

JUSTICE HORIZONS

"NU HOU KANAWAI"

TRENDS, RESEARCH FINDINGS AND EMERGING ISSUES



Court Administration:

*"The Nature of Leadership" and
"Leadership Development"*

John Gardner

New Management

Winter 1987 and Summer 1988

Summary:

In the first article John Gardner attempts to define what makes a leader. First, he defines leadership as "the process of persuasion and example by which an individual (or leadership team) induces a group to take action that is in accord with the leader's purposes or the shared purposes or the shared purposes of all." Leadership is different from authority in that authority is a mandate to exercise power in a certain sphere. A parking officer has authority but not necessarily leadership. Gardner disagrees with most

writers who believe that leaders and managers are different—the job of managers generally is to preside over the processes by which the organization functions. Gardner believes that every great manager must be a leader. But there is a difference between the leader/manager and the normal routine manager.

Leaders, for example, tend to have the following characteristics:

- (1) They think in longer terms—beyond the day's crises, beyond the quarterly report, beyond the horizon.
- (2) They look beyond the unit they are heading and grasp its relationship to larger realities.
- (3) They reach and influence constituents beyond their jurisdictions, beyond boundaries.

(4) They put heavy emphasis on the intangibles of vision, values and motivation and understand intuitively the non-rational and unconscious elements in the leader-constituent interaction.

(5) They have the political skill to cope with the conflicting requirements of multiple constituencies.

(6) They think in terms of renewal. The routine manager tends to accept the structure and processes as they exist. The leader or leader/manager seeks the revisions of process and structure required by an ever-changing reality.

However, since most organizations are highly structured, impersonal, complex, and exist for their own growth, the question remains: Is it

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*"Litigation Boom? Professor Turns up a
New Culprit"*

Paul M. Barrett

Wall Street Journal

October 17, 1988

Summary:

The "lawsuit game" has swept the United States and more and more people are becoming contestants in this all or nothing contest. Few people would deny that the litigation problem has hit mind-boggling proportions. However, not very many would agree that the problem may not stem from tort cases.

The manufacturing sector has been a recent target of the latest lawsuit wave with a dramatic increase in product-liability suits. The National Asso-

ciation of Manufactures' comments that the recent explosion in product-liability suits is "a blood bath for U.S. businesses." Comments such as these combined with the alarming increase in litigation cases have caused some business sectors to point fingers.

The number of lawsuits is on the rise. However, Marc Galanter, a law professor at the University of Wisconsin, refutes common fallacies about litigation maintaining that "increased filings in federal courts have been sparked more by businesses suing one another over contract disputes than by citizens attacking corporate defendants."

Galanter's findings could have a dramatic effect upon the current tort-reform statutes that limit the amount awarded by a jury. Jerry J. Phillips, a law professor at the University of Tennessee, asserts that the research con-

ducted by Galanter "raises questions whether the insurers and manufacturers have been so honest" in their claim of a litigation landslide dominated by tort suits.

Statistically, Galanter's assumptions seem to be justified as it was found that between the years 1960 and 1986 the number of contract disputes annually filed in federal court rose 258%, from 13,268 cases to 47,443 cases. In contrast, tort filings for the same period of time increased only 114%, from 19,584 cases to 41,979 cases.

Galanter claims that the misconception shared by most people arises because business litigation is not normally considered as contributing to the litigation boom. He also asserts that the news media is partially to blame for focusing on a few sensationalized and trivial cases.

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Court Administration:

Leadership *from page 1*

possible for leadership to emerge? Gardner believes that although large bureaucracies certainly diminish the possibility of visionary leadership emerging, the possibility remains.

In the second article on leadership development, Gardner asks "can leadership be learned?" For him, while there is no equation to predict who will become a leader, it is possible through leadership training to allow human talent to develop. Gardner believes the key is in developing generalists who understand human culture and know how to communicate. "Leaders communicate to move people into action, to calm them in moments of panic, to explain setbacks..." Besides classroom education, leaders develop through role models and mentors. Unfortunately, in most institutions and corporations, organizational culture destroys leadership. According to one CEO, "We recruit young people fresh out of college, and for thirty years we reward them for keeping their noses to the grindstone, doing their narrow jobs unquestioningly. Then, when a top post opens up, we look around in frustration and say 'where are the statesmen?'" Another problem in leadership education is that those who draw attention to themselves are often those who are "flashiest", not necessarily those who can motivate and move the organization forward.

Finally, Gardner writes that leadership education is a life long education for by the time one is in mid-career, "the experience of one's life would have been gained in a world that no longer exists." With appropriate help—sabbaticals, new assignments, new goals, off-site training, and extracurricular activity—renewal is possible.

Comments:

In **A Passion for Excellence: The Leadership Difference**, Tom Peters and Nancy Austin further articulate the definition of a leader. They develop a series of criteria to distinguish the leader from the routine manager. A leader carries water for people; thinks of ways to make people

more productive; is more focused on company goals; rewards employees; appeals to the best in each person; is a cheerleader, problem solver and a good listener; is available, fair, decisive, persistent; is tolerant of open disagreement; trusts people; delegates whole important jobs; wants anonymity for himself, publicity for his company; often takes the blame yet gives credit to others; is honest under pressure; has strong convictions; prefers eyeball to eyeball contact instead of memos; admits his own mistakes and comforts others when they admit mistakes; is open to new ideas and employees; keeps his promises; sees the company as number one; and sees mistakes as learning opportunities.

On the other hand, a routine manager or an individual pretending to be a leader presides over the mess; is

According to Tom Peters and Nancy Austin, "A leader...often takes the blame yet gives credit to others...admits his own mistakes... and sees [them] as learning opportunities."

invisible—gives orders to staff—expects them to be carried out; thinks primarily of personal rewards and public image; is uncomfortable with people; is a good talker; is hard to reach from below; is fair to the top but exploits the rest; uses committees and consultants for difficult decision-making; is only concerned when personal goods are at stake; is intolerant of open disagreement; vacillates when a decision is needed, trusts only words and numbers on paper; keeps all final decisions; wants publicity for him or herself and anonymity for others; looks for a scapegoat but takes credit; complains about the lack of good people; prefers memos and long reports; is unpredict-

able and says what he or she thinks others want to hear; never makes mistakes and blames others; prefers secrecy yet doesn't keep promises; sees him or herself as number one and sees mistakes as punishable offenses.

To Peters and Austin leadership is primarily coaching. For them, "coaching is creating winners, keeping the faith in the thick of turmoil, building momentum, finding tiny glimmers of light in the midst of darkness, building on the strength that ninety-nine out of a hundred have."

This strength is what must be brought out and nurtured in individuals so they, too, can become leaders, for leadership ultimately is not about the self and the organization, but about self-understanding and self-fulfillment. ❖

Litigation Boom *from Page 1*

While Galanter does admit that the study is limited because of its focus on federal courts, he is quick to point out that "most of the warnings about runaway litigiousness also rely on federal court figures."

According to Galanter's figures, Americans have not significantly increased their litigiousness any more than in the Colonial period or early 1800s. In fact, Americans probably go to court at roughly the same rate as people in England, New Zealand, or Denmark.

Although Galanter's figures remain controversial and may not persuade many corporate executives, David B. Rottman, Director of Statistics for the National Center of State Courts, comments that "no academic is as widely read by the people in the courts." ❖

See: "Caseload Trends," *NHK*, Vol. 1, No.1, 1984 ; Lynn Weisberg, "The Civil Litigation Explosion: myth and reality?" and "Letters," *Judicature* (Vol. 75, No. 5, 1988); see also, Thomas Marvell, "Caseload Growth—past and future trends," *Judicature* (Vol 71, No. 3, 1987) which argues that a 1% increase in economic growth produces a 1.6% increase in case filings.

RADICALISM IN THE 1990s

INTRODUCTION

The critical decade of the 1990s lies upon the horizon. More than a simple transition period, it might indeed mark a critical turning point towards a new politics. This decade not only demarks the end of a millennia but might also usher in a new era of radicalism. But as with any new era, letting go of the past and grasping the future will be painfully difficult.

This era may well be one of radical ideas, concepts, and images, where "young" adults once again seek out the edges of society. These edges do not necessarily correspond to antiquated political notions of left or right but to the very structure of society; the why, when, what, and how of societal existence. Institutions of social cohesion will need to be prepared for the impact of these changes.

In a comparative sense it appears that a youthful element of American society is repoliticizing in the manner of campus students of the Sixties. However, they are without the naivete of the Fifties; rather they are imbued with cynicism endemic of the Eighties. Yet what makes this burgeoning movement unique is its counterparts in England, Western Europe, Poland, the Soviet Union, and to lesser degrees, China and Japan.

Young radicals are fundamentally against what is perceived to be the ineffective as well as insensitive social/economic/political policy actions of government. The established policy posture of government has not, in any historical context, proven an ability to sustain the sanctity of life on Earth.

ACTIVISTS

This critical decade of radicalism will be represented by a multitude of groups representing varied interests. Radical groups may be very utopian espousing social harmony, global peace, and environmental sanctity. Or they may be dystopic in seeking racial purity, religious fanaticism and intolerance, and social anarchy. All will, however, have a common theme: dissatisfaction with the here and now and where it is leading to.

At the root of this era of activism will be the young, especially teenagers. In the past only those entering college were exposed to alternative critical philosophies of social order which served as catalysts for the politicizing of youth. Today, the tremendous flow of information, especially that generated by the TV media, has provided unprecedented public access to political structures, social policies, as well as catastrophic events which have occurred around the globe. Children raised during the burgeoning information era of the 1970s and 1980s have witnessed the chronicling of modern man.

With today's information technology, awareness of global events is no longer relegated to dusty pages of history but to the full color of video. Few would argue that today's youth is not more critically aware of how the world works or does not work than the children of twenty or more years ago. Hence, their repoliticization will probably occur faster and more intensely than their counterparts of the 1960s.

EMERGING ISSUE IMPACT S-CURVE

The following provides an illustration of life cycles of the student activist movement and environmentalism. By placing the various stages of these issues on a time line, one can see a distinct pattern of growth, critical mass, decline and reemergence.

Such comparisons between decades are validated by a number of cyclical historical theories. Ravi Batra has posited a strong case of social cycles influencing the economy. In his study of cycles Batra concludes that "every 28 to 32 years a significant transformation occurs in the American economy and society."¹ Batra's theory of cycles is supported by the work of Arthur Schlesinger, Jr., who first expounded upon thirty-year cycles in 1924. These pendulum swings between liberalism and conservatism are absolute in the completion of each cycle. Leadership assumes that a static situation can be maintained but Schlesinger argues that it cannot. He predicts that a new liberal (activist) phase will come full flood in the early 1990s.²

Student Activist Movement

1960	EMERGE	Port Huron Statement; Popularity of <u>On the Road</u> by Jack Kerouac, the Beat Generation and marijuana cult
1960s	TAKE-OFF	Rock music, acid trips; Vietnam build-up
1967-68	PEAK	Tet offensive; Chicago Convention; the movie <u>Easy Rider</u>
1970	STABILIZE	Civil rights legislation in place; U.S. Troop phase out; Watergate; War Powers Act
1980s	DECLINE	Conservatism; Decline in humanities; Fewer students
1985	REEMERGE	Apartheid Protest; Anti-nuclear campaign; Punk Movements; The Green Party
1995	TAKE-OFF	Depression/food shortages; immigration to U.S. halted; Race Riots; U.S. withdraws from NATO; End of two party system; Radicals elect fringe candidates; Cult worship flourishes; U.S., USSR, and Japan propose Space Colonies to ease populations

Environmentalism

1960	EMERGE	Environmentalism, Rachel Carson's <u>Silent Spring</u>
1960s	TAKE-OFF	Back to nature movement, communes, natural foods
1969-70	PEAK	National Environmental Policy Act 1969; Earth Day
1970s	STABILIZE	Environmental regulatory agencies established, environmental groups, as Green Peace, form lobby associations
1980	DECLINE	Economic necessity replaces altruistic environmental concerns
1987	REEMERGE	Eco-activists, <u>Earth First</u> by Dave Foreman; The Green Party
1995	TAKE-OFF	Third world nations demand eco-payments for non development of forested lands; Pro-development politicians kidnapped by eco-terrorist, industrial corporations sabotaged, Japanese products boycotted due to whale and dolphin slaughter.

1990s RADICALISM *from page 3*

Two key movements are then in place to affect the 1990s: student or youth activism and environmentalism. The root of discontent is a lack of visionary leadership. Uncertainty and dissatisfaction have promoted a general level of discontent. The catalyst in such a movement will in all probability be the global economy.

America's large cities serve to illustrate the weak infrastructure of the American system. For they have deteriorated into a hopeless morass of poverty, drugs and violence. "Blue collar industries that once constituted the economic backbone of cities and provided entry level employment for lesser skilled workers have vanished."³ The middle class is losing its stake in the American dream and consequently losing touch with its community. As a result right wing ideologies of Facism and Nazism are particularly attractive symbols to this disenfranchised populace.

The next aspect of the youth movement brings perhaps the most devastating one as they espouse anarchy. They do not believe in any legitimized authority be it legal, political or moral. Chaos is their idol. "New anarchists seem driven more by desire to live anti-authoritarian lives than by a commitment to anti-statis ideology."⁴

But to pass the radical movement of the 1990s off on the genre of white supremacy groups and neo-nazis or cynical anarchists would be folly. Many young people, 13-21, have an exceptional global perspective. This generation of the electronic era represents the first generation of global children. They are not a children of colonialism or nationalism but of globalism. They have a well-developed, albeit negative, perspective concerning politics, economics, welfare, pollution, discrimination, and warfare.

According to John Stevenson who followed the April 1985 "No Business as Usual Day" rally in Chicago "there is now a new wave of political awareness, a new activism, a new radicalism...it is once again cool to be radical."⁵ Global youth want to be involved in the political process. They no longer feel their fate can be entrusted to the hands of the adults who have gotten their world into such a mess. As an undercurrent

to this punk movement is a feeling of alienation from family, community, and society.

This attitude is mirrored in East Germany where punk radicals sport orange hair and ripped clothes like their western counterparts and speak out against authoritarianism and the staid ideals of the comfortable German middle class. Heino an East German Punk put the punk perspective in this light: "The state bureaucrats always act like we want an instant revolution. We just wanna realize our own ideals of living together. We want our own theater, our own music. I don't need no furniture-color-tv boredom. I want more of me. We want more of us."⁶

"As the court of Earl Warren played an important role in...the 1960s, the Supreme Court will again [become] a focal point of issues too politically charged...[for the] Executive and Legislative branches."

In America a thirteen-year-old girl stated the following, "I think all over the world, where children (six to twenty) are unsatisfied with their government, it's starting (the radical movement)...we are all part of the whole."⁷ So although members of the various punk movements may be very young, they already have a global or international understanding of politics. By the time these twelve and thirteen year olds reach voting age they will have radical perspectives of politics. They are looking for solutions, they are looking for change, no matter how tumultuous.

In a sense the explosion upon the horizon may not be an atom bomb but an inner-bomb. The complete restructuring of social consciousness, spirituality, lifestyles will turn Western society upside down. What will be lost in the shake out? What will hold on?

Where are these radicals besides in teen punk movements? In

Middle Class Heartland America. This bastion of conservatism in reality serves as the true pulse of America's passions. The slippage of the middle class is generating powerful undercurrents of disenchantment and calls for change.

There is a resurgence of populism with leaders such as Texas politician Jim Hightower and radical farmer's advocate Larry Humphreys. Both represent a large cross section of middle America which if mobilized could have a great political impact.⁸ Both men seek to radicalize conservative rural Americans. However, Hightower utilizes the political structure to create change in the economic structure which oppresses farmers, whereas Humphreys promotes a philosophy of violent defiance in order to save middle American values of land and independence.

Such revival of grassroots movements is the most positive of the radical movements of the 1990s. A leading example of grassroots activism is the Green Movement. Their values are self-help, cooperation and less government. This facet of radicalism does not propose violence as it is fundamentally grounded in smallness and nature. Although not as organized and influential in American the ideals of the Greens have a spiritual foundation in American grass roots democracy.

Environmental radicals take up where the Greens leave off. These people believe in the passionate defense of the "Mother Earth" against the exploitive economic systems of U.S. capitalism and U.S.S.R. socialism. "Eco-defense", a term coined by environmentalist Dave Foreman, is a catch word for an informal network of individuals who utilize extreme methods to stop environmental exploitation.

JUDICIAL STRESS

Assuming that the emotions of piqued youth dissatisfied with authority result in public protests, then the courts can be expected to eventually become embroiled in this controversy of young activists. As the court of Earl Warren played an important role in the black and college protest marches of the 1960s, the Supreme Court will again be a focal point of issues too politically charged or hot for election-minded officials of the Executive and Legislative branches to deal with.

What is particularly dangerous to the Judiciary is any loss of esteem, of validity, of the symbol of the courts as a place of justice and equality due to appointments of blatant partisanship of the courts as with the influence of controversial conservative U.S. Attorney General Edwin Meese and the recent failed nomination of Judge Bork for the Supreme Court.

In the case of Tinker vs. Des Moines School District (1969) the Supreme Court ruled in favor of symbolic free speech as the wearing of black arm bands.⁹ Some punk groups believe self-abuse such as violent bashing into mobs at concerts is socially acceptable behavior. Will they take such activities a Black armbands a step further? Will they develop a mode of student protest involving bodily harm such as severing fingers and ears, branding or scarring faces or piercing flesh with unnatural objects? How will society or the courts react to such seemingly aberrant behavior? We all can certainly remember the impact of Buddhist monks immolating themselves in Saigon streets during the Vietnam War upon the American psyche. In all sincerity, many "Punk Rads" are equally devoted to their individual causes and beliefs. Their actions may seem unusual but their intent is obvious.

The future issues facing the courts will not be easy to resolve. The expanding problem of gangs in our inner cities has created a virtual guerilla war being fought by individuals too young to be effectively dealt with by the courts. These "children" exploit the system and make a mockery of society.

Perhaps more dangerous are the militaristic racists as the "Skin Heads". David Simpson of the Portland (Oregon) Police Department stated "The Skin Heads really believe in this cause [racial revolution] and are willing to die for it...[gangs as] The Crips and Bloods deal in drugs these people deal in hate."¹⁰

This attitude of hate and violence feeds upon itself. The response in the black communities is exemplified by the highly popular Rap music. The group "Public Enemy" recites lyrics equally critical of whites and Jews. According to Chuck D., rap music is rooted in the 1960s and the black

struggle for equality. "Now if you ask me are blacks in an adversarial position with white people in general my answer would be yes."¹¹

With the placement of a highly conservative Federal court in the 1980s, this may create intense conflicts between radicals: some of who believe solely in anarchy; others who believe in white supremacy; and still more who fervently believe in globalism. How will the U.S. court rule? Issues of race, social equality, and economic opportunity have never been entirely resolved in America. How the courts react to radical ideas of social change will be critical. If the Court establishes a precedent of overturning past civil rights decisions, they minimize the effect and legitimacy of present rulings to support American policy and therefore society. Such actions may eventually delegitimize the courts' role as a monitor of society. What will the counter reaction of anti-authority radicals be? It is possible that court rulings in the U.S. against anarchists could set off a sympathetic wave of protests around Europe which may well bring angry responses from the governments of the affected countries to change American legal/social policy.

WHERE TO?

Global societal systems are often perceived as imperfect in promoting values of human dignity and life. Yet global systemic restructuring will be essential to promote such ideals. Although the 1960s did not have a historical precedence for change, a major faction of the radical movement of the 1990s will understand that to merely criticize the present establishment is useless. To tear down and destroy is easy, to create is far more difficult and rewarding. This is where the public support lies. Therefore, any articulation of change must have a rationale based upon the future and the positive result it will have.

As the radical idealism movements of the 1990s expand, those individuals who support the voices of change will become increasingly powerful. As power-holders and stakeholders, the political elite of the "Big Chill" generation will provide a sympathetic ear to the radical movement.

Thus, these second generation radicals have: (1) the past experience of their parents to learn from; and (2) the sympathetic understanding of their parents. Rights are immutable and global be they for trees, robots animals, children, or women the quest for them evokes the most intense passion in individuals, a passion not seen in politics since the 1960's. The opportunity for change in the combination of alliance with these two factors is tremendous. This support will usher in a great deal of change in the 1990s.

The 1990s have all the ingredients to become a tumultuous decade of innovation, and extremism. At the crux of this tumultuous era is the radicalization of the middle class. Preparing our minds, as well as our social institutions like the Judiciary, for the impact should begin today. Let us hope that the coming era of radical change supports unity of peoples and not the material aggrandizement of individuals. For the 1990s, there can be "no business as usual." ♦

P.C. McNally

NOTES

1. Ravi Batra, Regular Cycles of Money, Inflation, Regulation and Depressions, (Dallas, Texas: Venus Books, 1985), p. 140.
2. Arthur Schlesinger, "America's Political Cycle Turns Again," The Wall Street Journal, (12/10/87), p. 28.
3. John D Kasarda, "The Making of the Underclass," Utne Reader, (Nov/Dec 1988), p. 44.
4. Brian Ahlberg, "Anarchy In The U.S.," Utne Reader, (Nov/Dec 1988), p. 14.
5. John Stevenson, "A New Generation of Radicals," Utne Reader, (June/ July 1986), p. 60.
6. Tom Starr and Norbert Haase, "Kommipunks," Whole Earth Review, (May 1988), p. 77.
7. Stevenson, p. 71.
8. See: Douglas Hand, "The Making Of A Right Wing Radical," Utne Reader, (March/April 1987), p. 63-71. Molly Ivins, "Jim Hightower: Best Little Populist In Texas," Utne Reader, (March/April 1987), p. 71-79.
9. Stanley I. Kutler (ed.), The Supreme Court And The Constitution, (New York: Norton and Company, 1984), p. 476.
10. Tamara Jones, "Skin Heads Spread Message Of Hate and Violence," Honolulu Star Bulletin/Advertiser, (1/1/89), p. A-7.
11. Michael Pileo, "Unbelievable Hype," Mother Jones, (Feb/March 1989), p. 10.

Social Theory:

"Justice, Law and Morality"
Krtshivananda Avadhuta
Abhinandan
October-December 1986

Summary:

This article reviews the various causes of crime in an attempt to answer the question: Why has law historically proved ineffective in the prevention of crime?

According to the author, in the 17th century, criminals were believed to be under the curse of God, in the shadow of evil spirits; in the 18th century with the individuation of the self, heredity and birth were believed to be the key causal variables; neo-classical theorists believed that criminal behavior could be explained by mental illness; Marxists postulated that a large part of crime was due to unequal wage relations; and, recently scientists believe that there exist genetic reasons for crime.

The author, however, basing his arguments on Indian philosopher P.R. Sarkar's *The Human Society*, believes that there are multiple reasons for criminality. He develops a typology of criminal behavior:

- (1) **Instinctive**--individuals commit crimes because of glandular/hormonal abnormalities. For example in a "recent study of 89 male prison inmates, Georgia State University social psychologist James R. Dabbs Jr. found that those with higher concentration of the (male) sex-hormone testosterone had more often been convicted of violent crimes. Since testosterone levels usually peak between the ages of 16 and 18, the finding may help explain why men of that age are on the verge of their most crime-prone years."
- (2) **Habit**--individuals commit crimes because actions such as theft, tax evasion, insider trading (when not mitigated by moral pressures, that is, in the absence of fear) are paths of least resistance; it is easy to break laws. Once the act is committed again and again, it becomes easier

and the individual justifies that type of behavior by rationalizing that everyone does it.

- (3) **Environmental Pressures**--"Criminals in this class do not suffer any physical or psychological derangement nor do they [commit crimes] due to laxity in society." Usually, they become criminals because of the influence of the immediate environment. For example, in a situation where employees are badly treated, they resort to theft, robbery, or even murder of the employer.
- (4) **Company**--individuals commit crimes due to the influence their friends, of the company they keep. This is true for all ages and occurs frequently when there are environmental pressures.
- (5) **Necessity**--this is the most common cause. Crimes are committed because the social structure does not distribute money and goods based on equity and merit; rather, it rewards the powerful and the rich. From this perspective, it is poverty that leads to theft, murder, and bribery.
- (6) **Occasional Urge**--at times a crime is committed simply based on a temporary weakness of the mind. Here an individual sees an opportunity and then takes advantage of it.

In addition, the author mentions other reasons such as the lust for power, intoxication, and acute differences of opinion. But, by and large, the author attempts to merge environmental, class, glandular, and moral theories of crime. The author argues that a multi-faceted theoretical framework that includes the above categories is necessary for the creation of effective public policy.

Comments:

Unfortunately, the author does not investigate the act of deciding what constitutes a crime; that is, the relativistic nature of criminal behavior. Crimes are not so until they are defined that way, either through kings, priests, or legislation. Thus, although it may be

true that murder or theft may occur because of glandular abnormality, habit, environmental pressure, "bad" company, necessity or occasional urge, a crime *prima facie* cannot occur until it is defined as illegal. How crimes become defined and the ways of seeing used to understand them—biological, psychological, sociological, genetic or political—then becomes the critical and powerful question. ♦

LITERARY HORIZONS:

Leaders: Strategies For Taking Charge
Warren Bennis and Burt Nanus
Harper & Row, NY 1985

Summary and Comments:

Leaders: Strategies For Taking Charge by Warren Bennis and Burt Nanus is a valuable guidebook for managers and non-managers alike to learn more of the subtleties of leadership and motivation. Any organization or individual will certainly benefit from **Leaders** by applying its strategies and skills to their daily activities.

The concept of leadership has had a magical and elusive quality down through the ages. Soldiers, state officials and business executives alike have searched for that intangible something which sets one person apart from the rest and empowers him or her with the followership of many individuals. This book treats this question in an uncomplicated, readable fashion.

On a fundamental level, Bennis and Nanus see leadership as something "morally purposeful and elevating...moving followers to higher degrees of consciousness such as liberty, freedom, justice, and self actualization." While the authors have an altruistic definition of leadership, nonetheless leadership is a passionate art of great rewards and even greater responsibilities. Moreover, leadership means more than the power to influence the lives of others; it means the assumption of responsibility for others.

The greatest value of **Leaders** is the clear presentation of key strategies to be applied to planning for the

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dynamics of tomorrow. Their blueprint of proactive management demands a leader who has developed a holistic perception of the world around him or her. The four strategies which form the framework for Leaders are:

- Strategy I: attention through vision
- Strategy II: meaning through communication
- Strategy III: trust through positioning
- Strategy IV: the deployment of self through: (1) positive self-regard (managing the self); and (2) the Walenda factor (embracing only positive goals)

In brief, the authors believe, Strategy I, "vision" creates focus, a group mission, one which encompasses the values of the group providing shared commitment and direction towards the achievement of said vision. Strategy II, "communication" concerns the ability to translate to the group future intentions and make a future vision become a reality by articulating what, where, and why this course of group action is the most viable one. Strategy III, "trust" demands accountability for decisions made as well as consistency and reliability of actions. Strategy IV, "self-knowledge" is to relate to present problems without past prejudice, trusting other who have greater knowledge than you, and strength to make final decisions.

Created by Nanus and Bennis, these strategies follow the traditional view of leadership pointing out the vital function which agenda setting has in providing focus so others will follow. People need, want leadership as it provides direction. A leader must be able to sort through the static or noise by intuitive as well as logical means to identify key problems and set a definitive direction, the agenda, for resolving them. Clarity of purpose and a sense of resolve come from having a clear concise agenda. But, in order to motivate a leader must also possess intelligence, charisma, creativity, self-confidence, and courage.

The authors stress the vital importance of synthesis in bringing

about leadership. Synthesis requires: "foresight to judge how a vision will evolve; hindsight to ensure that the vision will not upset traditions and culture; a world view to interpret new trends; depth perception to see the "big picture"; peripheral vision to respond to challenges from competition; revision of vision according to the evolving external environmental context."

Leaders is also filled with catch phrases for the would be leader. Derived from such quotables as Vince Lombardi to Lao Tzu, many are glib, a few poignant, all will no doubt become fine fillers for speeches and memos.

"Leaders empower others to translate intention into reality."

"A leader pulls rather than pushes people."

"For leaders vision is the commodity, power is the currency."

"The problem with most organizations is that they tend to be over managed and under led."

"Leaders are problem finders. Managers are problem solvers."

The fundamental weakness of Leaders is its lack of history. In a sense, its strategies for leadership are too exacting, there is not enough discussion of the gray areas describing non-leadership which is perhaps more prevalent than either good or bad leadership. They do not address where vision springs from or how leaders sustain their source of inspiration. Certainly, there must be something larger than creating a money-making organization. There is, then, in this book a lack of depth or substance in describing a leader. The leader which they describe seems a faceless boardroom bureaucrat making headway in the business world.

Arguably Nanus and Bennis have written a book for business managers and cite heavily the successes of CEO's in such major entities as ATT, ITT, GM, and IBM as well as small entrepreneurs. Yet of the ideal leader we are given mostly snippets of successful managers but the reader has no feel for his emotions, his values, his passion, his sense of destiny. To mention the likes of Ghandi, Churchill and Roosevelt on the same page as McDonald is blasphemy to classical understandings of leadership. The projection of cha-

risma through oratory is arguably one of the most essential attributes of leadership, yet Nanus and Bennis entreat this area with examples that are virtual advertising slogans. To inspire a nation to freedom is something far greater than to have a billion hamburgers flipped in unison. The power of words has provided the destitute with faith, the defenseless with weapons. History is rich with leaders who knew the inspiration of words: Hannibal, Scipio, Caesar, Lincoln, Roosevelt, Kennedy, Mao, Lenin, Hitler. For it is through their personality, their aura, and their words, that the great leaders extend their great visions on to the people.

Nanus and Bennis do not describe enough of the role that a leader has, the interplay of personalities and conflicts of differing agendas. Understanding the politics of power; the struggle to restrain the ego--hubris, fear, jealousy--is essential for any aspiring leader. There are the many negative or dark aspects of being in power; awareness of such pitfalls is best found in a historical review.

The classic work Plutarch's Lives reviews how the leaders of ancient times came to power and, more importantly, lost power. Compared are the lives and beliefs of such notables as Demetrius, Lycurgus and Solon of ancient Greece, Marc Anthony, Numa and Publicola of Rome. In the volumes of Plutarch the reader is informed of leadership, the natural traits, demands, benefits, and hazards through individual histories. The essential traits of discipline, aesthetics, moderation, piety, independence, sobriety, bravery, righteousness, wisdom and patience are mirrored by violence, greed, avarice, cruelty, hatred, excess, betray cowardices, indulgence and sloth. Though lacking the catchy phrases and logical strategies of Leaders, Plutarch creates a clear picture of people who have taken power, who were given autonomy, and who squandered the fortunes of their people.

For example, the fall of Marc Anthony illustrates the danger of excessive expectation of a leader, "he (Anthony) made himself so great that men thought him worthy of greater things than he desired so he deserted them." Publicola provides a lesson in wisdom in the

discretionary use of power: *"the subtle statesman will handle each issue that arises in the most feasible manner, and often saves the whole by relinquishing a part, and by yielding small advantages gains a greater one."*

The ancient classics like Plutarch, Livi, Herodotus, Plato, Machiavelli or modern classics as Clauswitz, Paige, Burns, and Tucker provide deeper meanings of leadership and the art of maintaining followership within structures which may promote poor leadership or no leadership at all. The reality of the world is that the ideal environment for the "Perfect Leader" doesn't exist. Thus, a leader must be able to work within the structures which shape the world he or she is in. This is the politics of leadership.

Any understanding of leadership is hollow without a further analysis into the deeper roots of leadership. Power which is symbiotic with leadership is often treated in Leaders as an abstraction. Yet power is a very real aspect of leadership and the one aspect which few are able to control. Leadership doesn't presuppose benevolence. Leadership, however well-intended has

"Understanding the politics of power; the struggle to restrain the ego-- hubris, fear, jealousy--is essential for any aspiring leader...[for] leadership, however well intended, has two diametrically opposed forces, good and evil, which constantly pull at us."

two diametrically opposed forces, good and evil, which constantly pull at a leader. In the process of redirecting the course of human events leaders create intense controversy as they incite changes. Developing strategies is vital, perceiving problems essential, but the key to power is held in the ability to persuade others, convince them that a problem exists and this often leads a leader to coercion and the dark side of leadership and power.

As a whole, Leaders provides an excellent beginning for persons interested in learning more about leadership and using this knowledge to empower their lives. Leaders is more than an essay on the Power of Positive Thinking in business management but in some aspect does fall into this genre. Yet the authors' emphasis upon leadership requiring foresight, vision, commitment, openness, and ability to overcome resistance provide vital keys to individuals wishing to foster leadership traits in themselves or their business. ♦

The purpose of this newsletter is to keep you abreast of the latest trends, research findings and emerging issues that may impact Hawaii Judiciary. If you find any of the issues selected of particular interest and would like more information (for example, a copy of the original article or other references) or if you would like to pass on issues and comments to us, please contact James Monma of the futures group at (808) 548-8589.



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