



Cornell University
ILR School

Cornell University ILR School
DigitalCommons@ILR

Rights, Liberties, and Ideals: The Contributions of
Milton R. Konvitz

Publications about the ILR School and Faculty

January 1983

Several Essays and Statements

Milton R. Konvitz

Follow this and additional works at: <http://digitalcommons.ilr.cornell.edu/konvitz>

Thank you for downloading an article from DigitalCommons@ILR.

[Support this valuable resource today!](#)

This Article is brought to you for free and open access by the Publications about the ILR School and Faculty at DigitalCommons@ILR. It has been accepted for inclusion in Rights, Liberties, and Ideals: The Contributions of Milton R. Konvitz by an authorized administrator of DigitalCommons@ILR. For more information, please contact hlmdigital@cornell.edu.

Several Essays and Statements

Abstract

Milton Konvitz (Ph.D. '33) embodied the spirit of Cornell University. An authority on civil rights and human rights, and constitutional and labor law, he served on the Cornell faculty for 27 years, holding dual appointments at the Law School and the School of Industrial and Labor Relations. This section features essays and statements by Milton R. Konvitz: Closing Remarks at the End of the American Ideals Course; Change and Tradition--A Letter to David Daiches; Liberal and Illiberal Education; Why One Professor Changed His Voice; and Of Exile and Double Consciousness: A Reply to Max Beloff.

Keywords

American, Ideal, course, university, work, civil, right, Jews, Judaism

Comments

Suggested Citation

Danelski, D. (1983). *Rights, Liberties, and Ideals: The Contributions of Milton R. Konvitz* (pp. 83-126). Littleton, CO: Rothman @ Co. <http://digitalcommons.ilr.cornell.edu/konvitz/2/>

Several Essays and Statements
by Milton R. Konvitz

*Closing Remarks at the End of the
American Ideals Course*

[Generally the course known as the Development of American Ideals was given in two semesters. In the Fall term, ILR 308 was devoted to a study of the chief constitutional principles in civil liberties and civil rights as they were expressed and applied in leading Supreme Court cases. In the Spring term, ILR 309 was devoted to a study of some of the origins of the constitutional principles. It was a course essentially in intellectual history. The readings included some books of the Bible, Greek and Roman classics, books by Renaissance authors, John Locke, and Emerson. In the academic year 1974-75, the last year in which Milton Konvitz taught, both parts of the course were offered in the Fall semester, and some hundreds of students took ILR 308 and 309 on successive days.]

AT END OF ILR-309—
AMERICAN IDEALS COURSE
Tuesday, December 3, 1974

Well, we have come to the end of our semester's work; but it is also the end of my giving this course, and tomorrow, as I

end my lecture in my other American Ideals course, which some of you are taking, but most of you perhaps are not, I will leave my vocation as a teacher. I will become a Professor Emeritus in fact and not only in name.

But just as William James believed in an unfinished universe, so I believe that no course of study is ever finished, and no worthwhile work is ever completed. As James said in a famous passage:

The word “and” trails along after every sentence. Something always escapes. “Ever not quite” has to be said of the best attempts made anywhere in the universe at attaining all-inclusiveness.

And yet the human mind and the human heart seek all-inclusiveness, wholeness. This is why we look for the universal in the particular, why we so desperately seek to find a law that would embrace whatever we know and whatever we do. The soul always reaches out for infinity. It is like listening to a great symphony, or sometimes even only to a lovely melody: when it is ended, the notes continue, the inner ear continues to listen, the heart seeks to penetrate the great, infinite silence that is always the beyond.

And if I may end on a personal note—and so it will be with me. I stop whatever it is that I am doing, and what I have been doing for 37 years, 29 of them here at this university. Just as the clock tells us to end a lecture, so the calendar tells us to end teaching. But the word “and” trails along—my life and my work are by no means finished. The taskmaster is still persistent. There is more work to be done, and there are more days to dawn.

When William James found in New Hampshire, in the region of the White Mountains, a house that he knew at once he wanted to have as a summer home, he wrote to his family about it. “Oh,” he wrote, “it is the most delightful house you ever saw; it has fourteen doors all opening outside.”

Essentially, what I have tried to do in this American Ideals course is to take you into a house with ever so many doors, and all of them opening to the outside. The greatest

deprivation is that which we impose upon ourselves—our self-made prisons, the doors that we ourselves close and lock, and after a while we sometimes even throw away the key, so that by the time the end comes, we discover that we had not even lived. If you take anything away with you from the course, let it be this: let your life be a house with at least 14 doors, and all of them opening to the outside.

And as for me, there are still many doors that I have not yet walked through. They are beckoning, and I hope that I still have enough of the spirit of adventure that will take me through some of them. Like Thoreau, I long ago seem to have lost a hound, a bay horse, and a turtle-dove, and am still on their trail. This is why I must walk through more doors. And I hope that you will do the same all the days of your life.

AT END OF ILR-308—
AMERICAN IDEALS COURSE

Wednesday, December 4, 1974

I have only a few minutes left. You will forgive me if I put aside my notes for the course and say a few personal words.

As I put aside my notes for the American Ideals course, I do so with the awareness that I shall not ever again be teaching it. I cannot help but think back to the day, well over thirty years ago, when I first began to offer a course in civil rights. I was then teaching at the New York University Law School, where my course subjects were in the public law and in the philosophy of law areas. I recall one day going to the Dean, my old friend Frank H. Sommer, whose name I mention in this context reverently, to ask him if he would allow me to offer a course in civil rights, and he readily agreed. I believe that this was, as far as I could find out, the first course in civil rights offered anywhere in the United States. There was no casebook, there were no textbooks, there were some federal statutes from the Reconstruction days that were at that time dead letters, there were some state civil rights acts that were seldom enforced, and

there were some Supreme Court decisions, mainly of a 19th century vintage. But the course broke ground, and I continued to teach the subject at New York University, and in 1944 at the same time introduced it into the curriculum of the New School for Social Research on the level of adult education.

In 1946, when I started to teach at Cornell, the course broadened out into one on civil liberties as well as on civil rights, and after several years it became the American Ideals course in its two different but related aspects, known as ILR-308 and 309.

When I published in 1952 the first edition of the *Bill of Rights Reader*, it was the first casebook in the field. I believe that its publication helped professors in law schools and in government departments to offer courses based on the book—at least that is what I have been told. Today there are other casebooks, and courses in civil liberties and civil rights are offered in literally hundreds of institutions, and efforts are now being made to have these subjects placed into the curriculum of even American high schools.

I have watched these developments with the greatest satisfaction, but no credit for them belongs to me. I see, however, in these developments a sign of the strength of the human spirit, to which the principles of liberty and equality are among the deepest concerns.

This American Ideals course has been, admittedly, my central interest, as you can see, for almost all of the 37 years of my life as a teacher. Almost every one of my books, seven out of eight, have been derived from the course, and in turn have been read back into the course. It has not been an abstract interest, but has been part of the very tissue of myself. In keeping it current, as I have, it has kept me current. In keeping it alive and fresh, it has kept me alive and fresh. As you can see, Emerson's Law of Compensation has worked beautifully in this case.

I have, of course, deep and complex feelings about having come to the end of my teaching career. I will not try to analyze my feelings; there can be such a thing, I believe, as

too much subjectivity—which is not healthy. But believe me, one thing I do *not* feel, and that is self-pity. This is a poison which all my instincts reject.

If there is any one feeling that predominates, I am sure that it is a deep feeling of gratitude. In the religious tradition which is my own, we are required, when we reach an event significant in one's personal life, to utter a blessing that thanks the Giver of Gifts for the gift of life that has brought one to the happy event. It is this emotion of thanksgiving that I feel most of all at this moment.

For I have been among the most fortunate of men. I have spent my days and years doing exactly what I so much wished to do. Instead of the State of New York and Cornell University paying me, I should have been willing to pay them for having allowed me to do the work I most wanted to do. I have never learned the difference between work and play, between work and leisure, between daytime work and nighttime relaxation—I never knew where one ended and the other began.

I say all this so that you may know that my interests are not of a kind that I can suddenly drop them. I shall go on with my work. Schopenhauer said that essentially a thinker has only one or two ideas, and then he spends his entire life trying to understand them, to unravel them, to explain them to himself and to others. I still have a lot of work on the one or two ideas that I once acquired, and I intend to work on them in the future as I have in the past.

I cannot help but recall some lines from Tennyson's "Ulysses":

Tho' much is taken, much abides; and tho'
We are not now that strength which in old days
Moved earth and heaven, that which we are, we are;
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.

As I leave you, I look upon you as representatives of the many thousands of students whom I have been privileged and honored to have had over the years, and I want to thank

you for all the supremely wonderful things that you have brought to me and done to me. You have taught me many lessons—lessons in courtesy, consideration, mutuality of regard and respect, mutuality of honor, mutuality of human dignity. For these and so much else that is beyond expression, you have my sincerest thanks.

*Change and Tradition—
A Letter to David Daiches*

[In the late 1940s and early 1950s, David Daiches, noted English scholar and critic, was a professor of English literature at Cornell. The February 1951 issue of *Commentary* published an article by Daiches, in which he attempted to explain the reasons for his disavowal of traditional Judaism and of religious belief generally. Several months later David Daiches and Milton Konvitz scheduled a public discussion or debate over the issues raised by Daiches. Their joint appearance attracted many hundreds of students and faculty members to the Memorial Room of Willard Straight Hall, the Student Union at Cornell, an event remembered by everyone who was present. In May 1951 *Commentary* published the text of Milton Konvitz's presentation in the form of an open letter to Daiches. It is reprinted with permission of *Commentary*.]

Dear David,

Had your article in the February 1951 *Commentary* been only an exposition and defense of agnosticism, it would have awakened in me echoes of Thomas Huxley and Bertrand Russell, but I would not have felt myself personally

involved. Your article, however, because it is your “personal view” of American Judaism, has started up in me reverberations from some of the deepest layers of my mind; I find myself profoundly and inextricably involved. For you and I have had pretty much the same upbringing, experiences, and education. My father, too, as you know, was a distinguished Orthodox rabbi who enjoyed the respect and confidence of both Jew and Christian; my education, too, was in several cultures, sacred and profane; my career, too, has brought me, in my vocation as a teacher, to an American university campus. However, though I accept some of the incidental things you say in your article, if your fundamental assertions are right, then I have been misliving my life; I have gained from my background, experiences, and education only a bushel of tares, while you possess the wheat. I feel myself, therefore, personally challenged.

Cutting away some of the underbrush, I find that our differences arise from our different attitudes toward tradition, particularly as to the function of tradition in Judaism. Our differences here are over fundamentals.

One extreme view of tradition may be characterized as the Platonic view. Plato held that the good is what preserves, that evil is what changes. Change leads away from what is perfect, the Form or the Idea; change tends toward the imperfect, evil. Any change whatever, Plato says in the *Laws*, “is the gravest of all the treacherous dangers that can befall a thing—whether it is now a change of season, or of wind, or of the diet of the body, or of the character of the soul.” This statement, he says, applies to everything except to what is evil. Again in the *Laws* he says: “The lawgiver must continue by hook or by crook a method which ensures for his state that the whole soul of every citizen will resist, from reverence and fear, changing any of the things that are established of old.”¹ In the *Philebus* Plato says “that all men who have a grain of intelligence will admit that the knowledge which has to do with being and reality, and

1. Plato, *The Laws*, Bk. VII, 798.

sameness and unchangeableness is by far the truest of all.”²

An opposite extreme view of tradition may be characterized as the Emersonian view. If a man claims to know and speak of God, says Emerson in his essay “Self-Reliance,” and yet

carries you backward to the phraseology of some old mouldered nation in another country, in another world, believe him not. . . . Is the parent better than the child into whom he has cast his ripened being? Whence then this worship of the past? When we have new perception, we shall gladly disburden the memory of its hoarded treasures as old rubbish. . . . This one fact the world hates, that the soul *becomes*; for that forever degrades the past. . . . Say to them: “O father, O mother, O brother, O friend, I have lived with you after appearances hitherto. Henceforward I am the truth’s. Be it known unto you that henceforth I obey no laws less than the eternal law. . . . I appeal from your customs. I must be myself. I cannot break myself any longer for you, or you.”³

Emerson, who knew his Plato, was here, I believe, answering him by substituting one extreme view for another. Plato was on a quest for certainty, Emerson was on a quest for change. Plato identified the good with being; Emerson identified the good with becoming.

If one is offered a choice between these two extremes, a person with a warm attachment to life and experience must do what Emerson counseled: break with the past completely, tell the dead to bury the dead, kiss one’s parents good-bye and turn one’s face in the direction of the future and the unknown.

In a way, David, it seems that this is what you have done. The Orthodox Judaism of your father was, you say, “the real thing.” Judaism is that religion which you associate with your father—“the full historical Judaism with its richness, its ceremonial, its discipline, and its strange beauty.” When you think of Judaism, you are a Platonist and would put a curse on anyone who removes his father’s landmark.

2. Plato, *Philebus*, 58.

3. Ralph Waldo Emerson, *Essays*, First Series, Standard Library Edition (Boston, 1883), 66, 72.

Judaism is a perfect Form or Idea; it is unchanging; any change is a step toward imperfection: "The men of old . . . were better than we are now, and . . . lived nearer to the gods."⁴ If Jews wish to continue as Jews, they should go back to your father's *shul*, his way of life, and his ways of looking at life and the world.

But you yourself, David, because of your intelligence and spirit, find your father's ways and views no longer congenial or acceptable. You, therefore, feel that you must break with the past completely, and so you go over to Emerson's side. For you, there can be no worship of the past. You say to your father: "O father, henceforward I am the truth's." You have made the leap from Judaism to humanism, from the dead past to the live present and future, from being to becoming.

If Judaism is something that is finished, completed, a Form that will not reflect anything that is alive and throbbing today and this minute, how could one blame you? If Judaism is only a mummified corpse, what could you personally do with it except hack it to pieces, free yourself from it, and run outdoors for a bit of fresh air and sunshine?

In a way, however, your position is extremely equivocal. You still want the cake, but only for *others to eat*. Identifying Judaism with your father's *shul* and home, you want others to sustain it for "its richness, its ceremonial, its discipline, and its strange beauty." For others, Judaism is a Platonic Form, perfect in its being. But not for you. For yourself, you are on an Emersonian quest of becoming; you shatter the past, you have disburdened yourself of its hoarded treasure as so much old rubbish.

Now I say, David, if the choice were only between Plato and Emerson, I would be on your and Emerson's side. But you have narrowed the possible choice to two impossible extremes.

There is a third way. It is the way of all that is best in

4. Plato, *Philebus*.

Judaism. For a description of this third way I shall go to T. S. Eliot's essay "Tradition and the Individual Talent"—and I go to him rather than to, say, Solomon Schechter, because his discussion will bring home to you the fact that you have treated tradition in Judaism differently from the way you would treat tradition in English literature or culture, for I believe you share the views Eliot expresses in this essay.

Tradition, says Eliot, cannot be inherited as a dead weight—the way a son inherits his father's house or his books. The inheritance of tradition involves a number of things. First of all, it involves the historical sense. This sense involves a perception, "not only of the pastness of the past, but of its presence." The historical sense "compels a man to write not merely with his own generation in his bones, but with a feeling that the whole of the literature of Europe from Homer and within it the whole of the literature of his own country has a simultaneous existence and composes a simultaneous order." This historical sense is "a sense of the timeless and of the temporal together." No writer or artist can be seen as standing alone. "His significance, his appreciation is the appreciation of his relation to the dead poets and artists. You cannot value him alone; you must set him, for contrast and comparison, among the dead."⁵

This is only one side of a two-sided transaction. "The existing monuments form an ideal order among themselves, which is modified," says Eliot, "by the introduction of the new (really new) work of art among them. The existing order is complete before the new work arrives; for order to persist after the supervention of novelty, the whole existing order must be, if ever so slightly, altered; and so the relations, proportions, values of each work of art toward the whole are readjusted; and this is conformity between the old

5. T.S. Eliot, *Selected Essays*, 3rd ed. (London, 1951), 13-22; *Selected Prose*, ed. John Hayward (London, 1953), 21-30. Cf. Lucy, *T.S. Eliot and the Idea of Tradition* (London, 1960).

and the new." The past, then, "is altered by the present as much as the present is directed by the past."

In Judaism we find—at least I offer it as my personal view—both sides of the creative transaction described by Eliot. We have the historical sense, which gives to Jewish history a simultaneous existence and which composes of Jewish history a simultaneous order. Let me illustrate this point from the Passover Haggadah: "We were the slaves of Pharaoh in Egypt; and the Lord our God brought us forth from there with a mighty hand and an outstretched arm. And if the Holy One, blessed be He, had not brought us forth from Egypt, then surely we, and our children, and our children's children, would be enslaved to Pharaoh in Egypt." We are taught that every Jew in every generation must think of himself as having gone forth from Egypt: "It was not only our forefathers that the Holy One, blessed be He, redeemed. Us, too, the living, He redeemed together with them. . . ." ⁶ The past, then, changes the present: I, an American, have been redeemed from slavery and Egypt. The past is significant to me not in its character of pastness but in its existential presentness.

And the past in Judaism is changed by the present. When Moses was shown the Torah as it was to be interpreted and applied by Rabbi Akiba many centuries later, he looked at it in amazement and consternation, for he could not—the rabbis tell us—recognize in it the Torah that he transmitted to the Jews at Sinai. ⁷ The Torah as it has passed through the alembic of the minds of the prophets, of Maimonides, Saadyah Gaon, and of the thousands of rabbis of the Talmud and of the centuries since then, has undergone profound sea changes. "Turn it over, turn it over," we are told, "for everything is in it." ⁸ Judaism can no more be reduced to a number of dogmas and practices, or even, as you seem to intimate, to monotheism, humanism, and a

6. *The Haggadah*, ed. Cecil Roth (London, 1934), 11-12, 36.

7. Babylonian Talmud, Menahot 29b.

8. Pirke Aboth, V, 25.

sense of righteousness, than English poetry can be reduced to a textbook of abstract generalizations.

In Judaism, then, the past is altered by the present, and the present is altered by the past. Had you considered Judaism in this light, you could not then have permitted yourself to identify Judaism exclusively with your father's beliefs and practices. To freeze Judaism into any form is to give substance to Toynbee's charge that Judaism is a fossil; for it means identifying Judaism with the past as utter and dead pastness; it means inheriting Judaism from one's father as one inherits one's father's house or books. There is only one thing to do with one's father, and that is: to stand upon his shoulders—and to see farther. For a child to carry his father upon *his* shoulders is to identify his father with obsolescence and to invite nihilism. "He who does not himself remember that God led him out of Egypt," said Martin Buber, "he who does not himself await the Messiah, is no longer a true Jew."⁹

Let me for a moment look at this matter from another point of view. It seems to me that an identification of Judaism with the *shul* and the forms of observance of one's father lays one open to the charge of idolatry. "And thou shalt love the Lord thy God with all thy heart, and all thy soul, and all thy might." We have not been taught to love our synagogues, or our *kiddush* cups, or our Sabbaths and holy days, or our rabbis, or even the Bible or the Torah, with all our hearts, with all our souls, and all our might—but only God. (We are taught to *honor* our fathers and mothers; we are not taught to *love* them with all our hearts, with all our souls, and with all our might.) Holy places, holy days, holy books, and holy men are important, but their importance is of a secondary, relative, contingent nature. To identify Judaism with them is to confuse form with substance, shadow with reality. To worship the Bible is to practice bibliolatry—witness the Jewish judgment on the

9. Martin Buber, "Der Preis," *Der Jude*, October 1917.

Karaites. To worship an infallible church or pope, or a Sanhedrin, or a land, or a book,—or an infallible father—is to love something other than God with all one's heart, all one's soul, and all one's might.

It was Cardinal Faulhaber, though it could have been a great rabbi, who said, "We cannot separate the Law of the Lord from the Lord of the Law." To give centrality in Judaism even to the Law of the Lord is to set up an idol. Only the Lord of the Law is entitled to centrality as an absolute.

This, incidentally, is one reason that I object to making the Law of the Lord the law of the State of Israel, for it means separation of the Law of the Lord from the Lord of the Law; it means the intervention of a policeman between Jew and God, and the displacement of God by the state. The intention of the rabbis is, of course, to enthrone God; but the effect would be precisely the opposite. When you, David, say that the separation of church and state in Israel may be good Jeffersonian Americanism but is not good Judaism, you are again fossilizing Judaism, refusing to admit that the Judaism of thousands of years ago has been changed by the centuries and the many millions of Jews—and non-Jews, including Jefferson—who have lived and died since the destruction of the Temple.

It is in a nonidolatrous, Jewish spirit that we observe rites and ceremonies. "The commandments," said Rab, "were given to Israel only in order that men should be purified through them. For what can it matter to God whether a beast is slain at the throat or at the neck?"¹⁰ Even the Temple was used by our forefathers as an idol. "Trust ye not in lying words, saying: 'The temple of the Lord, the temple of the Lord, the temple of the Lord are these,'" said Jeremiah to them. "I will do unto the house, whereupon My name is called, wherein ye trust . . . as I have done to Shiloh."¹¹ To call a place the temple of the Lord and to trust

10. Genesis Rabbah, Lek leka, XLIV, 1; Leviticus Rabbah, Shemini, XIII, 3.

11. Jeremiah 7:4, 14.

in it in such a way as to displace God is to engage in idol-worship. (We see here the essential reason that Jews find it impossible to reconcile themselves to a religion which says that the way to the Father is only through the Son—or through the Church; for this means the positing of an absolute alongside God. The Jew, *per contra*, says: the way to the Father is through your heart and your deeds. Nor does he add: and through your father's synagogue and his observances.)

I want to quote to you a Psalm which you know very well—Psalm 15:

Lord, who shall sojourn in Thy tabernacle?
 Who shall dwell upon Thy mountain?
 He that walketh uprightly, and worketh righteousness,
 And speaketh truth in his heart;
 That hath no slander upon his tongue,
 Nor doeth evil to his fellow,
 Nor taketh up a reproach against his neighbor;
 In whose eyes a vile person is despised,
 But he honoureth them that fear the Lord;
 He that sweareth to his own hurt, and changeth not;
 He that putteth not out his money on interest,
 Nor taketh a bribe against the innocent.
 He that doeth these things shall never be moved.

I quote this Psalm not so much for what is in it as for what is *not* in it. You will note there is not a word in it about the Temple, about forms of worship, not even a word about Jews or Judaism. And it was this Psalm which, according to the rabbis of the Talmud, summarized the 613 commandments.¹² It was in the spirit of this Psalm (and such passages in the Bible are legion) that Saadyah Gaon said that he who observes the commandment regarding honest weights and measures may, for all we know, be as righteous as he who observes the ritual commandments;¹³ and that Rabbi Kook held that the religious duty to labor for the Zionist ideal of rebuilding Israel deserved the highest priority as a supreme

12. Babylonian Talmud, Makkot 23b-24a.

13. Saadia Gaon, *Book of Beliefs and Opinions*, trans. Samuel Rosenblatt (New Haven, 1948), 395-397.

command of God.¹⁴ I cite these examples not to prove that deeds are more important than rituals, but only for the purpose of demonstrating that it is a falsification to give to rituals or to any institution or to any person or book a position of exclusive centrality in Judaism.

You, David, are no worshipper of ancestors, and no worshipper of idols. Your intelligence is free and brave, so you have shattered the image of Judaism which you had projected upon the image of your father; and by shattering one, you have shattered both. But you were wrong in the beginning when you identified Judaism with your father's thoughts and practices. Had you climbed up to your father's shoulders, you would have seen farther—you would have seen yourself as changed by him—and as changing him. From the standpoint of a tradition that is not inherited as a dead weight but that is alive and creative, it may be said that even as he is the child of the man, the child is also the father of the man. A sanctity, Santayana said, hangs about the sources of our being; piety is loyalty to those sources; "it must never be dislodged; spirituality without it is madness. We must . . . suffer reflected light from other ages . . . to lighten a little our inevitable darkness."¹⁵ This is the piety that characterizes the direction of sentiment from son to father. But this is only half the story. The other half is the piety which characterizes the direction of sentiment from father to son. Either half alone is impiety; the two taken together give us a tradition in which the present is enriched by the past and the past is enriched by the present, thus saving us from nihilism as well as from idolatry.

Seen this way, Judaism is no hindrance to humanism. On the contrary, it affords one a stance from which one can say with Terence: *Homo sum; humani nihil a me alienum puto*. Jews and Christians have been great humanists with-

14. See Jacob B. Agus, *Banner of Jerusalem: Life, Times, and Thought of Abraham Isaac Kuk* (New York, 1946), 63, 82.

15. George Santayana, *The Life of Reason: Reason in Society* (New York, 1905), 174; "Apologia Pro Mente Sua," in *The Philosophy of George Santayana*, ed. P.A. Schilpp (Evanston and Chicago, 1940), 572.

out feeling that either their religion or their humanism was compromised. A proper perspective makes possible a perception of the timeless and the temporal together, and of man and God together. When a man knows with Saadyah Gaon that God is “the God of all mankind,” and that “the worth of each man and his lot are equally precious before Him,” and with Ben Azzai that the verse in Genesis, “This is the book of the generations of Adam,” is the greatest principle in the Torah,¹⁶ then nothing human—not even agnosticism—can be alien to him. Judaism, as thus conceived, stands committed to all that is open and free and is the enemy of all that is closed and restricted. If you will say that this is not the Judaism of your father and mine, but a Jeffersonian Judaism, I will answer that I am not at all sure that they were not Jeffersonian Jews. Though at times they felt themselves possessed by God, they never acted as if God were possessed by them.

You are inclined, David, it seems to me, to seek a simple solution—total Orthodoxy or total assimilation—to a problem that is very complex. Let me try to make my meaning clear by a brief comparison between your father’s experiences as rabbi in Edinburgh (1918-1945) and my father’s experiences as rabbi in Newark, New Jersey (1924-1944).

When your father came to Edinburgh, he found four hundred Jewish families and two Orthodox congregations. The call to your father came from congregations acting jointly. After some years and much effort, your father succeeded in bringing together the two congregations, forming a new, united synagogue.

When my father came to Newark, the synagogue that called him had a membership of some four hundred families. Newark then had an estimated Jewish population of between sixty and seventy thousand (many thousands have since moved to satellite towns). There was no census of congregations, but I venture to say that there were no fewer

16. Genesis Rabbah, Bereshet, XXIV, 7.

than thirty to forty Orthodox congregations, besides a Reform temple and two Conservative congregations. In addition to my father, there were only two or three other Orthodox rabbis with *smicha*, that is, properly ordained. But there were in addition many fakers—I use the term advisedly—who professed to be rabbis: former Hebrew teachers, *shamosim* (sextons), *chazanim* (cantors), and *shochtim* (ritual slaughterers), a despicable crew of “reverends” who were perpetually covetous of money and publicity. They were a stinking abomination to both God and man. Yet these fake rabbis had congregations, performed all the functions of rabbis, buried the dead, and flattered the living. They were constantly tempted to make a racket of *Kashrut*. This was not very difficult in a city where there were, I would say, between 125 and 150 butchers and many poultry markets that catered to the Jewish trade.

It was not long before my father and his colleagues found themselves in a life-and-death struggle. I am not exaggerating. If I were to disclose the facts, our antidefamationists would charge me with contributing to anti-Semitism! (The record, however, of the kosher poultry racket of New York City, in which the union of *shochtim* played a prominent role, may be found in the proceedings of the New York State courts.) That episode in my father’s life is one which I find extremely painful to recall; for at least a decade my father had no sense of personal security, and no inner or outer peace.

Now I submit to you, David, that it is not helpful to judge the anarchic complexity of Jewish life in Newark (or Chicago, or Philadelphia, or San Francisco) by the relatively idyllic simplicity of Jewish life in Edinburgh. Going home from Edinburgh to Newark is like going from Walden Pond to Boston—or from Selborne to London. There is, as Mr. Justice Brandeis said, the curse of bigness. It is not merely that with bigness a small problem becomes a big problem; bigness and smallness may be incommensurable.

Please note that what I am talking about is the large-scale *hefkerut*, the utter disorder that one can find in a large

Orthodox community in the United States, a state of affairs that exists among American Jews who profess to adhere to your father's *shul* and to his religious values. Orthodoxy, then, is no guarantee against vulgarity, corruption, and even plain criminality. To say to American Jews that they should be Orthodox or assimilate, and to say this in a context which implies that Orthodoxy will shield them from evils which you associate with non-Orthodox Judaism, is, I fear, to hold out illusory hopes. The evils we see around us are not due to the fact that some Jews are non-Orthodox.

Let me be clear on one point: Just as I am not attempting to whitewash Reform and Conservative Jews, so I am not attempting to blacken the repute of Orthodox Jews. My intent is only to caution against the prescription of a cure that is irrelevant to the malady. Just as it does not follow, I believe, from what you have said, that Jews should not be or become Reform or Conservative, so it does not follow from what I have said that Jews should not be or become Orthodox. The decision regarding religious commitment should be made only on the basis of religious faith and belief as to what best ministers to the individual's deepest personal needs.

But you, David, seem to be advising American Jews to base their decision regarding personal religious commitment on institutional behavior; that is, on observation of the way in which congregations and rabbis behave. You ask them, in effect, to choose their religion on sociological rather than religious considerations. The moral import of your approach can tend only further to eat away the foundations of Judaism. If followed, your approach would, in the long run, contribute to deepened vulgarization and a more widespread shallowness, so that ultimately we would all become hollow men. In a word, you tell us to be or become Orthodox, but for the wrong reasons—reasons which, if taken seriously, would cause Judaism to crumble. It would be both dry and empty.

There is, of course, much that is wrong, and even rotten,

in American Jewish life. But this is equally true of American life in general (as it is true also of British, French, Asian life, and of every man's life, wherever his local habitation and whatever his name). Yet we do not, by any means, despair of American life. Why, then, should we despair of Jewish life in America? If we are not better than others, are we worse? Amos, Hosea, Jeremiah, and Ezekiel saw no less evil in their own days, yet they were prophets of hope as well as prophets of doom. Their mission was to call for and promise a renewal. American Jews today, as Jews everywhere and at all times, prefer the lesser to the greater good, see the better but follow the worse. There is so much good that must be done and so much evil that is being done that one wishes to cry out, "But yet the pity of it. . . !"

One is torn between pity and anger—at oneself as well as at others; but Judaism is committed to both anger and pity. For just as pity alone may weaken the will so that it becomes tolerant of evil, so anger alone may destroy the world—with all the good that is in it and all its promise of good for the future. It is not only Judaism but sanity that compels us to stake all we have on the good, and on the future—eschatological or natural. Judaism will yet flourish, even in America—perhaps especially in America. There is much vexation of spirit, and that which is wanting cannot be numbered. Yet the crooked *can* and *will* be made straight.

*Liberal and Illiberal Education:
The Founding of the New York State
School of Industrial and
Labor Relations—
A Tribute to the Founders*

[On October 2, 1962, the new buildings of the New York State School of Industrial and Labor Relations, at Cornell University, were dedicated. At the ceremonies, attended by Governor Nelson Rockefeller and other public officials, Milton Konvitz, on behalf of the faculty and administration, paid tribute to the two persons most responsible for the founding of the institution and its location at Cornell University—Irving M. Ives and Edmund Ezra Day. The address was published in the July 1963 issue of the *Industrial and Labor Relations Review* and is reprinted with permission of the periodical.]

Soon after Horace Mann died, a public subscription for a statue of him was undertaken, and Thoreau was asked for a contribution. Although a friend of the Horace Mann family, Thoreau declined because he thought that “a man ought not any more to take up room in the world after he was dead.” But some men do take up room in the world after they have died; indeed, some men, like Thoreau himself, take up more room after their death than they did while they were alive.

The “room” that men take up is much more than physical space. In paying tribute to Irving M. Ives and Edmund Ezra Day, at the dedication of this complex of buildings, we could appropriately recall the epitaph to Christopher Wren, written by his son and inscribed over the interior of a door in St. Paul’s: *Si monumentum requiris, circumspice*—“If you would see his monument, look around.” But as we look around, we see a great deal more than what is apparent to the outer eye. For the inner eye sees a school, an institution; and an institution is always, and above all else, an idea; and an idea has its original home and its most congenial habitat in the mind, heart, and spirit of a man. Emerson was, of course, right in stressing the truth that an institution is the lengthened shadow of a man.

It sometimes providentially happens that several men are brought together in such a way that their ideas, purposes, and wills coalesce into an institution which absorbs their diverse talents, so that they are made to move in one direction toward an identical goal. Cornell University has been singularly fortunate in such fruitful partnerships. There was the original union of Ezra Cornell and Andrew Dickson White, a pattern that was repeated some eighty years later in the partnership of Irving Ives and Edmund Ezra Day. I find these partnerships full of tantalizing antinomies. White and Day were the scholars, the philosophers, the highbrows, the eggheads. Cornell and Ives were men from the marketplace, the kings, the practical men. One might naturally have looked to White and Day for the ideas, and to Cornell and Ives for the practical implementation. But we know that precisely the opposite happened. The grand ideas, the far-reaching designs, the lofty and splendid dreams came to Cornell and Ives. It was they who were the philosophers, who spoke as if they had fed on locusts and wild honey. It was the so-called practical men who brought their dreams to the so-called scholars and philosophers; and in the partnerships that were formed, the conventional roles of these men lost their significance: the practical men had

their heads in the heaven of Platonic Ideas, and the philosophers lived and worked in the cave.

The truth is that each pair made up a single philosopher-king; and it was perhaps for this reason that in the process of realization, the grand designs were not mutilated or trivialized. In the precarious and tedious business of execution in detail, the ideas, surviving the hard discipline of reality, remained free and brave.

Now, what was the high and pure idea that has become the institution which is the lengthened shadow of Ives and Day?

As the leading member of the New York State Legislature, Irving Ives discovered that, especially in our complex, industrialized civilization, it is through work that a man becomes and gets to know himself as a human being. For only through work can a man rise above the exigencies of nature. Work, as Emil Brunner has said, "is the great and dangerous privilege of man." And yet, when Ives looked about him in his own great state, he saw that millions of men were discriminated against when they sought to exercise this great and dangerous privilege, which was their birthright as men, because of their race, color, religion, or national origin. This abuse and misuse of men made work an ethical problem, and led Irving Ives to become the proponent of the Ives-Quinn law, the first state fair employment practices act in the United States. For the first time in the history of civilization, opportunity for employment without discrimination became a civil right. Today there are such enforceable laws in twenty states, and their reach has in some states been extended to encompass education, housing, and places of public accommodation. By making employment a civil right, and by establishing a special agency charged with the duty to vindicate this right, Irving Ives altered forever the whole horizon of civil rights.

At the same time Irving Ives saw that almost the entire field of industrial and labor relations was excluded from scholarship and teaching and was, more often than not,

subject to imposture, dogma, ignorance, or lazy conjecture. This was a paradoxical and indefensible situation, for industrial and labor relations are of prime importance in our culture and civilization, and if scholarship is truth—truth about things that matter—then this situation could not be allowed to continue. Ives and his Legislative Committee on Industrial and Labor Conditions—the so-called Ives Committee—went before the legislature with a bill to set up a school that would fill this vacuum. It was a daringly creative idea, and one that was eminently appropriate to what E. H. Carr has called the twentieth-century revolution: the expansion of reason. The primary function of reason or the intelligence, as applied to man in society, is no longer merely to investigate, but also to transform. This heightened consciousness of the power of man to improve the organization and management of his social, economic, and political affairs by the application of rational processes could not be stopped at the point where man achieves or affirms his “great and dangerous privilege” as a worker.

Men with horse-and-buggy notions must have laughed at this idea of Irving Ives; for there is always a cult of irrationalism, there are always those who would not permit the extension of the role of reason in society. But the legislature accepted the Ives plan; and Edmund Ezra Day and the trustees and faculty of Cornell University gave the New York State School of Industrial and Labor Relations “a local habitation and a name.” And thus, industrial and labor relations, from an object of fear, revulsion, or indifference, became a subject of serious study.

I would like to think that Irving Ives shared the spiritual values of Thomas Jefferson, who, you will recall, when the time came for him to draft his own epitaph, disregarded all the great offices he had filled in Virginia and in the national government, and wrote simply: “Here was buried Thomas Jefferson, author of the Declaration of Independence, of the statute of Virginia for religious freedom, and father of the University of Virginia.” Irving Ives, too, filled great offices in his state and nation, and even one of international reach,

yet, I think, he would want to be remembered as the author of the first statute guaranteeing freedom from discrimination in employment, and as the father of the School of Industrial and Labor Relations. That is greatness enough for any man.

I venture to think, too, that Dr. Day, in taking steps to bring this School into the Cornell University family of colleges, acted not only in response to the demands of the twentieth-century revolution, but also consistently with the best in the classical tradition of education.

Aristotle's disdainful attitude toward work or practical activity led him to the conclusion that subjects of instruction are "partly of a liberal and partly of an illiberal character." All paid employments, he said, belong to the vulgar arts, "for they absorb and degrade the mind." The first principle of all action, he said, was leisure. Even in the pursuit of liberal subjects, the freeman or gentleman must preserve an amateur or dilettantish character. Leisure is always higher than occupation; the power to use leisure rightly is the basis of the freeman's life.

These views of Aristotle dominated education through the mediaeval period. The main stream of thought held to the belief that practical activity is to be shunned by the pious man, who replaced the Aristotelian freeman, for practical activity was likely to attach a man to the world which he should desire to leave. All practical activity, all work, belonged to the world that followed the fall of Adam and was part of the curse visited on mankind. The best that might be said for practical activity was that it might be a means of discipline against a sinful life.

But the classical tradition had another current of educational philosophy. Plato contended, quite simply, that if theory is a product of mind, so is practice. There can be no reasonable distinction between them, and so education and the life of reason ought not to be confined exclusively to the theoretical. To know a thing or an act is to know it as part of an embracing order. There ought to be, therefore, no sharp line between subjects of study that are "liberal" and those

that are "illiberal." A liberal subject may be studied illiberally, and a so-called illiberal subject may be studied liberally. The difference is to be found in the teaching and not in the subject. Thus, Plato's highest type of man, as soon as he attains contemplation, was bound to return to action. Theory must be turned to practical account.

Cicero's thought was in the spirit of Plato when in his speech for Archias he stressed the inner connection among all branches of learning, among all arts which aim at human culture and humaneness. "All arts which have anything to do with man," he contended, "have a common bond and, as it were, contain within themselves a certain affinity."

It was this Platonic attitude that, displacing Aristotelian scholasticism, came to dominate the spirit of the Renaissance, of the Reformation, and of the intellectual, scientific, and industrial revolutions of modern history. Erasmus, by applying to the New Testament the principles of humanism and scholarship, broke down the barriers between sacred and profane learning, and made the Bible itself the subject of serious scholarship. In the same way and spirit, modern scholarship broke down the barriers between theoretical and practical studies, between the traditional "liberal" and "illiberal" subjects. And so, gradually, and often painfully, it came to be generally recognized that scholarship is truth, whether the inquiry is secular or sacred, literary or scientific, theoretical or practical. There is truth in the hitting in of a nail, or in thinking of the problem of evil, or in finding a remedy for malaria, or in dating a Dead Sea scroll, or in the conduct of a union meeting, or in the solution of a mathematical problem.

This was an inevitable development, as we look back upon the process now, for once the Bible and classical literature ceased to be regarded as depositories of knowledge of facts, once men ceased to go to Genesis or to Aristotle for the facts of natural or social history, scholarship or the search for truth became boundless in reach. Liberty of thought became inextricably attached to the ideal of the

unity of knowledge. And so it is natural that today theologians, giving the Bible a fresh reading, see that work or practical activity was not said to be a curse on man, but rather a fulfillment of God's order to man to subdue the earth, so that it may serve his needs and ideals; and intellectual history now traces Western civilization back to this very will to work, to be practical, to create—a will that, as a contemporary theologian puts it, “asserted itself in history by breaking down the barriers which separated the ‘merely industrial’ or ‘merely useful’ kinds of work from the ‘higher’ kinds.”

Now, this complex development of ideas and of civilization was, I feel sure, written on the tablets of Ezra Cornell's mind, which he summarized in the phrase that is on the seal of the University: “I would found an institution where any person can find instruction in any study.”

When Edmund Ezra Day asked Irving Ives to place his School of Industrial and Labor Relations on the campus at Ithaca and to make it an integral part of the University, he acted in the spirit of Cornell and White, and in the spirit of Plato and the humanists, and of all those elements of our religion and culture that are alive and significant for life. Day and Ives, knowing that work is a primary concern of man and of society, and that a substantial aspect of civilization is the system of relations among men who work, and between workers, employers, government, and society, founded a school of industrial and labor relations within a university that does not recognize a classification of subjects into “liberal” and “illiberal,” or theoretical and practical, or sacred and profane—a school within a university conducted on the principle that narrow subjects must be studied broadly and deeply, that theories must be tested by practice, and that practical activities must be investigated for valid empirical generalizations, for the “one in the many” that they may contain.

The establishment of the School broke new ground in American education. We who are intimately connected with the School know that only men who have no responsi-

bility have the right to leave ideas vague. We have the responsibility to turn ideals into practicalities, and to seek near—and even immediate—means to distant ends. We are, however, not gods but men. We do not expect to complete that which is by its nature an infinite task, or to find perfections where only approximations are possible. And so, while we are proud of our functions and purposes, we are humble in the awareness of our imperfections and limitations; yet we hope that, young or old, we shall never want to take in sail, and that it will ever be our determination, as it is our destiny, to strive and to seek to fulfill the ideas of Ives and Day, for whom—with apologies to Thoreau—there will ever be ample room in the world of living men.

Why One Professor Changed His Vote

[In the Spring of 1969 the Cornell University campus was caught up in a turmoil that attracted national—and even international—attention. Thousands of students, and some faculty and staff members, had become aggressively activist and militant, and there were subtle and open threats of violence. In this setting, the University Faculty held a meeting in which the atmosphere was tensely emotional. Milton Konvitz, shortly after the meeting, sat down at his desk to write a letter to his son Josef to explain what happened at the faculty meeting and how he felt about it. In the course of writing, the letter became an article, which was then published on Sunday, May 18, 1969, in the *New York Times Magazine*. The article is reprinted with permission of the New York Times Co.]

This is being written the morning after. My estimate of what happened on the Cornell campus in the last few days takes its origin from “emotion recollected in tranquillity.”

Yesterday, Wednesday, as I sat in Bailey Hall Auditorium, one of a thousand or more members of the university faculty, and listened—part of me intent and part of me

numb—to the statements by Hans Bethe, Clinton Rossiter, Max Black and many other professors, in which they pleaded for the faculty to rescind the reprimand imposed on three black students for their conduct in demonstrations last December and January, my mind kept reverting to Hobbes's description of men in a state of nature—"a condition of war of everyone against everyone." For days now we have had "no arts; no letters; no society; and which is worst of all, continual fear and danger of violent death." And the end of that famous passage in *Leviathan*: "... and the life of man solitary, poor, nasty, brutish, and short."

For, tragically and unbelievably, the campus had suddenly, in a matter of hours, reverted to a state of nature. As we sat in the auditorium thinking, feeling, suffering and half-heartedly engaging in some sort of uninspired debate, we knew, from the expressed and implied threats, from the temper of thousands of our students and perhaps three score members of the faculty, that in a matter of minutes the campus might become an armed camp.

We were asked by the Faculty Council to adopt a resolution nullifying the reprimands of the three blacks. Only two days before, on Monday, the faculty, in the same auditorium, had refused to accept such a resolution that was offered by the dean of the faculty, Robert D. Miller, who had negotiated the evacuation of Willard Straight Hall by members of the Afro-American Society. On the surface, it seemed as if we were being asked to declare on Wednesday that $1 + 1 = 3$, though on Monday we had said, firmly and decisively, that $1 + 1 = 2$. Were we wrong on Monday? What new facts had been presented to persuade us that we were wrong only two days before?

This is how things looked on the surface, and my impression was that the proponents of the resolution offered by the Faculty Council failed to dispel the apparent contradiction. Yet I had the feeling that most members of the faculty at the meeting sensed, though they could not express it, that the contradiction was only a verbal one. In

fact, the issues on the two days were radically different, but this was difficult to express and communicate.

On Monday what the faculty saw as they voted was an agreement made while Willard Straight was still in a state of siege, held by students armed with weapons. The dean of the faculty explained that it was his belief that the black students sincerely believed that they needed the weapons for self-defense, for rumors had come to them of fraternity members preparing to attack and oust them. He said that the weapons were not a threat aimed at him. He did not, he said, capitulate under duress exerted by the blacks against himself, but under duress of the circumstances in their totality, for he was afraid that, if the building were not quickly evacuated, there was the great likelihood of danger to life and property.

At the meeting on Monday he tried several times to convey to the faculty the sense of urgency he had felt the previous day, and he wanted the faculty to place themselves in his position on Sunday, and to confirm as the principal what their agent, using his best judgment, had presumed to do.

But the faculty had a different picture before them. No one criticized Dean Miller. Perhaps each one individually might have done the same. No one said that he had acted hastily and without judgment or warrant. But collectively, they felt, they could not validate an agreement made under circumstances which imposed so heavy a burden on the mind and conscience of their representative. Even if the guns were not aimed at Dean Miller, the seizure and the weapons together meant force and violence aimed at the university and the faculty, and this could in no way be legitimated by expressly giving the blacks the fruit of their violence and threats of violence, even if the threats could be construed as meaning that they would use the weapons only if attacked. For they were the ones who had used violence by seizing the building, ousting, before 6 A.M., parents of students who were in the guest rooms, and ousting the

employees, and guarding the doors to let no one into the student union. Violence breeds or invites violence, and when men start out to achieve what they want by strong-arm methods, they must be prepared to face the unforeseen consequences which may follow.

Some such line of thought, I think, must have run through the minds of the hundreds of faculty members as they voted to turn down Dean Miller's resolution. They did not then have their eye on the judicial system or on the penalties imposed on the three students. They thought only of refusing to hand to the Afro-American Society the fruit of its unlawful acts.

On Wednesday, as I sensed it, the faculty faced a radically different situation. Since Monday's faculty action, the two days and the hours and minutes had been used by leaders of the Afro-American Society and the leaders of S.D.S. to heat up the students, with the result that anywhere from 2,000 to 4,000 students (I think this is a fair estimate) were ready to throw the campus into utter turmoil if the faculty did not nullify the penalties against the three students. They, and some faculty members as well, stood ready to seize buildings, and after that there probably would have followed acts of harassment against many professors and administrators. For the spokesman of the Afro-Americans had, in an inflammatory interview on Tuesday, which was heard on the radio by thousands of the Cornell community, branded the faculty as "racist" and named some professors and administrators as "racists," and said they would be dealt with accordingly. He gave the faculty until 9 P.M. on Tuesday to act to nullify the penalties. The clear implication was that after that all hell would break loose. When informed that the faculty would meet on Wednesday at noon, he extended the deadline until after the meeting, to see what the faculty decided. He said that the Afro-American Society knew what its goals were, and that its members would seek to achieve them by whatever means. Thousands of students were waiting in Barton Hall to see

what the faculty would do; several thousand of them had slept there through Tuesday night.

On Wednesday at 11 o'clock, an hour before the faculty meeting, more than 300 students of the School of Industrial and Labor Relations, where I have been teaching for 23 years, held a convocation to which the professors of the school were invited. Classes were suspended so that all students could come if they wished to do so. Some students wanted the meeting so that they could tell their professors how they felt before they went to the faculty meeting; some, perhaps only a minority, wanted the meeting in order to hear what their professors thought. In any case, as I sat through that session the message of the students came through to me very clearly: they were in no mood to listen to argument. With few exceptions they had made up their minds firmly and immovably: The faculty *must* nullify the reprimands or else. . . .

As the students gave thunderous applause to the student speakers who shared the Afro-American and S.D.S. position, I could not help but think of the philosopher Miguel de Unamuno. After Franco had taken possession of the universities, at a convocation at the University of Salamanca, where Unamuno was rector, he spoke out against the rule of force and violence, but he was shouted down with cries of: "Death to the intelligentsia!" I felt that I was hearing thousands of students cry out: "If you don't do as we want, death to the professors!" I had seldom in my years of life felt such deep bitterness of soul, as if all my thinking and working and teaching and writing had been nothing but vanity of vanities.

And then I went over to Bailey Hall and the faculty meeting. Little by little, as I sat and half listened and half mused, it came to me that in fact what the faculty was facing was not the Willard Straight situation. That was on Monday; but now, on Wednesday, the faculty was facing the wilderness, the state of nature as described by Hobbes. We are no longer a civil polity—or rather we stood on the brink.

We could have a state of war. The president had asked for police to stand at the alert, and several hundred policemen and deputy sheriffs had come in from outside the city and county. But the arrival of police, as we know from events on other campuses, in itself contributes to a state of tension, and thousands of moderate students suddenly become militants as the police arrive. Possibly hundreds would be injured, many perhaps seriously, some might get killed, fires would be set, and worst of all it might take years, as at San Francisco State College or at Berkeley, to reinstitute peace and order and mutual trust and respect. A society can be destroyed in hours, but it takes years to build one.

This, it seems to me, was what the faculty faced on Wednesday. Unfortunately, the challenge came to the faculty in a verbal formula which made it seem that we were called upon to contradict ourselves. Actually, what we were voting on was whether to have a state of nature, with all that it implies for the present and future, or to try to renew the social contract. But the formula for this, forced upon us by the students, was one that called for a nullification of the penalties. To our students, and to the outside world, the faculty action must look like a faculty capitulation.

And this is how it looked, too, to the three professors who spoke against nullification. They had logical, orderly, principled arguments and statements. If it had been a debating contest they probably would have scored high on points. I listened to them with an open mind and was almost persuaded, but then I shook myself and said: "These men are right from the standpoint of an either/or logic. If we were right on Monday, then what was right then should be right on Wednesday. But this system of logic is not applicable. There is a both/and logic that is much more relevant."

We were right on Monday when the Cornell situation, as we then saw it, focused on Willard Straight Hall. We then were right in refusing to nullify. The Cornell situation on Wednesday, however, was the whole of Cornell University as a civilized, orderly community. The students were ready

to nullify the social contract if we did not nullify the reprimands. Under these circumstances the majority voted to nullify—but, in fact, to refresh the social contract.

I voted for the resolution, but I could barely myself hear my “Aye.” It was almost as if I would gag on the word. It was a very bitter pill to swallow. For I knew how eager students will be to interpret the vote of the faculty as an admission of weakness and cowardice, and how the world at large will construe the vote as a craven capitulation. And the Afro-American Society and the S.D.S. may in a short time (there are only a few weeks left to the current academic year, so perhaps there will be no further aggressive action now, when students need to finish up term papers and get ready for examinations) find new grievances—they are easy enough to uncover or create—and escalate their demands. There is no guarantee that what has happened once will not happen again and again, and next time what the faculty may be asked to agree to may be infinitely more important than the nullification of reprimands on three students.

But life today offers little stability in any respect. The quest for certainty ended some years ago. We live permanently in an encircling gloom, and the kindly light that we have is only a feeble candle of short-range vision.

*Of Exile and Double Consciousness:
A Reply to Max Beloff*

[The August 1979 issue of *Encounter* published a review of *Judaism and the American Idea*. The review by Max Beloff, noted English historian and political scientist, a professor at the University of Oxford, led the editor of *Encounter* to invite Milton Konvitz to submit a brief article that would comment on the review. The article was published in the October 1980 issue of the magazine. It is reprinted with permission of the magazine *Encounter*.]

If my book, *Judaism and the American Idea*, is read and reviewed—as was done by Professor Max Beloff—from the perspective of the problem of anti-Semitism, then I can see how it may impress the reader as the expression of “the innocent optimism of an American Jew.” But I would gently protest that to read the book in such a confined context is to subject it to a procrustean treatment. I had thought that I had made it clear at the very outset that my book was concerned “not with being but with ideals and values”; that it proposed to describe “an ideal America” and “an ideal Judaism”; that it was concerned with “human ideals and rights.” It is a book that should be classified as a

history of ideas rather than as a sociological treatise. Only in one chapter, "From Jewish Rights to Human Rights," do I touch the question of anti-Semitism, without, however, departing substantially from the chief thrust and spirit.

But Professor Beloff has raised some significant and sharply-focused questions. They touch the problem of "roots" and "Jewish identity" (to use the terms of Prof. Beloff's subtitle). He concludes with the challenging statement:

"The ambiguity of Jewish experience and the claim to be a people and not just a sect means that anti-Semitism is inherent in its environment—Christian, or Muslim, or Marxist. *Pace* Professor Konvitz, no Bill of Rights can resolve the problem of Jewish identity."

I readily assent to the spirit, though not to the letter, of this statement. Jewish existence is intrinsically ambiguous, but this ambiguity is not necessarily a cause of anti-Semitism. Nor is anti-Semitism the cause of Jewish ambiguity; for even if the Bill of Rights of the US Constitution were fully observed, so that every American—regardless of his race, colour, religion, or national origin—lives peacefully under his own vine and his own fig tree, the problem of Jewish identity would still remain. A Gallup poll (conducted in May 1979) showed that 12% of American Protestants and 13% of Catholics thought that Jews were trying to gain too much power. This was a significant drop from the figures in polls taken in 1952 and 1965. In May 1979 only 2% of Protestants and Catholics said that they ever had an experience that made them dislike Jews. Even if polls and other investigations were to show that there was absolutely no prejudice against Jews and no instances of discrimination against them, there would still remain, I would say, the problem of "Jewish identity" and the "ambiguity" of Jewish existence. Just as the Emancipation and the Enlightenment did not end the Jewish exile, the *galut* of the Jew and of Judaism, even so the establishment of full peace and security for the State of Israel will not end either the exile (*galut*) or the dispersion (*golah*).

For the Jew's destiny is existence in tension: to be, at one and the same time, attached and detached: to be rooted and yet transcendent: to seek harmonisation with his surroundings and yet be the critic and the prophet and to have no resting place. The haunting verse of Henry Vaughan applies peculiarly to Jews: "*God ordered motion, but ordained no rest.*" No one so much as the Jew knows an inner solitude. Emerson in his essay on "Fate" wrote of "double consciousness." But who knows this double consciousness better than the Jew? I can speak of myself as being an American Jew, or as a Jewish American, but in fact I am both an American and a Jew. The two coexist, often in harmony, often in tension. I think of the poignant outcry of John Woolman, the saintly American Quaker: "In my travelling on the road, I often felt a cry rise from the centre of my mind, thus, 'O Lord, I am a stranger on the earth, hide not Thy face from me.' . . ." The Jew is at home and a stranger. He may be busy in the marketplace or office, on the bench or in the legislature, yet at his centre there is a tiny heart of loneliness and solitude. Like Hawthorne's minister who always wears a black veil, the Jew has a private face which he will not show the world. Jews live in a world of action but often are not of it. They are attached to it, and yet a part of them belongs elsewhere. In that elsewhere they know each other, they embarrass and hurt each other, they comfort and keep each other, they strive and hope for each other; in that elsewhere they are a people apart.

In that elsewhere they have, with Sir Thomas Browne, "a glimpse of incomprehensibles, and Thoughts of things which Thoughts but tenderly touch"; their heads are lodged with immaterials, and they ascend (or descend) into invisibles. For the Jew, there is no ease in Zion; life is perpetual struggle; existence is actually or potentially precarious; he sees life as constant motion, change, as contention and reconciliation, as damnation and salvation.

What I have said about the American Jew is, perhaps with equal force, true of the Israeli Jew. He is at home in the State of Israel. He is, at the same time, in exile, as is the

American Jew, as is every Jew. Homelessness for the Jew does not end with the attainment of freedom and equality, and freedom from prejudice and discrimination—freedom from anti-Semitism—in a free, democratic country; nor does exile end with the attainment of national independence and statehood in Israel. Like Jacob, the Jew is eternally the sojourner. For the Jew, there is no normalcy, not even in the State of Israel. He remains in exile, the sojourner. The Israeli Jew, too, like Jehudah Halevi, can cry out: “My heart is in the East, while I am in the far West.”

The Jews have always been wandering Israelites. They wandered before they were banished. They were in the Diaspora before they were in the Exile; the *golah* came before the *galut*. “Our people wandered before they were driven,” says Joseph Kalonymos in *Daniel Deronda*; and hundreds of thousands of Israeli Jews, even *sabras* (native-born citizens), choose to be wanderers, to be in exile in America or Europe rather than to be in exile in Israel. “The spirit bloweth where it listeth . . .” It is no different with the Jews who are fortunate enough to be allowed to leave the USSR: some choose home/exile in Israel, some choose to make their home/exile elsewhere. Why would they not remain in their Russian home/exile? Because Russian totalitarianism demands that the Jews, though identified and marked as Jews, destroy one side of their double consciousness—that they do what is for them an impossibility, namely, think of themselves as being altogether at home and not at all in exile; in other words, though identified and marked—and treated—as Jews, that they cease to know themselves as Jews.

But the Jew, as easily as Kant, and almost by instinct, knows the difference between phenomenon and noumenon, between the world of appearance and the world as it really is—*das Ding an Sich*. This puts him in constant tension between the actual and the possible, between what he sees and what he hopes for. In the *Autocrat of the Breakfast Table*, Oliver Wendell Holmes says that in every dialogue between John and Thomas, there are at least three

Johns and three Thomases: (1) the real John, known only to his Maker; (2) John as he ideally sees himself, and often very unlike him; (3) John as Thomas sees him, often very unlike the real or the ideal John. (The same analysis can be applied to Thomas.) One could say that every Jew is many men. There is more than double consciousness in his case. (1) There is the Jew as only God sees him. Maybe that is the real man, the Platonic Idea of myself. (2) Then there is the Jew as I see myself ideally, the man I wish to be, hope to become. (3) The Jew I know myself to be phenomenally, with all my foibles, my habits, my failings. (4) The self that I try to show to my wife and family and friends, the self that is sharply controlled and moulded to get close to the ideal self I would like to be. (5) The Jew that I show myself to be when I am with other Jews. (6) The Jew that I try to be when I am with non-Jews. I contain, I am sure, many other selves, a whole universe of selves. And they overlap, and coexist, and are in constant tension among themselves and among the multiple selves of others.

Now I know that much of this is fully applicable to all men, Jews and non-Jews alike, as the reference to Holmes alone would indicate. In the story by Hawthorne, "The Minister's Black Veil," the speaker is a Christian cleric, who speaks, in the following poignant passage, for the human condition:

Why do you tremble at me alone? Tremble also at each other! Have men avoided me, and women shown no pity, and children screamed and fled, only for my black veil? What, but the mystery which it obscurely typifies, has made this piece of crepe so awful? When the friend shows his inmost heart to his friend, the lover to his best beloved; when man does not vainly shrink from the eye of his Creator, loathsomely treasuring up the secret of his sin; then deem me a monster, for the symbol beneath which I have lived, and die! I look around me, and lo, every visage a Black Veil!

But the Jew, the man of multiple consciousness, is destined to cover with his black veil more selves than are given to

others. In a sense, every man is in exile; in a sense John Donne was mistaken, every man is an island. But the Jew—American or Israeli or whatever—is the paradigm of the man in exile. The ambiguity of Jewish existence, the problem of Jewish identity, follows him wherever he goes or rests or is driven. He cannot ever be the sailor home from sea, or the hunter home from the hill.