

NATURAL LAW AND THE CAMPUS: REVISITED

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"He reached the middle height, and at the stars,
Which are the brain of heaven, he looked and sank.
Around the ancient track marched, rank on rank,
The army of unalterable law."

--George Meredith, from "Lucifer in Starlight" (1883)

On December 3, 1951, there appeared ⁱⁿ The Freeman (then edited by John Chamberlain, Henry Hazlitt, and Suzanne La Follette), my article, "Natural Law and the Campus." I had become increasingly alarmed by the continuing decline of educational excellence, and by the rise, in American colleges, of the movements known as relativism, behaviorism, determinism, positivism, pragmatism, utilitarianism, populism, liberalism, socialism, communism, fascism, and (what was then called) "dynamic democracy." These movements, I was fully aware, were inimical to the idea of eternal, universal standards, and I decided, therefore, to express, in print, my disapproval of and opposition to these movements. In my article, I called for the return to the principles of Natural Law. "The trend toward destruction and decay," I wrote, "is apparent at the very base of all human thinking. It is in our 'pragmatic' philosophy, in the abnegation of the absolute values of human life and thought, in the sneering denial of Natural Law, that one will find the paradoxical beginning of the absolute values and power of the State."¹

What is Natural Law?

According to Cicero, it is the governing law of the world, which has its foundation in nature and not in mere opinion.² "There is but one law for all," observed Edmund Burke, "namely that law which governs all law, the law of our Creator, the law of humanity, justice, equity--the law of nature and of nations."³ It is "the law of God," defined John Calvin, "which we call the Moral Law," and it alone is "the scope, and rule, and end of all laws."⁴ Natural (or Moral) Law is also defined as the "harmony" of the universe, or an inviolate world "order," or a Supreme Reason that governs the earth.

For those who object to such nebulous terms as "nature," "morality," and the "oneness" of law, and who insist that laws (plural) are, of necessity, the embodiments of human "lawmakers," J.A. Froude has the answer: "Our human laws are but the copies, more or less imperfect, of the eternal laws, so far as we can read them."⁵ Besides, if we rely on human legislation (the edicts of the State) and seek justice (a reflection of the Natural/Moral Law), such "man-made" laws may betray us. They may, and often do, become the commands of the ruler(s) of the State and result, over and over again, in tyranny, terror, war, and oppression. (Natural Law should always be, therefore, the "yardstick" which "measures" human laws.)

For those who are agnostic or atheistic, and contend that Natural Law is but a synonym for God (to which idea they object), the reply is that all scientists (religious believers or not) follow definite rules of science, which are immutable and

universal. "All things obey fixed laws," declared Manilius.⁶ "God does not," quipped Albert Einstein, "play dice with the universe."⁷

To summarize: Natural Law is not only the Law of Science (which may be proved by observation) but also the Law of Morality (which may be established by the retribution which follows any attempt to violate such Law). "The great fact which Science in all her branches shows," wrote Henry George, "is the universality of law. Wherever he can trace it, whether in the fall of the apple or in the revolution of binary suns, the astronomer sees the working of the same law..."

"Now, if we trace out the laws which govern human life in society, we find that in the largest as in the smallest community, they are the same....And we find that everywhere we can trace it, the social law runs into and conforms with the moral law; that in the life of a community, justice infallibly brings its reward and injustice its punishment."⁸

Therefore, call it what you will (Natural Law, Moral Law, the Law of Equity, the Law of Science, the Law of Reason, the Law of Love), it is a concept recognized throughout the ages and in every part of the globe.

For over three millennia, some of the greatest thinkers of the world have paid "allegiance" to the concept of Natural Law. They may not have agreed about the complete meaning or the "function" of Natural Law, but most of them did agree that education, ethics, and human behavior were all based on that

intangible "something" that was the guide and the source of eternal values, permanent standards, and everlasting verities.

However, during the same three millennia, there appeared various critics of the idea of Natural Law, who doubted or denied the existence of that Impregnable Fortress of Eternal Truth. Two and one-half thousand years ago, Heraclitus, the champion of "flux," stated, in an imperishable aphorism, that one could not step into the same river twice.⁹ The moving waters imply constant change; therefore, there could be no permanency. (Paradox: The only thing permanent is Change itself!)

More than two thousand years after Heraclitus, Georg Wilhelm Friedrich Hegel, and then Karl Marx, propounded again the theory of the "flowing river" (dialectical transformation) in their individual, determinist depiction of History (or Historical Evolution) as a movement toward a definite "synthesis." The theory of Natural Law, in the traditional sense, was abandoned by the respective followers of Hegel and Marx. Vladimir Lenin, the ruthless disciple of Marx, expressed his disagreement with the "eternal, unchanging" concept of Law in the following fashion: "A law is a reflection of what is essential in the movement of the universe."¹⁰ (Even the universe--the "moving" universe--evidently obeys the "essential" dictates of Karl Marx! Like "Law," the Communist "Truth"--pravda--is also something "functional," something "essential." Anything that contradicts the Marxist dogma is discarded.)

In America, the assault on eternal values was led by Oliver Wendell Holmes (the son), who flatly denied that there is such a

thing as Natural law or Natural Morality, and who accepted, instead, the viewpoint of relativism. "The jurists who believe in Natural law," Holmes declared, "seem to me to be in that naive state of mind that accepts what has been familiar and accepted by them and their neighbors as something that must be accepted by all men everywhere."¹¹ He also stated: "The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law."¹² To Holmes, the "evident Truth" was that there was no "evident Truth." And as "certainty" disappeared in philosophy, it reappeared and reasserted itself in the volitional acts of the all-powerful State, which alone could decide what was "right" or "wrong," "good" or "evil," "true" or "false," "black" or "white." The State alone, Holmes proclaimed, could "permit" or "restrict" anything, provided it had "a sufficient force of public opinion behind it."¹³ Therefore, according to this philosophy, values were only social, transitory, temporary, variable, and relativistic. There could not be any innate or permanent values. And lo and behold! Values ceased to be! And when values vanished, the goal-oriented, standard-oriented education vanished as well.

Such was the gist of what I wrote in that 1951 article, forty years ago. I predicted that the college student of the future, since he could not follow a valued purpose, would drift with whatever current there was. He "will be," I said, "a little Statist. He will be the professor and the businessman of tomorrow; he will fit into the totalitarian pattern of the Coming

Order...and he will do this in the name of the American Way of Life."¹⁴

My conclusion was also a warning:

If you wish to teach the principles of freedom, generate enthusiasm for the old doctrine of equality of opportunity, or talk in terms of reason, you must seek your listeners among the youngest...students...who have not yet been exposed to the disease of socialism. Seek them out soon, or they too will betray you, and bring about the egalitarian society of serfs and slaves. Take a lesson from the colleges of Europe, where the drivers of the new regimes were the college students of the last generation.

If you send your son to the colleges of today, you will create the Executioner of tomorrow. The rebirth of idealism must come from the scattered monasteries of non-collegiate thought.¹⁵

* * *

The above is what I wrote (as I said before) forty years ago. Has my prophecy been fulfilled? Unfortunately, yes. Look at the history of the past four decades. Look at how much misery, war, and destruction there was (and is) in the world! Look at our colleges. Are they not but a mockery of the Once Glorious University?

Three weeks after my article appeared (namely, on December 31, 1951), The Freeman published two letters, one from Russell J. Clinchy, of New York, who praised my presentation; and one from F.A. Voigt, of England, who wrote that "at the risk of appearing ungrateful for an article so incisive and instructive," as mine allegedly was, he "demurred." He disagreed with my designation of Heraclitus as the philosopher of Change, claiming that the ancient

Greek sage was, in reality, a proponent of some kind of Natural Law. Voigt suggested a substitution, and proposed Jean Jacques Rousseau as the replacement.¹⁶

In the months that followed, there were many more letters addressed to me, some praising me to the highest heaven, and some sending me to the lowest hell.

Thus matters continued,--or rather,--remained (as far as my 1951 article was concerned) until the year 1970.

* * *

Two decades had passed since I wrote my essay on Natural Law, when, in the fall of 1970, I picked up the book, Anti-intellectualism in American Life, by Richard Hofstadter.¹⁷ (It was published in 1963, and the following year Hofstadter received the Pulitzer Prize for writing it.) However, when I obtained the book, in 1970, he was already dead, having passed away shortly before.

I casually leafed through a few pages when, suddenly, I was startled (nay, shocked!) to see my own name and my own words staring back at me. What I saw before me were a few quotations from my 1951 article on Natural Law. Briefly, patronizingly, and with a touch of disdain, Hofstadter "disposed" of me and my essay. He also attacked the following people (all of whom I esteem): Henry George, Frank Chodorov, William F. Buckley, Jr., John Chamberlain, Louis F. Bromfield, and the latter-day H.L. Mencken. Quite a company! I feel honored to have been included in this Ship of Fools.

As for his personal condemnation of me, Hofstadter placed me in "Exhibit F" of the total exhibits that "collectively display the ideal assumptions of anti-intellectualism."¹⁸ He was offended, evidently, by the constant attacks on "institutions in which intellectuals tend to be influential, like universities and colleges," which were shown to be (by detractors like me, for instance) "rotten to the core."¹⁹

Here is Hofstadter's critique of my article:

"Exhibit F. The universities, particularly the better-known universities, were constantly marked out as targets by right-wing critics: but according to one writer in the Freeman there appears to have been only an arbitrary reason for this discrimination against the Ivy League, since he considered that Communism is spreading in all our colleges."²⁰

The "one writer" Hofstadter referred to was myself, and he proceeded to quote my words from the 1951 essay:

"Our universities are the training grounds for the barbarians of the future, those who, in the guise of learning, shall come forth loaded with pitchforks of ignorance and cynicism, and stab and destroy the remnants of human civilization. It will not be the subway peasants who will tear down the walls: they will merely do the bidding of our learned brethren...who will erase individual Freedom from the ledgers of human thought...."²¹

And then Hofstadter quoted the concluding paragraph of my article (which I had already presented above).

When I read Hofstadter's condescending denunciation, I was enraged and perplexed. My instinct was to go out and fight--but

fight whom? The gentlemen was dead. To whom could I point out the asinity of his remarks? To whom could I complain about his silly comment concerning the "discrimination against the Ivy League" (evidently a touchy issue with the man) when I neither mentioned the Ivy League, nor even implied it! The only crime that I had committed was to describe how the insidious germ of degeneracy was slowly consuming the sap of the Tree of Knowledge, and destroying it.

Again, to whom could I protest about such labels as "populist" and "anti-intellectual," when they were leveled at me? The terms were especially idiotic, as used in his book, since they referred to my article (which he chose to condemn), where I vociferously attacked both populism and anti-intellectualism!

(It is really a matter of semantics. To Hofstadter, the "right-wing critics" were all "anti-intellectual." The "left-wing critics," on the other hand, were the obvious heroes of intellect. What a magnificent distinction! Truly worthy of the Pulitzer award!)

Throughout the book, "anti-intellectuals" were accused of being primitive, individualistic, defenders of big business, "obsessively engaged with this or that outworn idea," biased against universities, and partial to "aggressive egalitarianism," especially in education.

That last bit of claptrap was the most nonsensical "shocker" of them all in what was basically a very dull book. After my relentless attack against egalitarianism, to be "bunched" with

egalitarians and then contemptuously denounced is impudence of the worst kind. It takes gall, dishonest gall!

I still get worked up when I remember reading Hofstadter's book, twenty years ago, and recall my fury, frustration, and chagrin. The arrogance still rankles. It appears laughable in retrospect, but it still rankles!

* * *

In its edition of April-June, 1980, Fragments (the magazine which I edit) published my essay, "Natural Law and the Age of Illiteracy."²² In that essay, I recounted all the events (up to that point) which followed my 1951 piece and pertained to it. Since I had already narrated the "happenings" in this paper, I shall not repeat them.

However, in the 1980 publication, I did have a few more comments to make:

...Now, even more than in 1951, the philosophy of pragmatism is destroying American education.

The modern 'leftist' teachers who are infiltrating into collegiate ranks in greater and greater numbers, are themselves the product of the Age of Illiteracy. With their ever-restless experimentations, 'open-admissions' policies, compulsory busing, and other, never-ending attempts to achieve "equality," they are "succeeding" in bringing education closer and closer to total nihilism.²³

(Were I to write this 1980 essay today, in 1991, I would also add that those students who were the protesters in the 1960's are

now full-fledged professors, and are currently in charge of leftist infiltration from the top.)

In my 1980 article, I reversed the pessimistic ending of 1951 and closed with an almost-Utopian view of the future. I wrote:

Where will it end? Will learning perish in America?

I do not believe so. Paradoxically, my "recognition" of eternal norms leads me, almost inevitably, to view the world of the future without pessimism. As a teacher, I am privileged to witness, in so many of my students, the excitement which true learning generates and awakens.

I know that the pendulum will again swing to excellence. I know that permanent and immutable standards will again, and still again, be discovered and re-discovered. I know that Truth, since it is out "there," will again be sought, found, and treasured in all parts of the globe. Therefore, I shall re-word and re-quote my conclusion of three decades ago:

"If you send your son (or your daughter) to the colleges of tomorrow, you may yet become the parent of the future savior of American education. Idealism will prevail!"²⁴

* * *

And now it is 1991, forty years since I wrote "Natural Law and the Campus," more that twenty years since I came across Hofstadter's book, and over ten years since I composed "Natural Law and the Age of Illiteracy." What are my thoughts about education today?

The educational outlook is indeed bleak. The future looks grim. A number of college instructors whom I know are out-and-out Marxists, or "liberals" (whatever that means). Current

expressions which are very much in vogue in academic circles, and which may symbolize the chaotic state of affairs in modern universities, are: affirmative action, sexual harassment, abortion, condoms, anti-racism, AIDS, gay and lesbian rights, unionism, radicalism, nuclear disarmament, environment, the homeless, socialism, communism, liberalism, welfare, warfare, diversity, revolution, apartheid, core curriculum, specialization, shorter teaching hours, greater teaching pay, peer committees...and other words of similar import. Humor (the one-time traditional mainstay of teaching) has been banished from the oh-so-serious, oh-so-dignified matters at hand. Natural Law and "Truth" are no longer of importance; in fact, Natural Law, as an expression, is now archaic and obsolete.

The "essence" of the university: love of learning for its own sake, desire for perfection, exaltation of heroism, quest of knowledge, and the "impossible dream"--these are no longer the concerns of most colleges, which are more interested in bequests, funds, and donations. The colleges have become vocational. They are now "employment agencies" for "good" jobs.

Unless there is a sudden reversal of the calamitous decline in values, unless there is a sudden return to the principles of Natural Law, the average university curriculum will continue to be "bedecked" with the drivel of nonsensical courses, which have absolutely no relation to "The Idea of a University" (shades of Cardinal Newman!). There is no unity of purpose; in fact, there is no purpose at all.

In my 1951 article, I spoke of the "coming of the barbarians." (In 1982 also, I wrote an essay titled "The Barbarians and the Elite."²⁵) Many noted authors have written a great deal about barbarism. For instance, Edwin Markham, in a terrifying and prophetic poem, "The Man with the Hoe" (1899), portrayed one such "barbarian," who brings to mind the totalitarian hordes (Fascist, Nazi, Communist) of the twentieth century, who slaughtered millions of people and burned tens of thousands of books. The "man with the hoe" is brutal, "stolid and stunned, a brother to the ox," who will destroy the world--unless...

Here are the last lines of Markham's poem:

How will it be with kingdoms and with kings--
 With those who shaped him to the thing he is--
 When this dumb terror shall rise to judge the world,
 After the silence of the centuries?²⁶

Byron, too, in 1816, wrote a prophetic poem of horror, called "Darkness." He painted a picture of total desolation, following some kind of barbaric war. Nothing remained but Darkness:

The waves were dead, the tides were in their grave,
 The Moon, their mistress, had expired before;
 The winds were withered in the stagnant air,
 And the clouds perished; Darkness had no need
 Of aid from them--She was the universe.²⁷

How is the barbarian "menace" related to this paper, which devotes itself solely to the topic of education, especially college education?

Barbarism is the opposite of learning and education. It is no accident that so many writers who speak of the decline of education inevitably turn to the subject of "barbarism" and the "coming of the barbarians." The implication is that unless there is a return to universal standards, there will be a consequent "decline and fall" of civilization and a reversion to total barbarism.

Thomas Babington Macaulay, Edwin Gibbon, Albert Jay Nock, Henry David Thoreau, Evelyn Waugh, and quite a number of others have likewise spoken of barbarism.

Matthew Arnold, in 1869, in his noted book, Culture and Anarchy, wrote about "the Barbarians," whom he identified with the empty-headed aristocrats of England, who were mostly occupied with "exterior culture only....Far within, and unawakened, lay a whole range of powers of thought and feeling." It was, therefore, "the true business" of the "friends of culture" to "awaken" that slumbering, "inner" spirit. Evidently, however, that was almost impossible, and only the true elites (whom Arnold called "aliens") could bring about the "sweetness and light" that he spoke about.²⁸

In a characteristic burst of despair, he cried out (in his celebrated "Dover Beach"):

And we are here as on a darkling plain
Swept with confused alarms of struggle and flight,
Where ignorant armies clash by night.²⁹

Herbert Spencer, in an essay called "The Coming Slavery" (another name for barbarism) deplored the futile socialist effort

to bring about "equality." "It is delusion," he protested. "The defective nature of citizens will show themselves in the bad acting of whatever social structure they are arranged into. There is no political alchemy by which you can get golden conduct out of leaden instincts."³⁰

Two outstanding authors have asked almost identical questions about the march of the barbarians, and they have answered their own questions in almost the same way.

Joseph Wood Krutch, in The Modern Temper, inquired:

Whence will the barbarians...come?...Have we, within the confines of our cities, populations quite as little affected by modern thought as the Greeks were affected by Greek philosophy, and hence quite capable either of carrying peaceably on as the aristocracy quietly dies off at the top or of arising sometime to overwhelm us?³¹

Even more forcefully, Henry George, in his masterpiece, Progress and Poverty, asked--and answered:

Whence shall come the new barbarians? Go through the squalid quarters of the great cities, and you may see, even now, their gathering hordes! How shall learning perish? Men will cease to read, and books will kindle fires and be turned into cartridges!³²

* * *

Will learning perish?

May we never see the day! May it never come to pass! As teachers, let us attempt to reawaken in our students the innate yearning for spiritual values. Let us point out to them that each

one of us has a "purpose" in life. Let us help them find that purpose.

Only then can we succeed. Only thus can learning survive.

NOTES

1. Jack Schwartzman, "Natural Law and the Campus," The Freeman, December 3, 1951, p. 149.
2. Cicero, On the Laws, Book One (c. 50 B.C.). In the dialogue, Marcus explains: "Man was born for justice, and that justice was established not by the judgment of men but by Nature."
3. Edmund Burke, "~~Impachment~~ of Warren Hastings, May 28, 1794, in the Speeches of Edmund Burke."
4. John Calvin, Institutes of the Christian Religion, IV, 1536.
5. James Anthony Froude, Short Studies: Calvinism (c. 1850).
6. Manilius, Astronomica, line 479 (written at the beginning of Christian era in Rome).
7. Carl Seelig, Albert Einstein: A Documentary Biography (London: 1956), p. 209.
8. Henry George, Progress and Poverty (New York: Robert Schalkenbach Foundation, 1879) (1979 edition, pp. 560-61).
9. Heraclitus, Fragments (in Philip Wheelwright, ed., The Presocratics, New York: The Odyssey Press, Inc., 1966), p. 71.
10. Vladimir Lenin, Philosophical Notebooks, p. 148 (Russian edition); Howard Selsam (ed.), Handbook of Philosophy (New York: International Publishers, 1949), p. 63.
11. Oliver Wendell Holmes, Jr., "Natural Law," 32 Harvard Law Review, 40, 1918.
12. Oliver Wendell Holmes, Jr., "The Path of Law," 10 Harvard Law Review, 461, 1897.
13. Oliver Wendell Holmes, Jr., *Tyson v. Banton*, 273 US 445, 1927.
14. Schwartzman, "Natural Law and the Campus," pp. 151-52.
15. Ibid., p. 152.
16. "From Our Readers," The Freeman, December 31, 1951, p. 216.
17. Richard Hofstadter, Anti-intellectualism in American Life (New York: Alfred A. Knopf, 1963).
18. Hofstadter, p. 18.

NOTES (continued)

19. Hofstadter, p. 19.
20. Hofstadter, p. 13.
21. Hostadter, p. 13; Schwartzman, "Natural Law and the Campus," p. 149.
22. Jack Schwartzman, "Natural Law and the Age of Illiteracy," Fragments, Vol. XVIII, No. 2, April-June, 1980, p. 5.
23. Ibid.
24. Ibid.
25. Jack Schwartzman, "The Barbarians and the Elite," Fragments, Vol. XX, No. 2, April-June, 1982, p. 5.
26. Edwin Markham, "The Man with the Hoe," San Francisco Examiner, 1899; also, in The Man with the Hoe, and Other Poems (New York: Doubleday, Page & Co, 1899).
27. George Gordon, Lord Byron, "Darkness," 1816 (in Ernest Hartley Coleridge, ed., The Works of Lord Byron, 1898-1904).
28. Matthew Arnold, Culture and Anarchy, 1869 (Chapter III, "Barbarians, Philistines, Populace").
29. Matthew Arnold, "Dover Beach," c. 1851 (in C.B. Tinker and H.F. Lowry eds., The Poetical Works of Matthew Arnold, 1950).
30. Herbert Spencer, "The Coming Slavery," in The Man Versus the State (London: 1884); (New York: The Caxton Printers, Ltd., 1954, p. 53).
31. Joseph Wood Krutch, The Modern Temper (New York: Harcourt, Brace, and World, 1929).
32. Henry George, Progress and Poverty, p. 538.

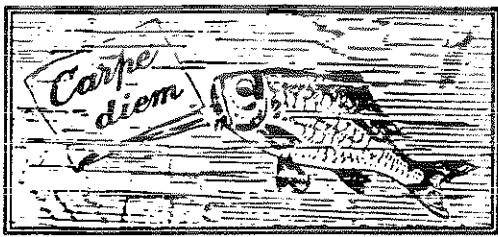
Jack Schwartzman: Biographic Sketch

Jack Schwartzman is the possessor of two earned doctorates, J.S.D. and Ph. D. He is an attorney in the State of New York for the last 53 years; editor-in-chief of Fragments, an international individualistic magazine (temporarily dormant because of a fire and a flood in the office); author of three books and several hundred articles; speaker before hundreds of organizations, having delivered over a thousand talks from 1938 to the present date; and professor of English, in Nassau Community College, State University of New York, for the last 26 years, in which capacity he won the New York State Chancellor's Award for Excellence in Teaching in 1974, and was placed on the Distinguished Teaching Professorship Review Committee in Albany, New York (the state capital).

Born in 1912 in the Soviet Union, Schwartzman and his family fled from the Red Terror in the 1920's when they finally came to the United States. He served in the Army of the United States in World War II, rising from private to captain, and receiving the Army Commendation Ribbon (1947) for "extraordinary skill and application to his task."

As a writer, he authored his prose poem, "Lilacs," which received a great deal of acclaim, and was reprinted 71 times (to date) by different publications and in different languages; he is also the author of Rebels of Individualism (1949), which was reviewed by Fletcher A. Russell of the Chicago Daily News on June 8, 1949, as follows (in part): "Writing in English that is as pure and beautiful as that of the old masters, Schwartzman has challenged the social and political trend... Schwartzman prefaces his volume with an introduction that is as powerful an appeal for individualism as I have ever read...."

He is the subject of a biographic sketch in "Who's Who in the World" and a number of other "Who's Who" volumes; he is on the Board of Directors of the Henry George Institute and on the Board of Sponsors of the Walden Forever Wild organization (a Henry David Thoreau committee); he is a member of the MIA, University Professors for Academic Order, Academy of Political Science, Albert Jay Nock Society, Christopher Morley Knothole, Gilbert Keith Chesterton Society, New York Academy of Sciences, and many other associations.



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Please write to:

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To: Mark Sullivan

January 14, 1991

Dear Mark—

Here is my article, "Natural Law
and the Campus: Revisited," which I
managed to put in shape for publication.

I finally finished it today.

I promised to mail it to you,
and here it is. I do hope that you will
like reading it as much as I enjoyed
writing it (and speaking before the UPAO on 1/5/91).

I send you greetings, wishes for a
Happy New Year, and prayers for peace in the world.
Sincerely,
Jack Schwartzman