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THE LAND AND THE LAW

A TROUBLED society often looks to its roots for light on growing disorders, and it is natural for much to be written these days concerning the original ideals of the American Republic. There is often melancholy reference to how far the technological society has departed from Jeffersonian conceptions and to the failure of the American Dream to involve the hopes of the coming generation. One writer, William Brandon, turns to the cultural heritage of the American Indians for clues to restorative values. In the February *Progressives*, he speaks of the difficulty with which white Americans comprehend Indian attitudes, in which, he suggests, there may be socially healing influences. Admirers of John Collier will recall that this became his central conviction during the closing years of his life. Early in the *Progressive* article Mr. Brandon says:

> The radical character of the Indian world is most easily discernible in its sense of community, a community identity originally founded on the custom of communal ownership: ownership of the land in common by a related group of people is one of the few traits that might be applied sweepingly to nearly all American Indians throughout the hemisphere. This community superlife, based on a communal ownership still frequently in evidence, is the unique quality of the Indian world. It is an attitude truly revolutionary for our present world, which rather derives from the Old World kingship pattern—public domain regarded as the property of a ruling government apparatus, a notion prevailing in most modern states, socialist or communist included.
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> In the true communal ownership of Indian tradition, each member of the community has an "absolute and complete" right of actual ownership, as the U.S. Court of Claims held in an 1893 opinion later sustained by the U.S. Supreme Court. "Chiefs and headmen" have no authority to dispose of these rights, and even a majority of the tribe or community has no authority to sell the communal property, which would seem to constitute, said the Court, "taking away the property of the minority and disposing of it without their consent."

It is probably of some significance that we typically "get at" or obtain a sense of reality for such far-reaching conceptions only through court decisions—as though the truth about them is always something men "make up"—when the fact may be that the essential meaning of all such profound beliefs is prior to any legal sanction or enactments and embodies a truth unaffected by them. The idea of Natural Law, whether or not clearly articulated, is at the root of all forms of spontaneous social relations, which doubtless remain unquestioned and even unexamined until men assume that they are able to deduce and objectify the Law as given in nature, elaborate on it, develop complex mandates from it and insist on conformity to them.

Mr. Brandon believes that the Indian idea of common ownership is basically alien to Americans and Europeans:

> The communal point of view has always been difficult for the private-ownership mentality to grasp. The 1893 Court remarked that this difficulty was no doubt at the bottom of "many of our troubles with the Indians tribes." It still is. It is the alienness of this communal identity that elicits much of our harassment (conscious and unconscious) of the Indian world, that puts Indian children at odds with their schools, and that fires the pressures for "termination" of Federal protection of Indian groups with the ultimate objective of forcing the collapse of the Indian communities, compelling their people to disperse and, at last, to become "assimilated" in our own competitive culture.

The puzzlement of Westerners by the Indians goes far back in our history:

> "Nor have I been able to learn," wrote Columbus of the first New World people he met, "whether they held personal property, for it seemed to me that whatever one had, they all took shares of. . . ." Even after nearly five centuries of acculturation in the profit motive, much of this quaint tendency still survives in the deeps of the Indian spirit. Vestiges of

it may be seen now and then on the surface: In the spring of 1969 a Wisconsin jury found a city-dwelling Ojibwa Indian not guilty of auto theft for the temporary appropriation of another city-Indian's car, after hearing testimony on the Indian tradition of communal property.

But let us consider further the difference between Western ideas of land and ownership—deriving, Mr. Brandon says, from "the Old World Kingship pattern"—and the Indian communal tradition. It is not so very long ago that kings stood in *loco parentis* to the people over whom they ruled. Their abusive claim to "rights," which led to their downfall, has almost displaced memory of the universal tradition of royal obligations. Ancient lore is filled with evidence that kings also had the role of "father" to their people, and that "kingly" behavior meant action that was broadly beneficent, wise, and just. Despots, defined by their arbitrary use of power, were really failed kings. The idea that the earth is the Lord's and that kings have the high obligation of administering the divine order is a very old conception found in numerous myths and legendary schemes of social organization. The Pharaohs, as we know, were also priests. It seems entirely reasonable to say that the alienation of modern peoples from the communal idea began with the corruption of the ancient hierarchical social order, in which authority was an expression of responsibility, leading finally to the idea of private ownership as a defense against presumptuous, arbitrary power. The Indians, on the other hand, were able to preserve through tradition and practice not only a communal but a *sacred* conception of the land, for the reason that their spontaneous feelings concerning the natural environment were never rationalized in a strict system of law and then made the basis of regulation and control of the lives of the people.

Converting this problem into psychological terms, we might say that there are some truths which cannot survive abstraction, followed by manipulation and misuse. The father of a family, for example, has a certain *natural* authority, which is, so to speak, a lustre rather than power, but this authority derives from his capacity as a grown and experienced man. It begins to diminish whenever he exercises it simply as power, in what might be called self-diminishing ways. The matter has some subtlety. There is often a margin of unexplained necessity in an administrator's decisions, just as any man with specialized knowledge may not be able to explain immediately everything he does to meet an emergency. Part of his effectiveness comes from freedom of action, so that the unexplained margin draws on his capital of trust. There are balances here which become plain only in time. Yet there are clues. A man whose tendency is to expand the unexplained margin to cover nearly all that he does, who insists that he has mysterious knowledge inaccessible to others, invariably inspires distrust, and he can maintain his authority only through increases of arbitrary power. After a few thousand years of subjection to such authority, it is hardly remarkable that Western man abolished not only the doctrine of the Divine Right of kings, but also, eventually, the theory of Natural Rights, as a source of plausible deceptions which might lead to other forms of spurious authority. We, the people, the reformers said, will make up all the rules!

What could not be regarded as false, however, was the ideal of the General Good, and since the chief evil in human experience seemed to be the abuse of power, all access to power came to be regulated by parliamentary controls. In time virtually all rights were recognized to be the creation of the State, and through this quasi-divine prerogative the political state gradually accumulated more and more power, until, as today, the laws of the state are regarded as the only firm authority on issues of power and rights. Under these ruling conceptions, social life becomes the scene of a vast competitive struggle among individuals to erect a small stronghold of independent power in order to survive, and to resist the encroachments of other competitors and the controlling political power. As a champion of this view recently put it:

> The real American Dream is a nation of free individuals. In this country every man should live as he pleases. He should choose his objectives according to his values and use his own ingenuity to obtain them, his only limit being the freedom of other citizens. This is a tough philosophy and not for weaklings. No citizen is responsible for anyone but himself and his family. Every man must rise or fall by his own efforts.

These are the themes back of the demand of many Americans that the Indians must be made to give up their backward, communal thinking and to become "assimilated" in "our own competitive culture." However, as Mr. Brandon says,

> The people of an Indian community generally will not sell out for individual opportunities no matter how alluring, will undergo any privations to remain part of their living community. The community superlife, calling for inter-personal harmony rather than inter-personal striving, is in absolute opposition to the orthodox American gods of work-as-a-virtue and amassing wealth as the measure of success.

In the literature of the American Indians' struggle for survival, one finds again and again insistence on the part of white Americans that they be taught to be "acquisitive" and trained in the healthy "selfishness" that is the foundation of American progress and achievement. When the Indians formed cooperatives, finding it easy to adopt this Western form of communal enterprise and ownership, they were sometimes vaguely accused of "socialist" practices. Yet no one could call them "agitators." Mr. Brandon writes:

> The Indian world does not preach its revolutionary ideology. It would for the most part recoil in embarrassment from anything like the New Left's aggressive self-righteousness. It is usually so indrawn as to seem occult and secretive. But even without proselyting, the long-run redskin revolution may well have changed the world, already, more than might be supposed, by the mere example of the Indian presence, with its seeming classlessness and freedom from toil and tyranny. Rousseau and Marx and Engels, among others, made specific acknowledgement of its influence. Today's hippies, now a world-wide fifth column, profess in words and costume their vision of the revolutionary Indian community. The "correctness" of the vision is immaterial; what counts is the reality of the tension the Indian influence can still bring to bear against the majority morality.

The Indian idea of common ownership is embodied in psychological habits which are many thousands of years old—a period much longer than it has taken us to replace them with notions of individual ownership rights and power. As Collier shows in many places in his writings, reverence for the land is a core element of Indian religion and provides access to springs of life which Western peoples have denied themselves, through reliance on aggressive power and legal conventions.

There is no obstacle to regarding the socialist and communist revolutions of the twentieth century as an attempt to enforce the idea that the earth belongs to all men, but the principle was now obtained from the fiat of revolutionary social doctrine. It now appears that while universal rights and common ownership are easy enough to establish in the form of legal conventions, actual realization of those rights depends upon something more potent in human life than political authority. It is as though true natural rights require spontaneous, voluntary recognition in order to have any practical reality. If this should be the case, then books which tell the story of these great revolutions from a human rather than an ideological or political point of view acquire a particular value. There are not many such books, but one of them, *The Grinding Mill* (Macmillan, 1935), by A. Lobanov-Rostov, recites the experiences of a man who was a captain in the Russian army at the time of the revolution. What soon becomes evident is that any enforced ideological change creates an entire catalog of new crimes, for which thousands, sometimes millions, of innocent people are ruthlessly punished. The resulting brutalization of the population is hardly a good omen for the future of a social order created by this means.

The lesson of such holocausts is doubtless lost on those who look only to legal conventions as the source of social order and public good. Yet

it is evident that improvised versions of moral law—which men cannot doubt exists—become a pitiless tyranny when they attempt to enforce an order-that is not commonly felt and at least intuitively understood. The truth that was in the heart of the oppressed becomes a lie in the clenched fist of the coercing reformer. The more a man really knows of himself and other human beings, the less he will try to compel anyone. The moral law will not illuminate the understanding of any man except as he makes it a voluntary way of life.

Gandhi wrote interestingly on the question of land ownership:

> Real socialism has been handed down to us by our ancestors who taught: "All land belongs to Gopal, where then is the boundary line? Man is the maker of that line and he can unmake it." Gopal literally means shepherd; it also means God. In modern language it means the State, i.e., the People. That the land today does not belong to the people is only too true. But the fault is not in the teaching. It is in us who have not lived up to it.
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> I have no doubt that we can make as good an approach to it as is possible to any nation, not excluding Russia, and that without violence. The most effective substitute for violent dispossession is the wheel with all its implications. Land and all property is his who will work it. Unfortunately the workers are or have been kept ignorant of this simple fact.
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> Continuous unemployment has induced in the people a kind of laziness which is most depressing. Thus whilst the alien rule is undoubtedly responsible for the growing pauperism of the people, we are more responsible for it. If the middle-class people who betrayed their trust and bartered away the economic independence of India for a mess of pottage, would now realize their error and take the message of the wheel to the villagers and induce them to shed their laziness and work at the wheel, we can ameliorate the condition of the people to a great extent.

What did Gandhi mean by this? He was, it seems apparent, working to establish a moral social order from the other end—the end of individual responsibility. The revolutions of the West sought the creation and guarantee of rights by the use of power. Gandhi wanted to revive feelings of individual responsibility and obligation as the field where rights have a natural origin and obtain independent moral authority. Such rights, he believed, could not be lost.

The feeling that men have that there *must* be a natural and right way to order their relations with each other is as persistent as the instincts which govern bodily existence, and while no ill exceeds in its ugliness and cruel effects the perversions of pretended knowledge of the "right way," history is filled with all manner of planned and spontaneous resistances to abusive rule. Spontaneous devotion to justice is sufficient evidence of the reality of moral law. Yet it is also clear that men can be led into ruinous wars and crusades in the name of a "higher law" proclaimed by some conventional authority. It is as though there are truths or principles with which all men have some touch—as witness the respect earned by just men, the attractive power of heroic, self-sacrificing behavior—yet these same truths, when abstracted out of the context of their spontaneous recognition, obtain only distorting, one-sided definition in the ordinary communications of men. Cant is soon the result of this practice.

It is nothing new in history that in an age of declining empire men resort to what can only be called the legislative mania, passing a succession of one-sided laws, one after the other, the latest having to correct the shortcomings and misapplications of previous measures, until the well-being of the people is at last eaten up by the appalling costs of law-making and administration. The idea of a natural order is entirely lost sight of through these preoccupations, which tend to give obsessive reality to ideological doctrines and claims. In his recent book, *The Revolution of Hope*, Erich Fromm makes an effective comment on the state of mind reached by such progressive alienation from natural ideas and feelings about social life:

> The difference between that which is considered to be sickness and that which is considered normal

> becomes apparent in the following example. If a man declared that in order to free our cities from air pollution, factories, automobiles, airplanes, etc., would have to be destroyed, nobody would doubt that he is insane. But if there is a consensus that in order to protect our life, our freedom, our culture, or that of other nations which we feel obliged to protect, thermonuclear war might be required as a last resort, such opinion appears to be perfectly sane. The difference is not at all in the kind of thinking employed but merely in that the first idea is not shared and hence appears to be abnormal while the second is shared by millions of people and by powerful governments and hence appears to be normal.

What is really shared, in this case, is the supposition that the good and the true were won by power and can be preserved only by naked, mindless might. What we have been trying to intimate in this discussion is the possibility that Natural Law, for human life and society, has applicable meaning only at a level where such power has no presence or imaginable existence.

REVIEW
THE SOURCE OF MORAL IDEAS

IN the *New Yorker* for January 3, Robert Coles, a psychiatrist, reviews Karl Menninger's latest book, *The Crime of Punishment* (Viking), in a way that does full justice to the importance of this volume. Dr. Coles begins with an account of John Calvin's merciless doctrine of the propensity of human beings to be sinful and deserve punishment:

> In the second book of his "Institutes of the Christian Religion," even little children do not escape, for at the moment of birth we are already evil, "and thereafter infants themselves, as they bring their condemnation into the world with them, are rendered liable to punishment by their own sinfulness, not by the sinfulness of another. For though they have not yet produced the fruits of their iniquity, yet they have the seed of it within them; even their whole nature is as it were a seed of sin, and therefore cannot but be odious and abominable to God."

The saving mission of Jesus Christ applies only to the chosen, "for God has predestined some to salvation and some to punishment," and it is difficult to tell who are the saved and who are the damned, except through the possible indication of earthly good fortune, or, perhaps, the confident egotism of the self-righteous. We know from history, at any rate, the incredible cruelties to which belief in this doctrine led, one of the most horrifying being the burning alive of Servetus, who had the misfortune to hold and uphold Unitarian opinions, by Calvin himself. "Calvin's unyielding fatalism," Dr. Coles says, survives today, even in people who have little desire or claim to be called Calvinists. And for Karl Menninger, he adds, "John Calvin is very much alive in contemporary America, however unsectarian and anti-religious our culture may appear." In fact, Dr. Coles thinks that the casual and habitual way in which Americans deal out punishment to offenders is worse than the quick and sometimes brief penalties which were imposed by the Puritans on the sinners of their time:

> In contrast, we set our outlaws apart in such a way that only a few ever return to live among us for very long. We punish and punish them, and worry not that they continue in their wrongful ways. They are criminals—born to be, driven to be—and they deserve everything we give them: a sentence to the life our prisons offer, an existence thoroughly apart from us. They deserve confinement, without the sustained company of their wives, husbands, children, friends, neighbors, and lovers, and without privacy, good medical care, a chance to learn and be more than a member of a constantly guarded road gang "We derive an innate depravity from our very birth," said Calvin, but for "we" and "our" we use "they" and "their" in dealing with criminals—to make it clear that they deserve *on this earth* a pitiless exile that might anger even the fevered Calvinists. It is one thing to use the whipping post to rap knuckles and box ears, to apply the rack and the gallows; it is another to confine people, year after year, in the hope that they will become good citizens.

Dr. Menninger's book is filled with evidence of the folly, the stupidity, the immorality of these habits, and "rained with insights growing out of a lifetime of efforts to apply reason and compassion, instead of punishment and vengeance, to the problem of crime.

What are the questions which ought to be raised, in view of the continuous cruelty and injustice practiced by the respectable portion of mankind against its less fortunate and sometimes merely nonconforming members? The familiar explanation, that human beings are selfish and preoccupied with their own affairs, does not go deep enough. After all the shrewd comments about "human nature" have been made, and, as Dr. Coles says, despite various "riddles and dilemmas," the fact remains that "men have always shown themselves capable of transformation, of growth, for reasons no social scientist may ever be able to specify." The question that needs investigation, then, is how "good people" are able to remain complacent or indifferent even when the prolonged suffering and victimization of so many of their fellow human beings becomes unmistakably evident.

The answer seems to be that civilized peoples are hardly different from barbarous societies in accepting doctrines about human differences

which make cruelty acceptable, as necessary or unavoidable. Civilized cruelty is usually institutionalized, which is a way of redefining it in terms which permit people to remain comfortable while causing others pain. The national or class egotism in these definitions is of course tacit or low-key, but it is there. When pressed or challenged, it comes out into the open, as in the pitiless passion of religious wars, the liquidations enforced by social revolutions, or the genocidal programs instituted by powerful nations in the name of some "ideal" such as racial purity or the preservation of "free institutions." The cold-hearted determination behind all such historical obscenities is always traceable to some *theory* which succeeds in suppressing the spontaneous decencies of human beings.

What happens, apparently, is that the members of a dominant group or the people of a dominant nation acquire a collective self-image so filled with partisan assumptions that people who are not members of the group are not perceived as human subjects at all, but mere objects. The Christians who took possession of the New World commonly regarded its heathen inhabitants as having virtually no moral identity and could see nothing seriously wrong in slaughtering them. The wealthy and comfortable who regard their material endowments as a mark of natural sanctity or evolutionary "fitness" have difficulty in seeing the poor as anything but objects. It is an uncomplicated psychological axiom that people who are not related to as subjects will inevitably be perceived as objects, and there can be no spontaneous flow of sympathy and understanding from subjects to objects.

The habit of seeing others as objects may not be questioned or even noticed until a clear change in circumstances and perhaps a concurrent development in sensibility, which makes people see, and in some measure *feel,* the way those who have been treated as objects have been made to feel. Then there is a direct clash between theory and human decency—between the social structures erected on the theory, on which people depend for a great many things, and the play of the moral imagination which enables human beings to think of themselves in the place of others. It is at such moments that new theories sweep into being and "movements" are born. For the fact is that we cannot live without theory. What may have escaped us to a very great extent is that the energy of new theories comes mainly from moral emotion, which makes them hard to examine. If the factor of righteous anger is strong, the new theory is likely to get its power from the will to punish wrongdoers, to erase hideous, long-standing injustice, and in this case the tendency to regard the offenders as "objects" will not be regretted or even objected to. After all, those people *deserve* to be treated as objects. Just look at what they have done! And before long this attitude is institutionalized and made to distort the thinking of future generations.

There is an insight in contemporary humanistic psychology which may be the key to this monotonous process of swinging by emotional reaction from one partisan theory of social morality to another. It is that the perception of others depends upon the depth of one's self-perception. Self-perception, one could say, when impartial and reflective, leads to a classical conception of human identity and a symmetrical theory of human nature, while doctrines which grow out of angry or self-protective response—that is, which are based on perceptions of *other people*—are bound to be not only limited but distorting in their effect on thought. Righteous emotion is the betraying factor in the acceptance of partisan theories, since it cancels out the critical faculties, giving a specious wholeness to grossly over-simplifying doctrines.

What we are working on, here, is a fresh case for the old idea of the priority of self-knowledge. What must be avoided is theory which leads imperceptibly step by step to routine behavior that becomes manifestly anti-human only after reaching

an extreme which seems irreversible. The most terrible thing about the present is the apparent *unavoidability* of widespread cruelty and suffering as the result of theories which once seemed reasonable and good, and are still the justification of complex social structures which many millions of people believe are necessary to maintain their lives and secure their future. The "goodness" of these people is not at issue; what is at issue is how to replace the psycho-social processes which in the long run invariably have this effect.

Dr. Coles writes in one place:

> We learn by example, and Menninger says that the two great examples of violence are a nation's willingness to wage war abroad and at the same time to herd many of its own citizens together, give them wretched food, beat them, flog them, set up conditions that encourage them to assault, rape, kill.

The idea that *any* selves are served by such actions is the basic delusion. There are, after all, ideas of the self that could not possibly lead to social theories which allow either of these "two great examples of violence." By recognizing, first of all, the genesis of social theory in the idea of the self, one may come to a working understanding of what Socrates meant in declaring that virtue is knowledge. If moral feeling gives primary direction to all thought and all theory, and moral ideas are rooted in the conception of the self, then the ethical foundations of human knowledge and even science are no longer obscure.

COMMENTARY
FAINT PRAISE FOR CIVILIZATION

THIS week's Review makes brief comparison between barbarbous and civilized societies, suggesting that today's civilized nations conceal the cruelty of their customs under institutional veneers. What, then, if anything, remains to be said in behalf of the claims of "civilization"? It must be admitted that barbarism, simply because it ignores the pretensions of civilized ways, manifests a crude healthiness often envied by those who regard with contempt the formal hypocrisies of civilizations suffering decay. In fact, the break-up of artificial cultural forms is often hastened by the emergence of noisy cults of "toughness" and deliberate animality in human behavior, which are openly admired as a return to "realism" and the brute facts of life.

What the shallow justifications of these reversions to barbarism overlook is the fact that the ideals of civilization set very difficult goals for human beings, and that behind its obvious failures are to be found collective egotisms allowing belief that human development can be an almost automatic progression. But civilized people are people who live rigorous lives out of devotion to a common ideal. They are people who voluntarily contribute to the fulfillment of a vision which is itself sustained by acts of the imagination—conceptions held by men determined to live within the vision's influence. When the vision is allowed to die, the civilizing process, most evident in education and cultural life, simply stops. Then come various fraudulent substitutes for vision—externalized counterfeits of social and cultural riches, together with pretentious rationalizations of the vulgarity of what is achieved. So, in the end, the ideals of civilization begin to be questioned, challenged, and jettisoned, finally, by the new barbarians.

Anyone can be a new barbarian. All you need is mindless power, a dulled conscience, and some small capacity for belittling vision. The only weakness of the great ideals of civilization lies in the fact that they can be falsified by sophists and demagogues, and then, after a time, denounced as impractical. But it was only their imitations, their substitutes, which failed.

Meanwhile, there is something obliquely complimentary to be said for even a shaky and weakening civilization, a society shamed by its own failures and shocked by revelations of its pretense. It is that barbarism does not even know what civilization attempts. By the devalued currency of its disgraceful hypocrisies, a failing civilization pays tribute to its lost ideals. This is at least evidence that the ideals are recoverable and can be envisioned again.

CHILDREN
. . . and Ourselves
PROBLEMS WITHOUT SOLUTIONS

THE natural response of the reader of *Demon in My View* (Trident, 1966) by Arthur Henley is likely to be indignation. Mr. Henley tells the story of Adelio Montanari, an extraordinary teacher and healer of children who have been given up as hopeless by everyone else. He has a school of his own in Hialeah, Florida—the Montanari Residential Treatment Center and Clinical School—where he cares for "155 intensely disturbed boys and girls, some as young as five, a few as old as eighteen." The very low fees are paid by various agencies, civic groups, and generous individuals. The children live in twelve cottages. A senior judge of the Dade County juvenile court said of the work of the school: "I've seen kids that *nobody* else would touch except Monty and I've seen him take those kids and turn them into human beings."

What is there to be indignant about? Mainly the burdens this man was left to carry by himself during his long struggle for recognition. His ways were not the ways of the schools. His methods grew out of an unbending deterrnination to rely on his own spontaneous insights in a work that no one else wanted to do. He began to get help only after his successes, some of them incredibly dramatic, became known.

The problem—a problem which is plainly without conventional solution—is to recognize such men and give them support. *Everybody* owes such men help. But the institutionalized methods of testing people for their qualifications to do such work simply don't apply to men like Montanari. He is a discoverer and an originator, not a follower of established doctrines. He is the sort of man who begins by regarding all "ready-made knowledge" with suspicion. So Montanari literally fought his way through school. He flunked a psychology course at Antioch through contempt for what was taught. Rat psychology did not impress him. He failed to graduate. His only noticeable talent was in helping unhappy misfits to learn how to cope.

After his World-War-II stint in the army he started teaching in Southern country schools. Although lacking a certificate, he was so successful with backwoods boys and girls that the parents ran him out of town because they thought his influence over their children might make them want to give up country for city life. Monty had to move for the sake of his family's safety. Then, after some success with teaching deaf children, he decided to start his own school. Borrowing money from his father, he opened a day school for disturbed children in his home in Hialeah in 1952. The book is the story of the wonders accomplished. It may be hackneyed to call his achievements "unbelievable" but no other word applies. While running this school for children in desperate need of help—brought to him by anguished parents who had been turned away everywhere else—he went to night school and earned a teaching certificate. Three years later, he achieved a BS in education, of which he said: "It didn't mean a damn thing to me, but it seemed to mean a lot to the people I had to get along with."

During the years of hand-to-mouth survival for his school, Montanari often wanted some professional psychiatric help for the children, but he could never afford the fees. "These doctors might work for nothing for an accredited hospital," he said, "but not for me." He added: "The fact that they weren't working for me but for my kids, didn't seem to make much difference. So we just went along, doing the best we could without professional help when we couldn't afford it." In time, recognition came from several psychiatrists. "Here," one of them said, "is abundant proof that although seriously disturbed children are difficult, they are not impossible." Work with such children has been handicapped, he said, "by ineffective rationalization." This authority, who visited the School as a representative of the American Psychiatric

Association, declared that Montanari's school "rose up like a miracle and this man is doing a tremendous job, treading where even the proverbial angels fear to tread." The author of the book comments:

> It is interesting to note that, despite such encomiums Montanari did not at that time—and still does not—qualify for financial support from either government or private-foundation sources. His record of accomplishment notwithstanding, he remains unaccredited. His is considered a private enterprise, not a nonprofit undertaking, although his yearly "profit" amounts to less than a truck driver's annual take-home pay. Ironically, if he were to alter his private status, he could multiply his income several times. For although the magic word "nonprofit" immediately conjures up visions of dedicated persons working selflessly on a near-subsistence level, the fact of the matter is that most nonprofit enterprises pay premium salaries to their directors, and generously support their fund-raising activities.

As a matter of fact, the "nonprofit" way of life is so hedged with conformities and self-serving features that it might destroy what he now represents. "I don't want to go 'nonprofit'," he says, "because I'd have to meet standards that I consider unrealistic. I'd have to raise my fees in order to hire a big staff of people with masters' degrees and PhD's in social work and psychology." The very stage-settings required to get "grants" would for him be artificialities that interfere with his work.

> "My kids are off limits to these handouts because I'm a private entrepreneur," Monty remarks without bitterness, but his mannerism of plucking at the corner of his lip with his thumb signals that his inner emotions are coming to a boil. "I have to go out and raise money in five- and ten-dollar dribbles from interested civic organizations, service groups and private citizens who aren't looking for a tax loophole. And every cent of it goes into my kids because mine is a child-centered institution. The child comes first. Everything is slanted to the child."
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> It is his contention that if he were to go "nonprofit," he would not be able to keep his costs down, not be able to extend his services to as many children and not be able to exercise his own judgment to the same extent in treating these children.

So it is that the watchdog theory of administering the tax laws—under which only "qualified" people can staff undertakings which are permitted to accept tax-free gifts—has made the economic deprivations of a totally original and self-sacrificing man like Montanari a problem without a solution. This is not true to the same extent in all areas, but the conditions under which he was forced to work for years are an excellent illustration of the fact that a highly organized society which makes its rules to fit the patterns of majority behavior simply *cannot afford* to take cognizance of wonderful deviations. The disorders that might result from allowing exceptions are too threatening.

So, the indignation is really wasted emotion. And it is doubtless a waste of time to try to invent legal devices to protect the promise and the fruits of the genius of completely original, unconventional people. The inevitably mediocre norms of the legislative process will always defeat such endeavors, in the end. It is far more important to recognize that such problems have no solution in societies organized according to utilitarian principles. Such ventures, because they *are* extraordinary, must remain private and unofficial, simply in order to survive. We live in a time when only heroes can succeed in such undertakings. So why don't people stop pretending that they are members of a *good* society? No really good society would exact so high a price from its most creative members simply for living as they must and doing what no one else is able to do.

FRONTIERS

"Knowledge Is Missing"

VERY nearly everybody who manifests an interest in public issues has written something about the importance of "controlling" technology. Some of the remedies proposed have been far-reaching. One man considers it necessary to rewrite the Constitution in order to provide the government with the powers needed to regulate industrial and corporate activities, if we are to avert further disasters, and a scholar (Lynn White, Jr.) has declared that only a profound religious regeneration, transforming Western man's attitude toward nature, can lay the foundation for harmonious relations with the environment.

An article in the February *Scientific American,* "The Assessment of Technology," by Harvey Brooks and Raymond Bowers, summarizing the findings of a National Academy of Sciences panel, is valuable for its broad and symmetrical statement of the many problems involved. The authors devote more than half their report to developing the difficulties confronting any attempt to assess technological development with a view to control or regulation:

> One can approach the problem of assessing technology in a number of ways. A standard commonly raised is that technology should be in "the public interest" or should recognize the "net gain to society." Such phrases have the merit of brevity and the appearance of objectivity, but it is far from clear that they convey any operationally useful meaning.
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> Almost without exception, technological developments will affect some people or interests beneficially and others adversely. There is no accepted arithmetic wherewith one can neatly subtract the pains from the pleasures in order to arrive at a net index of social desirability.

This article is worth reading if only for realizing the wide variety of conflicts of interest that will obstruct effective control. In the planning of urban transport systems, for example, how are the needs of the inner-city dwellers to be balanced with the wants of suburban commuters? How limit the progressive activity of an industry when the effects of what it is doing or planning are largely unpredictable? The common presumption is that industry has the right to do what it wants until harmful consequences are *obvious.* But then, as with oil pollution of beaches, industrial pollution of lakes and rivers, and pollution of the air by automobiles, proposals of control may come far too late.

A desirable factor in technological development is keeping the future free for changes in method. "The reversibility of an action should thus be counted as a major benefit, its irreversibility as a major cost." Vast investments in status-quo techniques of production make a species of "irreversibility." Then there are interests which are typically voiceless:

> When a faster or cheaper building technique might affect alignments in the construction industry, for example, one can rely on opposition from those interests but not on organized advocacy from residents of the ghetto who might benefit from cheaper housing. The difficulty lies not with groups that perceive their interests to be affected but rather with the representation of groups for whom the consequences are less obvious and more remote.

Various methods of government control now in practice serve to show the weakness of the problem-solving approach within narrow or restricted areas of concern:

> The assessment of technology that is done by government agencies is also profoundly affected by the legal system. The predominant mission of each agency, as set forth in the law, determines its pattern of assessing technology. Weather modification provides an example. The Bureau of Reclamation looks for ways to increase rainfall in the dry Western states. The Department of Agriculture, mainly concerned with reducing crop losses, sponsors research in suppressing storm damage. The Federal Aviation Administration is interested in ways to dissipate fogs that hang over airports. None of these agencies considers the total effects. In the case of regulatory agencies, limitations by law often prevent the agency from considering the complete problem.

Even professional groups usually have only specialists' interests, so that larger problems are

not seen until "they have reached serious proportions and generated acute public concern."

It becomes obvious that, in the terms of this analysis, there are two sorts of major difficulties. One is the lack of an over-all view. The other is that some consequences seem practically unknowable. The latter are briefly illustrated:

> For example the number of television sets in the U.S. rose from 100,000 in 1948 to a million a year later and 50 million a decade later. The social and psychological consequences of such an explosion are hard to contemplate, let alone predict.
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> The history of asbestos demonstrates the effects of scale in one of its most insidious forms. Asbestos is so diversely useful that it has found its way into every automobile, train, airplane, factory and home and thence into human lungs, where, remaining as indestructible as it is in nature, it can cause grave disease. So also with the proliferation of automobiles: as recently as 1958 an authoritative book on the consequences of the automobile failed to mention atmospheric pollution.

The crowding of streets and highways by cars, of airports by planes, and the general congestion caused by accelerating mobility has led to higher accident rates and a corresponding congestion in the courts, which are overwhelmed with accident cases. Is the only solution severe restriction of travel?

So, as these writers say:

> The achievement of a better system for assessing technology faces major obstacles. The society is ill-equipped to handle conflicting interests. It does not know how to value in a quantitative way such goals as a clean environment and the preservation of future choices. Analytical tools are primitive, and crucial knowledge is often missing.

Considering the diversity of the obstacles to control listed by these writers, this summary seems an understatement of the difficulties involved. Control, in the circumstances they have described, may be an unrealistic objective. However, since their project is to propose a means of assessing technology for purposes of control, one could say that the candor and thoroughness of this survey are admirable.

There is, however, a broadly different view of these matters. One has the impression, for example, that expressions such as "in the public interest" and "net gain to society" are based on known measures of the good life for human beings. Surely this is implied. Yet the fact is that there is no one-to-one relationship between even the best possible contributions of a wisely guided technology and a truly good life. There is of course a rough correspondence between *minimum* material decencies and what we term human fulfillment and cultural excellence. An overtly *bad* environment (say, one that is polluted, congested, ugly, and noisy) obviously makes a good life more difficult. But the goodness that people can actually taste and enjoy and as growing human beings share with one another lies almost entirely in their attitudes toward the things of the environment, not in the things themselves. Quite possibly, what needs "control" most of all is the endless exaggeration of the importance of technology to the quality of human life. There are no external measures of the quality of *human* life, although the scene of human habitations and activities may reflect that quality in both subtle and rather revealing ways.

It might be argued that these plainly subjective considerations are not the problem of the scientific and technical people upon whom we call to guard against further excesses in technological enterprise. This is doubtless the case, but these experts nonetheless occupy the center of the stage. It goes without saying that far more is expected of them than they can possibly accomplish. *Somebody* needs to point out that authentic goodness of life does not flow out of the end of the technological production line—not even with the best possible supervisors to keep its "side-effects" from doing us in.

Obviously, there is need for another sort of "over-all view." The measurable disasters to the natural environment are gross evidence of mistakes and mismanagement which public-spirited scientists will no doubt do their best to

correct. But there are also psychological and moral disorders which these external controls cannot get at, and there has been little or no attempt to locate the level of causation where such subtler, subjective ills originate. If a humanistic psychologist were invited to participate in one of these panels or conferences concerning the excesses of technology, he might find reason to point out that the Public Relations aspect of the entire technological undertaking—its claims, its promotional literature, and its pretensions—has been far more harmful to the quality of human life than the obvious material pollutions.

Taking this diagnosis seriously may be the only way to resolve the dilemmas inherent in "control," since continued stimulation of the appetite for *more* technology will surely make "control" quite impossible.