

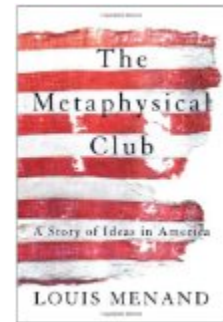
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Louis Menand. *The Metaphysical Club: A Story of Ideas in America*. New York: Farrar, Straus & Giroux, 2001. xii + 546 pp. \$27.00 (cloth), ISBN 978-0-374-52849-2; \$30.00 (cloth), ISBN 978-0-374-19963-0.

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On the Complexity of

On the Complexity of "Ideas in America": The Origins and Achievements of the Classical Age of Pragmatism[1]

Few historians disagree that the events surrounding the Civil War marked a decisive break in American national development, and few would deny that a key component of that break was the elaboration and spread of new ideas and attitudes about matters of fundamental importance: nature, science, religion, politics, psychology, philosophy, and social organization. In *The Metaphysical Club: A Story of Ideas in America*, Louis Menand, who teaches at the Graduate School of the City University of New York, reexamines the roots of those intellectual changes, their evolution through the late nineteenth and early twentieth centuries, and their long-term significance in American life and thought. "The Civil War swept away the slave civilization of the South, but it swept away almost the whole intellectual culture of the North along with it," he maintains. "It took nearly half a century for the United States to develop a culture to replace it, to find a set of ideas, and a way of thinking that would help people cope with the conditions of modern life." The long, complex "struggle" to find such an acceptable new intellectual framework is the subject of his book (p. x).

The Metaphysical Club concentrates on four towering, familiar figures - Oliver Wendell Holmes, Jr. (b.1841), William James (b. 1842), Charles Sanders Peirce (b. 1839), and John Dewey (b.1859) - along the way integrating briefer accounts of the lives and contributions of

more than a dozen other major pre- and -post Civil War thinkers. The book artfully synthesizes personal biography, family history, local culture, and individual psychology with broad currents of popular culture, generational tensions, international scientific and philosophic discourse, and the massive political and social transformations that came with industrialism, America's expanding role in world affairs, and the onset of an ever more relentless modernism. The result is a compelling narrative, as captivating in its telling as it is illuminating in its content. Without sacrificing depth or detail, and without compromising his analysis's complexity or subtlety, Menand gives us a lucid, insightful, and absorbing reexamination of the intellectual origins of our modernist/post-modernist world.

Menand divides his book into five parts. Each of the first four focuses on one of his four major figures, exploring his life and intellectual development into the first years of the twentieth century. The fifth part examines subsequent elaborations of the ideas that they advanced and seeks to understand their impact on American thought through the rest of the century.

The book's deeper structure falls into three distinct sections. The first (the three parts dealing with Holmes, James, and Peirce) is a sensitive, brilliant exploration of the complex social - especially the local cultural and interpersonal - origins of the underlying concerns, ideas, ambitions, and strategies that evolved into American pragmatism. Menand recreates the intellectual and cul-

tural world of pre- and post-Civil War Boston and Cambridge, exploring the interrelated lives of an influential but nevertheless peripheral intellectual elite in a time of deep sectional conflict and moral crisis. Holmes, the ardent young abolitionist sympathizer and thrice-wounded Union officer, learns from the horrors of war to distrust and scorn moral absolutes and “certainties” of all types. James, the indecisive would-be scientist who refused to join the Union army and thereby missed “the defining experience of his generation” (p. 74), learns to satisfy his own emotional needs by exploiting the openness, uncertainty, and contingency that he finds in newly dominant evolutionary theory. Peirce, an intellectual prodigy whose life was scarred by a painful neurological disorder that led him to drug addiction and a career marked by erratic and self-destructive actions, learns from statistical theory that randomness does not necessarily mean disorder and that human knowledge was not a “mirror” of nature but the product of “social” consensus.

At the end of this first section, we find Menand’s chapter on the “Metaphysical Club,” the legendary, short-lived discussion group in Cambridge, Massachusetts in the early 1870s that brought together many of the “founding fathers” of American pragmatism - not only Holmes, James, and Peirce but also such key, albeit less well-known, figures as Chauncey Wright and Nicholas St. John Green.

It was in the context of that group that Peirce explored the implications of the randomness of the universe and the contingency of human reasoning and that he reached his conclusion about the “social” nature of human knowledge, one of pragmatism’s foundation ideas and his “most important contribution to American thought” (p. 200). The chapter, and this long substantive first section, concludes with the end of “The Metaphysical Club” itself, which began to “pull apart” in the summer of 1872 and collapsed with the premature deaths of Wright (d. 1875) and Green (d. 1876). The club’s demise, Menand suggests, was symbolic: though traceable to a plethora of personal and individual factors, it was also the result of an institutionalizing, professionalizing, and modernizing society. “In the end, the Metaphysical Club unraveled because Harvard University was reformed” (p. 230).

The book’s second substantive section, the last and longest of the first four parts, begins with a discussion of Dewey’s early education in Burlington, Vermont, but it soon broadens - like Dewey’s career and philosophy - from the local and personal to the national and public. Almost twenty years younger than Holmes, James, and

Peirce, Dewey was the progeny of significantly different intellectual and cultural traditions. Born in small-town Vermont, the son of a Unionist storekeeper and a socially active but orthodox Congregationalist mother, he was far removed from the prestigious, interconnected intellectual circles of Boston and Cambridge (p. 250). Again unlike the others, he was a product of the emerging modern American university system - secular, scientifically based, nationally oriented, and professionally directed - that had helped destroy the local, private “Metaphysical Club.” Dewey “reached maturity as a thinker at exactly the moment American social and economic life was tipping over into modern forms of organization, forms whose characteristics reflect the effects of size: impersonal authority, bureaucratic procedure, mass markets” (p. 236). Those differences proved crucial. “Unlike almost every other serious thinker of his time,” Menand declares, Dewey “was at home in modernity” (p. 237).

Also unlike Menand’s other three thinkers, and most important for the future of pragmatism, Dewey turned to politics and social activism, in large part because his professional academic career took him to the University of Chicago in 1894, the year of the Pullman Strike. There he met, among others, Jane Addams, the founder of Hull House, who exerted a compelling influence on the new chairman of the university’s philosophy department. Addams not only pulled Dewey into the world of political and social reform, but convinced him that “the resistance the world puts up to our actions and desires is not the same as a genuine opposition of interests” (p. 313). In other words, she persuaded Dewey of the fundamental compatibility of human desires and interests when properly understood; for the next half-century, Dewey used the tools of pragmatism to show how and why that principle could illuminate and resolve political and social problems of all kinds. Thus, Menand uses Dewey’s career to explore the vital confrontation that occurred in the late nineteenth century between the philosophical ideas that were crystallizing into pragmatism and the multiplying challenges that came to America with industrialization and modernization.

The book’s third substantive section (its fifth part and a brief “Epilogue”) carries pragmatism’s history from around 1904 to the end of the twentieth century. It recounts the brief remaining careers of James (d. 1910) and Peirce (d. 1914) as well as the longer, more publicly visible careers of Holmes (d. 1935) and Dewey (d. 1964). Further, it introduces and evaluates some of the quartet’s principal successors. Finally, it seeks to identify the ways that the ideas of Holmes, James, Peirce, and Dewey

helped to shape American thought through the rapidly changing world of the later twentieth century. Menand explores the variations that marked the distinct “pragmatisms” they developed, focusing on their contributions to democratic theory, to emerging ideas of political and cultural pluralism, and to expanding ideas of human freedom, especially those involving free speech and academic freedom. “The political system their philosophy was designed to support was democracy,” he explains, and perhaps their greatest achievement was to help “make tolerance an official virtue in modern America” (p. 440, and see also p. 439).

Unlike the book’s earlier sections, Part V’s strength is its thematic unity - not its depth, detail, or insight into individual thinkers. Indeed, it is necessarily thinner in its analysis and even somewhat arbitrary in its selection of issues and individuals. It is also unbalanced chronologically.

Although it discusses a few important developments in the 1920s and 1930s (such as the Supreme Court’s First Amendment jurisprudence and early battles over academic freedom), it skims over the century’s final six decades, ignoring in the process major phases in the continuing history of pragmatism in American thought.

II.

Menand announces in his “Preface” that Holmes, James, Peirce, and Dewey “were more responsible than any other group for moving American thought into the modern world” (p. xi). “Their challenge, as they perceived it, was to devise a theory of conduct that made sense in a universe of uncertainty” (p. 214). Acknowledging, indeed highlighting, differences among them, he nonetheless isolates what he considers the intellectual core they shared, “their attitude toward ideas.” What they “had in common was not a group of ideas, but a single idea - an idea about ideas.” He expands on this point (pp. xi-xii):

“They all believed that ideas are not “out there” waiting to be discovered, but are tools - like forks and knives and microchips - that people devise to cope with the world in which they find themselves. They believed that ideas are produced not by individuals, but by groups of individuals - that ideas are social. They believed that ideas do not develop according to some inner logic of their own, but are entirely dependent, like germs, on their human carriers and the environment. And they believed that since ideas are provisional responses to particular and unreproducible circumstances, their survival

depends not on their immutability but on their adaptability.”

Menand’s statement captures many key assumptions behind pragmatism: that ideas are instrumental, socially created, environmentally dependent, and both changing and changeable.

Menand tells us that his book “is an effort to write about these ideas in their own spirit - that is, to try to see ideas as always soaked through by the personal and social situations in which we find them” (p. xii). His similes reinforce his methodology. Ideas are neither sacred nor transcendent but rather ordinary, entirely real-world phenomena, like “forks” and “germs.” As attentive as the book is to ideas and their interconnections, it ultimately insists that their origin, evolution, and fate was determined by the way they did or did not “fit” with social needs and conditions (see, e.g., p. 369).

The book’s major achievement is its subtle, complex, modulated explanation of pragmatism’s human origins: pragmatism “was the product of a group of individuals, and it took its shape from the way they bounced off one another, their circumstances, and the mysteries of their unreproducible personalities” (p. 371). In other words, the book does not limit itself to examining changes in philosophical schools, concepts, and arguments, nor rest content with discussions of pragmatism’s intellectual roots and fostering social context.

Nor does it suggest that personal elements - even such powerful factors as Holmes’s devastating experiences in the Civil War and James’s debilitating religious and psychological crises - were, by themselves, decisive. Rather, it attempts to integrate all those considerations, and many others as well, into a comprehensive, finely-grained analysis of the lived experiences of an extraordinary group of individuals and to show when, why, and how their varied needs, concerns, anxieties, and ambitions combined in the specific historical context of post-Civil War America to move their thoughts and feelings in certain new directions.

Menand’s discussion of his major figures’ personal and family backgrounds is subtle and illuminating. Eschewing summaries, he considers the lives, aspirations, and beliefs of friends, colleagues, and family members, suggesting the variety of influences they exerted. Not surprisingly, he focuses on the respective roles played by three unusually distinguished and accomplished fathers: the physician, scientist, and essayist Oliver Wendell Holmes, Sr.; the eccentric, anti-establishment reli-

gious seeker and writer Henry James the elder; and the internationally-recognized mathematician and Harvard professor Benjamin Peirce. Menand is equally sensitive to the divisions that developed between generations, and he marks the extent to which historical change, generational conflict, and idiosyncratic personal characteristics cut off the fathers from their sons. Although Peirce remained loyal to his father's values and attitudes, James and Holmes drifted ever farther from those of their fathers. "The usual biographical practice has been to assume continuity," Menand writes of the relationship between the Jameses, "but the social history suggests rupture" (p. 84). Tracing a growing split between Holmes and his father, Menand generalizes: "Holmes's rejection of the intellectual style of pre-war Boston mirrored a generational shift. To many of the men who had been through the war, the values of professionalism and expertise were attractive; they implied impersonality, respect for institutions as efficient organizers of enterprise, and a modern and scientific attitude - the opposites of the individualism, humanitarianism, and moralism that characterized Northern intellectual life before the war" (p. 59).

Exploring the complex ways that ideas interact and evolve, Menand highlights a wide range of connections. In a few scattered pages, for example, he suggests Emerson's role in the pre-war period and marks his continued, if diluted, significance in the post-war era. "Holmes's posture of intellectual isolation was, after all, essentially Emersonian," he points out (p. 68), noting further that pragmatism "shares Emerson's distrust of institutions and systems, and his manner of appropriating ideas while discarding their philosophical foundations" (p. 370, and see also p. 89). More broadly, Menand joins those scholars who emphasize the continuing, widespread influence of religion in nineteenth-century America. Protestant Christianity in its varying forms was an essential element in the upbringing of all of his characters, even the few - such as the Holmeses - who seemed immune from its specific claims. It was an unavoidable force field that helped shape their characters and beliefs even as they tried to reconceive its foundations or reject its authority. Indeed, Menand explains, "the splintering of American Protestantism into multiple religious and quasi-religious sects over the course of the [nineteenth] century - the Protestantization, so to speak of Protestantism - is part of the larger, more inchoate context out of which pragmatism emerged" (p. 89).

Menand is especially informative in his discussion of the scientific context in which his figures, particularly James and Peirce, matured. Most striking, his chapter

on "The Law of Errors," tracing the development of statistical theory in the late eighteenth and early nineteenth century, provides a particularly enlightening account of a series of scientific advances that informed the thinking of the early pragmatists. Probability theory attracted them because it seemed capable of reconciling two fundamental, conflicting ideas, that life was marked by randomness and contingency and that a knowable order existed in nature. "The broader appeal of statistics lay in the idea of an order beneath apparent randomness" (p. 194). Statistics, moreover, exerted a particularly powerful appeal for James and Peirce, Menand suggests, because it offered a natural order that was scientifically knowable but still only "probabilistic" and not "deterministic."

Perhaps most unusual, *The Metaphysical Club* stresses the impact of slavery and racism on American life and thought. Although few would question the general importance of either factor, histories of the more elevated types of thought often minimize or ignore their significance. Menand, however, highlights their constant presence and implies their pervasive importance. Scientific inquiry in the United States before and after Darwin, he shows, was driven in significant part by racist assumptions, shaping, for example, the work of such a distinguished practitioner as Agassiz, the dean of mid-nineteenth-century American science and the teacher of both James and Peirce. Similarly, Holmes's father and grandfather, the Jameses, and the Peirces all accepted racist assumptions in one form or another, as did many of the epigones who enter the story as it reaches the late nineteenth and early twentieth centuries, including the labor leader Eugene V. Debs (whose American Railway Union did not admit blacks) and Dewey's cultural acolyte, Horace M. Kallen (whose idea of a national "melting pot" was based on the premise that individual character was determined by an "immutable" race factor). Indeed, Menand explores the "pluralist" implications of pragmatism by focusing on the way that later thinkers, especially Kallen and Alain Locke (a black writer best known for his work on the Harlem Renaissance), used Dewey's work to try to deal with problems of racial and ethnic division in American society. "Only in Dewey's conception does the specter of race completely disappear," Menand maintains, because "he insisted that divisions are just temporary alignments within a common whole" (p. 407).

III.

For legal and constitutional historians *The Metaphysical Club* offers a rich, thoughtful discussion of intellectual

developments crucial to the evolution of American law and jurisprudence. More specifically, it illuminates three issues that legal historians have frequently addressed.

First, and most generally, it confirms a familiar if nonetheless fundamental lesson. Although addressing a different historical period and different substantive issues, it shows exactly what Jack Rakove showed in his excellent book, *Original Meanings*[2]: that historical phenomena -whether ideas and events, or legal enactments and opinions - are deeply and inextricably embedded in a complex, profoundly human context. The relationship between human behavior and formal norms and decisions, Menand suggests, is complex, varied, individual, and only imperfectly knowable. Thus, any theory that posits an objective, knowable, and specifically directive “original intent” as a general basis for interpreting the Constitution must ultimately be unsatisfying and nugatory. It must either rely for purposes of expedience on assumptions that are simplified, tractable, and to some extent arbitrary, or it must rest content with results that are vague, non-determinative, and ultimately inadequate to the theory’s prescriptive claims.

Menand also demonstrates, however, as Rakove did, that the proper lesson to be drawn from a recognition of historical complexity is double-edged. If historical inquiry can seldom provide answers to specific, fairly contested constitutional questions, it can nevertheless yield its own rich, salient harvest. When thoroughly researched and deeply informed, when sensitive and exacting, and when fair and honest, it can yield the kind of profound insights and deep understanding that underwrite sound practical judgment and, on occasion, even inspire wisdom about the conduct of human affairs.

Second, Menand highlights a fundamental element in the intellectual transformation that occurred during the nineteenth century: a radical reconception and redefinition of “science” itself. Commenting on Gray’s triumph over Agassiz in their debate about Darwinism, for example, Menand stresses the nature of the divide that separated them: “Gray understood something that Agassiz did not, which was that there were new rules for scientific argument” (p. 126). Gray “was thinking in terms of relations and probabilities,” while Agassiz “was still thinking in terms of types and ideas.” It was Gray’s new understanding, subsequently developed by Peirce and then transferred into legal theory by Green and Holmes, that swept the field in the twentieth century, while Agassiz’s understanding came to seem outmoded, rationalistic, and even obscurantist (pp. 222-226).

Recognizing the nature of the gulf between the two makes it easier to understand the analogous change that transformed American legal thought after Green and Holmes. In particular, it helps clarify the nature and reality of the “legal science” that so many nineteenth-century legal writers proclaimed and practiced. Modern legal scholars often have been reluctant to credit their forebears with being “legal scientists,” but Menand helps us understand why those earlier writers so perceived themselves, how later generations came to understand the term “science” in such a new, radically different way, and why, consequently, those later generations had difficulty understanding the nature of nineteenth-century “legal science.”[3]

Finally, *The Metaphysical Club* suggests the “thick,” intertwined roots of the cultural commitments to individualism, the “free market,” and private contract that marked mid- and late-nineteenth-century America. By showing that human behavior in the aggregate conformed to certain patterns, Darwinism and statistical theory seemed to coincide in showing “that things regulated themselves” (p. 194). That conclusion, in turn, “was taken to confer a kind of cosmic seal of approval on the political doctrines of individualism and laissez-faire” (*id.*). Racist assumptions cemented the consensus. Huxley and others helped formulate “a theology for the postslavery era” (p. 195) by arguing that natural selection showed that the “white man” was superior to the black and that he could “wash his hands” (*id.*) of any responsibility for racial inequalities. Thus, a powerful matrix of ideas, attitudes, interests, and existing “human arrangements” generated a deep, widespread belief in a particular, culturally-defined concept of individual freedom: “Nineteenth-century liberals believed that the market operated like nature because they had already decided that nature operated like a market” (*id.*).

For legal and constitutional historians, the point seems clear. “Classical legal thought,” “laissez-faire constitutionalism,” and the general jurisprudence of the Supreme Court in the late nineteenth and early twentieth centuries did not flow directly from the language of the Constitution, the original intent of its framers, or the categories and methods of the common law.[4] Rather, those legal phenomena were complex cultural products. They were the results of many of the same forces that Menand identifies, as well as many others beyond the scope of his work, including the politics of judicial appointment, the emergence of an ethnically diverse industrial work force, the rise and triumph of large-scale corporate capitalism, and the changing nature, structure, and social composi-

tion of the legal profession itself.

Those intertwined jurisprudential phenomena, furthermore, were the result of conscious and individual human purposes as well as cultural presumptions. Menand offers as evidence of his claim about the influence of classical economic theory an opinion of William Howard Taft, then a federal circuit judge, sentencing one of the leaders of the Pullman strike to a six-month prison term for contempt.[5] Although the opinion shows the influence of classical economic theory, it also suggests Taft's individual values and biases. Other opinions that he wrote establish that Taft was an able legal craftsman who could and did purposefully manipulate legal concepts to achieve the specific social results he desired.[6] That important if unsurprising conclusion is, of course, consistent with two of Menand's basic pragmatic premises: that individuals act to serve purposes, and that each individual has a unique life experience and, consequently, may think, decide, and take action in his or her own distinct and even singular way.

The Metaphysical Club thus highlights one of the fundamental problems in contemporary American jurisprudence: the meaning, nature, and reality of "the rule of law." An acute challenge to legal and constitutional theory, the problem of "the rule of law" now presents equally a challenge to contemporary American politics and institutions. The broadest significance of *Bush v. Gore*,[7] after all, is that the Supreme Court of the United States had a breathtaking opportunity to demonstrate that "the rule of law" existed and worked; that legal principles and practices did, in fact, limit and channel judicial judgment; that law and politics were, indeed, distinct and contrasting arenas. And yet, when taken to the mountaintop and shown the riches and glories of the presidency of the United States, it succumbed. Thus, Menand's basic premises - and the premises of pragmatism - seem once again both incisive and well-founded. We would, indeed, seem to be living in the world that the classical age of pragmatism helped create and shape.

ENDNOTES

[1.] The author is Joseph Solomon Distinguished Professor of Law at New York Law School. He wishes to thank William P. LaPiana, Ann F. Thomas, and R. B. Bernstein for helpful comments on an early draft. This review, commissioned by H-LAW, is a heavily condensed extract from a much longer review growing out of the original review assignment; that version will appear in *Law and Social Inquiry* later in 2002. H-LAW and the author are

deeply grateful to Prof. Howard Erlanger, the book review editor of *Law and Social Inquiry*, and Prof. Victoria Saker Woeste, co-editor of *Law and Social Inquiry*, for their willingness to publish the longer review from which this review is drawn.

[2.] Jack N. Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution* (New York: Alfred A. Knopf, 1996).

[3.] Whereas Menand suggests the ways that Holmes, James, Peirce, and Dewey were "modernists" who shaped the twentieth-century world, he also stresses the gulf that separates them from their early twenty-first century descendants. "[I]t is worth trying to see how almost unimaginably strange they and their world were, too" (p. 442). For an excellent discussion of nineteenth-century "legal science," see William P. LaPiana, *Logic & Experience: The Origin of Modern American Legal Education* (New York: Oxford University Press, 1994). For a more general discussion of American legal thought from the late nineteenth century to the late twentieth century, see Neil Duxbury, *Patterns of American Jurisprudence* (Oxford and New York: Oxford University Press, 1995).

[4.] See generally William M. Wiecek, *The Lost World of Classical Legal Thought: Law and Ideology in America, 1886-1937* (New York, 1998). But see Felice Batlan, "Review of William M. Wiecek, *The Lost World of Classical Legal Thought: Law and Ideology in America 1886-1937*," H-Law, H-Net Reviews, January, 2000. URL: <http://www.h-net.msu.edu/reviews/showrev.cgi?~path=13193948754428>.

[5.] *Thomas v. Cincinnati, New Orleans & Texas Pacific Railway Co. v. Phelan*, 62 F. 803 (C.C. S.D. Ohio 1894).

[6.] See Edward A. Purcell, Jr., *Litigation and Inequality: Federal Diversity Jurisdiction in Industrial America, 1870-1958* (New York: Oxford University Press, 1992), 109-12. See generally Robert Post, "Defending the Lifeworld: Substantive Due Process in the Taft Court Era," *Boston University Law Review* 78 (1998): 1489.

[7.] 531 U.S. 98 (2000).

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