

**Pragmatism and the Civil War: the vindication and the failure of democracy:** This is our central text as it focuses on the transformation of the United States under the influence of evolutionary theory, from a predominantly religious intellectual culture (strongly influenced by Puritanism) to a largely secular intellectual culture (reshaped by pragmatism). Menand argues that the Civil War, which in a variety of ways helped to make the United States a modern society, is the key to understanding that transition. In many ways, the war vindicated democracy and the Union and empowered a Republican-dominated central government to create a modern, industrial, scientific-technical society (with a national currency, national banks, transcontinental railroads, and national universities, all of which took shape during the war). But the war also proved traumatic for most Americans, not least because even as it vindicated democratic government it did so through a vast bloodletting which democratic institutions had failed to prevent (indeed, had helped to cause).



**Ideologies versus Ideas (xi): transcendent truths or tools?** For many of the nation's most prominent thinkers, the war also appeared to be a failure of ideas, ideas which had helped to cause the war, failed to prevent it, and had not prepared Americans to deal with war. *So here is the crucial connection between the war and pragmatism.* The prominent thinkers examined here – Holmes, Peirce, James, and Dewey – came to the conclusion that ideas are nothing more than tools. They – the pragmatists – argued that ideas are not “out there,” waiting to be discovered, but tools human beings devised themselves to reorder their environment. They believed these tools are shaped by their environment and historical context and, to be useful, had to be able to adapt to changing environments and contexts. Ideas had to be judged in terms of their consequences and must never become ideologies that generate a moral certainty that could justify either the status quo or a violent assault on the status quo. Certainly no one should die for an idea, any more than we might die for a fork, knife, or microchip. Skeptical of

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So...this opening chapter is about Holmes and the beliefs he embraced and the beginnings of his rejection of not so much those beliefs as a broader belief in beliefs.

### Ch. 1: The Politics of Slavery

1. Oliver Wendell Holmes, Jr., went to war for the anti-slavery cause. How did economic interests, religious convictions, and partisan politics shape the politics of slavery in Boston? What side did Holmes's father take?



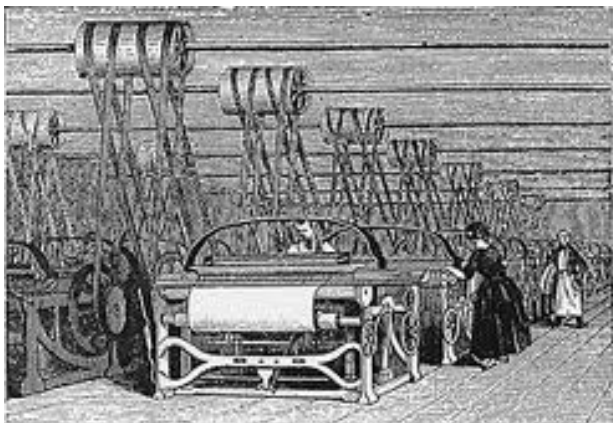
**Holmes, Jr.: Belief in Belief and the Limits of Ideas:** Holmes, Jr., went to war for the anti-slavery cause but then regretted it for the rest of his life. The horror of the war, his own suffering and the loss of so many friends, not only turned him against the anti-slavery belief but all beliefs in general. He came to appreciate the limits of ideas and thought no one should die for one.

**The Pre-War War in Boston: Unionism and Abolitionism:** Boston owed much of its



prosperity to slavery, particularly the cotton trade but also banking, shipping, and distilling. So when religious

convictions generated by the Second Great Awakening (with its emphasis on free moral agency) created a group of ardent abolitionists, the abolitionists were not greeted warmly by establishment Boston, nor by Boston workers who feared competition with freed slaves. Even





to see themselves as Emerson's "disengaged or thinking men," standing above petty politics, which eased Emerson's shift into their ranks. But the abolitionists had a political agenda – no compromise with the South and the eradication of slavery or its removal from the Union – which had political consequences.

3. How, in the mid to late 1850s, did the abolitionist movement move from an embattled minority committed to moral suasion to part of a Northern majority committed to war? What was Holmes, Jr.'s, relationship to the abolitionist movement?

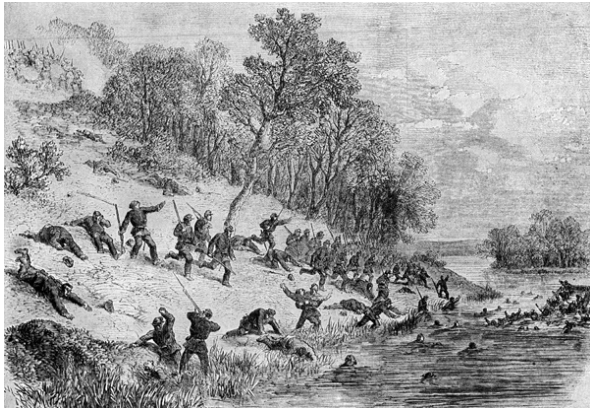


**Tasting Blood, Defending Phillips, and, after April 12, 1861, Falling “through all the floors of the intellectual house of antislavery” (31):** Every step the South took to defend slavery pushed the institution more to the forefront of



American politics. Each time the South deflected or frustrated the political will of the North, the more slavery seemed the corrupt cause of the Union's ills. A series of violent struggles over the enforcement of the Fugitive Slave Law, including several in Boston (the Anthony Burns case, in particular, 1854, p. 27), the brutal caning of Senator Charles Sumner in 1856, and above all, John Brown's violent actions in Kansas and at Harper's Ferry turned abolitionists from pacifists into militants willing to go to war. Holmes had long been an Emersonian, responding to a moral duty that transcended established institutions and authorities. He also lacked racial prejudice and had an acute sensitivity to the suffering of others. So when his friend Pen Halloween asked him to serve in the bodyguard of the controversial abolitionist Wendell Phillips, Holmes joined the cause. After the firing on Fort Sumter, Holmes joined virtually all elements of the anti-slavery cause in support of the war. Responding to Lincoln's call for volunteers, and responding even more to his own conscience, he left Harvard and enlisted in the army.

4. What did Holmes discover when he “road tested his beliefs” after being wounded at



Ball's Bluff? How and why did he adjust the record of that experience afterward? (No need to answer this one but... Did Holmes have something we might call virtue?)

**Road Testing and Amending One's Beliefs: Holmes's Ideas (about abolition, war, virtue, death) as Adaptable Tools?** Participating in the disastrous assault at Ball's Bluff in October 1861 (pictured), led by a political general without military experience, Lincoln's friend, the former Senator Edward Baker, Holmes nearly died from



**Here is the germ of pragmatism:**

*“How rapidly the mind adjusts itself: the test of a belief is not immutability, but adaptability. Our reasons for needing reasons are always changing” (Menand, 38).*

a gunshot wound just above his heart. As he lay near death on a military hospital on an island in the Potomac River, Holmes asked himself whether he was ready to recant any of his unconventional ideas. He had been something of a student radical, an Emersonian, now an abolitionist, always contemptuous of the conventional, established authorities. He recalled conversations with his father about the worthlessness of deathbed recantations and, more, decided that he could not renounce any of his beliefs. Although certain new beliefs were creeping in at the same time, particularly his satisfaction in dying as a soldier and his openness to uncertainty. He needed no religious faith, no conviction about the afterlife. He also remarked on the malleability of his mind, “how rapidly the mind adjusts itself under some circumstances to entirely new relations.” He had thought he would die and had accepted that, but then recovered and found it as abhorrent as ever that he should die. He



preserved these reflections in his diary while removing any evidence of his ardent abolitionist beliefs because he wanted his wartime experience to be understood in terms of these newer beliefs – military valor and virtue, the adaptability of beliefs – instead of

in terms of the abolitionist belief that led him into war.

5. How did Holmes's views of abolitionism, the war, and the South change between Ball's Bluff and Fredricksburg? What role did Henry Abbott play in those changes?

**War, for whatever cause, as Coercion and Hideous Human Waste of the Best and Boldest:** Wounded two more times in the war, Holmes had plenty of experience and time for reflection. He came to see war as akin to slavery, a form of coercion out of which nothing positive could come. He also became more and more skeptical of armchair abolitionists, including his father, safe on the home front and eager for a more aggressive war. The war seemed utterly wasteful, a horrible machine for killing the best and boldest. He also came to respect his southern antagonists and believed the Union could never subdue them. Abbott played a key role in these changes and particularly in Holmes's growing respect for the martial virtues. A courageous soldier, Abbott fought regardless of what he saw as the stupidity of his orders or the wrongness of the cause.

### **Menand, The Metaphysical Club, 49-95**

As we move deeper into Menand's argument, we should remember his comment that with the eclipse of pre- Civil war intellectual culture and the rise of pragmatism that "there was gain and there was loss" (xii). In other words, Menand is not a champion – or at least not an uncritical champion – of pragmatism. In reference to these two chapters, we might ask if two of the founders of pragmatism – Holmes and William James – were "damaged goods" (a description Bronson Alcott used to describe James's father – 84). On the damage the war did to Holmes, see 67-68 about Holmes's coldness, his aversion to intimacy, and his feeling, as a friend reported, "that after the Civil War the world never seemed quite right again" (69). We might also ask whether heroic disinterestedness and the ability to change one's mind are virtues. Finally, I think the chapters raise the question of whether we should think of our beliefs as "timeless oughts" or "circumstantial shoulds" (my awkward phrases).



6. What "attitudes lay side by side" (53) in Holmes' thinking about the Civil War? How did the battle of the Wilderness and the subsequent campaign shift those attitudes and change Holmes' conception of his duty *and* his vocation?

**In the Wilderness: Moral Crusading and Military Professionalism:** Holmes had seen a great deal of the worst of the war *even before* his participation in the Wilderness campaign, the



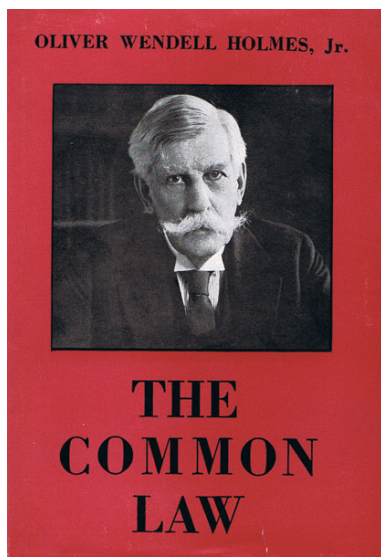
bloodiest forty days of the war. In the wake the Emancipation Proclamation and in reaction against the racist New York City draft riots and in response to the heroism of black soldiers at Fort Wagner and elsewhere, the Army of the Potomac and much of the North had

increasingly embraced the war as a moral crusade. A surviving letter of Holmes's (surviving because in other hands) to Charles Norton revealed Holmes's anti-slavery convictions remained alive and strong. But *side by side* with those convictions lay an equally strong, if not stronger, regard for military professionalism.



**The Death of Abbott and Duty:** Holmes saw all the frenzied struggle of the Wilderness campaign but mainly from the outside, where he felt little of the “neurochemistry of battle” (55) and felt mainly its insanity and cruelty. Abbott's death in the same campaign confirmed in him his admiration for the sort of character that does one's duty with indifference to ends (54). But increasingly impatient with armchair generals calling for more war (as his father did), Holmes now felt that he had fully discharged his duty to the army and to the cause.

**The Disinterested, Heroic Philosopher of Law:** Upon being discharged, he returned to Boston to explore a life as a philosopher. But he rejected Emerson's model (and that of his father), of the generalist who proceeds through synthesis and introspection. Like many of the young men and women who lived through the war, Holmes developed a much greater appreciation for institutions as efficient organizers of professionalism and expertise and cultivators of modern and scientific attitudes. Holmes embraced a life of scholarship



“In their dedication to the task at hand, human beings make, by their deeds, tracks in the wilderness. The wilderness itself is trackless.” Menand, 61.

and analysis, of the institutions of the law, as a form of philosophy. The war had taught him the value of specialization and expertise; discipline and training served soldiers better than emotion and enthusiasm. But he also believed that disinterested inquiry into a specialty led, ultimately, to all the other facts of the universe and so provided an occasion for philosophy. He also saw his career as a legal scholar as a version of Abbott's heroism, requiring the same lonely devotion to duty, the same indifference to immediate laurels and satisfactions, and the same ultimate vindication for one's deeds.

7. Holmes took the great lesson of the war to be that "certitude leads to violence" (61). Did this cause him to renounce all belief, all self-righteousness, all causes? Does this lesson about certitude and violence explain anything about Holmes's judicial decisions?

**Certitude Leads to Violence: Timeless oughts vs. circumstantial should** (my awkward phrase again, abstracted from a quotation from Holmes on 63): The great lesson Holmes took, once and for all, from the war and developed through his legal philosophy was that certitude led to violence. It is all too easy to condemn the ideologies, dogmatists, and bullies who know they are right and are prepared to persecute those who disagree. Holmes used the abolitionists all his life as an example of this sort of certitude. But he believed that we all have things we which cannot help feeling certain about so much that, if things come to force, we are prepared to use force in return. Holmes thought this unavoidable, right, and just. He thought we should temper our certainties by not talking about absolute truth but by recognizing that our preferences are not timeless oughts, good always and everywhere for everyone, but circumstantial shoulds, the product of our particular experience and environment. But in the end, we are all prepared to fight for our beliefs. So what "prevents the friction between competing conceptions of the way life from overheating and leading to violence" (64)?

*Holmes "did not defend the interests of labor because he wished to see those interests prevail. He defended them because he believed that every social interest should have its chance. He believed in experiment. He knew what the alternative was." Menand, 67*

**The Bemused Democrat (the Abbot of the Judiciary): Holmes's decisions in the age of Capital vs. Labor:** The answer, of course, is democracy. If dominant

interests are allowed to use legislation to shape the world in the way they want, and if the interests of minorities are afforded reasonable protections, then peace can prevail. In an era of mounting antagonism between the forces of capital and labor,



Holmes's decisions reflected his determination to allow powerful social interests to prevail, legislatively, no matter what he personally thought of them. Despite his own bemused belief that labor

"Some of these laws embody convictions or prejudices which judges are likely to share. Some may not. But a constitution is not intended to embody a particular economic theory....The Fourteenth Amendment does not enact Mr. Herbert Spencer's Social Statics." From Holmes's dissent in *Lochner v. New York*

legislation was futile ("the crowd now has substantially all there is" 65), Holmes supported the power of democratic legislatures to enact it. Despite his



contempt for socialist doctrines and his admiration for the captains of industry, Holmes defended the right of socialists to agitate public questions. But he did it not in recognition of their individual rights – Holmes cared little for the individual, saw too clearly, during the war, how society rests of the deaths of individuals – but in recognition of their expression of social interests that, if bottled up, would find violent expression. Holmes became the Abbott of the judiciary, defending with heroic disinterestedness views he held in contempt.