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WHAT PRICE "COMMUNICATI0NS"?

THERE is a natural tendency in men to develop theories of life and meaning which emphasize their own abilities. A mathematician, for example, is inclined to suspect that the important secrets of the universe will finally be disclosed in terms of number. Men with aptitudes in technology are forever elaborating "breakthroughs" which they believe will accomplish basic alterations in the patterns of human existence, while some biologists are given to even more awesome predictions, based on the claim that the genetic mechanism is now "directly available to chemical experimentation." These are a few samples from among dozens of impressive scientific anticipations and warnings.

Who can give order and precedence to such proliferating "discoveries" and the almost imperial authority sought by these mighty specialties in disdainful competition with one another? By default of everyone else, the task falls upon the quite inadequate shoulders of educators who, as nonspecialists, have little or nothing to say in the acceptable language of scientific certainty; and then, finally, to men possessed of journalistic skills, who find themselves cast as practitioners of adult education. In a world where great stores of unrelated information precipitate unrelated "imperatives" ever more insistently, the man who tries to assume *general* responsibility can only report the resulting confusion as clearly as he can. "Communication," then, becomes the saving discipline, especially among people whose conceptions of freedom and progress have since the eighteenth century been held to be totally dependent upon a wide dissemination of "the facts."

In his recent book, *The Poverty of Liberalism,* Robert Paul Wolff makes a rather precise statement of the basic conception or ideal, for which, today—let us note—only people who practice journalistic skills at their best make an effort to prepare:

> Rational community is not merely the efficient means to such desirable political ends as peace, order, or distributive justice. It is an activity, an experience, a reciprocity of consciousness among morally and politically equal rational agents who freely come together and deliberate with one another for the purpose of concerting their wills in the positing of collective goals in the performance of common actions.

That is the ideal. In its service, countless people around the country write books and articles, get out newsletters, publish magazines, print pamphlets, call meetings, make speeches, engage in seminars, teach in night school, and pursue other activities intended, at root, to make "a reciprocity of consciousness among morally and politically equal rational agents" at least possible. What else is there to do?

Yet "rational community" is far from being achieved. On the contrary: Speaking of conditions in American colleges and universities in a recent *Saturday Review,* Norman Cousins said: "the wonder is not that the campuses are in a state of unrest but that they should be able to function at all." And a reviewer of one of the many critical studies of one of our many wars remarks almost casually that the book "alerts us to how easily we can be duped by lies, omissions, half-truths, and syllogisms."

So while he plays what seems a losing game, the generalist journalist can only resolve to redouble his efforts. He is a David confronting a Goliath, all right, but six hundred words in the *Saturday Review* is not much of a slingshot. And he knows from first-hand experience that the more circulation he can hope for, the less he will be able to say.

Doubtless there are psycho-social laws in operation, here, but we don't know what they are. All we know is that communications channels in the modern world are laminated according to a very complex scheme, with the size of the audience in inverse ratio to the importance of what is to be communicated. These stratifications have just grown, like Topsy, through some strange variety of natural selection, and technical explanations are so oppressive of vision or hope—as for example Pareto's theory of "residues" to account for the persistence of human ideals—that it seems better not to consult them at all. So, instead, we try to catalog the bad guys and tell the people why they are having such a hard time. Again, what else can we do?

Eventually, that ascetic genius among muckrakers, Ralph Nader, will probably get around to the commercial press. Then we shall be able to study a generalized anatomy of intellectual corruption, and know even more about how we are "duped by lies, omissions." But those who make a profit out of communication are by no means as easy to reform as General Motors. It is here, finally, that the watchdog theory of human progress really breaks down. It is here that remedies and ills tend to merge in a terrifying confusion—the debasement of the word. And it is time to admit the reality that is functionally screaming for our attention from every quarter—that the Utopia achieved by relying on efficient watchdogs is always an *anti*-Utopia. The proposition is, then, that rational community must be based on *trust.* And how, we must ask ourselves, can this ever be achieved, or even modestly approached, in a world with so many people in it that can't be trusted? In a world where "truth" takes the form of systematic *proof* that they can't be trusted?

These questions can't be answered. Nor, on the other hand, can the proposition be proved; but some small confidence in it can be generated by openly admitting that founding one's hopes on distrust leads to Stalinism: watchdogs and sheep—executioners and victims—are all you can have in a society built on distrust. It takes time, of course, to reach this climactic result of relying on systematic distrust, but it is now practically self-evident that in these circumstances "progress" cannot go in any other direction.

Yet this is no argument at all. No one has ever been frightened into trusting anybody. And final proof of the social sterility of distrust comes too late to be of use. Let us look more closely at the watchdog theory of truth. Suppose—just suppose—that the already overwhelming case against the managers of the world's existing societies could be brought home in absolutely irrefutable form to *all* the people in the world. Suppose they all *knew* the worst. This won't happen, but suppose it did? Suppose all the efforts of all the conscientious and honest muckrakers were suddenly crowned with complete success? We-e-l-l, it can't be wrong to try to let the people know! We do need a "rational community," don't we? But would we have more, or would we have less, of a rational community if all the skullduggery and deceptions of modern politics were clearly exposed to all the people all at once?

For analysis of this hypothetical situation we do need a scientific expert, one who can tell us what has been found out about human behavior in the face of vastly disturbing or terrifying realities. In a paper presented before the American Association for the Advancement of Science in 1962, Dr. Lester Greenspoon, a research psychiatrist, had this to say concerning "The Unacceptability of Disquieting Facts":

> The truth about the nature and risk of thermonuclear war is available; the reason why it is not embraced is because it is not acceptable. People cannot risk being overwhelmed by the anxiety which might accompany a full cognitive and affective grasp of the present world situation and its implications for the future. It serves a man no useful purpose to accept this truth if to do so leads only to the development of very disquieting feelings, feelings which interfere with his capacity to be productive, to enjoy life, and to maintain his mental equilibrium.

The problem is not new. Ibsen embodied its complexities in *The Wild Duck.* But we say practically nothing about it in even the detailed discussions of how to conduct a rational society. The problem is almost totally ignored in theory, although expertly handled in practice. What modern businesses speak of as Public Relations, and politicians deal with under the headings of campaign management and Image construction has to do with the popular intolerance for all but a very coarse grade of truth. The myth of "equal rational agents" enjoying "a reciprocity of consciousness" has only lip service in daily life. The fact is that whenever an important reality of human behavior is denied recognition by orthodox social or political philosophy, it becomes a rich field for the under-cover operations of professional manipulators. We know all this, of course, but don't know what to do about it. The only familiar alternative to muckraking-as-usual would be some kind of ruthlessly cleansing dictatorship.

An entirely different view of this problem would result from thinking of it in educational terms. Education is far more than conscientious communication. How do people learn? People learn in the same way that they learned when they were children. In fact, distinguishing realistically between children and adults, as learners, could be embarrassingly difficult. In *The Classroom Disaster,* Leslie Hart shows that learning is an obscure and mostly random process which cannot be predicted, ought not to be too much systematized, and succeeds best when the student feels no pressure, is not exhorted, but is permitted to develop interests of his own. Teaching methods which operate against such natural learning are commonly based upon ideas about how children *ought* to learn. Such methods don't work—no more than watchdog theories of social progress. Mills and Douglass, on *Teaching in High School,* describe some of the problems:

> Students in the classroom are analogous to icebergs as far as the teacher's knowledge of them is concerned. Seven-eighths of the iceberg floats under water, leaving only one-eighth visible to the eye. Many of the student's attitudes, motivations, and perceptions are likewise hidden from the teacher's view. Unfortunately, because of numerous unpleasant experiences in revealing their personal problems and learning difficulties to their teachers and parents, many students have a strong tendency to *conceal* rather than reveal their deeper feelings. In twelve years of public education, students become quite skillful in hiding their problems from their teachers.

Back of this situation lies the grade school experience, briefly illuminated by John Holt:

> The reason why teaching in the conventional sense of the word—telling children things—is almost inherently impossible, is that we cannot know what the state of a young child's mind is. He hasn't got words to tell us. . . . He has a great many more understandings that he cannot possibly verbalize—and a great many misunderstandings.

Mr. Hart provides a choice quotation from Emerson, which will complete our borrowings from his book. Emerson had visited a classroom and on leaving said to the teacher: "Madam, you seem to be trying to make all of these children just like you. One of you is enough."

Here, surely, is the besetting sin of nearly all the intellectually skillful. What they have is surely impressive, but it is not *knowledge.* To what extent is the isolation of the intellectual due to his preoccupation with what he thinks "the people" *ought* to learn from him? Archibald MacLeish remarked some years ago: "knowledge without feeling is not knowledge and can only lead to public irresponsibility and indifference, conceivably to ruin . . . when the fact is dissociated from the feel of the fact . . . that people, that civilization is in danger." This is considerably more than a call for the show of emotion. One thing to be gleaned from John Holt is that his work with children results from his feeling *with* them—somehow he figures out how *they* feel and works with that. He doesn't pour his own feelings all over them. And he isn't about to tell them—not now—that "civilization is in danger."

Alas, there seems a sense in which it is either too early or too late to tell *anybody* about the dim prospects of civilization. Later in the address we have already quoted, Dr. Greenspoon said:

> It has been argued by some that solutions to the difficult and dangerous problems which beset the world would be more readily found and implemented if whole populations really appreciated the nature of the present risks. They argue further that ways must be found to *make* people aware, such as showing movies of twenty megaton bursts during prime television time. The consequences of such an endeavor might, however, be disastrous. For if the proponents of such a scheme were to achieve their goal, what they will have done is to have overwhelmed defense mechanisms [against intolerable threat or pain] and left people burdened with feelings they might have no way of coping with constructively. Contrary to expectations those activities which they might seize upon could very well result in just the opposite of lessening world tension. In fact, there is some experimental evidence which shows that fear-bearing communications decrease the ability of the recipient to respond adaptively to important facts. . . .

In our time, novelists seem to understand such laws of human communication far better than social theorists, as Ignazio Silone shows in his great trilogy, *Fontamara, Bread and Wine,* and *The Seed Beneath the Snow.*

This is not a question of studying the cognitive and affective receptivities of "the' masses" and then socking it to them. Education has only negative lessons to learn from what has already been done on Madison Avenue. What is wanted is the special sort of self-knowledge that teachers develop before they can get past the barriers Leslie Hart and others have described. A teacher's "self" includes everyone he hopes to influence, so that *his* self-knowledge will include insight into the being-needs of all those people, young and old.

The intellectual abstractions, the critical analyses, the exposes and social indictments which are accounted "knowledge" in our time do not lead to holistically intelligent action. This means of recording and spreading knowledge has the effect of dividing the population into mutually alienated groups.

One might argue that this is no time for the suppression of "the facts." When, many years ago, Wendell Phillips said: "If there is anything in the universe that can't stand discussion, let it crack," didn't he speak to the needs of every period of history, and most of all to us and our terrible present? But the present may also be most of all the time to learn the difference between facts that people can use and those they can't. The communicators with the most urgent facts are sure that what they have to say is of crucial social importance. But at what point will people who are deluged with relevant facts begin to take refuge in isolation? "When a man," Dr. Greenspoon says, "can acknowledge the fact that a continued arms race could lead to a nuclear war which might in turn very well mean the death of himself and his family, and millions of his countrymen, without experiencing any more effect than he would upon contemplating the effects of DDT upon a population of fruit flies, then he is probably making use of the defense of isolation."

Who can or ought to "control" such things? A government censor? The UN? Obviously, we need exemplars, not controllers. Conventional notions of control have no application here. There is instead a practical need for John Holt's teaching wisdom. Substituting "people" for "children" in what he says: "The reason why teaching in the conventional sense of the word—telling people things—is almost inherently impossible, is that we cannot know what the state of a person's mind is. He hasn't got words to tell us. . . . He has a great many more understandings that he cannot possibly verbalize—and a great many misunderstandings." We probably reached some kind of limit in telling people the things they ought to know a long time ago.

REVIEW
A CHASM, NOT A GAP

A BOOK like *The New Left*, a collection of essays put to "ether by Priscilla Long (Boston: Porter Sargent, 1969, cloth, $6.00, paper, $3.00), needs the help of a long introduction for the general reader. The entire issue of the Autumn 1969 *American Scholar* would serve this purpose, since it is devoted to "Revolution on the Campus," and the New Left was until recently a campus phenomenon. As Michael Kazin says in "Some Notes on S.D.S." (*American Scholar*), Students for a Democratic Society was created in 1960 out of "the moribund student affiliate" of the League for Industrial Democracy. "At about the same time," he adds, "a group of well-dressed black college students were sitting down at a segregated lunch counter in Greensboro, North Carolina, an act openly defiant of the system of Southern racism." This was the spark which ignited many fires of rebellion, and led in time to the student radical movement known as the "New Left." Mr. Kazin continues:

> Out of the sit-ins and subsequent "freedom rides," there grew a spirit of neopopulism among a group of white and black college students, mostly from prestigious schools like Swarthmore, the University of Michigan and Berkeley. The Student Non-Violent Coordinating Committee, which had been formed in 1960, moved away from the campuses and dug into grass-roots organizing efforts in several of the most viciously racist areas in the Deep South. Subjected to constant brutality by the local police and frustrated by Robert Kennedy's Justice Department, which stated support for their civil rights activities but provided them no federal protection, the young S.N.C.C. workers came back North to raise funds and enthusiasm for their crusade on campuses across the nation. (Long-time members of the Ann Arbor, Michigan, radical community tell the story of how Bob Moses, a charismatic S.N.C.C. organizer, used to drive up to the University of Michigan cafeteria from McComb, Mississippi, to pick up large supplies of food collected by student supporters.)
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> The knowledge of these experiences, and participation in them by some S.D.S. members like Tom Hayden and Rennie Davis, drove a wedge between the small groups of students active in the organization and their older guardians like Michael Harrington, Bayard Rustin and Norman Thomas who wanted S.D.S. to remain a group with no more than educational functions. The result of the dissatisfaction on the student end was a special conference in June, 1962, at which an eloquent document, written largely by Tom Hayden and later dubbed the "Port Huron Statement" . . . , was discussed and adopted by the less than one hundred participants present.

It is by no means as easy, today, as it was at the time of the Port Huron Statement to distinguish between the Old and the New Left. This becomes clear from the essays in Priscilla Long's volume. As Staughton Lynd says in "Towards a History of the New Left": "As participatory democracy, like nonviolence, came to seem the product of a naïve early stage of protest before the magnitude of the Movement's task was fully recognized, white radicals drifted back toward the political style of the Old Left."

Some of the papers seem intent only on reminding us of the sanctity of the American tradition of "Revolution." One contributor, Truman Nelson, is explicit in his feeling that nonviolence is an alien conception:

> I always felt that an enormous amount of time, money, and effort was wasted in the last years of the civil-rights crisis, while the leaders, black and white, were trying to convince the American black man that he was really a downtrodden Hindu, a palpitating mass of ingrained and inborn submission, a victim of caste society which stretches back, almost to prehistory. The Hindu, or to be more specific, the followers of Gandhi, were victims in a land so impoverished and barren that a lifetime of starvation was, and still is, their common lot . . . a land where living is so hard that men want a God so they can hate him as the father and ordainer of their degradation.

This seems a curiously ethnocentric way of disposing of Gandhian nonviolence, as though it could have no place in the lives of vigorous men. Other papers press the crimes of class injustice—which are real enough—yet seem indifferent to the contradictions which arise whenever righteous

revolutionists obtain power. In a very different mood is the contribution of George Benello, who says:

> Revolution tends to personalize the enemy and define it in terms of those with the most stake in the existing system. Corruption of course exists, and venality and self-serving is the rule, but these failures flow from the conjunction of human frailty with institutional structures holding an excess of power with no corresponding accountability. Moreover, the corruption is exacerbated by the critical gap between the myth system of democratic values and the coercive and elitist realities of the major institutions. When an ideology of participation is invoked, and used to build self-administering institutions, the gap is narrowed and the myth system taken seriously rather than cynically. When asked what it is after, SDS answers that it is merely trying to put into practice what is preached. When people do this in such a way as to humanize the existing technology, rather than renounce it, then the strategy of change operates maximally within social and cultural realities. The specter of the unknown, of a post-revolutionary order in unknown hands serving unknown purposes is put to rest.

Benello's article is one of the few attempts to make social application of the insights of humanistic psychology.

A paper by Barbara and Alan Haber puts of record the troubled thinking of a great many of the recent graduates from colleges and universities. Reporting feelings expressed at a conference of Radicals in the Professions, they say:

> But regardless of background, most of the participants expressed a common set of questions and mood of frustration: "It's hard to be radical for long—nothing happens. How shall we live? Where is the revolution? How do we measure and aid its coming?" They were people who had, by themselves or in groups, been seeking answers for a long time, but had not found any; people who felt to some degree that they were failing and who were anxious not to fail; people young enough to change but perhaps too rooted or uncertain to change by themselves. There was a deeply felt need to be politically effective. And among the bona fide professionals there was a great deal of guilt: for having "opted in"; for wearing a suit; for having given up some of the badges of opposition; for making a living; for having had too little success as radicals-within-professions.
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> The sense of crisis that people brought to the conference comes out of real conditions in their lives. On the one hand, many of us can no longer tolerate psychologically the demands of orthodox jobs or the training they require. Radical consciousness has produced a painful awareness of the personal emptiness and social evil of most traditional career patterns—even those not directly involved in making and administering policy for government, the military and industry. The movement has created a generation of people who expect their work to be what most jobs in our society are not; radically relevant; personally challenging and expressive; free from bureaucratic control, open to spontaneous innovation.

Regret for loss of the original inspiration of the New Left is expressed by Noam Chomsky:

> The Port Huron statement of SDS expressed the hope that the university can become "a potential base and agency in the movement for social change"; by permitting "the political life to be an adjunct to the academic one, and action to be informed by reason," it can contribute to the emergence of a genuine new left which will be a left with real intellectual skills, committed to deliberativeness, honesty, and reflection as working tools." Many in the New Left now think of such ideas as part of their "liberal past," to be abandoned in the light of the new consciousness to be achieved. I disagree with this judgment. The left badly needs understanding of present society, its long-range tendencies, the possibilities for alternative forms of social organization, and a reasoned analysis of how social change can come about.

George Benello says much the same thing:

> My argument is that revolution is inappropriate as an approach to change, and derives from a basic misconception of the problem posed by advanced industrial societies. The original intuition of the New Left, which saw a society of participation as the goal, and sought ways to work toward such a society, was correct, in my view. The trouble is that the intuition lacked any articulation in terms of an analysis of the social order and how to change it. This is understandable in view of the fact that the only systematic theory which has combined analysis and a theory of change in terms at all acceptable to the New Left has been Marxism. The anarchist and decentralist analyses of people like Goodman and

> Mumford and some of the English anarchists have no built-in theory of change, and in fact anarchism itself has always been ambivalent on the subject of change: some anarchists have been revolutionists, while others have opted for various schemes for building libertarian institutions into the society.

As various writers have pointed out, the moral urgency of the protest against the war in Vietnam has doubtless been partly responsible for the growing desperation among radical youth, and for the increasing acceptability of violent means, with what often seems a mere "relapse" into Marxist formulas. The rational inquiry sought by Chomsky, the grasp of social psychology advocated by Benello—these approaches are largely unable to penetrate the emotional desperation that seems to be spreading among the young.

Why, we must ask, is this mood so all-pervasive? The older generation must accept a great deal of the responsibility. In a very general but wise analysis in the *American Scholar,* J. Bronowski points out that the present "generation gap is now a moral chasm, across which the young stare at their elders with distrust, convinced that the values which make for success are fakes." Rational analysis and dispassion are difficult enough for disciplined adults in the face of such a discovery, and there is a limit to what can be expected of the young. "Young people," Dr. Bronowski says, "would like to be proud of their nation," but what is there to be proud of in "the policy of America and her allies in Asia?" Nor could they be proud of "the weapons and methods with which the war was waged." He continues:

> But the greatest shock of all to the idealism of the young is the way in which official spokesmen manipulate and even hoodwink the public opinion that they are supposed to lead. A whole apparatus of evasion has been developed in which nothing is an outright lie, and yet nothing quite means what it seems to say. The very words are unreal: de-escalation, ultimate deterrent, agonizing reappraisal—a tasteless vocabulary of plastic which George Orwell prophetically called Newspeak. . . . Most students today are convinced that their parents and teachers deceive themselves, and profess a traditional set of principles without even being aware that they do not live by them. In the eyes of the children, the generation gap is now a hypocrisy gap.

If we want to understand the young, and why they seem to be living on another planet, a reading of these essays on *The New Left* may only bewilder and depress. Musing attention to Arthur Miller's *Death of a Salesman* might give more insight into the barren and betraying world the young are determined to reject, and why a time was bound to come when a generation filled with moral longing would be completely unable to go along.

COMMENTARY
THE REMEDY FOR SOCIAL DISORDERS

IF there is any one important idea which comes out of the miscellany of materials assembled in this issue, it is that human hopes and aspirations ought never to be made dependent upon elaborate institutions.

Yet there cannot be a society without institutions. Plans for "abolishing" them usually open the way to even worse corruptions because of the ingenuous self-righteousness of the reformers. Tough-minded men in both the eighteenth and nineteenth centuries (and in the twentieth) thought they could get rid of the deceptions of priestcraft by abolishing religious institutions, but all that they accomplished was a transfer of the psychology of religion to politics. They exchanged one vicious absolutism for another. The characteristic immaturities of human beings are not erased by changes in institutional arrangements. No *arrangement* can ever take the place of the mysterious inner excellences on which the quality of life depends, and any conception of social order or development which ignores them or minimizes their importance is intrinsically antihuman. This effect, like murder, always comes out in the end. But by that time the ugly facts we have all become used to, and sometimes *adjusted* to, are made into a hard-headed argument against the very existence of human excellences. This is really the end of the line. We learn what final, entropic disorder in human relations is like.

This becomes for many men a conscious encounter with limit. Faust with his capital used up. Job in total despair. Frankl in the death camp. The Humanitarian Scientist in impotent submission to the ruthless political *djinn.*

It isn't all that bad, of course. It never is. The limit is real for only *some* people. The encounter is *subjective.* It happens to individuals here and there, and the ones with the germs of a new life in them start again at the beginning of a new line. Hardly anyone notices the change, and you can't make a "study" of these people. They don't announce themselves. They begin to shape expression of the silent tenacities of a vision which has survived countless other embodiments and watched over a thousand other beginnings. They leave attention to pomp and circumstance to the people still involved with those "realities." Such allegiances have to wear out—they can't be abolished. So twice-born men concentrate on the realization and spread of simple, primary truths. They know that society—*any* society—encompasses a vast diversity of human beings. If its organization goes beyond certain elemental simplicities, the escalation of human sacrifices will begin. No "progress" which is made to justify this is worth talking about. They will not argue the case.

CHILDREN
. . . and Ourselves
THE LIST OVERFLOWETH

IN a talk recently broadcast over KPFK (the Los Angeles Pacifica Foundation station), Jonathan Kozol, who wrote *Death at an Early Age,* told the story of the founding of a school in the Boston ghetto. One night early in 1967 a group of twelve black parents sitting around in a kitchen began "dreaming about the kind of school they'd like to run if they ever could have some say over the education of their own kids." They were just "dreaming," Kozol said. Nothing more.

> First, they said, thinking of the kinds of buildings that we have in Boston, they'd want to find a cheerful building that didn't look like a "school." When they had the building they said that the next thing they'd do would be to make it beautiful inside. And they said they would begin to build a handsome library. (There are no school libraries at the elementary level in Boston.) Next they said they would go out and find the kinds of teachers they wanted, teachers who would not be afraid to work, subject to their judgments and opinions. Finally, they said that they would take measures to be certain that they could keep control of any school of this sort in their own hands. They had had enough, they said, of depending upon the decency and honesty of others.

Most dreams die aborning. This one didn't. Two weeks later the group got together again:

> Same parents sitting there, looking at each other, and complaining, talking about their kind of school they'd like to run. And then suddenly they looked at each other and they knew they were going to do it. Quite a moment. Nothing had happened. They just felt their strength. Together they called a meeting and made a public announcement of their plans. It was quite a moment to call in an audience and say you are about to start a school. That you can do a better job than all the experts. They visited private schools. They started making trips all over the area. Looked at everything they could get their hands on. Read a vast amount. Started looking over various teachers. It was quite beautiful, you know, to see the parents of the so-called "culturally deprived" sitting around arguing about Edgar Friedenberg and A. S. Neill and John Holt. I sometimes wonder if any of the teachers in the Boston school system had ever heard these names. Here I always thought that Friedenberg was some old communist spy, or something like that. The beautiful thing is that the parents did not go to the schools of education, they did not go to the State Board of Education, they did not go to the white experts over at Harvard. They went instead to their own hearts and made their own decisions.

Mr. Kozol says that they didn't have any money but they went ahead anyway. They found the teachers they wanted and offered them what they said they ought to be paid. And they found a building that seemed suitable right in the center of the ghetto—a handsome, Georgian, red-brick structure that was covered with ivy and for sale for $40,000. With a flair for the dramatic, Mr. Kozol says they went ahead and did all these things "without any money," even getting title to the building by putting two mortgages on it. What he is really saying is that if you have the hearts and the brains and enough persistence the money will come. Apparently it did. Anyhow, they found enough co-signers to swing the mortgages, which meant that they had all the essentials of their school: the children were there, the teachers chosen, and now they "owned" the building—a very good building, it turned out:

> After they had cut away the ivy the parents found they were possessors of one of the most beautiful period pieces in the entire Boston area. It has since been assessed for $100,000. Finally they hired the headmistress they wanted, a black woman, from Chicago, very impressive. A powerful personality. . . . They accepted children, they rebuilt the classrooms, they bought all the materials that the teachers asked for. Five months had passed, no more, and they opened up the new school for children in September.
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> After they had opened they went out into the suburbs, to the foundations and government agencies and raised $80,000. Since that time they have raised over a third of a million. The school, surprisingly black militant from its beginnings, has become a magnet for white families. Today they have a waiting list for white kids. A man from Brandeis called me last winter to ask me if I had any pull to get his child in. I said I didn't. Black people run that school. They've a waiting list on white kids and the problem is not to draw them in but to save some spaces for the

poor, who started the school. This September the school began its third year. One hundred kids now go from kindergarten to the sixth grade. Third- and fourth-grade children who were tested last spring scored at or above grade level in reading. Those of you who know anything about ghetto schools know that that comes as something of a miracle.

The objective sought was community control. With that gained and cherished, "ethnic" balances came about naturally:

Two thirds of the students, half of the faculty, three quarters of the trustees are black. Continued, unrelenting, and uninhibited emphasis is placed on revolutionary black history, black culture, and the entire mood and meaning of an angry ghetto. The active verb within the school is *learn*, not teach. Teachers do not manipulate, they learn and listen with the children. The school has been argued about, described praised, studied by journalists and educators in many sections of the country. In fact, there are three of them now in Boston. An idea spread around. It's quickly becoming one of the most effective testimonies, not only of a highly intelligent kind of community control in education, but also to an unexpected coexistence between black power on the one hand and an unforced and unpatrimonial brand of pupil integration, on the other. Blacks took the lead, white people followed and joined up. Together, what they have achieved seems revolutionary.

Jonathan Kozol, it may be recalled, was fired from his teaching job in the Boston public school system for deviating from the described curriculum. He tells about it in *Death at an Early Age*, now an inexpensive paperback. This Department has a letter and announcement from two teachers who suffered a similar fate for similar reasons. These men have formed the "Teacher Drop Out Center" at the University of Massachusetts School of Education—an informal agency devoted to matching up schools "looking for creative, innovative, deeply committed-to-kids teachers" with teachers who fit this description. They say in their announcement:

We here at the TEACHER DROP OUT CENTER cannot rescue the cause of freedom from history but we'd like to rescue some of the casualties. . . We know there are teachers like this and we know their worth; they alter lives; indeed, they give life where before there was void and non-awareness, they put kids in touch with their powers. . . . We know also that there are schools which are trying to move out of the restraints and failures of yesterday and which would welcome such teachers as full partners in the process of human growth and enlargement. . . . We have already begun to compile a nationwide list of schools. . . and our list overfloweth—the implications of which are heartwarming. We're open to inquiries from teachers and teachers-to-be. Let us know about yourself and what you need. We'll listen and filter our information for you.

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FRONTIERS

The Institution of Law

READING law journals is not a customary pursuit of this Department. The ratio of usable ideas to volume of verbiage is too small, and the dense filters of legal convention inhibit the expression of all but veritable Pavlovas of the law. However, having received by chance a copy of the second number of the 1969 volume of *Law and the Social Order* (published quarterly by the students of the College of Law, Arizona State University), and being unavoidably impressed by the concern for the rights of human beings evident throughout its contents, we were driven to reflect that no society committed to self-government could survive the loss of this continuous but largely unnoticed service on the part of conscientious lawyers. It is a homeostatic necessity in a democracy. This leads to an attempt at "larger thoughts" about the role of "law," followed by almost immediate recognition that "larger thoughts" commonly produce ponderous definitions which ignore the prickly aspects of what they define.

For example, generalizations about law may neglect unspoken assumptions about the people who are affected by it. A certain homogeneity or uniformity of human attitudes about right and wrong, about what is acceptable and what is not, always seems to underlie legal systems. The laws and courts of the United States give fair protection to a great many people, but not to black people (although there are some wonderful exceptions), and certainly not to the descendants of the country's original inhabitants. Random reading in Felix Cohen's *Handhook of Federal Indian Law* is pretty shattering to anyone brought up to believe that the laws of the United States provide even-handed justice to all men under their jurisdiction. It becomes very plain that laws are administered in behalf of people who are assumed to be part of a common moral order, and if *some* people—some races, some groups—are not regarded as part of that order, then the law itself may make them objects of injustice; or if it does not, then its intentions are likely to be flouted as intolerable impudence and its provisions thwarted in the name of some "higher" principle. Law, in other words, is effective only as the rationalization of sufficiently common agreement among men. It cannot order what has not been morally achieved by a considerable number.

There are other problems Ten years ago, MANAS (Dec. 9, 1959) reprinted from *Transfer*, the San Francisco State College literary magazine, John Martinson's description of his encounter as a conscientious objector with federal law, and with friendly lawyers. He had told his draft board: "I no longer consider myself a conscientious objector as you define the term." He felt that the "beliefs" required to qualify him amounted to a breach of the First Amendment's separation of Church and State, constituting a kind of "religious test." So, being reclassified I-A, and having refused induction, he was arrested, indicted, and tried. Thinking over what happened, he wrote:

> For a person caught up in that vast complex of ritual and verbiage known as the Judicial branch of government, there is a basic question to be answered. It is, "Shall I argue the basic issues that have brought me into conflict with the law, or shall I concentrate on technical points of law and use every possible legal tactic to show the government's case is out of order?" I suppose the necessity for making this decision arises from the fact that judges, as a rule, hesitate to decide issues, especially constitutional ones. Judges are experts in the skilled technical business of interpreting the fine points of a complex body of existing law. The lawyers realize this, of course, so very often the lawyer will want to argue a technical case while the defendant wants to raise issues in public debate. . . .
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> We decided to fight a conventional case. My lawyer prepared a lengthy and proper brief citing many cases to show that I had not been afforded "due process of law." . . . And the case was lost. Now if the case had been won I probably would have a different view of the matter. One thing seems clear to me, however. If you fight on principle and lose you have the consolation of sitting in prison and saying, "Well, it was a good fight, anyway." When you fight strategically and lose it doesn't help much to say, "Well, I guess we were outsmarted." . . .

> Having a lawyer prepare a brief is an expensive process even when you're lucky enough to have a lawyer who volunteers much of his time, as mine had done. . . . There is a psychological price to be considered as well. Before I left San Francisco for the trial a lawyer told me, "Be sure you don't say a word without checking with your attorney. You have a way of talking that's bound to antagonize the judge. And be sure to always wear a suit and tie." I do own a suit. I bought it five and a half years ago for our wedding and I put it on so rarely that I feel like I'm getting into a costume. So *is* it true that if you're fitted out in the accoutrements of middle-class respectability you're more likely to receive justice? And do you give assent to this when you take advantage of it? The morning of the trial my lawyer looked at the windsor knot in my tie (which I'm sure I started using ten years ago) and he said, "Could you tie your tie with a little smaller knot? I don't want the judge to think you're some sort of zoot suiter." Perhaps these are not major considerations.

Well, Martinson did his time, and we have no report on whether he profited by the experience. But he did say this:

> After all this, what advice do I have for any future lawbreakers of America? Frankly, not much. I tend to be long on conversation but short on advice. It does seem to me, though, that unless you've got the time and the money and have the government dead to rights in a flagrant violation of its own regulations, it's better to stick to principle and go down swinging. . . . Going to prison doesn't do society much good, but at least it does less harm to it than packing thermonuclear warheads into guided missiles.

The majesty of the law diminishes to mickey mouse dimensions in relation to Martinson's case. It was no help to him at all. In fact, its services to him seem ignominious. It tempted him to go to jail without the dignity he longed for.

One thinks also of another legal matter—not parallel at all—involved in a letter written by Hopi Indian leaders in 1948 to President Truman. The letter was to explain why they would not apply to the U.S. Land Claims Office for relief concerning their confinement to a small area of the reservation alloted to them by treaty in the last century. To do this, they said, would acknowledge the *sovereignty* of the United States over the Hopi people, who were, on the contrary, they said, an independent Indian nation that had occupied their land for almost a thousand years, the city of Oraibi with its two-story stone structures having been built in the twelfth century!

What, after all, could a well-wishing lawyer do for the traditional Hopi people, except to tell them to be "practical" and submit? There are a great many occasions when all a lawyer can tell you is that it is irrelevant to be right.

Yet the reader of this issue of *Law and the Social Order* develops plenty of respect for the intentions and labors of the lawyers who describe in these pages what is being done (1) to protect the right to a court trial of the mentally ill, (2) to improve the position of soldiers threatened by court martial, and (3) to oblige police to give defense attorneys information germane to the interests of defendants. A long article by Monroe Price, "Lawyers on the Reservation," tells in considerable detail what some forty lawyers are doing for the American Indians through legal services provided by the Office of Economic Opportunity. This writer shows that by past federal action the Indian tribes have been made into the legal plaything of Congress, with the Government exercising virtually the power of life and death over them:

> What all this power means is that the legal system, as a whole, has done exactly what law is usually intended to prevent: it has contributed uncertainty and provided an abrasive influence. It has been invoked as a weapon of denial—the agent of the Bureau of Indian Affairs decreeing what a group of people cannot do, what action it cannot take. In that sense, it has impeded the development of political organization. Federal law has also damaged the normal growth of relationships between persons because of its definitions of crimes, its scheme of remedies, and its establishment of status, for it has been the legal system of an alien culture, imposing rules about behavior that may have been at odds with customary practice. If the genius of the common law at large has been its ability through slow growth to conform ideals to societal mores, then that genius had not had a chance to flourish in the reservation setting; the goal, virtually from the beginning, was to use law

> to mold behavior—to make Indians more like white men—rather than to make a law that codified or respected behavior.

The thing that needs to be understood about the law—any system of law, anywhere, any time—seems implicit in this paragraph. As a structured institution reflecting the qualities of human beings, law can provide ordering rule, precepts in social obligation, and serve as model for many sorts of rational collaboration; it can be all this, but at the same time can also be, or grow into, the instrument of cruelly indifferent tyranny, brazen justification of cultural egotism, and a bland façade hiding nameless crimes.

Seeing this should produce vigorous attack, not on law and lawyers, but on every exaggerating misconception of the law, on every means of giving it superhuman grandeur, on any elevation of it to a sovereignty it has not earned or does not continue to deserve. Lawyers have major responsibility in creating and maintaining this common-sense view.

Actually, we know little enough about social institutions. They seem to constitute or reflect vast "averages" of human behavior. We cannot imagine a society without them; on the other hand, we cannot imagine a society without members easily able to live, so to speak, "above" them, while there will be others for whom institutions represent a threat, a promise, and an ideal. And we know that corrupt institutions generate a fury, a desperation, in their victims which ought to be recognized as very nearly a "normal" human reaction. Most people are able to cope with a considerable amount of ordinary evil, hardship, or pain, but *betrayal*—especially betrayal which a lot of people refuse to recognize for what it is—can drive people almost mad. General education in "the law" should be very careful to include all this.