

Regional Oral History Office
The Bancroft Library

University of California
Berkeley, California

Joseph Tussman
Philosopher, Professor, Educator

Interviews conducted by
Lisa Rubens
in 2004

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Joseph Tussman, 1968

Photo courtesy of G. Paul Bishop

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The Oral History of Joseph Tussman

Foreword by Tom Steding

Perhaps it could be considered a latter day irony in the history of Joseph Tussman, a hugely accomplished Professor of Philosophy and distinguished educator that this introductory encomium is being written by a grubby capitalist. The origins of this travesty go back to the founding of The Rueful Order, a monthly discussion group assembled in the mid-1970s, eventually misnamed given that its deliberations were neither particularly apologetic nor orderly. In a moment of extreme serendipity for the other members of this group, Joe was snagged into joining due to a conversation held at the Berkeley Rose Garden, eventually considered as a kind of omphalos of the group, where several members met to play tennis and to ponder the “Game” as a useful metaphor for life. Thereupon began a generation-long dialogue in which a dozen or so lives were shaped and immensely enriched under Joe’s profound influence.

We learned somewhere along the way that Joe also had a tradition of Friday lunches at the Berkeley Faculty Club with chancellors and Nobel Laureates, and I always thereafter had a contrasting image of his Friday night meetings with the Order as a kind of modern day male version of Persephone’s forced return to the underworld. This comparison is not so much to denigrate the group, but to dramatize the contrast with Joe. The Rueful Order was formed by another member and me, who had a predecessor discussion group at Ann Arbor, a few years earlier. This new group comprised an impressive group of bright, inquisitive minds, although it did share the general population’s affliction of a hyper-abundance of attorneys. It also included an architect, a Berkeley professor, a consultant, several academics of no little renown, an airline pilot turned rancher, a poet, an advertising executive, a high tech entrepreneur, and various others uncategorizable.

Joe had a fascination with pedagogy, and I suspect he was continuing to perfect his art with the group during our meetings. During a presentation, he would listen attentively and respectfully as the speaker often struggled through thickets of malformed thought, and he would wait for the right moment to jump in and set the matter straight. His style during this corrective moment was grounded in his love for ideas and respect for those who voiced them. He listened sympathetically and generally provided gentle support for a struggling intellectual aspirant, although I recall a few occasions in which his impatience for arrogant narrow-mindedness ran out and we observed downright smack down.

He sometimes seemed unusually conservative for an academic philosopher. He believed learning was a virtue and education was the essence of an effective electorate. He abhorred slovenly intellectual development or overly-narrow education curricula. He advocated with conviction the history of thought and literature as essential to the building of personal character and as a necessary preparation for meaningful participation in society. He resisted the notion of students determining their own curriculum based on the simple idea that they do not know what they do not know, and are thereby disqualified from the task. For Joe, the purpose of life was achieved through work, and he had great contempt for anyone he felt was “just a consumer.” His historical sources were correspondingly classical: Plato, Greek mythology, Shakespeare, and a life-long fascination with Hobbes and Milton. He seemed to have little patience with contemporary

philosophy, finding Wittgenstein a bit ridiculous and advising me “don’t bother” when I solicited his advice about taking a phenomenology class at the Stanford Continuing Studies Program.

He also held a deep contempt for the “market,” viewing this as nothing more than a disgusting melee of avaricious consumers vying for the good deal. (While I despaired of ever convincing him of the positive value of the market, I did give a talk once on the future of the then apparent Japanese juggernaut, at the end of which he declared he could get inspired to understand economics better. I suspect the urge disappeared by the next morning.)

When his turn came around, he gave memorable presentations. A particularly outstanding one was about the three great institutions that were created to contain the three great passions: marriage for lust, the judicial system for revenge, and commerce for greed. I recall, for example, his descriptions of exploits in China during World War II and the meaning of marriage and romance (including reflections from his own life).

Joe had a marvelous sense of humor. He had a gift for telling of jokes and his wit was ever-present. He was gentle and kind, with old-world manners. I introduced my daughter Anna to him when she attended Berkeley for her Ph.D. in Environmental Engineering. After a long delay, before she summoned the courage to follow through to arrange a first meeting, they began a long friendship right out of Olivier’s *A Little Romance*, with long discussions of homework and boyfriends and life’s challenges. And there were the Tussman aphorisms, such as what he called “an old man’s dodge,” when he was seized by an insight but found himself too tired to wrestle with it. One of his favorites was, “There is nothing as irresistible as an error whose time has come,” and we also heard, “A decision is a futile comment on the course of events.” And then about judicial activists: “Someone who wants to do more good than the job description allows.”

As time went on, Joe was quite willing to express his frustrations about aging. He explained how he would reread his writings from earlier years and wonder how he put together such complex material so coherently, and complained that his attempts at writing lead to mere repetition. Ultimately he described this plight as “music without melody.” Whatever aches and pains he suffered were eclipsed by the fear of becoming nonproductive or, worse, simply a consumer. He resisted succumbing to his decline, however. One Rueful member offered to loan him a walker and electric mobility scooter. He politely refused with a touch of indignation, wanting very much to retain his own limited and unassisted mobility. He finally relented, and the next we heard he was scooting down the sidewalk at top speed setting sending old ladies shuffling for safety. I imagined his wide and infectious grin and pictured him leaning forward, with his bald head, enjoying this final thrill. He died a week later.

Throughout our experience with Joe we had the impression of an uncommonly bright mind coupled with an intense passion for learning, teaching, and intellectual rigor. Over time, I suspect we had a shared experience of subtle internalization of Tussmanisms. I gave a speech at my son’s wedding rehearsal dinner in which I declared “respect for the institution.” an important success factor for a marriage. A Rueful friend reminded me that this was Joe’s point of view expressed years earlier; I had apparently automatically and shamelessly appropriated it as my original thought. We know we owe much to Joe, and it is probably much more than we even recall.

I always had the impression that he had traveled a full circle through a vast landscape of complex philosophical thought only to return having shed unnecessary filigree to arrive with something approximating solid common sense, which he delivered to us with patience and generosity. In the process he set a serendipitous new standard for all of us, and much of the considerable gentle power Joe exuded came from not just what he did, but who he was. We were extraordinarily fortunate to have known him, and we hope this Oral History will give you some sense of that happy experience.

Tom Steding with contributions from the members of The Rueful Order

Los Altos, California

August 2010

Interview History by Lisa Rubens

Joseph Tussman was a beloved professor in UC Berkeley's Department of Philosophy for more than thirty-five years. When he retired from teaching in 1980 his reputation as a fierce opponent of the Loyalty Oath in the 1950s and as an inspired educational reformer still had resonance on campus. His many publications—which he characterized as “lean”—were highly regarded by his academic peers, and remain in print.

At the time of his death, Joe was writing an academic memoir, in which he explored anew, ideas about education and the state that had occupied him his entire career. He maintained a broad network of friends and colleagues and participated in two long-established and intellectually rigorous discussion groups. He was vitally engaged in these interviews—which took place at his home on Oxford Avenue in North Berkeley in the fall of 2004 and early winter of 2005. Sadly he had edited only four of the interviews, making minor corrections, before he died in October, 2005.

We had planned an eighth interview to be conducted when he completed reading the first seven transcripts, to add anything he may have forgotten, and to provide some concluding reflections. Joe's son David read the manuscript before it was prepared for publication, but some names and details could not be verified. Similarly, there are some phrases that remain “inaudible” because despite Joe's rich and resonant voice and precise enunciation he had a habit of occasionally trailing off at the conclusion of a series of thoughts.

These interviews cover Tussman's childhood in Milwaukee—he was born in 1914--and his memories of his educated, cultured and lively Jewish family. He recounts here in vivid detail his memories of labor upheavals during the early thirties, his studies at the University of Wisconsin—arguably the center of radical university life in the New Deal era, and his recollections of the growth of military intelligence from his position as a decoder in Chunking during World War II.

Tussman came to UC Berkeley as a graduate student in 1937. He received his PhD in 1945 after his discharge and was hired by his department to teach philosophy in 1946. Denied tenure, in part because of his politics during the Loyalty Oath crisis, and in part due to a dearth of publications, he then taught at the Maxwell School in Syracuse New York and then Wesleyan, in Connecticut. He returned to Cal in 1963 where his teaching and writing matured, and where he served on a variety of committees that afforded him and thus the reader of this oral history insight into the workings of a “beleaguered” university.

Tussman was an early and outspoken faculty supporter of the Free Speech Movement in 1964—we spent considerable time discussing his little-known role in efforts to arrange negotiations between Chancellor Clark Kerr and Governor Pat Brown, as well as other episodes in the history of the student movement.

The following year—in part in an effort to address some of the educational issues raised by the FSM—he created the Tussman Program, an experimental two-year course for freshmen and sophomores, focusing on the great books of the western European canon. Tussman's goal was for students to trace “the underlying deep political theme of the West, which is the transformation of brute power into legitimate authority and underlies every political struggle,

whether it's articulated or not." Students became immersed in "the great episodes, the Greek episode, the Hebrew episode, the European episode, the American—all great case studies in the attempt of politics to gather all of the resources of a culture—its literature, its poetry, its philosophy, its science." While the program lasted only four years at Berkeley, Tussman's model spawned successful follow-ups at the University of British Columbia and at Evergreen State College in Olympia, Washington. We spent considerable time reviewing the philosophy, curriculum and fate of the program.

Tussman discusses, as well, his long friendship with the renowned educator and civil libertarian Alexander Meiklejohn, which influenced, his research and educational philosophy. Similarly he credits his collaboration with UC Berkeley legal scholar Jacobus tenBroek for setting him on a life-long investigation of "the obligations" of leaders as well as citizens to the body politic. From his position at the world's pre-eminent public university he argued that "the first duty of higher education is to produce citizens" with the critical capacity to think for themselves.

In addition to this oral history, a bibliography of Tussman's published work and excerpts of his writings, as well as a video interview with Harry Kreisler, may be found at <http://josephTussman.wordpress.com>. Catherine Trow's *Habits of Mind* is a history of the Tussman Program which includes extensive interviews from former students.

Over our seven interviews, I found Professor Tussman to a charming, modest man—in the end, he said, "I was just a public school teacher"—whose career spans a critical period in the evolution of the "multiversity," and whose memories of those years considerably advance our understanding of the intellectual, social and political history of the University of California. It is a shame that he didn't live to complete this work and enjoy the recognition that it might have afforded.

Interview 1: October 21, 2004
Audiofile 1

Rubens: I am so glad to have had a chance to look at your manuscript, “Academic Debris” [an unpublished memoir] because I think it is more than an academic review; I think it has a lot of personal information, for instance a reflection on your father, so I think we should just start without further ado. If you would, please, tell me where you were born and raised and something about your family background.

Tussman: I was born in Chicago, in 1914. My parents both came from the Ukraine, but they came separately and didn’t know each other in Russia, although my father knew of my mother’s family in a different village, because she was of a fairly well-known family, My father grew up in a poor family in a small town called Narodich. He did various—I have very few stories. When he was very young, his father took him to an adjacent town where there was a famous yeshiva, and settled him there. That meant he went to somebody and said, “Would you feed him on Monday night,” and another family, “Will you feed him on Tuesday night.” So he took care of him, and then left him. My father was a yeshiva student for a number of years. I don’t have any stories about it, but when he came out, his first job, he told me was going from village to village collecting installment payments for the Singer Sewing Machine Company.

Rubens: In Russia?

Tussman: In Russia, yes. Apparently it was famous all over the world, the Singer Company. That was his first job. How he finally made it out of Russia by himself, and went all the way to Hamburg, and came to the United States, is a mystery to me, how he did that, but I’ll pick up on that. My mother came from a family, also in the Ukraine, and they had a very large farm. Her father was a very grandiose man that I met in Chicago eventually, but he was a spendthrift, and he bankrupted them all. He had a carriage with matched horses; my mother still remembers the great dog, [Rosboy?], and she was driven to an adjacent village to study with a retired aristocratic woman who was poverty-stricken. She was a member of the aristocracy, apparently divorced, absolutely broke, and she made a living by private lessons.

Rubens: Was this unusual for a girl to be given that?

Tussman: Yes. So my mother was—the chauffeur, I mean the guy drove her to the town, the coaches, and picked her up, and what she studied I don’t know, it was probably Russian and literature.

Rubens: So they were well-to-do and—what did you say the money was from?

Tussman: My mother? A place called [Heitcha]. I don’t know how you even spell it.

- Rubens: But her father had made money doing what?
- Tussman: He hadn't made money, but he was just running—he owned, so to speak, a large farm. In fact, it was a farm, my mother said, using an expression from Gogol or Dostoevsky, "In harvest time we had 300 souls." Her stories about that—she remembers once being in the kitchen when a couple of the peasants were there, and they were talking, and one of them pointed to something in the rack of utensils, and said, "When the pogrom comes, I'm going to get that." So they lived a kind of very—
- Rubens: They were Jewish as well?
- Tussman: Oh, yes.
- Rubens: And the reference is that this is non-Jewish help that—
- Tussman: Oh, yeah. These were all Russian peasants, and they worked. So they had a large estate, but—my grandfather apparently was quite reckless with things like coaches and trips to Kiev, so they came here. I thought my father's town took on a kind of aura of myth, Narodich, Narodicha. One day about ten years ago, I was watching television, and there was this program on the aftermath of Chernobyl, where there was a nuclear accident, and it said, here, for example, is the little town of Narodich. And it showed what I take to be my father's village, completely deserted, and the one street that they showed looked like one of those sets from an early American western in the movies, store fronts and stuff. So apparently it was real. They both—my mother's family all came, she had about six sisters, two brothers, they came to Chicago—
- Rubens: When is this, before the turn of the century?
- Tussman: No, a little after. It must have been between 1905 and 1910.
- Rubens: Do you think it was a response to the first revolution, or—
- Tussman: No, they just saw the handwriting on the wall. My grandfather couldn't have owned the land; it was owned in the name of a peasant who just did an "x," and that could vary anytime, disappear. Anyway, they fled, so to speak, and came to Chicago. My father ended up in Chicago by himself, and they met and got married. They hadn't known each other before, and they married in Chicago. I was born—we tried to get my birth records, my birth certificate. I've never been able to get it. I've written to all of Chicago, Cook County; they don't have—the truth was, they were poor; they lived in a sort of basement, and I think I was delivered by some intern from one of the hospitals who came and delivered me there.
- Rubens: Were you there first child?

- Tussman: Yes. They had one other, a son, my younger brother, who was three and a half years younger. There was a significant difference in—they got along very well, and they were married until my father died, and—
- Rubens: Are you assuming they met and made the marriage themselves, as opposed to it being—
- Tussman: Yes. Because my mother was very striking; my father was very handsome. That's a portrait of my mother by an Italian artist named Gitzenstein. That's a picture of her, and that's a sketch by Glitzenstein of my father. [Points to them on his living room wall.]
- Rubens: You'll tell me in a few minutes how that came to be, that they were sketched.
- Tussman: Yes. Well, Glitzenstein came to Milwaukee, and very many Yiddish intellectuals had heard of my mother, and they knew her, so they almost automatically called on her. I guess I better explain. She was a very early defiant woman, talented, and a poet. She wanted to be a poet. And write in Yiddish. But to be a Yiddish poet was to fight an extremely arrogant male chauvinistic intellectual Jewish literary group. They were scornful of her, so all her life she fought these people who, in addition to everything else, thought if you weren't in New York, you didn't exist, and thought if you were a woman you didn't exist.
- Rubens: Did she live at home until the time she married?
- Tussman: Yes, in Chicago.
- Rubens: Was her family one of letters; did they read—
- Tussman: They were all intelligent; her sisters were intelligent, and many of them competitive, but none of them wrote anything. My mother was the writer. She eventually, fighting all her life, established herself as a Yiddish poet, in the end published half a dozen books in Yiddish, usually all published in Israel, and she got the Israeli Manger poetry prize towards the end. So she was known all over the world, and was very, even at the end of her life here, when she was living in Berkeley alone after my father died, she always had one or two graduate students from Stanford who wanted to study comparative literature, PhD candidates in comparative literature, and their Yiddish wasn't good enough, and their poetry wasn't, so they would come up to my mother's place and spend whole afternoons with her—
- Rubens: So she had brought this reputation with her, and—
- Tussman: Yes.
- Rubens: Did you facilitate the connection between Stanford and—

- Tussman: No, she had none at all except her reputation, and they knew that she in Berkeley, and one after the other they came, and became quite friendly, and my mother coached them on Yiddish, and also on poetry, and—
- Rubens: Did she develop this career over—
- Tussman: Her whole lifetime, and she wrote—when she was ninety and I'd come and visit her, when she lived alone I'd drop by, give her breakfast, see that she got dressed and everything, she said, "I got up at five o'clock in the morning and I wrote this wonderful poem on the back of an envelope," and she would send it to Israel and they would publish it. She—
- Rubens: And there wasn't a New York press?
- Tussman: There may have been, there may have been, but somehow—
- Rubens: She found her niche.
- Tussman: Yes, she found her niche. She was originally very anti-Israeli, because at some point Israel wanted to make sure that Hebrew was the language, and not Yiddish, so they prohibited Yiddish, and prohibited all Yiddish publications, print and newspapers, and my mother was furious at this. She was affiliated with a Volna group that did a Yiddish encyclopedia, whose ambition was to elevate Yiddish to a language of its own, rather than be a kind of degenerate German dialect. Her reputation developed while we lived in Milwaukee, and she was a kind of pioneer feminist. I always think of her as the first Jewish woman in Milwaukee who ever served salads to her family. She was kind of advanced.
- Rubens: Bohemian? Was there a—
- Tussman: There was a streak of that, but not noticeable. The real tension was that my father was an amiable, very attractive guy, a natural leader. His father had been a cantor, and his grandfather had been a cantor, so he knew the cantorial tradition, and he had a great voice.
- Rubens: The yeshiva doesn't necessarily mean you're preparing for—
- Tussman: No, no, not—
- Rubens: He was schooled under his own father.
- Tussman: The cantor stuff he got from his father, who was a cantor, and my father was so well-liked in Milwaukee that during the high holidays, after he affiliated with one of the temples, they would bid for his services, because he would pack the house. And I even used to hear him do Friday night services, and I was quite proud of him. He had a great voice, and he was something of an

actor, and there was something about the way he rolled his eyes to heaven that made everybody swoon. He was very popular. Very unaggressive—

Rubens: Did he have a position in Chicago?

Tussman: No.

Rubens: How old were they when they married?

Tussman: Twenties?

Rubens: They were young. What were their names?

Tussman: Yes, they were young; they were very young; and this was the first and the only marriage for both of them. My father was Sheleime, and he was the son of a cantor. My mother was Malka Heifetz and she became a poet.

Rubens: But then, neither of them had really worked, or had established their career.

Tussman: No.

Rubens: And why Milwaukee? How did they get to Milwaukee?

Tussman: I think he was offered a job as a cantor and a Hebrew teacher, that is, to be cantor, and then in the afternoon he taught Hebrew to kids who would come to Hebrew school after regular school for an hour or so.

Rubens: And they moved there about 1912, do you think? Shortly before you were born?

Tussman: My earliest memories are not of Chicago; my earliest memories are of Milwaukee. The tension between my father—I didn't appreciate it so much as—my mother was extremely self-confident; she was politically a kind of anarchist, not very politically concrete, but Emma Goldman, Tolstoy, stuff like that.

Rubens: She'd talk about these figures?

Tussman: Yes, occasionally, but she was not a primarily political person. She was always involved with her poetry, and my father was very deferential. He always saw to it that whenever we moved from place to place she had a study, and he deferred to her completely, and what was more, he gave up ambition for her sake. She was—she rejected the role of cantor's wife. She didn't want to entertain temple people; she absolutely did nothing, and they all forgave my father for his eccentric wife, who was by this time getting quite famous, but she was very anti-religious.

- Rubens: So did she not attend?
- Tussman: Once in a while she would attend, but she didn't attend regularly. She didn't do what a cantor's wife is supposed to do. But she was forgiven, and my father—
- Rubens: She had these compensatory virtues.
- Tussman: Yes. And I don't know how much they appreciated her; they were a little bit in awe of her, but my father gave up all ambition because of that. She was a poet, he would say, and she should have her scope. And she didn't want to bother with the temple, okay. So she never bothered with the temple. My father was not religious, but he knew the whole tradition, and he knew the Talmud, and he was a great singer, a cantor, and Hebrew teacher, so in some sense, although he was a natural leader and very well liked, all over the place, his wife—my mother didn't support him, in any of his activity. They were very amiable, I thought, to each other, and when they didn't want me to know what they were saying, they spoke in Russian. When they wanted me to know what they were saying, they spoke in Yiddish. But they also could speak in English. They would speak to me in Yiddish, and I would answer in English. Even after I went to college, they would write to me in Yiddish. And I would answer them in—once in a while I would try to write in Yiddish, and they would—
- Rubens: But you understood it as a conversational language?
- Tussman: Yes. I understood a lot, but I couldn't talk, because I wasn't used to that. My father was a Zionist; my mother was not. My mother was against the communists because they wanted the Jews to go to Birobidzhan this place in the boondocks out beyond Siberia.
- Rubens: Had there ever been discussion amongst them about going to Israel?
- Tussman: No. Well, my father always wanted to go to Israel, and my mother never wanted to. Finally, when I was in Syracuse, which must have been in the late fifties, my father got my mother to agree to go to Israel for six months. So they went, and I remember telling my mother, I said, "You don't dare come back before six months!" And six months to the day, they came back. They met some relatives there, and my mother contacted—when I went—
- Rubens: Contacted her publishers, or—
- Tussman: Yes, intellectuals there. When I went on my one trip to Israel later, it must have been in the late eighties, it was the year of the Oakland fire; I can't remember—
- Rubens: Eighty-nine.

Tussman: That was it. I thought of going to the university, Hebrew University, I went to the university, I didn't go to what they then had, a Yiddish or Hebrew Studies department. I thought, I can't go there, because they'll expect Malka's son to be fluent in Yiddish, and I didn't want to be a disgrace. So I didn't go there, but eventually a woman contacted me here who was doing a PhD thesis on my mother's poetry, and so I answered a few questions about it.

Rubens: Did it come out well? Was it a decent thesis?

Tussman: I've never seen it. My mother by that time had a whole lot of young admirers in Berkeley. Young poets, mostly Jewish, some not, and there was a whole circle that followed her, and took a proprietary interest in her. She was their sage. She was very good at reading other people's stuff, and making helpful comments, and they all liked her very much. By her nineties, she was still high-spirited and by that time, since my father had died some time ago, she lived in Berkeley, and as I say, I would mostly take care of her, and eventually got a woman to live in with her, and always regretted that in the last, when she was ninety-two and ninety-three, she was beginning to lose it.

Rubens: You have mentioned that.

Tussman: I thought that was the tragedy of the last years. I had the sense—

Rubens: Say just a little bit more, if you don't mind me interrupting you, about the Zionist split. Would you hear discussions in the household?

Tussman: Yes. My father was a Zionist, at one point he—

Rubens: And what did that actually mean?

Tussman: It meant he was a labor Zionist, a left-wing Zionist, believed in the labor party, when it was then left. When Hitler came to power, or after Hitler, he said, "Look. I don't care whether Israel is Socialist or capitalist. It's got to be a refuge for the Jews; that's all I care about." He was very attached to Israel. I was not a joiner. A lot of my friends were Young Zionists, and would go to Zionist meetings. I never joined anything.

Rubens: Was there some pressure from your mother, that you would—

Tussman: No, no, she never intervened in that. I was perfectly free. My parents left me astonishingly free. But I was obviously influenced. There's a passage in Joyce's *Portrait of the Artist as a Young Man*, do you know it? In which there's a family feast, and a discussion, and it's very Irish, and "Down with the priests, they've killed my Parnell," and that whole thing, and it blows up, and the aunt leaves, and my youth was full of things like this. They would say "He's a Trotskyite," you know, at the dinner table this was the kind of discussion we'd have, because people would drop in all the time, and my

mother was sort of a magician, in spite of everything. She could take a chicken and make it feed ten people.

Rubens: I was going to ask you, how would you characterize the economic life of your family?

Tussman: My father always made a decent living, in Milwaukee during the Depression; we always lived in a nice house, and moved from place to place, a dozen places; in those days in Milwaukee, if you wanted to live somewhere, you drove by there, you went by there, and you answered one of the “for rent” signs, and you went in. So we moved a dozen times, and I went to a dozen schools.

Rubens: So the Jewish community was not ghettoized?

Tussman: It was not ghettoized. Looking back on it, most of my high school friends, they were almost all Jewish. First-generation Jewish, the parents were more proletarian than mine, and not as cultured. My father was very literate and cultured, and knew some of the great Yiddish poets by heart, and they knew Russian literature. My mother was very contemptuous of what she thought of as “vulgar Yiddish.” I remember her saying, “The Yiddish word for window is not ‘vinde.’ It’s ‘fenster.’” But all of my friends’ mothers said ‘vinde.’ She thought that this was the uncouth Yiddish that she was trying to elevate Yiddish above. My father was a Zionist, but not an aggressive one; I didn’t belong to the Young Zionists, and some of my friends went and joined a kibbutz and came to visit. I was very sympathetic, but I wasn’t—I was too self-centered, I think, or whatever. It never occurred to me; I didn’t like to go to these organizations—

Rubens: But were you bar mitzvahed? Were you tutored in the—

Tussman: There was a big fight about my bar mitzvah, and it’s a big secret. About the bar mitzvah, what should happen? My father said, “Well naturally, we’ll have a bar mitzvah.” My mother says, “No! I hate the temple; I hate religion; I’m not going to have him go and be bar mitzvahed.” My father was a cantor; what could you do? So they invented the story that I went to Chicago to my grandfather’s to be bar mitzvahed, and I always felt that was a secret. So I was never bar mitzvahed, although my father, as I said, he was not very religious.

Rubens: Same with your brother?

Tussman: Yes.

Rubens: He was not religious. What did you mean by that? I wanted to just finish that.

Tussman: I don’t think he believed in anything, but he was extremely respectful of religion, and he would not tolerate me making foolish atheistic—he didn’t like

me to be disrespectful, even though I think he didn't believe. He was not a simple believer, but he loved the tradition, and he loved the Jews and being Jewish, felt Jewish to the core, as did my mother, and he was not about to be contemptuous of religion. So I never was. I never believed in anything, and my mother never believed in anything. My father, I don't think he did, but he would never say so. There were always—my father was always following Israel, and I did too, I followed things. Eventually, when they took their half year and went to Israel, it was very satisfying for my father. There must have been some reason why they didn't stay longer. I had hoped, why don't they just really stay there, but they came back; my mother was anxious to come back. As I say, his Zionism moved from being ideological, left wing, Labor Zionist to being just Zionist, so that there was a little home that Jews could take refuge in; that was all he cared about, he wasn't an expansionist.

Rubens: Were you aware of the 1920s at all? You were ten in '24; you'll start Wisconsin nine years later, so—

Tussman: I was in Milwaukee during the early part of the Depression. I graduated in February from high school, and I didn't get to go to Madison until the next fall. It was the height of the Depression, about '31 or '32, something like that, and I got a job temporarily working in a laundry as the receptionist and going out to the car and bringing in bundles. I remember I was getting twelve dollars a week. And I remember one day, as I took the streetcar to work—

Rubens: Was it a Chinese laundry, or—

Tussman: No, it was a Jewish laundry -owned by a Jewish temple big shot, who had a nice family, I knew the sons. As I passed banks, there were lines in front of every bank. It was the day the banks all closed. And I remember when I—it was a big turmoil. And I remember the whole Depression in Milwaukee, and my father was under a good deal of pressure. I think he was doing a little bit—at one point he decided to sell insurance for the New York Life Insurance Company; I remember him filling out the forms. Very successful at it, but when the Depression came that faded, so we were living on very sparse terms. We always had enough to eat, and we almost always had a maid who would come, because my mother was also teaching at a Yiddish school, and my father had a job.

Rubens: So she had some income as well.

Tussman: My mother, yes. A little bit, not an awful lot. And we always had a maid; I remember a Hungarian woman who would tell me, "Practice the piano." She wanted me to practice. I was no good at it, but they had me—

Rubens: But there was a piano in the house.

- Tussman: A piano in the house, yes, they wanted me to—but I was stupid, and didn't use the time to learn the piano, and I don't think I could read music very well. I was almost dyslexic about that. So the Depression was a major fact of life in Milwaukee, and when I went to Madison, I went without a penny. For four years, I was very lucky, I had a meal job. I waited on tables for two years in a fraternity, and then I shifted to a slightly better job in a sorority, a Jewish sorority. I waited on tables three times, for three meals a day.
- Rubens: And got your meals?
- Tussman: I got my meals; that's all I got, was the meals.
- Rubens: Really, no pay?
- Tussman: No pay, no. I'd come and I'd wait on tables, three times a day, and that at least supported me, but it also made a big dent in my social life. And I had a room, as I remember, for three dollars a week, and I think that—I don't know where I got the money; my folks sent me very little. They had very little. But it cost very little in those days.
- Rubens: Had you been a rebel in high school, in any particular way?
- Tussman: I was very conventional.
- Rubens: You do mention riding on a bus and reading Spinoza on a streetcar.
- Tussman: Partly it was that and partly it was kind of vanity, I think. My folks were intellectuals; they encouraged this; they had a great deal of respect for the philosophers; my father knew all about Maimonides and some of the others, and I thought the philosophers—and I always took it for granted I would go to the University.
- Rubens: It was assumed.
- Tussman: And I never knew what I would be after that, at that point. They encouraged my reading, which I did. I remember taking the bus and going downtown to the Milwaukee Public Library and museum a lot, going through the museum, and taking books out, and I always remember doing that alone.
- Rubens: A couple more questions I was going to ask you; your mother was a writer, and she was teaching; was there a sense not of neglect, because you were on your own?
- Tussman: No, no. The most that happened was that when we came home, during certain periods, our maid would be there; she was a live-in maid, and she would give us something to eat, and see that I was to practice the piano and all that sort of

stuff, and then my mother came home in time for dinner. I think she may have cooked a good deal of the time.

- Rubens: So she was a presence in the household, that's what you said, your father deferred to her.
- Tussman: My father was also personally a great presence. He was the only cantor who played golf, and he even played sometimes Saturday afternoon. He took me to baseball games. He was quite a sportsman, but he didn't write; he had no literary ambition, and my mother was constantly writing—that was her life, writing—and she was devoted to her family. I never felt neglected.
- Rubens: Was there an extended family there at all?
- Tussman: Not in Milwaukee.
- Rubens: In Chicago?
- Tussman: Chicago, and occasionally we would drive the eighty miles to Chicago, and I remember it was a big deal. My mother would call up all her friends, "We're going to Chicago." "Well, good luck on your trip."
- Rubens: You had a car? The family had a car?
- Tussman: We must have had a car. This was after '26 or so. We had a car, and occasionally we would drive to Ravinia Park, which was north of Chicago, where they had outdoor opera. I remember my mother would pack a big lunch, and we'd drive to Ravinia Park, and there would be the part where there were seats that you paid for, and a big throng sitting on the grass. Milwaukee had a very good opera company—the Florentine Opera. I remember going there and listening to opera with my folks.
- Rubens: So these were cultured people, as well. One other area I wanted to ask you about was theater, because in New York there had been a very vibrant Yiddish theater; I don't know about Chicago.
- Tussman: There was no Yiddish theater—there may have been in Chicago, but I didn't know—but there was none in Milwaukee, and there was hardly theater in Milwaukee. I remember once a year the theater guild would come to Milwaukee and do six or eight plays. I would go to some of those. I remember still seeing Marco Millions and a few other plays that are forgotten, by Shaw, maybe. But there was no theater. A lot of my friends here who had grown up in New York go to the theater all the time and I don't; I never imbibed the theater tradition. But my folks were very cultured, and very interested in literature. My mother also was especially interested in French literature, French poetry.

- Rubens: So conversation at the dinner table must have been very rich.
- Tussman: Yes, and we very often had people who dropped in, which was something I assumed was normal for a family life. You had mother, and father, and they had friends, or a stranger would come and they'd say "Oh, stay for dinner." There was always talk, a good deal of it political—radical political. One of my friends was a guy named Jerome Vinograd, and his father was a druggist, in Milwaukee. Once as I was walking by his drugstore and he rushed out and took off the gloves he was wearing: "I've got a letter from Trotsky. I'm corresponding—here's a letter from Trotsky!" I couldn't have cared less, at that point, but still—
- Rubens: It made an impression.
- Tussman: It made an impression on me. My Milwaukee friends were all men who eventually went to the university, graduated, and all except one or two lawyers wanted to go to medical school. Almost all of them had to spend at least a year trying to find a medical school that would admit them.
- Rubens: Because they were Jewish?
- Tussman: Because they were Jewish. Eventually they all became doctors, and settled into the life of a Jewish doctor, some very good. But that's what their ambition was.
- Rubens: There was a certain upward mobility in their families, was that—
- Tussman: It was upward mobility, because I think these were the first generation of kids who went to college.
- Rubens: But this wasn't something you were aspiring to. They must have identified that early.
- Tussman: Yes, I didn't want to be a doctor, although I had an uncle who was a doctor, one of these great poor physicians who carried a bag around and delivered babies in the black neighborhood and never got paid, and had a wonderful sense of humor and worked himself to death—completely ethical and absolutely wonderful.
- Rubens: Your father's brother?
- Tussman: My mother's brother-in-law. Married to one of her sisters. I didn't want to be a doctor because I didn't even like to dissect a frog. Law, which was sort of a natural, I got scared out of. I'd go down to the rathskeller in Madison where students would hang out and I remember them: "Party of the first part, party of the second part"—and I was just an undergraduate, and I was awed; I said, "I can't do that stuff." But we're skipping ahead a little bit. Anyway, my

parents had a cultured home; we listened to opera; they had records early; we went to concerts when we could in Milwaukee; they were very literary people, my mother had a librarian friend who always encouraged me to read; I remember when she told me to read *Lord Jim*, which introduced me to Conrad, and that became one of my favorite books. So I was always reading good literature.

Rubens: And how about finally your high school, was it a good high school, good teachers?

Tussman: I went to a good, ordinary Milwaukee high school. I'm a public school kid. I went to public schools from kindergarten through college, to the PhD. All in public schools. The Milwaukee schools—the high school was rather fun, as I remember. I was in the debating club, and the drama club; I couldn't act worth anything. I wasn't much of a debater, but at least I tried that.

Rubens: Do you remember any of the topics that were being debated?

Tussman: "National advertising is against the public interest." That was the only one I remember. We were trained to take both sides, and it was something that the intellectual kids gravitated to. I never considered myself much of an orator, or a talker, although to skip ahead, I—

Rubens: But you must have graduated early; you did well, because you got out in January?

Tussman: Yes, but that wasn't so much ahead of time, that was because we had moved a lot, and I don't know, one accident or another. I skipped two grades, that's right. And they were terrible to skip, because I skipped one grade in which I would have learned fractions and decimals. All my life I suffered from that, because when I was promoted I was ashamed to say I didn't know this stuff, and I was just absolutely hopeless in math, so I've always had this feeling that if they hadn't skipped me in math, God knows what I might have become.

Rubens: Did you feel socially awkward?

Tussman: No, no. I was more a loner—I had some very good friends, and we were always going out together, or hanging out, whatever it is. In Milwaukee there were taverns even before Prohibition—on every corner, and you could go in, you could get some cold cuts, a nickel for a stein of beer, or near-beer, as the case may be, before Prohibition. We bummed around the way kids do, during the summer we took the streetcar, went to the beach, spent the day at the beach.

Rubens: What's the beach?

- Tussman: Bradford Beach, on Lake Michigan. Milwaukee. We're still on Milwaukee. Milwaukee was a very interesting small town. It had a bigger Polish population than Germans, but the Poles were very unobtrusive, and the culture of Milwaukee was German. These were Germans who traced themselves back to the revolution of 1848, and they were sort of socialist refugees. They came with the tradition of Carl Schurz, who was a socialist. They were cultured, and not especially anti-Semitic, until the beginnings of the rise of fascism, and then you saw more and more Turnvereins and men's choirs and occasional flashes of anti-Semitism, but it was more or less subdued.
- Rubens: You remember seeing this, is that correct, at the end of high school? Hitler comes to power in '33, right when you're going to start college.
- Tussman: So it was not blatant, but I was very aware of the fact that they were German.
- Rubens: And were you very aware of the fact that you were Jewish?
- Tussman: Yes.
- Rubens: Did you feel that your life was circumscribed?
- Tussman: The home was a center in which —it was Jewish, but we didn't keep kosher, we didn't do any of these things, but my mother was intensely Jewish in her literature and poetry, and my father was intensely Jewish. He was from a small town in Russia, and he came from three generations of cantors. We took the Jewish papers, and all that. So there was never any doubt about that.
- Rubens: Was going to Madison entering into a larger world that seemed less bounded by ethnicity?
- Tussman: Yes, ethnicity wasn't big with me then, going to Madison, and there were some of my friends who went to Madison, but very few of them I kept contact with, because they were somehow—I don't know.
- Rubens: You mentioned that many were on a medical track.
- Tussman: Yes, from very early.
- Rubens: But you could find jobs in—.
- Tussman: A Jewish sorority. I think at one point there were—you see, there were two groups of students at Madison, if we're on to that. One was the natives, the locals. It was a good university, a lot of people from Milwaukee, middle-class Jews. And a smattering of Russian Jews, who were regarded as a lower class. And then, in those days, the Ivy League schools would not admit Jewish students, most of them. So lots of the bright Jewish students in New York got on a plane, and they either landed in Chicago or at Madison. So we had a large

contingent of refugee, very bright Jewish students, most of whom were radical. I remember when I was working at a Jewish fraternity, which I did at one point, there was some outburst, and the football team threw a red-headed New York radical Jew into the lake. It was a big scandal. Threw him into—the university was on the lake. So he swam in, no problem. There was a brief spate—and I remember the German Jewish fraternity guys, so I must have worked at a Jewish fraternity—getting together and calling on the rabbi and saying, “These Russian radical Jews are giving us a bad name; we’re German Jews; we’re regular Americans; we don’t do any of this stuff; will you intervene to tell these Russian Jews to shut up?” A futile complaint, but I remember that tension.

Rubens: That there was that tension.

Tussman: Yes, and the German Jews included sons of the guys who owned the Milwaukee department stores and things like that, they were fairly wealthy. I knew them because, as I say, my memory’s out, I must have worked at a Jewish fraternity for one year. So there was that tension. The rest of it—Madison strikes me now as an early Berkeley. It was in the thirties what Berkeley was in the sixties.

Rubens: You say at some point that it seemed more radical than when you came to Berkeley.

Tussman: It was more radical, because it had this influx of very bright radical Jews who would be very articulate and very vocal, and they were quite in contrast to the more stolid Milwaukee types, or the farm boys.

Rubens: But clearly they were a minority of the campus, right? It’s a huge campus.

Tussman: It was a big campus, but they were a minority, but a very vociferous and noticeable minority. I was a Russian Jew, and I wasn’t very demonstrative. I don’t know whether to tell you now that my liberal—radical, sort of mild socialism led me to take labor economics, to major in it, under one of the big influences in Madison, Selig Perlman.

Rubens: We might as well start with him, and then we can go on to Meiklejohn and to—

Tussman: Sure. Well, Selig Perlman—

Rubens: Did you—fairly early, did you come upon him?

Tussman: Yes, I think as a junior. Even earlier I’d heard about him, and I think I described him once. A very brilliant guy, very Jewish-looking, a Pole who knew five languages. It was very odd. He spoke in a very high squeaky voice, in a very heavy accent, and he stuttered.

Rubens: You said he stuttered.

Tussman: And he was a spectacular thing. You listened to him in anguish and the English that emerged was absolutely impeccable. He was anti-Marxist, and I was kind of a mild Marxist, and for a year and a half I sat in his classes; I don't think I said a word. I was absolutely awestruck, and next to me were sitting some of these communists from New York, and they would mutter things like "cockroach philosophy," I remember that phrase. I said, "Tell me, where is he wrong?" They'd never tell me.

Rubens: What does that word "cockroach philosophy" mean?

Tussman: I don't know; they used it like "cockroach." It was some kind of derogatory term. I'd never heard it before, and I've never heard it since. I remember this guy, and they were all indignant, and I was silent, and—

Rubens: Was this a course in basic economics?

Tussman: It was labor economics. I took basic economics from somebody else. This was the history of the labor movement, essentially. I still can't remember what it was that made such a tremendous impression on me, and absolutely drove every bit of Marxist theory out of me.

Rubens: Would you even have come upon Marxist theory?

Tussman: My father would have considered himself a socialist. He would have said—if he were in England he'd be a Fabian. He wasn't a revolutionary socialist. I think I just imbibed—I would go to hear Norman Thomas a couple of times. He impressed me, and I thought the socialists were right. They wanted to do social things; they weren't selfish, they weren't capitalistic, and I thought they were obviously right. As I mentioned somewhere, Perlman was the first adult I met who knew all about it, and didn't believe it. It was a shock to me.

Rubens: Do you remember what his argument was, particularly?

Tussman: No, it was mostly refutation or criticism of some of the Marxist texts which he had us read, and the other was a heavy dose of the history of the labor movement, showing that the indigenous labor movement had no inherent tendencies towards revolution. That it was a conservative institution.

Rubens: Wanted to buy into the system, get its share.

Tussman: That's right. And that it was interested in protecting job opportunity and stuff like that.

Rubens: So it wasn't that you came upon Marxist organizations when you were a young student, or attended lecture series given by sect groups?

- Tussman: No, there may have been a Young Communist League around, but it was not noticeable.
- Rubens: It was sort of how you identified yourself, and yet once you get into Selig's class you're going to—
- Tussman: I identified myself as a lukewarm but obvious socialist, of a non-communist sort, even then, and Perlman sort of even made me look at Marxism, although Marx still is great in many ways, but I no longer thought that there was going to be a class struggle and a dictatorship of the proletariat and that whole business. So I left his classes drained of all feeling that it was my destiny to lead the labor movement into a more self-conscious radicalism. That had been my normal expectation.
- Rubens: That was your mind-set, you had come to that by—
- Tussman: But when I got through with the year with Perlman, I was so disillusioned with that, did I mention, I decided—I went to enroll in the agricultural school.
- Rubens: Well, say something about that.
- Tussman: At the far end of the Madison campus was an agricultural school, and nobody knew about it, and I decided I had had enough of economics; I didn't want the labor movement, I didn't know what to do.
- Rubens: I think you say a little bit about this in your memoir, harkening to your father's—
- Tussman: Since my father was a Zionist, and I remember once he had said, "I wish you'd go to college and become an agronomist and go to Israel." And though it didn't move me then, it must have popped into my mind, because at one point I thought, the labor movement is not for me; I'm going to go the agricultural school, learn about agronomy, and then God knows, maybe I'll even go to Israel, although I was not a fanatical Zionist. Lots of my friends were, and my sympathies were with them.
- Rubens: So this has to be about 1935, '36—the Roosevelt administration is moving full strength; there must have also been some consciousness that you had about—
- Tussman: Yes—I thought Norman Thomas was right, but I was attracted to Roosevelt, and the interesting thing is, all of the radicals at Madison were talking—they were fighting between the Trotskyites and the Stalinists, all of this earth-shaking stuff. In the meantime, in Washington, a non-ideological group of very smart people was gathering around Roosevelt, and he was teaching the country and the world that it's okay for a government to intervene wisely to help the economic system solve some of its problems. That was a novelty.

- Rubens: And especially in agriculture. I mean, that's why I'm trying to make that link between, I'm wondering if you were reading Henry Wallace, Rex Tugwell?
- Tussman: I met Wallace in China, but that was a long time later. I didn't take anything—I did go to one of my professors in the agricultural school and ask about whether they believed in cooperatives, and he sort of shrugged me off—“Kind of an intellectual guy, what's he doing here?”—and I knew nothing about farming—I was surrounded, as I said, by farm boys, and I didn't know the difference between wheat and barley, and for a year I took courses, and I still remember I must have mentioned in writing, taking animal husbandry, and I still remember the diagram of a horse, and arrows, and one of them pointed to the leg, and it said “fetlock,” and I thought ah, a horse has fetlocks. But I didn't ever see a horse, except in Milwaukee where the brewery trucks would sometimes would pulled by horses. I didn't understand agriculture; my heart wasn't in it; I don't seem to have talked to any of the students, and they were all farmers who knew everything.
- Rubens: So this was a year in the wilderness, really.
- Tussman: A year in the wilderness, in which—I still lived in my rooming house and met my guys, but they were taking economics and statistics and government, a lot of them were taking governmental stuff; I envied them that they knew more about statistics and this and that, and I had the feeling that I was just floating around doing nothing. At that point, after a year of the agricultural school, I said, “This is not for me.” I went back to the other. And then my fate really was shaped by the fact that Alexander Meiklejohn, who had run The Experimental College at Madison for five years, and it had folded two or three years before I got there, but who was a legend among radical students for some reason, offered a course in philosophy. And I took it.
- Rubens: So we did do this in order? You took Meiklejohn after you had had Selig, and after studying agriculture.
- Tussman: Yes, yes. Although there may have been some overlap, also. I took this course, and it was an ordinary course, and I was absolutely captivated by it; there was something kind of interesting about him. Meiklejohn was very spare, very lean, very energetic, very kind of formal, in a sense, but he was a great athlete; he had played hockey in the old days; he was a great cricketer.
- Rubens: So he was about sixty then.
- Tussman: Yes, he was almost on the verge of retirement. And he taught a course in philosophy, introduction to philosophy, and I had taken another course in philosophy, so I knew about Locke, Berkeley, Hume, you know, Plato, the usual stuff, and I keep trying to remember what there was about Meiklejohn that captivated me, because as I put it somewhere, I came to believe in Meiklejohn, but I didn't believe in what Meiklejohn believed in.

- Rubens: I thought you said of the class you took with him, in your memoir, that you found, quote, “Some sort of educational Eden briefly flourishing.”
- Tussman: That’s what I thought about The Experimental College, which I had never seen. I didn’t meet him during The Experimental College days, which had this reputation of being a short-lived Eden.
- Rubens: I see. I thought you were also referring to the philosophy class you were in with him.
- Tussman: No, when Meiklejohn became a member of the philosophy department, and at the time I knew him then, he taught half a year in the philosophy department, and lived half a year in Berkeley, where his wife’s father had left them a home. I met him when he came to teach this course, and as I say, he was what would be called philosophically an idealist. I didn’t appreciate it; I didn’t understand it; I didn’t agree with it, because I was like everybody else a kind of hard-nosed materialist. You know, if anything’s real, it’s solid, and the spirit is just sort of illusion, superstition, and all of that, and Meiklejohn sort of believed in it, and I never imbibed his argument, but for some reason I had the sense that this was a man of intelligence—wit, he was very witty—utter integrity, and I must have fallen in love with him—
- Rubens: And a good teacher.
- Tussman: Oh! But I never remember—as a teacher, I never remember him telling anybody anything. He would assign us something to read; he would come in and smile and nod and somebody would raise their hand, and he would encourage them; he would intervene only occasionally—
- Rubens: It sounds like there must have been a lot of lively discussion.
- Tussman: Oh, incredibly lively discussions. But Meiklejohn never, I think, stood before the class as if he had something important to tell them. But he was evocative, and responsive, and he hardly ever did much talking to us. We’d read something—“Well?” And then there would always be somebody—and if there wasn’t somebody who would raise their hand, he would stand there and smile and nod.
- Rubens: Wait until someone had something—
- Tussman: Until the class was so embarrassed that somebody to our relief would raise a question, and then we’d be off.
- Rubens: Do you remember participating in the class? Were you particularly vocal?
- Tussman: I must have fallen into the habit, because Meiklejohn told me that was what I was doing, at the end. At the end of a long, bitter controversy, discussion, I

would sum it all up. I didn't take part in the argument very much, but I would listen and sum it up. And I remember walking—I couldn't have lunch with the gang, because I had to rush off to wait on tables—but I became friendly, and I remember he once invited me, with a half a dozen other students from the class, to his apartment for tea in the evening. It was the first time I ever knew that Camembert existed. He served it to us, and it was a new world. Meiklejohn had this influence on a lot of us. It wasn't intellectual agreement at that point. It was utter conviction that this is a man of integrity, and courage, and wit, and intelligence.

Rubens: Did he also represent a kind of Americanization, a natural—one of the natural elite, not necessarily the elite of wealth, but of an American bearing—an intellectual?

Tussman: Oh, yes. But he was a Scotsman. Or—his father was one of the Rochdale pioneers, in Scotland, who founded the—and he came to America, and Alec I think either was the youngest of eight children, eight sons, and he was the only one that went to college, as the Scotch tradition, the younger one goes to college. They moved to Providence, where his father was the color foreman of a mill that made cloth. Meiklejohn was very fond of his family. He said he grew up there with the Bible, and Burns, and scotch. He always spoke with great affection of his father and mother. He was a Scot, but by this time Americanized. He had become president of Amherst, and I never thought of him as anything but a loyal and a patriotic American, although a dissident one. I think I told you the one remark he made to me, although this skips it, but it doesn't matter very much, when I was drafted. After I had taken my PhD exams, and only had a thesis, and I was drafted into the army, before Pearl Harbor—the war hadn't yet broken out. I remember I told him I was drafted, and he looked at me, and said, "Well, you do not want to miss the formative experience of your generation."

Rubens: And he meant the war.

Tussman: Yes.

Rubens: As opposed to the Depression, and Roosevelt.

Tussman: We all went through the Depression, and that was a big formative—but I was doing nothing about it. What was being done about it, none of the radical intellectuals that I was arguing with, as I say these non-ideological guys who came to Washington, like Corcoran and Cohen, and Rosenman, people around Roosevelt, the intellectuals around him even at that time, and A. A. Berle—a whole lot of those people. As I say, these were not socialists, and non-ideology people, and yet they were leading to the first great American experiment of modern times, of the intervention of government to mend the economic ills brought on by the Depression and the uneven development of capitalism. Not doing it from a radical point of view.

Rubens: Now, did Meiklejohn talk about the New Deal?

Tussman: Not very much, but he was a liberal, radical; I think he was for Roosevelt at that time, as we all were. I've been a Democrat ever since. I wouldn't turn my back on FDR to this day, practically. He was not political; the intellectual thing he had that I sympathized with, he was a great First Amendment civil liberties guy. That was where he made his great mark. He believed in freedom of speech, and was a defender of freedom of speech, and was against—he was against Roosevelt in the court-packing scheme, I remember. At Wisconsin there was a big debate between some lawyer and Meiklejohn to defend the court. I was rather surprised, but it was very typical of Meiklejohn that he took the unpopular side, and gave a defense of a judiciary that didn't bow to political winds, something like that. It was a long time ago. I did imbibe, and got, and read the Constitution, and got interested in civil liberties, although at that time I wasn't quite sure about why they were so important.

The other thing with Meiklejohn was—he hardly ever talked about The Experimental College, but I once asked him about it, and by that time I think I was one of his favorites, because I had—I looked intelligent in class, and was—I remember him taking me to the dean's office, and he waved to the dean's secretary, and took me into the basement of the dean's office, and there against one wall were half a dozen big filing cabinets. He said, "These are all of the records of The Experimental College, all of the records. And you're free to come here anytime you want and look at them all." And as we left, he told the secretary, "Let him in anytime he wants." So I would come down there, and I would take out folders that—the student folders, and he had this tutor, and he's read, and he wrote a paper on this, and it wasn't very good, blah blah blah. There were lots of comments of the tutors about the students' papers. Then I got hold of one big file, which was Meiklejohn's correspondence with the president of the university, who was a young boy wonder, named Glenn Frank.

Rubens: He was the president of Madison?

Tussman: Yes, of the University of Wisconsin. And these were anguished letters which I never forgot, and when I ran my own program undoubtedly had a—he was pleading with the president—see, after The Experimental College was finished—he brought people from elsewhere to teach in the college, with something like the promise that if the college ever ended, they would revert to the departments.

Rubens: But you meant—brought people from outside; it wasn't moving people—

Tussman: Yes, from outside, from other universities that he had known, who were great teachers and hadn't published very much. Meiklejohn was reduced to anguish as he was writing to Glenn Frank, "You allowed me to promise these people that they would have tenured positions, and now the dean of L&S is refusing

to grant FTEs for them, and I don't know what to do, and you've got to help the situation." I don't know how it came out. Some of them were hired. But I still remember that correspondence, between the president and Meiklejohn, which reflected the difficulty of having a special program in a university, a special program that was contrary to its fundamental spirit.

Rubens: What does that mean?

Tussman: The university when it's doing what it wants to—

Rubens: Oh, contrary to the spirit of the university, okay.

Tussman: Yes, contrary to the spirit of the university. Because the university believes in scholarship, and scholarship and education are two different things. At some point education involves scholarship, but the notion, and it's even taking root now among unperceptive people, that the thing to do as freshmen is to start them on scholarship right away. Or research. It's a terrible mistake, but I'll go into that at some other time. So, I had free run of Meiklejohn's files.

Rubens: What made you come to look at it? Were you trying to please him, or were you interested in certain topics?

Tussman: No, no, no, no. I felt very privileged. I just worshiped him. I thought he was a great educator, a great teacher, a great mind, a great spirit, and I had never met anybody who struck me—Perlman was more influential, Perlman, and powerful, those two guys were the big influences. And Perlman was an admirable man, but I never had the sense of him outside of his role as a great labor historian and social theorist. With Meiklejohn, it was a different world. I remember he told me that one of the things he did when he was president at Amherst is he insisted that there be a great library that was open to students twenty-four hours a day. He said he wanted students to know there is such a thing as a great library that you can enjoy reading in. He did things like that. Anyway, for one reason or another, and I may discover more of them, or write more of them, I just felt privileged to be a student, and to be something of a favorite. As I say, he would invite me to his house, and his wife would come visit—Helen Everett, much younger than he was. I was interested in him.

Rubens: He'd visit the class, or he'd visit you?

Tussman: No, to visit the class. So I got to know him, and it meant a lot to me, because in a world in which I had been disillusioned about the fate of the labor movement and radicalism, there was nothing for me. In some sense Meiklejohn picked me off the floor. He didn't do anything overt, but his presence, his character, his devotion to education, to civil liberties, to the American conception at its best, it gave me something to live by. He was my spiritual savior, in a sense.

I stayed on in Madison, and he'd come half the year, and at one point—I stayed on into a graduate year in which I took political theory, surrounded by some of my friends who were political theorists who would study public administration and all that stuff, and I was mostly interested in political theory. And at some point in my last year, Meiklejohn said, "You had better go on to study philosophy, and that means either Harvard or Berkeley, one or the other." And in those days it must have been easy to get into places, and I decided, since Meiklejohn lived in Berkeley, I would pick Berkeley. I didn't even write him.

Rubens: That was the only place you applied?

Tussman: Yes. In those days, you didn't apply, you almost were always taken, if you had a decent record, and I had a good high school record. Or even a good Wisconsin record, although it was very spotty. I think I must have told you about my venture in—the one thing I tried to do was get a Rhodes scholarship.

Rubens: You didn't tell me, but I read about it. But tell the story; it's just too wonderful.

Tussman: Well, at one point, when I was a senior, I decided, why don't I try for the Rhodes Scholarship. And although my—

Rubens: You had had a friend, I think, who had had one.

Tussman: A friend of mine, who was a real pal of Perlman's, who had tutored Perlman's kids, and was almost a member of Perlman's family, and who had taken all the classics courses and did everything right, and had a lot of faculty sponsors, had gotten the Rhodes scholarship. And I thought, why don't I try for it, although it was ridiculous, because my grades—sometimes I'd have all As, and then sometimes I wouldn't go to class at all.

Rubens: So it's not Selig or Meiklejohn who were encouraging you to do this? This is coming *sui generis*.

Tussman: I did it, and I applied, and to my utter surprise, I met with a committee, who was screening us, and although as I say I had Cs, and Fs, and As, they picked me as number one from Wisconsin.

Rubens: You had Fs! Hard to believe.

Tussman: Yes, because I just didn't go to a class. I thought it was my verbal antics that had impressed them, and so I had to go to Milwaukee in so many weeks to have the last one. I had to put down people to recommend me. I put down Alexander Meiklejohn for a recommendation, and then I put down—this was stupid of me—I put down Selig Perlman, and then I crossed it out, because I'd been in all of Perlman's classes, I got As in all of his classes; I don't think I

said a word; I sat there like a dolt, being completely transformed. How can I go to Perlman and say, “I was in your class, I’m applying for a Rhodes Scholarship.” What kind of recommendation can he write me, since he went overboard for Phil Kaiser the year before. It would have to be a dutiful thing, by contrast with Kaiser it would be pitiful; it’s an imposition to ask him. So I didn’t ask him; I crossed it out. Then I went blithely to the—my folks, the day before, had me go to one of the Milwaukee clothiers, and I bought what I thought was a decent suit.

Rubens: Because you had to be interviewed, you had to make a good impression?

Tussman: I had to be interviewed by the whole board of people picking the Rhodes scholars. We had to meet at the University Club. I got this suit, and I think I’ve told this story elsewhere; I wanted to get something in tweed, because they said, “Phil Kaiser wore a tweed jacket that was very long, and all that.” So I said, “I want a tweed suit.” He said, “Oh no, you don’t want that.” I ran into one of these salesmen, and I thought it was an unfair combat. I bought a suit once in ten years; he sold ten of them a day. He said, “I’ve got just what you want.” So he took me and sold me a double-breasted deep royal blue suit. I said, “Okay, can I have it in the morning?” He said, “Sure, it’ll be ready.” So in the morning, when I came to pick it up and put it on I discovered it was like a zoot suit, sharp, double-breasted, big shoulders, and it was a kind of garish purple. I was stuck with it, and I was so demoralized that when it came for me to be interviewed I’d lost my nerve, and then they asked me one question which I didn’t answer right, I was too stupid. They said, “Why did you not get a recommendation from Professor Perlman?” I think if I had said, “Well, it’s a sad story,” and if I had told them what I just told you, it would have been all right. But I mumbled some excuse, and the heart went out of me, and I performed very badly.

Rubens: Needless to say, you did not get the fellowship.

Tussman: So I didn’t go ahead and get the Rhodes scholarship, and for a couple of weeks I kept thinking, God, life at Oxford, and a room with a scout who builds your fire, and all of that stuff. It didn’t materialize. That was my one great venture.

Rubens: What do you mean by great venture?

Tussman: My one attempt. I think I applied once for a Guggenheim when a lot of my colleagues were doing it, and I was half-hearted, and didn’t get it. I don’t think I ever applied for anything. So I’m singularly without grants, and awards, and all of that stuff. I just never wanted to do it. But then, when Meiklejohn said, “You should go and do philosophy,” I thought I’d go to Berkeley. At the appropriate time, I packed all my stuff, and by a stupid mistake, it was a trunk, I sent it by express. I thought I was sending it by freight. I was a poor kid, and when I came to Berkeley I found a postcard

waiting for me at the post office. "Your trunk has arrived." I waited until I got a temporary room at the International House, and I went to get it and to get the damn trunk, which was full of junk, I had to pay forty bucks, which was a fortune to me in those days, 1937. I had meant to say freight and I said express. But I ended up in Berkeley nevertheless.

Rubens: Did you get the trunk?

Tussman: I got the trunk. I bailed it out, and it was full of junk. Worthless stuff. So I got that, and I think I lived for the first year in the International House, which I got through maybe a recommendation from Meiklejohn, or a recommendation from Professor Lowenburg, who was a friend of Meiklejohn's, who was in the philosophy department. I don't know whether this is the time to tell you about that, or pick up some—

Rubens: Let's wait just one minute; I want to fill in a little bit more about Wisconsin. You said John Commons was still on the edge of campus.

Tussman: John R. Commons was the famous economist who was the Madison equivalent of Thorstein Veblen. He was a famous labor economist, and he was old and retired, but his daughter lived with him on the edge of the campus, and every once in a while he'd have a Friday night, in which his students and faculty, and Perlman was a student of his, they'd all come and sit around, I think we'd pay her a quarter or something for the tea, and sit around and listen, and he'd call on Selig, "What's new with you," and Selig Perlman would recite, and somebody else would recite, and somebody else would recite. They all were reporting dutifully to the teacher, and he was an awesome white-haired old man.

Rubens: But students would be a part of that, they'd be a party to it; they would hear it?

Tussman: Students of labor economics, their majors.

Rubens: So you were one of them.

Tussman: Yes, I was one of them. But it was Perlman and two or three other faculty members, and a half a dozen students. We would listen; it was enchanting. Commons was not an intellectual force anymore, by that time. He had written a definitive history of the American labor movement, and Perlman was his - disciple. That was Commons. The other, as far as Madison was concerned, I had this sense of a conflict between the radicals and the regular people.

Rubens: Had you ever had the occasion in Milwaukee or then in Wisconsin, had you seen strikes? Had you been part of any mass demonstrations?

- Tussman: No, I don't think I ever took part in a mass demonstration. At Madison there must have been student rallies and stuff, but it never appealed to me. I never thought it—
- Rubens: But I mean, you don't seem to identify them as something that was troublesome, or—
- Tussman: No, I felt a little guilty for not taking part.
- Rubens: Oh, so you do recall seeing some?
- Tussman: Yes, nothing that was formally led, but Wisconsin was full of it. Do you remember a moving picture, *The Way We Were*, with Barbara Streisand? That was set in Madison.
- Rubens: I didn't realize that.
- Tussman: The campus was Madison. There were some big demonstrations going on all the time.
- Rubens: It must have been a very political—
- Tussman: It was a political turmoil, but it didn't appeal to me, and usually, because I had to go wait on tables at lunch and dinner, I didn't—and it was not congenial to me to take part in agitational activities. A defect, no doubt, but I was not an activist.
- Rubens: I don't know a defect; what we're trying to do here is establish the lines of, the influences on your intellectual and political development.
- Tussman: I thought a lot about it, but at this time I was finished with Marxism. I'd read Meiklejohn's book *What Does America Mean?* He had published it while he was teaching our class, so we all read it. I liked it, but I didn't appreciate it. I liked it because it was him.
- Rubens: The one thing you say is that what was particularly noteworthy in it was his talking about spirit, spirit and obligation.
- Tussman: Yes, he was the first one who made me take obligation seriously. And spirit. Those were alien ideas, because raised as you were in a quasi-Marxist, quasi-socialist, everything was class interests and the conflict of interest, and class struggle, and the triumph of one thing after another.
- Rubens: So this is a good example of ideas being introduced that you don't necessarily take to, that maybe are alien, and then later on they take root.

Tussman: No, as I say, I grew up in a political atmosphere, and I loved political controversy, and I and my friends were always—and I remember towards the end of my stay in Madison avidly following the course of the Civil War in Spain. A couple of my friends went and joined the Lincoln Brigade, and fought in Spain. We were avidly following the career—anti-Franco, absolutely anti-Franco. And when I came here and lived in International House, that year, is apparently the year that Franco won, and for the first time in my life I saw people elated, some of the Latin Americans who were living in International House were dancing in the street, they were elated. “What’s happened?” “Franco won!” I thought they were monsters. I couldn’t believe in it. I couldn’t. It was incredible. That was the first time.

My son is now for a couple of weeks in Mexico. He is visiting Mexico with a friend of his who is named Juan Negrin. You probably don’t remember Negrin; I think he was the last prime minister of Spain before Franco kicked him out. They had to flee from Spain, and his grandson son ended up living in Berkeley, and he and my son became good friends.

Rubens: Let’s stop for one minute while I change disks.

Audiofile 2

Rubens: Okay, I’m sorry I interrupted just as we switched discs, you were telling me about your son going to Mexico and you were saying the last—

Tussman: He’s a friend of the grandson of Juan Negrin, who lives in Berkeley and who, as a hobby, has adopted a remote Indian tribe in Mexico, in the mountains about two hours away from Guadalajara. He’s adopted them; he’s created a museum for them; he does their legal work; he’s a general sponsor of this little remote Indian tribe that still remains relatively—and every once in a while my son goes down there with him. My son is now on a trip to see the Indians with Juan Negrin. Anyway, that’s the story about—but when I—I’m reminded of it by the Spanish Civil War. I felt very deeply anti-Franco, and very surprised at the glee of the Latin American students—

Rubens: When you came here to Berkeley?

Tussman: —who were all pro-Franco. That didn’t help very much. There’s one political story about Milwaukee, which I regarded as an amiable town. It had a Socialist mayor, Mayor Hoan [Daniel Webster], for years—

And I remember one year, and I have the vague impression it happened more than once, but I remember one year, there was a story in the Milwaukee Journal, “Mayor Deletes Budget Item to Feed Police Horses,” an appropriation for mounted police, and the next day in the paper was a picture of a horse, with a policeman stroking his head and saying, “No food for Dobbin, what next”? And then they asked of Mayor Hoan, “Why are you

eliminating this?” And he said, “I will not have Cossacks trampling down workers in my city!” It was a weird statement, “Cossacks trampling down the workers in my city.” He got that statement out, and two days later they restored the food. [laughter] But that notion of Cossacks trampling down workers in Milwaukee, I remember it as a kind of unique, typical Milwaukee socialist statement.

Rubens: Sensibility, yes. So strikes and turnouts are not etched in your mind. The question I was really trying to get at is the relationship between Madison as a campus, and what was going on in—it wasn’t an industrial center or-

Tussman: It had two things in it, it had the campus, and it had the state capital. We were very—a La Follette state, and Phil La Follette was the governor. He was the son of Robert La Follette who was the kind of hero of—

Rubens: The labor Democrat.

Tussman: So there was the government going on, at the other end of State Street, which we had very little to do with. And socially, there was a town and gown, occasionally I was invited to dinner by a Jewish family that I knew from some accident, but I don’t remember any real social interaction. My social life was mostly campus and campus friends and on campus, so I don’t remember—but I didn’t have much of a social life.

Rubens: Was there a lot of drinking and parties; you think of football games. I can’t see you quite in that milieu.

Tussman: I didn’t really do serious drinking until my early Army days; I was not a drinker in Madison. I can’t remember much of a social life. I had girl friends, and a lot of good men friends, and my closest friend was a guy named Jimmy Doyle; we were seniors together; we roomed together. Jimmy was an ardent Catholic, a very smart guy. When I went to California, he went to the Columbia law school. Graduated, became a Supreme Court clerk, worked for Jimmy Burns, who was then on the Supreme Court. Burns got very fond of him. When Burns was appointed Secretary of State, he took Jimmy with him to Washington. When he went to Yalta, he took Jimmy Doyle with him to Yalta as his assistant. I kept in touch with him. Then he returned, after Burns left office, to Wisconsin, became very active in Democratic politics, and was eventually appointed as the Madison federal judge, in Madison. I saw him once, years later, and we had a wonderful reunion. He had a number of children, and I met one of his children, who was attorney general, who is now the governor of Wisconsin. I see him on television. Good God! This is James E. Doyle, the governor of Wisconsin. He looks a little sharper than my friend Jim did. And then he died a few years ago. But we did lots of things together. I guess we went to lectures, and forums, and movies. The truth is, I didn’t have much money, but nobody had much money. I’m trying to remember—I didn’t go to many parties. Dinner parties I could not go to because—

- Rubens: You were working?
- Tussman: My job. What I missed most was the freedom to go to the union and have lunch with my friends at the cafeteria, or something.
- Rubens: Did your parents come visit you, or did you go home to them?
- Tussman: I would take the train home on holidays. They did not visit me. They may have come visit me once, but they were poor. My father was not feeling very well then; my mother was coping. She had enormous spiritual energy; she could do anything.
- Rubens: Do you remember talking to them about Selig, and about Perlman, and Meiklejohn?
- Tussman: When I came home I would display my new-found knowledge. I remember once, when I was showing off, and particularly articulate, and there were four or five of my friends at the house, and at the end of it my father—they left and he said, “Joe, you should be a rabbi.” We talked a lot, and a lot about Perlman.
- Rubens: Were they anxious that you decide on a career?
- Tussman: They simply had confidence that I would go on in the university and do whatever, and they didn’t—no, they didn’t press me to do anything; they didn’t press me, as the Jewish kids were sometimes pressured, to be a doctor or a lawyer or what else was there.
- Rubens: So once you told them you were going to graduate school, did that seem ok?
- Tussman: They liked the idea; as long as it was intellectual work, they were pleased with that.
- Rubens: By the way, your influence on your brother, do we need to talk about that?
- Tussman: No—well, that’s a complicated story. On the whole, see, I went to Madison, to the university, and he stayed home during the worst of the Depression. All his life he was like that. I think he developed the idea that I was the favorite, the older, that everything worked for me; he got the short end of every deal. And in the end it alienated us. So I don’t think I had any influence on him, although he did in the end, when I was still at Berkeley, come to the university here and to get a degree from here, and he married a graduate student in philosophy.
- Rubens: So he came late, to get a degree.
- Tussman: Yes. But I was very fond of him. I mean he was my favorite kid brother, although if you have the typical attitude to your kid brother, you don’t hang

around with them all the time. But with my folks, they had moved to Los Angeles when I went to Berkeley, and lived in the hills in Hollywood.

Rubens: In the late 'thirties?

Tussman: Yes.

Rubens: Oh. Once the oldest son goes off, they move.

Tussman: That's right, they moved to—they had no reason to stay in Madison—in Milwaukee, so they moved to—and my father eventually became a Hebrew teacher in Los Angeles.

Rubens: Why L.A.? Did they have family?

Tussman: No—

Rubens: There was a history of Midwest migration to California.

Tussman: Once in a while, my mother and father would say, "Let's go to the station." What does that mean? There was a new train station in Los Angeles, railroad station. So we'd go to the station, and we'd wait for the train from Chicago, and my father and mother would say, "Ah! There's Greenberg! There's Cohen"! There was a steady stream of Chicago Midwest people, with their baggage like in the old days they'd be on a boat, landing in Ellis Island. You could count on them. Almost every train had some Jewish family that my mother and father, or one or the other of them knew, and they'd greet them, like waiting for them at the boat.

Rubens: I've never heard that kind of story, but I know that the resettlement patterns included a lot of Jews.

Tussman: Anyway, it was astonishing to me, just out of the blue, "Let's go to the station." So we'd go to the station and wait for the Chicago train, and most of the time there was somebody lugging a big battered suitcase that they knew of.

Rubens: So L.A. was the place.

Tussman: L.A. was the place. My father then got a job as a Hebrew teacher, and as a matter of fact organized the teachers' union, the Hebrew teachers' union. He was quite well known for that, and he was quite proud of that, and he got them recognized as a union, and treated with some respect. My mother continued to write, and I would spend my vacations mostly down there, tooling around Los Angeles.

Rubens: Where did your brother go?

Tussman: He went to Long Beach Junior College first, and then—

Rubens: He moved out with them.

I had just one other question, just to finish up on Madison. You said—I didn't know who Max Carl Otto is, but your writing about him in terms of—the way in which you are a pragmatist. You say that “I tried to show Meiklejohn that he and Dewey really agreed about things,” and I just wanted to ask about that strain of thought.

Tussman: Max Carl Otto was the spectacular favorite of the philosophy department at Madison. A very articulate, very popular guy, sort of a complete pragmatist like John Dewey, and almost a defiant atheist, although I don't know whether that was what—and I took a philosophy course from him. Unlike everybody else, I was not terribly impressed, because he seemed to me—once when they talked about Meiklejohn, somebody raised a question, he just went, “Ah, he's just an idealist.” Of course, at that point I had an animosity toward Otto, but I listened to him. I thought he was a pragmatist. At one point I thought pragmatism was the obvious philosophy. In later life, Meiklejohn was not a pragmatist, and I tried to reconcile them in vain, and in the end Meiklejohn won, as far as I'm concerned. Then later, when I began to read Dewey again, I thought it was awful. I liked William James and continue to like him, but he was sort of the lesser pragmatist. Dewey was a conscientious, diligent, productive man, whose philosophy seemed to me to be complicated, largely unintelligible, and fundamentally—I don't know, I guess wrong, although your instincts about somebody who says that there's got to be some practical consequence of an idea—and I agree to that.

Rubens: But he was wrong on—

Tussman: His mode of operation was, when you read his books: first, these guys are wrong, or one of them. Then, these other guys are wrong, caricaturing both of them. So the truth lies here; and then he would outline his theory, which got fairly simple: there are no absolutes, blah blah blah. I've sort of suppressed them all.

Rubens: But his emphasis is on education—

Tussman: Dewey was very influential on elementary education, but I don't remember any Deweyite or Deweyish influence on university education or college education. It was almost all elementary stuff, where he may have had a good influence; I don't know.

Rubens: It may be a good rounding-up question—I was wondering, by the time you're leaving Madison, do you have a coherent sense of what the university should be?

- Tussman: No. I had a very strong sense of what Meiklejohn's ideal was, and which—it was an attempt at some kind of integrated wholeness that was quite different from taking a series of discrete courses. But maybe I better save the full story for when we talk about that.
- Rubens: Okay.
- Tussman: So I had the notion that that was an ideal that I had missed, this Eden. And I misunderstood it, and I had some adventures with him years later that I'll tell you about. I had no idea—I thought, although I was not very enthusiastic about it—Meiklejohn said you ought to study philosophy. So I go to Berkeley, which had one of the best departments—seven-man department, but very good, and I'll tell you about them. But I didn't have much idea. I thought, well, you go to graduate school, you do your work, you become a philosopher, you get a PhD, and then I guess you look for a job. But I had no—
- Rubens: You were thinking that was the track you were on. But you liked the life of the mind.
- Tussman: Yes. To say I had a track is almost an exaggeration. I had the feeling I was drifting, and that the only direction I had at all was Meiklejohn, who inspired me as an educator, a thinker, a political force, in the sense that he believed in freedom of speech and the Constitution, ideas I would never have arrived at— whoever thought of the Constitution, in my circle?
- Rubens: Yes, you're going to come to that.
- Tussman: I'll come to that. I didn't even think of pursuing constitutional studies. I thought, I'll do what I have to do, and to go ahead and get a PhD at Berkeley, I think I mention it later maybe—economics, the general student culture in Madison as I found it was politically sophisticated compared to Berkeley. They had not gone through the New York Marxist mill.
- Rubens: Let me just clarify—you mean Berkeley was politically naive?
- Tussman: Berkeley was benighted. In political terms, Madison was years ahead of Berkeley. But in philosophical terms they were way ahead of Madison. The department was a serious one, serious about philosophy. And the few philosophy courses I took in Madison didn't even amount to a philosophy major. I had to catch up on some undergraduate philosophy. But my only idea, as I say, it would be a mistake to describe me as having a purpose at that time. Adrift to the point of thinking, "I will do graduate work in philosophy, and I will see what happens." And I guess we'll take it up in later interviews.
- Rubens: So let me just look at my notes. These are notes from your essay, "Remembering Alexander Meiklejohn."

- Tussman: Oh, you've read that essay?
- Rubens: Oh, yes. And then I was putting it together also with information that came out of "Academic Debris". You have a comment in the beginning that says you came to think of the university as a stronghold of the mind.
- Tussman: Yes
- Rubens: That you had a feeling of debt and privilege. But this is not articulated at this point?
- Tussman: But you see—in the end, I've been a schoolboy, or a schoolteacher, all my life, except for four and a half years in the army. I'm just a public school teacher.
- Rubens: [laughs] Not quite "just". You do write that your political mind owes as much to Munich as it does to the sixties. The Munich agreement was in 1938 — that's going to be when you come to Berkeley.
- Tussman: The rise of Hitler was—I remember going to the temple once to hear my father sing, and the son of my employer, laundry owner, a very intelligent guy, had just come back. He was a good scholar, just returned from a visit to Germany, and he addressed the temple, early, at that time, and he said, "The Jews are finished in Germany and in Europe; you have no idea what a catastrophe is coming; there is no salvation except to get out." This was before the big exodus, before even—absolutely scary, and he was utterly right. Premature, on this thing, and I remember Larry vividly being worried about that, but it hadn't really become clear—what the Holocaust was going to be like.
- Rubens: No. Way into it, people didn't know.
- Tussman: I don't know what that was supposed to be an answer to. I still to this day find myself instinctively feeling that the thing to do with tyranny is to oppose it, and that force is necessary.
- Rubens: That's a thread in your thought that you have throughout your life. So is there anything on your note pad that you'd like to discuss?
- Tussman: The only other thing that I had down here is a debt of gratitude to Milwaukee, which had a wonderful public museum and library. I remember taking a bus and going down there by myself in Milwaukee. I felt very indebted to the library, and the museum, which had all sorts of exhibits, which were fun. I can't remember why I took the bus and went down there alone. I must have been more of a loner than I remembered.

Rubens: Yes. That's when I asked you the question about, would you say that your mother was an absent figure. But you said no. Shall we call it a day today?

Tussman: Great.

Interview 2: October 28, 2004
 Audiofile 3

[Transcriber's note: Chinese names have been transcribed phonetically according to the interviewee's pronunciation, either in Wade-Giles or pinyin, e.g. Beijing rather than Peking, or Mao Tse-tung rather than Mao Zedong.]

- Rubens: There's such a strong tradition of independent progressivism in Wisconsin.
- Tussman: Phil La Follette was governor when I was there. He turned almost into an Italian fascist. He started a nationalist party, adopted similar symbols, had a statue of Mussolini in his office. That was Philip, when he was the governor.
- Rubens: And did you see some of that?
- Tussman: No, but guys were talking about it. By the way, what I've done religiously for the last hour is abolish all thoughts, because I don't want to be canned
- Rubens: That's good. Well, so let me just review that—we covered your undergraduate years at—
- Tussman: Madison.
- Rubens: Madison, your family background, that wonderful vision of you going into the basement and looking through Meiklejohn's papers; that stayed with me. I have a couple of questions to review and then I think we'll go to Berkeley—
- Tussman: Are we on now?
- Rubens: We're on now. We'll go to Berkeley; we'll go into World War II, and we'll see how far we get up into your first years at Berkeley, and if we hit the Loyalty Oath. But I just want to clarify your position on the Spanish Civil War. You said you knew people, that there were classmates who did go to—
- Tussman: People from Milwaukee, from my high school, who enrolled in the Abraham Lincoln brigade, and went to Spain to fight. I was avidly anti-Franco.
- Rubens: And what about college mates? Did some of them join up? And what about at the university? Do you remember discussions about the war in Spain?
- Tussman: In Madison I remember following the fortunes of the war just avidly, very avidly, and later, when—after you read Orwell after the war, it was a little disillusioning, when he—the fights between the Anarchists, of which—and the Communists, and then when I—
- Rubens: But those weren't things that you necessarily knew about at the time; that was afterward.

- Tussman: Afterwards, that was all reinforced by Hannah Arendt, who was at Wesleyan with me for a year, and I got to know her quite well. She was very bitter about the Communist treatment of her friends and the other—both in France and in Spain. Anyway—
- Rubens: But it was never a consideration of yours, that you would go—
- Tussman: Oh no, I was not a very combative guy. I felt guilty.
- Rubens: Did you?
- Tussman: I felt that some of these guys were really fighting Fascism, instead of just talking; that was where the battle line was, and why wasn't I there? But I had never held a gun in my life. I came from a very pacifist background—
- Rubens: Tradition, and—and the other question, that I don't think I asked you explicitly, was that—did you ever consider doing anything else? You applied for the Rhodes Scholarship; was there anything else, or was it that Meiklejohn really encouraged you, when in fact—?
- Tussman: Yes, Meiklejohn encouraged me. I'd hardly applied for anything. I'm one of these few people in academia—I think I once applied for a Guggenheim and didn't get it. I don't think I've ever applied for a grant—
- Rubens: Did you ever consider anything else other than going to graduate school?
- Tussman: Oh no. I considered not being a doctor, not being a lawyer, and what else was there?
- Rubens: Yes, all right, okay. I guess what I'm getting at—well, we both probably can't help reading this period of your life without looking back through the lens of some of your writings, and I just posed the question if you felt some kind of obligation to the body politic? Was there a body politic for you, at the—not at the end of the Depression, but the end of your Madison period—
- Tussman: Not really.
- Rubens: Finally, you will take up the issue of the politics of cognition, the influence of mass media and the artist, and I wondered—I had asked you about your social life at Madison. Was there anything particularly in contemporary mass media, whether it was music, or movies, that drew you—we talked about going to plays and opera with your parents as a young man.
- Tussman: I saw a movie occasionally; I would go to concerts when they were given at the Madison campus. I still remember Nathan Milstein in a concert in which he did a Mendelssohn sonata—

- Rubens: But this is high culture; this is—
- Tussman: Oh, yes. But we loved it. At Madison we considered ourselves a very sophisticated audience. So I would go to concerts, lectures, some movies, but I don't remember that as being a very significant movie period for me. The mass media -that was of course before television. And I would go to football games on the campus.
- Rubens: I guess what I'm getting at is, did you feel that you had a certain privilege, a privileged position in society, because you were able to be a student, and then were going to continue on to be a graduate student.
- Tussman: I never felt that; I never felt that. Mostly because it didn't cost much to go. For four years I worked for my meals, so I didn't have any money. I never felt—I was privileged to do that, but I never felt that—
- Rubens: I understand. This is exactly what I'm asking. How you thought of yourself.
- Tussman: No, I never felt privileged, or guilty, or that I had a position I had to apologize for in the world.
- Rubens: And here's the last question regarding that. Did you consider yourself part of a generation -for instance, the New Deal generation or—
- Tussman: No, it's rather odd; I thought that in the sixties, for the first time I was conscious of what I thought of as generationalism. Because this consciousness in the sixties of "We're the new generation, and the old generation is rotten and spoiled," and that generational consciousness hit me for the first time. I'm not sure about the society as a whole, but we never talked about generations.
- Rubens: I guess I was just wondering, there was student activism; there was this cadre of support for the New Deal—
- Tussman: Yes, but it wasn't student-oriented.
- Rubens: Labor was the backbone.
- Tussman: We were pulling for—the big fights were going on in New York, as you know, between the Stalinists and Trotskyites and Schmanites; that whole quarrel was echoing faintly in Wisconsin, but it was never thought of as a youth movement, and it never occurred to me, there were always adults, who represented significant political positions, and as I say, I didn't—I can't speak for the rest of the society, but I had no generational consciousness whatsoever before the sixties.
- Rubens: Okay, good. I just didn't want to leave that ground unplowed. You come to Berkeley.

- Tussman: I come to Berkeley.
- Rubens: How did you see yourself? What—
- Tussman: Well, as a matter of fact, this morning, when I was thinking, what do I say about coming to Berkeley, a beautiful line from Augustine's Confessions popped into my mind, and I still remember it. He said, "To Carthage then I came, where seethed a cauldron of unholy loves, burning, burning, burning." That's a great line—
- Rubens: It is a great line.
- Tussman: So I thought, that would have applied to Berkeley in the sixties much more easily, but Berkeley in 1937 was a bucolic, quiet place compared to Madison, so I didn't have any sense of coming to the center of sex, politics, youth activity, or radicalism. It was quiet. There were 14,000 students here, something like that. There were empty fields between here and Oakland. And empty fields on University Avenue between downtown and Spenger's, which was the early seafood place down on the waterfront. Very quiet, a good faculty. I enrolled in the philosophy department; there was no problem getting in; I just showed up, and I got in. It may be that Meiklejohn said something to Professor Lowenberg, or somebody in the philosophy department.
- Rubens: Were there names that you knew, that you were drawn to, or was this really on the back of—
- Tussman: Well, Meiklejohn introduced me to the philosophy department. It was interesting in those days. There were seven full members, and we used to call them "the seven window-less monads," after Leibnitz. They were a very congenial group, very relaxed, very amiable, very intelligent, and the pride of the department at that time was that every member of the department was able to teach every course offered. That came to an end very quickly, when Principia Mathematica was published by Russell and Whitehead, which was the beginning of the academic treatment of symbolic logic, or modern logic. That was so technical that only one member of the department taught it, and that broke the great tradition that every philosopher could teach everything. But they were very relaxed, very good; I admired some of them very much, Professor Adams, especially, an older guy, who was very remote. I never got to know him personally. Professor [William R.] Dennes, who was very influential in developing the department, and was quite a figure in academic politics in the university. The others were—Professor Pepper was a very distinguished aesthetics professor, who later became also quite a major figure in Berkeley academic politics. Ed Strong, who later became—
- Rubens: The beleaguered chancellor during the Free Speech Movement.

- Tussman: Yes, the beleaguered chancellor. My philosophy studies left me quite cold, as a matter of fact. I responded; I read. Plato made a permanent impression on me. So you took courses in Spinoza, and Hobbes, and Kant, and Hegel—those were interesting, but I was not very excited about it. If I come to remember my intellectual development, I spent one year doing nothing but reading Dostoyevsky. I met a commonwealth fellow from England, who had been a double first at Oxford, and he came to Berkeley for a year. We became friends, and he introduced me to Dostoyevsky. Almost every day, what we would do is read and reread the Dostoyevsky novels, reciting them; I remember when we practically recited the Grand Inquisitor section of *The Brothers*. Out loud. He had a photographic memory. Anyway, the revelation for me was Dostoyevsky, and his view of the world. It was more interesting to me than philosophy.
- Rubens: How did you characterize that view of the world?
- Tussman: The Dostoyevskyan view? I don't know that I'd characterize it so much as I just absorbed it and sank into it.
- Rubens: There's a certain dark tenor in it, and—
- Tussman: There is a dark tenor, but Dostoyevsky has got a lot of wit, also. I never thought of him as dark; I knew about him, and all of that, but I didn't want to bother about his life, because I thought, separate the work from the artist, was my feeling, and the novels were, for me, I think the order in which I—in the end I put *The Brothers* first, and *The Possessed* second, *Crime and Punishment* third, and *The Idiot* fourth; beyond that I can't remember. That was a foolish thing to do, but anyway, that was the way I felt about it, and—
- Rubens: What was foolish?
- Tussman: About me? About doing it?
- Rubens: Yes. I mean just in ranking them.
- Tussman: Well, for the same reason I now don't rank musicians. I once worried a lot whether Haydn was better than Mozart. What the hell for? They're both great; be thankful for the gifts; you don't have to grade them and say one is better than another. It sort of jarred me to think, what am I doing? Which is better, you do your best, they produce some great things, and the academic habit of giving everything a grade—I used to remember a great line from Auden, one of my favorite modern poets. He talked about "The governess in the dead of night, giving the universe zero for behavior."
- Rubens: I've never heard that.

- Tussman: Yes, it's one of his poems. It's a great line, and it made me think, what are you doing?
- Rubens: But at the time, that's why I asked you, how did you characterize Dostoyevsky? You had to have been cultivating a habit of mind that questioned, that ordered, that—
- Tussman: Well, I guess I was—also, studying philosophy, and doing all of that, and I don't want to discount that entirely, although I don't remember anything like the thrill that I got when I read Dostoyevsky. Even something like the Grand Inquisitor, which is very popular; it's a section, but Dostoyevsky is just full of—I haven't read them for a while, and it'd be curious to see what my reaction would be if I read it now. But that was a great experience.
- Rubens: Was that early in your career?
- Tussman: About the second year of my graduate studies, I think it was. And about that time I discovered skiing. I was just crazy about it. I would go up to the Sugar Bowl, drive up there. My pattern was—I'd leave the house at six, get there by nine, when the lifts opened, unpack, ski until four, I'd carry a little lunch with salami and stuff in my backpack, have lunch, ski until four, come down, have a hot buttered rum, get in my car, drive back to Berkeley, get there about seven or eight, go to Brennan's and have an enormous turkey drumstick, and that was—
- Rubens: What a life!
- Tussman: It was a great day. I just loved skiing.
- Rubens: How did this come to you? Did you have a friend?
- Tussman: My Oxford friend was a skier, so he induced me to come up there, and—
- Rubens: And you had a car; I didn't ask about—
- Tussman: He had a car, or somebody had a car. In fact, when I got into the army, one of the things I did is, I applied for the ski troops. They turned me down. Luckily. So, my intellectual activity that I remember was Dostoyevsky; my pastime was skiing, and apart from that—Meiklejohn was a major figure. He lived up in the hills here; I got to know him quite a lot; I would drop in and see him frequently, and—
- Rubens: Was he teaching?
- Tussman: No, he had retired, and his relation to the university was interesting. He had lots of friends on the campus, but he was not part of it. Lots of friends in the philosophy department. So he hesitated, especially in the Oath fight, to

intervene directly, although he was absolutely enthralled, and worried about the problem, and as I think I say somewhere, I used to drop in on my way to the university during some of those times, and finish off breakfast with him. He'd be sitting here with coffee, and I'd bring him up to date on all this stuff.

- Rubens: And you said he was eager to hear what the news was.
- Tussman: Oh yes, he wanted to hear what it is. He belonged to a faculty group that is still meeting now, without Meiklejohn, that had lunch every Friday.
- Rubens: That started then?
- Tussman: Yes, because I remember stopping for him, and walking down to the campus to the faculty club with him, and he'd be in that loop.
- Rubens: Now, you were a student—
- Tussman: I was in that—
- Rubens: They brought students into it?
- Tussman: Yes, I was a student, but I was a teaching assistant by that time, and a friend of Meiklejohn's, and I knew quite a few of the younger faculty in that group.
- Rubens: Was that a philosophy group?
- Tussman: No, no, it was a—
- Rubens: Interdisciplinary?
- Tussman: Interdisciplinary; it started out with anthropologists and sociologists, and then it got—it had one woman, Catharine Bauer, who was a city planner, and who later married Bill [William] Wurster, the architect.
- Rubens: She was a housing expert.
- Tussman: Yes. And—
- Rubens: How big was that group, about?
- Tussman: It must have had about fifteen or so, and it's dwindled, now, the group still meets; very few of us are original members; there are about a dozen of us.
- Rubens: Was it called something then?
- Tussman: Yes. It's called "The Little Thinkers," because one of the guys described to his witty wife that it was a small group of big thinkers, and she said, "You mean a big group of little thinkers." [laughter] So it was called little thinkers.

- Rubens: So that's what they referred to themselves. And how many students?
- Tussman: No students were in it.
- Rubens: But—
- Tussman: I was in it.
- Rubens: You were clearly elevated, highly regarded.
- Tussman: I don't know why I got in it; I'm trying to remember, because I remember taking Meiklejohn down to it, and I'm now trying to remember, if you'll forgive me, about whether I took Meiklejohn to it after I belonged to it after the war. That may be more likely. But anyway—
- Rubens: But you were aware of it going on, while you were in—
- Tussman: No, not until I—that must have been a, my memory—
- Rubens: A conflation, perhaps. But the point was that Meiklejohn was in it. You were only following the thread of—
- Tussman: That's right. Now, Meiklejohn had started before the war, he had started the San Francisco school of social studies. He was a great believer in adult education. It was a free-wheeling enterprise which had classes for working people, mostly, not devoted to career stuff, just general social theory and philosophy. We read things like Veblen, a good deal. And at one point, although I was still a graduate student, he asked me to teach a couple of classes. So I would drive out with Helen, his wife, who was a PhD in economics, and very bright, and another two guys, to Santa Rosa, where once a week we taught a class in Santa Rosa, and then drove back here to Berkeley, and once a week I met a class in San Francisco. I was doing that until the war. During the war the enterprise came to an end, but it was a rather interesting quixotic venture.
- Rubens: What subjects you were teaching?
- Tussman: We weren't teaching that many. We were teaching books, they decided. It was sort of quasi-economics, politics, sociology. I wish I could remember more of the books; *Middletown*, probably, *Middletown in Transition*, Veblen's *Theory of the Leisure Class*, and a couple of other. Veblen was quite a favorite; maybe some John Dewey, and some evanescent stuff. But it was kind of interesting, and—
- Rubens: And the student body, was it made up of working people?

- Tussman: Working people who wanted to take some classes and get educated. It was quite non-academic; some of them were people like bakers, or union people. Some of them were college graduates. Meiklejohn's ideal was that there's no reason why adults shouldn't continue to meet and discuss significant issues about the world and about the polity, and it was an attempt to do it, but financing was extremely difficult. He had hired, or he had had a group of six or eight very skillful people working at it, and I was the sort of junior outsider. I felt very flattered to be included in it.
- Rubens: I assume you were paid. Maybe expenses for the—
- Tussman: I was paid something. A little bit. Apart from that, yes, I got a little pay for that. It wasn't overwhelming. But I was also a teaching assistant—
- Rubens: At Berkeley.
- Tussman: and what I lived on was my teaching assistant's salary, essentially, and whatever I got from the class.
- Rubens: Where did you live?
- Tussman: The first year I lived at the I-House, International House. Then I got a great break. Meiklejohn's neighbor across the street was Edward Tolman. Do you know Tolman, of Tolman Hall?
- Rubens: I certainly know who he is.
- Tussman: He had three children, two daughters who were away at college and a younger son, who didn't like to stay at home alone at that time. Through Meiklejohn's intervention, I was introduced to the Tolmans, and they invited me to live in their house, because their daughters were away, and I had a suite, a bedroom and a bathroom downstairs, and my job was to keep the fire supplied with wood from the garage, and be company for the younger son when they left. So I did that for two years, and that was very interesting, because apart from knowing Tolman, and getting to know him quite well, Tolman's brother was the dean of Cal Tech. Robert Oppenheimer had a split appointment, half the time at Cal Tech, half the time at Berkeley. Every once in a while, Oppenheimer would come up from Cal Tech to have dinner and to stay with the Tolmans. Whenever he came up, or very often when he came up, they would invite Oppenheimer for dinner, and then since I was there they'd invite me for dinner. So I remember four or five dinners with all of them. I'd have dinner with the Tolmans more frequently, but with Oppenheimer, who was extremely bright, very aggressive, and very mysterious, because in those days, I didn't know what they were up to. The whole atomic thing, even on the hill, was secret. I remember, as I'll tell you later, when the bomb went off, when I was in China, I said, "Now I know what those guys were doing."

- Rubens: So we're talking about the years '38, '39, and '40. Were those pretty exciting discussions, do you remember those discussions? What was Tolman like as a person?
- Tussman: Oh, he was very modest, very bashful, very bright, sort of shy, very open. I liked him a lot. I read the stuff he had written that was intelligible, like *Drives Toward War*. He was a liberal. I had a lot of respect for him, and during the [Loyalty] Oath fight, to my mind, he was the significant leader.
- Rubens: Did you get to know Robert Oppenheimer?
- Tussman: I didn't know Oppenheimer very well; I met him, I knew a lot of the Oppenheimer—as a graduate student, before, in this period, I would go to the swimming pool, and there would be a bunch of “Oppy” guys. One of them was my colleague in philosophy, one was a physicist, one was in agricultural economics—there were four or five of them—and they were communists.
- Rubens: Graduate students.
- Tussman: Yes. And they were part of the Oppy circle. I remember the situation when I'd go to the swimming pool, there would be four or five of them, and they all read the *People's World*, or the *Daily Worker*, and I didn't, and I was the only non-communist there, and they would always pick on me, and I always got beaten in these arguments, but I figured, it's not fair; there are four or five of them; they're all smart; they all read the *People's World*; I don't, and they always made me think, how come I'm right and I always lose the arguments?
- Rubens: Did they try and recruit you?
- Tussman: No, they didn't try and recruit me. There was a later—during the Oath fight, if you want, I'll tell you about one little episode. But see, nobody made a fuss about it; they didn't wave their Communist Party cards. One of them later—the best friend I had among them, who was the philosophy TA—got a job teaching at Reed College, and then—he was a very rich guy; he had a houseboat, and he used to have meetings of the Communist Party cell that he belonged to in this houseboat. He was called before the Un-American—oh, he was fired by Reed, for being a communist. The others we didn't know, and I'm jumping ahead, which I don't want to do, because the communist question was an interesting one. But—
- Rubens: So any other of those little circles of meeting—the other key figure I want to ask about, to ask if you knew Oppenheimer, and I was going to ask you if you knew Haakon Chevalier.
- Tussman: I knew about Chevalier. I knew he was in the French department, and I read his novel afterwards about Oppenheimer. He wrote a novel. It's hard for me to say I knew Oppenheimer. I argued with him a number of times at dinner. I'm

sure he wouldn't remember me. You know, one of those things, because he was a very busy, preoccupied—I did know some of the guys in the cult. One of them was a member of the Communist Party, and it's not a secret, because he's on the Un-American Committee's records; he appeared before them; didn't take the Fifth. I think Oppenheimer hired him to be the historian at Los Alamos.

Rubens: Who was this? Do you know the name?

Tussman: David Hawkins. Who became a very eminent professor of philosophy and education at Boulder, eventually, and retired from there. I saw him some years ago. So I knew the Oppenheimer group, many of them. We knew they were communists, had some bitter arguments with them—

Rubens: What would those arguments be about?

Tussman: The communist party in Europe, I think.

Rubens: One had to be the '39—

Tussman: The purges?

Rubens: No—

Tussman: Munich.

Rubens: Yes, yes.

Tussman: Meiklejohn wrote a book while I was still a graduate student here, called *Between Two Worlds*. It was one of his important books, and I read it in manuscript. He gave me sections, and I read it all the time. I thought parts of it were very good, but in some ways, I hadn't yet reached a point where it made a big dent in me, because I hadn't yet come to appreciate the body politic of the US, and a whole lot of other things, like obligation. I was still kind of skeptical, hard-headed, thought I was a realist, and all of that, and Meiklejohn wasn't.

Rubens: He was an idealist.

Tussman: Yes, idealist. I read that, and I couldn't give him very much significant criticism. By that time, I was about ready to take my PhD exams, and I had been drafted, given a short deferment, so that I could take my exams, for some months, and took them, and I think I squeaked through them, not with distinction, but I got through them, which is all I wanted at that time, so that all I had to do was a thesis when I came back. Having satisfactorily passed my exams, I reported to the draft board, in May, 1941. It was six months before Pearl Harbor. Do you want to go into the—

- Rubens: I think so; let me ask just one more question before that - if you would like to characterize the cohort with whom you were in graduate school. Was it very large?
- Tussman: There were a dozen people who, some of them I knew, one or two of them, my best friend was one of these guys who took to logic, and he was always doing proofs. He was a very close friend. In fact, typically, we would go to four movies on a Sunday. We would go to a double feature, then have lunch, at the Pepper Pot, I remember, where for thirty-five cents you got an enormous shrimp salad, with tomatoes and all of that, and then we'd go to another double feature. Our life was absolutely—but he was happy; he was always doing proofs; and I was unhappy, because I wasn't doing proofs, and I couldn't—
- Rubens: Wasn't quite engaged in the—
- Tussman: Yes, that's right. Some of them—a couple of them were floaters who dropped out. Some got their PhD. I had three or four fairly good friends, one extremely bright maverick who I don't think got his PhD, but original, and bright—
- Rubens: These were all men, too.
- Tussman: These were all guys who—
- Rubens: There were no women in the—
- Tussman: Well, there were a couple of women graduate students, and we were friendly with them, but they were not part of my intimate circle. These were young guys, young guys, and some of them had drifted, didn't know what to do, and took philosophy and gradually disappeared from the scene. The other significant feature of my graduate time there was a group of older graduate students. In those days, there were no jobs, so if you got your PhD, or was about to get your PhD, and I think the university was tolerant—you could keep being here, so there was this—they weren't TAs, they had finished being TAs; they had their degrees; they didn't have jobs, so they hung around as a kind of informal quasi-faculty. They were between the faculty and the graduate students. They knew much more than we did; they weren't quite faculty, and they were an extremely influential group. I got to know two or three of them very well, and they were sort of philosophical mentors, although I never took that—
- Rubens: Because you say in the "Academic Debris," that you weren't engaged with the critical distinctions that philosophy was making at the time, that—logical positivism, and—
- Tussman: As I said, I think I overheard rather than participated. One of these older guys was an absolutely zealous logical—the inner circle, logical positivist. I would

listen to him argue for hours in the coffee shop somewhere, and I never took part in it, because I never felt I knew enough. These guys were very facile with philosophical distinctions that—I've always hated technical terms, and you'll probably notice in my writings I don't ever use anything that's esoteric or technical. I didn't feel like a full-fledged philosopher. I didn't major in philosophy at Wisconsin; when I came here I had to make up a lot, because I hadn't taken the basic stuff. When I took the philosophy [preparation] for graduate school, in the graduate program, it all pointed to some final, comprehensive oral exams you took when you were ready, and I took those—

Rubens: So you were sort of just moving through, you're not—

Tussman: I never felt terribly engaged with philosophy; I never thought of myself really as a philosopher; I thought of myself as a reluctant, purposeless philosophy student.

Rubens: Did you teach for Meiklejohn's program both years, those two years of—

Tussman: I think for two years I taught in there, but we didn't teach philosophy, and I was a TA in freshman philosophy. It had a major lecturer, in those days they gave a lecture to three or four hundred people—

Rubens: They were that big then.

Tussman: Oh, because philosophy was an alternative in some kind of way to mathematics or Latin, or something like that, so it was the easy alternative—

Rubens: -the classics-

Tussman: So we had, I think, three or four major professors taught individual courses, anywhere from two to four hundred students. It was a big enterprise, so Professor Lowenberg, for whom I was teaching assistant, would have three hundred students. They'd be divided up into sections of fifteen, which would meet once a week with a teaching assistant, who was supposed to help them understand the texts that we had been reading, and the lectures.

Rubens: Where would most of these classes, where did they take place?

Tussman: The big ones were, I remember, in Wheeler Hall, Wheeler Auditorium; I think some of them met in the chemistry auditorium; there was a big place, but they were in some of the major buildings, and the minor classes were all over the place. The student classes, I mean, the discussion sections, were all over the place. I enjoyed being a TA; I liked it; I had to read the stuff, but I was quite familiar with Plato's Republic or something, and I read him dozens of times, and it was sort of interesting to introduce people, regular students, into these classics, into thinking about this stuff.

- Rubens: And looking back on students at that time, is there a way of characterizing them? Were they pretty engaged?
- Tussman: No, they were like any—the usual professors, especially with a European background, used to say they only paid attention to the top ten percent of the student body. There were a lot of people with crew cuts and Big C sweaters, athletics, and sports was very big, and you'd occasionally wonder, as I think I may have written in one of the books, what were these crew-cut bullies doing on a college campus? The faculty, this aristocratic faculty, that is, the highly trained research people, thought that these weren't worth their time. I remember mentioning it somewhere, in a book that later, years later, when affirmative action came in, and there was some grumbling about, "Well, the campus doesn't look the way it used to," and I used to say to some of them, "What do you care about how the ninety percent of the student body you never pay attention to looks like, anyway?" In those days it was an ordinary student body, which had some bright students and some ordinary students; I don't think it was terribly difficult to get in to—
- Rubens: But compared to Wisconsin, even—
- Tussman: I thought the level at Wisconsin was higher.
- Rubens: Yes, you had said that in our last interview, I think.
- Tussman: And they had a hell of a lot of New York kids. So I guess I'd sum up the stuff; I was never very engaged or interested in philosophy. I did my work; I read the stuff; I taught what I had to, but I never saw myself, especially since the technical stuff, like the symbolic logic, which all the hard-headed guys were doing, was something that didn't interest me, for which I had no talent.
- Rubens: Were you thinking that you are going to become a philosophy professor?
- Tussman: You just go on, you go to school, and you become a teacher. On reflection, it always seemed to me that except for my army stint, I was either a student or a professor all my life. Just a school boy.
- Rubens: Well, I don't know. One more interruption, and I—
- Tussman: No, go ahead.
- Rubens: You mentioned that you'd lived at I-House your first year, and the reading that I've done about politics at Berkeley, there was an enormous demonstration when I-House opened, that opposed, the winning of the mixed groups, that Africans were living with west Europeans, and—
- Tussman: But it was in existence when I came. I don't remember any of that.

- Rubens: Okay. I wondered if you—
- Tussman: No, that wasn't a problem. I think the only thing I remember is they had men and women on alternate floors.
- Rubens: I think so, yes.
- Tussman: But there was no—
- Rubens: But you don't recall any protest particularly on campus, or—
- Tussman: No, no.
- Rubens: Was it an exciting place to be, the International House? Had that been your first exposure—
- Tussman: It was my first; I came to campus and got a room in there, and I stayed there until I was invited to the Tolman house, and I lived there for a couple of years, and then when this Englishman came along, I guess I had finished the Tolman thing, I look back on it, I wasn't too conscientious about all that, Dr. Tolman thing—I moved into an apartment with him; we shared an apartment; it had a kitchen, on—
- Rubens: This was the English—
- Tussman: The English guy—
- Rubens: Who introduces you to skiing, and—
- Tussman: And he had a girlfriend who came here, chasing his brother to China but she got stuck here, he couldn't leave China, so they kind of paired up. She later inherited a palace in Taormina, and to this day is running a big bed and breakfast establishment in Taormina and has written a book about her relations with the Taormina gangsters. Taormina in Sicily.

I asked somebody two years ago; I said, "When you get to Taormina, look up Daphne." And they did. They said she was quite old, but still lording over that place. This is one of those diversions. But then when I left, I was glad that I had tied up loose ends, and only had a thesis to do, essentially. I expected I'd have come back, and I said goodbye to Professor Adams; he said, "Well, we'll see you in a year," because I was just being drafted for a year; it was before the war. I said, "More likely five." And then Professor Mackay I remember said goodbye and gave me a copy of Marcus Aurelius's—in leather, that he had carried with him all through World War I. I still have that somewhere, and I took that to China with me. Then I went down to Berkeley, where we were supposed to get on the streetcar. In those days you could take a streetcar from Sather Gate to the pier at Oakland, get on a ferry, and end at the Ferry

Building in San Francisco, and it took you forty minutes from the Berkeley campus to downtown San Francisco. And you got a boat ride. But I reported to the streetcar—

Rubens: And you were actually drafted. No, none of mine, I was the only one. So I reported to San Francisco, and I remember that experience vividly. There were fifteen or twenty of us, and we went through and we had the usual physical inspection, and we took off all our clothes and put it in a bag of some kind, and were outfitted with completely new things, a couple of pairs of army socks, army underwear, army pants, army shirt, and since I remember literature a good deal, I had this feeling that I was like Joseph emerging naked from a hole in the ground for a new life. And it was wonderful; I had this feeling that everything was new. I didn't have to be a philosopher; I didn't have to be an academic; I didn't have to—nobody had to know anything; all these guys were different. When I got into the army, you know, hillbillies who couldn't hardly read but could shoot the eye out of a squirrel at two hundred paces—but they went to the draft board, it was mostly Berkeley guys. I didn't know any of them. When we got to this armory, I remember turning in all our clothes, getting all this stuff, new stuff, and feeling that a new life was beginning.

Rubens: Did you have any fear of war particularly; was this a romantic kind of—

Tussman: The war hadn't broken out, I—

Rubens: Where did you think you were going to go?

Tussman: I had no idea. It was six months before Pearl Harbor, but the country was more bitterly divided then than even over Vietnam or now. Those America First, Father Coughlin, Charles Lindbergh, and on the whole the conservatives, and Milwaukee had been full of people who had latent pro-German sympathies. And then, help America by aiding the allies, there was a group that was very pro-England, pro intervention in England. My sentiments were, since my English friend was very guilty about not being in England, and I had this cultural attachment to England, and my sympathies were over there, and I hated the Nazis, even then, it never occurred to me that I was going to end up fighting them; I didn't know what the army was; I thought maybe a year. We didn't know; there was a big reluctance to get into the war, and my feeling was—I was ambivalent. I was very anti-Nazi, and something of an isolationist. I was torn.

Rubens: I just want to capture what is this? The thrill is more of shedding the academic mantle than of what you're really—

Tussman: That's right. Going to a new world and starting from scratch. Then we went to Camp Roberts for basic training, which is in California -let's see if I have anything else I'm supposed to remember about that. I did the thirteen-week

basic training course; I was a private, and then we were sent to a unit; I was sent to the Seventh Division, which had been Stilwell's division, which during the war subsequently had a very heroic and bloody career, the Seventh Division. I was in the Seventh Division, stationed around Monterey, at Fort Ord, and then came Pearl Harbor. I remember that day quite vividly. There's one memory I have that no one ever anticipates. We were living in barracks, on Fort Ord. When we were bombed in the morning we couldn't get passes to Monterey, and what should we do, we milled around, then they said, "Take all the stuff out of your foot lockers and put them in duffel bags; we're moving out, because the Japanese might bomb our place; we don't know." So we did that, and I was the last one. There were about thirty-five people on my floor. And as I looked back, I couldn't see the floor. What turned out to be the case, everybody had a sweet tooth. And everybody had a box of See's candy stashed away, which you didn't want to share.

Rubens: Literally, See's.

Tussman: Literally. I remember, See's. They came in little brown—each candy was wrapped, and when the war came and we had to move up, everybody gobbled up all their candies, threw the cups on the floor, because you couldn't take a box of See's candy into the field with you, we thought. And I can't believe it, but when I looked out there, the floor was literally covered, so my last memory of the pre-Pearl Harbor thing is the end of candy.

Rubens: That's funny.

Tussman: So then we did things like patrol the coast from Monterey, and around there, trying to answer reports of, or chase down reports of people who said they saw flashlights signaling boats; it was a kind of scary stuff. And it was very disorganized; I won't go into details, but one day I was encouraged to go to the office, the headquarters, and apply for officer candidate school, because I thought, if it's now going to be a long time, I'd rather have a private room. And an officer had some privacy. I was one of the first—that bunch picked from Fort Ord, I was the only private picked; the rest were all old sergeants who'd been in the army for a long time, who didn't want to be officers but were dragooned into it, because they were running the army. Being an officer to them was just being people they bossed around, as a first sergeant.

So we went to Fort Benning, and I had a thirteen-week course, which was the toughest course, it made academic life seem like a picnic. Worked very hard, took exams all the time, and there was the constant fear of failing. And if you failed, you'd get sent back to some unit. What would happen, in the morning we'd all line up in front of the barracks. Then the lieutenant would shout out the names of four people: "Smith, Jones, fall out." The rest of us, right turn, march off to classes on this and that and the other.

Rubens: What were the classes, just military strategy, and—

Tussman: No, map reading, weapons use, weapons tactics, a whole lot of stuff—

Rubens: War related.

Tussman: All war stuff. Then when we'd come back for lunch, the four guys who had been called out had disappeared as if they'd never been there. Their cots were removed; their footlockers were removed; their names were removed from the mailbox, and they were never allowed to talk to any of us. This quick disappearance. They were gone by noon, and we were never able to talk to these guys who failed, but it put the fear of God in us. I remember when we finally got through, getting the thing meant more to me almost, I thought that was an achievement that was going to be better than getting a PhD. It was that turning point. Then we got assigned places. I ended up in Texas, training troops. I had mastered, the only machine I ever mastered in my whole life was a machine gun. I got so I could take it apart and put it together in the dark, and I found myself lecturing on a platform to a thousand soldiers sitting around in Texas, while I was explaining the principles of the machine gun. And living the life of a lieutenant, second lieutenant, in Texas.

Rubens: Did you have your own room?

Tussman: Yes. In the officers' quarters. I had several adventures there. Do the day's work. In the afternoon, when you're through, you'd go to the officers' club, and for some reason I started drinking very heavily. Drank a lot.

Rubens: Part of the culture, wasn't it?

Tussman: That's right. I had no resistance, and I drank a lot. I did my stuff, but—one day, another—a young officer, second lieutenant, was appointed to the platoon next to me. He was in charge of the barracks next to me. I wanted to take him to the officer's club after our workout. I still remember as the turning point for me in a way. He said, okay, I'll go to the faculty club with you, but first I've got to do something." I said, "What are you going to do"? He said, "Well, you can come along." I went to his barracks, which was right next to mine. He had every soldier take off his shoes and socks, sit on the bunk, and went through the whole platoon, feeling their feet, telling the sergeant, "Send this guy to the doctor," "Get this guy a new pair of shoes." He absolutely did that. Not a word. And that was for me the first demonstration of what an officer was. I never forgot it. He was just a young second lieutenant who had gone through West Point, and was assigned to this, and that concept that you take care of your soldiers first, absolutely struck me dumb. I've never forgotten that. And that went through—the other thing that influenced me, I had a wonderful young sergeant—a couple of sergeants in my platoon, that reported to me. One of them was a young guy, I remember, one day he said to me, "Lieutenant, let me tell you something. Two months ago when you came here, I thought you were going to be a great officer. But you're going to pot, let me tell you." I said, "Thanks." And I stopped drinking. I was grateful. Here

was a young sergeant, nothing to gain, risking everything, to tell his superior, his officer, that although I had been a promising young officer a couple of months ago, I now was just becoming a drunkard. I just remember that, and I stopped drinking. So those two things, when I was a lieutenant, training, in my memory they stand out very sharply.

Rubens: Very formative.

Tussman: Oh, yes. And I never forgot, and my respect for the West Point was unimpaired from that point on, and by the way, when I was in China, there were a lot of West Point officers in charge of things; I never met one who was less than very good and utterly incorruptible, and many of the officers who were ROTC guys, who had gone through, engaged in black marketeering, and trading in money, and all sorts of things; never a West Pointer. It was rather interesting—

Rubens: It creates some élan, or something like that.

Tussman: Oh, yes, they were professional—

Rubens: Professional.

Tussman: I'll tell you more about them, perhaps, when we're talking about the war. Let me see. Well, we're still on the Berkeley thing, huh? And now I'm in the army.

Rubens: Now you're in the army, and—it sounds like you're, it's calling out some of the best in you, that you really are going to feel some kind of commitment to your—

Tussman: Anyway, those things made a change in my behavior, and I felt it, and I was ashamed of myself, and I think I pulled myself together, and one day, out of the blue, I got orders to report to the military intelligence language school in Berkeley. Four of us on the post got that order. One of them had a car, and we were all second lieutenants. We all drove to Berkeley across the country from Texas, very excited. What language, what language? We didn't know, and when we reported in, to the gym where—there was a little mild guy, with white hair. We said, "What language?" And he said, "Oh, didn't you know? Chinese." After we had fainted and recovered—

Rubens: All four of you?

Tussman: All four of us. There were about twenty in the class, from all over the country, and I once asked the guy, "How did I get picked"? Because I was no good. I didn't think I was good at languages. I squeaked through a German exam, and I squeaked through a French exam, and I knew some Yiddish. [laughter] He said, "Oh, you're bilingual." I said, "What do you mean, bilingual?" He said,

“You passed your French and German exam.” It was a howling mistake, because there are some people who are linguists by gift, and I was not one of them. But I worked pretty hard, and I did my work in the class, and we had a very—

Rubens: Who was teaching?

Tussman: A group of people essentially had taught in Beijing at the language school there that was used to teaching American military officers who were assigned to China, and Chinese missionaries. When the Japanese came in, they packed up and left China and came here and got a contract with the Extension division. They set up a class to train officers, and we were the first class.

Rubens: Literally, were there people from the Kuomintang come over, you mean Chinese—and then you—?

Tussman: Kuomintang. There were a number of teachers. The most interesting teacher was the Princess Der Ling. She was the daughter of a Manchu bannerman, or noble, who, under the last Empress Dowager been the ambassador to France. He took his two daughters with him, and his son. When they came back, this woman became the lady-in-waiting to the last great Empress Dowager, the one who ran China at the very end, through the Boxer Rebellion, who was an old lady. She made a pet of Der Ling, who knew French, and who knew English, and who knew Chinese, and was a China girl, and so she had a—she then married an American consulate officer, and they came to America, and when the war broke out, they were kind of broke, and she got a job as a teacher in this program. I remember her very well. She had a beautiful Peking—I mean Mandarin accent, and a bell-like tone, and she loved army officers and hated missionaries. She would invite us to her house, where she’d show us pictures of the Forbidden City that her brother had taken—

Rubens: So she must have been—

Tussman: Quite old. Very old, very feeble lady -later killed by an automobile in an accident, after I had been there. There was a grandson of Sun Fom, one of the original revolutionaries. He told us a story I never believed. No, this was the grandson of a general—oh, God! The general who thought he was going to take over when Sun Yat-sen died, and he went to the gate of the palace, and the crowd, when he announced himself, the crowd booed. He knew he was not going to be emperor, and according to this teacher, he says his brother was still in the cradle, and he was in a cradle, and he was so enraged, he rushed into the bedroom and killed one of his grandsons—“If I can’t be emperor, there’s no point to living.” So my teacher was the other grandson. [laughs] It was a mixed group. Some people from China, and some they must have picked up elsewhere, who all spoke Mandarin, but some with accents that bothered us; we could never quite understand what we were supposed to do. They were not very smart; I came to the conclusion later, they weren’t very

good at teaching. They taught missionaries and officers who were anxious to learn. I came in with a group of officers; some of them were captains, lieutenants, one was a major, even, and they were army officers, and they didn't want to work hard, and every time they said, "The assignment for tomorrow is—" [sighs] "Too much!" It was that kind of thing. But I studied very hard, had a very good group of teachers; they were very interesting—

Rubens: It is a difficult language!

Tussman: Oh, yes. We learned to read and write—so much. I got to learn a couple of thousand characters that I could write, and I could—

Rubens: Were you listening to any records, or—?

Tussman: No, just going to class from nine in the morning to twelve, and from one to three-thirty—

Rubens: Where, literally, was it?

Tussman: In one of the buildings on campus. It's now—it's next to the library, one of those buildings; it used to be the old law school, or near it. It used to be the chancellor's—

Rubens: Cal, California Hall?

Tussman: Cal Hall. Yes. That's where it is. We'd go there for our classes, and then we'd go back and we were all then living in I-House.

Rubens: Really, they put you up—

Tussman: We had to arrange it ourselves, but since I had lived there once, I went in and they were very patriotic, and we were all army officers. Towards the end, somebody rented a fraternity house, empty fraternity house, and we moved into that. I made quite a few—I was back on my campus, although I was in uniform, and very busy with learning Chinese. Of course, the Chinese in San Francisco didn't understand a word, because they were all Cantonese, and they didn't speak Mandarin. Nobody spoke Mandarin around here until long after the war, when people came, coming in from Taiwan.

Rubens: Was there a regular professor from Berkeley who taught? One of the first hires of Chinese ancestry at UC Berkeley was in the Oriental Languages Department?

Tussman: I don't remember any, but there must have been an Oriental Language department or something, at some point. But we had nothing to do with them—

- Rubens: This was a separate program.
- Tussman: There was a Chinese guy, I think in political science, named Professor Mah, M-A-H, but I don't think he was Mandarin-speaking. I just don't know. And no major Chinese faculty. There was no Chinese faculty from the university. There were some very good linguists that I got to know after the war, when we came back here, but—
- Rubens: And did you meet with Meiklejohn then? Did you take up your friendship, and did he have a particular position on the military? He was not a pacifist, was he?
- Tussman: No, he was not a pacifist— But he—his wife was very pro-English, and I think Meiklejohn was—he never expressed an opinion. I'm sure he was pro-English. Or pro-Allies, when the war broke out. I don't know what his position was, but I think I told you, when I got drafted, his one remark, which was, "You will not want to miss the formative experience of your generation," which I thought was very perceptive. And so he was here, and I saw something of him, but I don't remember very much in particular, because I was, as I say—
- Rubens: Pretty busy.
- Tussman: I was really trying to study Chinese. I did quite well in the class; I was one of the better people in the class, and when we had graduated for six months, we were sent east to meet the class from Yale. There had been a class like ours. We were one of the two classes that were beginning. We met them in New Jersey and compared notes, and we felt lucky because they hadn't learned to read or write, and in general they had an eccentric professor who had his own system of Romanization, you know, translating it or transliteration, and we felt quite superior to them. Two days before we were going to go to China, we had been shipped back to Riverside, I came down with pneumonia. My whole gang left on a troopship. I was kept back for about a month, with a very serious case of pneumonia. When I went, I was alone without my unit on a Liberty ship, which went unescorted from Long Beach, or from Los Angeles, to China. There were four Chinese officers on it, and a Chinese crew, and a navy gun crew and a Norwegian captain. A Liberty ship and it took us eighty-eight days, unescorted. We didn't see anybody. Eighty-eight days on that darn thing. Fortunately, they started a poker game, and I played poker for eighty days, learned poker, the stakes were high. I said "I'll risk fifty bucks," I won the third hand, by luck; I had a hundred and fifty. Ten days off the Indian coast I had ten thousand dollars in my pocket, and when they said, "Land ho!" they got serious and wiped me out completely. It was quite an experience; I'd never held ten thousand dollars in my hand before. But they started playing seriously, and I lost everything.
- Rubens: What year are we talking about now? Is this by now '42?

- Tussman: Yes. This was in '42, and we landed at Calcutta. I was alone without a unit, so I went to a regular camp—
- Rubens: So let me just get this. I don't know why I should ask—sounds like you're going east, rather than west. How did you—?
- Tussman: We were flown east and we were supposed to go from there, but then they flew us back to Riverside, and we—
- Rubens: Eighty-eight days on the ocean, but—
- Tussman: On the Liberty ship, which went way south. We sailed due north for almost two days before we hit Tasmania, and we were— those who weren't playing poker were watching out for icebergs. We hit Tasmania and that was our one stop, and then we left and went on to India, landed south of Calcutta, until the tides were right, and then we went in to Calcutta. I spent a month in a camp there. Since I was alone, I had fun. Across the street from the camp there was a Scotch mill, Angus's Mill, on the river, a beautiful old brick house, tended by some wonderful Scotch ladies; I remember I would leave the post, because I was my own boss; I'd go over there for breakfast; they'd welcome me; I'd have scones, and marmalade, and poached eggs, and ham, and cereal, and coffee, and a copy of the Hindustani Standard brought in, and I would read it like a gentleman, and then go back to the army post and—
- Rubens: What were you supposed to be doing?
- Tussman: Waiting for orders to go to China. There was a big backlog, because the only way you could get in was to fly the Hump, over the Himalayas. At one point, after about a month, living in—going to Calcutta a number of times. There were mobs of people; whenever we drove on a truck, they parted like the sea, and they were all wearing saris and carrying a water jug, a little water jug, and we never hit anybody, and I couldn't believe it.
- Rubens: This must have been your first exposure to real poverty and—
- Tussman: That's right.
- Rubens: Under development.
- Tussman: And right outside the army camp, it was all beggars and beggars, and when you were in Calcutta, you saw it all the time and even dead people on the sidewalk, early in the morning. It was awful. It was very depressing, and you had the English, who were in charge, living in an encampment fending off the mobs, they were—
- Rubens: Because it was still a colony, I mean, India is not independent—

- Tussman: Very exclusive, very domineering, very superior to the Americans who were moving in on them. The poverty was very noticeable, and quite awful. Then I got on the train, went from Calcutta to someplace in India or in Burma, and waited, and—my gang had gone before me, and landed on the wrong side of India and taken almost as long as me to come. They had left from the camp to fly to China about two weeks before I got there, and one of the planeloads had crashed, and about seven of my buddies were killed, flying over the Hump. But we were not; we got on the plane, and that was the first time I flew over the Himalayas. I still remember the captain saying, “Okay, stretch out on the floor. In a little while, when we get to altitude, you’re going to pass out. I’ve got oxygen, so don’t worry. When we get down to about 18,000 feet on the other side, you’ll wake up. You won’t be any the worse for wear, trust me. So we did that—
- Rubens: That was the case?
- Tussman: Yes, passed out.
- Rubens: I’ve never heard of this.
- Tussman: Yes. Because they were flying at twenty-one thousand feet. The only persons connected with this who had oxygen were the pilots, and we were just passengers, so they flew us over the Hump and had to go that high, and I remember falling asleep—I don’t remember falling asleep; I remember waking up, and landing in China. That was the beginning of my—I used my newfound Chinese to order scrambled eggs at the airport cafeteria, and was awfully pleased that they understood me. [laughter]
- Rubens: So, China, Beijing.
- Tussman: No, this was Kunming. Never got to Beijing, Beijing was being—
- Rubens: -was occupied?
- Tussman: This was southwest China, which was the military headquarters of the Americans. Chunking was the political headquarters, that’s where Chiang Kai-shek was, and where Stilwell had his headquarters, but we were with the army—being trained; the Chinese armies were being trained—
- Rubens: Seven people had been wiped out who had been—
- Tussman: That was from my class. And a number of others. I got out there, and they assigned me—I reported in to headquarters, and just by a stroke of luck—what happened is that almost everybody was assigned —each American who came in was assigned to a Chinese division in the field. You’d report to the Chinese general, and you’d be out in the field with them, helping with the training or whatever they were doing. But when they got to me, for one reason

or another, they said, “You stay in headquarters.” So I was assigned to headquarters, I was in the G-2 office, which was the intelligence office, which was charged with keeping track of the enemy. I sort of looked around, and caught on, and—

Rubens: The enemy in this case was of course-

Tussman: Japanese.

Rubens: Is there also some instruction to be giving information about the Chinese? About the Chinese communists, About Mao Tse-tung, and—

Tussman: Well, the Chinese communists were not a problem. They were located up north in Yen-an, in their own area, and they were surrounded by a couple of hundred thousand Kuomintang troops. They were not very anxious to get out; they were biding their time. We had an officer with them, who would report in to us—

Rubens: Oh, really?

Tussman: Yes, very, very secret. What we learned is that the Chinese communists were getting absolutely no aid from the Russians. Any myth that the Russians often—not at all. So the Chinese communists were out there, all they were doing in the field, they had little groups going out in the field, but they were very good at rescuing American pilots who were shot down. They had a network, and they’d get them back—

Rubens: When you said we had somebody—was that a person of Chinese descent?

Tussman: No, an American—

Rubens: It was an American who was with them?

Tussman: Yes. But he was a signal officer, he knew how; he ran the radio. Our job was to—two things. The intelligence officer was to keep track, as far as we could, of the Japanese all through China, Burma, and southeast—what do we call it?

Rubens: Southeast Asia. Vietnam and been known as—

Tussman: French Indo-China. That was the overall task; where were the Japanese. Our other task was to keep China in the war, because we wanted the Japanese troops to be in China; when we invaded, we didn’t want them back in Japan. That involved our training Chinese troops. It involved training the Kuomintang troops. They were Chiang Kai-shek’s, which in addition to some of the local troops, belonging to local province warlords, who also wanted training. Those were the ones we trained; essentially Chiang Kai-shek’s troops. They were—and I was in headquarters, so I was in touch with all of

our guys who would report in. I got so—one of the guys writing the intelligence summaries was a very wonderful guy, very intelligent, very uneducated—I saw him writing something for an hour, and I said, “What are you doing”? He said, “I’m writing my report.” I looked at it; it was about four sentences. I said, “What’s the problem”? He said, “It takes me a lot of time.” So I said, “Let me do it.” So I quickly scanned all the information, wrote a paragraph, wrote it out, in about ten minutes.

Rubens: Are you talking about in Chinese?

Tussman: In English, in English. But he couldn’t—

Rubens: Just couldn’t do it.

Tussman: I did it so fast, and so effectively, that I was promoted, and eventually, in due course, I became the head of the reports section sending messages to Chungking, and to MacArthur, and to Washington. And I was in charge of the room with the maps, and would brief the generals every morning on what had happened; I’d get up early and do that.

Rubens: Was there some pretty bloody fighting that was taking place?

Tussman: No, there was one battle that we led the Chinese troops in, apart from having them stay in the war, and that was to open up the Burma Road. That was our task. The Japanese had cut the Burma Road, and it was the only way supplies could come in. That’s why flying over the Hump was the alternative. There was a big fight between the air force and Stilwell. General Chennault was, I thought, the undoing of the Chinese. He wanted—he was a great flier, a great leader, used to be in the Flying Tigers. He convinced Chiang Kai-shek that he could, if he got all of the material brought over the Hump, for the air force, munitions and gasoline, he would bomb the Japanese out of China. Chiang Kai-shek wouldn’t do anything, didn’t have the—Stilwell was with Chiang Kai-shek and said, “In order to get rid of the Japanese and to conquer the communists after the war, you’re going to have to train your army. The privates and enlisted men are very good. They’re very brave. Your junior officer corps is awful. They’re young, middle-class, rich, who weren’t very good, were little racketeers, you very seldom found a good one.” Stilwell kept saying, “You’ve got to reform the army; you’ve got to do something about your officer corps, and you’ve got to have them train more seriously than these officers are doing.” That was the fight between the air corps and Stilwell, between Chennault and Stilwell. I remember the day Roosevelt sent Henry Wallace to Kunming to settle the question, between Chennault and Stilwell. [On how to supply China. Claire Lee Chennault commanded the Flying Tigers; Joseph W. Stilwell was Chiang Kai-shek's chief of staff.]

Rubens: Were you there at the time?

Tussman: Yes. I remember that Wallace came into our headquarters, and he talked to us for about an hour or so, and played a little volleyball with us; he was a hail-fellow-well-met, and then went across town to Chennault's headquarters, where he spent the rest of the day, talking to one of Chennault's staff, who was Joe Alsop, one of the Alsop brothers, who was a remote cousin of Roosevelt. He knew Roosevelt, and Wallace knew him, and he sold Wallace the complete Chennault line, "Stilwell is untactful"—absolutely wrong, Stilwell was a very tactful person who didn't permit any impoliteness to Chinese. The reason—and he talked Wallace into the Chennault line. Wallace then left; went back to Washington, and in a very short time, Stilwell was removed.

Rubens: What a moment in history!

Tussman: I was friends—the university in Kunming was a refugee university. People from northern universities who had fled the Japanese and established a good university in Kunming. Refugee university. I made friends with one guy on the faculty, a young historian, and continued to study Chinese, but I got to know the faculty, and they would invite me to their seminars. They would hold them in Chinese, but they always knew what I didn't understand. These were all Harvard graduates and everything—

Rubens: What's the subject of the seminars?

Tussman: I remember this one was "The Disappearance of the Guild System in Yenan." They would be talking, and then every once in a while they'd say something; they'd look at me and say, "The pragmatic consequences of the policy," and I would understand that, and then they'd go on to more simple stuff. I knew quite a few of them, and they all were idealists who wanted Chiang Kai-shek to reform, who didn't want to join the communists. Although when I went to plays, Chinese plays, right in Kunming, very often at the end of the play, the actors would say, "To the north!" Going north meant, join the communists. The theatre was quite free, protected by the local warlord, a guy who wanted keep his province free of the influence of Chiang Kai-shek, so he allowed people a little more freedom than Chiang did.

Stilwell was removed, and the Chinese went into mourning. "Oh," my friend said, "This is the end of China. Because the only person who could put pressure on Chiang Kai-shek to reform, to reform the party, was gone. When he left, everything became hopeless.

Rubens: You could see that? You were there while that—?

Tussman: I was there when his successor came, who was one of General Marshall's favorites, a guy named Albert C. Wedemeyer, a tall, handsome guy. Immediately, he stopped by, I remember I briefed that whole group about what the situation was. They went on to Chunking—they quadrupled the staff,

and didn't do anything to improve the Chinese stuff; it was a disaster. By that time I was at the front, on what we called the Salween Campaign [May 6 – 31, 1942], to open up the Burma Road, and I and General Dorn, who was Stilwell's deputy, were at the front at Baoshan running the Salween Campaign. Stilwell, on his way home, stopped at Baoshan, our place, and met with General Dorn and his staff, and talked with us.

Rubens: So you met him?

Tussman: Yes, I met him; it was the only time I met him. It was a very sad occasion, because he knew—he had not only been removed from the job, but had been silenced. He was not allowed to talk when he came back to the United States, because they didn't want any con—it was a major tragedy. And he went off and asked General Dorn, "Do you want to stay? I can get you back." And Dorn said, "I'd better stay and see it through," and that included all of us who were on his staff.

Rubens: How was it that you'd been transferred to the front?

Tussman: At one point, when we really were engaged in running the Salween campaign, thousands of Chinese troops were up there, and our little group, which was advising with their general, so to run the campaign we moved from Kunming to a little town, hardly a town, near the Mekong—near the Salween River. It was a big, big river, gorgeous. Big river, mountains rising from it, and we had to cross that river in order to pick up the Burma Road. The Chinese were the troops, and we were training the troops and their officers, and every night—so General Dorn went forward; he was the chief under Stilwell, and his staff, two or three West Point officers, who were also very good, and [inaudible], who was the chief intelligence officer he took with him, and I kept getting all the messages and trying to find out what the Japanese were doing in Burma and other places. Every night, either the Chinese generals and their staff would come over to our hill, or we'd go over to the other hill, and we'd have a meeting about what would happen, what reports, how far had they advanced, who needed what, where to drop supplies, and we would talk to them. We had an interpreter—every once in a while, General Dorn also had been a language officer, but his language was rusty a little bit, rustier than mine, and every once in a while he would try speaking in Chinese, and then I remember turning to me and saying, "What's the word for history?" And I'd say, "Li-xer," and he'd say, "li-xer," and continue. I liked General Dorn. I got to know him hardly at all. I was very much unsure of the authority relations. By this time I was a major, and the guys above me were just one step of the lieutenant colonels, and then these West Pointers. But I was never comfortable with generals. One or two of them I knew fairly well, but I never was at ease, and I always had the feeling of such a gap in authority that I never became personally friendly, although I was his advisor all the time, and went with him to these meetings with the Chinese. In the end, we did win the Sao-win campaign, cost thousands of Chinese lives; it was a bloody battle, had 11,000,

yes, very high. The Chinese peasants in the army were absolutely—they were unbelievable; they were absolutely fearless and loyal and funny.

Rubens: How was that manifested?

Tussman: They were laughing all the—every once in a while I would—one of the indulgences I had, since I was in intelligence, and there's always an aura about that, nobody asks you what you're doing. So I would take a jeep and drive, sometimes with a sergeant of mine, and sometimes myself, a couple of hundred kilos down the Burma Road.

Rubens: Really?

Tussman: Yes, because those were all in our control, and the Japanese weren't—and every time I went there, I'd stop at a little Chinese village, and as I say, I could always talk to the kids, because the kids were required to learn Mandarin in the schools, because they wanted everybody in China to speak Mandarin so they could then transcribe it, the common dialect into an alphabet. You see, they couldn't do an alphabet in Chinese, so they had to transcribe the character into something, but unless you unified the dialects, nobody would be able to communicate; there were too many dialects. Occasionally I'd go down there, and I'd see, I'd pass some Chinese troops. They'd have a fire, and a big kettle, and some red-looking rice in there, and they were always joking. They were always joking. I'd try a little bit of Chinese, and they'd laugh, but they were very friendly. I'd—rather tragic—there were all sorts of strange things going on. I remember when we were at the front, an Englishman in a jeep drove in from Burma, a little bit more, and he said, "Why aren't you moving"? I go, "Why"? This was General Dorn's headquarters. He said, "The Japanese are coming"! I said, "What makes you think that"? "They're right behind us"! He says, "You guys are nuts. Get out"! He took off in his jeep and drove towards Kunming. General Dorn said, "What's going on"? I said, "Nothing"! And I checked our sources, "There's absolutely nothing going on."

Rubens: You had people you talk with by radio?

Tussman: Yes, there were troops all over the place, and I had all the reports from everywhere. We knew that it was unlikely. I said, "Nothing's going on. It's nuts." The general believed me, and we didn't do it.

Later, when I flew occasionally from Kunming to Burma, to meet with the Americans who were coming down from India to open the road, General Stilwell's son was the chief of intelligence of the Americans coming down from India. We had a meeting, and at one meeting he said, "Boy, was this funny." "What was funny"? He said, "I ran those Limeys out of here." I said, "What"? He said, "You know, they were all relying on their old family retainers from the old days, and we bought out a couple of them, and told

them to tell the British that the Japanese were coming. And they did, and the Japanese—and the British took off.” I was scandalized’ I thought this was really small-time stuff. This guy drove into Kunming, and they sent him back home or something. Unbelievable things like that were happening occasionally, people who had grudges—but I was at the Salween, and the campaign was a very bloody one. I’d never shot a shot, but I did inspect one or two battlefields with my Chinese counterpart, where Japanese dead were all over the place. Not a pretty spectacle. Most of the time in China, Americans did not fight. I don’t think technically I fought. A couple of my friends were killed along the Burma Road, which skirted Tibet, and some Tibetan bandits had come down, or some military deserters. Two of them were shot. But the only Americans who were getting hurt were the air force, because they were fighting every day.

Rubens: Now, are you hearing news at the same time about the war in the Pacific?

Tussman: Yes, we were expecting—the war in the Pacific was going on, and I was getting reports from the Army, from the European theater, from the Pacific, from MacArthur’s headquarters, and then towards the end of the war, I was one of those people whose lives, I think, were saved by the atomic bomb. A month before the bomb went off, higher authorities decided to set up some intelligence centers back of the Japanese lines near the coast, so that when the Americans landed on the coast of China, which we thought we were going to do, in order to set up bases from which we could attack Japan, they needed some intelligence [headquarters?], so I was told that I was to go to some place, God knows where, way in the interior, back of the Japanese, with a handful of people, and set up an intelligence headquarters until the landing happened. I knew very little about what was going on, but I remember getting on the plane, with all my stuff, and flying towards this place. After we were out of Kunming about two hours, the co-pilot came back and said, “The pilot is on his last flight before he goes back to America. It’s getting very rough. He doesn’t want to die on his last flight, so we’re going back to Kunming, and we’ll fly out when the weather’s better tomorrow. So we went back to Kunming, I got off the plane, took my stuff, grabbed a jeep, got back to my headquarters. The next morning we drove out to the airport. Not a thing was moving. Not a thing everything was called off. “What’s going on”? “A bomb was dropped on Hiroshima.”

Rubens: It was August 6th—

Tussman: That’s right. I thought, if that plane had gotten through, I’d have been forgotten somewhere in the interior of China, surrounded by God knows whom, with people who in the post-war thing, if the Japanese were indeed defeated, the Japanese would fight their way back, or out, the local warlords would take over, nobody would give a damn about—so my feeling was—

Rubens: This was fate.

- Tussman: That I was saved by that, so I've always taken the position—prejudice [laughs] and subsequent happiness that the bomb was what saved my life. A friend of mine on the faculty, I don't know if you know Marty Trow.
- Rubens: I know who he is.
- Tussman: Marty Trow is a sociologist, and he even wrote an article when the dispute over the exhibit in the Smithsonian was going on. I didn't write anything about it, but I thought that you could defend Hiroshima a lot better than we did. Anyway, I felt this personal—
- Rubens: I'm sorry to interrupt for a disk change -this is an amazing story, about—
- Tussman: Really?
- Rubens: An amazing story, yes, yes— I need to have the dates here.
- Tussman: I think I had about four and a half years in the army. I didn't get out until after the bomb was dropped and the peace treaty. I'll bring that to an end, if you want. There's one other story I wanted to tell.
- Audiofile 4
- Tussman: They were up in Yenan. South of it was the Fourth Route Army. We had no contact with—
- One of the things that impressed me was the West Point officers. China was loaded up with regular Army full colonels, just the step before general. These were people who had been in the army during peacetime, and had spent most of their career in places like Texas, playing bridge and poker and loafing. When the war broke out, Marshall decided wisely that he could not trust them to command American troops. They were too—just peacetime loafers. What to do with them? He sent loads of them to China, because they weren't going to command troops. We would assign them in China, each colonel to a Chinese division. They'd go out where they couldn't do any harm to anybody. They would occasionally come in, and I was impressed with—they were—I knew quite a few—by that time I was a major, and I was a staff officer—
- Rubens: By the way, is this promotion fairly automatic?
- Tussman: No. I had been doing a pretty good job; I got promoted to first lieutenant when I went to China, then I got to be a captain, and then I got to be a major, and these were all earned promotions.
- Rubens: You were writing good reports, you were staying on—

Tussman: Yes, I was doing good reports. At the end I even got a medal. But it doesn't matter. I got the sense, and it reminded me, being grandiose, of Tolstoy's War and Peace. I don't know if you remember Prince André, and his experience as a staff officer. When you're a staff officer, like me, you're sort of a young punk who isn't a Regular Army guy, who is kind of smart, and who's got access to the general, and who was fawned on by these Regular Army old-timers who want favors. Here are these old Regular Army full colonels, and I felt very bad about it, because they'd come in and they'd try to curry favor, "Who's being assigned where; I hear there's something open here; could you put in a word for me," and that strange sense of staff power. As I say, a guy like me who was a civilian, essentially, and almost a professor, and because I was articulate and could read reports and sum them up, and here were these guys, superior in rank even, full colonels, having to cater to me. That experience reminded me of the Tolstoy Prince André staff officer thing.

Rubens: Plus the question is, what use were they? What were they really going to do?

Tussman: Not doing very much good to anybody. The other thing that bothered me about them, there were a whole lot of them; I still remember the day Roosevelt died. I was in Kunming. I couldn't believe it, but a lot of the regular Army guys of this sort, were dancing in the street. I couldn't believe it. The Chinese, my friends at the university, again went into, "This is just terrible, Roosevelt, my God, what will we do without him?" This was before the bomb was dropped. I could never forget the spectacle of some of my colleagues, guys I was doing business with every day, were absolutely exultant that that s.o.b. in the White House was dead.

Rubens: Why was he an "s.o.b." to them?

Tussman: They didn't like him; I don't know what policy they didn't like him for; there were a couple of guys from Washington; one of them had been assigned to my outfit, and I got to know him quite well, got to be very high up in signal intelligence, who—his friends were organizing [Wendell] Willkie—I think it was pro-Willkie, or something, very anti-Roosevelt. I think they didn't like his social policies; they regarded him as a radical, and Harry Hopkins and all of these guys. But for me at that time, I was—I regarded the army with great affection. I had lots of respect, and still have, for it as a largely meritocratic institution. They don't give a damn who you are. Who you are doesn't matter. Can you do a mile run with a full field pack? Can you hit the target sufficiently to get a marksman? If you can, you're a corporal. If you can do this well, you get promoted. Generally speaking, it's more meritocratic than any situation I've been in. I had a lot of respect for it, although, of course, there are cliques and there are prejudices and all sorts of things. But that experience of the staff officer being fawned on by higher ranks—

Rubens: And then, coupled with the elation of—

- Tussman: The elation [about the death of] Roosevelt. So, although I ended up thinking, and I still think to this day, that the army experience was very good for me. Some of my friends, I had lunch here with a guy who went late to war and was in the Battle of the Bulge, and my respect for and awe of the people who landed on Normandy; I just can't believe it, how lucky I was, and some of my friends were killed. China was sort of easy; there was some danger, I would occasionally fly from China to Burma in a one-passenger plane. Did I ever tell you that story? I had to go to Burma to meet some of these guys, and we couldn't have it fly over the Himalayas; we had a one-passenger L-5 little plane, one engine, that could land on a road. We could get to Burma flying at less than 10,000 feet, and I would do that about three or four times. Every time I went, I would be the only passenger. I would sit in back; there would be a basket of fresh eggs between my legs, because they had fresh eggs in China, more or less fresh. When I land in Burma, and I go to headquarters, when I'd come back to fly back, the eggs were gone, and there was a carton of whisky. [laughter] From India they could get all the whisky they wanted, and they couldn't get eggs, so this was a kind of—
- Rubens: The barter.
- Tussman: We would fly right through the valleys—
- Rubens: How long did it take to get to Burma?
- Tussman: A couple of hours, at most.
- Rubens: And this is just sharing information; you're passing on—
- Tussman: No, I would meet with some of the staff people who were bringing us up to date on the progress they were making fighting what was called the Lido Road, which connected with the Burma Road somewhere in the north. We didn't have to recapture the rest of Burma from the Japanese.
- Rubens: Was it at one of those meetings where you were talking about Wallace coming to resolve the Stilwell-Chennault—
- Tussman: It's a mixed picture. I despised Joe Junior, this guy, for a trick like that. I was very in awe of and respected Stilwell, who got a bad rap from a book that some *New York Times* reporter wrote. The title was something like "Stilwell's Letters to His Wife". During the war. I forget the name of it. It was Reston, Scotty Reston, or somebody like that wrote a book on Stilwell. In Stilwell's letters to his wife, he referred to Chiang Kai-shek, apparently, as "Peanut." When it came out in the book, this was sort of a shock, and gave rise to the legend that Stilwell was very crude and rough. Stilwell would never say that. Any officer who did anything disrespectful to a Chinese would hear from him. He was an old China hand himself. He was absolutely courtly, but the

reputation that came from that book sort of tarred him with “Oh yes, Stilwell’s untactful”—

Rubens: Plus he’d already lost out in terms of the—

Tussman: Well, he hadn’t yet, but that contributed to it. I felt that was awful, publishing his letters to his wife. I don’t know why he did it, and why she allowed it, and why he kept that name in—but—

Rubens: Had you developed any interest in Eastern philosophy while you were there?

Tussman: While I was there I was still studying Chinese, and I was learning it—I could get along without an interpreter, except for abstract things, and I was getting interested, and I thought, why don’t I, when I go back to Berkeley and do my thesis, why don’t I do it on Chinese philosophy or something, and why don’t I continue the study of Chinese, and become a Chinese classicist? I thought about that for a while, and—

Rubens: And you were attending these seminars at the university—

Tussman: But in the end I decided that Chinese, the language, was too hard for me. I couldn’t do it; I was not a natural linguist, and although a good many of the current people in the political science department, I remember Bob Scalapino, I remember him, very prominent guy, and a whole lot of others, most of the people who know Japanese in America now, in the present, were people who learned Japanese in the army. They came back—

Rubens: And made that a career.

Tussman: Yes, and I remember going to some meetings here with Bob [Robert] Scalapino, a political scientist, on university stuff, and he would doodle, I couldn’t believe it, he was a lefty, he would doodle in Chinese characters, or Chinese, Japanese—a lot of the characters are the same, as you know. I thought about it, and then I thought, I’m not a good enough linguist; Chinese is extremely difficult; I’m not cut out to be a scholar. So I gave up the idea and came back and—

Rubens: Did you read any of your other fellow philosophy while you were there? Were you reading—

Tussman: I had my little Marcus Aurelius, and I’d look at that occasionally—

Rubens: But it wasn’t as if you were reading Hobbes, or—

Tussman: No, no, I wasn’t reading serious philosophy, and I liked this because it was from professor Mackay, who was a very gentle guy, a little bit confused—

Rubens: How do you spell his name?

Tussman: M-A-C-K-A-Y, I think it's M-A-C-K-A-Y. He's dead. But he had been a lieutenant in World War I, and I think he suffered being gassed at one of the great battles, and had really suffered as a result of that. Very gentle. I was very moved when he gave me this book. But as I say, my one exception to the life of either a student or a teacher was that four and a half years of army life, which left me with an affection for the army, a respect for the military, in spite of everything, in spite of Heller, and Catch-22, and all that you can say correctly about the army, nevertheless, it took thousands and thousands of kids like me, from the middle class, and introduced them to people they would never have met. I remember when I was a private, finding you had to hide your bay rum, because they were drunkards, old Wobblies. I remember one old IWW guy from up north, who was—the IWW is a very radical thing—who would steal your after-shave, bay rum, and drink it. The kitchen had—in the army, the kitchen had to lock up its vanilla, because if they didn't, somebody would—so you met these guys, from all over. It was wonderful. They were simple guys, many of them could hardly read, but who were decent. There's one experience, I should tell you, of the army. I think it was when I was in the officers' school, and there were thirty-five of us, still enlisted men, lying in beds. At taps, lights went out, and you're supposed to go—and every once in a while there'd be a conversation. I remember one night lying there, and the lights had gone out, and from the silence came a voice of somebody I didn't recognize, and he said, "Jews." I thought, oh my God, what's going to happen. There was a silence, and then he said, "They don't like horses." And that was it. I was relieved, and then I thought, I didn't know anybody that rode horses, and the only time I had ridden a horse was when I was living with Tolman, and on the top of Virginia Street there was a stable, and Tolman owned a horse. Every once in a while he would take me riding. He would ride on his horse, and I would ride on a rented horse. It was very un-Jewish of me. I would literally ride through the Berkeley hills. But it was kind of an interesting remark. It was not in some sense—it wasn't your normal anti-Semitism. It was a kind of interesting remark. Why he said that—

Rubens: Well, why did you just say, "It was un-Jewish of me."

Tussman: Riding horses? Because I didn't know any Jews who rode horses. It seemed a very alien art. The only horses I knew from the Jewish tradition were Russian Jews who had a bad reputation as teamsters, drivers, who in Russian literature were often found beating their poor horse with their whip. About the only horses I knew were the ones pulling—

Rubens: Are you saying more largely that you didn't find discrimination in the army?

Tussman: There was some anti-Semitism, but I don't think it was very—

Rubens: Almost knee-jerk anti-Semitism?

- Tussman: Yes, yes, and—
- Rubens: Nothing that you directly experienced.
- Tussman: I don't think I suffered from it—I mean I wasn't aware of it. I was always sort of amiable, and got along with people. There was nothing much to argue about, and when I was doing—I don't know what they thought of me—I was one of the top G-2, intelligence section guys. There was always a Regular Army colonel as my superior, who was the nominal guy, and I was doing the work, and everybody'd know it. He would be drinking; he would be amiable; he depended on me for writing cables back to headquarters that were discreet, that didn't offend them, but yet nevertheless told the truth. I don't know what they thought of me.
- Rubens: But you certainly—your highest position, when you left the army—
- Tussman: Was major. If I had stayed in when I resigned, when I was discharged, they said, "If you want to stay in the reserve, you'll go in as lieutenant colonel." I should have probably done it, but I said, "No thanks, that's enough."
- Rubens: So it came that you were discharged—and when was that, relative to the dropping of the Bomb?
- Tussman: It was a couple of months after the bomb was dropped. I had been in China overseas enough to have some priority, but I wasn't with a unit, so they waited for a unit to come along that had a spare place, and I was in it, so it was a medical unit, and I got on a troop ship, full of returning officers, landed in New Jersey. I still remember getting off the gangplank. A lot of ladies were lined up there, and they handed each of us a glass of milk. And I suddenly realized I hadn't had any milk for two years. Milk and graham crackers, and then they picked us up and took us to the post, and then I flew to California and joined my wife, who I had married just before I left for China. We had lived together for very little time, about a month, and came back and picked up married life and had a son within a year.
- Rubens: Was she a student?
- Tussman: She was a student at Cal when I came back here to study Chinese. We fell in love, and I left for China, and when I was waiting in New Jersey I called her up, and she agreed to come to New Jersey quickly, and we got married there, and then we went back to California and I left her for two years. Came back, and—probably not a very wise thing to treat a young girl to, a young woman who was a half a dozen years younger.
- Rubens: And her name?

- Tussman: Lori. We were married for forty years. It was my only marriage, and we had one son.
- Rubens: Letters come between you and your wife, and your family? Were you able to stay in communication? During the war years? With her and your family, and—
- Tussman: I wrote, but I wasn't a very good correspondent. Letters were not my thing. I tried to write often, but I was of the school that said, "Hello, how are you, I'm fine." I didn't unburden myself.
- Rubens: Well, it sounds like it wasn't an emotionally wrenching time; it was a fulfilling time, in a certain sense.
- Tussman: No, I was busy, but I wasn't a letter writer. I remember when Meiklejohn died, his wife had me look over his papers to see whether there should be—publish his letters, and I had copies of his letters, and I came to the conclusion that Meiklejohn was very much like—his letters were all interesting.
- Rubens: Had you corresponded with him, also?
- Tussman: Yes, yes. But non-informative. My letters—I know some people write brilliant letters, and I never did.
- Rubens: So you had a wife to come home to—
- Tussman: I had a wife to come home to—
- Rubens: And a dissertation to—
- Tussman: Dissertation to write and I was being supported for the year that it took me by the GI Bill of Rights. Also, when I was in the army I had sent some of my salary, which I didn't use, to my parents, who put it in the bank for me. I lived on that for the year I came back, and by that time—I wrote the thesis in less than a year, deciding on the subject—because I still had the army habits. I'd get up, I'd go and sit down at my typewriter, and work. So I wrote my thesis fairly rapidly, once I decided what to do, and did the re—studying about it.
- Rubens: I don't know want to give short shrift to your dissertation and now we've been talking for almost two hours. Let's stop for a minute and just see if there's anything more about the war that you want to say.
- Tussman: There are all sorts of war stories, but I hesitate to—
- Rubens: I think we probably—
- Tussman: Have had enough of those.

- Rubens: No, no, just done for today –I’m loosing my concentration. Maybe we should stop today and to Berkeley—we’ll set the stage for Berkeley.
- Tussman: I can do whatever you want. I’m perfectly okay—
- Rubens: All right, so let’s go on a little bit more.
- Tussman: Because we’ve finished the war, right?
- Rubens: Do you think we did justice to those years. It’s a great story about missing, missing Hiroshima—
- Tussman: Let’s see, coming back to Berkeley— Let me say just before that—when I came back, these older philosophy guys, you know, who were graduate students, a number of them—
- Rubens: Right, right, the ones without jobs and—
- Tussman: Had taken over, or moved into the so-called speech department, and decided they would transform it from a speaking thing into a department of argument and public discourse. So when I got back there, there were about three of the philosophers, my graduate philosophy students, a psychologist, a historian, a rather famous historian subsequently. Jacobus tenBroek, from political science, Barney somebody, PhD in psychologist, they were all PhDs who were sort of the spare parts of their departments, but the department didn’t have the FTE to use them. They had kind of taken over the speech department, and made it into the analysis of arguments, and we read, I and my—we read Plato’s *Republic*, and analyzed Supreme Court cases.
- Rubens: So you got a job teaching there?
- Tussman: Yes, yes. I don’t know whether I was still writing my thesis, or even before that, that first year; they talked me into it. I said, “Speech department, that’s beneath my dignity,” and they said, “No, it’s a substitute now for the required English reading and writing thing; they can take Speech 1A and B, because we were doing this, and it was the analysis, and we read great things, like philosophy, like law—do it!” And it paid pretty well, and I was taken on as a lecturer rather reluctantly, feeling sort of snobbishly, “Well, these guys can do it, and so can I.” And I taught there, and year after year, for two or three years or maybe even more, instead of looking for a job, even when I got my thesis done, they said, “Come on and stay with us, we’d like it.” So I stayed on until at one point, about, maybe after four years or something, I forget, or three or—there was a shift in things, and things happened. The speech department decided, or the old-timers in the speech department, that the only way you could make a life in the university is to have a graduate division. They didn’t have any graduate students. They transformed themselves; they wanted to transform themselves into the Department of Rhetoric, which could hire

rhetoric people, study classical rhetoric, and what to do with all of these—so, tenBroek was picked up by political science, [Woodrow] Borah may have been picked up by history, somebody else, they were picked up, and three of us were picked up, Isabel Hungerland was picked up by the philosophy department, and Karl Aschenbrenner was picked up by the philosophy department. They had both been—Aschenbrenner was a colleague of mine as a graduate student—

Rubens: What was her name?

Tussman: Hungerland, Isabel Hungerland. She was a brilliant philosopher, extremely wealthy, used to—I won't tell this story.

Rubens: What was her specialty?

Tussman: Logic and general philosophy. She had transferred to the philosophy department. I and Aschenbrenner, there were three of us. I was taken on to do political philosophy and philosophy of law, and law if I wanted, as a seminar, so I did law, philosophy of law and political philosophy. I may even have taught, yes I think I taught some of the big Philosophy introductory courses, the freshman courses. We did Plato and Hobbes or something.

Rubens: I should have that in your bio-bib here, but—

Tussman: Yes, I probably did that. It was during that time, when I was in the speech department, or in the philosophy department—I changed—and I had about three years to go before I'd be up against the tenure hurdle in the philosophy department, because it would have been four years in the—maybe it was four years in the speech department until tenure, you could only teach so many years before you were up or out. They did not allow you to teach that eighth year, because then you would effectively acquire moral tenure and they couldn't fire you, and they wanted to make sure that tenure people got tenure, or, it was up or out at the tenure hurdle, which may have been the eighth year. And I would approach it in about three or four years in philosophy. I'm a little reluctant to get into the Oath—

Rubens: That we should save this for next time —these things become intertwined.

Tussman: So there's the Oath question—

Rubens: You say in "Academic Debris" that when you went to Syracuse that there was a bit of a—

Tussman: Do you want to take up the tenure question? That's why I went to Syracuse. That skips ahead, but why don't we do the tenure business.

Rubens: Let's do the tenure, and we'll come back—

- Tussman: Then we'll come back—
- Rubens: To the Oath. Okay. I think that's right.
- Tussman: So at some point, I was going to face the up or out thing. Although I don't want to talk about it; I know we'll come back to it; I was extremely active in the Oath fight. I was the only non-tenured guy on what was an informal steering committee of the Loyalty Oath fight. I had been very active in the start of it, and I was very ideologically involved in it, but as I say, we'll come back to it.
- Rubens: I think we'll start next week with that.
- Tussman: With that, okay. There I was, approaching tenure, and I had written very little. I had written the Hobbes thesis, which was not bad [1947 The political theory of Thomas Hobbes], and the department wanted me to publish it, and I didn't think it was good enough, and I didn't want to devote the time necessary to make it much better, so I declined the—I said, "I'm not going to do that." In the meantime I had written—with Jacobus tenBroek, who was a blind professor. A very impressive guy—
- Rubens: You hadn't known him before you got on—
- Tussman: I met him in the speech department. He was impressive—students didn't know he was blind, but he had glass eyes. One day we were talking about some material that we were both teaching; it was one of the Japanese evacuation cases, from when the Japanese—
- Rubens: I wanted to ask you about that.
- Tussman: It was the Hirabayashi case. I was talking to him in his home about it, and I came up with a very simple analysis of one of the points, which was just natural to me as a philosopher who knew a little bit about classification, and he looked at me—or, looked at me! He said, "Joe, you've just solved the equal protection problem." I said, "What's that"? He said, "The Fourteenth Amendment has an equal protection clause, and nobody knows what the hell it is. Holmes called it the last refuge of a constitutional scoundrel." It was too complicated, hardly any—it was really an unused –or underused- clause at the time. "No person shall be denied the equal protection of the laws," it was part of the Fourteenth Amendment.
- Rubens: It had been used to buoy up corporations.
- Tussman: A corporation was held to be a "person." But it was very much underused, and hardly used for social purposes, it was always dismissed, because judges would say, "It's not a real or a natural classification." I came up with a little gimmick that said, the problem with the classification is not whether it's real

or natural or something like that, but whether the class you define by the law—every law that say, “All persons, blah blah blah.” That’s a class. To whom the law applies. And you had to have some reason for drawing the line there. It seemed obvious to me that the question of whether it was a reasonable classification was whether it was related properly, and in a certain way, to another class that you wanted to aim at in the law. My standard example is look, suppose you want to say, all potential saboteurs, report to city hall. That doesn’t make any sense. I’m a potential saboteur—you had to find a class that wasn’t defined as the class of potential saboteurs. Suppose you say, “All American citizens of Japanese ancestry.” So you have a problem. We were at war with Japan. Japanese ancestry. Well, there are obviously Japanese—anyway, the question was what’s the relation between the class of American citizens of Japanese ancestry and the class of possible saboteurs? It’s quite clear that the class you pick in the law can be over-inclusive. It can include Japanese who are not. It could be that it’s under-inclusive, that a class picks out a little class of people and leaves out a lot of others, like, what about Italians, or Germans, who we’re at war with. And what if it’s just who’s a member of the class you define in the law. That’s an ideal classification. So we develop the idea that a reasonable classification is either perfect, a member of one is a member of the other, which is very seldom the case, or you have these under-inclusive or over-inclusive, and there would have to be good reasons, and you laid out the reasons for what justified under-inclusiveness and what justified over-inclusiveness. And that became the heart of the thing.

We spent a year writing that article. I bought a set of Supreme Court reports, and took it home. I read every possible case on equality and anything like it in the history of the Court. We would go—I would go, Chick was blind, day or night made no difference to him; I could go over to his house with a draft of something at six in the morning, why, he had been up for hours; I’d read it to him; he’d comment and we’d go over it, I’d revise it, he’d revise it—he was very sharp; what he didn’t—he had to pay for reading; people had to read to him. So he never did what I and everybody else does—you read for a while, and then you realize you’ve read the last three pages and you don’t remember a thing of it. But he was paying for the time. He developed the habit of writing a *précis*. Every time somebody read him a paragraph, stop for a second, he reduced it to a sentence and wrote it down in Braille. The habit of taking the paragraph and reducing it to its essence, and writing it down, was not only a great mental discipline, but it was very useful for him. So he could write down anything in Braille, and then he would dictate any revisions he’d made. There were some sections, at some point in the course of the year, I got fed up and I got exhausted, and I thought we were in a blind alley, and we’ve got to do this and I don’t know about this stuff, so he’d say, “Well, let me do the draft on this.” So, there are whole sections of that article in which Chick did the draft and I didn’t even bother revising it, because he remembered; he had his notes from his Harvard Law School days, Harvard or Chicago—

Rubens: Was he much older than you?

Tussman: No. Not much older. He's dead now; he died of cancer. I thought of him as a contemporary.

We became very good friends—he would write sections of it and he would get from his Harvard notes and his memory, and in the end we sent it to the law review. There was a student editor who later became a Supreme Court judge in Oregon, and he accepted it with hardly a change and with hardly a suggestion, and as I remember, without hardly any footnotes. It was published, and I remember that—I didn't know what the score was; when we were sending it for publication Chick said, "Joe, I'm putting it in as Tussman and tenBroek." I was too naive to realize the significance of that, because the first name was usually the senior one. He was doing me a great favor, although in some sense it was my idea. But I would have accepted tenBroek and Tussman. He was senior to me. The response was interesting. Professors, and especially professors around here in constitutional law said, "Why are you wasting your time? This is an unorthodox thing; it's got no footnotes, it doesn't cite cases all over the place; it's not a regular law review article. What are you doing? Stop doing it." But it was published. TenBroek got dozens of letters from judges, including appellate court judges, who said, "Thank God. I sleep with this under my pillow. If I ever have an equal protection case, this tells me exactly what to do." Something like that. I was intrigued; the judges loved it; professors didn't know what to make of it, because it wasn't a purely descriptive thing, but it was really written from the point of view, what is a poor judge to do? It was unique in that sense.

Rubens: So you ended up with an article in the *California Law Review*. [Tussman, Joseph; tenBroek, Jacobus (1949). "The Equal Protection of the Laws," *California Law Review* 37 (3): 341–381]

Tussman: I was very happy about it. It was the only real publication I had when I came up for tenure later—

Rubens: So this came out in—

Tussman: '49. I finished that. We were so exhausted, although later—Chick collaborated with lots of people, and when Chick was diagnosed with cancer, I remember meeting him at the faculty club; he was having dinner, and I had been given the word that he was going to die in three or four months, or two or three months, and I had had a new idea, which I hadn't written a book about yet. It was that there was an inherent power in every sovereign state, which was not explicitly mentioned in the constitution, but everybody claimed it, and it was the tutelary power, the power to teach. Every country, every sovereign claims it, the power to teach. We exercise it, but no one had ever established it or even mentioned it as a constitutional theory. And I went over to him and said, "Chick, I got a successor to equal protection." I said, "It's government and the

teaching power.” He said, “God, Joe, I wish I could, but I’m going to die soon; I can’t do it.” Which I regretted very much—

Rubens: And then you do write about it, that’s a chapter—

Tussman: I do a chapter on teaching power in my book *Government and the Mind* [Oxford Press, 1977]. But I regretted very much not being able, as Chick’s final thing, to do a last word with him. So, that was my adventure with the equal protection, which taught me and made me addicted to reading law cases; for years after that I kept buying law—kept getting the law journal as they came out, kept getting the Supreme Court cases as they came out—

Rubens: And you continued to teach philosophy and the law. That was—

Tussman: I continued to teach philosophy and the law, and some years ago, half a dozen years ago, I forget, I wrote, after I’d retired, I wrote a sixty-page or more article on judicial activism and the judicial power, which I sent to every—top ten law journals. They all said, “Thank you very much; it doesn’t have a single footnote,” and in my judgment and the judgment of some others, including some leading philosophers of the law, the clearest analysis of the problem of applying—judicial activism, which is going to be a big issue now that we’re going to have some judges, but nobody wanted—it was too long for an article and too short for a book, and I’ve never figured out what to do with it, so it’s among my “Academic Debris.”

Rubens: Well, you should include it in your papers.

Tussman: I include it in “Academic Debris,” which I don’t know—I have no idea what will come of it. Somebody’s interested in it; a couple of people have read most of it. They think lots of it is very interesting, some of it is very interesting, but that it’s not connected, and I’m in no mood to try and make up a connection which doesn’t exist with things as disparate as works on *Paradise Lost* and works on law and works on religion and things.

Rubens: And there’s no student who can take it up and—?

Tussman: There is no connection, except that I wrote them all but on different subjects, and—

Rubens: No, I meant just the judicial activism part.

Tussman: Oh, that. I’m tempted to do something with it, but every time I look at it, I think it’s pretty good, and the thought of doing something with it makes my heart sink. I’m kind of tired of writing. I told myself that I’m tired of explaining things; I’m tired of analyzing things. My normal mode of writing now is an aphorism, and I don’t believe in writing aphorisms, but I’ll show

you them if you want. I've got about a hundred and twenty-five aphorisms.
[laughter]

Rubens: Well, maybe when you're through—you're going to be working through a lot in this oral history; maybe it's something that you'll—

Tussman: Maybe, because I do feel that there's only one thing for me to do, and that's write. I think what I write more—even when I talk I think I get repetitive, and although a certain amount of repetition is legitimate, beyond that it gets to be—I don't want to be a repetitive bore, and sometimes when I look up stuff I've written lately, I see I keep repeating myself. I write a paragraph; three pages later I've sort of forgotten that I've got it in the same thing. There's a very complex thing about growing old and writing, or thinking, and I've tried to analyze it. It's a little bit like—the best I can do is, if you know a melody, and you're humming it, you know what the next note is supposed to be. And writing for me has always been having something like a melody, a theme in mind, as a result of which I knew what came next, and I knew when I should let go. And it all had this sort of organic connection, the way a melody has. My brilliant conclusion now is, that I've lost the melody, and what I write turns out to be one thing added to another, discrete and not going somewhere, and that has sort of filled me with despair about writing, and it makes all the difference in the world. That's why I can write very short things, but I don't want to try to write anything very long. Even when I look over the sixty-page judicial activism thing, which I think is very good, and I think it's a scandal that the law profession has made no serious effort to explain it, although the few theorists have done a terrible job. I once bought Bork's book—he was going to explain it all—it was a silly book, even though I was just full of—not silly, but—

Rubens: Inadequate?

Tussman: Inadequate theoretically, nothing. So I thought I have put my finger on some of the problems more clearly than anybody I've known. This is a way of—it's an outgrowth of my years before I left—when I was still—came back from the army, was in the speech department, moved to the philosophy department, wrote my thesis, wrote the equal protection article, and then what we'll talk about subsequently, was heavily involved in the Oath article.

Rubens: I think we should stop for today. I would like to spend just a little bit of time talking about what you thought of your thesis, what Hobbes meant to you, how you picked it—

Tussman: That's a good idea.

Rubens: I had a left over about Meiklejohn. Earlier we discussed *What Does America Mean?* Then came *Education between Two Worlds*, which was an attack on individualism, on capitalism and the protestant work ethic.

- Tussman: It was a great book. As I say, I read it in manuscript when I came back after the war, it had been quietly received by the world, as I put it. It was a very deep book, and very readable, and very combative and very good. I never came to terms with it in some sense. The book that I had something—he had written, but I guess after I came back he wrote a book on free speech.
- Rubens: Yes. So we're going to take that up later. '48 is his book on free speech. [Meiklejohn, *Free Speech and its Relation to Self-Government*]
- Tussman: Then it went out of print, and I got Oxford to reprint it. At some point we'll come to that.
- Rubens: We'll come to that, too, because it's going to bear on the loyalty issues.

Interview 3: November 04, 2004
 Audiofile 5

Rubens: Today is the fourth of November, and we're beginning our third interview. I think what we had left over is what your dissertation meant to you, and why you didn't follow Edward Strong's advice and publish it.

Tussman: I had passed all my exams, and I came back and I had to do my PhD thesis. The question was, what? I had been away from philosophy for the entire wartime, and I thought that I should do it on a significant philosopher, which was one of the patterns, who had been relatively neglected, and which had some interest for me. Oddly enough, Hobbes, apart from some English biographies and stuff, there was only one book on Hobbes' political philosophy, and it was by Leo Strauss, who was subsequently quite famous. I remember reading it and thinking that it wasn't very good. It may have been defensive but I thought that it left much of the significant stuff undone- It seemed to me that Hobbes would make a good dissertation subject. I fell into the dissertation mode, that is to say, I became very defensive about him, and when there was any doubt, I kind of liked him; he was a bit of a crank, and a great writer, and there was lots of scope for interpretation. So I settled down to write a thesis on him. The basic thing in Hobbes is the theory of authority. I regard him as the first of the school of conflict reduction people, whose interest was in solving the problem of conflict, because he thought in a state of nature, without political institutions, in his famous phrase, "the life of man is solitary, poor, nasty, brutish, and short." He thought that the polity was a way out.

I did one technical thing which was very good, but nobody's picked up on it. Hobbes used to be regarded only as a social contract theorist, a contract between the king, the ruler, and the people. What he did was, in his first two books, earlier ones, he used the social contract, and by the time he came to *Leviathan*, he had a different idea, which was, the emerging law of agency in England, according to which you authorized somebody to act for you, either without stint, for everything. It's like a power of attorney, or for a limited thing, and he thought that that was a better idea to explain the relations between government and the subject, that you authorize somebody to act for you.

Rubens: And that's different than a social contract.

Tussman: Yes. Technically different, and has some implications, but not all that much. I was quite proud of that, and I had a whole chapter of my thesis on the movement from contract to agency, which I think was absolutely correct and has still been quite unnoticed, although there's now an active Hobbes industry.

Rubens: There is, yes.

- Tussman: I stayed out of it completely—
- Rubens: There have been a couple of biographies of Hobbes, recently.
- Tussman: Biographies, and there's a group, and they must have a publication, because I occasionally get one, and I decided I didn't want to go in with that. All I liked in Hobbes, apart from his history of the English Civil War, was his translation of Thucydides, its first translation into English. I tried to read it, but Thucydides is so crisp, and Hobbes is so crisp, that when you get the two of them together, it doesn't read well. The first thing he published was his translation of Thucydides, when he was about forty.
- Rubens: What was the title of your dissertation?
- Tussman: The Political Philosophy of Thomas Hobbes, something like that.
- Rubens: Was there anything that was afoot not in philosophy, but in political science, or sociology, any issues of pluralism, or the meaning of the body politic, that you'll go on—
- Tussman: Yes, there's always been a question about sovereignty, and Hobbes' fundamental position was that unless people were united by subordination to a common authority, they were in a latent state of war, in which "man is a wolf to man." Authority became the central idea, and that the sovereign represented the subordination of all factions and all persons to a common sovereign, and he said whether it's a majority, or an aristocracy, or one person, the scope of authority is the same. He said he prefers monarchy, but he said that's just his preference, and the theory of submission to the majority, or to the government, whatever it is, is the essential thing. So that it's compatible with democracy.
- Rubens: But was there anything particularly taking place in the political life of the nation or in your experience, for instance, the authoritarian structure of the army, your concern about the emergence of the Soviet Union, in discussions about the theory of pluralism that made you examine Hobbes.
- Tussman: I never bothered about pluralism; it never entered into my thought. It was fundamentally, and became reinforced later here during the student turmoil, the question of authority, and the necessity of subordinating yourself to authority, which was a very unpalatable notion. That's why I thought it was an interesting text and very good.
- Rubens: So you worked under Strong?
- Tussman: No. I think I had Strong, and Adams, and a very famous guy in political science who had written the Austrian constitution; Hans Kelsen. He was the outsider. But I never consulted any of them. I settled down and wrote the

thing, and when it was completed, I gave them the draft, and I don't think anybody made any suggestions. I just quickly did it—doing it more efficiently than anything else I have done, because the army discipline of having to get up in the morning, read all the incoming cables, summarize them, do it by nine o'clock, made me somebody who sat down at the typewriter and did the stuff.

Several things that are significant: he had a theory of morality of natural morality, so called, or what people think of morality in a state of nature, or natural law, although he doesn't quite call it that. The interesting thing about that, which had some echoes in my life, he said, look, if you think about the conditions of peace, the first law of nature is not self preservation; the first law of nature is seek the peace. He deduces maybe about twenty principles: honor peacemakers; don't do this; do that. Then he says something very significant that didn't occur to me until a couple of years ago. He said look, I have just deduced, shown you by just reasoning, that anybody in his right mind will recognize these principles as the necessary principles of peace, which I call natural law. If you want to think of these as the commands of a God, be my guest... Hobbes was hated by the religious people of his day not so much for atheism, but for showing that morality had a secular basis. It won't depend on God, although he was willing to say, if you're religious and want to think of these as that.

The reason that occurs to me now is that a couple of years ago, I gave a speech to the Cosmos Club at the faculty here, which I called "Chores, Games, and Promises." And it was a kind of straightforward attempt—I was reacting against stuff you hear on television all the time about religion and morality. I was going to explain why without God there can be morality, although I wasn't attacking religious-based morality. I wrote this and it turned out to be—I gave it extemporaneously, but then I wrote it up. It turned out to be about fifteen or twenty double-spaced pages. And lots of people have admired it, and I realized that what I was doing was exactly what Hobbes had done, that is to say I had shown how these principles of morality are universal and natural and how they arise. For example, every culture has something called a chore: Young kids bring in the newspaper, or see that the firewood is stacked; or, take care of the dog; every culture has the initiation of a kid into the common life. Well, you cannot do that without using the language of morality. You have to have a duty to bring in the paper whether you feel like it or not? No, your chore is, you're supposed to do this or that, you ought to do this or that. In every culture; growing up involves the understanding of the language of morality: should, ought, obligation, which is independent of religion, and I realized with some sense of horror that long after I'd done this thing, that I was just doing what Hobbes had done, only in different terms, namely showing that morality had a basis independent of religion.

Rubens: So did you think you couldn't publish this—

- Tussman: No.
- Rubens: Because it was a—it was not an explication of—
- Tussman: No, it was very—it's the clearest and simplest explanation of the secular and non-religious basis of morality, that is to say, that morality doesn't depend on the legal analogy with the command of a sovereign. It's not commandments, but that these are just obvious to anybody in any culture. I was too lazy—I didn't know what to do about it, but a friend of mine—a student of mine, former student of mine, who was the managing editor of *First Things*, which is one of the leading Catholic intellectual magazines, and he asked for it, and I sent it to him, and to my disappointment I got a curt letter from his boss saying, "Thanks for submitting this," I still remember the phrasing. "Although there may be some not uninteresting arguments, it does not fit in with the policy of our magazine, which is to further the role of religion in public life." My friend was a little apologetic about it, and I wrote them off as just being stupid, because I thought, what's the fundamental question, morality with a—and they constantly say things like "Without religion there's no morality," and reading my little fifteen-pages should make it impossible for any rational human being to make that assertion again, although they might prefer religious-based morality. So I got that back, and I haven't done anything about it, although everybody I've given it to read likes it very much. But I haven't published it, and it's among—I don't know, I think it's probably among my "Academic Debris."
- Rubens: The actual paper isn't, but you refer to it.
- Tussman: I've got the paper, and lately I've run off another copy for somebody who wanted it. I'm reminded of that by Hobbes. For years I thought, well, everybody thought I'm a Hobbesist, because I was defending the principle of authority. I had a funny experience one day, I'm trying to recapture. I was giving a lecture to a large freshman class of maybe two, three hundred people, and we're doing Hobbes and Plato. I was doing my usual lecture on Hobbes, and I summed up some stuff, "Well, this is his language theory, and philosophy, and then he's got his psychological theory, and then he goes on to explain his political stuff"—and at that point what flooded into my mind while I was talking was—I'll tell you exactly what flooded in my mind—this guy is a nut. That's what I thought.
- Rubens: Suddenly that Hobbes—
- Tussman: Suddenly. Because I thought the image of individuals having self-interest, and then out of sheer cunning and far-sighted self-interest, made deals with each other in order to have peace, was a complete mistake. The notion that you grow up as an individual and then you make a deal is absolutely silly, as this article shows that just in the process of growing up in the social group as we have to, or we don't grow up. I was suddenly seized with that feeling, this guy

is a silly individualist who has never written anything about education, makes one mention of family in all of the works that I've read, one little mention, and not very significant, and that this whole individualist conception, that people are canny self-interested, and then make reluctant big deals for the sake of the common good, is not a description of the way the world is. That was the first time that hit me real hard; I could hardly go on. It was the middle of the lecture; I was utterly demoralized; there was the class looking at me, and in my mind was echoing the strange, "This guy is a nut."

- Rubens: But why the characterization as a nut? Hadn't you been comparing Plato to Hobbes before?
- Tussman: No. We had read them both, the *Republic* and *Leviathan*—
- Rubens: Because you seem to—I just reread this part in "Academic Debris" where you really sum up what Plato means to you as in a school of political philosophy or social philosophy—
- Tussman: Plato has become more and more important, and Hobbes has generally receded, although he—
- Rubens: But to think of him as a nut, that's—
- Tussman: Well, I try to suppress that, because there are lots of people who remember me as sort of a Hobbesist, and they remember *The Leviathan*, and I'm kind of ashamed of this irresponsible insight, but it did, it represented to my mind the point at which, in some strange way, an idea that's been gnawing away at you subconsciously for years suddenly emerges.
- Rubens: What date is this about, do you know, was this during The Experimental College?
- Tussman: No. No, it was when I was lecturing on philosophy to a philosophy class, and so it must have been in the period after I came back to Berkeley after the Loyalty Oath, and even after my experimental program.
- Rubens: After the experimental program.
- Tussman: I think so. And then the other thing that Hobbes remained important for me; I might as well tell you about it now, in the course of my experimental program. We pick up *Paradise Lost* as something to read. For the first time I was able to read through it. Nobody can read through it; it's long, and it's—but I read through it and was extremely impressed by it, and sometime, about ten or fifteen years ago, it dawned on me that here were two people, Hobbes and Milton, contemporaries, living in England at the same time, preoccupied by the same problem, which is rebellion and authority. One doing it in a scientific, modern context, the other in a purely religious context, but they

were both dealing with the problem of authority and rebellion. As you know, Milton gave up poetry for a couple of decades to work for Cromwell and the parliament, and he was the first guy to write a book in England defending the killing of the king. So he was very much involved, but he was supposedly on the rebellious side, I guess he was, and Hobbes was on the king's side. They never met. I tried to find out if they had ever met, and I looked at diaries and all that. I wanted somebody to say, "I was sitting in the tavern, Mr. Milton was in the corner and in came Hobbes"—never. They never met. They wrote two of the great works of the seventeenth century, *Paradise Lost* and *Leviathan*, both about rebellion and authority, both famous in their own lifetime; Europeans used to visit them, and there's only one mention by Hobbes of Milton, "and Mr. Milton wrote a book—"No mention by Milton of Hobbes—

- Rubens: When he says, "Milton wrote a book," does he give any summary of what it is, or what it meant to him—
- Tussman: It was the first defense of the execution of Charles.
- Rubens: But he's not talking about *Paradise Lost*.
- Tussman: No, he wasn't talking about—and he wasn't talking about that book, either. So, that's just one reference. There's a famous sort of Boswell-like guy, Aubrey, I don't know if you ever heard of Aubrey's *Brief Lives*—
- Rubens: Oh, yes.
- Tussman: Hobbes' is the longest biography he's got in there, and Milton's a very short one. Well, I tried everything.
- Rubens: No discourse, no letters—
- Tussman: No, no letters, And those were not the days of footnotes. I tried to figure out—I can't believe that Milton didn't read *Leviathan*, although Milton was blind at that time, and had people reading to him. And I can't believe that Hobbes didn't read *Paradise Lost* in his old age, because the last thing Hobbes wrote was a translation of the *Odyssey* and *The Iliad*. Kind of odd. So, he would have read *Paradise Lost*—not a mention of it. But they were both seventeenth-century English thinkers, one wrote an epic and the other a treatise and the fundamental theme of both was rebellion, peace, and authority. So my idea was I'm going to write a comparative analysis of *Leviathan* and *Paradise Lost*. And for fifteen years or so, not constantly, but I'd spend months doing it and doing the research, and reading up and writing about it—
- Rubens: And I assume lecturing during The Experimental College.

- Tussman: No. No. I hadn't yet gotten involved with *Paradise Lost*, and I don't think I ever had a chance to lecture on it, and we didn't do much lecturing in any case. But as I say, for a long time I would write—I must have produced a hundred and fifty pages of manuscript. I would look at it, and I'd say, "This isn't good enough. How do you compare poetry and a treatise"? The ideas. I gradually got fonder of *Paradise Lost* than of *Leviathan*; I kept thinking this isn't going to work. I'd leave it alone for six months, and then I'd pick it up and say, "Not bad. I've got to try it again."
- Rubens: Did you give it to anyone to read?
- Tussman: No. And I would try it again for a couple of months, and then give up again, and finally at some point, rather within maybe the last decade, I don't know how long ago it was, I finally gave up entirely. I said, "I'm not going to write a pedantic dull book about Milton and Hobbes." As far as I could see, the manuscript, the comparative form, was forcing me into things that I didn't want—who gave—who cared whether they were alike or not, what were the issues? It was unjust to a great poem to ask what he is saying - what are the political ideas in it? It seemed to me a worthless task—although the idea still seems very good to me. Nobody's ever done a major study of Milton and Hobbes, which is kind of remarkable.
- Rubens: And in "Academic Debris" you seem to still have some commitment to it.
- Tussman: Well, even today I occasionally am seized with feelings of guilt that there's a great book that I was in the process of writing which I hadn't the desire or the energy to complete.
- Rubens: Where are the hundred and fifty pages? Are they—
- Tussman: I've got them somewhere.
- Rubens: Are they in an article form? Could they be put—
- Tussman: No, just manuscript form, I mean, I said, "I'll now talk about the rebellion of Eve, the rebellion of Adam" —there were some great things that I liked—
- Rubens: But it didn't quite cohere, is that—
- Tussman: It didn't quite cohere, but things they were so charming; there was a great scene in *Paradise Lost*, where the rebel angels were all summoned by Satan to his headquarters in the north. Hundreds of thousands of angels, and you have the argument about why they should rebel, which is rather interesting, the argument for rebellion. One young angel stood up and said, "You're crazy; what are you doing? He's a good ruler; we shouldn't rebel." And he got hissed, and booed, and he finally walked through these long—and everybody was hissing. A young angel walking out. And then there was a line, "His back

he turned on those proud towers to swift destruction doomed.” I thought it was the greatest exit line in literature. “His back he turned on those proud towers.” One day it occurred to me, why did he say ‘proud towers? So, there’s a guy, an Englishman who was the head of one of the Oxford colleges who said that since Milton was blind, he could never proofread the stuff. And some mistakes would occur. I thought maybe—I sent away to Germany for a reprint copy of his book. It arrived, and I quickly turned to see—because my feeling was that instead of “proud towers,” he said “proud powers.” That would make sense, wouldn’t it? So I turned to where this guy had corrected it; he said, “Of course there were towers in heaven, but the angel was described as having walked a long way, so they wouldn’t have been in sight, and Milton therefore wouldn’t have mentioned them. So what Milton must have said was “proud troops.” I couldn’t believe it! Well, that’s kind of the diversion into scholarship that I occasionally indulged in. But with a lot of regret, and with a great fondness for Milton, I abandoned the project.

Rubens: But you were not of the temperament to show it to someone.

Tussman: The only thing I showed to anyone was about twenty pages or less, of an introduction that I wrote called “The Lady and the Crow,” because Hobbes’s—Milton was so fair, according to Aubrey, that his nickname was “The Fair Lady of Christ College.” Hobbes was so dark that his nickname was “The Crow.” So I thought, that would make a nice title, “The Lady and the Crow,” and I had a twenty-page introduction, in which I set out a comparison of the two, which some people thought was publishable, but I haven’t. I’m kind of lazy about sending things out. I’ve shown it. And everybody I’ve shown it thinks it’s very good, and that I should publish it, but—

Rubens: Well, you’ll see. At least it’ll be part of your papers.

Tussman: Yes. If I have papers.

Rubens: Well, you have papers. You have this, and you have that talk, you mentioned earlier, and you have the hundred and fifty pages of manuscript.

Tussman: I have this affection and admiration for Hobbes, and the clarity of his argument about the subordination to a common authority as a necessity of peace. I later felt that his individualism missed the real point about the meaning of being a social animal, and that morality was not a deal that you make, and it was universal. Certain things were just universal. I came to think it made me feel he was in that respect fundamentally mistaken, although full of insights, and wit.

I finished my thesis and they approved of it, and I remember the exam, and I had my oral, and I passed with flying colors, and then returned all my Hobbes books to the library, and though it would start doing something else. That was my episode with Hobbes, although Hobbes obviously lingered in my mind for

right down to practically the present, because this whole business now of—and I go around being a bore about it. I say, “Look, you’re a social animal. You’ve got to have the psychological makeup appropriate to a social animal.”

Rubens: I’m surprised that this was not one of your topics that you would have talked about in the book, *The Experimental College*, because you had them read—

Tussman: I had them read it, but—we read it, and—

Rubens: Well, one other question about that. Did you ever come to know Sheldon Wolin, in the political science department?

Tussman: Oh, of course, I know him quite well.

Rubens: Because he writes about Hobbes in his book *Politics and Vision*.

Tussman: I used to have lunch with Sheldon, before he wrote his big book. Sheldon always told me, he said he was not a philosopher, he was a historian of ideas. I liked him a lot; he was a scholar, and I am not. At some point we had a falling-out, I think in the academic battles, at some point. He was on a committee and he resigned, and I remember getting a call from the chairman of the academic senate saying, “We need somebody to be on this committee, would you do it?” And I didn’t know anything about—I said, yes, of course. And it later turned out that Sheldon thought that I had stepped in to cover up the breach made by his departure. And I think he was quite alienated; I don’t think we met after that, or talked. We had been quite friendly, so although I knew Sheldon—

Rubens: But Hobbes was not particularly a focus of conversation.

Tussman: No, no. Hardly anybody. The only person I at some point talked about Hobbes a little bit, a little bit, was Norman Jacobson, in the political science department, with whom I had subsequently a more major adventure, which made us kind of deeply alienated from each other. But for a long time we were both assistant professors, I remember; we had lunch together; we talked a lot, which is why I invited him to join my experimental program as a faculty member, but I’ll tell you about that when I come to it. But then Hobbes persisted in this form, that the whole connection between morality—natural law is a collection of rules which have never been promulgated. That is, lots of laws are a form of—somebody declares it, or promulgates it. But the theory is that without anybody promulgating them, certain principles become morally self-evident, or evident, or obvious, and that’s what’s called natural morality. And I had a chapter on nature and politics in my first book, *Obligation and the Body Politic*. Strong wanted me—but this is skipping ahead to the tenure problem, and maybe—

- Rubens: So maybe we'll just sort of freeze it there, and it can—the segue into the Loyalty Oath controversy could be—you described last week that there was a kind of bohemian left crowd that you were on the fringes of, and sometimes part of, you were teaching for Meiklejohn. Was there any correlation in your mind between the political philosophy that you were grappling with and how you saw the structure of American politics, and perhaps some of those people who were promulgating the Soviet Union?
- Tussman: No. I was never attracted to the Soviet Union, although it would have been natural for me to have been, and I think I told you about the father of one of my high school pals, who was a druggist, who came out waving a letter that he'd got from Trotsky. No, I was never a communist, and never a defender of the Soviet Union.
- Rubens: So the philosophy, the political philosophy wasn't in any conscious way dealing with issues of the day.
- Tussman: No. The only thing—
- Rubens: You say you weren't a scholar, but you were a philosopher, I mean, you were someone who thought.
- Tussman: By scholar I mean doing a lot of research. I'd read a book, I'd read it thoroughly, I'd like it; I'd stick with it, but it wasn't my thing to find out who had said what about it, and I didn't care. Just by accident I read, as I said, the Leo Strauss book on Hobbes, and although Strauss wasn't all that famous at that time, I think it was a—but I didn't like it; it wasn't very good. I guess I'm ashamed to say, in response to your question, that my venture into political theory with Hobbes, did not seem to me to be a part in my reaction to contemporary events—
- Rubens: On the other hand, the next year, you write the law review article, you know, where you're really trying to come to terms with the constitutional obligations that are spelled out in the Fourteenth Amendment.
- Tussman: That's right. I became a very devoted constitutional theorist at one point, but I never connected—
- Rubens: In your mind, okay.
- Tussman: In my mind. But who knows what was—
- Rubens: But there were some issues that are similar, and you were also teaching—I never asked the question, if you took a course on philosophy and the law when you were at graduate school—
- Tussman: In those days political philosophy was not very big in philosophical circles—

- Rubens: You said that, yes.
- Tussman: So I never had a course in it—
- Rubens: But that's—so that was of your own creation; that was something that you—
- Tussman: Because Hobbes was not terribly in repute, or not noticed, so there weren't many people who thought about him, or read him. So no, I don't think—although I was very preoccupied with politics and social life, and always interested in it, and I was always on the verge of being the guy in the group who was more inclined to defend authority. I remember reading some Shakespeare. I was more responsive to the idea of hierarchy than a lot of my friends, who thought they had to be egalitarian. I took the Shakespearian view as expressed in *Troilus and Cressida*. There's a famous speech of Odysseus in which he talks about hierarchy, and I agreed with that, and that made a bigger dent on me than Hobbes, as a matter of fact, as poetry would always make a bigger dent than abstract theory. When it came time for me to thicken my dossier of having written in connection with the tenure stuff, there was my thesis, and Strong, who was the chairman of the department said, "Why don't you revise your thesis and publish it"? I thought it wasn't good enough. I thought, it's a thesis, and it's got some good things in it, but I didn't want to spend a lot of time on that, because I was getting interested in law, and involved with equal protection. Did we talk about the—
- Rubens: Yes, we did, we did. So that comes after your first year of teaching. You finish your dissertation; you teach at—in the speech department; you become colleagues with tenBroek; you write this; it takes about a year to write, and then the Loyalty Oath controversy—
- Tussman: -starts. The significant role of the speech department—in those days, it was a very interesting department, developed an introductory course that was an alternative to the requirement of reading and composition in the English department. It was full of very bright guys who were not speech people. At one point they decided, I don't know if we talked about that, they decided that in order to be a significant department you had to have a graduate program.
- So at one point, when they decided that they would become a graduate department, they had to change from speech to rhetoric, and then they began hiring people who were—classical rhetoric and stuff, and they got rid of, or transferred out, people like Borah and tenBroek and me and Aschenbrenner to the appropriate departments, and I went to the philosophy department.
- Rubens: And you were content enough to do that?
- Tussman: Oh, yes!
- Rubens: Or more than that?

- Tussman: More than happy.
- Rubens: But there was a substantial—
- Tussman: Oh, I felt that—I'd always been apologetic about, "What are you doing in the speech department?" Although in the speech department I had written a little essay on the nature and function of public speech, which they all adopted, an attempt to show that the proper approach to the analysis of speech emphasized analysis of argument instead of the power of persuasion. I remember that I thought—I wrote—
- Rubens: Sounds like a philosopher.
- Tussman: That's right. And we actually read some Platonic dialogues and Supreme Court cases in the speech introductory course. It was a great course, and we loved it.
- Rubens: What happened to that essay?
- Tussman: I never published it; I circulated it; the department faculty thought it was pretty good. It's lying somewhere in my papers, if they're still there.
- Rubens: All right, we should look for that
- Tussman: I was teaching, this was before the Oath, I was teaching a course in political philosophy, and the introduction to philosophy. And it was in the course of that political philosophy teaching that I think I got the insight that carried me through most of my life. I remember a quotation of Oliver Wendell Holmes, who said, "The study of law is the study of behavior of judges. What's a judge going to say, and how can you predict his behavior? That seemed to me very questionable, and one day it dawned on me that it didn't fit the behavior of judges, because a judge doesn't ask himself, "How am I going to predict my behavior?" His fundamental question is, "What should I do? What am I supposed to do?" That led me to develop the distinction between the theory of political behavior and the theory of political obligation. Just that differ—I remember presenting it to a bunch of hard-headed, sophisticated philosophy students, some who were sort of friends of mine who dropped in to my political philosophy course. A number of them told me that that was a significant turning point. Because they were all hard-headed realists: the prediction of behavior, the structure of power, or how do you predict—so it was description of politics and the prediction of their behavior on the basis of it, but nobody was dealing with the question as it appeared to the political agent, which was not a predictive question, it was a normative question. So that distinction, between normative and descriptive, affected a lot of people. It was a relatively novel thing. Nobody was talking about it, because everybody was trying to be realistic and hard-headed, and that meant describing the operation of power and predicting how it would work, and I was—sort of

found myself as a kind of moralist, saying that the really important question for a political agent is, “What am I supposed to do”? And that was an entirely different question from. “How is somebody going to behave”?

Anyway, that distinction, between the normative and the descriptive with respect to the perspective of what I called the agent, like a judge, began to dawn on me, and it later became the basis of my first book. One of my oldest friends, who was a graduate student then, just half a dozen years younger than me, and he said, that was the turning point in his—he walked into my class, sat there, and nobody had ever presented him with the fact that “What am I supposed to do”? is the point of view of the judge, and the judge is the significant political agent. He said, “When you think about that, the whole thing changes.” So lots of people tell me that that was a turning point for them. It was obviously a turning point for me, although I didn’t hear any clicks behind my—

Rubens: But looking back you see that—

Tussman: Yes, looking back.

Rubens: As the genesis of this book.

Tussman: I think it’s been characteristic of my general approach. Take political scientists—they wanted to be descriptive, scientific predictors, and I wasn’t interested in that, I was interested is somebody saying, “Let me study what a judge is supposed to do.” And that was characteristic of the situation. I may have told you of that before, but when we did the equal protection article, and sent it out, the response from our political science people around here, was, “Why don’t you stop doing this sort of stuff and do a regular law review article, with footnotes and everything?”

Rubens: There were some footnotes.

Tussman: Were there?

Rubens: Oh, yes.

Tussman: They all thought that it was—they didn’t like it, and we shouldn’t do it, and I think I told you we got dozens of letters from judges who said, “This is wonderful.”

Rubens: A clear layout of one of the—

Tussman: Yes.

Rubens: One of the reasons I kept pushing you about whether you had anything contemporarily in your mind when you were looking at Hobbes is because this

article, this equal protection article seems to be so generated by what's happening in the law precisely at the time, in '44, '45, '46, '47, so much of discrimination law against Japanese, and—

Tussman: Well, there was the Japanese stuff, and there was the beginning of the discrimination—

Rubens: The civil rights cases, of course.

Tussman: I think we invented what has become a very popular notion called suspect classification. I remember a law student, or a law faculty member wildly waving a new decision that had come out and said, "Sex is now a suspect classification," which meant it gets more scrutiny from the court and stuff like that. We were quite proud of it, because I think there had not been a category of suspect classification, and we invented it there, and it got picked up. So that article was motivated; we had all gone through the Japanese—

Rubens: Internment, yes, I had never asked you about how you came to learn about that, if you came to learn about that when you were—

Tussman: I think —

Rubens: in China—

Tussman: When I joined the speech department they were reading of some Supreme Court decisions, and among them were these three Japanese evacuation, Japanese Internment things. That's what led me to formulate the notion of reasonable classification, and everything went on from there.

Rubens: So you remember hearing about the Internment when you were over in China?

Tussman: No, but I remember the day of Pearl Harbor, when we were all lined up, among other things, and all of the Japanese kids in the platoon, and there were quite a few of them, were told to fall out, step, forward, right turn, march out—we never saw them again, and it was quite a depressing sort of thing. So we were aware that there was a problem, and one of the things I was involved in was patrolling the coast north of Monterey, trying to track down the stuff that the—maybe there were some farmers who were signaling off to sea and all that, and nothing came of that. I wasn't aware of that when I was in China. Stilwell did not—nobody had Japanese troops in China, and I think I was among the first to whom a group—a couple of American Nisei were assigned, Japanese in the army -sergeants. There were two sergeants; they were very good, and during the Salween Campaign to open up the Burma Road, at one point, for the first time, the Chinese we were working with captured some Japanese prisoners, and we never took them alive before. I remember going over to the compound where the prisoners were, and interviewing some of them, of course through my Nisei guys, who were—

- Rubens: Who could speak Japanese?
- Tussman: The interesting thing—so I interviewed them, and got some information. The Japanese were never expected to surrender, so they were never told, in the army, if you're captured, give your name, rank, and serial number. Being captured was unbelievable, and towards the end, some of them, we captured them, in southern Burma. The result is, when we asked them a question, they had no inhibitions—
- Rubens: They told everything?
- Tussman: They answered everything. One of them said, "Yes, I work in this factory in Tokyo, near Tokyo." I said, "Really, what were you making?" "Oh, ammunition." "Where was the factory?" "I'll show you." And he drew a map, which I immediately sent off to Chungking. I don't know what happened. Japanese—I think my two sergeants who were sent in were among the first of the Japanese Americans that—it was thought not to be reasonable to expect American citizens, and Japanese in the army, whose families were being subjected to this, to have them go and fight against their family.
- Rubens: They were mostly—
- Tussman: In Europe. They made a very distinguished career in Europe. But not in China, and towards the end, as I say, I had two of these Nisei sergeants—
- Rubens: Probably sent as interpreters?
- Tussman: I think so. They're technically an order of battle team, which meant they knew all about the Japanese army organization, but they were assigned to me because I was the head of the reports section.
- Rubens: I didn't want to get us off too far. I just had not asked you before about your knowledge of the Internment, before you write about the consequences-
- Tussman: But the next question would be, I take it, the Oath fight.
- Rubens: Yes, in the spring of '49, it came to—
- Tussman: I'll tell you what happened. Everybody's got his own story, and nobody's going to believe this exactly—but I remember [tape interruption] being asked to sign a loyalty Oath. We all signed the letter, and I remember getting this notice, and it set off alarm bells. We were being asked to disavow political ideas and a political association, and that seemed to me to be a fundamental violation of freedom of speech and academic freedom. And I remember taking this to Chick tenBroek. We talked about it, and were convinced that that was a terrible thing. The two of us went to see Edward Tolman, in whose house I had lived, and we alerted him to it, and Tolman became to my mind the great

leading faculty member of the Oath fight. So I was very involved with it from the beginning, and my own position was quite in some respects idiosyncratic. I thought, look, if you're an engineer or a scientist, yes, it doesn't affect your work, but in my case, I was standing before a class arguing about the merits of dictatorship and democracy and all of that, and I didn't want to appear before them as a certified eunuch who had come out to acceptable conclusions and therefore I could be trusted with a class. I thought it was my function to do this. And I had a great example I used to talk about. I said, "If you talk to somebody in the Soviet Union, you know they only learn very little about capitalism as their enemy. And they'd say, "Oh we know all about capitalism." And I said how come? And they would say, oh we've got a good member of the Communist Party teaching the course. And my answer would have been, "You're nuts. If you want to know about capitalism, get yourself a capitalist, and let him go, and then refute him. That's the way to do it." And I thought the same thing here. If we want to know about communism, our enemy, get a live communist, and if you've already got some communists in your social science departments, you ought to treasure them, and they ought to be encouraged to teach.

Rubens: Now, were you aware of people who were members of the Communist Party who were in—

Tussman: That's a very tough question. I knew some people, and I was sure they were members of the Party, but it was part of the ethos of that situation, you never asked anybody, and you tried to pretend you didn't know, and you put that from your mind. For example, most of the faculty was conservative in those days. The engineers and the scientists, if called to an academic senate meeting, they would all come out and vote on the conservative side. Besides the majority of the faculty, I thought especially in the hard sciences, were conservatives. There was one minority faction that was fairly liberal, well just ordinary liberal, who weren't communists, and who could have just signed, and mostly you had to appeal to them, you needed their support. And then there was a smaller hard core of people who were consciously opposed to it, and whose problem was how do we activate the liberal faculty to support us and even try to get support and tolerance from the conservative faculty. Those were the factions. I was a member of the hard core—radical faction. I was not a communist; I knew some people who were, and turned out subsequently to be. Two or three of them were of the Oppenheimer faction, who were close to Oppenheimer, and a couple of whom actually went to Los Alamos with him; he hired them; I think the argument was, "I could keep track of them better," and after the war, they were called before the Un-American Activities Committee, and a number of them, two or three of them, didn't take the—they talked. But they were given the privilege of talking privately, so they weren't exposed as turncoats or something, but they did confess that they were members of the Communist Party. One of my good friends, colleagues in the philosophy department, I think I told you he went up to Reed and was teaching at Reed College—

- Rubens: Who was that?
- Tussman: Stanley Moore. He was a wealthy guy and a very radical—he got a job at Reed College, in Oregon. I'd see him occasionally in Berkeley: "What are you doing here, Stanley?" "Well, I can't get a decent jacket made up there." Anyway, he ran Communist Party cell meetings in his houseboat. He was married to a very rich woman, the daughter of one of the great lumber barons up there. And he was fired, because he was a communist.
- Rubens: From Berkeley?
- Tussman: No. No, he was fired from Reed College. Some of us tried to get him a job in Berkeley—
- Rubens: When is this, when are we talking about, that he—
- Tussman: This is in the late '50s. I think it was maybe early '50s?
- Rubens: He's not a compatriot of yours during the Loyalty Oath crisis?
- Tussman: No. I don't remember that.
- Rubens: Okay. You're speaking to—if you knew people who had been in the party, and he was one of them.
- Tussman: So there were a number, but we made it a point of honor not to ask anybody. I kept hoping, I wished one of our communist guys would say, "Look, I'm a communist. I've been a member of the Party. I'm a tenured member of this faculty. I've done a good job teaching history. Nobody has objected; I don't act improperly; I'm not a member of a conspiracy; I don't see why I should take an Oath, and I don't see why I should be fired." And then we'd have a decent test case. Nobody ever stepped up to do that.
- Rubens: Nor did you ask someone to do that?
- Tussman: Didn't ask them to do that. I kept waiting for them, but I thought it wasn't for me to ask somebody, "Why don't you step forward," because among other things, the communist line was, not to stand on the First Amendment, but to take the Fifth Amendment, which meant, "I refuse to answer because the answer might incriminate me," which the House Un-American Activities accepted, although then they called you a Fifth Amendment Communist. The only people who stood on the First Amendment, which I thought was proper, were the Hollywood Ten, and they went to jail.
- Rubens: You had mentioned this earlier. I couldn't see where in the context of the Loyalty Oath crisis, there was an issue where people's position on the First and Fifth came out.

- Tussman: Well, we discussed it a lot, and I remember the radical line was, “Take the Fifth, don’t be a First Amendment snob.” What they obviously wanted was the protection of lots of people who obviously weren’t communists, who were taking that as the way to avoid having to talk before the Un-American Activities Committee.
- Rubens: All right, so you’re not seeing this in the controversy over the Oath. This was not something that was discussed—
- Tussman: No, it was in the context of the Oath.
- Rubens: Were you part of a faculty group that you—
- Tussman: Yes. I think I was one of the only, or few, non-tenured faculty members who was always on the so-called steering committee of the non-signers. I was extremely active—
- Rubens: You were taking a risk, non-tenured.
- Tussman: Yes, but I didn’t think so. Everybody thought I was taking a risk. In fact, when I didn’t get tenure, I remember a farewell party for me. The general impression was, I was being fired for my activity as an Oath fight guy, and there signs up in this big hall that was used for our farewell party that said, “Joe. You didn’t write enough, and you talked too much.”
- Rubens: There were—one of the committees was the Group for Academic Freedom.
- Tussman: I don’t know what—
- Rubens: Okay, I don’t know if you remember exactly the names that you were on—
- Tussman: There was something that later became, during the—the group of two hundred, they called themselves—
- Rubens: That was during the Free Speech Movement.
- Tussman: Yes, and that was a remnant of the Oath fight.
- Rubens: All right. So you think that might have been that group—you don’t remember specifically whether you were part of the Group for Academic Freedom?
- Tussman: No, I would go to whatever meetings there were, but it was a very informal thing—I can’t remember actual committees—I was always saying that we had to make some decisions of tactics, and I don’t know if I told you last time, but I had reached a point where people were—they knew me, and they knew me as a radical on the issues, taking positions which nobody else was really articulating.

- Rubens: So, articulate that. What was that position?
- Tussman: We should have communist teachers. I remember a headline in the Oakland Tribune. "UC Prof Urges Commies Teach."
- Rubens: And this was referring to you.
- Tussman: Yes. I was taken at—hardly anybody took that position. The communists didn't take that position. They didn't want to. Hardly anybody else did. The great book that gave the liberal academic community an easy way out, if they wanted one, was Sidney Hook's book, *Heresy, Yes—Conspiracy, No*. Sidney Hook was an old radical, Marxist from—
- Rubens: From the '30s.
- Tussman: Yes. A very active anti-communist and he wrote this book about the time, maybe a little earlier than the Oath fight, in which he said, "We tolerate heresy, but a conspiracy is different." And that was the basis on which many people said it was okay to sign an anti-communist Oath, because it's a conspiracy. My own view was that it was a heresy, and that most of the people who were in academic life who were communists, like Bettina Aptheker's father, Herbert Aptheker, who was a prominent historian, pushing the Marxist interpretation of history. But we should have welcomed it, and that if you earned a position in the academic community, and it turned out you were a communist, the answer should be, so what? Because even though it may be a heresy, but there's no evidence of conspiracy, maybe some people are in a conspiracy, but the assumption that anybody who said I was a communist or believed in or advocated it, was automatically a conspirator to be fired. I thought that was terrible.
- Rubens: Now, you shared this belief with tenBroek. Wasn't he also someone who—
- Tussman: Yes, I shared it with him, but the formulation of that general position was Meiklejohn, who had written an article on teachers and controversial subjects. And he developed it, and I was in touch with him all the time, an argument that I agreed with, that the academic community ought to be a community in which all ideas develop responsibly by people who are good enough to be academicians, ought to be respected, a place ought to be had for them, and they were performing a valuable service.
- Rubens: And were you talking to Meiklejohn during this?
- Tussman: Oh, yes. I was always talking to Meiklejohn. I think during the Oath fight—
- Rubens: I think you say—

- Tussman: I used to live in—and I would walk by his house almost every day, and a good many times I would just knock on his door, and he was having breakfast, and he'd be sitting there having his coffee and reading the paper, and I'd sit down and have some coffee, and we would talk about the whole thing. I would tell him, since I knew what was going on, I would tell him what was going on, and he would talk about it. He was very reluctant to get involved personally, because although he knew many faculty members, he was not a member of the faculty. I remember him thinking it was the most important controversy that the American universities had ever faced. I agreed with him completely—
- Rubens: Who else do you see when you think about people who shared your—the head of the Group for Academic Freedom was Wendell Stanley for example.
- Tussman: Oh, yes, Wendell Stanley. That may have been—but Wendell Stanley was never a radical; he was a scientist.
- Rubens: Fine, yes, they may not have been the radicals; I think these were the people who were trying to make the deals.
- Tussman: The most sympathetic liberals were people like James Caldwell in the English department; Tolman clearly, but he was a leader, really. I remember, a lot of the refugees—
- Rubens: I have two other names to ask you about, Eswald Grether?
- Tussman: Yes, he was the dean of the business school. Not a radical, hardly a liberal.
- Rubens: And Robert Nisbet, that's another name.
- Tussman: Bob Nisbet was also a well-known conservative. And you've got a group of conservatives who normally objected to loyalty Oaths—
- Rubens: Yes, they are concerned with the consequences, the abrogation of tenure, so they represented a whole different—
- Tussman: Yes, but they were not actively involved in fighting the Oath. There was a smaller group. Many of them were refugees—
- Rubens: What about Schachman?
- Tussman: Howard Schachman was a very radical scientist, very active in the fight against the Oath—
- Rubens: I see your name on a letter to [inaudible: Stahl?], asking to investigate the ban on him.
- Tussman: May have been. I don't know.

- Rubens: Let me tell you a book where you do come in; this is Gardner's—
- Tussman: Oh, our President David Gardner?
- Rubens: Yes, President Gardner's book on the California Oath controversy—at one point he's talking about the secrecy of information, and who can get access to the files of the faculty committee of seven who were going to be expelled. Then he says, "To compound the problem of secrecy which is functional in such crisis, the men who published were often ex parte to the controversy itself," and he cites for example Joe Stewart, John Caughey, Ernest Kantorowicz, Dixon Wecter, Joseph Tussman, Max Radin, Lawrence Harper, among others. So he sees you as—
- Tussman: I hadn't published very much at that time; I had written my thesis and didn't publish that, and I had written the equal protection article, which—
- Rubens: But he sees you as someone who was putting himself out there.
- Tussman: I was prominent enough so that—I told you about the Martha Dodd visit?
- Rubens: Just remind me.
- Tussman: She was writing—
- Rubens: Oh yes, you meet in a coffee shop.
- Tussman: That's right.
- Rubens: The only thing you said, but I don't know that we discussed it last week, is that you said it came to your attention probably later on that there were a group of people who had made up their minds earlier about how they were going to vote.
- Tussman: It's a very delicate problem, and it really was in our group of generally younger, but more active, and it included some senior faculty, but not many, that we would frequently meet and discuss: "What do we do next?" Because there were all sorts of tactical questions. At one time I suddenly discovered that a number of guys in our group were having caucuses. They met in advance. I didn't know about it, and nobody knew about it, and it meant that they took—they made the decision and took their line and stuck with it, and because a half a dozen people had caucused and knew what they were going to vote on every issue, you could almost dominate a meeting in which the other people came in not knowing what the situation was. And not knowing, and when I discovered this, which was quite late in the game—
- Rubens: But during the controversy?

- Tussman: During the controversy, and I never said anything about it. I felt betrayed. I may have talked about this. I felt it was morally inappropriate to come into a group of your friends, having made up your mind in advance, and that's a kind of conspiracy, and I resented it very much. I thought, although I don't want to name names on this, it was a group that if anybody actually had communist connections, these were among the guys, and I won't name them even now.
- Rubens: Okay.
- Tussman: And I even—
- Rubens: But your thought was that they were Party people.
- Tussman: Possibly. I remember once after a meeting in the Faculty Club I lingered—I remember being approached there by half a dozen of them, and it was sort of a—somebody said, “You know, Joe, there's a more active way, and I wonder if”—and I had the feeling I was being recruited for a more radical group. My reaction must have been such that I said, no, turned off, and immediately the person who was the leader of that sort of held up his hand, they quit and made no further attempt at it. They decided I was not malleable enough.
- Rubens: Now, did it so happen that you may have been morally opposed to how they operated, but did you share, it so happens, a position on the—
- Tussman: They must have thought that communists, if they were communists, or fellow-travelers, should be—not be fired. They never took that position openly; they left it to someone like me, who was clearly not a communist, to take that position on principle grounds, because I remember arguments about what people should do if pressed. They were all, “Take the Fifth Amendment,” and the worst that would happen is McCarthy or somebody would say, “You're a Fifth Amendment communist.” But that was recognized as a way in which people could avoid being pressed to name names or being sent to jail, because the committee would say, “Okay, we recognize your right.” But if you took the First Amendment, that was what would happen. As I said, the only people who did were the Hollywood Ten, to my knowledge. I was sympathetic when that happened to the Hollywood Ten. I thought they were right.
- Rubens: So part of the betrayal is not standing up for it themselves, but getting—
- Tussman: No, this is a minor thing. Part of the personal betrayal, I felt, was that some of my acquaintances or friends or co-workers were caucusing before they came to a meeting among us. I thought—that really struck me as just an awful thing to do. Maybe I'm exaggerating, but I had this strong feeling that it was a personal betrayal. I mean, if you're talking to your colleagues you don't privately meet and decide what you're all going to say. That may have affected my attitude, but I continued to work with them, and I had reached a

point not only where people like Martha Dodd came in and interviewed me. But a number of faculty members, and I think I mentioned Erik Erickson—

Rubens: Yes, yes.

Tussman: So I began to feel like I was a younger rebel—out of a Dostoyevsky novel, a younger revolutionary being kept in touch with by older liberals who wanted to keep in touch with what newer stuff was going on, the radicals. A number of them would pump—would always—

Rubens: But you didn't feel used in that sense.

Tussman: Not by them, no, this was a genuine dilemma, what the hell do you do?

Rubens: Were there other younger people you remember in this position with you?

Tussman: Yes. I don't know if I want to—do you want the names? Jack Kent who was our—

Rubens: His name shows up a lot.

Tussman: Jack Kent, Gordon Griffiths who was the son of one of the Regents, a history professor. Howie Schachman was—

Rubens: He had just been at Cal for a year.

Tussman: Yes. But he was very active; I can't remember Schachman too much. Oh, my memory for names. But I remember, as I say, it was informal; I don't remember our group having a name like "Committee for So-and-So," but it was quite clear that I was on it and a number of my friends on the faculty who had tenure kept worrying about me. My feeling was, oddly enough, I said, "Look, this is the University of California. I believe in tenure. If I come up for tenure, I will get a square deal." Later when I served on tenure committees, when I was a regular member of the faculty, I had a lot of respect for the ad hoc committee. It was a secret committee, subcommittee; we'd read everything the candidate had written, everything, and we'd meet secretly; our names were not known. I was struck with the objectivity of the evaluation. I respected it very much. Even though I hadn't served on committees then, I was sure that the integrity of the faculty was such that I would not be fired for political activity, because I was quite open and everything. My own—this comes into the tenure thing—my own private concern was that I had not written enough. I had a lot of respect for the academic standards. I had written the equal protection article, and although tenBroek, and I didn't realize what it meant, insisted on saying, "It's Tussman and tenBroek, even though I was junior to him, and I was in some sense the senior guy in the writing of that, although he did a lot of the writing. I thought my publication record was very slim. I was a good teacher, and quite popular, and I thought I was a serious

guy. Most of the things I did, I thought all the time. I was very reflective, not terribly active in organizations—

- Rubens: Were you a member of the AAUP, the American Association of University Professors?
- Tussman: I may have been; I don't know—
- Rubens: I already know you were a member of the ACLU at this point.
- Tussman: At one point I was on the board of directors—
- Rubens: Yes, and you were chair of the Berkeley chapter, but I think that's going to be later, when you come back.
- Tussman: Yes, yes. At that time I wasn't—I know Meiklejohn was very involved in civil liberties, and I always regarded that as something I didn't see the point of, or that much, all that much—
- Rubens: But you're taking this risk; you're putting your head out there during this controversy.
- Tussman: First of all, I felt very strongly about what it was going to do to me and people like me, and our ability to stand up as unpurged people, free to come to any conclusion we thought right, and if we had to guarantee that we were going to come to the right conclusion in order to keep the [student-teacher] relationship.
- Rubens: So there was a lot of passion—
- Tussman: I was very upset, I mean very deeply concerned, about the purge of the—what I regarded as the heretics, not the conspirators. But everybody was taking comfort from the heresy—you believe in heresy but not conspiracy, and I knew I was taking a chance, but the truth is, I thought that my problem was, between us, that I hadn't written enough. When I came up for tenure—I don't know if you want to-
- Rubens: Yes, but I was going to ask you if you remember what was going on in some of the discussions amongst your fellow faculty. A lot of that was to—
- Tussman: There were lots of meetings, and there were all sorts of things—For example, a number of our supporters were refugees. Like Kantorowicz was one. They, if I may say so, there was a certain amount of vanity. I remember Kantorowicz, who had quite a following—pulling his shirt open and declaring, "I have fought against communists in Europe." He was a member of the so-called [inaudible group], a poet, I don't know his first name. George. He was the center of a rather conservative, almost reactionary anti-communist

group in Europe. Kantorowicz claimed that he was a member of that circle, he had fought communists, and had scars, and therefore it was an insult—a lot of these people took the view, like Loewenberg, philosophy professor, Kantorowicz, one or two others of that school who were principled European refugees who had the tradition of being against ideological purges, because of their experience, and who sometimes were practical, but I regarded Kantorowicz—an exercise in vanity. It's rather strange; I hesitate to say so, and if you want a book on this stuff, read *The Year of the Oath*, by George Stewart.

Rubens: I just read it yesterday.

Tussman: Yes. I was asked to do a review of it by Frank Newman who was a law professor, who later was on the California Supreme Court. He published it in a law journal, and it was a rather critical review of *The Year of the Oath*, which I thought was pretty superficial.

Rubens: It doesn't have names—

Tussman: It may not; it may have been that he was exercising discretion.

Rubens: You did a review of the book from—

Tussman: Kind of negative, but that was—

Rubens: And where was the review?

Tussman: In some law journal and I don't remember what it is. I remember a newspaper editor, a journalist, came to see me in my office before the tenure decision, and he came in—I didn't know him, and he was extremely apologetic, and he had written a story which was the basis of the headline, and he said, "I hope I didn't get you in trouble. I really feel bad about that, because from what I hear you're a good guy and everything, and if you have trouble because of my article, it's really going to upset me." So I said, "Forget about it."

Rubens: And did you have trouble as a result of the article?

Tussman: Not about the article. I went around talking about this—

Rubens: Where? What does that mean?

Tussman: Oh, at Stiles Hall, at meetings, at the Y, or maybe at some hall, or some group.

Rubens: So in public, not to faculty.

Tussman: No, no, public, public.

- Rubens: Were you raising money also?
- Tussman: No.
- Rubens: For the defense of—
- Tussman: No, I never raised money. Most of the faculty did not agree with me, even in my faction, people who were opposed to the Oath, who were opposed to it because of principles, or procedural questions. In fact, one point at an academic senate meeting, the faculty was asked to endorse the Regents' anti-communist policy, and they did, and in some sense the heart went out of me at that point, because I thought that was the real issue.
- Rubens: The Regents finally agreed to drop the Oath but to incorporate—
- Tussman: That was later.
- Rubens: Incorporate it into the contract.
- Tussman: Yes, you know, in the front of the contract, the back of the contract, they had all sorts of arguments, but once the academic senate approved the principle of the Regents' anti-communist policy, I thought the real deal was over. That was the principle—although we kept fighting, and eventually won a—
- Rubens: Law case, yes.
- Tussman: But a lot of the faculty thought, "Why discriminate against professors?" It's painful for me to try to remember that, because my feelings about—there were a regular hierarchy of people who caved early or who held out. What remains in my mind is the feeling that the faculty—that we got as much faculty resistance as we did was remarkable. That the conservative faculty members on the whole were tolerant of the liberal faculty group. The liberal faculty group was to some degree tolerant of the small hard core, and I thought it was rather remarkable that they had stuck to it even though they had given up what seemed to me to be the whole point, which was, are you going to have an ideological purge of the faculty. When we endorsed the Regents' policy, we did that.
- Rubens: And that was basically argued by some to be one of those liberal sellouts—it was considered anti-communist, establishing that communists could not teach.
- Tussman: Yes, that's right. And as I say, they took comfort from the slogan "heresy yes, conspiracy no" which I thought was just confusing the issue. No doubt I'll remember a lot of things, because my feelings were very deeply involved, but as I say, my heart was in the principle of a political purge. I didn't believe in it, and I thought if there was a member of the Communist Party who was

found to be doing improper things, you fire him the way you'd fire anybody else. So as I say, that was a serious crisis for me.

- Rubens: Do you remember specifically talking with Tolman, or—you said you admired his position.
- Tussman: Oh, yes. I talked to him quite a lot. Tolman was—
- Rubens: He was anti-communist, though, he did not believe that—
- Tussman: He was against the Oath; I've never talked to him about communism. I don't know.
- Rubens: Oh, I don't mean—I meant that he didn't believe a communist should be hired to teach.
- Tussman: I don't know about that. Because this was a far-out position, and they thought that if you get some recognition that if you doing—if you were part of the enemy of the country, how should—how do you explain that? My position was, I'd been rather quixotic, and hardly anybody took it, and as I say, the communists, if there were any—I later knew, more recently, from a source that's absolutely impeccable, and under no circumstances can I reveal, that there were at least two communist members of the Berkeley faculty, who were induced, without publicity, to resign without prejudice, and nothing would be raised about their communist status, which the University knew about, and they left the University without any confessions. They got out. I didn't know that until much later, and that was a kind of interesting development. Those were two—
- Rubens: Had they been involved in the resistance?
- Tussman: I'm not even sure who one of them was, and the other was rather quiet. They were not—so the burden was not borne by communists—
- Rubens: Did you know well any of the people who were encouraged, who were—twenty-seven faculty, I guess, who finally were ejected.
- Tussman: Yes, I knew a good many of them, and they were firm non-signers. I think I may have been the last guy who signed. There was a deadline, and I was married, and I had a young son, and I had no money; I lived on my salary, and I hated signing it. I remember one day towards about a week before the deadline I bumped into one of my buddies, who was I thought a staunch non-signer, and he said, "Joe, we signed." I said, "Who"? And he named one after another of the core group of my college, and I felt, my God, these guys have all signed, with various excuses. One of them said he was going to be the head of a new department, which he was, and a Regent friend of his had called him and said, "You're going to lose your chance to be the head of a new, great,

modern department which we count on you to build, and you've got to sign the Oath." So suddenly a week before, they all signed. They all signed. Not the twenty-seven who— And I felt absolutely stripped of support. And I remember the day I had to sign, I ran into, at that time, President Sproul's office, and asked the secretary, and she was very sympathetic, I was virtually in tears, I remember, and I signed. It was a very difficult moment for me. But the fight had long been over. It was no longer on that principle. It was just stubbornness, pride, and some confidence that I would not be discriminated against because of my political activity, because of my sheer faith in the University faculty, and that my real weak point was publication. I knew one member of the committee; lots of people came to my support, who went to the president and said "You've got to keep him," and some graduate students went to the president. But I tell you it was Kerr who said "You've got to keep him, because he's revitalized political philosophy in the field," and all that stuff. So I had a lot of support.

Rubens: So you had another few years, then, because this loyalty Oath is taking place between '49-'50, the end of '51—

Tussman: I had until '53, I think. I had all sorts of support. My understanding is, I was told that the committee had not made its decision, although I knew one member of the committee, a [European] said, "You have not only have to write your thesis, but you have to publish one book independent of it, otherwise we'll never considered it," which was not our standard. I was getting wind of the fact that the committee was having—that the department head had said yes, but the budget committee, subcommittee, was having difficulty, and they hadn't made the decision, and that Kerr was going to be in a difficult position, because he wanted me to stay, but overruling the faculty committee, the budget committee, was something you never did.

I got them off the hook, because one day, out of the blue, I got a visit from a man named Paul Appleby. He'd been Henry Wallace's right-hand-man in the Department of Agriculture; I don't know if you've heard of him. He was the gray eminence. I remember him asking me to come to a meeting in a rich Berkeley home. He explained that the Maxwell School at Syracuse, of which he was the dean—shall I keep going?

Rubens: Hold on, let me switch the tapes for one minute.

Audiofile 6

Rubens: Right, so one day—

Tussman: One day I got a call from Paul Appleby was a well-known public administration guy, and he told me that the Maxwell School of Government was really the graduate school of the social sciences at Syracuse. He was the dean, and he wanted some bridge between the philosophy department and the

political science and social sciences, and they didn't have anybody who could do that. He explained about the social sciences, and talked about philosophy, and I had been sitting there quietly, and I said, "No, let me tell you about philosophy." So I intervened for the first time, and laid out some conception of what I thought philosophy—that there were two kinds: one was philosophy devoted to certain traditional philosophical problems, the mind-body problem, and free will, and things like that, and the other was the philosophy of something—philosophy of science, philosophy of art, philosophy of politics, which you ought not to engage in unless you were deeply immersed in something that wasn't philosophy, like—aesthetics, the philosophy of art or music. Ridiculous to do it without an emergence of music and painting. I thought the same thing held true of political philosophy, and that you had to have a deep interest in government in order to dare to do political philosophy. So I explained that, and that I believed in immersing yourself in the subject of which you were going to be the philosopher—and he says, "That's great." Then we didn't make any decisions, and parted cordially, and I felt, well.... I shortly got an offer from the Maxwell School, the president, saying, and I didn't have tenure here, he said, "We'd like you to come as an associate professor with full tenure, and with a fifty percent increase in salary."

Rubens: Oh my God! How had they gotten your name? Do you know how they had learned about you?

Tussman: I think there was a philosopher at UCLA who knew about me, and he must have sent him to me. I don't know how he got a hold of me. I had some notoriety, but it wasn't of the academic—

Rubens: Were there any—had you ever gone to UCLA—any—Loyalty Oath controversy, they were going through their own—

Tussman: I don't remember going to UCLA; I remember there were a number of campuses that were involved. And we had inter-campus meetings, and whether I ever went to UCLA or not, I don't remember.

Rubens: Or encountered this person during—

Tussman: No, I don't.

Rubens: Okay. You were given this offer.

Tussman: I was given this offer, with a fifty percent increase in salary, initial tenure, and this task of bridging the gap between philosophy and the social sciences. Although I was fond of Berkeley, and didn't want to leave, I thought, well, I don't know how the tenure thing is going to come out. So I remember accepting it, and then writing a letter to the president when I began to feel guilty. I said, "Look, I think I ought to tell you that if things ran its normal course, there is some question about whether I'd get tenure, and I don't want

to accept a job from you under false pretenses.” Another letter, “Come on, come on over,” so I felt—

- Rubens: And during this period did you ever feel particularly anxious about, well, maybe thinking you should convert your dissertation to a book—
- Tussman: I didn’t want to do that. After that, that’s when I’d written the equal protection article with tenBroek, and I was interested in—
- Rubens: I mean, just for the sake of tenure, that’s all, I mean, you weren’t going to be expedient.
- Tussman: I didn’t feel like doing it. No. I did think it was okay for a thesis; it had some good things in it. I think there was one original chapter, and the others were pretty good. But I didn’t want to present myself to the world as this is what I would do, I didn’t—
- Rubens: And you’re not anxiously casting about for something else that you’d better write, feeling this tenure decision—
- Tussman: I had in my mind, as a result of what I told you was this insight about the difference between the descriptive and the normative. The germ of something. But I couldn’t write it. One of my problems was, before I wrote a book, I would generally have all sorts of ideas, I would brood about it, I would think about it, I would take notes, I would have drafts, but I couldn’t write it. And then at some crucial point, I’d put all that stuff away, sat down at a typewriter, and write real fast. That was the start of all of my books, but I hadn’t yet done it the first time. So under those circumstances, ambiguity about tenure, with my private feeling that I would not make it legitimately on scholarship grounds, the general pervasive feeling among my friends and all sorts of other people that I was a victim of the Oath—
- Rubens: Do you think you were?
- Tussman: No. I thought there was an outside chance, because I knew some of the administration, a couple of the deans—you know, maybe an upstart young guy, wants us to let communists teach, and I had no personal connection with them, but I had the feeling that there were some people in the administrative hierarchy, lower hierarchy, that didn’t like me and were opposed to my trouble-making, sort of, but I also knew that Clark Kerr would be sympathetic. So, I thought it would depend on the committee, and the committee would have a very thin publication list. So I thought, first of all, what I had written was pretty good, but it was hard for them to tell, in a collaboration, who had done what, and he was senior, so I’m sure, although he wrote a letter that’s in my files somewhere, he told me, giving me major credit for that. I thought, so I’ve got one good law review article—

Rubens: So you took the offer. So you took the offer at Syracuse.

Tussman: Oh, yes. I took the offer, and there was a general sigh of relief, because I understood that they had not finalized the decision on me. They were able to call it off. I took another job; I took them off the hook, without there having been made a commitment. My own feeling was that it was going negatively, and that it was sort of a miracle that I got this good offer from Syracuse, although going east, I think my wife wasn't very happy about it, and my son was too young to be happy or unhappy about it.

Rubens: Your parents were in Los Angeles, is that right?

Tussman: Yes. They were living in Los Angeles.

Rubens: Were you excited about it?

Tussman: Excited about it in the same sense that if you fell into the ocean you would be excited about a life preserver that floated by. I did not—I thought there was a challenge. I liked the idea of bridging the social sciences and philosophy. I thought it was a new place to go to. I don't think we want to talk about it today.

Rubens: All right, we'll pick it up next week.

Tussman: So I left with the feeling that I had been in some sense saved. I left here, as I say, in the general aura of being an Oath victim. I hardly told anybody, and I was ashamed to tell anybody, that the fact that on the last day I had been the last signer of the Oath. I felt that that was a disgrace. Not proud of it at all, and I think this is the first time I've told the story.

Rubens: There was a catch in your voice as you said it. What a watershed. Let me look and see then, because suddenly—we covered—I didn't know if we needed to say anything more about Meiklejohn's book on free speech. It was '48, right before the Oath.

Tussman: Well, Meiklejohn's book on free speech was—

Rubens: And I didn't know if it was one of the armaments you took on for the loyalty Oath crisis.

Tussman: I was influenced all my life by Meiklejohn and my deep respect for him even when I didn't quite agree, and often I'd come around later. I read the free speech book. I think I said somewhere in my writing, that I was with tenBroek sitting in his study when he pulled out a hand-written thing he had done that morning, in which he had enunciated for the first time the theory of the fourth branch. That there are not three branches of government that the private citizen had to defer to the one or the other. He said, "There are four branches

of government; there is the electorate.” Which in some sense elects the representatives, is the fundamental last court of appeal, the highest tribunal in our system, and that freedom of speech and the First Amendment was the defense of the freedom of that tribunal to speak, to write, to assemble, in order to perform the real function of the sovereign, and you weren’t to interfere with its freedom of speech, because it was this freedom of the ultimate sovereign, and that was the development of his theory of free speech. And I remember Chick and I sitting in his office when he read it to us, and he had just formulated it. It was very impressive.

Rubens: Really?

Tussman: Oh, yes.

Rubens: And he wrote it quickly?

Tussman: Yes, and it became his book on freedom of speech, which I like very much. And when I came back—

Rubens: It was called *Free Speech and Its Relation*—

Tussman: *-and Its Relation to Self-Government*. I remember it went out of print. At one point, after I had published a couple of books with Oxford University Press, it was out of print, and I said, “Well, let me try to get it back into print.” So I sent it to Oxford with a request that, why don’t you republish this, with a few new essays that he would add, and they said “Sure.” So they republished it in as, I think, *Free Speech and Its Relation to Self-Government* and I felt quite pleased that I had done that. Meiklejohn had gone to Washington at one point, to receive a Freedom Medal, and he described a meeting he had had with the Supreme Court, informally. He said, “And four of them rushed up to me and said, Alex, congratulations!” They knew him. And I said, “He needed one more,” because there was a 5-4 decision on speech and a number of other things. So he was a gallant constitutionalist until he died. I’ll tell you about him in relation to my experimental program at the appropriate time. I sometimes wonder what would have become of me if I had not wandered into his philosophy course at Wisconsin, because my interests in education, in constitutional law, political theory— It almost seems as if I’m following in his, trying to follow—I’m not conscious of it, but when I have done something, I look up and I say, “My God, it’s still—I’m Alex—“

Rubens: At least there was a dialectic between—

Tussman: Yes, and we talked—

Rubens: I had one closing question, but maybe I should open—maybe I’ll save it—let’s save it for next time, kind of as an opening of next week of—at this point, ’54, what is your concept of the university, what is your concept of

education, maybe that should be our opening to then, what you're going to be teaching at Syracuse—

Tussman: So this was—

Rubens: How you come to—

Tussman: —to pick up after I'd gotten the offer and accepted the offer, but hadn't yet gone to Syracuse, and you want a kind of summing-up of my view of the university.

Rubens: Maybe, yes.

Tussman: Okay, the only thing I'm conscious of at this point is that I may not have done justice to the depth and complexity of the Oath fight.

Rubens: Well, we can revisit it.

Tussman: There were various groups, the group of seven, a more or less informal group, but they were not, mostly were not active in the fight, as far as I—

Rubens: I have a question: did you ever discuss these issues with a lawyer?

Tussman: tenBroek was a lawyer, and I remember when we did hire a lawyer to take the court case later in the game. We hired a guy, Stanley Weigel. He took over the legal case. But by that time it was, from my point of view, marginal.

Rubens: Well, when you say you don't know if you gave it enough depth, is there something in your mind I should write down that you're thinking of particularly?

Tussman: I don't know, it seems to me that it was a very significant issue in the history of universities, and as far as I knew—

Rubens: Well, that's exactly why I want to begin next week with a summary not the position of the university. What your thought is.

Tussman: Okay, so just before I set sail for Syracuse.

Rubens: Yes, because I think that can be the background of or frame for what the—

Tussman: I have no idea what we talked about. Did it sound okay?

Rubens: I thought so. What you really talked about is how you came to understand—well, first about Hobbes, which I thought was wonderful, and then how you came to get involved in the crisis, that you almost couldn't help but do it, and—you were always the guy in the group who was closer to defending

authority. That was something I wanted to come back to. Whose authority were you defending? But—back to the fact that you're reluctant to talk about who was your group that you took solace from. That's the only thing that I don't think we covered adequately.

Tussman: I don't think we need to do that.

Rubens: You may have some more memories.

Tussman: These are guys I worked with, when there was a reunion three or four years ago of people from the Loyalty Oath fight—

Rubens: There was a symposium on it.

Tussman: Yes, they came here, and I saw them, and—

Rubens: Did you go to that?

Tussman: I attended one or two sessions. I didn't speak. I don't know why they didn't invite me. The people who did speak were very often the ones by this time who though they had been good -some of them had been quite good friends, [whom] I had felt alienated from, because partly, these were the guys who had signed without consulting me, before me. And if they were going to do it together, I should have been included in the discussion. And my sense of there being a caucus of—that didn't include me. So I did meet them, and I listened to them talk, and—

Rubens: Ellen Schrecker spoke on the history of the —of other campuses where the Oath—similar—

Tussman: We were regarded as the—of the major opposition to the loyalty Oath fight, some of the other campuses were involved. UCLA was quite active. The other campuses didn't, may not—Davis, I don't know. Anyway.

Rubens: We'll come back to it.

Tussman: I'll try to think—

Rubens: We'll come back with a kind of summation, and then see if there's—

Tussman: The university and the last of the loyalty Oath, or if that's made any more serious impression on me, and then we can go on to—and we did do the tenure.

Rubens: And then we can go on to Syracuse and your first book. And then Wesleyan. And then we'll be back—

Tussman: The return home—

Rubens: Not of the prodigal son.

Tussman: Not as a prodigal son, but—

Rubens: No, as a tenured, published—

Tussman: But very warmly welcomed by a lot of—

Rubens: And happy to come back.

Tussman: Oh, overjoyed. Didn't thrive on those long Syracuse winters, which were very often a month of twenty below. Wesleyan was a different problem, but we can talk about that.

Rubens: All right, good. We'll end for today.

Interview 4: November 11, 2004
 Audiofile 7

Rubens: Last week we talked about the Loyalty Oath period.

Tussman: We did tenure?

Rubens: Definitely, and you were clear that it had to do with a thin publication record rather than political reprisal. It has remained with me over the week - I couldn't help but notice that there was a catch in your voice when you talked about signing the Oath. And you replied that you think that it's something that you never did get over?

Tussman: Right. That would be an exaggeration, but it was a turning point.

Rubens: It was a watershed.

Tussman: A real crisis for me, and the first time I remember that some deeply held principles, I had to violate a deeply held principle. And I don't know that you're often confronted with that. My belief was that the university is a place—it's an enclave of a sort, it's a special community within which the rules of intellectual life and discourse are different from the marketplace ones. This is a place when you come, fighting is off-limits. You're supposed to be absolutely free to say what you think, and the most outlandish thing—one result of the discourse makes its contribution to the mind, even if it's only evoking a coherent response, and that the essence of the university is that you didn't bring the battles, the political battles of the external community into the life of the university. We were supposed to be thinkers, and we were supposed to be hospitable to all people who thought, in some way. And this meant, as I saw it then, a violation in terms of saying, "You can think all you want to but you can't come out here. There's a whole area you mustn't—it was roughly communists, fellow travelers, that whole challenge to our normal way of life. I was confident that in any free-wheeling discussion of it we would win. I thought we were right, and they were wrong. But I don't know. If you think that they're right and you're wrong, you may not let them argue. But the fundamental principle for me was, the university is a social resource in which everything is supposed to be examined, and the notion that we were certified as not entertaining certain ideas seemed to me to violate everything. I think I may have told you that I had a special problem with it, because I was teaching political theory. And I thought, how can I stand before a class in political theory and discuss democratic theory if I've got a badge on me that says "Certified Okay," certified orthodox. It seemed to reduce me to—why would they respect me? They'd know that I had been cleared, so to speak. And that violated my principles—that I want students to speak freely; I want to be able to discuss things without any feeling that there are political limitations. So for me the university was a place, especially in the social sciences and philosophy, where there was no forbidden subjects, really.

- Rubens: Did you ever question whether there—the role of communists—not their right to teach, but what they might in fact be teaching? You were clear that you were an anti-communist; you were not a Marxist.
- Tussman: Oh yes, I was clear—
- Rubens: Were there any people, especially after your experience with the caucusing before in meetings; was there ever any doubt that entered your mind?
- Tussman: I was disappointed in the communists that I thought I knew because as I say, I wanted one of them to stand up and say, “I’m not going to sign this Oath, because I’d have to lie, and I don’t believe in lying, and I’ve proved that—I’ve earned my tenure, and I’m not doing anything wrong.” Then it would go to court under those conditions. I never—I think I may have told you that I used to do public speaking in, at meetings in which I would defend the right of, the desirability of having communists teaching in the university. That was a rather—I’ve never changed my mind about that, and I’ve never assumed that if you’re a communist, or a member of the Communist Party, or ever had been, or thought of it that you were by virtue of that alone, properly treated as a member of a conspiracy. I may have mentioned Sidney Hook’s book, *Heresy, Yes, Conspiracy, No!*
- Rubens: Yes, we talked about that, but what I didn’t ask you about was the debate that Sidney Hook had with Meiklejohn in the *New York Times Magazine*. I guess there were two different articles, should communists be allowed to teach?
- Tussman: That was Meiklejohn who wrote—
- Rubens: And Sidney Hook. I guess there was—
- Tussman: I’ve never seen that.
- Rubens: I was going to ask you if you had consulted with Meiklejohn on that, or—
- Tussman: No, he wrote that; I thought it appeared in Harper’s or some such, but maybe there was something, and Sidney Hook was the chief opponent of that—
- Rubens: Yes, so it’s in ’49, 1949.
- Tussman: I have no recollection of reading that correspondence, but I knew Sidney Hook’s position.
- Rubens: Sure, we talked about it last week. And then I wondered also—this is far-fetched in a way, but—you had been a military man; you had been very respectful in a way of the kind of order and hierarchy, and I was wondering if you ever had any sense, in the context of this loyalty Oath controversy, that

the University was becoming an instrument of the Cold War. There was the issue of someone being fired who worked for Livermore lab—

Tussman: There were occasional scandals or issues of that sort, some piano player in the gym being fired at UCLA, something like that. I thought the University at worst was acquiescing in the popular hysteria that occurred in World War I, too. Not that it was a prime agent in trying to purge itself, but that for most people it didn't seem to matter. Most people were—you know, people in the sciences, engineering, all of the—they were essentially non-political, as far as I could see. There were always departmental fights internally about who you hired, but I'm not aware that that was a big issue. In philosophy it was never an issue. The issues were whether somebody was a Straussian or not, and that was a question of the nature of the scholarship, and some of the presuppositions, but I don't remember ever thinking that the University—I may have been overlooking it—I never thought that the University was a deliberate and willing instrument in the Cold War.

Rubens: Fine. Good. And then this jumps ahead a little, but did you follow the Army-McCarthy hearings?

Tussman: Oh, of course. I watched them, and I was very anti-McCarthy, of course.

Rubens: Was there any activity on campus where faculty were taking positions against—

Tussman: Not that I remember. But it was something we watched, and there was McCarthy, will all of his numbers, caricatured in a very good movie, *The Manchurian Candidate*, did you ever see that?

Rubens: Yes, I love it.

Tussman: I don't remember any organized attempt by the faculty or anybody to—to do what? To oppose it? No.

Rubens: To expose—

Tussman: It was regarded as a sort of scandal that McCarthy was being tolerated by the Senate. We were encouraged that Eisenhower, instead of coming to the defense of George Marshall, who was the chief of staff, who was in some sense over Eisenhower and responsible for that when McCarthy attacked Marshall, we all expected Eisenhower to come to his aid, and he didn't say a word about it. So that was a disappointment.

Rubens: I noted that you were going to go to Syracuse in '54.

Tussman: Is that it?

- Rubens: I think so —there were a couple of years, then, after you signed the Oath and before you go, where I don't have much sense of what's going on with you. Maybe was the loyalty Oath controversy a kind of, what is the word, crescendo, and—
- Tussman: And when I—
- Rubens: A sense of defeat, of having to sign, and—
- Tussman: It was still going on, in some sense, when I accepted the Syracuse offer. I got the University off the hook about—
- Rubens: Right, your tenure. Okay, then let's talk about Syracuse.
- Tussman: Okay. I accepted the Syracuse offer, as I told you, by the dean of the Maxwell School, Paul Appleby, who as a matter of fact when I arrived, had resigned, by that time, so I didn't have my main sponsor on the scene. As a university, my impression of it, it was one of these mixed places, which had some very mediocre students, and some very smart students, and many of them who were from New York. We were near Cornell, and I had the impression that the students from New York who couldn't get into Cornell, because of their grades, went to Syracuse because it was the first, or the nearest large co-educational institution, which had some good teachers, but that they would have preferred to go to Cornell, which had a higher academic and social standing. So we had some mediocre students, but it had its quota of very bright students, and at the graduate level, the Maxwell School of Government, as it was called, which was the graduate division of all of the social sciences, had a national reputation. It was regarded as very good, and it had some very good departments and very good people. Apart from being the graduate school of government, it supervised and administered and ran a rather unique course called the citizenship course, which was a compulsory course that all freshmen had to take, a year-long course administered by an appointee of the Maxwell School, a very bright guy, had quite a large staff of sociologists, historians, psychologists, and literary people—
- Rubens: So there was already an interdisciplinary—
- Tussman: That was, yes, that was for non-disciplinarians. It was a very good course that ran for a year, and everybody had to take it, and I guess I discovered I was half in philosophy and half in the citizenship course. I had a little difficulty trying to imagine what my mission was when I went there, because Appleby had said he wanted me to bridge the gap between philosophy and the Maxwell School of social sciences. That's a very difficult thing to do. I didn't know what I'd found; what I found was a thriving citizenship program, which was the undergraduate effort of the Maxwell School, very good, in very good repute, very self-confident, very un-philosophical. Political, but not—they knew a lot of history, they knew a lot of sociology, they knew some

economics, and some psychology. They didn't like philosophy. I find generally lots of social scientists are afraid of philosophy, and there's nothing you can do about it.

Rubens: Just say one more sentence about that. Because, or, what does that mean?

Tussman: I find that sociologists, a lot of whom I—some of my best friends are sociologists—when they get theoretical, instead of going to traditional philosophy, they are very good at being like Talcott Parsons, a kind of involved theoretical unintelligibility that they live with, and it's their substitute for philosophy. I've never understood it; I've never agreed with it, whatever I could gather of it. But there was a kind of anti-philosophical streak that made them think they had enough philosophy. I remember once when I gave a lecture, one of the members of the staff, who was a very ardent Catholic and very religious, came up reluctantly and said something like, "Well, Joe, I guess there may be something in philosophy after all."

Rubens: Were they opposed to the developments in philosophy, logical positivism?

Tussman: Yes, traditional philosophy. They had no—and as a matter of fact, academic philosophy may have had very little to contribute in those days; it was very language-oriented, logical, and sort of sleepily involved with ethics and the history of philosophy. So I couldn't see that there was a message that had to be brought over, and as I say, I had never understood—what do you do with a person who's functioning very well, successfully, and with a kind of anti-philosophical or resistance to anything that would resemble complicated reflection on something that might seem otherwise obvious.

Rubens: Was that your mission, to bring that in?

Tussman: I was told to bridge the gap or do something, so I was appointed in both, and as I say, Appleby was gone, and I had—the philosophy department was rather small—competent—not too big, maybe half a dozen, or six to eight people, two of whom were senior and one was extremely conservative in every respect, and the other was very conservative, and the junior guys were on the whole, quite good. They understood the stuff but they were all undistinguished; they hadn't written very much; they weren't known outside of Syracuse, and their attitude toward the social sciences in the Maxwell School, which was the dominant part of Syracuse, was, they didn't want to become chaplains to the Maxwell School. Those guys had their own thing; they were political; they were economic; they were trying to teach people to take part in government, and that's not what philosophy is about. So they all diligently taught their own courses, had nothing to do with the Maxwell School, which they sort of despised as not very philosophical, or not being interested in philosophy. But they minded their own business, and didn't mix with the Maxwell School, and I did.

I taught some philosophy courses; I forgot what they were now, and then I taught in the citizenship program at the Maxwell School, and took part in a seminar or something of that sort. The Maxwell School people were very content; they were more prominent than the philosophy department, and larger, and very content with themselves as basing their introduction to citizenship and the problems on essentially historical and literary things, not bad at all, not bad at all. But had no place for philosophy, and I couldn't see that I should come to them and say, "Maybe you all ought to read Plato's Republic," and in fact, they may have read something like that. I remember giving a big lecture to the entire freshman class; my first big venture there. It was a lecture on Plato's Republic, which apparently was quite successful, because—I'm always non-technical, I explain it. I remember walking across the campus a couple of days afterwards, two students, I overtook them, they were pointing to some dumb student playing something, and he says, "Can you imagine us being governed by a mind like that"? And I thought, they heard my lectures. But I couldn't see that bringing philosophy then meant what, adding a philosophy reading? That didn't seem to make sense.

So I was in both, and the citizenship program had some senior guys, a very dominant director who had a PhD in American literature, or something of the sort, very strong and they had their reading list; it was a good—it was a common reading list, and then there were smaller sections, and everybody read the same thing, and they discussed it, and it was essentially a very good course. Later I was called to Notre Dame as an outside visitor to inspect their required sophomore course that they also had, a course that everybody at Notre Dame had to take, but in the sophomore year, and it was also one of these courses in which there are faculty members handling smaller sections, and some big overriding unity, and a common curriculum, which to my mind as I went there didn't make much—it attracted, but it didn't make much sense to me. They had big divisions like god, man, and nature, and fitted books into that with no coherence—

Rubens: You thought the Maxwell's citizenship—

Tussman: I thought the Maxwell thing was better. More integrated, had some ideas, and wasn't as fashionable. At Notre Dame they seemed to all be for things like deconstruction and all of this. Typically, what very often attracts non-philosophers are these philosophical fads, like existentialism. Which from my point of view is just sort of silly. I may be wrong; I acknowledge that, but of course I don't think so.

So the notion of bridging the gap, which was my only conception of function, didn't seem to make sense, and then everybody seemed to regard me, when I came, here is this outsider, no roots in Syracuse, brought in by Appleby, the dean, who immediately left, and they thought I was being brought there to be the dean of the Maxwell School, or something like that. I had absolutely no administrative ambitions—never in my life did I want to administer—and I—

it appalled me that people thought, you're the guy who's becoming dean. That rumor was enough to turn everybody hostile, "Who is this guy who's going to be coming"—

Rubens: Coming in from the outside. Plus, was there any buzz about that you had been a radical at Berkeley?

Tussman: No, no, that had not—

Rubens: Okay.

Tussman: So the school itself was this mixed plate with very good students, very indifferent students (in the days I was there a very good football team, which was all the rage) and not needing me. What was I brought there for? I had no idea, because as I said, the guy who brought me left. It was clear that I did not want to, did not think myself a candidate for, and was appalled by the notion that I should be the dean of the Maxwell School. And there I was teaching philosophy and teaching the citizenship course, in a place whose bitter winters were only mitigated in my mind by a lot of skiing. Which I did there too. And Cornell was not too far away, and I had some friends there. I found myself more or less functionless. I invented—not invented, but one of the things I did, I was getting interested in more in constitutional cases, in free speech, civil liberty stuff, so I offered a course in the extension division on the campus, and it was mostly taken by faculty wives who wanted to take a course in the constitution. It was a tough course. We read cases; they were very good and it caught on very well, and one of the things that astonished me was the report that at innumerable cocktail parties, the otherwise docile wives would butt in with comments on the Supreme Court. I had a feeling that there was a kind of cult or subculture there, very enthusiastic about reading cases.

Rubens: But as philosophical statements?

Tussman: Philosophical, intellectual, theoretical, you read some cases. They talk about Socrates and Descartes—

Rubens: So these were not Fourteenth Amendment cases; they were a broad spectrum?

Tussman: I didn't do any—no, not especially. I think there were cases on church and state, and cases on racial discrimination. Maybe that's what led me eventually, pretty soon, to publish two collections of cases. Oxford published them. One is the Supreme Court on church and state, and the other is the Supreme Court on racial discrimination. That was a clear outgrowth of that. I took all of the cases and I purged them of some purely technical things, and parentheses with long strings of numbers with references to where to find it. My theory was if you're doing serious research you're using the original report. If you're reading it for the ideas why be distracted by this essentially—

Rubens: So the course really was the genesis. I was going to ask you if it was the other way around, if you had been thinking about putting together this—

Tussman: I hadn't thought of it, except that I found when I wanted to teach about cases they weren't easily available. I did two of these books, and I had originally planned to do a whole series of them, but just at that time I think one of the great legal publishing companies decided to publish any individual case anybody wanted, and even a collection of them, so if somebody wanted to teach a course on free speech he could name twenty cases and they would reproduce them and send them to him, so that really removed what I thought to be the main necessity of my collection, which made them available outside of law books.

Rubens: But it was Oxford Press, it's a major press that—

Tussman: Yes. Now, why did Oxford do that?

Rubens: Now, because they had already done *Obligation and the Body Politic*.

Tussman: Yes, yes. Apart from all of this, one more comment about the structure.

Rubens: Yes, let's—we'll stay with the teaching.

Tussman: At one point they hired a dean, a very interesting person, Harlan Cleveland, I don't know if you ever heard of—he was a fair-haired boy who, whenever the Democrats were elected, kept his phone free for a call. He was obviously destined for a big administrative place. I had one meeting with him; he said "Come on in," and we went out and had a sandwich. It turned out that he thought that the Maxwell School was—he was like the head of a private think tank. He had an idea, it was "overseasmanship." He wanted to train American civil servants for overseas work, which involved some linguistic stuff, and the craft of going overseas. It was from my point of view a futile project, and not very interesting. I think I indicated that no, that wasn't interesting enough to me, and I think he wrote me off as a guy who had been hired to take his direction as the director of this think tank, who wouldn't do it. And he found that most faculty members said look, that's your business, I'm interested in other things that are more important, and we're not going to treat you as if you're the boss. And so we didn't. He later on became the president—oh, yes, he was Adlai Stevenson's backup in the United Nations. He let Stevenson down, because when Stevenson went out and made this big speech about they weren't our planes, and everything—

Rubens: During the Cuban missile crisis?

Tussman: Yes. Cleveland knew—he was briefed on it—but he didn't tell Stevenson.

- Rubens: Is your point that by the time he came it was clear to fellow colleagues that you didn't have designs on being a dean?
- Tussman: I didn't have designs on that. The other thing they thought I had designs on was being chairman of the philosophy department. I remember that one of the senior conservatives, the other was a very able guy but very conservative, almost reactionary, and the rest were sort of liberals, and then there was me. There was a question of who was going to be appointed chairman. So I went to the chancellor, who I knew very well, because I was part of his tennis foursome. I and the university tennis coach and the president, or chancellor, I forgot what it is, and the controller or something usually made a foursome.
- Rubens: Well, no wonder they didn't like you.
- Tussman: I went to the chancellor; he said, "What do you want to see me about"? I said, "About the chairmanship." I saw him begin to worry, because was I going to say I wanted to be the chairman. He said, "Who should be appointed"? And I named a very bright guy, of the junior guys, and I explained why nobody would resent him, and even the senior guy would resent it if I were appointed—I didn't even mention me being appointed. So I went on expatiating on the virtues of this young vigorous guy, who was very able, very personable, and not destined for philosophic greatness. He was a logician, but not in the big leagues. I left and he didn't say anything about it, and then I said, "In addition to that, instead of looking for a big senior name, hire three assistant professors who we can dig up who are just very good, and develop them here." And sure enough, he did it. To everybody's surprise. But that disabused him and them of the notion that I was dying to be a chairman or a dean or something of this sort. It left me without, as I say, any conception of having an institutional function.
- I did teach this constitutional law thing for adults, and I always had some interest in adult education, probably gotten from Meiklejohn, and then I guess the first thing I did of significance beyond that—I taught, I taught okay, and I was collegial enough, and all of that, but—and I had been trying for years to write a book. I had notes all over the place, and I just couldn't write it. I wanted to do something to transmit what had become in some way and remained one of the central concepts of my life, the difference between the description and prediction of behavior, and point of view of the actor, for whom the question was not "What will he do?" but "What am I supposed to do"? That was a very novel idea. Hardly anybody wanted normative "supposed to do," moral question, because they all wanted at that time to be scientific; scientific was descriptive and predictive, and I wanted to somehow make a big point of that distinction, which as I look through anything I've done, it's at least a subterranean theme.
- Rubens: Yes, I'm looking through my notes, because you were talking about the origin of that back at Berkeley.

Tussman: Yes. But I hadn't written any; I had lots of unsuccessful notes. I remember one spring vacation, we had a ten-day vacation, spring recess, and the skiing wasn't very good, and I was home, and I said—I had a number of chapters in mind—why don't I take one chapter on nature and politics, natural rights and all that stuff. So in the ten days I sat down; I didn't look at any of my notes, which were not good—I just sort of quickly ran through it, wrote what I thought was a chapter, and sent it to the political science review. I never heard from them. But by the end of that spring vacation, that ten days, I said, why don't I do another one? I was teaching, this was March or something, and the semester ended in June, and by the time June came, I had written four out of the five chapters while I was teaching, and it was almost a case of sitting down, putting a page in the typewriter, in those days we had typewriters, and more or less typing it out without very many revisions. I naturally revised it, you know, spelling, and eccentric punctuation. I wrote it out and then I wondered what should I do with it? I don't know anybody, I don't have an agent, don't know anybody in the printing world, but Oxford sounds good to me. So I made a package of it, and sent it off to the editor at Oxford Press, not knowing anybody. I just sent it cold, and forgot about it. About a month later, I got a letter from them, saying thank you very much, we'd like to publish it in hardcover and paperback; we'd like to put it out by Christmas; could you please have the last chapter done by Labor Day, or something. I was stunned. So I sat down, had a lot of trouble with the last chapter, or one chapter, which was my—a chapter that was—

Rubens: Looks like this first chapter became your epilogue—your appendix.

Tussman: Appendix, and then that democracy chapter was my first written attack on the corruption of democracy by the marketplace. I've always been deeply opposed to the culture of the marketplace, and especially when it sets itself forward as the paradigm of life, you know, everything had been a marketplace of ideas—the phrase “marketplace of ideas” was enough to set me off into a frothing frenzy. The marketplace is just the opposite of the life of ideas, where you're supposed to deliberate, and think that you may be wrong, trying to find out whether you're right, what other people are, that kind of Socratic interchange, and the marketplace is where you just do selling. In this last election [2004], it seemed to me, as I told somebody, that the Democrats may do it poorly, but at least they like to argue. The Republicans believe in advertising. When you advertise, you never answer arguments. Lucky Strike is best by—and somebody says “It's not,” you don't answer him. You just say it again. I thought the Republican tactic was advertising, and the Democratic was feeble arguing, because John Kerry didn't have the intelligence to fight. So for me it was just another chapter in the fight between the forum and the marketplace, and the marketplace won again, to my complete disgust. I wrote *Obligation and the Body Politic*; it came very rapidly, and it did include my favorite, among other things, it was that attack on the marketplace.

Rubens: And you had the title for all of this, *Obligation and the Body Politic*.

- Tussman: That was my title. I have a genius for bad titles.
- Rubens: Oh, I thought that was a good title.
- Tussman: Oh, was it?
- Rubens: Yes. Why do you think it was bad?
- Tussman: I didn't think it was very appealing, and it had the bad word "obligation" in it. A later book, it seemed to me I picked the title—I wrote it, it was the series of—Oedipus, and the Oresteia, and Lear, and a whole lot of things, and I called it, somebody said it was obviously *The Burden of Office*, so I adopted that. I had enough sense to do a subtitle, which was *Agamemnon and Other Losers*. I should have made that the title.
- Rubens: It speaks to your bent of political—the politics.
- Tussman: That's right. Politics, polity in some broad sense. As I look back on it, I don't know whether this is the time to tell you, it seems to me that the great political theme that's underlying everything is—the great history of politics is the losing but interesting attempt to transform raw power into legitimate authority. That's the political struggle of human beings, to come out from under just forced power of fear and gradually develop the idea not of power, but of legitimate authority, which is a very complex and fascinating idea that lies at the heart of our conception of legitimate government. It's always losing out to one thing or another, to the adulation of power, and that says—
- Rubens: It certainly was something you were touching on when you were dealing with Hobbes.
- Tussman: Yes, but I don't remember that as a major—
- Rubens: Is it explicit?
- Tussman: I think in Hobbes there's a slightly different thing. Anyway, I wrote *Obligation and the Body Politic*, which was pretty well received. There was a senior professor who came to Berkeley to join the philosophy department in his later years—Gregory Vlastos, who got a big award for being—great translator, great Plato scholar.
- Rubens: What was his last name?
- Tussman: Vlastos, V-L-A-S-T-O-S. He's dead now. I remember once, he said, "Joe, when I was at Princeton, when I was chairman of the philosophy department, I offered you a place in the Princeton department, and I never heard from you. I never heard it. I never got a letter from him, never got it. But he was

convinced that he had offered me a job at Princeton, which of course I would have grabbed—

Rubens: Based on the book?

Tussman: Yes, based on *Obligation and the Body Politic*.

Rubens: So was it reviewed in the philosophical journals?

Tussman: Yes, and I got generally favorable reviews.

Rubens: Had you felt, by the way, pressure—I forgot, you came to the Maxwell School, you came to Syracuse with tenure.

Tussman: Yes. So I had—I was under no pressure to publish.

Rubens: To produce, okay.

Tussman: The philosophy department here had a tradition, I remember the chairman once saying when he was called in to account for his—he said, “Philosophers cannot be expected to publish anything before forty.” I felt some pressure, but I didn’t do anything about it—

Rubens: Until this—

Tussman: Eventually when I—I didn’t want to rewrite my thesis, and I did the equal protection article with a colleague, but I didn’t feel any pressure; I came to Syracuse to where—I was an associate professor with tenure, and I didn’t have any of that pressure.

Rubens: But five years later you did the book.

Tussman: Yes. But I did that, as I said, almost—“I can’t go skiing this week; it looks bad; I’ll try finally in spite of all the notes and thinking I’d been doing, and I wrote the book out, practically. I think my modus generally was stew, and fret, and think, and worry, and forget, and I now think it’s all sort of simmering on the back burner, because when it comes to write, I think all of my books have been written without struggle, in that sense—rather rapidly, and with very minor revisions. I got a nibble from Berkeley after the book came out. The chairman of the philosophy department—

Rubens: Who was that?

Tussman: I think it was Karl Aschenbrenner, at that time. He’s dead now. He was one of my best friends in the department, from graduate school days. He said, “We’d like to get you back, and we’re now going to start the process of going through the committees.” I had had enough of committees. I said, “Karl, if

you guys want me back, call me with a firm offer that's already gone through the committee process, because I'm not going to sit through another committee process."

Almost immediately after that I got a call from Wesleyan, to go and give a talk there. I had never in my life seen a small New England college. Never been on the campus of a small New England college. Except during the war I visited Meiklejohn when he was in residence at St. John's, and I had a leave for a couple of weeks. It struck me as sort of beautiful, and serene. I knew nothing about it, but I came to Wesleyan, and I gave them a talk, apparently on the book, and they conferred and decided that they liked it, and they offered me a position as a full professor. Wesleyan was extremely rich; they had more money than they knew, because—they had gotten money from every high school student in the country for something called the Weekly Reader. I don't know if you remember—

Rubens: Sure!

Tussman: They finally sold it to Xerox. They were extremely rich. I'll tell you about Wesleyan later. I went there to give a talk; they offered me a job to come, in the philosophy department, as a full professor, and with tenure. I thought, well, instead of sitting around waiting for an offer from Berkeley, which is going to make me nervous and fret, I'll go to Wesleyan, and if they want me at Berkeley maybe I'll come, and if not, I've got a nice New England job in the minor Ivy League, it was just a cut behind Harvard, Princeton, and Yale, there was Williams, Wesleyan, and a few other—

Rubens: Clearly it would be better students.

Tussman: Well, they were better students, but I was never one—I regarded a student as a student, and a teacher was somebody who's supposed to improve them. It would be as if I was a doctor and I didn't want to see any sick people. It made no sense to me. If he's good enough to get into a college, there's something that needs to be done with his mind to improve it, and my notion that I will only waste my time, or spend it on people who don't need me, on the top ten percent—so I was never yearning for better students. Very often these better students have a very high opinion of themselves. So I went to Wesleyan.

Rubens: It must have been the fall of 1960.

Tussman: I stayed there two years. Wesleyan was a different experience for me. It was my first experience on a small, rich campus. It was a campus that still was old-fashioned. It was a Methodist school nominally, so although the faculty drank an awful lot, no college functions had liquor.

Rubens: Oh!

Tussman: No, didn't serve liquor. But they served tea, and faculty members had teas, and I felt something like a barbarian who had broken in to something out of my class. I thought of myself as a poor kid, worked my way through college, was a proletarian, always lived on my salary, and to be plunged into this place which is used to the kids, the youngsters of the aristocracy, or the wealthy elite and the faculty, which was very genteel, although very good, and very small, and very—I thought sort of snobbish—but I was invited, and very shortly after I came there a dean of the Maxwell School—of the Wesleyan thing called me in, and said they've all read my book, what next? Now, I have subsequently chided myself for not saying, what I outlined or laid out, is the prospects and the need for a normative theory of politics, and you guys have got, like everybody else, just people who are descriptive, predictive, students of power. I said, if you want to be absolutely unique—I should have—develop a unique political science department, which took the view of the agent, like a judge, and took “What am I supposed to do?” as the main thing, instead of “How is he going to behave”? You could be distinctive and—

Rubens: This is more than the obligation; it's also the capacity—

Tussman: The whole theory that by looking at government from the point of view of “What am I supposed to do?” instead of the predictive, descriptive perspective. Now, I didn't do that. I didn't have sense enough to, and I didn't feel at home there, so I muttered something, said something, but never pushed for a radical educational, even scholarly proposal. I also found that there's something to—that's when I discovered that small is inflexible. I used to think, if you blow the whistle in a place like Berkeley, three hundred people come out of the woodwork, that nobody's cared about, and you can have an experimental program or something. If you try to do that at Wesleyan, each professor—there's one professor for six students! Six-to-one ratio. If you take a couple of students away from somebody, you're threatening the professor's livelihood. They fight like the devil. They don't want any things like this. And they had their own courses in the humanities, not a sweeping required course. The general mode was that they must have had some requirements, of which I was not very aware. A student wanders around, and every once in a while a spark catches fire a little bit, and the faculty member is there with bellows to fan the flame. And that's what we're supposed to do. It made it very student-centered, in a sense, that the student is supposed to find his own way, which has now become, in a sense, the standard mode of small—of colleges, I understand that the notion of a required curriculum has virtually disappeared from even places that need to have it. One of my friends here became dean of Brown. We were having coffee and he came by about six months ago, and I said, “Brown, why, that used to be”—He says, “We have no requirements whatsoever, it's a complete ‘Write your own ticket,’” Santa Cruz was something like that. And the dominant mode, which I think is a complete betrayal of the function of the profession. Not because students are dumb, but they haven't read the things, they don't know what lies ahead. They come up with a high-school education. That doesn't fit them to determine the shape of

their own college education. If the faculty has any responsibility, it's to structure a way of life that involves learning in a coherent way.

- Rubens: But you had the freedom to teach what you wanted to teach there?
- Tussman: At Wesleyan? Pretty much. I taught a standard course with another professor who had come from Virginia—
- Rubens: There were a couple of Berkeley people there who had left—
- Tussman: Yes. Carl Schorske. He had left by the time I came there. —he comes back here, I had—
- Rubens: And then Muscatine.
- Tussman: Chuck [Charles] Muscatine had a session there. I even thought he might have been an undergraduate, but maybe not. But he had, I think, after the Oath thing, and he was a non-signer, I think he taught at Wesleyan for a while.
- Rubens: But you didn't overlap.
- Tussman: Didn't overlap. The guy that—well, the Wesleyan faculty are interesting. They're very good. The leading figure when I was there was a guy you may have heard of, who we called Nobby—Norman O. Brown?
- Rubens: Oh, yes.
- Tussman: *Eros and Thanatos*. And other stuff. Nobby was a very interesting rebel, and the most subversive person I ever met. He was utterly charming, and he loved to argue. I remember he was very high-flown. Also, in spite of the fact that he was a classicist, very peculiar about philosophy. But very attracted to the mystical. I remember he once said, when he was talking about Heraclitus, he said, "The way up is the way down." We were sitting in the faculty lounge, and I pointed to a stairway that led up to it, and I said, "Nobby, look at that staircase. It's the way up, and it's also the way down. What's the fuss"? And he got up and stalked out. He would often do that.
- Rubens: What did you mean by subversive? Do you mean argumentative?
- Tussman: No, no. Destructive of the principles of any institution he was connected with. The point about Wesleyan is that the president, who was an old-timer, a guy named Victor Butterfield, who owned a farm, and liked to plow, and was very concerned to develop the best college he could, believed in liberal education, wanted it, and was always looking for great scholars like Carl Schorske, like Nobby Brown, because Brown was very—and others, there were all kinds—so he wanted them to cooperate in a good educational venture he believed in, and he hired all of these showboats who could never cooperate, who wanted to

shine, who expressed their individuality, and like Nobby, Norman O. Brown, when there was any thought of a required program or anything, destroyed it. Destroyed it. I remember faculty meetings in which Butterfield would sort of present some decent idea, and Nobby—I'd be sitting next to him, and he would make some remark which—and he had a great deal of prestige—it would just undermine the idea altogether. I remember him once saying to me, whispering, “Do you know that the devil has been reincarnated in the form of Victor Butterfield”? I said, “Nobby, if the devil wanted to reincarnate himself he wouldn't do it as the president of a small New England college.” [laughs] But his influence was, I later discovered, very destructive. He was a pied piper. He stole all the children. The students—he encouraged all the eccentricities, all the rebelliousness, and—

Rubens: Was there much rebelliousness going on by '61, by '62?

Tussman: Yes, but that was normal student rebelliousness, who found that their spark in some way [bang out?], but normally, the natural rebelliousness of a nineteen-year old kid.

Rubens: So it's not the Civil Rights Movement making inroads, or—

Tussman: No, no. there was no Civil Rights Movement there that I remember, not at all. It was still a small place, so there was Nobby as one of the great influences; I was very fond of, and almost made a mistake. When I was running my program and looking for faculty members, I wanted somebody who knew some of the Greek class, and who would give me a lot of opposition. I called Nobby, and I said, “Nobby, would you be interested in coming? I could offer you a position for two years, if you wanted to be a member of the program.” He said, “Let me think about it.” Then he called back two days later and said, “I just got an offer from Santa Cruz,” the Santa Cruz campus, “to come there as a full-time regular faculty member, and I'm tempted.” I said, “Yes, take it, take it.” Because I was beginning to have qualms, and I also realized that a two-year appointment couldn't match a tenure appointment at one of our new campuses. So that was Nobby. They had an institute of the humanities to which they invited people there. When I was there, Hannah Arendt was there for a whole year.

Rubens: You mentioned that before, yes.

Tussman: I got to know her very well. We got to be good friends, and the interesting thing was I never had any use for Hannah's philosophical training or background. She was a Heideggerian in philosophy, and—I'm giving myself away, but I never had much respect for what I thought was pretentious, pompous, fogginess, and that's the way I characterized the whole Heideggerian, French, the Existentialists—I thought they were pretentious, pretty shallow, and very attractive, and every—

- Rubens: And you saw her in that camp, as opposed to a political philosopher—
- Tussman: No, I didn't. She was only in that camp because she was a Heideggerian.
- Rubens: Her first book, was it—
- of Tussman: *Origins of Totalitarianism*. And she did *Eichmann in Jerusalem*.
- Rubens: Yes, that'll be later.
- Tussman: That was a *New Yorker* series, I think.
- Rubens: That's later. *On Revolution*?
- Tussman: We taught seminars. She was very good. She always managed to turn the conversation into "What did you mean by"? She'd say something like "working," or somebody would say "working," and she'd say, "No, no. That's not what I mean. What you mean is labor." "Oh! What do you mean by labor? How does this differ from working"? And they'd go along and at some point she'd go, "No, no. That's toil. What's the distinction between labor and work and toil"? And she would then—but the conversation was inevitably drawn into "What is your intellectual position" I liked her. She spoke in a deep voice—
- Rubens: Did she have an accent?
- Tussman: Yes. A very husky, deep voice that sounded very masculine when you were in the back of the room and didn't know who was talking. We never—
- Rubens: Had she read your book? Did she comment on—?
- Tussman: She never commented on it, and I never commented on any, on her book, and I remember once, I'm trying to think whether it was at Wesleyan or Syracuse, we had a visitor, Herbert Marcuse came, who was later—
- Rubens: At San Diego.
- Tussman: And I was walking both of them across the campus, and it was very amusing to me. They wouldn't say a word to each other. It was like, this is not respectful, say, but it's like two medicine men coming to the same community and finding that there was two of them there. Marcuse had his own thing to peddle, and Hannah had her own line—
- Rubens: Norman O. Brown, I mean, what—

- Tussman: Norman O. Brown was a resident then, and he always subsided in the face of these—he never argued with them, but his influence was underlying all the time, and of course, he wasn't as famous generally as Hannah, or as—
- Rubens: Marcuse was already famous at that point?
- Tussman: Yes. He was quite famous, and I remember later, I'm hopping around a lot, when I was back at Berkeley, I was asked to come down to La Jolla to chair a debate between Marcuse and a graduate, a friend of mine, Stanley Moore, who had been a communist, a friend of Oppenheimer's who had been hired by Reed College and fired— And he was a communist, or had been. They told me at La Jolla that they wanted to hire a Marxist, and they didn't know which one to hire, so they were going to have a debate between them, and would I come down and chair the debate. So I came down and chaired the debate, and Marcuse, I knew Stanley—
- Rubens: Did Stanley have anywhere near the reputation?
- Tussman: No, no. But he was a PhD in philosophy. Some of us had been pushing Stanley, because we thought being fired because you were a communist was an injustice. He was a talented and able and attractive guy, so we were always trying to get him a job somewhere within the system. His name must have come up in that connection. So I went down there and chaired the meeting, and didn't have—they hired both of them. They hired both of them. A few years later I had coffee with Stanley when he came up here. I said, "Stanley, how do you like teaching—what are you teaching?" "I'm teaching a course in Marxism." I said, "How's it going?" He said, "Terrible." Some of my students come in and say, "Look. I'm already a Marxist; I don't want to read any of this stuff"! So he didn't know what to do with them. Marcuse cut a wide swath because he was absolutely cultish and unintelligible.
- Rubens: I never quite understood *One-Dimensional Man*.
- Tussman: I don't understand anything. And he used to come in, and I remember he'd smoke little cigars. He'd come in, wouldn't look at anybody; he would read his paper and walk out. No questions. I had a few conversations with him when I was down teaching at Santa Cruz there for a summer and he was around. At Wesleyan we even had C. P. Snow, who came for a while, and he was quite famous, and he was sort of a Falstaffian figure, big English—and very self-confident. I had read some of his novels. I thought *The Masters* was very good, and that was the best of his novels. He came with his wife, who was Pamela Hansford, a novelist, very prim and very stiff, and I remember C. P. Snow was a little annoyed that there was no drinking at public functions and dinners. I don't know whether I should tell you this story; you can cut it out if you want to. But once I was at a dinner at the president's house, and there were about a dozen faculty members, and there was C. P. Snow, and I was sitting next to Pamela Hansford, who was this novelist—minor novelist,

but good. She wasn't saying a word. I had gotten hold of a rumor. Finally I turned to her and said, "Is it true that you were Dylan Thomas's mistress"? And she turned to me and beamed, and said, "Of course! And you should see the letters I've got"! So we became—that was a very pleasant dinner.
[chuckles]

Rubens: I can imagine!

Tussman: It was a little bit daring of me, but I—

Rubens: It worked.

Tussman: I was taking a chance, because what could she say? "Of course not," and turn to silence. But I hit the [laughs] nail on the head. And those are the sort of things that make life kind of amusing in a small place like that.

Rubens: Were they bringing in some star talent?

Tussman: They brought in a lot of star talent to the humanities institute, which was separately funded. They came to be in residence, for—Kay Boyle came, do you know her? She was a San Francisco novelist. And I got to know her very well, and when she came back to San Francisco and I was here, we got in touch with each other for a couple of lunches or something. Anyway, educationally, I didn't do anything, because I saw that it was hopeless to try. Everybody would be against any new program that would take students away from them, and they were all defensive of their turf. I didn't have any ideas well worked out. It had a very good department in ethnomusicology, and it had so much money that they were tempted to try to become a graduate school. I was already beginning to realize that a graduate school kills a college. They're incompatible. But they had a number of good mathematicians, and they thought that they were on the verge of being able to give a PhD program in mathematics. Some of the more ambitious faculty was beginning to want to do that. The students were always pretty good, and the environment was a small New England town with maybe one or two restaurants, close enough to Hartford to go in for an occasional celebration.

Rubens: What about politics there? Kennedy is elected, and takes off as the Freedom Rides are starting, and is it—

Tussman: I don't remember any political—

Rubens: This was removed.

Tussman: But in Syracuse there was. The citizens' program was run by a friend of Adlai Stevenson's, and one of the reasons I split with them is that one year, just before the election, they wanted to turn the whole, at least a semester, maybe more, into a mock convention. I thought that's high school stuff. You pretend

you're from Maine, and then you meet in your—and I said, “I don't want to spend all year playing games like that, there are important things that—but I was overridden with contempt. And shortly after that I left. But they were Democrats, and as soon as we voted, the assembly voted to make Adlai the presidential nominee, he rushed to the phone and called Adlai, and said, “Adlai, you ought to get this in the paper, you've just been nominated for the presidency by the Syracuse citizenship program.” Roosevelt's daughter, what's her name? He had one daughter. Anna Roosevelt. She lived in the area around Syracuse. She was married to a doctor, Boettiger, she had been divorced, and she lived there and was very active in the Democratic Party, and these people were all—

Rubens: We're talking about Syracuse?

Tussman: Syracuse. They were all Democrats, and I remember a couple of meetings at which FDR's daughter was there. So when the time came to leave Wesleyan, I remember I got a telephone call, after two years, in which I thought I was making no contribution to the place. There was nothing that I felt I could do, and I hadn't matured my educational plan, especially.

Rubens: Are you looking back, now, though, and saying that there was some impulse, that you did want to do something novel educationally?

Tussman: It wasn't something novel. I was discontented. I was not content with the normal pattern of education, in which you took a course in this and a course in that and a course in that, and it all didn't add up. But I got a call from Ed Strong, who had been a colleague in the philosophy department, and was now Chancellor Strong, and he said, “Joe, we'd like to have you come back to Berkeley, and,” this was the funny part, “we're treating you as an Oath casualty. What we do with all the people who had to leave because of the Oath, we're putting them in at the rank and salary that they would have had had they stayed here and gone up the natural step”—a step in two years, and the next step two and then three years—“and that would put you at full professor, step one and a half.” And he named the salary. And the salary was about a thousand or fifteen hundred dollars less than I was getting. But I was so charmed by the idea that I was considered an Oath casualty, and so glad to get back to Berkeley, that I didn't even mention it.

Rubens: You didn't negotiate?

Tussman: Oh, no. I just said, “Sure,” and came back, and at a lower salary, the fifteen hundred, didn't make any difference to me. I wasn't going to haggle, and I wasn't going to argue, and I felt— there were individual negotiations. In my day there was a scale. And they had for special cases over-scale that they had, let's say, five or six steps, and then seven steps when the over-scales got numerous they'd turn it into another step and then another step. I don't know what they've got now. When I retired they had step seven, plus over-scale. So

anyway, he said, “Come back and teach in the philosophy department,” and I accepted, even though it meant a cut in salary, and I have no idea whether—but I thought it would have been unseemly to raise a petty financial question at that point, and I wasn’t interested, and whether I got a raise or not, I would have come back, because I thought life was pointless at Wesleyan.

- Rubens: How much had the department grown by the time you came back? Was it substantially larger?
- Tussman: Not very much. When I had left, I think it still had seven members; when I came back it must have had a dozen. It had more. Most I didn’t know. One guy, who was a graduate student and who became one of my best friends, Benson Mates, who was a wonderful guy, great scholar and logician, and very modest, and he was in the department. I think the first addition made to the old seven—
- Rubens: Was Benson Mates. Was he your age, or a bit older?
- Tussman: I think my—a little younger, a couple of years younger. But he hadn’t done his graduate work here; he was from Cornell, and from other places. Karl Aschenbrenner was there, was chairman.
- Rubens: He had been a classmate.
- Tussman: He had been a graduate student with me, all the way through. During the war, he had joined the navy.
- Rubens: What was his field?
- Tussman: I think aesthetics, primarily, but he taught everything, taught courses in Plato, or Aristotle, or—as I said, in those days, before I left, every member of the faculty—
- Rubens: Taught everything?
- Tussman: Thought he could teach everything.
- Rubens: And when you were invited back, were you invited back to teach anything specific, or—?
- Tussman: I was invited back, and right off the bat I taught one of the big freshman classes, which had two or three hundred students. It was still a popular course, because it was linked as a requirement with something that was more difficult. A lot of people took philosophy—
- Rubens: Was it a prerequisite?

- Tussman: Yes, to satisfy a breadth requirement or something. No, I didn't even talk to him about courses. I came back and taught a course in political philosophy, and the freshman course, and I may have taught another course; I can't remember what it was. Eventually I taught a course, would occasionally give a course on Hobbes, on political philosophy. Gradually I began to teach a course on philosophy of law, but that's when I came back here. I don't know how much you want to go into—
- Rubens: Let me ask you just a couple of questions about Syracuse and Wesleyan. When you taught that course—now, why do I say this? Did you think your book, *Obligation and the Body Politic*, as the bridge that you could have been teaching, or you were asked to teach—
- Tussman: That was the first thing that gave me a reputation. It was adopted in some very good places for a while, and it was sort of regarded, I was told, as a minor classic, and—
- Rubens: Did you teach it yourself?
- Tussman: I never taught it.
- Rubens: Did you think that was unseemly, to—?
- Tussman: Well, I thought they could read the book and—what would I do, explain the book? It explained itself, and I thought that it was kind of—I didn't want to do it, for the same reason that I never used the notes of a previous course to teach it again. I never thought of using it. Other people used it. It had a following. As I say, it was the basis of my invitation to Wesleyan, and the invitation to Princeton that I never got. [laughs]
- Rubens: And it seems like it was the product of what you had been stewing on, about how to bridge philosophy and politics.
- Tussman: That's right. I never thought of it as how to bridge, but I thought that this was political philosophy, was an attempt to deal with some of the fundamental questions of politics, and I remember it was where I developed the distinction between two of my—the main chapters, the agent and the member, and the rights of the members, and the responsibility of the agent, and something about political theory and obligation, and something about where nature got into the picture, with natural law, and then I couldn't refrain from my chapter on the perversion of real democracy by the marketplace.
- Rubens: This may not be so important now, but I was wondering—you really seem brightened by the extension course that you taught at Syracuse, and the two readers will come out of that; they will be published while you're at Wesleyan, I think, because it said '62. Was there any hint of a nascent

women's movement—this is the era of John Updike's novels, the commuter bedrooms in Connecticut.

- Tussman: I was obviously not aware, but Wesleyan was all men at that time.
- Rubens: Wesleyan was?
- Tussman: All men. Except for an MA in teaching, which was a very minor MA program in which you got a teaching credential, and for that they had women, but otherwise it was all male at that time.
- Rubens: I should have known that, okay.
- Tussman: At Syracuse I was not aware of any serious feminist move.
- Rubens: I guess, wondering, looking back at this, is this an example of the feminine mystique? Here are these faculty wives, who were probably smart, and they were taking to the class, and you're enjoying teaching them.
- Tussman: They may very well have been ardent feminists, but they—as a matter of fact, the constitutional law material, if you strip it of some of the meaningless technicalities that put people off, like why in the middle of a sentence would you have parenthesis, the number of the volume in this set of Supreme Court, the number of the volume of that, and the page number, and it makes the page look ugly, and it makes it seem as if there's some technical stuff you aren't getting—I cut all those out. It reads sometimes like great literature. So when you get—
- Rubens: I have to look at it. I haven't looked at those, I'm sorry.
- Tussman: I used to love the flag salute case in which some Jehovah's Witness father, his kid went to school, and he said something like, "You guys are taking the pledge of allegiance at the beginning. My religion doesn't believe in the pledge of allegiance to anybody, and I want my son excused from it." It went all the way to the Supreme Court. There are about four or five opinions. Frankfurter wrote the majority opinion, I think, and then three years later the Court dropped the hint that maybe they made the wrong decision in the Gobitis case, because they got two new members, Black and—maybe Black and Douglas. Two new guys joined the Court, and they dropped hints, so they rushed another case of the flag salute, and in a brilliant set of arguments, four or five opinions, they reversed themselves. That whole series of the opinion, and the defense of the opinion, which ranged everywhere through freedom of speech, and Socrates' sacrifice. It was fascinating. And I sometimes used to predict. I said, look, you're going to read this and you're all going to tell me who you are for, and then they read it, and of course, they were all for the students. They shouldn't have to do it. And I said, "What's going to happen to you is that when we get through with this, most of you are going to change

your mind, and I want you to watch the process by which you change your mind.” It was very interesting. Somehow, I think I could, without bullying and authority and all of that stuff, the questions were raised—when you raise some questions, there’s only one answer possible—anyway, I found that a wonderful teaching instrument, and the students, whether they were undergraduate students here, or these women, who were all college graduates, but had never read a Supreme Court case, they found that it was a most serious political discussion. Every great issue sooner or later came to the Supreme Court. And some very good minds, with an enormous number of amicus briefs were contributed. It was just a fascinating exercise. It’s hard to match the material. It isn’t like a book that one person writes. Anyway—

Rubens: Did you teach these casebooks at Wesleyan?

Tussman: No. There may have been a hangover or something in which I seem to think that the church and state thing I put together and published at Wesleyan was the first one I think I did at Syracuse.

Rubens: Well, maybe I have it wrong. Let me just double-check this. The publishing date is ’62. Sixty-two is the United States and the Supreme Court [*The Supreme Court on Church & State*. New York, Oxford University Press, 1962] and ’63 is—

Tussman: —racial discrimination [*The Supreme Court on Racial Discrimination*. New York, Oxford University Press, 1963]. So the ’62 must have been at—

Rubens: Wesleyan.

Tussman: Wesleyan, and the other—anyway—

Rubens: I didn’t mean to imply that those women would have been feminists, but they were the women who Betty Friedan is describing when she does her survey of—

Tussman: I remember eventually reading Betty Friedan and becoming aware of the feminist movement, because in later years, when I was at Berkeley, and going around to answer invitations from other universities to come and tell them about my program, I would find women in the audience who would raise their hand and ask me completely irrelevant questions like, “Wasn’t Rousseau barbarian in requiring the different education for the men and the women”? It was nothing I had ever touched on, although Rousseau is a complicated character, I found myself suddenly confronted in a way I never had been before, by what was clearly a burgeoning feminist movement.

Rubens: So there’s nothing to say particularly about, I don’t know why I’m asking this, but—I don’t know, drunken faculty parties, wives that are frustrated, or—

- Tussman: Faculty parties were still traditional drinking, and flirting with other people's wives and husbands, all small-town stuff, and as I remember, very little. The only—am I mistaken in thinking that Cuba was a big issue then?
- Rubens: Oh, you're right, you were talking about the missile crisis—
- Tussman: One of our faculty members, a friend of mine, named Einaudi. He was the son of another famous Einaudi; he was on the faculty, and he was the only one who was making a case for Castro.
- Rubens: How do you spell that?
- Tussman: E-I-N-A-U-D- I, or something like that. So there was some interest in Cuba, and there must have been some—somehow, political discussion doesn't loom large in my mind either at Syracuse or Wesleyan. But of course it began to loom very large when I—
- Rubens: So I think that's—maybe we should—how are you doing? How are you feeling?
- Tussman: Fine.
- Rubens: Good, then let me just see if there was one other—Were you participating while you were in Syracuse and at Wesleyan in the professional organizations? Did you go to conferences? Give papers?
- Tussman: No. When I was an assistant professor I'd go to the Pacific coast conference. I never read a paper there, and I came to the conclusion that it was very distasteful. I finally said, "Look, one philosopher in a dish is like a dash of salt in a stew, but a pile of salt is death." I always thought that a philosopher amidst non-philosophers could be interesting, but when you got a bunch of philosophers together, the arguments became—I found them not very interesting. Very technical, or very "I'm smarter than you," and very promotion-oriented, where are jobs, and I found that I didn't like, although I knew lots of philosophers, and liked quite a lot of them, I thought that they were at their worst when they were together. I had that same feeling even here later, when people would be visiting, big shot would read a paper. I thought it was barbaric. There'd be forty of us sitting there, the whole philosophy faculty and graduate students, and this guy would come, and take out a paper, without looking at us, and read for an hour and a half. An extremely intricate argument that nobody could follow, and there was a kind of game going on—how long do you follow. So at some point you got fed up and said, "This is hopeless," and you'd look around, and you'd see somebody else still following, and then you'd wait, and then he'd give up. Who could follow it the longest? The sensible thing to do is to give a one-page statement of it, circulate that, talk for ten minutes, a little bit, and then answer questions. But laying the whole thing out, in all of its intricacy, and expecting people to—I found that very

uninteresting. So I didn't go to philosophy conferences. I did go to a few being held in San Francisco, or in California and for some reason I wanted to go, but I never presented a paper to be read—I never wanted to get into that game, and as you know, I wrote very little until *Obligation and the Body Politic*, and that in some way, coming as it did with the move to Berkeley, seemed enough for me. I had written my book, which in some way expressed what I had been thinking about for years. As I said, my early attempts to write it had been fruitless, and when it finally did get written, it was done very rapidly.

- Rubens: One more question about the casebooks. Did you consult with tenBroek while—
- Tussman: No.
- Rubens: You didn't. This was not—
- Tussman: I had my own set of Supreme Court reports at some point. I knew all the cases, and—
- Rubens: You had maintained your own interests; you didn't need to—
- Tussman: And I did this at Syracuse and at Wesleyan. I was experienced enough I knew all the cases. You could look up in all sorts of—so every case on racial discrimination, and I wrote an introduction, analyzing a little, and I did the same with all the cases on church and state. I did that all alone.
- Rubens: Maybe the thing to do is—
- Tussman: What time is it?
- Rubens: It's two-thirty. Maybe we should spend the next twenty, twenty-five minutes talking about Berkeley, because it's going to set the stage for then, I think, next week we'll be talking about the Tussman Program, your own experimental college.
- Tussman: That's right. So if you want a little bit of my reintroduction to Berkeley.
- Rubens: Yes, yes. Did you find it, I mean we're talking about 1963; you had known probably that there had been a whole backdrop of—
- Tussman: But Berkeley had not—
- Rubens: The HUAC, and Caryl Chessman case, and—

- Tussman: Oh, yes, Chessman. Berkeley was in the news, but it hadn't yet become famous as the center of the student revolt. I came back here after a gap of what must have been six or seven years, was it?
- Rubens: Well, nine years. 1954 to 1963.
- Tussman: Jesus, what was I doing all that time? [laughter]
- Rubens: Syracuse and Wesleyan.
- Tussman: Mostly Syracuse and Wesleyan.
- Rubens: It was six years at Syracuse.
- Tussman: Well, when I came back, what had changed was, the University was a little bigger. It was postwar. It was now famous, among other things, for having been the place where work on the atom bomb was being—had been done, so there was a science fame. It had a postwar generation now of both students and faculty guys who returned from the war. Somebody like Scalapino returned, who was quite a prominent political scientist, who had taken Japanese the way I had taken Chinese, and remained a Japanese expert. So there was this generation of guys, my generation, many of whom had been in the army, or the navy, or had been away in the war for some reason or another.
- Rubens: Had you formed any opinion about Clark Kerr? Had you paid attention to the master plan of education, or—?
- Tussman: I knew Clark Kerr from the Loyalty Oath fight, because he emerged into prominence during that. He was a professor in industrial relations, I think, and at one point he suddenly emerged as the faculty member who was playing the role of conciliator, uniter, negotiator. The faculty trusted him; he had a good reputation, and he was a man of integrity, and he had some, I forget what—yes, he was even—for a while he was chancellor at Berkeley, and then he eventually became president of the University.
- Rubens: In '59. And that's when Strong became—
- Tussman: Yes. I knew him during the time he was very prominent in the Oath fight. I didn't know him very well. I think it was a more or less casual acquaintance, but I knew who he was, and he had a good reputation, and when I came back he was still the chancellor here—
- Rubens: No, I think he was the president. Strong became—
- Tussman: That's right, that was '63.

- Rubens: Had you read his book, *The Uses of the University*?
- Tussman: No, I never read it. That is to say, I was not interested in educational matters. My general feeling about education was that the people who were supposed to be teaching education were doing a terrible job. Education hadn't had a decent new idea for ages, and when it did get an idea it was something that didn't really pan out, like "interdisciplinary," which was—turned out, nothing to make a big fuss about, because we had always been doing interdisciplinary work. If you were a historian and you knew an economist, and you were both interested in the seventeenth century, you would work together, or do something. You didn't really need the ponderous mechanisms for encouraging interdisciplinary work. But that was the big idea, and later the only big idea they had was freshman seminars, which was adopted from Harvard, and that, for reasons which we may touch on, turned out to be pointless. I knew half a dozen faculty members who taught them; they were all disappointed.
- Rubens: Really? I don't remember when that started.
- Tussman: I don't either, but that's a minor matter.
- Rubens: Okay.
- Tussman: But I came back, there was Kerr, and I had heard that when I had left, and left the thing in suspension, you know, the state of my getting tenure or not, that some of the philosophers had—I didn't know this at the time—had gone to Kerr, and very strongly urged him to promote me, whatever the faculty committees would say. The philosophy department supported me, but I think Kerr's position was, he was pretty helpless, because it was almost unheard of for an administrator to go over the head of the budget committee, which was the faculty power base.
- Rubens: Still is.
- Tussman: Still is, and is very responsible, and very, very good. So he had been urged to keep me there, and he wasn't able to do it, or wouldn't have been able to do it, because in any case I took the Syracuse job. Berkeley had changed a little. It was now no longer quite as countrified. It was bigger. When I was here the first time, I think it had around 14,000 students. That few. And they had all sorts of rules around here; there couldn't be a drinking place within one mile of the campus, did I mention that?
- Rubens: No, no, I—
- Tussman: I remember the White Horse, on Telegraph Avenue, was exactly one mile away, and we could also get wine at Spenger's.
- Rubens: Not at the faculty club?

- Tussman: In the faculty club they had an evasion. They couldn't sell it; we had lockers. You could rent a locker, and you could keep your own wine in the locker, and at meals you could open it up or take out the bottle of wine, and share it with your friends, but you could not buy a bottle of wine at the faculty club.
- Rubens: I never heard that; that's wonderful.
- Tussman: They had these little wooden lockers; I remember them. The reason I remember is because later, a dozen years ago, the faculty club was the leading buyer of wines of any institution in the bay area. You used to buy—the manager of the club was a guy who all of the wine sellers came to, and he ordered stuff, and he—we would buy it by the case, privately, from him.
- Rubens: There was a scandal at the faculty club.
- Tussman: Was it?
- Rubens: Oh I don't know if there was at this point; I was referring to a few years ago.
- Tussman: There were all sorts of scandals. One guy, who sort of was fired for—but then, there was a time in which wine was not sold, and then it was sold, and a lot of it was sold, and there were some people who'd run up a very big bill, because the wine that you get at the bar was by no means cheap.
- Rubens: What did you start to say, there was one guy who—when we were referring to scandals?
- Tussman: There was one manager of the faculty club who apparently—maybe one or two, who took some short cuts, like they didn't pay the taxes on the wine—
- Rubens: I think we're talking about the same thing.
- Tussman: And the other guy was—
- Rubens: If you don't mind, I'd like to change the tape.
- Audiofile 8
- Rubens: Here we go. I was just wondering if you had an opinion about Strong being chancellor of the campus.
- Tussman: Well, Strong was a very interesting guy. He was one of the people—his father was a lumberman up north, in Oregon, and he was very handy, Strong was. During the war he was in some sense the physical manager of the Rad Lab, up on the hill, that is, he took care of all of the, because it was very highly classified, and he got a clearance, and he was working up there. He was a very handy guy at making furniture, and repair—he built his own house, largely

himself, on Euclid Avenue up on the hill there somewhere, where it's a double road, where there used to be a streetcar that ran up there.

Rubens: Oh, is that right?

Tussman: Yes. It was a single-track streetcar except for a place where they had to pass each other, one going up and one going down, and they had a stretch of double track, where the car going up could go on the right-hand rail and wait until the other one came down.

So when I came back, Strong was chancellor, and very quickly, this jumps ahead into the student thing, but just about Strong—he was a man of integrity, and he decided that he could not allow the deliberate flouting of the University regulations. There was a rule about where you could raise money, and there was a small section of the sidewalk between Sproul Plaza and Berkeley, and Telegraph Avenue, a little strip of sidewalk. The assumption was that belonged to Berkeley.

Rubens: You're talking about the origins of the Free Speech Movement.

Tussman: Yes. They were able to have tables raising money there, because it was Berkeley and not the campus. At some point, to everybody's surprise, the city decided that no, it belonged to the Regents; it was part of the University, and therefore they didn't—so instead of having been content with tables there, some of the activists wanted to give out literature and raise money in Sproul Plaza. So they moved the tables, and gradually that became the issue. But the point about Strong was, he thought the rules ought to be enforced. His position always was if there's a rule that you can't do this, you can't do it. Students who do it should be arrested, or at least taken note of, and be subjected not so as sensitive to city discipline, the courts, but to faculty and student conduct discipline, and the notion that the faculty would not support him in that was a blow to him, and very difficult for him to accept. He kept saying—the faculty never supported him. It was a kind of sad situation. He would take a stand on, here is somebody who locked the door when people were still in the building and things of that sort—they ought to be punished! You're not supposed to do that. Whenever it was a question of students being subjected to the student discipline committee—I even for a while served as a faculty member on the student discipline committee, I'd forgotten about that.

Strong would take a stand; the faculty wouldn't support him, and Kerr, in spite of his determination to do what he thought he would do when he became president, respect the autonomy of the campuses in the hands of the chancellor, in my judgment Strong always had the rug pulled out from under him by Clark [Kerr]. And Clark was taking advice from his old buddies in sociology and labor relations, who were smart guys like Marty Lipset don't know that I should mention their names, or that I even remember. There was a small cabal of former colleagues, largely in the sociology and labor area,

maybe economics, who had Clark's ear from way back. He was—where the president was, not on the campus, and they had access to him, and Strong was constantly—did not deal with them, he had his own staff. Arleigh Williams was the dean of students, a wonderful guy. Katherine Towle who was an ex-Marine, was in charge of some students, a dean of some kind. So he had his basic staff, and his sense that if the University had rules, they ought to be obeyed. He ought to enforce them, and every time he tried to, the rug got pulled out from under him.

- Rubens: Did you think he was an able guy? Were you surprised that he had become chancellor, or are you—
- Tussman: No. It did surprise me, because—our nickname for him, in a limited circle, was “Headstrong Ed Strong.” He was stubborn, he was a philosophy of history guy; that was his primary field, and it was an esoteric branch of philosophy, and not very widely handled. He also taught the introduction to philosophy, as we all did. As I say, he was a handy man—
- Rubens: I didn't know about that, his role, I'd forgotten about his role running the Rad Lab.
- Tussman: Running it, or at least he was around. I don't know how much work he did on it.
- Rubens: So the administrative skills must have—
- Tussman: I don't know that he had administrative skills. When I first heard it was when he called me, and then he was chancellor. I thought, well, that's interesting. But he was out of touch. I remember—well, this is jumping ahead. When I was chairman a while, and Strong had taken leave because he was sick, and he was out, and came back to the philosophy department, and I welcomed him and I said, “Ed, you've come back to teach.” He says, “Yes. For my first course”—I said, “Philosophy of history. We haven't taught it since”—“Yes, I'll do that. And then I'll do an introductory course.” “Yes, of course.” And then he said, “And for my third course”— and I said, “Ed, there is no third course. We've got the load down to two.” Because no matter what happens on the campus, if there's any turmoil, the one thing you can count on is, the faculty will reduce its work load. So we were down to two courses, maybe two and a half. He was chancellor, and he didn't even know it. When I said, “There is no third course,” he looked surprised. “What? Oh, well, okay.” And he left. I didn't think he was administratively skillful. I had no reason to know the details of what he was doing. I did get the impression that he would make a decision, which in that framework of, “This is a rule of law, and the University has its rules, it's not just a street where you can fight, and it's my job to enforce them,” he did that, generally correct in his decision about what was going on—

Rubens: I can't remember his position during the loyalty Oath, that's what I'm looking up. Do you?

Tussman: I don't remember it either.

Rubens: Well he was an anti-Oath activist in some part.

Tussman: Maybe he did, but I don't remember.

Rubens: Okay.

Tussman: So, he was—his problem was that there were these outbreaks of something. Tables where you weren't supposed to engage in political activity and then underlying, it's never been adequately defended. Underlying the whole position of the anti-Free Speech side was the general understanding that the University was a creation of the state, supported by the state, and it was to be non-partisan. You were not to divert state resources for partisan political activities, like, you weren't supposed to hand out leaflets or give political speeches in favor of specific positions to your class. You kept it out, because if you didn't—you said, look, we hire who we want to, we don't ask the Regents, we don't say, it's time to hire a Democrat, time to hire a Republican. So some departments end up with overloaded with Democrats, or something, let's say. And we thought, if anybody looks at us from the point of view of, well, if you're using our resources, educational resources for political purposes, then there's got to be something like political supervision. You can't just take it over if you're conservatives or liberals or the other, you've got to reflect the political use of educational resources in some kind of balanced, non-partisan political way. So the fundamental argument underlying the resistance, although nobody—it was too old-fashioned to say—educational resources given by the state, and administered from their point of view in a non-political way, as manifested by the fact that they never interfered in political appointments, in appointments, required the non-use of educational resources for partisan political purposes. So when you're using the campus for a table to raise money for the environmentalists, or Democrats, or Trotskyites, or, it didn't matter, you were using educational resources given for non-partisan purposes by a state that thought it was doing that, and you were misleading, you were misusing public funds and public resources. That was the argument. And hardly anybody ever gave it; it seemed too outmoded.

Rubens: Is this something that you came to very quickly when you saw the—

Tussman: That was the issue. "Why are you moving the table"? Now, the formulation of it in terms of educational resources diverted for non-educational—for political purposes, violating the hands-off principle, which could get reflected in an increased political interest, in the appointment of faculty—that was the principle we were in danger of activating. If you say partisan politics is okay in the University, what about the faculty?

- Rubens: Echoes of the Loyalty Oath crisis.
- Tussman: Yes, echoes of it. When I came back, I think there were just echoes, because it was dead, and new people didn't know it; students don't know anything about what happened way before they came. Among us old faculty members, for years grudges remained, although they were not openly expressed. You remember that that guy signed too early and reported to the Regents, you remember perfidious actions of your colleagues. They ran very deep, and sometimes were never forgiven, never forgotten, but it was yesterday's war, and you didn't fight it openly, although if you ever had a chance, you would act negatively with respect to somebody who had been on the wrong side of the loyalty Oath. But that was a complicated thing, and when the Loyalty Oath was written about, as is now happening to the Free Speech Movement, all sorts of people you never heard of emerged as having played a prominent part. I find that with the Free Speech Movement people—some I never heard of. So, retrospective assignment of significance is a common feature. So something pre-dated, but it was not a live issue. The live issue was beginning to be McCarthyism as manifested by the Un-American Activities Committee, the fights in San Francisco—
- Rubens: The civil rights—
- Tussman: Civil rights stuff. And the Civil Rights Movement generally, although I had the sense— that only some were really committed and only a few others had actually been in the South during the civil rights—
- Rubens: Well, many students had gone south in the summer of '64, right before the Free Speech Movement broke out.
- Tussman: It was all a matter of honor, regarding the Civil Rights Movement. As far as I could see, the faculty was supporting the students. I was too. "Are you in favor of civil rights?" "Of course." But it didn't seem to me that the University was against it in a way that would make anyone say, "Down with the University," because it's against civil rights. It may have been eventually, "Down with the University," because it's part of the established system which has to be destroyed root and branch, or—
- Rubens: "Down with the University," was that really at stake in '64; that might come along a little later.
- Tussman: Oh, it might come along a little later, especially if they made a good deal of the use of Kerr's *Uses of the University*, and—
- Rubens: That's what I was asking you, if you had—
- Tussman: I had no—I got to be a better friend of Kerr's later, much later.

- Rubens: Okay. We'll get to that. You're there about one year before the Free Speech Movement breaks out. And you were going to be chair of the Department of Philosophy by the second year, isn't that right?
- Tussman: Yes, yes.
- Rubens: How did that happen so quickly?
- Tussman: The chairmanship of the philosophy department is something you avoided if you were skillful.
- Rubens: I see. [laughs]
- Tussman: It often goes to one of the people who didn't have a good excuse, it's your turn. So, far from being the badge of honor—oh, god! And now it's my turn, and I've got to do it. So I came back, I was an old-timer in the sense that I knew a lot of people, because a lot of people in other departments would say, "Hey, Joe, glad you're back; I liked your book." And that did it, or something, because when it came to a committee, they just took one look at the book and said, "Well, we can get him back." So I had lots of friends from those days, but that the issue of those days was gone, there was increasing interest in things that happened in San Francisco—using the hose to water and drive people down the steps—
- Rubens: Were you a joiner? Is this when we should talk about the ACLU?
- Tussman: On the whole, I'm not a joiner. But at one point, under the influence of Meiklejohn, who got me—who was the first guy I met who was really a civil libertarian, wrote his book on free speech, was very devoted to free speech, and I had been more deeply influenced than even I realized by Meiklejohn. At one point I got interested in civil liberties. And at one point I even put myself up for the board of the—
- Rubens: The local, the Berkeley chapter; that's exactly what I'm looking for.
- Tussman: Yes, I don't know when that was. It must have been when I came back—
- Rubens: Yes, it's definitely when you come back; let me just look at this. Where do I have this? Oh, I know something we've forgotten in this period. I just wondered if you remember belonging to the ACLU, or was it an issue when you were in Syracuse-
- Tussman: No, I didn't belong to—
- Rubens: Or Wesleyan.
- Tussman: No. I considered myself a civil libertarian.

Rubens: Oh, of course, I know that.

Tussman: And there's one—I joined the ACLU, and was on the board, and then—I was on the board long enough for the civil liberties union to be drawn into the question of campus unrest. The board was mostly taking the side of students who were suing the University for one thing or another, for arresting them for demonstrations or other things. I had a fight—not a fight; I would dispute, I'd say, "I don't see why the civil liberties union can't sometimes support the University. You're just supporting unrest on campus, and mass activism. If you're going to condemn the University, you ought to say something about things like shutting the University down and interfering with classes, and not be in a position of defending any activity as if it's a civil liberties issue. And at one point, I quit. I quit because of what I characterize as this unwillingness to condemn or take a stand on "violence," that keep people from entering buildings and interfering with classes.

Rubens: It was worth taking this principled stand.

Tussman: Yes, or at least not to take a stand, almost automatically providing lawyers for every student that wanted—

Rubens: I found my notes, which indicate you had a running dispute between the national ACLU and the California branch about the inclusion of communists on the ACLU Board.

Tussman: That was Meiklejohn's issue. And I would attend some meetings with him, and he was nationally famous for fighting the national board on the question of the—

Rubens: The communist inclusion.

Tussman: Letting communists be on the board. I think he won maybe the fight for California against the national board, but I'm not even sure about that.

Rubens: And then from—this is from remembering Alexander Meiklejohn, from your essay, you say—this is exactly what you were just saying; I was looking for the quote, "I left in a huff, in disgust over what I thought was the ACLU's utter failure to understand academic freedom, and its stupid tolerance of disorder on the campus," which is exactly what you explained. I just wanted to look for that. Now, here's the one thing that we I think must discuss, and that is in 1962, I see in my notes, that you go to the Center for Democratic Studies. You had a month-long seminar, and I don't know if this is '62 or '63, I don't—

Tussman: It must have been later—I had a long really interesting relation with the Center for the Study of Democratic Institutions, and [Robert Maynard]

Hutchins, who was the head of it, but we'll come to that—I didn't go to the Center while I was at Wesleyan.

Rubens: I don't know the date. I have here '62 or '63, and you take four days to give a paper, which will be the beginning of Government and the Mind.

Tussman: Yes, and so I think that must have been later than when I immediately returned. What happened is when I started, I went down there one summer with my wife and son, and we had a house on the beach, and I wandered up to the Center, which deserves more treatment than I'm giving it right now, and Hutchins invited—I talked to him, he was friendly.

Rubens: Did you know him before?

Tussman: He was famous, and I knew of him; he was the president of the University of Chicago. He left Chicago and became—they gave him twenty million dollars to start the Fund for the Republic; that was his good-bye gift, and he started the San Francisco, I mean the Center for the Study of Democratic Institutions, which is a very interesting story. I would go down, after that first summer, and whenever I was down there -oh at least two or three times at least I spent summers there, and whenever I went there they would give me an office, and a secretary, use of all the secretarial staff, and an invitation to their daily seminar, which always happened at eleven o'clock. A bell rang, everybody came into the main room, but I'll tell you about that—

Rubens: I think Meiklejohn was there.

Tussman: For that one month thing.

Rubens: Yes, and then he died in 1964

Tussman: Is that when he—yes, he died just before my program started, and we were down there together, so it must have been '63. Because I'm very much aware that—

Rubens: Your first summer.

Tussman: That I did not travel from Wesleyan to Santa Barbara for that purpose.

Rubens: Right, right.

Tussman: I was invited there for that after I had been at Berkeley, and was sort of acquainted with the people at the Center.

Rubens: Is it before the Free Speech Movement? I know you go there for a few times, but you think that—

- Tussman: It was before the Free Speech Movement. I don't know if you want to talk about—I would frequently, during the program, and during the Free Speech Movement, but mostly during my program, the four years and the fifth year that I was starting it, I would go down to the Center, and they would always ask me, they'd always welcome me, and say, "Tell us what's happening at Berkeley, and how's your program going"? I would tell them, and Hutchins was very sympathetic. I remember once we didn't have—they had just put out the new Encyclopedia Britannica, because he still had a connection with Chicago, and they had published the Britannica, and then under Mortimer Adler they had completely reorganized it, abandoned the alphabetical thing, so it was a big, impressive encyclopedia. We had very few books published with them. I remember once saying, "Why don't you send me a set of the Encyclopedia for my program"? He looked at me and said, "Joe, if you want a set for yourself I'll send it to you. If you want anything for the rich University of California they can damn well pay for it."
- Rubens: Who said this?
- Tussman: Hutchins.
- Rubens: Why?
- Tussman: Well, the University of California in those days was a prospering institution, and they could afford it. In running the program I wanted it to be a regular part of the College of Letters and Science. I did not want to have to raise a penny on my own; I wanted to be funded by the University as part of Letters and Sciences. I didn't want to be a special program. My feeling, when they asked me, "Should we form a committee to encourage experimental programs"? I said, "It'll just be another obstacle. One more committee I'll have to go to, and a committee will never have a good idea."
- Rubens: Well, maybe that's where we should start next week. Let's start with the jelling of the idea of The Experimental College, because obviously it's going to happen within—
- Tussman: It happens very soon. It happened when I was chairman.
- Rubens: Your second year back at Berkeley.
- Tussman: Yes, and during that second year, I think, was when the big Free Speech Movement hit the fan, and I was on the chairman's steering committee. But I'll tell you, that's a good story.
- Rubens: Yes. So let me just think about the order of that. So maybe the Free Speech Movement, we'll take a look at that specifically, and then we'll do the genesis of The Experimental College. Now regarding the Center?

- Tussman: I never had an official role there. I remember some people did, like Phil Selznick in sociology; he's an old friend of mine. And he was sort of a member who had the privileges, he was sort of a member and he could come down whenever he wanted, though he wasn't there as often as I was. I knew that whenever I went down, I had some friends, very good friends there, and of course Hutchins and that all I had to do was show up, and they'd give me an office. So I never had a title, but then, I'm title-shy. During the whole experimental program, the four years and the one year of starting it, I never had a title. I was not the director, I was not the dean, I was not the manager, I was just the guy who ran it and signed everything.
- Rubens: Did you get—and there were no increase of pay, either?
- Tussman: Of course not. And I was lucky that it didn't interfere with my next routine promotion, because when it came up for the next promotion, every two or three years you have a step, and I think I was step six then, or something like that, I was quite high up, five or six, and when it came time for promotion, it was really touch and go whether the year. I had spent starting and running the experimental program would count, because I hadn't published anything during that time. So it was quite unrewarding from my fiscal point of view, from a financial point of view, and even from the point of view of promotion. I thought, between us, it deserved better, it was a really interesting educational venture, and significant in some ways, but I never got any local recognition. Every once in a while—I remember the dean, who always said yes to anything I asked him. I always asked for reasonable things and they always gave it to me and at one point when the Regents were raising some questions, the only praise I got from anybody in the administration the dean said, "Joe, I hope you know that there are some of us here who admire your perseverance." I still remember that. And it's the only, as I remember, the only encouraging comment I got from anybody in the academic hierarchy. But that doesn't matter; we'll talk about that when it comes to—
- Rubens: There are so many more things to talk about, and pieces that are left over. Let's see, you will write *Government and the Mind*, later and it's not published until '77.
- Tussman: That's right.
- Rubens: So you're working on it—
- Tussman: I wrote it during a sabbatical in Hawaii.
- Rubens: The only thing I want to revisit today is if you remember any particular arguments with Hannah Arendt about political philosophy?
- Tussman: No. No.

- Rubens: Did you ever encounter her again?
- Tussman: Well, I encountered her again. When I was chairman at one point here, I invited her to be a visiting professor in philosophy. I had a lot of affection for her. She had a great reputation, and although, as I say, my attitude towards Continental philosophy was that it was cloudy, pompous, and worthless, but, you know, that's a radical view about that. Most—a lot of my philosopher friends think that, but nobody would be caught dead saying that.
- Rubens: But she did come and teach for a year?
- Tussman: No. She said her husband was sick and she couldn't do it. I talked to her on the phone several times, once or twice in connection with, could she come and visit us, because I thought she'd be an asset. She's an interesting person with a powerful character and has written a lot of things and stands for some things. She wrote *The Banality of Evil*, her contribution, which somebody like Gerald Goldhaber. I don't know, later critics have said that it wasn't just a few Nazi zealots. She had some views about that, and as I said, had a great capacity, whenever I saw her in operation, of turning the conversation into her esoteric distinctions. But I still invited her; I may have talked to her once or twice after that, but I never saw her. It was very pleasant, and I liked her, but somehow we both realized—I think she thought that I was a very naive American and didn't understand the philosophical implications of anything, because I hadn't been through Heidegger and Husserl and all of that, and she thought, that's real philosophy, and Americans are just country boys who take the English too seriously.
- Rubens: There was some recent flap about her relationship to Heidegger, and his relationship to the National Sociality Party, wasn't there?
- Tussman: I think she more or less allowed the thing to get around that she was Heidegger's mistress at one time, and that she was a Heideggerian in philosophical terms.
- Rubens: The claim was about Heidegger's support of—
- Tussman: The Nazis. He took the job as the dean of something wherever it was, and purged the Jews. And he was an outspoken Nazi. And his defenders have been to lots of philosophical meetings where the people who liked him were defending him against charges that he was a Nazi, this was just opportunism of a protective sort, he had to say he was a Nazi to keep the job, once you had the job you could—you know the whole argument. I never looked into it.

Interview 5: November 18, 2004
 Audiofile 9

[organizing discussion excised from transcript]

Rubens: We covered a lot of ground last week, but perhaps we need to go further into depth on some topics.

Tussman: Sure, whatever you think. I don't think there's any real necessity of temporal coherence in this whole thing.

Rubens: Well I do want to ask if you recall a few more points about the Loyalty Oath period, in light of some more research I've done. For example, on the principle of defending one's position based on the First Amendment or the Fifth Amendment - I couldn't attach that to something specific in the Oath crisis until I read Howard Schachman's oral history—

Tussman: Howie Schachman.

Rubens: Yes. And he talks about that there was a regular Friday night meeting at the Unitarian Church during the course of the height of the controversy, and that he recalls you being incredibly articulate and formulating statements in terms of, "I do not believe that the university should demand of us...I believe that we faculty should be free." And in philosophical terms, you were really an important person in articulating what the ideal principles were.

Tussman: That was in the Oath thing, yes. No, I don't remember the Unitarian Church, but it's okay, and I remember how—and I'm pleased to think that—yes.

Rubens: One other thing, see if you remember this, and then at least it's in the record. In Edward Strong's oral history, he really attributes you as the one who starts the investigation into what the Oath means. You run into him. He's associate dean of letters and science. And you ask him, "Well, what is this new regulation?" And he says, "I really don't know." And then he goes and looks it up and apparently convenes a group of people, at which—

Tussman: He didn't—I didn't want to mention that, because in my secret personal history, I was very close to the first one who was aware of some regulation that came out, and since I was a First Amendment/Meiklejohn man, and very concerned with questions, I remember taking this little statement that there would be a Loyalty Oath or an Oath attached to something, and I went to check with tenBroek, who was my colleague on the other thing. We agreed it was—and I may have bumped into Ed Strong, but I seem to remember going with him to Edward Strong and getting Tolman interested. Originally, nobody seemed to be aware of it or care, and we got Tolman to see that it was an issue, a First Amendment free speech important issue.

We went on from there. There were all sorts of meetings. We used to meet—the faculty met frequently at the Faculty Club, in the dining room, and there were these great meetings there. I was pretty junior, as a matter of fact. I didn't have tenure. I was surrounded, as we got going, by full professors of considerable repute, like Kantorowicz in history. And at some point, Schorske must have been there, but I didn't know him very well. I'm not aware of him as a figure at the early—. So Ed Strong's memory, I may very well have, and I've always hesitated to give myself the role of the person who was the canary in the mine, saying—

- Rubens: Aha. That's what you're referring to when you say "my secret history?"
- Tussman: Yes. But you see, the reason I say this, because in the book that I think Reggie Zelnik put out about the Free Speech Movement, all sorts of people whose names I never heard of during the time, retrospectively give themselves more central positions. I thought it was a natural tendency, and I didn't want to fall into that.
- Rubens: I don't think you have. If anything, I revisit this because I think you—I'm asking you about places where people remember you, and you're not speaking about it. I of course want you to be giving me more names of people you remember working with, or who took particularly positions.
- And then this is one—this might seem from left field, but I made a note of it anyway: from Muscatine's oral history, who certainly remembers you in discussions regarding the Loyalty Oath, he refers to a man named Monroe Deutsch, a classicist, and he—
- Tussman: Yes. He was the provost.
- Rubens: Muscatine said he was someone who really believed in the forum of Athens. When he got up to speak, you could hear it resonating through the walls, and there were a lot of other people who had been trained maybe in 19th century rhetorical tradition of speeches. I began to feel this is the classical definition of political oratory. And he says—his conclusion is that diminished by the FSM, even though there was a lot of passion. And I just wanted to ask if you knew Deutsch, and I didn't know who he was.
- Tussman: No. He was a very prominent—he had some administrative position- he was highly respected. I don't remember his role very much except—well, one funny thing. At one point, Bechtel, Bechtel construction company, one of our prominent alumni, decided he would come in and try to solve the problem. So a number of people were notified that they were to meet with Bechtel one at a time in his office in San Francisco.
- Rubens: During the Loyalty Oath crisis?

Tussman: Yes. I went over there, and in the waiting room right ahead of me was Provost Deutsch, who I had a barely nodding acquaintance with. Because you know, he was a top guy in the administration, and I was a junior faculty member. I remember Deutsch went in ahead of me, and I didn't hear him. And then he came out and I was called into the Bechtel head office. It was very funny. He already had the solution; that wasn't matter. But he was very short, and he had this technique, I still remember, of coming up so close to you that you leaned back in self-defense, and when you leaned back, you felt ungainly, and if you'd step back he'd step up against, and you'd lean back. So you kind of got to feeling you were a lout, too big, and too clumsy, and this was a very Napoleonic technique he had developed.

So I talked with him a while, and found that I didn't—the solution he wanted was something I've even forgotten, and I don't know why they called me, except by that time, I was generally known by the insiders and outsiders as kind of an important actor in the thing.

Did I tell you about the Martha Dodd affair; she had come to write a book—we had coffee?

Rubens: Yes. I am trying to connect some disparate observations about you. Muscatine speaks of your oratory. And, by the way, was Deutsh a classicist?

Tussman: Yes, he was a—I think he was a classicist, but he wasn't teaching any more—

Rubens: So he's not someone who you connect with, you—

Tussman: No. And the oratory thing was completely—I had a bit of teaching in the speech department, and we tried to transform it from a public speaking to an analysis of argument thing. I didn't have much faith in argument, rhetoric.

Rubens: Yes. Now, the question really is, maybe we should talk about the Free Speech Movement, and then do the Experimental College. You obviously are generating—

Tussman: They're both happening at the same—

Rubens: They're both happening at the same time, but perhaps the Free Speech Movement was more discrete, in time: it begins in the fall of 1964, and it's over by December.

Tussman: I actually don't remember it as having such discrete beginnings and ends. I mean, there was a whole period of turmoil, discontent, agitation—

Rubens: Well of course you're right. But in terms of time, it begins with an edict by Dean Towle barring the distribution of leaflets on the contested strip of land; there is the October 2 occupation of Sproul Plaza, students around the car,

where apparently you then do go into Strong's office and are part of a set of faculty that volunteers who try to negotiate a settlement.

Tussman: I don't remember that. I'll tell you about something, and it's really kind of an untold story, although it's been around. At one point, I think it was early December, just right after the mass arrest of the students in Sproul, Strong had sort of fallen apart, and I don't know whether he had a nervous breakdown, but he was now a non-factor. Kerr was president, but he had decided to delegate campus autonomy and control to the chancellor of each campus, so he was very ambivalent about interfering at the Berkeley campus, although he did.

There was a vacuum, and at one point—there had never been a meeting of the department chairmen, and in the history of the university, as far as I know, it was not a unit, it was not an organized group that regularly met. And Bob Scalapino of the political science department took the initiative and called a meeting of all the chairmen at the university. And I think we all met—I don't know, maybe sixty, in some room—and discussed what to do. They decided—I said very little—they decided to appoint a steering committee or an executive committee of five chairmen who would be empowered to act on behalf of the chairman and to see if anything could be done to solving the problem. I was appointed one of the five, I don't know why especially. I think I had made some remark about, that before we act on this, we should remember there were a collection of old guys who may not have sufficient sympathy—something like that.

Rubens: I'm not quite getting what your point is.

Tussman: My point was, before we did anything, I cautioned the chairmen group to remember that we were a group of senior people who might not be sympathetic to the stuff, and we should watch that. That may have gotten me put on the committee, because the committee was picked by a few senior guys there. And the five of us then went away, and we tried to put together a solution. We met to talk about what would solve the problem. I think we came up with about eight items that were being contested, the chief one of which was that since the city or the county or whoever was taking legal action against all the people who had been arrested, they were going to court, that the university should forego any additional punishment. That was, I remember we made the list of the stuff, this was item six or something, and the five chairmen went over to Kerr's house in El Cerrito, and he was having dinner with the governor of Texas or something, and he came out to talk to us. He cast his eye down this thing and immediately said, "This item." I mean, he immediately smiled at the one hot item, which was the foregoing of academic punishment. He said, "That would be difficult, but that's got to be done." And he went back. Nothing was decided then.

In the next day or so, the five of us were called to the airport to meet with Governor Brown, Pat Brown, the older; Pat Brown, the governor in the state, because he was on the board of regents. And I remember we walked into the airport room and there was Pat Brown sitting at a desk with his feet up on the desk, saying, “You guys have cost me a golf game,” and stuff. And Kerr introduced us, and it was very peculiar, because I think Kerr said, “Well, you guys wait in another room.” So we waited in another room—

Rubens: While Kerr and—

Tussman: While Kerr and the governor talked, and shortly after that, Kerr said, “It’s all settled, and you guys can go home.” We never did any talking in that. But the five of us presented to Kerr this schedule of things to be done.

Well, then the question is what do we do next? And it was decided, or maybe somebody decided, that we have a campus student meeting in the Greek Theatre, and that we would then present the solution that we had. I forgot what the minor points were about tables and stuff. But it was a pretty good solution. And we were to present it to the Greek Theatre mob of students; there were thousands of students filling the Greek Theatre. So when that day came—the committee chairman had told someone, whoever, not to have any police there. Scalapino—

Rubens: You remember that being discussed amongst you, don’t have the police there?

Tussman: Yes, and we had made quite a point about it, I think to whoever was in charge of campus police or something. But Kerr was there also, and maybe they felt that they needed a bodyguard, so they had a couple of plainclothes, or some semi-plainclothes. Well, what happened was that Scalapino began reading these, the agreement we had made. I think he had also, unfortunately, taken the luxury of indulging in some political commentary about disorder and all of that stuff, which wasn’t well taken. And he was reading the thing, and I notice in the front row of the audience a tall figure got up, and walked to the end of the stage, and up the stairs, and towards the microphone. And it was Mario Savio. Kind of astonished; Scalapino kept talking. The two cops jumped out, or appeared from nowhere, and grabbed Savio, one by the tie—because in those days, people wore ties—and the other by the arm, and they hustled him out to the back of the Greek Theatre where there are these dressing rooms.

And the students were just yelling all over the place, “Let him go! Fascists! Let him speak! Down with fascism!”

Rubens: He had gone limp and fallen down, it was very dramatic.

Tussman: No, no.

Rubens: No? Okay.

Tussman: No, he was led out, I don't remember him falling. He was led out in the back, and everybody was yelling, "Let him talk, and let him," and Scalapino was talking. So at that point, I was really annoyed. I was angry as I ever get. I stalked out back of the theater, I went to the back of the stage, and I saw two cops standing in front of a closed door. I said, "Have you got Savio in there?" And they said, "Yes, sir." I said, "Let him go, I'll be responsible." And they took off immediately; they were scared stiff. I said, "Take off, I'll be responsible."

Rubens: Did they ask who you were?

Tussman: No! They may have known me; I got around to something. So they took off, and I opened—and in the meantime, a couple of Savio's lieutenants had come along, and I'm not sure, but maybe—there was one faculty member there whose name will come to me—I opened the door, Savio's there with his hair standing on end, looking disheveled, and it was dark in there, and he said—I remember, he said, "I was only going to say—" at which point I interrupted. I said, "Don't tell me what you were going to say, I'm not your damn censor. I don't want to hear what you were going to say, I'm not going to censor you." So I took him by the arm and led him out, and the crowd out there was still shouting, "Let him speak!" and really getting riotous. And I walked with Savio, held his arm, took him to where Scalapino was still talking in the mike, tapped Scalapino in the face, pointed to Savio; Scalapino moved over, and Savio got up there.

And this was the funny part. The first thing he said was, "I told Professor Tussman I would not be censored." So I turned to a couple of his henchmen who had heard the whole thing and I said, "The son of a bitch," something like that. And they said, "Revolutionary rhetoric, pay no attention. It's just revolutionary rhetoric, it's okay, we know what you said. It's revolutionary rhetoric." And Savio went on to say—I was still kind of annoyed; I had said, "I am not going to censor you," out of the blue, and to be accused then—or for him to assume he had to tell me he was—. So he said, "All I was going to say was there's going to be a real meeting of the students and the university faculty on Sproul Plaza right now," and he left, and everything.

But his henchmen, who had told me that it was revolutionary—said, as a matter of fact, "And for that, you can speak at our rally." Now, I had no desire to speak, no idea what to say, and I wasn't—but I was carried along by the flow of everything that had gone on. And when we came to Sproul Plaza, there was a microphone on the steps, and one of my friends on the faculty was sort of babbling, a very emotional guy. A decent guy, a nice poet and a Quaker—

Rubens: Who was that?

- Tussman: Should I tell? Bob Beloof, Professor Beloof. He was a poet, in the speech department, the rhetoric department. And he was holding forth, in personal anguish, how much this all pained him, and what sense—I thought it was just—you know. And there was a big crowd, the plaza was now full.
- So I walked up to him and tapped him on the shoulder, he turned, “Oh, Joe, okay,” and he left, and I had the microphone. I had to figure out what to say. I made a decision right on the spot. I said, “I’m not going to justify, I’m not going to argue. There’s been a blank for two days, nobody’s known or knows what’s going on.” Nobody knew about the chairmen even, and the committee of the chairmen, and our negotiations, or the governor, and the settlements we’d made. Nobody knew about this. So I thought the only thing I could do was to just level with them and tell them exactly what has been happening.
- So I told them. I introduced myself, “I’m Tussman, I’m chairman of the philosophy department,” and then I just said, “We did this, and we did this, and we did this.” And at one point, it was funny, I said, “We even tried to delay this meeting until this hour, because we wanted those of us who had been arrested and were spending the night at Santa Rita, including my son,” which I mentioned, “we wanted to give them time to get back.” And at that point, from the middle of the crowd, a few girls shrieked, “He’s here, we’re here!” And my son I think even waved, so I waved back and went on. But that was a very—quite a—I remember that episode.
- So I went on and explained what had happened, and how we had hoped that the proposal we had made, it was a reasonable one, and I said, “And then, as you know, up stood Mario Savio, and here we are.”
- Rubens: Well, you’re also quoted in the Goines book on the Free Speech Movement as saying—that I trust—
- Tussman: Oh, yes, I trust—at the end—I didn’t want to make any pitch about what to do and all that. They had treated me rather politely.
- Rubens: You said, “I trust that you will do the right thing.”
- Tussman: Yes, and I said, “Look, you’re our students, you’re partly responsible for your state of mind, but I have a lot of faith in your intelligence and integrity, and in some sense, the university is in your hand, and I trust you.” Something like that.
- Rubens: Quite a statement.
- Tussman: Well, I don’t remember it and I don’t have any record of it, but it was—the funniest thing that happened, and it was very moving to me. I gave up the microphone and walked away, and one of the activists grabbed the mike, the one who was supposed to speak. And I remember him saying, “Professor

Tussman would have you believe—” you know, just referring to me—and a hiss from the entire assembled audience occurred. I did not—I heard this sustained “sssssss,” a hiss. And finally—and my back was to the microphone and I was walking away, and I heard him finally say, “Okay, okay, okay, I’ll start all over.” And that was the end of my participation in that particular episode.

Rubens: Let me unwind just a few things.

Tussman: Yes.

Rubens: Tell me about your son. Your son was a student at—?

Tussman: Yes. Not in my program, but he was an undergraduate student at Berkeley, one of the 800, I was surprised.

Rubens: Did you get a phone call from him to bail you out?

Tussman: No, no.

Rubens: Had you in fact gone to Santa Rita to bail out any students or—

Tussman: No, no. Because we knew there were 800 hundred students, I wasn’t going to go; what was I going to do? They weren’t going to mistreat seven hundred students, and what was I going to say? “Let him go, he’s my son”? So I had faith—. Yes, he was a student—

Rubens: Had he been talking to you throughout the semester about—

Tussman: No, we were very non-communicating about this stuff, because at the same time, I was very busy with my experimental program, which I’ll talk about, when this was going on. He was—

Rubens: He was a foot soldier, kind of, or a—

Tussman: He was hardly political at all, but he somehow—

Rubens: Got swept up.

Tussman: Got swept in that. You know, that was the occasion which Joan Baez sang, “We Shall Overcome,” and walked into the front of the Sproul Plaza, and people followed her, and she calmly walked out the back.

Rubens: Were you there at the time? Did you see that rally? Where Mario gives that famous speech?

Tussman: I may have been.

Rubens: I was going to ask you, had you known Mario as a student in philosophy?

Tussman: No. I had not known him as a student in philosophy. By this time, he was pretty well known. I had seen him—I had never spoken to him, and the first time I spoke to him was in this episode.

Rubens: Really? But he of course knew who you were.

Tussman: He must have, because he then said, “Professor Tussman,” so he must have. The interesting thing is, from that time on, Mario Savio and I became rather strange friends. He was interested in my program, and every time I’d meet him on the campus, he’d stop me, and we had a very cordial conversation. I regarded Savio as a very talented, very troubled, very complex guy. He was genuinely a man of conscience and with great charismatic qualities. He stuttered whenever he talked to you, except with a microphone. So I would bump into him on the campus and he would say, “How’s the experiment going?” And I would just tell him everything. The easiest policy I found in those days was tell the truth, because that’s it, and you don’t have to remember phony stories that you’ve told. So I would tell him what my problems were and what the difficulties were and he was very sympathetic. And this must have happened a half a dozen times, every time we met, and I remember once he said, “Do you need any student help?” I said, “For God’s sakes, Mario, no!” That would—

So I felt very friendly. I really disagreed with almost everything the student movement did on the campus. I thought that there was something in the environment, whether it was the draft, the war, the corruption of the government, something about mass education, which I myself thought so little of that I was motivated to start my experimental program. But they did—so I never did anything more than meet Savio maybe half a dozen times, not by appointment. He was always friendly. And the interesting thing was that the program represented everything the student movement was against. Completely required, completely faculty-determined, no student choice in anything. And if they wanted anything, it was freedom, we can run our own lives. So it was against everything, I think, but they never criticized us.

So I think there was an unspoken deal. I would run my program, and Mario and those people recognized that it was a program run with integrity and zeal, and they didn’t believe in its principles, but it was at least a straightforward attempt to do something. And I saw—so there must be a kind of tacit understanding, Leave Tussman and his program alone, and I was not—not that they put any restrictions on me—I was too busy otherwise to do much more than I think I—

Rubens: Except you would then have in the encounter with Mike Rossman. I don’t know that he represented—but we’ll leave that until we talk about the Experimental program.

- Tussman: Yes, we'll leave that to the program. I had a long problem with—Rossman was the only one of the movement actively involved in the program, and he did his best to kill it.
- Rubens: Undermine? Well that's—
- Tussman: That we'll save for the program.
- Rubens: Back to Mario, just to check off a couple of things: do you remember conversations about him with the faculty of the philosophy department?
- Tussman: Not with the faculty of the philosophy department. He had some admirers, people who—
- Rubens: I mean during the actual crisis, during the—
- Tussman: Yes. There were some people who were very close to him. I was not one of them. I think Reggie Zelnik of history was very close to him, and sort of—
- Rubens: But I'm just asking you specifically if in philosophy, if you had any memory of—
- Tussman: No. Except that Searle, John Searle, who was a colleague in philosophy, had been appointed by our new chancellor, Roger Heyns, as his vice chancellor for student affairs. And before he was appointed to that, he had been one of the most active pro-student guys around, and then became a loyal administration thing. After the Free Speech—shortly after the time I was talking about, the question was, "What is Savio going to do?" And I felt, what are you going to do with a life when in your early twenties, you're world-famous, and everybody's watching you standing on top of a car, threatening to bring the world to a halt. Everything's got to be downhill from that time on. I mean, what can you do to exceed that? And Savio wanted to go back to school, and I think Searle and a couple of other guys who had been at Oxford, and Searle had been to Oxford, they arranged for Savio to be admitted to an Oxford college, to presumably study to be a chemist—scientist, chemist.
- So Savio disappeared and went to Oxford, and apparently was not in the psychological or emotional condition to suddenly become an Oxford student, and he dropped out very quickly and came back, and then had a series of jobs like in a bookstore or something, and ended up finally getting a teaching job at Sonoma State, I believe. And I never saw him after that, and I never had any philosophical discussions.
- But I remember with some pleasure this sort of amiable thing we had, whereas I was an enemy of the student movement, in principle; not that I took anything about it. But I thought that our encounter and our subsequent meetings, in

which he was I think genuinely interested in the educational program that was going on. So I liked him.

Rubens: Well, let's get to your program soon. Maybe there's not too much more to say about FSM, but I do want to ask you, just as an almost obligatory question: Strong was the chancellor. He was speaking of the beleaguered university. How did you feel about Strong during the—

Tussman: Well, during the thing, I felt a little bit sorry for him. Strong had an uncomplicated view of the situation. There were university rules, and he was going to enforce them. He was surprised when the faculty didn't support him. He thought this was a kind of question of rules of the university. He genuinely believed that it was his job to enforce the rules, and when students misbehaved, not when they locked the door in the building when there were still people in the offices—he thought his fundamental job was to enforce the law, and I never attributed personal malice to him. I thought a little bit of naiveté, because he expected people to act in terms of these—

Rubens: Did you ever try to lobby him or to—

Tussman: No, no.

Rubens: Okay. You saw that—and why?

Tussman: There was no reason to. Lobby him to do what?

Rubens: Well, you were—after the October 2 occupation of the car, you go in with a bunch of other chairs, but Kornhauser and Peters, people from sociology—

Tussman: Yes, Kornhauser, Peterson, there was a—

Rubens: Seaberry, Scalapino—there's a bunch of you that go in, but apparently, you're acting as part of a representative of faculty, not personally trying to lobby—

Tussman: Yes. I don't even remember being part of that group and going to meet Strong. I knew all those guys, and there was—in my judgment, there was an old sociology clique that included guys like Marty Lipset, if I'm not mistaken, and Glazer.

Rubens: Yes. I don't see Lipset's name, but it's Kornhauser, Peterson, Smelser, Matsa, and Glazer.

Tussman: Yes. And those are all sociology—and they were all colleagues of Kerr's from when he was in the Institute of Governmental Relations. And I had a feeling that they bypassed Strong and bypassed the Academic Senate, and used their contacts with, their old association with Kerr, to advise Kerr. I think they were responsible—I never asked Kerr whether this happened, but I thought that

every once in a while, when Strong would take a stand on something, and then Kerr would immediately pull the rug out from under him, by coming out with overruling Strong, Well, maybe we ought to have a conference and not do this. So I thought Strong was a sad figure. I felt a little sorry for him, but I was not a major friend of Strong's or Kerr's.

Rubens: How about tenBroek? Were you particularly close to tenBroek during this period?

Tussman: Yes, yes. tenBroek was not as active as I was. Whenever there were statements to be prepared for the Academic Senate, or I or he or somebody wanted to make a motion, I would always check it out with tenBroek. And at meetings, I would sit next to him. But my feeling was he was not as involved, although we were both associated together—

Rubens: Well, you had written-

Tussman: —we were good friends, and we were colleagues, and I liked him a lot, and respected him. The thing—

Rubens: Were you identified as someone who supported the Free Speech Movement?

Tussman: No.

Rubens: But you weren't particularly an opponent either.

Tussman: I think I was partly responsible and introduced at a Senate meeting, or was asked to by people who wanted me to do it, some resolution about freedom of speech in connection—

Rubens: Yes, yes. At the very end, at the December 8 Academic—you explained that there should not be, that whatever rules applied to the outside world should apply to the university, and that's all there should be.

Tussman: Well, that's a change of mind by me, in some respects. See, as far as I can see, the fundamental issue underlying the administration's position—

The university was an educational institution supported by the taxpayers of the state. It was in principle nonpartisan, and because it was nonpartisan and we weren't to influence the political scene, that was the justification for their not looking into things like how come in the political science department 75 percent of them are rabid Democrats, there are no Republicans around. And our position was, You don't look into this, because it's irrelevant. Because we do not use public, neutral resources to further our political goals. That seemed to me to be the standard position of the university, and it was responsible even for a long time ago when Adlai Stevenson wanted to talk, he was able to talk on the lawn somewhere, and it was kind of a scandal that he couldn't speak on

the university turf. But the principle was not a bad one, and I was more sympathetic to it, the notion that—

Rubens: Right, and advocacy became the big issue, of the FSM: did students have the right to advocate a particular—

Tussman: That's right. They could do it off campus all they wanted to. The only position of the administration was—and they never made it very clearly, and it got lost in the shuffle, because it became—the conflict was, the campus is part of the university; the university is an extension of the classroom; it's been provided to you for nonpartisan argument and dialogue. And that meant that you could argue in class about everything, but that it was not to be co-opted for your political purposes. I could not walk in and tell my students, "I want to tell you that you ought to do this or that, or this political—" It was not done.

The students, by that time, there were a lot of them. They were peer-group oriented. To my memory, it was the first generation that made a big deal about a generationalism. We were a different generation, and you guys, don't trust anybody over thirty. These were middle-class kids, for the most—a lot of them—who were annoyed with their parents, or rebelling against them. They were just, Who are you—they would never say, "We're middle-class kids. We're a new—" I used to think of them as an immaculate generation that had sprung out of nowhere, repudiated their debt or their obligations to assist them they regarded as corrupt, and that the university was in some sense their city, and they could do what they wanted in their city, and it was not just an extension of a nonpartisan classroom. That was the fundamental underlying issue.

On that issue, I was not sympathetic to the student position. Especially when it took the form of protesting, interfering with classes, doing things like—

Rubens: Well, that will be later, yes. But yet, you do have a certain—I don't know if conversion is the word, but after the experience of what took place at the Greek Theatre, you then come to the student rally and say, "Well, I'm going to trust you, the university is in your hands—"

Tussman: That was just this—you know, I was just swept along and had to make a speech, and I just—I looked at—

Rubens: I assume you voted with the majority on the December 8 resolutions.

Tussman: Yes, I think I—

Rubens: But that was a pure civil liberties issue at that point.

Tussman: Yes, it was civil liberties, and I think I was asked to make a speech or second the motion. I do that. Now, it's rather strange that it may be from the Loyalty

Oath days that certain people think of me as a hero of the left, as a radical student. Because in the loyalty Oath days, I must have told you before, I used to argue that Communists ought to be allowed to teach, and that they were a valuable asset and we needed them. And from those days, a lot of people thought of me as a heroic fighter for free speech and constitutional principles, and when I came back—years later, I was sort of embarrassed. I'd meet somebody, I won't mention her name, a young woman—a middle-aged woman—who was a member of the anthropology department, who gave me a lift from the campus to somewhere. She says, "You know, ever since those days, you've been my hero in the Academic Senate," and I said, Oh, god, should I tell her that those were the—I've changed, I've gone through a number of changes.

- Rubens: No, it seemed to me that for you the principle remained the same: that the issue of advocacy and partisanship was not part of the university. That's not what should be taking place there.
- Tussman: Well, what I just described is a fundamental issue between a nonpartisan university and—was the issue underlying it, but nobody ever argued about it. It was taken for granted that students should have a right, and free speech, and—. So I remember arguing with those people that the streets on the campus are either an extension of the classroom or an extension of Telegraph Avenue. If it's an extension of Telegraph Avenue, you can do whatever speech—but if it's an extension of the classroom, then this other principle ought to be respected. But I never argued it any more. I just—
- Rubens: Did you feel—maybe we'll pick this up later—but did you feel there were any rifts that occurred between you and any faculty who said, "Hey, Joe, you were one way in the Loyalty Oath—"
- Tussman: Oh! There were a lot of people who regarded—there was this 200 group that—
- Rubens: Committee of 200.
- Tussman: And I suppose I had loosely been associated with its precursor, and guys like Schachman and the whole thing. But when it came to fighting and organizing to support the students against—and mostly on disciplinary matters—
- Rubens: So many of the on-going meetings between the administration and the FSMers was about what disciplinary procedures would apply to their "misconduct."
- Tussman: Yes. And I was not on their side. So I think once, when I came to a meeting that took—when the five faculty members who had worked out this deal with Kerr and the regents, we wanted to tell the faculty members, so we divided up the task. The five of us said, "Joe, you know these 200 guys," there was a big meeting, and "why don't you go and tell them." And it was very funny,

because I went in, and Howie Schachman was chairing it. He regarded me by this time as a traitor, because I was not in the—I was associated with Kerr and the administration and the chairmen and the people who wanted order. And I remember I walked in, and there was a meeting going on, and Howie was very skillful. What he said was to me, or what he said, “Okay, sit down and I’ll call on you eventually.” And then he said, “We’re going to go through with our normal agenda, and there are other people here who want to tell you what other groups are doing.” I mean, it was a very skillful put-down.

I sat down next to tenBroek, and he said, “Jesus, I want to hear what you guys have decided, or what’s going on.” He was annoyed, but Schachman went on, the deliberate meeting, as if not recognizing me as an emissary from a legitimate or respectable group. He characterized it as just “another group.” So I got up, I was called on, and I was about to explain the thing, when one of my buddies, another guy in the committee of five, the five chairmen, was there. I was going to be a little too long-winded, I think. So he said, “Joe, let me do this.”

Rubens: Who was this?

Tussman: Sam Schaff. He was one of the five. He was a great guy.

Rubens: What department?

Tussman: He was the chairman of the math department and engineering. He was an engineering, air—very skillful, very competent, very well known scientist, mathematical and aerodynamic or something of this sort. So he explained what had happened. But I think since then, they regarded me as a traitor: Whatever happened to you? I never felt anything happened to me. I felt that I still believed in civil liberties. I remember arguing once that there’s a difference, a sit-in in a dean’s office is not an attempt to convince the dean that he was wrong about something, but it was an attempt to force the dean to do something he didn’t believe in. And I thought, that exceeds the limits of free speech for me, so I did not regard this mob coercion as a civilized expression of the valued principle of freedom of speech. I mean, you don’t care, you’re not trying to change his mind; you’re trying to say, Do what we want or we’ll not leave. And I had no sympathy for that. So I think because of that—

Rubens: Did you have a particular attack from or fall-out with Schachman or tenBroek or—

Tussman: No, oh no.

Rubens: It was just clear that the—

- Tussman: tenBroek and I never quarreled about anything. I think Schachman and a few of his friends, the kind of inner circle, during the Free Speech Movement, treated me as a traitor. But I didn't have that reputation generally.
- Rubens: Yes, I don't think you do.
- Tussman: Because generally, again, I was regarded as an amiable guy, busy doing his educational stuff, which everybody knew about by that time—
- Rubens: Before we get to that, let me ask you about Scalapino, if you had a particular observation about him, about how he worked and—
- Tussman: Well, Bob Scalapino was a very conservative, almost paranoid guy. During the war, when I learned Chinese, he learned Japanese. And when he came back, he did what a number of the—he became a Japanese expert. He would—. But he was very, very aware of conspiracies and very conservative, although I wasn't aware of that early— But then I would occasionally get calls from him during the Free Speech Movement. He'd say, "Joe, have you heard?" I'd say, "What?" "There's been a meeting in Seattle of all of these people, and they're going to come down here and disrupt the university." I'd usually say, "Oh, Bob, yes, we'll see." Never argued with him, but I came to recognize, or he came to recognize, or came to be a representative of the most right-wing, cold war, anti-Communist, anti-guy, and very heavily involved in Chinese affairs, and in Japan. I remember we'd be at meetings together on committees, and Bob was the first left-handed guy I've ever seen writing Chinese characters—he'd do it all the time, doodle in Chinese. I thought that his calling—this is between—well, between us—I thought that his taking the initiative and calling a meeting of all the chairmen in this vacuum of power would, at the end of this episode, catapult him into the chancellorship. I thought it was his move. And I thought, from his point of view, what screwed up his career was Savio walking on the stage, and his whole hopes of glory faded at that point. I was—
- Rubens: You were what? Saddened, or—
- Tussman: I wasn't saddened, I—. [pause] I never—we got along very well, but I get along with everybody. We got along very well, but I never accepted his what I took to be really paranoid fear of conspiracies. So I thought that—and instead of him, we got—we were going through a number of chancellors. The one who came in—
- Rubens: Myerson immediately—
- Tussman: Myerson was just temporary, and then they got Roger Heyns. So I thought Bob Scalapino thought he might be the successor to Strong, or anyway. That fell, and Scalapino spent the rest of his career as a reputable scholar, and political advisor to people who were worrying about Formosa and Taiwan—

- Rubens: So you never thought that the students were being influenced by the Communists, or that they were outside agitators, or—
- Tussman: Some of them thought they were. I remember I knew some guys who kept talking about “the movement,” and what “the movement” is doing, and they were a couple of Irish boys. I thought, they must have thought they were in Ireland and this was “the movement” was doing something, and that they were in touch with it. And this was more than Berkeley. And it was certainly more than Berkeley, in a sense, because other campuses took it up—
- Rubens: Afterward.
- Tussman: Columbia, for example, notably. But they were second to us. We were the pioneers in that.
- Rubens: I was differentiating you from Scalapino in that sense.
- Tussman: Oh, well, see, Scalapino was politically active in ways that I wasn’t, and politically allied with very, maybe even high-ranking political figures who were glad to find on the tumultuous Berkeley scene some people who sympathized with the right, and it was hard to find them. So we were never really friends, close friends; we were acquaintances, we worked together on a number of things— And tenBroek—did you want—? We always worked together, but after our article, and although during the Oath thing we worked very closely together, during the Free Speech thing, like when I went to deliver my message to the Committee of 200, Chick was already there, more or less as a part of it. And I think he was considered more radical than I was. It surprises me; I never felt a bump as I changed directions or positions. I always regarded myself as radical. Even today, I find myself reverting to a radical position that I now don’t like the Democrats because they haven’t formulated an alternative to the global marketplace. I still think the marketplace conception of life is awful.
- Rubens: Yes, well, that’s the basis of your—
- Tussman: And I’ve written about that, and it’s an old theme of mine, and I still feel it with fervor.
- Rubens: Well, I think the terms became very obscuring—radical, conservative—it’s not really describing—
- Tussman: No. It was. It was—activist was the thing, and how much of an activist were you. On the Oath thing, I was an activist. I never considered myself an activist in the Free Speech thing. But I was there, I was a chairman for a few years in the philosophy department, as I say I had this—

- Rubens: Well, and you had this meeting with Strong, and then that position that you took with Savio, and then the rally afterwards, that's very—
- Tussman: Yes, but I regard that as almost accidental. I was there as a chairman, of the steering committee of the chairmen who had engineered this deal which was supposed to be presented to the students, which we thought was pretty good, which may very well have been the basis of the settlement—
- Rubens: I think it was, yes.
- Tussman: Yes. And I thought that creating a tumult didn't get anything done. Not that I was opposed to tumult altogether, but—
- Rubens: Is there anything more that you think should be said about the Free Speech Movement, or should we move—?
- Tussman: Let me see if I've got anything down. [looking through papers] I don't have anything more to say about it. My feeling about is that unlike the Oath fight, in which I would consider myself a strong activist, in this, I was involved just by circumstances. And although I—I think it's only my old friends from the Oath fight who found that I didn't join them in their utter support of the FSM, thought of me as a traitor, but most people didn't.
- Rubens: I don't know where else a voice is coming that you would be an enemy of the student movement. I mean, maybe—I don't see that in the literature.
- Tussman: No, I don't think—I should distinguish when I said there were always some people who were more active opponents. Sherriffs, who was advisor to Strong at one point, was awful.
- Rubens: Oh, sure. Oh, and Hans Mark, and there was someone in chemistry, Pimentel—there were people who were—
- Tussman: Yes, but Pimentel—Sherriffs was an ideologue of a very active sort. Pimentel was a very prominent chemist, I knew him quite well. I used to play squash with him a lot, with him and Bob Connick, couple of guys. Bob Connick was one of the big guys in L&S, a chemist. But Pimentel may very well have been, but I'd be surprised, because I never thought of him as an ideologue, but just as a guy whose instincts and feelings would take him and—
- Rubens: But you think that Sherriffs was an ideologue?
- Tussman: Sherriffs was an ideologue. And regarded as the evil demon who was always urging more strict enforcement of the rules, clamp down. Who then eventually went off to become Reagan's educational advisor, and continue his [inaudible] work.

- Rubens: All right. Last person: Budd Cheit. Did you know Budd Cheit at the time?
- Tussman: Yes. Budd Cheit was the vice chancellor under Heyns. And he and Searle and Cole had an office in Dwinelle at the end of the corridor, and I was about the middle of the corridor with my philosophy office. And I knew Bob Cole from the law school, and I knew Searle quite well. And very often on my way to my office in the morning, I'd drop by. So they tolerated me, and I sat in on their discussions, What's going on, what are you guys doing, what's the problem. So I got the inside story, but—
- Rubens: Is this during the Free Speech Movement, or after?
- Tussman: Yes, during.
- Rubens: Okay. So had you known Budd Cheit before?
- Tussman: No. I didn't know Budd Cheit before. I met him when he was vice chancellor, and when Budd was taking a good deal of the heat for Kerr, because he was here to take all of the blows that were directed against somebody who was the nominal head of the administration. I had the highest regard for Budd, and always have, and he's a good friend even now—
- Rubens: Yes, apparently he became—and he was a good force behind getting your oral history legitimated.
- Tussman: Yes, yes. And I have lunch with him and a group almost every Friday. I admire him a good deal, he's a wonderful guy. But I got to know him then, and not very intimately, but I used to drop by. And that association with Searle, who was by that time regarded by many students as a turncoat who sold out for a handful of silver; one day he was the leading faculty defender of the students, the next day he was the leading enemy of the students—you know.
- Rubens: Was it that quick?
- Tussman: Oh, when Searle accepted the job, he accepted the job, and became a conscientious advisor to the chancellor, and in no sense anti-student, but his role required that he take the administrative position. And being anti-student at that time mostly meant a low level of tolerance for disorder, for when they'd interfere with classes, or when they'd blockade a building, or when—you know, things of this sort. And there are some poignant things going on. They were tear gassing. I remember one situation in the Free Speech Movement that struck me as characteristic. The National Guard had been called in to defend the campus, or the state, or whatever—
- Rubens: That was later, during the People's Park.

- Tussman: Yes, see, that's all merged—
- Rubens: It does for most people.
- Tussman: It all merges in my mind.
- Rubens: That's why I'm said the Free Speech Movement was actually very discrete in time, and then things become very—
- Tussman: But for me, it characterizes the whole thing.
- Rubens: I can see that, I can see that. And it's also the years of your program. I mean, it's exactly your program is going to be put into—coincides exactly with that disintegration, if you will, of civility and community. It's a different character.
- Tussman: Yes. But this one story, I think you might be interested: I remember they called in the guard, and they were—you looked at them, they had guns and bayonets, and they were nineteen-year-old country boys. They were kids who weren't smart enough to go from high school to college, and went from high school, and the guard called them up. So here were these bewildered nineteen, twenty-, twenty-one-year-old kids, standing with their bayonets, and being taunted by their peers who were lucky enough and rich enough to go to college. I remember one scene, there was all this confrontation going on, and then the Campanile rang noon, and all of the students went back to their fraternity and sorority houses and restaurants for lunch, and these poor kids went to the garage under the tennis courts and ate their cold K rations. And I thought, that contrast between the people, who were this national guard? They were just a bunch of young kids with guns who were doing what they're supposed to keep order, and there were these other people taunting them and jeering. And as I say, when lunch came, one went off to have a good lunch and the other ate their army K rations.
- Rubens: It's a good scene. It's a nice scene, yes.
- Tussman: I remember that. But as you can see, the subsequent unrest has in my mind merged with the Free Speech Movement.
- Rubens: Well, that's true of many people. And it merges with your program, so do you think we should now talk about it?
- Tussman: If you want to, yes. Now, about the program, my special problem now is, I wrote a book at the time, *The Experiment at Berkeley*. That went out of print, and at the time I did *The Beleaguered College*, I thought, well, why don't I shorten it, knock out some of the transient stuff, and republish the essence of that as an essay in this one. So it's there. Now, in the course of that, and the other essay I wrote on recollection, what is it called—

- Rubens: “Remembering Alexander Meiklejohn.”
- Tussman: And also looking back on the Free Speech Movement, what’s the first—
- Rubens: Government and teaching power?
- Tussman: No, what’s the first in the—
- Rubens: “Adventure in Educational Reform.”
- Tussman: That’s right. That’s in addition to the book there. That I’ve written so much about it, that I don’t feel that I should lay it out here. There are some of the problems, there are some of the questions that I’m quite willing—what sums up—but I—
- Rubens: I don’t think we need to describe it. Other than, what is not here is where the idea really originated. We have your assessment of the first two years of undergraduate being a wasteland, your notions about the importance of the liberal education, and the training ground for citizenship. But actually, when the idea gelled, I don’t see it in the literature.
- Tussman: No, it’s very—I don’t know, let me put it this way: as I think I told you at Wisconsin, I knew Meiklejohn and I was admitted to the secret—the office where the files were kept—
- Rubens: Sure, and I asked you why you spent so much time—
- Tussman: And I was fascinated by that, but that was mostly because of my devotion to Meiklejohn, and my feeling that he was absolutely heroic in his educational ideas and attempts. When I came back, when I had been at Syracuse, my experience was it was hopeless to try to so-called bridge the gap between—I was a flop at that, nothing happened. When I went to Wesleyan, I had some educational ideas, but quickly found that, as I said, a small place is inflexible, and it would be hopeless to do it there. Although later, when I was doing the program, the president, Butterfield, came to see me at Berkeley and he said, “Joe, why didn’t you do your program while you were working for me?” I gave some evasive answer, but it would have been hopeless.
- Anyway, I had the experimental program, college, at the back of my mind. I had not been in it. It was all a myth to me, and based on stuff I’d read, I was discontented with the state of undergraduate education. Lower division seemed to me absolutely pointless. And I found myself now, I had been reappointed, I was a full professor, step 2 or something. I was chairman—I don’t think I started out there a year past—I became chairman of the department. I had nothing to do for the next twenty years before retirement except teach philosophy and write books and enjoy the life of a Berkeley

professor, which seemed to me very good. Very low teaching load, lots of prestige.

And for some reason, the idea that I should do something about lower division education, which I really cared about, I thought these students were just—they were coming here, nobody cared about them. They weren't majors in the department, so the departments didn't care. They didn't care about you until you were a major.

Rubens: And that was your junior year.

Tussman: That was the junior year. So the first two years, you took a handful of requirements here and there—

Rubens: And you in fact were teaching students from the first two years, because you taught—

Tussman: Yes, I was teaching big philosophy course, freshman course. Which I enjoyed, but I thought, where would they go—they swim into my ken, they disappear, I never hear from them again except when I bump into somebody in a grocery line or something like that.

I don't remember ever concretely saying, I'm going to try to do it here. Although it must have been building up from my frustrations at Syracuse, from my frustration at Wesleyan, in which I was feeling I was just going through the motions, being a professor, teaching a course in a subject, and that that was sort of a betrayal of one's real function, to care about the development of minds entrusted to you for a significant period of time. And not to take a jab at you as they pass, Here is Philosophy I, and then you go on and take Geography 15—god knows what.

So it was beginning to form in my mind that I would try it here. There were several reasons that Berkeley seemed to me to be right. I wanted to try whatever I could. It was in my mind a new version of Meiklejohn's experimental college, but it turns out radically different. I wanted to do it in Berkeley, because it would have visibility, I thought other people could imitate it. And it could be imitated in the state, if it was authorized at Berkeley. I wanted to make sure it was sponsored by the university, officially sponsored by the College of Letters and Science. I think Muscatine had a misfortune—there was a committee on furthering experimental stuff, not part of L&S, so he was authorized by that. He was never able to get authorized by Letters and Science. I wanted to be a formal part of the College of Letters and Science. I wanted not to have to raise a penny of money. I thought, this has got to be financed by the university. It's got to be inexpensive, like if I had a six-to-one ratio, everybody could say, well, you know, anybody with a six-to-one ratio could do it. So I wanted a normal ratio. I took twenty-five to one,

which is more than the normal ratio, although for freshmen, that's—you know.

So I had these conditions, and I had an idea of, a pretty well-formed idea, that I felt all the time, about I wanted—well, let me put it this way. I wanted the first two years not to be a collection of miscellaneous courses but a way of life. A way of life in which students would come in for two years, they would be part of an intellectual community formed of their fellow students and faculty members who were going through with them, reading some of the great works—but it was not a Great Books program, I distinguished myself from Great Books. I'm very friendly with St. John's, I know them and had some —. But my idea was, it was a liberal education, I wanted a liberal education, and I had this sort of exotic notion that liberal education, like all education, was vocational. It wasn't just for the human being as a human being; that seemed to me hopelessly formalist. What do you do? Everything?

So I finally hit on, liberal education was essentially the education of the ruler. It was the education that all the smart English kids got at their private schools and everywhere, and ruled the world with. And it made sense to think of the object of this liberal education as fitting you both for the government of yourself, so to speak, and the government of others. That its objective was, its theme was political in a deep sense. So I wanted to initiate people into the great political life of Western civilization. It started with the Greeks—I used to think of it as Greeks, Jews, and Englishmen—and read these things because they were all relevant in some broad way to the function of governing.

And when you do that, you suddenly find that *Paradise Lost* is about government. A lot of the classic Greeks, Plato and Sophocles mostly they're dealing with government.

Rubens: It seems to me that there's a great continuity between the issues you were wrestling with in *Obligation of the Body Politic* and then translating it into the vision of the program.

Tussman: That's right.

Rubens: But I'm still, I'm going to push you just a moment to see if, does it sort of spring whole, then? I mean, your—

Tussman: It more or less sprang whole and formless, and it didn't come to a head until one day, shortly after I came back here, I may or may not have been chairman, either the first or second year, I called Clark Kerr and made an appointment to see him. And then I remember, when I went in to see him, first time since I came back, and I had understood that he would be—he had been very sympathetic to my returning and very reluctant to see me leave the first time. And we greeted each other, and he was busy and all that. I said, "Clark, what I want to do is try to start a branch, try to create Meiklejohn's experimental

college, a version of it, in the lower division at Berkeley.” And I still remember him leaning back and saying, “Ah, the revolution from below.” [laughter] I think I may have written about that.

Rubens: Yes, you did, yes.

Tussman: And he said, “I’m all for it.” I said, “The only reason I’m asking you now,” because he had no control over the campuses, “I just want to know that if I get through the hurdles of the committees, that I won’t find that there’s some objection at the highest level which nullifies my effort.” And he said, “No, there will not be. I’ll even support you if I can.”

Rubens: You meet with Clark Kerr, and there it is, sort of as a conception—

Tussman: Then what I tell him is, the only thing I tell him is, I want to start, try a version of Meiklejohn’s experimental college, which he knew about, on the Berkeley campus—

Rubens: And by the way, you didn’t talk to Meiklejohn about this.

Tussman: Ah. [sighs] Meiklejohn was still alive; he died before the program started. I think—yes, I told Meiklejohn that I was going to do this, and it was very interesting. I was very close to Meiklejohn, and he told me all sorts of things, about his dreams and that sort of thing. And I remember he just didn’t say a word. He never encouraged me, he never discouraged me. Whenever I talked—he never brought it up—whenever I talked about it, he listened and nodded. I thought after all that he thought correctly, probably, I said, What would I do if a student of mine in my program came up twenty years later and said, “Joe, I’m going to try your program somewhere”? I think—you know, I wasn’t up to Meiklejohn. I regard him as an extraordinary human being. I remember the trouble he had. And he must have had grave doubts.

Rubens: Well, you say that, and—

Tussman: I know. I never asked him, I never asked him, but—

Rubens: And you’re not giving me any evidence that he did have grave doubts or—

Tussman: No, no.

Rubens: But this is how you project or interpret—

Tussman: Yes. I knew that—on the other hand, I got—when I went to conferences in the East, and sometimes with Meiklejohn, a lot of people would tell me that Meiklejohn had spoken about me to other groups, talked about them. So I must have made a—I must have been held in esteem. And as I say, I was the

closest person to him in the last—apart from his wife—in the last dozen, ten years of his life.

Rubens: Did he die suddenly?

Tussman: He died at the age of ninety-three. He was sitting in the living room, he had a slight cold, as I still remember. He just, the doctor was with him, and his wife, and they said he took a deep breath and died. Typical Meiklejohn; no fuss, no bother.

Rubens: What do you mean, you weren't up to Meiklejohn? What do you mean by that?

Tussman: I didn't think I had the philosophical depth that he had. And I didn't know whether I had the administrative skill to do in-fighting, college in—to fight a system.

Rubens: It seems as if you didn't have to fight too much in the beginning. I mean, Kerr is saying okay—

Tussman: Yes, but that didn't help one bit.

Rubens: You go to the Academic Senate and it seems to go through.

Tussman: Anyway, I had the sense that I was a student of Meiklejohn's and it was presumptuous of me to try that. Although I thought, Damn it, I—

Rubens: You had some kind of passion and you said: Damn it, I'm gonna do it.

Tussman: I want to do it. And by this time, I was reputed to be a very successful teacher. People liked my lectures and all of that. And—

Rubens: So you don't have conversations, it's not that there's a cohort—

Tussman: No.

Rubens: And another thing that's going on at the UC, I saw in Muscatine's oral history that there had been some all-campus conference on educational reform. This is in the summer of '64. You've got to have already conceived of your program, because it opens in the fall of '65.

Tussman: Yes. I think it was '65 to '69. There was a conference, as I remember, an all-university conference that was—

Rubens: At Davis.

Tussman: Or something. And I was asked to speak, and I told them about the troubles before the program had ever been approved. I remember saying, “And this committee wants this, and that committee, and none of this can be produced. I’ve been battling with committees, and I have all sorts of problems, and I don’t know whether I can pull it—whether it’s still viable.” And I remember Kerr came up to me and he said, “Joe, you’ve got to do it. You’ve got to do it.”

But I had not worked it out with a cohort. See, Muscatine had Charlie Sellers and Peter Scott, and they were a close— they worked it out together. And—

Rubens: Then the Free Speech Movement broke out. There was the—Berkeley educational committee; that is not its exact name

Tussman: Yes, they had all sorts of committees—I thought of this completely independent of the Free Speech Movement. Its genesis was in—although lots of people, they have all sorts of—some of them think my program was called Strawberry College—They confused it with Muscatine’s.

Rubens: It was also known as the Tussman program, which is not what you wanted it to be known as.

Tussman: No, but I—you know. I didn’t want it to be “The Experimental College,” because I think Meiklejohn said at one point when I was talking about doing it, he said, “Well, don’t call it The Experimental College,” and I didn’t, it was called experimental program. But I found that there was a budget line for it under experimental collegiate program, and I couldn’t get them to change it.

And there was one major difference between—first of all, there were no formal educational committees to encourage educational experiments, and in the end, I came to think, Thank God, because it’s only another obstacle. I had none of these things. Some of it has slipped my mind. There were several meetings. One was a meeting at the College of Letters and Science where I presented the program, and they voted to authorize it. That was one. And I could only describe it in two pages. I was unwilling to sit down before the committee on courses that said, “Give us a syllabus for the first year.” I’m not going to do that; we hadn’t worked it out. I knew one thing that differentiated me from most experimental programs: the center of educational reform, for my mind, was the curriculum. Everything else didn’t matter. Big classes, little classes; this building, that building; whatever. No faculty seriously will touch the curriculum, because they have already worked out a *modus vivendi*, which is in our graduate program, we do what we want, and that’s a way of life. In the upper division, where we’re sort of introducing people to the discipline, well, that’s our discipline and we know what it is, so it’s got to be Econ I and Econ II and so on.

But in this lower division, nobody's in charge, the student hasn't decided he wants to be a scientist or this or that. No department is interested, except by rating it, like illegitimately having prerequisites which dip into the first two years, in the case of sciences, take up almost a year of the first two years. So I wanted to salvage it, and it meant a curriculum, and for me, a curriculum meant a required curriculum. I had had enough at everyplace in the East that was doing it, and they were all doing it now, in which it's student-directed education. They don't have a curriculum. You take what you want.

One of my Berkeley friends on the faculty who was a dean and then became dean of Brown, I met him at a coffee shop six months ago and he told me what he was doing. I said, "What's Brown like? Because it used to—" He said it's non-requirement, and from my point of view, that's a waste of time. You're responsible for presenting the students with a coherent set of intellectual tasks, and not let them choose this, they want a little of this—This was not like—I differentiate it from—the ones that came—Columbia always had a one-year course, and it was a good course, and one of the great things in Columbia. That was started by some guy and continued by a committee. Minnesota had a humanities course. Notre Dame has a required sophomore course, which I went, I was called in to do it on. So there were a few examples, but nobody had a—St. John's had a four-year program. So I wanted a two-year program to take the first two years, I wanted to make it a way of life instead of a succession of discrete courses on different subjects—

Rubens: UC Santa Cruz had just recently opened, committed to creating small colleges—

Tussman: Santa Cruz is starting, they've got a couple of colleges. Hayes Smith was the chancellor or the dean or provost or whatever at the first college. I was invited down there frequently to talk to them. They started out with the idea of each college would have its own theme Residence. It would be a residential college and it had its own curricular theme, but they would also tap the resources of other colleges. Some would have chemists, some would not. But the original notion was, nobody could be hired at Santa Cruz unless he was hired first in a college. They didn't even have departments; they had boards of studies, they were so scared of departments. It very quickly developed that the boards of studies—like a history board of studies. So there'd be a guy in the first college. Then they'd need to hire another historian, because these historians wanted to have enough history taught so that they could have a major, and even they were yearning for graduate work, and you needed to hire history. So in that fight, gradually, the departments took precedent. You had to be hired by a department. That was the big thing. And then assigned to a college, or a college would have to say, Okay. They lost their distinctive character; they stopped giving even a required course for everybody in the college. That maybe remains in a very truncated form, and it's—

Rubens: But you're not—so my point is, though, this is almost *sui generis*. You're not meeting with people at Santa Cruz?

Tussman: Yes, it's beginning to develop—I think I was in some sense, there was a hint once that if I wanted a college, why didn't I—I think I may have talked to, who was the provost down there? Dean Henry. And at one point he said, maybe jokingly, "Joe, why don't you take over a college and do your thing here?" I didn't want to.

Rubens: Was that after the experimental program ended?

Tussman: Yes. It may have been even while it was going on, in the tail end of it. Because by that time, I was getting to be notorious, and I was known all over the place and was invited to give speeches—I was invited first to explain the program and defend the program, and a couple of places tried to start—one of the things I should discuss in connection with the program, although we haven't really gone into it very—is the offshoots. People tried to—as I say, my conviction was, unless you've got a common curriculum, don't bother me. Because that's all that matters. Students have got to be—a community is made by arguing about the same books. And if one professor can say, "You read this," and another can say, "You don't have to read that," somewhere the students are doing different things, it affects their morale, they become competitive in a way. Professors move out from the common thing. And it becomes a replica in a way of the ordinary elective system, and I was dead set against it.

But, I discovered that if you're dead set against it, you have to be a ruthless executor. You have to say no. You have to be willing—[sighs] And what happened in various places: my friend—a student—a fellow colleague of mine, two of them, who had taught in my program, had invited me down, were permanent at UBC, at British Columbia. They went back and with great skill and tenacity got the University of British Columbia to start this program, a version of it, called Arts I and Arts II, two-year programs. It was based on the same principles. And they were able to recruit a small enough group of four professors all the time to start a program every two years. They encouraged other people to start programs on different themes. They had some success.

In a short time, the second year was abolished; Arts I persists to this day as one of the more prestigious parts of the UBC, and students compete for admission to it. And it's basically the program in a little truncated form.

But, I had—I remember—this story is probably worth telling—my wife had a cousin who was a sociology professor, young professor at San Jose State. He was over to our house for a Thanksgiving or Christmas dinner, and I remember it was at the beginning of the program, and I spent the whole evening explaining the program. He was—. He went back to San Jose State

and said, "I'm going to try it here." I think I knew the president of San Jose State or something. I made one or two trips down there to help him. The fact that it was going at Berkeley did a lot of the work for him. He got permission to do it, he got his faculty, and in the short time I began to hear from him, some of the professors didn't want to do the reading that was required and went their own way. The students decided at some point that they were old enough to determine their own life, and they were darned if they'd read books other people told them to read. At the end of the semester, they took a vote on the reading list, whether they should do it, and it was a shambles, an utter shambles. But he then got a job after a while at Evergreen. Did I tell you this?

Rubens: No, but I know that Evergreen's program—

Tussman: Evergreen started—he started with enough ingenuity so that there was only a president, he hired this guy, who even designed some buildings to fit the program.

Rubens: What's his name?

Tussman: Cadwallader. Mervin Cadwallader. He went up to Evergreen, and got the architect to design units which were a half a dozen offices, some seminar rooms, a big assembly room, separate standing buildings for the program. And he started out that way.

Then, and I visited—but apparently, when I visited once or twice, I was looked at with great suspicion. I was not very welcome, except for Mervin Cadwallader. And I gradually sensed that it was slipping out of his control because suddenly a faculty member says, "I don't want to do this, I want to teach a course of my own." So Evergreen had to make room for that. Then everybody began teaching courses of their own.

Then they fired Mervin, who is now teaching somewhere, Oberlin—somewhere like that. So they got rid of him, and I knew hardly anybody, and I had no contact with it except hearing, "Yes, there's Evergreen."

Then I got a call about twenty or twenty-five years after they started, and it was from a woman who was running Evergreen. She said, "Professor Tussman, we're having our twentieth or twenty-fifth anniversaries. We regard you as our spiritual founder. We'd like to send a television crew down to take pictures of you while you're talking about education and about the program," or something of the sort, "and then we want you to come up here, and we're going to have our reunion and a big meeting about Evergreen and the program." Well, naturally, I was flattered; I said, "No, I won't pose for television." They said, "Do you mind if we hire an actor and he'll read the lines from your book?" I said, "I don't care." So they hired an actor, and they took shots of him reading from my book, who told me, "Oh, what great lines."

So I went up there, and I found, to my—it's a three-day conference, and hundreds of people—oh, hundreds, from all over the state of Washington but, I found that it had completely fallen apart. What they talked about community learning, which was their phrase, was if two people got together to teach a course, that was it. They could do it. So two women would get together and say, "We want to teach the oppression of women in the Western world," they'd do a course, and that would be it. And there were a collection of these courses, ad hoc courses. No curricular coherence, nothing at all.

So I remember—and I wasn't asked to speak, but there were a lot of big shots from Washington. I was—they broke up into smaller groups, and I was asked to speak to one of the groups they broke in—maybe about forty people. I had had about two days of this, and I hadn't said a word. They asked me what I thought, so I said, "Well, it's a funny experience. You think you start something, and when you come to see it realized, it's exactly the opposite of everything you wanted. It's a complete reversal, and, I said, I told them what it was supposed to be, "and now you're doing this. It's the most individualistic, ad hoc, fragmentary program. It has no curriculum." I held forth for about twenty minutes and then sat down. A couple of guys rushed up and said, "We've been here for three days or two days, and this is the only sensible remark we've—will you speak at the big meeting?" I said, "No." And they rushed off together. And at the big meeting, they had Department of Education people from Washington who gave grants and stuff like that. I sat there, and it was the usual pabulum about, "Oh, it's a great education, it's all cooperative, and..." Absolute empty remarks.

Then, after I came back here, I got a call from the woman who was running everything, and she said, "Ah, we heard from people in the group you spoke to, and isn't it possible that we're now in the earlier phases of achieving your ambition, and that we now can move on to phase two in which we consider a curriculum?" I said, "Sure, sure." That's the last I heard.

Rubens: Let me change the tape now, while we take—

Tussman: But—and I had several other adventures with—well, you can—

Audiofile 10

Tussman: So if I ran—the things I take from it is that, I'll tell you why we failed, but the common curriculum is the heart of the matter. The faculty doesn't like to talk about curricula, because we have reached a modus in which a person teaches his own course. If you're good, you're hired for this. You develop this, you do it at the upper division, you do it in seminars, your life is spent pursuing this subject about which you know more than anybody in the world, if it's a good university.

The notion that you would have ideas about education outside your field is—just doesn't go. They don't, generally, they don't know, they don't care about anything, and they don't have any conception of what an educated mind is. What they contribute to the educational world is now a fashionable doctrine, and I think Muscatine had part of it: research. That if you get students as freshmen doing research, at the front line, blah-blah, it's interesting: that's what—and it's John Hopkins and a student at the end of a log. And the notion that they have, and it's a very respectable notion, but it's fatal to undergraduate education, is the notion of research.

Rubens: What does that mean, "student at the end of the log"? Oh, they're cutting themselves off?

Tussman: No, no, the old notion somebody said, "Education consists of Johns Hopkins at one end of a log and the student at the other end," maybe a teeter-totter or something. That's an old phrase, it's nothing I invented and it's not worth perpetuating.

But the—well, the curriculum—I'm repeating myself—curriculum was central, and then if you're going to have a central curriculum, you've got to have somebody to protect it. And the job of the administrator is to protect it. And protecting it means constantly protecting against all the plausible energies that go into breaking it up. Every student, I think I told the example of this, a student will come in and say, "I didn't want to read *The Iliad* when you assigned it, but I did, but now I want to spend the rest of my life reading things like *The Iliad*. I want to specialize in the saga." They'd be horrified; I'd say no. "But I'm interested in it." "I don't care what you're interested in: you're signed up, you're going to do what we tell you. You don't want to do something, you're not going to want to leave it for two weeks." Which turned out to be true. But I had to say no, and went around disgruntled—I thought education was following your interests, pursuing it, satisfying your curiosity. And I regard that as the big will o' the wisp. Curiosity is not an adequate motive. It pops in occasionally, but you've got to have some conception—as I said, my conception was the underlying deep political theme of the West, which is the transformation of brute power into legitimate authority. And that underlies every political struggle, whether it's articulated or not. And the great episodes, the Greek episode, the Hebrew episode, the European episode, the American—all great case studies in the attempt of politics to gather all of the resources of a culture—its literature, its poetry, its philosophy, its science—

Rubens: Well, that's what the program was.

Tussman: That's right. It's supposed to do that. But if you say you're going to achieve it by letting students do their own—follow their curiosity—and let professors follow their curiosity—

Rubens: Well, but you were very clear that's not what this program was.

- Tussman: Well, I was clear, I am, that was—
- Rubens: And the students applied, I mean, they knew what they were getting into—
- Tussman: Ah. They knew. I described it in some way. It meant nothing. They didn't understand it. Especially in the first program—
- Rubens: Well, you say, the first program was very difficult, the faculty didn't quite cohere.
- Tussman: Well, the first program was just, the idea was, just almost destroyed, and I might as well mention, because you have the teaching assistants.
- Rubens: You said, in your words, the first run, traumas, the second run triumphs, the most happy time of your entire academic career was the second triumphs.
- Tussman: Yes. Well, what you had to do was protect it. Now, the students, you'd think they'd know, but the fact is, they don't. See, when the teaching assistant would harangue them when they came in, about the revolution that's going on outside on the rest of the campus, and the movement, and taking over, the rejection of authority, and that means you should do what you want and follow your own instincts, and not the establishment's. He (Michael Rossman) would grab these students, I saw him for hours sitting there at the entrance, and I didn't know what to—I couldn't say to him: "Don't talk to students." [laughter] And I couldn't talk to the students, they didn't know me, and they were getting it, and he brought the revolution, unwittingly to a lot of students who otherwise would have been quite willing to enter the program. I had to fight with it constantly.
- Rubens: Was it in certain ways, that you were just sabotaged by time, the exigency of what transpired in the culture?
- Tussman: Yes. Well, but he was determined—I was giving a lecture while the program was on during that first two years at Boulder, Colorado, and I came in, and the night before—I came in the night before I was to meet at a conference. And the student newspaper had an article interviewing my T.A., Michael Rossman, as you know. He, and I read the article, and he said, "Well, educational reform is fundamental. You should let the faculty fight the battle to establish a reformed curriculum, and then you should learn how to take it over and divert it to your own purposes."
- Rubens: You know, Michael Rossman, of course, remained the thorn in the side of Muscatine as well.
- Tussman: Did he?
- Rubens: Oh, yes. Every—

- Tussman: Well, he was this very odd sort of bubbling, effervescent, fairly bright, and idiosyncratic, self-centered, and thought that it was his job to revolutionize—I don't think he was very intelligent about that. But he was able to subvert—
- Rubens: Was that what undermined the first year?
- Tussman: Yes, it destroyed the morale. Other students had to solidify against it. I remember at one of our lectures, one young woman absolutely almost in tears, shouting, "Why can't you shut up and show a little respect for the poor teachers who are on the platform!" She just couldn't stand it. And a number of people quit, they couldn't take the turmoil. And a lot of the guys who followed him have now become my fastest friends. Even at this time, one of the kids in the first program calls me up every time he comes to town, he's going to move to town. We go and have a nice Sunday breakfast together, we talk about everything in the world, and he's decided to become a high school teacher. And he was a talented writer and television guy, and there are a number of people who, my best friends are some of the people, even those who fought me tooth and nail. And they sort of have come around.
- Rubens: But you know, the whole tenor of Catherine Trow's book, *Habits of Mind*, is really about what a success it was for students. I mean, certainly there's an occasional student who criticizes, but to the majority, really, it is about the habits of mind.
- Tussman: That's right. I think from the point of view of the students, especially the students when they weren't bedeviled by faculty opposition to each other, got the best education in the country. It was really wonderful. First of all, the faculty got the best education, because we all read all the stuff and discussed it with them. It was wonderful. For the students, they know it was wonderful, and I remember even at the worst of times, when we had individual tutorials, at least a half hour with each student on a paper, I remember one girl telling me, without prompt: "We wouldn't miss our private tutorials for the world. We're getting topnotch professional attention to something we've written ourselves on a one-on-one basis, and it's never happened in our whole life." Where do you get somebody to say—and to do it from the point of view of saying, "Yes, this is interesting. Well, why did you say this? Try saying it again another way."
- Rubens: By the second year, you didn't have teaching assistants. The three years hence, it would be only professors.
- Tussman: That's right. Anyway, I think the education was good, and I don't want to—I think it was a great education. But the lessons are, you need to have a common curriculum, which everybody shies away from; you need, if you have it, to have a tyrant who is willing to say no to faculty, who say, "I want to read this book instead," and you've got to say no. We're all reading the

same thing. Although, at the beginning, if we all decide to read a different book, that's the faculty decision. We have to decide what to do.

Rubens: I don't get a sense of how it really came to an end. At some point—because it seems that the faculty, for that first year, maybe there was some conflict; the second year you say you started having dinners regularly—

Tussman: I'll tell you how it came to an end. After the first two years, there was a real question, should it fold, because the faculty members from Berkeley had gone back to their departments, as they were supposed to; the few visitors I had went back to their schools; and I was stuck alone with the house and with a rather bruising experience of it. And I decided I would do it again. I got permission to hire my own faculty, in effect. So I hired people who were colleagues in different universities who I had worked with and in some cases even been their graduate advisors, but who were now tenured professors of philosophy at reputable universities, like Harvey Mudd in southern California. And UBC, and I put together a faculty who understood, whose education I was familiar with, who were good friends of mine, and who had been in touch with me and knew about the program and knew my drama. And they came to Berkeley for a couple of years. I got them to come to Berkeley for a couple of years, and got the—

Rubens: So the second cycle was all visiting professors?

Tussman: Yes. And even then, I don't know if I told you, I made one mistake. I hired a guy, I remember he was a teacher at Wells College, right north of Cornell. It was like a Mills College in the old days, only richer—I visited him when I was at Syracuse a number of times, and I thought him to be a conscientious teacher, very elegant, triumphant father, his wife had polio, they had three children, she was in a wheelchair—he was a glorious husband and devoted father of a family, conscientious teacher, and he would just work himself to death. And I thought, He's a philosophy professor, why don't I invite him? So I sent him an invitation.

I got a letter back from him saying, "Thanks for the invitation, Joe, but I have just about finished writing my lectures, and I'll have nothing to do for the rest of my life except to read them, and I don't want to undertake anything new." So I sent him a letter and I said, "Okay, Ray, but let me tell you something: you're dead. I never thought I'd hear from you that you had written your lectures and you had nothing to do but read them. What is going on? Is that your conception of being a teacher? What you need is something radical to shake you up. But if you don't want to come, you don't want to come."

I get a letter back, "You have converted me, I'm coming!" So he took a two-year—by that time, he was beginning to have some doubts. He came here, and he immediately, I remember, violated all our rules. He didn't want to do what we did about writing. He came with the impression that we were a bunch of

journalists who were willing to talk for fifteen minutes in a forum, and then turn it over to student discussion. That we would do our little journalistic things, and at the end of every week, he would give Professor Jaffee's [?] *History of the World*, in his lecture. We disabused him of it very quickly. And he resented it. He thought we were all conservatives and we didn't believe in freedom, and he was an existentialist, and he violated—I remember once, our rule was, we read the books. Here's *The Iliad*, or here's Thucydides. There are 100 books on Thucydides and *The Iliad*. We don't want our student to read these books about *The Iliad*, which tell him what *The Iliad* is about, so that when they read *The Iliad*, if they ever do, they already know what it is. We want them to read *The Iliad*, themselves, for two weeks, and discuss it with their friends, and write papers on it, so that when they read an essay on *The Iliad*, they can say, "But he's wrong, because we've read *The Iliad*." We wanted purely primary sources.

Rubens: So this one guy was able to really sabotage—

Tussman: No, he didn't—the first time he got up, he gave a talk, with twenty allusions to books that they should read, by Sartre and this and that, and I sort of lost my temper. I gave him hell after that. I said, "What the hell are you doing? You know we don't do this. We don't recommend secondary sources. We focus on what they're reading, and we're reading it, and we're trying to get to the bottom of what we're reading." He was alienated, and for a year, he went through the motions, and at the end, he even—he wouldn't even come to our meetings. He wouldn't read each paper every week. He said, "I don't do it that way. I wait until the semester is over, then I have a meeting with one and talk about the problem of writing." I was stuck with him because I'd hired him for two years and couldn't get rid of him, so we carried him as a sort of dead weight.

The students were wonderful. They recognized that. Students are very bright, they recognized the alienation. And when it was their turn to be under his supervision, they were very gentle with him. They treated him with great respect and affection. It was almost as if it was their turn to have him as a patient. Because they recognized the deep-seated differences which were mostly, I don't know what they were, kind of superficial liberalism, people should do what they want.

Rubens: He was completely at odds.

Tussman: Completely. So even when we—in my judgment even then, it was no good—well, but the second time, I invited these people for two years. They all stayed for two years. We worked out, we altered the curriculum, and the arguments I got from them were absolutely fantastic. I mean, no kid gloves. I wasn't the boss. I was one of the guys, and not as smart as some of them. And, "Hey, you're nuts. Why should we read—let's read this one." And I would say,

“Yes, it’s better.” They knew—they were very good. I had colleagues who I didn’t have to convince about what we’ve got to do, the same thing.

Rubens: Do you have somewhere in your papers what that second-year curriculum was?

Tussman: I don’t think so.

Rubens: Because I haven’t found it, but—

Tussman: If it’s not in my book, the first one, Experiment at Berkeley, I don’t have it.

So anyway, it was a triumphant, and the students were very, very happy. There were always some students who didn’t fit in and wanted to be with—after all, they’re students at the rebellious stage. But it didn’t amount to a serious challenge to the nature of the enterprise, and we got through it.

And then the question was, What do I do now? Now, the university, the College of Letters and Science sent over an English department professor to evaluate our program as it worked for two years, because we had files of all these student papers. So he went through the folders and read the papers, and all I wanted from him was a recognition, a recommendation to the College of Letters and Science that it was a successful program in the sense that it satisfied all of the educational standards that we had, and—that the academic credit was well given, and that’s all I wanted from that academic approval, for a radically different program. It got credit for satisfying almost all the social science and humanities requirements, and all of this. So it was very nat—but the question is, “What do I do now?”

And we had a new chancellor. Chancellor Bowker came in. I didn’t know him at that time. He had appointed a new vice chancellor, I’m trying to think of his name. A big, tall, nice-looking guy from the forestry school. He came in, and one of the first things he did is he came to visit me and he said, “Joe, the chancellor wants to have you write up a small statement about your program, because he may be interested in continuing it.”

Rubens: This was after the L&S Review?

Tussman: Yes, after.

Rubens: Because I hadn’t heard how that review came out.

Tussman: Came out favorably. I never saw the paper, but I was told that it was a favorable ruling, that’s okay.

So I wrote a two-page something or other, what I proposed to do. I would have a program starting each year, instead of every two years, because I’d

have enough of a staff so that I could take 150 of each freshman class, and that one of the things we wanted to do was to establish this as an alternative program. We wanted to have a core of regular faculty, but invite visiting faculty from throughout the state who were interested, who could spend two years in the program, and go back and start it at their own. And, I said, the state of pedagogical or educational standards for college education is absolutely pathetic. There was no real discussion of teaching. I remember when we had to argue about whether to reduce the sections that we had students in from twelve to seven, because seven was better in so many different ways, and what happens in a group when it's got more than eight, and the student has the feeling he won't get the floor back, and it changes the nature of the discussion, and the discussion—you know, the technicalities about the size of a group, and what's a group leader supposed to do? Is he supposed to make himself, if he's skillful, by the end, irrelevant? The group can run its own—

Rubens: These are things you're discussing within the program?

Tussman: Yes. We had faculty meetings, we were discussing: "How does this work? How do you bring—what do you do about a paper? What kind of paper do you have? What do you do about a paper if you're not going to put a grade on it?"

Rubens: You had grades, though, didn't you?

Tussman: No. We had no grades for the entire program: pass/not pass. And we gave everybody who stayed in the program, we gave them a pass. And a couple of students quit because of that. I remember one girl, I think I wrote about it. Brilliant student, she would have been an A had we—but she was annoyed that a girl in her dorm didn't do hardly any work, went out on dates all the time, and she was getting a pass and this star girl was getting a pass. She didn't think it was fair, so she left.

Anyway, no, we didn't have grades, but the really interesting problem: what do you do about motivation when you don't have grades? Here were freshman students, nineteen years old, never—. You had to teach and talk in such a way that a student would be motivated to do his best even though he didn't have to. And I thought, for example, one of the techniques we used, they had to turn in their papers for two weeks on the Friday before, so that even though you had an individual conference scheduled for later, your paper had to be in Friday. We said, "You've got to type it, because I can't waste my time deciphering handwriting. You've got to type it. And you keep a copy. And at ten o'clock, if that's your appointment time, you show up at ten."

Knock at the door, shows up, I pull out my copy of his paper, he takes his copy. And there's five minutes of intense embarrassment. I'm reading the paper, and the student is saying, "Oh, Christ, why didn't I do a better job?"

He'll see that I'm bluffing. It was really superficial. I hate to have him think I'm this kind of a guy. I wouldn't say a word. I would talk about either the whole thing, or sometimes a half hour on the first paragraph, because they were doing some fundamental things that were, didn't make any sense. That could help them.

My favorite story at this point, and I regard it as my greatest teaching triumph, did I tell you about the comma?

Rubens: No.

Tussman: I had one student who wrote very long sentences, and in the middle of the sentence was a comma. And the second half of the sentence took back everything he had said in the first half. I couldn't cure him of it. He had this sort of cautious—I'd say—and he didn't even know he was doing it. So one day, I looked at the paper, and I said, "Look, what I want you to do is rewrite this paper. Bring it in to me, and I want you to do it on whatever you write your paper, but you may not use a comma. You may not use a comma." Four days later, I got a call at seven-thirty in the morning at home. "Are you coming to the campus today?" I said, "Yes." "What time?" I said, "Well, I'll be there by eight-thirty." He said, "I got to see you, I got to see you."

So I came at eight-thirty, and there he was. He says, "It's taken me four days. I've done it, I've done it!" And having to not write a comma meant that he had to write a sentence that stood on its own and that he couldn't take back. Now, if I had said, "C, write more clearly," it would have meant nothing to him. "Don't use a comma" meant something, and it affected his habit structure in ways that, I thought, were triumphant, that's what a teacher does. You pick one thing at a time, because you don't tell them, "You do this and this and this and this." Tell them one thing that you figure out will begin to remedy or force him to try to remedy something that he should remedy; and that's what a teacher does. See, you have to read them carefully, what is this student's mind up to, if he's got strengths, you tell him, "My god, this is good, you ought to—" you know. If he's got weaknesses, you say, "Well, you could..." And the motivation, the supplanting of grades as a motivation requires absolutely devoted work which makes them ashamed of not doing their best for you. And that's extremely difficult. And extremely demanding. A day of reading three or four papers with students—and I insisted to the faculty that we master the art of reading the papers only when the student is there, because I didn't want them to take papers home, waste their weekend, write comments on it that students don't know how to write, and then come in and have a conference with them. Too much time; we didn't have the time.

I said, "Look, it's not easy, it's a two-and-a-half, three-page double-spaced, typed paper, you're familiar with the material. When he comes in, take five or ten minutes and read it, and then you have to make a decision: Do I talk about the whole thing, do I talk about the first sentence, do I talk about this? That's

the decision you have to make, and that's the crucial decision that you get better at."

Anyway, I was fascinated with aspects of the art of pedagogy which you don't get any—write a term paper on so-and-so, and they do their superficial research that doesn't amount to anything, and now with computers, you have to worry about whether it's plagiarism and all of that stuff. And you put a—

Rubens: This was really critical thinking. I don't know that you used that term at the time, but—

Tussman: No. I don't know. I tend to think critical thinking is almost an oxymoron, or redundant, rather. Thinking is, thinking is—and critical isn't as I—you know, high school kids always think that critical means say something bad about it. And I think critical is appreciative, you understand it. And so anyway—and very many of the courses that are given in critical thinking are usually courses in fundamental basic fallacies, sort of logic, and they don't do much good.

Anyway, so here I was, what do I do, how am I going to get teachers—most of the guys who were visiting went back to Harvey Mudd with tenure, went back to UBC with tenure, were willing to do it again. I thought what I needed, if I were going to have two programs, is I need at least six FTE, three per program, and to the three core members, or two core members, you could hire or get transients. Sometimes you could get an older professor on the Berkeley campus if he didn't have to be involved in the traumas of creating a program, because he just wanted to do it. Sometimes you could go to other campuses where there were teachers who were dying to try it, because when I went around to other campuses, there were always people who wanted to do it. So I thought I needed six FTE, tenured FTE. And I thought, why not do one every year? So I wrote this proposal for these three things: to have it in existence so we'd learn to have it as a training ground for other faculty who wanted to expand it or do it in other ways, and even if possible to develop some kind of really high-class journal of pedagogic reflections on—and how do you lead a discussion, how do you deal with a paper.

So I sent a proposal, I got word from the vice chancellor, the new guy, he says, "Okay, the chancellor says okay, go ahead." So I said, "Fine, I'll go ahead, so I'll hold onto this building," which will do it, which was a funny little fraternity house, but we were used to it. And I said, "All I need is six FTE." He said, "Okay, I'll see about it." Didn't hear from him. I knew he couldn't get the FTE. First of all, no tenure slot was given to anybody outside of a department. We have never given a tenured—I thought university professors had university tenure. No, they have tenure in a department on a campus, but they're university professors and have other privileges. There is no—maybe things have changed in the last few years—but as long as I was there—tenure is in the department, nothing else. So I would have to have tenure given. I couldn't—look, take the two philosophers I knew, who were

tenured people at their own—I couldn't tell the philosophy department, "I want you to hire these people, because I say so, and they won't teach in the philosophy department, they'll teach in my program, but whenever they want to, they can fall back and teach philosophy." Nobody would accept that. We had a big fight earlier about something like that, and I knew the department, no department would accept it.

And as to giving the FTEs, you know, full-time positions, the departments were fighting to the death about them. And I had no solution to the problem. Every time I had a problem in the program, the one administrative thing I did right is, when you have a problem, never go to the dean or the vice chancellor or the chancellor unless you've got a solution to the problem. So I say, "Here's the problem, and here's the solution," and that never happened.

Rubens: And who were you directly under?

Tussman: I think nominally the dean of the College of Letters and Science. Although he was a wonderful guy, he never gave me any criticism. He's the only one as I can remember in that group that paid me a compliment, at the end of about three years or so, he said, "Joe, you ought to know that some of us admire your perseverance." That's the only—[laughs]. But I would always get, I never had trouble with the administration. I think I told you, when I wanted a budget, I went to the budget officer who was a friend of mine, I said, "Look, I don't know anything about budgets, and I don't want to learn. I'm going to hire these people, I need so many salaries. I need a secretary, I need office supplies, I need all this stuff. And I don't know how to get it, but you do, will you please get it for me?" And he said, "Yes."

Rubens: Did you have a secretary that was with you the whole time?

Tussman: I had a secretary assigned to me, but two of them left for other—one got married, one joined an ashram somewhere, and one stayed till the end. They were all very good; I hired them, they were young women. Very loyal, very skillful, who eked out my rough edges by soothing people. When they had an appointment with me, "Don't worry, his bark is worse than his bite," or whatever. But I depended on them. They were very intelligent, and I had a secretary all the time, and then there were all these supplies and things. Very little—the only—I made a big mistake the first time. We had somehow \$1,000 to make life better, and I mentioned it to the students, and they said: "We want a stereo." Innocent me, I said, "Okay, have a stereo." So they had a stereo, and it blared from the balcony. And if I'd say, "Isn't that loud?" some student would say, "What do you mean, loud?" It was—and it was blaring, and I didn't know what to do, because they bought it with the program money because it was part of their—.

And to my absolute delight, one day it was silent, and what happened, we had the meeting, and a girl stood up and said, "I'm sorry, but you know, we're not

supposed to, but there was a homeless person, and I told him he could spend the night in the program house, and I let him in. And he spent the night, and he stole the stereo, and I feel absolutely terrible about it, and I've got one in my own dorm room, and I'll bring it and replace it." So she replaced it, and it was shortly after stolen. I refrained from making the obvious comment that if you want music, you need an army, or a police force. So things like that—

Rubens: You mention in your book that the place was just a mess, and kids draped themselves all over, and there were some of those adolescent kind of—

Tussman: Especially for the first year, because they had—and the place was reeking with pot, and I was worried that—and I think I even said, "Look, if a policeman comes in, if an inspector comes by, they'll close us down." And I argued with my own staff, the good staff, I said, "I don't see why we should be breaking our necks trying to educate people, and we let them live on dope, which doesn't do anything for their mind." They were all—I said, "I want to say something about that dope." Nope, they were absolutely against me—this was my good faculty—they were absolutely against my raising the question—

Rubens: So it was never talked about publicly?

Tussman: Never talked about it publicly except that one announcement once that I said, "Look, I'm a little worried, because if the place is—they'll close us down." And I only said that to the second group, because they cared about the thing.

So what do I do? I had that building. I asked for six FTE, I had a feeling that they didn't have the administrative energy to invent a new mode of giving tenure. I couldn't solve it, and in the meantime, Muscatine in the background was proposing his college, which made the administration feel that even if I go under, or if I abolish mine, which was in some sense a standing reproach to them, because they would keep getting reports from students who were really very high on the program, and who had learned how to read and write. It was kind of astonishing. And Muscatine came along with a proposal that promised to have an experimental program, so they could meet with people in Sacramento and the press people who were interested in doing anything fresh about education. He was in the background. And he wasn't asking for FTE. It was based on completely different principles than mine. He was going to get a collection of professors who would give a course in the program, for the program, kids, and then the kids—there was no curriculum. It was the theory that you learn, you get an education by learning to do research from people who were good at research. This is a great research institution, all of our people are hired because they're researchers, not teachers; initiating you into the research in their field is what education is; we'll ask professors to do this, so you can invite some. You take their course, and that's it.

Rubens: So had his program—

Tussman: It hadn't yet existed, but it was—Being talked about, and it was on the dock. So I think that eased their mind. Eventually, I got notice, I called up this vice chancellor, I said, "What's happened?" I still remember his remark. He says, "I'm not going to give you—we can't give you a half a dozen FTEs to do what you want with." I didn't fight it. If I had had a solution to the tenure problem—and I had people who said, "Look, we'll come without it. Hell with tenure: we'll come, we'll move, we have family, we'll teach in the program. We'd rather teach in the program than have tenure anyway." And I said, "No, I will not hire you without giving you tenure, because I'm not going to be responsible for the fact that this faculty is capable of anything, including saying they need FTEs, and somebody has reported that a couple of the students are discontented and they should abolish this crazy thing—I'm not going to bring you here without—"

So I reluctantly accepted defeat on that, entirely because in my mind, entirely because I could not get tenure slots, and that was the only way it could work. I had already taught in it for four years, besides the year fighting it through the administration. I was pretty exhausted.

And I needed a sabbatical. I had foregone all that. I had given up being chairman after a year of it. But it was exhilarating and wonderful and utterly exhausting, and it ended not because anybody said it wasn't any good. That's why I was anxious to get Letters and Science approval for it. And not, as Muscatine had—I don't want to criticize the Muscatine program; I like Chuck, and he tried something, and I didn't think it made sense. As now one of the popular things in the educational world is freshmen should do research, initiate them into the life of a scholar. It's a long story, but I think that's exactly the wrong thing to do. That developing the habits of understanding and doing research in a particular subject are at the age of post-adolescence especially just radically different— And it's extremely hard to do, or to do right—

Rubens: I don't see anything in the literature that says, "It failed." There was no revolt.

Tussman: No, there was no revolt—

Rubens: It just came to an end over the issue of tenured staffing?

Tussman: Staffing. There could have been a lot—first of all, I—

Rubens: There was the claim—and I'm sorry I'm interrupting you—there also was the whole to-do over the Eldridge Cleaver course.

Tussman: Yes, student-initiated courses. So they got Eldridge Cleaver, and since it was a student-initiated course, nobody had to pass on the qualifications of the teacher, which in every other class that is taught by the university is taught by a teacher whose qualifications have been passed on in the course of hiring. So

here was somebody who was a kind of popular radical, rather rebellious, who's gone through some changes of mind, but who was giving a course, and the regents were extremely upset by it. It had nothing to do with me.

Rubens: No, I understand that, I'm just opening to another—

Tussman: But educational experiment—there were some guys doing some good stuff. There was a guy named Slotman, he's now dead, in the history department, who had had a kind of integrated program in history and literature for a small number of students. He was a friend of mine and a real, a great fan of mine, and he was very quiet and very diligent, and he had a decent program going for undergraduates. I never did get the details of it, but my sense is that there are people who were doing fairly good things, and occasionally, the university would try. For example, at one point they hired Lewis Feuer to come and create an integrated social science course for the first two years. Which other institutions have.

Rubens: He was a philosopher, Feuer.

Tussman: Yes, but a sort of a sociologist. Then after a couple of years, Feuer quit, they didn't want him to be a member of the philosophy department, and then we had a big fight about that. Or there was a fight about that, which he probably would have won. But—and I thought he was a competent philosopher and was in favor of his—he claimed that Clark Kerr gave him this offer, Come and teach the sociology—create the sociology—and when you want to, you can teach philosophy. And we had him teach one course, in Marxism or something, about which he wrote some books. So I thought there was no question about it, but there had been another case of that, and the department was up in a real, ready to fight, and it was my job to do the fighting.

Rubens: The issue was, to keep him out? The faculty was opposed?

Tussman: The philosophy department didn't want to have him in the philosophy department. And I remember going to, I was playing squash, and this guy who was I think then dean, this wonderful guy, Bob Connick, tall, chemist—we met at the squash—I said, “Bob, what do I do? The department's up in arms, we didn't offer him the job. Kerr made an unwarranted promise, but it's a promise, and the dean said I may have to keep it, and god, it's a tough one.” He said, “Well, don't do anything. Don't do anything. Give me two weeks.” So I didn't do anything, and within two weeks, his wife had gotten a very good offer from Toronto—Feuer's wife, and part of the deal was a package deal that they would also hire him. So he left without our having to take—Connick was the guy who arranged it. I don't think he did all the initiative, but he knew about the wife, and he figured that he could make a package deal of it. And it seemed to me typical of the way things get done. You meet a friend of yours at lunch, or at the squash court, and you have a quick discussion of it, and nothing is ever written down, and it works. Because faculty members at

some level have learned to trust each other. Without that, the community is just awful.

Rubens: So do you remember, then, getting this news, you're not going to get the FTE, and saying, That's it, I'm going to have to close—

Tussman: Yes. So I remember saying—I remember getting the news, and there was no big ceremony. I mean, I said, Well, that means I won't have to hire people for next year. At that time, who was the political scientist who founded the school of public policy? I know his name as well as I know my own. I'll think of it. Yes, he was a political scientist. Anyway, he came to see me when I was still having my office at the program, I remember that—He asked me if I'm going to keep the house for next year. And I had just gotten word that there would be no tenure slots, and by that time, I had thought about it for quite a while, that if I couldn't get tenure appointments, there was just no way I could keep it going. And I thought especially no way keeping it going as an experiment. We did it twice, it turned out, I think, to be good. A serious study that revealed its educational merits.

Rubens: That's certainly what *Habits of Mind* shows, the book by Katherine Trow, there's no question about it.

Tussman: Yes. She was the wife of Marty Trow. Marty Trow is a prominent sociologist still on the faculty, world-known. And she came—

Rubens: He ran the Center for Higher Ed for a while.

Tussman: He may have been the—he was connected with it—whether he ran it or not—he was a senior figure in it, and I would occasionally go to their lunch meetings or their meetings—

Rubens: Was he around during the time of your program?

Tussman: Yes, but he had nothing to do with it. But his wife came to one of those lectures I gave explaining the program. She asked if she could come and sit in and watch it, and she did for a while, and she said, "It's very—you know—do you mind if I study it? And I'm going to apply for a grant, and do you mind if I study it afterwards and interview students?" By this time, the thing was coming to an end, I think, or something. I said, "No, of course not." So she applied to this outfit in Washington—Center for the Improvement of, Study of, Improvement of Higher Education or something of this sort. And she got a grant, and then with great persistence and enterprise and understanding, interviewed, got ahold of these students, and interviewed them, and she loved the program, and she wrote this book for which I was extremely grateful—

Rubens: It's published in 1998. She stayed with it a long time, really stayed with—

Tussman: Yes. It was quite a labor, and I'm very grateful to it, because it's—I knew if I didn't get the tenure slots, it was impossible, so I told the political science guy that he could have the building.

The administration didn't pressure me at all. I had the building, I was alone in it, that there were no students. It was the end of the semester, there was no faculty. And they absolutely waited for my decision. They did not push me, they did not say—. And by this time, there were mixed feelings on the faculty. There was a lot of opposition originally because I had run a roughshod over some committees. Not illegally, but when the committee on courses said, "Unless you do a syllabus, we can't approve it," I read the bylaws and it said, "If the College of Letters and Science collectively approves an experimental program, that's good." Or, has the power to approve it. So I argued that if they had the power to approve it, that meant that if they approved it, it didn't have to go through the committees.

Anyway, I just wrote a two-paragraph letter to the committee on rules and jurisdiction, which was our supreme court, and I said, "I think I don't need their approval, I already have all the approval I need." And in a week, I got a letter from them saying, "You're right, you've got all the approval you need." But there were some people who originally thought I was going to be another of these do-their-own-thing, you know, of FSM, free speech, student-pandering as they put it. And they were kind of suspicious. And then as I think I mentioned, they began to get word seeping out that students had to read stuff they didn't want to read, and they had to write papers all the time, and they had this—and I think, as I may have mentioned, a lot of them thought I was running a boot camp. [laughter] But it was a discipline. And some of them, I remember Pimentel [George C. Pimentel] that you mentioned on that, he was a very prominent chemist, awards by Russia, everything—I mean, world chem—. And as I said, a squash-playing friend of mine, and when I wrote an interim report, that I think is included in, he said, "Joe, I would have voted against your program, I wouldn't believe in it, but when I read your report, I changed my mind, and if you want support, you'll have my support." And I got lots of people who came around, thinking that this isn't another one of these "students do whatever you want." It was a faculty-directed, serious enterprise, so lots of people who were suspicious of me, told me that they were in favor of the—

Rubens: Now, did the book serve as a final report? When did you think about writing the first book?

Tussman: Well, I wrote the book at Berkeley during the summer between, maybe between the third and fourth year. It was a summer project. And when it came to the end, I didn't do anything, but the only thing I wrote—

Rubens: It was published by Oxford in '69.

- Tussman: Yes, that's right. That's the earlier one. The first essay in this—, which was the "Experiment at Berkeley" was something I did, it's dated, I must have done it twenty years later—I decided I had to say something about it, because lots of people wanted to know what had happened to it and what I—it seemed to me looking back—. So I sat down and wrote that, and sent it to some education journal, I forget what it was—
- Rubens: You're talking about the venture in educational reform, the second one?
- Tussman: Yes, does it say on it?
- Rubens: I don't think so, let's see if it says here...
- Tussman: Well, some journal published it. And that was all I was going to do. And then at some point, I decided I'd put it, put these essays together, and that was my farewell to educational writing.
- Rubens: I wanted to ask if you felt that summer after—once you had passed it off, let's say, to the public policy program, did you feel depressed or—
- Tussman: No, no.
- Rubens: —sort of the time had come, you had accepted—
- Tussman: I felt a mixture. First, I felt guilty. I felt guilty for allowing it to come to an end. I felt that I had created it, it was a great idea, there—one, and that's a truncated version down to one year, and depending heavily on faculty. But Evergreen was a complete, from my point of view, a complete distortion of everything—
- I had one bad experience. An army buddy of mine, to my surprise, turned out to be the dean or the president of a two-year college, a regular two-year college, did I mention that?
- Rubens: No, but I had a reference in my research notes that you thought the program would be suitable for junior college?
- Tussman: Yes. So he called me up, he'd read about me, and he said, "Joe, I'm president of this place. Why don't you come down and talk about your program?"
- Rubens: Where was this?
- Tussman: Somewhere north of Los Angeles, I wish I could remember the name, but I can't remember it. Anyway, I met him, and it was kind of a nice army reunion. I think we had met even before officer training school. You know, once you're in the army and you live in barracks next to a guy for months,

you're kind of friends for life or enemies for life. And I hadn't seen him or heard from him but we were buddies.

So I addressed his faculty first, and I told them about the program. And at that time, I used to be pretty good at it. I was full of enthusiasm and explained it. And invariably, the faculty would light up, some of them. I'd say, "Look, the program doesn't require that everybody teaching freshmen teach this course—that would be hopeless. The only hope is it takes a cell of five or six faculty members who believe in the idea, in both the procedural thing and the curriculum thing, although on the curricular thing, there's leeway. I mean, you don't have to do my curriculum. And six faculty members here, you're doing more teaching," because in those places, they taught at least four courses. And it was my experience; when I used to go out lecturing at all sorts of places, don't underestimate undistinguished small colleges or anything. There's always a handful of people as smart as you are, not ambitious, not lucky, who love teaching and are doing an absolutely wonderful job. And in their leisure, they read the same things you read, only they're much smarter than you are. I had to remind myself of that all the time. So I had respect for these people stuck in small places instead of the big thing.

Well, so when I went away, I was told that a couple of the guys, I'd been suspicious, had formed a group of six, and they had a program at this college. But I was too busy to contact them then, and then one day on the radio, listening, they said there's been a scandal at such-and-such college in southern California. Students in an experimental program at this college complained that their curriculum consisted in part—not their whole curriculum—sitting in a dark room, everybody holding onto a chain, and groping along the chain until they could grope each other and become acquainted and share the same—and the regents of that thing had decided to abolish that program. I thought, Oh, for crying—yes, you take six faculty members and say—and they decided that reading was not the necessary feature of it, we'll do these touchy—god knows. I felt terrible. I never contacted the president again, and I thought, you really have to protect it. As I had to protect it here against these external kind of—

Rubens: So you didn't particularly initiate a program, but a community college would be the place for it?

Tussman: I thought it would be ideal for a community college. And see, what my hope is practically, that if I had this continuous program, I'd have two or three core guys, and then we'd have three or four people to recruit, and I was interested in recruiting the people who were interested, like when I went to junior colleges.

Rubens: They would be like feeders—

- Tussman: They could come, teach two years in the program, and then with the support they could get from the prestige of a Berkeley program at a junior college, it would be easy to do.
- Rubens: You know, for a brief while, there were—several community colleges in California that had the American cultures requirement. But they weren't able to sustain it.
- Tussman: Yes. Well, sustaining it with an individualistic collection of experts, in a university above all—You know, one of my themes has always been that the university has destroyed the college. And by that, I mean the graduate school has destroyed the lower division. They have no interest in it, don't care about it, and their only idea is research. So now you get a progressive educator, and I have heard of several of them. New presidents of colleges, whose great idea is, "We will do research from the word go. Freshmen—no reason why a freshman can't—" And, you know, I—
- Rubens: In the 1968 essay, you're reflecting on the perniciousness of individualism in American society, what was that pertaining to? And maybe this is it. Maybe this has to do with doing your own thing, do individual research—
- Tussman: Well, I don't remember that phrase. But I remember a phrase that I got in a letter from the great teacher at St. John's, Eva Braun. I had said, "The raging vanity of the charismatic teacher." That was the phrase I used. And she sent me a letter saying, "Everything is contained in that phrase." The character—the vanity—. And it was a problem with our first group—
- Rubens: But it sounds like you overcame it in the next—
- Tussman: Yes, in the second, more or less. It was all of the regular, except the one guy who never fitted in. You know, faculty members are used to shining. They're the stars of their own production, it's a one-man show, it—
- Rubens: That's why it could probably never become a whole college, but a program within a college—
- Tussman: That's right.
- Rubens: You actually wrote—"the program didn't fail but was not made permanent."
- Tussman: Yes. But my own sense is, as I was feeling, my own sense is one of personal failure. I feel very guilty, although I realized that the obstacles were greater than I could expect to overcome. Meiklejohn only could run his for five years, and he was destroyed by the faculty, who he wouldn't give—who didn't want more money to go to it, then they had hired, they didn't believe in it, it wasn't a course in a subject. It's incompatible with the way of life of research faculties. They would tolerate it as long as it didn't interfere with them, see. If

I took six faculty members who were willing to do it, who were competent, although they didn't see why they would do it, and students who were undergraduates and hadn't yet decided they would be majors in anything, wasn't hurting anybody. The faculty members could go on doing what they were—. British Columbia, a couple of years ago, I was invited up there because they had a new president, who has now left to become the president of something else. And she wanted to do a required freshman course, and she wanted it to be done on the principles of their [inaudible] and have everybody do it.

And I knew it wouldn't work. She was fortunately hired by another university to be president. You can't make faculty members in a good institution do what they don't believe in doing. A person can be a wonderful chemist, or history professor, or geographer, or classicist, but take a trained political scientist, he may not want to read *The Iliad* for that—or *Paradise Lost*. Although it was good for them. [laughs] Anyway, I felt guilty and still do.

Rubens: And did you—so the book comes out, basically the same year the program ends. Did that keep you going in educational reform circles? Did you—

Tussman: I found myself, whenever there was educational reform, I would look at it. I'd say, "What's their reform?" If it's some gimmick, if it doesn't deal with the curriculum, if it—it's not worth bothering with. I wrote them all off, and I wasn't wrong. I mean, all the trouble you get for—take what we adopted instead—now I'm talking out of school—Harvard had a freshman seminar program. At some point, after my program and after Muscatine's, I think, the university was nailed. What were we doing about experiments? And what were we doing about undergraduate education? And they came up with a freshman seminars. And we still have them. And I know a half a dozen faculty members, great retired emeritus professors—

Rubens: They're one-unit courses.

Tussman: One-unit courses on a pass-not pass basis. And they all were disappointed. I think one of the greatest anthropologists in the world, I don't recall his name, was here, and he offered to give one. He says, "I come in, the students are indifferent, they're ignorant. What am I going to do with anthropology? Give them a brief course in introductory anthropology?" The idea was they would benefit from front-line research. A constitutional law professor, three or four others, all disappointed in the freshman seminar. The only one that wasn't disappointed is Al Bowker himself, the retired chancellor, who got a freshman seminar in which was the theatre. He undertakes to take them to four or five local plays. He buys the tickets, he has them meet with the director or the staff, they go and watch the play in San Francisco or the Berkeley Rep [Repertory Theater], and get student priced tickets for them they all go, they enjoy the play—Bowker is still around and retired, and I have lunch with him more or less every week. No, so that was Bowker, and he's the only one, he's

getting—and this is wonderful. And it's a very nice thing. And Bowker, he's a great theatre buff.

But it's sort of on the cheap, they offer—retired professors get a letter, Do you want to teach a faculty seminar, they're very valuable, and I think they have some little stipend, maybe a couple of thousand dollars, two thousand. But amounts to a tip for a faculty member, a senior faculty member if he's—. So if you're going to do them, you do them for nothing. But there's no point to doing them if you're going to have to talk, teach people their ABC's or whatever.

So anyway, but it's a great cover. "We have freshman seminars." "What are you doing for the freshmen?" Well, a chance for freshmen to sit at the foot of a great professor and be introduced to basic research. It doesn't happen. So—

- Rubens: So did you begin teaching the next year, or did you take a sabbatical?
- Tussman: I took a sabbatical, because I think it was a sabbatical in which I wrote *Government of the Mind*—
- Rubens: Well, that—we should talk about what we'll do next time—
- Tussman: Oh, yes. It's late. Do you know, my—I think I'm getting—I find myself babbling and chattering—
- Rubens: I don't think you are babbling, not at all.. We need to turn to the Center for Democratic Studies—
- Tussman: Yes, and then we might want to talk about my books—
- Rubens: *Government of the Mind. Burden of Office*
- Tussman: And every one of those, I didn't think about it at the time or after, every one of those was something we taught in the program.
- Rubens: Why don't we talk about it next time? So we just have a sort of transition—
- Tussman: Whatever, whatever you want.
- Tussman: I said to myself, Look, I'm not going to do this oral history—I was feeling kind of low for all sorts of reasons, and I thought—I didn't feel like preparing. I didn't feel like writing it all down, but I thought you're very good at questioning, and keeping me going, and I'll just sort of seize the moment. So—
- Rubens: I think most of what we talked about is not written.

Tussman: And Clark Kerr was still alive when this came out, and I remember once I was sitting at the great hall of the Faculty Club, having lunch with a bunch of my buddies, and Clark walked by, and he stopped and said, "Joe, that's the best book on educational reform I've read in my whole life."

Rubens: That's a nice way to end this interview.

Interview 6: December 2, 2004
 Audiofile 11

Rubens: Today is December 2 already. The year has gone very quickly. There are these three or four areas to go into, and I'm not sure which makes most logical sense to you. You had mentioned at the end of the session last time that the essays in *The Burden of Office* in a way came out of your teaching.

Tussman: Yes, they all did.

Rubens: And so the question is, you published that in '89, so quite a bit later. You must have put it together as a book after you retired.

Tussman: Yes, because even as I wrote it, I was not conscious that I was writing things I had discussed in the program; they were just things I knew. And I started out not even thinking I had a book. I wrote the first essay, and then everybody liked it, and then I sat down and wrote the second, and then I wrote the third.

Rubens: What's very imaginative about it is that you take the voice of each character, and you narrate it as if it were an "I" voice.

Tussman: Yes. That's the one essay in there, about Lear, that I got a lot of criticism—people thought I was too hard on Cordelia and doing all of that stuff. But it seemed to me, maybe in a perverted mood, a fair interpretation. However, that's the one that was most questionable.

Rubens: Is that right? I think it makes more sense in the narrative that you left it. Okay. In following up the discussion two weeks ago on your program, I want to ask you some very specific questions.

You wrote in *The Beleaguered College*—you wrote it elsewhere also—that liberal education is the education for the life of action and decision, and in a certain sense, I think you felt that the liberal education that you envisioned in the program failed. But nevertheless, there was an extraordinary period of political action that took place on campus for basically the next fifteen years, and so I was wondering if you want to address the question of “the great context”—that's another one of your phrases; and to speak about the “first duty of higher education to produce citizens,” in light of some of the very big political movements that were taking place on the campus.

Tussman: Yes. I don't think I ever backtracked on the notion of the first—to open that—liberal education was, as I think of it, the education for the ruler. That it's the governing education, or the governing vocation. That was a reaction to the general, what I took to be vapid notions of liberal education, that liberal education was the education of the whole person and all of that. I thought that made no sense at all and didn't produce anything. So I most deliberately narrowed the formulation of the problem as not just for everything, but for the

life of ruling, including self-government, which was really one of the central themes. And that was, as I interpreted it, in our age and for a long time, essentially a political education, in the broader sense of political, as related to the polis and government, but not political in the sense of partisan.

So that was my original conception, and I kept with it throughout, and I haven't backtracked on that to this day. The only sense in which I may have expressed my sense of failure, it was never with respect to the nature of the program itself. It was only with respect to what I took to be my failure to keep it as a permanent institution. That's the only thing—

Rubens: Sure, that's a good correction. In other words, there would always be a sector of the university population that would be compelled by that kind of vision, of a classical, liberal education.

Tussman: Well, I didn't think of—I thought of it, first of all, that in a democracy in which the essential feature of it is that every person who's a subject is also a ruler, takes part in the political process, which is a kind of uniquely democratic notion, that if you're talking about universal education and universal politics, it's quite clear that universal education was necessary to prepare people for their very significant political role. So everybody had—not just the people who wanted it—I thought it ought to be a requirement for everybody, but I gave up on trying to make it one, because among other things, it was impossible for me to figure out how it could be taught properly, given the nature of current faculties.

Rubens: And the tide was going against you. It was much more towards individuated—

Tussman: Well, it's—there's an odd paradox there. Lots of people think that it was a reaction to, or even caused by, in response to the Free Speech and the turmoil—it wasn't. It was completely independent. And I kept feeling that what was going down in the program, except for the turmoil and the rebellion of the first program, was essentially disconnected from campus turmoil. I came to regard—I had a fairly low opinion of the Free Speech Movement, I guess to put it—I wasn't one of the rabid opposers—and it led to a kind of legitimization of partisanship, was one of the features of it. And that led in some ways to the destruction of the notion of the university as the stronghold of the attempt at objectivity. See, I always thought the university was supposed to be where all partisans are welcome, because we all participate in a common search for what's really the case. And that excessive partisanship destroyed it, and that I thought that the Free Speech Movement, as I saw it, advocated or in a sense brought partisanship into the ordinary life of the university.

Rubens: Well, it's succeeded, then, by the anti-war movement, by the fight over the Ethnic Studies program. There's the Third World strike, there's the big divestment from South Africa campaign, and I wanted to get to the American

cultures requirement. Because that is the only requirement that's ever been made by the University of every single student who graduates—But, that was after you retired..

Tussman: That's right.

Rubens: Well, we might get your reflections on it. But if you look at that sequence of political turmoil that wracked the campus, does it fit into that model of partisanship and—

Tussman: Well, that's really kind of a—that formulation is a rather late-emergent one. But as I was reflecting on what the effect of the Free Speech Movement has been on the campus, it does seem to me to be identified with an increasing legitimacy of just partisanship, raw partisanship, in which it became so routinely accepted that we even fell into the habit here of interfering with lectures that we didn't like. We had visitors here we drove off campus, because of the boos and discourtesy of the audience. We never used to do that.

Rubens: Are you thinking of someone in particular?

Tussman: Well, there was a woman who was one of our foreign policy people—the name was Mc—something

Rubens: McAlbright, much later?

Tussman: Well, I don't know whether it happened with respect to her, but it happened with respect to several people. And the notion was that, well, this was political, you could show your disapproval. In fact, the politics became very often a form of free expression, self-expression. This was self-indulgence, you had a good time, you felt good. You waved your arms, you assembled in a group. And you did what in my judgment students should never do, which was chant a slogan in unison. That seemed to me incompatible with being a student.

Rubens: Say something more about that.

Tussman: Well, students are supposed to think. They're supposed to have individual opinions. And for them to fall like sheep into a situation where somebody holds up a sign and they all chant in unison is a kind of denial of the existence of a mind.

Rubens: But what about some of the positions students were taking explicitly *vis-à-vis* the university, for instance in the anti-war movement, that the university shouldn't be developing nuclear weapons. In the divestment movement, that the campus shouldn't invest in—

Tussman: Well, we've had long fights about the military. I always regarded the military function of a society, like the medical function, as a necessary function, and that the university was at least as legitimately involved with furthering its military as it was its business or medical or any other function, and that unless you wanted to say it was an illegitimate function, the United States should not have weapons, and the way to do it is to destroy the weapons relation with the University of California—that made no sense to me, and still makes no sense to me. I always felt, and it may be because of my sentimental remembrance of my army life, that the military function was, whether you liked war or not, a necessary social function. And it wasn't going to be destroyed by a unilateral campus disarmament or something of this sort.

That's a complicated issue, but I didn't fall into the argument of—and I always found that the arguments for those who wanted to dissociate us from the lab, atomic stuff, was misplaced. I thought it was a sheer sentimentalism without any deep foundation. And that was the—the war in Vietnam I thought was a horror. I didn't think we should have gotten into it, I think drifting into it was that way—. I think the conduct of it was, as we now know, increasingly stupid, and we're trying now to reproduce it in some baffling ways. But I didn't take an active—and I didn't think the student opposition to the Vietnam War hastened the end of it. I thought in fact it created a backlash in which people who otherwise would have been opposed to it thought that they couldn't associate themselves with these student rebels. But I don't make a big point of that, and I wouldn't argue about it.

So I didn't think they were very effective. The Civil Rights Movement, which everybody was in favor of, was a little past its prime, and of course, all of us—all of my friends, anyway—were entirely in sympathy with the Civil Rights Movement.

Rubens: What about when the Third World Strike came, and then the movement to create the Ethnic Studies Department. Did you have any particular—

Tussman: I had no sympathy with it. I thought that the—as I think I would have had no sympathy—see, the original move was, abolish all requirements of the students. Freedom meant no requirements. Then they came back with the ethnic studies thing, and the American studies thing, apparently as the only requirement—I thought their judgment about removing requirements was no good, and I thought their judgment about requirements we should have was no good.

Rubens: Do you know when philosophy was abolished as a requirement?

Tussman: Well, it was required in a peculiar sense. When we had some breadth requirements, philosophy was, I think, lumped in with Latin and mathematics. A student had to take one of those three. And the choice obviously is Latin, you know, mathematics—so lots of people—and in those days, we had—I

don't know, we may have had up to 1,000 freshmen taking our introductory course. Every senior professor gave a section in which he lectured to between 250 and 400 people. When that requirement was dropped, philosophy went down. So it wasn't required in the sense that everybody had to take it—

Rubens: It was part of the “breadth requirements”?

Tussman: It was part of the cluster of requirements of which it was, in some sense, the most attractive. But I didn't—see, I still don't know what Ethnic Studies—there's a very muted academic judgment about them. I think if you scratch a regular professor somewhere, he'll think that they're inferior programs, taught out of ideological zeal, the essence of which could be easily handled in traditional departments, like you want the history of blacks or the history of the Indians, or the anthropology of them, or the sociology—that those ways of studying were superior to getting activists in and, in some sense, not necessarily, but with a tendency to express the frustrated instincts and the maybe justly indignant feelings of minority groups. But I was never very impressed with the quality of the education they offered.

Rubens: And I assume—you didn't have much dealing with the Ethnic Studies Department or—

Tussman: Well, I knew a couple of people, but I knew a couple—some of the great blacks I knew on the campus had nothing to with the ethnic studies program. One of them was one of the world's greatest statisticians—

Rubens: David Blackwell.

Tussman: Yes.

Rubens: You knew him?

Tussman: Yes, very, very interesting guy, very able. And Troy Duster. I don't think Troy had anything to do with ethnic studies program, although he may have, he was a little more political. He was in the sociology. And Russ Ellis—well, the ones I knew were regular faculty members, so far as I knew, and not especially identified with ethnic studies, which—

Rubens: How would it be that you knew Duster or Ellis? Just through the Academic Senate, or—?

Tussman: Yes. Life on campus, life on committees, life at the Faculty Club. You meet these guys, you talk to them once, you talk to them then. You find yourself together on some occasions, and you become, as you are with most academics—I don't know whether you'd call them close friends, but they're really good acquaintances. And you're absolutely at home with them, and—. Anyway, maybe—I confess it's possible I'm wrong. I don't think I am. I don't

think the ethnic studies movement has produced a university-level body of study.

Rubens: The American Cultures was an attempt to give some depth to the requirement. It had to be comparative; you couldn't study just one group, you had to study at least three groups, and it had to have an intellectual framework, and there was an effort to keep it outside of ethnic studies, as well.

Tussman: I don't know what—I remember talking to somebody about the three-culture requirement as being troublesome, because he said—he was very good at two cultures; he had to pick up a third one he didn't know anything about in order to meet the requirement and make it satisfy the course. But I never had any personal contact with it, and I never—

Rubens: In reflecting upon the political turmoil of that period, '69 let's say to '85 or so, you wrote later in *The Burden of Office*, "This is not an age disposed to celebrate the mystery of the very idea of office."

Tussman: That's right.

Rubens: There was a certain disrespect for authority, a questioning of authority—

Tussman: It was a distrust of offices and roles. I mean, the image was, why doesn't everybody take off their masks and meet us person to person? Why this authority? In some sense, why are you posing as a teacher or a professor, and here we're students, we're both human beings, interested in—why don't we just relate as persons?

I respect the notion of the role, or the office. I think society is a collection, in some sense, an organization of offices. Being a parent is a role or an office. Being a teacher, being a lawyer, being a doctor, being a governor—they're all roles. And the error, one of the tones of the student unrest was this distrust of the official, and the—it spilled over, too, I remember—but it's an ancient one. I remember an aunt of mine, long time dead, who never married—who married, but never went through a ceremony, because she didn't think it was necessary for a priest to mumble some phrases over her. So she never got married, and the result was when he got killed by an automobile, suddenly she had no claim to any survivor's benefits.

Marriage is an office, you don't need it. All offices are obstructions, bureaucratic, insincere, and underneath, there may still be a person, and the problem was to step out of the role and relate that way. It was a kind of, I thought, a very naïve view of life, which didn't understand the whole role of having a function.

Rubens: Interesting. Well, I think that's a good transition to your work with the Center for Democratic Studies, and then how your book *Government and the Mind* emerges.

Tussman: Okay. Well, I may have overstressed the importance—the Center for the Study of Democratic Institutions was started by Hutchins, who had been president of the University of Chicago and then moved over to a position in the Ford Foundation. At some point, they were a little disturbed by his radicalism, so they gave him a golden handshake. I think they gave him \$20 million to go off with a fund for something or other, Fund for the Republic, and start whatever he wanted with it.

Hutchins got from one of the Santa Barbara liberal millionaires a wonderful estate on the top of a hill overlooking the ocean at Santa Barbara, beautiful house, white, and then a whole lot of little subsidiary houses, offices. And he took it over to organize what he called the Center for the Study of Democratic Institutions. He originally got a dozen senior fellows, and they were people like John Courtney Murray, one of the leading Catholic theologians; Adolph Burleigh, one of the leading New Deal or early New Deal economists; I can't remember other—people at that level, of national fame. And they were supposed to come to Santa Barbara, and the fellows would engage in a continuing discourse about the great events or great problems of democratic society.

By the way, it was the one institution, to my knowledge, that Hutchins went in for without having Mortimer Adler there. As far as I knew, he and Mortimer Adler had been very close at Chicago, close in the Great Books movement, and this one, I don't know what their understanding was, but as far as I knew, Adler never had anything to do with that.

Well, so these people never showed up. Once in a year, maybe they showed up. So they each appointed a lieutenant or a young person, very bright, one of their protégés or something like that, who became the permanent fellows. So there were a dozen of these, and Hutchins then made a number of ad hoc appointments to very bright people. He wanted to set up an intellectual center, a serious intellectual center, outside the bounds of a university, without the commitments of the university. So he had established it there.

Now, one of the people who became closest to him, and through whom I got into it, was a guy named Scott Buchanan. Scott Buchanan was a very interesting guy, very imaginative, very original, very learned, very witty. He had been a friend of Meiklejohn's. In fact, I may have—did I tell you the story?

Rubens: I don't think so.

Tussman: When Meiklejohn was fired as president of Amherst, over his radicalism, Scott Buchanan was a student at Amherst. He came to Meiklejohn, and Meiklejohn told him, he said, “Well, now you have been Socrates; from now on, you have to be Plato.” [laughs] And he went.

Anyway, Scott Buchanan was from those days, a very good friend of Meiklejohn’s, and one of the original group that had—there was a Virginia group and a Chicago, and then they wanted to do this new curriculum. They had one meeting, and they found they couldn’t agree on anything. So Buchanan went off with a friend of his to—

Rubens: Was Buchanan of the order of Burleigh and—or was he one of the—

Tussman: He was one of the appointees. He was not one of these national—but he had revived St. John’s. He was the one who brought St. John’s to life.

Rubens: He was an educator.

Tussman: Oh, yes. And he wrote the first manual for the first year for St. John’s, and he told me later, he said, “I thought it was the first year’s manual. I didn’t realize it was going to become a bible.” Because the St. John’s people still, they more or less have canonized him.

He was one of the ones that—well, the routine there was, as I know it, at eleven o’clock, they all assemble. A bell rang, wonderful, monastic—everybody left their office or where and assembled at eleven prompt in the main dining room, which was a big, sort of square table at one end, Hutchins sat, and then people sat along this. And they discussed the topic of the day, which could be almost anything. It could be a paper that somebody had written that they sent out and everybody read, and then they talked about it. And at twelve-thirty, it came to an end, and a curtain was drawn, and there was a great buffet lunch, and everybody grabbed buffet and sat down and looked over the bay, and continued the argument for a while, and then people scattered and went to their offices or wherever.

The topics were very, as I say, desultory. What were they interested in? They’d have one or two on this, on that, and it became very helter-skelter. Without any real persistent themes. I went down there once, and I got—looked up Buchanan, who was there, and he introduced me to Hutchins—

Rubens: You knew this was there—

Tussman: Oh, I knew it was—

Rubens: You sought it out—

Tussman: Yes, yes. Because we went down to Santa Barbara, my wife and son and I, for a summer vacation, wanted a summer at the beach, as I've said earlier.

So I went to—and he introduced me to Hutchins, and I was invited, that whenever I was there, to come, they'd give me an office and I could take part in the seminar. There was no talk of payment, I guess—or any of that—it was just completely noncommercial. So I would go down there, and I went down there before I did my program, and I think before the army—quite early—and got to know them, and enjoyed it. And then years later, I came back and began going there every year for a period. Sometimes during the summer, I'd go down there, that was one of the attractions. And take part in the discussions. They were all very, as I say, scattered, and Hutchins himself had been the dean of the Yale law school, but he was appointed to the Yale law school when he wasn't a lawyer. His friends in the Yale faculty said, "You've got to be a lawyer," so they rushed him through law school while he was being dean.

He was very interested in law, and in constitutional law, as I was, and at one point, after we had all discussed some very hot constitutional issue, I suggested to him, I remember coming in in the morning—he always woke up and was at his desk by six o'clock in the morning. By ten o'clock, he had done a full day's work. I suggested that he ought to turn the center into an *amicus curiae* for the Supreme Court. I said, "The Supreme Court is always producing interesting arguments about important issues, and the only people who comment are lawyers, and law schools. You ought to turn this into an institution which takes these problems, does very serious objective studies, analysis of the court, to whom the court could actually look for help on these issues."

Rubens: That's a great idea.

Tussman: It was a great idea. Hutchins said, "That's a great idea, and I'd love to do it, but I don't think I can do it with the people I've got now." Because he had a scientist, a mathematician, a sociologist. But he really liked the idea, as I liked the idea. He never adopted it.

But I kept coming around whenever I could, conveniently, but not just—. Then when I had started the program here in Berkeley, one of the things Hutchins had told me was that as soon as he left the University of Chicago, they began to dismantle the unique college he had created for the undergraduates. He said, "They just took it apart." They couldn't wait until he left to take it apart.

So he was especially interested when he got wind of what I was trying to do up in Berkeley, and he felt like I was reliving or reminding him of a small-town version of his big-town anguish, in a sort of—yes, there was the committee, there was the faculty, there was this, there was that. So I felt after a while that when I was very badly bruised and needed a weekend or a couple

of days for relaxation and solace, I'd fly down to Santa Barbara and go there, and I'm immediately talk to him, and then he'd have me pour out my troubles to the group at eleven o'clock once or twice. And he was quite sympathetic, I appreciated it. He was ambivalent about it.

Rubens: Ambivalent about what?

Tussman: About the University of California. He was very much for my program, he was very supportive, but I told you, I think, the story of my asking for the encyclopedia, did I tell you? He still he the editorship of the Encyclopedia Britannica.

Rubens: But tell it again.

Tussman: Well, at one point when we were without very many books or stuff, and I was sending to publishers for books, I said, "How about sending us a copy of your new encyclopedia?" It was the new one that had been done by Adler. I remember him saying, "Joe, if you want a copy, I'll send it to you. But if you want something for the University of California, they can pretty well pay for that themselves." So he refused to send it to them. And I gathered that he was very—he said he had never been invited to give a speech at the University of California. When I later became department chairman, at one point I tried to, but he couldn't make it or something.

But he had this sort of odd—he was a maverick—. He presided over it; he was very attractive, he was very tall, handsome, well groomed, very articulate, and in a sense, he had read everything and heard everything. He was not an especially creative thinker, although he had some ideas about education. But he was very alert, very sharp, picked up everything very quickly. So he was a great chairman of the thing.

So apart from this sort of desultory relationship, which was very luxurious for me when I went down for a weekend, I'd either stay at the Biltmore or the San Ysidro Ranch, which were way beyond my level, and he would pick up the bill. And then one year, he decided or they decided to do a whole month on freedom of speech. Just on freedom of speech, which was a big civil liberties topic. And they invited Meiklejohn, who was not a regular of the Center. Meiklejohn, and they invited Harry Calvin, who was a bright star of the Chicago law school, very great civil libertarian, and two or three other people I can't remember, and me. I got invited to that. And in the course of—and we had—the topic was civil liberties or free speech, and by this time, it was pretty impossible to say anything new about free speech. Meiklejohn had written his book on free speech, they all knew it, and had discussed it before. Everybody was very sophisticated about the problem, because there was—that was the age of the Hollywood Ten and the Un-American Activities Committees, and did they have the right to make you tell who your associates were and all of that.

And I, in the meantime, had been working in my usual desultory way, I had an idea, kicked off by statements that I thought were absolutely foolish, the kind of—the guys and all say, “Government has to leave the mind completely alone. There must be a wall of separation between government and the mind.” It’s a very appealing slogan, in the—

Rubens: What does that mean?

Tussman: It’s hard to know what it means. It means a government should not have anything to do with shaping opinion, with trying to influence the mind, which was supposed to be free and uninfluenced by government. And that annoyed me, for obvious reasons, because first of all, it wasn’t true. I said, “What do you with that slogan if you’re a teacher in a public school? Are you supposed to leave the mind alone?” I mean, it raises all sorts of questions.

Rubens: Yes, that’s exactly what you say in the—

Tussman: And I even had the theory that, you know, it was quite obvious that free speech, which I was very fond of, and I still am, that everybody as a right—it’s interesting that it’s not in the Old Testament, it’s not in the New Testament, it’s not in the Koran, none of them have anything about free speech, not a single one. There is no statement that I know of in which God is quoted as saying, “And you shall have free speech.” It’s not an item in natural law theory, which I used to know quite a bit about, the so-called secular—that super-national thing. There is no form—the British had developed, without saying so, a system of—without an amendment—a system of free speech which goes back to at least the seventeenth century, when there was a fight between the king and Parliament, and could anybody be made to answer for what he said on the floor of the house—great free speech arguments.

But I thought—and I remember during the Free Speech Movement, I was utterly horrified by a faculty committee that had selected for a memorial to the free speech thing, have you ever seen it, on the plaza, there’s a little concrete square with an engraved thing, “The space in this circle, and everything above it to infinity, is out from under the jurisdiction of the United States and dedicated to free speech.”

And I thought this was stupid, because the only place in which free speech is something you have is under the Constitution of the United States. So I thought for a faculty committee to endorse that was just—you know, just beneath contempt. So I thought—

Rubens: Was that debated in the Academic Senate—

Tussman: No, no. There was a faculty committee, and they met, and they got a hundred suggestions, and of all of them, they picked this. And it’s, as I see it, a monumental permanent disgrace, although I’m not aware how many people

know that. But my feeling was that even freedom of speech, that is a whole conception of the forum as the institution where speech occurs, and political discussion, is itself created and sustained by government. There is no natural right to freedom—in the state of nature, if you can imagine one, if somebody says what you don't like, you kill them. There's no, I have a right to say this, whatever it is.

So I thought that even freedom of speech, and I held a whole chapter on government in the forum in there, which I talk about free speech, makes the point that government is essentially involved in the creation and maintenance of a system of freedom of speech. To say nothing of a system of education, and then I even branched out and done something with the politics of cognition, and maybe government and the arts—I've forgotten what I did there. But my motivation in doing it originally was just indignation at this notion that government must leave the mind alone, and that there was—it was like the separation of church and state, it was a domain of life that is the mental in which government had no role.

So I began nibbling away at the book for quite a while, and I had a lot of the material, and I volunteered to lay it out for the—before I'd written it—at the center. And Meiklejohn was there, and Calvin, and the whole gang, and Buchanan, and Hutchins. I took four days in which I just spoke extemporaneous from my notes, laying out the whole problems. It was well received, but I remember one nice guy, Ping Ferry [?], who's now dead, who was an economist, very lively guy. Very much for free speech. At the end of it, he said, "Joe, I didn't realize—I thought free speech was just free speech." [laughter] Didn't realize how complicated it was. So I got a chance to—

Rubens: When is this?

Tussman: Well, I must have done it in 1977. It must have been *Government in the Mind*, is it?

Rubens: Yes.

Tussman: That's right. I had a lot of notes, and I took a sabbatical, and my wife and I went to Maui. We had a condo right on the beach, and I wrote it while I was in Hawaii and sent it to Oxford, that had published in *The Body Politic*—

Rubens: And *Experiment at Berkeley*, in 1969

Tussman: That's right, while the program was just coming to an end—

So I send them this, and I didn't hear from them for a while, but I thought, That's normal. Then about a month or two later, Oxford, the agent came by, and he looked me up, because I was an Oxford author, and I said, "You've got a manuscript of mine in the house." He said, "What?" I said, "Well, I sent you

one from Hawaii.” He said, “Never heard of it.” So he immediately called his boss, Byron Hollingshead, who was the head of the Oxford Press, who was a good friend of mine, I used to play squash with him whenever he came to visit. They were horrified, and they called me back later and said a secretary had put it under a pile of her in-basket, and then moved to another desk, and they were apologetic, but they’d overlooked it, and he said he would read it real fast and personally, and a week later he called me up and said, “Okay, Joe, it’s right on, we’ll publish it right away.”

Rubens: They didn’t ask for any changes

Tussman: Oh, no. No. That was—they published it as written. They may have asked or taken for granted their permission to use the University of Chicago style manual, about when you use a semicolon or something like that, although I never knew—nothing like that. No, I never got a suggestion from them on anything, they just published it sort of cold. That’s right.

Rubens: And how was it received?

Tussman: Ah. [sighs] With great silence. I had a meeting, I was once called to be on one of these consulting boards that was called to Washington to approve of grants from various universities to some humanities division, and Bill [William John] Bennet, I don’t know if you know him, this sort of husky guy—

Rubens: I know who he is.

Tussman: He was head of the drug war. He had a government job, as the “drug czar.” And now has become more I think coarsened by public fame and discourse. He’s always talking, and he’s gotten cruder, I think, although he’s a Ph.D. in philosophy. But we had a breakfast together, he sought me out, and I told him I had this book just hot off the press, and he said, “Let me review it.” So I said, “Gladly.” So I sent him a copy, and never heard from him.

I got some reviews, but generally, people were very suspicious of it. They thought I was going to justify propaganda, and the shaping of the mind the way the Russians or the Soviets were doing it, or the way Hitler was doing it. You know, they were all scared of government’s influence on the mind. They want to take over the mind. And although I share that fear, I thought it was therefore necessary to develop a decent and reasonable theory of the relation of government to the mind, instead of just denying it and doing things blindly. Because whether you deny it or not, public schools, you know, you can’t say, “Come to public school, we promise to leave your mind alone.” Or, “we won’t shape your attitudes.”

Rubens: Well, that’s what I think is so interesting about it, is the teaching power inherent in government

- Tussman: Yes. Well, now, I must say, as far as I'm aware, I invented the notion of the tutelary or teaching power as an inherent power of government. There is nowhere in the academic, in the legal literature, teaching is considered part of the police power of the state, under the police power of the state, which it can do anything it wants for the public good. It's a misconception, that's the only term—and there is no—so I thought it would be a sensational contribution to constitutional theory, and I thought I wanted to give voice to the idea that teaching power, and its limits, and how it explains academic freedom. For example, nobody was able to explain academic freedom, except some extra privilege by which university professors, while we're on campus, can do or say anything they want, by some—
- Rubens: And you were arguing?
- Tussman: That government, that academic freedom is the separation of powers and due process applied to the teaching power. That is, the teaching power had to exercise due process in its internal affairs, and as a separate power, could not be intruded on improperly by the legislature or executive. And that states in an essence what academic freedom is.
- Rubens: Did Kerr respond to it?
- Tussman: Kerr responded—no, not then—I knew Kerr quite well by the end, and towards the end of his life, when I had written *The Beleaguered College* I sent him a copy. I may have told you this. And I was having lunch at the big round table in the Faculty Club where old-timers sat—this was my chair, that was Joe Hodges' chair—he came by and said, “Joe, I just read your book, it's the greatest book on education reform I've ever read.” And then he suddenly realized what he had said, and he looked around, and—[laughs]. So he liked that, and I don't know, but he never mentioned the teaching power. Nobody's mentioned the teaching power, and I think I told you that I asked my friend before he died, did I mention, Chick tenBroek, the guy I'd done the equal protection thing with?
- Rubens: Yes.
- Tussman: Did I mention that? He was dying of cancer.
- Rubens: You had proposed—
- Tussman: I had proposed doing—I went over to him at the Faculty Club one day and I said, “Chick, I've got a great idea. Why don't we do, if you've got time, an essay on the teaching power of the state?” And he said, “Gee, I'd love to, that's a great idea, but I'm not going to live long enough.” And he didn't. So it's one of the things that I'm fondest of, that it is a significant governmental power that goes unrecognized. You don't see very much about it. And although—and I've never seen a mention of it anywhere. And it's strange,

because the equal protection article I did with Chick tenBroek, somebody told me a few years ago that it was in the top ten in the all-time references in articles to that article, but not a mention ever of the teaching power. Which—. So that's my fate.

Anyway, I was proud of this chapter on the teaching power. In fact, I was so fond of it that I included it in *The Beleaguered College*, because it was an educational issue. I did get a reference to that in a review, a very favorable review of *The Beleaguered College* by Eva Braun, who was one of the great teachers at St. John's College in Annapolis, who—

Rubens: Who reviewed *Beleaguered*—

Tussman: She reviewed the whole thing, but then said, "Coming to the chapter on the teaching power, or the government and the teaching power," she said, "this is the deepest chapter in the book, but of course, Tussman's a professor of philosophy, so why not," or something like that, you know. Anyway, that was about the most favorable reference, almost the only one I've gotten.

So I'm very fond of the idea. I think the idea of the teaching power, and its limits, and what it empowers you to do, and it's still a message that needs to get through.

Rubens: It still centers around the ideas of citizenship and responsibility and—

Tussman: Sure. Well, but the teaching power even goes beyond that. I mean, the teaching power has this initiatory function, among others, initiating citizens into the functions, the political function which they have ex officio. I thought, Not everybody is going to be an engineer or a scientist or an astronomer or a doctor. But everyone is presumably going to be a voter, in the highest tribunal in the land. And you need education for that, as well as education for any other function. So I thought, you know, it ought to be assigned—and we used to do things like that. I think it's disappeared, but even in high school, they all used to have courses in the Constitution. Badly presented as they were.

But at any rate, the central theme that I now think about, there was the bringing of education, which is so obviously an activity that government is legitimately involved in, although I made a distinction between the hard view and the soft view. The soft view was that the government has a teaching power, but other institutions also, because I was very much aware of the Catholic claim that they had the power to teach derived from God. And although I don't accept that, I recognize that the softer view of the teaching power as a government function means that government can teach, but other institutions can also. And the hard view is that government has the ultimate teaching and supervisory power over anybody. In other words, if somebody wants to set up a private school and offer exemption from the public school if you go there, it has to meet government requirements, so that government kept

control. But I never argued the hard view, or long—and I don't know whether I should argue it or not, haven't made up my mind. One of the things I've delayed making up my mind about.

Rubens: Whose formulation is hard versus soft?

Tussman: Mine. The whole teaching power idea, or I sometimes called it the tutelary power, and I thought that would be a little fancier and maybe—but I generally opt for the simpler version, so I thought teaching power, because some people might have to look up tutelary.

So anyway, it was well received when I got through talking about it. It was quite well received at the Center, Hutchins' center, and he liked it. Scott Buchanan liked it.

Rubens: Were you invited to other colleges once it came out, to talk about it?

Tussman: I was—well, I was invited to other colleges mostly to talk about education as a result of the notoriety of my experimental program. So I don't think I was ever—and there were some places where I talked about it. For example, I was invited a number of times to Vancouver, where I had friends at the University of British Columbia, and into the Civil Liberties Association there. I would occasionally be invited to give a talk to the association. I think at one or two points, I may have trotted out the doctrine that freedom of speech had—it wasn't only a doctrine that should be pursued in the courts, that that was less important now, that freedom of speech—the real threat to good freedom of speech is the theory that we can lie, deceive, cheat, and spin. That is more destructive of the quality of discourse than limitation on what you can say. So I keep telling people, when I talk about free speech, the legal rights to free speech are so extensive that there are only marginal problems you have to work on still. But the real scandal of free speech is that we do nothing to safeguard the quality, and there are honored professions that make a living by deceiving people into buying things they don't want. And I thought, you have to be sick to do that. But that not to realize that the schools ought to protect you against that kind of communication, I think I once argued that there's communication between friends, between acquaintances, and between enemies. Between friends, would you deceive a friend? Would you try to corrupt him, make him do things he didn't believe in by tricky arguments? I said of course not. That would be—what does friendship mean?

And I thought that the relations between citizenship in discourse about public affairs ought to be based on the friendship model. And I still preach that wherever I go, as now. [laughs] That the real difficulty about free speech now is that we pay insufficient attention to the quality. We teach debate. And the last time I sat in on a debate, the technique was to talk so fast you couldn't understand it, because they wanted to make sure every point was covered so the judges could make a point, instead of saying, "There are twenty points

here,” the good debater picks out the three important ones, and ignores the others. So even in that, we do stupid things.

So anyway, the burden of my complaints now is when you look at campaigning. I used to tell my friends during the last elections that the Democrats at least, although they do it badly, believe in arguments, and the Republicans believe in advertising. And when you’re doing advertising, you never answer—somebody criticizes an ad, you don’t explain it, you just repeat it. And that was characteristic of this campaign, with the Democrats trying to argue and stuff like—.

I did the free speech, I did the government or the forum, in which my argument was that freedom of speech is not a natural right in any significant sense. It’s the creation of political order that guarantees you protection if you say things that people don’t like, for example, and that the providing of opportunities and protections was the essence of free speech, and this was a government creation, and if you go out into the jungle, there is no such thing.

Rubens: You’re using the forum to include the whole range of institutions and situations of public communication.

Tussman: Yes.

Rubens: It’s analogous, in a way, to how we speak of the market.

Tussman: Yes, anyway, I haven’t thought about *Government and the Mind* for quite a while. I was quite fond of it, and then I was quite disappointed. The people who did read it generally agreed with me, although some people who read it badly would say, “I’m surprised that you’re such a fascist, *Government and the Mind*, government should leave the mind alone.” Completely uncomprehending. But that was the fate of that. So—

Rubens: So you kept teaching your basic courses.

Tussman: I think at that time I was teaching political philosophy and philosophy of law.

Rubens: That’s right, and 128 was political philosophy.

Tussman: I don’t know, was it 111, 114, something—Anyway, I did the philosophy of the law a number of times.

Rubens: I have a note regarding *Government*: you take up the problem of awareness, of instrumentality.

Tussman: Oh, yes, the government and the attention problem, or something like that. Yes, I thought even that, the question of, what are we aware of, what are the institutions that are aware, make us—

- Rubens: Here's my point: that you talk about creating knowledge, or you actually say knowledge creating. And I thought that that was anticipatory of what's become so popular, the Foucauldian notion of structures of knowledge, that there are structures of knowledge through which we come to understand the world, be it social science or—
- Tussman: I would never say—did I say anything like that? If—
- Rubens: No, you don't, but you use the word "knowledge creating"—
- Tussman: Yes, but I—
- Rubens: And I wondered, in my mind, I thought that was anticipating—
- Tussman: No, I take a rather dim view of the notion that you have master structures. Of course, if you do something, after a while, it has a structure, and then having a structure may be something a teacher has in mind. But I am not very enamored of the mastery of structures, which is very formal, as far as I can see. I regard the development of knowledge and the practice as a question of developing a habit of doing certain things.
- Rubens: Yes, well, you say that—
- Tussman: Habit of inquiring, yes. And that the main thing in education is the creation of habits. So there's—
- Rubens: You have a chapter, that's called "Habits of the Mind", it is the title of—
- Tussman: Of the book that Catherine Trow wrote.
- Rubens: Yes, but it's from a quote from you about developing habits of critical thinking and—
- Tussman: Habits, yes—
- Rubens: I wasn't referring to having to master a structure of knowledge. I was referring to one of the deconstructionists' assessments of how our society is ordered, that is, through a body of knowledge, that is either the historical method, or the sociological imagination, for instance
- Tussman: Yes. I once referred to the map of the mind, in which, when two departments merge, as they do, or separate, as psychology is separated from philosophy, it slightly alters the map of the mind. I thought the map of the mind, was composed of the various disciplines, like natural science, physical science, humanities, and all of that.

- Rubens: As with the union of philosophy and political science, your original task when you went to Syracuse.
- Tussman: Yes, ah, but I have very little faith in formal attempts to do something by saying—and I don't know what's emerged from the whole interdisciplinary movement. We always used to have it, when an economist and a historian would get together to work on something. But then we always, they always want to make it possible for more things like that to happen, and we set up an administrative structure to do it, and it never does, or very seldom does.
- Rubens: Yes, it's very—well, as you encountered with the program, it's the—
- Tussman: Yes. Well, the big argument that we had, or the thing we did most drastically, is the abolition of courses, which was too radical—it was a great program. I want to emphasize that I am very sold on it, but as a way of life, I can't conceive of it as being run by people who are trained to do research at the graduate level.
- Rubens: I think that was absolutely clear.
- Rubens: I'm looking at some of the committees that you served on, and I had forgotten about this one: well, you were on the Committee on Committees, and there's a special committee on reorganization of the Senate, and a special committee on recognition of teaching. This was during the height of your program, so, boy, you must have been really scrambling—
- Tussman: Yes, I don't remember that, those special—the committees I did serve on for a long time, one was the committee on the—
- Rubens: Privilege and tenure.
- Tussman: Well, no, the ones—yes, I was on—I was chairman of the statewide privilege and tenure committee at one time, but the interesting committee was the protection of animal subjects—
- Rubens: Oh! I was going to ask you about that.
- Tussman: Yes, that was interesting. They always needed some non-scientist on it. It was a committee that met very regularly, and we had to approve of everything that involved animals. The slightest use of animals. The scientists, to my surprise—
- Rubens: This was not human subjects, this was the animals.
- Tussman: First; I did human subjects later. But this was animals, and it was fascinating to see that the scientists were much more aware of the misuse of animals than I was. There were things I didn't even imagine. I remember once, for

example, if you want an example, there was a big argument—not a big argument—but we insisted, when you took the experimental rats out and you were going to kill them, like you had to do, the rats became very nervous. You took one out, and it didn't—. And the committee insisted that you take the animal into another room and close the door, and you do not execute an animal in the presence of the others. Now, I would never have thought of that, but they were extremely sensitive to the use of or misuse of animals, and—

Rubens: When was this, about? Do you remember? Must have been a new committee.

Tussman: It's been a long-standing committee, it still exists. I was on it for about three years, or maybe even more, and I enjoyed it very much. And there were a bunch of—I don't know if they're still there—but spotted hyenas. There was an anthropologist who wanted to study the socialization of problems, because these were special hyenas whose mothers were dominant, and as a result of which, the kids, the cubs, almost always survived, because of the dominance of the mother, whereas in lion cubs, which we didn't have, nine out of the ten lion cubs get killed, mostly by their fathers or something, because the mothers aren't dominant. So they brought them here to study, and it developed, they had an enormous herd of them, sixty or seventy, up on the hill. And they used to have, I remember going up there, and they had these steel bells, you know. They'd cut off both ends, and a hyena would crawl in, and somebody would roll it down the hill. It was great.

Anyway, there were all sorts of things that—

Rubens: Was that one of the experiments? Is that—?

Tussman: Yes, but the experiment there was merely observation of the pattern of family and cub protection and all of that.

Rubens: Was this a college prank, rolling them down the hill?

Tussman: No, the professors and the keepers, because the hyenas liked it. It was a game for them. They crawled in there, and—[laughs] Anyway, but the great care exercised about the misuse of animals, and the committee was very troubled, but it was never able to do anything about what was really horrifying, these so-called [drays?] tests, I don't know the name, in which for the sake of cosmetics, eye things, you'd see how many applications of the stuff on an animal's eyes they could take before they died. And it seemed to me, the use of an animal to safeguard vanity in that way seemed to me just horrible, but it apparently had been a long fighting issue, and they were never able to resist at a higher level, the force of the cosmetics industry.

Rubens: I think now it's a big issue in advertising, for instance with cosmetics.

Tussman: Yes, So the committee was a very effective protector.

- Rubens: And how would you get on that committee?
- Tussman: I was just appointed, just out of the blue. They did want somebody who was not a scientist, and I filled that role. Then after about three years on that, I was transferred to the committee on the protection of human subjects.
- Rubens: I used to think there were more important priorities in our society than worrying about the treatment of animals, but it is a social indicator — attitudes regarding killing animals says something about beliefs in society, just the way you're mentioning about vanity—
- Tussman: It's very interesting, and in my recollection, the current generation maybe, to their great benefit or great—is much more aware of the problem of decency to animals than previous ones. And I think that's one of the nicer things that developed, that we are concerned about unnecessary—
- Rubens: But I think it's tied into larger issues, then, in terms of, you know, how meat is produced literally, whether it's leveling the rain forest, whether it's—
- Tussman: A couple of books are out recently that remind me of *The Jungle* by Upton Sinclair, where he did the first job on the meat-packing industry that turned everybody off meat for a while. That's a horrible thing, and a lot of the restaurants in Berkeley, as you know, no longer serve foie gras, the French thing, because it's cruelty to geese. So some of them do that. Anyway, I was involved with that, and it was quite educational, and I came to respect these scientists who knew more about it, and who, to my pleased surprise, were really more sensitive to and concerned about aspects of cruelty I was completely unaware of. So I got a lot of respect for them. And it was wonderful to inspect—we have facilities where we keep animals, and they're taken care of by young women, usually, they remind me of 4-H club types. Healthy students who came from farm—who in some sense go to watch them—and if there's a sick animal, they spot it immediately, and treat them. And it's a little paradoxical: they treat them because, as they say, we only want healthy animals to experiment on; otherwise, the experiment goes wrong. But nevertheless, they really cared for the animals.
- Rubens: There was some psychologist, I was thinking about your relationship with Tolman, but—oh, I don't know if I could pull up his name, but I know that he experimented with monkeys, and they were up on the fire trail, near the Lawrence Berkeley Lab.
- Tussman: I think it was a woman. I seem to remember her. But she was, I think, very careful. We had some psychologists in the physical education department that we always had to slap down for coming up with things that would unnecessarily hurt animals —they were testing for endurance on various diets—

Rubens: Oh, that is very interesting. And then you went from there to the—

Tussman: I went from there to the human subjects one, which also had a large number of faculty, no science—but then we found that our job was quite different. Obviously, we were not the medical school, so over at the San Francisco campus, they no doubt had more serious problems with using human beings for experiments, for study groups and stuff. We were mostly concerned, to a rather astonishing degree, with riding herd on graduate students in the social sciences who wanted to take shortcuts. Some of us, I remember when you complained about the social science, one of our great social scientists told me, he said, “What are you talking about? All social science is based on deception.” I didn’t believe it, but—

The case I remember was that somebody wanted to do some experiments on early sexual differences between boys and girls. So they wanted to put them in situations where they gave them male dolls to play with, with exaggerated sexual organs, female dolls, blocks, and a few other things, and they’d watch to see if the girls were different from the boys, in the development of what they did with their toys. And in recruiting them, they had to get the consent of the parents, to have this experiment with their kids to go to the—. And in order to do that, they told them that they were doing studies in the perception of school children. I remember, I exploded, and—

Rubens: They weren’t forthcoming—

Tussman: I said, “You need parental consent.” “Yes, but if we told them what we were doing, they wouldn’t consent.” Well, they might not. I thought, I can’t believe that we would authorize scientific activity on kids on which we approve of lying to parents! It was a touchy point, but that was the most serious. There were all sorts of problems: what do you do when you go to a foreign country to conduct a survey about something, and safeguard the local people from retribution by the political powers. Very delicate problems which were kind of interesting. But as a matter of fact, I found the animal thing more illuminating. So I did three years on that, and then left, feeling that those two committees were very interesting.

Rubens: Yes.

Tussman: When I was chairman of the statewide privilege and tenure committee, I’d have to fly from one campus to another whenever they had a problem that they were stumped on, wanted to know what the—privilege and tenure committee was in some sense the safeguard of academic freedom with respect to faculty discipline, and claims that you were fired for the wrong reason, or improperly denied tenure or something of this sort. But those were all familiar arguments, and whenever I’d go to a different campus, I’d have to tune into the local dope about who was the enemy of whom and all of that.

But I did my stint of faculty committees. The most important faculty committee of all, by far, is the so-called budget committee. The budget committee was a fairly high-powered committee that had to appoint subcommittees to pass on every hiring and every promotion and tenure and all of that, and I was never on that committee. I remember telling, there was some member of the committee on committees once said, “Would you like to be on the budget committee?” I said, “No, I’m too political. I’m known as too political. Even though I would try to be fair, I think anybody who comes before the budget committee for a promotion ought to have the assurance that he’s not being dealt with by a political figure with political views, even though he’s going to try to control himself.”

Rubens: What did you mean by political in that sense?

Tussman: Well, I was outspoken about things like, many people remember me for my opposition to the Oath. During the Free Speech Movement, although I—my activity was marginal, occasionally I’d be asked to get up and second a big motion or something like that, because I apparently was pretty well known by that time. So I thought that they would associate me with being a radical, or after they heard of my program that I was being a conservative, or god knows what. And I thought—first of all, I may not have been appointed. But I thought it was a good idea not to put somebody like me, who was politically noticeable, on a committee that would make somebody on the other political side nervous. Even though I thought, Well, I would try to be objective, but who knows?

Anyway, so that was the most important committee on the faculty, and I was never on it. I have great respect for that committee. And of course, I served on all sorts of ad hoc committees for—

Rubens: Yes. Oh, here—the Chancellor’s Committee on Biohazards. It’s an administrative committee, I guess.

Tussman: Yes, that’s right. That was a committee in the early days when DNA was coming in, and we had a big developed enterprise going there. I forgot about that. And I was on that for a while, and then it—I think the committee was dissolved when we organized the whole biology department and built new buildings for it and stuff.

But the last thing I was, I think, involved—at one point, I was on a committee that had to supervise something about the building that was built to bring all the animals together. Some were kept in the psychology department, some were kept here—and there was a feeling they would be better taken care of if there was a building they could all be housed in. So it’s one of the first buildings as you come to the campus, on the east side, and it’s mostly underground. Most people don’t know this. And that’s where all the animals are supposed to be kept, but it soon was outgrown, and there was one funny

episode. It was at the height of the turmoil, and people were sitting on the roof to protest animal rights—we were given the first draft that the engineers came up with, since most of it is underground. There were a bunch of very attractive funnels that stood about six feet high, at the top of which air was drawn into the lower things. The first time I was presented with that, some of us laughed. We said, “What are you talking about? This is the Berkeley campus. You know what would happen there. People would drop things down the funnel to drive them all out.” So they had to revise or do something about that.

Rubens: So Joe, where is this? There’s—below Tolman Hall?

Tussman: Yes. It’s below Tolman Hall. It’s sort of near the—what used to be called—it was built by Wurster, I don’t know. It’s that rather unattractive, square building on the corner.

Rubens: Wurster built it, really?

Tussman: It’s next to it. That was—I think designed by Bill Wurster, but not one of his great successes.

Rubens: I’ll look for it. To get back to your teaching, I found my notes that state mainly what you taught was Philosophy 2, and then 128, your political, and 118—

Tussman: 118 was the philosophy of law. Now, Philosophy 2 I enjoyed all the time, but by that time, the linking of philosophy as an alternative to math and Latin had disappeared, so the classes were smaller, and I taught it, sometimes with somebody else teaching another section, sometimes alone. But as I remember those, the classes were closer to 200 or 250. Pretty big. But then, by that time, when I was teaching the philosophy of law, I must say it was a rather unique course, which got very popular, and it got so popular that I had to teach it twice a year. And the last time I taught it, it had about 190 students in it. And I had no teaching assistants, because I didn’t have anybody in philosophy who knew enough law, in my judgment, to be it. And I had to read them all myself, and they were essay questions. I remember facing—I had to develop a—I said, “Look, this is a big class. Anyone who wants to see me during my office hours or appointment, I’ll be absolutely glad to see you. If you want to write anything about anything that comes up, I’ll be glad to read it. There will be no midterms. There’s going to be one exam, it’s going to be a book-closed exam, I’m going to ask essay questions, three or four essay questions. You’ll have to show you understand the stuff. It will be written here in blue books, and I will grade them. It’s going to kill two weeks of my life, but I’ll grade them, and I promise you, you’ll get within a half a grade of what you deserve. And if I’m ever in any doubt, I give the student the benefit of the doubt, and that’s the way the class is going.” I never got a complaint about it. Some students would come in and see me. When the exams came, I do exactly what I said—

Rubens: So you only did a final?

Tussman: That's right. I said, "It's all going to depend on the final. I'll give you a final exam in which I can tell exactly how much you understand and know about it, because if I ask you three or four, two or three or four essay questions, I can tell right away whether you understand what's going on, whether you've been there. I don't take attendance. You're supposed to come, and you're supposed to listen, and you're supposed to read what we read." Usually I gave them two or three Supreme Court cases and spent the whole semester analyzing them, and deploying or reaching the jurisprudential issues that were involved, without dipping into secondary jurisprudential literature, which I didn't like. The stuff written by lawyers to explain the law is almost always bad. They don't know how to do it, or they don't want to do it. I had the feeling that they don't want to initiate the layman into the mysteries of their faith, or something of that sort.

So I did Supreme Court cases with these, and most of them were headed for law school, or were going to go to law school.

Rubens: And were these contemporary cases, or some of them—well, they must have been classic cases also.

Tussman: Some were contemporary, some were old. On the whole, it was less contemporary than whether it was a case that had interesting and significant dissents in which you opposing the issue. So that exceeded the number of students I had in the freshman course, and it was a very original and unusual course, in my judgment.

Rubens: I wonder if you have any syllabi, any—did you not keep those?

Tussman: I never did anything like that. I told them, "Here's what we're going to read," and I may have, I've forgotten, if there were three or four cases, I would tell Kinko's or somebody to print them, and they could pick them up for a dollar or something like that. And my feeling always was—

Rubens: But you didn't type out a syllabus, so—?

Tussman: Oh, no. And I would never plan too much ahead. I was spontaneous—did I ever tell you about my tour de force about the no smoking sign?

Rubens: No!

Tussman: One day, I walked into the first meeting of a philosophy of law class, and it was an enormous class, filling an auditorium. I had something I was going to do, and I saw some guy smoking in the back, something like that. So I said, "Here's the no smoking sign. What is it? Is it a command? Does it say, Do not

smoke here? Does it describe the situation, as nobody smokes here, there is no smoking here?"

I went on like that. And it developed, I talked for three weeks about that no smoking sign. The guy who later taught constitutional law in the law school said it was the greatest teaching exercise he ever saw. Because I developed almost all the theories of, what is it? Is it a command? A command of whom? Do you have to obey it? What does obeying it mean? Is it not a command? Is it a description? Anyway, there's a whole lore about it in which I elaborated more and more. It was really very educational. But I never did that again. I always had some cases they were supposed to read, and engaged—tried to get them to focus on really what's the question, what's the problem, and how do you deal with it, and what's the answer? And here's an answer, why is this answer no good? It's rather fascinating.

Rubens: Did you keep pretty abreast of what the decisions were coming down?

Tussman: At that time, I had my own complete set of Supreme Court reports from year one, and I was a subscriber to the weekly list of—

Rubens: Judicial?

Tussman: Opinions—not the list of them, I got the opinions. So I kept up until a very long time, and then at one point, I looked at them and said, "I'm not interested in this stuff any more," so I gave my law set to one of the law faculty somewhere.

Rubens: Did you have any relationship with law faculty?

Tussman: I was personally friendly with quite a few of them. We had been on committees together, and ate meals together, and fought in political battles together, going back to the Oath fight.

Rubens: Heyman, for instance—

Tussman: Mike Heyman was one of them. Frank Newman was an old friend, who later became a California Supreme Court justice. Mike Smith, John Coombs, Sandy Kadish—a whole lot of them. I knew them very well. I was never asked to teach a course in the law school. I was always invited to the seminars and to faculty seminars with visitors. I still get the invitations to come to their galas. I used—

Rubens: Would you have wanted to teach in the law school?

Tussman: [pause] I don't think so. I would have had to teach constitutional law, which is very difficult, to lawyers. I thought that would be—I'd have to do things that I wasn't interested in doing, even in con law. And that, although I thought I

could teach con law as well as anybody, I didn't want to confine myself to people who wanted to be lawyers. I was much more interested in introducing people who weren't going to be lawyers into the habitual life of the legal world, and that I could do the others—. I was never asked to teach. I think I probably at some point, my feelings were hurt, but I got over that very quickly. Especially since the article that I wrote with tenBroek was probably the most famous article ever written by anybody at the—[laughs] So I was known all over by law schools, but I was never asked to teach here. Just as happy not to.

Rubens: Had you considered at one point writing something more about judicial decisions?

Tussman: Yes.

Rubens: You did those case books—

Tussman: Yes, but those were—but then I wrote, and I still have unpublished, what is one of my better things. As a result of my teaching law and the controversies over Bork and the nominations and whatever is going to happen, I thought the question of what is a judge supposed to do, which was my fundamental question in looking at it, in contrast, you remember I may have mentioned that Oliver Wendell Holmes gave a famous speech to law students in which he said, “The study of law is the study of prediction of the behavior of judges.” And that's been the dominant view: What's the judge going to do? And my law school friends, what's the judge going to do? Teach your students that. And I thought, that's rather stupid, because it doesn't tell a judge what he's supposed to do. What's a judge supposed to do? He's not supposed to study the behavior of judges. He has a decision to make. And the study of the law from the point of view of jurisprudence and all of that ought to do what I do in a number of my books: take the perspective of the agent. The question is not, how will he behave, but what should I do when I'm in the political role? So what is a judge supposed to do?

Rubens: Because Warren's the great example, isn't he, of—Eisenhower considered he would, based on his past decisions, not make the liberal kinds of decisions that characterized his court.

Tussman: Well, Warren was a very free-wheeling guy. He was not a judge by nature. I guess he had a legal background. He was a good governor, and went onto the court. A couple of friends of mine were his law clerks at one time or another. They knew him quite well, and they said he was quite political.

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Tussman: To finish up this other thing—I was more interested in the judge's problem than the lawyer's problem, and that wasn't being covered. In, what is a judge

supposed to do? That eventually came to a head on the question of judicial activism, which presumes that a judge is supposed to do something other than vote his political opinions. In other words, he's not supposed to just rule in terms of what he thinks is the right thing, he's supposed to enforce or something the law. But no one has a good description of what that process is, because it turns out it doesn't say what a judge should do. So I finally wrote a long article, it was about sixty double-spaced pages called "Judicial Activism and the Rule of Law" in which I tried to show that the so-called strict construction method is—doesn't work, why it won't work, and showed easily why it won't work. I didn't use any jurisprudential terms. I didn't refer to any legal theorists, I just gave crude examples that revealed the essence of the thing, like how were you supposed to do a strict interpretation of a situation if the government says something like, to give you an example. "Government may wage war and do whatever is necessary to win the war." Then there's another provision that says, "Government may not abridge the freedom of speech." Take that as a crude example. On the one hand, you can do anything necessary to win the war; on the other, you can't abridge freedom of speech.

What does a strict constructionist say if the government in war goes in for censorship. What does a strict constructionist—this one or this one? You have to do something about that. So what do you do, what does a strict interpretationist do in the face of contradictions, which are all over the place. Well, there is no such thing as a strict interpretation at that point, so saying, "Just enforce the Constitution" is quite meaningless at that point. There are two or three points like that where the notion of, Just do what the Constitution says doesn't work. And you can come up with examples that anybody would grant doesn't work, a liberal will have examples that he can't accept, a conservative will have examples he can't accept.

So I laid them out very simply, showed that strict construction, although I liked it and everybody else longs for it, wouldn't work, that semantic theory or linguistic theory wouldn't help, and I showed that that's the case, and that the only real problem was a political theory problem about what it was appropriate for various tribunals to do, like, Is this something a court should do? Is this something the president can do? Is this something a legislature can do? And that's the basic question about the judicial function, apart from ordinary interpretation, turns on something as questionable and controversial as the legal or political theory. And I demonstrated that so simply, that it's quite clear. I sent it to the ten leading law schools, and I got a curt "thanks very much, but sorry we can't—send us anything else you've got." I sent it to a rather well known, very well known philosopher who was closely related to law, and he wrote back and he said, "I agree with everything you say, only they won't publish it, one, because it's too well written, and two, because there are no footnotes."

Rubens:

Who was that?

- Tussman: I don't want to mention him, he's a prominent guy. Didn't I tell you? I sent it to a former sort of—a friend of mine who was teaching in British Columbia, who later, or even maybe at that time was the senior political advisor to Kim Campbell, who was the first prime minister of Canada, the woman.
- Rubens: Ok, but please continue.
- Tussman: Well, he liked it, and he showed it to her when she was justice minister, and I got invited to Ottawa to give a seminar on the paper to her legal staff, the top legal justice department stuff. And it was very successful, and they liked it a lot. And I still think, if a person's going to be appointed judge, you ought to take my article, ask them to comment on it, and it would indicate what kind of a—whether he knew what the judicial [inaudible].
- But I sent it to several other places. It's too long for an article, it's too short for a book. It's sort of leisurely; I suppose I could cut it down, but I'm psychologically unwilling to do it for some reason. So I have it among my "Academic Debris" and if that ever gets published, that would be in it. But now we're going to have more judicial appointments, it's going to come up again. The lawyers never illuminate the question. It's a question of what interpretation is, and the kinds of interpretation and why this and what about this, and they never want to talk about it, or don't talk about it intelligibly. So I complained to a lot of my law school friends that in the last—the controversy right here about Rose Bird and her confirmation as head of the California Supreme Court. Big controversy. I said, the law schools made not a single reasonable contribution to that discussion. And that's still my feeling . So, although I like lawyers, law professors, my son's a lawyer, although he doesn't like the law and gave up on it , the legal profession has not constituted itself an adequate guardian of the high value of justice , in my opinion.
- Rubens: Just help me get this a little more clearly. You're saying that there hasn't been a legal theory that says what the balance will be if there are two conflicting constitutional imperatives?
- Tussman: Not very much at that point, but to balance—and to say you have to balance is already to say it's not a question of enforcing the law. You're having to say which of two things is better. Which of two things is better is a political question, and for it to become a legal question is rather peculiar. See, better or worse, the legal question is supposed to be, Is something or other in conformity with the law? The legislature, the Constitution—it's a question of does the law cover this. That's what a court is supposed to do. It's difficult to do that, but whenever it says, we are now confronted with a problem of balancing this as against that, in my judgment, that's no longer a simple legal question. That's a political question, and that's why everybody's worried about it, because almost every time you can present yourself with a constitutional claim —we must respect civil liberties, we must win the war—both are high values central to the operation of our society. And this difficult

situation we are confronted with: what balance must be struck; what's a good idea; what's the best way to restrict speech and win the war?

That is classically a political question. So what competence does a court have to answer it? And yet, judicial activism has its—so-called—has its scope, whenever a question is reduced to a question of balancing, and that's a very easy thing to do, and whenever a judge does it and then goes and balances things slightly different way from the way the legislature has or the city council has, it's accused of activism or usurping the functional role of another branch of government. Now, it's a little more complicated than that, but that's a simple explanation.

And my analysis of my writing on judicial activism is I think it was very good. I haven't had it published. It's sort of long to read. It makes some demands on one's attention span. Although I write in a very vernacular, almost jaunty fashion.

Rubens: You do, yes.

Tussman: And I still don't know what to do with the article. Inevitably, the question of who should be appointed judge and what's a judge supposed to do is raised, and he's supposed to apply the law and not interpret it, or he's supposed to interpret it and not make it up, we'll hear those phrases again and again—So I'd like some analysis to become part of the public domain, and if I can think of a way of doing something with this article, I'm tempted to do so.

Rubens: Well, you may have occasion to show the article again in light of what's going to come up in the next year, because they'll have to replace Rehnquist, and who knows what—

Tussman: Well, they'll replace Rehnquist, but they probably won't replace him with anybody to the right of him.

Rubens: You don't think so?

Tussman: So it won't change the balance of the court. That appointment is a freebie. I mean, it'll happen, maybe he'll get a conservative replacement. But it won't make the court more conservative. So my article on that was something I did as an outgrowth of what I did in the philosophy of law course.

Rubens: The tape recorder has been making a terrible noise. I hope it hasn't annoyed you too much. To continue with your service at Cal, I see from your bio-bib that you were also chairman of the review of the Center for the Study of Higher Education. Do you remember this?

Tussman: I don't think so. I stayed away mostly from committees to do with higher education. If it was before my program, I think it was unlikely that I would be

appointed to it. If it was after my program, I think I would not have had patience for it.

Rubens: This was in 1972, after the program.

Tussman: Of course there is a Center for the Study of Higher Education. I'm not aware that I was ever chairman of a committee to review it. I used to attend it quite informally. They gave noon seminars, in which some educational talk would come up. I attended it quite often. I'm not aware of being on a committee to review it, although committee assignments are things I don't make a point of remembering...

Rubens: Ok. I'd like to ask you your reflections on a few chancellors. Michael Heyman, did you—

Tussman: I knew Heyman quite well.

Rubens: Did you have an opinion about him as a vice chancellor [1974-1980] or as chancellor [1980-1990]?

Tussman: I liked him very much, and I still have lunch with him almost every Friday, in a group. He's a very nice guy, and we had one fight. When the business school was rebuilt, you know, the new big business school—

Rubens: The Haas school, where the hospital used to be.

Tussman: In the big dining room, it's called BankAmerica Plaza, and it's also spelled "BankAmerica" Plaza. I looked at that, and I was on a committee for naming. There are some committees which old retired professors or some or others are appointed to, and it was our little amiable job, if somebody wanted to name a building something, or name a room something, they had to run it past our committee. So I looked at that, I said, "We didn't get that on our committee to pass on," because I thought there was a BankAmerica Plaza in San Francisco, and we had a rule, I thought, we never named anything after corporations. So I called Heyman. Our committee—it then turned out that our chairman, in order to save our work, just approved it by himself. And I got hold of several other members of the committee, and they were indignant, presumably, as I was.

But I was indignant enough to follow it up, and I actually called Mike Heyman, and he asked me to come to his office at some point. I think what I had done, I wrote a letter to the Chronicle or something, in which I protested the naming of a committee after a corporation in violation of a university regulation. I thought it blurs the distinction between donations to education and the purchasing of advertising space. And I said I thought it was an outrage, and since we were bypassed, I'm resigning from the committee, thank you.

Rubens: You wrote this to the—

Tussman: Papers. I think the *Daily Cal* reporter came, I think it appeared there, it appeared in the *Oakland Tribune*, several papers. And although I toned the letter down so that it was actually quite polite, although I said things like, “blurring the distinction between contributing to the university and advertising,” and I also refrained from commenting on the small amount the Bank of America gave after all these years, for which they got permission to do it.

So Mike asked me to come to visit. I came to visit him, he had his staff, and they argued with me fruitlessly, and it turned out that I wasn’t going to do anything more about it, I had written my letter, I had made my protest, and that was it.

At that time, he was still alive, there was a guy named Preble Stolz, who was one of Mike Heyman’s assistants. Very good lawyer. He had been Governor Brown’s assistant, Jerry Brown’s assistant in Sacramento. He was a very knowing guy, and I liked him a lot. We used to meet a lot for lunch. And I remember, I called him, I said, “Preble,” he was in Mike Heyman’s office, “Did you know about this BankAmerica Plaza, and also a Bank of America Room on the third floor?” And he said, “No.” When I talked to Mike, I said, he said there was going to be a little unassuming brown sign. I said, “Do you want to come and see?” He said, “Yes, I’ll come, I’ll bring my camera.”

So after lunch, we strolled over there, and there’s a big thing, and Preble was astonished, and took pictures of it. By that time, Mike had gone on to become the secretary of the Smithsonian, but he sent it to him. Never heard from Mike then, and I’ve never mentioned it back here. And it never interfered with our friendship.

The chancellor before Mike, let’s see, there was Martin Meyerson who came in during or just after the Free Speech thing, then there was Roger Heyns [1965-1971]. He was the first chancellor I knew fairly well, apart from Chancellor Strong, I guess. Heyns I liked a lot. He was very good, and very torn by this thing. He was a very decent guy, and he had a lot of things that had been done that he had no control over, and he reaped all of the bad fruit of that, the Free Speech episodes, and he was always—I remember him telling me once, he didn’t mind going to meetings, but there was some meeting of the Berkeley street people he had to go to, and he was a little upset when a fifteen-year-old kid said, “Roger baby, what are you gonna do about this?” [laughter] Stuff like that. I liked him a lot. I must have told you about the episode when I got a call from Wesleyan about his being a candidate for the presidency?

Rubens: No!

Tussman: Well, after—Roger then had had a heart attack and he was retiring, and I got a call from Wesleyan, student search committee. “We’re interested in Roger Heyns as a possible chancellor or president of Wesleyan,” I guess. “What’s he like?” And I said, “Oh, he’s a great guy, he’s a wonderful person, he’s full of—he’s got integrity, intelligence, he’s got an open mind,” I gave him the biggest compliments I could. They said, “Thank you.” The next day, I bumped into Roger on campus, and I said, “Roger, are you possibly interested in being president, going to Wesleyan, for a small—?” He said, “Not really, but occasionally, I’ve allowed myself to think of how nice it would be to take over a small college and take you and John Searle and a few other guys, and reconstruct the college according to our heart’s delight.” I think I made it clear that I couldn’t believe it, because the notion that a small college is more flexible than a large one, I think I’ve made that—

Rubens: You’ve made that point, but, yes.

Tussman: And to have the illusion that small was flexible, and that he could bring his staff with him, or somebody, and tell the faculty to stand aside while we remake it, was so unrealistic that I couldn’t believe it. But that was Roger. And then he left to, went to Stanford, the Center for the Study of Humanities. I very seldom saw him, and then he died not too long after that.

Rubens: You mentioned you have lunch with Al Bowker, who was chancellor 1971-1980.

Tussman: He’s one of our Friday group, and I do have lunch with him. And he did an oral history, did I tell you about? I read his oral history. And I said to him at lunch, “Al, I read your 260 page oral history. There was not a single mention of undergraduate education.” And he said, “I know that,” and he laughed.

Rubens: He was proud of that?

Tussman: Yes, he’s one of these guys who thought the university is essentially its graduate division: research, turning out experts and Ph.D.s. So that was Bowker. I had very little to do with him when he was chancellor; I knew him briefly. As I may have told him, and written it, as a new chancellor, he approved, he asked his new vice chancellor to tell me that he’d like it to continue, and I never appealed to him afterwards to override the decision about no tenure slots, because I couldn’t figure out how they could have tenure slots. So that last chancellor then was—

Rubens: Well Heyman and then Chang-Lin Tien.

Tussman: Then Tien came in, and I met him a couple of times. He did ask me to chair the committee that was to evaluate the law school and the—or the Earl Warren Center at the law school, or the Institute for Legal Research. So I did. We interviewed the law school—I thought that the center, not the law school

but the adjacent thing, whatever it's called, education or law and society center or something, I thought they were doing a fairly good job. They knew what they wanted.

Rubens: These were two different things: to evaluate the Earl Warren Center and—

Tussman: Yes, that was the law school thing.

Rubens: That's a law research program, Harry Scheiber runs it—he's an advisor to our oral history program.

Tussman: Scheiber. He's a former law dean, I think. He's a law professor.

Rubens: He's a law professor, yes.

Tussman: Yes, and I had nothing to do with him. In those days, he didn't run it and I think it was fairly new, and they appointed a criminal law guy from the University of Chicago, who told me when I interviewed him for this, you know, in connection with this, that he had been a student of mine years ago. I can't remember his name now, it will come to me. Anyway, what had happened is that they had appointed him—I have nothing against him or anything—they had appointed him as head of the Earl Warren Law Center, like it was a new outfit, and preempted our judgment about what it should be. My personal view was that the Boalt School of Law did very little about major jurisprudential questions. They had a lot of courses in things, but they were not famous, like Chicago is famous for its slant, its theoretical slant; Yale was famous for its special slant on— but Berkeley stood for nothing in the general legal theory field, although they have a few people teaching jurisprudence, and now maybe somebody teaching legal theory. And I thought it ought to be a center for the study of important jurisprudential and legal problems, and not just a post held by somebody who was in this case a criminal lawyer who wanted to do criminal law and threw in a few broad things that weren't serious.

But, he was appointed already, so I made a point of saying in our committee report, which the committee accepted, any judgments we could make about the Earl Warren Community Center had been preempted by the recent promotion, recent appointment, of the head of the center, so that nothing we would say at this point would be to the point, effective, or even appropriate. So that's the way we did the report.

Rubens: Would you just give me an example of what you mean, what a jurisprudential focus would be?

Tussman: Well, take the one that I am cranky about, and that's judicial activism. That's a major problem that runs through the legal world, something like that. In fact, if you look around, what is the problem that sticks out every time a judge is

now appointed, does he know what he's supposed to do? Do we know what he's supposed to do? Besides these two clichés of activist and literalist, neither of which is justified. But takes some analysis to deal with.

Anyway, so I reported that to Tien and heard nothing more of it. He was a very personable guy, very nice guy—

Rubens: And then the second evaluation was on another program that the law school had?

Tussman: Oh, it had to do with the law and society. That's not a law school program per se—well, it's associated with it, and then Phil Selznik of the sociology department, I think, created it with a number of people, like Shelly Messinger and a few others whose names I can't recall. [Jurisprudence and Social Policy Program] But guys I don't know, who wanted to do something with law and society, combining sociology with law, in a way that wasn't limited to lawyers. In fact, it was an alternative to law with a little broader education, stuff like that. And they still run a respectable enterprise there in which good faculty members teach non-lawyers or non-candidates, although it becomes very difficult to—

Rubens: Is it a graduate program?

Tussman: It also rides herd on an undergraduate program. So it runs a law and society course for undergraduates, or used to. And they're okay, I mean, they were doing good stuff. I wasn't impressed especially with the sociology of law.

Rubens: So you were part of a review committee that Tien had you—

Tussman: Yes, that was the same committee that had both of these things and we sort of gave a clean bill of health to the sociology thing, and said it was too late; we'd been called in too late to effectuate anything significant about this Earl Warren Legal Center. That was it.

And from time to time, I'd be on an ad hoc committee for somebody's promotion—

Rubens: Your biobib lists an ad hoc committee for the budget.

Tussman: Oh, well, yes. Ad hoc, they were, all the budget committees that they appointed were ad hoc committees for that particular candidate. And I was on, I think I was on a number of those, but I don't remember.

Rubens: In 1968 you were on the *Daily Cal* publications board.

Tussman: I think I once accepted the Cal publications board for a year. I don't know why they picked me; I would go to some meetings, and the editor, with a

number of students, and maybe another faculty member or two. I don't remember other faculty members. And I was irked by the attitude by the editor who would always saunter in late, as if he was the lord of a manor, and there was nothing I had a special urge to do, and they assigned a young lady to keep me happy. She always sat next to me, and if I was going to say something hostile, her presence was supposed to tone me down a bit. I don't remember any of the issues that came up. Then I guess I was on that committee.

Rubens: In July 1968 you write an article "The College Rite of Passage: Experiment and Innovation."

Tussman: Well, now, wait a minute. I think that's what became the first chapter in my book *Experiment at Berkeley*, yes.

Rubens: I see, so it began as an article.

Tussman: Yes, it began as an article, and I didn't know who to send it to, and then I decided to build a book around it.

Rubens: Okay. But it's published, in—*Experiment and Innovation*, some kind of journal. Volume II, number 1, July 1968.

Tussman: May have been some educational journal. Yes, now that I think of it, I may have published it as—but I never heard—

Rubens: I'm sorry, that was out of sequence. I think we're going to have to stop for today. Do you have any notes about things you want to talk about?

Tussman: No, no, no.

Rubens: All right. And then how does it look for next week? [discussion re schedule and process deleted]

Tussman: We didn't cover everything on your list here, did we?

Rubens: Well, we didn't do *The Burden of Office*, which I think we said we would do for next week anyway. And so reflections on the university—we reversed, we did committee work today, and so maybe publication of *The Beleaguered College*, and definitely the political questions you're concerned with in *The Burden of Office and Other Losers*. That's what I'm interested in.

Tussman: *Other Losers*, oh, yes, that's—I'm fond of that book.

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- Rubens: I wanted to begin by acknowledging your birthday, and also that for now, this is our last interview until you've had a chance to read the transcript, and to say that I have really have enjoyed talking to you.
- Tussman: Well, I'm glad, I have too.
- Rubens: I really want to talk about *The Burden of Office*.
- Tussman: Oh, yes, that's in some sense my favorite.
- Rubens: But I don't know if you have anything, you want to discuss?
- Tussman: No, I just tried to jot down things that you might—and I didn't get anywhere, because I—as a matter of fact, one of the things I did, and I didn't know whether today's the day to do it, I thought back over my intellectual life, and I came to the rather strange conclusion that there are two or three ideas that have run through my whole life. Maybe I'll tell you about them, if you want to.
- Rubens: Please do
- Tussman: Okay. We'll come back to the books. I don't know whether it's discouraging or amusing, but after a lifetime of thinking and brooding and teaching and writing, when I try to remember what it's all about, it comes down to two or three very simple themes that have run through everything, and if I start with the first book, which is *Obligation and the Body Politic*, what was original about it as far as I was concerned, apart from distinguishing, making an important distinction between the perspective of the agent and the perspective of the member—or the government and the citizen, which was crucial to me, the normative as against the descriptive, the conception of the citizen, then, as an official, ex officio, a member of the most superior tribunal for which he requires an education. That is, the citizen—I call it the office of the citizen. Now, the notion is, for that office, you need an education. And I, correctly or not, seized the notion that the essence of liberal education was education for the public office, the office of the citizen. And even in my first book, which was in the sixties or something—yes—I was very much aware of the degradation of the idea of the citizen into the idea of the customer. I considered that the corruption of the conception, the democratic conception of the forum, by the conception of the marketplace. That was a very early theme, that the marketplace is a parody and corruption, especially in the sense—let's see, like every public official, there's a distinction between your private interests and your public role. A citizen, when he's called on to vote, is not supposed to vote for what he wants as a person. The assumption is that every

citizen is capable of transcending his own partiality and special interest and vote for what he thinks is the public good.

And instead, we've reached the point where we regard our elected representative as our designated shoppers. We send them to Washington, and they're supposed to get what we want. It's an entirely different notion, because every other theory of government has the notion that the ruler is supposed to be concerned with the welfare of the community, apart from this. And so that was very early in my mind.

The conflict between the marketplace and the forum has been the theme in my whole life. I almost may have written about it everywhere. And it's dominated everything. Part of that, it's not unrelated to it, is my growing awareness of the significance of the phrase "man is a political animal," which we just sort of roll off and don't—for me, it means that man is a group animal; that is, he wouldn't exist except for a group. It takes two people to create you, to raise you, to save you from extinction, to teach you language, to create your mind—all of that stuff, so that as group animals, it also seems to me that we've got to have very deeply embedded in us psychological traits which are compatible with being a group animal. And the manifestations of it are in some sense guilt and shame, which are emotions you have when you've done something that is in some sense incompatible with or destructive of the existence and prospering of the group of which you're a member. I regard guilt like—I think I must have told you—it's like the red light on the dashboard of a car. When it flashes, it means you need oil, and if you ignore it, it's doom.

Then for a biological animal, it takes thirst. When you need water, you don't say, when was the last time I drank? You're thirsty. And thirst is a sign that you need liquid, or water. Guilt is a sign that you've done something incompatible with the existence of the group, in a general way.

Rubens: And shame in the same way.

Tussman: Shame and guilt, the same. But I now regard those—see—so I've left individualism far behind, because the group animal notion suggests that the moral drives and instincts and passions are as deep-seated as individual biological desires. They're at least as deep as those. The individualist tends to be something like, you grow up to be an individual, and yet nobody figures out how you do it. When you get to be an individual and you're grown up, and you get canny, you realize that if you make deals with other people, "Let's all vote, and let's have law, and if we follow the law, we'll all be better off, so we all agree to that." So that the legality and even morality tends to be a canny agreement among individuals who are considering their long-term interests. That's to say—

Rubens: You're using this almost pejoratively, you—

Tussman: Yes.

Rubens: Canny means calculating, and—

Tussman: Yes. Well, it's got a milder form, foresight and all of that, but as I think of it, it's—the mistake—it reduces morality to a secondary, prudential thing. Like, I have my own interests and I eventually realize that I satisfy more interests if I make deals. So that's the origin of society, and it underlies some primitive contract theories. I now think that the moral instincts, the moral drives, the moral passions, as I now think of it, are at least as fundamental as the individualistic private passions, desires. So that it suddenly shifts the whole thing. The individualist tends to think of morality and legality as the consequence of agreements you make which are justified as serving your own interests and everybody does it. I now think that the passions are deeper and are embedded in group animals, because the preservation of the group is fundamental, and morality is essentially about that. And this is—

Rubens: This is new, this is a later—

Tussman: Well, I think it's later, and I think I gave a talk, I haven't published it, I may have mentioned it, called "Chores, Games, and Promises." Have I mentioned that?

Rubens: No.

Tussman: I gave it as a lecture to the Cosmos Club here in Berkeley a couple of years ago, and as usual, I did it extemporaneously with a couple of notes. And what I tried to show—the theme was, Morality doesn't require religion. So what I showed is how—and anthropologists have agreed with me—in every culture, every culture, no matter what, there is such a thing as initiating youngsters into the life of the group, and the most significant primitive way of doing it, you give them a chore. "See that there's water in the cup, bring me the newspaper." You cannot describe a chore without using moral language. It's not, "If you feel like it, do it." It's, "It's your job, it's your function, it's your duty, it's your obligation, to see that there's water in the dish." And that's the essence of moral language. So everybody learns that.

Games are in the sense the same thing. Every culture has games, and a game is a structure of rules governing behavior, and that carries with it the notion of obeying the rules, not obeying the rules, cheating, stretching—all of those—and if you don't play by the rules, even in Tag as a little kid, you're exiled. They won't play with you.

Promises, every—I was impressed by the fact that every kid knows what a promise is. It's amazing. "But you promised," you know, I'll read you two chapters tonight because yesterday I didn't. And if you don't, "But you promised!" Somehow, nobody has to explain promises much. It's a deep

intuition that if you promise something, you make an agreement, you're morally bound to do it. There are always exceptions, but you're morally bound to do it.

Now, I took these three things as examples of primitive situations that are pre-religious, pre-metaphysical, pre-cognitive. Every culture has them. Every child goes through this, and has built into his very structure of awareness the moral notions of duty, obligation, all of that. So my current belated realization is that the significance of political animal—that man is a group animal or a social animal or a political animal, and that that's crucial for the nature of morality, and it is—it somehow sets the aims for education, which is initiation into a group, into its skills and habits and culture and language and all of that. And it seems to me more and more as I think about it, I kick myself for not having stressed earlier that this is the idea that opposes individualism, and that it's the fundamental idea that explains a good deal of what it is to be a human being, is to be a member of a group, and morality is to be concerned for others.

Rubens: It trumps the individual.

Tussman: Trumps it, yes. Now, individualism is there, and we all have private desires. That's a feature. And the typical conflict that everybody faces is a conflict between what you're supposed to do and what you feel like doing.

Rubens: What I always loved about de Tocqueville was his laying out of the tension between individualism and equality. He was using equality to stand for a group sensibility which is always in tension and possibly at odds with the individual.

Tussman: I'm sure everybody who thinks about it comes to that. I'm not all that high about equality as a fundamental notion, although I recognize the force of it. But what seems to me is the attempt to, when we talk about it, it's the attempt to spread the familial notion across society as a whole, that—and the great Platonic image is that since we're all—I think Plato has it, what I think of as the marsupial theory of birth.

Rubens: Yes, you have this wonderful word, human obstetrics. That's your phrase, isn't it?

Tussman: Yes, yes, I made that up. And the notion that we're born in two stages. First, the womb, and when we pop out of the womb, we pop into the second womb, which is the polis, which equips you with all of your distinctively human characteristics. So that he says the polis is fundamentally parental to the person, and he says in that sense, your fellow citizens are in some sense your siblings.

Rubens: Now, I don't know if this is appropriate now, because I don't want to get you off your line, but when you talk about the obligation of the citizen, and the education for the citizen, and belief that the citizen can act in the interest of the public good, the founding fathers, Federalists, didn't talk about human nature that way. They believed that it's the elite who are the citizens who will govern, who have a right to vote. Not the ordinary man who is too—

Tussman: Well, they were not essentially democrats.

Rubens: That's right. But what I'm trying to say, not so well, is that because they had this fundamental belief that man would have a tendency to do evil, that he could not control his passions, therefore they abhorred democracy and believed citizens needed their betters to govern them.

Tussman: Yes, yes, you need—but it's not clear that, taking the notion that every person has a better half, a better self and a worse self. And it's a struggle for everyone to realize his better self, and ordinary life presents you with the challenge all the time, the conflict of interest: this is good for the country—. It's like—I used to think of it as the draft. Suppose you come to the conclusion that the country needs a military establishment, and that it's fairer and better in every respect for every male (or female) to be drafted into the army. Suppose you think that. Now, suppose you're draft-eligible, if that's the case. The interesting problem is, should you vote against the draft if you think it's the right thing to do, because you're afraid you'll be drafted?

Now, we almost take it for granted you vote your own interests, and I think that's a corruption of the hope that every human being is capable of transcending his own private interests and acting as a ruler. Otherwise, democracy doesn't mean anything. It's being both a ruler and a subject at the same time. I used to think of democracy as a two-job theory of life. You're a butcher, a doctor, a lawyer, an engineer, a farmer, whatever—that was one—but your second job was ruler, and only a democracy imposes the burden of office on everyone who is a full citizen.

That was very important for me, and I think it lies behind my conviction that liberal education is education for that particular job, that everybody has, *ex officio*, in a democracy.

Lately, I've come more and more to think of what the great issue for our next century—see, we had a period in which the generation dealt with the Cold War, the fight against totalitarian dictatorships, left or right. Then, and now we're, some people think that the next big struggle is between the West and Islam. And I now feel that a real struggle for the next generations is the struggle between economics and politics, or between the political organization and the international corporation; that is, the global marketplace, with all of its ideas, claims to transcend politics. And there are still people who believe that politics, an enterprise in which everybody is supposed to consider the

common good, instead of in the marketplace where you consider your own maximization of interests, I think that confluence really—and it's exempt by very simple ways.

Take the great Mexican border problem. Why is it plaguing us? Because if you're purely an economist thinking about the global marketplace, it's perfectly obvious that a person who wants to work for lower wages than somebody else should go wherever there's a job, and if you want to hire somebody, you should go wherever he is, and if you say, But it's across the border, they look at you and say, Well, so what? Politics doesn't matter. It's the marketplace and its demands which on a global scale is an alternative—not that it's very good—to the UN, let's say, which attempts to make a universal political order.

One of the reasons I'm for the non-marketplace, because the marketplace has what I think a terrible effect on character. It emphasizes that you're supposed to pursue your own interests, and the bottom line is all that matters. I think it's awful to turn people into people who are asking, what's in it for me?

Rubens: So would you say you've become more idealist in your maturity?

Tussman: Well, I think I've always been an idealist—but I'm struck with its blatant emergence at this point.

Rubens: In *The Beleaguered College*, you say that you had a lifelong concern with the traditional spiritual resources of the culture. And it seemed to me that some of those resources are really the classic tales, morality tales, political morality tales that come out of Agamemnon and other losers.

Tussman: Well, I think I came up with that phrase, or that's dawned on me, when I wrote about, and I thought, my experimental program. Because it was going on in the midst of the campus uprising, and there were people who were very counter-culture. The culture was all wrong, the parents were all wrong, the habits were all wrong. And the challenge I felt was, here were these young kids who are in a sense very idealistic and very intelligent, and the question is, were the resources available in our culture powerful enough, if they were used right, to counter the cynical, almost anti-political culture mood of the rebelliousness of the sixties? Could we, if we did it right, could we win them back into seeing that the political enterprise was in fact a magnificent enterprise, even though it was in disarray? For me, that was the challenge of the experimental program, and I emerged thinking, although I wasn't aware that I was going to write a book on these episodes, that yes, if you used them properly, it was amazing how deep they are, how accessible they are, how bright young intelligences grabbed them, and applied them without any hesitation to their own life on the campus.

So it seemed to me, as difficult as it was, you could in some sense combat the cynicism which is always emerging, and sometimes justifiably, by a reminder that we are failing at doing some magnificent things that we invented.

- Rubens: I want to get to that specifically in a minute, but let me ask you a two-part question. *The Beleaguered College* has a very different tone than the first, *Experiment at Berkeley*. It seems not as—I don't know if dispirited is the word, but it's much more positive. It says that education is not in danger of being destroyed by bad teaching, even though you're critical of what's happened to the structure of the university—
- Tussman: You think that *The Beleaguered College* is more cheerful in some sense, optimistic?
- Rubens: Yes, I do, I do. Or less—let's put it this way—less cynical. And here's what I want to ask you, here's the second part of the question: many of the activists of the Free Speech Movement, I'm thinking particularly of Jackie Goldberg, say very clearly that at least then, in the early sixties, they were not cynical. That they believed in basic American values of voting, and liberty and freedom, and that that's what they were fighting for, that in the course of the struggle they were seeing that the Regents of the university had certain economic interests, later on that the government lied about the war in Vietnam. So at least for a period, there were students acting out of a particular kind of political impulse.
- Tussman: I agree with that, and I probably misstated the degree of cynicism that I felt, or alienation that I felt among the students on the Berkeley campus in the sixties.
- Rubens: Well, it must have come on later.
- Tussman: I would think that the idealism was quite strong, in a way. Also, with the bitterness of disillusionment about obvious things, like corruption and greed.
- Rubens: What's so interesting to me is that in the introduction to *The Burden of Office*, you say what you just said a moment ago: beneath the temporal guise or disguise, we find characters essentially like ourselves. You're contemporizing who these people are, when in fact there was an impulse, or you were against contemporizing when you were teaching. You were looking to the wellsprings of Western culture.
- Tussman: Well, it's mixed, because I think—as I was thinking about what the underlying theme, even of *The Burden of Office*, is how alike we are. That Antigone could happen just anywhere.
- Rubens: How did the book literally come about?
- Tussman: *The Burden of Office*? It's interesting. I did not plan it as a book—

Rubens: '89 was when it was published, so you—

Tussman: Yes. But I wasn't teaching any more, and I was trying to—I wanted to write. Somehow, the Oresteia popped into mind, because that was very interesting to me, Orestes. I felt that I wanted to make a little bit of the case for Agamemnon, who is usually—I remember talking about *The Iliad* to somebody, to a classics scholar, and he said, "Well, Agamemnon was just a stupid brute." I thought, well, that wasn't quite fair. He was the leader, he was like Moses or somebody. He had difficult decisions to make. So partly, it was a little sympathy for Agamemnon, which is very seldom expressed anywhere. I mean, he's the villain, he killed his daughter. I think even at the end of that, I speculate about what would Roosevelt or Churchill had done if, at the eve of World War II, the ships were all loaded in England, ready to sail, if you go to the historical documents—a delay would have destroyed them, the morale would have crumbled, and suppose suddenly, at the last minute, Roosevelt would have said, "Stop, you can't go, I understand my daughter's going to be killed if—" or something like that. We wouldn't forgive him. We wouldn't forgive him.

Or if Churchill said, "I'm sorry, we won't do this, because I've got a daughter or a son, and I don't want them—" And I thought, that was Agamemnon's situation, in a way. The ships were all ready to go, they armed to sail. If they were delayed, they would be destroyed. And he finally made the decision to—it amounted to, you had to sacrifice your own child. I sort of began to attribute deeper meaning to that, which was, it's an interesting custom that the leader of a war should immediately suffer the loss that he's willing to impose on others, of a child. And that unless he passes that test, you don't have a war. I thought of it as a tribute to, who was it, Diane somebody—.

So I wrote that, and I didn't know what to do with it. I made copies, and people liked it. I remember I gave it to my son, who was a very harsh critic. He grabbed it and said—reproduced it, went down to Kinko's and reproduced it and sent copies off—

Rubens: Now, you had lectured some on Agamemnon and

Tussman: When we talked about *The Iliad* in the program, yes. And I don't remember that I ever lectured on *The Iliad* very much. I may have. I think the—yes, yes, in *The Iliad*, I found Hector the most interesting, the heroic leader of the lost cause, or the hero on the wrong side, which is a very interesting type. I didn't think of—but I didn't have any plans. Then I sat down, I think the second one I did was Antigone, which seemed to me very interesting—because this was civil disobedience, the idealistic young person who defies the law, goes to her death and appeals to a higher law, which is of course a very peculiar notion. I mean, what law is she appealing to? Long tradition of the higher law and the natural law—

Rubens: Well, in part, what these students were acting on, Thoreau and Gandhi and—

Tussman: Yes, a lot of them were doing that. It's very hard to make sense out of the notion, really, of the natural law or the higher law, and yet I think it's played a significant part in history of mankind, that it's always important to remind even the highest human authority that they're not really the last word on everything. That's why I think even "under God" is an interesting—I'm not religious, but what "under God" says, although I'm not in favor, what it says is, And even remember that the United States and all of this, there are still standards, values, authorities that it has to defer to. It is not the last word. So I took the "under God" meaning "Remember that you're not the highest thing in the universe," and so I reconciled myself to that.

But the higher law notion is often appealed to conscience—I remember having an argument about conscience with a Norwegian philosopher who came here, who was the head of the Gandhi Association in Norway. There were some civil liberties—and I was raising the question about conscience, everybody confuses conscience with a little feeling in their stomach or something. And he says, "Oh, we don't do that. We don't think in Norway that everybody has a conscience. The only person who can make an appeal to conscience is someone who, by the example of his entire life, has demonstrated sensitivity, integrity, decency in all of its forms. That's a person who we think has a conscience, but not everybody."

Rubens: You have to demonstrate it. It has to be demonstrated.

Tussman: That's right, it has to be demonstrated. But it's gotten to—

Rubens: But you don't believe that.

Tussman: No. Well—

Rubens: I mean, you believe that there is a—I would assume—a conscience—

Tussman: I think there are things that we do, that we feel as a result of serious reflection, but that conscience isn't a first blush feeling, like that needs to be respected without being given some, as we—anyway, that the notion of conscience is very baffling. Some people say, "Well, this is a matter of conscience." Why is it a matter of conscience? What is it? It's some small point of doctrine or something.

Rubens: Well, as opposed to morality, or does it lead you to a moral position? I'm not quite getting the distinction between—

Tussman: Between conscience—

Rubens: And morality.

Tussman: Well, people ordinarily—I suppose we think that conscience is a special channel we have that puts us in touch with a higher morality. So if you appeal to conscience, it's not a desire. "I just don't want to go to war." Conscientious objector means that there is some reason for opposing it that transcends your own interests, and that is serious. But too much of the appeal to conscience is really an appeal just to a deep feeling. And I don't think that warrants disobedience—"obey the law unless you have a deep feeling about it" doesn't make sense to me.

Rubens: So you were saying that's what drew you to Antigone.

Tussman: Yes. Now, Antigone is the classical case of a young idealistic woman, presumably, who appeals to the higher law, and is executed by the state, the bumbling state, and I guess when I wrote that, I was not, and I probably still am not, in the mood to consider her a great heroine. And so in the thing I wrote about it, I took a more sympathetic view of the ruler. What was his problem? There was a civil war, it had just reached a lull. The rich appealed to the rich in another community to come and conquer the democrats who had won the civil war. And Antigone was—and the notion was, you had to be loyal to the community, or we'll be destroyed. And here was Antigone, a member of the aristocratic party, who defied the rule that we respect our heroes and we don't respect our enemies, that kind of primitive thing, and did it for familial reasons. "He's my brother, I've got to bury him, I don't care what the state says. And even if he was a traitor, what's that to me?"

So it was that—I depicted her in that way and I take it that the result was a less admirable Antigone than people like to have.

Rubens: Now, so you're saying in conception, that was the next one. Even though it's the second to last one in the book. What I think is so clever that it also is the construction through the letters—

Tussman: Oh, that—

Rubens: I mean, firstly, I wanted to say there's just some beautiful writing in here.

Tussman: Oh, thank you.

Rubens: Just gorgeous writing.

Tussman: Yes, well, I appreciate it.

Rubens: Especially about Lear, which I want to get to.

Tussman: Oh, yes. Well, Antigone, just for variety, I experimented with a different form, I thought, I don't want to do an exposition, why don't I do it in formal letters? So I just fell into that, and it seemed to work okay. I forgot what I wrote next.

Lear—I don't know whether Lear was next. Lear is the one that I've had most—I enjoyed doing the Lear, because I thought that it's very—Lear is undoubtedly a Greek play.

Rubens: The essay is so compelling.

Tussman: Well, but it's very unorthodox.

Rubens: Now, what is so unorthodox about it?

Tussman: The unorthodox feature of it is to take a human, although not sympathetic view of the two sisters, and to take a rather diminished view of Cordelia, who is regarded as the idealistic young person, the others were all careerists and hate their father. And I began to see, from the text, if you look at it from this point of view, that she was very strange. At one point, when they asked her, "Why do your sisters—why don't you say I love you more than your sisters do?" And she says, "Why do my sisters say they love you if they have husbands?" Very peculiar. She was the one who stayed home, who wasn't married, who was her father's favorite, who I think expected to inherit everything, because she was the one who stayed at home, and when her father made the division between the three sisters on equal terms, she was, I think, in some way offended. I like to think that she later, when she was married by the king, or she went to France, gave him a bad time, the king of France, made him put together an army to invade England so she could drive her sisters out of power and take over. That's a little exaggeration.

But at any rate, the criticism was that I was, that I treated the daughters as—they're ambitious women, and they want their husbands to be king. I thought from Lear's point of view, the naïveté of Lear was to think that the lust for power would be checked by the desire for equality.

Rubens: Equality, or family—

Tussman: Well, he wanted—he thought—I'm dividing this into three parts so that you'll all have equal parts, and therefore, you won't be jealous of each other and therefore you'll be happy and there will be peace. And he didn't see that the equality is not the—it does not curb the lust for power.

Anyway, I pictured him more and more as a kind of foolish idealist, or an idealist, who wanted to solve—let the younger generation in, he thought they'd be peaceful, he divided things into three parts—

Rubens: You say, "I am haunted by the image of Lear as the old magician, maintaining through his art a precarious balance among partly tame, partly slumbering monsters." That's a beautiful passage. Did any of the Shakespeareans comment on this? Did you know Stephen Greenblatt?

Tussman: No, didn't know any of those. And I often felt—but see, I'm not ambitious in the right way. I should have made an effort, because some people who were theater people also thought the Lear thing was very demonic and I would love to see a production of Lear—

Rubens: Well, especially since you do it from the voice of the girls.

Tussman: Yes. Well, I mostly did it, I wrote, I wanted—the object of writing, in my mind at that point, was people ought to enjoy it, and that I had some—a reasonable interpretation, and—

Rubens: Edmund comments on Cordelia, “She wasn't a happy type, I did not like Cordelia.” That was wonderful. John Dixon writes the introduction, the president of the British Columbia Civil Liberties Association.

Tussman: John Dixon is an old friend of mine. He was sort of a graduate student. He came down, we had a common friend, he was a student of Bob Rowan, and Rowan was a student of mine, so there's a kind of direct chain. He's a teacher in British Columbia. He's very bright, very articulate, and he was the head of the Vancouver—the British Columbia Civil Liberties Association. And we've been very close for years—

Rubens: Did you ask him to write the introduction.

Tussman: No, Did I?

Rubens: Well, we haven't finished how the book came together, maybe—

Tussman: Yes, I may have, because—

Rubens: It's a Vancouver press that publishes *Burden*

Tussman: Yes. When I had three chapters written, I thought, Well, I have a book here. Why don't I call it *Three Kings*? I thought, well, why don't I publish it? By that time, Oxford had published a number of my things, so I sent the manuscript off to Oxford. I said, “This is quite different from what I've usually done, would you publish it?” And I got a letter back saying, “You're right, it's quite different from what you've usually done, and I'm afraid we wouldn't be interested in it.” So I had, I didn't know what to do. I had *Three Kings*. I didn't want to—I did something—I did the next thing. I think I remembered that once, in the experimental program, I gave a lecture on Exodus, on Moses. And some of my colleagues who heard it thought it was very good. I had no record of it or anything. But it did occur to me to do a piece on Moses.

Even there, the problem in all of these is that I wanted not to disparage them but to cut them down to human size. I didn't want them to be regarded as

bigger than life or giants, because as a matter of fact, the situations they presented with are perennially human situations.

- Rubens: And so the attraction to Moses, is it being challenged by the community, the period of exile?
- Tussman: Yes. That the leader has burdens. He was always having to discipline his—they would go off—he wanted to give them the law, and they wanted to have fun. In that famous case of the golden calf. I thought, that's typical of a leader. He's got ideals, presumably they're the latent ideals of the group, but they're overcome by pleasure, desire, hedonism. They don't like the discipline, and he's the protector of discipline.
- Rubens: Right. It's the revolt, always threatening of those who have struggled a bit, want it now.
- Tussman: That's right.
- Rubens: You say they do not want a life of endless discipline, of working for something always beyond the horizon.
- Tussman: Well, I'm glad I said that.
- Rubens: Yes, it's beautiful. It reminds me of one of the things that I was trying to say about limitations on the demos, that the marketplace or consumerism erodes the capacity of people to think about the general good or in fact about the future
- Tussman: Life is an interesting struggle. But I've always regarded human beings as a mixture of what we call good and evil. We have constructive desires, we have destructive desires, and our life is in some sense a struggle between them.
- Rubens: All right, so then you write Moses, and then they're in a different order, and then you must have written the last one on—
- Tussman: The Meiklejohn.
- Rubens: Well, Meiklejohn you add. So how did that come about, that you would put Meiklejohn in there?
- Tussman: Well, Meiklejohn was my hero. I mean, I don't know what my life would have been had I not met him and been guided by him. So I'm eternally grateful and think I wouldn't have been interested in education, or in constitutional law, or god knows what, except—and he never preached to me or stuff, but his presence and his friendship and his writing and his character did it. I was invited to the twenty-fifth reunion of his experimental college somewhere.

Rubens: You were asked to speak there.

Tussman: Well, see, I had not been an experimental college, but Meiklejohn had apparently talked enough about me, so a number of the people of his college knew about me, and I hadn't written very much. So I went there, and I don't think I made a big speech there. I did make a very short—I think I tell the story of it—that one of the meetings of the graduates at this Meiklejohn thing, this was at that—maybe the first or second reunion, when he wasn't there, they were all talking reminiscently about The Experimental College and their great days, and then the chairman turned to me and said, "Professor Tussman, would you like to say anything?" I said, "Yes, I have one question: did you do your work?" And the place exploded. Of course, what are you talking about, of course! From the floor. We were too young, too much freedom, we didn't appreciate it. And in some sense, it vindicated, I thought, my approach to the program, was, you did the work or you got out. This paper is due in two weeks, and I don't want it in four weeks, because by that time, there's a new—and I got—they regarded me as a tyrant, and I think I even mention in the book, one of the protests pinned to the wall of the program was, Joe, Joe, what have you done to my idea? Alex. And he was dead a long time. But the students knew a—.

But I got this, I felt the job of a leader, I thought, or somebody—you have to protect the idea against the inevitable tendency of everything to fall apart, under the influence of individualistic desires to do something else.

Rubens: So was this a modern-day, then, burden that's being analyzed? I'm wondering why you put it in this book. Well, you hadn't published it before, I see.

Tussman: Yes, that's right. I put it in there, because I wanted—I thought it fit there, as the leader, the not loser. And then you were perfectly right when you said earlier that I really don't consider my program a failure. I consider it a great success. The mystery or the problem, it failed only in the sense that it didn't get itself permanently institutionalized. But I thought it was a great program, and I always had to explain what happened to it. Which is why I wrote that looking back, or, *Adventure in Educational Reform*.

Tussman: First of all, I considered him a hero. I didn't care whether it made sense. I wanted it to be in a book.—and I thought it was not inappropriate. He was in some sense a leader confronted with all sorts of problems—

Rubens: And who are the losers? In the sense they all are, because for one reason or another—their fate is not—

Tussman: That was tongue in cheek. Creon is hated as a guy—

Rubens: And Antigone's killed, I mean, either way, you can—

- Tussman: So they're all regarded in some sense—not all, and I don't care if they're all—but there's a sense in which they could be described as the heroes—
- Rubens: It's tragedy, there's no question, they're all tragic figures.
- Tussman: Yes, that's right. So—and I didn't know what would happen. I finally wrote, when I had all five of them, I told John Dixon that I had these five, and he said, "There's a publisher in Vancouver who we know very well. Let me show it to him." And he showed it to this publisher of Talonbooks, who said, "He's very anxious to publish it," and he thought he'd be able to distribute it in America too, but he turned out not to be able to. So it was published there, and I think he asked John Dixon to write a thing, to which I was not averse, but I don't think I asked him to do it. But I like John Dixon, he's a very interesting guy.
- Rubens: You talked about the basic belief in the kind of passions that drive people. You talked about civilization as a ceremony, and that's what made me want to ask you that.
- Tussman: I am not a Freudian, and I became reinforced in it, because the last time I read *Civilization and Its Discontents*, it seemed to me that Freud was a classical individualist. And at bottom, whenever I talk to them and say, "Well, there are these selfish desires," and that that's what the rock bottom is, and I don't pretend to be a psychologist, but it does seem to me that as long as there have been human beings, they have got to have had instincts and drives which were other-regarding. A mother: what's in it for her? She's got a natural love for the child which is other-regarding, in a sense. And generally, the notion that we could exist in a primitive condition as purely selfish didn't make any sense to me. It seemed to me as long as we were in existence as a species, it was a group that gave us existence, a group that gave us language—you wouldn't develop language if you were a kid brought up in the jungle by no—
- Rubens: So you don't make the classic distinction between nature and—
- Tussman: Nurture.
- Rubens: Well, no, nature and social group. I mean, that even in a state of nature, there is some instinctive group-
- Tussman: That's right, that's right. So I don't think that there's a difference between nature and civilization or something, and civilization is the creator of morality. Nature—we are species—I used to argue with people who were religious who thought that there's materialism, and then there's the spirit or morality and all that, and anything besides just materialism is divine. I used to argue, you're oversimplifying nature. Nature is the sort of thing that produces minds, and character, and species, so I regard the—and I used to be more inclined to accept the view that nature was without morality generally. And I

think between deers and wolves, you know, “You’re not entitled to eat me, I need another year”—none of those notions work.

But as long as there have been human beings, in some inchoate way, the moral notions have been there. And it’s inconceivable that there should be human beings who didn’t, with our prolonged infancy and everything else, who didn’t depend on the group for their character, their skills, their habits, their minds. So that meant, for me, that morality has to be a perfectly natural thing.

Rubens: Right. And then that leads me to one other question: in the “Academic Debris” you mention David Hollinger, who said that if Kerr were Bentham, than you were Coleridge. And I was thinking, well, Coleridge is supposed to be the Romantic poet and the—so I didn’t quite—

Tussman: I don’t know the point of that.

Rubens: I didn’t understand the point of that either. So I—

Tussman: But I was flattered. Yes, and I’ve met him several times—He’s a professor of history here. He wrote a nice thing about me in that Free Speech Movement book.

Rubens: So that’s what made me think a little bit of the state of nature and ask you that—

Tussman: Well, it’s a very interesting question that you raise, because I suppose I’ve gone through some fundamental changes. I would have been more like Rousseau in his social contract, which said we would thank forever the day we became—made the social contract, became human beings and citizens instead of mere creatures in a jungle, something like that. The implication being creating morality. I think civilization is a long product, and our ideas have become more refined. And a promise which anybody recognizes even, and I’m sure a very simple situation of commitment, has given rise to a whole body of contract law and god knows what the whole consequences of the idea of promising, agreeing, contracts, all of that.

Rubens: I have a question about your interpretation of Lear—I have to reread Lear. You say Lear’s opening address is really about the future, it is less an announcement of retirement or a farewell than an inaugural address, ushering in his carefully hatched brave new world, anticipating Prospero. I just didn’t think about it that way.

Tussman: No, well, it would be fun to reread Lear—

Rubens: So too with Goneril she says, “My last thought before I died was, to my surprise, that I cared about Edmund more than about anything else. That this was really a love story.”

- Tussman: Yes.
- Rubens: What's that? [laughs] Because she wanted him to be—
- Tussman: She wanted to marry him; she was in love with him. She didn't like her husband. She, instead of being loyal to her husband, she wanted Edmund to be king.
- Rubens: They together would be—
- Tussman: Yes. And the tendency is for everybody to say, well, Goneril, she was a bitch. How could she be in love? You don't use love for that. And I wanted to suggest that among a whole range of people, just as what I did there for the two servants—I thought, if you look at the text, there's no reason to think that just because Oswald was the faithful servant of an ambitious, unscrupulous woman, that he wasn't loyal and devoted in the same way Kent was? And it's a kind of odd thing that your loyalty is—it's almost an accident. You're loyal to Hector instead of Achilles. You're loyal to Lear instead of—or to Cordelia or somebody instead of somebody else. So I thought, I even suggested I'd like to see a version of Lear in which the two advisors, Kent and Oswald, were presented as identically dressed. And one was faithful in every way to—Oswald's last word was, "Please deliver this letter that I'm supposed to deliver for him." But it's all underplayed because, as I say, you don't like the person to whom he is loyal. It's a very interesting paradox, I think.
- Rubens: When you're reflecting on Lear giving up his throne, he says "I am a former child, am I not? For every former child, there is still a lingering task, a former parent—" you said the parent role must be relinquished. It's not a permanent one. Certainly it's pretty hard to give up that role. [laughs]
- Tussman: Yes. It's not only pretty hard, but at some point, it's necessary. In terms of being the guide, saying yes or no—
- Rubens: Well, you move from being—someone said to me, you move from being the parent to being the consultant. But you still have the impulse to parent
- Tussman: Yes, that's a good one. Well, maybe that was an exaggeration, but the comparison to you're a former child—So I wanted—I speculated that it's like other things which you're former of, and one of them is a parent. But I guess, old as I am, I still consider myself a parent of my son.
- Rubens: And it's hard not to act in that way.
- Tussman: Yes.
- Rubens: All right. So the book, how was the book received? You say it didn't circulate in the U.S.?

- Tussman: It didn't circulate in the U.S. A number of people read it. They heard about it and sent away to—
- Rubens: It's in our library.
- Tussman: But I didn't get—I got a few letters, just a very few, saying they'd enjoyed it. I got a lot of friends of mine who grumbled—they liked it, but they grumbled about the King Lear. They said, "This is very quirky." Cordelia was—did I mention in the book, Auden, the poet who I like very much, said of Cordelia once that she exemplifies perfect love. And I thought that was silly, that was silly, because when you do read her, she was jealous of her sisters, all of that. Anyway, a lot of my friends said, "You went overboard on Lear." I remember one saying, "I liked everything in it." Generally they liked *The Oresteia* first, and some of them liked the Moses second, and then they all thought I went overboard on Lear. So naturally, I'm very fond of the Lear thing, and I'd like to see it produce—
- Rubens: Yes. And so, you never took it to anyone in the theater arts program or the dramatic arts program?
- Tussman: No. I should have. I kept thinking I ought to send it to somebody who would like to make a motion picture, a version of Lear, because whenever you see the movies, they're awful. They don't know what to do. They present Lawrence Olivier, they make a big deal out of his mad scene; they even had him eating a mouse in the last picture I saw of him. And the one that I saw started with a snowy scene, and Lear saying this first speech, "I'm going to divide my kingdom into three—" and he looked as if he was a completely bitter, disillusioned guy. The point for me was, No, he started out as an optimistic idealist. He was going to give up power, he was going to make way for the young, he was going to divide things equally to take care of the power problem. And he would be—live as a parent who would visit his daughters in succession, and they would enjoy it. He thought all this was going to happen. And he didn't realize that civilization is, I think, I put it rather wildly, civilization is a ceremony.
- Rubens: Well, let me ask you this: you may think it's out of left field, but when we reflect on you being perhaps—it was my phrase—less cynical, but you said more idealist or more—leaning towards the moral collective, sensibility of people—if you look back on some of these political movements that followed in the wake of the sixties, do you have a second interpretation that there was some moral vision that underlay the anti-war movement, the anti-apartheid movement? Those kind of things we reflected on last week.
- Tussman: There's always some moral thing, but I was impressed by the fact, and this may be unfair, that when the draft was abolished, a good deal of the opposition to the Vietnam War was quieted. A lot of people, they'd rather go to Canada than into the army. I could understand that position: it was a terrible

war. And very badly conceived and managed. I was moderately against—I was against the war, I thought it was a mistake—but I also thought that lots of people had to think it was a mistake and put pressure on the administration. And I had a slight feeling that the disorder and the disrepute of the student movement and the anti-war movement kept a lot of people in the middle from endorsing the anti-war thing. And that, in effect, the student movement had nothing to do with shortening the war. So after that, I was always, of course, from the time I wrote the equal protection article way back, in terms of equal protection, a strong anti-racist—

- Rubens: Well, sure, that's clear—but I think that's getting too far afield. Let me ask you then next, how did *The Beleaguered College* come about? That's published ten years later. You had already written Meiklejohn and one essay on "The Experiment at Berkeley".
- Tussman: But had I written or published, apart from a journal, "The Experiment at Berkeley" Not the book, but the—
- Rubens: The essay—the new one, I think, was "Adventure in Educational Reform," and then "Why Should We Study the Greeks," and then "Government and the Teaching Power" came from—
- Tussman: "Government and the Mind"?
- Rubens: Yes.
- Tussman: I don't know. I did want to publish, I think beyond that minor journal that published "The Experiment in Educational Reform." I thought I wanted to give that a bigger airing, so I wanted to do that. Somebody told me once that they'd publish it if I would add another essay to it, because it was too short, and I just didn't feel like doing that. At some point—yes, I thought that that odd little essay about "Why We Should Read the Greeks" was rather original for an old topic. And—
- Rubens: You said in '91 that you had given a lecture at the inauguration of a program at Malaspina College.
- Tussman: It's a little college on Victoria Island [Vancouver], way up there, it's a little lumber town, and there's a college, and it's a college that started my program—that wanted to replicate my program. And they started doing it, and then every time I've tried to inquire since, I've been told, because people don't want to disappoint me, that it's not in operation any more, or it's—it's very hard. One of the things I discovered is that if you're going to do something like that, the role of the leader, if I may be grandiose, is to protect the enterprise in some way. I had a conception of education that required, and I still think that the only educational reforms that make much sense in the college and university are curricular. And it's the one subject nobody wants to

talk about, because we've reached a *modus vivendi*, everybody's got his territory, everybody's got his small business, he's good at that, he doesn't want to do anything else.

Rubens: Well, that's what I think was pretty amazing about the American Cultures Requirement, that you got a requirement that did affect the curriculum.

Tussman: So who's doing it?

Rubens: For the last ten years, there was a center that was run by a full time academic director, and they would beat the bushes and get faculty create courses. Now they've whittled away at that, it's only a half-time position to run the center, and there's not an academic head, there's an administrative head, Christina Maslach. And they're having a tough time. It's a different political climate. But that was their goal, to get fundamental curricular change, multi-disciplinary, comparative.

Tussman: Didn't they require that you had to be dealing with three cultures?

Rubens: At least three different cultures.

Tussman: I remember somebody bitterly complaining he's always given a course that comparative of two cultures, but he doesn't want to learn another—to get it accepted and—

Rubens: Well, that's why there were stipends and summer courses to support this effort.

Audiofile 14

Do you think we've said enough about *The Beleaguered College*? How did the Institute for Government Studies come to be the publisher?

Tussman: Oh, they have a press, and I know both Nelson Polsby, he's a good friend of mine, and Jerry [Gerald] Lubinow, who was the assistant then, but who was the sort of editor of the press. He's a very good guy, and I know him, and they were even thinking of publishing my article on judicial actions and rule of law, but they said it was too short for a book. So at one point I guess I showed him the manuscript of the thing, and he said, "Sure," and they published *The Beleaguered College* right off the bat. And they had extra money to do that nice cover. Is that the one with the Babel Tower?

Rubens: Yes, it's wonderful.

Tussman: That's the Babel Tower, and I had to send away to Vienna and get permission from the museum there to reproduce that picture. Which I'm very fond of.

- Rubens: I think this holds together very nicely as a book also.
- Tussman: What I like about it is that *The Experiment at Berkeley* is out of print, and the question is, I don't think anybody's anxious to reprint it, because it isn't going to sell. But I wanted to distill some of it, and so I cut out a lot of stuff that I consider transient, but some people want. I think I cut out the bibliography and a number of other things, maybe that I shouldn't have, and reduced it to the form it has there, which seems to me to still have some interesting things to say about education.
- And then the Malaspina speech, I never wanted to get involved in, and haven't even then, in what people talk about as the canon controversy. That there's a canon, I thought that was a lot of nonsense.
- Rubens: Why did you think it was nonsense?
- Tussman: Arguments about which books in the last 2,000 years should be included in the top ten or twenty or something like that.
- Rubens: Dixon in the introduction to *Agamemnon* talks about *Closing of the American Mind*, the Allan Bloom book that is a lament for the diminution of the liberal university, its turn to relativism. And I was wondering if you knew at Berkeley the historian Lawrence Levine, who wrote a book to counter Bloom, *The Opening of the American Mind*.
- Tussman: No.
- Rubens: He's challenging Bloom, saying there wasn't always a canon. That curriculum has changed. What became part of the canon was really a twentieth century creation.
- Tussman: I wouldn't argue about the guy. But I think anybody who leaves out King Lear or Plato's Republic or whatever—there are obvious great things, but the argument became very inside-story academic, and I didn't want to do that. Although I believe that great books, when they're good—. I had this interesting problem with St. John's. I feel very friendly towards them, and as I think I may have told you, they invited me as the one outside guy when they had a meeting of their two faculties, you know, the one at Annapolis and the one at Taos or wherever, Santa Fe. They brought the faculties together and asked me to be the one outside guy, and I knew quite a few of them, and I liked them and I respected them, although I did not share their Great Books conception. I was not a Great Bookie, although I used a lot of the Great Books. But I don't go around—I picked books that were much more essential to the overriding theme of the political strain of life, which I interpreted broadly. *Paradise Lost* was one of our central textbooks. That's our great poem. But it also deals with the problem of rebellion and authority. So I think here—and Milton was preoccupied with politics

So I didn't—with respect to St. John's, I never accepted that they—but then St. John's is very peculiar. The Great Books are used in a seminar for four years. Every week, I think, at night—one evening, they meet to discuss the book that they're reading with, and they read a great many of them that—did I tell you the story of what Meiklejohn told me? He used to visit them for a whole month every year, at St. John's—

Rubens: No.

Tussman: Because Scott Buchanan was a student of his, and he was there. And Meiklejohn told me that once, when he was visiting, they had a seminar on Immanuel Kant, *The Critique of Pure Reason*. And I had read that, I studied it for a year, and it's a very difficult book. And they spent a week on it, or two weeks on it. So at the end of their first seminar, somebody said, "Dr. Meiklejohn, have you a question?" And he said, "Yes. What is the transcendental deduction of the categories?" It's a Kantian phrase, but it's very specific about something. And he said nobody answered. So nothing more.

Then the second week, when he did the seminar also on Kant, they asked him at the end, "Do you have a question?" And he said, "What's the transcendental deduction of the categories?" And nobody answered. So, it confirmed his suspicion, or mine, that some of these things you don't do in two weeks, or one week. They're difficult. They're rewarding if you work at it real hard, but it's sort of very superficial.

Anyway, I never—and a lot of the other great books that were just historically great books on science or whatever, so I never—

Rubens: Is there a succinct answer to that question?

Tussman: No. [laughter] There are some answers, but—

So I had a feeling that St. John's was famous for, among other things, you took courses. You took four years of mathematics, four years of science, four years of language. And the Great Books was only part of it. So I never wanted to be identified with the Great Books in terms of what the metaphysical implications were, or the argument about the canon. I thought people ought to read great books, but not because they're great books—because it's relevant to read it in connection with—like *Antigone* is a great play, and *The Oresteia* is a great play.

Rubens: Now, I didn't ask you what you used as texts for the American year at the Tussman Program. I realized I never asked you that.

Tussman: That was more difficult, because—

- Rubens: Because here you're living through this very political period.
- Tussman: Well, see, the American year presented unique problems. On reflection, I always wanted to do and never was able to pull it off, I wanted to make the study of America center on two things: judicial opinions of the Supreme Court, because I thought almost every major problem in America came eventually to the Supreme Court, where a lot of intellectual resources were deployed in developing the answer, and it would give a good sense of where—; and the other thing I wanted was poetry. Because I thought law and poetry were the two themes. And never worked it out satisfactorily, in the two things—I thought if I had to do it again, I would spend a lot of time.
- We did read books. We read *The Federalist Papers*, and some of the kids read it very carefully, and more carefully than I did. It's a very ponderous, interesting thing. And very crucial to American intellectual history. Federalist number ten is usually broadly misunderstood, but it's wonderful to read them, and the question was did the Federalists believe that human beings could rise to the level of disinterested action? Did they have to check and balance all human power? And they thought both.
- Rubens: Right, same kind of Tocquevillian tension.
- Tussman: Yes, but a lot of people make the Ten a license for saying that you need to prevent the accumulation of power is kind of free enterprise, and everybody—multiplicity of interests being encouraged. So in the battle between interests, there ought to be some diminution of the power of anybody—
- Rubens: Or check on any—
- Tussman: Or check on it. And I thought that both: they were anxious to check power, they had the tripartite system, with concrete—but that they also thought, otherwise there's just no point to democracy, that every person who was capable of being a mature citizen was summoned to the task of being a ruler of the polity of which he was a member. And that seemed to me to be the heart of democracy.
- Rubens: That was the fourth branch, you say.
- Tussman: Yes, the fourth branch. And what Meiklejohn invented, I think, he's the first one ever who used the idea of the fourth branch. I remember—I think I told about, I was in his study with tenBroek when he read, with his handwriting, a brief he was writing for the Hollywood Ten, an amicus brief, and he mentioned this fourth branch, and I—anyway, that's a complicated story.
- Rubens: So you read the Federalists—
- Tussman: We read the Federalists, and then we read—

- Rubens: Well, I was going to say Thoreau.
- Tussman: I think we read Thoreau, some Emerson and Thoreau, but we didn't linger over that very much. We read quite a few Supreme Court cases, and then under the pressure of my colleagues, I think, we ought to make a bow in the direction of Marx and a bow in the direction of Freud. So we read some Marx and some Freud.
- Rubens: For the American year? [laughing]
- Tussman: Yes, because you know—well, at that time, Marx was influential, and—
- Rubens: In the critique of America, okay.
- Tussman: That's right. I couldn't make sense—for me, it broke the pattern, the integrity of the program. I had no way of substituting—I didn't think I wanted to rush around to find American literature that was the equal of the Greek thing. I didn't want it to be a kind of inferior look at the literature. So I did think the American reflective genius that expressed itself most in its judicial life at its highest levels. And I always have had a great love for and respect for poetry, as embodying something absolutely wonderful.
- Rubens: So who would be American poets that you—
- Tussman: Oh, that was a problem also. Because the poets that I loved and grew up with, the modern thing, apart from T. S. Eliot, who I had a limited regard for, and Auden, who I was very fond of, and Yeats, who was a big thing in my life, but they were English—And it didn't seem to me to make sense—. Anyway, I may have been too beleaguered and too exhausted and too stupefied by that time to know how to protect the integrity of what seemed to me to be great American themes, some—the law and the background of the law and legality, and in the course of which we fought the Civil War and created the Thirteenth and Fourteenth Amendments. A good deal of American life can be understood at its highest intellectual level by following the court. But I also wanted to have poetry, and maybe a little more broadly literature, although I didn't want to sink into literature which was inferior, let's say, to the best of world literature. I thought that would be a mistake. So I hadn't got the answer.
- Rubens: It was a troubled part of the curriculum for you.
- Tussman: Yes. And so we ended with three biographies. I remember at the end, we would read *The Education of Henry Adams*, who was the great Boston Brahmin.
- Rubens: I love that book.

- Tussman: You liked that one, yes. I still read it, although—. And then we read the Lincoln Steffine, the autobiography of Lincoln Steffens, who was a Western journalist, and a liberal, and who wrote a very interesting autobiography dealing with the shame of the cities and corruption and all of that, expressing pretty much the faith of an American liberal at the time, turn of the century. And then we ended with the *Autobiography of Malcolm X*. So we went from a Boston Brahmin to a Western liberal to an African American radical. We read all of those, and that was the closing note. But those turned out to be good choices.
- Rubens: I hope I'm not derailing you: speaking of Supreme Court decisions and also higher authorities to which a polity really in some ways—
- Tussman: Subordinates to.
- Rubens: —is subordinate to, the decisions over the introduction of “under God” in the Pledge of Allegiance, that, I always thought that the Jehovah's Witnesses had gotten it taken out, as opposed to that they got it put in. They were—
- Tussman: I used to study the Jehovah's Witness cases—
- Rubens: I bet you did, that's why I'm asking you—
- Tussman: The first opinion, was written by Frankfurter, I think, supported the school board in saying you could do it. I'm not sure whether “under God” was put in by Eisenhower.
- Rubens: I think so, in 1953.
- Tussman: Well, I'm not sure about the “under God.” It was whether kids had to take the Pledge of Allegiance just to the United States, is what the early cases were about. And the Supreme Court, about three or four years after they upheld the school board, they got two new members and they put a note in the subsequent opinion that had nothing to do with the thing, “We think we may have been mistaken in the Barnett case.” So they rushed in another Jehovah's Witness case up, and they had a brilliant case in which they reversed that, and held that you could not require the thing. But they weren't clear about whether it was under freedom of religion or freedom of speech. It was very confused. But I found it very interesting. They quoted Socrates and things like that.
- Rubens: So it seemed to me, in light of your political philosophy, you would not have—you don't object to it being in there, because it has a different meaning than actually—
- Tussman: I don't object to it. I mean, if somebody asks me, should it be in there? I wouldn't put it there. Should I be excited about it? Well, I take it that the atheists who think that their feelings are hurt or this or that by “under God,”

my interpretation of it is a charitable one. It's a gesture in the direction of asserting in some form or another that the sovereign state cannot do anything at all. There are some considerations above it, whatever they are, whether it's God's commandments or the commands of natural law and all of that. Very difficult ideas to deal with.

Rubens: I was thinking if I teach U.S. history again, I would really do much more with Supreme Court decisions, and that would be an interesting one.

Tussman: But I think even in my first book, *Obligation of the Body Politic*, I have an appendix about nature and law, in which I deal with natural law and natural rights, in the best way I could at that time, probably better than I could do now.

Rubens: Shall we talk just a little bit about the Little Thinkers?

Tussman: Yes. It's been in existence for, I don't know how many years, it must be thirty-five or forty or more. And Van Kennedy wrote a history of it, and I can't remember when. But it was there for a long time, and when I—it consisted usually of quite an interesting collection of people, from sociology, from history, from law, a few scientists. It had no agenda, but it met all the time. Every Friday, in a private room. Gradually, people died off, and we acquired new ones.

Rubens: When did—were administrators always part of it?

Tussman: Not especially.

Rubens: I'm just thinking because of Heyman and Bowker and Budd Cheit.

Tussman: Yes, but—of course, Bowker joined I think shortly after he was chancellor. Mike Heyman may have been a member—

Rubens: Oh, before.

Tussman: —a long time ago, but he's a member now. Budd Cheit has been a longtime member, even—I don't know whether he was a member when he was dean of the business school and all of that. We have a couple—we have a psychologist, very prominent psychologist.

Rubens: Did you have women?

Tussman: We had one woman: Catherine Wurster Bauer. She was a very strong, interesting, kind of powerful woman, who lived very successfully in a male world, and how she got to be a member, I don't remember. But she was a member, and she came around all the time.

Rubens: So you knew her?

Tussman: Oh, yes. And then she came to a mysterious and tragic death, apparently went out walking in Marin Country, and presumably fell off a path or was pushed, and was found later, dead in a ravine there. I don't know the details of whether she—but I remember when she and Bill Wurster were married, and Bill was a member also—

Rubens: So she was the only woman? It kind of remained—

Tussman: And we occasionally would talk about women, and I don't think we were against them, but I don't think it would have made any difference—and it would have been nice to do it. I mean, there was no reason to do it; it's just that the habit of old males who just sort of never considered it as coming up. It would have been fun to. I don't know that any woman would have regarded it as being singled out for a unique honor. They may have regarded it as a member of—I always remember Winston Churchill's remark when he looked at a row of his cabinet ministers. He said, "They look like a row of extinct volcanoes." So here we are, an old group, generally almost all retired, one or two may not be retired—

Rubens: But are people asked to join?

Tussman: Yes, they're invited to join. Somebody occasionally wants, can he bring somebody there as a visitor, and if everybody sort of likes it and likes him, they'll invite him for a second, and then they'd come—I remember there were no formal initiation, but you're invited. And then if you're invited again, or you're invited to come all the time. It doesn't discuss anything terribly serious. It's gotten by its nature inside story-gossipy, because somebody would have lunch every week or two with the president of the university, or would have dinner every once in a while with the local chancellor, or would have some contacts with political figures on the East Coast, or education figures, because these are all involved in education. I go almost regularly—

Rubens: So it's every Friday?

Tussman: Every Friday. We have this room reserved for us, and we pay an amount of rent for it every year, and it's usually there free. And every once in a while, when the Faculty Club forgets and somebody else is in there, we all act very indignant and reclaim our place.

Rubens: How do you pay? Do you all sign for your own?

Tussman: Yes. We all sign. We usually go to the buffet line, so you sign there. So we're getting to be a pretty old group, and I think—

Rubens: How many about now?

- Tussman: About a dozen, a dozen—
- Rubens: And this man, his name is Van Kennedy, too, that his first name, Van?
- Tussman: Van Dusen Kennedy. And somehow he gave himself the task of doing some research and finding the members. And there are a lot of colorful people. It seems to me now we're not especially colorful, or inclined to talk about profound issues—
- Rubens: Was it ever literally multicultural?
- Tussman: I don't remember, although David Blackwell, who was a black statistician, was very close to a number of us. Families were—and everything. But I don't think he was ever a member. He might have objected to being, if he went, the only member or something like that.
- Rubens: It's not as if it was an issue? Did it come up as an issue?
- Tussman: No, it would never come up as an issue. There's a sociologist that I know quite well, I'll remember his name, who I've been on committees with and all, but that didn't—. It may have been a dubious honor. When there's a full meeting there, there's Budd Cheit, who was very important as a vice chancellor and dean of the business school, and very important in the concerts at Zellerbach, you know, running those, practically. And Mike Heyman's always got his fingers in everything, and he's very pleasant. And Bowker, who hasn't been there for the last two or three times, but that's because he's not been feeling well, and he has a place down near Stanford, Portola, a retirement place there, as well as one here. I go there with a feeling of enjoyment. I don't expect anything to happen. It's one of these things without an agenda, and without deep issues arising. It's just an absolutely unstructured but pleasant traditional thing, and I love it.
- Rubens: Sounds wonderful.
- Tussman: There's also another group I meet with that I may have mentioned—and this has been a group that grew out of my tennis-playing days. About three or four, they were young lawyers when we started thirty years ago, and young economists or businessmen, there was a young architect, a psychologist who taught at Stanford, another—we used to, it was a group that actually, we met—we still meet—the third Friday of every month, let's say, except December, and we used to meet, sometimes I'd reserve the private—the best room at the Faculty Club, and they'd come from Sausalito or San Francisco or even Woodside.

We've always had more of an agenda. Each person takes a turn at being the speaker and the chair, and he comes with prepared remarks or a book that he wants to discuss. He often sends little notices around. It's an unruly group, so

he gets a chance, if he's lucky, for ten uninterrupted minutes, and how far he gets—

Rubens: Give me an example of some books that you read, or issues that you discuss.

Tussman: I can't—well—

Rubens: You don't necessarily have to read them. They make a presentation on—?

Tussman: Yes, it used to be that we would read them. But I remember one guy who was very bright, and who's a member of a—senior member of MoFo—Morrison & Foerster, one of the biggest law firms in San Francisco. He's a very senior guy, very nice. But he's always at heart a physicist, and went to Rice University and studied physics. He would have liked to be a physics teacher. But I remember, once he undertook in the whole evening to explain contemporary physics to us, and he did it from notes, and it was very good and very instructive. One of our members, who recently wrote a book on corporate management, he's hired by a corporation to come in and fire half the people, put it on its feet, and then, he goes on to another corporation. He's very skillful, and he's written a book about management, which does all the usual things about psychology.

Rubens: What's his name?

Tussman: Tom Steding. He's very bright, very conservative, and occasionally we all get into arguments, because some of our guys are very liberal, some are moderate, and—

Rubens: How many guys, about?

Tussman: That's about a dozen also.

Rubens: Who organized that group? You said it came out of a tennis —

Tussman: I think it was organized by a guy who's now dead, who somehow, I don't know how they got together, he and a couple of lawyers who were all tennis players decided—I can't remember—

Rubens: So they're not particularly students of yours.

Tussman: Students? Oh, no. No, none of them were students.

Rubens: Oh. I thought, John Steinhart had been a—

Tussman: No, Steinhart was not a—but he's an old friend. But Steinhart tells me he was a student at Cal, or he was on campus on that fateful December 7 of the mass meeting at the Greek Theater after the arrest of the 700—it was—

- Rubens: So this group is a kind of an affinity group. I mean, people who are drawn to each other and share—
- Tussman: Well, but then every once in a while, we get annoyed, because we're too undisciplined, there ought to be a more serious—maybe we all ought to seriously pick up a book and read it for three sessions, and discuss it deeply, and somebody's always making suggestions, and we need resolve to do it, and we've got to have more discipline. Instead of, by this time, we all argue about the same thing, we all repeat ourselves, everybody's position is known on almost everything. So I regard it as a great social occasion. I like all these guys.
- Rubens: You must have played tennis with them for a while.
- Tussman: I played tennis with some of them. Not all of them were tennis guys.
- Rubens: When did you have to stop playing tennis? Was it your knees?
- Tussman: My knees killed me. I also fell on the court once and tore my rotator cuff. I've never been the same since. So I don't think I've played tennis for, god knows, twenty years.
- Rubens: Really? But still and all, that's up to your seventies.
- Tussman: Yes, I played quite long, and I also played squash, which was a much more demanding.
- I think that's what killed my knees off, because you play on a wooden floor, you come to a quick stop, and then you turn and twist and change direction. Although that was my favorite game, I loved it. So this, they call themselves the Rueful Order. After the Knights of the Rueful Countenance, which is a—what's his name?
- Rubens: Yes—Cervantes character, Don Quixote
- Tussman: Yes, it's named the Rueful Order. Now, so we used to meet often at the Faculty Club. Sometimes in Palo Alto at the Stanford Faculty Club, sometimes at San Francisco restaurants, like upstairs of Jack's where we have a private room. Last time we met in a booth at Sam's, you know Sam's restaurant downtown? Wonderful restaurant. And we had a big booth, and we all crowded in, there were about nine people there. Some are always traveling. And for a while, we were meeting in the law offices of one of the guys who had a floor of a skyscraper downtown, and we would order in from Jack's or something like that. I don't know what we're going to do now. We'll continue to meet in January, and somebody is in charge of the intellectual program, and as I say, some of us are annoyed that we're not more disciplined about subjects that we declare—

- Rubens: Where are you on this continuum?
- Tussman: I enjoy the social evening with a bunch of old friends over a good meal, talking about something briefly, or I enjoy the discussion, but I don't yearn for more structure. I'm relaxed, because I think this is a great social occasion. You've known these guys for an awful long time—
- Rubens: That's a long time, thirty years.
- Tussman: Yes. And it's kind of fun. Not that I expect any new insights from anybody, or expect to produce them—
- Rubens: He did. But then it came through—then we were lobbying for it, and I think Budd Cheit arranged it
- Tussman: So anyway, it's a congenial group, and I no longer want structure very much intellectually.
- Rubens: When did you start on working on Academic Debris? Was that something that's been going along?
- Tussman: No, it must be five years or so. I don't know when the earliest thing I have in it—well, that's a very difficult question. Did I tell you about my Milton project?
- Rubens: Yes, we talked about that early, and I think it's wonderful.
- Tussman: And that I still have the—and I'm part—I'm not pleased with it. I have an introduction which I included in my "Academic Debris", just a twenty-page introduction which survived. I don't know if I gave that to you. But it was a great enterprise, and I consider it very interesting as a failure to mature. I couldn't pull it off. And yet, it preoccupied me for a long time.
- Not constantly, but there would be, a year would go by, and I'd pick up some of it and say, this isn't bad, you know.
- Rubens: But it looks like your gestation period is around ten years, so you might be coming to it. If only an essay; it doesn't have to be a book.
- Tussman: Yes. I think the last thing that I wrote, as I remember writing, was an essay, and I gave it as the speech, was this secular basis of morality, or, morality without God. And I remember writing that, delivering that as a speech at the Cosmo Club, and then writing it up and submitting it even at the urging of an old student of mine, who I told you—did I tell you this?—he was the editor of *First Things*—He's a very bright student of mine from the program, I've known him for years, who became—he's a very firm Catholic—he became the managing editor or assistant editor of *First Things*, which is the leading

Catholic magazine in America. And he asked me to send him a copy of the morality without God, because I was annoyed at saying that without God, there was going to be no more [inaudible].

Rubens: Yes, but then there was a problem.

Tussman: Well, he brought it in, and after a considerable wait, I got a rejection from the one guy above him, and John was a little guilty about it, but said it—I thought they should have published it, because it raised a question that should be central to a religious magazine, and I don't know. I still am annoyed that they turned it down as not being in furtherance of their mission, which they described as increasing the role of religion in public life, something like that. But I still regard that—some people who have seen that think it was one of the best things I've done. I wrote it relatively—it's probably the last thing I wrote.

There was something on even religion in the marketplace, which was published in a little magazine that John was connected with, and it was local, I think, was the *New Oxford Review*, but which had very little circulation. So I never set out to have a book called “Academic Debris”. When I realized I had a lot of unpublished stuff, the title just, I said, why don't I put it all together and maybe try to publish it as “Academic Debris”. And I did show it to the editor at IGS, [Gerald] Lubenow. And he thought there were a lot of good things in it, but that I ought to do something to connect them, to make it a more coherent thing than just a collection of disparate fragments. And I said, “Yes, well, maybe, but I'm not inclined to do that.” But maybe if I—

Rubens: You said originally, in light of the election—maybe in light of evaluating where we are now the changes that may occur in the Supreme Court.

Tussman: No, I did want to do something—every once in a while I get an idea there should be an op-ed piece, and I never do it. I did want to do this piece, the last idea I had was the emergence of the really great fight of the next century, which I think is the fight between economics and politics. Between the attempt politically to do things to run human life in some way, and the feeling that you don't need that, all you need is the marketplace, and it's a global market, and the consequences of that will be, you know, the standard of living will rise, I think what it means is, the world will be divided among very rich people and very poor people, that it tends to accentuate the difference between the rich and the poor, and that in general it does bad things to human character, and accentuates the id among all of the psychological chara—but that's—but I thought, Why don't I write a short piece on that as the emerging battle of the—and it would be, I think, I may have mentioned the obvious example, which was the Mexican border. We've talked about that.

Rubens: Yes.

- Tussman: And it's a conflict between the values of cheap labor and producing wherever you are—
- Rubens: And then you'd have to deal, I would imagine, with nationalism and sentimentalism—
- Tussman: That's right, in some way, and fundamentalism, global markets can be indifferent to religion —
- Rubens: Tribalism and nationalism is still something that has to be dealt with.
- Tussman: Well, maybe on an international scale, it's less significant. In America, you think that the religious right is an essential political player. Well, what do you do with your factories in India and China? Religion isn't a factor there. So I don't know how they can do—I haven't thought of it. But it's the last thing I've thought about.
- Rubens: In the last election, people were not voting their own interest in—
- Tussman: But I also thought that, and I did express this to somebody, I haven't written about it, the two campaigns represent a significant difference on this basic issue. I said the Democrats, whether they do it well or not, like to argue. The Republicans believe in advertising. And this was a clash between two modes of communication: the marketplace and the forum. It explained to me why the Republicans never answered anything. I mean, if they'd come out with a slogan, and somebody would try to answer it, they would never reply. They would repeat the slogan, which is what advertisers do. Advertisers don't say—when you say Lucky Strikes are not, they don't refute you, they just repeat the ad. And the Republicans seemed to me to be in this slogan-and-repetitious mode, and the Democrats were in the argumentative modes, in some sense still trying to grapple with it, and they still, I think, don't catch on. I think, who is our guy in philosophy of language who—
- Rubens: George Lakoff?
- Tussman: Lakoff. Whose remedy seemed to me to be, being a little crude about it from what I read in the *Chronicle*, that the Democrats need new advertisers. They didn't formulate the slogans properly. If they had said this instead of that, if they had used this phrase instead of that—I'm sure that's unfair to him, but the impression I got reading it is that this was a rhetorical criticism, that they didn't formulate the things properly, they should not have allowed the formulation of “death tax,” they should have come up with another phrase, and it seems to me that's a little self-deception. But, for him even to suggest that the remedy is in part, or in good part, rhetorical, it's a criticism of the mode of argument and discussion, and it falls into the marketplace mode, which of course has become a fine art. But I think—so I might have had something about that, the coming intensified conflict between the marketplace

and the forum, and degraded as the forum has become, and as expert as the marketplace has become. And I should do a little piece about that.

Rubens: Yes. Well, maybe you will.

Tussman: Yes.

Rubens: Let me ask you, as we move to conclude this interview: are there students that you want to particularly note, that you are proud of? Any doctoral dissertation students, or people that you've kept in touch with or—

Tussman: I wouldn't, I wouldn't—

Rubens: We've noted a few as we went along.

Tussman: I know some students, and I am very fond of them, and I respect their minds and their characters. I would not like to single them out, because I don't want to leave out anybody that I'm equally attached to. I have continuing contact, one of my students, one of the more rebellious students that I remember, and we have become fast friends. He's temporarily moved out of town and he's coming back, but whenever he comes to town or was in town, practically every other Sunday, we had a date, we'd go out and have a great breakfast at some great Berkeley breakfast place and spend two or three hours together. And one I just mentioned as the editor, there are things—I'm very fond of him and his family. I know his family, or his wife and children. One of my students who once asked me, years later, he said, "Did you ever say anything about elementary education?" And he has written and he said, "My answer was, no, it's too hard." He founded and is a leading figure in one of the great elementary schools in Berkeley. I won't mention his name, and I don't know the name of the school, but it's a great prestige and expensive elementary school. And he's very bright. I remember him being one of the few people who read every word of the Federalist Papers, and treated it as—. Other students I meet and I hear from occasionally, who are very good people, and some of them quite successful at things. But I've never wanted to accumulate a list of my successful students who have made a mark in the world. I don't like to do that.

Rubens: Okay.

Tussman: Though I'm very fond of them, and they represent—they shared with me what I regard as, in some ways, the most significant achievement of my life, which was the experimental program.

Rubens: Yes. Now, this book, *Habits of the Mind*, was not published that long ago. 1998. I think it's a remarkable tribute to your students.

Tussman: Oh, really?

- Rubens: To you, and to the students. I mean, because the students are what are giving tribute to the program.
- Tussman: I think they were a great group, and the thing I'm proudest of about them is that we deliberately did not have an honors program. I was dead against selecting students on the basis of their ability. Believe it or not, we put the names in a hat, I think we decided we would have equal numbers, just men and women. We never debated it—men and women, why not have fifty-fifty? We picked fifty names out of the hat—
- Rubens: Because you had more applicants than slots?
- Tussman: Oh, yes, we had many more applicants. And I was so stuck with that that I was really foolish. I should have saved a few special privilege things. Because I remember once as we started, I got a call from one of Meiklejohn's sons, who was a professor at Chicago, a philosophy professor at Chicago, and then at the Maxwell School, very smart guy, very bright guy. I really felt that—my feeling was, he could do anything I could do, only better. He was—. And I got a call from him—
- Rubens: Meiklejohn's son?
- Tussman: Yes, Meiklejohn's son, Donald. One of his three sons. And I got a call from him, and he said, "Look—"
- Rubens: Is he about your age?
- Tussman: Almost a decade older. Very—. And he said, "I've got a daughter, and she's been admitted to Harvard, and she'd rather come to Berkeley if she could get into your program." I said, "Don, I can't do it, it's all by lot." I should have said yes, and just said the hell with it and admitted her. But I was overwhelmed—I had so many—there were a lot of requests, and I said, "Look, we just do this." And I've always regretted it. He thought it was kind of ridiculous that I didn't—And I thought next time I would do it, I would keep two or three eccentric self-indulgent non-regular admissions, because it would have been—why shouldn't Meiklejohn's granddaughter be in a program dedicated to the memory of Meiklejohn? I still regret it. But I'm proud of the fact that we, to be sure they were self-selected to some degree, but they volunteered, but I had many more, and within them, we decided to take just by chance.
- Tussman: I'm going to see you once more, is that right?
- Rubens: I'm going to see you again, yes. I think, in terms this actual interview, I think—have we said—is there anything more that you want to say?

Tussman: I can't think of anything. But it is kind of interesting how things have sort of come to a head in a form of utter simplicity. As I look back on my life, two or three ideas. And it's been the theme, and I've developed it in one way or another in almost everything—and I didn't realize it. Kind of strange.

Rubens: I had one other question: you must have had some fun in writing this book.

Tussman: Oh, yes.

Rubens: Did you—when you would sit down and write *Lear*, so did you do some—you said you saw what Auden wrote, I mean, so do you do some extensive reading, do you—but you do some reading—

Tussman: Oh, I do something, but I didn't read anything about *Lear*. I reread *Lear*, and god knows how familiar I was with *Lear*—And I reread him, and there's always been this great mystery about what is *Lear* about? Nobody can tell you what—nobody says what is so great about it? An old man doesn't know his daughters are going to mistreat him? Is it a testimony to ingratitude? What are its themes? And there's never a statement of a theme that seems to me adequate. The thing I seized on, that it's in some ways, not essentially, the theme of political naiveté, and disillusionment with the great ideal of equality and all of that stuff. But it's still a great play.

[End of interview]