

## ON GROWING UP

DESPITE the precarious hold of the world on peace—a peace which is itself of dubious reality—there are various signs that the world is "growing up," although not without some strenuous growing pains. Here we propose to consider evidences of oncoming maturity in two areas of human affairs, Politics and Religion. By politics we mean the broad field of legal relationships by which men are either united or set apart in national and international communities; by religion we mean the substance of human thinking about ultimate issues of right and wrong, conscience, and the Good.

Today's score on world colonialism is reported in the *Nation* for Jan. 1 by Rupert Emerson, Harvard professor of international relations. The changes he reviews have practically all come within the past fifty years. He writes:

At the turn of the century it was possible to look to a world in which the non-white peoples, with rare exceptions, would remain tidily under imperial control for an indefinite future. By mid-century, after two global wars, that world has vanished, swept away by the revolt of Asians, Arabs, and Africans against white supremacy. . . . The non-white peoples of the earth have declared in terms which none can refute that they will no longer accept the position of inferiority which lay at the heart of the imperialist system, and in the West itself the belief in the rightness of empire has been sapped beyond repair.

But if these liberations have been accomplished by revolt, how can we claim an approaching maturity? Well, if the non-white peoples have resolved to reject the "position of inferiority" imposed upon them by Western nations, that is certainly one kind of maturity—the kind that the eighteenth-century social philosophers gloried in while formulating the great documents of the French and American revolutions.

To this, however, must be added the continuous spread of anti-colonialist attitudes among the people of the Western nations. While the nineteenth-century, as Prof. Emerson makes clear, was the heyday of colonialism, its rejection in the twentieth was promised by the moral attitudes which were gaining strength throughout the civilized world.

Today, Prof. Emerson notes, what is left of the old-style colonialism of the nineteenth century is engaging in nothing more than "a series of defensive rearguard operations." While it may be necessary to devise a new definition of "imperialism" in order to permit analysis of the political meaning of farflung military bases and the control of nominally "free" nations as the satellites of a larger power, there can be no doubt that the old colonialism belongs to an age that is dying. Emerson writes:

In substance and as symbol the transition of India to full, if partitioned, independence, the freeing of Indonesia from the Dutch, largely through United Nations action; and the total removal of China from the Western sphere—whatever the implications of a new dependence on the Soviet Union—established a world in which the old signposts not only no longer served as useful guides but became dangerously misleading for those who had to deal with the new forces.

Many millions of people who were once regarded as peon-like inhabitants of the private preserves of Western nations are now living under an administration supervised by the international agency of the United Nations. Compared with the ideal of self-sufficient self-government, this may seem an inadequate adjustment of the crimes and injustices of colonialism, but the declared principle on which action concerning these peoples is based is very different, and from the viewpoint of world history the transition has been rapid indeed.

Today, the "backward" nations are coming to be those which are delaying their response to the idea of self-government for subject peoples. The Belgians, Prof. Emerson observes, "have scarcely slackened their autocratic grip" in the Congo, and when criticized by other nations they advance the argument known as the "salt-water fallacy"—the claim that there are many other non-self-governing peoples who are not separated from their political overlords by an ocean or two. Why, then, should Belgium be singled out for special censure so long as comparable injustices exist elsewhere? In evidence, the evils visited upon non-Russian peoples of the Soviet Union and the sufferings of the Indians of Latin America are cited. The anti-colonialists, however, are not especially impressed by such arguments.

The last stand of old-style colonialism is in Africa, where only a quarter of the continent's 200,000,000 people live in its five "free" countries. Nor is the freedom particularly impressive in some of them, as, for example, in the Union of South Africa. Prof. Emerson supplies this statistical round-up on world colonialism:

In 1953 eight administering powers furnished the secretary general of the UN information on sixty non-self-governing territories, and to these must be added the eleven trust territories, the colonies of states not members of the UN, and perhaps others whose removal from the non-self-governing category by the controlling power can be viewed with a certain skepticism. All told, the population of the world's colonies is still something like 200,000,000, or the equivalent of the population of the forty least populous of the UN's sixty members.

The British have gained for themselves the reputation of being the leaders in adopting the new ideas of self-determination and self-government. In fact, so far as West Africa is concerned, there are those who wonder "whether the British are not perhaps moving too fast, . . . rather than too slowly and too late." The question of "readiness" for freedom is naturally raised by conditions in some of the colonies, making Prof. Emerson comment:

Whatever the moral strength of the argument that there should never have been any colonialism—and it is not an argument to which the answer is wholly self-evident—it is a stark fact in the middle of the twentieth century that vast numbers of colonial peoples are caught at some midstage in the painful process of transition from a variety of ancient worlds into some approximation of modernity. It would be a simpler matter if entire peoples were being lifted en masse into a new way of life. Actually, in most instances a relatively small elite has moved far ahead, a more considerable section has been pushed around, detribalized, uprooted, and the mass of the people have remained embedded in the crumbling patterns of their traditional economy, social structure, and outlook.

This, apparently, is what happens on a mass scale when nations with power undertake a program of invasion, manipulation and exploitation of other peoples unable to defend themselves. Even after the wrong is admitted, reforms begun, confusion remains to haunt the efforts of the reformers. "Colonialism," as Emerson says, "at its best has been a miserable instrument with which to lead these peoples from the old into the new." Fortunately, the supposedly "unready" often turn out to be readier than we think—due, probably, to the fact that few human beings give evidence of how much responsibility they can carry until they are turned loose to try.

The worst part of all this is that Western nations are obliged to play the unpleasant role of paternalistic decision in such questions. Here, conceivably, the West must learn to say to itself that even if chaos does result, this may be better than the arrogance of pretending to know who are ready for freedom and who are not. The West has its own sort of jungle to outgrow, with a competence as dubious as that of any of the detribalized groups who look upon the "reformed" imperialists with suspicion and distrust.

Very little space is left for discussion of growing up in religion, but a single point will illustrate the kind of progress that is being made. In the *Christian Century* for Jan. 26, Roland

Bainton considers the religious foundations of freedom. Naturally enough, he starts with the determined band of Pilgrims who landed on Plymouth Rock in the seventeenth century, pointing out that the famous Mayflower Compact, celebrated as "a milestone of freedom," was in point of fact a rule of constraint. When the Pilgrims obtained *their* right to be free, they quickly turned against those who showed a tendency to use religious freedom in some other way. The Pilgrims respected conscience only when it agreed with their own:

Precisely because the saints were not enforcing their own whims but only executing God's orders, they were the more inexorable in dealing with the refractory. Religious liberty in our sense was emphatically not accorded. . . . When one of their number returned to England and was asked how dissenters were treated in the New World, he answered, "We put them over the river."

The Pilgrims advanced liberty in the sense that all courageous men who reject constraint advance liberty, but—

Their consciences were not held to be inviolable because they were theirs but only because they were right. These men believed in the inalienable rights of truth. They believed so much in truth that they were willing to die for it, fight for it, to banish and even to kill for it.

The progress since the Pilgrim days is called by Prof. Bainton, who teaches ecclesiastical history at Yale, the "relativizing of conscience." As he puts it, "Conscience was relativized to mean loyalty to that which is believed to be true rather than loyalty to that which is true." The argument defending this transition asserts that sincerity is more important than correctness. To attempt to coerce people into holding correct beliefs is "monstrous"—

not simply because it makes martyrs of the strong but because it makes dissemblers of the weak. Constraint cannot generate true conviction, but it may break down integrity. Heretics may be transformed into hypocrites, who having once renounced their convictions suffer a complete moral disintegration.

The tendency of this thinking, as anyone can see, is to honor individual man and his convictions—which is, we think, the heart of true religion.

So, with all the extreme contrasts to both our political and religious ideals that may be seen on every hand, we have at least a clear articulation of justice in social relationships and intelligence in religious aspiration. We may fail, or have only relative success, in putting this new thinking into practice, but we shall not be able to be complacent about any half-way measures. This, perhaps, is about all that a man can ask of his times, in relation to those projects and objectives which require the collaboration of large numbers of people in order for them to be realized.

## *Letter from* **JORDAN**

AMMAN.—We have been faced during the past month with two views of U.S. overseas activities—views apparently so divergent that it may be puzzling to attempt to reconcile them, though both are expressions of responsible senior officials of U.S. overseas agencies.

The first view is that of one who has been an acquaintance of the writer many years, now serving his second two-year term in an FOA (U.S. Foreign Operations Administration) program in the Middle East. He says, in part:

We have relatively few Americans—about 260—and they are doing superbly under most trying and difficult circumstances. The effects are astounding, performed over tremendous distances and against many, many adverse conditions and diverse situations. *Though we have many difficulties and some weaknesses, we offset these by constantly driving ahead, and getting stronger.* (Underlining mine.)

The second view is that of a man not personally known to me, but a veteran of responsible overseas posts in Europe and in South America, in NATO, and in FOA. According to a listener to a recent U.S. speech by this official:

He made three observations about Point IV as he saw it at work in South America. It is doing a poor job; it is working with poor personnel, and the effects of a poor job on U.S. prestige are worse than none. He feels that the objectives are not clear. He suggests that a career service in technical assistance is needed to get some of the dedication and steadiness that one finds among missionaries. He suggests that a permanent or really long-term basis of operation is required. In this framework, priorities could be established instead of staffing a few incompetent workers widely.

Superficially, these views may seem not to have much in common, the one being naively confident and distressingly power-centered, in the modern American manner, while the other is soberly but sharply critical and elsewhere gives

evidence of rare wisdom in social analysis and understanding.

Yet, taken together, these views illustrate what seem more and more to an observer in this region to be the immature and mischievous characteristics of U.S. overseas activities. The go-ahead, do-it-now attitudes of Americans tend to be carried with us to new situations. Combined with the political urgencies which grow ever plainer to the observer of the situation, these attitudes cause us to confuse size and speed with success, and to offset our weakness and our ignorance by constantly "driving ahead," as our friend put it. And since drive, by itself, cannot in any measure make up for lack of clarity in objectives, as noted in the second quotation above, one may legitimately call for a halt to consider the future.

Based upon observation, I do not agree with the blanket generality that Point IV works with "poor personnel." Of the forty or fifty technicians I have known, most were able men and many have sincerely sought to be useful, though a minority have clearly been along only for the ride. But the terms of assignment are short, the workers too frequently specialists in a very narrow field, and under all the circumstances they are not, by and large, flexible enough to be re-educable toward greater local effectiveness.

The trouble lies here: the vehicle through which these men serve is imperfect to a serious degree, and in some cases has stultified what might have been real dedication and potential accomplishment. One highly placed FOA official said somewhat grimly to me, not long ago, that while at times he could only barely stand the organizational relationship, he had chosen technical assistance as his profession, and was prepared to stick with it regardless. Two years ago an eager, hopeful, devoted person, he is now stumbling through an increasingly meaningless daily program—sustained, I hope, by his substantial salary and by his admission, to himself, that his soul is no longer his own.

The cure? I see none, so long as political (including military) purposes are in fact dominant over the aims of human service and understanding, as is demonstrably the case at present in U.S. overseas policy. But if Americans can become genuinely interested in contributing to the welfare of the people of the so-called "underdeveloped areas," there is hope. We will then make an effort to understand other people and cultures, to curb our natural vigor and enthusiasm for the big and the immediately successful. We will set more quietly about helping to remake the world, taking our time about it and not automatically choosing our own image as the invariable pattern to be achieved.

CORRESPONDENT IN JORDAN

## *REVIEW*

### A NOVEL OF DISTINCTION

WHEN two MANAS subscribers communicated impressions of Harriette Arnow's *The Dollmaker* by remarking that the tone of this novel was reminiscent of Dostoevsky—even though the principal scene was war-factory Detroit—this reviewer was both curious and puzzled. The great Russian novelist's name gets bandied about every so often by some critic who wishes to advertise his erudition, and we have even heard Norman Mailer described as "Dostoevskian," but a comparison with Dostoevsky always seems worth investigating, anyway. For Dostoevsky disturbs people mightily, producing an effect certainly not less than that which flows from classical tragedy, and while, due to this very fact, an appreciation of such literature develops only as an acquired taste, a reader disturbed and questioning is usually a more worth-while thinker than a reader pleased and satiated. Yet, when Mr. Mailer is awarded this particular Russian laurel wreath, we are convinced that someone has missed the point; for while Mailer's works are sordid and brutal—"disturbing" enough in terms of the number of unpleasant events recorded—they seem to us also unrelieved by that "undercurrent of striving" which Edith Hamilton insists is the main genius of Greek tragedy. Less than a hundred pages of *The Dollmaker*, however, convinced us that this subtle tone was artfully and impressively present in Mrs. Arnow's work, and that our two subscribers were right.

One way of vindicating the claim that *The Dollmaker* is more than a bit unusual is by describing Mrs. Arnow's heroine: a scantily educated Kentucky hill-woman with a brood of children, work-hardened, and physically unprepossessing, except in stature—for Gertie is more than six feet tall, completely unfeminine in appearance. Obviously, such a character must win over readers by means altogether different from those which promised easy success for Scarlett O'Hara and Amber. So the reader, for a while, if

thoroughly conditioned by the usual fare, is apt to wonder just why the book was written, and why he is now reading it. He finds out, though, providing he reads far enough. For here is a story whose mood helps to throw all our own experiences into illuminating relief. The somber side of daily tragedy is here, as it is apt to be with most of us, at least part of the time, but beauty of life and thought is woven through each difficulty as well. Gertie is a true heroine, moreover, for her courage and generosity of spirit are clear to us even when nothing spectacular occurs. And another mark of her genuineness is that, while her integrity never wavers, she is sometimes confused, sometimes caught in circumstances she cannot master. The hero or heroine who is always a pillar of certain and unpuzzled strength is made of fanciful fabric: we respond more deeply to one who is strong in spite of confusion, heartache and inadequate decision, who is nearly shattered but not quite, for that is the sort of hero each one of us actually has a chance to become. Gertie has two battles with death on behalf of her children. One struggle, the most difficult, she wins with iron determination—by employment of an innate surgical skill. The other child dies as a result of a gruesome accident, and it is no small achievement, in this case, for the Mother to recover her inner balance in the days that follow.

But to go back to the setting of the story: Out of a sense of duty, Gertie brings her family to Detroit, when her husband insists on trying for a share of the wealth all wartime workers are promised. Her heart, though, remains in the Kentucky hills, where she was able to appreciate to the full the magic of a life close to nature. Gradually, through her own dispossession, she comes to understand what has happened to the thousands who have similarly been uprooted from a healthful, natural life. They have been lured into a den of mechanical monsters, become creatures of sterile routine. Little happiness here, little or no opportunity for the sort of practical family cooperation which made a country home a sort of composite organism, lifting up and sustaining each

individual unit, child and adult, with its vigor. Little lasting wealth or security, either, for the time-payment plan betrays everyone into bondage for unnecessary conveniences. What we see here through Mrs. Arnow's eyes—she made the move from a Kentucky farm to Detroit herself—is a speeded-up portrayal of the shift most of America took during the years of transition from frontier life to city routine. So we feel the loss sustained by all who work for money rather than to devise practical necessities for themselves, who never are allowed a sense of participating in the final results of their efforts. Work, once loved, and once in part its own reward, is gradually divorced from the regard of those who perform it. Families begin to quarrel—the pattern of clear and obvious meaning is gone.

Both adults and children are expected, in the city, to play stereotyped games of make-believe; for adults, there are the fables created by the advertisers—own a car, a radio, a washing machine, receive "social security" and you *must* be happy. After all, this is the faith of America! For children the radio, movies and television create a ready-made realm of fancy—yet not one in which individual imagination is encouraged. Gertie's eldest son, Reuben, takes after his mother and does not make the transition easily, nor does either of them want to make it at all. The following dialogue, revealing one of the themes of the story, takes place between Gertie and her child's teacher, after Reuben has been punished for supposedly initiating a fight:

"I have had one mother complain most bitterly. Her son had a toy gun. He was talking to Reuben, teasing him a little perhaps. Reuben bragged he had a real gun all his own, and that he'd taken it off in the woods and hunted alone and that once he'd seen a bear. He never tried to kill it, just shot at it and it ran away, the boy said Reuben said. The boy, of course, called him a liar, and Reuben—are you certain he is only twelve years old?—slapped him down. The mother came to me. I told her to go to the principal." She turned toward the door, jingling the car keys impatiently.

Gertie's face was pale. Her wide mouth was a straight line above her square, outthrust chin, her big hands gripped into fists until the knuckle bones showed white, her voice husky, gasping with the effort to keep down all that rose within her. "Reuben warn't lyen. He's had a ride since he was ten years old. They's bear an deer clost to our place back home. We're right nigh th edge of a gover'ment game preserve. One year th deer eat up my late corn."

She drew a long shivering breath. "I don't want any a my youngens ever a playen with a toy gun, a pointen it at one another, an a usen em fer walken canes or enything. Some day when they've got a real gun they'll fergit—an use it like a toy."

Mrs. Whittle smiled. "Your psychology, and your story, too, are—well—interesting and revealing, but. . ." She stepped into the hall. "I see no point in carrying this discussion further. He will have to adjust."

"Adjust?" Gertie strode ahead, turned and looked at the woman.

"Yes," Mrs. Whittle said, walking past her. "That is the most important thing, to learn to live with others, to get along, to adapt one's self to one's surroundings."

"You teach them that here?" Gertie asked in a low voice, looking about the dark, ugly hall.

"Of course. It is for children—especially children like yours—the most important thing—to learn to adjust."

"You mean," Gertie asked—she was pulling her knuckle joints now—"that you're a teacher my youngens so's that, no matter what comes, they—they can live with it?"

Mrs. Whittle nodded. "Of course."

Gertie cracked a knuckle joint. "You mean that when they're through here, they could—if they went to Germany—start gitten along with Hitler, er if they went to—Russia, they'd git along there, they'd act like the Russians and be"—Mr. Daly's word was slow in coming—"communists—an if they went to Rome they'd start worshipen th pope?"

"How dare you?" Mrs. Whittle was shrill. "How dare you twist my words so, and refer to a religion on the same plane as communism? How dare you?"

"I was jist asken about adjustments," Gertie said, the words coming more easily, "an what it means."

"You know perfectly well I mean no such thing." Mrs. Whittle bit her freshly lipsticked lips. "The trouble is," she went on, "you don't want to adjust—and Reuben doesn't either."

"That's part way right," Gertie said, moving past her to the stairs. "But he cain't hep th way he's made. It's a lot more trouble to roll out steel—and make it like you want it—than it is biscuit dough."

None of Mrs. Arnow's symbolisms are overworked; in fact, the reader may not recognize some of them until he has finished the last page. The most significant of these appears first as simply Gertie's "whittlin' foolishness." She carves so beautifully that everyone, Kentuckian or Detroit, is able to recognize genuine art in her work. For a long time she dreamed of making a Christ, not the agonized Christ of the Cross, but a smiling Christ even a gently laughing Christ. But she cannot see the face clearly in her mind; elements of it here and there, but never the visage complete. Finally, at the end, as she muses on her impossible-to-complete work, she realizes that almost any one of her neighbors, tortured and harassed though they are, might serve as model. For the Christ is there, in all of them, if one gains the eyes to see him.

In concluding, we realize that both the long passage quoted and some of our comments may make *The Dollmaker* sound a bit too much like a sociological sermon. Elements of social criticism are certainly there, effectively a part of the whole, but, put in the most simple terms, *The Dollmaker* is the psychological story of everyone who has been forced, by time or circumstance, to live where he doesn't belong. The fact that most of us feel displaced, separated by Nemesis from the atmosphere that would seem a true home, is certainly a part of the mysterious "tragedy" of human life. Yet without a knowledge, or at least an intimation, of worlds of beauty to be regained, there would indeed be even less flow of the "undercurrent of striving."

## *COMMENTARY* "PAINFUL PROCESS"

DESCRIBING the condition of colonial peoples, Rupert Emerson (see lead article) speaks of the contrast between the leaders who are moving on to participate in what we regard as modern, civilized life, and the great mass who remain "embedded in the crumbling patterns of their traditional economy, social structure, and outlook." The humane Westerner must regard this situation with profound misgivings, for such tragic circumstances result, at least in part, from the actions of Western nations, yet these nations are themselves so much involved in their own "old ways" of doing things that the practice of social intelligence in relation to uprooted colonial peoples becomes extremely difficult, if not impossible.

The British, acknowledged to be among the most eager for constructive adjustments toward the self-rule of their colonies, have had little success in bringing the Mau Mau terrorism to a peaceful conclusion. Acts of desperation, arising from embittered, "detrribalized" people, present dilemmas which call for moral genius. Just a reasonable attitude—and we are not sure that in this instance the British possess a wholly reasonable attitude—is obviously not enough.

Turning from the problems created by the death-throes of colonialism to more familiar scenes at home, a clear parallel exists between men like Prof. Griswold (see *Frontiers*) and women like Gertie (see *Review*), and the intelligent leaders of colonial peoples who are striving to raise their people to the level of self-government. Are the few who grasp the moral issues which confront Western civilization any more able to guide *their* people to just and wise decisions? Is it only the colonials "who are caught at some midstage in the painful process of transition. . . ."?

Surely the Western civilized peoples, in their own terms, are similarly caught, and as bewildered

by the contradictions in their lives as those who are attempting to survive amid the ruins of some "traditional" society.

Perhaps the sole advantage of the civilized Westerner is that he now has opportunity to recognize how very much alike are all human difficulties and problems, and how little, really, he has freed himself from the besetting evils of his time. It might even be that this sense of kinship with other peoples in trouble, if widely realized, would itself do much to create the mutual understanding that will have to exist before peace can come to the world.

## CHILDREN ... and Ourselves

THE highest function of education can, we think, be expressed without difficulty. It is, quite simply, to encourage the young to set out for the truth. Not a particular truth, either religious or scientific, but the truth of any and every matter which is presented to their consciousness: the truths of social situations, the truths of personal relationships, the truths of abstractions in religion and philosophy. If a man be encouraged to set out for the truths of social situations, he discovers justice; if he seek the truths of personal relationships, he discovers honesty, respect and love; probing the meaning of philosophical and religious abstractions, he comes to know more of the breadth and depth of man's idealism.

Of course, inevitably, the one in search of all these truths discovers a full measure of injustice while discovering justice; finds fear, possessiveness and hate in the contacts of men and women; and encounters hypocrisy and self-righteousness among the votaries of religion—and some doctrines to encourage these qualities. Still, the youth who knows enough to set out for truth knows all he will ever need to know of happiness. For it is while one is striking out that he brings into play his full range of faculties: his mind, his intuition, courage in the face of anger aroused by those whom the truth seems to threaten, and patience when others wilfully ignore whatever of the truth he has discovered.

Then, too, unlike other endeavors we are accustomed to describe as "life works," this quest can never be brought to a conclusion. Success in the quest is perpetual, or it is not at all. No one suddenly discovers he has gone as far as he can, coming to face with sorry bravado the emptiness of a dream fulfilled. For the setting out for truth is no dream, nor is it an abstraction. Everywhere around us are words, claims, power struggles—hates and "reeds mixed with loves and generousities—and nary a device for distinguishing

one from the other. None, that is, save the desire to do so, which is what we are actually talking about.

Once in a while, it is said that men who set out for the truth grow tired. Tired of standing up for it when other people avert their faces, or abuse the one who insists on stating his position. Apparently something of the sort has occurred again and again among those who have defended unpopular social, economic and political causes; the term "tired radical" is appropriate for those who eventually fall by the wayside, men whom we can more easily excuse for a measure of bitterness than anyone else. But, according to the viewpoint we are now exploring, the political radicals who thus become tired—courageous and uncompromising though their record may be—have never learned quite enough about "setting out for truth." For the political idealist, unfortunately, usually becomes a partisan, and somewhere along the way his partisanship substitutes itself for his desire for the truth. And if one pins his hopes, again and again, upon the success of a venture which never comes off on schedule, the resulting disappointments will most assuredly drain away psychic energy, and drip a little gall on the outer coverings of the soul. What the political enthusiasts forget is that the truth doesn't have any sort of schedule, that it has nothing to do with immediate attainments, but only something to do with immediate strivings. The few who realize this distinction become, at one and the same time, "existentialists" who live fully in the moment, and believers in immortality, who touch the timeless. We cannot exhaust the situations in which truth needs discovering. Nor do we have to discover *all* of the truth to know that our direction is significant.

Here an important qualification of the truth-seeker is revealed. He makes himself known, not only by courage and determination, but by his willingness to correct his own course, to admit errors in his own reasoning and approach. He can afford to be stubborn about only one thing—

placing one foot ahead of the other, not about the pattern his past footprints have made. He readily confesses mistakes in evaluation, the untruths he has unwittingly embraced. For he must look in all directions at once, pledge devotion to hypotheses rather than "certainties."

How may all this high-flown analysis be applied to the teaching of youth? For one thing, a youth must learn to use language like a scalpel, rather than as a protection of his opinions: "Semantics" must, for him, begin to live in terms of logic. One of our quarrels with the semanticists is that they seem to give too little attention to presenting the essentials of their discipline in terms simple enough for children to understand. Logic in language needs to be learned in childhood; the conventional phrases, used generally in family life, are loaded with unwarranted connotations. The child needs help in separating the language of legitimate investigation from the many misuses of words, the unjust claims and assertions. Since every conversation bristles with inferences, he must come to know an inference when he hears it, then be able to tell whether the context of discussion in any way justifies its presumption.

After all, what other tools than the tools of logic will a youth have, when he encounters the stridency of rival claims? He must be, for a time, dispassionate, if he is to penetrate behind the passions of others. He cannot depend on feeling, for even if his intuition be true, the surety of knowledge requires intuition and reason combined. It is in the process of learning how to combine these two that he grows to know his own frailties; we all desire, and then proceed to rationalization of our desires. This, perhaps, is less a bad thing than an inevitable thing, so long as our mental development lags behind the ebullience of our emotions. But what is important is that we learn to catch ourselves up, know when we are rationalizing legitimately and when illegitimately. Youth needs realization that truth about oneself is the truth upon which all other truths depend, and this sort of truth, also, is not something that can

be ascertained once and for all. The truth about ourselves is always changing, at least in degree, just as are the truths of social, political, and religious arguments.

Last but not least, education in how to "set out for the truth" requires development of appreciation of solitude. Another's insights do not enable one to penetrate the veil of personality, and one's own insights are discovered in calm and quiet. At least, the habit of calm and quiet is prerequisite to being able to come forth at crucial moments with a balanced perspective. So, for youth, it is sometimes best, perhaps, to read less and think more, to discuss with oneself before discussing with others.

From all these efforts, which a good teacher should constantly encourage, the young may gradually come to realize that what is important is not what a person knows, but rather his perception of how much he needs to know. The "divine discontent" with conventionally accepted "truths" needs arousing, for from the arousal comes everything which makes learning an adventure. Of course, only those teachers who have themselves set out for truth can do much for the young, and thus it is that sometimes an untutored independent, ignorant of stylized pedagogy, gives the gift a paid instructor does not have in hand.

## *FRONTIERS*

### **The Fifth Amendment**

THERE is much to be said against training for the practice of law. Those who go to law school in a mood of grateful acceptance of what is taught them may start their professional life under the illusion that the conventions of legal thinking are a suitable substitute for a troubled wondering about the problems of justice. The bright young lawyer may even suppose that the decisions of the courts are able in fact to accomplish justice, and that when a decision is handed down by judge or jury, the moral issue which hovered in the wings—which is always the primary issue in the minds of laymen—has been completely dissolved.

Dislike of lawyers is common. Apart from the fact that lawyers, like others gainfully employed, are occasionally guilty of sharp practices, having their own bland version of the "bedside manner" expressed in the technical abracadabra of their profession, there is a fundamental explanation of this dislike. It springs, we think, from an intuitive resentment of people who deal with justice as if it were a commodity. Justice is not a trade. It is not a thing which can be bought or sold in the market place. When it can be, it is not justice, but something else.

This is not to suggest that the people who harbor a dislike for lawyers on this ground are any more virtuous themselves. Moral consistency is not a notable feature of the Western culture; such subterranean feelings are rather an expression of what we have left of *conscience*—a reaction we would probably shrink from putting into words, for how can such a criticism be explained to the lawyers? Are they supposed to work for nothing? Well, on occasion, some of them have—Clarence Darrow, for one.

But there is also a side to legal education which it is possible to greatly admire. We have just finished reading Erwin Griswold's *The Fifth Amendment Today*, a pamphlet (50 cents) issued by the Harvard University Press. Mr. Griswold is dean of the Harvard Law School and his pamphlet is made up of three speeches given recently before lawyers and university students.

The one thing that is at once noticeable in the writing of a distinguished legal mind is the capacity it

reveals for impartial evaluation. In short, a legal education can be the means to genuine impersonality. In considering a subject like the Fifth Amendment, an impersonal attitude of mind is not only desirable—it is indispensable. For if one really attempts to think about this question—to come, that is, to a reasoned conclusion, instead of adopting a stereotyped reaction, either for or against—he is bound to notice how difficult it is to sustain the level of abstract reasoning required by the inquiry.

To get to the point, Mr. Griswold believes that the Fifth Amendment is an invaluable instrument for the preservation of American freedom. He believes that it can be a legitimate resort of self-protection for innocent persons, and that it is wrong to conclude that the taking of refuge in its provisions is evidence of guilt.

To understand the importance of measures like the Fifth Amendment, it is necessary to recognize how they came into being. Laws are often rules of procedure set up to facilitate the determination of facts and the establishment of justice. Now it sometimes happens that such rules work a hardship on innocent people or even place them in a jeopardy not intended by the framers of law. Accordingly, new rules are instituted to safeguard citizens against the misapplication of the earlier rules. From the viewpoint of common sense, these new rules may seem to be unreasonable or unnecessary, *except when examined in the light of already existing law and its customary usage*. Here, we think, is the nub of the argument about the Fifth Amendment.

The Fifth Amendment provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Some of these provisions date back as far as the twelfth century in English history. The "due process" clause, for example, really began with the Magna

Carta, which provided that no freeman should be subjected to major penalties save by judgment of his peers according to the "law of the land." By the eighteenth century, it was a maxim of English law that "No one should be required to accuse himself." This rule grew partly from the practice of the ecclesiastical courts, which sometimes employed torture to obtain a confession of heretical belief. Griswold traces the evolution of the Fifth Amendment in English jurisprudence, showing that in the seventeenth century the privilege against self-incrimination was well enough established to be a part of English common law. It was natural, therefore, that it should appear among the amendments to the American Constitution adopted in 1791. Griswold reasons broadly in its defense:

A good many efforts have been made to rationalize the privilege, to explain why it is a desirable or essential part of our basic law. None of the explanations is wholly satisfactory. I am going to offer my own attempt to express the reason for the Fifth Amendment, and why I think it is a sound provision of our basic laws, both federal and state.

I would like to venture the suggestion that the privilege against self-incrimination is one of the great landmarks in man's struggle to make himself civilized. As I have already pointed out, the establishment of the privilege is closely linked historically with the abolition of torture. Now we look upon torture with abhorrence. But torture was once used by honest conscientious public servants as a means of obtaining information about crimes which could not otherwise be disclosed. We want none of that today, I am sure. For a very similar reason, we do not make even the most hardened criminal sign his own death warrant, or dig his own grave, or pull the lever that springs the trap on which he stands. We have through the course of history developed a considerable feeling of dignity and intrinsic importance of the individual man. Even the evil man is a human being.

If a man has done wrong, he should be punished. But the evidence against him should be produced, and evaluated by a proper court in a fair trial. Neither torture nor an oath nor the threat of punishment such as imprisonment for contempt should be used to compel him to provide the evidence to accuse or to convict himself. If his crime is a serious one, careful and often laborious police work may be required to prove it by other evidence.

Sometimes no other evidence can be found. But for about three centuries in the AngloAmerican legal system we have accepted the standard that even then we do not compel the accused to provide that evidence. I believe that is a good standard, and that it is an expression of one of the fundamental decencies in the relation we have developed between government and man.

From a practical point of view, the most important part of Mr. Griswold's pamphlet is his explanation—a clear and convincing one—of how exercise of the privilege of the Fifth Amendment may not be an indication of guilt at all. He gives hypothetical cases to prove this point. While he by no means suggests that the Fifth Amendment has always been wisely invoked, what he is defending is the *right* of a citizen to invoke it and to stand on this constitutional right without being made a target for innuendo.

Mr. Griswold distinguishes between the exercise of the privilege in a criminal trial and its use in relation to the questions of an investigating committee:

In investigations [he writes], there are no carefully formulated charges. Evidence to support such charges has not been introduced and made known to the witness before he is called upon to answer. He has no opportunity for cross-examination of other witnesses, and often little or no opportunity to make explanations which might have a material bearing on the whole situation. In the setting of an investigation, therefore, the basis for the inference [of guilt] from a claim of privilege against self-incrimination is much less than it is when the privilege is exercised in an ordinary criminal trial.

One consideration of great importance lies in what is known as "waiver of the privilege." According to the prevailing interpretation of a Supreme Court decision in 1951 (*Rogers v. United States*), a witness who answers some questions asked by an investigating committee thereby obliges himself to answer *all* questions, losing his right to claim the protection of the Fifth Amendment. This creates a serious moral problem for some witnesses. As Griswold suggests:

Suppose a witness is summoned before an investigating committee. He does not claim a privilege against self-incrimination, and talks freely about himself, answering all questions about his own activity. He takes the position, however, that he will not answer questions about others. Or suppose a

person first refuses to answer all questions, claiming the Fifth Amendment privilege, but he later decides to waive the privilege as to himself. However, he refuses as a matter which he regards as one of principle to identify other persons. What should be the situation with respect to such a person?...

Let us assume that the witness feels positive in his own mind that the persons with whom he was associated did no wrong to our country. They did not engage in espionage or sabotage or anything like that. They were merely hopeful but misguided people, as he was. Let us assume, too, that this is all far in the past. The persons in question are in other work. They have families to support. If their names are disclosed, they will surely lose their jobs. He must then resolve for himself the question whether he will give their names and subject them to the same sort of ordeal he has been through in order to save himself from further difficulty and possible prosecution. He may be wrong if he decided that he should not protect himself by sacrificing them. I recognize the legal obligation to testify as to others, and the general importance of this both in trials and in investigations. But can it be said clearly that his action is always immoral?

With these considerations in mind, it is easy to see how a man might refuse to answer questions relating to himself—questions to which he could in good conscience give answers showing his innocence of any wrong-doing—in order to avoid testifying about others. He knows, let us say, that a cruel persecution of those he names is practically inevitable—guilty or not. Accordingly, he seeks the protection of the Fifth Amendment, and to gain it he must refuse to answer *all* questions. Here, the presumption of guilt because of his refusal to answer is wholly without basis.

Mr. Griswold points out that there is not always a proper appreciation of *procedure* in legal situations. The man in the street, eager for action, longing for straightforward dealing and clarity, easily becomes impatient of the apparently meaningless ritual of legal language and custom. What the man in the street forgets is that the law takes account of the tendency of human beings who are eager for action to act "impulsively," and to commit great injustices as a result. The forms developed to assure justice in the courts are a commentary on human nature generally, and not upon the human nature of lawyers alone. Griswold observes:

A failure to appreciate the intimate relation between sound procedure and the preservation of liberty is implicit, may I say, in that saddest and most shortsighted remark of our times: "I don't like the methods, but. . ." For methods and procedures are of the essence of due process, and are of vital importance to liberty. As Mr. Justice Brandeis wrote some thirty years ago: "In the development of our liberty insistence on procedural regularity has been a large factor." More recently Mr. Justice Frankfurter has put the same truth in these words: "The history of liberty has largely been the history of observance of procedural safeguards."

A part of this pamphlet is taken up with practical procedural recommendations to investigating committees. And since, as Griswold notes, "the essence of liberty, for which our ancestors fought on both sides of the Atlantic, is the freedom of the individual from the arbitrary power of governmental authorities," the matter of these procedures is of the greatest importance to American citizens. It may be hoped that *The Fifth Amendment Today* will be widely read. (Its distribution in the United States is being handled by the Eastern News Company, 306 West 11th Street, New York 14, N.Y.)