
The Right Kind of Anarchy

Harry Kalven, Jr.

I rise to address you on this high and important ceremonial occasion filled with a sense of gloom, of being defeated, as it were, before I start by two circumstances: the first is the literary genre of the convocation address, and the second is that unavoidable topic, contemporary student protest and unrest. I am convinced that no one can give a successful talk in this art form—prose drafted by a committee and engraved on stone. I am convinced too that no one can at this point say anything fresh or insightful about the phenomenon of student protest.

I overstate my thesis. It's not quite true that it is altogether impossible to give a successful convocation address. The more precise statement is that they are rationed by some divine plan so that there may be one good one every century. This does not help me much, because I suspect the one allocated to this century has already been given. Indeed I heard it. It was given by Robert Maynard Hutchins, then President of the University of Chicago at the time I graduated from college in 1935. Mr. Hutchins was in his early thirties and was the youngest university president in the country. He was also a stunningly effective man. Parts of the speech have stayed with me over time:

“Believe me, you are closer to the truth now than you will ever be again. Time will corrupt you, your

family will corrupt you, your friends will corrupt you.”

I cite this not only in sentimental acknowledgment of a memory that came back to me as I began to reflect on today's occasion. There is in it also a bridge to my current topic. One cannot, I think, imagine a college president today making so personal a moral statement to students; and therein may be one source of the current difficulties.

Moreover, there is the shift in the image of the university. Implicit in Mr. Hutchins' remarks is the idea of the university as an island of truth, a sanctuary of rationality in a materialistic and corrupting world. If today we imagine the roles reversed so that it is the students who are making the convocation address *to* the university *as* they leave it:

“Believe us, we are farther from the truth now than we shall ever be again. Time has corrupted you, your trustees have corrupted you, your friends have corrupted you.”

My belabored anecdote is just another way of putting a familiar point about the university and its critics. Many observers have noted the shift in the location of the critics on a political spectrum. A generation ago the role of the university was not only to develop the intelligence but to stir the social conscience of its students as they ran the risk of going forth complacently into the world. Its critics came from the right and from outside, and the accusation was subversion of the established ways, customs and values. Today, the university is harassed by the excessive moral sensitivity of its students who want it to become the conscience of

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the society and a moral actor on the political scene. The critics come from the left and from within, and the accusation now is not subversion, but complicity, complicity with the establishment.

As far as I can tell the student critics are making both an external and an internal point and the degree of emphasis has varied from campus to campus. To the point that they do not like the way the university acts in the large community, they add the internal point that they do not like the way the university itself is governed, it is not sufficiently a democratic community. The university, therefore, is charged both with being a bad or an inert citizen in the large community and with itself being a bad community.

There are many things that could be said at this juncture about the reasons for these difficulties, about whether the students have lost their minds or the university has lost its sense of purpose. If one has been on a troubled campus during the past year as I have, and as I understand you have, such “theorizing” has been the grist of daily conversation; we all have our amateur theories and our well-polished epigrams. No one who has been an eye-witness can but feel ambivalent. There is much to admire in the students’ anger at the weaknesses of society, there is much to deplore in their excessive self-righteousness and moral simplicities; there is much to applaud in their energy and desire to get reforms moving, there is much to regret in their blind distrust of existing institutions, their wild impatience and their indifference to social costs. They seem like angry children; we seem like angry parents. They have presented us with what is certainly at once the most exhilarating, challenging, promising, infuriating, expensive, frightening phenomenon of our time.

Before leaving it at that, I should like to indulge in just five more brief observations about the unrest broadly viewed, and then proceed to one or two aspects of the tactics of protest as they tend to illumine our traditions of freedom of speech. My first point, which requires more argument than I will offer for it here, is that they are wrong about what a university is good for. It cannot be the conscience of the society in the

way they wish; it cannot play the role of super-citizen in the large community; it cannot operate by majority vote. It has, to be sure, a great role in social change but as the home and sponsor of the critic of society. It cannot itself be the critic. If the students should succeed in forcing the universities to fight their political battles, they will discover that the giant they thought they had in tow has become a powerless pygmy. When they capture what they conceive of as a seat of power they will awake to find there is nothing there. In brief, if they succeed, they will have done nothing more than turn a distinctive and valuable institution for the long term into a second rate lobby.

That then is my first point. We often admire and are grateful for the students’ concern with and anger over the state of society. But whether they are right or not about the society, they are wrong about the role and strengths of the university.

My second point is that too often the overt grievance on behalf of which the protest has been launched is simply a token. The activity of protest seems to be regarded as almost an end in itself. Indeed at one point this year at Chicago, we came very close to having a protest the ostensible purpose of which was to gain amnesty for those involved in it! We are left with the disquieting impression that the current activity is seen and justified as a warm-up or practice for later adult political life. In baseball idiom, the university seems to be regarded as a farm club to train players some of whom hope someday to go on to the major leagues. I am both a baseball fan and a university fan, and I regard this as a grave waste of scarce resources.

Third, it is the university which seems to me peculiarly and agonizingly caught in the generation gap. Its task is to conserve the values of the old while dealing daily with the young. I suspect that the gap, which is nevertheless very real, does not involve disagreement over what a good society is or, for that matter, what a good university is. It involves rather disagreements

over timing and procedures for change and over what can only be called taste in perceiving corruption. The old believe in proceeding toward reform, in the famous phrase of the United States Supreme Court, "with all deliberate speed"; they recognize the necessary complexity of human institutions; they are sensitive to the possibility that even in moral judgments they may be in error and they remain concerned lest they coercively impose their views on others; and, finally, they understand that human action is ambiguous and one must not be hasty in the ascription of evil motives to others. These are tensions which must have characterized and divided all generations. It is in some sense a compliment to our time that only now have they become so evident at the university scene. They provide the themes for a play rather than for formal discourse, but the point again is not to note that there are tensions between the generations, but to assert the distinctive plight of the university. In the end, what strikes me as arresting and as singularly sad is that the university which by function and role is the natural ally of the young in an imperfect world should today be so little perceived by them as a friend.

My fourth point about protest in general will finally make it possible for me to account for the title of this talk, "The Right Kind of Anarchy"! It has to do with the internal governance of the university. A few weeks ago when a title was demanded of me I was sufficiently impressed with this point to plan to center the talk around it. Today I reduce it to little more than a footnote, exhibiting thereby perhaps the right kind of anarchy! It is more a perception from the vantage point of a faculty member than from that of the student. It is simply to suggest that Cardinal Newman's famous formula that a university is a *community* of scholars may have put the accent in the wrong place. In the sense of social and intellectual companionship and collegiality, a university is a splendid community. And I am proud and grateful to have been able to spend my adult life in it. But in the political sense of government, it is scarcely a community at all. The heart of the activity—what one studies, thinks about, teaches, does re-

search on, those activities which are the reason for his being at a university, are by a proud tradition placed virtually beyond the reach of governance. Ideally, a university is a collection of anarchists each being allowed to pursue truth in his own way. In a deep sense, the better the university the less there is to govern. And the least interesting aspects of university life are those which are subject to governance. The organizational principle of the university I suggest is anarchy—the right kind of anarchy.

My last observation is to express again a sense of bewilderment at the fact that the quarrel of the young with the world has taken the form of their fighting with the university. I am reminded of a cartoon which appeared a few months back in *The New Yorker*. It showed two mountain climbers with picks and ropes ascending precariously and with strain an absolutely sheer vertical rock face. The higher of the two is calling down to the other, "Next time there must be some better explanation than 'Because it is there.'"

So much then for protest as a test of the nature of the university. It is also in some interesting ways a test of our theories of freedom of speech. This is an area in which I work professionally, and I should like to bring my discussion this morning to a close by considering two or three points which the tactics of protest serve to illumine.

The first of such issues I wish to take up is what can be called the problem of the captive audience. May you detain a person in order to present your views to him? Is the freedom not to listen the one counter value which is coordinate with the freedom of speech? We would all I suppose understand that if you kidnapped a man and tied him to a chair in order to read him the Gettysburg Address, we would perceive you as drastically interfering with his freedom and not as exercising your freedom of speech. Moreover, we remember enough of George Orwell's *1984* to appreciate that government compulsion to listen would be an ugly form



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of tyranny. The matter, however, is not quite so simple as the Jehovah's Witnesses, then the Negro civil rights protesters, and today the students, remind us. How do we attract the attention of a public which is unwilling to consider our message? In brief, the problem is can we capture the attention of the audience without capturing the audience?

The Supreme Court has had some experience with the problem and has been solicitous of the right not to listen as a corollary of free speech. In a 1949 case approving a ban on raucous sound trucks, Justice Reed noted: "The unwilling listener is not like the passer-by who may be offered a pamphlet in the street but cannot be made to take it. In his home or on the street, he is practically helpless to escape this interference with his privacy by loud speakers except through the protection of the municipality." And he continued: the city dweller cannot be left "at the mercy of advocates of particular religious social or political persuasions . . . The right of free speech is guaranteed every citizen that he may reach the minds of willing listeners. . . ."

And a few years later in a trivial controversy involving buscasting, that is, the playing of background music on public busses in Washington, the issue again came to the Court which declined to interfere because only music and not messages were involved. Justice Douglas was, however, moved by the specter of the captive audience to eloquent dissent: "The present case involves a form of coercion to make people listen. . . . The right to be let alone is indeed the beginning of all freedom . . . One who tunes in an offensive program at home can turn it off or tune in another station, as he wishes. One who hears disquieting or unpleasant programs in public places such as restaurants can get up and leave. But the man on the street car has no choice but to sit and listen. . . ."

The other model we might reflect on is that of the town meeting where the tradition requires that the audience not only let the other side speak but requires that they listen. Here there is, of course, consensus in advance that one will pay attention. But when there is no formal meeting, and the appeal is at random to the

public, it is more puzzling. Certainly a man should be allowed to say "I don't want to hear arguments about the Vietnam War *now*." If, however, we protect unquestioningly his option not to listen, the problem is what happens if he insists on it the next day and the next day . . . There is something to be said for the angry cry of the young: "Dammit, we want you to listen. If necessary, we will make you listen." The difficulty, of course, is the ease with which the dramatic means used to compel attention elide into simple coercion so that the persuasiveness of the protesters' point resides not in the message but in the force. And force is force, even when a message comes along with it.

The student protesters thus confront us almost daily with a puzzling issue about the boundaries of free speech. What is discouraging is their own apparent lack of interest in the question posed and their apparent lack of concern with limits. If the students viewed their problem as that of compelling attention to their message and not as compelling assent, they might discover a series of dramatic tactics that would not come so close to the naked use of force.

There is a companion problem. Whatever doubts we may generate within a free speech tradition about an absolute privilege not to listen, there can be no doubt about the right to disagree after having listened. All that the most enthusiastic free speech commitment gives the speaker is a chance to persuade. I have the uneasy impression that today students are implicitly converging on a new principle: If you do not agree with me, you could not have heard me. The error would seem to be a simple one, but on reflection we perhaps should marvel at how much human arrangements which make life tolerable depend on our belief in the capacity of each other to give a fair hearing to views with which in the end we will disagree.

The current troubles are not simply a passing fad like jeans or hair styles, and there will be adjustments on all sides. With you I look forward to the day when the university will again be regarded by the young as their natural ally in what will still be an imperfect world.