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FORUM

THE CHALLENGE FOR LAWYERS IN THE AGE OF CREDULITY, SUPERSTITION, AND FANATICISM

Rennard Strickland*

This essay is adapted from a speech given by Dr. Strickland at the Tenth Circuit Roundtable of the Law Student Division of the American Bar Association, in October, 1974.

There is a marvelous Hogarth Illustration entitled *Credulity, Superstition, and Fanaticism* which seems to me to be every bit as descriptive a title for the twentieth century as for the eighteenth century. At the top of the print, just above the altar, are witch and devil symbols supported by the church and a figure pointing to "St. Money Trap." There is a scale of justice for measuring "Ravings" and the whole mad scene is presided over by the clergy in their robes and British justices, barristers, and solicitors in their wigs. I bring this engraving to your attention because as law students you are preparing to move into the mad world of the twentieth century, into a secularized society in which even the church figures have been replaced by lawyers.

There is an equally perceptive view of this age, a view surprisingly reminiscent of that Hogarth engraving, in the contemporary Walt Disney poster from the late 1960's and 1970's. You may remember it. It was a terribly amusing, although pointedly obscene, portrait of the wonderful world of Disney gone mad. It is that obscene and now suppressed Disney poster with poor little Snow White, smile on face, servicing the seven dwarfs. I thought at the time, doesn't this say it all.

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Hasn't this age become a giant, full-length Walt Disney cartoon—a nursery-rhyme “gang-bang” in living color. I'm not talking about sexual morality (one of the great achievements of this age was that the pill separated the recreational and procreative aspects of sex). I'm not even talking about the eternal optimism of a society so Shirley Tempel that it believes we live on a cosmic Good Ship Lollipop in which you can conquer inflation and unemployment while granting tax cuts and continuing to expend personal and federal dollars to prevent recession. I'm talking about the Mickey Mouse as Sorcerers Apprentice aspect of our culture. I'm talking about the fact that lawyers as leaders have an obligation to face reality. I'm not talking to you in your lawyers in the courtroom role. I'm talking about what Myers McDougal and Harold Lasswell call the Public Policy role of the lawyer. I'm talking about what our great American legal historian Cal Woodard called “tradition and reality.” About what I have elsewhere denominated the balancing task of accommodating continuity and change.

Let me be brutally frank. You are leaders. You have a political constituency. The odds are that you will become leaders in the larger cosmos of society. God forbid that you should be as ill-prepared as my law school classmates who are already serving as congressmen, governors, state and federal judges, and even federal attorneys investigating the CIA, Spiro Agnew, and Richard Nixon. And, frankly, I think you are headed down that very same path. Today, you are smug, you are self-righteous, you are opinionated, you are insipid 1970's model Bobby Bakers, John Deans, Whittaker Chambers, Neville Chamberlains, and Richard Nixons. You think at the font of the conventional wisdom of your age and you are probably intolerant of those who do not.

I would not be disturbed by this except for the fact that you could be, and if civilization is to survive, you must be more than this. The great Spanish philosopher Jose Oretaga y Gasset, the man who warned us of mass man and the dangers of mass society, introduces what he calls “the concept of generations.” He says that generations have tasks and that tragically many generations are not up to their tasks. I think the task of your generation is to free us from the traditional molds of thinking and to come face to face with the reality of this changing world.

And let me tell you, to have a pure heart, and wish only the best for the world will not alone fulfill the task which destiny has thrust upon your generation. Let me take you back. The year is 1947; World

War II is just around the corner; the boys are just home from battle; and peace is wonderful. Never, and I mean this sincerely, has a generation been as dedicated or as determined as the veterans of World War II were to reshape the world. I want you to go back and read the literature of that age. There is a zeal for creation which neither my generation nor your generation has yet matched. This was, in a real sense, a chance to rebuild the world, restructure reality. And there probably has never been a generation which failed so miserably in its task. And I will suggest to you that one of the reasons they failed was that they were, like all of us, prisoners of their own time and their own experience. To them every experience was Europe and Japan in the 40's. The task of breaking out of your time prison is a difficult if not impossible one. This is your challenge.

The tragedy of Vietnam was that we were fighting World War II all over again, or at least our leadership thought we were. We were fighting it again in ideology and in strategy. The victory against Hitler and Tojo was so marvelous, so complete, so exhilarating, so worthwhile that in the 1960's we were trapped into the now famous "False Munich Analogy." Quite frankly, unless you have more strength and more ability to grasp reality than your World War II counterparts and my Korean and Cold War generation you will be forcing the country into a "False Vietnam Analogy" when you are in the White House, when your generation is in control. And I can say this without fear of being wrong. It is in the nature of things that whatever your crisis will be Vietnam will be as inappropriate an analogy as Munich was for Vietnam. Right now many of you are enjoying the euphoria of victory, of an "I told you so" about Richard Nixon and about world politics. And here is the danger, the possible seed of destruction of your generation.

These days the conventional reality of the news magazines and broadcast world has about a three-week run. We live in an age of fortnightly crises. The media has given us a Devil-Angel Theory of law and life. Well it just ain't so. Justice is not black and white, good guys and bad guys. We can rid ourselves of Richard Nixon, Gerald Ford, of Teddy Kennedy, of George McGovern, and the problems won't go away. A people who can believe that Rosemary Wood is capable of eighteen and a half-minutes of Houdini torture to erase a tape; or that Ted Kennedy can outswim Mark Spitz; or that Richard Nixon knew nothing of Watergate; or that the people in Austin, Texas wanted only Lady Bird's television station and that she, by herself, was able to build thirty thousand dollars into thirty million without a push from

Lyndon; that the AFL-CIO can contribute millions without putting strings on congressmen; are prime candidates for leadership in this new age of "Credulity, Superstition, and Fanaticism." Even in Walt Disney's fantasy land, Pinocchio and Snow White wouldn't believe it.

And yet, I think there is a danger that in the excitement of success, in the hurly-burly of leadership, of flying to conferences, of champagne receptions, of expense-account life, that your generation, like mine, will be seduced to come into this wonderful world of color, the world of the "radical chic," and the inexhaustable coalitions, caucuses, and conferences. I hope not. There are some good signs. But there are also bad signs. Lest you think I am alone in saying this, let me give you the response of the youngest state supreme court judge in the country. Richard Neely of West Virginia notes that "today's dedicated students have turned into what they most hate: technocrats. Both the concerned law student and the Army colonel have in common an abhorrence of abstract thought. They have joined the tradition of postwar, technically oriented American anti-intellectualism that has reached its zenith in the current administration in Washington."

I guess what I am saying is that as of today, my colleagues and my classmates have failed. And let me tell you we were bright, we were bushytailed, and we were going to change things. But we didn't or we haven't.

I fear your generation is becoming what Daniel Boorstin has called "the new reactionaries." You are looking back to the solutions of the 30's and 40's, 50's, and even 60's for the problems of the 70's and the 80's. The year 1974-1975 cannot be equated with 1929-1930. One was a surplus economic crisis, the other a scarcity economic crisis. Your knee-jerk responses may be different ones from old Henry Ford or Herbert Hoover but they are just as immediate and as unresponsive. What I am saying is that it is easy to poke fun at others and to pontificate. But I believe that even if all the "right proposals" were adopted that we'd still face most of the same problems. What I am saying is that unless you want to become trapped in your own age, unless you want to foist upon your children and grandchildren, other Vietnams and other Watergates that you must examine and re-examine, with boldness, all of the answers that you give. As Cal Woodard has demonstrated, when the reality of the failure of *Laissez-faire* capitalism became a reality, the system died. Let me say that the nineteenth century battlegrounds are today irrelevant and that welfare-state socialism is as useless as *laissez-faire* capitalism. The battles which we are fight-

ing may be totally irrelevant. It is "the *madman*"—as Woodard liked to call him—who changes things. It is the man who thinks beyond his age. Malcom Muggeridge expressed it best when he said:

The best demolition work is done by such unlikely agents; bourgeois society being a Prometheus fated to gorge its own entrails. Was it not two bourgeois Jews—a typical Viennese general practitioner, and a British Museum Reading Room *enragé*—Freud and Marx—who undermined the whole basis of Western European civilization as no avowedly insurrectionary movement ever has or could, by promoting the notion of determinism, in the one case in morals, in the other in history, thereby relieving individual men and women of all responsibility for their personal and collective behavior.

Unless you are, in fact, willing to reach beyond what the current issue of *Ramparts* or *Harpers* or *Atlantic* tell us, unless you are willing to reject the tenets of radical chic, then we have to look forward to a continuation of this madhouse that we are in. It is not enough to hold all of the "right views" and espouse all the "right causes" without asking why are these the "right views" and the "right causes." The danger of culture lag is now too great.

In twenty or twenty-five years, another of Oretga's generations will have arrived. And they will be meeting in law student conferences like this one and they will ask of your generation as you have asked of mine "What have you done with the golden opportunity which you were given?"

In conclusion, I would like for you to return to that Hogarth engraving of *Credulity, Superstition, and Fanaticism* and ask yourselves if in your easy-come, self-certain solutions you are not guilty of these vices. And I will leave you with another thought from Malcolm Muggeridge's *The Green Stick*:

Judges need their wigs and robes, priests their vestments, scholars their gowns, for that matter, hippies their long hair and fancy dress; otherwise, the fraudulence of their pretensions would be all too apparent. . . . I learned at an early age the great truth that the twentieth century is an age of almost inconceivable credulity, in which critical faculties are stifled by a plethora of public persuasions and information, so that, literally, anyone will believe anything. It is on this basis that our great newspapers, television and radio networks, universities and schools, churches and, above all, our great advertising agencies . . . are conducted.

And I will add that we lawyers as public policy leaders in executive and legislative posts have not let down this tradition of "credulity, superstition, and fanaticism." Your challenge as young lawyers is to break out of this mold, free us from the limitations of your age, and lead us into an age of "reality, reason, and common sense."