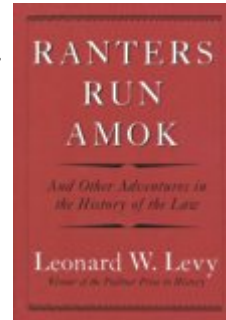


**Leonard W. Levy.** *Ranters Run Amok: And Other Adventures in the History of the Law.*  
Chicago: Ivan R. Dee Publisher, 2000. xi + 239 pp. \$26.50, paper, ISBN  
978-1-56663-277-5.



**Reviewed by** R. B. Bernstein

**Published on** H-Law (September, 2000)

Scholarship, Anecdote, Enthusiasm, and Anguish

Leonard W. Levy, who taught for many years at Brandeis University and then the Claremont Graduate School, is in many ways the dean of American constitutional historians. *Ranters Run Amok* -- his third essay collection and his third book in two years -- contains eight essays. The book is handsomely produced by Ivan R. Dee and presents its notes at the bottom of each page, though it lacks both an index and information as to these essays' provenance.

Two things are going on in these pages, and by inference in the mind of its author. The first is more conventional -- Levy's desire to collect his recent treatments of historical subjects too short to justify independent publication. This first group of essays displays the enthusiasm of a veteran historian for his chosen field of inquiry.

The first essay, "Ranters: Antinomianism Run Amok" (pp. 3-53), is a powerfully written, disturbing account of this seventeenth-century English dissenting Protestant sect, and their terrible ordeals of persecution and suffering at the hands of

religious adversaries armed with governmental power. It is an offshoot of Levy's most recent major scholarly enterprise, an examination of the history of the law of blasphemy (to which we return below). The other three essays in this category are "Origins of the Fourth Amendment" (pp. 141-172), a brisk and useful summary of the subject; "America's Greatest Magistrate" (pp. 217-239), a deft and sympathetic sketch of Chief Justice Lemuel Shaw of the Massachusetts Supreme Judicial Court[1]; and "A Humanist Confronts the Law" (pp. 52-56), a distillation of Levy's guiding principles as a historian of American law and the Constitution of the United States.

The remaining essays in this book fall into a category far more personal than the first, blending enthusiasm with what can only be called anguish. His essay "Anecdote" (pp. 57-64) is Levy's cheerful and irreverent account of meetings with great, near-great, and not so great figures in American history and law. At greater length, he recounts, in "Adventures in Scholarship" (pp. 65-107), such recondite endeavors as sitting on four Pulitzer History juries (his appalling stories

of these episodes will leave this reader, at least, forever skeptical of the merits of the Pulitzer Prizes in History). In addition, this essay retells the familiar but no less startling stories of the reactions of leading acolytes of Thomas Jefferson and the First Amendment to Levy's books on those subjects.[2] However, "Adventures in Scholarship" also hints at a more painful story of the perennial clashes between author and publisher, and between the demands of scholarly authorship and the claims of commercial publishing's marketing departments. Levy's cautionary tale is well worth reading by young historians and even not-so-young historians innocent of the ways of the publishing world.

It is "Harvard University Press, et al., v. A Book" (pp. 108-141), however, that makes the most disturbing and painful reading in this book. In this essay, Levy recounts his long and agonizing battle over his efforts to write the history of blasphemy. The project was originally to be a book for Harvard University Press, and in Levy's account, which he supplements with verbatim transcripts of correspondence (these letters almost too painful to read), one can only shake one's head in disbelief at the Kafka-esque world into which Levy plunged. Harvard ultimately rejected the book, which Levy published elsewhere.[3]

Occupying the middle ground between the two categories of essays is "*Origins of the Fifth Amendment and Its Critics*" (pp. 173-216), Levy's combative reply to legal scholars and historians who have challenged the argument of his *Origins of the Fifth Amendment*. [4] This essay is vintage Levy, for he is as well known for taking up cudgels against critics of all sorts with vigorous glee, as for his more substantive contributions to the field. Levy gives as good as he gets in this essay, though he sometimes shades over into what eighteenth-century men of honor would denominate as language demanding an explanation.

Reading *Ranters Run Amok* is a confusing and wrenching experience. Some might well ask,

Why has Levy done this? His bitterness at his treatment by publishers and critics alike is reminiscent of William Shakespeare's tragic hero Caius Marcius Coriolanus. At the beginning of "Adventures in Scholarship," Levy recounts an anecdote at once hilarious and ghastly (p. 65):

"Exposing raw prejudice in the halls of ivy is like fornicating on a scared altar. I was shaken, therefore, when Professor Dumas Malone, at the defense of my doctoral dissertation in 1951, objected to my critical assessment of the origins of the 'separate but equal' doctrine by remarking in his pleasant drawl, 'When Ah was a boy in Mississippi we jes' couldn't let a niggra go to a white man's school.' Noel T. Dowling, the Harlan Fiske Stone Professor of Constitutional Law at Columbia Law School, added, 'I associate myself with the remarks of the distinguished speaker.' Henry Steele Commager, my dissertation supervisor, who sat next to me, kicked me under the table, a warning to shut up and let the point pass, while he deftly changed the subject."

Commager was in the habit of advising his students (including this reviewer) never to answer reviews and never to let reviews get to you. Perhaps a ghostly kick under the table would have given Levy some sober second thoughts about the contents of *Ranters Run Amok*. And yet, in some ways, we can understand his display of anguish in these pages if we think back to a period on which he has done fruitful work -- the era of the early Republic.

In recent work on the political culture of that time, Professor Joanne B. Freeman of Yale University has identified a genre of political writing, "the defense pamphlet." [5] A lengthy, signed pamphlet bearing its author's real name (rather than a pseudonym), the "defense pamphlet" is a bid to rehabilitate the writer's reputation from charges deemed unfair or unwarranted and thus especially damaging. It often contains extensive transcripts of letters and other documents intended to bear out the writer's claims. Levy's anguished es-

says in *Ranters Run Amok* fit neatly within this genre of "defense pamphlet."

The question remains, why write -- or read -- such a thing now? I suggest that, no matter how painful, these pages of *Ranters Run Amok* deserve thoughtful and sympathetic reading because of the perils facing scholars, both established and new, in facing the linked ordeals of publication and reviewing. It is all too easy for a publisher to dismiss a pathbreaking monograph on the grounds that he or she cannot conceive how such a thing will "sell," and it is all too easy for an overburdened reviewer, or one with an axe to grind, to do the easy, comfortable, or superficial thing. Taken as a whole, *Ranters Run Amok* is thus an unsettling and important cautionary tale for all engaged in the scholarly enterprise.

#### Notes

[1]. Shaw was the subject of Levy's first book, *The Law of the Commonwealth and Chief Justice Shaw* (Cambridge, Mass.: Harvard University Press, 1957, sadly out of print).

[2]. Leonard W. Levy, *Legacy of Suppression* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1960), and Leonard W. Levy, *Jefferson and Civil Liberties: The Darker Side* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1963; reprint, Chicago: Quadrangle, 1972; reprint, Chicago: Ivan R. Dee, 1989).

[3]. Leonard W. Levy, *Treason Against God: A History of the Offense of Blasphemy* (New York: Schocken, 1981); see also Leonard W. Levy, *Blasphemy: Verbal Offenses Against the Sacred from Moses to Salman Rushdie* (New York: Alfred A. Knopf, 1991; reprint, Chapel Hill: University of North Carolina Press, 1995). In the interest of disclosure: I had a very different experience with Harvard University Press in publishing my first book. I have had similar experiences, however, with other publishers; prudence forbears disclosure here.

[4]. Leonard W. Levy, *Origins of the Fifth Amendment: The Right Against Self-Incrimination* (New York: Oxford University Press, 1968; reprint, New York: Macmillan, 1999).

[5]. Joanne B. Freeman, "Affairs of Honor: Political Combat and Character in the Early Republic," unpub. Ph.D. diss., University of Virginia, 1998, esp. chaps. 2 and 4. A revised and expanded version of this study will soon be published by Yale University Press.

Copyright (c) 2000 by H-Net, all rights reserved. This work may be copied for non-profit educational use if proper credit is given to the author and the list. For other permission, please contact H-Net@h-net.msu.edu.

If there is additional discussion of this review, you may access it through the network, at  
<https://networks.h-net.org/h-law>

**Citation:** R. B. Bernstein. Review of Levy, Leonard W. *Ranthers Run Amok: And Other Adventures in the History of the Law*. H-Law, H-Net Reviews. September, 2000.

**URL:** <https://www.h-net.org/reviews/showrev.php?id=4557>



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.