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THE
CRESSET

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A REVIEW OF LITERATURE, THE ARTS, AND PUBLIC AFFAIRS.

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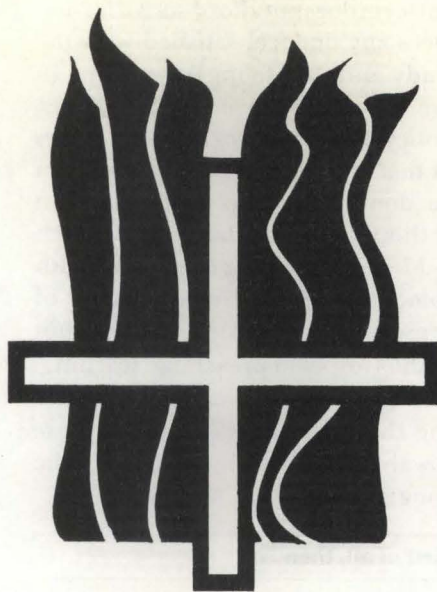
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Above: Valerie Spinnler, Valparaiso University student. *Misericordias Domini* Worship Guide cover drawing, black and green inks on ivory paper, Chapel of the Resurrection.

Cover: Pat Guttenberg, Valparaiso University student. *Chapel of the Resurrection Chancel*, negative photographic black and white print.

IN LUCE TUA



Structures, Confessions, and Conventions

The three Lutheran church bodies in America have been very busy in these past few years, not busy with the same things, but busy nonetheless. Both the American Lutheran Church and the Lutheran Church in America have gone through major structural overhauls. In addition to nearly a decade of hard work necessary for such revision, it must be noted that both groups were consciously trying to make the structures of the churches conform to an understanding of the church. The desire to shape a more efficient, more responsive, more economical form of national church government took the shape (at least rhetorically) of a passion. And on the horizon was always the anticipation that the revision of the organizational form would also make Lutheran unity easier and quicker.

During these same years, the Lutheran Church—Missouri Synod has been more of a tinkerer than a revisionist in the matter of synodical

organization. It has not engaged itself in a major organizational reshaping for some time, although one begins to hear calls for such a reshaping. The LC-MS has been much busier, first in its national and international programs, and more recently in its rather strenuous intramural debate on theological method, biblical interpretation, and doctrinal formulation.

There are common elements in the varieties of activities of these Lutheran national churches. While the ALC and the LCA have been engaged in restructuring, President Marshall of the LCA has called for the church to concentrate her attention on the doctrinal and theological task. The late Dr. Knutson, former bishop of the ALC, consistently emphasized the quest of the ALC to be a confessional church; the structures of the national body must seek to serve the confessional and ministerial task of the church, participating especially with the local and regional churches. And so, while the restructuring activity was going on in these churches, there was growing concern for the confessional, doctrinal, ministerial vocation.

All three Lutheran groups reflect the pressure and chaos of the present time; namely the increasingly difficult task of preaching the Gospel to a licentious, frightened, despairing, and lonely age. This pressure is showing itself in different ways. On the one hand, the difficulty of the pastoral task, the erosion of missionary zeal and congregational discipline appears as the natural (albeit superficial) hope that restructuring will inject new life and skill into the churches. On the other hand, this pressure shows itself in the misguided expectation that simply by being more severe, more apodictic, and more exclusive, new energies will be generated for success and growth. But the problems and difficulties will not go away. Neither will they yield themselves to solutions effected by power rather than faith, to remedies of majority vote rather than the authority of the Word of God, to clever devices, slick tricks, and mass advertising rather than faithful pastoral use of God's Law and God's Gospel. The pastoral task and the discipline of the Christian life call for attention that cannot be given by arguing, voting, and reorganizing.

Lutheranism as a Confessional Movement

All three Lutheran groups indicate again that Lutheranism is first and foremost a confessional movement within the one, holy church. Structures, organization, conventions, etc., like the form of the Christian congregation, must seek to embody that confessional understanding and the discipline of the life and work related to it. In this area the Lutheran Church—Missouri Synod has been a special agent in the life of Lutheranism in America. The LC—MS has always had some notion that those who take to politics for the life of the church and the purity of her Gospel shall perish with politics; and those who live by the Gospel shall be saved by that Gospel. Constitutionally, the LC—MS has embodied this centrality of the confessional nature of the church in its constitution: doctrinal issues are settled by the Word of God; all other matters by majority vote.

With the coming of the synodical convention in New Orleans this July, some dangerous alternatives are going to present themselves to the Lutheran Church—Missouri Synod. There are a variety of claims that border on charges of false doctrine. While the accusations and counter accusations are being made (generally around such sloppy and inaccurate designations as “conservative” and “moderate” or “liberal”) there is as yet no formal charge of false doctrine, no heresy charged against any pastor or theologian. If the questions are a matter of false or heretical teaching, let the charges be placed and the matter adjudicated. If it is not a matter of false doctrine but differences in theological method, exploration of ways to do the pastoral and missionary task, intellectual problems in biblical interpretation or in the apologetic task to the modern world, then the synodical convention is the least adequate instrument unless the assumption is that we will learn the truth by a vote. But if we are to correct each other, edify each other, and serve each other, the synodical convention in its pres-

ent form does not afford such a forum. Does any one feel satisfied with the study and debate on those items in the synodical convention? Budgets, policy statements, regulations, things of that sort (as has been shown) can be done at such conventions. But at this moment the Lutheran Church—Missouri Synod is confronted with something more basic: the matter of preserving and confessing the truth of the Gospel in preaching, teaching, and pastoral care, and administering the sacraments for salutary use toward the disciplined life of the congregations.

First of all, then . . .

By apostolic direction there is a “first” in carrying out such a task. When instructions are given to Timothy (I Tim. 1,2), urging him to fight the good fight of faith and faithfully to care for the treasure of the Gospel given to him and to the church, the first thing he is instructed to do is to urge the church to make supplications, prayers, and intercessions, and thanksgivings for all men, for kings and all in authority. . . . Let this be the first step in episcopal orders from the President, J.A.O. Preus. In this call for such supplications, let him be joined by every district president, and every other one who exercises the pastoral office, so that the whole church may engage in this first work for the preservation of the Gospel in the pastoral, churchly task.

CONVOKE A MINI-NICEA!

The next step ought to be plans and arrangements for the synodical convention following New Orleans to be devoted entirely to study, debate, correction, and arriving at a mutually established pattern for the churchly task.

Arrangements could go something like this: the New Orleans convention would make its decisions on fiscal, policy, and election matters to apply through 1975 to the 1977 convention. By-laws and administrative regulations for the various boards would continue to operate as

they do now. Beyond this, the New Orleans convention would take no final vote on controverted issues. Rather, the convention would give general guidance for items of dispute to be brought to the agenda of the 1975 convention. It would insist that there be wide and learned and representative participation in the discussion of the items and preparation of study documents and agenda.

The synodical convention in 1975 would be a delegate convention with the following qualifying differences: (1) delegates would be chosen (both lay and pastoral) whose knowledge of the faith and life in the Spirit would be of high quality; (2) to the lay and pastoral delegates would be added professors and theologians with rights to participate in the study and debate. Since the documents and statements from the convention would be for guidance to the congregations, pastors, and Synod, any convention action making them part of the Synodical Proceedings would have to await the following convention.

In the intervening months between New Orleans and the 1975 convention, pastoral and circuit conferences, larger pastoral conferences, and district conventions should follow a similar pattern. Let the district conventions deal minimally with the business items of the agenda, doing only the bare essentials to keep the budgets, committees, and boards functioning with policies and guidelines now in use. The monthly circuit meetings should be held, with the exception of perhaps twice in the year when the district pastoral conferences would meet, to discuss the issues and to study documents in preparation for the “mini-Nicea.” Lay men and lay women should be involved in the study and discussion, particularly at the local levels (they will also be represented as delegates in the convention) when we are exploring matters of the faith. We should explore with each other the anxiety about *certainty*, obviously a central and widespread problem. We have a pastoral obligation to guard the Christian certainty so that

the quest does not end in a false faith (*securitas*), the root of pride and despair. Mutual participation in exploring our task in catechesis and Bible study, in mission, worship, and discipline, would be salutary for all.

Let it not be argued that such a synodical gathering would take away too much time from the real work of the church. Quite the contrary is the case. If we do not see the issues of biblical interpretation and teaching, evangelism, worship, and pastoral care at the heart of the church's task, we are foolish workmen who are trying to build the church with hay, straw, and stubble. Such a building will perish in the fire of tribulation and testing. Let us instruct each other how to be master builders who know how to build with the precious metals and precious jewels of God's treasure.

Where are Guidelines for these Issues?

It is time for us to face squarely that we are in trouble. Our difficulty is deep and our poverty is widespread. We are in a famine, and it is not of food or drink! Our pride and despair manifest themselves in our church life, in our preaching, catechesis, and pastoral care.

Vast changes are taking place in our liturgies and through our liturgical commissions. These changes are receiving very little attention. The spirit is almost one of frenzy, trying to "make worship relevant," trying to "keep our young people," hoping that some new method will be the key to our church life. Where is the place to carry on pastoral, systematic, and biblical discussion of these matters?

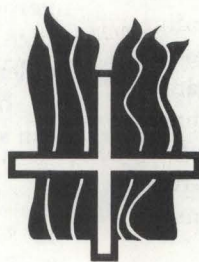
If our preaching of God's Law and God's Gospel is not destroying pride, giving courage to the despairing, making witnesses of hearers and turning them into doers, what questions are we to ask? Shall we play on each other's fears, stimulate additional anxieties by bugaboo questions rather than exploring with each other how that Law and that Gospel can better be spoken and heard?

Listen to pastors and teachers talk about catechesis classes. Stand on a university campus and hear what the young Christians say about their catechetical training, or try to work with their knowledge of the Bible. The anguish and sense of failure is so deep, so widespread, that it is almost unbearable to speak about it. The quest for new measures, new materials, reflects desperation more than vigorous use of the Scriptures to invigorate the church.

Evangelism programs are being sold and adopted that substitute business techniques and legalistic hard-sell for the witness to the true Gospel in the life of the Spirit.

The diagnosis could continue. But the point is that struggle, disagreement, and guidance about the certainty of the Christian faith, the church's use of Holy Scriptures, the mission of the church, the church as confessor and as keeper of the keys are not going to be dealt with by sandwiching these issues into matters of protocol, business, and questions of "canon law."

Let the Lutheran Church—Missouri Synod convoke a mini-Nicea (or a junior Augsburg) to make a forum for and to conduct an exercise in brethren using the Word of God to instruct and to be instructed, to rebuke and to be rebuked, to guide and to be guided, on matters that they acknowledge as the questions. □



Pearl S. Buck, Author

We wonder if the high school memories of our readers include

contact with *The Good Earth*? For me, a farmer's son from Colorado, sweating through summers of cultivation and irrigation, the contact with Pearl Buck, and through her with China, is one to cherish. Her works on China, which a friend of mine likes to call "factual fiction," have given more than one reader a warm and affectionate place in their lives for both China and for her.

While only some of her literary works might be called great literature, her books are of the kind of high-quality "middle-range" literature that is such a priceless gift to a people. Any people not endowed with such a treasury will be the poorer for it in manners and morals. The value of this kind of literary production is the range of experiences it brings to its readers from peoples and places beyond their own. Thus, these works help to develop a cosmopolitan spirit; they fire the imagination by introducing readers to worlds available only on the pages of the books; they share old knowledge of common things, contributing to the stuff of which wisdom is made. The death of Pearl Buck furnishes us a good occasion for expressing our appreciation for her work in particular and for this kind of literature in general.

Pearl Buck, however, was not only a writer. She was also a humanitarian. The nobility in her writing can be seen also in her work with children. She had two children of her own; to the children she added eight more by adoption. Most of the adopted children were American-Asian. In addition she established Welcome House, Inc., the adoption agency for children mostly of American soldiers and Asian women. This kind of humanitarian effort calls for noting her life and work with gratitude.

We are glad to express our gratitude. Ours is no Pulitzer Prize or Nobel Award for Literature, but it is concurrence in these awards she received. Our expression is intended as a grateful tribute to this noble woman. □

Control of Corporate Power: A Perspective

"How'd my folks go so easy?"

"Well, the guy that come aroun' talked nice as pie. 'You got to get off. It ain't my fault.' 'Well,' I says, 'whose fault is it? I'll go an' I'll nut the fella.' 'It's the Shawnee Lan' an' Cattle Company. I jus' got orders.' 'Who's the Shawnee Lan' an' Cattle Company?' 'It ain't nobody. It's a company.' Got a fella crazy. There wasn't nobody you could lay for. Lot a the folks jus' got tired out lookin' for somepin to be mad at."

QUESTIONS RELATING TO THE PROPER USE of corporate power are by no means of purely recent origin. Nevertheless, renewed academic, political, and popular energies have been directed to the problem in recent years. Some indict the corporation as the enemy of the people, while others praise it as the institution that has made this country great. One advocate of the public interest has urged corporate responsibility to be an issue of the 1972 Presidential campaign.² Proposals for checking corporate power have included the nationalization of industry, the enactment of federal incorporation legislation, and the election of public and employee members to boards of directors.

The American trend toward big government and big business has resulted in the concentration of power in a relatively few state and corporate institutions. The problem for the people is whether they can effectively control the use of power. This is not to say that the people ought to make actual day-to-day decisions. Such a literal democracy would be impossible, if not unwise. Rather, it is to suggest that the people must demand the ultimate right to control, to check, and to confine the manner in which power will be exercised. From the point of view of the citizen, therefore, nationalization of industry, federal incorporation, and improved shareholder democracy will be ineffective if the result is merely a different *form* of concentrated power which does not provide the people with effective means to control the exercise of power.

Of over 1,000,000 corporations in the United States today, approximately 500 control over two-thirds of the

means of production in this country.³ The power potential of any corporation, and the actual power of the largest five hundred corporations operating as a group, derives from at least six factors. First, the corporation's access to capital and interstate mobility combines, in the light of existing law, to permit the corporation to grow almost indefinitely. Second, this factor permits an obvious power potential, namely the power to accumulate ownership of large amounts of real and personal property throughout the country. Third, the corporation (certainly the largest corporations in combination) has the power to control the supply of goods and services. Fourth, the corporation can control working conditions and the availability of jobs. Fifth, the corporate complex has power to control the quality of goods and services. Finally, the above five factors, taken together, mean that the corporation can control the economy. If so, it has the power to become the direct or indirect controller of the state.

Whether considered alone or in combination with industry members, even the largest corporation has never been completely free to use its power potential without some checks. A variety of public and private legal techniques has been developed and used to structure, define, check, and control corporate power. This is not to say that any, or all, of these techniques has been successful, or even commendable. It does mean, however, that the current concern about corporate responsibility did not develop in a vacuum. Knowing where to go with the corporation in the 1970s depends on our recognizing where we have been, and what it is we are building on.

THE GROUND RULES FOR CORPORATE CONDUCT are found in the general corporation laws of the states. Although legislative enactments vary somewhat between the so-called restrictive states and the liberal states, the basic legal structure is similar.⁴ Shareholders, who supply the equity capital, are the legal owners of the corporate entity. Their rights as owners include the right to share the profits of the corporate enterprise and the right to elect directors. Directors, in turn, have the legal duty to manage the corporation in the best interests of the shareholders. In theory, management which does not act in accord with the wishes of the shareholders can be replaced by the shareholders. In practice, however, the idea of shareholder democracy has been something of an illusion, as noted in more detail

1. Steinbeck, *The Grapes of Wrath* 65 (1939).

2. Ralph Nader, as reported in "Galbraith Offers Plan On Industry," *New York Times*, October 31, 1971, at 63, col. 1.

3. Hearings before the Subcommittee on Anti-trust and Monopoly of the Committee of the Judiciary, United States Senate, Eighty-eighth Congress, Second Session, Pursuant to S. Res. 262. Part I "Economic Concentration" 113 (1964).

4. Delaware is a good example of a liberal state, and California of a restrictive state. In theory, restrictive states emphasize the protection of shareholders and creditors, while liberal states emphasize management flexibility.

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below. Nevertheless, the owners of the corporation have the primary legal right to control corporate activity by means of their control of the board.

Although some legislatures have broadened the scope of permissible activity to include any lawful business purpose,⁵ the corporation is still legally defined as an enterprise for carrying on a business. Consequently, the propriety of directors' conduct can be measured in the courts by the standard: maximization of profits.⁶ Profits are, after all, what courts and shareholders really mean when they talk about the best interests of the corporation. Maximization of profits is not merely an economic theory, but a legal obligation of directors.⁷ Indeed, until recently shareholders have been successful in blocking corporate gifts to charity on the grounds that such gifts do not achieve a legitimate business purpose, namely the maximization of profits.⁸

If legal theory protects the shareholders' rights to control corporate activity, corporate practice does not. In 1932, Professors Berle and Means collaborated on the book *The Modern Corporation and Private Property*,⁹ which exposed the myth that corporate property was controlled by the owner-shareholders. The directors, not the shareholders, controlled corporate property, and were a more or less self-perpetuating class, running unopposed on their own nomination with little or no shareholder opposition. The disclosure that the owners of property had been separated from the control of their property was an affront to legal theory. The legal

The problem for the people is whether they can effectively control the use of power, not in making actual day-to-day decisions, but finally the ultimate right to control the manner in which power will be exercised.

response was an attempt by courts and legislatures to return effective control to shareholders. Courts developed and strengthened the theory that corporate powers are held in trust by the directors for the benefit of the shareholders.¹⁰ Thus a board which used its position and power to reap personal financial gain to the detriment of shareholders could be exposed to liability. At bottom, the test for this fiduciary duty was the same as

5. See Corporation Law of Delaware, 8 Del. C. § 121(a) (1969).

6. We may say that a director's duty to the corporation is that of the ordinarily prudent man under similar circumstances (N.Y. Business Corporation Law § 717). What this means in most cases is that he must act to preserve the corporation as a going concern, which is to say he must maximize profits, or that his negligence must not result in losses.

7. For an early statement of this principle, see *Hutton v. West Cork Ry.*, 23 Ch. D. 654, 673 (1883). See also Dodd, "For Whom Are Corporate Managers Trustees?" 45 Harv. L. Rev. 1145, 1146 (1932).

8. State legislation has now made it possible for corporations to make charitable gifts "irrespective of corporate benefit." See New Jersey, N.J.S.A. 14 A:3-4 (1969).

9. Berle & Means, *The Modern Corporation and Private Property* (1932).

10. The fiduciary duty is usually described as being owed to the corporate entity. Nevertheless, enforcement of the duty is implicitly, if not explicitly, a protection of the shareholders' interests and an alternative to voting as a method of protecting owners' control.

the test for director conduct had always been, namely the maximization of profits.

The legislative response was the enactment of legislation intended to strengthen shareholder democracy. Federal legislation created the Securities and Exchange Commission with the power, among many others, to promulgate rules regulating the solicitation of proxies from shareholders.¹¹ (In simplest terms, a proxy authorizes a person other than the shareholder to vote for directors and corporate proposals at the annual meeting. Management customarily solicits and receives proxies from shareholders.) The purpose of the federal legislation, as well as the purpose of court-created rules, was to protect the owners of property from abuse by directors. Only gradually was there recognition by the state of its responsibility to protect the interests of other persons who might be affected by corporate power.

SHAREHOLDERS INDEED HAVE RIGHTS which may be abused by management. But there are at least four other classes which can be adversely affected by corporate power: consumers, employees, suppliers, and the public at large. In the dawn of the Twentieth Century, legal theory viewed the corporation as a private person, and prevailing political practice dictated that the government ought not interfere with private enterprise. As a result, the "corporate person" was able to do as "it" wished, observing only, and infrequently, internal legal restrictions vis-a-vis shareholders. Economic theory promised that the free market would regulate fair prices, wages, supply, and quality of goods. While this theory still has its advocates,¹² events of the past forty years have tested its wisdom and its effectiveness. In fact, some prices were outlandish, working conditions were often poor, the quality of goods and services was not always the best. At the same time, control of the means of production became concentrated in fewer and fewer hands, further testing the ability of a free market to operate, even in theory.

After A.A. Berle argued, in 1931, that corporate powers are powers held in trust for shareholders,¹³ Merrick Dodd replied that corporate powers are held in trust, not only for shareholders, but also for consumers and employees.¹⁴ "Public opinion, which ultimately makes law," is moving toward a view of the corporation as an institution which has a social service as well as a profit motive, Professor Dodd argued.¹⁵ Berle questioned whether management duties to consumers and employees

11. Securities Exchange Act of 1934, 15 U.S.C. §§ 78a-78jj (as amended 1964). See B. Ruml, "Corporate Management as a Locus of Power," *Social Meaning of Legal Concepts* 218, 229 (N.Y.U. School of Law, 1950).

12. Professor Milton Friedman, University of Chicago, might be considered the leading proponent of this position.

13. Berle, "Corporate Powers as Powers Held in Trust", 44 Harv. L. Rev. 1049 (1931).

14. Dodd, "For Whom Are Corporate Managers Trustees?" 45 Harv. L. Rev. 1145 (1932).

15. *Id.* at 1148.

could be realistically enforced by the law.¹⁶ As it developed, federal regulatory agencies were created with the purpose of protecting at least some of the interests of some consumers and employees in some circumstances. None of these agencies can be considered an extension of the trust theory of Dodd, but the state had begun to use its power to curb corporate power when it interfered with the public interest.

Whether or not state and federal agencies have been the best technique for enforcing the public interest in this area, they have been, for any practical purpose, the only means. While much maligned, and often rightly so, the administrative agency remains a useful means by which to control corporate power. It is easy to become angered by the proliferation of government agencies and the pervasiveness of their control over individual and institutional life. Some agencies have become the captives of the very industries they were created to regulate. Employees of the agencies are guilty of occasional arrogance and intermittent arbitrariness. When all is said and done, however, the agencies have been the logical means for translating public policy into action.

Efforts to provide society in general, and not only shareholders, with effective legal control over the use of corporate power continue. Federal incorporation legislation, nationalization of industry, and improvements in corporate democracy are three proposals receiving much attention. Each must be evaluated in terms of the question: will the proposal, if enacted, increase the power of the people to control corporate power?

FEDERAL INCORPORATION. Other than uniformity, what would federal incorporation accomplish? It is probable that even if Congress were to enact federal incorporation legislation, the result would be simply a substitution of federal power for state power in defining the groundrules for corporate structure. Uniformity in the law is not to be taken lightly, in fact it is preferred. But the resulting uniform law would probably not differ substantially from existing state law. True, there are differences in state incorporation statutes, but those differences do not go to the heart of the corporate responsibility problem. Unless a federal corporation law provided that corporate powers are held in trust by the corporation for the benefit of the public, the improvement over the current state of affairs would be minimal. Even with such a provision, it would be left to the courts to define the precise nature of the responsibility. As discussed below, federal and state courts have the power to develop the trust doctrine now, with or without legislative action. None of this should be interpreted as opposition to federal incorporation. If for no other reason, it is preferable on the grounds of uniformity. But if such legislation is to be effective in controlling corporate power in the public interest, as

16. Berle, "For Whom Corporate Managers Are Trustees," 45 Harv. L. Rev. 1365 (1932).

opposed to protecting only shareholders' interests, it must do more than merely reflect existing state legislation.

NATIONALIZATION OF INDUSTRY. The appeal to nationalization of industry lies in the fact that it is a quite definite way to obtain legal recognition that major corporations exist to serve in the public interest, and should be subject to the community's ultimate power by state regulation. On the other hand, what in fact is accomplished by nationalization? Failing corporations which provide goods or services required by the community can be kept alive through taxpayers "capital." Nationalization may be warranted in such cases, but does nationalization solve the problem of abuse of power? Ownership is transferred to the state, but it seems clear that ownership is not the location of actual power. Actual power may be in the boards of directors, or it may be in Galbraith's technostucture, or it may be in the financial officers, or it may be shared by any combination of the three. But effective control rarely lies with the legal owners. Transfer of legal ownership to the state does not, in itself, protect the public interest.¹⁷ The control problems remain. There is reason to be as wary of abuse by state power technocrats as there is by corporate power technocrats. The problem for the people remains: how can the people control the exercise of power so that the public interest will be served?

SHAREHOLDER DEMOCRACY. At best, the concept of shareholder democracy is a misnomer. Shareholders have the right to elect directors who in turn make decisions that govern the affairs not of the shareholders, but of consumers, employees, and the public.¹⁸ The primary shareholder interest is that his company thrive, which is to say maximize profits in which he may share. Proposals to include persons other than shareholders in the decision-making process are an attempt to correct the imbalance.¹⁹ A number of questions can be asked concerning the probable effectiveness of electing employee and public interest directors. First, to what extent do boards of directors control corporate activity in the United States in the first place? While it appears that shareholders have lost their actual power to control corporate activity, some question whether the boards too have lost power. Harvard economist John K. Galbraith suggests that a technostucture, not necessarily the boards, effectively determines corporate policy.²⁰ If this be true, the election of directors with the public good at heart will be of little or no avail. Second, even if the boards do, or can control corporate activity, will a minority of employee and public direc-

17. For a comment on the English experience, see Crosland, "The Private and Public Corporation in Great Britain" in the Corporation in Modern Society 260 (Mason ed. 1959).

18. Chayes, "The Modern Corporation and the Rule of Law" in The Corporation in Modern Society 39 (Mason ed. 1959).

19. See Vagts, "Reforming the Corporation: Perspectives from the German." 80 Harv. L. Rev. 23,66 (1966).

20. Galbraith, The New Industrial State (1968).

tors have any real effect? Third, further assuming that employee and public directors could exercise some influence over the exercise of corporate power, should one not sophisticated in business affairs make business decisions? The answer, in part at least, is that merely because a director is an "employee" or "public" director, it does not follow that he will be unsophisticated in business. Further, one need not be a business sophisticate to recognize that his company is polluting the environment or manufacturing defective products. There is sufficient expertise within the corporation to work out the details of broad policy established by the board. Fourth, regarding employee directors, to what extent will they improve the use of corporate power? In theory, they will be a voice to improve working conditions and wages. Assuming they do in fact perform this role, does it follow that the public will necessarily be served?²¹ Might they not become as profit conscious as shareholders in order to provide funds to support wage demands?

Related to the proposals for shareholder democracy, nationalization of industry, and federal incorporation, is the need to determine those corporations in which we are particularly interested. Are we concerned with the corner grocery, which may be a corporation? Probably not. In fact, many small corporations may themselves be victims of the abuse of corporate power. The corporations in which we should be particularly concerned are those with the power potential to pervert the public interest. There is a need to classify corporations into "major" and "minor." The factors relied on for classification should include: amount of assets; market dominance; amount of revenues; is the corporate service or product a necessity, given the conditions of modern life? is the corporate service one which is used by a substantial portion of the population? is the service or product potentially dangerous to produce, distribute, or use? do the assets of the corporation include any which are important national resources? In any event, the test must serve to spotlight those corporations with the power potential to abuse the public interest.

NONE OF THE THREE PROPOSALS DISCUSSED above is without merit. On the other hand, none comes to grips with the problem of those people, other than shareholders, who may be adversely affected by the misuse of corporate power. What is required is legal recognition of the right of persons other than shareholders to contest corporate action which adversely affects them. Further, the standard for measuring corporate responsibility must not be limited to the maximization of profits. In essence, the law must declare that corporate powers are granted by the state to private persons to be exercised in the public interest.²² This declaration could, of course, be made by the several state legisla-

21. See Vagts, *op. cit. supra* note 19, for an account of the German experience with employee directors.

22. Prof. Dodd explored this possibility in "For Whom Are Corporate Managers Trustees?," *supra* note 14.

tures which now have the exclusive power to create corporations. Failing legislative action, the courts are not powerless to act.

Appeals to the courts to enter new ground invariably raise the question of judicial legislation. Although a detailed discussion of judicial law-making is beyond the scope of this paper, it is accurate to say that courts have the power to make law.²³ The controversy arises over the proper extent of such activity. The prime objection is that judicial legislation violates the concept of the separation of powers, thus endangering the promise of a rule of law, not men. In fact we have a rule of laws and men. Neither in this country nor in so-called code countries is the fully matured law discovered by the courts.²⁴ Both the common law (court made) and statutes (legislatively made) require the creative action of courts before either can be meaningfully "applied" to a particular case. If the legislature has acted, the

"In essence, the law must declare that corporate powers are granted by the state to private persons to be exercised in the public interest." But does such judicial legislation violate the concept of the separation of powers?"

court must act within that announced framework. If the legislature has not acted, the courts must build on the legal foundation previously laid, giving heed not only to history, but also to present social need and custom.

The existing court-made doctrine holds that corporate powers are held in trust for the shareholders. The class of beneficiaries should be expanded to include employees, consumers, suppliers, and the public at large. Such judicial action would not repudiate existing law, but would build upon it, accommodating the law to social need and public expectation.²⁵ The franchise of corporate power obtained from the state cannot be defined, in terms of history or logic, to permit the perversion of the public interest. Corporate power is power granted for the economic welfare of the community.²⁶ But it must be exercised in such a way as not to threaten the general welfare of the community. In any event, the power, although exercised by private persons, is not granted for the exclusive benefit of those persons.

Among other objections, it might be suggested that the expanded trust doctrine will be difficult to enforce.²⁷ What will be the standards? The answer is that the courts will develop tests and balance interests much as they have always done. Was it, and is it now, easy to define

23. See W. Friedmann, "Legal Philosophy and Judicial Lawmaking," 61 *Colum. L. Rev.* 821 (1960).

24. See W. Friedmann, *Law in a Changing Society* (2nd ed., 1972).

25. Management recognition has been given recently by R. H. Mulford, Chairman of the Board, Owens Illinois, Inc., in an address: "The Social Responsibility of Business Corporations," October 21, 1971.

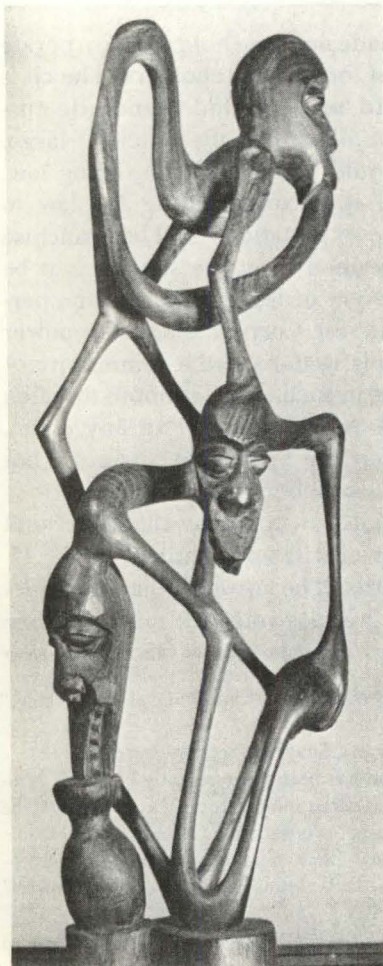
26. See Berle, "Constitutional Limitations on Corporate Activity—Protection of Personal Rights from Invasion Through Economic Power," 100 *U. of P. L. Rev.* 933 (1952).

27. See Berle, "For Whom Corporate Managers Are Trustees," *supra* note 16.

the limits of freedom of speech, or the press, or religion? Through what difficult process are we constantly arriving at a definition of due process? Are not the courts already faced with the difficult task of balancing individual rights against the rights of the community at large? It may be easier to measure corporate behavior against the standard of maximization of profits, but that is hardly reason to deny reform. The traditional test of maximization of profits need not be abandoned altogether. It is obviously in the public interest that corporations survive, and profits are a sign of life. But the profit standard ought not be the only one, nor the predominant one in any given case. Other factors can be considered, including the community interest in safety, in clean air and water, in good working conditions, in the preservation of natural resources, in reasonable prices, in equal access to services, in privacy, in credit. In a given case, the survival of a particular corporate activity may well have to take second place to other

interests of the community. The interests of the community will be best served, not by permitting the corporation to act unchecked as its own judge of what is best for the community, but by submitting corporate action to review by the courts on the motion of affected parties. Trustees will still have discretion, but the exercise of discretion will be subject to control and measured by the purpose of the trust in the first place—service to the community.

Federal, state and local governments can and have acted legislatively to control corporate power. Legislation for zoning, pollution, consumer protection, workmen's compensation, manufacturer's safety standards, anti-trust, and countless other areas have combined to curb the misuse of corporate power. But when these laws are inadequate, or non-existent the courts must entertain challenges to corporate power based on the trust doctrine. Failing such action, the law fails to express and enforce the public interest. □



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Form, Fluidity, and Flexibility in Recent American Fiction

Tony Tanner's *City of Words* is the best study of recent American fiction yet written.

CITY OF WORDS. AMERICAN FICTION, 1950-1970.

By Tony Tanner. New York: Harper and Row, 1971. 463 pp. \$7.95.

CHIMERA.

By John Barth. New York: Random House, 1972. 308 pp. \$6.95.

SADNESS.

By Donald Barthelme. New York: Farrar, Straus and Giroux, 1972. 183 pp. \$5.95.

WITHOUT A STITCH IN TIME.

By Peter DeVries. Boston: Little, Brown, and Company, 1972. 328 pp. \$8.95.

MUSEUMS AND WOMEN AND OTHER STORIES.

By John Updike. New York: Alfred A. Knopf, 1972. 282 pp. \$6.95.

SONS OF DARKNESS, SONS OF LIGHT.

By John A. Williams. Boston: Little, Brown, and Company, 1969. 279 pp. \$5.95.

TONY TANNER'S *CITY OF WORDS* IS THE best study of recent American fiction yet written. It is valuable both for the general reader and the literary critic: for the general reader it serves as an introductory survey of post-WWII American fiction (twenty-four authors are discussed in the book); for the critic it includes perceptive analyses of the major novels by each of these authors.

British by birth and citizenship, Tanner brings an interesting perspective to his study of American fiction. He is presently a lecturer at Cambridge, England, but he has taught at a number of American universities. His primary aim in surveying the fiction of the last twenty years is "to understand the American imagination as it has expressed itself in fictional forms during this period." Basically, he deals with individual authors in separate chapters, but in the process he also focuses on "certain recurring preoccupations, concerns, even obsessions" that characterize these writers.

Arlin G. Meyer is a professor in the Department of English, Valparaiso University, and Director Designate of the University Study Center in Cambridge, England. The editor has asked the review editors for theological and general books to present once each year a "peripatetic" review, a treatment of books (or a book) which have engaged their attention and shaped their thinking. Dr. Meyer, General Books Review Editor, here presents his first such review.

ONE SUCH PREOCCUPATION IS THE American dream of individual freedom—the continual dream that an unpatterned and unconditioned life in which the individual can make his own choices is possible, and the concomitant dread that someone else is controlling and organizing one's life. Countless American heroes demonstrate this theme. Ralph Ellison's "invisible man" discovers that he is not free to reorganize and order the world; the best he can do is to adjust his own perceptions of that world. In Saul Bellow's picaresque novel, *The Adventures of Augie March*, Augie tries to escape the rigidity of societal structures, but his search (and discovery) is finally for an internal reality. In Joseph Heller's *Catch-22*, Tanner suggests, the army represents the ultimate structuring of life: the intention is to achieve complete organization, subordination, and conformity. But Heller goes a step farther than Bellow. Yossarian in the end implies that the escapists are not those who run away from the social structures but those who create and service the system. The systems are walls erected between themselves and reality. Two other World War II novels, Norman Mailer's *The Naked and the Dead* and Kurt Vonnegut's *Slaughterhouse-Five*, make much the same indictment of the dehumanizing effects of army life.

Another aspect of this American dream, in Tanner's mind, is the problem of identity in American fiction. Ellison's *Invisible Man* is again a prototypical novel—the individual's search for visi-

bility and identity, a self-created identity rather than one imposed from the outside. Tanner traces this theme brilliantly in the novels of two little known writers—James Purdy and John Hawkes. (Both Purdy and Hawkes have coterie readers but neither has received the critical attention he deserves.) Tanner calls *Cabot Wright Begins* “not only Purdy’s most profound novel but one of the most important novels since the war.” The first third of the novel is a kind of frame—various people trying to make a book out of Cabot’s life. By the middle of the novel Cabot’s problem is that he has had so many identities imposed on him from the outside, has seen so many versions of himself, that he loses any real sense of identity and reality. His life is like the multiple layers of wallpaper in his room; when they are all stripped away you end up with a blank. The question Purdy poses in the novel is whether it is possible, once Cabot escapes the imposed definitions of self, to exist in the society that created these versions of him.

Like Purdy, Hawkes is a surrealist, his novels set in that fictional zone somewhere between dream and reality. *The Lime Twig* contains perhaps the most nightmarish world in contemporary fiction. *Second Skin* is Hawkes’ version of illusory and chimerical identity. The title provides the central metaphor for the novel—the second skins or masks that individuals put on, rebirths and new selves, the desire to slip off imposed identities. And, as Tanner indicates, “One of the second skins in the novel is, necessarily, the book itself; and Skipper’s naked history comes to us in the most intricate verbal garment which Hawkes has yet woven.”

TWO OTHER THEMES THAT DOMINATE recent American fiction are present in the fiction of John Hawkes. The first is his concern with “new territory,” to use Huck Finn’s words. Tanner entitles his chapter on Hawkes, “Landscapes and Luminous Deteriorations,” and indicates that Hawkes creates in each of his novels new landscapes, “imperative, fictional territories to counter the environmental imperatives from without.” For Skipper in *Second Skin* this landscape is another kind of reality, a reality consisting of peace and freedom rather than war and constriction. In *The Floating Opera* John Barth attempts to create a similar free space, a region that he as novelist can control. Todd Andrews, the central character, tries to build boats (philosophical constructs) that will liberate him from the given world into his own privately created reality. As in Hawkes, Tanner suggests, the only boat completed is the novel itself, which Barth describes as “a floating opera, friend, fraught with curiosities, melodrama, spectacle, instruction, and entertainment, but it

floats willy-nilly on the tide of my vagrant prose.”

In a chapter entitled “Interior Spaciousness—Car, Bell Jar, Tunnel and House,” Tanner explores the ways in which Walker Percy, Sylvia Plath, Susan Sontag, and William Gass cultivate and protect tenuous areas of inner space. One of the most deliberate attempts to strike out for new territory can be seen in the life and fiction of Ken Kesey. Big Nurse in *One Flew Over the Cuckoo’s Nest* and Hank in *Sometimes a Great Notion* both attempt to push beyond the boundaries and patterns fixed by society, to extend the horizons and frontiers of American life, to move toward what Tom Wolfe, in *The Electric Kool-Aid Acid Test*, calls Edge City. Tanner says, “If we regard Edge City as being poised between social identity and dissolution, a sort of third area *between* structure and flow, then it becomes a place many American heroes have sought to find, since few of them are content to remain within given boundaries.”

Tanner contends that American writers reveal “a general self-consciousness about the strange relationship between the province of words and things, and the problematic position of man, who participates in both.”

The second theme that preoccupies Hawkes and other contemporary novelists is the concern with language and the ability of language and fiction to embody new realities in traditional modes and forms. Interestingly, Tanner begins his study of recent American fiction with two marginally American writers, Vladimir Nabokov, a Russian writer who lived on the continent for years before coming to America and then returning to Europe, and Jorge Luis Borges, a Latin American. What Borges and Nabokov have in common is “a certain attenuation of reality in the old sense of an empirically perceived reality. It is, as it were, distanced, or forced to recede as the author pre-empts the foreground for a display of his patterning powers.” The title of Chapter One, “On Lexical Playfields,” calls attention to the experimentation with language and novelistic forms that characterizes the works of Borges and Nabokov. In fact, Tanner derives the title for his book from Nabokov’s *Pale Fire*, where Gradus loses his way in the city of Lex (Word). One of Tanner’s contentions throughout the book is that American writers reveal an unusual degree of awareness of this City of Words—“a general self-consciousness about the strange relationship between the provinces of words and things, and the problematic position of man, who participates in both.”

The relationship between words and things is explored most fully in Tanner’s chapter on William Burroughs. In novels like *Naked Lunch* and *The Exterminator* Burroughs experiments with

various forms of "rubbing out the word" altogether, breaking down conventional word orders and patterns, and substituting instead collages and cut-ups. Tanner likens Burrough's experiments in language to those of John Cage in music. Both reject established norms of composition, both desire more freedom, and both escape from words and sound into silence. The supreme innovator with language and fictional forms is, perhaps, John Barth. *The Sot-Weed Factor* was an early attempt to write history as fiction (preceding Styron's *Confessions of Nat Turner*, Capote's *In Cold Blood*, and Mailer's *Armies of the Night*); *Giles Goat-Boy* a deliberate escape from all the conventions of fiction; and *Lost in the Funhouse: Fiction for Print, Tape, Live Voice* an extension in various forms of the contemporary novelist's desire to create new patterns and modes of conveying a new-found illusion/reality.

TANNER USES THE CONCEPT OF "ENTROPY" to organize the midsection of his book. A technical concept taken from the second law of thermodynamics, entropy is popularly used to describe the irreversible tendency of a system, including the universe, toward disorder and inertness. Although there is nothing new about the literary use of this idea (Tanner traces it back to *The Education of Henry Adams*, Pope's *Dunciad*, Dickens' *Bleak House*, and Fitzgerald's *Great Gatsby*), it is interesting that, according to Tanner's count, the word itself is used by seven contemporary American writers and applicable in a significant way to at least half a dozen others.

This concept is dramatized superbly in Thomas Pynchon's story "Entropy." The story is set in the downstairs and upstairs apartments of an old house. Downstairs, Meatball Mulligan is throwing a leasebreaking party which begins like many other parties of the '50's but degenerates during the night into increasing disorder and chaos. Through all of this two of the guests are engaged in a profound discussion of various theories of physics and communication. Upstairs, in a hermitically-sealed room where the temperature is a constant 37 degrees Fahrenheit, an intellectual named Callisto and his girl are trying to keep a freezing bird alive. What exists in the divided house are two versions of existence in an entropic world—the party-goers succumbing to entropy while trying to explain its existence, Callisto and his friend attempting to establish an enclave free from entropic motion—both of which, in this story, fail. Tanner indicates that in two subsequent novels (*V* and *The Crying of Lot 49*) Pynchon focuses more broadly both on entropy and anti-entropic attempts to stave off decline and establish new modes of existence. (Reviews suggest that Pyn-

chon's new novel, *Gravity's Rainbow*, published in February, succeeds brilliantly in this attempt; it is being hailed almost unanimously as one of the most significant novels of the twentieth century.) In his studies of Mailer, Bellow, Updike, Barth, Percy, Barthelme, Burroughs, and others, Tanner returns repeatedly to the notion of entropy as one of the key concepts in recent American fiction.

So much, then—and only a very little has been revealed—of the subject matter of *City of Words*. One hesitates to raise any demurring questions about this superb book, but anyone who has read widely in contemporary fiction will wonder why certain other authors are not included. Despite Tanner's claim to objectivity, his attempt merely to understand, one suspects that his biases creep into the selection of novelists and the relative space that he devotes to each. In a book that devotes entire chapters to William Burroughs, Ken Kesey, and Norman Mailer, one wonders why traditional chroniclers of American suburbia like John Cheever, Peter DeVries, and John O'Hara are not included; or a whole group of first-rate Southern writers like Truman Capote, Flannery O'Connor, Reynolds Price, Katherine Anne Porter, and William Styron; or Jewish writers like Herbert Gold, Bruce Friedman, and J. D. Salinger; or black novelists like James Baldwin, Ernest Gaines, John Killens, Anne Petry, and Richard Wright. Such writers would seem to be equally important in any attempt to "understand the American imagination" as expressed and embodied in recent fiction. One suspects that Tanner feels more sympathetic toward more *avant-garde* writers, writers who have wrenched themselves free from traditional cultural, moral, philosophical, and fictional modes of experience and expression.

"John Barth's latest work, *Chimera*, reveals that he is as playful and unconventional as ever."

IN THE SPACE I HAVE LEFT, I WANT TO call attention briefly to several more recent works of fiction by three novelists that Tanner does discuss and two that he does not.

John Barth's latest work, *Chimera*, reveals that he is as playful and unconventional as ever. Tanner cites Barth as saying in an interview that "God wasn't too bad a novelist, except he was a Realist." Well, Barth certainly does not play God in *Chimera*. What we have in this collection of three pieces is the remedy that one doctor prescribes for Jacob Horner in Barth's first novel, *The End of the Road*, namely, "mythotherapy," the assumption of as many changes of roles as are necessary to maintain the motion necessary to life. "Dunya-zadiad" is a variation of "Menelaiad" from *Lost*

in the *Funhouse*, a story within a story within a story, etc., only this time it is the story of Scheherazade from *The Arabian Nights* being told by her little sister Dunyazade who had the unfortunate role, in Barth's view, of sitting by her sister's bed for 1,001 nights while the Shah made love to Scheherazade. It's a very entertaining and sexy story, but as Sherry says (or is it Barth?), "Making love and telling stories both take more than good techniques—but it's only the technique that we can talk about."

"Perseid" is, of course, the story of Perseus, the slayer of Medusa, told by Perseus himself as he learns of his own life from the various and contradictory myths in circulation. Perseus lives, you see, in the twentieth century, which puts him somewhere past middle-age. If you find his story as dense and confusing as I did, move on directly to "Bellerophoniad," which is, to some extent, a gloss on "Perseid." At least, some of the characters in the last story have read "Perseid" and are able to tell his story more straightforwardly than he is. But "Bellerophoniad" is mainly the story of Bellerophon taming the wild horse Pegasus, slaying the fire-breathing dragon Chimera, and conquering the Amazons (especially the women). Set in Maryland, as part of the story is, with Barth-Bellerophon as a lecturer in the University of Lycia's newly established Department of Classical Mythology, one cannot finally distinguish among history, fiction, and myth. But it's all great fun to try!

Donald Barthelme, in *Sadness*, show a world of "fractured light and distorted vision."

Donald Barthelme is also a creator of new forms, and the world as seen through the stories in *Sadness* is a world of fractured light and distorted vision. Barthelme never allows the reader to view his characters or situations directly, but a vision of reality does emerge, a reality constantly tinged with sadness. The collection opens with a story entitled "*Critique de la Vie Quotidienne*," a portrait of a ruined family. But all we get is fragments—the husband living for his "happy hour," nine drinks each night when he comes home, Wanda, his former wife, now into Marxist sociology, reading the book by Lefevre that furnishes the story with its title, and a child who simply wants to play with horses and crawl into bed with his parents.

The variety in this collection is amazing. "The Sandman" consists of a letter from a lover to a psychiatrist in which he tries to adjust the psychiatrist's view of his beloved. "Departures" contrasts eight different kinds of "departures," ranging from an operation in a hospital that proves to be unsuccessful to three million blackbirds about to

be exterminated. One story is about Paul Klee, here an engineer-private in charge of transferring aircraft in WWI. He inadvertently misplaces one, and when he calculates how many paintings he would have to sell to replace it, he forges the shipping order (another kind of artistry), and his error escapes detection. And he is not overly sorry. "The war is temporary," he muses. "But drawings and chocolate go on forever." In the final story, "Daumier," the narrator invents various surrogates—third-person Daumier and second-person Daumier—in an attempt to escape his real self. He discovers that "the self cannot be escaped, but it can be, with hard work, distracted. There are always openings, if you can find them, there is always something to do."

SOMEWHAT LESS CEREBRAL AND MUCH more traditional than either Barth or Barthelme is Peter DeVries' latest collection of stories, *Without a Stitch in Time*. Included are a number of stories from earlier volumes now out of print, a series of parodies of P. G. Wodehouse, Faulkner, Edith Wharton, James Jones, K. A. Porter, Evelyn Waugh, and Ring Lardner, and a host of new stories about the foibles and follies of contemporary American life.

Recently DeVries appears to have shifted the emphasis in his writing. His earlier protagonists—Reverend Mackerel in *The Mackerel Plaza*, Chick Swallow in *The Tents of Wickedness*, Don Wanderhope in *The Blood of the Lamb*, and Stan and Tom Waltz in *Let Me Count the Ways*—were all caught up in tragi-comic circumstances which led to an increasingly deeper examination of religious questions. Since *Let Me Count the Ways*, the emphasis has been predominantly on social comedy, which is, perhaps, De Vries' forte.

No one, with the possible exception of O. Henry, captures more humorously and more poignantly the paradoxes and ironies of everyday life. The present collection recounts a bundle of such scenes and situations. In "A Hard Day At the Office," a semi-intellectual employee at a nut-packing plant reads the sign "Think" above his desk and begins thinking about Zeno's eight paradoxes and how unoriginal the surrealists were. Warned once by his boss for not concentrating on his work, the narrator is caught again, this time fantasizing about the essence of nuts, and is fired. "A Crying Need" focuses on the paradox of a young, intellectual movie reviewer who pans most movies for being mawkish and sentimental but weeps inconsolably himself when viewing them. He gets fired, marries, and later has to deal with a son who treats him as analytically and rationally as he had the movies he reviewed.

Sprinkled throughout the collection are more of

DeVries' outrageous puns. One story, in fact, is about a compulsive punster who seeks help for his malady from a psychiatrist. He begins by complaining that "The things my wife buys at auctions are keeping us baroque." Later, he confesses:

"Now I even dream in puns. Like last night I dreamed of a female deer chasing a male deer in mating season."

"?"

"A doe trying to make a fast buck."

"!"

Uncured, he complains to his wife at the end of the story that he has been duped: "Fifteen calls and iota bandit seven hundred and fifty dollars."

LIKE PETER DeVRIES, JOHN UPDIKE writes mainly about middle-class suburbia, but if he describes this aspect of contemporary American life with less humor than DeVries, he also penetrates more deeply into the characters he creates. *Museums and Women* reaffirms Updike's position as one of America's major writers and verifies his pre-eminence as a short story writer.

The sadness Barthelme sees in American society is also felt deeply in Updike's stories—in the story of a modern young man with a wife and a mistress who is so lonely he spends his nights playing solitaire; in the story of a man who discovers only after his friend dies that he had been trying to get someone to "witness" his love when he had earlier brought his mistress to their apartment; or in the five new stories about the Maples who are still living together, still cheating on each other, but still have not found any meaning in their marriage or their lives.

Updike's people are modern versions of Eliot's "hollow men," spiritually empty with "head-pieces filled with straw." "I Am Dying, Egypt, Dying" is a particularly rich and complex portrait of one such hollow man, a thirty-four-year-old American who "still seemed to be merely visiting the world." On a six-day trip on the Nile he displays his ugly and empty American self to the twenty other passengers from England, Germany, France, Egypt, Russia, and Scandinavia. The story becomes an allegory of the grossness of Americans abroad and of American foreign policy.

In *City of Words*, Tony Tanner expresses reservations about the scope and the genuineness of Updike's fiction. He complains: "The perspectives of his books are all from within the society he knows, whereas most American writers take up perspectives very much more from without it." I would argue that this is precisely Updike's strength—his ability to make the reader feel and see the society he knows from the inside. As Rabbit says in *Rabbit, Run*, "Goodness lies inside,

there is nothing outside." And if the characters of *Museums and Women* seem not to "have experienced the capacity to love—as distinct from the inclination to copulate and the compulsion to procreate," as Tanner states in a recent review of this book, then that is because Updike senses that contemporary American suburbanites, like Eliot's hollow men, have lost the capacity to love and feel for each other.

SONS OF DARKNESS, SONS OF LIGHT, by John A. Williams, was published in 1969, but is, for anyone who has not yet read it, a pertinent novel to read today. Subtitled "A Novel of Some Probability," Williams' story is set in 1973 and with eerie accuracy predicts much of the racial tension and violence that has already occurred this year.

On a simple level *Sons of Darkness, Sons of Light* is a suspenseful and dramatic detective story beginning with the killing of an innocent sixteen-year-old Negro boy and involving during the course of the story the Mafia, a hired Israeli assassin, several more murders, and riots in several major cities. On a broader and more human level, it is a powerful story of Eugene Browning of the Institute for Racial Injustice and his attempt to right the wrongs of American society. In the process of devoting his life to the cause of justice, Browning's familial relations deteriorate and contribute to his increasing dilemmas.

As the title suggests, the novel is about darkness and light, evil and good. The characters fall too easily into these categories, but Williams writes with passion, sympathy, and considerable skill.

WHAT ANY GENERAL SAMPLING OR survey of recent American fiction reveals is the richness and variety of contemporary novelists. It is likely that at no previous time were so many good writers in any single country writing fiction. And no labels like "the Victorian novel" or "the novel of manners" are comprehensive enough to capture the variety of their work. Whereas some novelists still adhere to the fixed forms of earlier novels, others have moved to the extreme of complete fluidity; the mean, perhaps, is flexibility. □

In the "Review Essay" of the March issue of *The Cresset*, the title of the book reviewed, *A New Look at the Lutheran Confessions (1529-1537)*, by Holsten Fagerbert, was inadvertently omitted. Our apologies to our readers, to the authors involved, and to the publisher.

Jill Baumgaertner

Four Poets: Blood Type New

DELUSIONS, ETC.

By John Berryman. Farrar Straus Girous, 1972. pp. 70. \$6.95.

LUGGING VEGETABLES TO NANTUCKET.

By Peter Clappert. Yale University Press, 1971. pp. 67. \$5.00.

BRAVING THE ELEMENTS.

By James Merrill. Atheneum, 1972. pp. 73. \$5.95.

WINTER TREES.

By Sylvia Plath. Harper and Row, 1972. pp. 64. \$5.95.

"Of these four poets, Berryman is the stethoscope through which a life beat is heard. Merrill provides the gentle, probing fingers, but both Clappert and Plath seem to touch nerves with a fine steel instrument. Together, the four reflect our health and illness. Maybe reading them will provide a cathartic cure."

THE NEW POETS ARE RESTLESS INDEPENDENTS, difficult as a group to place into any particular school of poetry. Although these four poets share few common techniques and concerns, they do typify trends and tangents and seem together to define our age. Plath is a blooded confessionalist; Berryman, an elated lyricist; Merrill, a dramatic impressionist; and Clappert, an intellectual mind-whipper.

Sylvia Plath's *Winter Trees* is a startling creation of richly violent images and uncanny insights peppered with black humor and bitterness and indented with the soft bites of her own special femininity. She is Woman, deeply involved in the birth, life, death cycle, trying and wishing and sometimes merging into the roundness of nature. However, the births she describes are a violent ripping of body and soul, strangely connected with blood and death. The girl dies into the mother and if she does not or cannot, as in "Childless Woman," she dies even more deeply into nothing.

The womb
Rattles its pod, the moon
Discharges itself from the tree with nowhere to go.

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My landscape is a hand with no lines,
The roads bunched to a knot,
The knot myself. . . .

"Three Women: A Poem for Three Voices," originally a radio play produced by the BBC, considers three separate births. The first woman is quite immersed in the cycle and complacently tied to nature and fullness. She ripens slowly and her world of sun, stars, moon, leaves, petals, seeds, shells, and the sea is a rhythmic becoming, bearing, and shedding. She is one with nature and waits, "a seed about to break." Her labor is "inescapable, tidal" and a violent death of all she was. "Can such innocence kill and kill? It milks my life." But her child, finally born,

. . . is turning to me like a little, blind,
bright plant.

One cry. It is the hook I hang on.
And I am a river of milk.
I am a warm hill.

The second woman lives in a flat world of bulldozers, guillotines, stockings, high heels, trains, and bare trees. Under a "dead sun" she becomes a graveyard; her fingers are "ten white pickets." She loses her baby and her "self."

I see myself as a shadow,
Neither man nor woman,
Neither a woman, happy to be like a man,
nor a man
Blunt and flat enough to feel no lack. I
feel a lack.

The third woman is a modern Leda, contained in a world of snakes, hot days, flat red moons, and chilling willows. The seeping blood of quiet death for the second woman here becomes the splattered blood of murder. Her baby is a "red, terrible girl." The woman is a "wound." She denies her child and walks back out into the "hot noon," solitary and blank.

There are the clothes of a fat woman I do
not know.
There is my comb and brush. There is an
emptiness.
I am so vulnerable suddenly.
I am a wound walking out of hospital.
I am a wound that they are letting go.
I leave my health behind. I leave someone
Who would adhere to me: I undo her
fingers like bandages: I go.

Sylvia Plath chose, perhaps paradoxically, to nurture life before she took her own life. Her children were a joy, but also a great frustration, and we find her child in "Brasilia" hammered into her—a powerfully simple image of a teething baby.

And my baby a nail
Driven in, driven in.
He shrieks in his grease,

Bones nosing for distances.
And I, nearly extinct,
His three teeth cutting

Themselves on my thumb. . . .

That connection—the mother and the pain and the violent restraint she feels—gives us an indication of the dimly ambivalent mother's love which later allowed her to breathe a fatal oven gas, abandoning her two children. Another indication of this frustration is found in "Child." The narrator wants to give her child a world of clean, simple, natural "Colors and ducks," but has only a "troubulous wringing of hands."

Sylvia Plath feeds upon the innocence of children; she wishes sometimes to be lost in it again. Her children are an escape to that delightful, care-less world, but only temporarily. Her madness constantly reveals itself with humor that isn't funny. In "The Tour" an unexpected visitor catches the narrator without make-up, unkempt, undressed in the midst of a chaotic house. One laughs at the image of unreadiness and surprise and apologies for the—no, it isn't a cat; it's the underfrosted ice-box, "though it looks like a cat, with its fluffy stuff, pure white." And then the slap.

. . . And *this*
Is where I kept the furnace,
Each coal a hot cross-stitch—a lovely
light.

It simply exploded one night,
It went up in smoke.
And that's why I have no hair, Auntie,
that's why I choke
Off and on, as if I just had to retch.
Coal gas is ghastly stuff.

Sylvia Plath's poetry is her blood, seeping slowly and then finally gushing forth to splash the reader with something that cannot be removed. She gives us her life and we greedily accept it and feast on it. It is all a rather strange communion.

JOHN BERRYMAN'S COLLECTION (LIKE Plath's) was published posthumously. But he is not as deeply dead. His words, which often reach back to address Anne Bradstreet, Emily Dickinson, Robert Frost, and Dylan Thomas—these words now reach forward to satisfy us, not as the main course of a poetic feast, but as an after-dinner cordial. Warily I picked up his last volume of verse, *Delusions, Etc.*, wondering what could possibly be more general than "etcetera." What's interesting is that his etceteras do not necessarily trail off into poetic ellipses, although a few of his poems do seem to be added to this volume as souvenirs from other poetic journeys. However, *Delusions, Etc.* does not seem to be wholly a caserole of leftover "and so forths."

Two groups of poems are most effective. One was the fifth group of "religious" poems. With that label one might expect Edgar Guest greeting card verse or, at the other extreme, elevated Donne or highly poeticized Hopkins. Berryman's faith poetry approaches neither extreme. It is not intellectual; in fact, his faith seems one of simple acceptance. Neither is it highly schematic. It is conversational, but not irreverent, even though it is sprinkled with earthy language and humor. "Facts and Issues," a casual catalog of the poet's beliefs and doubts, reveals Berryman the man and cuts through the thick, soft, inarticulate libido of one's own religious beliefs from which spring a few feelings and impulses and doubts rapidly smothered and, presumably, but not really, destroyed.

Let me be clear about this. It is plain to
me
Christ underwent man & treachery &
socks
& lashes, thirst, exhaustion, the bit, for
my pathetic and disgusting vices,
to make this filthy fact of particular,
long-after,
faraway, five-foot-ten & moribund
human being happy. Well, he has!
I am so happy I could scream!
It's enough! I can't BEAR ANY MORE.

Let this be it. I've had it. I can't wait.

The second group of good poems includes "Your Birthday in Wisconsin You are 140," addressed to Emily Dickinson and quite reminiscent of parts of Berryman's *Homage to Mistress Bradstreet*, published in 1956. Other poems in this section are addressed to Washington, Beethoven, Trakl, and Thomas. He seems to find a union of minds and feelings and images, all related and intertwined, connecting, transfusing, and perhaps transforming others with the same creative impulses. At any rate, the man and much of his poetry are still alive.

Well. Thursday afternoon, I'm in W. . . .
drinking your ditties, and (dear) *they*
are alive,—
more so than (bless her) Mrs F who teaches
farmers' red daughters & their beaux *my*
ditties

and yours & yours & yours!
Hot diggity!

That which Berryman wrote of Beethoven can easily serve as his own epitaph.

They said you died

.....

It's a lie! You're all over my wall!

You march and chant around here! I hear
your thighs—

JAMES MERRILL'S POEMS IN *BRAVING the Elements* are not easy poems, but they are beautiful poems meant to be read aloud. One is so captured by his language that one is tempted to forget "meaning" and simply breathe in his images which pierce through to feeling. One feels the past tense; the worlds he recreates are like Victorian photographs—not at all spontaneous snapshots, but studied, planned portraits of action suspended. "Days of 1935" provides a very real picture of childhood's fantasies and fears wherein terrors and joys intermingle and intertwine and finally become almost inseparable. A child, alone in his bed and room, entertains fears of a Lindbergh kidnapping. He dreams himself "timorous but happy" as kidnappers Floyd and Jean create his adventure. They are mysterious because they are criminal, but mostly because they are adult and the child is fascinated by what they are, what they do, and what they say. He is

. . . one bewitched
By a violent glow.

.....

"... Captivity

Is beckoning—make a dash for it!

It will set you free."

He falls into childish love with this platinum "lady out of Silver Screen" with "her careful rosebud chewing gum." However, because this is only

a dream, and not a nightmare, Jean and Floyd are caught, much to the child's relief and disappointment, and suddenly he becomes the Hero as they stand "empty" and "weak" before him. The dream ends with an abrupt fall out of bed, but the forbidden world has been tasted.

Even my old nurse woke

And took me in her arms. I pressed

My guilty face against the void

Warmed and scented by her breast.

Jean, I whispered. Floyd.

These are a child's wishes and dreams of a world from which he is usually excluded, but one which entices, excites, and frightens. James Merrill seems to be caught inside one of his own deep dreams, hammering to free himself. With one mighty chisel crack, he is released and revealed only for a brief instant before he floats away into another dream, unable to be captured by the present moment and reality. The sense of escape is at the root of "Days of 1971," a chronicle of a journey through France, Italy, and Greece. He stays in one place long enough to cash in on a few good images, but his journey is swift, and his destination unclear. He seems to search vaguely for a general something and finds only "two ounces of white heat/Twirled and tweezered into shape." The past and the present merge in this journey; the present moment is opportunity to taste the past (Venice, San Zeno, etc.), but getting "there," wherever it may be, takes precedence. In a revealing metaphor, Merrill compares his trip with a medieval Book of Hours, with a chariot "bearing down a margin good as gilt . . . to get nowhere fast. . . ." One is reminded of the child's world in "Days of 1935," exciting because of the mysterious unknowns of the adult world through which imagination can tumble, but here in "1971" there is no adventure, no imagination, no search, just a temporary escape from past and present and a headlong hurdle into a boring future.

Another escape is found in "Up and Down." "Up" is in a chairlift which pushes the narrator into a sudden philosophical leap, touching and humorous.

Risen this far, your ex-materialist

Signs an impetuous long lease on views

Of several states and skies of several
blues. . . .

"Down" is "The Emerald," a short story in poetry, as many of Merrill's poems seem to be, with characters, dramatic action, and very concrete images of the real world. The difference between "Up" and "Down" is that the former is a temporary, transitory state and the latter is tied with reality and the tangible world. Only that, the poet seems to say, can be the basis for real understanding and

identity. One can best philosophize only after one is materialistically committed.

AT ANOTHER EXTREME IS PETER CLAPPERT. Of this quartet his poetic world is probably the most remote. One does not merely browse through *Lugging Vegetables to Nantucket*; one must consciously plunk himself into Clappert's settings and grip the characters and images until meaning and order are wrestled from them. One critic has said that it is enough to "experience" these poems; one need not understand them. That is the lazy way out. Get rid of the fireplace and wine and turn on some examining lights. What you will find here is strong stuff.

"The Babysitters" is a collection of seven poems which must be read together. The frenzy builds until the end of the fifth poem "By What Means" where in a spectacular, explosive, 140-word invective, the narrator releases a volley of metaphors which, in case of emergency, one is tempted to memorize for some very creative name-calling. "Elsie" seems to be the reason for it all and "The Babysitters" is a rough record of the narrator's attempt to free himself from her influence and to redefine himself apart from her. It is a wild, sometimes incomprehensible, thought-word-action process, but it does offer a challenge to any puzzle-lover not easily shocked.

Reading Peter Clappert is sometimes like witnessing the birth of a poem. Because much of his space is devoted to word-play, many of his poems *become* only in their last few lines. His use of puns, rhymes, and repetitions at times proves that cleverness is not necessarily genius, as in "For the Poet Who Said Poets Are Struck By Lightning Only Two or Three Times."

... and the impression
I get on occasions when
I am struck by the sidewalk
is something I will not talk
about. How pedestrian
can you get. (Though each upset
makes me considerably more
concrete than I was before.)

There may be a truth here, but one sees only cunningness. However, this love of words and what they can do to other words and ideas is what poetry is all about, and Peter Clappert can play very delightfully, as in "Pieces of the One and a Half Legged Man," where in a surrealist stream of poetry, one word sets it all off.

... what kind of fantasy
life is that remnant? *trinity divinity unity*
infinity yes
yes, but cut 'em into bacon strips I'd say.

Catechism
remnant repeat after me: this man is a
state of mind
this man is a state of mind (repeat after
me after me)
Ears! Catechism remnant repeat after Me:
trinity is a delta
in the stream of traffic, trinity is a play-
ground for scholars,
trinity is a pretty ring in the orchestrated
chaos.

On the basis of "Pieces. . .," a five part poem, one is tempted to conclude that if Listerine sells, so should Clappert. Its cruelty hurts ("They love/their Little Boy, and/he has been a Great Bargain to them"). It requires deliberate work to understand it; but its message is probably very good for you.

"Lugging Vegetables to Nantucket" is a varied collection of easier poems—self-contained, and, for the most part, tight, disciplined studies. These prove that Peter Clappert *can* be simple and direct and this approach produces some very effective poems. A few lines and images are especially striking, as in "No Turtles" where there are "no turtles blooming in the turtle trees" or "The Invention of the Telephone" or "Iowa" or "The Drawer" or "Instructions from the Dean of Menopause." "Mail at Your New Address" suggests in an original way the misunderstandings, mysteries, worries, fears, and cautions of a remote parent.

There have been so many deaths
due to carbon m. poisoning
that this is just
a note to suggest you leave
a little air come into your room. Also,

I hope you don't get involved
with young men or older
or made from poppies (?) and Hippy's.
I hope you are not letting the drugs
get you. And don't get mixed up
with drugs. It might spoil your chance
for getting the cert. you are working for.
Remember, it is costing quite a lot.

Don't scold. I am afraid of your
trips to and near Chicago.

Of these four poets, Berryman is the stethoscope through which a life beat is heard. Merrill provides the gentle, probing fingers, but both Clappert and Plath seem to touch nerves with a fine steel instrument. Together, the four reflect our health and illness. Maybe reading them will provide a cathartic cure. □

COMPARING two works of art can reveal much about each work.

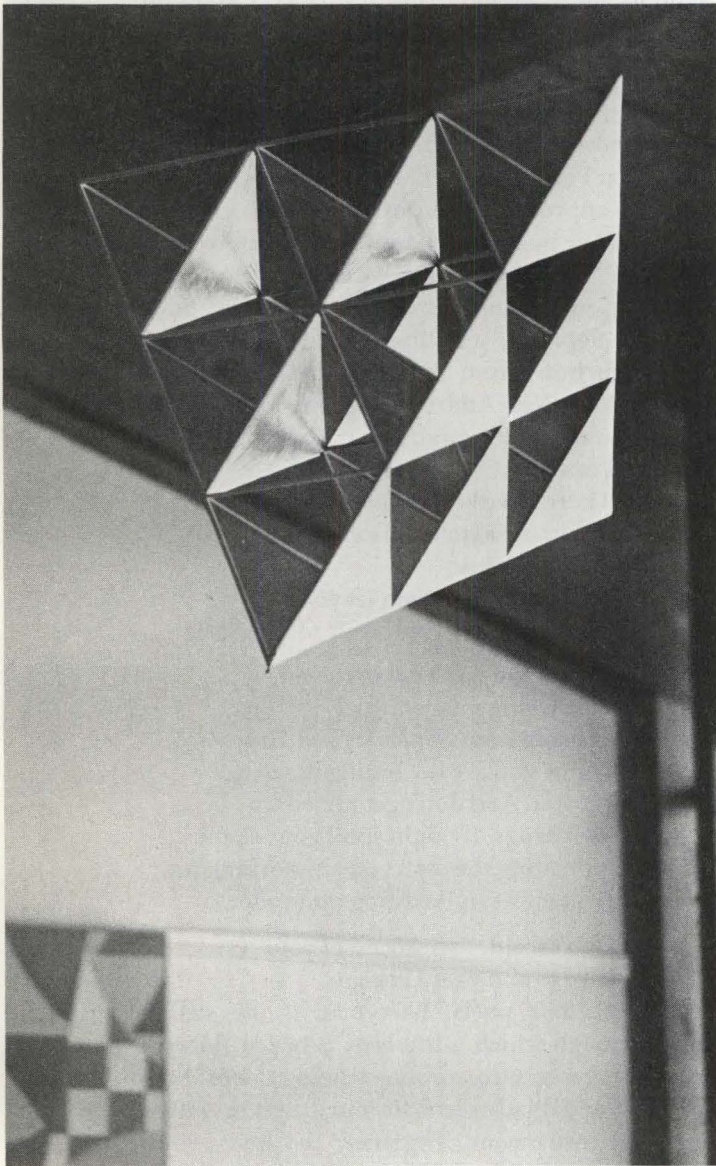
Here presented are a series of Baroque and Modern art expressions on similar themes. *Suffering* might be the theme of the works on the front and inside cover; *war* the theme of plates 5 and 6; *birth*, plates 3 and 4; and *The Creation*, plates 1 and 2.

My responses: (A) Someone else's art has a certain distance, especially if it is from another age. Remote from today's world are Baroque clothes, countryside, war attitudes, and illusionist conventions. However, the strangeness is suspended by

the compelling quality of the works themselves, and by the willingness of especially the educated beholder to accept the strangeness. On the other hand, one's own art comes from current life, and the deficiencies of its expressions are offset by the immediacy and self-revelation it uniquely provides . . . an argument for modern and amateur art.

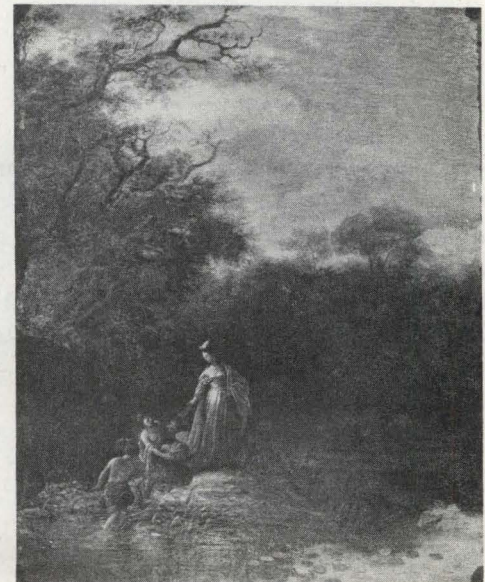
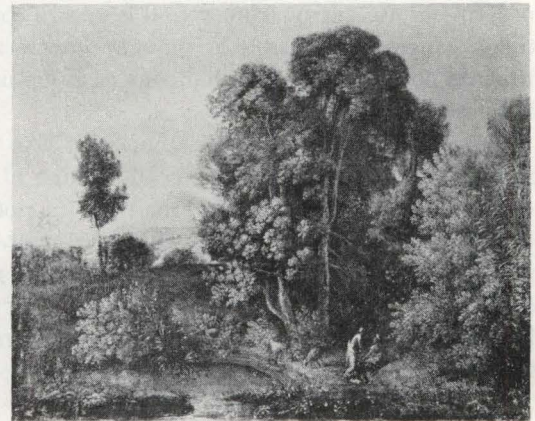
(B) Modern art seems matter-of-fact. That is, the current art here reproduced seems to let the materials of tangled cord and chains, wind and function, broken subject and shape, and filmic recordings speak for themselves, speak through illusions of candor rather than illusions of appearance.

BE IT EVER SO HUMBLE, THERE'S NO ART LIKE ONE'S OWN ART

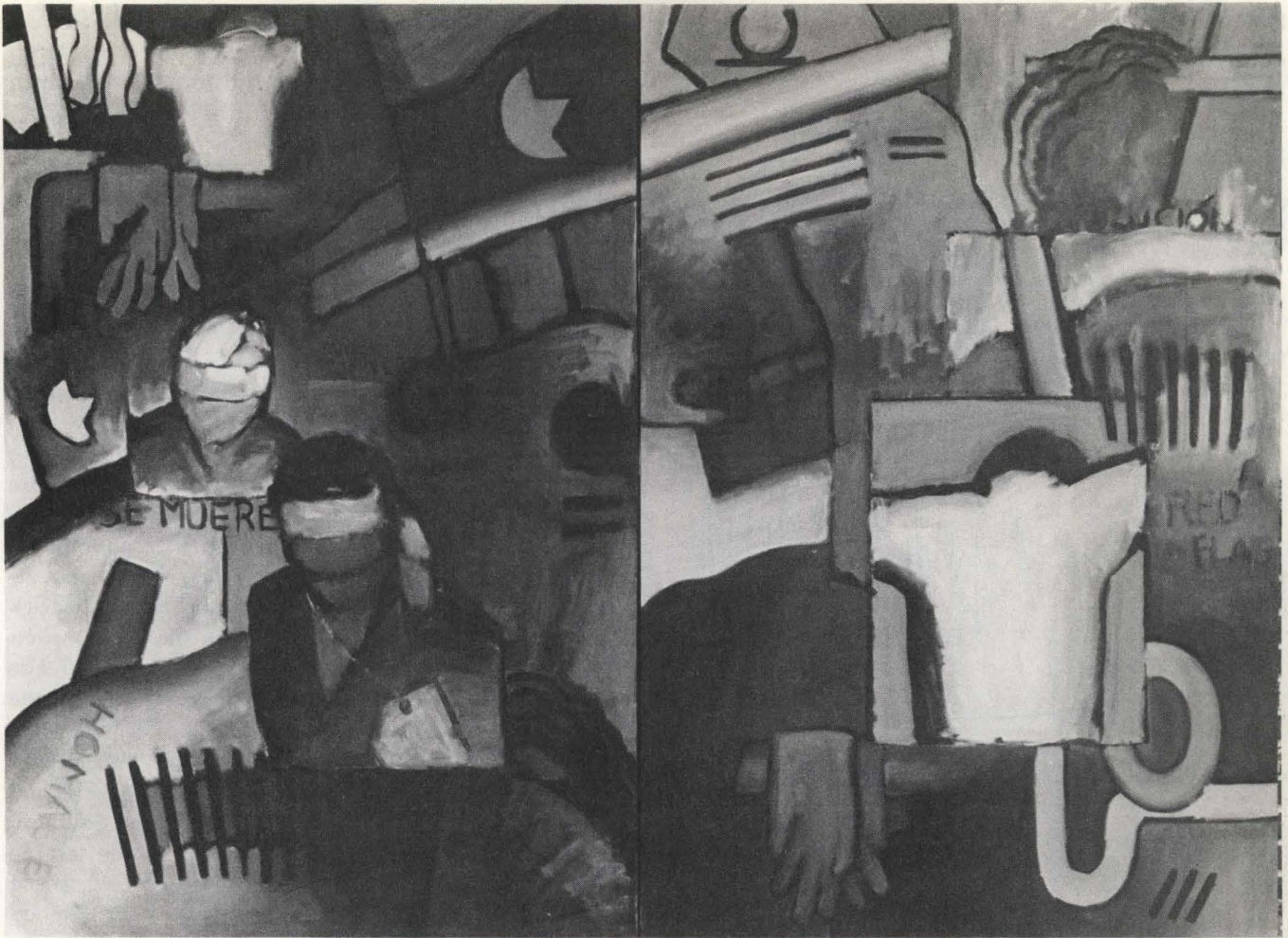


Charles L. Sternecker, Indianapolis. *Let the Heaven and Earth Praise Him*, 1972. wood and paper tetrahedral box kite of equilateral triangular planes in blue and green, 3' long outside edges. *Art for Religion Exhibit*. Plate 1.

Nicolas Poussin, 1584-1665, French. *Landscape with Figures*, oil on canvas, 19 1/2 x 26". Chesrow Collection. Plate 2.



Rembrandt Van Ryn, 1606-1669, Dutch. *The Salvation of Moses*, oil on wood, 18 x 15". Chesrow Collection. Plate 3.



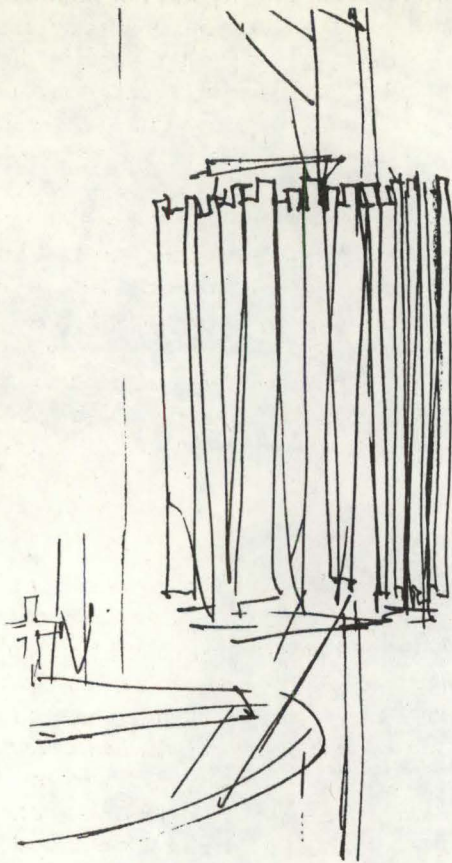
John P. Weber. *Vietnam Diptych #2*, 1965. oil on canvas, 69 x 96". Recent Realism exhibit. February, 1973. Valparaiso University. Plate 6.

Aniello Falcone, 1600-1665. Neapolitan. *Battle Scene*, oil on canvas, 29 1/4 x 39". Chesrow Collection. Plate 5.



Kay Lynn, Indianapolis. *Rape of the Chalice*, 1972, X-ray college. Art for Religion Exhibit. Plate 4.

From the Chapel



Here We Have No Lasting City

LUTHER ENGELBRECHT

One of the best-known Muslim *agrapha* attributed to Jesus, one which to my knowledge has never yet been successfully traced to Christian sources, goes as follows: "Jesus the Messiah, on whom be peace, said: "The world is a bridge; cross over it but build not your dwelling thereon." This saying accurately reflects the ascetic picture Islam has of Jesus; and, of course, it also reflects a valid Christian emphasis, as we see in the letter to the Hebrews (vv. 13,14), where we read that "here we have no abiding (or lasting) city"—also in the well-known hymn "I'm but a stranger here, heav'n is my home; earth is a desert drear, heav'n is my home." (It's not without reason that this hymn is placed *last* in *The Lutheran Hymnal*! A contemporary version might well

Luther Engelbrecht is a missionary on leave from his work in India. During his leave the Reverend Engelbrecht has served on the pastoral staff of the Chapel of the Resurrection. This sermon was one of a series on the theme of "Faith and Obedience."

read: "The urban scene's a desert drear, Valpo is my home!") A less maudlin expression of the same sentiment, however, is found suffused throughout much of Christian hymnody, and Paul Gerhard's *Weltschmerz* is well reflected in his hymn: "A pilgrim and a stranger I journey here below; for distant is my country, the home to which I go." For him, life is a "tiresome journey . . . thank God the end will come!" And he can say with honesty, "There's nothing here that tempts me."

In this age few of us would completely share such feelings: God has perhaps given us more cause for joy and celebration in this life. But even now these sentiments strike a very deep responsive chord in our hearts, especially in this Lenten season. In this season we join our Savior on the move, on the way of the cross, as he proceeds inexorably toward his goal, the goal set by the Father. There are brief interludes on the way, an occasional calm before the storm, but always thereafter movement and conflict lead to the inevitable climax on Calvary. Here we see *God* on the move, and it takes us back to the days when God was always on the move, when He dwelt in a tent, a tabernacle, in the midst of His people. His presence in the tent was manifested by the *shekinah*, the radiance of His glory. But David, after he had built himself a fine palace, wanted also to give God a proper house (II Sam. 7), something God had never requested. This was denied David; but Solomon did it, and God took up His residence in the temple built for Him. The God who had *gone* with His people now waited for them to *come* to Him; and some scholars mark this transition as the beginning of the decline of Judaism.

Inevitably the temple itself, strong and beautiful, began to share and even usurp the honor due alone to the God who was thought to dwell there; the temple and its cult became a symbol of security and protection especially for those in Jerusalem. But the trust in the temple was ill-founded, and after much patience God Himself sent the Chaldeans to punish the people of Israel. Against these invaders the temple was no place of refuge, and those found there were slaughtered, the temple itself, along with everything else, was looted and destroyed, leaving (as the people thought) no place on earth where God could live! The people were taken into captivity in Babylon, leaving God behind, destitute and homeless and peopleless. This is reflected in Ps. 137 (vv. 1-7): "By the rivers of Babylon, there we sat down, yea, we wept when we remembered Zion. We hanged our harps upon the willows in the midst thereof. For those that carried us captive required of us a song, and they that wasted us required of us mirth, saying, 'Sing us one of the songs of Zion!' How shall we sing the *Lord's* song in a *foreign* land?"

The prophet Ezekiel worked hard to convince them that God indeed was still with them and could not be confined within temples made with hands, trying to elide from their minds a geographical dimension in their conception of God—a task which apparently still

remains to be completed in Judaism! Eventually, at the command of King Cyrus, the temple was reconstructed — only to be destroyed and rebuilt and destroyed again in the course of the centuries. But some Jewish rabbinical scholars refused to believe that God ever again “took up residence” in the temple; to prove this they cited five things the subsequent temples lacked, including the *shekinah*, the sign of God’s glorious presence. Perhaps Jesus shared this view, which may lie behind his statement recorded in Luke 13:34 (cf. NEB trans.): “Behold your temple, forsaken by God!”

However that may be, we know that God once again did take up residence among His people, but it was in a tent, for we see that “the Word was made flesh and dwelt among us,” i.e., pitched his *tent* among us (John 1:14). Here the *shekinah* was not lacking; it was present in a new way, and John could say: “and we beheld his glory, the glory of the only Son of the Father.” In Christ God was present and active among His people; and when the Jews requested a sign from Jesus authenticating himself, he said: “Destroy this temple, this sanctuary, and in three days I shall raise it up.” (John 2:19ff.) The Jews were incredulous, but the Evangelist notes that Jesus was speaking of the sanctuary of His body. In the temple the sanctuary was the place where God revealed Himself—the *locus revelationis*. Jesus, His body, was the place, the locus, where God met man, where sacrifice was made for the people, where God revealed Himself.

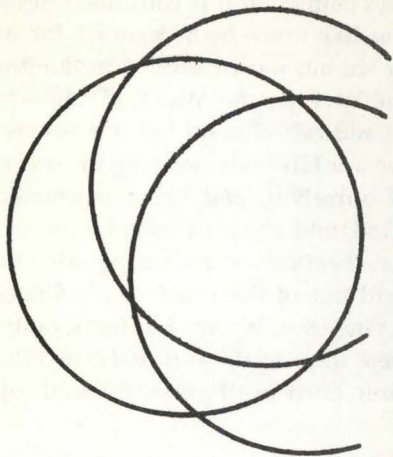
And now *we* are the *body* of Christ, where those functions, in a way, still take place. We are the arena in which God in this day reveals Himself and carries out His works of love and mercy and sacrifice. We are His tents, His tabernacles, made holy by His indwelling Spirit. (I Co. 3:16;6:19, etc.) In us He moves about among men today. It’s interesting to note that the armor or equipment St. Paul associates with the Gospel itself is something put on the feet (Eph. 6:15). We stand in the Gospel; it is our foundation. But we also must be on the move in the Gospel—the sandals of the Gospel of peace are for walking, not for sitting or even for kneeling. We are God’s tents, mobile, not His temples, fixed and established. The *primary* significance of the tent is not of something impermanent, transient, but of something near, mobile, dynamic. One scholar describes the tent as “a vivid metaphor of God’s abiding presence.” The temple, on the other hand, is a symbol of establishment, immobility, remoteness; a *come* structure for a *go* God. The temple is a symbol of the church at rest too soon; our Lord promised us *rest*, not relaxation!

The temple is not an architectural entity but a state of mind, of heart, of spirit. As Dr. Schultz mentioned on the Feast of the Transfiguration, Peter wanted to erect three tents there on the mount—these were in effect really temples by my definition, separate from the people, secure in isolation. But God pitches His tents right where the action is, where the need is, where the dirt and the trouble are. The basic idea of the holiness of

God was separation, but in Isaiah (chap. 12) and the Incarnation we see the holy God in the very midst of sinful people. God’s purity was not polluted thereby, but rather His was a cleansing, purifying presence—something like soap, which is not polluted by dirt but cleanses it, the price that it pays being that it is consumed in the process. Our Lord was like that—he became sin for us, he cleansed us of our sin but was consumed in the process. He is the Bread of Life, the Water of Life—he gives us nourishment and refreshment but is consumed in the process. And we are His body, walking the way of the cross—giving of ourselves, and being consumed. We are the tents of God, and about us must be the sign of His presence, the *shekinah*, a radiant glory—the glory not of this world but of the cross, of obedience, of humility, of self-giving love. We are His tents, on the move, looking for new ways to *do* and to *be* in Him, always in search of our Lord in disguise, in need, oppressed.

Vatican II described the church as God’s pilgrim people—here in Valpo there are many pilgrims, pilgrims to suburban security in flight away from the urban blight and people in need. But we share our Lord’s pilgrimage to people in need—*going* where they are, not expecting them to *come* to us. Every Roman Catholic church has a tent or a tabernacle where the consecrated body of Christ is kept. I realize why this is, but I still find it somehow inappropriate. *We* are His body, consecrated in Baptism, and like Him we go out to seek those in need of saving.

To repeat, Jesus the Messiah, on whom be peace, said: “The world is a bridge, cross over it but build not your dwelling thereon.” We may yearn for a bridge *over* troubled waters, but the way of the cross usually leads *through* them—a road of obedience, of creative suffering, of joy and celebration and tranquility because we walk it with him and with each other—who could ask for better company?—not looking for a pot of gold at the other end of the rainbow, at the end of the road, to satisfy our selfish desires; nor is it a road from nowhere to nowhere, the road of so many of our contemporaries. But it is a road coming from God and returning to God, meanwhile passing through the lives and needs and problems of men. On each side of the road are doors marked “Danger! High involvement—open at your own risk! Needy people inside—people oppressed by poverty and wealth, by sickness and health, people guilty, lonely, afraid.” We open the door with fear but with faith, and there we find a man, drugged and drunk and unkempt, and we look into his face and find that it is indeed our Lord. “Jesus! what are *you* doing *here*?” “Where else did you expect to find me? Didn’t you know that I had to be about my Father’s business?” He is with us but He is also waiting for us in unexpected places, and if our road is truly the way of the cross, we shall surely find Him again and again, and serve him, and receive in Him a joy and a peace that pass all understanding.



I WANT TO BE
A CRITIC
LIKE SOMEBODY
ELSE WAS ONCE

or

THE TRAGEDY
OF LANGUAGE

PETER HANDKE IS THIRTY years old and a highly controversial writer. He is an Austrian by birth, and there is nothing typically Austrian about him. His work is a far cry from the Viennese *Gemuetlichkeit* of wine, woman, and song, but then Handke hails from the Austrian province of Styria and

studied in Graz, a city even more parochial than Vienna. Handke is *ungemuetlich*. He is a paragon of atypicality of which he made an early career and on which his being as a writer is based.

He is not a No-sayer nor a Yes-sayer, he is interested in what is being said or the way it is said, in the relation of the word to the physical world, in the meaningless meaningfulness of things that make the sounds live. The idea of language tortures him, and he takes his revenge in torturing *it*. And he makes a marvellous, dramatic, and poetic job of it. Handke admits that the play *Kaspar* could be called "speech torture." But the play is not really a play. Hardly any of Handke's plays are plays. They just are. The same way as speech is. It is. It is everywhere. Someone is on stage — for Handke a stage is a stage in the Brechtian sense — and he only wants to show that something is possible with someone (these are his words, a quotation without its marks).

The someone is Kaspar. The idea for *Kaspar* the play which isn't a play is vaguely derived from the mysterious story of Kaspar Hauser, a sixteen year old youth who was brought before the authorities in Nuernberg, bewildered and unable to speak coherently. Papers relating to the case are supposed to fill forty-nine folio volumes, and the imaginative literature inspired by this legend is impressive as to its number, not its quality. Handke's *Kaspar* may prove to be the exception because he is not interested in telling a story. Sold on the notion of the incoherent absurdities of words, Handke wants to show how someone can be made to speak through speaking. All there is to be done is to take any sentence one can think of and prove the portent of a potent thing by giving an *ad nauseam* feeling to an *ad absurdum* statement.

Clever Handke chose the sentence: "I want to be a person like somebody else was once." It makes no sense on the surface, but has weight and depth in Kaspar's case



who, like a Frankenstein monster, enters the stage and repeats this sentence in an endless variety of tonal modulations until the sentence has been exorcised with the help of four prompters who are his different alter egos. Still not a play, even though Kaspar can finally speak and walk without falling down. Not a play, it is only an event that takes place on stage and in no other reality. Speech makes us speak. Words form a chain of words. Words relate to objects, or vice versa. They gradually begin to relate for Kaspar the more we come to realize that the seeming logic of the word fails to give the reality of the concrete its due: "I don't know where to go when a sentence doesn't suit me," Kaspar says.

To tie an open shoelace, to button an open coat is an action related to words which relate to words. One of the prompters says, for instance: "The shoelace hurts you. It does not hurt you because it is a shoelace but because you lack the word for it, and the difference between the tight and the loose shoelace

PHOTOS: Christopher Lloyd in scenes from the Chelsea Theater Center's electronic production of *Kaspar* by Peter Handke. Video Free America created the visuals for the show which was directed by Carl Weber.

hurts you because you don't know the difference between the tight and the loose shoelace."

When Kaspar gains the ability to form sentences he finds out that "once plagued by sentences I now can't have enough of sentences. Once haunted by words I now play with every single letter . . . now I don't want to be someone else any more—nothing incites me against myself any more. Every object has become accessible to me and I am receptive to each object." There are many tragic moments of linguistic awakening in that child-fool Kaspar when the realization of a phrase makes the realization of an action possible: "Because I can speak now I can put the shoelace in order. Ever since I can speak I can bend down to the shoelace in normal fashion."

WHAT IS TRAGICOMIC about it is Handke's allusion to how things or objects *are* because our ability to name them makes them subject to our will in an illusionary world of nonreality: "Everything that is in order is in order because I say to myself it is in order, just as everything that lies on the floor is a dead fly because I say to myself

that everything that lies on the floor is only a dead fly." Handke's ideas that every sentence helps us to get over every object with a sentence so that finally "a sentence helps you to get over every other sentence by letting itself take the place of the other sentence." Handke's syllogism that follows is frightening in its logical illogicality: ". . . the door has two sides: truth has two sides: if the door had three sides, truth would have three sides: the door has many sides: truth has many sides: the door: the truth: no truth without a door."

The second act, or rather what follows the intermission is an avalanche of absurd gibberish with moments of satiric gibes. But, strangely enough, in its totality this flow of words enveloped me in a heightened poetic feeling. The four alter egos have taken their seats on the sofa unpacking packages they brought along which contain files of various sizes. The four Kaspars in the background are the inner chorus accompanying Kaspar standing in front of a microphone like a crooner singing his endless aria that ends with the words: "If I only knew what I said just now! What was that actually that I was saying just now?"

His words have gained a frightening intensity while they swish over our consciousness. One listens mesmerized, stunned, puzzled, angered, weakening in one's resistance to the merciless onslaught of words. "When I did not understand a word I doubled it," Kaspar says toward the end, "and doubled it once more, so that it would no longer bother me." Is it true what Handke says? Is our life inundated by words and are there some of us who drown in them and others who ride the crest of the word waves?

At the end the curtain comes down with jerks on the installment plan until it slams into the five Kaspars and buries all of them. Shortly before this happens the four alter ego Kaspars accompany Kaspar's speech with hellish noise and, climbing all over him while creating an

almost physical entity of all Kaspars, they file away on whatever part of their bodies and Kaspar's body is left, as if retrogressing into an animalistic existence. Some of Kaspar's last utterances: ". . . with each new sentence I become nauseous. . . . There prevails an unbloody calm: I cannot rid myself of myself any more. I still experienced myself: I never saw myself: I put up no undue resistance: the shoes fit like gloves."

One cannot so easily put out of one's mind Kaspar's physical image on stage and his intimate relationship to its furniture. I cannot easily forget that he told me he was converted to reality because he has been made to speak. This reality is overflowed with speech which helps temporarily only, because sentences remain monsters. This could be the major point of this theatrical event dotted with points. But the points have the purpose of no purpose. On the other hand, those dots on the map of this theatrical experience grow into the monumental hoax called life.

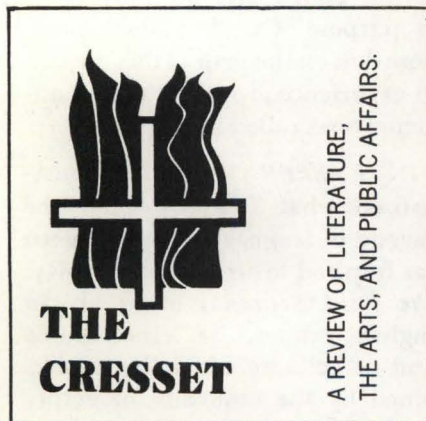
IN *KASPER HANDKE* Dramatized what Ionesco called the tragedy of language. When Ionesco was inspired to write his first play, *The Bald Soprano*, based on an English primer, he visualized a kind of collapse of reality undermined by the absurdity of empty words, "noisy shells without meaning." His tragicomic characters having lost their identity can easily assume the identity of others. In his *The Chairs* the inanimate objects still have symbolic meaning as nonpresent human beings. Handke goes one step further. Furniture becomes major actors dominating the mind of man through the mere fact that we must name them. Our dependence on the word is in Handke's eyes the tragedy of man.

I don't know whether he read his older compatriot Hugo von Hofmannsthal who, already in 1895, said that "people are rather tired of having to listen to talk. Words deeply nauseate them," and who, having been a master of the word,



dreaded its devaluation. Hofmannsthal felt he could no longer match words to his experience and that everything eluded him which he wanted to express. The only language he could think of was a language in which inanimate things spoke to him. He foresaw the world of Peter Handke who dramatizes what Hofmannsthal feared.

We must be grateful to Robert Kalfin, artistic director of the Chelsea Theater Center of Brooklyn, for having asked the Brechtian director Carl Weber to stage this play with Christopher Lloyd. The entire production is a *tour de force*. I can imagine that quite a few people may feel uncomfortable with this play. But why should they feel comfortable living in a world in which the cheapness of the word has become dear to us whether we are aware of it or not? □



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RECORDINGS RECORDINGS

THE BEST OF CARUSO.

RCA-Victor LM 6056

Ex Abundantia Cordis. . . .

Enrico Caruso has been variously called "the world's greatest tenor," "the world's greatest singer," and "the golden voice that ended a golden age." And we would indeed be remiss not to take note that February 27, 1973, was the approximate anniversary of the one hundredth year of the birth of Enrico Caruso. (It may indeed have been the anniversary of his baptism date.)

The Caruso name is inextricably entwined with the first twenty years of the history of recorded sound. Francis Robinson tells us that the tenor was responsible for two hundred and sixty-odd recordings. In terms of the practices of the record release of today, this would be enough material for twenty-six long-playing records. Of course, some of these selections were re-recordings, e.g. *Celeste Aida*, *Una furtive lagrima*, and *E lucevan le stelle* were each recorded on five separate occasions.

The earliest recordings were made between 1898 and 1901 by the Pathe and Zonophone companies. The first Pathe recordings were cylindrical but were later released on discs which were playable only on Pathe machines or machines equipped with a correct needle and a reversible reproducer. In 1902 Caruso contracted to make record-

ings for the Gramophone and Typewriter Company, which later became known as His Master's Voice, an affiliate of the Victor Company. After Caruso's Metropolitan Opera debut he signed another contract to record exclusively for the Victor Company (now RCA-Victor). Thus, with the exception of about eight or nine early Pathe discs or cylinders, all of the recordings were available in this country through Victor. There were many pirated editions, but through litigation, Victor was able to eliminate most of these in the twenties. (In more recent years, as copyrights expire, legal "pirated" editions have been issued.)

Since the advent of the LP record, RCA has made several releases of re-recordings made from original masters. The most recent and last available is a two-record set edited by Francis Robinson, Assistant General Manager of the Metropolitan Opera Company, an ardent discophile, and the author of a biography of Caruso. This release is entitled *The Best of Caruso* and was released as RCA-Victor LM6056. It includes fifteen operatic arias, seven operatic ensembles and eight songs. A few years later RCA released a single disc which narrowed the selection still further. The very latest release has been a cassette which includes most of these same selections.

We are told that the early Pathe discs display a lighter, more youthful voice. My recollections of hearing some of these discs are that they disclose a rapid vibrato that is not to be heard in the later recordings. By the time the first Victor discs were made Caruso's voice was slightly darker but still very lyric, but at the same time possessing those famous open high tones. Many of the writers who were his contemporaries refer to the golden quality of his tones. This seems to be rather lofty hyperbole until one attempts to describe this virile, round, gleaming quality and decides that it is indeed "golden." The line of his singing is truly phenomenal. (Line,

in the language of the vocal connoisseur, is the ability to maintain equal volume and tonal control throughout the compass of the voice.) Moreover, despite his lack of formal training, he seems to have worked out very carefully all of the skills prerequisite for the finest displays of *mesa di voce* (the ability to sing with the finest legato line and at the same time control every note from the very softest to the very loudest). Because of this phenomenal control of the voice, when Caruso chooses to ornament the line it becomes not only convincing and articulate but unusually expressed,

In the *Best of Caruso* there are ten examples of selections that were recorded during his first decade in *Solenne in quest'ora* with Scolti and *Ai nostri monti* with Homer. Neither of these duettists is any more than a serviceable partner for the tenor. There is a beautiful but cut version of *Una furtiva lagrima* with piano; two Puccini arias, *Recondita armonia* and *Che gelida manina* (the latter with a beautiful Caruso high C); two arias from French opera: *O Paradiso* and *Air de fleur*; *Questa e quella* and *La donna e mobile*, both from *Rigoletto*, the latter containing a cadenza that is tossed off with the greatest of style; and the last of the ten, *Vesti la giubba*, which

came to be so identified with the singer that it seemed to be his personal property. This last aria gives the greatest evidence of the Caruso that is to come. For even though he sang repertoire of other arias, it is with the roles of the *verismo* school of composers that Caruso had the greatest sympathy and communication. The elemental emotions of the Italian peasant were to find their greatest expression through the tenor's most gifted instrument. (He called his voice "il strumento," the instrument.)

It is in the second decade of Caruso's tenure at the Met that the voice darkens even more and grows, so that the tenor could take on more dramatic parts. The album introduces the decade with two arias that show lyrical control as well as dramatic power: *Ah, fuyez, douce image* and *Celeste Aida*. Then follow a quartet from *Martha: O soave fanciulla* from *La Boheme* with Farrar and *Si pel ciel* from *Otello* with Ruffo. (One of the great regrets is that Caruso did not live long enough to portray Otello on stage. It is also regrettable that the tenor apparently did not get along with Ruffo, for this indeed was a worthy partner.) These later discs also include two ensembles which Caruso recorded with Galli-Cucci; *Bella figlia dell'*

armore from *Rigoletto*, and *Chi me frena in tal momento* from *Lucia di Lammermoor*. In all of these ensembles it is the Caruso vocalism that dominates except in the case of Ruffo.

It is really impossible to dwell fully on all of the treasures in this release. There is a somewhat amusing but touching rendition of George M. Cohan's *Over There*. There are five recordings made within a year of the tenor's death which display the voice of the dark gold period. *Ombra mai fu* and *Bois epais*, though baroque and classical in origin, are given renditions of bel canto finesse overlaid with intense emotional content. And *Rachel, quand du Seigneur* from *La Juive* shows Caruso, the consummate vocal artist, in his final role.

One of the remarkable things about these recordings is that we can listen to all their deficiencies, their lack of audible spectrum, the pinched miserable orchestral accompaniments, and oceans of surface noise, but through it all comes flowing to us from the past probably the greatest singing voice that the Creator ever allowed to waft upon the air.

JOSEPH F. McCALL

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John Strietelmeier

LEGALIZED HOMICIDE

The last time I undertook to comment on the subject of abortion I got a hot letter from a lady in Northfield, Minnesota, advising me that as a mere male I was poorly placed to tell women what they could or could not do with their own bodies. So it is with some trepidation that I venture into such an emotion-laden subject again. I do so because it is a principle of law that one who conceals a crime becomes an accessory to it. And if there is anything that I do not need at this stage of my life it is another mark in the black book of the Recording Angel.

First, perhaps, we ought to dispose of the argument that a woman—or a male, for that matter—ought not to be told what he may or may not do with his own body. This is clearly contradictory to the Christian understanding of the body as the temple of the Holy Spirit and the instrument through which God the Father carries on his work of creation. The proper use of our bodies is as living sacrifices ultimately to be delivered up wholly in death so that they may be resurrected in Christ. But, of course, the United States of America is not a theocracy and we can not make counsels of Christian perfection the basis of secular laws. (We can, of course, insist that those who bear

the name of Christ obey His teaching, even and indeed especially when it runs counter to their own predilections.)

So, then, does secular law permit unlimited control over one's own body? Indeed it does not. It does not, for instance, permit men to go about exposing themselves publicly, whatever pleasure or relief they may get from doing so. It will intervene, if time and circumstances permit, to deny the individual what might be considered the most basic of all rights, the right to terminate his own life. Man does not live for himself alone, even in his secular community. His living and his dying are of more than personal interest, a fact which is most clearly attested to every time a murder indictment is brought not in the name of the relatives of the victim but in the name of society, acting through the State. In my own state, the People of Indiana consider themselves aggrieved when one of their number is feloniously caused to die.

The argument over abortion is an argument over the permissibility of terminating life. The decision to do so is not one which, in the past, we have been willing to leave to individual judgment, least of all to the individual judgment of the person who is most inconvenienced by its existence. The argument has been confused by essentially irrelevant questions about when the fetus becomes viable (if one takes the view that it is essentially a growth of some sort on the order of a tumor, it becomes easier to destroy it) and when the soul enters the body (which is to substitute Greek notions of the immortality of the soul for the Christian doctrine of the resurrection of the body). And in the bitterness of the resultant debate we do not get down to addressing the central question: Is human life, at any stage in its development and unfolding, to be terminated at the judgment, or indeed even the whim,

of one individual or one individual and a complaisant doctor?

Human beings, at all stages of their development, tend to create inconvenience for other human beings. The Israelites bothered Pharaoh, and so he decreed that all of their male children should be destroyed. The Jews bothered Hitler, and so he provided for their "liquidation" (call it not murder) at Belsen and Auschwitz. Old people are beginning to bother the young and the middle-aged to the point where we are for the first time beginning to give serious consideration to euthanasia legislation. One can find social justification for doing anything one wants with life, unless one starts from the proposition that what we cannot give we have no right to take away. And the more readily we take life, the more we cheapen it, until at least we cease not only to be Christian but to be humanist.

I fully realize, painfully and with a great deal of embarrassment, that the burden of carrying unwanted fetuses to birth falls wholly upon women, and that I can therefore be plausibly accused of being an insensitive male chauvinist who could spend his time more profitably denouncing the sins of his own sex. But happily I share the convictions of many women, Christian and Jewish and humanist, who accept the proposition that the awesome creative powers which they have by natural endowment give rise to equally awesome responsibilities for the protection and nurture of life and who are appalled by the thought that the miracle of life should be terminable for any but the most compelling socially and divinely approved reasons. And—let this be said also—I am much encouraged in my views by the pronouncements of leading teachers of the Roman Catholic Church, the one Christian communion which has spoken clearly, forthrightly, and theologically on this terribly vexed issue. □