

contained such fighters. In reality there were no Vietcong in the village, and only innocent women and children were killed. Soldiers will always be terrified of being shot in the back, and civilians will always be victims of the wrath of soldiers, whether or not any violence had previously taken place. The question is how to

slow down the ever-escalating violence. This is very difficult so long as the principle prevails that "your terrorist is my freedom fighter." Only superbly trained professional soldiers, without any ideological baggage, may be able to deal with guerrilla attacks and the gnawing fear of such attacks. ■

men in order to further the young lovers' common fortunes, so that they can be happy together. Manon's noble young man is equally impassioned and devoted, even bearing the great emotional burden caused by her behavior; he follows her to the harsh distant country where she is deported as a convict, and buries her in the desert after she dies in his arms.

Echoes of this story resonate throughout subsequent French fiction and much European theater and opera—the theme of a passionate, unlawful love that governs the lives of two people in quite different ways, transcending all social and sexual order, engendering an agony of rage at the beloved and a loathing of the self that helps kill one or both of the protagonists, certainly the woman. Similarly devoted fallen women, courtesans included, appeared in many of Balzac's novels of Parisian life, notably in his first version of *Splendeurs et misères des courtisanes*, which he began in 1838; and in Murger's *Scenes de la vie de Bohème* in 1847, which was made into a play with music in 1851, and finally into a spectacularly successful opera by Puccini in 1897, who had enjoyed his first success four years earlier with his opera about Manon Lescaut.

The literary theme of a gentleman's dangerous liaison with a courtesan or quasi-courtesan continued, rendered appropriately cynical and hard-headed toward the end of the century in the Realist novels of Flaubert, Zola, and the brothers Goncourt, by way of Mérimée and his non-Parisian Carmen, who appeared first in a story published in 1845 and then in Bizet's opera in 1875. Most explicit in connecting art with life, and the closest in date to the publication of Mogador's memoirs in 1854, was the younger Alexandre Dumas's *La Dame aux Camélias*, which appeared in 1848, and became his own successful play in 1852 and Verdi's controversial *La Traviata* in 1853, achieving its final apotheosis as the American movie *Camille* in 1936. Its real-life courtesan heroine had died in the Paris of 1847, and Dumas *fills* lost no time in cashing in on her literary and dramatic possibilities. Manon's name significantly appears quite early in the novel, to establish a literary pedigree for it and its heroine.

IT WAS CLEAR that by the middle decades of the nineteenth century, the courtesans of Paris had been given not just a chance to flourish mightily in a newly rich, newly mobile society, but also a quasi-literary and vivid part to play, an appropriate fantasy to act out. By the 1840s, when Mogador had left the whorehouse and begun her own career, the way for an aspiring or established man of the world to have a relationship

Adventures in the Skin Trade

By ANNE HOLLANDER

Memoirs of a Courtesan in
Nineteenth-Century Paris
by Céleste Mogador
translated and with an introduction
by Monique Fleury Nagem

(University of Nebraska Press, 325 pp., \$55)

IF PARIS WAS the capital of the nineteenth century, her courtesans were the capital of Paris—certainly her literary capital. The city's legendary fame was bound up with them, like that of Venice in the sixteenth century. You do not hear much about the famous courtesans of Elizabethan London; and you do not hear anything about the famous courtesans of nineteenth-century Vienna or St. Petersburg, of The Hague or Madrid. Going by what you read, the high-living residents of those cities in that era felt bound to compete only on the Parisian scene, with each other and with their French counterparts. There, ostentatiously swelling the coffers of Parisian dressmakers and jewelers, real estate agents and interior decorators, horse-dealers and carriage builders, florists and caterers, they happily joined the international race to become besotted with, and spend their patrimony on, and fight duels over, and shoot themselves in despair for love of, the renowned courtesans of Paris, who were themselves steadily enriching the Parisian papers, publishers, and theater managers engaged in promoting tall tales about them, dramatizing the circumstances of their lives not only in novels and plays but also in

news stories and magazine pieces.

Rubbing elbows with the Spanish dukes and the Dutch barons who appear in the pages of Céleste Mogador's memoirs, along with plenty of rich Frenchmen noble and ignoble, were the French writers who were then fostering the mythology of the Paris courtesan, creating the mid-century literary offshoot of earlier Romantic literary myths about ambitious young men, compelling and demanding women, and the passionately destructive attachments between them. Alfred de Musset, with whom Mogador had a dramatic encounter in 1840, during her beginnings in a whorehouse, had described such an attachment in his *Confession d'un enfant du siècle* in 1836; and he was doubtless influenced, not only in his writing but in the view that he held of his own amorous life, by Benjamin Constant's *Adolphe* of 1816, an earlier masterpiece about a similar *amour*, similarly taken from real life.

The women in those earlier Romantic novels had not been courtesans, but the wives or the mistresses of other men, strong-minded free spirits, the characters loosely based on the real-life Germaine de Staël and George Sand. Courtesans had a still earlier literary model in the famous character of Manon Lescaut, who appeared in Prévost's novel in 1731: a simple young girl, full of passionate devotion to the princely but poor young lover whom she can never marry, who sees no moral problem in forming liaisons with rich

ANNE HOLLANDER's *Fabric of Vision: Dress and Drapery in Painting* will be published this spring by Yale University Press.

with a Parisian courtesan was to imitate the course of a literary love affair—to fall passionately in love, to stage fits of jealousy and rage or fits of generosity and self-sacrifice, to undertake public ruptures and equally public reconciliations, to keep the emotional temperature up and skirmishes likely, usually by having liaisons with more than one courtesan at a time. The courtesans, needless to say, were also engaged with more than one protector at a time, having similar scenes and struggles with them all, so that emotional explosions of some kind were always in the offing.

The women were often of very humble origins and sordid beginnings, with unseen connections at every social level. They were treated as stars, admired, and often madly adored, but never seen as remotely worthy of respect. Their power to charm was intensified by the thrill of its threat, their vile origins and *métier* making them effectively unmarriageable and unassimilable into regular society, with nothing to lose but their very lives. The men who kept them were of the haute bourgeoisie and the nobility both petty and grand, who were actively interested in furthering their own careers (or in some cases salvaging them) in business or politics or diplomacy through marriage with members of families that would be useful to them, or through the marriages of their sons and daughters. They were gravely risking the possibility of such serious alliances and the money to guarantee them by frequenting the courtesans, on whom huge sums had to be spent and over whom huge scandals might erupt.

Courtesans had no legitimate social status, no credit, no honor, no future. They had only their personal attraction, style, and nerve, and whatever possessions they could manage to accumulate from their series of protectors. In the Romantic ambience, this made them wonderful and dangerous in the manner of wild beasts, which are also destined to be competitively admired, hunted, and killed, or perhaps even tamed and maintained for a time, but which can do a lot of damage to the hunter in the process. The wilder and more beastly their behavior, the more stylish or daring or unaccountable, the more they were both acclaimed and despised, and the more a man's status was increased if he could manage their presence in his life with aplomb. To promote the mythology, vast inheritances and even land, vast incomes and even capital, had to be squandered on them, borrowed against at huge interest, mortgaged, gambled, irretrievably lost—but a gentleman finally left without a penny could impulsively buy a set of stunning emeralds on credit for a courtesan, who might show them off at

the opera that night but sell them the next day to pay her own pressing debts and those of her unglamorous family. The gentleman, on the verge of arrest, might have to leave that same day for the ends of the earth.

In this milieu, everyone could lie to everyone else and hurl insults at one another amid professions of passion and requests for forgiveness, all under the pressure of so much amorous excitement, so many social and financial risks and disparities, so much literary influence from the past. It seems that these unstable circumstances were the best part of the bargain for all concerned. The bejeweled women would go to the theater, to the opera, and to parties, where the evident jealousies among them would be fun for the men to despise, and the women could fan the evident rivalry over them among the men, along with increasing the constant tension, not only between their feverish, precarious world (*le demi-monde*) and the elegant drawing rooms of legitimate society (*le monde*), but also between those women with the right to be called courtesans—the known mistresses of prominent men, with a certain provisional status in the *demi-monde*—and ordinary prostitutes, with none.

CÉLESTE VENARD, NICKNAMED Mogador after a Moroccan town conquered by the French, was first the latter and then the former; and we see her painfully learning the difference and trying to reconcile the two. Mogador wrote her memoirs on the advice of her lawyer, who was helping her through the several lawsuits brought against her by the noble family of one of her protectors—the only one whom she devotedly loved and, against all the odds, did actually marry. This book was meant, on the face of it, to demonstrate her right to the serious respect of her eventual judges; but we can instantly see that she conceived it as a source of eventual income.

Mogador's marriage, which is not even mentioned in the book, has just taken place when the story ends, and her new husband, the now totally ruined Comte Gabriel-Paul-Josselin-Lionel de Chabrilan, is about to take her back with him to Australia, where he had spent the previous two years vainly prospecting for gold. He had gone far into debt before he even met Céleste, but their liaison depleted his resources entirely, including lands and château, and he had decamped in a destitute state, owing hundreds of thousands. Céleste includes some of their letters from that period, full of reproach and self-reproach, bitter complaint and lamentation, passionate devotion and pleas for forgiveness—the whole Romantic gamut.

While Lionel was fruitlessly and very self-pityingly searching for gold Down Under, his infuriated family had been trying to establish that all Céleste's property, in fact rightfully hers and some of it even lent to him, had been basely swindled out of him by her—to establish that he was not destitute at all, but that she should be. After his departure, Lionel's creditors had likewise seized many of Céleste's possessions, and she was doing some acting simply to make ends meet. Just then, according to her account, a rich English gentleman and enamored former protector offered marriage, in true romance-novel style; and, in the same style, she backed off at the last minute (all dressed for the wedding—we get the description), her absolute love for Lionel finally preventing her from accepting this sincere offer of absolute security. In due course, after his empty-handed return to Paris, the impoverished Lionel finally managed to land a job as French consul in Melbourne, and the reunited couple rushed over to London to be married on the quiet. They were soon to depart for Australia together as a respectable married pair, to live peaceably at a very great distance from Paris.

During Lionel's two-year absence, Céleste had boned up on the law and fought her way through the courts with her lawyer's help, eventually collecting all her years of journal entries and composing this memoir to convince various judges of her good faith and basic right to her own possessions. It was 1854; she was thirty years old. The original French title of the book was *Adieu au monde: Mémoires de Céleste Mogador*, to indicate that she was permanently leaving The Life, if not this life. But as plans for departure were under way and the four different trials were reaching their separate conclusions, the memoir was rushed into print without her permission.

She had lent copies to various people for their opinion, obviously with an eye to eventual publication when she was safely established elsewhere, and one of them had sent it to an eager publisher. She left just as the book appeared, to instant furor; and when she finally arrived in Melbourne after months at sea, it was goodbye to respectability—all doors were closed to Céleste Mogador, who had exposed her scandalous past in a scandalous book, and then dared to pass herself off as a countess and the wife of a consul of France. Meanwhile, back at the ranch (I mean Paris), the book was seized and suppressed as harmful to society, though not before becoming a best-seller; and the same thing happened when she tried to bring it out a second time in 1858, having returned home a widow. We note that in

this real-life version of the Manon story, it was the staunch woman who survived, and the feckless Lionel who died in the inimical clime.

Reading the memoirs, you can see why they offended. The influence of the prevailing literary mythology about courtesans gives this particular book a harsh piquancy. Mogador has superimposed the precise, vivid, and often extraneous details and episodes of personal experience onto a standard tale of early neglect and persecution, temporary despair and temptation, a shameful fall, a struggle to rise, and a final triumph hedged with danger. She clearly wrote it herself, though doubtless with her lawyer's assistance; but it is not a man's account posing as a woman's, like John Cleland's *Fanny Hill: Memoirs of a Woman of Pleasure*, which was written as straight pornography a century earlier in England, with a roughly similar plot.

THIS BOOK ABOUT the real life of a woman of pleasure has no erotic details whatever beyond the odd bodice-rip: Mogador had to appear to be above all that in this account. Instead, it includes all the frantic untidiness of a perpetually desperate existence—hers, and that of everyone she knows who inhabits this world, about which we hear much more than any Romantic or pornographic novelist would dream of including. The details share more with the depressing ones in Tolstoy's *Resurrection*, which appeared in 1899, than they do with any French or English male writer's work before it. This is more banal than Dickens, the sordid details all the more chilling for not being lurid or over-moralized.

We can see that Mogador is writing to put herself in a good light—indeed, she confesses as much; and that means including clear-sighted observations about her own past follies and failures in an effort to appear steady and dependable at the time of writing. But in order to organize thirty years of jumbled memories, perhaps backed up with journal entries, comprising what everything looked like and tasted like, what everyone said and wore, quite apart from what events occurred and how they related to other events, she has followed the course of a popular novel that has been turned into a play—beginning, of course, by saying that this is no novel, but an unvarnished record, a self laid bare. One of her first readers, Alexandre Dumas *père*, duly said that her text reminded him of that lapidary work that begins with the same disclaimer, Rousseau's *Confessions*.

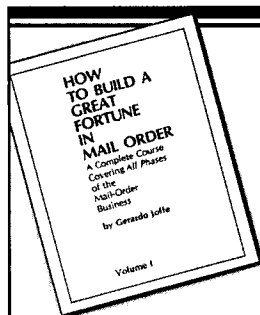
It has Rousseau's artful artlessness, but not his artful style. Extremely intelligent, talented but uneducated, Mogador writes in brisk, choppy sentences about her life,

using her remarkable memory to compose scene after dramatic scene consisting mostly of fast dialogue, interspersed with minute descriptions of things, rooms, garments, faces, vehicles, streets—and of many small activities, pertinent or not, that are often tawdry, sometimes thrilling, sometimes boring, always mesmerizingly specific. Since both the first and second editions of this work were suppressed, copies of it have been scarce, enduring mainly in libraries until 1968, when a publisher called Les Amis de l'Histoire brought it out again, helpfully dividing up its chapters into sections with sub-headings. The present translator fortunately has used that edition, since without its organizational assistance this book might be hard to read—which was perhaps one of its unacceptable qualities at the start. It was undoubtedly too tediously authentic, too much like life, too little like literature, despite all the echoes in it of Dumas *fils*, Prévost, Balzac, Murger, and Musset, echoes absorbed quite early by the author.

CÉLESTE MOGADOR WAS NO student of literature, but she loved the theater and worked in it at various times to earn money, despite her lack of talent. She adoringly recounts two private meetings with the famous actress Rachel,

including everything the great stage lady wore each time. She remarks that her own adolescent entry into prostitution was made easy because her pubescent head was already crammed with phantoms derived from the stages of the boulevard theaters—gowned and jeweled phantoms, no doubt. She says that at ten she could not read but that she liked to wear pretty dresses and have her hair in pretty curls, and that she was much petted for her good looks. Her hatmaker mother, from whom she inherited her practical gifts, had never sent her to school but had taken her to popular plays, which were undoubtedly full of wickedly glamorous visions in the Romantic literary mode.

That same mother, whose husband had decamped years before, was still fatally attracted to crooks and villains, the sexual advances of one of whom finally caused Céleste to run away from home at fifteen, with a few sous in her pocket and no place to go. After some days of furtive street survival, she tells us, the starved and vagrant Céleste was finally fed and sheltered by—yes, a kindly prostitute, who let her know that for harboring a female of fifteen she might get sent to prison for six months. Céleste was plainly instructed about the downside of being a registered whore, including needing to report to the police every two weeks, never being seen in the



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company of virtuous women, never going out in the day, and other humiliating requirements.

The two were promptly arrested on the way to deposit Céleste with relatives. The generous prostitute was released on Céleste's good report of her, but Céleste herself now had to learn about the corruptions of life on the inside, first at the House of Detention and then at the Reformatory of the St. Lazare Prison, where she spent many weeks being told about the rosy side of a prostitute's life, while her external friend's attempts to inform her mother of her whereabouts were failing. Young prostitutes doing time at St. Lazare received baskets of goodies and finery from the houses where they worked; and older women planted by those same houses would describe to nine- and ten-year-old inmates the fine living and lovely clothes to be had in such establishments, in contrast to the lice, rags, semi-starvation, and brutal treatment at the Reformatory. But there they were also taught to read and to write, to sing and to embroider; and Céleste made a friend, who left telling her to come and see her when she got out.

Back home at last, but constantly put in the wrong by her mother's resident villain, Céleste tells us that she formed the resolve to flee on her sixteenth birthday, when she could legally be registered as a prostitute in one of the houses, preferably the one where her friend worked. This she did, theoretically sealing her fate and ruining her life. In her account, she loudly laments this step as her own grievous fault, with a few asides about the combined pernicious influences of a corrupt society and a weak mother. Céleste always needs to seem presently virtuous, neither to boast of past errors nor to blame them on others; and her deliberately modest tone only points up her strength of character and courage, just as she intends. She clearly omits much, but never any of her own generous actions—nor indeed those of others toward her. She seems to possess the true generosity that recognizes it in others; and she lets us see how enabling and important a quality this was behind the scenes of the merciless *demi-monde*, where greed, vanity, self-interest, and self-indulgence were stoking all the fires.

ONCE HER NAME was on it, a girl could not get off the register, which put her automatically into a dishonorable caste and constantly on the wrong side of the law, unless she could find and keep some legitimate and steady work, which of course employers would not give her if they knew she was registered. In the days of Céleste's glory as a courtesan, she felt wretchedly marked and

hampered by the existence of her name and number on the list. Upon arriving in her diamonds at a gathering, she might suddenly find other women outraged at being in the same room with her, and herself the target of harsh abuse; and if she neglected to keep signing the register, she could be arrested at any time. It was no joke: for persistence in this irregularity, you could go to prison and even lose your mind or your life there. At an early moment in her career, Céleste had tried to set up a shop with her mother and make some respectable money; but during the first days of this soon-to-fail enterprise Céleste was once cornered in her apartment, hourly expecting the police, with no hope of escape without arrest and imprisonment. She made a serious attempt to gas herself to death, from which she was saved only by the unexpected return of a servant. Her lungs never quite recovered.

Free to move, to change, to create and to re-create themselves were the courtesans who might have been vilely seduced and betrayed in the remote past, but who had been lucky in their subsequent acquaintance. They could lay claim to as much status as they could promote for themselves, borrowing any sort of false past or false name they chose. But the ones registered as prostitutes were stuck in that definition and could never live it down, however many dukes adored them. Céleste's low-paid, intermittent work in show business was never steady or decent enough to qualify her for getting off the register, and her presence on it was another reason for the outrage felt by her husband's noble family at the prospect of his marriage to her, at a time when she had more money than he did. Just before the marriage took place, when her career as a courtesan was at an end, her name was finally removed from the infamous register through the intervention of Prince Napoleon, a nephew of the first Napoleon, a cousin of the present Emperor Napoleon III, and luckily a well-disposed former lover of Céleste's.

Another source of her bad reputation in the Chabrilla family, and also in Melbourne—perhaps even a worse one than her being a registered whore—was Céleste's celebrated job as an equestrienne at the Franconi Hippodrome, one of several outdoor circuses in Paris at the time. This one specialized in reproducing the kind of spectacular chariot race staged by French royalty in the sixteenth and seventeenth centuries, originally suggested by the ancient Roman ones—except that the Franconi charioteers were all girls. The décor was sumptuous, the racers' costumes were very daring, and Céleste became one of them with no previous experience of handling horses, let alone racing them in a chariot. Her current acting job

had been a washout—she was an indifferent actress, and even her theater folded—but she was almost immediately hired for this sensational and dangerous kind of performance, which was all the rage among Parisian pleasure-lovers.

The speed and the physical danger, the revealing clothes and the fierce struggle among the charioteers, made the Hippodrome races thrilling to watch; and for a girl to make such a display of herself was considered a matter of choice—not, like low-level prostitution, a matter of bad luck. Managing her team in a tunic slit to the hip, tracked by hundreds of male eyes, she was seen to disgrace herself willingly. Céleste performed very well, and her personal clientele became ever more numerous and more rivalrous as a result of this exposure, until the inevitable bad accident.

Again she might well have died then and there: Céleste has already told us about several of her youthful associates—relatives, prisoners, prostitutes, courtesans, equestriennes—who met an abrupt end from grotesque accidents, mortal diseases, brutal assaults, childbirth, suicide, botched medical treatment after botched suicide. Abortion was undoubtedly another frequent cause, but impossible for this author to touch on here. Besides her own suicide attempt, she herself had already survived smallpox and various knife wounds, including one from her mother. It helped to be young and essentially defiant, and to have an exceptional constitution: Céleste's career in the world of vice took her from age sixteen to age thirty, but she lived to be eighty-five.

In her Hippodrome accident, Céleste underwent a dreadful set of vividly described injuries to one leg, for which the attendant doctor's treatment, also carefully described, put her in direct danger of gangrene and imminent death; until another doctor providentially appeared at her bedside, reversed the orders, performed a ghastly-sounding procedure, and saved her life. So here is yet another side of this difficult life, the fragility of everybody's health for lack of sensible attention from hospitals and doctors, let alone serious medical care, even such as it then was.

The grim medical details throughout this text must have made readers shudder and helped to kill Céleste's book. One remembers that the death of Violetta in *La Traviata* is fairly gracefully accomplished, and a doctor who can do nothing is at least in sympathetic attendance. Only with *Madame Bovary* in 1857 did disgusting medical description become an element in the modernization of French letters, and that book, too, got its author into trouble when it appeared.

Céleste Venard, who was called Mogador when she was a courtesan, was finally Comtesse de Chabrilan and the wife of a French consul; but she never lived the life of such a personage. The life she did lead, as anybody could predict from reading these memoirs, was that of a hard-working professional writer. Her gift for swift dialogue and strong description made her a natural producer of popular fiction and drama, and she began right away, as soon as life in Melbourne proved irremediably tedious, with no social dimension because of her ill repute. In 1857, *The Gold Robbers*, her first novel, based on Lionel's early accounts of the Australian gold rush, had a great success, and was once again praised by Dumas père; and while she was at it she began another set of memoirs, eventually published in 1877, about her short married life in the antipodes with Lionel, who died there at the age of forty in 1858. During the following decades, once again in Paris and writing constantly to earn a living, Céleste published all her plays, novels, operettas, and novellas under her legal noble name, to the great discomfiture of the family, who vainly kept trying to pay her not to do so. They seemed still to believe, just like Alfred Germont's father, that a courtesan had neither honor nor feelings and would do anything for money. Eventually she moved to a retirement home, where she died in 1909.

IT IS THE editors of the 1968 edition of these memoirs who tell us that Céleste Mogador kept a journal, and that this text relies on years and years of entries in it. The present English translator says nothing about such a resource, but it certainly seems likely that Céleste was a true writer from the start, fashioning a private account of her life as it unfolded in an essentially literary form, just as so many nineteenth-century writers did in their journals and letters. Both introductions emphasize that she longed to be part of a literary and creative circle; but she never made it. Essentially she could not afford it; she needed dukes and counts, not bohemian writers with unreliable incomes. She had had her youthful encounter with Musset, although that memory was very humiliating; and then in her days of glory she did get to know Thomas Couture, the painter of *The Romans of the Decadence*. It is tempting to think she was the model for one of those gracefully abandoned-looking women now on view in the Musée d'Orsay; but she met him only some years after that controversial painting had ensured his fame.

The lively and lightly ironical tone of this volume gives it great charm; but I am

sorry to say that its present translator has found no way to convey this charm in English. Monique Fleury Nagem seems to lack her author's own abundant sense of humor. Nagem writes rather condescendingly and heavily about her in the introduction, for example seeing Mogador's brilliant descriptions of rich surroundings, when they are offered during serious moments, as evidence of her frivolous nature. The translation is similarly lumpish. The French colloquialisms in the book are quite standard, not arcane nor antique, but Nagem, who seems not to be a native speaker of English, has forgotten that slang goes out of date, and that certain words also do. She allows no scope for the play of a consistent period flavor in the language of the English version, such as the French displays. Instead, she will use dated modern expressions ("all set" for *toute parée*) right alongside faintly pretentious archaisms ("death resided with her" for *elle avait la mort chez elle*). Putting "all set" and "resided" in the same sentence gives a bumpy and unnatural effect; and so does Nagem's inability to refrain from putting in all the French uses of the exclamation mark, most of which are not equivalently used in English and should be omitted. Left in, they give the text a jolting progress.

There are mistakes: *jupon* does not translate as "slip," it means only "petticoat," and since this garment was universally worn in the 1850s, it should be there under its right name. She says that "a

man propositioned her" when the context shows that she means "proposed to her," and other things like that. But there are more general qualities that make this translation tend to downgrade the original. Despite whatever Mogador's education actually consisted of, and perhaps because of help that she may have had, she is never ungrammatical in this memoir, and neither are her characters: the book was designed to come across as a highly respectable piece of writing. But Nagem frequently uses the locution "I would like for one of my companions to take my place" or "Would you like for me not to go?," a usage that may exist in current American vernacular but is more egregiously incorrect than anybody's speech in Mogador's French.

To give the truly analogous effect of this French book in English, you would have to absorb and then reflect the flavor of the language in popular novels and memoirs published in English before 1855—to write familiarly in a generally Dickensian or Wilkie Collins-like mode, say, without directly imitating those authors, using the standard grammar and colloquialisms of the time, being careful to omit any obviously twentieth-century usage, or for that matter any specifically eighteenth-century usage. Then you would do this engaging and stalwart woman, this wonderfully straightforward writer, the justice of showing her distinctive achievement against the background of her own literary moment. ■

CORRESPONDENCE

continued from page 4

Judge not

TO THE EDITORS:

Jeffrey Rosen makes the case that Justice Stephen Breyer's judicial philosophy is one of modest, humble pragmatism, "realistic about the institutional capabilities of different officials in a complicated government to weigh questions of fact and value" ("Modest Proposal," January 14). That same lack of hubris might have been absent when then-Federal Appeals Court Judge Breyer was the architect, and longtime supporter, of the federal criminal mandatory-sentencing guidelines—a topic not discussed in the article.

During the 1980s the call for reform of federal criminal sentencing resulted in the creation of intricate sentencing guidelines that constrain federal judges in their sentencing of federal criminal defendants. In November 1998 Breyer joined the chorus of disenchanting federal judges and termed his brainchild flawed, the guidelines having become too complex and too

intertwined with mandatory minimum sentences. A less idealistic, more pragmatic view of judicial power might not have produced such an unwieldy system.

MICHAEL BRENNAN
Milwaukee, Wisconsin

TO THE EDITORS:

Rosen's article about Justice Breyer's judicial restraint is comforting. Breyer is right to defer to Congress on campaign finance reform and on the need to coordinate federal, state, and local authorities on gun checks and national security. Breyer's votes upholding regulation of pornography on television and nude dancing are also sensible. Breyer's opinion striking down the partial-birth abortion laws of 31 states was, unfortunately, judicial hyperactivism. But if, over all, Breyer adheres to the restraint associated with Justice Louis Brandeis, Judge Learned Hand, and Professor James Thayer, democratic self-government will be strengthened.

BARBARA MCJILTON FABIC
Gaithersburg, Maryland

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