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James Edward Beaver-Beethovenist

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Recommended Citation

Henry McGee, James Edward Beaver-Beethovenist, 19 *Seattle U.L. Rev.* (1996).
<https://digitalcommons.law.seattleu.edu/faculty/170>

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Sonata, Op. 27, No. 2, "Sonata quasi una Fantasia"; "Moonlight"
Sonata, Op. 31, No.2
Sonata, Op. 53, "Waldstein"
Sonata, Op. 57, "Appassionata"
Sonata, Op. 81a, "Les adieux"
Sonata, Op. 90
Sonata, Op. 101
Sonata, Op. 106, "Hammer-klavier"
Sonata, Op. 109
Sonata, Op. 110
Sonata, Op. 111

Turkish March from "The Ruins of Athens" (transcription by
Anton Rubinstein)

Mozart, Wolfgang Amadeus:

Concerto No. 25 in C major, Köchel 503

Cadenza to First Movement by R. Casadesus

Cadenza by Hummel

Anita M. Steele
Professor of Law
Director of the Law Library
Seattle University School of Law

* * *

JAMES EDWARD BEAVER—BEETHOVENIST

Beethoven is not the shepherd driving his flock before him; he is the bull marching at the head of his herd. . . . And the great bull with its fierce eye, its head raised, its four hooves planted on the summit, at the edge of the abyss, whose roar is heard above the time. . . .¹

James Edward Beaver's final year as a law professor overlapped years in which Beethoven scholarship was in one of its periodic surges. And though he did not write about Ludwig van Beethoven, he dedicated a considerable part of his life to performances of the Master's greatest works for piano. Indeed, in salon concerts in his home for students and alumni of the various courses he taught over the years, he performed each semester at least one of the piano sonatas by Beetho-

1. Romain Pollard, BEETHOVEN THE CREATOR, Vol. I, 21-22 (8th ed. 1937).

ven, usually one of the monumental works from the so-called "late" period of the Master's compositions.²

At the end of the spring semester, 1996, he was to have played with me an early Beethoven work, the "Spring" sonata for violin and piano, Opus 24 in F Major. Characteristically, and though he had no experience as an accompanist or with chamber music, preferring to play the great solo works for the piano by Beethoven, he threw himself into learning the work for violin with a steady and single-minded dedication.

The violin sonatas of Beethoven, particularly the early ones, have been described as essentially piano sonatas with violin obligato. In terms of technical difficulty, the piano accompaniments of the sonatas for violin pale in comparison with the technique required for any performance of the great Beethoven sonatas for piano alone. Nonetheless, Beaver approached the performance of the Spring sonata in April with equal parts of care and trepidation, despite my protestations that they did not compare in difficulty to works Beaver had already taught himself to play.

Beaver's love affair with Beethoven came to its temporal end as a broad range of works about different aspects and implications of the great composer's works were published. For example, last year Scott Burnham's *BEETHOVEN HERO*³ focused on the heroic elements in Beethoven's work and the manner in which it forever shaped Western musical conceptions about man's fate and the struggle of the human spirit to transcend its earthly impediments. Another work, Tia DeNora's *BEETHOVEN AND THE CONSTRUCTION OF GENIUS*,⁴ explored musical politics in Vienna from 1792 to 1803, the period that preceded the decade in which his compositions began to evince the heroic aura which Scott Burnham's book celebrated.

As Beaver was not a professional pianist, so the books on Beethoven have not all been by musicologists. Ms. DeNora is a

2. According to Anita Steele, Beaver's beloved companion, his repertoire included the following Beethoven piano sonatas: Opus 10, No. 3 in D major; Opus 13, No. 8 in C minor ("*Pathétique*"); Opus 27 (*Quasi Una Fantasia*), No. 13 in E-flat major and No. 14 in C-sharp minor ("*Moonlight*"); Opus 31, No. 2 in D minor; Opus 53, No. 21 in C major ("*Waldstein*"); Opus 57, No. 23 in F minor ("*Appassionata*"); Opus 81a, No. 26 in E flat ("*Les Adieux*"); Opus 90, No. 27 in E minor; Opus 101, No. 28 in A major; Opus 106, No. 29 in B-flat major ("*Grosse Sonate fur das Hammer-Klavier*"); Opus 109, No. 30 in E major; Opus 110, No. 31 in A-flat major; and Opus 111, No. 32 in C minor, Beethoven's last work in the form and undeniably a landmark of the piano literature. Elsewhere in this issue of the law review, Ms. Steele reviews the additional Beethoven works and the compositions by other composers in Beaver's repertoire.

3. Princeton University Press (1995).

4. University of California Press (1995).

sociologist. Within a month of Beaver's last class in Evidence, David B. Dennis, who is a historian at Loyola University, a Jesuit institution in Chicago, published *BEETHOVEN IN GERMAN POLITICS 1870-1989*.⁵ In contrast to Beaver's unswerving conservative political convictions, the Dennis book illustrates how Beethoven's music, and stories about his personality and politics, have been pressed into service in the cause of the widest range of political causes in Germany for at least a hundred years and more.

As for Beethoven himself, Professor Dennis writes that "Surviving all the disruption that occurred in German and Austrian lands around the turn of the 19th century—enlightened reform, revolutionary struggle, military invasion, national liberation and reactionary dictatorship—the composer followed an uneven path of political development."⁶ The protean nature of Beethoven's political thought is reflected in his music. As Gustav Mahler is supposed to have said, "Your Beethoven is not my Beethoven."⁷

Thus, although Beethoven originally dedicated his Ninth Symphony to Emperor Friedrich Wilhelm III, King of Prussia, and though on occasion Beethoven scorned the masses, his Ninth Symphony (and greatest work) is in its last movement a paean to universal brotherhood. Fittingly, to celebrate the destruction of the Berlin Wall, the Ninth Symphony was performed in East Berlin by an orchestra of musicians from each of the major powers involved in the Second World War, led by the eminent American maestro Leonard Bernstein, on December 23, 1969—the day after the opening of the Brandenburg Gate. The performance was repeated on Christmas Day in West Berlin.⁸ In keeping with the occasion, Bernstein substituted the word "freedom" for the word "joy" in Beethoven's setting of Friedrich von Schiller's "Ode to Joy." In a statement released before the performance, Bernstein acknowledged the apocryphal nature of the story that Schiller had made the substitution himself in an unpublished version of the poem. In language that Beaver surely must have applauded, Bernstein declared: ". . . I believe that this is a heavensent moment when we should sing the word 'Freedom' wherever the score reads 'Joy.' If there ever were a historical moment in which one can neglect the theoretical discussions of academics in the name of human freedom—this is it. And I believe that Beethoven would have given

5. Yale University Press (1996).

6. *Id.* at 31.

7. Quoted in D.B. DENNIS, *BEETHOVEN IN GERMAN POLITICS 1870-1989* (Yale 1996).

8. *Id.* at 200-03. A compact disk of the event has been issued by Deutsche Grammophon 429861 (1990).

us his blessing. Let freedom live!" Though Beaver understood well that appeals to brotherhood sometimes mask values which can collide with individual liberty, there can be little doubt of his dedication to freedom, and its promise of a social order in which all suffer no unnecessary constraints in their quests for self-realization.

If Beethoven's political beliefs oscillated, his musical ideas also were in constant transition as evidenced by the sketches that precede his compositions. There are more than 7,000 pages of drafts of musical compositions scrawled outdoors on scraps of papers or in small notebooks as well as extensive notebooks written indoors. If Beaver shared no such uncertainty in his political views, he apparently also never wavered in his respect, even awe, for Beethoven's signal compositions for piano.

Since I joined the Seattle University faculty but a year ago, I had the opportunity to hear only one of the Beethoven sonatas in his repertoire—No. 30 in E Major, opus 109—which he played for his students at the close of a summer session class in 1994. Opus 109 is of course one of the great episodes in Western music, itself following the contrasting but equally famed "*Grosse Sonate Fur Das Hammer-Klavier*," the Sonata No. 29 in B-Flat Major, opus 106 (which Beaver also had added to his repertoire).

Before describing the impression made by Beaver's performance of "the 109," a brief description of the work is in order. The first movement ties together sections which at first seem contradictory—a *vivace* (quick) with an *adagio* (slow), juxtaposing them alternately. As John N. Burk has said in his classic survey of Beethoven's music, "By this order, any sense of a slow introduction is destroyed." The rhapsodist dreams upon a flowing chord interplay of the two hands, a pattern always developing, pausing only twice to admit wandering measures of slow chords, arpeggios and scales.⁹ A brief and technically difficult *prestissimo* (very fast) interlude is followed by a precedent-setting finale, the first work Beethoven ever closed with a slow movement, though his last sonata was to close with an *adagio molto* (very slow). John Burk has described the last movement of Opus 109 as a "marvelous set of variations, surely the richest of the many Beethoven wrote for the piano, . . ."¹⁰

Such was the challenge Beaver confronted in performing one of the landmarks of the literature for the piano, if not in all of Western music itself. Indeed, the late Beethoven sonatas are played in recital

9. JOHN N. BURK, *THE LIFE AND WORKS OF BEETHOVEN* 448 (Modern Lib. ed. 1943).

10. *Id.* at 449.

by only a handful of pianists. If more technically difficult works were written thereafter by composers such as Brahms and Liszt, or Chopin and Schuman, none present greater interpretive challenges than the Beethoven works of the Master's final stage. Beethoven has passed through the agony of his progressive, and eventually total, deafness to achieve a serenity and repose and a music "which lifted all men in spite of themselves."¹¹

I came to Beaver's performance having given him, in a previous visit to the University of Puget Sound School of Law, the Columbia Records disk of the work by the legendary Hungarian virtuoso Rudolf Serkin.¹² Knowing of Beaver's passion for Beethoven, and given the likelihood that I might never again play the by-then-ancient long playing record, I could think of no better custodian of the record than himself. Indeed, though my mother was a piano teacher, and I had been directly involved in some form of music-making since my seventh birthday, I actually had never personally met anyone who played, or even attempted to play, "the 109." My acquaintance with the work was via LP records, and, in fifty plus years of concert going, one, perhaps two, live performances by artists who were at the very pinnacle of the performing arts.

Beaver, however, was steadfast in his pursuit of a work I frankly regarded as unplayable by all except the most accomplished and gifted of pianists. If I feared either for Beaver's struggle with Beethoven, or Beethoven in Beaver's hands, my fears were dissipated by a performance, which, if not note-perfect, genuinely caught the sweep, the ineffable beauty, and the inexpressible sublimity of the sonata. Beaver's performance was powerful and convincing. He rendered the contours of the work, articulated the work's musical architecture, and conveyed much of its subtlety. As a relative of mine who was a cellist for years with the Cleveland Orchestra would have put it, "it was the 109!"

Beaver's struggle with Beethoven, his no doubt laborious, note-by-note acquisition of some of the most difficult-to-interpret music ever written, was not only emblematic of his dedication to the highest aspirations and sentiments of the human experience but was a badge

11. *Id.* at 257.

12. Although the recording I gave Beaver is out of print, SONY, which acquired Columbia Records, has issued a three-disk compact disk set—No. 64490 (1994)—which contains many of the sonatas Beaver played and recorded by Serkin in previously unreleased studio recordings. A single compact disk recording of Opus 109 by Rudolph Serkin has been issued by Deutsche Grammophon on its CD 427 498-2 (1989). The piano sonatas No. 31 in A flat major and No. 32 in C minor, Opus 111, both played by Beaver, also are included on the Serkin CD.

of his own personal heroism. As J.W.N. Sullivan observed of Beethoven, so may it be said of James E. Beaver: "Heroism, for him, was not merely a name descriptive of a quality of certain acts, but a sort of principle manifesting itself in life. As a corollary he had a personified idea of Fate. Fate was his name for a personified conception of those characteristics of life that call out the heroic in man."¹³ In Beaver's performance of Beethoven, as in his dedication to law's civilizing mission, there was indeed heroism. For in his life, as in his music, Beaver met fate's challenge to respond heroically not only to the challenges of Beethoven, but to those of life itself.

Henry W. McGee, Jr.
Professor of Law
Seattle University School of Law

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SIGNIFICANT PUBLICATIONS BY PROFESSOR JAMES E. BEAVER

1. Review of *The Myth of Repressed Memory*, by Elizabeth Loftus, in 86 *Journal of Criminal Law and Criminology* 596-607 (1996). [Book Review.]
2. "Civil Forfeiture and the Eighth Amendment After *Austin*," 19 *Seattle University Law Review* 1-46 (1995) (with Kit Narodick and Joseph Wallin). [Lead Article.]
3. "The Reporter's Privilege: Protecting the Fourth Estate," 30 *Willamette Law Review* 73-102 (1994) (with Eric Aaserud). [Lead Article.]
4. "Stormy Seas: Analysis of Oil Pollution Laws in the West Coast States," 34 *Santa Clara Law Review* 791-839 (1994) (with Jim Butler and Susan Myster). [Lead Article.]
5. "The Residual Hearsay Exception Reconsidered," 20 *Florida State Law Review* 787-821 (1993), reprinted in 6 *Criminal Practice Law Review* 387-431 (1994). [Lead Article.]
6. "Current Status of Lay Share Wage Claims in Admiralty," 14 *Fordham International Law Journal* 892-909 (1991) (with Jeffrey C. McNamara). [Lead Article.]

13. J.W.N. SULLIVAN, *BEETHOVEN: HIS SPIRITUAL DEVELOPMENT* (Viking Books ed., 1960).