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The Law and Social Science: A Reply to O. C. Lewis

A. James Gregor

By Justice then do the just make men unjust, or in sum do the good
by virtue make men bad? — PLATO

Any discussion involving the issue of "civil rights" and the law is almost inevitably calculated to generate heat. While this author's brief article, "The Law, Social Science, and School Segregation: An Assessment,"¹ hazarded just such a probability, it's clear intention was to shed some light on important, but vexed questions. That it has, instead, invoked still greater obscurity and confusion is much to be lamented. It has, if Professor Lewis' article² is its sole effect, accomplished at least

one purpose: it has emphasized that even the carefully schooled legal mind can permit the emotions to confound right reason and dispose one to violate the most elementary canons which should govern discourse between men of good will. Such a consideration can only reinforce the conviction that if the law in any way considers the evidence of the relatively

THIS ARTICLE is published pursuant to a commitment to the author by the *Review* to present further material in the debate commencing with Gregor, *The Law, Social Science, and School Segregation: An Assessment*, 14 W. RES. L. REV. 621 (1963), and continuing in Lewis, *Parry & Riposte to Gregor's "The Law, Social Science, and School Segregation: An Assessment,"* 14 W. RES. L. REV. 637 (1963). The reader is cautioned to read this article only in context with the first two articles in this series. — Ed.

new disciplines concerned with the regularities which govern men in society, it is increasingly necessary that such consideration be undertaken without bias and with a firm commitment to reserve judgment until a calm appraisal of the facts can be made.

The following reply takes issue with Professor Lewis on several major points. It is offered as evidence that when issues are raised concerning the interpretation of civil rights and the law, even the most reasonable men may cease to behave as men must if justice, in any sense of the word, is to prevail. The administration of justice — the most sacred obligation of the law — requires temperance, tolerance for opinions other than one's own, and a regard for the consequences legal

1. 14 W. RES. L. REV. 621 (1963) [hereinafter cited as Gregor, *Segregation*].

2. Lewis, *Parry and Riposte to Gregor's "The Law, Social Science, and School Segregation: An Assessment,"* 14 W. RES. L. REV. 637 (1963) [hereinafter cited as Lewis, *Parry and Riposte*].

decisions will invoke. With this view in mind, the major points of disagreement are discussed below.

Point one. The main contentions of the original article were clearly set forth: "In recent decisions concerning *de jure* school segregation the courts *have considered* social arguments bearing on the 'fact that segregation, prejudices and discriminations, and their social concomitants potentially damage the personality of all children . . .'"³ And further: "The contemporary concepts of judicial review motivate the courts to *consider* relevant sociological and psychological data . . ."⁴ Nowhere was it contended that in *Brown v. Board of Educ.*⁵ "the Court *primarily* relied on invalid sociological studies."⁶ This author did not pretend to know what the Supreme Court of the United States *primarily* relied upon in making its judgment concerning school segregation in the *Brown* decision. Making such a determination would be far outside his competence. That the Court *considered* social science arguments is manifestly evident by the fact that it cited non-legal material in the now famous footnote eleven,⁷ in which explicit reference was made to sociological and psychological studies of Professors K. B. Clark, E. F. Frazier, G. Myrdal, M. Deutscher and I. Chein. Thus the original article contended only that social science arguments *were considered* by the Court. That Professor Lewis saw fit to elevate this to "the Court *primarily* relied" on such material is unexplicable on grounds other than Professor Lewis failed to read the original article with care.

Point two. In the text of the original article this author maintained: "the social science material brought to bear on the issue of *de jure* school segregation in *Brown v. Board of Educ.* met none of . . . [the requirements of relevance, substantivity and clarity] and consequently did not merit the consideration of the Court . . ."⁸ Professor Lewis heartily agrees.⁹

In the original article it was clearly stated that "whatever evidence *is* available *tends* to support racial separation in the schools at least throughout childhood and adolescence. While there is admittedly only a circumscribed body of data available, some *tentative conclusions* can be drawn."¹⁰ Professor Lewis proceeds to elevate these modest conclusions

3. Gregor, *Segregation* 622. (Emphasis supplied.) (Citation omitted.)

4. *Ibid.*

5. 347 U.S. 483 (1954).

6. Lewis, *Parry and Riposte* 637. (Emphasis supplied.)

7. *Brown v. Board of Educ.*, 347 U.S. 483, 494 (1954).

8. Gregor, *Segregation* 622-23. (Citation omitted.)

9. "True, the statement [which appended the brief entered by the NAACP in *Brown v. Board of Educ.*] is the off-spring of advocacy rather than objective appraisal and is egregiously misleading." Lewis, *Parry and Riposte* 647. (Citations omitted.) See also *id.* at 653.

10. Gregor, *Segregation* 626. (Emphasis supplied in part.)

into: "Professor Gregor's brief *in support of segregation* [*sic*] contains, at least implicitly, the following assumptions: . . . truly valid psychological studies indicate integration is more harmful to the psyche of the Negro youth than segregation."¹¹ How the original article could have *implicitly* contained such a contention when this author *explicitly* said it did not is difficult to fathom.

Professor Lewis indicated that his article was written not to dispute the validity of this author's data but rather his conclusions.¹² Since the conclusions Professor Lewis attacked are not this author's, it is difficult to determine precisely what his article is about.

Point three. The primary purpose of the original article manifestly was an appeal for clarity with respect to issues involved in school segregation *within a specifiable age range*.¹³

It was argued for considerable length¹⁴ that in considering social science material bearing on *de jure* school segregation, some attempt should be made to distinguish, from among the multitude of variables which constitute "segregation," the weight to be assigned to school segregation, per se, operative within some relatively specific age range. That such was required by the logic of the appeal presented to the Court in the *Brown* decision is evident. The lawyers of the NAACP pressed Professor Clark for just such testimony.¹⁵ Despite the absence of such evidence,¹⁶ the attorneys for the NAACP argued their case as though such testimony had been given.¹⁷ Nowhere in the original article was it denied that "segregation, prejudices and discriminations, and their social concomitants" damage the Negro personality. It was clearly stated that "the psycho-dynamic impairments suffered by Negroes *can* be the consequence of *any* or *none* of the [above] poorly defined variables . . ."¹⁸ The original article merely sought to isolate the influence of the critical variable, *i.e.*, *de jure* school segregation within a relatively specific age range.

Professor Lewis, irrespective of this author's clear statement concerning the negative impact of "prejudice," "discrimination," "social disorganization," "high disease and mortality rates, crime and delinquency, poor housing, disrupted family life and general substandard living condi-

11. Lewis, *Parry and Riposte* 637. (Emphasis supplied.) (Citations omitted.)

12. *Ibid.*

13. "What is required by the logic of the mandate before the Court is isolating the purported effect of *de jure* school segregation *within a relatively specific age range*." Gregor, *Segregation* 624.

14. Gregor, *Segregation* 626-28.

15. K. B. CLARK, *PREJUDICE AND YOUR CHILD* 193 (2d ed. 1963).

16. *Ibid.*

17. Cf. FLETCHER, *THE SEGREGATION CASE AND THE SUPREME COURT* 54 (1959).

18. Gregor, *Segregation* 625. (Emphasis supplied.)

tions," argued precisely in the fashion of the social science brief¹⁹ appended in the *Brown* decision. He did this despite the fact that he identified the brief as an "off-spring of advocacy rather than objective appraisal."²⁰ Professor Lewis proceeds to tell us that "prejudice," "discrimination," "social disorganization," "high disease and mortality rates, crime and delinquency, poor housing, disrupted family life and general substandard living condition" produce a negative effect on the Negro personality. While his accord is welcomed, it is quite unclear how this advances the argument one whit. The original article clearly requested that the relevant variable, *i.e.*, school segregation within a specific age range, be isolated so that its impact could be determined in some measure. Instead, Professor Lewis spends fourteen pages²¹ repeating what already had been granted, none of which had any bearing on the issues.

Irrespective of this author's attempt to speak clearly, Professor Lewis insists that that original article was a "brief in support of segregation." It was explicitly maintained that the article's primary concern was with the impact of *school* segregation on Negro youth within a relatively specific age range, a consideration which the logic of competent policy making would seem to require. Is Professor Lewis suggesting that this author supports differential wages, higher mortality and disease rates, and increased crime and delinquency for Negroes? It is difficult to determine, first, what Professor Lewis is saying; and second, the relevance of his article to the original article.

Point four. While Professor Lewis tells us that he does not intend to contest the data contained in the original article he nonetheless proceeds to do just that. He does this in so cavalier a fashion that his arguments almost defy reply.

Professor Lewis suggests that this author believes that "race cleavage is . . . inevitable."²² So convinced is he that this was said that he repeats it twice.²³ Nowhere was it suggested that racial cleavage was "inevitable." The very expression is inappropriate to scientific discourse. Professor Lewis ascribes such a view to this author possibly because he has a confused notion as to what causability is understood to mean in any scientific discipline. He thinks that science argues in such a sophomoric fashion as "*post hoc ergo propter hoc*."²⁴ This would mean that scientists conceive causal laws to be logical entailments! Such a notion was abandoned with Galileo. Scientists generally understand causal

19. Appendix to appellants' briefs, p. 4, *Brown v. Board of Educ.*, 347 U.S. 483 (1954) (MICRO CARD 3647, 3651 MATTHEW BENDER & CO.).

20. *Lewis, Parry and Riposte* 647.

21. *Id.* at 657-71.

22. *Lewis, Parry and Riposte* 673. (Emphasis supplied.)

23. *Id.* at 674.

24. *Id.* at 658.

laws to be patterns of descriptions or formulae for making predictions. Causal laws do not state that invariably p implies q . Causal laws generally are probability statements which mean only that p implies q to some degree of probability. The degree of probability may be assigned either a metrical or non-metrical measure as a consequence of an assessment of the variant initial conditions which function as determinants. The ascriptions of "inevitability" were made by Professor Lewis and could not conceivably be the consequence of anything other than a bizarre distortion of anything this author might have said.

Professor Lewis then attempts to discredit the *data* offered by suggesting that the authors of the articles cited do not agree with this author's *conclusions*. Again, he seems to think conclusions in empirical science are deductions only one of which can be valid. In empirical science, however, raw data lends itself to at least *several* legitimate interpretations. Both those who supported the Ptolemaic universe and those who supported the Copernican universe had the same data. They each had different interpretations. Had science used Professor Lewis' persuasive technique of counting the noses of those in favor of the Ptolemaic system when the Copernican system was first advanced, we would still believe ourselves housed in a geometric universe. Had everyone agreed with this author there would have been no necessity for writing the original article.

In the original article, *select data* bearing specifically upon the dynamics of personality formation in Negro children was used. The majority of authors cited were concerned with other variables than that of school segregation per se. The inclusion of other variables obviously would legitimately affect their conclusions. Professor Lewis' criticisms would be entitled to some respect if *all* the arguments of *all* the authors cited had employed the same premises. Since this was not the case, Professor Lewis' culling of quotes does not merit a reply.

In a further attempt to discredit the data upon which this author rested his tentative conclusions, Professor Lewis seeks to discount Professor Clark's results by informing us that "nothing in the Clark study apprises the reader of the race of the individual posing the questions to the Negro children. This variable could seriously affect the results."²⁵ And well they might. For that reason Professor Clark was careful to include: "It seems necessary to state that the experimenter who actually worked with the children was medium brown in skin color."²⁶ Anyone familiar with the foregoing literature would know that Professor Clark is a Negro.

25. *Id.* at 678.

26. K. B. Clark & M. P. Clark, *Skin Color as a Factor in Racial Identification of Negro Pre-school Children*, 11 J. OF SOCIAL PSYCHOLOGY 159 (1940).

That Professor Clark's conclusions, the only conclusions that rest upon essentially the same data, are different than this author's is the consequence of what is submitted as Professor Clark's faulty analysis.²⁷ This also is specifically Professor van den Haag's conclusion.²⁸

Professor Lewis then gives a partial report of Professor Clark's data, suggesting that it was inconsequential because "the critical ratio of the difference between Negroes in segregated and integrated schools on question 1 was not significant and in question 2 only approached significance . . ." ²⁹ as though the projective test employed only two questions. This, obviously, was not the case. Professor Lewis reported on the first two questions of the test — *those that are subject to minimum emotional involvement on the part of the child.*³⁰ The original article reported the differential response to questions 3 and 4 in the projective test.³¹ Professor Clark does not doubt their significance nor does Professor Lewis. If he does, he has not read the material with care.

If Professor Clark had not thought the North-South differences reached the level of significance, he would not have offered an alternative explanation to the one that immediately comes to mind. When Professor Clark qualifies his findings with an interpretation which stands at variance with that which is immediately "suggested," he does not argue that the differences do not reach the level of significance, as he would if Professor Lewis' account had any merit. Professor Lewis should know that the North-South, congregated-segregated differences were significant on *questions 3 and 4*, the questions with which this author was concerned.³² Clark reports, and so he was quoted as reporting, that "southern [Negro] children . . . are *significantly* less likely to reject the brown doll (evaluate it negatively), as compared to the *strong tendency* for the majority of northern [Negro] children to do so."³³

Thus, all of the data, arguments, and conclusions in the original article are left unimpaired. There is some reliable evidence that racial congregation in the schools, now and for the immediate future, may seriously impair the personality development of the minority child of

27. Gregor, *Science and Social Change — A Review of K. B. Clark's "Prejudice and Your Child,"* 3 MANKIND Q. 229 (1963).

28. van den Haag, *Social Science Testimony in The Desegregation Cases — A Reply to Professor Kenneth Clark,* 6 VILL. L. REV. 69 (1960).

29. Lewis, *Parry and Riposte* 679.

30. (1) "Give me the doll that you like to play with," and (2) "Give me the doll that is a nice doll." K. B. Clark & M. P. Clark, *Racial Identification and Preference in Negro Children*, in READINGS IN SOCIAL PSYCHOLOGY 551 (Swanson, Newcomb & Hartley eds. 1952).

31. (3) "Give me the doll that looks bad," and (4) "Give me the doll that is a nice color." *Ibid.*

32. Gregor, *Segregation* 627 n.42.

33. *Ibid.* (Emphasis supplied.)

high social visibility. This author would think that the administration of law might give this possibility some consideration.

Point five. In the forty-five pages devoted to a "parry" of the fifteen page original article, there is nothing of substance bearing on the specific issue with which this author was concerned: the effect of school integration or segregation on the minority child of high social visibility. Whenever Professor Lewis addresses himself to some substantial issue, his treatment is either confusing or confused. In regard to the suggestion that *some* Negroes³⁴ have been advocating separate schools, Professor Lewis implies that he has contradicted this author by indicating that the majority prefer integration. Both theses are compatible. When it was suggested that men are generally disposed to identify themselves with those who share overtly visible physical or socio-cultural attributes,³⁵ Professor Lewis argues that in some parts of Brazil cultural factors determine social distance.³⁶ Both theses are compatible. Concerning this author's indication that Negroes educated and raised in all-Negro communities *tend* to be more favorably disposed *towards their own race*,³⁷ Professor Lewis implies that he has contradicted this position with the fact that "in certain instances" Negroes residing in close contact with whites have a much more favorable *attitude toward whites*.³⁸ Both theses are compatible.

The confusion is compounded by Professor Lewis' disposition to make definitive conclusions on matters concerning which he cannot possibly have evidence. He holds that "integration in the schools is not harmful to Negro youth. . . ."³⁹ How he knows this with such finality is hard to imagine. As was indicated, there is very little data on the impact of "integration" on personality dynamics of minority children of high visibility. This author's own work — which has been presented to the professional community⁴⁰ — suggests that protracted contact with a majority group of high social visibility may seriously impair the minority child's sense of personality identity, a conclusion reached in-

34. *Id.* at 634.

35. *Id.* at 631.

36. Lewis, *Parry and Riposte* 673-74.

37. Gregor, *Segregation* 627-28.

38. Lewis, *Parry and Riposte* 679-80.

39. Lewis, *Parry and Riposte* 681.

40. Gregor, *Dynamics of Prejudice*, 3 MANKIND Q. 79 (1962); Gregor, *Ethnocentrism Among the Australian Aborigines: Some Preliminary Notes*, 4 SOCIOLOGICAL Q. 162 (1963); Gregor, *Sociology and The Assimilation of the Australian Aborigines*, in COMMUNICATIONS BEFORE THE XXTH INTERNATIONAL CONGRESS OF SOCIOLOGY II (1963) (Cordoba, Argentina); Gregor, *Sociogenesis of Secondary Symptoms in Psychiatric Disorders Among Negroes*, 27 PSYCHIATRY (to be published, Feb. 1964); cf. the newspaper account of recent research by this author among the Bantu of South Africa in Gregor, *Bantu Toti Found*, Honolulu Advertiser, Sept. 25, 1963 (page and column unavailable).

dependently by Professors Brenman,⁴¹ Myrdal,⁴² and van den Haag. Professor Lewis, all his declamations notwithstanding, does not know what the effect of congregation of the races in the school will produce with respect to minority children. This author's plea was for a studied and careful consideration of the possible hazards involved. And the original article was directed towards a specific problem: the congregation of children during critical periods of their personality formation.

Point six. As though his were not enough for one article, Professor Lewis proceeds to identify me with Dr. Samuel Green, Grand Dragon of the Ku Klux Klan,⁴³ and Adolf Hitler.⁴⁴ He manages this gratuitous identification by ascribing to this author a "fatalistic acceptance of the status quo"⁴⁵ because the original article did not embark upon an excursion into the ultimate causes of Negro social and scholastic deficits. Because the issues involved do not lend themselves to analysis within the confines of an article of fifteen pages, Professor Lewis interprets this to be a fatalistic acceptance of the status quo. He proceeds to equate this indisposition to deal with serious matters superficially with a rejection of the world and science.⁴⁶ He maintains further that this author believes law is "a device for inculcating appropriate habits by compelling appropriate behavior."⁴⁷ Professor Lewis then informs the reader that this is reminiscent of Hitler's Third Reich, which is all very well and good in case anyone is interested in such vague rules of association. This is an unwarranted, forced association upon this author in the effort to denigrate and malign. In the original article, it was clearly stated that "the law, in much of contemporary theory, is conceived as a device for inculcating appropriate habits by compelling appropriate behavior."⁴⁸ This was *not* advanced as the view of this author in regard to what the law *was*. It was argued that since such was the case in much of contemporary theory, it behooves us to consider just what we are going to be compelled to do. Furthermore, any reader who cared to read the original article with care was informed that it was not an "analysis in depth of the implications" of such a philosophy of law.⁴⁹

41. Cf. Brenman, *The Relationship Between Minority Group Membership and Group Identification in a Group of Urban Middle Class Negro Girls*, 11 J. OF SOCIAL PSYCHOLOGY 171, 195 (1940).

42. Cf. Gregor, *Segregation* 632-33.

43. Lewis, *Parry and Riposte* 637 n.3.

44. *Id.* at 640 n.18.

45. *Id.* at 637 n.3.

46. "This fatalistic acceptance of the status quo is reminiscent of the response of the Grand Dragon of the Ku Klux Klan, Dr. Samuel J. Green, when informed that the best scientific evidence was contrary to the theory of Negro inferiority: 'I'm still livin' in Georgia, no matter what the world and science thinks.'" *Id.* at 637 n.3. (Citation omitted).

47. *Id.* at 640.

48. Gregor, *Segregation* 622. (Citation omitted.)

49. *Ibid.*

Professor Bruno Bettelheim, perhaps the world's foremost authority on child psychology has stated that "there is no scientific evidence that segregation damages the human personality."⁵⁰ Professor Ovid Lewis, perhaps the world's most unknown authority on child psychology, "has proved him to be in error."

Thirty-five social scientists of national reputation endorsed the Appendix to appellant's brief which Professor Lewis refers to as "the off-spring of advocacy" which was "egregiously misleading." Professor Lewis, on the other hand, apparently feels that he has delivered a definitive statement on segregation and the psychodynamics of personality adjustment. Further comment is unnecessary.

Professor Lewis has entered a loose collection of facts in his "parry," criticism of which only the limitations of space forbid. Most of them have been dealt with elsewhere.⁵¹ What might be profitably considered is Professor Lewis' notion of just what *was* decisive in the Court's decision in *Brown v. Board of Educ.*⁵²

Professor Lewis is convinced the Court did not consider *factual* evidence in making its decision, although he realized that its deliberations have "generally been so interpreted."⁵³ Certainly Professor Philip Kurland of the University of Chicago Law School felt that

Dr. Clark's study was utilized by the Supreme Court to provide a *factual* base on which to rest its conclusion that segregation of white and Negro school children was a deprivation of the equal protection of the laws commanded by the Fourteenth Amendment. The decision has been condemned and challenged by many. So far as this author knows, however, no adequate evidence has been adduced to contradict the *factual propositions* offered by Dr. Clark.⁵⁴

Professor Lewis sees no merit in Clark's *factual propositions*. The social science opinions were "neither scientific, authoritative . . . nor persua-

50. K. B. Clark, *The Desegregation Cases: Criticism of the Social Scientist's Role*, 5 VILL. L. REV. 224, 236 (1960). (Paraphrase of Professor Bettelheim by K. B. Clark.)

51. Cf. Armstrong, Erickson, Garrett, & Gregor, *Interracial Housing and the Law: A Social Science Assessment*, in OPEN OCCUPANCY VS. FORCED HOUSING UNDER THE FOURTEENTH AMENDMENT: A SYMPOSIUM 137 (Avins ed. 1963); Gregor, *Black Nationalism: A Preliminary Analysis of Negro Radicalism*, 27 SCIENCE & SOCIETY 415 (1963).

52. 347 U.S. 483 (1954).

53. Lewis, *Parry and Riposte* 653 n.93.

54. Kurland, *The Legal Background of the School Segregation Cases, Appendix* to K. B. CLARK, PREJUDICE AND YOUR CHILD 143 (2d ed. 1963). (Emphasis supplied.) It would seem that Professor Kurland is far closer to the truth than Professor Lewis. In *Brown v. Board of Educ.*, 347 U.S. 483, 494 (1954), the Court stated: "To separate them [Negroes] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." Further, "whatever may have been the extent of psychological knowledge of the time of *Plessy vs. Ferguson*, this finding is amply supported by modern authority." *Id.* at n.11. The reference here is specifically to "psychological knowledge" and *factual* findings.

sive."⁵⁵ The *Brown* decision then, according to Professor Lewis, did not rest on *facts*. What of precedent? Did the Court's decision rest on precedent? Professor Lewis indicates that the Court had held for a considerable time that the decision in *Plessy v. Ferguson*⁵⁶ was "gospel,"⁵⁷ as far as school segregation was concerned. So certainly there was established precedent for the "separate and equal" doctrine. Professor Lewis must realize that if there was precedent *against Plessy* there certainly was precedent to *support* it.⁵⁸ *Precedent* could hardly have been decisive. What then does Professor Lewis conceive to have been decisive? He is quick to explain: "It is a decision which is recognized immediately as the just rule for our society, however difficult it is to fathom the dynamics of its creation."⁵⁹ According to Professor Lewis, the decision of the Supreme Court was based upon a mystic "felt need for justice,"⁶⁰ the dynamics of which "is difficult to fathom!" This means that every former Justice of the Supreme Court who confirmed the decision of *Plessy* was either a fool for not having perceived self-evident truth or a scoundrel for not having acted on it. If *facts*, however marshalled and articulated, provide a tenuous justification for a ruling by the Supreme Court, one wonders how much more substantial a *feeling* might be. The decisions of the highest Court in the land, according to Professor Lewis, are warranted by propositions about feelings.

Little need really be said about Professor Lewis' simplistic reduction of the problems which beset race relations to those of "good guys" versus "bad guys," except to repeat Professor Campbell's judgment concerning a similar simplism found in Professor Myrdal's study of the Negro in America:

Gunnar Myrdal performed a disservice to our understanding of segregated social systems by his drastic simplification of the normative dimensions of the issue. His position that the race issue must be understood as a conflict between the base and the idealistic elements of man's nature — man's self-seeking, selfish interests in profiting from segregation versus his affective commitment to the ideals of the American Creed — undoubtedly is deficient in describing significantly large elements of the white population.⁶¹

Professor Lewis has performed a similar disservice. Not only has he deceptively simplified the moral dimensions, but he has abused the

55. Lewis, *Parry and Riposte* 653.

56. 163 U.S. 537 (1896).

57. *Id.* at 646.

58. *Sweatt v. Painter*, 339 U.S. 629 (1950); *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938); *Gong Lum v. Rice*, 275 U.S. 78 (1927).

59. Lewis, *Parry and Riposte* 651.

60. *Ibid.*

61. Campbell, *Moral Discomfort and Racial Segregation — An Examination of the Myrdal Hypothesis*, 39 SOCIAL FORCES 228, 233 (1961).

language to the extent of using the one generic term "segregation" to mean different things in different places. "Segregation," in Professor Lewis' lexicon, means "prejudice," and "discrimination," as well as reduced income, a higher crime, mortality, and disease rate, a matriarchial family system, and an impaired sense of self. Under such circumstances, issues are confused in a display which includes almost every elementary material fallacy: hasty generalization, faulty causal generalization, *post hoc* reasoning, and what is known in the study of logic as "the all-or-nothing" mistake.

Professor Lewis has argued himself into a position from which he can only maintain that *he* knows what justice is; and anyone who contends that, unless justice is defined with some linguistic precision and with a little relevance to facts, it tends to be vacuous and/or a mask for ignorance and abuse is immediately consigned to the class of those who consort with Hitler and the Grand Dragon of the Ku Klux Klan, who no doubt argued with as much vehemence that their postures were assumed as the consequence of a "felt need for justice."