1968

Book Reviews

Michael E. Tigar

Follow this and additional works at: http://digitalcommons.law.yale.edu/ylj

Recommended Citation
Available at: http://digitalcommons.law.yale.edu/ylj/vol77/iss3/9

This Article is brought to you for free and open access by Yale Law School Legal Scholarship Repository. It has been accepted for inclusion in Yale Law Journal by an authorized editor of Yale Law School Legal Scholarship Repository. For more information, please contact julian.aiken@yale.edu.
possibly result from perfect freedom. While one individual may be hurt by unrestricted speech—whether the area be libel, privacy, or obscenity—even his long-term interests may warrant his suffering that damage. To decide we must intelligently assess the dangers in both directions.

We have come a long way in the liberalization of obscenity laws. We could not have done otherwise. But there is time. A halt was needed and Mr. Kuh performs a service in defending the halt. The "legal pornographer" must wait until we have better evidence on which to decide whether the greater danger is in admitting or barring him from our society.


John Bunzel, one gathers from this book, is the Lawrence Welk of the political science trade, combining in one opus the qualities of an amateur-night Talcott Parsons, a bargain-basement David Riesman, and a talent-show Daniel Bell. He would not and does not claim the elements of his contribution to be original. For example, on page 21, he "relies" on Norman Jacobson, on page 67, has "returned" to Alan Westin, and "drawn heavily" on David Danzig, and on pages 110 and 127, he is "indebted," respectively, to Nelson Polsby and Daniel Bell. By this point in the book, he is so deeply in debt that the entire enterprise resembles a voluntary petition in intellectual bankruptcy.

Bunzel's asset, if any there be, is his analysis of recognized radical trends in American politics and his plea for adherence to the style and content of "mainstream" American political discourse. But that analysis is itself spotty and at times simplistic, and Bunzel's plea for "democratic politics" rests upon the mistaken premise that the rulers of contemporary America pay attention in any significant way to the real demands of the ruled at home and abroad.

This review will, therefore, essay two tasks. First, it will analyze

1. He is also, according to the back flyleaf of the book, "associate professor of political science at San Francisco State College." John Leonard, my former colleague in Pacifica Foundation Radio, first used the Lawrence Welk comparison, in reference to Mortimer Adler and the "philosophy trade."
Bunzel's use of certain source material in his critique of radicalism in America. Second, it will suggest that America needs today not a rededication to reasoned, learned political discourse, but rather a new style of political action which emphasizes assaults upon the established political institutions and processes, and exhortation appropriate to that end. In this discussion, I propose to ignore Bunzel's analysis of the Birch Society and other rightists.² The Birch Society is not, I think, to be faulted for its non-commitment to American politics. My principal worry is that, far from being outside the political mainstream, the Society is already too much involved in American politics through the prevalence of its members and its program in the military, the police, and other organized instruments of ruling class violence, not to mention in the statehouses and mansions of politics and industry.

For Bunzel, politics is a "civilizing process of conciliation,"³ a process of conflict-resolution in which demands on the social order are adjusted, met, and settled. Bunzel himself advances an analogy to classical free market theory, in which "politics is . . . the market place and price mechanism of all social demands."⁴ It follows, therefore, that the politician is "the people's broker."⁵ (This being so, we need not be surprised when these "brokers" are periodically revealed to have taken rather large commissions.) Immanent in Bunzel's definition of politics is the view that political decisions are at any given moment determined by myriad pressures upon responsible governmental agencies. Moreover, the power to influence government is, in Bunzel's view, widely enough dispersed among articulate interest groups that "politics" as a process is the essential element of contemporary democratic decision-making.⁶ This descriptive portion of Bunzel's argument is not at all novel. It bears a close resemblance to the "amorphous power structure" of "veto groups" which David Riesman described in The Lonely Crowd as having "replaced" a "single hierarchy with a ruling class at its head."⁷

The connection between Bunzel's description and his normative argument is left wholly to the imagination, but the naturalistic fallacy—"no ought from an is"—may not have been a part of his training.⁸

² J. Bunzel, Anti-Politics in America ch. 2 (1967) [hereinafter cited as Bunzel].
³ Bunzel 12.
⁴ Id. 15.
⁵ Id.
⁶ Principal statements of this view are contained in chapters 1 & 7.
The normative argument is that one ought to participate in politics, as Bunzel defines politics, and that attempts to achieve one's goals by other than "political" means distort and weaken the democratic process. This normative argument is addressed to two sorts of people: those who do not explicitly reject Bunzel's description of the political process, yet for some reason wish to operate outside of it to create a "minority revolution" or subvert existing institutions; and, on the other hand, those who find Bunzel's description inaccurate and conduct their activities in ways which they feel are more likely to produce results.

Bunzel "proves" his central factual proposition—that power is held and exercised by and through the process of politics—by a discursive and utterly random attack on those who disagree with him, and through copious citation of those who agree. Illustrative of this technique is his chapter on the "American Left Wing." He begins with a pointless anecdote about three Soviet graduate students who visited one of his classes, picks C. Wright Mills, Robert S. Lynd, and Floyd Hunter as representative of "elitist" theorists to whose views he objects, then concludes with a hit-and-run analysis of the Socialist Labor Party, the American Communist Party, and Marxism in general.

We may note to begin with that Bunzel committed the very crime for which he indicts his opponents: he "took for granted precisely what he never bothered to prove," for he adduces no evidence of the power relationships he describes.

This aside, his choice of spokesmen for the left, and his understanding of left wing politics, is strange indeed. Neither Lynd's nor Hunter's writings have played a major role in shaping contemporary radical thought. One can only conclude that Bunzel included Lynd so that he could reproduce portions of his earlier article on Lynd's work and that he included Hunter for no good reason at all.

This leaves Mills. Bunzel does not examine the extensively documented argument of Mills' *The Power Elite* in any detail, but instead contents himself with citing reviews by others and playing a few word games with Mills' first chapter. Nor does Bunzel consider Mills' later works on Cuba and on Marxism.
A “victory” over Mills won on those terms is cheap indeed, for Mills was one of the most profoundly disturbing analysts of the American scene. To begin, Mills rejected outright the notion, which Bunzel in his exuberance appears to attribute to “elitists” in general, that elites govern all complex societies at all periods of history. This view, expressed by Mosca\(^\text{18}\) and Michels (the “iron law of oligarchy”),\(^\text{19}\) Mills forsook in favor of a detailed analysis of contemporary American society in particular.\(^\text{20}\) Second, Bunzel nowhere treats of the issues and decisions which ostensibly lend themselves to the “power elite” analysis. What role had “politics,” in Bunzel’s definition of the term, in the decision to bomb Hiroshima,\(^\text{21}\) the decision to build a hydrogen bomb,\(^\text{22}\) or the corporate decisions to increase the pace of automation? Is not the rhetoric of the nation’s leaders in defense of the war in Vietnam directed more at manipulation of masses than persuasion of a polity? These are hard questions, and the published record suggests answers which more closely resemble Mills’ analysis than Bunzel’s dream. Finally, Bunzel does not at all seek to answer Mills’ empirical demonstration that economic and political power are highly concentrated in contemporary America in ways which render them unamenable to significant influence by the process of mainstream political discourse.

The butchery committed upon Mills’ work is, moreover, a foretaste of Bunzel’s highly simplistic—“reductionist,” to borrow his own favorite epithet—view of other models for social analysis. Consider, for example, his attack on “Marxism.”\(^\text{23}\) The term “Marxism” has many connotations, but it is not too much to expect a careful scholar to distinguish which of them he is talking about. Bunzel only sporadically does so, and thereby makes his anti-Marxist position indefensible. For most Marxist theory does not, as Bunzel assumes, rest solely or even principally upon the advocacy of a style and content of politics. Marxism begins, historically and practically, with an analysis of eco-

20. C. W. Mills, The Power Elite 29, 367 n.7 (1956). See also id. 365 n.3.
22. This story has not yet been fully told. Its main outlines were first revealed in the hearing to revoke Dr. J. Robert Oppenheimer’s security clearance. See USAEC, In the Matter of J. Robert Oppenheimer; Transcript of Hearing Before Personnel Security Board, Washington, D. C., April 12-May 6, 1954, especially the testimony of Alvarez (770-805), Bethe (323-49), Conant (384-94), Fermi (394-98), Kennan (352-72), Oppenheimer (65-160), Rabi (461-75), Teller (707-27), Wilson (679-97). See also S. Alsor & J. Alsor, We Accused (1954).
23. E.g., Bunzel 107-08, 109, 113-14, 125-26.
nomic relationships. Crucial to the classical Marxist economic analysis are the following theoretical principles:

1. From the Adam Smith model of a small producer economy, capitalist society tends inevitably to move toward concentration of the means of production into large units of production owned by a few.24

2. This process is accompanied by a tendency toward falling rates of profit, a decrease in effective demand, and a high rate of unemployment.25

3. One major counteracting force to the tendency of profits to fall is the export of capital, creating a network of overseas investment and interests with profound effect upon foreign policy.26

Much of the world structures its economic philosophy around these Marxist notions. Their cogency in the current American debate over automation and the war economy cannot be lightly gainsaid, given the honestly-held views of serious scholars the world around and the continued inability of the American economy to provide a decent existence for Americans, let alone for those in foreign lands who must labor for American primary producers if they are to work at all. The Marxist attack on orthodox economic theory, and the attendant Marxist ideological framework, cannot be refuted with polemic alone. It proceeds from certain factual assumptions with which Bunzel utterly omits to deal and about which he reveals his ignorance. If these assumptions are even partially right, then Bunzel's theory falls because it is based upon a mistaken view about the allocation of power, upon a simple-minded concentration on narrowly "political" phenomena to the exclusion of all others.

Other examples of simplistic, ill-considered analysis of complex theories and problems might be cited. But limiting one's view to only a few representative examples, one can see that Bunzel rests his normative preference for "politics" upon a view of society which he does not prove, upon an analysis of opponents of that view which is alternatively facile and irrelevant, and upon a blind ignorance of forces and problems which do not fit into his analytic framework.

Upon this last failing, it may be wise to dwell at greater length. Bunzel's theory does not appear to admit of exceptions. Yet one supposes he approves in general of the "anti-political" American Revolu-

25. Id.
tion, and perhaps of the massive organized lawlessness reflected in the underground railway and other pre-Civil War abolitionist activities. Perhaps he would even concede the value and importance of the extra-legal tactics resorted to by the labor movement when it confronted a uniformly hostile alliance of economic power and police power. The demands made by these disparate movements were not, at one time, amenable to solution in the arena of politics for three reasons. First, the demands were not recognized as "legitimate" subjects of discourse by those who controlled the content of political discourse. Second, the demands did not, in the view of those who made them, admit of the sort of compromise which Bunzel regards as indispensable to the process of politics. Third, the demands were addressed only in part to those in political control; they were demands for social change which required interference with economic interests generally believed to be beyond the reach of governmental, i.e., political, control.

Today, as well, the myth that leaving basic financial decisions to the "marketplace" is a requisite of freedom serves to rationalize the inability of political institutions to deal with the problems of poverty, miseducation, and exploitation which are endemic to urban ghettos. The system of politics as it exists legitimates and enforces the economic decision-making apparatus which owns the slums, automates the production lines and farmlands without consideration of those displaced, runs away to low-wage areas, and generally behaves in ways which serve the economic self-interest of owners and disserve the community at large.

For black Americans, moreover, the system of politics is hopelessly compromised by its continued overt and tacit participation in bigotry. It is not mere rhetoric to point out that "politics" has not yet redeemed itself from the crime of 1872, whereby Hayes was elected President in exchange for ending Reconstruction and turning the South over to the white folks. As a result, the Negro has for nearly 100 years heard gainsaid the Civil War promise of equality, and has remained at the bottom of the economic pyramid. The anger which produces "antipolitical" outbursts can perhaps be understood, even by Bunzel. Indeed, it makes no difference whether Bunzel understands it or not, because the anger is a fact quite outside Bunzel's hortatory utterances.

One could cite other examples of antipolitical behavior produced by the failure of American politics to embrace all interests within its framework, and by the dominance or overruling of American political decisions by forces which are beyond, or above—but at any rate out-
side—politics. The American interventions in Asia and Latin America, overtly designed to quell social revolution, provide excellent cases in point.

On an increasing number of social issues, therefore, the traditional system of politics has either abdicated or never ruled in the first place. That being so, it should not be surprising that many seek to replace the present social system with one in which the forces that govern men's lives are in the control of those whose lives are governed. Bunzel, with characteristic fear of radical proposals, views these ideas as threats to end “politics,” and therefore freedom in general. No doubt many radical proposals carry within them such a threat. But contemporary American radicals, for the most part, view fundamental social change as the means to expand politics to include classes of persons now alienated, and classes of decisions now reserved to a few. A reordering of society which thus restructured politics would enhance rather than diminish “freedom,” if by freedom we mean the maximization of social control over the physical environment and the maximization of individual choices. In neither of these ways does contemporary society or contemporary politics provide freedom, because contemporary politics is concerned with too narrow a range of issues.

The antipolitical temper, and particularly that of the new American left, is born of a far more realistic appraisal of America than Bunzel’s, and is nurtured by a healthy unwillingness to compromise with bigotry and exploitation. Far from being an alien force, it carries forward the radical tradition which has time and again made significant contributions to American progress. Yes, there is a malaise abroad in the land, and it is little wonder that Bunzel makes such a bad job of diagnosis and prescription. For his defense of politics is a defense of the social ills which the present system of politics cannot reach.

MICHAEL E. TIGAR†

† B.A. 1962, J.D. 1966, University of California at Berkeley. Member of the Bar, District of Columbia.