



Book Notes:

Points of Rebellion

*How to Talk Back to Your
Television Set*

*Justice and the Law
in the Mobilization
for Youth Experience*

The Unheavenly City

The Greening of America

Points of Rebellion

William O. Douglas
Random House, \$4.95,
\$1.95 paperback (97 pages)

by Paul Goodman

Paul Goodman is the author of *Growing Up Absurd* and numerous magazine articles. His most recent book is *The New Reformation*.

"Today's Establishment is the new George III;" if it doesn't mend its ways, "the redress, honored in tradition, is revolution." This is the proposition that has gotten Justice Douglas into hot water; it is called outrageous because we have a democracy and due process for redress. But Douglas' point is that, because of interlocked and centralized power, most people have only virtual representation, just like the colonists. In my opinion, the analogy is apt as far as it goes. I argued it with similar rhetoric in *Like a Conquered Province*—that the spirit and (to a degree) the tradition of America has been populist, pluralist and libertarian but that we have come under the yoke of top-down decision-making, social engineering and enforced conformity.

The trouble with the analogy, however, is that both before and after their revolution, the Americans had an independently going concern, a basic economy of their own, and communities and civil institutions of their own; this was bound to benefit from the downfall of imperial mercantilism and distant governors. But most of our present dissenters, e.g. the young and the black, have been kept out

of the going concern and are often alienated in personality. Justice Douglas takes it too lightly that "the youngsters who rise up have not formulated a program." It is not to be expected that the young and the out-caste should have a program to make a complex society work. Their parents do not provide one either; and grandpa Douglas does not have much to suggest—mostly a rather unimaginative liberalism pepped up with the rumble of distant drums.

"If with its stockpile of arms the Establishment resolves to suppress the dissenters, America will face an awful ordeal." These are the last words of this little book. I agree; and it is a dismal prospect not only for America but the world. In most nations, whatever the ideology, there are stubborn powers-that-be, incompetent to cope with the unique problems of modern times and, rising against them wherever and whenever they dare, young people who are frustrated, half-baked and increasingly fanatical. Such a clash sounds like the endless wars of the Reformation,

when half of Europe perished. (I am writing this on the day when four kids were shot dead at Kent State by panicky National Guardsmen.)

Points of Rebellion is just a little book—it gives the impression of being three casual lectures from random notes jotted down in the airplane on the way. It is justified for an old and busy man to publish them to assert his position; but even of its kind, it is not a thoughtful performance, and it suffers from echoing the clichés, simplisms and gut issues of the American student Movement. Douglas knows as well as any other experienced professional the dilemmas that are posed by contemporary technology, urbanization, population, One World, instant mass communications, organizational complexity and ecological imbalance; yet he often comes on here with the half-truths of a youth demonstration in the park. (By half-truths I do *not* mean lies.) I don't object to his being partisan, especially since I am on his side; but the aim of democratic politics must be to persuade the majority to reconstruction—Douglas is not a Leninist—and in the United

States, where more than sixty per cent of the people have a kind of middle-class stake and a certain level of sophistication, dissenting half-truths are lousy politics. The regime can cash in on half-truths and lull with plausible lies.

William O. Douglas's fundamental recipe goes back to the New Deal. For "disemployment," brought on by the new technology's lesser need for people, "the answer, of course, is the creation of a public sector." "The political struggles ahead are for increasing shares of government largesse"—this is his general formula for re-allocation of resources. To give the poor a fairer shake in court, he likes to mention public defenders and ombudsmen. But he does not spell out ways to avoid the bureaucracy which he says is stifling us (especially since the New Deal?). He offers no theory of decentralization, workers' management, the reassertion of professional autonomy, neighborhood government or cooperatives. (An exception is that he mentions the good populist idea of community banks.) Perhaps the essence is that, like a Keynesian, he assumes a continual expansion of the GNP. But if he would listen to the hippie youth as well as the politicals, he would realize that we have problems different from those of the Depression.

Attacking the socialism-for-the-rich, he points to the subsidies for the big planters, but he has no theory of rural reconstruction; and he seems to take the galloping urbanization for granted—as a natural trend rather than a result of bad policy. He oddly singles out the subsidy to "publishers" by the second-class mail rates—without explaining how a democracy would work without the cheap dissemination of books and periodicals—yet he says nothing about commercial junk-mail. In a recent dissent against tax-exemption for churches, he incidentally attacks aid for private and parochial schools; but the best educational thinking today is for a voucher system which would multiply options. And just at present, the churches are proving to be the most useful institutions of any for dissenters!

Like all liberals, Douglas makes noises about more schooling and equal opportunity for schooling. But in my opinion, the present problem of civil liberties and civil rights in this area is to rescue the young from school by making the hiring and licensing practices realistic and by opening access to jobs and professions to those without mandarin diplomas. The mandarinism especially disadvantages the poor, the young, the black, the Spanish and those who live in rural areas—many of whom are quite competent on the job and in professions but who don't have the style for school performance. (I cannot get the N.Y. Civil Liberties Union to defend truants who would be patently wasting their time in school.)

Douglas' populism is often sloganeering. He seems to think that the "people," if heard, would stop pollution and highways; but in fact, it has mainly been small elite groups who have cared about these things—and have found it hard to get a hearing. Thus, it has so far been impossible to start a movement to ban private cars from New York, to purify the air, calm the agitation and return the streets to the children—although these would be of tremendous benefit to almost every citizen, rich or poor.

He asks, "Why cannot we work on cooperative schemes with Russia and China?" instead of fighting the Cold War.

I wonder if he has tried, as I have, to get American radical students to join an international protest against all the Great Powers, instead of fighting the Cold War in reverse?

"A university should not be an adjunct of business, nor of the military, nor of government." Right! "Its curriculum should teach change, not the status quo." Should it teach either? As an occasional professor, I would thank him to let me teach the nature of things as I see it, and the students to go along with me or not as they damn please. It seems hard for the Justice not to attack one kind of administrative directive without substituting another.

On civil liberties, Douglas is strong against the invasion of privacy, political repression, injustice to the poor. But astonishingly, he does not go on to extending liberties substantively, e.g. to the so-called insane, to homosexuals, to offenders against the drug laws, etc. In a good sentence, he points out that the death penalty does not deter murderers, but he does not then go on to question the value of the whole penal system. In my view, the only way to protect liberties is to fight to extend them; otherwise, they will surely be nibbled away by the state, which has on its side permanence, organization, ever-new technology and the inertia of its citizens.

Let me hasten to say, however, that I don't think that Justice Douglas should be impeached. He's not only a sweet man and useful on the Court, but a great friend of the White Mountains, where I have a farm.

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***How to Talk Back
to Your Television Set***

Nicholas Johnson
Little, Brown, \$5.75 (228 pages)

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by Albert H. Kramer

Albert Kramer is Executive Director of the Citizens Communications Center in Washington, D.C.

Even Washington's tired, bureaucratic regulatory structure can occasionally generate and tolerate a Nicholas Johnson. But the young, dynamic, "now" television industry—as it likes to think of itself—has thus far been incapable of producing a counterpart. In *How to Talk Back to Your Television Set*, Nicholas Johnson tells us why. Anyone would do well to forego a night or two of television in favor of this far-ranging (all the way to the year 2000), well-written and extremely provocative collection of some of the Commissioner's earlier essays.

The book is intended to be a "how to" book. . . . a manual for practicing pragmatists" who want to improve the quality of broadcast services. It is not a book written for radical reformers:¹ Johnson makes clear his commitment to traditional values, and the wild revolutionary that his critics have portrayed simply does not emerge. Indeed, if there is a weakness in the book, it is its misleading title. For while the book's rich content and inspiring ideas may galvanize readers into seeking reforms, the pain relievers the Commissioner recommends most will not provide fast, fast relief—unless the reader is

not just any pragmatist, but one who is willing to take the long view and exert endless effort. If he cannot outlast the capacity of the broadcasting industry to exhaust his resources, if he cannot overcome attacks on his weak legislative flank or his vulnerable administrative rear, his protestations will not relieve the TV set of its tired blood.

The nine essays in *How to Talk Back* . . . fall into two categories. Three chapters (5, 6 and 7) are only tangentially related to the main theme of the book and might well have been published separately. They deal with the future, when the emerging technologies of microwave, cable, satellite-to-home and even laser-beam transmission will allow each of us to command a staggering amount of information at the touch of a button or the flick of a dial. Johnson pointedly notes that the implications of the “trend toward instantaneous, ubiquitous, no-cost access to all information” and the problems it poses are of such magnitude as to boggle the mind.² In Johnson’s view, the

need is to find a vehicle that will allow us to resolve rationally and systematically the philosophical and technological questions posed by emerging developments, so that our future is not shaped by the fortuities of the coming battle unto death among industrial giants desiring control of the communications system.

Johnson finds three means which we can employ for resolving these issues. First, we should rely on the workings of the free-enterprise, competitive economy to lead to rational and efficient economic choices. Next, given full information about the alternatives, we can rely on the democratic process to resolve our philosophical dilemmas. The third and newest of the methods for conflict resolution, systems analysis, will give us the most efficient means for integrating the various components of the emerging technology.³ For example, Johnson explains, one cannot speak of a communications problem without speaking of the entire spectrum of communications—the decision to move ahead with cable television is a decision about the future of satellites and vice versa.⁴

Unfortunately, Johnson does not adequately deal with certain inconsistencies inherent in attempting to employ these three tools simultaneously, although he is apparently aware of them. In an enterprise economy, for example, an individual will choose the alternative that best serves his own economic interest, even though there are larger diseconomies, i.e., costs to the society. But in a democratic society, the majority can overrule the decision of the marketplace on the basis of considerations far removed from economic rationales.⁵

Johnson apparently recognizes these differences—he notes, for example, that it is not sufficient merely to replace the present captains of industry with men who are less avaricious⁶—for he later devotes a whole chapter to institutional realignments.⁷ But his failure to distinguish explicitly the attributes of the economic tool from those of the political tool and to discuss the differing conclusions to which they may lead obscures the critical issue with which we are faced—how much and when should one, as opposed to the other, be relied upon.

Similarly, conventional economics and systems analysis may come into conflict.

While in theory the enterprise economy grinds inexorably toward the most efficient long-run solution, in practice it does so only by fits and starts, through business failure and bankruptcy as well as through business success. Systems analysis, on the other hand, may leave little room for the decentralized decision-making and the short-term inefficiencies endemic to the enterprise economy. Systems analysis may therefore mean less free enterprise. Again, the failure to point out the possibility of differences between the various tools blurs the fundamental issue of when and to what degree one (rather than the other) should be relied upon.

Given the complexity of resolving these fundamental issues and the enormity of the conflicting ideological, philosophical and institutional questions to be resolved, it is clear that there is a need for a "systems analysis" of our communications future—a systems analysis, however, that would not only weigh the trade-off of differing avenues of technological advance but would also include considerable input on how to preserve such cherished values as the right of privacy. Meanwhile, one is tempted to counsel prudence in arriving at judgments, a virtue Johnson is keenly aware of. Yet Johnson remains in the paradoxical position of chiding his fellow Commissioners for not forging ahead with bold decisions, even while admitting that they would have to act without benefit of analysis.

The Commissioner's slow-moving brethren might be doing us all a favor in calling a regulatory halt to the advance of the racing technology, especially if they were to use the time to face the issues that Johnson's essays raise. But they are not doing so. They have not even recognized the problems. The virtue of Johnson's position is that he both recognizes that there are problems yet to be solved and is willing at least to attempt some steps forward,⁸ instead of merely responding passively to stimuli from the broadcasting industry. And therein also lies the redeeming quality of Johnson's analysis of media trends and the tools for controlling them. What the analysis lacks in consistency, cohesiveness and detail is more than made up for by its broad stroke, which leaves behind many lines of salient questioning.

The remaining essays of *How to Talk Back* . . . are directed to the nature and problems of the media today. Of these, four lay the foundation for the other two. Chapter 1 deals with the pervasiveness of the mass media, their reach into every aspect of our lives. Chapter 2 discusses the concentration of control of the media. It recounts with some flair the drama of the attempted ITT-ABC merger at the FCC level. Chapter 3, one of the best in the book, exposes the ways in which corporate censorship accounts for much of the bland fare served up by the major networks. And Chapter 4 details the failure of the media to respond to our present racial-social-urban crisis.

Given the sad state of affairs reflected in these four excellent chapters, it is with a sense of anticipation and excitement that the reader turns to the chapter entitled "Reforming Television: Institutional Realignment." And it is here that the real Johnson emerges. What we see from the institutional realignments he advocates is a constructive, serious-minded, responsible Commissioner concerned with the impact of the media on our lives—not, as his detractors have claimed, a Commissar Nicholas obsessed with confiscation of broadcast properties.

Johnson's starting point is a reaffirmation of the faith he has already expressed in the principles of free enterprise and democracy: under the benevolent umbrella of an hospitable regulatory scheme, we will allow the forces of the market to work themselves out.⁹ There follows a series of rather ecumenical recommendations for reform which, paradoxically, are hardly likely to be achieved in a market economy, although they might be chosen in a democratic society. The recommendations include more public and educational broadcasting, more citizen participation, increased public service time, greater diversity of ownership and programming, higher professional standards and a strengthened Citizens Commission on Broadcasting.¹⁰

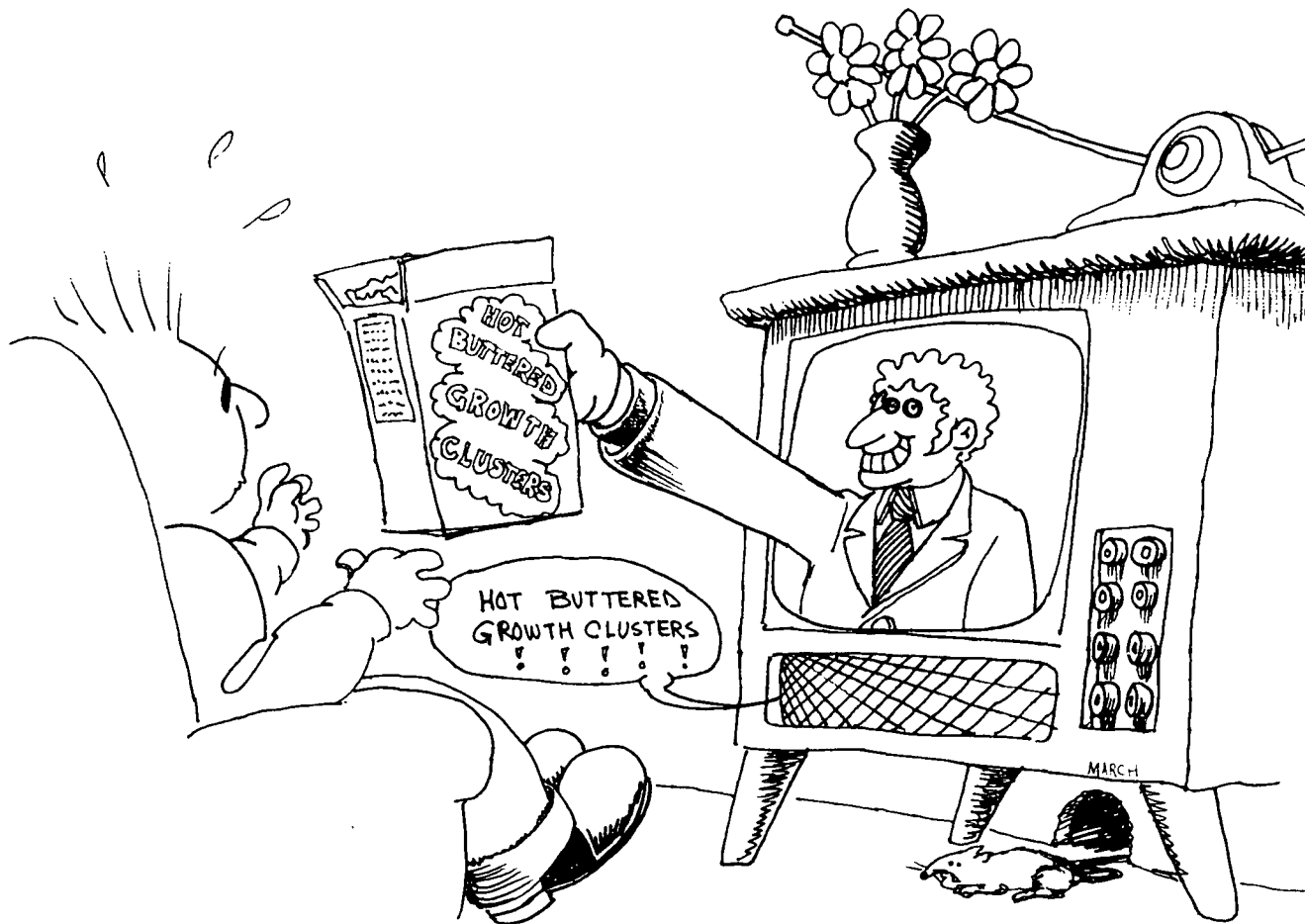
While reforms such as these would, of course, excite the general opposition of broadcasters and engender great debate about particulars, there is little that is revolutionary in them. One of the most interesting of the reforms would make available as a matter of right a proportion of prime time for non-commercial programming of an educational, scientific or cultural nature—at reduced rates. And the

most radical of the reforms proposed would impose some sort of legal liability for the psychic and other kinds of damage done by television programs. Even here, though, Johnson relies on traditional grounds: "Most products are warranted as safe for the purposes for which intended. Why not the televised product?"

Assuming the desirability of instituting these proposals, how can a viewer help? In Chapter 9 Johnson reveals "What You Can Do to Improve TV." The first instruction is to follow "the law of effective reform." Under the mandate of the law, there are three requirements: (a) assert the factual basis for the grievance; (b) assert the legal principle that entitles you to relief; and (c) assert the precise remedy sought. But the law of effective reform seems to say no more than: "Get a lawyer, preferably one who is familiar with communications law." It is the function of lawyers both to recognize and fashion the legal principles which govern transactions. Typically, a client comes in with only the facts. He does not know the law or the remedy. His question to his lawyer usually is a paraphrase of the question that the law of effective reform says is inadequate: "Can't something be done about . . . ?"¹¹

The young man (John Banzhaf) whom Johnson eulogizes as having understood the law of effective reform and as having successfully invoked it to obtain free time for anti-cigarette spot announcements turns out to be, alas, a lawyer. And although we are admonished that the point of the Banzhaf story is not that one man can make a difference, this is, in fact, the message that the book delivers.¹² Most people would agree that Mr. Banzhaf deserves a great deal of credit for what he did. He undertook a heroic struggle, waged it unremittingly and against overwhelming odds, carried it all the way to the Supreme Court and prevailed.¹³ He had the insight to recognize when the time of an idea was upon us. And he responded imaginatively and creatively to the need for implementing that idea.¹⁴ But, without detracting from the enormity of Banzhaf's achievement, it is helpful to set it in historical perspective.

Cigarettes and cigarette advertising had been under attack for a good number of years.¹⁵ The link between cigarettes and cancer had been the subject of controversy over an extended period of time



prior to 1962. In that year, the Surgeon General had appointed a special panel to study the effects of cigarette smoking on health. The Surgeon General's Advisory Committee, as it was called, issued its report in January, 1964. The Federal Trade Commission had almost immediately proposed and promulgated stringent labeling and advertising disclosure requirements. Its hand was stayed only by Congressional action in the Federal Cigarette Labeling Act.¹⁶ But it was clear that the cigarette industry and its allies, including the broadcasters, were on the defensive.

It was in this atmosphere of a rising tide of public and official criticism at both the administrative and legislative levels that John Banzhaf filed his ingenious complaint with the FCC. And it was in this atmosphere that the Commission sustained his fairness complaint. Moreover, because of the then prevailing legal interpretations of the pre-emptive provisions of the Cigarette Labeling Act, it was apparently felt that this was the only means by which any administrative agency which wanted to take part in the anti-cigarette campaign could do so.¹⁷

Thus despite the David-and-Goliath aspect of the Banzhaf episode, it was not one man who single-handedly took on and defeated both the broadcasting and the tobacco industries. It was rather the combined weight of a cumulative effort spanning many years, a rather substantial input of resources by several departments of the government and a growing tide of public opinion, as well as some frustration at the administrative levels of government.

Unfortunately, however, it is a rare phenomenon for so many resources to ally themselves against the broadcasting industry. And the key to the ability to talk back to your TV is resources, including the money to hire high-priced legal and other professional talent to carry your case to the agency, to the courts and to Congress. Johnson does not face this issue, and this is a critical weakness of his book. To the extent that Johnson leads his reader to believe that resources are not the issue, he is simply not stating the facts as he knows them to be.¹⁸

This point is illustrated by one of many recent FCC-related experiences, which confirms the futility of even screaming at your TV when there are no large-scale, organized resources behind you. In 1969, after years of woodenly adhering to its policy of rubber-stamp license renewals for incumbents, the Commission stumbled into awarding the license of WHDH-TV (Boston) to a new applicant, thereby dislodging the incumbent.¹⁹ Under the spur of the WHDH decision, several groups, including some whose stock was controlled by blacks, filed applications for broadcast licenses in a number of large cities. With renewal no longer assured, the predictable profit which accompanies a license in a major market was threatened, and with it the heavily inflated value of broadcast licenses.

The reaction of the industry was swift and devastating. Eighteen Senators joined Senator Pastore in introducing a bill²⁰ which would prevent the FCC from considering new applicants until it had first disqualified the incumbent, a virtual impossibility under the FCC's lax renewal standards. Similar legislation was introduced in the House. Just as quickly as the door was "open[ed] for community

groups to challenge local licenses,"²¹ the broadcasting industry moved for remedial legislation to have it slammed and bolted shut.

During the Senate Hearings, a number of aroused citizen groups testified.²² Several black groups charged that the bill was a form of back-door racism because it effectively froze the existing ownership structure of the broadcasting industry from which blacks are, for all practical purposes, excluded.²³ Although the legislation was not in danger of being defeated, these charges caused some restlessness among a number of Senators who would have otherwise routinely voted for it.

Sensing some hesitancy on the legislative front, the broadcasters shifted the campaign to the administrative level. The FCC was quick to surrender. Under the leadership of the new chairman, Dean Burch, it adopted a "Policy Statement"²⁴ which, in effect, enacted the Pastore bill²⁵ and gave the broadcasting industry the shelter it desired.

The broadcasters' quick victory over citizen rights was no isolated case. In fact, there are no instances where one man or one group has successfully challenged the broadcasting industry or any substantial segment thereof. No group, and especially no group motivated solely by considerations of public welfare, has the resources effectively to counteract the broadcasting industry's power to deploy its strength on so many fronts simultaneously.²⁶ There can be no effective reform until this fundamental institutional imbalance is corrected. Indeed, Commissioner Johnson has himself recognized that even the government and the FCC, the industry's regulators, must compromise with the broadcasting industry in showdowns over issues of basic concern to the industry.²⁷

Leaving matters which affect basic issues aside, no concerned citizens' group now has the resources even to keep track of those matters which, in the aggregate, form the operating rules of the broadcasting industry—let alone to participate in the proceedings related to them.²⁸ And even were they able to do so, they would still only be reacting to prevent further deterioration rather than stimulating positive reform.

Still, if citizen groups cannot hope to challenge the basic industry structure, Commissioner Johnson holds out the hope that they can win some small battles

at the local level. Once again, though, there are few instances where organized community groups have been successful. The vast majority of such instances are cited in Johnson's book. Yet in each case, the battles were long and tedious. As this article is being written, the licensee first challenged in the landmark *WLBT* case²⁹ is still—after six years, several Commission hearings and two successful appeals to the United States Court of Appeals—operating the station. There is no indication that a new licensee will be designated within the next two or three years. Even where citizen groups have been successful, they have had to rely, for the most part, on free counsel, a rare commodity in a market economy.

Inducing broadcaster responsiveness can, of course, involve more than dealing with one station. A coalition of black groups was successful in holding up the renewals of all stations in the Atlanta market until they could wring concessions³⁰ out of the broadcasters. This has been hailed as a major victory for citizens' groups. Significantly, however, a large number of the broadcasters involved elected to compromise rather than become immersed in renewal proceedings. Had large numbers of the broadcasters decided simply not to negotiate concessions and thus force the coalition to proceed through 28 license-renewal proceedings, it is questionable whether a "win" would have resulted.

Furthermore, if all the battles now pending are won, what will the end result be? A few stations in a few communities have instituted some changes in their programming and possibly their employment practices. But to imply, as Johnson seems to, that these actions could affect the structure of the industry or begin to convert that "vast wasteland" into a fertile Eden is fantasy.

Success in bringing about the structural changes necessary to the effective reform of broadcasting will depend on the ability of reformers to match the industry's resources. Resort to the administrative processes is of little value if, midway through the proceedings, the broadcasters can have the rules changed to ease their burden. Citizens' groups must be able to deal effectively with the Commission and its

staff on a continuous basis in order to build the relationships that predispose the bureaucratic mentality to one side or another.³¹ They too must be able to introduce and push legislation through Congress. Commissioner Johnson's manual simply does not come to grips with this problem.

Ironically, the necessity of this approach is best illustrated by the Commissioner's advice. In the closing pages of his book, he tells us "Where to Write" for information and assistance. The community and citizens' group organizations he lists are, for the most part, overworked, understaffed and low-budgeted. If experience is any guide, their reply to many inquiries is, and has to be, "We would like to help, but due to circumstances beyond our control . . ."

1. Nor is it intended to be:

"The kind of realignments I am talking about are evolutionary rather than revolutionary. Indeed, the process of adaptation and self-renewal is the essence of conservatism." Page 173.

2. As an example of Johnson's ability to dramatize the staggering consequences of the emerging technology, try reading quickly through the following:

"Data may be sent by way of a package of tape on an airplane, or over microwave radio circuits. Picture telephones and long-distance facsimile copy facilities will make it even more obvious that the airlines' real competitor is the telephone company. In short, communications systems and transportations systems can become substitutes, as well as complements. The ultimate vision is a home communications center where a person works, learns, and is entertained, and contributes to his society by way of communications techniques we have not yet imagined—incidentally solving our commuter traffic jams and much of their air pollution problem in the process. But in solving these problems, what will happen to cities—whose principal purpose is to provide a communications network—when, in one second, we can as easily 'travel' 186,000 miles as cross the hall?" Page 121.

In one short paragraph, he has highlighted the relation between the problems of pollution, traffic congestion and urban blight, and the problem of how we transmit information to each other. If the reader is not yet swooning with dizziness, there is more:

"Why do we care what happens to local broadcast stations? Is it really true that our television system could not endure half pay and half free? Would a mix of regional, national and local program sources develop? Who would the losers be, and the gainers? Could the losers be compensated—for example, by the use of rebroadcast facilities carrying local or even distant signals? Indeed, would rebroadcast facilities (technically known as 'translators' and 'satellite stations') be a better way than CATV to import faraway signals? Perhaps we can reduce the high per-mile costs of laying cable in sparsely settled areas. Perhaps a new short-hop microwave facility developed by Hughes Aircraft and Tele-Prompter Corporation (a leading CATV owner) could make extension of a cable system to outlying areas economically viable." Pages 159-60.

3. The three strands seem to come together in the following quotation:

"There is a limit to the capacity of human society to preplan its course of evolution, and even some question about the desirability of doing so But we are also cognizant of the *increasing desire* on the part of postindustrial societies to *prevent impersonal and unseen chance* to force our society's evolution. At the same time we acknowledge that the natural forces in a *market economy* often have the capacity to achieve the goals that a society has set for itself. So what do we do? First, we should exert every effort to maintain and improve open societies, where conflicting information, interpretations and orthodoxies have an opportunity to be heard and tested. For we have an ultimate commitment to the ideal that a society must choose, through some form of the *democratic process*, what course it wants to follow. That choice is made more meaningful, especially in times of rapid change, when the alternatives are made clear and their implications have been fully enunciated. Secondly, we should endeavor to test all the change which is so surely to be part of the years ahead." Pages 146-47. (Emphasis added)

4. E.g., "If cable links the larger systems to the home, the CATV companies may, if they beat the telephone companies, triumph over the fight to control that link. Conceivably, the telephone companies' claim to participate in the process would be their monopoly of the capacity to develop and construct the switching centers. On the other hand, Comsat's or someone else's satellites could turn the CATV's into so much rusting metal and rotting wire." Page 166.

5. Indeed, regulatory agencies often result from a political decision not to allow the normal market forces to come into play without some social control over the results they would yield.

6. It is interesting to compare Johnson's treatment of the notion that the F.C.C. could escape the captivity of the industry by merely replacing Commissioners with his recognition of the need for institutional realignment in the private economy:

"... since the New Deal generation left the command posts of the F.C.C., this agency has lost much of its zeal for combating concentration. Atrophy has reached . . . [an] advanced . . . state" Page 71.

While the importance of dedicated Commissioners cannot be denigrated, this highly partisan statement ignores history. There simply was no organized broadcasting industry to speak of prior to the promulgation of the so-called "Blue Book," *Public Service Responsibility of Broadcast Licensees*, (March 7, 1946), Pike & Fischer, *Radio Regulation*, § § 10:307(D), 53:24(P), (R). The industry coalesced around the Blue Book's call for balanced programming. Johnson is aware of the power of the industry's advocacy, for he later acknowledges that it is,

"... the daily machine-gun-like impact on both agency and its staff of industry representatives that makes for industry orientation on the part of many honest and capable agency members as well as agency staffs." Pages 201-02.

So powerful is the industry's advocacy that many of these same bare-knuckled, trust-busting New Dealers have gone on to become industry spokesmen. Ironically, Paul Porter, the former F.C.C. Chairman under whom the Blue Book was promulgated, is now a leading industry attorney.

7. Johnson notes that:

"What we propose depends in great part upon what we think will alter men's behavior. A *meaningful reform must be premised upon its capacity to be carried out by self-serving men of average intelligence*. To dream schemes of institutions that will function only *when men are angels* is futile." (Emphasis added) Page 171.

8. This is not to imply that Johnson has necessarily fully thought through all of the steps he urges. For example, the analysis of the legislative roadblocks to CATV is less than satisfying:

"Broadcasters and the telephone companies are pressing Congress and the courts to impose copyright obligations on cable systems for the programs they carry. Some of the restrictions in the copyright bill considered by the Senate might effectively cripple the entry of cable television into the major television markets." Pages 154-55.

If Commissioner Johnson means that copyright laws are an imperfection in the market economy, he is right. But it is an imperfection which the Congress and many economists believe necessary to facilitate the workings of the market economy in the literary-artistic world. We are offered no rationale for the Commissioner's implication that the provisions are being applied in a way that unfairly hinders the competitive position of CATV when one considers the reasoning underlying similar restrictions on the enterprise economy, e.g., patents.

9. Johnson's analysis here might have itself benefited from a "systems" approach. It is by no means clear that given the fixed parameters of a regulatory scheme, enterprise economics is the most desirable way of arriving at the most

efficient result. Once the ground rules of a competitive, enterprise economy have been altered, it does not necessarily follow that the result closest to the optimum achieved by an enterprise system will also be achieved by attempting to fit a competitive structure within the artificially imposed regulatory frame of reference. See generally Lancaster and Lipsey, *The General Theory of the Second Best*, Review of Economic Studies (October, 1958).

10. Such a Commission was first proposed in 1947 by the Commission on the Freedom of the Press. The basic function of such a commission would be to serve as an independent, private organization devoted to improving the quality of the media by issuing reports on their performance. Since 1947, there have been numerous suggestions from divergent sources for such a commission, each proposal differing slightly in form, organization, etc.

11. A recent F.C.C. ruling did reserve a half hour of daily prime-time broadcasting for non-network programming. But it must be pointed out that this half hour is not reserved for non-commercial (educational, scientific, cultural, etc.) programming, nor does it involve any reduction in rates. Indeed, the sole purpose of the rule is to encourage independent commercial syndicators to enter the production field. It is therefore reasonable to anticipate that the half hour freed by the rule will remain under the complete programming control of the licensee and will be utilized commercially, as is the case with conventional prime-time programming.

12. "You can fight city hall, the 'little man' can do-effective battle with massive corporate and governmental institutions. . . ." Page 205.

13. But Banzhaf is having a difficult time enforcing the ruling he obtained. Cigarette advertising is still heavily weighted in favor of commercials.

14. Incidentally, perhaps purposefully, Banzhaf established a precedent—the application of the fairness doctrine to advertising—whose full dimensions have not yet been tested. There are now pending before the Commission cases involving the applicability of the fairness doctrine to recruiting ads, automobile advertising and ads boosting power stations relying on atomic reactors.

15. Much of the material that follows is taken from the *Statement of Basis and Purpose of Trade Regulation Rule for the Prevention of Unfair or Deceptive Advertising and Labeling of Cigarettes in Relation to the Health Hazards of Smoking*, attached to Federal Trade Commission *Trade Regulation Rule for the Prevention of Unfair or Deceptive Advertising and Labeling of Cigarettes in Relation to the Health Hazards of Smoking*, 29 F.R. 530-32; C.C.H. Federal Trade Reg. Reporter § 7939 (June 22, 1964).

16. 79 Stat. 282, 15 U.S.C. § § 1331-39 (1965).

17. See generally, Elizabeth B. Drew, *The Quiet Victory of the Cigarette Lobby*, *Atlantic Monthly*, (September, 1965).

18. See text accompanying note 32, *infra*.

19. *WHDH, Inc.*, 16 F.C.C. 2d 1 (1969).

20. S. 2004, 91st Cong., 1st Sess. (1969).

21. *WHDH, Inc.*, 16 F.C.C. 2d 1, 28 (1969) (Commissioner Johnson, Concurring).

22. See Hearings on S. 2004 before the Senate Communications Subcommittee of the Committee on Commerce, 91st Cong., 1st Sess. (1969).

23. *Id.* at 588-627.

24. *Policy Statement of Comparative Hearings Involving Regular Renewal Applicants*, F.C.C. 70-62 (January 15, 1970).

25. The *Policy Statement* provides that no competing application will be considered until there has been a showing by the competing applicant that the incumbent's programming service has not "been substantially attuned to meeting the needs and interests of its service area." *Id.* at 2 (footnote omitted).

26. Two citizens' groups, Black Efforts for Soul in Television and Citizens Communications Center, are attempting to challenge both the substantive legality of the *Policy Statement* and the legality of the procedure by which it was adopted. They attempted unsuccessfully to enjoin issuance of the *Policy Statement* and have petitioned for a reconsideration of the order adopting it as a prerequisite to a court test.

27. *Policy Statement of Comparative Hearings Involving Regular Renewal Applicants*, F.C.C. 70-62 (January 15, 1970) (dissenting opinion at 1-2, 7-8).

28. For example, while the Citizens Communications Center and Black Efforts for Soul in Television were engaged in challenging the *Policy Statement*, see note 26, *supra*, and were involved in other community activities, a number of proceedings—among which were proceedings that involve a new structure of license fees that could affect entry into broadcasting, the opportunity for independent stations to acquire some network programs that could affect program diversity and a proceeding dealing with a broadcaster's obligation to consult with his local community—drew to a close without any citizen participation.

29. *Office of Communications of the United Church of Christ v. F.C.C.*, 359 F. 2d 994 (D.C. Cir. 1966). This case established the right of citizens' groups to intervene in license renewal proceedings.

30. The stations agreed to hire some blacks for on-camera work as well as at the production level. They also agreed to consult with black community leaders on a regular basis and to present some programs dealing with the black community.

31. It is worth repeating the Commissioner's admonition that it is

"... the daily machine-gun like impact on both agency and its staff of industry representatives that makes for industry orientation on the part of many honest and capable agency members as well as agency staffs." Pages 201-02.



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***Justice and the Law
in the Mobilization
for Youth Experience***

Harold H. Weissman, ed.
Association Press, \$2.95 paper
(220 pages)

Jonathan A. Weiss

Jonathan Weiss was an attorney for MFY Legal Services for two years. He is currently a project director at the Columbia Center on Social Welfare Policy and Law.

There is no reason why anyone should buy or read this book. It presents us once again with the spectacle of people writing about poverty and law who do not know or experience either. The fad of concern for the poor may have helped a few individuals; but it also allowed many more who wouldn't live in, or dirty their hands with, the ghetto, to talk, travel, pontificate; consult, get rich and, yes, write about the poor.¹ This book is one of the mindless products of the profiteers of poverty. It differs from most of the others only by purporting to be an actual study of an actual program.

Typical of its genre, this book has no thesis, organization or point. It is a collection of two types of essays. The first type offers what is supposed to be a description of the legal problems of the poor in classic areas of criminal, family, consumer, housing, welfare and administrative law. The second type tells how the Mobilization for Youth program was administered and what the administrators

thought its goals, projects and impact were. Nowhere, however, does the book lay out the nature of Mobilization's organization or its legal services. It is important to know, for example, that when MFY started out, its lawyers were integrated into the general MFY activities. Later, the legal program expanded greatly and moved to storefronts—where this author joined it to work for over two years. As time went on, the legal program proceeded to work ever more independently, until now its only connection with MFY is in the name: MFY Legal Services.

The initial part of the book, moreover, is replete with misinformation. One example from each chapter should suffice.

The introduction deals with the history of the Lower East Side. After a superficial account of the changing ethnic groups—reminiscent of “jazz came up the river from New Orleans to Chicago”—the author, Henry Heifetz, deals with those who now form the predominant population: Puerto Ricans. “New York,” he writes, “offered many of the Puerto Ricans their first confrontation with racial prejudice.” A walk on the expensive, light-skinned and white Condotta in San Juan would dispel this notion. (This author, in fact, once saw a client singled out for expulsion from a swimming pool there because her skin was not light enough.) So would a visit to the Afta, one of Puerto Rico's exclusive, restricted clubs. A discussion with the people Mr. Heifetz was supposed to be writing about would have revealed these facts. Instead, he offers this careless and misleading recitation.

And what a shame. Puerto Ricans are now over a million strong on these shores. They have a diverse culture, and yet no one has really studied or written about them in depth. The slums they fill and the legal problems they have are Mobilization for Youth's concern. Only by understanding who they are can we analyze what this country and legal services can do for and to them.

Any such understanding is going to require far more subtle insights into ethnic realities than this essay presents. For example, the cultural differences between Puerto Ricans from the cities and from the little towns—“barriadas”—or the mountains are great, although this essay wholly ignores them. More important, Mr. Heifetz fails to deal with the tight, complicated nature of the Puerto Rican family. Typically, the family is large; often no distinction is made between half- and full brothers and sisters. Families sprawl through adjacent buildings, but they are still very passionately concerned about internal problems. Thanksgiving may mean three separate family dinners with different branches, and what starts out with reminiscences of family history may end up with the shouts of old family feuds. Often, this cohesiveness is based on Catholicism, combined with a healthy sprinkling of superstition.

Discipline is strict. A single girl is not expected to stay out after 9 p.m. To prevent this, her mother may go into her bedroom, light an altar, get on her knees and pray until the girl comes home. Not that this prevents teen-age parties. To have a “set,” the young must find an abandoned apartment where they can assemble during school hours, drink or smoke, play such games as “Seven Minutes in Heaven” and—in general—“scheme out.” At the end of the day, they return as if from school.

Even this superficial account of family structure and behavior raises many deep questions. What effect, for example, does living in New York have on religion, family and youthful rebellion? With the purpose of this book in mind, what happens when lawyers are provided for divorces, paternity and support suits, and proceedings in the Juvenile Court by, for example, a parent against a child? And what effect does the Anglo-American court system have on Latins? Without a sharp ethnic focus, the book's introduction yields only vapid clichés.

On to the later chapters. In the section on criminal law, Michael Appleby recites a series of criteria for taking on cases. In his years with MFY Legal Services, this author never encountered a case which met these criteria and would have been shocked if he had. For example, Mr.

Appleby tells us to take only first offenders—as if a prior arrest brands a client as a hopeless recidivist. In one truly remarkable passage, he states, “Criminal law appears to be less susceptible to dramatic change than other areas of the law which affect the poor.” The basis for this statement is that “[w]inning a favorable decision is often much more crucial for a defendant in a criminal case than [for a civil litigant].” This rationale is astounding, for it implies that a lawyer can even contemplate sacrificing his client in a civil case in order to make a good test case. Not so. A lawyer must always keep his client's interest completely paramount, and this leads to mooting many a civil case.²

Moreover, the most dramatic and publicized changes in the legal system in recent years have been in criminal law. *Miranda*, *Massiah* and *Escobedo* are almost household names. One might question—as does Harold Rothwax, a former MFY Legal Services director—the extent to which these decisions affect the daily functioning of criminal justice at the lowest level of its administration. But Mr. Rothwax's point is addressed less to the viability of “law reform” in criminal justice than to the need for more, and more persistent, lawyers to put these decisions into actual effect.

Clearly, decisions have an effect on how judges treat cases and how lawyers feel they can act. Cases have been won at trial by Supreme Court precedent even at the misdemeanor level.³ *Gideon v. Wainwright*⁴ provides appointed counsel for those accused of felonies, and Gideon himself was acquitted at the re-trial because of counsel's vigorous cross-examination of the main prosecution witness. In short, Mr. Appleby does not know how lawyers practice, how courts function or how they affect the poor. As a result, the chapter communicates no sense of the real frustrations, problems and possibilities of the poverty lawyer.

The authors of the first two chapters, Appleby and Heifetz, join forces in the third. They describe the Family Court and claim to discuss family law with reference only to divorce and not its other aspects. Yet, as suggested above, matters which are not dealt with by the Family Court *per se* but which are still part of “domestic law” are crucial elements of the emotional life of poor families. Name-changes to avoid embarrassment about second marriages, for example, are often sought in Puerto Rican communities, and MFY lawyers handle a large number of them. Any account of the family and the law must deal with these problems and the lawyer’s role in coping with them.

Moreover, the five categories which, according to Appleby and Heifetz, come under the Family Court’s jurisdiction do not include perhaps the most crucial one: Person in Need of Supervision. Anyone, particularly a parent, can file a Person in Need of Supervision petition alleging that a child is disobedient—sometimes with the same consequences as if the child had committed a crime. The bulk of juvenile detentions appears to result from P.I.N.S. adjudications, and this makes the Court a punishing device and a wastebasket for family problems.

But this fact apparently makes little impact on the authors of this chapter, for they go on to say, “The orientation of the court is to be therapeutic and ameliorative rather than punitive.” Not in this author’s experience. The juvenile courts are filled with political appointees who lack both a judicial temperament and a concern for children, who impose their own middle-class values by making snap decisions to break up families and to place juveniles in unspeakable jails, or by imposing humiliating conditions on them. The court is thus a railroad to juvenile disaster,⁵ justified by its apologists only by its high caseload and the lack of facilities elsewhere.

Clearly, a full treatment of MFY’s experiences with family law would have to go beyond misleading descriptions of the

Family Court and raise some fundamental questions. What, for example, is the effect of American culture on poor, and particularly Puerto Rican families in New York? In what way can legal representation protect them from the oppression of the Family Court? How does vigorous advocacy affect the Court as an institution? To what extent—as this chapter finally and feebly asks—is success in a case dependent on attention to the family and getting a social worker involved? These are questions which demand answers or at least responses. But a search for either between the covers of this volume is a search in vain.

On to the chapter on consumer cases and the good Mr. Appleby again. Here we find brilliant new insights such as, “The most serious legal problems a low-income consumer faces have to do with credit purchases,” or, “The law [is] structured in favor of the merchant.” Now these are nice lib-lab clichés, but they are false. It is not the law which is stacked against the poor, but the legal system which fails to provide the poor with representation. Aggressive neighborhood lawyers have found that the use of traditional legal doctrines such as fraud, duress and adhesion, as well as the use of retail installment sales acts, can satisfy the client’s needs in the individual case.⁶ The problem is that few poor people come to MFY’s law offices for help with these matters.

It would be interesting to know why; for information about what legal aid can do in other matters—for example, welfare, criminal law and housing—is common in poor neighborhoods. If enough poor people made use of the legal options available to them, there might be an impact on particular merchants of deceit.

Yet instead of dealing with these facts and possibilities, Appleby retreats from today’s realities to quote a law professor at a 1965 poverty conference—before there were nationwide legal aid services—as saying that the increasing volume of defaults defended by neighborhood lawyers “might begin to curtail the most exploitative practices.” That has not been true in this author’s experience, and that contention should have formed the subject of the chapter.

New York’s housing law is unique, and the poor in New York occasionally have legal advantages that poor in other cities do not. The chapter on housing law acknowledges this fact and dispenses with the area of MFY’s highest caseload in seven and one-half pages. It concludes that the landlord’s income from rents is often not enough for essential repairs and that this is the real problem in housing. The question is: How often is this true, and how did such a situation arise? Let us not forget that even in rent-controlled buildings, landlords can get rent increases when they show that they are not making a profit. The reason that income from rent often cannot pay for repairs is that for many years, the owner has milked the building dry without fixing anything.

Actually, the housing problem most clients bring to a legal services attorney is even starker than that of repairs: eviction—generally without proper service or by urban renewal. Slum lords, in fact, have many tactics to drive people out. And neighborhood lawyers have found not only that more dwelling units are destroyed than built by urban renewal (Negro removal) but also that it is the poor whose homes go while the rich move in. These are the problems. This study should have concentrated on methods of preventing individual evictions and on the impact these evictions have on the community-at-large. From there, theorists

could speculate about broad law suits, as well as about administrative and legislative reforms. Instead, this chapter merely serves as a mild apologia for the actions of landlords.

Welfare law may be the area where MFY lawyers have the greatest reputation. They have taken three cases to the Supreme Court—winning two—and have a case on a welfare recipient's right to privacy there now.⁷ In addition, they have many others pending in the lower federal courts. Of these, Appleby and Heifetz mention only one in their chapter: the successful suit to compel the continuation of welfare payments until a hearing to determine lack of eligibility is held. (Ironically, the problem with the "welfare abuse" law—New York's residency requirement—is described as eliminated by administrative appeals. Actually, its widespread use was not stopped until the successful federal suit which culminated in a 1969 Supreme Court decision.)⁸

This chapter concludes by saying that "the development of the fair-hearing weapon has probably been the most striking achievement of the Legal Unit in the field of welfare law . . . [because it] forced the Department of Welfare to re-think policies and procedures." If that were ever so, it was not true as recently as 1967, when this author was involved in many "(un)fair hearings." Adverse results were a foregone conclusion, and the hearings were often used only to make a record for appeal. Every welfare lawyer agrees—or did until *Dandridge v. Williams*⁹—that the best thing for his client is to have a case tried in a federal court. The lawyers at MFY evolved a strategy of federal litigation which armed their clients with both administrative concepts of due process and traditional doctrines of statutory purpose, and it was only with this strategy that welfare clients began to have real success. This strategy should have been the subject of the chapter on welfare law rather than MFY's early and largely irrelevant successes with welfare hearings. (No detailed mention is made, incidentally, of MFY's close involvement with welfare groups in hearing campaigns. Yet that is an interesting and educational saga.)

The lengthy chapter on administrative law by Weissman and Appleby provides a survey of abuses in public housing, unemployment insurance and schools, with no analogies to welfare. In discussing the *Madera* case¹⁰—which held that there is no right to counsel at a school "guidance conference"—the authors fail to mention that the reasoning of the case was proper and MFY's presentation weak. The Court of Appeals for the Second Circuit held that due process implies the right to counsel at a hearing before expulsion but that MFY had not proved (as the lower court had assumed) that a guidance conference was such a hearing. As this example suggests, the chapter presents some of the problems in administrative law which MFY confronted, but it does not deal properly with the pitfalls and possibilities of litigation in the field. Since the shortcoming is typical of such discussions, this chapter is the best in the section.

The second half of the book is comprised of the directors' evaluations of the MFY program. The first chapter is a summary of a discussion with Hal Rothwax, the second director of MFY Legal Services. Rothwax's opinions do not really come through, and the discussion reads like a series of cryptic pessimisms about the law as an instrument of social reform. The section concludes with the naive proposition, "Ultimately law is not a solution to the problems of the poor, money is."

But Rothwax's position is not that silly. His contention is really twofold: first, that appellate decisions often have no practical impact; and second, that an individual lawyer, by fighting a large number of cases, may have institutional

or court-room impact. This position, largely derived from and relevant to criminal law—where Rothwax primarily practices and where most of MFY lawyers do not—deserves a full statement; such a position, if set forth, should be presented complete with rebuttal and modifications.¹¹ But in the obscure, misleading form in which it is presented, it is at best puzzling and incongruous when compared with the rest of the volume.

It is clear that legal decisions not only reflect political realities but help to create them. Law suits have multiplier effects. Residency cases may have produced an additional \$30 million for the poor.¹² Lawyers may change the balance of advantage in struggles between the poor and their creditors and landlords. Imposing requirements of privacy and due process on those administrative agencies which abuse the poor can win immeasurable gains for dignity as well as relief from arbitrariness. But a book review shouldn't have to sketch these suggestions; the book itself should have detailed them.

Two more chapters remain. In one, Bertrand Beck, the present director of MFY, chronicles the history of his work there. But his account is a whitewash. What of the internal fights—culminating in the separation of Legal Services from MFY? (And no loss. MFY itself never helped this author or anyone he knows with a client.) What of the highly publicized red-baiting MFY went through? What of the change in the concept of Legal Services' function—from being the teeth of community action to being a neighborhood legal aid program? And more besides. Yet nothing but a gloss on MFY in general fills these pages.

Frances Fox Piven, normally Bonnie to Richard Cloward's Clyde, has the last word. In the final chapter, she deals with

the history of scaring up poverty money—which is not too relevant here. The theory she puts forward is that welfare programs first reflect political impulses and then serve other goals. I don't believe this to be the case with MFY and definitely not with Legal Services. Otherarrant nonsense includes the assertion that MFY represented a "comprehensive and coordinated approach to social welfare" and that it served as a "model for the early delinquency-prevention . . . [and] community action programs." MFY is a bureaucratic morass; New Haven was used by O.E.O. as a model for most matters.

All that remains is the epilogue. It is unrelated to the rest of the book and contains nothing but thoughtless praise for MFY and its staff. Weissman, the man responsible for this mess, thinks helping the poor get more money is a good idea. I agree. Unless, however, the authors donate the royalties of this Vanity Press production to a slum lottery, this book does not provide that. Nor does it provide anybody else with anything of value.

303 F. Supp. 935 (S.D.N.Y. 1969), *appeal docketed* 390 U.S. 921 (1969); *Gaddis v. Wyman*, 304 F. Supp. 713 (S.D.N.Y. 1969).

8. *Gaddis v. Wyman*, *supra* note 7.

9. 397 U.S. 471 (1970).

10. *Madera v. Board of Education*, 267 F. Supp. 356 (S.D.N.Y. 1967), *rev'd* 386 F. 2d 778 (2d Cir. 1967).

11. For this author's position, *see* articles cited in Albert and Weiss, *Neighborhood Lawyers—An American Experiment*, 118 *New Law Journal* 667 (England, 1968); Weiss, *Book Review*, 117 *Pittsburgh Legal Journal* 42 (1969); *supra* note 6; and for techniques, *supra* note 5.

12. Earl Johnson, Jr., so states in his forthcoming book on poverty law. The party may be over, however. *See Dandridge v. Williams*, *supra* note 9.

1. *See*, for a typical, horrible example, Cohen, *Observations—Law, Lawyers and Poverty*, 43 *Texas L. Rev.* 1072 (1965). *See also* Resnick & Wizner, *Book Review*, 70 *Colum. L. Rev.* 1305 (1970); this piece details the failure of a "poverty law" casebook written by non-practitioners.

2. Any good neighborhood lawyer can tell you this. *See*, from this author's experience, *Andino v. Board of Education*, 68 *Civ.* 5029 (S.D.N.Y. 1968), where a well postured school suspension case was mooted by informally arranging for the re-admission of two students.

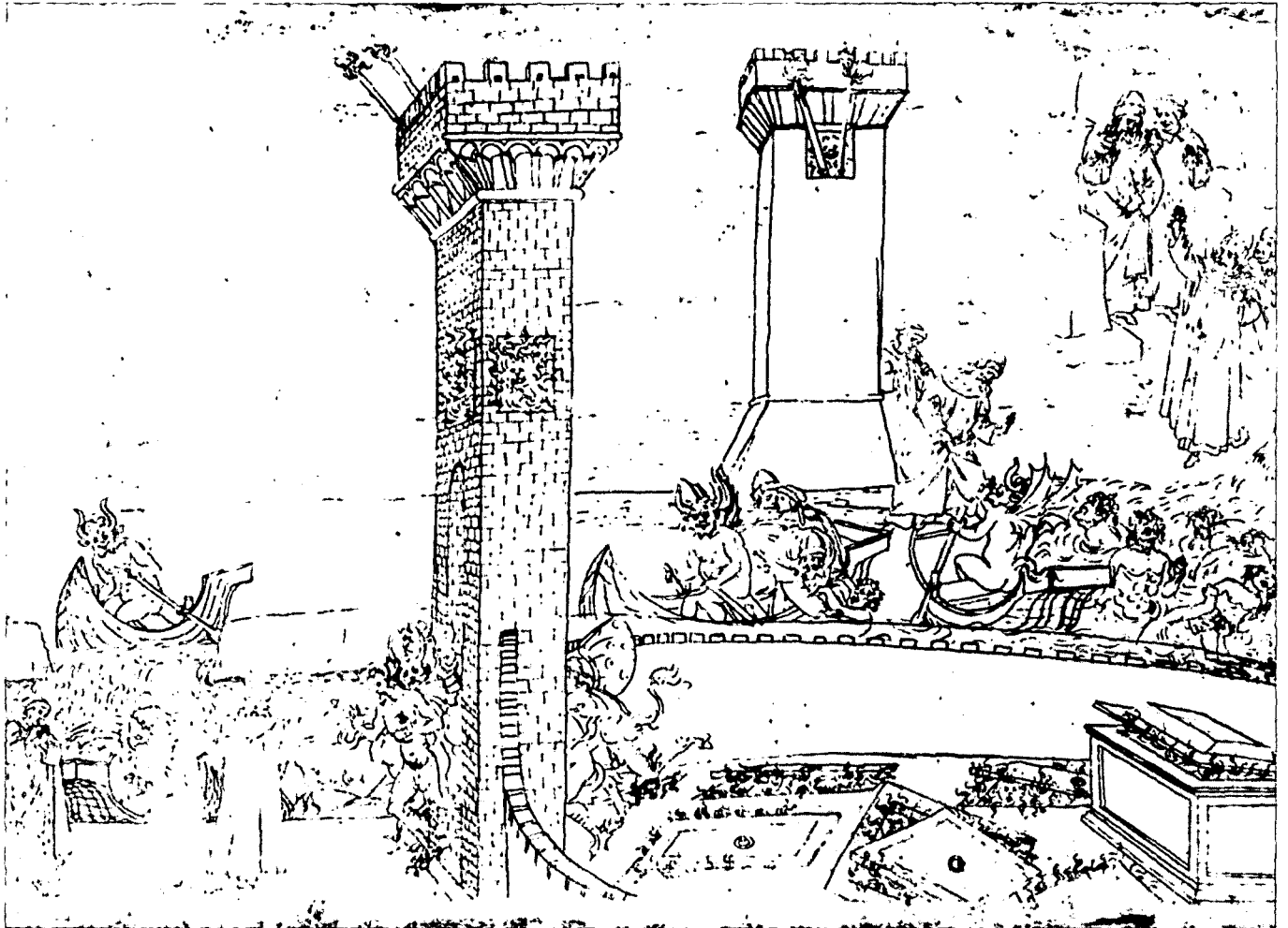
3. *See Williams v. District of Columbia* 419 F. 2d 638, 643, 648 n. 28 (D.C. Cir. 1969).

4. 372 U.S. 335 (1963).

5. *See* articles cited in Weiss, *How to Defend a Juvenile Case*, in Cipes, *Criminal Defense Techniques*, 6-03, 6-05 n. 3 (1969).

6. Again, any neighborhood lawyer can confirm this fact. *See* Weiss, *Book Review*, 35 *Geo. Wash. L. Rev.* 627 (1967); Matthews and Weiss, *What Can Be Done: A Neighborhood Lawyer's Credo*, 47 *Boston U. L. Rev.* 231 (1967).

7. *Kelly v. Wyman*, 294 F. Supp. 893 (S.D.N.Y. 1968), *aff'd* 394 U.S. 971 (1970); *Rosado v. Wyman*, 304 F. Supp. 1346 (E.D.N.Y.), *rev'd* 414 F. 2d 176 (2d Cir. 1969), *rev'd* 397 U.S. 397 (1970); *James v. Wyman*,



The Unheavenly City

Edward Banfield
Little, Brown, \$6.95 (308 pages)

by K.K. Kalba

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If the sixties were an era of government overpromise to the urban poor, the tides of strict constructionism and economic uncertainty of the past two years have clearly shifted the onus of poverty-fighting back to the poor themselves. While President Johnson and the 89th Congress behaved like incessant magicians, pulling one programmatic rabbit after another (Head Start, Community Action, Job Corps, etc.) out of the Great Society's top hat, President Nixon, despite his welfare reform activity, is essentially a leader out to herd those myriad scrambling, big-city rabbits back into the hat and keep them there. Needless to add, proficiency at sleight-of-hand has been an indispensable ingredient of both endeavors.

Sleight-of-hand, however, when it occurs at the highest levels of national decision-making, is not likely to entertain all who watch. That is why it must be predicated upon, and buttressed by, a political strategy of long-term payoffs. In turn, the political strategy may be dependent on a social theory of fundamental proportions.

It is precisely the makeup of such a basic social theory that Harvard Professor Edward Banfield attempts to outline in *The Unheavenly City*. And since Professor Banfield has already headed an Administration task force on Model Cities, there is sparse doubt that his thoughts are being digested carefully both at the White House and in the Cabinet. Indeed, the instant utility of Banfield's new volume could parallel that of Richard Cloward and Lloyd Ohlin's *Delinquency and Opportunity*, the sociological treatise from which the professional poverty reformers of the Kennedy-Johnson era derived their premises for action.

There are a number of reasons why *The Unheavenly City* is sure to appeal to men caught in the maze of budgetary cutbacks and overall conservative withdrawal. For one, the book sets out to prove that no real urban crisis exists, only an imaginary one. Imaginary crises, it implies, can be fought by marginal expenditures for imaginary solutions rather than by substantive outlays for social transformation. In fact, even a costless change in language might do the trick. High on Banfield's list of crisis remedies are the prohibition of live TV coverage of ghetto incidents and

the avoidance of rhetoric which might stir up the expectations of the urban poor.

In his depiction of our imaginary urban unease, Banfield proposes a different kind of “rabbit” metaphor. “To a large extent . . . our urban problems,” he states, “are like the mechanical rabbit at the racetrack, which is set to keep just ahead of the dogs no matter how fast they may run.” Which, to translate, means that our sense of impending urban disaster will prevail as long as we set arbitrary performance standards that actual performance can never hope to meet. If we define one-fifth of the population as “poor” and one-fourth of police behavior as “brutal,” then we have effectively condemned ourselves to perpetual poverty and police brutality.

To the welfare liberal, of course, it is exactly the setting of increasingly higher social objectives that fulfills the historical mission of a just and dynamic society. This is what social progress is all about. But to counter the brunt of the progressivist argument, Edward Banfield presents us with a chapter-length primer on the irreparable psychological foundations of the poor. Entitled “The Imperatives of Class,” the chapter would make William Graham Sumner cluck his cheeks were he still alive.

Class, as Banfield speaks of it, is based on an individual’s ability to project and work toward future satisfaction. The upper class does this best of all, while the lower is compelled to a life of immediate, albeit paltry, gratification. Why is the lower-class individual so present-oriented? Because of—Banfield is forced to conclude from his wide readings—his “biologically inherited intelligence.” And besides, “Features that make the slum repellent to others actually please him.” Which doesn’t say much for inhabitants of the inner city—particularly not for those who work hard all year long or who organize local chapters of the Welfare Rights Organization. Yet Banfield remains as intellectually elusive as the arbitrary standard setters he attacks. Those who aren’t really comfortable in a slum environment, he explains, aren’t lower-class to begin with—by his definition.

Dialectics apart for the moment, the critical point remains that to Banfield most slum residents are “lower-class” and therefore—by virtue of their biological and cultural composition—unable to assume the trappings of normal membership in society. “In the slum,” Banfield contends, “one can beat one’s children, lie drunk in the gutter, or go to jail without attracting any special notice; these are things that most of the neighbors themselves have done and that they consider quite normal.” Assuming for the moment that lying drunk on a Castro convertible is a nobler form of repose than lying in the gutter, can’t one nevertheless retort that what Banfield describes as lower-class culture is in fact a set of behavioral reactions to a debilitating environment? Put mixed land use, consumer fraud, police harassment, understaffed schools, shadeless streets and a few decades of manipulation through dope, racism and slum landlordship in the suburbs and the response of upstanding citizens might also become peculiar.

However, while Professor Banfield briefly alludes to the “situational” theory of ghetto behavior, his heart obviously lies with the innate cultural-and-biological-inferiority explanation. Presumably, his thinking processes have remained undaunted by the recent field reports of sociologists such as Leonard Riessman and Charles Tilly. These findings suggest, first, that the black poor have higher occupational and educational aspirations than even working-class whites and, second, that recent migrants to the inner city are less criminally inclined and more stable as family members than older residents, whose lives have been scarred by specifically urban modes of discrimination. In other words, the environment, not the individual, is the message.

There are other sections of *The Unheavenly City* in which Professor Banfield stretches his wings to the point of maximum vulnerability, such as his chapter on “Rioting Mainly for Fun and Profit.” In it, he proposes that—contrary to the guilt-ridden thinking of the affluent and the escapist convictions of the black poor—the problems of race have had little to do with recent riots in the inner city. Riots, Banfield admits, do come in shades and colors but rarely in black and white. At which point, he proceeds to delineate

four major types: 1) *the rampage*, which is simply “an outbreak of animal—usually young, male animal—spirits;” 2) *the foray for pillage*, in which “the motive is theft, and here also boys and young adults of the lower class are the principal offenders;” 3) *the outburst of righteous indignation*, where “the rioters are moved by indignation at what they regard, rightly or wrongly, as injustice or as a violation of mores that is likely to go unpunished;” and 4) *the demonstration*, the pre-meditated intent of which “is to advance a political principle or ideology or to contribute to the maintenance of an organization.”

Again, the logic of Banfield’s technical analysis is fathomless. On the one hand, he argues that the black poor believe they are being discriminated against and, on the other, he refuses to accept that a belief of this nature, even if erroneous, can lead to a diffusion of local violent encounters—not even when preceded by symbolic black mobilization at the national level. Instead, Banfield chooses to focus on immediate triggering factors in explaining riot behavior. Admittedly, these can be of types “1” through “3” or “1” through “4.” What he fails to grasp is that politicized violence is seldom a pure activity. Whether it be the Boston Tea Party or a group of black teenagers unsettled by the lack of summer activities, rampage, pillage and indignation can be integral aspects of a—racially supported, in the case of the teenagers—mass confrontation. Banfield’s primary association of violence with lower-class youth is only a further sign of his obliviousness to both current and historical reality.

But let’s proceed to the political guts of Banfield’s message. “So long as the city contains a sizable lower class,” he writes, “nothing basic can be done about its most serious problems.” Issues of structural unemployment, of exclusionary housing practices, of counterproductive

dynamics between ghetto residents and urban police forces or school boards hardly enter his purview. What Banfield does elaborate are policies that would make the poor more certain than ever of their infirmities and that would guarantee them an eternal present of ghetto depravity. Some of his bolder suggestions, which are only half-retracted, include subsidizing the poor to give up their children, curbstome justice by the friendly neighborhood police (in order to "bring punishment within the time horizon of the most present-oriented") and the permanent "semi-institutional" confinement of the lower class.

On the milder side, Banfield proposes some of the following measures with which to poke holes through the blown-out-of-proportion urban crisis. To keep unemployment below 3 per cent, he would have us repeal minimum wage laws, pay less for low-skilled public employment and stop harassing employers who offer low wages even when working conditions are unattractive. Similarly, to reduce the population of the "incompetent poor," we should provide them with "intensive" birth-control guidance and pay problem families to send their children to day nurseries. Banfield also recommends an assortment of crime- and riot-control procedures, the impact of which would please Martha Mitchell if no one else.

It is not that items on Banfield's agenda are unworthy of further consideration. What is perplexing, however, is his one-track mind. Cut the poors' reproductive cords, keep them busy or handcuffed, shackle their aspirations and you have done something. But have you really? Even Banfield realizes that if all his recommendations "were carried out to the full, the urban situation would not be fundamentally improved."

So where does this leave us? One alternative is to applaud Banfield's realism, his ability to resist the newspaper-headlines approach to the urban predicament, which may sell copy but which distracts serious analysis. Furthermore, to those

few who believe that radicalism lies on the other side of conservatism, Banfield's comments on the flabby and self-serving character of middle-class moral overtures toward the poor and his reservations concerning the prospects for instant rehabilitation of the inner city can be of considerable value. Still, what Banfield forgets is that urban poverty is not simply an urban problem. Nor is it merely a problem of defining minimum consumer income levels. In the America of the past ten years, it has become a wholesale problem of national self-definition. Leadership structures, laws and day-to-day practices have been set into motion for the sake of real gains in our image of ourselves. The issue, in short, is not only how to soothe middle-class anxieties but also now to resolve the deep historical cleavages in our national character while the world changes. Professor Banfield's underrating of the symbolic and historical dimensions of the poverty crisis is undoubtedly his most singular shortcoming as intellectual bard.

And where does *The Unheavenly City* leave the poor? Far from heaven, to be sure. It contains virtually no discussion of novel institutional solutions to relieve their plight amidst inaccessible government and widespread abundance. Why not community courts as a way of bringing punishment within the time framework of the inner-city criminal rather than curbstome justice via an alien policeman? Why not neighborhood-based manpower development programs linked to economic development? Why not easy-access health and transportation programs? Have programs like these really been tried, or is Professor Banfield himself a victim of the polar thinking of the times, which holds that repression is the only pause to revolution?

In sum, the immediate future of the urban poor is bleak, particularly if President Nixon concurs—as he has been doing—with the kind of astringent analysis that Professor Banfield's volume represents. The President is right: there are cheaper ways of winning elections than by helping the difficult poor build a freer life and their own political base. Only why must we keep insisting that it is the victims of racism who are being difficult and not the victimizers—a perspective which infused even the details of the Kerner Commission report. If the President extends repression in order to make peace with such misdirected thinking, he may win elections easily but lose a nation in the process.

The Greening of America

Charles A. Reich
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by William Jeffress

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Relating the kaleidoscopic culture of middle-class American youth to their puzzled elders—and to some equally puzzled contemporaries—has become a favorite sport of journalists and authors, ranging from *Time* magazine to Tom Wolfe to Jerry Rubin. Few of us doubt that there is something very significant in the life styles, the political attitudes and the lack of “career” orientation of growing numbers of young people, but we find that these phenomena defy rational measurement and analysis. To Middle America, they seem to be symptoms of a dangerous disease, of weakness and self-indulgence, produced by two decades of permissiveness. Liberals, on the other hand, see the idealism, the rejection of social conventions and the experimentation with new life-styles as symbols of a more open, more fluid and more egalitarian society. But we are secretly troubled.

Our trouble is like that of a very intense young Marxist economist who visited a seminar at Yale two years ago. For most of the evening, the ardent young man presented his sophisticated theory of social change and ably fielded questions and challenges to his economic and social analysis. Finally, he was asked what he thought people’s lives would be like after the revolution. He replied that everyone would have great freedom to pursue his own interests and to undertake self-fulfilling work; then he went on to say that he himself might decide to learn the violin, to work on a farm and to teach. Returned his questioner: “But you can do all these things now. You could lead your ideal life today. Why do you devote all your time and energy to working for the revolution?” Shaken for the first time, our guest retorted: “Why do you put it on a personal level? I want a better life for everybody. I am surrounded by injustice, and you ask why I don’t indulge myself! Why can’t you deal with the theory rather than the theorist?”

The anger of the young economist is shared by liberals confronted by “liberated youth”: those who are the liberals’ natural allies in the good fight seem to have deserted the fight altogether, without abandoning the ideal of the good society and without suggesting that there is a better fight to be waged.

The thesis of Charles Reich’s new book, *The Greening of America*, is that there is a better fight, better than either the liberal’s or the Marxist’s; that the fight is being waged by young people who are attempting to live more free, more varied and more pleasurable lives today; and that they will succeed. Reich is optimistic, and he wants us to be optimistic; and as befits a lawyer, he is an advocate as well as an apologist for youth culture. The basis for his optimism cannot be conveyed without a rather complete outline of Reich’s premises and major points.

Reich’s assumptions about contemporary society are drawn largely from the political and economic analyses of Marcuse, Jacques Ellul and the young Marx. But these theories, he suggests, fail to account for the apparent failure of large numbers of young people to fall into the roles prescribed for them by a technological society. Reich first sets himself to the task of elaborating a theory which puts this phenomenon into historical perspective and suggests its future impact upon the course of social change.

The analytical tool Reich uses in developing his theory is the concept of Consciousness—the perception of reality and one’s place in it; the totality of the beliefs, opinions and values by which a person lives and acts. Consciousness is an individual construct, but it is shaped by prevailing economic and social conditions; and a particular consciousness may be associated with each historical period. As the conditions of civilization change and the gap widens between reality and people’s beliefs about it, existing consciousness becomes anachronistic and is

increasingly incapable of shaping institutions and policies which will provide human satisfaction. Reich’s view is that today, America is at a stage in which the gap between prevailing consciousness and the reality of everyday life is so wide that a new consciousness must and will be created. “The process of that creation, which has already been started by our youth in this moment of utmost sterility, darkest night, and extremest peril, is what we have undertaken to describe in this book.”

In order to describe the prevailing consciousness in America, how it was produced and why it is failing, Reich reviews a bit of history—though only American history, and only two centuries of that. Nineteenth-century individualism was Consciousness I; it was characterized by the belief that individual energy, released from rigid forms and customs, unimpeded by government and harnessed only by the “unseen hand,” would fulfill the American Dream. But Consciousness I was

unable to cope with the tide of industrialism, the growth of technology and the concentration of private power. As economic and social evils began to overwhelm the individual, Consciousness I could attribute the betrayal of the Dream only to corruption and to evil men, rather than to the natural development of a competitive economy and industrial technique. Thus, it saw the problem in individual rather than institutional terms. The real problems could be confronted only by new consciousness.

The era of reform in the early twentieth century was, like all social change, both the product and the source of a change in consciousness. The doctrine of the "unseen hand" was replaced by the doctrine of the "public interest," which held that the good society can be achieved by submitting private power to public regulation. To the people of Consciousness I, the New Deal was anathema, because it challenged the myths around which they had built their lives. But to those whose myths had been shattered by experience with the competitive market, the new public state represented the substitution of rationality for chaos, of stability for insecurity and of social engineers for the discredited "laws" of economics. While the theory of reform was to match private power with commensurate public power, the distinction soon blurred. The product of reform and consolidation was "a single vast corporation, with every person an involuntary member and employee"—the American Corporate State—and a prevailing consciousness suited to the new realities of organization and technology.

The point of Reich's historical analysis is, first, both to explain how our society can be so troubled and yet so unable to identify the source of its troubles, and, second, to set up a dialectic by which the course of future change may be measured. The most striking passages in the book, however, come in Reich's analysis of Consciousness II and life in the Corporate State. By measuring individual actions in terms of "the public interest," Consciousness II determines personal worth and value in terms of utility to the social organization. Consequently, the Consciousness II person is deeply insecure: his dreams and self-esteem are

subject to manipulation by the organization, and when the organization itself falls short of the dreams it has created in him, he has no independent self to fall back upon. The Consciousness II man embraces the system because he believes in rational control by qualified men. But the horror is that the system he has created is not a human system at all.

"From all of this, there emerges the great revelation about the executive suite—the place from which power-hungry men seem to rule our society. The truth is far worse. In the executive suite, there may be a Leger or Braque on the wall, or a collection of African masks, there may be a vast glass-and-metal desk, but there is no one there. No one at all is in the executive suite. What looks like a man is only a representation of a man who does what the organization requires. He (or it) does not run the machine; he *tends* it."

The logic of technology has replaced the logic of man; and while the rule of man might occasionally produce evil, the rule of the Corporate State is far worse—it is *indifferent* to man's needs.

From his review of the origins and nature of Consciousness II and the social structure which nourishes it, Reich proceeds to describe life in the Corporate State. The themes of this very personal description are not unfamiliar: substitution of artificial for natural pleasures, impoverishment of culture, alienation from work and from environment, destruction of community, loss of self. What is special about Reich's description is its expressionistic word pictures of alienated man in a hostile society. Consider a cocktail party of middle-class professionals:

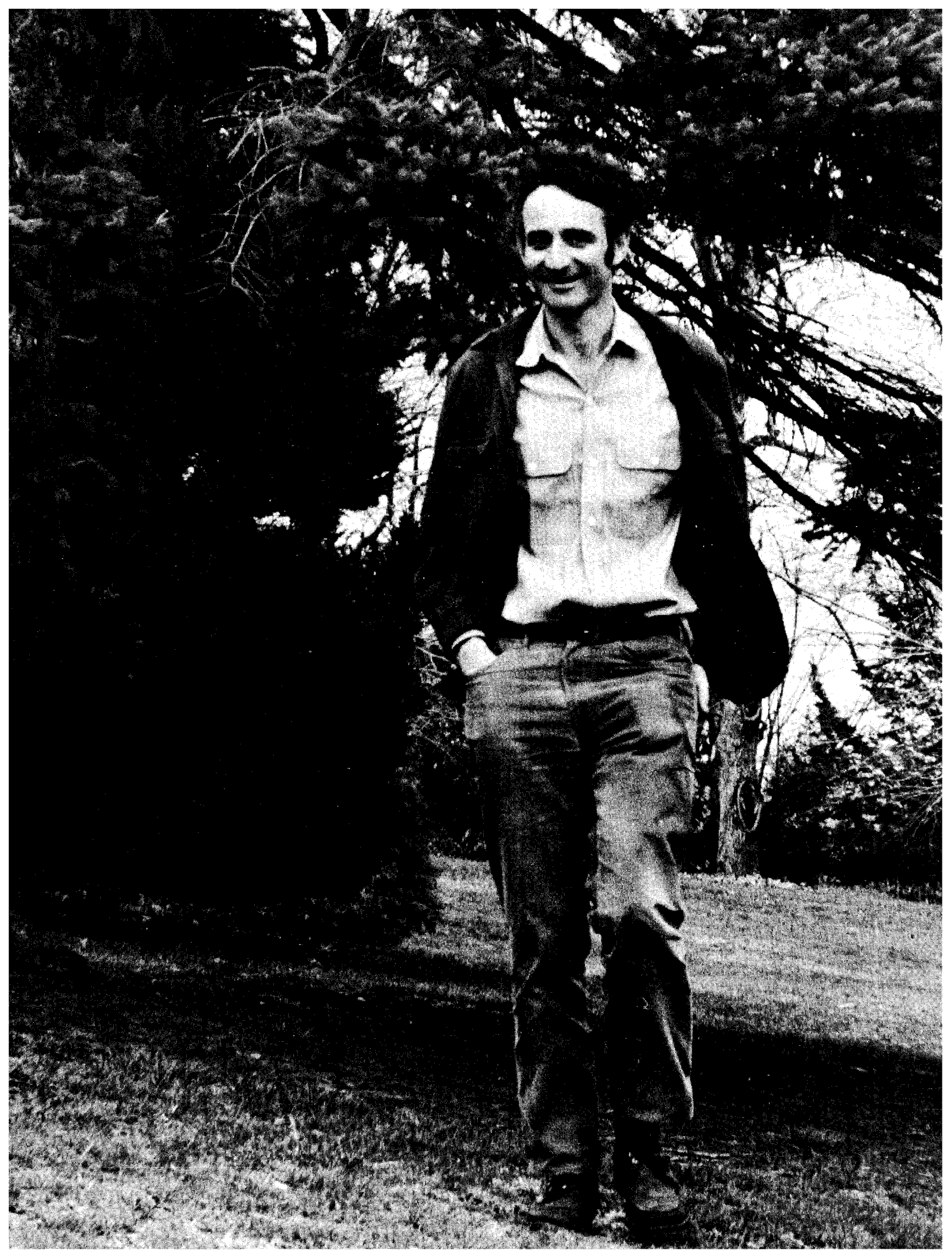
"Their goals—status, promotion, institutional approval, and a correct image for the outside world—are hollow in terms of personal satisfaction and meaning. . . . A few of them even go to plastic surgeons to change their faces, but many have done something plastic to their inner selves. . . . They have surrounded themselves by things, and rendered themselves passive in the process; it is as if they have given up the power to change and grow and create, and things have acquired this power instead; things change and dance, and the individual sits motionless, besotted, and empty."

Or the "tragedy of the white-collar and blue-collar worker":

"The productive State has demanded output from them all their lives, draining them of life, creativity, vitality, and never giving them a chance to be renewed. Competition has made them fearful and suspicious of their fellow men, believing that every other man is not a brother but a threatening rival with a knife at the throat of his adversaries. Imprisoned in masks, they endure an unutterable loneliness. Their lives are stories of disappointed hopes, hopes disintegrating into the bitterness and envy that is ever-present in even the most casual conversations of the worker. If they had an individual excellence or greatness, in some area, it has been passed over by society; they are Joan Baez or Bob Dylan, working in a bank or a filling station until their minds and bodies have forgotten the poetry that once was in them."

Or, finally, the faces of America:

"Stand at a commuter train station and see the blank, hollow, bitter faces. Sit in a government cafeteria and see the faces set in rigidity, in unawareness, in timid compliance, or bureaucratic obstinacy, the career women with all their beauty fled, the men with all their manhood drained. We do not look at faces very often in America, even less than we look at ruined rivers and devastated hills."



Whether or not a rational, calculating authority could maintain the loyalty of alienated selves by the continual creation and satisfaction of human wants, the Corporate State cannot. It is incapable of responding to needs which cannot be satisfied by technology and material production or which demand fewer rather than more products of technology. As one's material needs are more and more satisfied, nonmaterial needs become more deeply felt. To maintain its power, the Corporate State should satisfy those needs by modifying its laws and its priorities; but the Corporate State responds to nothing but its own inertia, and it thus creates the seeds of its own destruction. The final blow, the spur to a rapid and widespread change in the consciousness of its people, is the "Corporate State's one unsalable product"—the Vietnam War.

The new consciousness emerges not from those who have been left out of the promise of the Corporate State but from those satiated with its stuff: affluent, white, well-educated, middle-class youth. They have observed that the rewards of the Corporate State do not make men free or happy, but their liberating discovery is that the possibilities of technology, when they are put to human ends, offer an incredibly rich and varied life today. The Consciousness III person begins with the self and regards all elements of structure, organization and technology as choices, to be used or ignored as they are seen to enhance or diminish the immediate possibilities of the self. Consciousness III, Reich suggests, is the only view of reality consistent with an advanced technological society; and it promises to enable man to utilize the products of technology for human ends.

To convey the characteristics and the message of the new life-styles developed by Consciousness III, Reich tours through the music, the clothes, the expression, the experiments and the communities of the "new generation." In bell-bottomed blue jeans, in the college athlete who skips practice to strum a guitar or climb a mountain, in the music of the Grateful Dead, Sly and the Family Stone, and Crosby, Stills, Nash and Young, in the "trip commune" and, most of all, in the limitless energy and curiosity of liberated youth, Reich finds a coherent philosophy—one which, he shouts, promises creativity, love and human satisfaction in the next stage of American civilization.

These pages are open to criticism for their idealized portraits of the motives, beliefs, human relationships and life-styles of the youths Reich describes. Hypocrisy, intolerance and selfishness coexist with honesty, harmony and community within the subculture of youth. Even putting aside the question (never considered in the book) of how widely Consciousness III is shared among young people, Reich's lack of critical assessment of the culture he describes must be counted as a weakness in what is, after all, an argument not only that the culture of the "new generation" represents the next stage of American society but also that the new society will be one of harmony and human self-fulfillment. But insofar as the promise of change is concerned, the important message here is that the new culture represents a complete and lasting break with the past and that it is a culture consistent with an advanced state of technology.

Reich's argument thus far offers little solace to protagonists of social change. The idiosyncratic life-styles of those who, as Reich puts it, "have everything in our society" seem able to coexist with a fundamentally unjust society; and they threaten to drain off energy which could go to making our society a better place for everyone. In answer, Reich poses a course by which the revolution in consciousness can reach beyond youth and change social structure by changing personal lives. His theory is that the forces which generate a change in consciousness among pampered youth can also change the attitudes of the workers and the middle class, if they can be given a model which not only claims but demonstrates the possibility of a better life. This model, Reich suggests, can be supplied by the "new generation." "The task of the new generation is to be the teachers of their fellow men and women, so that the great liberating process of recovery of self, started by our youth, can become the means of liberation for all Americans. . . ."

This mechanism for revolution is Reich's most novel and perhaps most controversial idea. By acting through individual conversion, the revolution forecast by Reich does not require violence.

It is irresistible by force, and it comes from "within the system"—that is, it coexists with and preserves a democratic form of government. It is nonviolent because it begins with a change in people's lives and attitudes and does not depend upon a successful confrontation with established authority. While force can, to a large degree, control action, it cannot control consciousness. And while repression of new life-styles is conceivable, it is self-defeating, because every act of force generates a new consciousness. Reich believes that violence will increase both in frequency and intensity in coming years: "Certainly we must expect ugly and violent times ahead. . . ." But the relatively limited and sporadic incidents of violence that he foresees are not the means of the revolution, only its by-products.

While Reich believes that Consciousness III is "both necessary and inevitable," he is not so confident, I think, about the process by which it will be achieved. Indeed, both the liberal and the radical scenarios of change are consistent with the dialectic traced in the early part of the book. The crux of Reich's prediction that the mechanism of change will be individual conversion rather than progressive reform or violent revolution is his belief that strategies for change through political action misconceive the nature of the system:

"The essential point is that the political structure, the law, and the formal institutions of society are not the creative part of the Corporate State. They are merely its *administrative* department, and they administer whatever values there are to be administered. They do not have the power to change values; for one interested in basic change, law and political institutions are virtually irrelevant. . . . [S]ocial change, instead of beginning at the palace, comes up from below."

But a recognition that changes in consciousness provide the only lasting basis for major institutional change does not lead necessarily to the conclusion that political action is irrelevant in achieving that change—nor even that its role is as minor as Reich hints when he suggests

that political institutions will serve as “theaters in which to stage exemplary battles of consciousness.” As Reich’s own historical analysis demonstrates, political change does not *follow* the advent of new consciousness but *accompanies* it; the New Deal era of reform was not simply the end product of a change in values, beliefs and attitudes, but also in large part *created* the outlook of Consciousness II. The nature of political action and its effect upon the course of social change in the near future are largely put aside in *The Greening of America*, but they are primary subjects of concern for many sympathetic to Reich’s portrait of life in a post-corporate state.

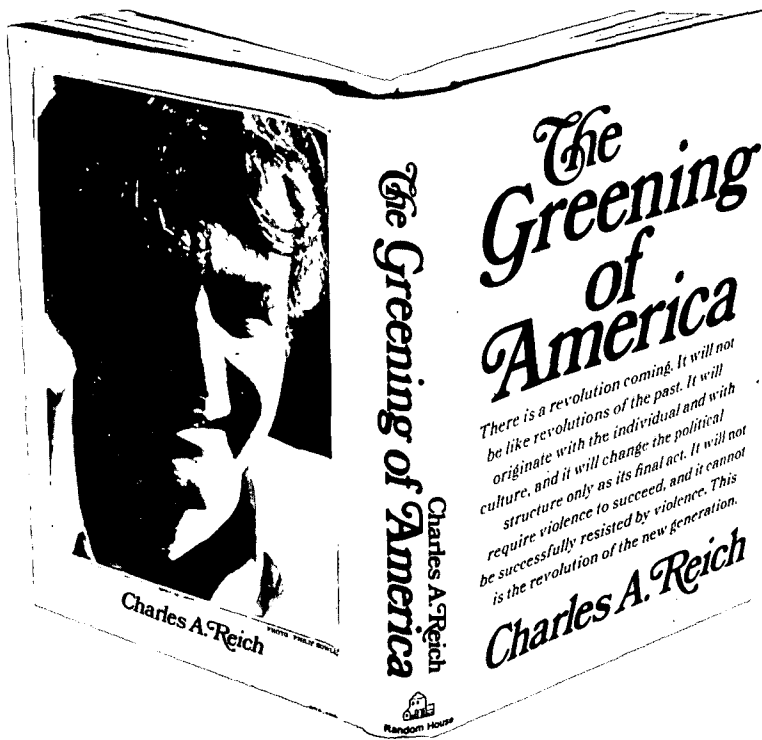
An examination of what is happening in the political sphere suggests several reservations about Reich’s prognosis. It must be recognized that the “new generation” Reich describes does not include those for whom force is an ever-present fact of daily life. The poor and the black cannot opt out of the Corporate State as easily as the children of the affluent middle class. For them, and more broadly for those whose view of society is shaped primarily by laws and institutions and the power relationships which maintain them, political action is central to the hope for a new society. Reich does not argue that political action will not become increasingly harsh and violent in the near future; he believes only that it will be a dead end and that it will not stand in the way of the revolution in consciousness.

An equally persuasive argument begins with politics and reaches a very different conclusion. Political conflict in America has always proceeded from a common, if extremely varied, culture. The change from Consciousness I to Consciousness II, insofar as it affected culture and life-styles, was a major transformation only in retrospect; and the accompanying legal-political change, if swift and far-reaching by American standards, was a gentle ripple in the history of civilization. The only true collision of cultures in American history produced the Civil War.

Whatever the “new generation’s” disposition toward political activism, its radical culture is accompanied by a radical political philosophy which, in common discourse, is lumped with the philosophy of radical political insurgents. This identification of radical political change with radical change in life-styles has increased the distance between workers and advocates of major political change, and it may even have solidified the resistance to more gradual change. To the extent that Consciousness III is identified with the culture of the “new generation,” it represents a much more fundamental transformation than did the rise of Consciousness II in the era of reform. If Reich is correct in thinking that the new culture represents a fundamental and lasting break with the past on the part of a significant number of young people and that it cannot successfully be co-opted or absorbed by the Corporate State, then the distance between old and new for our society may be one which can be bridged only by a major catharsis.

Reich’s portrait of the shallowness of life and the sterility of culture in contemporary America bridges the gap between Herbert Marcuse and Ken Kesey. Even those who do not agree with Reich that these are times of “darkest night and extremest peril” will find themselves uncomfortable with his images not only of society but of themselves. One who recognizes truth in the portrait will also feel pain and will recognize that no palliative, political or otherwise, can remove the source of that pain. But just as Kierkegaard saw the depths of despair as a precondition to recovery of the true self, so Reich believes that our darkest night will itself produce the sunlight of a new consciousness and a new and better society.

The enterprise of predicting the future of social change is a risky one, requiring imagination as much as careful analysis. Charles Reich, buoyed by the optimism of his vision, undertakes the task with boldness and passion. *The Greening of America* is a major achievement simply in its penetrating description of modern society; and if Reich’s prognosis for our society is colored as much by exhortation as analysis, it is nevertheless the first credible theory which offers us neither an Orwellian future nor the fire next time.



The book for our times

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