

Montgomery calls a "second generation Fugitive-Agrarian") have termed Nominalism. Montgomery concludes that the Southerner is "by nature an antinomialist," demonstrating his antinomialism no more plainly than when he begins his recipe for possum with the instruction: "First, catch a possum." But this antinomialism is not merely the result of a desire for precise instruction in the *doing* of a thing. Antinomialism—as the reference to the naming of the animals suggests—is the result of a sense of a thing's being-ness, what Montgomery calls "the mystery of our peculiar possumhood." Again, he is not being entirely playful, for it is exactly the tension between "being" and "doing" that gives rise to consciousness and language.

Montgomery would have us understand, too, that there is no way to talk of nominalism or antinomialism or any of a broad range of philosophical concerns without establishing a theological position. Both nominalism and antinomialism derive from respective positions as to the nature and efficacy of a creator. Montgomery implies that the nominalist is one who has, like the original animal namer, "become perversely gnostic through eager presumptuousness." We labor still, he tells us, under this same presumptuousness, manifest in New Deals, New Souths, and other plans aimed at social perfection. "*I am able* becomes dominant," Montgomery writes. "Lost is its complement, *I am enabled*." And in this loss an Eden turns to Babylon.

Another ingredient in Montgomery's receipt is tradition. Of course, he is careful with his use of the word, mindful that misappropriation of the word and a manipulation of the record "dries the stream of history, leaving residually mint julips and hoop skirts." His care is shown, for example, when he quotes T.S. Eliot's famous distinction between the words *tradition* and *orthodoxy*, from Eliot's own lectures at the University of Virginia (which were published in 1933 as *After Strange Gods*). Eliot writes that tradition "must largely be . . . unconscious; whereas . . . orthodoxy is a matter which calls for all our conscious intelligence." Eliot holds tradition to be of a lower level than orthodoxy, saying that tradition "is of the blood . . . rather than of

the brain." Montgomery, who agrees with Eliot in most matters, takes exception with him here:

The point of our attention to *After Strange Gods* is to suggest that for the Fugitive-Agrarians, and especially for Davidson and Tate, there is an orthodoxy in tradition itself, requiring the intellect's discovery of a validity in tradition deeper than merely its presence "in a social group." To have been "Southern-born" was to have had a laying on of hands by tradition . . . affecting both blood and brain.

So for the Fugitive-Agrarians and, presumably, for Montgomery himself, tradition and orthodoxy are, if not one, at least "of a piece." Montgomery attributes Eliot's slowness to grasp this truth to his "Unitarian *née* Puritan family origins" which left him "hard-pressed to discover any meaning to existence." Donald Davidson, on the other hand, had by virtue of his Southern birth "inherited a community of understanding about man, nature, and God less desperately engaged than by [Eliot's] New England intellectualism."

It is worth noting at this point that just as not all those born in New England are victims of "New England intellectualism," neither are all those born south of the Ohio and east of the Mississippi (or the Pecos) "Southerners." Which is to say, too, that catching a Southern-born critter is not a necessary ingredient for Montgomery's receipt for possum. "I have argued," he writes,

for Aleksandr Solzhenitsyn as a "Southerner." I have pointed to "Southern" concerns in people as diverse as Ezra Pound in the *Cantos* and William Carlos Williams in *Paterson*. . . . I have argued "Southern" concerns in Hawthorne no less than in Faulkner, in Henry Adams no less than in William Alexander Percy. There is a concern in the English-poet . . . David Jones . . . that makes him companionable to both

Allen Tate and Donald Davidson. For Jones, too, attempts through art to recover to us *anathemata*, i.e., "the blessed things."

Reducing Montgomery's receipt to a few key ingredients in no way does justice to *Possum*'s intent to "bring together St. Paul, St. Thomas, Yeats, Weaver, Eric Voegelin, Eliot, Davidson, Tate, and a host of others past and present in a resistance to the corrosive presence of gnosticism in community." It is enough to say that he is to a remarkable degree successful in his attempt, and anyone who would "explore . . . principles . . . vital to any community, whatever the state or country or date in history" might find in *Possum* a nourishing meal indeed.

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Play It Again, Alger

by Terry Teachout

Recollections of a Life by Alger Hiss, New York: Henry Holt.

After 40 years, Alger Hiss is still hard at it. *Recollections of a Life*, his second book, combines a pale, noncommittal account of Hiss's pre-1948 career as itinerant paperpusher (Justice Holmes, the New Deal, Yalta, the Carnegie Endowment) with yet another rehashing of the old, old story. *Whittaker Chambers was crazy. I'm an honest man. I will be vindicated*. The touchy spots are evasively skirted, the familiar refrains resung. Who cares? The friends of Alger Hiss will buy it out of yawning habit. Others will stay far away.

The main difference between the reception of *Recollections of a Life* and *In the Court of Public Opinion*, Hiss's previous book, is that the climate of opinion regarding the Hiss-Chambers case has shifted profoundly in the ensuing years. In intellectually respectable circles it used to be easy enough to avow a belief in Hiss's innocence without being hooted out of the room. The publication of Allen Weinstein's *Perjury* changed all that. *Perjury* was an extraordinarily detailed factual examination of the Hiss-Chambers case writ-

ten by a liberal historian who started out believing that Alger Hiss was innocent and ended up convinced of his guilt. It knocked the stuffing out of Hiss, to say nothing of his dwindling band of Stalinoid loyalists. (The fact that in *Recollections* Hiss has next to nothing to say about Weinstein is more revealing than anything else about the book.)

The other thing that has changed, of course, is the reputation of Whittaker Chambers. Forty years ago, he was a morose, rumpled senior editor of *Time*, a magazine which could scarcely have been in worse odor among the respectable liberals of the day. Thirty years ago, he was a morose, rumpled senior editor of *National Review*, a magazine widely thought to be published by right-wing fanatics for right-wing fanatics. Eight years ago, the right-wing fanatics took over the White House and promptly became trendy. Ronald Reagan posthumously awarded Chambers the Medal of Freedom. Pipe Creek Farm, site of the sacred pumpkin patch, was declared a national landmark a few months ago. John Judis's new biography of William F. Buckley Jr. makes a highly persuasive case for Chambers having exerted a moderating influence on Buckley and, by implication, the entire conservative movement. You can't get much further in than that.

To be sure, the battle is not yet won. *Concealed Enemies*, the hideous PBS "docudrama" about the Hiss-Chambers case, confused a lot of ignorant television viewers a few years back. Even today, *Recollections of a Life* managed to snag a reputable publisher and rack up a few favorable reviews, one of them in *The New York Times*. But Alger Hiss is no longer stylish, and for that reason alone it is increasingly possible to be interested in Whittaker Chambers without being labeled a fanatic. Indeed, it is quite possible to be interested in Chambers without being particularly interested in the Hiss-Chambers case. The Pumpkin Papers Irregulars continue to meet every Halloween to hash over the succulent ins and outs of prothonotary warblers and Woodstock typewriters, but younger conservatives are more likely to think of Whittaker Chambers as a writer of considerable power and a key figure in the development of modern American

conservatism, than as the ex-spy who nailed Alger Hiss.

By contrast, now that the court of public opinion has rendered its verdict on the Hiss-Chambers case and Alger Hiss has finally (*finally!*) run out his legal string, Hiss himself has become less and less intriguing, both as an abstract cause and as a flesh-and-blood person. As a result, *Recollections of a Life*, despite its egregiously offensive blasts at Whittaker Chambers's sanity, comes across rather feebly. Though the old reflexes twitch a bit when Hiss coolly labels Chambers "a psychopath," the impulse to reply quickly resolves itself in mild irritation. It is hard to get too terribly upset over a book filled with lies so few people believe any more. If Alger Hiss dies unhappy, that will surely be the reason why.

Terry Teachout is a member of the editorial board of the New York Daily News and the editor of Ghosts on the Roof: Selected Journalism of Whittaker Chambers, 1931-1959, to be published next year by Regnery Gateway.

Frontier Justice by Odie Faulk

Law and Community on the Mexican California Frontier: Anglo-American Expatriates and the Clash of Legal Traditions, 1821-1846 by David J. Langum, Norman: University of Oklahoma Press; \$30.00.

In the September 1987 issue of *Chronicles*, Jacob Neusner wrote, "To state matters bluntly, if you have to teach in a college in order to pursue the research you wish to undertake, then go, teach." In his "Acknowledgments," Professor Langum admitted doing just that: "I wrote this book over many years and at three different schools, Detroit College of Law, Nevada School of Law, Reno, and . . . Cumberland School of Law, Samford University, Birmingham. All three provided wonderful institutional support in many direct and indirect ways."

The Southwestern humorist-writer J. Frank Dobie once commented that most academic research consists of

moving bones from one graveyard to another — meaning that scholars hunt obscurities and then use them to produce academic articles and books which do little more than gather dust in libraries. Langum shows in this work that such does not have to be the case, for this study is a tribute to the relevancy that can be produced through university-subsidized research — and the intellectual excitement that can be generated by poring through dusty archives.

His topic is the law — that body of statutes whereby men try to live together without being at each other's throats. In particular he studied, as his title indicates, Mexican law in California during the period 1821-1846. This is a subject of such obscurity that the result, in the hands of a less thoughtful man, doubtless would have been of interest only to the most dedicated antiquarian. Instead we have here a volume that deserves wide reading for its insights into some of the failings of our modern legal system.

The law has been variously defined. It may be, as Dickens had one of his characters say, "a ass, a idiot"; or perhaps it is, as Sir Edward Coke called it, the "perfection of reason." In the past most legal historians viewed the law as the command of the sovereign. Thus its use — or misuse — depended upon the intent of the state and its rulers. The law could be used to the benefit of society, or it could be used to suppress human rights and human dignity; C.S. Lewis once cynically stated it was his belief that such was the case "among Communists and Democrats no less than among Fascists."

More recently, activists have studied legal history to prove that the law has been a manipulative instrument used by the economic and political establishment to perpetuate its power. And these activists have condemned the law for failing to bring about social, economic, and political change in the direction they feel society should move. Yet they have been among the most active in using the law to bring suit against every level of government and business to effect the changes they want made.

It was with these arguments in mind that Langum produced his study. First he sketches the general history of California prior to the war between the