

LIFE IN THE U.S.

BOOKS

Cheating scandals destroyed illusions

THE GAME THEY PLAYED

By Stanley Cohen
Farrar, Strauss, Giroux, 1978

There was a time when Madison Square Garden meant City College vs. St. John's rather than the Knicks vs. the Celtics; when in New York schoolyards it was the moves, shots and mystique of the college rather than the pro game that were invoked and mimicked. Stanely Cohen conjures up that time, the early '50s, when basketball was the dominant urban fantasy of both black and white adolescents, and when a "shadow deep as darkness" subverted its magic.

The Game They Played is an amalgam of documentary, personal memoir and social history. Cohen provides a solid, journalistic account of the basketball scandals of the early '50s, including an extended portrait of the City College 1949-50 unranked, double championship team (made up of five schoolyard players, three Jews and two blacks) and their coach, the fiercely "dignified" Nat Holman. For Cohen, City College's involvement in the point fixing scandal was a personal calamity.

Cohen was a Bronx schoolyard player who loved the graceful patterns of the game, knew the ins and outs of a zone defense and dreamt of glory, playing for City College under the Garden lights. The scandals destroyed both big time college basketball in New York and Cohen's own fantasies, alienating him from his prime passion as if the game was now seen and heard "from inside an airless bubble."

Documenting the scandals, Cohen provides a social critique of overzealous, absurd judges who meted their heaviest sentences to those ballplayers with the most difficult and checkered pasts, and of hypocritical college officials who, having doctored transcripts and treated college players as pros, absolved themselves by in-

dulging in self-righteous rhetoric. Straining for larger historical and social significance, Cohen uses the scandals to reflect on the McCarthy and HUAC witch hunts and the silent generation of the '50s.

The book is most distinctive when it is engaged in the "soft clay of remembrance." Cohen has a deep affection and a genuine feel for the ethos of the streets. He knows the neighborhood gamblers and ballplayers, its heroes and hustlers, its sights and sounds. He also understands why immigrant sons, raised by their parents to become solid, successful professionals, found the post-war, street underworld so seductive. The bookmakers and touts offered them a scintilla of risk and imagination, without having to gamble one's life away. You could engage in small hustles on the streets and return unscathed to the safe haven of the middle class home.

Cohen's memories grant to that lower-middle class culture a poignant life. (By and large, those neighborhoods are no longer the core of an urban boyhood, and that life can now be recovered only in nostalgia.) On a more profound level, Cohen perceives that those who held on to that world paid with a piece of their selves.

The Game They Played is stronger at evocation than analysis—more successful at communicating the subtleties and art of basketball, or the emotional power of neighborhood folklore, than of illuminating the nature of the small town or the politics of the Cold War. Cohen writes better out of and about his own experience than he does of more distant events. Though his prose can be overblown and florid (e.g., "the big city feel of lightning in the nerves and cold steel in the veins"), he is often eloquent and richly metaphoric. He has written a moving book.

—Leonard Quart

Leonard Quart is a writer in New York.



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Law is an instrument of change as well as order

LAW AND THE RISE OF CAPITALISM

By Michael Tigar, with the assistance of
Madeleine Levy
Monthly Review Press, 1977, 346 pages,
\$16.00

Of all the shibboleths of the radical left, none goes more unquestioned than the maxim that "law is an instrument of the ruling class." Rooted in the Marxist view of the state, the maxim conveys the notion that the legal system in a class society is designed to protect the interests of those in power.

True enough, but behind the truth lurks a pervasive problem: like other doctrines transmitted through the ages, the Marxist concept of law is treated by many today as an article of faith. The unfortunate result is a widespread inability to perceive the complex and often contradictory role of law and legal institutions in the contemporary U.S.

This is why *Law and the Rise of Capitalism* is an important book. Although the authors contribute nothing really original in the realm of theory, they provide a readable historical analysis of the European bourgeoisie and the new legal practices and principles it created in its long struggle against feudal absolutism. In so doing, they give us the details and depth without which a radical view of law is reduced to empty slogans.

The historical study encompassed by the book stretches over 800 years, from the

faint stirrings of merchant capital to the conquest of political power by the French and English bourgeoisies on the eve of the 19th century.

Tigar and Levy trace the arduous strivings of the bourgeoisie—first for survival against feudal restrictions on trade and municipal organization, then for expanded privileges as trade revived during the Renaissance and finally for the seizure of state power itself. Along the way, they explain such mysteries as the origins of the modern ideas of contract and property.

At each stage of the saga, the authors maintain a critical Marxist posture, connecting legal change with the shifting class conflicts of the era. But they avoid the mistake of characterizing law as a simple reflection of "material conditions."

A tool and a vehicle of progress.

For Tigar and Levy, law is both a tool of social control and a vehicle of social progress. Through countless examples, they argue that legal ideology is not the sole property of the dominant social group but that all groups that aspire to power invariably formulate their attack in terms of legal rules and principles. It is only after testing "the existing institutions to see how far they will bend and only after repeated experiments" that an insurgent group mounts an openly revolutionary challenge.

So it was with the early businessmen, whose fight for survival was marked not

only by violent outbursts such as the urban uprisings of the 12th century, but by peaceful adaptation of the legal norms of medieval society to their new commercial needs.

The relevance of the bourgeois experience to the current radical movement in the U.S. is taken up in the final section. In an attempt to explain the relationship between legal ideology and social change, the authors subject the major schools of jurisprudence to a concise and highly effective critique. They show that none of them can describe the means by which the bourgeoisie first accommodated, then openly confronted, and finally overthrew the legal ideology of feudalism.

The Marxist challenger.

What remains to be explained is how a revolutionary legal ideology emerges out of the old order and ultimately challenges it. To comprehend that, one must identify the social forces and relations that bring the new ideology into being. What is needed, say Tigar and Levy, is a "Jurisprudence of Insurgency," which makes the use of legal ideology in the process of social change its primary concern. Only from such a perspective is it possible to distinguish those groups in society whose legal position and demands (like those of the medieval brigands) could never develop into a revolutionary movement, from those groups with genuine revolutionary potential.

And what force will replace the bourgeoisie, now teetering in the twilight of its rule? Since the triumph of the bourgeoisie, the challengers to capitalism have been many, but according to Tigar and Levy, "it is now clear that of the many contenders, Marxian socialism is the most likely to succeed in replacing it."

"We are today witnessing a process parallel to the one we sketched in our study of the bourgeoisie's rise to power," the authors conclude. "Claims for justice are being formed by dissident groups in terms of demands that the dominant legal ideology be interpreted in particular ways." One thinks of the labor movement's continuing battle for the right to organize and strike (often justified on First Amendment grounds) and the demands of women and minorities for equal protection of the law.

Though the moment of insurrection may still be a long way off, the inexorable process of social transformation is at work and is reflected by and contested in the terrain of legal ideology.

With this message, *Law and the Rise of Capitalism* returns us to our radical view of the law, having educated us in its complex subtleties. It is a noteworthy achievement—one that should be consulted by lawyers and non-lawyers alike.

—Bill Blum

Bill Blum is a lawyer and free-lance writer in Los Angeles.

ART «» ENTERTAINMENT

MUSIC



Gisela Kluge

Theodorakis, 'the voice of conscience'

It is the end of the concert. For two and a half hours four young Greek singers and seven instrumentalists have been performing the music of composer/conductor Mikis Theodorakis—popular songs, excerpts from an oratorio, ballads, song-cycles and “song-streams.” They—particularly the percussionist and the small man who plays flutes, recorders, harmonicas and a sort of baby xylophone with manic energy—seem understandably tired.

But the audience will not let them call it a night. They are clapping in unison, stamping their feet, cheering and begging for encores.

Finally, Theodorakis returns to center stage, reaches for a microphone, adjusts it to his commanding height and launches into unaccompanied song. The audience roars approval and changes its rhythm to provide an accompaniment.

For such a big man, broad-shouldered and deep-chested, his voice is not as strong as you would expect. (Someone sitting near us whispers, “He was beaten too much in prison, and then there was the tuberculosis.”) But his delivery is stunning. His head is thrown back, and from our seats, far to the side in the front row, his unmistakably classical Greek profile is silhouetted against the black curtains of the stage—an image of righteous anger, defiance, pride.

Now the instruments on the stage behind him are feeling their way into the rhythm he is beating with foot and fist. At first it is mostly the bazouki and the drums. Then the guitars and the harmonica. Now the four soloists are improvising a background.

Theodorakis' gestures become

more emphatic, more urgent. It is as if he is urging the audience to some momentous action. Near the amplifiers, the level of sound has become unbearable, but the response of the audience behind us is almost as intense.

Suddenly the house lights come on. Looking back over the huge auditorium, in which there is not an empty seat, you see here and there—on the main floor, in some of the boxes, in the balconies and galleries—phalanxes of men and women, all ages, all styles of dress, on their feet, fists clenched and lifted, mouths as wide open as that of the singer onstage.

A few of the more sedate auditors in the expensive seats are embarrassed at this “exposure,” but after a few moments it doesn't matter even to them. Audience and musicians are united in a peak experience of some kind.

Without understanding the words that convey the emotion, you can't put a name to it. But it is the kind of spirit that must have possessed the Parisian masses that moved against the Bastille.

The radicalization of a musician.

Mikis Theodorakis, at 53, is a composer of international reputation and the veteran of three resistance movements.

He was arrested the first time when he was 16 years old, for demonstrating against the occupying armies of Italy and Germany. Three years later when the right-wing monarchy imposed a native fascism on Greece, Theodorakis joined the organized cultural resistance. He was interned in the dreaded Makronossis camp, beaten insensible on several occasions, forced to watch the mass murder of fellow prisoners, tortured until his leg was broken and his vision

permanently impaired.

If he had had a less vigorous physical body, he could not have survived. His psychic survival was due to another saving grace, which established his place in the resistance movement. He was—and still is—able to turn anguish into music with astonishing rapidity, and on a level that can be taught to large masses of people.

One famous example: after the murder of a radical youth leader, Theodorakis (then an opposition member of the House of Deputies) led a small group to the cemetery where the police were trying to bury the body in secrecy. The authorities were frightened into releasing it instead to the family. During the action, Theodorakis composed a setting for some verses of a well-known contemporary poem, and as the huge funeral cortege moved through the streets of Athens next day, the marchers were singing his anthem.

Art in the service of politics.

In 1952 Theodorakis was finally released from the concentration camp and went to France to study at the Paris Conservatory. There he worked out an “artistic credo” based on his resistance experience and his analysis of the political solution necessary to forestall a recurrence of fascism.

In musical terms this meant turning his back on “absolute music” (symphonies and recital pieces), which he saw as having been “...for decades the privilege of the middle classes...the intellectual creation of a certain period, by a limited social environment... bound to reach a certain degree of development and then to decline.

“The popular masses [have] remained apart from this musical movement.... They feel, listening to it, the kind of awe that takes

hold of one when one walks into a history museum. This is why I was convinced it would serve no purpose to modernize or adapt it to the electronic era....

“The more the masses reach a high level of development and culture, the more they will look for a form of music that will belong to them entirely—not a warmed-up dish essentially destined for others. This music, their music, is the popular song.”

Another aspect of Theodorakis' credo involved the lifting of the national spirit of his people, crushed by a long series of foreign occupations. He went back to old folk themes, to Byzantine church music and even earlier modes. He modernized and popularized traditional folk instruments like the bazouki and the santouri. The result of this effort, in which other composers were drawn to collaborate, has been the creation of a new Greek music, rooted in the great Hellenic past, and pointing toward a “radiant socialism.”

The last is Theodorakis' own phrase for the vision that illumined the tremendous cultural renaissance in Greece during the years between 1963 and 1967.

Another level of resistance.

The reimposition of fascism by the colonels' coup in 1967 caught Theodorakis at the apex of his cultural and political creativity. He was composing an enormous body of work: songs, ballet scores (e.g., *Antigone*, which won him international fame); film scores (e.g., *Phaedra*, and *Zorba, the Greek*); and moving into the more imposing form of the popular oratorio (e.g., his enormously popular *Axion Esti*, based on a long poem by one of the greatest of contemporary Greek poets). He

was also the president of the Lambrakis Youth, the largest legal organization of the left in Greece.

The coup sent him into hiding and illegal political activity. He was eventually arrested and “detained” in a remote village under the strictest security. But this time there was international interest in his situation and extraordinary support within Greece. A network of underground communications made it possible for him to smuggle a continuous stream of political papers and resistance songs, not only out of the village, but out of the country.

On more than one occasion, a new song by Theodorakis was played on BBC and heard in Greece on illegal radios within ten days of the event that it celebrated.

International protest, organized by the Council of Europe and such individuals as Melina Mercouri, finally secured his release in 1970. He lived and composed in France until the overthrow of the colonels permitted him to return to Greece in 1973.

Maintaining apparently amicable relations with the Karamanlis regime, he has been less active politically than musically of late. Among his new works is the ambitious oratorio, *Canto General* (a setting of Pablo Neruda's epic poem), which was debuted before a crowd of 70,000 in Karaiskakis Stadium. He now spends much of his time touring the world with the concert group heard this month in the U.S. and Canada.

—Janet Stevenson

Several albums of Theodorakis' songs and a two-record set of *Canto General* are available on LPs, 8-tracks, and cassettes, from Peters International, 619 West 54th St., N.Y.C. 10019.