ALPHEUS MASON

Alpheus Mason died in the Fall of 1989 shortly after his ninetieth birthday. An exceptional teacher, he was also a prodigious scholar. Best known for his definitive biographies of Brandeis and Stone, he published over a dozen other volumes and many articles in political science and law journals.

On his retirement students and colleagues presented him with a *festschrift, Essays on the American Constitution* (1964). On his death, a memorial ceremony was held at Princeton, and a special panel was also organized by Samuel Krislov and Walter Murphy at the annual meeting of the American Political Science Association to assess Mason's intellectual contribution. The three papers below evaluate different facets of his work. In addition, comments on the papers were given by C. Herman Pritchett, Jack Peltason, Harry Hirsch and Gordon Baker.

A.T. MASON AND THE CORWIN-MASON TRADITION: SCHOLAR AND TEACHER IN THE MODERN CONSTITUTIONAL STATE

*Samuel Krislov**

In the fields of judicial biography and American political thought, Alpheus Mason was an original, one who came to the endeavor without obvious and direct influence, as is evident from the two following articles by Howard and Pohlman. In constitutional law, however, he was blessed with a rich intellectual inheritance, for he was the chosen successor of Edward Corwin. His contribution in this field was to elaborate on the political-legal-historical analysis of American constitutional development initially forged by Corwin. This was achieved mainly through his casebook in American constitutional law, now in its ninth edition, and especially through its excellent summaries derived from his undergraduate lectures. His occasional essays, and his many lecture series, explored more limited topics and also updated the Corwin-Mason approach.

Even more interesting are his efforts to go beyond Corwin. More than merely updating trends covered by his mentor, or dissecting new controversies, Mason tried to understand the new issues of his own time by using constitutional history to understand them. Civil rights and civil liberties were addressed by Corwin only occasionally and he did not welcome court intervention for their protection. The biographer of Brandeis and Stone was much more at home in a society built on cultural pluralism than was his mentor. Corwin also wrote in an era of court curtailment of national power, and was, by and large, an advocate of nationalism and executive power. Mason came to be troubled by the erosion of state independence and, by instinct, was an advocate of legislative powers. These differences were subtle, and only gradually can the change in emphasis in Mason's work be detected. To a large extent, Mason had to liberate himself from his intellectual training, and the hard-

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headed integrity of the approach Corwin forged made this a difficult task that would last a lifetime.

As anyone who took Mason's seminars knows, the Corwin-Mason approach is pervasive. It is reflected in the Mason-Beaney-Stephenson casebook,[1] and, paradoxically perhaps, even more in Mason's major work in American political thought, *Free Government in the Making*.[2] The approach has been accepted as a dominant and persuasive one. As a graduate student I was puzzled by claims of Harvard types for Thomas Reed Powell. Today, no one in constitutional history or constitutional law questions Corwin's preeminence. Who now cites—let alone reads—Powell?

The Corwin-Mason link is as clear intellectually as it was on the personal level. Mason told me of his first "seminar" with Corwin, where he and the one other graduate student accompanied their teacher out into the field, to exercise a sound mind in a sound body. To Mason's embarrassment a hole in his shoe became evident. When he had to admit that he had no money to replace it, Corwin arranged for a loan. That *in loco parentis* role continued throughout their lives, sometimes to Mason's gratification, sometimes less to his liking.

The key link was intellectual. When Corwin began his career as a preceptor for Woodrow Wilson, constitutional law was taught, in the words of Charles Beard, as "a combination of logic-chopping and the star-spangled manner." It was "low-man" on the totem pole of law school teaching, usually assigned willy-nilly to a beginning professor.

Corwin, and his contemporaries—Beard, Cushman, and Haines, to name a few—systematically attempted to define constitutional law as a field of endeavor. Given the times—the early decades of the twentieth century—one of the most fundamental questions revolved around the legitimacy and nature of judicial review. Corwin's contribution here was strong but not preeminent. The other major subject was the evolution of the role of the Supreme Court, and there Corwin was to prove dominant. In particular, he charted the path of property rights in constitutional law. In addition, he pioneered the scholarly study of the powers of the presidency, leading to further inquiry into war powers and foreign affairs.

In the later case his most prominent student was Rossiter; in the earlier areas it was Mason. In both cases they were not limited by their master.

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1. A. MASON, AMERICAN CONSTITUTIONAL LAW (1954), and subsequent editions.
2. A. MASON, FREE GOVERNMENT IN THE MAKING (1985)

I. CORWIN AND THE RISE OF JUDICIAL REVIEW

Corwin helped clarify the institutional base of judicial review—e.g., rejecting the privy council as progenitor—and wrote the classic piece "The Higher Law Background of Judicial Review." It is an erudite work, but suffers from homogenizing quite different ideas about abstract justice and legal systems. The essay is elegant, and a useful compendium, but lacks historical context and all too often accepts intellectual precedence as a causal link.

Rather more significant was his role as an informed, subtle and fair-minded critic of major works in the field. For example, he was an early, stern, and on-the-mark critic of the methods of both Beard's *Economic Interpretation of the Constitution* (Corwin demonstrated that too many of the founders didn't fit even Beard's procrustean bed) and his *The Supreme Court and the Constitution*[3] (Corwin showed how Beard unsophisticatedly utilized any statement made by founders on judicial review, as well as including their comments on state systems). This shows remarkable prescience as a critic and those reviews hold up well today.

II. THE PATH OF DUE PROCESS AND THE ROAD TO JUDICIAL SUPREMACY

Corwin set out to understand the evolution of due process and to track the growth of court power. He found that these puzzles coalesced; the path to control came in resuscitating the doctrine of vested rights through the mechanism of due process.

The phrase "vested rights" appears several times even in Supreme Court decisions. Thus Corwin's explicit claim to coinage rests upon the linking of the term "doctrine" and rooting the legal equities in constitutional law rather than common law. There remain Beardian-Parrington semi-conspiratorial overtones of learned lawyers and judges manipulating legal symbols to protect property and thwart majorities. This portrait of the "have" party and the "have not" masses still haunts American historiography, though now in more subtle and finely-grained tones. It is also pervasive in Mason's work.

Corwin did not explicitly root the doctrine of vested rights in any social struggle, being content to suggest a Chancellor Kent-Webster-Story-and-Marshall combine on these issues. It is not a satisfying account of underlying attitudes, though a perfectly accurate and acute analysis of doctrine.

The single most obvious amendment of the conspiracy theory

3. 5 Hist. Tchr[s] Mag. 65, Feb. 1914; 65 AM. POL. SCI. REV. 329 (1913).

of property protection (whether Corwin held it or not is not necessarily at stake) is our new understanding of the history of the compensation clause. The fifth amendment was sponsored by precisely the elements a Beardian would suggest should have rejected it. The Federalists opposed it on the grounds the national government would not be acquiring much property especially in the light of article I, section 8, clause 17 requiring prior cession of such property by the States, now written out of the Constitution by the post-Civil War Republican Court.[4] Obviously, simple patterns do not account for this complex balance. For example, the Federalists did not argue (as they did on other matters) that the fifth amendment compensation was unnecessary because it could be presumed.

Such an argument would not have been well-based. As Bruce Ackerman points out no case has yet been found, prior to 1789, where a court ordered compensation in the absence of statutory authorization.[5] Clauses on compensation were coming into being, emerging in varying clarity, in new state constitutions. Litigation to clarify was afoot at that level. But the common law assumed eminent domain was a community prerogative and could be legislatively exercised at will perhaps without reimbursement. The sense of fairness *might* be reflected in an act of compensation, but by the legislature exercising community judgment in setting forth or ignoring compensation rather than through any assessment of worth by a court.

This illustrates the difficulties with the concept of a pro-and-anti-property group or a simple ideological interpretation. The Hurst school has already sharply modified that view and has cast light on the dynamics of society in private law that suggests by simple analogy what seems to be the most important emendation of the Corwinian approach in constitutional law. A most comprehensive form of that analysis is that of Morton Horwitz's *The Transformation of American Law* (1977), who is otherwise in method and conclusions a strong critic of the Hurst approach.[6]

Essentially Horwitz argues that the common law of property in England concealed obvious contradictions, hidden behind static ownership and static usage. "Absolute ownership" was extolled but

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4. *See* Kohl v. U.S., 91 U.S. 367 (1875).

5. B. ACKERMAN, PRIVATE PROPERTY AND THE CONSTITUTION 7-8, 19 n.11, 193 n.13 (1977).

6. A fine example of the Horwitz-Hurst point on differences between England and the U.S. is found in a footnote in 2 M. HOWE, HOLMES 188 n.10 (1963), citing T. BEVEN, PRINCIPLES OF THE LAW OF NEGLIGENCE (2d ed. 1895) which critically assesses U.S. and English cases and the rule of American courts by which "the quiet citizen must keep out of the way of the exuberantly active one."

usage that affected property of others was simultaneously forbidden. The law did not truly control such questions as changing land use from, e.g., farming to rental property, because such change was rare, gradual, imperceptible, and accordingly rarely contested. Even with respect to use of water rights where up-stream changes had clear down-stream consequences, common law came to assert contradictory doctrine which judges manipulated to achieve acceptable results. In a sense, eminent domain symbolized this static ownership for it emphasized normal untrammelled possession; public good necessitated action infrequently enough that a fair compensation could be adjudged by the Parliament.

Colonial America could also operate on this common law fictional system, not so much because of static land use, but because of abundance and easy availability of resources. But both in the mother country and the new country these contradictions were creating legal conflicts as the turn of the century occurred. New utilitarian concepts also began to replace these and other individual rights notions (cause and effect is hard to disentangle in Horwitz). The expectation that property would be used to advance social purposes resulted in new attitudes and important new doctrine. According to Horwitz, by making subtle doctrinal choices on land use, eminent domain, and contract, courts reformulated legal relationships to benefit entrepreneurs financially without the use of tax funds, and therefore without adequate social controls. Horwitz rounds up the usual suspects—Chase, Kent, Story, Lemuel Shaw—but finds them guilty of a different crime. We need not concern ourselves overmuch with the accuracy of his perception of social policy implications or his loose attributions of dark motives, but only need note the convincing nature of his argument that this period represents a clash of views as to property, its justification and its social purpose.

This gives coherence to Corwin's constitutional account, since much the same issues began to plague constitutional law as perplexed private law. When roads are paved or even new toll roads are authorized, property rights are affected not only with respect to roads and bridges but also with respect to inns and hotels or merchants on older streets or crossings. Canals affect wharves and may flood basements of houses. "Takings" become both more ambiguous and more ubiquitous.

Having failed to embed property protection in the *ex post facto* clause, and uncomfortable with the contract clause, the judges listened with sympathy to Webster trying to use the fifth amendment in creative ways. His language creeps into several pre-Civil War

decisions, but a new potential was created by the fourteenth amendment.

Originally "due process" was a stylistic flourish, a more elegant substitute for the less pretentious "according to the law of the land." It was a major but mild standard requiring only that forms of law be established before pains or penalties be assessed. It placed no restrictions on what those forms should be other than that "no freeman shall be taken or imprisoned or deprived of his freehold or liberties . . . except by a legal judgement of his peers or by the law of the land."

The essence of Corwin's contribution was to establish that the American usage of "due process" has been strikingly different from this highly restricted English usage of "law of the land." The language was pregnant and bore legal fruit. "Due process" as procedure evolved into "due process" as a standard of substance.

Corwin provided a driving, crisp, and bare-bones history rather than a detailed account or even loose speculation.[7] He adumbrated four transformative elements. Corwin's four elements include the (1) perceptive instincts of Daniel Webster who as early as the Dartmouth College case articulated a desire for a law "which hears before it condemns," and analogized breaches of the contract clause, bills of attainder, and other acts of arbitrary oppression to denials of due process; (2) popular usage of the term in the slavery debate, which he acknowledges mainly in the form of the Fremont campaign platform; (3) Taney's and Curtis's invocation of due process in *Dred Scott*[8] and *Murray's Lessee v. Hoboken*;[9] (4) legal discussion of efforts at prohibition particularly in the great case of *Wynehamer v. The People*.[10]

John Roche has suggested that the distinction between "procedure" and "substance" is a "scholar's conceit."[11] He suggests that Corwin imposed as much as found the distinction, and certainly no Supreme Court decision makes, recognizes, accepts, or distinguishes the essence of Corwin's persuasive terminology. In the end, however, Roche's argument is a characterization rather than a quarrel. He argues that the transformation was a seamless web and the "history" somewhat artificial. It may with mirror-image faithfulness be characterized as a "scholar's quibble." It does add perspective.

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7. *See especially*, E. CORWIN, LIBERTY AGAINST GOVERNMENT (1948).
8. 60 U.S. (19 How.) 393 (1856).
9. 59 U.S. (18 How.) 272 (1855).
10. 13 N.Y. 426 (1856).
11. Roche, *American Liberty: An Examination of the "Tradition of Freedom"* in ASPECTS OF LIBERTY 148 (M. Konitz & C. Rossiter eds. 1958). *See also* Eberle *Procedural Due Process: The Original Understanding* 4 CONST. COMM. 339 (1987).

Roche certainly is right that "procedural" protection by judges almost inevitably involves some "substantive" control as well. The English Courts have in the past few decades reversed themselves on review of administrative decisions. They have employed principles of "natural justice"—i.e., a mild form of due process—to accomplish this. The result is that some gross behavior of agencies has been checked to the approval of both the left and the right in British politics.

I have recently given a paper subtitled "What Have We Learned Since Corwin?" and will briefly summarize.[12] (1) Corwin inadequately understood the economic conflict of the eighteenth and nineteenth century. The issue was between a static concept of property and its use and a dynamic concept of property-in-use to be exploited for social purposes. This Hurstian analysis is best found in a work by one otherwise distant from that approach, Morton Horwitz. (2) Corwin was ahead of his time in attributing to the anti-slavery debate an important place in transforming due process, but it required modern scholars to put both emphasis and meaning to it. (3) Corwin believed he had found the "missing link" between procedural and substantive due process in *Wyenhamer v. New York*. Few scholars take that attribution at face value.

III. THE INTANGIBLES OF CORWIN'S APPROACH

Corwin combined awareness of political history with legal acuity to alter our understanding of cases. Thus his "Schechter Case—Landmark, or What?"[13] highlights the intellectual continuity between that case and *E.C. Knight*, but shows persuasively its unworkability, rejecting it as a landmark and establishing it as a "what." Similarly, his *Commerce Power Versus States Rights* (1936), his memo for the Department of Justice's *Carter Coal* argument, is (like much of the department's work in that time) strongly legal and subtly rooted in social reality and evidence.

IV. MASON AND CONSTITUTIONAL LAW

Mason had to find his own voice. His work on labor in the Taft Court was solid enough but not specifically Corwinian. His writing on Brandeis attracted the Justice, who set him in competition with Alfred Lief, a Frankfurter protege and the happy-hot-dog candidate for Brandeis's official biographer. (As the history of the Holmes Devise volumes, and the Holmes and Frankfurter biogra-

12. Liberty Fund Conference, Nov. 1989. To be published in PUBLIUS (forthcoming).
13. Corwin, *Schechter Case—Landmark, or What?*, 13 N.Y. U. L. REV. 151 (1936).

phies demonstrate, Frankfurter's judgment about potential biographers and historians could hardly have been worse.)

Professor Howard's essay assays Mason on biography, and no one can speak to that topic with more authority. Suffice it to say that Mason himself did not see *Brandeis: A Free Man's Life* (1946) as primarily a contribution to the study of constitutional law. "Brandeis' greatness was pre-court," he suggested to me so many times that I'm not sure he wasn't trying to convince himself. *Brandeis* has withstood the onslaught of two score of volumes attempting to supplant it as the standard volume.[14] This is surprising since so much new has become available since its writing. In any event, it is vulnerable and I am aware of at least one more major effort underway to supplant it.

But if the Brandeis book is targeted at the Justice's off-court contribution, the Stone volume[15] is clearly a monumental contribution to both constitutional law and the study of the judicial process. Stone's indiscretions become windows into the process of opinion gestation. No one who has read the Stone volume with attention would find the merely vulgar renditions of petty gossip in *The Brethren*[16] revealing except as to the doubtful nature of its specifics. (Indeed, the fact that *Stone* is clearly based upon one Justice's perspective makes even its gossip more useful that *The Brethren*'s use of an omniscient third-person narrator.) And Mason's *Stone* provides the backdrop for an important quasi-theoretical volume (which is described by its own author in one of his many guises as a "vulgar work"), *The Elements of Judicial Strategy* (1964). With *Stone* joining Beveridge's *Marshall* and work such as that of Murphy and Howard, we can cumulate and deal with such subtleties as Preble Stolz's[17] taking advantage of the lifting of the veil in California to contrast a different style of court operation and its effect on emerging decisions.

All of this suggests Mason's willingness to depart from Corwin's style of doctrine-history, and to amplify his (and their) understanding of the political underpinnings of decision. Thus his Gaspar Bacon lectures, written in the white-heat of the Stone volume, are revealingly entitled *The Supreme Court: Vehicle of Revealed Truth or Power Group?* (1953). In truth he accepted neither extreme designation though if he had to choose one or the other I have no doubt it would be the latter. But his works are in fact a

14. Krislov, *Reappraising Brandeis*, 4 CONST. COMM. 319 (1987).
15. A. MASON, HARLAN FISKE STONE: PILLAR OF THE LAW (1956).
16. B. WOODWARD & S. ARMSTRONG, THE BRETHREN (1979).
17. P. STOLZ, JUDGING JUDGES (1981).

defense of a mild activism, urged as a necessary by-product of choice so long as judicial review prevailed. He sided with Black and Douglas where Corwin all his life emphasized Thayer and a "Marshallian" limited review. Of course the issues and times were different, but there is a contrast and an incongruity in their basic constitutional stance.

Both continuity and disjunction are apparent in the field of civil liberties. Corwin found the Warren Court decisions "weird" "vicious nonsense," and thought *Brown v. Board of Education* went too far. Indeed, proliferation of rights was not to his liking. He was in part trying to overcome his distaste for extreme property claims that he makes evident in *Liberty Against Government*. But his aversion to any national definition of liberty is clear, and it comes to the fore in "The Supreme Court as National School."[18]

Perhaps under the influence of Corwin and another Princetonian, Arthur Krock, Mason, a product of the Southern culture of Maryland, at first was gingerly about the desegregation decision but quickly became a firm defender. He had no such hesitation about first amendment rights and—somewhat quaintly—remained an advocate of the preferred freedom formula long after it had been put on a back burner by the Court.

Mason highlighted Stone's *Carolene Products* footnote and helped make it perhaps the most powerful constitutional doctrine of our time. Unable to reconcile Stone's rejection of "preferred freedoms" with the footnote, he continued to write and lecture as if they were the same notions.

Privately, he attributed Frankfurter's rejection of special protection as pettifoggery born out of petty jealousy. He took special pleasure in publishing Frankfurter's memos which seemed to support such protection, but also published materials in which the Justice maintained he was arguing against a difference in jurisprudence, not against a need for special valuation of political expression. This was one of the topics he pressed in interviews with Frankfurter which he sought while writing the Stone book, interviews in which he felt both he and his subject were persistently demeaned. He took them on because, he told me, he "always learned something" from listening to the Justice.

Yet Mason, whose discussion of Brandeis's role in forging the modern jurisprudence of liberty in his biographies had been, at best, skimpy, never went back to retrace that Justice's contribution.[19]

18. Corwin, *The Supreme Court as National School*, 14 LAW & CONTEMP. PROB. 3 (1949).

19. In his comments at our panel, Professor Harry Hirsch informed us that Mason had

Neither did he re-evaluate Holmes's efforts, and while he was as positive about Hughes's commerce clause decisions as Associate Justice as he was condemnatory of his work in that area as Chief Justice, he never gave Hughes his due in Bill of Rights decisions.

One can contrast the relative paucity of coverage of rights and liberty cases in Mason and Stephenson (*nee* Mason and Beaney) compared to any modern casebook, whether undergraduate or law school. Further vindicating my "growing from Corwin" thesis is the fact that each edition saw expansion of the liberties coverage.

One intellectual puzzle absorbed Mason much more than it did Corwin. While the latter saw separation of powers as the arena of constitutional sparring of the future, Mason was more concerned with Federalism. Corwin found the enemy in "dual Federalism," a term he had coined. Later, Corwin joined the chorus bemoaning the end of all Federalism. The prevailing scholars of the day were, like Harold Laski, convinced that operative Federalism was dead, and believed with Leonard White that the constitutional issue was closed and re-opening foreclosed; Federalism could no more be revived than one could restore dead leaves to a dead tree.

Mason's "The Nature of our Federal Union Reconsidered"[20] is a strong nationalist statement, but emphasizes more complex roots. Criticism and hope for the future might be found in the states rights debates. Some of the most complex thinking of his biographees—Brandeis and Stone—was found in this domain. Mason was sympathetic but found no basis in their views—unlike Richard Goodwin—for a new Federalist theory. He was therefore drawn to Black's "leave it to Congress" approach because it also entailed "leave the states alone."

More visibly than Corwin, Mason was highly influenced by the Progressive view of a "good guys - bad guys" division in American politics. He espoused a more sublimated form: interests versus numbers. But the "interests" were identified in limited categories—slaveowners, banking capitalists, lawyers—while "numbers" were Frank Capra's "John Doe" incarnate.

Second only to his biographical works was the influence exer-

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privately indicated he believed Brandeis supported a "preferred freedoms" approach. Purposefully reading BRANDEIS to that end, Hirsch had found hints of Mason's convictions on this matter. While that fits my own impression, both of Brandeis's and Mason's interpretation, he really was tentative on this point. Most vividly I recall his telling me (in discussing Hand's somewhat off-key eulogy of Stone) of being with Brandeis and a daughter right after the *Gobitis* decision. The Justice listened to his daughter excoriating the decision, but discreetly kept his own thoughts to himself. That, Mason said, was Brandeis' normal demeanor—to reveal little.

20. Mason, *The Nature of our Federal Union Reconsidered*, 65 POL. SCI. Q. 65 (1950).

cised on the field of constitutional law by the appearance of his casebook. The magisterial chapter introductions—later published as a separate volume—gave integration, history and depth to the cases. The attempt to modify the case method—to get away from pure Socratic teaching for undergraduates—was a major departure. (In this as well as *Free Government in the Making* Mason, a phenomenal teacher, demonstrated his understanding of students and their needs.) The initial chapter giving the court structure and basic jurisdiction and modes of action, though anticipated by Fairman's[21] fine little casebook (and probably Beaney's major contribution to the book) was also innovative and changed undergraduate teaching for the better, alerting liberal arts students to the potency of such jurisdictional questions.

Above all else Mason provided historico-political sophistication as a prelude to reading the cases. He found, for example, Victor Rosenblum's *Law as a Political Instrument* (1955) obvious, and I believe any student in the Corwin-Mason tradition would. But he somehow got stuck between that work and Jack Peltason's *Federal Courts in the Political Process* (1955) which he never quite accepted. Rosenblum documented political forces playing a role in formulation of key constitutional decisions. But Peltason argued that systematic study of such forces should be the focus of political science concerns, leaving doctrinal and procedural elaboration primarily to legal scholars. Furthermore, he adopted a view of political process suggesting such behavior was not aberrational, but the source of legal regularity, as argued by A.F. Bentley and Karl Llewellyn. Mason had no trouble appreciating such theories as Clem Vose's interest group analysis[22] in the concrete, but feared the sociological approach in the abstract.

To most of his students it seemed a tiny step but Mason could not take it and was harsh with many who did. Actually, Pritchett seems to have been the only one of his generation who made the transition. (But I have often thought Pritchett got so far out on the limb in his first effort that he spent much of the rest of his writing in the area trying to scramble back to conventionality, though aware he should never cut off the branch his preeminence was based on.)[23] In any event Mason never showed appreciation for the insights of judicial process scholarship though his personal relationship with

21. C. FAIRMAN, AMERICAN CONSTITUTIONAL DECISIONS (1948).

22. C. VOSE, CAUCASIANS ONLY (1959).

23. Compare, C. PRITCHETT, THE ROOSEVELT COURT (1948) with, *e.g.*, C. PRITCHETT, CIVIL LIBERTIES AND THE VINSON COURT (1954).

many of those scholars were usually cordial and many—like myself—would have ascribed their concerns to his influence.

Mason was and remains a major scholar and he was an exceptional teacher. Oddly, I have never heard him lecture, but he was quite simply the very best seminar conductor—I use the terms with all deliberate enthusiasm—that I have ever seen. Watching him chair panels at conventions in the same probing, eliciting, non-obtrusive but decisive way over the years confirmed that judgement, so that it is not merely the innocent memory of a graduate student romanticizing his mentor, but a long-time professional judgement.

The Stone volume is in my judgement the best single work ever on the Supreme Court. The raw material, the diamond in the rough, was Stone's; but like a diamond the final product is that of the craftsman. One false move and it becomes glass and powder, but the flawless rendering of its beauty sets it before us for all to see.

He rejected the claim he was an unusual teacher, stating he was merely lucky to have fine students. As with his modesty over the Stone book there is a core of truth about the quality of his students though of course his teaching reputation was a magnet that drew them. But above all else Mason could extract their best from average as well as excellent students. He taught in part, as any good teacher, by example, by the sheer exhausting intensity he brought to the classroom and the absolute dedication to scholarship and learning.

He contributed as a scholar by the example of taking his work seriously and wrestling with himself so as not to take himself seriously. He worked harder than anyone I knew. His output was prodigious, he knew his intellectual roots, but he tried to transcend them at the same time he honored them. He sought new forms for appropriateness, not novelty, and never sought to be chic. Those traits further enhance his prodigious scholarly achievements.