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# A Comment on Professor Hook's Paper

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I start with the concession that much of what Professor Hook says is true. Not to recognize this would be folly. Hook's condemnation of academic violence is necessary, justified, and important. Ultimately, however, the picture he draws and the conclusions he states are misleading.

Academic freedom is indeed in jeopardy, but not merely from the internal sources Hook mentions. Outside pressures exist as well. Professor Hook suggests that by establishing a criminal law system, universities can successfully cope with student violence. Having been involved at almost every level of the internal judicial process at the university, I am convinced such a system is not a viable solution.

The investigation and trial of those involved in misconduct arising out of protest is something that universities simply are not well equipped to do. First, many of the disrupters are non-students. Second, while the people who have in fact engaged in acts of violence are difficult to uncover, spokesmen for radical ideas tend to be well known. As a result, the people who are chosen for punishment are not the people who have thrown rocks or bombed buildings; instead they are the people who have received publicity for what they have said. It was no accident that the president of the student body at Kent State and a prominent professor were chosen for indictment. Universities are under tremendous pressure from people who believe Mr. Hook's diagnosis and advise to administrators that they could solve the problem of unrest if they showed more backbone.

Unfortunately, Mr. Hook overlooks the fact that the backlash against students is very real and much of it is unreasoning. Backlash tends to seize not upon student militants, but upon students who advocate change. My fear is that this backlash will force universities to take action in an effort to show just how tough they can be. We all know it is attractive to demonstrate to the state legislature that the university is

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really not “soft” on students when the legislature is considering appropriations for the university. An example in point is now in litigation in Indiana. Indiana University is currently being sued by the Attorney General of the State for being too permissive toward students. A student was suspended indefinitely for lowering the flag in a memorial for the students shot at Kent State. When asked by the student’s lawyer what rule had been violated, the administration compared the student’s conduct to a rape and said there was no need for a rule in such cases. The student was told to leave campus and not return. When he did come back to review some of his records in preparation for his defense, the student was arrested for violating the trespass laws which were drafted by the Indiana legislature to prevent disruption on college campuses.

This is the other side of the attack on academic freedom. It is just as real and it is just as frightening as the cases which trouble Dr. Hook.

Like Professor Hook, I am deeply disturbed by the irrationality and excess of emotionalism on the part of the students who are asking for change. Yet, in attempting to discover the source of these excesses, we have been guilty of oversimplification.

The weaknesses of academic administrators in the face of protest is clearly not the sole cause of academic disruption.

It is important to recognize that this generation of students has had its non-violent, liberal heroes literally shot out from under it. The impact of having one’s heroes destroyed before one’s very eyes can be nothing less than shattering. No doubt much of this disillusion will not fade until new heroes emerge or a new generation emerges.

The violence that erupted in reaction to Dr. King’s assassination displays seeds of disillusionment. Such responses to violence have deep roots in American culture. In Western movies, for example, the hero often starts in a non-violent role. When his friend is mercilessly gunned down, however, our hero straps his gunbelt, pins a star to his belt, and mounts his white horse to avenge the villain. To some extent this is what our students are doing.

There are, of course, other cultural reasons why violence has become more frequent from the left. The change in lifestyle on the political left has attracted people who would have in past years had no ideological sympathy with the causes of social justice which the left espouses. Today, people who are emotionally fascists may think of themselves as leftists. They are the ones who at meetings are likely to shout, “Let’s go get the pigs.” or something of that sort. They are all too eager to fight and are therefore destructive of the causes they purport to espouse. Undoubtedly a part of the problem, these radicals are not so significant as Dr. Hook suggests.

Another cause—and often an underrated cause—of student violence can be found in our educational system: We have created intense pressures in our society for academic success. (I can recall a private grade school in Boston that required a prospective student to have recommendations from his kindergarten teachers.) Educational reform could help to reduce such pressures, although I agree with Dr. Hook that it is far from the total answer.

Another reason for anti-intellectualism among students is the poor performance of the American intellectual at the time when educators were offered power and prestige. During the early sixties, the academic profession was given virtually a blank check by society. Intellectuals were told they could have all the money and power they desired. Speaking as a liberal intellectual, I think that our performance was poor. It is distressing to realize that American liberal intellectuals had a significant role in getting us into the Vietnam War. Moreover, I believe the American intellectual and the academic community were too easily bought by power, by expense accounts, by foreign trips, and by foundation money. Clearly, the intellectual is not a model for the younger generation. We don't deserve to be. In short, the academic community has not distinguished itself by its commitment to its own principles.

Finally, the most basic question raised by both Tom Todd and by Professor Hook deserves some attention: Indeed, what is the appropriate role for the university in regard to the major problems of our society? As Dr. Hook asserts, the university should not become a spokesman for political causes. Unfortunately much of academic deception has been passed off on students in the name of relevance. When the universities first sought to meet the demands to help solve the problems of our society, they did so too often by means of programs of doubtful intellectual quality; an institute on this or a crisis series on that. Academicians would gather briefly, exchange views, then fly back home with few, if any, new ideas. Very little scholarly research was generated. Perhaps the letter from a friend who is deeply troubled by the current problems of our society and evaluating the significance of this current research in another country will prove meaningful. He writes:

I am tempted to fly home to join in the battle. Two thoughts keep me calm. One is the time I was in Selma and watched all the leaders of the revolt trying to elbow their way to the microphone. Second, is Albert Einstein's thought that if he were to be born again, he would prefer to be a simple plumber. That is in line with the Hasidic notion of the 36 hidden saints who uphold the world by their righteousness. The truth is that if everyone spends all his time on the platform in front of the public or jawing with students, who will do the thinking?

Who will write the serious books, who will be prepared to act rationally or calmly and to use his intelligence?

Conflicting this sentiment is the impressive quote from Justice Holmes, "As life is action and passion, it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived."

The dilemma facing the university today is symbolized by the tension between the views expressed by my friend on the one hand and Justice Holmes on the other. They each state significant truths that pull in opposing directions. The problem is to resolve, both individually and institutionally, the need to address ourselves to the passions and problems of our times, and yet to be true to our own mission to evaluate and to inquire. For a law school to ignore these problems would be inexcusable. On the other hand, to permit ourselves to become merely the spokesmen for certain approved ideas or to permit ourselves to become involved as a political institution would be a tremendous mistake.

The resolution of the conflict must be in the way we perform our educational function. We must be certain we are preparing our students to deal with the overriding problems of our time. We cannot limit ourselves to a preparation that will be good for those people who desire a certain kind of practice, perhaps on Wall Street or in a small town in Indiana. It is important that our students are prepared to deal with significant social problems: unemployment among black teenagers, rationally reforming the criminal law system.

To achieve these results law school faculties today must address themselves to these problems in their writing and teaching. It is important that they have in their professional lives the kinds of experience that permit them to develop insights to be shared with students. Yet this must be done in a way that doesn't subject them to the charge of seeking to elbow up the microphone. They must not simply try to cash in on what is popular or devote themselves to the task of winning student approval. They must confront problems and experiences as scholars. It may be different for different parts of the university, but it is important for a law school to recognize that it does have a commitment as an institution to help improve the quality of the legal process so this dream of equal justice for all people can become a reality some day.