Report of the Committee on Freedom of Expression at Yale

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Chairman's Letter to the Fellows of the Yale Corporation

December 23, 1974

To the Fellows of the Yale Corporation:

The following report is the result of the findings and deliberations of a committee appointed last September by President Kingman Brewster, Jr. The President was responding in part to a resolution adopted by the Yale College Faculty on May 2, 1974, requesting him "to appoint a faculty commission to examine the condition of free expression, peaceful dissent, mutual respect and tolerance at Yale, to draft recommendations for any measures it may deem necessary for the maintenance of those principles, and to report to the faculties of the University early next term." Guided by the Rules of Governance adopted in 1970, the President appointed a committee of thirteen consisting of five faculty members, two members of the administration, three graduate students, two undergraduates, and one member of the Yale alumni. Their names, with one exception, will be found at the end of the report.

In efforts to fulfill its assignment the committee not only reviewed the record of the past decade but also sought to inform itself about attitudes and opinions of all members of the University community who wished to make their views known. Repeated invitations in the press brought in numerous written statements, many of them thoughtful and informative. The committee also held advertised public as well as private hearings and recorded hours of testimony and advice.

It is gratifying to report that the committee found strong support for the maintenance and defense of freedom of expression among those whose views were received. A smaller number held reservations of various kinds about how much freedom should be tolerated. Some felt that freedom of speech was too dangerous, or that enjoyment of free speech should await the establishment of equality or the liberation of the oppressed. Only one appeared willing to advocate censorship and suppression of unpopular speakers.

How well the views last mentioned are represented in the dissenting statement of one member of the committee it is impossible to say. At least it serves as some indication of the difficulties the University might face in implementing the principles supported by the committee. Printed exactly as delivered, the dissenting member's statement was only received after the committee had finished its deliberations, completed the writing of its report, and disbanded for the holidays. The committee was therefore unable to comment on the faithfulness with which its views are represented, the scrupulousness with which its words are quoted, or the accuracy of factual allegations.

From the beginning of its investigations the committee has been aware that Yale's problems are shared by sister institutions at home and abroad. Correspondence with some of them has reinforced the impression that a movement which in its inception in California a decade ago proudly invoked the name of Free Speech has in latter days showed signs of repudiating its original commitment. While this investigation is confined to the experience at Yale, it has been the hope of the committee that its statement might inspire in other universities a rededication to the principles asserted in this report.

The Secretary of the University has kindly agreed to make available to those requesting them the full texts of the President's baccalaureate address of May 19, 1974 and the public statements of the Yale Corporation that have been quoted in this report.

C. Vann Woodward

Chairman

The Report of the Committee

I. Of Values and Priorities

And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse, in a free and open encounter.

John Milton, Areopagitica, 1644

If there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought – not free thought for those who agree with us but freedom for the thought that we hate.

Oliver Wendell Holmes, Jr., U.S. v. Schwimmer, 1928

The primary function of a university is to discover and disseminate knowledge by means of research and teaching. To fulfill this function a free interchange of ideas is necessary not only within its walls but with the world beyond as well. It follows that the university must do everything possible to ensure within it the fullest degree of intellectual freedom. The history of intellectual growth and discovery clearly demonstrates the need for unfettered freedom, the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable. To curtail free expression strikes twice at intellectual freedom, for whoever deprives another of the right to state unpopular views necessarily also deprives others of the right to listen to those views.

We take a chance, as the First Amendment takes a chance, when we commit ourselves to the idea that the results of free expression are to the general benefit in the long run, however unpleasant they may appear at the time. The validity of such a belief cannot be demonstrated conclusively. It is a belief of recent historical development, even within universities, one embodied in American constitutional doctrine but not widely shared outside the academic world, and denied in theory and in practice by much of the world most of the time.

Because few other institutions in our society have the same central function, few assign such high priority to freedom of expression. Few are expected to. Because no other kind of institution combines the discovery and dissemination of basic knowledge with teaching, none confronts quite the same problems as a university.

For if a university is a place for knowledge, it is also a special kind of small society. Yet it is not primarily a fellowship, a club, a circle of friends, a replica of the civil society outside it. Without sacrificing its central purpose, it cannot make its primary and dominant value the fostering of friendship, solidarity, harmony, civility, or mutual respect. To be sure, these are important values; other institutions may properly assign them the highest, and not merely a subordinate priority; and a good university will seek and may in some significant measure attain these ends. But it will never let these values, important as they are, override its central purpose. We value freedom of expression precisely because it provides a forum for the new, the provocative, the disturbing, and the unorthodox. Free speech is a barrier to the tyranny of authoritarian or even majority opinion as to the rightness or wrongness of particular doctrines or thoughts.

If the priority assigned to free expression by the nature of a university is to be maintained in practice, clearly the responsibility for maintaining that priority rests with its members. By voluntarily taking up membership in a university and thereby asserting a claim to its rights and privileges, members also acknowledge the existence of certain obligations upon themselves and their fellows. Above all, every member of the university has an obligation to permit free expression in the university. No member has a right to prevent such expression. Every official of the university, moreover, has a special obligation to foster free expression and to ensure that it is not obstructed.

The strength of these obligations, and the willingness to respect and comply with them, probably depend less on the expectation of punishment for violation than they do on the presence of a widely shared belief in the primacy of free expression. Nonetheless, we believe that the positive obligation to protect and respect free expression shared by all members of the university should be enforced by appropriate formal sanctions, because obstruction of such expression threatens the central function of the university. We further believe that such sanctions should be made explicit, so that potential violators will be aware of the consequences of their intended acts.

In addition to the university's primary obligation to protect free expression there are also ethical responsibilities assumed by each member of the university community, along with the right to enjoy free expression. Though these are much more difficult to state clearly, they are of great importance. If freedom of expression is to serve its purpose, and thus the purpose of the university, it should seek to enhance understanding. Shock, hurt, and anger are not consequences to be weighed lightly. No member of the community with a decent respect for others should use, or encourage others to use, slurs and epithets intended to discredit another's race, ethnic group, religion, or sex. It may sometimes be necessary in a university for civility and mutual respect to be superseded by the need to guarantee free expression. The values superseded are nevertheless important, and every member of the university community should consider them in exercising the fundamental right to free expression.

We have considered the opposing argument that behavior which violates these social and ethical considerations should be made subject to formal sanctions, and the argument that such behavior entitles others to prevent speech they might regard as offensive. Our conviction that the central purpose of the university is to foster the free access of knowledge compels us to reject both of these arguments. They assert a right to prevent free expression. They rest upon the assumption that speech can be suppressed by anyone who deems it false or offensive. They deny what Justice Holmes termed "freedom for the thought that we hate." They make the majority, or any willful minority, the arbiters of truth for all. If expression may be prevented, censored or punished, because of its content or because of the motives attributed to those who promote it, then it is no longer free. It will be subordinated to other values that we believe to be of lower priority in a university.

The conclusions we draw, then, are these: even when some members of the university community fail to meet their social and ethical responsibilities, the paramount obligation of the university is to protect their right to free expression. This obligation can and should be en forced by appropriate formal sanctions. If the university's overriding commitment to free expression is to be sustained, secondary social and ethical responsibilities must be left to the informal processes of suasion, example, and argument.

II. Of Trials and Errors

Part of the Committee's charge was to assess the condition of freedom of expression at Yale. This requires some search of the University's record, good, bad, and indifferent, in defending its principles. The full history is too long and complicated to unfold here, but there are more reasons for concentrating on the recent past than lack of space and time. It is not clear, for one thing, how early in its history Yale's commitment to these principles became firm. Nor is it clear how much is to be gained by comparing in this respect the old Yale with the new Yale of recent years.

While the old Yale laid valid claim to being a national institution with representatives in its student body and faculty from all parts of the country and

many parts of the world, in significant ways it was more homogeneous than the new Yale. One consequence of that homogeneity was the absence of some divisions that would plague the future. Changes in policies of recruitment, admission, and grants of assistance replaced the relative homogeneity of old Yale with the heterogeneity of new Yale. The decade of the sixties brought larger delegations of classes, races, and ethnic groups that had been underrepresented before or not present at all. The new groups were more self-conscious as minorities and others were more conscious of them. Reactions ranged from insensitivity for minority points of view to paternalistic solicitude for minority welfare and feelings. And sometimes insensitivity and solicitude commingled.

The new heterogeneity did not prevent the forging of a strongly held consensus on certain issues. One of them was civil rights, and especially the rights of black people. Another was opposition to the Vietnam War and a multitude of policies associated with it. Yale shared in full the spirit of political activism and radical protest that swept the major campuses in the sixties. Storms of controversy and crises of confrontation broke over the campus with a force comparable to that which crippled some of the country's strongest universities. Yale was generally regarded as exceptionally fortunate in its ability to weather the years of crisis. Some thought the University led a charmed life, and while President Brewster had numerous critics, others attributed Yale's comparative stability to the quality of leadership provided by his administration. A complete account of those years, even a full study of free speech during the sixties would contain much in which Yale could take pride. Placed in the context of failures elsewhere, the failures at home – and they are serious enough to cause concern – would loom less large.

The University's commitment to the principle of freedom of expression was put to severe tests during the years of campus upheaval. It should be noted, however, that the main incidents of equivocation and failure with which this report is concerned did not coincide with the years of storm and stress. The first incident, that of the invitation to Governor George C. Wallace, occurred in 1963, before the full onset of the critical period. The others came in 1972, after the tumult had subsided, and in 1974, a year of relative tranquillity. The latter incidents are those involving General William Westmoreland, Secretary of State William Rogers, and Professor William Shockley. Only the last of them culminated in actions that physically prevented a speaker from being heard when he appeared before an audience. The other scheduled speakers did not actually appear before an audience for various reasons, including the withdrawal of an invitation, decisions by invitees not to appear, and threats of disruption and possible violence. But failure or equivocation in defense of free speech was fairly attributable to the University community in some degree in at least three and possibly all four incidents.

It should be recalled that the record of the University includes successes as well as failures, and that the successes in defense of principle were not all on the side of speakers who supported the University consensus on the war and racial issues. In spite of prevailing hostility to their views on the part of a large campus majority, General Curtis LeMay, Governor Ronald Reagan, Senator Barry Goldwater, and Professor Richard Herrnstein were invited, received, and heard during these years.

The first of the failures came in the fall of 1963 when the Political Union invited Governor George C. Wallace of Alabama to speak at Yale. He was only one of several political figures, including Senator George McGovern and Representative Robert A. Taft, Jr., who were scheduled for appearances in the fall term, but Wallace stood out as the most controversial. He accepted the invitation. At the height of the civil rights crusade, the Governor was regarded as the very symbol of reactionary intransigence, the national champion of segregation. In the previous spring he was the central figure in a series of bloody racial confrontations in his state. Then on September 15, shortly after the Political Union invitation, four black children were killed and some twenty others were injured in the bombing of a church in Birmingham. The Governor did not condemn the bombing as forthrightly as many thought he should. In these circumstances Mr. Brewster, then Provost of the University, asked the officers of the Political Union to consider withdrawing their invitation. When the Union complied, he justified his request in view of "the damage which Governor Wallace's appearance would do to the confidence of the New Haven community in Yale and the feelings of the New Haven Negro population." He expressed gratitude for a decision "in the interest of law and order as well as town-gown relations."[1]

Reactions to the decision contrast strikingly with the responses to comparable incidents during the next decade. "We are shocked by the Provost's statement," declared an editorial in the Yale Daily News in the issue quoting it. "The more we consider Yale's treatment of the invitation to Governor Wallace, the more painful it all becomes," said an editorial three days later, adding that "This kind of action simply does not belong in this great academic community. The pressures of time must not dull our allegiance to such a basic duty of a free University." One inference drawn by the News from the Provost's pronouncements on the Wallace incident was that in the administration's view, "the threat of disorder and poor taste" was on the whole "more important than any issue of free speech involved." It quoted the opinion of Zachariah Chafee, Jr., an eminent constitutional scholar, that "We are more especially called upon to maintain the principles of free discussion in case of unpopular sentiments or persons, as in no other case will any effort to maintain them be needed."

The *News* reported that "feeling among faculty members and students" with regard to the withdrawal of the invitation "appears almost overwhelmingly negative." In addition to the criticisms by faculty members and administrative officers. The *News* quoted an editorial of the New York Herald-Tribune calling it "highly unfortunate that the threat of disorder should cast a shadow on the tradition of free speech at Yale" which "deserves a stronger defense from all concerned." The *Boston Herald*, according to the *News*, called the University action "a disservice to the cause of civil rights and liberties."

A sequel to the episode was a second invitation to Wallace by Law School groups. Commenting on this action, Provost Brewster said, "Yale will not stand in the way of an appearance by Governor Wallace even though the administration has told the sponsors that it is both offensive and unwise at this time." He left "the ultimate responsibility to the students," and added that "While we regret that decision of the law students, we will do our best to help them conduct an orderly and dignified meeting and will expect this same spirit in the Yale community." This expectation was never put to the test, however, since Wallace did not accept the new invitation.

In the ensuing years of political activism, radical protest. violent dissent, and confrontation, Mr. Brewster, now President, gave repeated public assurances of the University's commitment to "the risk of real freedom," which "has been vindicated at Yale for 264 years." One of the risks was irresponsibility, but "the capacity for responsibility which emerges from exposure to irresponsibility is far stronger, far tougher, far more impressive than the kind of responsibility which is either coerced by restraint or moulded by paternalism." He drew the line against "compromise on the basic proposition that forcible coercion and violent intimidation are unacceptable means of persuasion…as long as channels of communication and the chance of reasoned argument are available."

In the worst of the crises in the activist years, that centering on May Day, 1970, freedom of speech never had freer rein. It will be recalled that May Day, 1970, came the day after President Nixon announced the invasion of Cambodia. Even before the invasion, waves of protest were already sweeping over the nation's universities. Sit-ins, classroom disruptions and violence were the domestic disorder of the day. In New Haven, resentment was also fueled by the Black Panther trial that drew nationwide attention.

May Day became a symbolic day of protest, and New Haven became a symbolic focus for the protesters. Thousands of militant demonstrators were heading for New Haven and the University to join many local sympathizers. Together with local and national authorities, the Yale administration made plans to meet the crisis. President Brewster urged that all protest be peaceful, and that disruptive acts be avoided. The University gates were thrown open to outside demonstrators and many were provided with food and lodging. Revolutionary Black Panthers and their supporters spoke freely to huge crowds at Woolsey Hall, Battell Chapel, Ingalls Rink, and Dwight Hall, as well as on the New Haven Green. It was reported that Jerry Rubin urged at Woolsey Hall that "Yale University be closed down forever" and preached "a permanent revolution." Panthers declared they intended to "turn Yale into a police state," and "create peace by destroying the people who don't want peace." They urged students to "pick up your guns" and "to kill pigs." Orators hurled revolutionary threats, insults, and obscenities at the faculty, the administration, the Corporation, and the University and all they stood for and vowed they would "burn it all down."

In the May Day crisis there was, of course, no feasible way of "withdrawing" invitations to fifteen or twenty thousands of uninvited guests and scores of willing speakers. Nor did speakers and demonstrators of local origin stand on ceremony or await invitations. They spoke – often, without inhibition, and with free use of University facilities. Gratification over this triumph of uninhibited free speech, however, was dimmed for those who recalled that the Wallace speech had been discouraged "in the interest of law and order as well as town-gown relations." Yet while the Black Panther demonstrations and speeches could hardly have been prevented in any event, they were perceived as being, and might well have been, more of a threat to law and order and town-gown relations than the appearance of George Wallace would have been in 1963. These disparities led some to conclude that this particular defense of free speech was less a triumph of principle than of pragmatic considerations. In all fairness, however, the perspective of time lends credence to the contemporaneous impression that in the extremely difficult circumstances of May Day the administration had maneuvered skillfully in its efforts to maintain peace without sacrifice of principle. Under conditions graver than those in which other universities had foundered or were simultaneously foundering, the strategy of tolerance and restraint succeeded.

Two years later, April 4, 1972, General William Westmoreland, Chief of Staff of the United States Army, was scheduled to speak at the invitation of the Yale Political Union to an audience limited to its members. Because of the large crowd anticipated, the Law School auditorium was selected. Before General Westmoreland's appearance the *Yale Daily News* carried a story about plans of anti-Vietnam War off-campus organizations to disrupt or prevent his speech. General Westmoreland arrived and was dining with his hosts when he was informed that hundreds of people, some students, but mainly Vietnam veterans from outside the city had packed the halls outside the Law School auditorium and were trying to force their way in past a barrier manned by the campus police. The campus police said they could not assure the general that the crowd could be restrained, and even if it were restrained, that he would not be subject to disruption and abusive language. So informed, he accepted the advice of his security aide to cancel the speech. Campus police then removed their barrier and those outside pushed into the auditorium and occupied its stage. The only students on the stage in a picture taken at that time were officers of the Political Union – the rest were outsiders. The announcement of the general's decision by the President of the Union was drowned out by shouted obscenities. Police discovered fresh paint spilled on the floor after the meeting ended.

Reactions to this gross violation of established principle differed markedly from campus responses to the milder discouragements of free speech in the Wallace affair. Faculty criticism was not nearly so vocal this time. Instead of shock and indignation, such as the Yale Daily News had expressed over the withdrawal of the Wallace invitation, the *News* editorial of April 6 laconically said, "We hope General Westmoreland enjoyed his dinner at Mary's last night…" It was obvious, declared the editor, that "the demonstrators did not stop the general" because "he made no attempt to speak." He added that he could not condone the crowd's violence. In a public statement President Brewster laid the blame upon General Westmoreland as well as on the demonstrators. While declaring that he was "disappointed" that the anti-war sentiment of demonstrators "overcame their concern for freedom of speech," the President was "doubly disappointed by General Westmoreland's decision to cancel his appearance" in view of administrative assurances "that he would be adequately protected in his right to be heard."

The President's statement was followed shortly by one from the Yale Corporation. While not repeating the assignment of blame to General Westmoreland, the Corporation extenuated the failure to protect freedom of speech in part on the grounds that "the location of the building made it impossible to deal adequately" with the disruptors, and that "the most threatening behavior was by people who had no Yale connection." They nevertheless affirmed that "the University must vindicate its commitment to freedom of speech, whether the threat comes from insiders or from outsiders" and that they were "determined to assure that any authorized meeting, performance, or speech scheduled at Yale shall be allowed to proceed without disruption." The campus police had been unable to identify any student offenders and no disciplinary action was taken. They did identify some non-students, but since no acts of violence had occurred and the only ground for legal proceedings against them was trespassing, no charges were filed. The chief of the campus police said that "an unsuitable auditorium and an insufficient number of policemen" were "the major factors contributing to the refusal of General William Westmoreland to speak."

Secretary of State William Rogers had also agreed to appear before the Yale Political Union on April 20 to accept the A. Whitney Griswold Award for international statesmanship. At the auditorium seized by the Westmoreland disruptors, reference to the Secretary's visit had been greeted according to the *News* by the threat, "He'll get chased away, too." A spokesman of one of the groups that organized the demonstration against the general was quoted as announcing more than a week before the Secretary of State was to appear that plans were laid for "the most severe possible action" ' against Rogers. The Secretary of State postponed his visit until May 15.

On May 12, the day after some student violence protesting Marine recruiters on campus, in which several students were arrested, President Brewster issued a statement saying that "in the aftermath of General Westmoreland's decision not to attempt to speak in the face of threatened disruption, it is absolutely essential for Yale to vindicate its commitment to freedom of speech." While he said that he "would expect and even understand peaceful demonstration and picketing" against Rogers, any member of the University "who engages in violent or coercive action which interferes with the rights of others, including Secretary Rogers…will be subject to severe discipline." He specified suspension and expulsion. Unlawful conduct of non-members of the University would be prosecuted. One spokesman for the planned disruption was quoted in the *News* as professing to be wholly undeterred by this announcement. But the hope of the administration to vindicate the University's commitment of free speech was disappointed when Secretary Rogers cancelled his appointment because of "pressing engagements."

In the meantime the administration was informed shortly before the event that the student branch of Lux et Veritas, an alumni organization, had invited Professor Richard Herrnstein of Harvard to speak at Yale on May 1. For some time Herrnstein had been subject to severe harassment on the Harvard Yard because of his views on the genetic transmission of human intelligence. Under threat of violence, his scheduled appearances at two other universities had been cancelled. Pointing out that May 1 was a provocative date, an administrative spokesman asked the inviters to select another. They refused, and declared the date to be a pure coincidence. Officers of their parent organization offered to call off the speech if requested, but no such request was made. Anticipating trouble at Yale, an officer of the administration assigned Sprague Hall, believed to be the most secure against disruption, for the speech. He also met with representatives of minority groups most concerned, told them the University was obliged to protect free speech, and gained their pledge of cooperation. The speech was delivered as scheduled without interference of any kind. In this instance the administration policies proclaimed before Secretary Rogers' planned visit were put to the test, and the principle of free discussion was observed and upheld by the entire University community.

Two years later, however, in the affair of Professor William Shockley, the Stanford University physicist, the University community failed to live up to the principle. For the first time in memory a speaker tried to speak at a scheduled appearance at Yale and was prevented from doing so by organized disruption. This time the opposition to the invitation and the determination to disrupt the speech came largely from within the University and was open, determined, and menacing from the start. It was also clear from the start that the opposition focused on Shockley, regardless of whom he debated, on his views of genetic inferiority and his proposal of voluntary sterilization as a solution.

The suggestion for the debate originally had come from Roy Innis, the black chairman of the Congress of Racial Equality, who proposed that he face Shockley before the Yale Political Union on national television after the fashion of the preceding Buckley-Weicker debate. In deciding whether to issue the invitation, the Union had before it the failure of Harvard (and other places) and the success of Princeton in resisting the prevention of a Shockley appearance. Well before the decision for the debate was reached, threats to prevent it were announced. Pronouncing the basic issue one of "free speech and unimpeded academic freedom," the Executive Board of the Union, after prolonged debate, decided on January 21, 1974, by a vote of 6 to 3 to invite Shockley and Innis and also voted against televising the debate. A News editorial seconded the invitation as "reaffirming the individual's right of public speech."

Shortly after the decision, officers of the Black Law Students and the Black Students Alliance at Yale joined with a graduate student and a medical student in a statement carried in the *News* of January 28: "We hereby serve notice that we vehemently oppose the Shockley Innis debate and will exert all necessary efforts to prevent its occurrence." They urged members of the Political Union to override their Board's decision and withdraw the invitation.

The University administration received delegations of objecting students and conferred with officials of the Union, but at this stage adopted a hands-off policy. Several student organizations however, did bring pressure on the Union. The Chairman of the Progressive Labor Party, according to the News, dismissed freedom of speech as "a nice abstract idea to enable people like Shockley to spread racism.'" An open letter from an organization of Puerto Rican students to the Union called the debate "an insult to the Third World Community." Other News stories reported that concerned members of the Asian American Student Association declared that it "must not be tolerated," and a spokesman of the Chicano students did not think Shockley would "be given the opportunity to speak." Catholic, Protestant, and Jewish Chaplains of the Yale Religious Ministry urged cancellation. Voices were also raised in support of the invitation. Some contended that opposition to the invitation was not the same as opposition to the principle of free speech. The Political Union held a referendum of its whole membership, and by a vote of 200 to 190 on February 17 recommended that the Board rescind its invitation, which it did.

Immediately after this action the student branch of Lux et Veritas, which had invited Herrnstein two years before, announced its intention to invite Shockley and another speaker to Yale. The administration thereupon abandoned its hands-off policy and intervened with two unprecedented statements published on February 18, one by the Yale Corporation and another by President Brewster, both calling in question the motives of the Lux et Veritas inviters and the views of the proposed speaker. In words which regrettably failed to give proper emphasis to the primacy of free expression, the Corporation statement declared that "This is apparently done in order to test whether Yale's belief in free speech can stand up against such provocation. The entire community is being used. The sponsors have tried this sort of thing before and the Yale community did not rise to the bait." The unspecified reference to "this sort of thing" was to the Herrnstein speech of May 1, 1972.

The President added a personal statement that "the use of free speech as a game, the lack of sensitivity to others, the lack of consideration for the community, and the lack of responsible concern for the University as an institution seem to me reprehensible." Both statements asserted continued support of the principles of free speech, but both expressed reservations about the Shockley invitation if, as the President put it, "provocation rather than understanding is accepted as the basis for inviting speakers to a campus." He recommended a boycott of the event as "the best way to show one's scorn and distaste." Complaining that "intimidation by the Yale Corporation and President Brewster hampers free and open discussion at Yale," Lux et Veritas decided not to invite the speakers.

In spite of these official discouragements, a third student organization, the Calliopean Society, renewed the invitations to Shockley and Innis. It soon gave up, according to the *News*, because of "insufficient funds' " and "threats emanating from members of the Yale community" that were described as "more than rhetorical." In March another invitation was extended to Shockley by the newly reconstituted Yale chapter of Young Americans for Freedom (YAF), who also invited William Rusher, publisher of the *National Review*, to debate him. The subject of the debate later accepted by YAF, and one cause of offense to others, was, "Resolved: That society has a moral obligation to diagnose and treat tragic racial IQ inferiority." A politically conservative group, YAF stated that it regarded Shockley as a liberal and said its members sought refutation of his doctrines of state genetic control through Rusher's arguments.

For the debate, which was to take place on April 15, the administration assigned room 114 in Strathcona Hall. On April 12 the *Yale Daily News* ran a front page story telling in detail how "student protest now threatens to disrupt the event itself." Several protest organizations, not all of them endorsing disruptive tactics, were cited and quoted. The tactic that later proved to be the most effectively used to disrupt the debate was that attributed to the Ad Hoc Committee to Stop Shockley, namely to drown out all speakers with noise. Other groups planned to picket the debate outside the hall. The administration took some steps to discourage disruption. On the evening of April 13, at a meeting called by students and attended by about 100 people invited from the sponsoring and objecting groups, University Secretary Henry Chauncey, Jr., repeated the warning President Brewster had spelled out in the face of threatened disruption of a speech by Secretary of State Rogers in May 1972. On the day of the

debate the News repeated these warnings of "severe discipline" against students using "violent or coercive action."

At the hour appointed, the speakers and their hosts arrived at 114 Strathcona Hall to debate. When YAF officers could not make themselves heard. Secretary Chauncey took the platform to repeat his warning and was shouted down. The speakers were not permitted to say an audible word They were drowned out by derisive applause, insults chanted at Shockley, and shouted obscenities. No more than a third of the audience seemed to participate in the disruption. Chauncey sought to quiet the disrupters and warn them of disciplinary penalties, but without effect. "Racist Chauncey, go home!" became part of the chanting. After an hour and fifteen minutes Chauncey closed the meeting. The disruption of the speakers had been a complete success and the University's defense of principle had ended in total failure.

Response to this worst of the failures indicated further deterioration in the commitment to freedom of speech and the understanding of its importance in some quarters. Few faculty members spoke out. Far from echoing the old indignation called forth by the Wallace episode of 1963, the editorial voice of the college paper divided the blame, according the disrupters only a small share, citing repression elsewhere as justification for disrupting a speaker at Yale, stressing the unacceptability of the views of one of the debaters, deploring the invitations. And paraphrasing the statement of the Yale Corporation against the Lux et Veritas proposed invitation to shift the blame for the whole affair to the administration. Referring to the Corporation statement that "The entire community is being used," the editorial declared that "By sanctioning this particular debate, the University administration, and in particular Secretary Henry Chauncey, Jr., have allowed the community to be used in a way much more foul." President Brewster reminded the University that disrupters "were warned about the disciplinary consequences of their persistence in preventing others from listening to Mr. Shockley." He added that "it makes me sick that even a small minority of Yale students would choose storm trooper tactics in preference to freedom of speech." The President was to elaborate his reactions in a baccalaureate address discussed below.

Information on the disruption and those who participated was collected by Dean Horace Taft and laid before the Yale College Executive Committee[2], which had responsibility for administering discipline to offenders against college rules. This committee heard charges against the alleged disrupters. Its deliberations took more than fifty hours, and its findings were awaited with interest. Judging from its statement released on May 10, the committee shared the ambivalence expressed by the *News* editorial and the President's address of the week following. The statement declared that "the circumstances of this particular disruption" justified leniency to the offenders. Among these circumstances were "lack of adequate planning" in arrangements for the debate, the fact that "only a small fraction" of the disrupters were identified, that the subject of the debate, was perceived by some as "both insulting and provocative," and that "frustration" was felt by those "'who had worked several months" to prevent the invitation to Shockley. In view of the above considerations, while twelve students were found guilty and suspended for the following fall term, the Executive Committee ruled that they would be considered for readmission in the fall if they would express "'willingness to abide by the conditions of General Conduct" in the Undergraduate Regulations. Eleven did so apply and were readmitted in the fall under no penalty save disciplinary probation for one semester. The twelfth student did not apply for readmission. A medical student was also identified as an offender. He appeared before an ad hoc disciplinary board convened by the Dean of Students of the Medical School, which suspended him and then in the same action reinstated him for the summer term.

Members of some of the twelve faculties of the University and a number of students expressed dismay and concern over the disruption of the Shockley-Rusher debate in public letters and speeches. At a meeting of one of the faculties, that of Yale College on May 2, 1974, a resolution was passed to "reaffirm its adherence to the principles set forth in the Undergraduate Regulations" and to ask the President to appoint a committee to examine the condition of those principles and recommend measures deemed necessary to maintain them. It was partly in response to this resolution that the President eventually appointed the committee that submits this report.

In his baccalaureate address on May 19 the President did not assert the primacy of free expression over competing values. Instead he included "the invitation as well as the disruption in his disapproval. He suggested that the disease that afflicts us is "a combination of arrogant insensitivity, and paranoid intolerance," with gradations in both categories. He saw some of the first affliction "in the invitation which finally brought Shockley to Yale," and declared that in its extreme form insensitivity could become "the true fanaticism of a Lenin or a Hitler." He said that signs of both insensitivity and "paranoid intolerance" were evident among the disrupters.

* * *

This committee's account has revealed instances of faltering, uncertainty, and failure in the defense of principle on the part of various elements in the University community. Within the community has appeared from time to time a willingness to compromise standards, to give priority to peace and order and amicable relations over the principle of free speech when it threatens these other values. Elements within the University community have shown since the time of the Wallace incident signs of declining commitment to the defense of freedom of expression in the University.

A significant number of students and some faculty members appear to believe that when speakers are offensive to majority opinion, especially on such issues as war and race, it is permissible and even desirable to disrupt them; that there is small chance of being caught, particularly among a mass of offenders; that if caught there is a relatively good chance of not being found guilty; and that if found guilty no serious punishment is to be expected. In the only instance of massive infraction of free speech in which offenders were subject to disciplinary action, that of the Shockley case, experience lent support to some of these assumptions.

From the administration have come promptings that have at times been mixed and contradictory. It is true that in each of the crises reviewed and in many other critical situations during the troubled decade just ended President Brewster has voiced the University's commitment to freedom of expression, "to untrammelled individual initiative in preference to conformity," and to academic freedom generally. It is also true that the administration has never barred outright an invitation to speak; it has assigned halls on request, and has warned against disruption. In specific instances, however, statements by the President and the Corporation have been interpreted as assigning equal if not higher value to law and order, to town-gown relations, to proper motives, to the sensitivity of those who feel threatened or offended, and to majority attitudes. Some of the statements have placed blame for failure not only on the disrupters and their lawlessness, but also upon the inviters of the speakers and their motives, and on the views of the proposed speakers as well. Moreover, the University's physical arrangements for deterring and detecting disrupters have proved inadequate. And finally, the faculty has not been as alert as it might have been to these problems.

This committee, therefore, finds a need for Yale to reaffirm a commitment to the principle of freedom of expression and its superior importance to

other laudable principles and values, to the duty of all members of the University community to defend the right to speak and refrain from disruptive interference, and to the sanctions that should be imposed upon those who offend.

We agree with President Brewster's statement in his baccalaureate address of 1974, that "the prospects and processes of punishment" and the "lust for retribution" constitute no adequate solution – though we would urge clearer definition and more vigorous enforcement of rules. Rules and their enforcement must rest upon a consensus of the whole community on the principle of freedom of expression and a genuine concern over violations. To build this consensus we make the suggestions set forth in Part III of this report.

III. Of Ways and Means

The foregoing review has persuaded this committee that the time has come to revitalize our principles, to reaffirm and renew our commitment, and to find ways and means for the effective and vigorous defense of our values. To promote these ends we propose:

First, that a program of reeducation is required. Some members of the university do not fully appreciate the value of the principle of freedom of expression. Nor is this surprising. In one of his most famous dissents, Mr. Justice Holmes spoke to the question:

Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care wholeheartedly for the result, or that you doubt either your power or your premises. But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas…

Abrams v. U.S., 1919

Education in the value of free expression at Yale is the business of all sectors of the University. Much needs to be done. The first need is for effective and continuing publication of the University's commitment to freedom of expression. At present, only two readily available documents address the subject and suggest standards of conduct: the Yale College "Undergraduate Regulations" and the "Rights and Duties of Members of the Yale Law School." We urge that all University catalogues, as well as the faculty and staff handbooks, include explicit statements on freedom of expression and the right to dissent. And that the attention of students should be directed to these statements each year at registration. We also urge that each school – its dean, its faculty, and its students – consider the most effective ways to clarify and discuss the relation of free expression to the mission of the University. These might include addresses to entering students, discussions in informal settings such as the residential colleges, and special attention to the subject in student publications.

Second, that individuals and groups who object to a controversial speaker should understand the limits of protest in a community committed to the principles of free speech. Let us therefore be clear about those limits.

1) It is desirable that individuals and groups register in a wide-open and robust fashion their opposition to the views of a speaker with whom they disagree or whom they find offensive. When such a speaker has been invited to the campus by one group, other groups may seek to dissuade the inviters from proceeding. But it is a punishable offense against the principles of the University for the objectors to coerce others physically or to threaten violence.

2) The permissible registration of opposition includes all forms of peaceful speech, such as letters to newspaper editors, peaceful assembly, and counter-speeches in appropriate locations. Furthermore, picketing is permissible outside of a building so long as it is peaceful and does not interfere with entrance to or exit from the building or with pedestrian or vehicular traffic outside of a building. It is important to understand, however, that picketing is more than expression. It is expression joined to action. Accordingly, it is entitled to no protection when its effect is coercive.

3) There is no right to protest within a university building in such a way that any university activity is disrupted. The administration, however, may wish to permit some symbolic dissent within a building but outside the meeting room, for example, a single picket or a distributor of handbills.

4) In the room where the invited speaker is to talk, all members of the audience are under an obligation to comply with a general standard of civility. This means that any registration of dissent that materially interferes with the speaker's right to proceed is a punishable offense. Of course a member of the audience may protest in a silent, symbolic fashion, for example, by wearing a black arm band. More active forms of protest may be tolerated such as briefly booing, clapping hands, or heckling. But any disruptive activity must stop when the chair or an appropriate university official requests silence. Failure to quit in response to a reasonable request for order is a punishable offense.

5) Nor does the content of the speech, even parts deemed defamatory or insulting, entitle any member of the audience to engage in disruption. While untruthful and defamatory speech may give rise to civil liability it is neither a justification nor an excuse for disruption, and it may not be considered in any subsequent proceeding against offenders as a mitigating factor. Nor are racial insults or other "fighting words" a valid ground for disruption or physical attack – certainly not from a voluntary audience invited but in no way compelled to be present. Only if speech advocates immediate and serious illegal action, such as burning down a library, and there is danger that the audience will proceed to follow such an exhortation, may it be stopped, and then only by an authorized university official or law enforcement officer.

6) The banning or obstruction of lawful speech can never be justified on such grounds as that the speech or the speaker is deemed irresponsible, offensive, un scholarly, or untrue.

Third, the University could be more effective in discharging its obligation to use all reasonable effort to protect free expression on campus. We submit that this obligation can be discharged most effectively in the following ways:

1) The University and its schools should retain an open and flexible system of registering campus groups, arranging for the reservation of rooms, and permitting groups freely to invite speakers.

2) It is entirely appropriate, however, for the President and other members of the administration to attempt to persuade a group not to invite a speaker who may cause serious tension on campus. This is best done by communicating directly with the inviting group. It is appropriate for the

University official to explain to the group its moral obligations to other members of the community. It is important, however, for the official to make it clear that these are moral obligations for the inviters to weigh along with other considerations in deciding whether to go forward, and that a decision to go forward is one which carries no legal or disciplinary consequences nor risks of more subtle University reprisals.

3) Once an invitation is accepted and the event is publicly announced, there are high risks involved if a University official - especially the President - attempts by public or private persuasion to have the invitation rescinded. There is a risk that the public or private attempt will appear as an effort to suppress free speech, and also a risk that a public attempt will lend "legitimacy" to obstructive action by those who take offense at the speaker. Should the President or any other University official think it necessary to make such an attempt, however, it is important that he also make it plain that if his appeal is disregarded, (a) no disciplinary jeopardy will attach to the inviting group, and (b) the University will make every effort to insure that the speech takes place.

4) Generally the inviting group should be free to decide whether the speech will be open to the public. However, if the administration has reasonable cause to believe that outsiders will be disruptive, it may appropriately limit attendance to members of the University. The duty of the administration is to uphold free speech within the university community and to insure that a speaker be heard. To discharge this duty it must have the power to impose sanctions against disrupters. It has little power against outside offenders against its rules.

5) The administration's obligation to protect freedom of expression also means that when it has reasonable cause to anticipate disruption, it may require that individuals produce University I. D. cards to gain admission. We suggest that such cards be issued to all members of the University and that they include a photograph.

6) Much can be done to forestall disruption if sufficient notice is given of the impending event. The administration and others can meet with protesting groups, make clear the University's obligations to free expression, and indicate forms of dissent that do not interfere with the right to listen. The inviting group can work closely with the administration to devise the time, place, and arrangements for admitting the audience (if there are any limits on who may attend) that will best promote order.

7) When the administration has reasonable cause to anticipate disruption, it should designate a particular hall as one best suited to protect a speaker from disruption and make that hall as secure as is reasonably possible. Effective arrangements for identifying offenders such as the use of cameras can serve as a deterrant.

8) A group inviting a speaker may close the meeting to the press. It also may invite the press. In either case, the administration should cooperate.

If a group wishes to arrange for television coverage, it should discuss the matter with an appropriate University official. Television should be permitted if the inviting group desires, unless the President or a person designated by him determines that the presence of television will itself make it substantially more likely that serious disruption will occur. If such a determination is made, it is the obligation of the administration to forbid television and to declare that the presence of television increases the risk of thwarting free expression and puts individuals and the property of the University at high risk.

9) The administration's responsibility for assuring free expression imposes further obligations: it must act firmly when a speech is disrupted or when disruption is attempted; it must undertake to identify disrupters, and it must make known its intentions to do so beforehand.

These obligations can be discharged in two ways. One, the administration may call the city police and the criminal law. This is undesirable except where deemed absolutely necessary to protect individuals and property, for police presence can itself lead to injury and violence. Two, the administration can make clear in advance that serious sanctions will be imposed upon those who transgress the limits of legitimate protest and engage in disruption. It is plain, however, that if sanctions are to work as a deterrent to subsequent disruption, they must be imposed whenever disruption occurs. They must be imposed and not suspended. They must stick.

10) Disruption of a speech is a very serious offense against the entire University and may appropriately result in suspension or expulsion. Accordingly, one who is alleged to have committed such an offense should be tried before the University-Wide Tribunal. The Tribunal's jurisdiction should vest upon complaint by the President or Provost. The collective assent of the deans should not be required in cases of this sort.

We believe that the procedures established in the charter of the University-Wide Tribunal and the sanctions that the Tribunal may impose are well suited to so serious an offense as the disruption of free expression.

Steven A. Benner, Yale College, 1975

Elias Clark, Master of Silliman College, Lafayette S. Foster Professor of Law

James P. Comer, Associate Professor of Psychiatry, Associate Dean of the Medical School

Lloyd N. Cutler, Visiting Lecturer in Law, Chairman Yale Development Board

Robert A. Dahl, Sterling Professor of Political Science

Marjorie B. Garber, Associate Professor of English

Walter R. Rieman, Yale College, 1977

Philip J. Sirlin, Princeton, 1973, Graduate Student in Economics

Elisabeth McC. Thomas, Dean Pierson College, Assistant Dean of Yale College

Hillel Weinberg, State University of N.Y., Buffalo, 1973, Graduate Student in Political Science

Harry H. Wellington, Edward J. Phelps Professor of Law

C. Vann Woodward, Sterling Professor of History (Chairman)

A Dissenting Statement

It is with sincere regret that I find myself unable to join the Majority Report. I am forced to admit, however, that I thought its statement of principles too facile and simplistic, its historical section full of value judgements, and its recommendations vague and expedient.

The Majority's theory is a simple one: a university's primary purpose is to discover and disseminate knowledge; free expression is necessary to achieve this purpose; therefore free expression should always supersede any other values which might conflict with it. I would challenge this theory on several fronts.

A. The Majority view is based on a positivist belief that science is a mode of inquiry by which man comes to learn incontrovertible truths, by means of which people can manipulate others so as to bring the maximum amount of "efficiency" to the social order. In contradistinction to this view, philosophers and social scientists have been telling us for years that all knowledge is relative, the result of social conditioning. External psychological, social, and historical conditions predetermine our thoughts, depriving individual people of their rational autonomy. For example, Freud attacks the autonomy of our moral beliefs about sex, and McLuhan speaks of the formative influence of the media on our most basic conceptions of the world. And many social sciences model their research on the basis that a person's feelings, thoughts, and actions are dependent variables. Therefore how are we to believe that the reasons we give for what we believe or think are reasons at all, if the real reasons are outside of us? Thus, the notion that free expression strains our ideas through a firing line of rational dialogue is too simplistic: even after this process, we might remain pre-conditioned in some sense.

Karl Mannheim develops the concept of ideology as another means by which an individual's social situation systematically distorts his way of thinking, thereby limiting the attainment of "objectivity" even if free speech is allowed. Mannheim concludes that knowledge is not a purely rational and disinterested theoretical enterprise, where praxis has no influence on theory. Instead, power relationships enter into our language and the theoretical structures by which we understand and appropriate our everyday experience. And technocratic thought forbids a discussion of *ends* – norms and values – in our political decision-making, so we have no *telos* – or general goal—- for society, no system of ethics determined by *all* men and women in society, free from domination by ideology or technocracy. Until we have such a telos, free speech might be simply unrealizable because the neutrality of a purely rational interchange of ideas and arguments is impossible. Even if this extreme conclusion is not warranted, at the very least, before free speech can become a possibility, it will require liberation from and increased self-consciousness of the social and irrational factors that condition knowledge and pre-form the meanings and structures of language. Education, the "sociology of knowledge," and anti-ideological actions are in order to the extent that they can help achieve the "mental space" necessary for undominated discussion of options.

Marcuse would agree with J.S. Mill and the Majority that "the telos of tolerance is truth," i.e. that we tolerate free speech because it furthers truth. But Marcuse goes on to argue that this implies that specific limitations of tolerance are justifiable if they further the pursuit of truth. Marcuse identifies such "truth" with the liberation of the oppressed and the achievement of true equality, (an identification which should not be too difficult for us all to agree with), so he is willing to justify censorship by the oppressed in order to further their own liberation. The "continued existence" of "the small and powerless minorities which struggle against the false consciousness and its beneficiaries" is "more important than the preservation of abused rights and liberties which grant constitutional powers to those who oppress these minorities." So if the elimination of oppression is a rational goal for society (and I think it is), and therefore also a rational goal towards which the exercise of free speech ought to be teleologically directed, then the extent to which free speech helps us reach this "truth" gives us a rational criterion for delimiting the extent to which free speech is to be tolerated. If democratic, undominated discussion within the community so determines, we may prohibit the malicious advocacy of racist or imperialist ideas. As Rev. William Sloane Coffin pointed out: "Unless social justice is established in a country, civil liberties, which always concern intellectuals more than does social justice, look like luxuries. The point is that the three ideals of the French revolution – liberty, equality, fraternity, cannot be separated. We have to deal with equality first."

From a *political* perspective, "rights" do not exist in the abstract, and the only concrete right to free speech is one which is backed up (usually with definite limitations} by those in power over a given community. Thus, because of the degree to which free speech is undermined by power relationships and ideological coloring, we should recognize that holding up a *pure model* of "free speech" to dissident oppressed groups (as the Majority does) often serves the cause of oppression more than that of free speech.

B. Even if "truth" were not colored by ideology and power relations, it is not clear that a "free marketplace of ideas" would discover this "truth" at all, much less discover it most efficiently. Fundamental to the Majority's argument is the notion that good ideas will beat out bad ideas in such a free marketplace, as the passage from Areopagitica (Part I) indicates and as the portion of the Holmes quote (at the beginning of Part III) which was conveniently excised from the final draft affirms: "The ultimate good desired is better reached by free trade in ideas – … the best test of truth is the power of the thought to get itself accepted in the competition of the market." Such a market, like any other market, would require atomistic perfect competitors in order to most efficiently achieve the "truth." Yet this market contains a good deal of monopoly power, which can dominate the market and drive out weaker, albeit "true,'" ideas. This is most apparent with regard to the domination of the prevailing ideology discussed above: if the language and the prevailing structure of knowledge reflect the ideology of those in power, then the rational autonomy of the individual to think for himself is undermined, and free speech is pre-biased in favor of the prevailing ideology. But even if we liberated our consciousness of all ideological predispositions, there would still be people and classes with more political and economic power than others (including those who control the mass media and the educational institutions), and the ideas of these classes would still be in a stronger position on that "market" than the ideas of the weaker oppressed classes.

The failure of the free marketplace of ideas is implicitly accepted by the Majority, in their desire to limit the free expression of opinion by the Yale Administration and especially by the President. If we can rely on the free market of ideas to achieve truth and if, therefore, we should let anyone say anything any time, then we should not try to prevent the President of the University from saying anything he wants to say, as forcefully as he wants to say it, and as critically (of Lux et Veritas, YAF, Westmoreland, etc.) as he desires. Why, then, does the Majority insist that the President, if he deems an invitation to speak at Yale irresponsible, "Make it plain that if his appeal is disregarded no stigma will attach to the inviting group"?

Furthermore, there are other interferences with the free market of ideas at Yale, which the Majority does not find the slightest bit troublesome: the

article by Dr. Spock which the Alumni Magazine refused to print; the termination of the employment of such radical faculty members as Staughton Lynd (History), Mills and McBride (Philosophy), and Resnick, Hymer, Weisskopf (Economics]; censorship by the Administration of the Yale Band; punishment of streakers.

C. Even if a free exchange of ideas were the best means of discovering truth, a University has other important purposes and values besides the discovery and dissemination of academic knowledge, and other functions besides merely research and discussion of academic theory. There are other kinds of knowledge, too, such as human knowledge. It is clearly one of Yale's goals to teach its students how to live responsibly in our modern society, how to deal with other people in a context of mutual respect and harmony; Yale strives to acculturate people to the larger society outside the university community, and this includes the promulgation of racial harmony, religious tolerance, non-sexist attitudes, etc. Indeed, Yale has a responsibility to the rest of society which it must live up to, over and above its own interests. In addition to free expression, other moral questions must be dealt with. The Chairman of this Committee has (Daedalus, 1974) bemoaned the fact that "within the university are to be found members of faculty, student body, or administration whose concern for social welfare and minority needs outside their walls overcomes their concern for the protection of university privileges." I believe that the university should take a stand for its ideals on erupting national issues, and not merely cloister itself within the walls of knowledge-seeking. And I believe that the university's commitment to minority groups and to equal opportunity is at least as laudable a value as free expression.

It is not clear to me that relying, as the Majority does, on the inviting groups to exercise responsibility in this area, either through their own leadership or as a result of the "moral suasion" of fellow members of the University, is likely to lead to this kind of education and commitment. The University must play a leading role in the education of good and moral citizens, especially in light of the fact that a disproportionate number of Yale graduates will wind up in positions of power and influence in society. I have no confidence that the kind of "moral suasion" suggested by the Majority will proselytize as effectively for responsible invitations as it proselytizes for free expression. And if it does not, then the "chance" that the Majority is willing to take, – "that the results of free expression are to the general benefit in the long run, however unpleasant they may appear at the time" – will entail severe short run costs in terms of other values which the University is interested in promoting. Whereas the Majority is willing to accept these short run costs by insisting that free expression be the "paramount" priority in a university, I would try to balance the conflicting interests in each case, and weigh the values which would be sacrificed in the "short run" against the potential "long-run" knowledge which might be gained by allowing the free expression. If, for example, Hitler was invited to Yale to discuss his research into the area of Aryan racial superiority, and his policy prescription of extermination of all non-Aryans, I would have a hard time justifying allowing him to speak. Even if I were confident that his theories would, if wrong, eventually be disproved in the "long run," I have learned from history that the "short run" costs would be overwhelming.

D. In determining the value of the knowledge which might potentially be gained in the long run, we must keep in mind that it is mainly "through research and teaching" that knowledge is discovered and disseminated, whereas people invited from outside the University to give public speeches – which is, after all, the problem which the Majority primarily addresses – further the University's purpose in only a peripheral way, if at all. For example, it is difficult to see how William Shockley's speech fits in to what Mr. Woodward (in the same Daedalus article] called "the traditional mission of the university … 'a unique fusion of the quest for knowledge through scholarship and the dissemination of this knowledge through *teaching*.' (Emphasis added.) The speech certainly was not intended to "discover" new knowledge, nor is it clear to whom the speech was meant to "disseminate" any idea that had not already been disseminated many times in many different (public) places. Thus, while no one would dream of denying Shockley the right to think whatever "unthinkable" thoughts he wants, nor to discuss – on his campus, in the journals, on the Cavett show, or even in small seminars at Yale – "the unmentionable," I just cannot see why we have to feel obligated to provide a public podium for him.

A public podium, especially a forum at a prestigious university like Yale, provides sponsors and speakers with advantages not easily obtained elsewhere. The means to obtain an audience, publicity, and an auditorium are easily at hand at minimal expense. In addition, the practice at Yale has been to provide additional security forces without charge to the sponsoring group, although in some cases the expense has run to several thousand dollars. These advantages – financial, publicity, prestige – are separate and apart from a speaker's right to think what he wants to think and to express his views. The First Amendment, let us recall, only protects against government interference with expression: it does not create an obligation to provide a forum nor to guarantee a polite reception to all ideas. That is a question of academic courtesy, not free expression. Nor should a university feel obligated to go beyond the canons of academic freedom – i.e. non-interference with faculty research and teaching – by providing a forum for unscholarly or socially harmful ideas. It might even be said that an invitation to such a public forum goes beyond mere speech, into the realm of action, and therefore need not be protected the way speech and thoughts are. This fact, coupled with the advantages which a university podium bestows upon a speaker, creates a responsibility on the part of both the university and the inviting group, to judge the expected benefits of its invitation against the possible adverse consequences, including any adverse national impact.

One important factor which must be considered before an invitation is "responsible" is the political implication. Putting aside any question of motive of the inviting group or of the speaker. Even if someone like Shockley had no desire to provoke a confrontation or to promote racism, even if he merely wanted to discuss his genetic theory and its implications, still the very nature of his policy prescriptions transpose his expression from mere speech into action. Thus, on top of the political fact that racial theories like Shockley's will have the actual result of fanning racial hatreds (whether intended or not), Shockley's policy recommendation – that the government offer cash incentives to low-IQ individuals who agree to have themselves sterilized – is particularly pernicious at a time when legislation has been introduced which mentions sterilization and when individuals have taken it upon themselves to forcibly sterilize young black people. Like the Hitler example above, the costs of such a racist political campaign are prohibitive, and may justifiably be opposed by political means. The problem, then, is not that the speaker's ideas must surely be false, but that he is using vacuous questions to suggest pernicious action; not that it is wrong to permit dissemination of wrong and false ideas, but that there is something wrong in staging an event (a massively attended public lecture) which furthers his evil (political) ends. In the case of Shockley, another political implication of allowing him a forum at Yale (i.e. a place for the public discussion of current questions) is that it implicitly acknowledges that the question of inherent inferiority of blacks is an unresolved, debatable topic, an acknowledgement which the National Academy of Sciences has twice refused to make.

Another factor to be considered in determining whether an invitation is responsible is the motivation of the inviters and of the speaker. If the motivation is not to discover or disseminate knowledge, but to provoke a confrontation, to arouse the black or radical community to protest so they will be expelled from Yale, or worse yet, to incite a riot, then the invitation is irresponsible. Even the Majority's "overriding university purpose" rationale fails to justify such a speech. There is also the question of what to do with groups which fail to adhere to the ethical considerations the

Majority discusses in Part I, or groups which fail to consider these factors fairly, by giving their own interests undue weight or otherwise. I do not think that such an invitation is responsible, nor should it be condoned by the university. Reasonable individuals should be obliged not only to consider these factors, but also to act accordingly; procedural respect is insufficient without substantive respect. The Majority is afraid punishment of such irresponsible invitations would inhibit free expression or subordinate it to other values, none of which they believe to be more important than free expression. As I said earlier, I would weigh the different values to determine what an optimum policy should be in each case. (I do not think that the fact-finding problem here is as difficult as the Majority seems to think. Courts and juries always make findings of fact, including the question of motive. If juries were not capable of determining motive, most criminals could never be convicted.) As for the Majority's problem with formal sanctions chilling free expression, I fail to see why the informal sanctions which they recommend (moral suasion) would not also chill free expression, too, though to a slightly lesser extent. Thus, extrapolating their argument for the absolute primacy of free speech above all other values, we are forced to conclude that even moral suasion should not be exercised against irresponsible invitations. The Majority is on a slippery slope and has to draw an arbitrary line between formal and informal sanctions.

If we extend the question from immoral motives to speech which is actually illegal, we find that the Majority has finessed the distinction between lawful and unlawful speech. Everyone must realize by now that the First Amendment, as interpreted by the Supreme Court, does not grant an absolute right to free expression; the right often depends upon the context of the situation. Military personnel, people in business relationships, slanderous and libelous utterances, fighting words, and pornography are not protected by the Constitution. No one may shout "fire" in a crowded theatre, nor speak in such a way as to create a clear and present danger of unlawful action. Despite these limitations on free expression for the purposes of the First Amendment, the Majority Report only mentions one limit on free expression for the purposes of Yale University: speech advocating immediate and serious illegal action. But why does the Majority make an exception here? Why not allow the speech and merely stop the advocated action? If the Majority argues that free speech should dominate *all* other values, then free speech must dominate the values which lie behind the outlawing of certain speech – including the value of protecting the government from speeches creating a danger of violent overthrow. Thus the Majority, too, has a line-drawing problem. If they are willing to stop speech which advocates serious illegal action, why not also stop the advocacy of serious *immoral* action? And why rely on university officials to determine what might be illegal action, how serious the action might be, or the likelihood that the audience will follow such exhortations? This sounds like the prior censorship the Majority seems to abhor. And if the university tries to stop such a speech but is unable to (or if the speech occurs before the Administration finds out about it, as is more likely), does the university punish the inviters? punish the disrupters? punish everyone?

The Majority says that defamatory speech does not create a right to disrupt, since civil remedies are available if the speech is proven to be illegal. But this ignores the fact, recognized by U.S. Courts, that racial minorities and other "suspect classifications" do not have the same opportunity to overturn policy by political means, due to their small numbers and relative lack of resources. Therefore the Courts apply a stricter standard of judicial scrutiny in cases which impinge upon fundamental rights of these groups. For the same reason, the Columbia Law Review's Model Defamation Statute stated: "False representations of fact about these groups (racial and other minorities) made in support of a cause of action impede the free interchange and wise choice of ideas because the enormity and repetition of such falsehoods have been shown to increase their acceptance." I would submit that, for similar reasons, Yale ought not to leave members of these minority groups to their civil remedies, without more. As a Dartmouth discipline committee said after Shockly was disrupted there two years ago, "A speech dealing with the slander of a racial group is not susceptible to academic discourse because verbal refutation cannot undo the damage caused by the utterance of this slander."

E. This brings us to the question of disruption. The Majority suggests that "any disruptive activity must stop" upon a reasonable request from the chair. This standard is as arbitrary as one might devise. Besides the fact that "disruptive activity" is not defined except by vague examples ("briefly booing," "heckling"), such a repressive scheme, leaving the determination of "reasonableness" of requests to a chair which is inevitably biased against the protestors, cannot help but chill the audience's right to protest, dissent, and assembly. Certainly the right to assemble publicly is meaningless if it cannot involve large masses, high emotions, roughness and even turbulence. Its value has been proved on countless occasions as a technique to propagate new, minority or unconventional opinions. How can this Committee stifle this and other forms of dissent in its desire to protect calmer forms of expression? We must remember, too, that dissent and assembly are of even more crucial significance to those groups which habitually lack majority status in almost every decision-making arena. Even the Majority's free-exchange-of-ideas theory holds that knowledge is furthered, not by lecturing to an absorptive audience, but by confronting questions and criticisms. Nor does that theory necessarily require compliance "with a general standard of civility," as the Majority demands. Anger, passion, and disagreement further the free interchange of ideas as we grope toward an understanding of truth.

The Majority also denies that either the content of the speech or the motivation of the speaker can be a mitigating factor in subsequent proceedings against disrupters. I fail to see why, if there are mitigating circumstances which might reduce a criminal charge from first degree murder to second degree or even manslaughter, why context and motivation cannot mitigate doing violence to another's right of expression. If someone utters "fighting words" (such as "you dirty Jew bastard") and you hit him in the face, you are probably within your legal rights; the speaker's irresponsibility mitigates your assault. I see no reason why university punishment should not be mitigated, too. I do not believe that the disruption which Yale has witnessed in the last few years has been either frivolous or frequent. It has been an expression of moral outrage, and emotional reaction to something that was deeply felt to be wrong, not unlike the reaction of a bunch of revolutionary farmers who lined up against the British in 1775. Therefore I have a strong gut reaction against punishing opposition, on moral grounds based on profound belief in human dignity, to "irresponsible" (but "legal") speech, while refraining from punishing the inviters of the speech for their disregard of "mutual respect" amid "charitable relations." Of course, the best way for Yale to eliminate disrupters would be to screen out potential disrupters during the admissions process, and this alternative is no doubt being practiced to some extent here and elsewhere. But the cost to the ethnic and ideological diversity of the student body and therefore to the quality of the University would be considerable.

The constraints of time and the fact that the Chairman has asked me to try to limit my Minority Report to five pages forbid me to enumerate all of the difficulties I have with the historical section and the policy recommendations other than what is implicit in what I have already said. However, I do want to point out two problems with the history section which are quite important.

The Majority continually refers with obvious discontent to statements by President Brewster to the effect that he recognizes the existence of additional values within the university community other than free speech. I find Mr. Brewster's commitment highly laudable (to the extent that it is not compromised by vacillation or by regressive policies in other areas), and I am surprised that the Majority remains unsatisfied, for it seems to me

that most of the President's statements have conformed remarkably well to the inhibitions and disclaimers promulgated in Part III, Section 3, (2) and (3) of the Report.

A point which goes more deeply to the fundamental rationale of the Majority is the historical fact that the disruptions at Yale have not been stimulated by academic issues about which the Majority claims Yale has a duty to present factual, rational argument above all else, but by political issues which are a source of equally competent contention throughout American society, centering around morality, opinion and passion rather than intellectual fact. Thus, the Committee would do well to exclude these events from their definition of "academic" freedom, and decline to recommend such severe punishment for students who have felt bound by their consciences to disrupt these non-"academic" events.

In sum, I agree that free expression is an important value, which we must cherish and protect. But it is not the *only* value which we uphold, either in our society or in our universities. Under certain circumstances, free expression is outweighed by more pressing issues, including liberation of all oppressed people and equal opportunities for minority groups.

Respectfully submitted,

Kenneth J. Barnes, Harvard, 1970, Law Student and Graduate Student in Economics

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[1] (*Yale Daily News*, September 20, 1963. Subsequent quotations, unless otherwise notes, are from the *News*.)

[2] (For its composition, jurisdiction, and procedures, see "Report on the Executive Committee of Yale College," by a committee chaired by A. Dwight Culler, September, 1970.)

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Repressive Tolerance

by Herbert Marcuse
1965

in: Robert Paul Wolff, Barrington Moore, jr., and Herbert Marcuse, *A Critique of Pure Tolerance* (Boston: Beacon Press, 1969), pp. 95-137.
This 123 page book was originally published 1965; this edition includes Herbert's 1968 'Postscript.'
Note: this ca. 18 page on-line version has not been checked for accuracy. (links at bottom)
Note 10/25/2015: thanks to reader x y zed 2 missing paragraphs have been added.
Added Nov. 2, 2015: **Scan of 1969 edition as pdf**.

Contents of *A Critique of Pure Tolerance*

Robert Paul Wolff "Beyond Tolerance"	Barrington Moore, jr. "Tolerance and the Scientific Outlook"	**Herbert Marcuse** **"Repressive Tolerance"**

This essay is dedicated to my students at Brandeis University.

THIS essay examines the idea of tolerance in our advanced industrial society. The conclusion reached is that the realization of the objective of tolerance would call for intolerance toward prevailing policies, attitudes, opinions, and the extension of tolerance to policies, attitudes, and opinions which are outlawed or suppressed. In other words, today tolerance appears again as what it was in its origins, at the beginning of the modern period--a partisan goal, a subversive liberating notion and practice. Conversely, what is proclaimed and practiced as tolerance today, is in many of its most effective manifestations serving the cause of oppression.

The author is fully aware that, at present, no power, no authority, no government exists which would translate liberating tolerance into practice, but he believes that it is the task and duty of the intellectual to recall and preserve historical possibilities which seem to have become utopian possibilities--that it is his task to break the concreteness of oppression in order to open the mental space in which this society can be recognized as what it is and does.

Tolerance is an end in itself. The elimination of violence, and the reduction of suppression to the extent required for protecting man and animals from cruelty and aggression are preconditions for the creation of a humane society. Such a society does not yet exist; progress toward it is perhaps more than before arrested by violence and suppression on a global scale. As deterrents against nuclear war, as police action against subversion, as technical aid in the fight against imperialism and communism, as methods of pacification in neo-colonial massacres, violence and suppression are promulgated, practiced, and defended by democratic and authoritarian governments alike, and the people subjected to these governments are educated to sustain such practices as necessary for the preservation of the status quo. Tolerance is extended to policies, conditions, and modes of behavior which should not be tolerated because they are impeding, if not destroying, the chances of creating an existence without fear and misery.

This sort of tolerance strengthens the tyranny of the majority against which authentic

liberals protested. The political locus of tolerance has changed: while it is more or less quietly and constitutionally withdrawn from the opposition, it is made compulsory behavior with respect to established policies. Tolerance is turned from an active into a passive state, from practice to non-practice: laissez-faire the constituted authorities. It is the people who tolerate the government, which in turn tolerates opposition within the framework determined by the constituted authorities.

Tolerance toward that which is radically evil now appears as good because it serves the cohesion of the whole on the road to affluence or more affluence. The toleration of the systematic moronization of children and adults alike by publicity and propaganda, the release of destructiveness in aggressive driving, the recruitment for and training of special forces, the impotent and benevolent tolerance toward outright deception in merchandizing, waste, and planned obsolescence are not distortions and aberrations, they are the essence of a system which fosters tolerance as a means for perpetuating the struggle for existence and suppressing the alternatives. The authorities in education, morals, and psychology are vociferous against the increase in juvenile delinquency; they are less vociferous against the proud presentation, in word and deed and pictures, of ever more powerful missiles, rockets, bombs--the mature delinquency of a whole civilization.

According to a dialectical proposition it is the whole which determines the truth--not in the sense that the whole is prior or superior to its parts, but in the sense that its structure and function determine every particular condition and relation. Thus, within a repressive society, even progressive movements threaten to turn into their opposite to the degree to which they accept the rules of the game. To take a most controversial case: the exercise of political rights (such as voting, letter-writing to the press, to Senators, etc., protest-demonstrations with a priori renunciation of counterviolence) in a society of total administration serves to strengthen this administration by testifying to the existence of democratic liberties which, in reality, have changed their content and lost their effectiveness. In such a case, freedom (of opinion, of assembly, of speech) becomes an instrument for absolving servitude. And yet (and only here the dialectical proposition shows its full intent) the existence. and practice of these liberties remain a precondition for the restoration of their original oppositional function, provided that the effort to transcend their (often self-imposed) limitations is intensified. Generally, the function and value of tolerance depend on the equality prevalent in the society in which tolerance is practiced. Tolerance itself stands subject to overriding criteria: its range and its limits cannot be defined in terms of the respective society. In other words, tolerance is an end in itself only when it is truly universal, practiced by the rulers as well as by the ruled, by the lords as well as by the peasants, by the sheriffs as well as by their victims. And such universal tolerance is possible only when no real or alleged enemy requires in the national interest the education and training of people in military violence and destruction. As long as these conditions do not prevail, the conditions of tolerance are 'loaded': they are determined and defined by the institutionalized inequality (which is certainly compatible with constitutional equality), i.e., by the class structure of society. In such a society, tolerance is *de facto* limited on the dual ground of legalized violence or suppression (police, armed forces, guards of all sorts) and of the privileged position held by the predominant interests and their 'connections'.

These background limitations of tolerance are normally prior to the explicit and judicial limitations as defined by the courts, custom, governments, etc. (for example, 'clear and present danger', threat to national security, heresy). Within the framework of such a social structure, tolerance can be safely practiced and proclaimed. It is of two kinds:

1. the passive toleration of entrenched and established attitudes and ideas even if their

damaging effect on man and nature is evident, and

2. the active, official tolerance granted to the Right as well as to the Left, to movements of aggression as well as to movements of peace, to the party of hate as well as to that of humanity I call this non-partisan tolerance 'abstract' or 'pure' inasmuch as it refrains from taking sides--but in doing so it actually protects the already established machinery of discrimination.

The tolerance which enlarged the range and content of freedom was always partisan--intolerant toward the protagonists of the repressive status quo. The issue was only the degree and extent of intolerance. In the firmly established liberal society of England and the United States, freedom of speech and assembly was granted even to the radical enemies of society, provided they did not make the transition from word to deed, from speech to action.

Relying on the effective background limitations imposed by its class structure, the society seemed to practice general tolerance. But liberalist theory had already placed an important condition on tolerance : it. was 'to apply only to human beings in the maturity of their faculties'. John Stuart Mill does not only speak of children and minors; he elaborates: 'Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion.' Anterior to that time, men may still be barbarians, and 'despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end.' Mill's often-quoted words have a less familiar implication on which their meaning depends: the internal connection between liberty and truth. There is a sense in which truth is the end of liberty, and liberty must be defined and confined by truth. Now in what sense can liberty be for the sake of truth? Liberty is self-determination, autonomy--this is almost a tautology, but a tautology which results from a whole series of synthetic judgments. It stipulates the ability to determine one's own life: to be able to determine what to do and what not to do, what to suffer and what not. But the subject of this autonomy is never the contingent, private individual as that which he actually is or happens to be; it is rather the individual as a human being who is capable of being free with the others. And the problem of making possible such a harmony between every individual liberty and the other is not that of finding a compromise between competitors, or between freedom and law, between general and individual interest, common and private welfare in an *established* society, but of *creating* the society in which man is no longer enslaved by institutions which vitiate self-determination from the beginning. In other words, freedom is still to be created even for the freest of the existing societies. And the direction in which it must be sought, and the institutional and cultural changes which may help to attain the goal are, at least in developed civilization, *comprehensible,* that is to say, they can be identified and projected, on the basis of experience, by human reason.

In the interplay of theory and practice, true and false solutions become distinguishable--never with the evidence of necessity, never as the positive, only with the certainty of a reasoned and reasonable chance, and with the persuasive force of the negative. For the true positive is the society of the future and therefore beyond definition arid determination, while the existing positive is that which must be surmounted. But the experience and understanding of the existent society may well be capable of identifying what is *not* conducive to a free and rational society, what impedes and distorts the possibilities of its creation. Freedom is liberation, a specific historical process in theory and practice, and as such it has its right and wrong, its truth and falsehood.

The uncertainty of chance in this distinction does not cancel the historical objectivity, but it

necessitates freedom of thought and expression as preconditions of finding the way to freedom--it necessitates *tolerance*. However, this tolerance cannot be indiscriminate and equal with respect to the contents of expression, neither in word nor in deed; it cannot protect false words and wrong deeds which demonstrate that they contradict and counteract the' possibilities of liberation. Such indiscriminate tolerance is justified in harmless debates, in conversation, in academic discussion; it is indispensable in the scientific enterprise, in private religion. But society cannot be indiscriminate where the pacification of existence, where freedom and happiness themselves are at stake: here, certain things cannot be said, certain ideas cannot be expressed, certain policies cannot be proposed, certain behavior cannot be permitted without making tolerance an instrument for the continuation of servitude.

The danger of 'destructive tolerance' (Baudelaire), of 'benevolent neutrality' toward *art* has been recognized: the market, which absorbs equally well (although with often quite sudden fluctuations) art, anti-art, and non-art, all possible conflicting styles, schools, forms, provides a 'complacent receptacle, a friendly abyss'[1] in which the radical impact of art, the protest of art against the established reality is swallowed up. However, censorship of art and literature is regressive under all circumstances. The authentic oeuvre is not and cannot be a prop of oppression, and pseudo-art (which can be such a prop) is not art. Art stands against history, withstands history which has been the history of oppression, for art subjects reality to laws other than the established ones: to the laws of the Form which creates a different reality--negation of the established one even where art depicts the established reality. But in its struggle with history, art subjects itself to history: history enters the definition of art and enters into the distinction between art and pseudo-art. Thus it happens that what was once art becomes pseudo-art. Previous forms, styles, and qualities, previous modes of protest and refusal cannot be recaptured in or against a different society. There are cases where an authentic oeuvre carries a regressive political message--Dostoevski is a case in point. But then, the message is canceled by the oeuvre itself: the regressive political content is absorbed, *aufgehoben* in the artistic form: in the work as literature.

Tolerance of free speech is the way of improvement, of progress in liberation, *not* because there is no objective truth, and improvement must necessarily be a compromise between a variety of opinions, but because there *is* an objective truth which can be discovered, ascertained only in learning and comprehending that which is and that which can be and ought to be done for the sake of improving the lot of mankind. This common and historical 'ought' is not immediately evident, at hand: it has to be uncovered by 'cutting through', 'splitting', 'breaking asunder' *(dis-cutio)* the given material--separating right and wrong, good and bad, correct and incorrect. The subject whose 'improvement' depends on a progressive historical practice is each man as man, and this universality is reflected in that of the discussion, which a priori does not exclude any group or individual. But even the all-inclusive character of liberalist tolerance was, at least in theory, based on the proposition that men were (potential) *individuals* who could learn to hear and see and feel by themselves, to develop their own thoughts, to grasp their true interests and rights and capabilities, also against established authority and opinion. This was the rationale of free speech and assembly. Universal toleration becomes questionable when its rationale no longer prevails, when tolerance is administered to manipulated and indoctrinated individuals who parrot, as their own, the opinion of their masters, for whom heteronomy has become autonomy.

The telos of tolerance is truth. It is clear from the historical record that the authentic spokesmen of tolerance had more and other truth in mind than that of propositional logic and academic theory. John Stuart Mill speaks of the truth which is persecuted in history and which does *not* triumph over persecution by virtue of its 'inherent power', which in fact has no

inherent power 'against the dungeon and the stake'. And he enumerates the 'truths' which were cruelly and successfully liquidated in the dungeons and at the stake: that of Arnold of Brescia, of Fra Dolcino, of Savonarola, of the Albigensians, Waldensians, Lollards, and Hussites. Tolerance is first and foremost for the sake of the heretics--the historical road toward *humanitas* appears as heresy: target of persecution by the powers that be. Heresy by itself, however, is no token of truth.

The criterion of progress in freedom according to which Mill judges these movements is the Reformation. The evaluation is ex post, and his list includes opposites (Savonarola too would have burned Fra Dolcino). Even the ex post evaluation is contestable as to its truth: history corrects the judgment--too late. The correction does not help the victims and does not absolve their executioners. However, the lesson is clear: intolerance has delayed progress and has prolonged the slaughter and torture of innocents for hundreds of years. Does this clinch the case for indiscriminate, 'pure' tolerance? Are there historical conditions in which such toleration impedes liberation and multiplies the victims who are sacrificed to the status quo? Can the indiscriminate guaranty of political rights and liberties be repressive? Can such tolerance serve to contain qualitative social change?

I shall discuss this question only with reference to political movements, attitudes, schools of thought, philosophies which are 'political' in the widest sense--affecting the society as a whole, demonstrably transcending the sphere of privacy. Moreover, I propose a shift in the focus of the discussion: it will be concerned not only, and not primarily, with tolerance toward radical extremes, minorities, subversives, etc., but rather with tolerance toward majorities, toward official and public opinion, toward the established protectors of freedom. In this case, the discussion can have as a frame of reference only a democratic society, in which the people, as individuals and as members of political and other organizations, participate in the making, sustaining, and changing policies. In an authoritarian system, the people do not tolerate--they suffer established policies.

Under a system of constitutionally guaranteed and (generally and without too many and too glaring exceptions) practiced civil rights and liberties, opposition and dissent are tolerated unless they issue in violence and/or in exhortation to and organization of violent subversion. The underlying assumption is that the established society is free, and that any improvement, even a change in the social structure and social values, would come about in the normal course of events, prepared, defined, and tested in free and equal discussion, on the open marketplace of ideas and goods.[2] Now in recalling John Stuart Mill's passage, I drew attention to the premise hidden in this assumption: free and equal discussion can fulfill the function attributed to it only if it is *rational* expression and development of independent thinking, free from indoctrination, manipulation, extraneous authority. The notion of pluralism and countervailing powers is no substitute for this requirement. One might in theory construct a state in which a multitude of different pressures, interests, and authorities balance each other out and result in a truly general and rational interest. However, such a construction badly fits a society in which powers are and remain unequal and even increase their unequal weight when they run their own course. It fits even worse when the variety of pressures unifies and coagulates into an overwhelming whole, integrating the particular countervailing powers by virtue of an increasing standard of living and an increasing concentration of power. Then, the laborer, whose real interest conflicts with that of management, the common consumer whose real interest conflicts with that of the producer, the intellectual whose vocation conflicts with that of his employer find themselves submitting to a system against which they are powerless and appear unreasonable. The idea of the available alternatives evaporates into an utterly utopian dimension in which it is at home, for a free society is indeed unrealistically and undefinably

different from the existing ones. Under these circumstances, whatever improvement may occur 'in the normal course of events' and without subversion is likely to be an improvement in the direction determined by the particular interests which control the whole.

By the same token, those minorities which strive for a change of the whole itself will, under optimal conditions which rarely prevail, will be left free to deliberate and discuss, to speak and to assemble - and will be left harmless and helpless in the face of the overwhelming majority, which militates against qualitative social change. This majority is firmly grounded in the increasing satisfaction of needs, and technological and -mental co-ordination, which testify to the general helplessness of radical groups in a well-functioning social system.

Within the affluent democracy, the affluent discussion prevails, and within the established framework, it is tolerant to a large extent. All points of view can be heard: the Communist and the Fascist, the Left and the Right, the white and the Negro, the crusaders for armament and for disarmament. Moreover, in endlessly dragging debates over the media, the stupid opinion is treated with the same respect as the intelligent one, the misinformed may talk as long as the informed, and propaganda rides along with education, truth with falsehood. This pure toleration of sense and nonsense is justified by the democratic argument that nobody, neither group nor individual, is in possession of the truth and capable of defining what is right and wrong, good and bad. Therefore, all contesting opinions must be submitted to 'the people' for its deliberation and choice. But I have already suggested that the democratic argument implies a necessary condition, namely, that the people must be capable of deliberating and choosing on the basis of knowledge, that they must have access to authentic information, and that, on this. basis, their evaluation must be the result of autonomous thought.

In the contemporary period, the democratic argument for abstract tolerance tends to be invalidated by the invalidation of the democratic process itself. The liberating force of democracy was the chance it gave to effective dissent, on the individual as well as social scale, its openness to qualitatively different forms of government, of culture, education, work--of the human existence in general. The toleration of free discussion and the equal right of opposites was to define and clarify the different forms of dissent: their direction, content, prospect. But with the concentration of economic and political power and the integration of opposites in a society which uses technology as an instrument of domination, effective dissent is blocked where it could freely emerge; in the formation of opinion, in information and communication, in speech and assembly. Under the rule of monopolistic media--themselves the mere instruments of economic and political power--a mentality is created for which right and wrong, true and false are predefined wherever they affect the vital interests of the society. This is, prior to all expression and communication, a matter of semantics: the blocking of effective dissent, of the recognition of that which is not of the Establishment which begins in the. language that is publicized and administered. The meaning of words is rigidly stabilized. Rational persuasion, persuasion to the opposite is all but precluded. The avenues of entrance are closed to the meaning of words and ideas other than the established one--established by the publicity of the powers that be, and verified in their practices. Other words can be spoken and heard, other ideas can be expressed, but, at the massive scale of the conservative majority (outside such enclaves as the intelligentsia), they are immediately 'evaluated' (i.e. automatically understood) in terms of the public language--a language which determines 'a priori' the direction in which the thought process moves. Thus the process of reflection ends where it started: in the given conditions and relations. Self-validating, the argument. of the discussion repels the contradiction because the antithesis is redefined in terms of the thesis. For example, thesis: we work for peace; antithesis: we prepare for war (or even: we wage war); unification of opposites; preparing for war *is* working for peace. Peace is redefined as necessarily, in the

prevailing situation, including preparation for war (or even war) and in this Orwellian form, the meaning of the word 'peace' is stabilized. Thus, the basic vocabulary of the Orwellian language operates as a priori categories of understanding: preforming all content. These conditions invalidate the logic of tolerance which involves the rational development of meaning and precludes the 'closing of meaning. Consequently, persuasion through discussion and the equal presentation of opposites (even where it is really, equal) easily lose their liberating force as factors of understanding and learning; they are far more likely to strengthen the established thesis and to repel the alternatives.

Impartiality to the utmost, equal treatment of competing and conflicting issues is indeed a basic requirement for decision-making in the democratic process--it is an equally basic requirement for defining the limits of tolerance. But in a democracy with totalitarian organization, objectivity may fulfill a very different function, namely, to foster a mental attitude which tends to obliterate the difference between true and false, information and indoctrination, right and wrong. In fact, the decision between opposed opinions has been made before the presentation and discussion get under way--made, not by a conspiracy or a sponsor or a publisher, not by any dictatorship, but rather by the 'normal course of events', which is the course of administered events, and by the mentality shaped in this course. Here, too, it is the whole which determines the truth. Then the decision asserts itself, without any open violation of objectivity, in such things as the make-up of a newspaper (with the breaking up of vital information into bits interspersed between extraneous material, irrelevant items, relegating of some radically negative news to an obscure place), in the juxtaposition of gorgeous ads with unmitigated horrors, in the introduction and interruption of the broadcasting of facts by overwhelming commercials. The result is a *neutralization* of opposites, a neutralization, however, which takes place on the firm grounds of the structural limitation of tolerance and within a preformed mentality. When a magazine prints side by side a negative and a positive report on the FBI, it fulfills honestly the requirements of objectivity: however, the chances are that the positive wins because the image of the institution is deeply engraved in the mind of the people. Or, if a newscaster reports the torture and murder of civil rights workers in the same unemotional tone he uses to describe the stockmarket or the weather, or with the same great emotion with which he says his commercials, then such objectivity is spurious--more, it offends against humanity and truth by being calm where one should be enraged, by refraining from accusation where accusation is in the facts themselves. The tolerance expressed in such impartiality serves to minimize or even absolve prevailing intolerance and suppression. If objectivity has anything to do with truth, and if truth is more than a matter of logic and science, then this kind of objectivity is false, and this kind of tolerance inhuman. And if it is necessary to break the established universe of meaning (and the practice enclosed in this universe) in order to enable man to find out what is true and false, this deceptive impartiality would have to be abandoned. The people exposed to this impartiality are no *tabulae rasae,* they are indoctrinated by the conditions under which they live and think and which they do not transcend. To enable them to become autonomous, to find by themselves what is true and what is false for man in the existing society, they would have to be freed from the prevailing indoctrination (which is no longer recognized as indoctrination). But this means that the trend would have to be reversed: they would have to get information slanted in the opposite direction. For the facts are never given immediately and never accessible immediately; they are established, 'mediated' by those who made them; the truth, 'the whole truth' surpasses these facts and requires the rupture with their appearance. This rupture--prerequisite and token of all freedom of thought and of speech--cannot be accomplished within the established framework of abstract tolerance and spurious objectivity because these are precisely the factors which precondition the mind *against* the rupture.

The factual barriers which totalitarian democracy erects against the efficacy of qualitative dissent are weak and pleasant enough compared with the practices of a dictatorship which claims to educate the people in the truth. With all its limitations and distortions, democratic tolerance is under all circumstances more humane than an institutionalized intolerance which sacrifices the rights and liberties of the living generations for the sake of future generations. The question is whether this is the only alternative. I shall presently try to suggest the direction in which an answer may be sought In any case, the contrast is not between democracy in the abstract and dictatorship in the abstract.

Democracy is a form of government which fits very different types of society (this holds true even for a democracy with universal suffrage and equality before the law), and the human costs of a democracy are always and everywhere those exacted by the society whose government it is. Their range extends all the way from normal exploitation, poverty, and insecurity to the victims of wars, police actions, military aid, etc., in which the society is engaged--and not only to the victims within its own frontiers. These considerations can never justify the exacting of different sacrifices and different victims on behalf of a future better society, but they do allow weighing the costs involved in the perpetuation of an existing society against the risk of promoting alternatives which offer a reasonable chance of pacification and liberation. Surely, no government can be expected to foster its own subversion, but in a democracy such a right is vested in the people (i.e. in the majority of the people). This means that the ways should not be blocked on which a subversive majority could develop, and if they are blocked by organized repression and indoctrination, their reopening may require apparently undemocratic means. They would include the withdrawal of toleration of speech and assembly from groups and movements which promote aggressive policies, armament, chauvinism, discrimination on the grounds of race and religion, or which oppose the extension of public services, social security, medical care, etc. Moreover, the restoration of freedom of thought may necessitate new and rigid restrictions on teachings and practices in the educational institutions which, by their very methods and concepts, serve to enclose the mind within the established universe of discourse and behavior--thereby precluding a priori a rational evaluation of the alternatives. And to the degree to which freedom of thought involves the struggle against inhumanity, restoration of such freedom would also imply intolerance toward scientific research in the interest of deadly 'deterrents', of abnormal human endurance under inhuman conditions, etc. I shall presently discuss the question as to who is to decide on the distinction between liberating and repressive, human and inhuman teachings and practices; I have already suggested that this distinction is not a matter of value-preference but of rational criteria.

While the reversal of the trend in the educational enterprise at least could conceivably be enforced by the students and teachers themselves, and thus be self-imposed, the systematic withdrawal of tolerance toward regressive and repressive opinions and movements could only be envisaged as results of large-scale pressure which would amount to an upheaval. In other words, it would presuppose that which is still to be accomplished: the reversal of the trend. However, resistance at particular occasions, boycott, non-participation at the local and small-group level may perhaps prepare the ground The subversive character of the restoration of freedom appears most clearly in that dimension of society where false tolerance and free enterprise do perhaps the most serious and lasting damage, namely in business and publicity. Against the emphatic insistence on the part of spokesmen for labor, I maintain that practices such as planned obsolescence, collusion between union leadership and management, slanted publicity are not simply imposed from above on a powerless rank and file, but are *tolerated* by them and the consumer at large. However, it would be ridiculous to speak of a possible withdrawal of tolerance with respect to these practices and to the ideologies promoted by

them. For they pertain to the basis on which the repressive affluent society rests and reproduces itself and its vital defenses - their removal would be that total revolution which this society so effectively repels.

To discuss tolerance in such a society means to reexamine the issue of violence and the traditional distinction between violent and non-violent action. The discussion should not, from the beginning, be clouded by ideologies which serve the perpetuation of violence. Even in the advanced centers of civilization, violence actually prevails: it is practiced by the police, in the prisons and mental institutions, in the fight against racial minorities; it is carried, by the defenders of metropolitan freedom, into the backward countries. This violence indeed breeds violence. But to refrain from violence in the face of vastly superior violence is one thing, to renounce a priori violence against violence, on ethical or psychological grounds (because it may antagonize sympathizers) is another. Non-violence is normally not only preached to but exacted from the weak--it is a necessity rather than a virtue, and normally it does not seriously harm the case of the strong. (Is the case of India an exception? There, passive resistance was carried through on a massive scale, which disrupted, or threatened to disrupt, the economic life of the country. Quantity turns into quality: on such a scale, passive resistance is no longer passive - it ceases to be non-violent. The same holds true for the General Strike.) Robespierre's distinction between the terror of liberty and the terror of despotism, and his moral glorification of the former belongs to the most convincingly condemned aberrations, even if the white terror was more bloody than the red terror. The comparative evaluation in terms of the number of victims is the quantifying approach which reveals the man-made horror throughout history that made violence a necessity. In terms of historical function, there is a difference between revolutionary and reactionary violence, between violence practiced by the oppressed and by the oppressors. In terms of ethics, both forms of violence are inhuman and evil--but since when is history made in accordance with ethical standards? To start applying them at the point where the oppressed rebel against the oppressors, the have-nots against the haves is serving the cause of actual violence by weakening the protest against it.

> Comprenez enfin ceci: si la violence a commencé ce soir, si l'exploitation ni l'oppression n'ont jamais existé sur terre, peut-être la non-violence affichée peut apaiser la querelle. Mais si le régime tout entier et jusqu'à vos non-violentes pensées sont conditionnées par une oppression millénaire, votre passivité ne sert qu'à vous ranger du côté des oppresseurs.[3]
> [rough translation: Understand finally this: if violence were to begin this evening, if neither exploitation nor oppression had ever existed in the world, perhaps concerted non-violence could relieve the conflict. But if the whole governmental system and your non-violent thoughts are conditioned by a thousand-year-old oppression, your passivity only serves to place you on the side of the oppressors.]

The very notion of false tolerance, and the distinction between right and wrong limitations on tolerance, between progressive and regressive indoctrination, revolutionary and reactionary violence demands the statement of criteria for its validity. These standards must be prior to whatever constitutional and legal criteria are set up and applied in an existing society (such as 'clear and present danger', and other established definitions of civil rights and liberties), for such definitions themselves presuppose standards of freedom and repression as applicable or not applicable in the respective society: they are specifications of more general concepts. By whom, and according to what standards, can the political distinction between true and false, progressive and regressive (for in this sphere, these pairs are equivalent) be made and its validity be justified? At the outset, I propose that the question cannot be answered in terms of the alternative between democracy and dictatorship, according to which, in the latter, one individual or group, without any effective control from below, arrogate to themselves the

decision. Historically, even in the most democratic democracies, the vital and final decisions affecting the society as a whole have been made, constitutionally or in fact, by one or several groups without effective control by the people themselves. The ironical question: who educates the educators (i.e. the political leaders) also applies to democracy. The only authentic alternative and negation of dictatorship (with respect to this question) would be a society in which 'the people' have become autonomous individuals, freed from the repressive requirements of a struggle for existence in the interest of domination, and as such human beings choosing their government and determining their life. Such a society does not yet exist anywhere. In the meantime, the question must be treated *in abstracto*--abstraction, not from the historical possibilities, but from the realities of the prevailing societies.

I suggested that the distinction between true and false tolerance, between progress and regression can be made rationally on empirical grounds. The real possibilities of human freedom are relative to the attained stage of civilization. They depend on the material and intellectual resources available at the respective stage, and they are quantifiable and calculable to a high degree. So are, at the stage of advanced industrial society, the most rational ways of using these resources and distributing the social product with priority on the satisfaction of vital needs and with a minimum of toil and injustice. In other words, it is possible to define the direction in which prevailing institutions, policies, opinions would have to be changed in order to improve the chance of a peace which is not identical with cold war and a little hot war, and a satisfaction of needs which does not feed on poverty, oppression, and exploitation. Consequently, it is also possible to identify policies, opinions, movements which would promote this chance, and those which would do the opposite. Suppression of the regressive ones is a prerequisite for the strengthening of the progressive ones.

The question, who is qualified to make all these distinctions, definitions, identifications for the society as a whole, has now one logical answer, namely, everyone 'in the maturity of his faculties' as a human being, everyone who has learned to think rationally and autonomously. The answer to Plato's educational dictatorship is the democratic educational dictatorship of free men. John Stuart Mill's conception of the *res publica* is not the opposite of Plato's: the liberal too demands the authority of Reason not only as an intellectual but also as a political power. In Plato, rationality is confined to the small number of philosopher-kings; in Mill, every rational human being participates in the discussion and decision--but only as a rational being. Where society has entered the phase of total administration and indoctrination, this would be a small number indeed, and not necessarily that of the elected representatives of the people. The problem is not that of an educational dictatorship, but that of breaking the tyranny of public opinion and its makers in the closed society.

However, granted the empirical rationality of the distinction between progress and regression, and granted that it may be applicable to tolerance, and may justify strongly discriminatory tolerance on political grounds (cancellation of the liberal creed of free and equal discussion), another impossible consequence would follow. I said that, by virtue of its inner logic, withdrawal of tolerance from regressive movements, and discriminatory tolerance in favor of progressive tendencies would be tantamount to the 'official' promotion of subversion. The historical calculus of progress (which is actually the calculus of the prospective reduction of cruelty, misery, suppression) seems to involve the calculated choice between two forms of political violence: that on the part of the legally constituted powers (by their legitimate action, or by their tacit consent, or by their inability to prevent violence), and that on the part of potentially subversive movements. Moreover, with respect to the latter, a policy of unequal treatment would protect radicalism on the Left against that on the Right. Can the historical calculus be reasonably extended to the justification of one form of violence as

against another? Or better (since 'justification' carries a moral connotation), is there historical evidence to the effect that the social origin and impetus of violence (from among the ruled or the ruling classes, the have or the have-nots, the Left or the Right) is in a demonstratable relation to progress (as defined above)?

With all the qualifications of a hypothesis based on an 'open' historical record, it seems that the violence emanating from the rebellion of the oppressed classes broke the historical continuum of injustice, cruelty, and silence for a brief moment, brief but explosive enough to achieve an increase in the scope of freedom and justice, and a better and more equitable distribution of misery and oppression in a new social system--in one word: progress in civilization. The English civil wars, the French Revolution, the Chinese and the Cuban Revolutions may illustrate the hypothesis. In contrast, the one historical change from one social system to another, marking the beginning of a new period in civilization, which was *not* sparked and driven by an effective movement 'from below', namely, the collapse of the Roman Empire in the West, brought about a long period of regression for long centuries, until a new, higher period of civilization was painfully born in the violence of the heretic revolts of the thirteenth century and in the peasant and laborer revolts of the fourteenth century.[4]

With respect to historical violence emanating from among ruling classes, no such relation to progress seems to obtain. The long series of dynastic and imperialist wars, the liquidation of Spartacus in Germany in 1919, Fascism and Nazism did not break but rather tightened and streamlined the continuum of suppression. I said emanating 'from among ruling classes': to be sure, there is hardly any organized violence from above that does not mobilize and activate mass support from below; the decisive question is, on behalf of and in the interest of which groups and institutions is such violence released? And the answer is not necessarily ex post: in the historical examples just mentioned, it could be and was anticipated whether the movement would serve the revamping of the old order or the emergence of the new.

Liberating tolerance, then, would mean intolerance against movements from the Right and toleration of movements from the Left. As to the scope of this tolerance and intolerance: ... it would extend to the stage of action as well as of discussion and propaganda, of deed as well as of word. The traditional criterion of clear and present danger seems no longer adequate to a stage where the whole society is in the situation of the theater audience when somebody cries: 'fire'. It is a situation in which the total catastrophe could be triggered off any moment, not only by a technical error, but also by a rational miscalculation of risks, or by a rash speech of one of the leaders. In past and different circumstances, the speeches of the Fascist and Nazi leaders were the immediate prologue to the massacre. The distance between the propaganda and the action, between the organization and its release on the people had become too short. But the spreading of the word could have been stopped before it was too late: if democratic tolerance had been withdrawn when the future leaders started their campaign, mankind would have had a chance of avoiding Auschwitz and a World War.

The whole post-fascist period is one of clear and present danger. Consequently, true pacification requires the withdrawal of tolerance before the deed, at the stage of communication in word, print, and picture. Such extreme suspension of the right of free speech and free assembly is indeed justified only if the whole of society is in extreme danger. I maintain that our society is in such an emergency situation, and that it has become the normal state of affairs. Different opinions and 'philosophies' can no longer compete peacefully for adherence and persuasion on rational grounds: the 'marketplace of ideas' is organized and delimited by those who determine the national and the individual interest. In this society, for which the ideologists have proclaimed the 'end of ideology', the false consciousness has

become the general consciousness--from the government down to its last objects. The small and powerless minorities which struggle against the false consciousness and its beneficiaries must be helped: their continued existence is more important than the preservation of abused rights and liberties which grant constitutional powers to those who oppress these minorities. It should be evident by now that the exercise of civil rights by those who don't have them presupposes the withdrawal of civil rights from those who prevent their exercise, and that liberation of the Damned of the Earth presupposes suppression not only of their old but also of their new masters.

[missing paragraph added 10/24/15]

Withdrawal of tolerance from regressive movements before they can become active; intolerance even toward thought, opinion, and word, and finally, intolerance in the opposite direction, that is, toward the self-styled conservatives, to the political Right--these anti-democratic notions respond to the actual development of the democratic society which has destroyed the basis for universal tolerance. The conditions under which tolerance can again become a liberating and humanizing force have still to be created. When tolerance mainly serves the protection and preservation of a repressive society, when it serves to neutralize opposition and to render men immune against other and better forms of life, then tolerance has been perverted. And when this perversion starts in the mind of the individual, in his consciousness, his needs, when heteronomous interests occupy him before he can experience his servitude, then the efforts to counteract his dehumanization must begin at the place of entrance, there where the false consciousness takes form (or rather: is systematically formed)--it must begin with stopping the words and images which feed this consciousness. To be sure, this is censorship, even precensorship, but openly directed against the more or less hidden censorship that permeates the free media. Where the false consciousness has become prevalent in national and popular behavior, it translates itself almost immediately into practice: the safe distance between ideology and reality, repressive thought and repressive action, between the word of destruction and the deed of destruction is dangerously shortened. Thus, the break through the false consciousness may provide the Archimedean point for a larger emancipation--at an infinitesimally small spot, to be sure, but it is on the enlargement of such small spots that the chance of change depends.

The forces of emancipation cannot be identified with any social class which, by virtue of its material condition, is free from false consciousness. Today, they are hopelessly dispersed throughout the society, and the fighting minorities and isolated groups are often in opposition to their own leadership. In the society at large, the mental space for denial and reflection must first be recreated. Repulsed by the concreteness of the administered society, the effort of emancipation becomes 'abstract'; it is reduced to facilitating the recognition of what is going on, to freeing language from the tyranny of the Orwellian syntax and logic, to developing the concepts that comprehend reality. More than ever, the proposition holds true that progress in freedom demands progress in the *consciousness* of freedom. Where the mind has been made into a subject-object of politics and policies, intellectual autonomy, the realm of 'pure' thought has become a matter of *political education* (or rather: counter-education).

This means that previously neutral, value-free, formal aspects of learning and teaching now become, on their own grounds and in their own right, political: learning to know the facts, the whole truth, and to comprehend it is radical criticism throughout, intellectual subversion. In a world in which the human faculties and needs are arrested or perverted, autonomous thinking leads into a 'perverted world': contradiction and counter-image of the established world of repression. And this contradiction is not simply stipulated, is not simply the product of confused thinking or fantasy, but is the logical development of the given, the existing world.

To the degree to which this development is actually impeded by the sheer weight of a repressive society and the necessity of making a living in. it, repression invades the academic enterprise itself, even prior to all restrictions on academic freedom. The pre-empting of the mind vitiates impartiality and objectivity: unless the student learns to think in the opposite direction, he will be inclined to place the facts into the predominant framework of values. Scholarship, i.e., the acquisition and communication of knowledge, prohibits the purification and isolation of facts from the context of the whole truth. An essential part of the latter is recognition of the frightening extent to which history is made and recorded by and for the victors, that is, the extent to which history was the development of oppression. And this oppression is in the facts themselves which it establishes; thus they themselves carry a negative value as part and aspect of their facticity. To treat the great crusades *against* humanity (like that against the Albigensians) with the same impartiality as the desperate struggles *for* humanity means neutralizing their opposite historical function, reconciling the executioners with their victims, distorting the record. Such spurious neutrality serves to reproduce acceptance of the dominion of the victors in the consciousness of man. Here, too, in the education of those who are not yet maturely integrated, in the mind of the young, the ground for liberating tolerance is still to be created.

Education offers still another example of spurious, abstract tolerance in the guise of concreteness and truth: it is epitomized in the concept of self-actualization. From the permissiveness of all sorts of license to the child, to the constant psychological concern with the personal problems of the student, a large-scale movement is under way against the evils of repression and the need for being oneself. Frequently brushed aside is the question as to what has to be repressed before one can be a self, oneself. The individual potential is first a negative one, a portion of the potential of his society: of aggression, guilt feeling, ignorance, resentment, cruelty which vitiate his life instincts. If the identity of the self is to be more than the immediate realization of this potential (undesirable for the individual as a human being), then it requires repression and sublimation, conscious transformation. This process involves at each stage (to use the ridiculed terms which here reveal their succinct concreteness) the negation of the negation, mediation of the immediate, and identity is no more and no less than this process. 'Alienation' is the constant and essential element of identity, the objective side of the subject--and not, as it is made to appear today, a disease, a psychological condition. Freud well knew the difference between progressive and regressive, liberating and destructive repression. The publicity of self-actualization promotes the removal of the one and the other, it promotes existence in that immediacy which, in a repressive society, is (to use another Hegelian term) bad immediacy *(schlechte Unmittelbarkeit)*. It isolates the individual from the one dimension where he could 'find himself': from his political existence, which is at the core of his entire existence. Instead, it encourages non-conformity and letting-go in ways which leave the real engines of repression in the society entirely intact, which even strengthen these engines by substituting the satisfactions of private, and personal rebellion for a more than private and personal, and therefore more authentic, opposition. The desublimation involved in this sort of self-actualization is itself repressive inasmuch as it weakens the necessity and the power of the intellect, the catalytic force of that unhappy consciousness which does not revel in the archetypal personal release of frustration - hopeless resurgence of the Id which will sooner or later succumb to the omnipresent rationality of the administered world - but which recognizes the horror of the whole in the most private frustration and actualizes itself in this recognition.

I have tried to show how the changes in advanced democratic societies, which have undermined the basis of economic and political liberalism, have also altered the liberal function of tolerance. The tolerance which was the great achievement of the liberal era is still

professed and (with strong qualifications) practiced, while the economic and political process is subjected to an ubiquitous and effective administration in accordance with the predominant interests. The result is an objective contradiction between the economic and political structure on the one side, and the theory and practice of toleration on the other.. The altered social structure tends to weaken the effectiveness of tolerance toward dissenting and oppositional movements and to strengthen conservative and reactionary forces. Equality of tolerance becomes abstract, spurious. With the actual decline of dissenting forces in the society, the opposition is insulated in small and frequently antagonistic groups who, even where tolerated within the narrow limits set by the hierarchical structure of society, are powerless while they keep within these limits. But the tolerance shown to them is deceptive and promotes co-ordination. And on the firm foundations of a co-ordinated society all but closed against qualitative change, tolerance itself serves to contain such change rather than to promote it.

[missing paragraph added 10/24/15]

These same conditions render the critique of such tolerance abstract and academic, and the proposition that the balance between tolerance toward the Right and toward the Left would have to be radically redressed in order to restore the liberating function of tolerance becomes only an unrealistic speculation. Indeed, such a redressing seems to be tantamount to the establishment of a "right of resistance" to the point of subversion. There is not, there cannot be any such right for any group or individual against a constitutional government sustained by a majority of the population. But I believe that there is a "natural right" of resistance for oppressed and overpowered minorities to use extralegal means if the legal ones have proved to be inadequate. Law and order are always and everywhere the law and order which protect the established hierarchy; it is nonsensical to invoke the absolute authority of this law and this order against those who suffer from it and struggle against it--not for personal advantages and revenge, but for their share of humanity. There is no other judge over them than the constituted authorities, the police, and their own conscience. If they use violence, they do not start a new chain of violence but try to break an established one. Since they will be punished, they know the risk, and when they are willing to take it, no third person, and least of all the educator and intellectual, has the right to preach them abstention.

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UNDER the conditions prevailing in this country, tolerance does not, and cannot, fulfill the civilizing function attributed to it by the liberal protagonists of democracy, namely, protection of dissent. The progressive historical force of tolerance lies in its extension to those modes and forms of dissent which are not committed to the status quo of society, and not confined to the institutional framework of the established society. Consequently, the idea of tolerance implies the necessity, for the dissenting group or individuals, to become illegitimate if and when the established legitimacy prevents and counteracts the development of dissent. This would be the case not only in a totalitarian society, under a dictatorship, in one-party states, but also in a democracy (representative, parliamentary, or 'direct') where the majority does not result from the development of independent thought and opinion but rather from the monopolistic or oligopolistic administration of public opinion, without terror and (normally) without censorship. In such cases, the majority is self-perpetuating while perpetuating the vested interests which *made* it a majority. In its very structure this majority is 'closed', petrified; it repels a priori any change other than changes within the system. But this means that the majority is no longer justified in claiming the democratic title of the best guardian of the common interest. And such a majority is all but the opposite of Rousseau's 'general will': it is composed, not of individuals who, in their political functions, have made effective 'abstraction' from their private interests, but, on the contrary, of individuals who have effectively identified

their private. interests with their political functions. And the representatives of this majority, in ascertaining and executing its will, ascertain and execute the will of the vested interests, which have formed the majority. The ideology of democracy hides its lack of substance.

In the United States, this tendency goes hand in hand with the monopolistic or oligopolistic concentration of capital in the formation of public opinion, i.e., of the majority. The chance of influencing, in any effective way, this majority is at a price, in dollars, totally out of reach of the radical opposition. Here too, free competition and exchange of ideas have become a farce. The Left has no equal voice, no equal access to the mass media and their public facilities - not because a conspiracy excludes it, but because, in good old capitalist fashion, it does not have the required purchasing power. And the Left does not have the purchasing power because it is the Left. These conditions impose upon the radical minorities a strategy which is in essence a refusal to allow the continuous functioning of allegedly indiscriminate but in fact discriminate tolerance, for example, a strategy of protesting against the alternate matching of a spokesman for the Right (or Center) with one for the Left. Not 'equal' but *more* representation of the Left would be equalization of the prevailing inequality.

Within the solid framework of pre-established inequality and power, tolerance is practiced indeed. Even outrageous opinions are expressed, outrageous incidents are televised; and the critics of established policies are interrupted by the same number of commercials as the conservative advocates. Are these interludes supposed to counteract the sheer weight, magnitude, and continuity of system-publicity, indoctrination which operates playfully through the endless commercials as well as through the entertainment?

Given this situation, I suggested in 'Repressive Tolerance' the practice of discriminating tolerance in an inverse direction, as a means of shifting the balance between Right and Left by restraining the liberty of the Right, thus counteracting the pervasive inequality of freedom (unequal opportunity of access to the means of democratic persuasion) and strengthening the oppressed against the oppressed. Tolerance would be restricted with respect to movements of a demonstrably aggressive or destructive character (destructive of the prospects for peace, justice, and freedom for all). Such discrimination would also be applied to movements opposing the extension of social legislation to the poor, weak, disabled. As against the virulent denunciations that such a policy would do away with the sacred liberalistic principle of equality for 'the other side', I maintain that there are issues where either there is no 'other side' in any more than a formalistic sense, or where 'the other side' is demonstrably 'regressive' and impedes possible improvement of the human condition. To tolerate propaganda for inhumanity vitiates the goals not only of liberalism but of every progressive political philosophy.

If the choice were between genuine democracy and dictatorship, democracy would certainly be preferable. But democracy does not prevail. The radical critics of the existing political process are thus readily denounced as advocating an 'elitism', a dictatorship of intellectuals as an alternative. What we have in fact is government, representative government by a non-intellectual minority of politicians, generals, and businessmen. The record of this 'elite' is not very promising, and political prerogatives for the intelligentsia may not necessarily be worse for the society as a whole.

In any case, John Stuart Mill, not exactly an enemy of liberal and representative government, was not so allergic to the political leadership of the intelligentsia as the contemporary guardians of semi-democracy are. Mill believed that 'individual mental superiority' justifies 'reckoning one person's opinion as equivalent to more than one':

> Until there shall have been devised, and until opinion is willing to accept, some mode of plural voting which may assign to education as such the degree of superior influence due to it, and sufficient as a counterpoise to the numerical weight of the least educated class, for so long the benefits of completely universal suffrage cannot be obtained without bringing with them, as it appears to me, more than equivalent evils.[5]
>
> 'Distinction in favor of education, right in itself', was also supposed to preserve 'the educated from the class legislation of the uneducated', without enabling the former to practice a class legislation of their own.[6]

Today, these words have understandably an anti-democratic, 'elitist' sound--understandably because of their dangerously radical implications. For if 'education' is more and other than training, learning, preparing for the existing society, it means not only enabling man to know and understand the facts which make up reality but also to know and understand the factors that establish the facts so that he can change their inhuman reality. And such humanistic education would involve the 'hard' sciences ('hard' as in the 'hardware' bought by the Pentagon?), would free them from their destructive direction. In other words, such education would indeed badly serve the Establishment, and to give political prerogatives to the men and women thus educated would indeed be anti-democratic in the terms of the Establishment. But these are not the only terms.

However, the alternative to the established semi-democratic process is *not* a dictatorship or elite, no matter how intellectual and intelligent, but the struggle for a real democracy. Part of this struggle is the fight against an ideology of tolerance which, in reality, favors and fortifies the conservation of the status quo of inequality and discrimination. For this struggle, I proposed the practice of discriminating tolerance. To be sure, this practice already presupposes the radical goal which it seeks to achieve. I committed this *petitio principii* in order to combat the pernicious ideology that tolerance is already institutionalized in this society. The tolerance which is the life element, the token of a free society, will never be the gift of the powers that be; it can, under the prevailing conditions of tyranny by the majority, only be won in the sustained effort of radical minorities, willing to break this tyranny and to work for the emergence of a free and sovereign majority - minorities intolerant, militantly intolerant and disobedient to the rules of behavior which tolerate destruction and suppression.

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1. Edgar Wind, *Art and Anarchy* (Faber, London, 1963). [back to ref1]
2. I wish to reiterate for the following discussion that, *de facto,* tolerance is *not* indiscriminate and 'pure' even in the most democratic society The 'background limitations' stated on page [2 of this book?] restrict tolerance before it begins to operate. The antagonistic structure of society rigs the rules of the game. Those who stand against the established system are a priori at a disadvantage, which is not removed by the toleration of their ideas, speeches, and newspapers. [back to ref2]
3. Sartre, Preface to Frantz Fanon, *Les Damnés de Ia Terre* (Maspéro, Paris, 1961). p. 22. [back to ref3]
4. In modern times, fascism has been a consequence of the transition to industrial society *without* a revolution. See Barrington Moore, *Social Origins of Dictatorship and Democracy* (Allen Lane, London, 1963). [back to ref4]
5. *Considerations on Representative Government* (Chicago: Gateway Edition, 1962), p. 183. [back to ref5]
6. *Considerations on Representative Government* (Chicago: Gateway Edition, 1962), p. 181. [back to ref6]

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back to top, to Herbert Marcuse homepage; German translation; see also my Marcuse Haters page

EDUCATION AT THE CROSSROADS

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I

THE AIMS OF EDUCATION

1. THE NATURE OF MAN AND EDUCATION

The Education of Man

THE general title I have chosen is *Education at the Crossroads*. I might also have entitled these chapters *The Education of Man*, though such a title may unintentionally seem provocative: for many of our contemporaries know primitive man, or Western man, or the man of the Renaissance, or the man of the industrial era, or the criminal man, or the bourgeois man, or the working man, but they wonder what is meant when we speak of man.

Of course the job of education is not to shape the Platonist man-in-himself, but to shape a particular child belonging to a given nation, a given social environment, a given historical age. Yet before being a child of the twentieth century, an American-born or European-born child, a gifted or a retarded child, this child is a child of man. Before being a civilized man—at least I hope I am—and a Frenchman nurtured in Parisian intellectual circles, I am a man. If it is true, moreover, that our chief duty consists, according to the profound saying of the Greek poet, Pindar, in *becoming who we are*, nothing is more important for each of us, or more difficult, than *to become a man*. Thus the chief task of education is above all to shape man, or to guide the evolving dynamism through which man forms himself as a man. That is why I might have taken for my title *The Education of Man*.

We shall not forget that the word education has a triple

yet intermingled connotation, and refers either to any process whatsoever by means of which man is shaped and led toward fulfilment (education in its broadest sense), or to the task of formation which adults intentionally undertake with regard to youth, or, in its strictest sense, to the special task of schools and universities.

In the present chapter I shall discuss the aims of education. In the course of this discussion we are to meet and examine, by the way, some significant misconceptions regarding education—seven of them in all.

Man is not merely an animal of nature, like a skylark or a bear. He is also an animal of culture, whose race can subsist only within the development of society and civilization, he is a *historical* animal: hence the multiplicity of cultural or ethico-historical patterns into which man is diversified; hence, too, the essential importance of education. Due to the very fact that he is endowed with a knowing power which is unlimited and which nonetheless only advances step by step, man cannot progress in his own specific life, both intellectually and morally, without being helped by collective experience previously accumulated and preserved, and by a regular transmission of acquired knowledge. In order to reach self-determination, for which he is made, he needs discipline and tradition, which will both weigh heavily on him and strengthen him so as to enable him to struggle against them—which will enrich that very tradition—and the enriched tradition will make possible new struggles, and so forth.

The First Misconception: a Disregard of Ends

Education is an art, and an especially difficult one. Yet it belongs by its nature to the sphere of ethics and practical wisdom. Education is an *ethical* art (or rather a practical wisdom in which a determinate art is embodied). Now

every art is a dynamic trend toward an object to be achieved, which is the aim of this art. There is no art without ends, art's very vitality is the energy with which it tends toward its end, without stopping at any intermediary step.

Here we see from the outset the two most general misconceptions against which education must guard itself. The first misconception is a lack or disregard of ends. If means are liked and cultivated for the sake of their own perfection, and not as means alone, to that very extent they cease to lead to the end, and art loses its practicality; its vital efficiency is replaced by a process of infinite multiplication, each means developing and spreading for its own sake. This supremacy of means over end and the consequent collapse of all sure purpose and real efficiency seem to be the main reproach to contemporary education. The means are not bad. On the contrary, they are generally much better than those of the old pedagogy. The misfortune is precisely that they are so good that we lose sight of the end. Hence the surprising weakness of education today, which proceeds from our attachment to the very perfection of our modern educational means and methods and our failure to bend them toward the end. The child is so well tested and observed, his needs so well detailed, his psychology so clearly cut out, the methods for making it easy for him everywhere so perfected, that the end of all these commendable improvements runs the risk of being forgotten or disregarded. Thus modern medicine is often hampered by the very excellence of its means: for instance, when a doctor makes the examination of the patient's reactions so perfectly and carefully in his laboratory that he forgets the cure; in the meantime the patient may die, for having been too well tended, or rather analyzed. The scientific improvement of the pedagogical means and methods is in itself outstanding progress. But the more it takes on im-

portance, the more it requires a parallel strengthening of practical wisdom and of the dynamic trend toward the goal.

The Second Misconception: False Ideas concerning the End

The second general error or misconception of education does not consist of an actual dearth of appreciation of the end but false or incomplete ideas concerning the nature of this end. The educational task is both greater and more mysterious and, in a sense, humbler than many imagine. If the aim of education is the helping and guiding of man toward his own human achievement, education cannot escape the problems and entanglements of philosophy, for it supposes by its very nature a philosophy of man, and from the outset it is obliged to answer the question: "What is man?" which the philosophical sphinx is asking.

The Scientific and the Philosophical-Religious Idea of Man

I should like to observe at this point that, definitely speaking, there are only two classes or categories of notions concerning man which play fair, so to speak: the purely scientific idea of man and the philosophical-religious one. According to its genuine methodological type, the scientific idea of man, like every idea recast by strictly experimental science, gets rid as far as possible of any ontological content, so that it may be entirely verifiable in sense-experience. On this point the most recent theorists of science, the neopositivists of the school of Vienna, are quite right. The purely scientific idea of man tends only to link together measurable and observable data taken as such, and is determined from the very start not to consider anything like being or essence, not to answer any question like: Is there a soul or isn't there? Does the spirit exist or only

matter? Is there freedom or determinism? Purpose or chance? Value or simple fact? For such questions are out of the realm of science. The purely scientific idea of man is, and must be, a phenomenalized idea without reference to ultimate reality.

The philosophical-religious idea of man, on the contrary, is an ontological idea. It is not entirely verifiable in sense-experience, though it possesses criteria and proofs of its own, and it deals with the essential and intrinsic, though not visible or tangible characters, and with the intelligible density of that being which we call man.

Now it is obvious that the purely scientific idea of man can provide us with invaluable and ever-growing information concerning the means and tools of education, but by itself it can neither primarily found nor primarily guide education, for education needs primarily to know what man *is*, what is the nature of man and the scale of values it essentially involves; and the purely scientific idea of man, because it ignores "being-as-such," does not know such things, but only what emerges from the human being in the realm of sense observation and measurement. Young Tom, Dick, or Harry, who are the subjects of education, are not only a set of physical, biological, and psychological phenomena, the knowledge of which is moreover thoroughly needed and necessary; they are the children of man—this very name "man" designating for the common sense of parents, educators, and society the same ontological mystery as is recognized in the rational knowledge of philosophers and theologians.

It should be pointed out that if we tried to build education on the single pattern of the scientific idea of man and carry it out accordingly, we could only do so by distorting or warping this idea: for we should have to ask what is the nature and destiny of man, and we should be pressing the only idea at our disposal, that is the scientific one, for an

answer to our question. Then we would try, contrary to its type, to draw from it a kind of metaphysics. From the logical point of view, we would have a spurious metaphysics disguised as science and yet deprived of any really philosophical insight; and from the practical point of view, we would have a denial or misconception of those very realities and values without which education loses all human sense or becomes the training of an animal for the utility of the state.

Thus the fact remains that the complete and integral idea of man which is the prerequisite of education can only be a philosophical and religious idea of man. I say philosophical, because this idea pertains to the nature or essence of man; I say religious, because of the existential status of this human nature in relation to God and the special gifts and trials and vocation involved.

The Christian Idea of Man

There are many forms of the philosophical and religious idea of man. When I state that the education of man, in order to be completely well grounded, must be based upon the Christian idea of man, it is because I think that this idea of man is the true one, not because I see our civilization actually permeated with this idea. Yet, for all that, the man of our civilization *is* the Christian man, more or less secularized. Consequently we may accept this idea as a common basis and imply that it is to be agreed upon by the common consciousness in our civilized countries, except among those who adhere to utterly opposite outlooks, like materialistic metaphysics, positivism, or skepticism—I am not speaking here of Fascist and racist creeds, which do not belong at all in the civilized world.

Now such a kind of agreement is all that any doctrine in moral philosophy can be expected to have, for none can pretend actually to obtain the literal universal assent of

all minds—not because of any weakness in objective proof but because of the weakness inherent in human minds.

There does exist, indeed, among the diverse great metaphysical outlooks, if they recognize the dignity of the spirit, and among the diverse forms of Christian creeds, or even of religious creeds in general, if they recognize the divine destiny of man, a community of analogy as concerns practical attitudes and the realm of action, which makes possible a genuine human coöperation. In a Judeo-Greco-Christian civilization like ours, this community of analogy, which extends from the most orthodox religious forms of thought to the mere humanistic ones, makes it possible for a Christian philosophy of education, if it is well founded and rationally developed, to play an inspiring part in the concert, even for those who do not share in the creed of its supporters. Be it added, by the way, that the term concert, which I just used, seems rather euphemistic with regard to our "modern philosophies of education," whose discordant voices have been so valuably studied in Professor Brubacher's book.*

In answer to our question, then, "What is man?" we may give the Greek, Jewish, and Christian idea of man: man as an animal endowed with reason, whose supreme dignity is in the intellect; and man as a free individual in personal relation with God, whose supreme righteousness consists in voluntarily obeying the law of God; and man as a sinful and wounded creature called to divine life and to the freedom of grace, whose supreme perfection consists of love.

Human Personality

From the philosophical point of view alone the main concept to be stressed here is the concept of human personality. Man is a person, who holds himself in hand by his in-

* Cf. John S. Brubacher, *Modern Philosophies of Education* (New York and London, 1939).

telligence and his will. He does not merely exist as a physical being. There is in him a richer and nobler existence; he has spiritual superexistence through knowledge and love. He is thus, in some way, a whole, not merely a part; he is a universe unto himself, a microcosm in which the great universe in its entirety can be encompassed through knowledge. And through love he can give himself freely to beings who are to him, as it were, other selves; and for this relationship no equivalent can be found in the physical world.

If we seek the prime root of all this, we are led to the acknowledgment of the full philosophical reality of that concept of the soul, so variegated in its connotations, which Aristotle described as the first principle of life in any organism and viewed as endowed with supramaterial intellect in man, and which Christianity revealed as the dwelling place of God and as made for eternal life. In the flesh and bones of man there exists a soul which is a spirit and which has a greater value than the whole physical universe. Dependent though he may be upon the slightest accidents of matter, the human person exists by virtue of the existence of his soul, which dominates time and death. It is the spirit which is the root of personality.

The notion of personality thus involves that of wholeness and independence. To say that a man is a person is to say that in the depth of his being he is more a whole than a part and more independent than servile. It is this mystery of our nature which religious thought designates when it says that the person is the image of God. A person possesses absolute dignity because he is in direct relationship with the realm of being, truth, goodness, and beauty, and with God, and it is only with these that he can arrive at his complete fulfillment. His spiritual fatherland consists of the entire order of things which have absolute value, and which reflect, in some manner, a divine Absolute superior

to the world and which have a power of attraction toward this Absolute.

Personality and Individuality

Now it should be pointed out that personality is only one aspect or one pole of the human being. The other pole is—to speak the Aristotelian language—individuality, whose prime root is matter. The same man, the same entire man who is, in one sense, a person or a whole made independent by his spiritual soul, is also, in another sense, a material individual, a fragment of a species, a part of the physical universe, a single dot in the immense network of forces and influences, cosmic, ethnic, historic, whose laws we must obey. His very humanity is the humanity of an animal, living by sense and instinct as well as by reason. Thus man is "a horizon in which two worlds meet." Here we face that classical distinction between the *ego* and the *self* which both Hindu and Christian philosophies have emphasized, though with quite diverse connotations. I shall come back to this thought later on.

I should like to observe now that a kind of animal training, which deals with psychophysical habits, conditioned reflexes, sense-memorization, etc., undoubtedly plays its part in education: it refers to material individuality, or to what is not specifically human in man. But education is not animal training. The education of man is a human awakening.

Thus what is of most importance in educators themselves is a respect for the soul as well as for the body of the child, the sense of his innermost essence and his internal resources, and a sort of sacred and loving attention to his mysterious identity, which is a hidden thing that no techniques can reach. And what matters most in the educational enterprise is a perpetual appeal to intelligence and free

will in the young. Such an appeal, fittingly proportioned to age and circumstances, can and should begin with the first educational steps. Each field of training, each school activity—physical training as well as elementary reading or the rudiments of childhood etiquette and morals—can be intrinsically improved and can outstrip its own immediate practical value through being *humanized* in this way by understanding. Nothing should be required of the child without an explanation and without making sure that the child has understood.

2. CONCERNING THE AIMS OF EDUCATION

We may now define in a more precise manner the aim of education. It is to guide man in the evolving dynamism through which he shapes himself as a human person—armed with knowledge, strength of judgment, and moral virtues—while at the same time conveying to him the spiritual heritage of the nation and the civilization in which he is involved, and preserving in this way the century-old achievements of generations. The utilitarian aspect of education—which enables the youth to get a job and make a living—must surely not be disregarded, for the children of man are not made for aristocratic leisure. But this practical aim is best provided by the general human capacities developed. And the ulterior specialized training which may be required must never imperil the essential aim of education.

Now in order to get a complete idea of the aim of education, it is necessary to take into closer consideration the human person and his deep natural aspirations.

The Conquest of Internal Freedom

The chief aspirations of a person are aspirations to freedom—I do not mean that freedom which is free will and which is a gift of nature in each of us, I mean that

freedom which is spontaneity, expansion, or autonomy, and which we have to gain through constant effort and struggle. And what is the more profound and essential form of such a desire? It is the desire for inner and spiritual freedom. In this sense Greek philosophy, especially Aristotle, spoke of the independence which is granted to men by intellect and wisdom as the perfection of the human being. And the Gospel was to lift up human perfection to a higher level—a truly divine one—by stating that it consists of the perfection of love and, as St. Paul put it, of the freedom of those who are moved by the divine Spirit. In any case it is by the activities that the philosophers call "immanent"—because they perfect the very subject which exerts them, and are within it the supreme activities of internal achievement and superabundance—that the full freedom of independence is won. Thus the prime goal of education is the conquest of internal and spiritual freedom to be achieved by the individual person, or, in other words, his liberation through knowledge and wisdom, good will, and love.

At this point we must observe that the freedom of which we are speaking is not a mere unfolding of potentialities without any object to be grasped, or a mere movement for the sake of movement, without aim or objective to be attained. It is sheer nonsense to offer such a movement to man as constituting his glory. A movement without aim is just running around in circles and getting nowhere. The aim, here on earth, will always be grasped in a partial and imperfect manner, and in this sense, indeed, the movement is to be pursued without end. Yet the aim will somehow be grasped, even though partially. Moreover the spiritual activities of the human being are *intentional* activities, they tend by nature toward an object, an objective aim, which will measure and rule them, not materially and by means of bondage, but spiritually and by means of lib-

erty, for the object of knowledge or of love is internalized by the activity itself of the intelligence and the will, and becomes within them the very fire of their perfect spontaneity. Truth—which does not depend on us but on *what is*—truth is not a set of ready-made formulas to be passively recorded, so as to have the mind closed and enclosed by them. Truth is an infinite realm—as infinite as being—whose wholeness transcends infinitely our powers of perception, and each fragment of which must be grasped through vital and purified internal activity. This conquest of being, this progressive attainment of new truths, or the progressive realization of the ever-growing and ever-renewed significance of truths already attained, opens and enlarges our mind and life, and really situates them in freedom and autonomy. And speaking of will and love rather than knowledge, no one is freer, or more independent, than the one who gives himself for a cause or a real being worthy of the gift.

The Third Misconception: Pragmatism

Here we find ourselves confronted with the inappropriateness of the pragmatic overemphasis in education—a third error or misconception that we meet on our path. Many things are excellent in the emphasis on action and "praxis," for life consists of action. But action and praxis aim at an object, a determining end without which they lose direction and vitality. And life exists, too, for an end which makes it worthy of being lived. Contemplation and self-perfection, in which human life aspires to flower forth, escape the purview of the pragmatic mind.

It is an unfortunate mistake to define human thought as an organ of response to the actual stimuli and situations of the environment, that is to say, to define it in terms of animal knowledge and reaction, for such a definition exactly covers the way of "thinking" proper only

to animals without reason. On the contrary, it is because every human idea, to have a meaning, must attain in some measure (be it even in the symbols of a mathematical interpretation of phenomena), what things *are* or consist of unto themselves; it is because human thought is an instrument or rather a vital energy of knowledge or spiritual intuition. (I don't mean "knowledge about," I mean "knowledge into"); it is because thinking begins, not only with difficulties, but with *insights*, and ends up in insights which are made true by rational proving or experimental verifying, not by pragmatic sanction, that human thought is able to illumine experience, to realize desires which are human because they are rooted in the prime desire for unlimited good, and to dominate, control, and refashion the world. At the beginning of human action, insofar as it is human, there is truth, grasped or believed to be grasped for the sake of truth. Without trust in truth, there is no human effectiveness. Such is, to my mind, the chief criticism to be made of the pragmatic and instrumentalist theory of knowledge.

In the field of education, this pragmatic theory of knowledge, passing from philosophy to upbringing, can hardly produce in the youth anything but a scholarly skepticism equipped with the best techniques of mental training and the best scientific methods, which will be unnaturally used against the very grain of intelligence, so as to cause minds to distrust the very idea of truth and wisdom, and to give up any hope of inner dynamic unity.* Moreover, by dint of insisting that in order to teach John mathematics it is more important to know John than to know mathematics—which is true enough in one sense—the teacher will so perfectly succeed in knowing John that

* The "four cults"—skepticism, presentism, scientism, anti-intellectualism—listed by Dr. Hutchins (*Education for Freedom* [1943], p. 35–36) are but offsprings of pragmatism's domination over education.

John will never succeed in knowing mathematics. Modern pedagogy has made invaluable progress in stressing the necessity of carefully analyzing and fixing its gaze on the human subject. The wrong begins when *the object to be taught* and *the primacy of the object* are forgotten, and when the cult of the means—not to an end, but without an end—only ends up in a psychological worship of the subject.

The Social Potentialities of the Person

I have spoken of the aspiration of the human person to freedom, and, first of all, to inner and spiritual freedom. The second essential form of this desire is the desire for freedom externally manifested, and this freedom is linked to social life and lies at its very root. For society is "natural" to man in terms not only of animal or instinctive nature but of human nature, that is, of reason and freedom. If man is a naturally political animal, this is so in the sense that society, required by nature, is achieved through free consent, and because the human person demands the communications of social life through the openness and generosity proper to intelligence and love as well as through the needs of a human individual born naked and destitute. Thus it is that social life tends to emancipate man from the bondage of material nature. It subordinates the individual to the common good, but always in order that the common good flow back upon the individuals, and that they enjoy that freedom of expansion or independence which is insured by the economic guarantees of labor and ownership, political rights, civil virtues, and the cultivation of the mind.

As a result, it is obvious that man's education must be concerned with the social group and prepare him to play his part in it. Shaping man to lead a normal, useful and coöperative life in the community, or guiding the development of the human person in the social sphere, awakening and strengthening both his sense of freedom and his sense of obligation and responsibility, is an essential aim. But it is not the primary, it is the secondary essential aim. The ultimate end of education concerns the human person in his personal life and spiritual progress, not in his relationship to the social environment. Moreover, with regard to the secondary aim itself of which I am speaking, we must never forget that personal freedom itself is as the core of social life, and that a human society is veritably a group of human freedoms which accept obedience and self-sacrifice and a common law for the general welfare, in order to enable each of these freedoms to reach in everyone a truly human fufillment. The man and the group are intermingled with each other and they surpass each other in different respects. Man finds himself by subordinating himself to the group, and the group attains its goal only by serving man and by realizing that man has secrets which escape the group and a vocation which is not included in the group.

The Fourth Misconception: Sociologism

Here we are confronted with a fourth error of misconception akin to the third one, which derives the supreme rule and standard of education from social conditioning. The essence of education does not consist in adapting a potential citizen to the conditions and interactions of social life, but first in *making a man*, and by this very fact in preparing a citizen. Not only is it nonsense to oppose education for the person and education for the commonwealth, but the latter supposes the former as a prerequisite, and in return the former is impossible without the latter, for one does not make a man except in the bosom of social ties where there is an awakening of civic understanding and civic virtues.

The old education is to be reproached for its abstract and bookish individualism. To have made education more experiential, closer to concrete life and permeated with social concerns from the very start is an achievement of which modern education is justly proud. Yet in order to reach completion such a necessary reform must understand, too, that to be a good citizen and a man of civilization what matters above all is the inner center, the living source of personal conscience in which originate idealism and generosity, the sense of law and the sense of friendship, respect for others, but at the same time deep-rooted independence with regard to common opinion. We must also understand that without abstract insight and intellectual enlightenment the more striking experiences are of no use to man, like beautiful colors in darkness; that the best way not to be bookish is to avoid textbooks as a plague, even textbooks in experientialism, but to read books, I mean to read them avidly; and to understand also that, in a more general way, the pursuit of concrete life becomes a decoy if it scatters the attention of man or child among practical trifles, psychotechnical recipes, and the infinity of utilitarian activities, while disregarding the genuine concrete life of the intellect and the soul. The sense of concrete reality is made blunt by utilitarianism; it develops and flowers forth through those activities which are all the more needed by human life since they are not at the service of any practical utility, because they are in themselves, freedom, fruit, and joy. Unfortunate is a youth who does not know the pleasure of the spirit and is not exalted in the joy of knowing and the joy of beauty, and enthusiasm for ideas, and quickening experience in the first love, delight and luxury of wisdom and poetry. Boredom and weariness with human affairs will come early enough indeed; to deal with them is the job of the grown-up.

To discuss the matter in a more specific manner, I should like to make the following observations: that conception which makes education itself a constantly renewed experiment, starting from the pupil's present purposes and developing in one way or another according to the success of his problem-solving activity with regard to these purposes and to new purposes arising from broadened experience in unforeseen directions, such a pragmatist conception has its own merits when it comes to the necessity of adapting educational methods to the natural interests of the pupil. But what are the standards for judging the purposes and values thus successively emerging in the pupil's mind? If the teacher himself has no general aim, nor final values to which all this process is related; if education itself is to grow "in whatever direction a novelly emerging future renders most feasible";* in other words, if the pragmatist theory requires a perpetual experimental reconstruction of the ends of the educator himself (and not only of the experience of the pupil), then it teaches educational recipes but gets away from any real art of education: for an education which does not have any goal of its own and tends only to growth itself without "end beyond further growth" † is no more an art than an art of architecture which would not have any idea of what is to be built, and would only tend to the growth of the construction in whatever direction a new addition of materials is feasible. In nature itself, biological growth is nothing but a morphological process, or the progressive acquisition of a definite form. And finally the pragmatist theory can only subordinate and enslave education to the trends which may develop in collective life and society, for in the last analysis the aims newly arising in such a "reconstruction of ends" will only be determined by the precarious factors of the

* Brubacher, *op. cit.*, p. 329.
† *Ibid.*

environment to be controlled and the values made at each moment predominant by given social conditions or tendencies or by the state.

The element of truth which must be preserved in the conception I have just discussed, is the fact that the final end of education—the fulfillment of man as a human person—is infinitely higher and broader than the aim of architectural art or even the aim of medical art, for it deals with our very freedom and spirit, whose boundless potentialities can be led to full human stature only by means of constant creative renewal. As a result, the vital spontaneity of the one to be educated plays a major part in the progress toward this final end, as well as the steady widening of the pupil's experience; and the need for constantly renewed adaptation of methods, means, and approaches is much greater in educational art than in any art dealing only with some material achievement.

The Fifth Misconception: Intellectualism

With regard to the powers of the human soul I should like now to indicate as briefly as possible two other errors which oppose one another and which come from overemphasis: intellectualism, the fifth error or misconception on our list; the other, voluntarism.

Intellectualism takes on two principal forms: a certain form of intellectualism seeks the supreme achievements of education in sheer dialectical or rhetorical skill—such was the case of classical pedagogy, especially in the bourgeois era, in which education was a privilege of privileged classes.

Another form of intellectualism, a modern one, gives up universal values and insists upon the working and experiential functions of intelligence. It seeks the supreme achievements of education in scientific and technical specialization. Now specialization is more and more needed by

the technical organization of modern life, yet it should be compensated for by a more vigorous general training, especially during youth. If we remember that the animal is a specialist, and a perfect one, all of its knowing-power being fixed upon a single task to be done, we ought to conclude that an educational program which would only aim at forming specialists ever more perfect in ever more specialized fields, and unable to pass judgment on any matter that goes beyond their specialized competence, would lead indeed to a progressive animalization of the human mind and life. Finally, as the life of bees consists of producing honey, the real life of man would consist of producing in a perfectly pigeonholed manner economic values and scientific discoveries, while some cheap pleasure or social entertainment would occupy leisure time, and a vague religious feeling, without any content of thought and reality, would make existence a little less flat, perhaps a little more dramatic and stimulating, like a happy dream. The overwhelming cult of specialization dehumanizes man's life.

Fortunately, nowhere in the world has any educational system been set up solely on this basis. Yet there exists everywhere a trend toward such a conception of education, following a more or less conscious materialistic philosophy of life. This represents a great peril for the democracies, because the democratic ideal more than any other requires faith in and the development of spiritual energies—a field which is over and above any specialization—and because a complete division of the human mind and activities into specialized compartments would make impossible the very "government of the people, by the people, and for the people." How could the common man be capable of judging about the good of the people if he felt able to pass judgment only in the field of his own specialized vocational competence? Political activity and political judgment would become the exclusive job of specialized experts in the

matter—a kind of state technocracy which does not open particularly felicitous perspectives either for the good of the people or for liberty. As for education—complemented by some imperative vocational guidance—it would become the regular process of differentiation of the bees in the human beehive. In reality, the democratic way of life demands primarily liberal education for all and a general humanistic development throughout society. Even as to industrial achievements, man's free ingenuity strengthened by an education which liberates and broadens the mind is of as great import as technical specialization, for out of these free resources of human intelligence there arises, in managers and workers, the power of adapting themselves to new circumstances and mastering them.

The Sixth Misconception: Voluntarism

Voluntarism, also, has two principal forms. In reaction against the first form of intellectualism, a voluntarist trend, developed since the time of Schopenhauer, has contributed to upset the internal order of human nature, by making intelligence subservient to the will and by appealing to the virtue of irrational forces. Accordingly, education was intended to concentrate either on the will which was to be disciplined according to some national pattern or on the free expansion of nature and natural potentialities. The merit of the best and wisest forms of voluntarism in the educational field * has been to call attention again to the essential importance of the voluntary functions, disregarded by intellectualist pedagogy, and to the primacy of morality, virtue, and generosity in the upbringing of man. For the main point is surely to be a good man rather than to be a learned man. As Rabelais put it, science without conscience is the ruin of the soul. Such was the ideal but in

* I am thinking for instance of the work of F. W. Foerster, whose influence has been great in many European pedagogical circles.

actual fact the pedagogic achievements of voluntarism have been strangely disappointing, at least from the point of view of the good. From the point of view of evil, they have had plenty of success—I mean in the effectiveness of Nazi training, schools, and youth organizations, in smashing all sense of truth in human minds and in perverting the very function of language and morally devastating the youth and making the intellect only an organ of the technical equipment of the state.

For the voluntarist trend in education combines very well with technical training. We find such a combination not only in the totalitarian corruption of education but elsewhere also, and there to some good purpose. As we see it in democratic countries, this peculiar form of educational voluntarism may be described as an effort to compensate for the inconveniences of the second form of intellectualism —overspecialized technical training—by what is known as education of will, education of feeling, formation of character, etc. Yet the misfortune is that this commendable effort has yielded, as a rule, the same disappointing result of which I spoke a moment ago.* Character is something easily warped or debased, difficult to shape. All the pedagogical hammering of nails into the shoe doesn't make the shoe more comfortable to the foot. The methods which change the school into a hospital for refitting and vitaliz-

* Voluntarism does not succeed in forming and strengthening the will, but it succeeds in deforming and weakening the intellect, by the very fact that it exaggerates the province of the will in thought itself, so as to make everything a matter of one's will to believe. It has been pointed out in this connection that "just as in the realm of politics, the primacy of will identifies authority with force, so in the realm of thought the primacy of will reduces everything to arbitrary opinions or academic conventions. There are no first truths, but only postulates, demands of the will that something be taken for granted. In some sense, all knowledge rests on acts of faith, though the only principle of such faith is one's private predilections." Mortimer J. Adler, "Liberalism and Liberal Education," *The Educational Record,* July, 1939, pp. 435–436.

ing the wills, suggesting altruistic behavior or infusing good citizenship, may be well conceived and psychologically suitable, but they are for the most part dishearteningly ineffective.

We believe that intelligence is in and by itself nobler than the will of man, for its activity is more immaterial and universal. But we believe also that, in regard to the things or the very objects on which this activity bears, it is better to will and love the good than simply to know it. Moreover it is through man's will, when it is good, not through his intelligence, be it ever so perfect, that man is made good and right. A similar intermingling of roles is to be found in education, taken in its broadest sense. The upbringing of the human being must lead both intelligence and will toward achievement, and the shaping of the will is throughout more important to man than the shaping of the intellect. Yet, whereas the educational system of schools and colleges succeeds as a rule in equipping man's intellect for knowledge, it seems to be missing its main achievement, the equipping of man's will. What an infelicity!

3. THE PARADOXES OF EDUCATION

The Seventh Misconception: Everything Can Be Learned

We are here confronted with some paradoxical aspects of education. The main paradox can be formulated as follows: what is most important in education is not the job of education, and still less that of learning. Here we face an error terribly current in the modern world—the seventh error or misconception on our list—which boils down to the belief that everything can be learned. Greek sophists, too, believed that everything, even virtue, could be gotten by means of learning and discussing the matter. It is not true that everything can be learned, and that youth must earnestly expect from colleges not only courses in cooking,

housekeeping, nursing, advertising, cosmetology,* money-making, and getting married, but also—why not?—courses on the scientific means of acquiring creative genius in art or science, or of consoling those who weep, or of being a man of generosity.

The teaching of morality, with regard to its intellectual bases, should occupy a great place in school and college education. Yet that right appreciation of practical cases which the ancients called *prudentia*, and which is an inner vital power of judgment developed in the mind and backed up by well-directed will, cannot be replaced by any learning whatsoever. Nor can experience, which is an incommunicable fruit of suffering and memory, and through which the shaping of man is achieved, be taught by any school or any courses. There are courses in philosophy, but no courses in wisdom; wisdom is gained through spiritual experience, and as for practical wisdom, as Aristotle put it, the experience of old men is both as undemonstrable and illuminating as the first principles of understanding. Moreover, is there anything of greater import in the education of man than that which is of the greatest import for man and human life? For man and human life there is indeed nothing greater than intuition and love. Not every love is right, nor every intuition well directed or conceptualized, yet if either intuition or love exists in any hidden corner, life and the flame of life are there, and a bit of heaven in a promise. Yet neither intuition nor love is a matter of training and learning, they are gift and freedom. In spite of all that, education should be primarily concerned with them.† I shall come back to this point in my next

* "I attacked vocationalism, and the University of California announced a course in cosmetology, saying 'The profession of beautician is the fastest growing in this state.'" Robert M. Hutchins, *Education for Freedom* (Louisiana State University Press, 1943), p. 19.

† "Education ought to teach us how to be in love always and what to be in love with. The great things of history have been done by the great

chapter with regard to intuition. With regard to love, which is the soul of moral life, the whole problem of morality is involved, and I shall be able only to touch upon it occasionally.

The Educational and Extra-educational Spheres

Another paradox deals with what may be called the educational and extra-educational spheres. By educational spheres I mean those collective entities which have always been recognized as especially committed to educational training: namely the family, the school, the state, and the Church. Here the surprising thing is that on the one hand the family, which is the first and fundamental educational sphere, grounded in nature, performs its educational task while not infrequently making the child a victim of psychological traumatisms, or of the bad example, ignorance, or prejudice of the adult; and that on the other hand the school, whose special and vocational function is education, performs its educational task while not infrequently making the youth a victim of stupefying overwork or disintegrating chaotic specialization, and often extinguishing the fire of natural gifts and defrauding the thirst of natural intelligence by dint of pseudo-knowledge. The solution is surely not to get rid of the family or of the school, but to endeavor to make them more aware and more worthy of their call, to acknowledge not only the necessity of mutual help but also the inevitability of a reciprocal tension between the one and the other, and to recognize, too, that

lovers, by the saints and men of science and artists; and the problem of civilization is to give every man a chance of being a saint, a man of science, or an artist. But this problem cannot be attempted, much less solved, unless men desire to be saints, men of science, and artists, and if they are to desire that continuously and consciously, they must be taught what it means to be these things." Sir Arthur Clutton-Brock, *The Ultimate Belief* (New York, 1916), p. 123. Quoted by John U. Nef, *The United States and Civilization* (Chicago, 1942), p. 265.

from the very start, I say from childhood on, man's condition is to suffer from and defend himself against the most worthy and indispensable supporters whom maternal nature has provided for his life, and thus to grow amidst and through conflict, if only energy, love, and good will quicken his heart.

Yet what is perhaps most paradoxical is that the extra-educational sphere—that is, the entire field of human activity, particularly everyday work and pain, hard experiences in friendship and love, social customs, law (which is a "pedagogue," according to St. Paul), the common wisdom embodied in the behavior of the people, the inspiring radiance of art and poetry, the penetrating influence of religious feasts and liturgy—all this extra-educational sphere exerts on man an action which is more important in the achievement of his education than education itself. Finally the all-important factor is a transcendent one, that call of the hero which Henri Bergson so insistently emphasized, and which passes through the whole structure of social habits and moral regulations as a vitalizing aspiration toward the infinite Love which is the source of being. The saints and the martyrs are the true educators of mankind.

The Educational System with Regard to the Formation of the Will and the Dignity of the Intellect

We may now come back to the intermingling of intelligence and will of which I spoke earlier. We must here stress some characteristics of school and college education which are often insufficiently taken into account. School and college education is only a part of education. It pertains only to the beginnings and the completed *preparation* of the upbringing of man, and no illusion is more harmful than to try to push back into the microcosm of school education the entire process of shaping the human being, as if the

system of schools and universities were a big factory through the back door of which the young child enters like a raw material, and from the front door of which the youth in his brilliant twenties will go out as a successfully manufactured man. Our education goes on until our death. Further, even in this preparatory field, school education itself has only a partial task, and this task is primarily concerned with knowledge and intelligence.

Teaching's domain is the domain of truth—I mean speculative as well as practical truth. The only dominating influence in the school and the college must be that of truth, and of the intelligible realities whose illuminating power obtains by its own virtue, not by virtue of the human authority of the master's say-so, the assent of an "open mind," intending to pronounce one way or another "according to the worth of evidence." No doubt the child's "open mind" is still unarmed, and unable to judge "according to the worth of evidence"; the child must believe his teacher. But from the very start the teacher must respect in the child the dignity of the mind, must appeal to the child's power of understanding, and conceive of his own effort as preparing a human mind to think for itself. The one who does not yet know must believe a master, but only in order to know, and maybe to reject at this very moment the opinions of the master; and he believes him provisionally, only because of the truth which the teacher is supposed to convey.

Thus it is chiefly through the instrumentality of intelligence and truth that the school and the college may affect the powers of desire, will, and love in the youth, and help him gain control of his tendential dynamism. Moral education plays an essential part in school and college education, and this part must be more and more emphasized. But it is essentially and above all by way of knowledge and teaching that school education must perform this

moral task, that is to say, not by exercising and giving rectitude to the will—nor by merely illuminating and giving rectitude to speculative reason—but by illuminating and giving rectitude to practical reason. The forgetting of this distinction between *will* and *practical reason* explains the above-mentioned failure of school pedagogy in its attempts to "educate the will."

Now as concerns the will itself, and the so-called "education of the will" or character-building (let us say, more accurately, with regard to the attainment of moral virtues and spiritual freedom), the specific task of school education amounts essentially to the two following points: first, the teacher must be solidly instructed in and deeply aware of the psychology of the child, less in order to form the latter's will and feelings than in order to avoid deforming or wounding them by pedagogical blunders to which unfortunately adults seem naturally inclined (here all of the modern psychological research may afford great help). Second, school and school life have to do, in an especially important manner, with what I would suggest calling "premoral" training, a point which deals not with morality strictly speaking, but with the preparation and first tilling of the soil thereof.* Yet the main duty in the educational spheres of the school as well as of the state is not to shape the will and directly to develop moral virtues in the youth, but to enlighten and strengthen reason; so it is that an indirect influence is exerted on the will, by a sound equipment of knowledge and a sound development of the powers of thinking.

Thus the paradox of which I have spoken at such length comes to a solution: what is most important in the upbringing of man, that is, the uprightness of the will and the

* The system of city schools as known in this country and tried here and there in Europe has proved particularly fruitful for such premoral training.

attainment of spiritual freedom, as well as the achievement of a sound relationship with society, is truly the main objective of education in its broadest sense. Concerning *direct* action on the will and the shaping of character, this objective chiefly depends on educational spheres other than school and college education—not to speak of the role which the extra-educational sphere plays in this matter. On the contrary, concerning *indirect* action on the will and the character, school and college education provides a basis and necessary preparation for the main objective in question by concentrating on knowledge and the intellect, not on the will and direct moral training, and by keeping sight, above all, of the development and uprightness of speculative and practical reason. School and college education has indeed its own world, which essentially consists of the dignity and achievements of knowledge and the intellect, that is, of the human being's root faculty. And of this world itself that knowledge which is wisdom is the ultimate goal.

II

THE DYNAMICS OF EDUCATION

IN the present chapter I shall consider the instrumentalities and dynamics of education. The main points to be examined will be: first, the dynamic factors or agents at work in education, which are the inner vitality of the student's mind and the activity of the teacher; second, the basic dispositions to be fostered in the pupil; third, the fundamental norms of education for the teacher.

1. THE DYNAMIC FACTORS

The Pupil's Mind and the Art of the Teacher

In order to discuss the dynamic factors in education, we must naturally reckon first with the Platonic conception: that all learning is in the learner, not in the teacher. Every reader of the *Phaedo* recalls that according to Plato knowledge preëxists from the very start in human souls, which before descending into the body have contemplated the eternal Ideas; but when these souls are bound to a body, they are prevented from freely considering those truths of which they already possess knowledge. The student, in this way, does not acquire knowledge from the teacher, who has no real causal influence and who is at best only an occasional agent: the teacher only awakens the attention of the student to those things which he already knows, so that to learn is nothing else than to remember.

There are great truths in these exaggerated views of Plato. And one cannot but wonder at the nobility and delicacy of his Socratic way of teaching which so ennobles the one who is taught—surely—since it deals with him as with