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CONTEMPTUOUS HAIRDRESSERS

CEREMONIES OF HUMILIATION IN SCHOOL



Edgar Z. Friedenberg

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published by

New England Free Press
791 Tremont St.
Boston, Mass. 02118

10¢

OUR CONTEMPTUOUS HAIRDRESSERS

ceremonies of humiliation in school

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One afternoon last March, I received a long-distance call from the Unitarian minister - who is also president of the local chapter of the American Civil Liberties Union - in the city of Birchfield, where I was scheduled to give a lecture two nights later. Mr. Smith, the minister, asked me how early I would arrive on the day of my lecture, because he wanted me to help him defend the rights of one of the young members of his congregation at a school board hearing scheduled for that afternoon. This boy, whom I shall call Shaun Anderson, had been suspended from high school since the beginning of the school year last fall - he had in fact never been permitted to enroll in the school to which he had been admitted when he graduated from junior high a year ago. His parents were filing suit to compel the school board to admit their son, and to recover the sum they had been forced to spend on tuition in a private school after they had been threatened with prosecution under the state's compulsory attendance law; but they had also appealed to the Board in a final effort to obtain Shaun's admission without having to take the Board to court. Mr. Smith wanted me to appear at this hearing as an expert witness for Shaun; and I agreed.

Shaun's case is of a kind that has, unfortunately, become commonplace.

The only exceptional thing about it has been the courage and restraint of his parents; and these I shall not discuss further; they are private resources, not public issues. But the issue which has led the city of Birchfield to deny Shaun Anderson access to its schools is public enough to have recurred again and again in the past two years. This is why I have given the participants in the case and the town in which it is occurring fictitious names. It has already, of course, received widespread local publicity; there can be no question of, and no reason to attempt, concealing the identity of any of us. But neither is there any reason to single Birchfield out for special attention or complaint. It is an ordinary town, full of ordinary people; and I deal with it here merely as a case example of American democracy at work with respect to youth, education, and freedom. We like to believe that we are deeply devoted to all of these. If we are, we must be terribly accident-prone, for none of them is safe in our hands.

Shaun Anderson is oddly cast in the role of miscreant. His sole claim to it rests on a single action which he committed - though committed is hardly the word - last summer after he graduated from intermediate school. He grew a beard. As beards go, even in the Anderson family, his cannot be said to be notable - both his father and his elder brother have much more luxuriant beards than he. But it is enough to lead the school board of Birchfield to bar him from high school. The basis on which it claims the authority to do so is provided by two sections of the State Education Code. One of these authorizes local Boards of Education to regulate the dress of students with respect to neatness, propriety, and hygiene. The other imposes on such Boards the responsibility of maintaining in the schools an atmosphere conducive to learning.

These are, I think, rather curious provisions. The first appears to me unwarranted since, without it, the schools would still be protected by the laws and customs that require decent dress in public places, and this, I believe, is as far as they have a right to go. The second provision seems to me wholly warranted; but is most frequently violated by school administrations themselves, which create by continual acts of petty intrusion and censorship an atmosphere that is certainly inimical to education.

But, in any case, neither of these articles of the State Education Code provides clear authorization for the regulations the Birchfield School Board has adopted. The Board did not argue that Shaun's beard was indecent, unhygienic, or in any way offensive. It based its position

BEATLE HAIRCUT Thursday

YES? NO?

May 26, 1966

I think that beetle hair cuts are crazy they look like they have a mop on there head. But I think that it's a free world and they can do it. But they should wear them in the summer holidays when they can't be expelled. You can't tell the boys from the girls.

Janet Piva

on the familiar premises of egalitarian bureaucracy: there had to be rules, and with any set of rules there would always be borderline cases, and if they made an exception for Shaun where would they draw the line the next time? The County Counsel, and several high school principals in the audience did argue that the beard - any beard - created an atmosphere inimical to education. It seemed to me that the County Counsel had hurriedly ingested some of the less convincing literature of old-line Progressive Education. He ingeniously maintained that, since boys varied very much in the age at which they reached puberty there would undoubtedly be several in Shaun's classes who would not yet be able to grow beards of their own; these, he suggested, might be so shattered by feelings of inferiority as to be grossly inhibited from learning. The principals argued that beards had become a symbol of adolescent resistance to schooling, and created an atmosphere of subversion. One courageous teacher challenged his own principal by pointing out that the fuss that was being made over Shaun's beard and the anxieties and resentments created by his exclusion - he was an honor student, said to have an IQ above 150, with no previous disciplinary record - had created an atmosphere inimical indeed to learning, and one that would surely become much worse if Shaun capitulated. But after an afternoon of acrimony, to which I contributed substantially, the Board rejected the Anderson's plea to reinstate Shaun, and matters remained substantially where they were.

It is easy to dismiss a controversy over a fifteen-year-old's beard as trivial. I wish therefore to make it very clear that the controversy is not over Shaun's beard, but over his and other adolescents' right to a reasonable degree of respect, privacy, and freedom to establish their own tastes and govern their own actions in areas where they interfere with no one. I would go - and have gone - much further in defense of these rights than many readers. Yet, most of you, I assume, would at least agree that, in a matter so personal, parents ought to have the authority to permit their son to grow a beard or wear his hair long, without either involving him in sanctions or facing criminal prosecution themselves for contributing to his truancy. Our public schools respect no such right, though regulations governing hair-styles are, obviously, total - that is, they apply as completely to the student's life out of school as within it. It seems to me clear that this is an invasion of privacy difficult to justify on educational grounds, especially in view of the success with which scholars as notable as Freud and Marx overcame the handicaps which their beards may have imposed on them.

Kathy Williams

Beetle Haircut.

I think that if boys or girls would like to have their hair cut like the Beetles I think they should but if there mother disagrees they must get it cut but I don't think the teachers should tell them what to do because they don't own the children. And if people are going to tell them what to do all the time they could be robots.

I think some people look cut in one.

The triviality of the regulation itself is also, I fear, illusory. Trivial regulation is more damaging to one's sense of one's own dignity, and to the belief, essential to any democracy, that one does have inalienable rights, than gross regulation is. The real function of petty regulations like these is to convince youth that it has no rights at all that anybody is obligated to respect, even trivial ones. And this, after all, is what many - I think most - American adults believe. To confirm this, one need only note the widespread and intense hostility directed against youths who burn their draft cards or protest against the war in Viet-Nam in any other public way. Those who condemn them seem honestly to feel that it is impertinent of the young to presume to criticize the institutions and policies that are costing them their freedom and, in thousands of cases, their lives; and, the protesters feel, in view of the profound immorality of the war, possibly their immortal souls as well. Their critics disagree, of course; but, by and large, they seem seldom to respect the right of the young to act on their political opinions at all. They ask, instead, "What makes them so rebellious?", implying that the answer must be either Communism or psychopathology. It would be more sensible, under the circumstances, to ask why there are still so few, and what took them so long.

The beard and haircut cases suggest an answer to this question, too. Only those in which the parents have stood staunchly behind their son, at considerable personal cost, have received any public attention at all. But for each of these, there have been countless others in which the parents either supported the school, or "finked out" as soon as the boy was suspended because they were afraid of controversy, or didn't want him to have a bad record, or fail to get into college, or something of the sort.

These are serious considerations, and it would be presumptuous of me to tell parents that they invariably ought to fight: it depends on their resources, and on what the student really wants. Parents who use their children as display-pieces in which to show off their devotion to liberty, are pretty dangerous, too. My impression of Shaun Anderson, to be sure, was that the whole episode had so far done him more good than harm. Both he and his parents behaved with quiet dignity and humor; and his education must surely have profited from the lessons he has been receiving in his intense and protracted course in civics. His family life has taught him that there really are civil liberties; and the school and its board have taught him how little value is actually placed on these in a mass society, despite its democratic pretensions.

Or, indeed, because of those pretensions. The argument that the Chairman of the School Board himself introduced, and clearly regarded as decisive, was that the Board's regulation of dress and hair-styles evidently had public support, for no other parent had ever complained and public sentiment obviously favored keeping youth on a tight rein. This argument has two particular features that are of special concern.

The first of these is simply that the Chairman's assessment of public opinion is certainly correct. In Birchfield, and everywhere else in America that I know of, public opinion would indeed be against the Andersons. It is against the defense of civil liberty generally. Countless studies of public opinion, of varying degrees of sophistication, have demonstrated with monotonous consistency that the first ten amendments to the Constitution, - that is, of course, the Bill of Rights - could hardly be ratified if they had to be introduced today. Large majorities of people, if asked by pollsters what they would do in instances presented to them as hypothetical but which are in fact taken from cases on which the courts have repeatedly ruled, choose to set aside the constitutional guarantees the courts have sustained. Many Americans are quite willing, in a concrete case, to put people in jail for "talking against the government"; or to search the dwellings of "suspected criminals" without a warrant specifying what is to be searched for, and so on. This, after all, is why it is so essential that the Supreme Court be not only an appeals court of last resort, but - and this is its peculiar magnificence, unparalleled in any other legal system - empowered by custom to rule on the validity of legislative provisions and administrative restraints. If liberty were popular, its defense and maintenance could be left to Congress.

But the second point that I wish to make is that the Chairman of the Birchfield School Board, precisely by his reliance on public opinion as the basis on which to validate his policy, demonstrated that he did not respect the privacy and autonomy of the children in his schools as civil liberties. For civil liberties are exactly those inalienable rights which are placed, without any qualification, beyond the scope of public opinion. The intent of the Bill of Rights is established by the five words with which it begins: "Congress shall make no law..." It then goes on to say what it is that Congress shall make no law about; but the authors of the Constitution were statesmen rather than prophets, and the details of interpretation have perforce had to be left to the Supreme Court. What is not debatable is the provision that there are areas of personal inviolability in which no American may be subjected by his fellow citizens to legal or official constraint, however strongly

they may feel or however completely they may agree.

No American? Not quite, even yet. The Civil Rights act destroyed all but one of the last surviving legal categories of discrimination. But youth remains a subject minority denied the legally defensible rights now provided to all other Americans - over 21. We remain unaware of these special disabilities of youth because we have been taught to regard them as special services to the immature for which youth ought to be grateful. But I suspect there are many parents - and I know there are many youngsters - who when they think what the school that serves them is really like, recognize that the compulsory attendance law is, among other things, a very serious restriction.

The compulsory school attendance law gives school regulations the force of law. The quality and spirit of those regulations becomes, therefore, a matter of crucial concern to civil liberty; the liberties involved may seem trivial, but they are all an adolescent has left of the normal supply. The quality is not good; and the spirit is largely a spirit of contempt for youth, and for its feeble and capricious efforts to defend its own dignity.

And things are getting worse rather than better. Richard M. Gummere, Jr., Assistant Director of University Placement and Career Planning at Columbia University, in a recent article in The Nation*, discussed the alarming rise in the use of corporal punishment in the schools, which seems to correspond with an increasing meanness in our national spirit. The practice of paddling school children steadily declined from the turn of the century till about 15 years ago, but it seems to have come back as a part of the general punitiveness more conspicuously symbolized by Senator McCarthy and the radical right. Today, the only state that forbids it is New Jersey. School counselors in one relatively slum-free district in California have estimated to me that children are now formally paddled - usually by a vice-principal or a physical education instructor in the presence of another teacher as a scarcely-impartial witness - in eighty per cent of the schools in this district. But nobody really knows how often beatings occur. The California Superintendent of Schools, Max Rafferty, has made frequent public statements supporting the use of corporal punishment; and early this year ten or more junior high school students in Campos Verdes Junior High School near Sacramento, who had been wrestling

Gummere, Richard M., Jr., "Discipline in the Dark; On Beating School Children", The Nation, 201: p. 442-45, December 6, 1965.

during an unsupervised study hall, were beaten with a wooden paddle by a vice-principal while the principal sat and watched. The ceremonies took some five hours out of the school day, and some of the boys were so badly bruised that the Sacramento Bee for January 14, 1966, a most responsible and un-sensational family newspaper, published photographs of the bare buttocks of two of them so that Bee readers could judge for themselves whether they approved the technique of these zealous public servants. Judging from the letters the Bee received and published, and the refusal of the District Attorney to issue a complaint - he did suggest that the school replace its paddle with a leather strap, which he said would be safer - a lot of them did.

It may be offensively patronizing for me to say at this point that most teachers are decent people - one of the most depressing things about public education is how little difference their obvious decency makes. And I believe that most disapprove of the kind of harassment I have been discussing, though each individual incident is usually defended as having been necessary because some particular teacher insisted that the principal "back him up" in a disciplinary action. What is involved here is not sadism but Eichmannism - that is, a dutiful willingness to do what a job seems to require, or what a superior demands, and a shocking - but very common - and blithe inability to believe that one is personally responsible at all for actions that have become customary within the system. School personnel, for example, often boast to me about how they have personally evaded participation in a degrading event - they have made it clear to the principal, say, that they will not serve as witnesses at a paddling - but they hardly ever express any feeling that if they thought it was wrong they ought to have tried to prevent it. If I suggest this, they respond with astonishment rather than embarrassment. I wouldn't really expect them to risk destroying their usefulness to the system, would I?

No, I wouldn't. Despite the many able and intelligent teachers and administrators I have known, I no longer expect so much. I have come to expect certain other virtues, valuable in themselves. I know a great many teachers - some schools are full of them - who genuinely like youngsters, enjoy teaching them, and teach them ably and well. I know a great many - though not as many - administrators who are extraordinarily patient with my criticism and who have gone out of their way to give me opportunities to express it to their staffs. On the basis of greater experience with public education than mine, they are, I think, simply more fully aware than I of how unlikely it is that their courtesy will result in any significant change.

But I know very few who, when the issue arises during the actual working day, will place the dignity of a student above the interests of harmony, and defend him against humiliation at the hands of their peers - much less their superiors. And that humiliation is unfortunately not the result of occasional mischance. It has, I maintain, become institutionalized in a public school system that has evolved to meet society's demand for a docile and uncritical youth.

The devotion of the schools to docility has become a major source of irony. If our schools had developed a tradition of respect for the persons and the character of their students, those who became critical could have done so while remaining civil; for their dissent would not have turned the social system against them and alienated them from it. But American democracy, though it has so far managed to tolerate an astonishing - and reassuring - level of protest, has not shown itself to be capable of such refinement. Our new protesters, accordingly, are not always quite as civil as either their disobedience or their rights - both of which, perhaps, were withheld much too long. In this respect, Birchfield has so far been very fortunate. More fortunate, I should say, than any community deserves to be in which just growing a beard can make you an outlaw.

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