shown here to what we today would call "world opinion," but also it is assumed that "Mankind" is both interested in and capable of assessing the Colonists' circumstances. The Declaration of

188. THE FIVE BOOKS OF MOSES, 865 (Everett Fox, trans. 1995). See Id., at xxix ("On the Name of God and its Translation").

189. The translation of DEUTERONOMY 4:5-6 in the translation of the Jewish Publication Society of America (1917) seems to have drawn on the King James translation:

Behold, I have taught you statutes and ordinances, even as the Lord my God commanded me, that ye should do so in the midst of the land whither ye go to possess it. Observe therefore and do them; for this is your wisdom and your understanding in the sight of the peoples, that, when they hear all these statutes, shall say, "Surely, this great nation is a wise and understanding people."


192. "Mankind" is spoken of thus in the concluding paragraphs of the Declaration of Independence:

We must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them [our British Brethren], as we hold the rest of Mankind, Enemies in War, in Peace, Friends.

Id. at 242.
Independence (which is, among other things, a remarkably apt piece of rhetoric) is framed to inform and appeal to Others. The Others can be effectively appealed to in part because of the “self-evident” Truths immediately drawn upon after the preamble I have just quoted. All of this is part of the deliberate effort to inform and move “a candid World.”

Moses, too, it seems, believed that there was “out there” an “Opinion of Mankind” that was capable of assessing properly the Israelites’ circumstances. I notice, in passing, that some scholars believe that Deuteronomy, the last book of the Torah, was written long after Moses lived. However that may have been, it suffices for our immediate purpose to recognize that the original compiler of the Torah considered the sentiments of Deuteronomy to be consistent with the way Moses had acted and spoken for decades before he left the scene.

We are prompted to wonder, therefore, what, according to Moses, the Others elsewhere could see in the system of the Israelites—and why they would be able to see what they did.

B.

The primary purpose of this exhortation in Deuteronomy 4: 5-6 seems to be to reinforce the Israelites in their dedication to the way of life established by Moses—or to restore them to the old way, if this book was in fact written after they had strayed from that way. Elsewhere, in the Torah, there are many warnings to the Israelites against being drawn to the ways of the Others, including the ways of the Egyptians from whom they had separated themselves and the ways of the Canaanites with whom they would now have to deal.

It is assumed, in what Moses says here, that the Israelites can be reinforced in their dedication to their way of life by anticipating that the Others would find that way impressive. This can help reinforce, among the Israelites, their confidence and their determination. The wisdom praised by the Others would be not only that of those (God or Moses or both) who made these “laws and regulations” but also (perhaps even more) that of those (the people of Israel) who obey them, generation after generation. It might well be that the assessment of the Others would be based not simply on what the “laws and regulations” look like in themselves but even more on what they had meant in practice over a long time.

194. The passage drawn upon here begins, “We hold these Truths to be self-evident, that all Men are created equal . . .” Anastaplo, The Constitution of 1787, supra note 9, at 239. On our disputed “created equal” legacy, see George Anastaplo, Abraham Lincoln and the American Regime: Explorations, 35 Val. U. L. Rev. 39, 41 (2000).
197. On the Canaanites and Egyptians, see Zonderman Pictorial Bible Dictionary, supra note 14, at 143, 235.
The Israelites themselves, it should be remembered, did not accept these rules, or this way of life, from Moses because of any reasons given for what had been decreed.\textsuperscript{198} Rather, it seems, it sufficed for them that these rules had been identified by Moses as the decrees of God. Moses, remembering what had happened among the Israelites when he had been temporarily absent from them—that fateful time when they had turned to the Golden Calf—Moses, remembering what had happened then, could reasonably dread what might happen again when he was permanently separated from his people, unable to reinforce personally the decrees that he had delivered to them from On High. In some ways, then, the anticipated opinions, or praise, of the Others could be used to help keep the Israelites in the course in which they had been set. Thus, the Voice of the Others could serve somewhat like the Voice of God.\textsuperscript{200}

C.

The question at the core of our inquiry on this occasion is this: What would permit the Others to judge what is good in the way of the Israelites, even when that way is quite different? How much would the Others have to know about the way of the Israelites, about human beings generally, and about enduring standards of good and bad?\textsuperscript{201}

The Others—the peoples of the world—are not philosophers, of course. Are they not likely to be impressed, therefore, by the workings, rather than by the rationale, of the way of the Israelites? It can be readily seen, from the outside, that the people of Israel are disciplined, that an intense family feeling is promoted. It may be salutary to have restraints systematically imposed, even if they are, or appear to be, somewhat arbitrary. (One can be reminded of close-order drill in the military.) In any event, no matter how well-thought-out a system may be, it is not likely to be fully understood by the multitudes who are governed, which means that it will seem to them to be in some respects arbitrary.\textsuperscript{202}

Both Moses in DEUTERONOMY 4: 5-6 and the Colonists in the Declaration of Independence seemed to believe that there is among human beings generally a common understanding of things which can be appealed to.\textsuperscript{203} This is the sort of thing drawn upon, it seems, by St. Paul in

\begin{footnotes}
\item[198.] On what reasons are and are not available now, and what difference that makes, see MOSES MAIMONIDES, THE GUIDE OF THE PERPLEXED, II, 26; GEORGE ANASTAPLO, THE AMERICAN MORALIST: ON LAW, ETHICS, AND GOVERNMENT 60-66 (1992). See also supra note 23 and accompanying text; note 43 of Appendix B of this Collection and accompanying text.
\item[199.] See EXODUS 32. See also Anastaplo, Law & Literature and the Bible, supra note 4, at 604.
\item[200.] For various forms of Vox Populi, Vox Dei, see THE HOME BOOK OF QUOTATIONS 1480-81 (Burton Stevenson ed., 9th ed., 1964).
\item[201.] On that which is by nature right, see GEORGE ANASTAPLO, BUT NOT PHILOSOPHY: SEVEN INTRODUCTIONS TO NON-WESTERN THOUGHT, Appendix B (2001). On our Biblical passage, see id., note 64.
\item[202.] See, e.g., PLATO, REPUBLIC 619C. See also infra note 28.
\item[203.] On the understanding of divinity drawn upon in the Declaration of Independence, see ANASTAPLO, ABRAHAM LINCOLN, supra note 11, at 25-26.
\end{footnotes}
his Epistle to the Romans: "For when the Gentiles which have not the law, do by nature the things contained in the law [of Israel], these, having not the law, are a law unto themselves." 204 Furthermore, it can be said, not everyone can discover a good ordering of things, but once the Lord has shown the way, many everywhere can recognize the goodness in what happens to have been established. 205

To what extent, or in what manner, had it been wisdom and understanding which had guided Moses himself in establishing the way that he did? And is it because of this that he can expect others to be properly impressed by the way of the Israelites? 206 Perhaps Moses is especially well-equipped to anticipate how the Others will regard the institutions of the Israelites because he himself had been raised in the court of the Pharoh. 207

The ability of Moses to step aside and see how "all this" will look to the Others is indeed remarkable. That which he does, as his career draws to its end, was anticipated at the beginning of his career as Lawgiver. For, it should be remembered, Moses had had to say to the Lord, Who had indicated that the Israelites might be wiped out because of the idolatry of the Golden Calf-Moses had had to speak to the Lord somewhat as he spoke later to the Israelites: "Think what others (especially the Egyptians) will say about you if you act thus!

D.

It is not anticipated by Moses that the Others, who would praise the Israelites for their wisdom and understanding, would in turn imitate the Israelites' way of life. Do the authorities upon whom the Others in turn depend direct them otherwise-and is not much to be said for sticking with one's own, if it is not simply barbaric or obviously crippling? 208 May not the most thoughtful among the Others regard the Israelites' way of life to

204. Romans 2:14
205. Consider, for example, how we can somewhat understand, readily accept, and routinely use scientific discoveries which originally required remarkable efforts by their discoverers. See infra note 43 of Appendix B of this Collection and accompanying text.
206. Did Moses expect the more thoughtful among the Others to appreciate what Moses had done as a leader? That is, was Moses aware of the Machiavellian view of Moses? See supra note 2 and accompanying text.
207. This may be related to why Aaron was needed to speak for Moses on occasion. See Exodus 4:14-16. See also Anastaplo, Law & Literature and the Bible, supra note 4, at 591.
208. I have paraphrased in the text what Moses is recorded to have said to the Lord on this occasion:

Lord, why doth thy wrath wax hot against thy people, which thou has brought forth out of the land of Egypt with great power, and with a mighty hand? Wherefore should the Egyptians speak, and say, "For mischief did he bring them out, to slay them in the mountains, and to consume them from the face of the earth?" Turn from thy fierce wrath, and repent of this evil against thy people.

Exodus 32:11-12. Of course, it should be said, the Lord did not have to be instructed by Moses about these, or any other matters. Is not such instruction primarily for the benefit of readers?
have at its core an illusion, but a productive illusion, just as perhaps the varying ways of the Others do?²¹⁰

Moses does not explain precisely what it will be in the way of the Israelites, once they are established in a land of their own, that will so impress the Others. Will it be the military strength of the nation? or its prosperity? or its coherence and cohesiveness? or even its respect for morality and its piety? Much the same can be asked about the United States, the reputation of which has long drawn to it many peoples of diverse origins.²¹¹

We are left with a mystery here that I can do little more than touch upon. How did it come about that what Moses anticipated—that the success of the way of the Israelites would eventually lead to admiration and respect—how did the considerable success of the Israelites lead also, further on, to deeprooted envy and hatred of them among other peoples?²¹² Did Moses assume, in his happier anticipation, the continuation of a world in which diverse peoples were “naturally” expected to have diverse forms of worship of the divine, just as they would have, say, diverse languages?²¹³

E.

Be that as it may, we can wonder whether the Israelites were supposed to come to appreciate the rationality of their way when they saw how others regarded that way as reliable testimony to wisdom and understanding.²¹⁴ Would the Israelites understand better, as well as respect even more, their own way of life once they saw not only that others respected that way but also why others did so? Would this help make the Israelites themselves more thoughtful, if not even more philosophical, than they had been? And did this promotion of rationality anticipate, if it did

²¹⁰ See, e.g., PLATO, REPUBLIC 414D.
²¹¹ Americans can speak of the openness of the United States in somewhat the way that Pericles, in Book Two of Thucydides' THE PELOPONNESIAN WAR, could speak of the openness of Athens. See LIBERTY, EQUALITY & MODERN CONSTITUTIONALISM: A SOURCE BOOK I, 34 (George Anastaplo, ed., 1999).
²¹² On the envy that Socrates aroused because he seemed to have been favored by the divine, see XENOPHON, APOLOGY OF SOCRATES TO THE JURY 14-15.
²¹³ Did Christianity, with its radically different “either/or” orientation, change the “live and let live” attitude among diverse sects and cults in the Western World? See supra note 178 and accompanying text of Part 3 of this Collection.
²¹⁴ Consider the common expression which begins, “They must be doing something right if...” Consider also the following commentary on DEUTERONOMY 4: 6:

[In the sight of the peoples. In the estimation of the peoples. After Alexander's conquest of Asia, enlightened Greeks looked upon the Jews as Aphilosophers of the East,” because of their unique monotheism (G.A. Smith). But the aggrandizement of Israel was not an end in itself: it was to demonstrate to the children of man the Divine in Human History. The sudden rise to power of a horde of slaves, their well-government, prosperity and security, would attract attention. The peoples would ask, What is the secret of Israel's greatness? And, discovering that it rested upon fidelity to the Will of God, they might be induced to pay allegiance to the God of Israel.

not even encourage, the tendency of so many of their descendants to become free-thinkers, no longer practicing much of the old way.\textsuperscript{215} In some respects, that is, many, if not most, of those descendants today have become, in critical respects, like the Others of Moses' time, perhaps even admiring the Israelites of old, but from a safe distance.\textsuperscript{216}

But, it should at once be added, the old way is not simply abandoned by the modern Jews. There remains among most of them, wherever they happen to be, an intense family feeling and a determined respect for a tradition. Even more impressive perhaps is the moral sensitivity which remains, including that which takes the form of a craving for the promotion of justice wherever one may happen to live.\textsuperscript{217}

Related to this craving is the Jewish inclination toward charity, an inclination in which no other people has ever surpassed them.\textsuperscript{218}

F.

A people exhibits its own wisdom and understanding when it recognizes and admires the wisdom and understanding of others. In this way human beings assure one another that there are standards of good and bad, of right and wrong, which do not depend simply upon one's own or indeed merely upon the will of a lawgiver. A people that is aware of those standards can recognize and support those, and especially its judges, who take such standards seriously.\textsuperscript{219}

Such seriousness as I have been describing is more apt to be appreciated by a people properly instructed by its institutions. It should be obvious how the Bible has helped shape such seriousness in the Western World, a seriousness which depends somewhat upon the general, indeed natural, openness in human beings to wisdom and understanding.\textsuperscript{220}

In the English-speaking world, the Biblical influence is combined by Shakespeare, in an instructive fashion, with our Classical heritage. In the plays of Shakespeare, too, wisdom and understanding are made much of, not least in the respect shown there for what has contributed among us, in an unprecedented way, to constitutionalism and the rule of law.\textsuperscript{221}

\textsuperscript{215} Rabbi Arnold Wolf, of Chicago, Illinois, estimates that there are between ten and fifteen percent of the Jews worldwide today who are traditionally orthodox in their practices. Should these be considered "the saving remnant" of the Jewish people? How do their critics among the Jews regard them?

\textsuperscript{216} This is not to suggest, however, that these people do not regard themselves as very much Jewish. \textit{See}, e.g., Strauss, \textit{Why We Remain Jews}, supra note 27, at 323-35.

\textsuperscript{217} \textit{See}, e.g., \textit{id.} at 340-41.

\textsuperscript{218} May the Jewish influence be seen in the Islamic insistence upon the duty of alms-giving? On Islam, \textit{see} Anastaplo, \textit{But Not Philosophy}, supra note 19, at Part 6.


\textsuperscript{220} \textit{See} the opening passage in Aristotle's \textit{METAPHYSICS}. \textit{See also infra} note 58 of Appendix B of this Collection and accompanying text.

\textsuperscript{221} \textit{See, e.g.,} \textit{ANASTAPLO, THE CONSTITUTION OF 1787}, supra note 9, at 1, 13, 74-88.
VII. APPENDIX B: HOW TO READ A PLATONIC DIALOGUE

After the politicians I went to the poets, those of tragedies and dithyrambs, and the others, in order that there I would catch myself in the act of being more ignorant than they. So I would take up those poems of theirs which it seemed to me they had worked on the most, and I would ask them thoroughly what they meant, so that I might also learn something from them at the same time. I am ashamed to tell you the truth, men; nevertheless, it must be said. Almost everyone present, so to speak, would have spoken better than the poets did about the poetry that they themselves had made. So again, also concerning the poets, I soon recognized that they do not make what they make by wisdom, but by some sort of nature and while inspired, like the diviners and those who deliver oracles. For they too say many noble things, but they know nothing of what they speak. It was apparent to me that the poets are also affected in the same sort of way.

—Socrates

A.

There are two answers that can immediately come to mind upon confronting a perennial question, "How should one read a Platonic dialogue?" These answers, which are somewhat related, are the following:

(1) a Platonic dialogue should be read carefully; (2) a Platonic dialogue should be read the way that the most thoughtful readers read it. It can seem to be a matter of chance, however, whether one ever encounters the most thoughtful readers—and whether one can recognize them as such when they do happen to be encountered.

I had occasion to observe, upon discussing (a quarter-century ago) Jacob Klein’s instructive book on Plato’s MENO, “It is partly because the art of reading great books has been lost that practical men of affairs, as well as modern intellectuals, no longer devote to such books the necessary care. They may sense that there is in them something exceptional but conclude that such old books depend too much on their own time to be truly relevant today.”

“Something exceptional” may indeed be sensed, so much so that a

222. A talk given in the First Friday Lecture Series, The Basic Program of Liberal Education for Adults, The University of Chicago, at The Cultural Center, Chicago, Illinois, March 2, 2001. All citations to notes in this Appendix are, unless otherwise indicated, to the notes of this Appendix of this collection.

223. PLATO, APOLOGY OF Socrates 22 A-C (Thomas G. West & Grace Starry West, trans.). See also Infra notes 42, 65.

different (less reliable) kind of chance helps shape the impressions left by Platonic dialogues across millennia. These impressions may guide us, sometimes usefully, in what we expect from and notice in the dialogues, those philosophical discourses described by a craftsman who was supremely conscious of what he was doing.

B.

Instructive impressions include a half-dozen characteristic “Platonic” notions which the reader of the dialogues, or of competent discussions of the dialogues, becomes somewhat aware of. These notions can be tentatively identified in this fashion:

1) The Doctrine of the Ideas. It is this, along with the rational capacity of human beings, which makes genuine understanding possible.\(^{225}\)

2) The notion that ignorance is the cause of vice. Virtue, then, can be connected with understanding. This means, among other things, that one cannot be truly good unless one knows what one is doing.\(^{226}\)

3) The notion that the body is a hindrance to the highest development of the soul. Intimately related to this notion is an awareness of the dubiousness of most pleasures that people are drawn to.\(^{227}\)

4) The notion, nevertheless, that there is an intimate relation between \textit{eros} and philosophy, that the erotic element is a vital part (however transformed) of the psyche of the philosophical human being.\(^{228}\) Certainly, the philosopher is not merely an automaton, or thinking machine. Besides, the dialogues do depend in part, for their effectiveness, upon the delight they provide the reader.\(^{229}\)

5) The notion that philosophy finds itself engaged in a constant struggle with poetry (or art). Art, it is argued, settles for imitations and illusions, especially as it moves the community in ways that philosophy cannot.\(^{230}\)

6) The notion that the people at large, and the politicians who minister to them, are often misguided and sometimes dangerous.\(^{231}\) Someone such as Socrates, it is insisted, would not have lasted long in public life.\(^{232}\)

7) Finally, the notion that vital to the most profound wisdom, at least

\(^{225}\) See George Anastaplo, \textit{The Thinker as Artist: From Homer to Plato} & \textit{Aristotle} 303-17 (1997).

\(^{226}\) On courage, see Plato, \textit{Laches}; also, Aristotle, \textit{Nicomachean Ethics}, bk. III.

\(^{227}\) See Plato, \textit{Phaedo}. See also infra notes 21 and 61 and accompanying text.


\(^{229}\) See infra note 51 and accompanying text.

\(^{230}\) See Plato, \textit{Republic} II-III, X. See also Anastaplo, \textit{The Thinker as Artist}, supra note 4, at 1-12; infra note 27 and accompanying text.

\(^{231}\) See, e.g., Plato, \textit{Critho} 44D, 48C, 49B.

\(^{232}\) See Plato, \textit{Apology of Socrates} 31D-E.
for human beings, is an awareness of one's ignorance.233

These, and like notions, are drawn on, in various ways, as one works through the Platonic dialogues. Such notions are likely to inform one's reading of any dialogue. The better one's reading, the more likely one will be able to benefit from what is valid, and to suspect what is limited or otherwise questionable, about each of these notions.

C.

It is hard to exaggerate the degree of care that is needed in the reading of a Platonic dialogue. Although the need here applies to all great works of the mind, a Platonic dialogue is somewhat special in that it combines philosophy with art in the most extraordinary way (somewhat in the way that Shakespeare combines art with philosophy).234

The care needed in reading dialogues attempts to replicate the care used by Plato in the shaping of his dialogues. Thus, for example, the beginning and the ending of a dialogue very much matter. Indeed, the ending may be implied in the beginning, with Socrates often knowing from the outset where he is going and what effect he plans to have on this or that person.

The musicians among you have noticed this sort of thing again and again in well-wrought compositions. The opening measures may anticipate the development of a theme throughout the work, culminating in what is heard at the very end of the score. Or consider such a play as Shakespeare's HAMLET, with its opening line, "Who's there?" The Ghost of King Hamlet is thereby anticipated, that Ghost who has so catastrophic an effect on the murdered king's survivors. One can well wonder, throughout that play, about what that Ghost really wants, which is to ask, What is it truly?235 The fittingness of the opening line of this play ("Who's there?") may be seen when we recognize that virtually no one of importance alive at the beginning of the play (Horatio is the principal exception among the Danes) is still "there" (that is, alive) by the time the play ends.236

More difficult to work with in a Platonic dialogue than its beginning and ending is its central passage. Part of the difficulty here lies in the determination of what is to be considered central. Perhaps one should look to the number of lines or pages; perhaps one should look to the number of speeches; or perhaps one should look to both. Fruitful speculation can sometimes be stimulated thereby.237

233. See note 35 and accompanying text.
237. Fanciful notions may be developed which have an initial appeal, but then have to be discarded, but not perhaps without stimulating the reader really to look at the text.
Even more important, and yet likely to be neglected, are the characters of a dialogue. A Platonic dialogue is a staged discourse, not simply a philosophical treatise. Jacob Klein has been particularly instructive here, observing, “All depends not only on what, but on how, under what circumstances, where, and in what context something is being said.” One has to be cautious, therefore, in reporting “what Plato said,” especially when who said this or that and in what context are neglected. We are familiar with the missteps here when Shakespeare’s plays are drawn upon. Polonius’s famous speech to his son is often quoted as if Shakespeare endorses all that is said there. And much is made, as if it is Shakespeare’s sentiment, of the exhortation that, first, all the lawyers should be killed, an exhortation expressed by a highly disreputable character in one of the History plays.

It very much helps, in reading a dialogue, to notice who is speaking to whom and in what circumstances—and what has already been said, not only in the dialogue at hand but in other dialogues as well. For this purpose, it is prudent to regard the works of a genius as, in principle, all existing together, no matter what the supposed sequence of “publications” may happen to have been.

What a careful reading of a dialogue can mean is suggested by the following observations on Jacob Klein’s book about Plato’s MENO:

A commentary such as Mr. Klein’s . . . presupposes a “first reading” of the MENO—that is, the kind of reading that leaves one with an accurate summary of the “action” and of the ostensible teaching of the dialogue concerning virtue and its divine allotment. That summary is a necessary prelude and one which might well have been provided by Mr. Klein himself, if only because the ostensible teaching of this dialogue is evidently intended by Plato to suffice for most of his readers. It is this teaching that the acquisitive Meno leaves with at the end of the dialogue. It is this teaching that Meno is asked by Socrates to share with an indignant Anytus who later becomes one of the accusers of Socrates. But, it may be said, this teaching is precisely what the ordinary reader of the dialogue can be counted on to get for himself. Even so, why this should be the ostensible teaching remains a problem.

Mr. Klein’s commentary on the MENO can be considered a “second reading,” a reading that takes every sentence of the dialogue seriously, that develops the thought of each passage as it bears on what is to come (for this the first reading is necessary) as well as on what has gone before. When one reaches in this fashion the end of a great work one is then equipped to go on—that is, on to

238. ANASTAPLO, HUMAN BEING AND CITIZEN, supra note 3, at 86.
239. “The first thing we do, let’s kill all the lawyers.” SHAKESPEARE, HENRY VI, PART 2, III, ii, 70.
240. Thus, manuscripts may be kept in one’s desk drawer, so to speak, until one is ready to “publish” them, at which time one may even make changes in style and in vocabulary in accordance with one’s current practice. Ordinary authors, as well as those of genius, may work thus. See, e.g., George Anastaplo, CONSTITUTIONALISM, THE RULE OF RULES: EXPLORATIONS, 29 BRANDEIS L.J. 17, 246-77 (2000-2001).
the beginning. Mr. Klein does not go on to that “third reading”: he points to it and gives us hints of it, but he does not consider it necessary for his purpose to do more than that.  

D.

The “first reading” about which I have spoken includes a grasp of the surface of things. There are likely to be problems with the surface of things, and yet that surface does matter. In fact, that surface has to be taken seriously, not least because it is that which provides what can be called the “skin” of the argument and action, holding everything together. Similarly, the human body matters for much of what we treasure in the movements of the soul.

Be that as it may, the surface (or ostensible) teaching of one dialogue after another has to be revised upon reflection—or upon exposure to the teachings of other dialogues. A few illustrations can be offered here from four of the better known dialogues, dialogues which I will assume you are familiar with.

Consider, for example, the trial of Socrates as recorded in Plato’s APOLOGY. Socrates deals effectively, at least to our minds, with one charge after another. But the reader should try to determine how the charges Socrates does address (with the “help” of the impetuous Meletus) compare with the charges originally brought against him. Or, better still, what are the charges that Socrates tacitly acknowledges to be legitimate concerns of the city?

Consider, also, the CRITO with its salutary lessons in lawabidingness. The reader should notice that the Laws (a somewhat dignified form of the generally questionable “Many”?) are conjured up by Socrates after it becomes evident to him that Crito cannot follow the argument that Socrates would have preferred to make in accounting for his decision not to try to escape execution. That is, we are invited to wonder, what are Socrates’ real reasons for not escaping his unjust sentence? Particularly instructive for us can be the anomalies we are intended to find in the text, including arguments that are flawed.

Consider, also, the MENO with its evident conclusion that virtue cannot ever be taught, but rather that it comes to the more virtuous among us by a kind of divine dispensation. Do we not know better, having had experience of what can happen when a properly-conceived regimen is imposed, in the right circumstances, upon those of suitable talents? Certainly, we believe that moral training is not without its benefits. Our belief about this, as well as about the importance of reading, is testified to

241. ANASTAPLO, HUMAN BEING AND CITIZEN, supra note 3, at 84-85.
244. See LEO STRAUSS, PERSECUTION AND THE ART OF WRITING (1952).
in a passage from the President’s speech to Congress in February 2001:

Reading is the foundation of all learning, so during the next five years, we triple spending, adding another five billion dollars to help every child in America learn to read. Values are important, so we have tripled funding for character education to teach our children not only reading and writing, but right from wrong. Our reservations about the ostensible teaching of the MENO, about the non-teachability of the virtues, are reinforced by what we see set forth, at considerable length, in the REPUBLIC, where a regime is established for the proper shaping of those equipped to be thus shaped. And, in fact, we can even see this hinted at in the way that Socrates concludes his very first speech in the MENO, that speech in which he replies to a series of questions about how human beings become virtuous.

Consider, finally, in these illustrations of teachings in need of revision, the REPUBLIC with its notorious condemnation of the arts, and especially of Homer. Yet we can notice that there is, in the course of that dialogue, a tacit rehabilitation of Homer, something which is hinted at by Socrates’ adoption for himself (in Book VII of the REPUBLIC) of a line from Homer which had been condemned at the outset of his attack (in Books II and III) upon the greatest of the poets.

In all of these illustrations—from the APOLOGY, the CRITO, the MENO, and the REPUBLIC—Plato is willing to have the ostensible teaching qualified, in effect, by a deeper teaching, but a deeper teaching which may depend for its full effect upon the continued plausibility of the ostensible teaching on the surface of the dialogue.

E.

We may get to the heart of this matter, at least for this occasion, by observing that the complexity and legendary inconclusiveness of Socrates’ conversations may reflect a doctrine found at the very core of things: in order to know anything, one must know everything.

This doctrine, which may be seen in the EUTHYDEMUS, can be


246. This may also be seen, at even greater length, in Plato’s Laws (but there it is an Athenian Stranger, not nominally Socrates, providing for the proper shaping of citizens).


248. See supra note 9.


250. See the Addendum to this Appendix, “Discussions by George Anastaplo of Platonic Dialogues.”

251. See Anastaplo, Human Being and Citizen, supra note 3, at 276-77 n. 42. See also infra note 63 and accompanying text.
considered “monstrous.” It need not take much reflection, depending perhaps upon one’s temperament, for one to see how the apparently most certain things can be shaken, if not overturned, by unexpected discoveries. That is one reason why physicists, for example, keep trying to learn ever more. In fact, just a fortnight ago, a distinguished physicist asked me, “Do scientists ever explain anything?”

Even the august Isaac Newton, we know, has had to be supplemented, if not corrected.

This kind of fundamental uncertainty, at the core of things, can be distressing and can unsettle received opinions, thereby disturbing and even angering those who can resent anyone who presumes to question what people generally are comfortable with.

All this is related to the Socratic insistence that he himself is ignorant, being superior to others (if he is) only in being aware of his ignorance. It seems to follow from the Socratic insistence that in order truly to know anything, one has to know what it means to know and what it is that permits learning and knowing to take place. Does not one come to learn in this process, however, that much of what one has learned thus far may be undermined by the next thing one learns? Care must be taken, Socrates warns, not to take refuge, because of one’s frustration here, in misologia (or hatred of argument).

All this is related as well to an informed concern about the very meaning of human existence. The concern here can translate for some into an intimidating awareness of the abyss over which the human being, if not also the human species, is suspended.

Along the same lines, Socrates can say that the term wise is an epithet fit only for a god. The most that a human being can reasonably be, he advises, is a lover of wisdom, that is someone who desires wisdom, which is what “philosopher” literally means.

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252. See, e.g., LEO STRAUSS, STUDIES IN PLATONIC POLITICAL PHILOSOPHY 83 (1983).

253. This question was asked by Peter O. Vandervoort, of the Department of Astronomy and Astrophysics of the University of Chicago, at the Physics Colloquium reception, February 15, 2001.


255. See, e.g., PLATO, APOLOGY OF SOCRATES 321-324.


257. See PLATO, PHAEDRUS 278D sq., 90C-E. Compare the drowning out of arguments by “the Corybantes,” PLATO, CRITO 54D.

258. Consider the talk one hears about philosophy being learning to die? Does, then, philosophy prepare one for non-existence? Why does one have to be prepared for that, if there is indeed nothing afterwards? Are one’s fears here, rather than troubles there, that need to be ministered to? See supra note 31. See also supra note 92 of Part 2 of this collection.

259. Nietzsche seems to have been intimidated by this. Was his “eternal return” a way out? Did one learn more and more, but never “enough,” in this way? One can be reminded here of the Buddhist resolution of these matters. On Nietzsche, see ANASTAPLO, THE AMERICAN MORALIST, supra note 7, at 125. On Buddhism, see ANASTAPLO, BUT NOT PHILOSOPHY: SEVEN INTRODUCTIONS TO NON-WESTERN THOUGHT, Part 5 (2001).

260. See PLATO, PHAEDRUS 278D.

261. On the use of “philosopher” today, see LEO STRAUSS, LIBERALISM ANCIENT AND
One way out of the deep, if not even terrifying, uncertainty facing the typical human being who is aware of his inevitable limitations as a self-conscious mortal is a recourse to the divine. The truth provided by revelation may not require the same comprehensiveness that the truth gained by reason does, at least so long as that which revelation provides is reinforced by the assurance that although this is not “the whole story,” it is both sound and enough. Besides, revelation is apt to be oriented more than are philosophical pursuits to conduct or action, less to contemplation or understanding.

But may not understanding be needed if one is to be able to choose properly among contending revelations? Even so, the best, or at least the very good, may thereafter be in one’s possession, without one’s being able to understand how or why it is the best, or indeed why it is that one is so fortunate as to be in possession of it.

The divine is again and again drawn upon in the Platonic dialogues. This is confirmed by the considerable recourse therein to oaths. Yet Socrates was condemned because of the way that he dealt with the divine, or at least with the divine as appropriated by the city. Does Plato, in his dialogues, “dress up” Socrates’ opinions about the divine?

MODERN 7 (1968). See also infra note 52 and accompanying text. The following response by J. Harvey Lomax has been offered to the doctrine that “in order to know anything, one must know everything”:

We can know what the most important human question is, namely how to live, without knowing everything. We can even know the major options (in principle) when confronting this question, namely to submit to some kind of authority or to rely on one’s own devices.

But, one may well wonder, what is assumed in such a response about the significance of human existence and even about what “to live” means? Besides, does the question, “how to live,” presuppose that human beings have choices? Furthermore, if human life should be quite trivial, in the grand order of things, may not the use here of “most important” be misleading? Even so, does the erotic element in philosophical activity move human beings to desire plausible answers, however tentative they may have to be? Is it the erotic element which can move one to consider, or at least to condemn, the “know everything” doctrine as “monstrous”? This is, by the way, a doctrine whose force was felt by John Locke. See supra note 31 and accompanying text. However all this may be, one can be reminded here of the Babylonian saying, “Humans, no matter how numerous, who among them knows anything about himself?” See IBRAHIM ABDEL MEGUD, NO ONE SLEEPS IN ALEXANDRIA 217 (trans. Farouk Abdel Wahob, 1996). See also George Anastaplo, Law & Literature and the Christian Heritage: Explorations, 40 BRANDEIS L.J. Appendix A, note 21(forthcoming).

262. Something of this may be seen in Plato’s Meno and in Book X of Plato’s Republic, as well as in many other places in the Platonic dialogues. See also supra Note 92; the text accompanying supra note 178 in Part 3 of this collection. On the Platonic dialogues, see the Addendum to this Appendix. See also infra note 65.

263. On prophecy, see Anastaplo, Law & Literature and the bible, supra note 21, at 521. On the limits of prophets as interpreters, see PLATO, EPINOMIS. See also supra note 2 and accompanying text. On the Delphic Oracle, see ANASTAPLO, THE THINKER AS ARTIST, supra note 4, at 93. See also supra note 182 in Part 3 of this collection.

264. See supra note 15 and supra note 23 and accompanying text in Appendix A of this collection. Augustine, in The City of God (X, 11, 18), said that any old woman is superior in her Christian faith to all of the learned philosophers among the pagans. See Anastaplo, Teaching, Nature, and the Moral Virtues, supra note 26, at 21. See also supra note 178 and accompanying text in Part 3 of this collection.

265. Consider what Plutarch says about this in his Nicias. See supra note 177 and
There is a special problem here for modern readers. Skepticism about divinity-related matters has long been fashionable, especially among the more educated in the Western World. One consequence of all this is that the oaths in the dialogues are not appreciated today, with many translators simply ignoring them. Knowing Greek is not enough of a safeguard here: after all, the translators of the dialogues do know Greek, and yet most of them obviously do not regard the oaths as important.

G.

We can be reminded again and again that details matter in working through a Platonic dialogue. Yet we also recognize that the significance of some details may no longer be accessible to us. Thus, we may not know fully, or perhaps even adequately, names or events that are alluded to. It may even be a matter of chance which details are solidly known by us. Thus, the full teaching of a dialogue may depend on a substantial grasp of the character and personal history of Socrates' interlocutors, which may depend in turn on an adequate awareness of the circumstances depicted. Particularly important here can be the political context in which the reported conversation takes place: that often provides the setting, if not the objective, for what is being examined. One is also likely to be able to speculate, not without profit, as to whether any part of the reported conversation ever happened. Sometimes, one suspects, Plato had no more to work with than a brief exchange (if that) between Socrates and another man, an exchange in which he saw manifold implications that he was challenged to spell out.

Some things that we come upon in the dialogues are hard for us to appreciate. These can include the relations among the Greek cities (affected, in part, by the special character of various cities), how the gods are understood, and even what is to be made of Socrates' daemonic thing (which is not simply to be equated to what we know as the conscience).

accompanying text in Part 3 of this collection.

266. Even Jacob Klein is neglectful here. See ANASTAPLO, HUMAN BEING AND CITIZEN, supra note 3, at 280.

267. This is partly because the oaths sound antiquated (if not even naive or contrived), partly because of considerations of "style." Thus, it is partly a concern about "style" which can keep translators of Machiavelli's The Prince from translating virtu consistently. In addition, of course, translators cannot "believe" what Machiavelli is doing to virtu. The first English-language translation to have been scrupulously consistent here was Leo Paul S. de Alvarez of the University of Dallas. See supra note 2 in Appendix A of this collection.

268. Consider, for example, the complicated openings of Plato's Symposium and Plato's Theaetetus.

269. See, e.g., PLATO, EUTHYPHRO.

270. Consider, for example, the intriguing account that could be developed of what the old women in Constantine Cavafy's Myris poem said among themselves about the strange young visitor who had seemed so disturbed and who left their house so soon after his arrival without talking to anyone. They might even surmise that he had wandered in by mistake. On this Cavafy poem120, see Anastaplo, Law & Literature and the Christian Heritage: Explorations, BRANDEIS L.J., Part I (forthcoming). See also ANASTAPLO, THE ARTIST AS THINKER, supra note 13, at 463 (the problem of the man in the macintosh).

271. On the daemonic thing, see ANASTAPLO, HUMAN BEING AND CITIZEN, supra note 3, at
Perhaps most difficult of all for us is what is depicted about the eroticism exhibited by quite respectable mature men toward young boys. Eros itself, we have noticed, is intimately linked to the philosophic impulse. But, one suspects, we have been too deeply shaped by the Jewish and Christian traditions to grasp, as Plato's original readers would have, the erotic attachments between men and boys worked with (even though not always approved of) in the dialogues. The natural basis of the male/female relation is compellingly obvious for most of us as an alternative form of erotic relations.272

Although women and girls are not made much of in the dialogues, Sappho can be referred to with respect;273 a Diotoma can be conjured up by Socrates in the SYMPOSIUM.274 Men, however attracted they may be to boys, were expected to marry and have families (and, so far as we can tell, relations within those families were much like those we know).

However all this may be, the Athenian (if not the ancient Greek) eroticism poses a problem for us. What, indeed, did it mean? How much of the best of that culture depended upon it—and why? To the degree that it was unnatural, what does that suggest about the limits of the Classical Greek way of life? In short, what did Socrates, Plato and Aristotle (Plato's best student) really think about this sort of thing, its origins, and its consequences?275

H.

Despite the various problems we encounter in trying to read the Platonic dialogues, something vital comes through to us from them. I have noticed, at the outset of this talk, various challenging Platonic notions that we have inherited.

The influence of the dialogues is hard to exaggerate, something which is tellingly noticed in Alfred North Whitehead's observation that all of Western philosophy has been but a series of footnotes to Plato.276 A significant part of that influence has come down to us through the greatest of the Platonists, Aristotle.277

The Platonic influence is now conveyed to us, in large part, by

325.

272. Is not Socrates aware of this? See the very end of Plato's SYMPOSIUM.
273. See PLATO, PHAEDRUS 235C. On Sappho, see ANASTAPLO, THE THINKER AS ARTIST, supra note 4, at 45.
274. See PLATO, SYMPOSIUM 201D-212B.
276. Whitehead was preceded in this sentiment by, among others, Emerson:
Out of Plato come all things that are still written and debated among men of thought. Great havoc makes he among our originalities. . . . Plato is philosophy and philosophy Plato, B at once the glory and the shame of mankind, since neither Saxon nor Roman have availed to add any idea to his categories.
RALPH WALDO EMERSON, REPRESENTATIVE MEN: PLATO.
intellectuals—that is, by the modern equivalent of the ancient Sophists who figure prominently in Plato's dialogues. The Sophists who traveled the Greek world (the equivalent of our “Western world”) drew on the natural appetite and the remarkable capacity in human beings for understanding. Sometimes, of course, the semblance of understanding had to be settled for in dealings with the Sophists.

Today, these intellectuals often call themselves philosophers. But they are more apt to be scholars, such as linguists, literary critics, and historians of philosophy—and as such these people can be very useful, as have been the scholars who have established the ancient texts that we thankfully make so much of.

Socrates and the Sophists were allied, in a manner of speaking, against the polis, so much so that some of the shortcomings of the Sophists could be attributed to Socrates himself. But one vital difference between them should be noticed (besides the fact that the Sophists obviously taught for money, while Socrates did not seem to do so): the critical difference is that the Sophists routinely traveled from city to city, while Socrates never left Athens on his own volition.

Socrates, in short, was, despite his disparagement of the body and his a-political career, very much an Athenian. Even though he did not set himself up primarily in opposition to the city, it seemed that he could do what he did most effectively in juxtaposition to a particular city, Athens. I draw again on Jacob Klein, this time by sharing with you an assessment of political problems that Socrates could have endorsed as far as it went:

A human community, and especially a political community, has to protect its members in one way or another; it has, at least, to provide the minimal conditions under which the immediate needs of its members can be met. But it must also provide the conditions under which itself may be preserved. It cannot dispense with institutions, customs, traditions. Whatever changes it may undergo, whatever “innovations” it may originate or accept, it lives by memories. Cities with their sanctuaries, public buildings, monuments, memorials, burial grounds, harbor memories of all kinds. Those of us who share, to whatever degree, in the community’s memories are “at home” in it; those who do not, are “strangers” regardless of their legal status. One might well live in a city unaware of the intangible links between its present and its past and thus be merely its guest.

277. On Aristotle, see, e.g., ANASTAPLO, THE THINKER AS ARTIST, supra note 4, at 318. 278. Among the Sophists that Socrates seemed to respect was Gorgias. See PLATO, GORGIAS. On the work of Gorgias, see ANASTAPLO, THE THINKER AS ARTIST, supra note 4, at 264. See also supra note 181 in Part 3 of this collection. 279. See supra note 38 and accompanying text in Appendix A of this collection. 280. See supra note 40. 281. But consider the Socratic character, the Athenian Stranger, who dominates the Cretan conversations in Plato's Laws and Epinomis. 282. This observation is developed in Plato's APOLOGY and CRITO. On these dialogues, see ANASTAPLO, HUMAN BEING AND CITIZEN, supra note 3, at 8, 203.
On the other hand, the sharing of the community's memories may be quite "superficial," and a habitual reliance on a shadowy past. This, in fact, is what happens to be the case more often than not. However much Socrates may have been, in critical respects, a "stranger" in Athens, it can be argued that any city, and especially Athens, yearns for something vital of which it can only be dimly aware from time to time—and this is that full development of the human reason which Socrates represented and which Plato depicted, usually in an Athenian context, in his dialogues.

I.

I had occasion, many years ago, to say to Leo Strauss, one of my teachers (who was once a schoolmate of Jacob Klein), that I had observed that answers were usually provided in a Platonic dialogue to the questions that the reader was moved to raise. Yes, he answered, that is the decency of the man. It is decency that is evident throughout the dialogues, however tough the questioning may sometimes be. Also evident, of course, is an author, very much in control of his materials, who knows what he is doing.

Mr. Strauss has himself explained how and why the deepest questions are more reliably grasped than their answers. The dialogues refine such questions, without answering them and thus getting rid of them. Of course, one can wonder whether even these questions may be complete, or solid, if the answers to them cannot be. That is, must the whole be grasped if the questions are also to be properly understood?

One can wonder as well whether Plato meant for us, or the likes of us, to pose the questions we have on this occasion. This inquiry can extend as well to questions about the differences between Plato and Socrates. Are we supposed to try to notice differences? One difference, which is obvious, is that Plato was able to die a natural death, after a long life. Another difference is that Plato wrote (albeit dialogues, which are congealed speech, so to speak), while Socrates did not write at all, so far as we know (except for such things as the sketches he traced on the ground for Meno's slave boy). Are these differences vital? Do they help us understand what the nature of philosophy is and in what ways even that high calling depends upon circumstances, reminding us thereby, as individual human beings, of how fragile our hold on existence itself may have to be?

283. ANASTAPLO, HUMAN BEING AND CITIZEN, supra note 5, at 85.
284. See supra notes 30 and 31 and accompanying text.
285. See PLATO, MENO 82-85. See also id. at 86-87.
286. One's circumstances may help determine, for example, the teachers one has and when. See, e.g., George Anastaplo, Leo Strauss at the University of Chicago, in LEO STRAUSS, THE STRAUSSIANS, AND THE AMERICAN REGIME 3 (Kenneth L. Deutsch & John A. Murley, eds., 1999). See also ANASTAPLO, THE ARTIST AS THINKER, supra note 13, at 249; infra note 16 in Appendix C of this collection. It is prudent to keep in mind, whenever one undertakes to read any Platonic dialogue, that Leo Strauss could say that there may have been one or two of Plato's dialogues which he completely understood. See id. at 264. See also supra note 42 and supra note
ADDENDUM

DISCUSSIONS BY GEORGE ANASTAPLO OF PLATONIC DIALOGUES

A. In Books by George Anastaplo

- THE CONSTITUTIONALIST: NOTES ON THE FIRST AMENDMENT 278-81, 791-98 [on Plato's REPUBLIC].

B. In Books by Other Authors


C. In Articles by George Anastaplo

- Book Review, 32 Review of Metaphysics 773-775 (1979). (At p.775, 1.7, “117b19 sq.” should read “1179b19 sq.”; at p. 775, 1.34, “It is not true” should read “But it is not true.”) [ON PLATO'S MENO].

2 and accompanying text.
[on Socrates and the virtues of everyday life].


**D. Translation**

**PLATO, MENO** (with Laurence Berns and John Gormly (forthcoming)).


**VIII. APPENDIX C. CONFESSIONS OF A PHILISTINE**

Her thoughts were silently fixed on the irreparable injury which too early an independence and its consequent habits of idleness, dissipation, and luxury, had made in the mind, the character, the happiness, of a man who, to every advantage of person and talents, united a disposition naturally open and honest, and a feeling, affectionate temper. The world had made him extravagant and vain; extravagance and vanity had made him cold-hearted and selfish. . . . Each faulty propensity, in leading him to evil, had led him likewise to punishment.

—*Jane Austen*

**PROLOGUE**

Permit me to preface the remarks prepared for this afternoon’s session with three passages taken from the “Artists ‘Fed On Raw Meat’” paper I prepared for this Conference, passages which touch upon arguments I developed further in the appendices to that paper.

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287. A talk given at the Grantmakers in the Arts Conference, La Jolla, California, November 4, 1993. All citations to notes in this Appendix are, unless otherwise indicated, to the notes of this Appendix of this collection.

288. *JANE AUSTEN, SENSE AND SENSIBILITY*, Ch. 44.

289. *See George Anastaplo, Artists ‘Fed on Raw’ and the Proper Support for the Arts in the United States, in ALTERNATIVE FUTURES: CHALLENGING DESIGNS FOR ARTS PHILANTHROPY*
The first passage follows upon my suggestion that we may well have too much professional art among us today, however meritorious we may assume that art to be. I then add:

Unfortunately, much of what is available these days is really corrupting. It is so corrupting that it is becoming unfashionable, if not even impossible, for many intellectuals to take seriously the very notion of corruption, especially as we become accustomed to the effortless consumption by us of more and more art. 290

In the concluding section of my prepared paper for this Conference the following summary is provided:

I have suggested various kinds of abuse of the arts that have become routine among us. After recalling the traditional understanding about the relation between community and art, I have considered, in turn, the modern abandonment of any deliberate use of the arts as the basis of commonality and unity for a people, the proliferation of the arts among us to an unprecedented degree, the corrupting influence of more and more of the art that is offered up these days, and the demands and consequences of the mass-marketing of and with art. The shortcomings I have touched upon are those of a time of affluence and freedom, not those of a time of poverty and tyranny.

What underlies these developments, both as cause and as effect? It is, I believe, the loss of confidence by the community in its moral and social, if not even its political, judgment and authority. It may be that the enormous size of the modern state makes it virtually impossible for most human beings to feel that they can truly be citizens. 291

The third passage I draw from my prepared paper for this Conference makes these suggestions in its concluding paragraphs:

A key question here is with respect to the proper relation between politics and art, including the art of making lots of money and the even more difficult art of spending large sums of money properly. . . . Neither artists nor their well-meaning benefactors can be depended on truly to understand what they are doing, even when they are responsible for many fine things. But then, each one of us should only be depended on to do what he or she truly knows. We need to rely, for the guidance of artists and non-artists alike, more upon the thoughtful—upon those who have learned that sound morality and healthy aesthetic appetites are legitimate concerns of the community and are at the foundation of the greatest art. 292

Need I add that the vast sums of money controlled and expended by cultural foundations are really held as a public trust?

These, then, have been passages drawn from my prepared paper. I now add observations which reflect the other papers on my panel and the

IN THE UNITED STATES TODAY 66-78 (Andrew Patner, ed. 1994).

290. Id. at 70.
291. Id. at 75.
292. Id. at 75-76.
discussions, both formal and informal, I have been privileged to hear in the course of this Conference.

A.

My confessions as a philistine, to be shared with you all as generous benefactors of the arts, begin with the reservations I have long had about much of modern art (in various of its forms, including painting, music, film, literature, and architecture). I hasten to add that my family does not necessarily share my assessments, including a daughter who is a painter and a son who is an architect. 293

Illustrative of my opinions here is my response to the exhibition mounted last year (September 13, 1992-January 23, 1993) by Chicago's Museum of Contemporary Art at the Chicago Avenue National Guard Armory. That exhibition was described by the Museum as the first and last exhibition in the Armory, a massive stone building which has since been demolished to make way for construction of the Museum's new building and sculpture garden, opening in 1996.

The Chicago exhibition, Art at the Armory, was further described by the Museum in this way in its program for the occasion:

It consists entirely of installations: works that interact with the spaces that house them. Installations draw on video performance, found objects, and organic substances, as well as the more traditional art-making media of painting, sculpture, and photography. In the last several years, installations have become a preferred method of working for a growing number of artists. For the audience, installations provide an experience unlike other art-viewing experiences: often physically participatory and extended in duration, installations tend to be more fully engaging than simply looking at pictures on a wall.

Art in the Armory allows the MCA to present to the Chicago community a rich sampling of one of the strongest art forms being made at this particular moment.

The Museum's description of this venture concludes with these observations:

This exhibition surveys a range of installation approaches used by contemporary artists. . . . Traditional media such as painting, sculpture and photography are displayed in formats that depend upon the interrelationship of multiple objects. The predominant strategies of artists in the exhibition are those of cultural analysis and redefinition; experiential balance between intellectual and physiological forces; and activation of the latent spiritual energy contained in physical matter. For visitors, the exhibition creates the last opportunity to investigate in an adventurous way the vast and surprising interior of a historical structure, while introducing them to

the kind of contemporary art experience they can anticipate in the new MCA building.

Thus, the Armory itself (which I had never visited before), along with "fourteen artists and four collaborative teams," was on display on this occasion. For me, I must admit, the building itself (gray, dirty and run-down though it was) was far more impressive than the art objects on display there, so much so that I immediately called a major contributor to the MCA to express my dismay that so majestic a building was not being converted to the Museum's purposes.

The fortune (more than fifty million dollars) that is to be expended on the new MCA building could have been used instead on paint (outside as well as inside), flooring, elevators, lighting, skylights, a roof terrace (if not extra floors), and—dare I add?—some first-class modern art. I was told that my kind of proposal had been anticipated—and that it had had no serious support on the MCA Board.

The abandonment of the Armory testifies, I believe, to a failure in informed imagination among the powers-that-be. The MCA art-objects that had been on display, reflecting an obsession with originality, could remind the visitor to the Armory of moral imbalances in the modern artistic "community." Those art objects were, in spirit as well as in craftsmanship, in marked contrast to the character (including the integrity) of the Armory. That building stood for something solid, if on occasion something oppressive. But, above all, it stood. It was as well a reminder of times in this country when community confidence was routinely expressed in robust public buildings.

Chicago is justly known, of course, for its architecture. It remains to be seen what kind of a building the MCA will have once its plans have been realized.294 One may see what can go wrong in modernist architecture upon visiting the glitzy University Library building on the campus, a mile from here, of the University of California at San Diego.

A refreshing contrast, on that same campus, is Alexis Smith's sidewalk sculpture, "The Snake," which draws both on the BOOK OF GENESIS and John Milton's PARADISE LOST.295 A wonderful view of that sculpture is provided from the sixth floor of the Library—which has the added advantage of permitting one to see "The Snake" without having to look at the improbable Library building as well.

B.

We, the Presenters during this Conference, have been invited—indeed

294. We now have, in Chicago, the building that the directors of the Museum of Contemporary Art evidently wanted, something that can remind one (at least on the outside) of German ceremonial architecture of the 1920s-1930s.

even commanded—to be provocative. One should be on guard here, lest one become merely perverse in one's offerings. I hope to make my suggestions with a view to something higher, if not even perennial.

The Chicago Armory show, I have noticed, displayed what can (and, all too often, does) happen when undue emphasis is placed upon creativity and originality. Perhaps such an emphasis is salutary, at least up to a point, such as when one's displays include that art of one's children which is mounted on the refrigerator door—especially if the child is in need of reassurance and encouragement. But that should hardly be our dominant response to the mature artist.

I should admit, before going further, that I would probably give a different kind of talk to more conservative organizations than those which seem to be represented at this Conference. Conservatives, by and large, need to hear arguments for intellectual freedom and artistic experimentation and for curbs upon greed, mean-spiritedness, self-righteousness, and a market-driven approach to the good things of life.

C.

An emphasis upon creativity and originality does mean lots of experimentation. But it is sensible to recognize that most experiments are likely to fail.

Is it not important, it will be asked, to try, even if failure is highly likely? Perhaps, but not if it leads to an inability to recognize truly great art (of whatever time or place)—and we all too often encounter such an inability when individuality is emphasized at the expense of community.296

More and more, we make much of the experimental (especially if it is iconoclastic). This is related to the controversial—to the often questionable effort to get the effects desired. There can be about such exhibitionism something childish, if not even shameless. Often it leads to ugliness, selfishness, and unhappiness. That is, unfortunate consequences can be seen both in the artistic object itself and in its effects on the souls of people, beginning with corruption of the young, if not with the corruption of the artists themselves.

We are privileged—more so perhaps than any other people heretofore—to be able to draw lavishly upon the best art from each age worldwide in human history. If we are serious about art, we should be able to recognize, to think about, and to experiment in making the best use of the most beautiful things, morally as well as physically.297

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296. See LEO STRAUSS, NATURAL RIGHT AND HISTORY 323 (1953): “The quarrel between the ancients and the moderns concerns eventually, and perhaps even from the beginning, the status of ‘individuality.’” See also George Anastaplo, Letter to the Editor, CHICAGO TRIBUNE, October 20, 2000, sec. 1, at 24.

Many of the developments we are witnessing with respect to the arts are intimately related to their modern democratization. Everyone, it seems to be believed, should be able to practice as well as to enjoy the arts. This encourages, if it does not require, a principled denial that there is a best, if not also that there is any good aside from self-expression (with the self ranging from the individual consciousness to an ethnic or other group identification).

Another consequence of the democratization of the arts, as well as of family and other social relations, is to make much of contemporary art, instead of looking to the best that has ever been made. An openness to self-expression tends to undermine commonly-held standards and ends.

The old-fashioned approach to these matters recognized the possibility of a distinction between the high and the low, between the civilized and the primitive—so much so that it can be useful to consider the word culture, like the word civilization, to have only the singular form.\footnote{298} If enduring and ascertainable differences between better and worse, or between higher and lower, are denied, why should anyone bother to try to “improve” or to “progress”?\footnote{299}

Among artists, the best is to be seen in a happy combination of technique, understanding (or soundness of soul), and consequences. Such a combination (dependent somewhat on chance) may be enjoyed in artists, such as William Shakespeare and Jane Austen, in whom there is found a superior moral sense which is joined with technical competency of a very high order.

At the same time that we can see the democratization of the arts among us, we can hear our communal attempts at political democracy and social justice routinely derided. That is neither fair nor safe.

At the heart of a proper attitude with respect to the arts in this country may be the recognition of a fact, the fact of the remarkable political (and hence social) accomplishments of the United States, both for the country as a whole and for its minorities. The failure to recognize this fact contributes to more and more emphasis upon multiculturalism and diversity.\footnote{299}

After all, it is only realistic to appreciate why so many millions of people have insisted upon coming to live in this country from all over the world. People have come because of the superior political system here or

\footnote{298. See Leo Strauss, Spinoza's Critique of Religion 2 (1965): It is safer to try to understand the low in the light of the high than the high in light of the low. In doing the latter one necessarily distorts the high, whereas in doing the former one does not deprive the low of the freedom to reveal itself fully as what it is.}

\footnote{299. See Anastaplo, “Racism,” supra note 11, at 108. See also George Anastaplo, “McCarthyism,” the Cold War, and Their Aftermath, 43 S.D. L. Rev. 103 (1998).}
because of the important effects (with respect to personal liberty and private property) that are intimately related to the political system. The greatness and attractiveness of the United States heretofore have not depended primarily either upon what we now call multiculturalism or upon a lack of political self-confidence. Or, as Ralph Waldo Emerson put it a century and a half ago, "America means opportunity, freedom, power."300

If this is so, why should not the champions of a superior system attempt to defend and perpetuate it? Responsible artists, when the status of such a regime is at issue, should be able to celebrate, refine, and reinforce that regime, which can include vigorous questioning by artists of whatever may be truly questionable within it.

If the artists among us systematically attack the United States, they and their champions will become isolated and vulnerable. By and large, only those artistic endeavors will be healthy and will prevail among us which respect the principles of our regime—at least so long as that regime remains sound. As our regime falters we are likely to reward and hence to produce more and more art that contributes to (not only describes) fragmentation and conflict. That may be regarded by some as progress—but it is risky business, not least for the artists and their allies.

The risks that these apostles of self-expression are willing to run are summed up in the exhortation I heard pronounced yesterday at this Conference by an academician, "Let the fire inspire you to wilder fiddling!" Unfortunately, the most obvious prototype here is Nero, a remarkably wicked man.301

F.

We—whether artists, patrons of artists, or beneficiaries of art—should consider what kind of community we want, including what moral character in our people and what social organization of that people with a view to the common good.

Nature provides a guide here, offering us the means with which to study and the standards by which to assess what we are and do. This invocation of nature can remind us that art could once be understood, at least in the Western World, as an imitation of nature.302

If we do have access to a reliable sense of what a good human being


301. See LEO STRAUSS, AN INTRODUCTION TO POLITICAL PHILOSOPHY: TEN ESSAYS 155 (Hilail Gildin, ed., 1989):

Only a great fool would call the new political science diabolic: it has no attributes peculiar to fallen angels. It is not even Machiavellian, for Machiavelli's teaching was graceful, subtle, and colorful. Nor is it Neronian. Nevertheless one may say that it fiddles while Rome burns. It is excused by two facts: it does not know that it fiddles, and it does not know that Rome burns.

Id. at 302. See, e.g., ARISTOTLE, POETICS. On the POETICS, see Laurence Berns, Aristotle's Poetics, in ANCIENTS AND MODERNS: ESSAYS ON THE TRADITION OF POLITICAL PHILOSOPHY IN HONOR OF LEO STRAUSS 70 (Joseph Cropsey, ed., 1964).
and a good community look like, we should be able to determine what art
is likely to contribute to such goodness and what “art” is likely instead to
corrupt. This kind of issue should not be left to Jesse Helms and his
troops, however well-intentioned they may be.

To what extent, or in what ways, is Senator Helms right in principle,
however distorted he or his vigilant troops may happen to be with respect
to information, motive, or application? In any event, it is not politic for
artists and their champions among intellectuals to concede to others the
sources and symbols of the American regime, including the Declaration of
Independence, the Constitution, and the Flag. That is, there is no reason
why the artist may not be a patriot, so long as the regime is as sound as
ours still is. Particularly to be guarded against by the artist today is any
gratuitous assault upon the religious opinions of decent people, however
misguided those opinions may sometimes appear to be.

G.

I argued in my prepared paper and its appendices that art is ordinarily
subordinate to politics. If art is made virtually sovereign, that is likely to
mean an emphasis among us upon personal fulfillment (and “freedom of
expression”), instead of an emphasis upon the common good. This
makes it difficult to develop the discipline and talents needed for sensible
self-government.

The self-indulgence that is promoted by each going off on one’s own
eventually produces conditions that are likely to make tyranny look
attractive to desperate peoples. In such circumstances, genuine art itself
suffers as well in that it is either suppressed entirely or transformed into
propaganda.

It is a mistake, therefore, to regard the artist as congenitally a rebel,
outsider, and “creator” (in the sense of the innovator who experiments
willy-nilly). The greatest artists, it seems to me, have not usually been
outsiders, however different they obviously must have been from most of
their fellow-citizens.

H.

Art, I have suggested, should be largely concerned with the beautiful
and the good—and with that which is true and otherwise memorable about
the beautiful and the good. I lament—and I trust you lament also—the
ugliness seen all too often in modern art and in the moral and social

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303. See, e.g., George Anastaplo, Flag-Desecration Amendment Could Make Matters Far
Worse, CONGRESSIONAL RECORD, November 1, 1995, at 16676.
304. On an illustration drawn from the law of the sea, see George Anastaplo,
305. On “freedom of expression” as a non-Constitutional term, see GEORGE ANASTAPLO,
The Amendments to the Constitution: A Commentary 53-56, 63, 68-69, 128-29, 225, 238
consequences of modern art.

I have encouraged you to consider what kind of community we should want as a result of our arts. Must not that bear upon what should be supported and how? No doubt you, as responsible foundation officers, have been faced with this challenge many times.

The market cannot be relied upon to make our judgments for us. Nor can personal choices suffice. For example, parents cannot be relied upon, altogether on their own, to shape and watch their children. After all, parents often cannot effectively know and control the other children who very much influence their children and who thereby help establish the tone for the community. The family, in short, very much depends upon some healthy community for its effectiveness in raising and sustaining healthy children: the more comprehensive that community is, the better it can be for everyone.

One critical problem in these matters, therefore, is what the status should be of the political. It is hard to take the political order seriously when so much is made in respectable intellectual circles of infinite variety and self-expression. The *locus classicus* of the issues posed here may be Shakespeare's *ANTONY AND CLEOPATRA*.

I.

I return, as I prepare to close, to my confessions as a philistine. You will recall that I spoke at the outset of these remarks about the solidity (even about the integrity) of a National Guard Armory in Chicago, especially when that building was compared to the avant-garde exhibit hung in it.

I venture to say a little more about what I consider truly beautiful. The Armory was designed of course for military purposes, purposes which were guided by political interests and by the nature of our regime. We have been repeatedly exposed this week to beautiful things during our instructive Conference—and I would be surprised if most, if not all, of you did not agree with me about three of my nominations: (1) The sunsets we have had (even though we know that their splendor has been enhanced by the dreadful fires that desperate Southern Californians have been fighting); (2) the fine people we have all encountered among the participants in this Conference; and (3) the gardens adorning this hotel site, highlighted perhaps by the spectacular Bird of Paradise plants (with their bizarre combination of greens, blues and yellows nesting in their deep green leaves).

But the philistine in me ventures still another nomination of the beautiful, and that is the parade of Navy fighters winging their way out over the Pacific Ocean to their gunnery range. These breathtaking planes

exhibit remarkable competence in both their construction and their handling. The impressiveness of these planes depends in part upon the system in which they fit and upon the purpose to which they are devoted. (That purpose remains as defensible as can usually be expected for such weaponry.) Cannot the artistry devoted to the development and proper use of such equipment be recognized as of a very high order, and not only by those of us who have been privileged to serve in the air forces of the United States?

EPILOGUE

We were very much amused and instructed last night by the many accounts we heard about the origins of various of your foundations. If it is not too late, I should like to add another such story, one that is not uncommon among American families.

My father, as a very young immigrant living in St. Louis (where I was born), was approached (early in this century) by two other young men from his village in Greece. They wanted him to join them in opening a nickelodeon. He turned them down, saying, "Boys, there's no future in the entertainment business." The two others proceeded without him: they were the Skouras brothers who went on to fame and fortune in the movie industry.

Every American family has—or at least used to have—this kind of story in its background, a story of great opportunities missed. This does not apply only to the families of recent immigrants: the punch line for a similar story, in my wife's family, has her Texan father saying, "Tom, there's no money in flying people around." This advice, to a would-be partner, was given, free of charge, by my father-in-law to Tom Braniff when Mr. Braniff suggested that they fly passengers between Oklahoma City and Tulsa.

These stories of opportunities missed are additional Emersonian reminders that opportunities abound, so much so that the failures (whether in families, in policies, or in buildings) in one generation can, not unreasonably, be hoped to be corrected in the next generation. Is not this the story of America that artists and their benefactors can still sing if properly guided and nobly inspired? 307