

had been well established. . . . These rules and the spirit in which they were conceived were projected into a time in which they were not merely inapplicable but downright harmful." Thus, as Judge Learned Hand was to insist from the Federal bench two years later,

Our dangers do not lie in too little tenderness to the accused. Our procedure has been always haunted by the ghost of the innocent man convicted. It is an unreal dream. What we need to fear is the archaic formalism and the watery sentiment that obstructs, delays and defeats the prosecution of crime.

In 1954 the late Supreme Court Justice Robert H. Jackson summarized for his predecessors and all his later brethren in dissent:

The due-process clause and other provisions of our Constitution must not be discredited by an interpretation to mean liberty without law. Nothing can do the cause of liberal government more harm in the long run than to give the American people the impression that our Bill of Rights . . . is a mere refuge for criminals. . . .

Justice is due of course to the Gideons in our midst, but it is due to the community as well—to families in their households, pedestrians in the streets and saunterers in the parks, workers and proprietors in shops and offices. The Lewises and others must beware of "the fox hunter's reasons—that it is right that the criminal or the fox should have a little start." The criminal law is not a sporting exercise; and if "a little start" was had when Taft, following Bentham (by no means an invariably safe guide), spoke as above, how much more perilous are the progressively heavier handicaps imposed nowadays on the community's defenders!

Reviewed by C. P. IVES

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## *The Last Plantagenet*

**St. Thomas More: The History of King Richard III**, edited by Richard S. Sylvester. *New Haven: Yale University Press, 1963. cvi + 312 pp. \$12.50.*

THE ENGLISH and Latin versions of More's *Richard* come down to us in an uncompleted state and by devious channels—the English text imbedded in

the works of others (the chroniclers Harding, Hall, Grafton, and Holinshed) as well as in the posthumous edition of More's English works (1557)—and the Latin in the *Opera* issued from Louvain (1565) and in a quite different text that stands closer to the English (the Arundel Manuscript). Which is the true text of each version; and, of the two, which version is the "original"? Is one a translation of the other; and, if this is so, is More his own translator or simply the author of the original (whichever that is) or of the translation (rendering, e.g., the Latin text of Cardinal Morton)? Richard Sylvester, general editor of the Yale Complete Works of More (of which this Volume II), attacks these questions in an introductory one hundred pages of fine literary detective work, proving (in most cases beyond reasonable doubt) that More composed the two texts himself simultaneously, if sporadically; pushing ahead now in one language, now in the other; polishing what he had written in successive drafts (so that the later Latin becomes less vivid as it is worked away from the Anglicisms of the Arundel draft toward the more "correct" Latin of the Louvain text); probably never finishing the work because he had given up the idea of publishing it (lest it serve as Tudor propaganda, which was not his intention in taking up the story).

Sylvester maintains that the *History/Historia* was composed in the years 1514-18—busy years when More was abroad twice on royal missions and was completing the *Utopia*. He offers as its primary literary models Tacitus and Sallust, though he seems to me to underestimate the importance of Seneca. The three great debates of the book—on sanctuary, on the young Duke of York's departure from Westminster, and on Edward's marriage—resemble the tragic *agon* in its rhetorical treatment by Seneca. The deathbed speech of Edward and Buckingham's *protrepticon* in the Guildhall also have a Senecan ring.

The dramatic thrust of More's narrative is extraordinary. There are places where Shakespeare dilutes this effect rather than heightening it, as in the witty crowd scene in which the people see through Richard's ruse of the elaborately prepared proclamation (better call it a *prophecy*, as one in the crowd remarks) of Hastings' death. Shakespeare has the proclamation's scribe appear by himself, mumbling that the ruse cannot work. Elsewhere, compressing his over-rich material, Shakespeare can only say "And thither bear your treasure and your goods," where More paints his bustling, energetic scene thus: ". . . he found much heaviness, rumble, haste and busyness, car-

riage and conveyance of her stuff into sanctuary, chests, coffers, packs, fardels, trusses, all on men's backs, no man unoccupied, some lading, some going, some discharging, some coming for more, some breaking down the wall. . . ."

It is unfortunate that Sylvester does not go into the question of Shakespeare's dependence on More's narrative, since the editor's knowledge of the different texts might establish just which of the six published editions of the *History/Historia* Shakespeare had encountered. It is normally assumed that he did not read the account in More's own *Works* (1557) or *Opera* (1565), yet a line in the important strawberry scene ("His grace looks cheerfully and smooth. . . .") seems to come from a part of the Latin version (47/6 and 47/13-5 by Sylvester's referents) that is not reproduced by any of the chroniclers, nor is it even in More's own English version.

More's sympathy and humanity come out in many almost lyric passages, as in the Queen's rippling farewell to the Duke of York: "And therewithal she said unto the child: 'Farewell my own sweet son, God send you good keeping; let me kiss you once yet ere you go, for God knoweth when we shall kiss together again.' And therewith she kissed him, and blessed him, turned her back and wept and went her way, leaving the child weeping as fast." More the witty Chancellor is apparent in the comment that Edward IV, for all his personal corruption, had not forfeited the people's good will, since "He had left (off) all gathering of money (which is the only thing that withdraweth the hearts of Englishmen from the Prince)." He reports, of a very pious royal mistress, that she was "the holiest harlot in the realm . . . one whom no man could get out of the church lightly to any place, but it were to his bed." He explains Jane Shore's roving eye when he says, of her early marriage, "forasmuch as they were coupled ere she were well ripe, she not very fervently loved for whom she never longed."

It is interesting to see how the man later officially canonized by Rome (and unofficially by his relatives, who tried to suppress his earthier jokes) has lost his literary heart to Mistress Shore, "merry in company, ready and quick of answer, neither mute nor full of babble, sometime taunting without displeasure and not without disport." In the Latin text he says of her, *oculis praesertim mirae illecebrae inerant*. He counts her the most civilizing force in Edward's court, "whose favor, to say the truth (for sin it were to belie the devil), she never abused to any man's hurt, but to many a man's comfort and relief. Where the king took displeasure,

she would mitigate and appease his mind; where men were out of favor, she would bring them in his grace." But having put the great ones in favor, she would not share with them the crimes that kept them there. Her good deeds are forgotten in their crimes: "Her doings were not much less, albeit they be much less remembered because they were not so evil. For men use, if they have an evil turn, to write it in marble; and whoso doeth us a good turn, we write it in dust—which is not worst proved by her, for at this day she beggeth of many at this day living, that at this day had begged if she had not been." Then he gallantly defends the poor remnant of her beauty, and the reputation of its brilliance in her prime ("nothing in her body that you would have changed").

After his introduction, Sylvester prints a critical edition of the *Works-Opera* texts, English on the left hand, Latin on the right. (In this section both pages bear the same number, for convenient reference; though the arabic pagination goes only to 312, this is a book of over 500 pages.) After the main texts, he adds the Arundel Latin manuscript. This is followed by a thorough historical commentary on the texts and by a useful glossary. A model edition of a fascinating work.

Reviewed by GARRY WILLS

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## *The American Serbonis*

***The Seven Days: The Emergence of Lee***, by Clifford Dowdey. *Boston: Little, Brown and Company, 1964. 380 pp. \$7.50.*

CLIFFORD DOWDEY'S *The Seven Days* is his sixth book on the great American war variously known as the Civil War, the War between the States, and by other sectional or customary names. Emphatically, he is not one of those writers whom the Centennial of the eighteen-sixties suddenly made publishable, but is one of the most seasoned, distinguished, and in numerous ways satisfying, of the historians of *that* period, *that* war. He is in the great tradition of historical writing. His books are narrative in the high sense, not mere documentation simulating narrative, and they illuminate our disturbed present as well as that seemingly so distant past of which our swaggering modernity may be but a mammoth variant repetition. If "the