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Book Review

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Reviewed by Janice T. Warren*

STUDENT PROTEST AND THE LAW, Edited by Grace W. Holmes (The Institute of Continuing Legal Education, Hutchins Hall, Ann Arbor, Michigan, 1969), 403 pp.

It is probably impossible and certainly presumptuous for a lay person to evaluate the usefulness to law students and practitioners of a book, by lawyers, about the law. My guess is that the Institute for Continuing Legal Education will get high professional marks for providing this carefully prepared transcript of their National Conference on Law and Student Protest convened in Ann Arbor, Michigan in 1969. Since active dissent hasn't lost any steam going into the seventies, the practical nature of this book should be right on target for those who may yet be on the legal firing line.

The volume also does an important job for those of us who went to college back in the forties when rules were quaint, broken and seldom worried-about—and social issues were seriously argued but not passionately confronted. It would be difficult to have been continuously the parent of at least one college student over the past ten years and not feel at least vicariously intimate with the crescendo of student protest. But the protest of students *as students*—their apparent passion for student rights within the academic community—has always been hard for me to credit against their presumed concern about the larger issues of war, racism, poverty, economic centralization and upside-down institutional and personal values.

From *Student Protest and the Law* I now derive an inkling that the attraction of dissent to such on-campus magnets may be a healthy sign that students still view the academic community as the watershed, if not the citadel, of freedom. Of course, there is more than an inkling here, also (not *de novo*), that for some student protestors freedom should be absolute for themselves and selective for all others.

The eleven lawyers and educators who addressed the Ann Arbor conference undertook to explain the role of the law in dealing with various aspects of student protest. Their unified aim was to establish how the law can be used effectively in situations issuing from dissent and protest. It is obviously their hope that both students and those who must react to the actions of students can be persuaded that the use of the law is also fair. Each speaker covers his allotted ground with experience-informed cogency. Discussing "The Lawyer's Role in the Design of a University," Paul D. Carrington of the University of Michigan Law School makes a good case for a retrenchment of university function and purpose which is reminiscent of John Cardinal Newman's *Idea of a University*,—slough off the moral disciplinarian role and get out of "the vortex of policy-making activity" return to the "classical ideal of the university as a place of inquiry, an enclave in which it is permissible to challenge basic premises and to think unthinkable

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thoughts." Robert L. Knauss chronicles trends in student involvement in campus decision-making and suggests meeting the challenge of disruptive behavior with techniques of labor mediation and arbitration rather than a judicial approach.

Throughout the speakers' remarks, as well as during the panel discussions, there is a candid facing-up to the legal dilemmas presented by a combination of hard-to-mix ingredients: a sparse body of case law prior to the sixties; difficult-to-parry reactions in the form of public sentiment and repressive legislation and the necessity of sorting out community and institutional sanctions and restraints.

The language of this work is so precise that even without its substantive merits it is a thoroughly satisfying reading experience for one whose general reading fare is more obscured by ornamentation. The transcribed panel discussions are particularly enjoyable because the contributors answer one another's questions with an informality which gives the reader a sense of the personalities participating. This is especially true when there are differences of opinion. But agreeing or not, their impromptu remarks are just as well formed as their prepared texts.

A large bonus is the fascinating appendix, a digest of legal papers used by the contributing lawyers in their efforts to stabilize student protest situations, and two documents of particular practical value: the joint statement on Rights and Freedoms of Students, and a Model Code for Student Rights, Responsibilities and Conduct.

It is heartening to know that what the law is, and what it is becoming with regard to student protest, offers the potential for ameliorating stresses and tensions which might destroy our universities. But it seems to me there is also the danger that highly accelerated use of the courts and lawyers by adversaries within the academic community might in itself endanger the hope of mutual trust and tolerance for divergent views which surely should characterize university life.

*Reviewed by Glenn E. Billington**

DEMOCRACY AND THE STUDENT LEFT, by George F. Kennan (Little, Brown and Co., Boston, 1968), 239 pp.

One measure of a book written on current affairs is its ability to withstand the test of time. For that reason it is often useful to re-read a book after a reasonable amount of time has passed to see if the author's thesis remains important. The subject of this review is a book written in 1968, *Democracy and the Student Left*, by George F. Kennan, former U. S. Ambassador to the Soviet Union and a widely respected diplomatic historian. The book, which fully deserves such a re-reading, consists of a speech the author delivered at Swarthmore College which was subsequently published in the *New York Times Sunday Magazine* in

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