

THE PEACOCK AND THE PRODIGY

Whistler's Celebrated Lawsuit Against Ruskin Turned on Money and Madness

by Lincoln Caplan,
Civilization, Jan/Feb, 1995

In London, in November of 1878, the case of *James McNeill Whistler v. John Ruskin* opened in the Old Royal Courts of Justice. The artist was suing the critic for libel. Whistler had been invited to exhibit eight pictures the year before at the city's Grosvenor Gallery, including *Nocturne in Black and Gold* (it was later subtitled *The Falling Rocket*). The oil painting evoked fireworks over a riverside at night. Whistler was trying to sell the picture for 200 guineas (a guinea was worth 5 percent more than a pound).

Ruskin despised the nocturne. In a monthly journal he edited, cryptically called *Fors Clavigera* ("club-wielding force"), Ruskin declared, "For Mr. Whistler's own sake, no less than for the protection of the purchaser, Sir Courts Lindsay [the gallery's proprietor] ought not to have admitted works into the gallery in which the ill-educated conceit of the artist so nearly approached the aspect of willful imposture. I have seen, and heard, much of Cockney impudence before now;



RUSKIN IN THE 1880s:
"Beyond the strict letter of the law"

but never expected to hear a coxcomb ask two hundred guineas for flinging a pot of paint in the public's face."

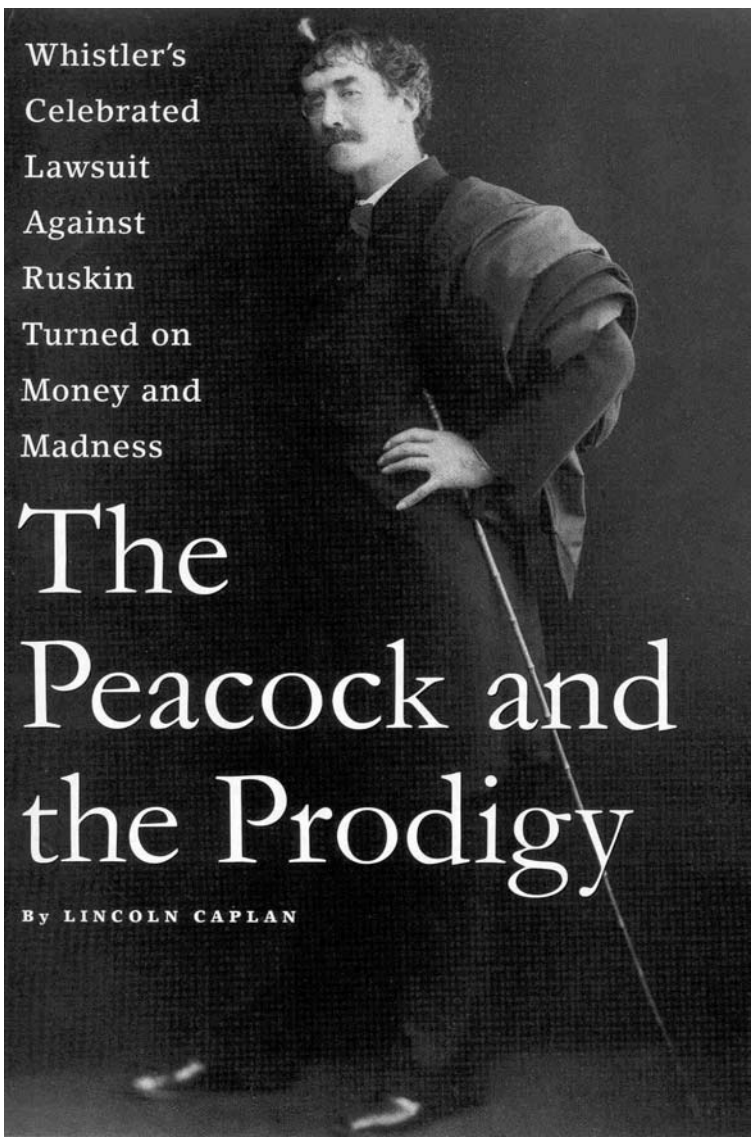
Whistler, picking up the glove, launched what one scholar calls "the most celebrated lawsuit in the history of art." As in contemporary show trials, the hoopla distracted attention from whether Ruskin should be held accountable for his offense. At times, it wasn't even clear who was suing whom.

The trial has often been cast as a referendum on the purpose of art in civilization: art for art's sake versus the conviction that art should reflect a universal truth—in other words, between modernism and moralism. Whistler was the visionary advocate of the new aestheticism. Ruskin was the strict defender of the old order.

The trial did break along those lines but, in spite of its very personal beginning, not in a highly charged way. Ruskin and Whistler, two of the 19th century's outside eccentrics, never actually met. Richer dramas for both of them occurred offstage. They intersected

in court largely because of Whistler's problems with money and Ruskin's with madness.

Whistler was a coxcomb—a handsome jester, with thick, wavy hair and a prominent



Whistler's
Celebrated
Lawsuit
Against
Ruskin
Turned on
Money and
Madness

The Peacock and the Prodigy

By LINCOLN CAPLAN

Whistler. c. 1888

nose, who seized the limelight and delighted in flinging himself at the public. His signature was a cipher of a butterfly. Dashing and dandyish, he had a high-pitched laugh and a drawing-room style that was witty and insulting. He often played the fool. "My friend," the painter Degas said to him, "you behave as though you had no talent." By 1878, however, when he was 44, Whistler had displayed plenty.

He was born in 1834 in Lowell, Massachusetts, though he blithely denied it under oath, and did fine pencil drawings when he was 4. At 9, he moved with his family to Russia. His father, George Washington Whistler, was a civil engineer who was hired to oversee construction of the railroad line between Moscow and St. Petersburg, which was notorious for being absolutely straight.

In 1849, George died from a heart attack. James, with his mother and brother, returned to America. He followed in his father's (and grandfather's) footsteps to West Point but washed out after three years. For another year, he marked time at the Coast and Geodetic Survey in Washington, D.C., learning to draft. In 1855, with an annual stipend of \$350 from his mother, he left the United States for Paris. He never came back.

Whistler emerged from his chrysalis as an artist. In the novel *Trilogy*, his friend George Du Maurier depicted Whistler as "the idle apprentice." In reality, he cultivated skills that yielded prints as respected as Rembrandt's, etchings as keenly webbed as any in the world, and paintings rated masterpieces. He was a perfectionist who scraped off paint and started over when he wasn't satisfied.

In his painting Whistler took inspiration from a wide range of influences. They stretched from the realism of Gustave Courbet, through the Romanticism of the Pre-Raphaelite Brotherhood, the refinement of the Flemish master Anthony Van Dyck and the Spanish master Velasquez, to the decorative style of porcelains in Paris shops and the deft strokes of Japanese woodblock prints.

In 1859, at 25, Whistler moved to London and, for the rest of his life, shuttled between the two great European capitals. He quickly had a painting accepted for the Royal Academy's annual exhibition (*At the Piano*, a double portrait of a woman and a girl). He was represented in almost every annual show there during the 1860s.



Whistler, *Arrangement in Grey and Black: Portrait of the Painter's Mother*, 1871

But his breakthroughs in style vexed the academy. In 1862, it rejected *The White Girl*, perhaps because of its unfanciful details (the girl holds a fallen flower and stands on a bearskin rug). The painting was exhibited instead at the Salon des Refuses in Paris, where it created a sensation. In 1872, the Royal Academy showed his most acclaimed painting, *Arrangement in Grey and Black: Portrait of the Painter's Mother*, after spurning it at first. Whistler's Mother was the last work he submitted to the academy, and it became one of the best-known American portraits in history. The musical drift of Whistler's titles marked the metamorphosis in his work.

Arrangements joined variations, symphonies and nocturnes. Like Whistler's other paintings, the portraits became less realistic and more sketchy, less about their subjects, more about what he described as "pure painting"—abstractions rather than likenesses of beauty.



Whistler, *The White Girl*, 1862

Applying with quick brush sweeps a liquefied paint that he called sauce, Whistler captured the enchantment of the Thames River like no other artist.

As a self-defined bohemian, he was recklessly oblivious to the constraints of everyday life. Increasingly in the 1870s, that meant living beyond his means. One of his projects was the construction of what he grandly called the White House, in Chelsea, which cost half again as much as the 1,800 pounds he expected to pay after the local building committee insisted on a restyling of the facade.

In 1876, Whistler thought he had lucked into a solution to his predicament. A wealthy London patron invited him to paint some panels lining the staircase of his townhouse. The man went out of town, and Whistler took the liberty of expanding his commission—painting golden peacocks on adjacent shutters, gilding shelving, covering the ceiling with a motif of peacock feathers. Whistler gave the job a name, *Harmony in Blue and Gold: The Peacock Room*.

He spent six months on it and figured he'd get paid 2,000 guineas. When his patron returned, the man gave him half that sum and kicked him out. In May of 1877, when the Grosvenor Gallery exhibition opened, Whistler's finances were a mess. On July 6, a bailiff on official business arrived at Whistler's house to collect payment for his creditors. As Whistler's papers in the Library of Congress show, he owed merchants and tradesmen of all kinds: sellers of prints, wine, stationery, theater tickets and coal; makers of photographs, boots and hats.



Whistler, *Harmony in Blue and Gold: The Peacock Room*, 1876-77

A week or so later, he was in the smoking room of the Arts Club in London when a friend came across a newspaper account of Ruskin's censure. The friend said the paragraph might be libelous. Whistler replied, "Well, that I shall try to find out." His motives for suing were mixed: ego, self-promotion and anxiety about money. If he hadn't been strapped, he might have laughed off Ruskin. He claimed damages of 1,000 pounds—precisely his shortfall from the *Peacock Room* job.

Ruskin was then Slade professor of fine art at Oxford and widely viewed as England's leading authority on art. At 58, he was dour and hectoring, fierce and brooding, with intent blue eyes and bristling brown hair that would never turn completely gray. He was a brilliant talker who specialized in monologues. But he hadn't written any pure art criticism in more than 20 years. For many years, his preoccupation had been the reform of Victorian society.

Viewed from the late 20th century, Ruskin's ideas bear marks of both socialism and conservatism: He believed passionately in the monarchy and the class system but lobbied for dignified treatment of British workers. His agent of propaganda was *Fors Clavigera*, in which he lambasted Whistler. Although the journal was intended for Britain's laborers, the *Dictionary of National Biography* later judged it "one of the curiosities of literature. Its discursiveness, its garrulity, its petulance are amazing."

How did Ruskin's attention leap from culture to society? He believed in "typical beauty" (external) and "vital beauty" (the "felicitous fulfillment of function in living things"), which combined to reflect God's will, or universal truth. Rather than being an art critic turned social reformer, he was always a moralist. His later books were written as lectures that often resembled sermons. He was a preacher in the guise of an academic.

Ruskin's intellectual life knew no limits, perhaps because his emotional life was so unregulated by common experience. He was born in his parents' London house in 1819 and grew up in near isolation. His father was a wine merchant who traveled widely in Britain and Europe, his mother an evangelical puritan who raised Ruskin to be a clergyman. The Ruskins wouldn't be caught social-climbing by arranging dates for John with children of higher

standing. But they were snobs about kids beneath him, so Ruskin had no friends. His only toy was a box of bricks. He spent hours on end staring at the carpet in his nursery.

He read when he was 4, printed up his own stories at 7, wrote verse at 8. His mother taught him until he was 10, mainly by reading the Bible aloud over and over. Even when Ruskin went off to Oxford in 1836, his mother tagged along. They met every evening after dinner and for Sunday prayers.

The fruit of Ruskin's hothouse childhood was a prodigious output on a catalog of topics. London's *Magazine of Natural History* published his first piece when he was 15 ("Enquiries on the Causes of the Colour of the Rhine"). He won a poetry prize at Oxford when he was 20. Begun as a defense of the British painter J.M.W. Turner, the first volume of his most significant work of art criticism, *Modern Painters*, was published when he was 24—

anonymously, since he was too young to be accepted as an authority.

He was a capable draftsman, collected and wrote about rocks and minerals, and invented his own system for classifying plants. He expanded his views about the art of pictures to include valued works on architecture. As a champion of medieval aesthetics, he inspired the Pre-Raphaelite movement and almost single-handedly prompted the Gothic revival in England. George Eliot, a Ruskin peer, judged him "one of the great teachers of the day." Wordsworth and Tennyson also were fans. The collected Ruskin writings fill 38 volumes.

But Ruskin was a perennial prodigy; he never became an adult. He called himself "unstable as water" and, by one count, experienced six major episodes of mental breakdown in his life. They usually followed periods of intense work that left him utterly depleted. In biographies, he's been diagnosed as manic-depressive and as paranoid schizophrenic. In all likelihood, Ruskin was always unhinged from reality, possessed by his work, apparently incapable of human connection except of an abstract kind. The formalities of the Victorian age masked his self-absorption.

The most vivid probe of Ruskin's arrested development is a portrait of his marriage by the biographer Phyllis Rose. At 29, still supported by his father and living at home, he married Effie Gray the 19-year-old daughter of a Scottish lawyer. Ruskin once wrote a children's story for her. His parents didn't attend the wedding in Perth: They had bad memories of the place because John's paternal grandfather had committed suicide there by slitting his throat—Ruskin's mother had found the body.

The wedding night was a disaster. When the moment came to consummate the marriage, Rose writes, "Effie's body disgusted" Ruskin, although, by all accounts, she was lovely. They never had sex. But the real issue in the marriage was not intimacy. It was power. "I was grieved and disappointed at finding I could not change her," Ruskin explained to his lawyer, "and she was humiliated and irritated at finding she could not change me."

Less than a year after the wedding, she went to her parents' home for three months. Ruskin topped that by leaving on a trip to Europe with his parents for six. The newlyweds came back together in a marriage of convenience but grew to hate each other. Effie Ruskin masterminded an annulment; the only means of divorce would have been an act of Parliament. In 1854, after six arid years, the marriage was declared null and void, because "John Ruskin was incapable of consummating the same by reason of incurable impotency."

Not long after, Ruskin finished the fifth and final volume of *Modern Painters*. The subject of his sermons then shifted from art to society. In his personal life, the key moments were psychological. He met a 10-year-old Irish girl, Rose La Touche, began to dote on her when she was 12 and, when she was 18, panicked her and outraged her parents by declaring that he wanted to marry the pretty, religious and high-strung young woman.

La Touche turned Ruskin down, but for a decade the two played out a melodrama that wore her down. He proposed to her repeatedly. When she wavered, Rose's mother got ammunition to fight the marriage from Effie Gray. Effie condemned Ruskin as "quite unnatural" with a "most inhuman" mind.

As with Effie Gray, Ruskin never consummated the relationship with Rose La Touche. He withdrew from the world, especially from his parents. What writing he did was sarcastic, inconsistent, flawed. By one account, he was "gradually declining into madness."

When his father died in 1864, Ruskin inherited a fortune of 120,000 pounds, in addition to houses and land. His mother died seven years later, and Ruskin gave up the family estate outside London. He began a period of manic activity: lecturing at Oxford in a voice that was memorable for its floating quality; putting out *Fors Clavigera*; writing handbooks on geology and botany and guidebooks to Venice, Florence and Amiens; founding the Ruskin School of Drawing and a quixotic order, the Company of Saint George, dedicated to putting his ideas about society in practice.

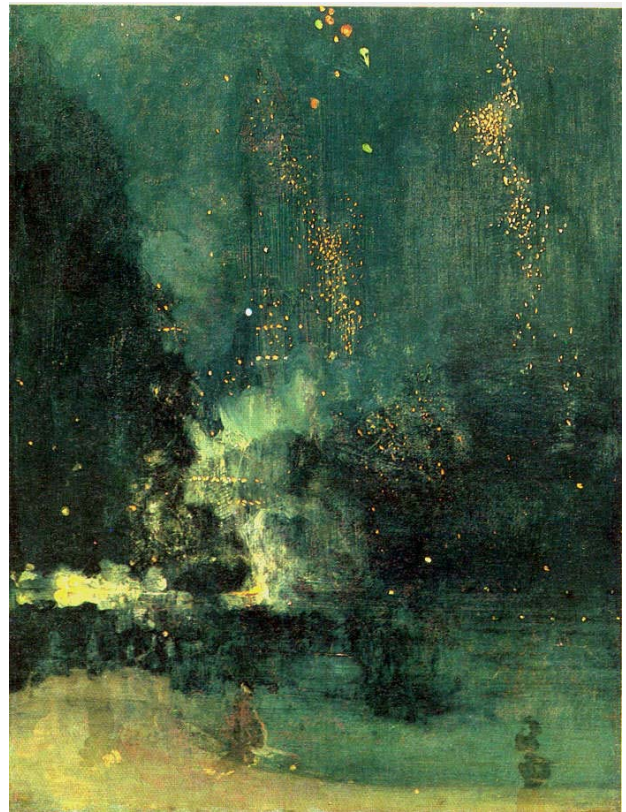
In 1875, when Rose La Touche was 28, Ruskin wrote a friend that she was "wasting away gradually and quite insane." She died in May. For Ruskin, it was the greatest loss of his life. He couldn't sleep. He sought out mediums to contact her in the afterlife. His health, physical as well as mental, broke down. His concentration was sporadic, splintered, spent. He erupted in angry polemical letters to the press. For the rest of his life, he steadily disintegrated. During Rose La Touche's illness, Ruskin foreshadowed his attack on Whistler in *Fors Clavigera*.

Whistler had painted the Thames one misty morning and called the picture *Harmony in Grey*. At Oxford, Ruskin wrote off the work as "absolute rubbish," with "no pretence to be called painting." To Linda Merrill, author of a fine study called *A Pot of Paint: Aesthetics on Trial in Whistler v. Ruskin, Ruskin's critique of Nocturne in Black and Gold* was rooted in the same general thesis about art. It wasn't "written in haste or a moment of psychosis." But, as she and others recount, Ruskin's history makes that seem beside the point. His mind was fighting to keep its balance.

One June Saturday in 1877, Ruskin went to take in the show at the Grosvenor Gallery. His dislikes dwarfed his likes. His entry for the upcoming *Fors* issue was nearly finished: Called Letter 79, "Life Guards of New Life," it was a diatribe about the corrupt "modern system of accumulating wealth." In Ruskin's deteriorating mind, his longtime animus against art for art's sake fused with a more recently felt ire about unearned prosperity. That must have been stoked by self-loathing, since he had always relied on his father's money. The nocturne was the only painting of Whistler's for sale. Its price tag, as much as its contents, filled Ruskin's pen with venom.

The trial of *Whistler v. Ruskin* was a media event, covered by everyone from *The Times* of London to a journal called the *Germ*. *Punch* compared Whistler to P. T. Barnum, the American circus impresario. In a spoof on the trial, it renamed the main attractions Penny Whizzler and Rubskin. Thanks to a transcript pieced together from contemporary news accounts, we know that the trial itself was a parody of justice.

Sir John Walter Huddleston, who was known for his tiny feet and stunning wife, presided. Keeping him company on the bench were his wife, Lady Diana De Vere Beauclerk (yes, Lady Di), who was the daughter of the ninth Duke of St. Albans; and the wife of Sir, John Holker, Ruskin's lead counsel. As attorney general, Holker (a.k.a. "Sleepy Jack") was also chief counsel for the British Crown. At the time, the government let the attorney general carry on a private practice. Holker's boomed. John Humffreys Parry was Whistler's lead counsel. A sergeant-at-law, Parry held the



Whistler, *Nocturne in Black and Gold*, c. 1875:
"Flinging a pot of paint in the public's face"

highest rank among barristers. He was said to argue so exuberantly that his wig skidded onto his forehead.

The trial began on a bleak, foggy day in a dark courtroom dimly lit by candles. The gloom mattered, for the main physical evidence was a series of pictures: on the one hand, six of the eight nocturnes and portraits that Whistler had exhibited at the Grosvenor Gallery, especially *the Nocturne in Black and Gold*, still unsold; and, on the other, a portrait of the Venetian doge Andrea Gritti attributed to Titian, the undisputed master, which Ruskin had bought for 1,000 pounds. (It was later found to be the work of a minor painter.)

When the pictures were shown to the jury, the proceedings degenerated into chaos. Whistler's lawyer held one nocturne upside down. The judge did the same thing with another. When Ruskin's lawyer had the Titian brought in to demonstrate what a superior painting looked like, it, too, was flipped. "Oh, come," exclaimed a juror, "we've had enough of these Whistlers!"

The gist of the plaintiff's case was that the words of the defendant had badly injured Whistler's reputation and the value of his artwork, and that they crossed the threshold of libel because they exposed Ruskin's malice against Whistler personally. The case of the defendant boiled down to this: Ruskin's criticism, however ruthless, was fair and in good faith.

The heart of the trial came near the beginning, when Whistler took the stand. He appeared to be his gleeful and effusive self and, on cross-examination by the attorney general, regularly cracked up the overflow crowd.

"I suppose you are willing to admit that your pictures exhibit some eccentricities. You have been told that over and over again?" Holker asked.

Whistler replied, "Yes, very often." (Laughter)

Holker: "You sent your pictures to the Grosvenor Gallery to invite the admiration of the public?"

Whistler: "That would have been such a vast absurdity on my part that I don't think I could have." (Laughter) . . .

Holker: "The labor of two days is that for which you ask 200 guineas?"

Whistler: "No. I ask it for the knowledge I have gained in the work of a lifetime." (Applause)

Holker: "What has become of the *Nocturne in Black and Gold*?"

Whistler: "I believe it is before you."

Holker: "You have not sold it?"

Whistler: "No, but I have deposited it."

Holker: "You can get it?"

Whistler: "It would be very difficult; I believe you have it." (Laughter)

Still, in the fencing between ridiculers, Holker got the better of it, leaving the impression that Whistler was at best a chattering dilettante with uncertain artistic talent. Whistler's supporters described the nocturne as revealing "considerable artistic skill," "consummate art," the "work of a man of genius." Ruskin's supporters judged it by what it wasn't: "deficient in form," not "a serious work of art," not "a good picture."



Portrait of the Doge Andrea Gritti, c. 1523: A minor painting wrongly attributed to Titian

But the potency of Ruskin's words elevated the trial above the level of a salon debate. Summing up the case, Whistler's counsel asked: "Is he"—Whistler—"to be expelled from the realm of art by the man who sits there as a despot? I hope the jury will say by its verdict that Mr. Ruskin has no right to drive Mr. Whistler out by defamatory and libelous accusations."

In his instructions to the jury, the judge all but directed how the dispute should be resolved. He was woefully murky on the law, which led one Whistler lawyer to guess that the judge was drunk, but his words about potential damages were clear and sober:

"You must consider whether the insult offered, if insult there has been, is of such a gross character as to call for substantial damages; whether it is a case for merely contemptuous damages, to the extent of a farthing or something of that sort, indicating that the case is one which ought never to have been brought into court and in which no pecuniary damage has been sustained; or whether the case is one which calls for damages in some small sum, indicating your opinion that the defendant has gone beyond the strict letter of the law."

The trial took eight hours over the course of two days. The jury took less than two hours to reach a verdict. Finding for the plaintiff, it awarded Whistler a farthing—a quarter of a penny. The jury had taken the instruction about contemptuous damages to heart. Because of the jury's contempt for the lawsuit, Whistler was stuck with the bill for his court costs.

Ruskin never appeared at the trial. He was too sick, or shrewd enough to use his illness as an excuse for ducking the spectacle. In any case, "the most celebrated lawsuit in the history of art" wasn't personally important. Its tangible legacy was the bill from his lawyers, and admirers instantly organized a public subscription to cover the costs.



Citing the trial, Ruskin resigned his Oxford professorship within the month. "The Professorship is a farce, if it has no right to condemn as well as to praise," he wrote to the dean. But that was a ruse. His diary from the time consists of brief entries that sometimes note his struggle: "I have seldom spent a worse day, however, of melancholy idleness." After finishing a catalog for a show of Turner paintings at the Fine Arts Society, he was seized by "brain-fever." He saw visions, heard voices and, lost in delusion, prepared to meet the devil. "I keep fairly well," he wrote a friend, "on condition of doing only about two hours real work each day." His tenure as a man of arts and letters was over.

Occasionally in the few years following, he resumed lecturing, but his talk was rambling and incoherent. He became obsessed with the idea that nature was being defiled by "Storm-Cloud" and "Plague-Wind." He fell into depression ("a disgusting and annoyed sort of grief," he once called it) and cycled through periods of violence and equilibrium.

Five years after the trial, he began work on his autobiography, *Praeterita*. But his mental problems deepened, and he didn't complete it. In 1889, he suffered a final attack of madness and was rendered incapable of writing anything but his signature. In 1900, at 80, he died and was buried outside London.

As for Whistler, he declared bankruptcy shortly after the trial. He moved out of the White House and went off to Venice to revive his finances by creating a batch of salable etchings. His exile was short-lived. When he returned to London in 1880, his new work was embraced. For a decade, he enjoyed a run of success, becoming a member (and then president) of the Society of British Artists. He married the widow of a longtime friend (the architect of the White House), and the marriage thrived.

He also published the book *The Gentle Art of Making Enemies*. It puffed his part in the victory over Ruskin by leaving out the testimony of the witnesses who spoke up for him, mocked Ruskin by quoting his bombastic words about art alongside Whistler's rendition of the trial, and settled other scores. In 1891, the French government bought his *Mother* for the Musee du Luxembourg. (It's now in the Louvre.) In 1892, the *Nocturne in Black and Gold* was finally sold for 800 guineas—as Whistler merrily put it, for "four pots of paint." He died at 69, in 1903.

A comparison of the Ruskin and Whistler time lines indicates how glancing their encounter really was at the trial. By the mid-1850s, Ruskin's period of immersion in art was over. Whistler's was just starting. By the mid-1860s, Whistler was experimenting with the painting for which he is remembered. Ruskin was broadening his reach into social reform. By the mid-1870s, Whistler had hit his stride. Ruskin's meaningful work was done.

But the essential match-up in the trial—Whistler's painting versus Ruskin's taste—suggests why both men now appear to have been victors. In the late 19th century, critics didn't even have a label for Whistler's experimental work, but his paintings have endured. Ruskin lost the verdict but abides as a strange leviathan of the 19th century. He earned a place in the company of big thinkers who heavily influenced debate about English culture and society. In the Poets' Corner of Westminster Abbey, above a bust of Sir Walter Scott, is a sober likeness of Ruskin's head in bronze.

By LINCOLN CAPLAN