

Spring 1971

Charles A. Reich, *The Greening of America*

Michael I. Swygert

Recommended Citation

Michael I. Swygert, *Charles A. Reich, The Greening of America*, 5 Val. U. L. Rev. 692 (1971).
Available at: <http://scholar.valpo.edu/vulr/vol5/iss3/13>

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THE GREENING OF AMERICA. By Charles A. Reich. New York: Random House, Inc. 1970. Pp. 395. \$7.95.

Eyes panning with occasional darts and zooms, face smiling at everything and everybody, frame mildly bent forward, Charles Reich was walking toward the Yale Co-op. It was early Spring, 1968. Reich had just come from Sterling Law Buildings where he was a professor of law. We noticed him near the corner of York and Broadway in front of Liggett's Drugs. And we noticed that when he walked he did not look straight ahead, but rather scanned and visualized all around him. Moreover, although undoubtedly traversing the route a thousand times, he appeared to be observing the scene for the first time. Perhaps repeated sightings of familiar surroundings result in different or deeper visions. In any event, Reich's street style was representative of his larger activity—that of an observer and diagnostician of our times.

It is a rare individual who observes imaginatively, comprehensively, relevantly, insightfully and perceptively, and then reports to others his or her mental findings. It is difficult enough to make sense out of the quiet and dead past, let alone to make logic out of the noisy and alive present. Indeed, to remove oneself from the 20th century and view the present as from the 21st demands a keen intellect to perceive not only events and conditions but to grasp the near term flows and undertows of those events and conditions. Few persons possess this immediate extrapolative sense.

Yes, there are "futurists" such as Buckminster Fuller and Aldous Huxley. But, whereas Fuller and Huxley discount near-term prospects and look ahead far beyond their own generations, Reich concentrates on the near term, just beyond the cutting edge of time, drawing on the recent past and the present as the predicates for projective analysis. He attempts to do what many theorists and scholars consistently shy away from—diagnosing in a comprehensive fashion present-day society. He is the young Yale Laswell and McDougal but without the form and disciplined methods of his elders. If Reich is to be criticised, it could be for this very reason—that his intellect, although extensive and intensive, is free flowing, poetic, not rigidly structured, not compartmentalized, not specialized, not systematically precise.¹ But Reich, I

1. A similar point has been made by a colleague, Professor Jack Hiller, in reviewing Mr. Justice Douglas' recent book, *Points of Rebellion*. His comments are equally applicable to Reich:

think, would reply that such charges are welcome, suggesting, perhaps, that specialization and methodical inquiry narrows vision and focus. All right, we need the narrow focus and close-up detailed studies. We also need the wide angle. Reich attempts the wide angle and as such comes close to being a contemporary historian.

Reich in his best selling book, *The Greening of America*, uses the wide angle in describing the development of American society and institutions during the past few decades, then looks at the present and ventures into the future on the wave of the young. As such, the book is topical and is full of insights.

To be topical and insightful, one first must observe and observe without haste—to wit, Reich's hikes to the Co-op, usually *not* via the short cut behind Hungry Charlie's and Morry's next to Ezra Stiles, but the longer way around via the York-Broadway pinnacle. Reich was neither hurried nor hurrying in the Spring of 1968.

Once Reich had been in a hurry. Once he would have felt compelled to take the short-cut to the Co-op. For until a decade ago, Charles Reich had been an active participant in the high level lawyer arenas of New York City and Washington, D.C.

Receiving undergraduate exposure at Oberlin, Reich obtained his law degree from Yale where he played the game quite well, earning impressive grades, talking in a terribly articulate manner and, as a result, receiving an appointment to the *Yale Law Journal*.

In the early 50's (when Reich graduated from the Yale Law School) editors of the *Journal* following graduation typically would associate with the large New York City law firms, known as Wall Street firms even if located in the Pan-Am building in midtown, 54 blocks north of Wall Street. Reich was no exception, associating in 1953 with the prestigious firm of Cravath, Swaine and Moore.

The most brilliant and creative of the *Journal* editors, moreover, on occasion would receive an appointment as law clerk to a justice of the United States Supreme Court. Again, Reich was no exception. Following a year on Wall Street, Reich left for Washington to clerk for Mr. Justice Hugo Black. Subsequently, Reich associated with the Washington, D.C.,

from rather vague evidence; it is heavily laced with rhetorical questions which are the earmarks of a harangue and it really says nothing new. But maybe this is making the wrong kinds of demands To fault him for painting boldly and with a broad brush, though he is capable of painting delicately and with precision, would be the same as criticising Picasso for painting *Les Femmes d'Alger* and saying that he should have painted in the classical style. Some things can only be said boldly

law firm known then as Arnold, Fortas and Porter, considered by many at the time to be one of "the" law firms. Reich was still no exception, although consistently exceptional. But in 1969, after practicing law for six years in Washington, Reich became the exception—the Wall Street drop-out. He joined the faculty of the Yale Law School as an associate professor of law.

This biographical data taken from unofficial records is important since it reveals that Reich was in the "real world" for a number of years and, in fact, practiced law with firms involved daily in setting up and maintaining the giant corporations about which Reich writes in part in *The Greening of America*. Many reviewers of *Greening* have criticised Reich for not knowing what the corporate life is all about—for sitting in his New Haven ivory tower. But such reviewer response is nonsense; Reich's life, about which he does not write in *Greening*, was for a significant period the corporate, Saturday afternoon at the office existence. In truth, Reich was a corporate state insider for a while—a corporate state insider with responsibilities for keeping the corporate machinery well oiled and operable. He was, to use his own phrase, a knife thrower—a precision instrument for hire.

It may be said, although somewhat glibby, that Reich is now throwing knives *at* corporations rather than *for* corporations. But given a first rate intellect and observational power, an ability to relate and to relevantize, Reich is a man of our times who comes as close as any man can to a diagnosis of his own age without benefit of autopsy.

In early 1968 Reich was not widely known. In fact, many of the law students signed up for "The Social and Intellectual Perspectives of Property" with very little idea of what the course was going to cover. We knew nothing about the instructor, Charles Reich. A few of us students, upon seeing the word "property" in the course title, instantly decided *not* to sign up for it. We, as typical cynical "old graduate" law students, began still another semester of Socratic method and Langdell case book techniques in the age of improvisation and experimentation, or so we were told.

But then something unusual began to happen in the lounge. Certain students were actually discussing a preceding class—no, not just discussing it, but arguing, analyzing, and yes, even shouting about it. What was this course? Who was the teacher?

Upon the urging of a classmate, I signed up late along with 100 other students and went on to attend class for a semester to a degree far out of line with my past attendance performances. Reich, many of us concluded, was a fresh breeze but not because he made fee simples interesting—he

never mentioned them—but because he was timely, topical, and current, and because he was the greatest negativist we had ever encountered. Whatever one's political philosophy—new deal liberalism, federalism, 19th century conservatism, civil libertarianism, Fabian socialism, Marxism, etc., Reich systematically appeared to tear it down by attacking and destroying the finished product and by showing inherent defects as programed in the original blueprints.

It was a class capable of humiliating not only men but, indeed, governments, institutions, systems of thought. It was a class in which many of us took copious notes in order to pass the message along.

We need not have. Reich took notes too, and he has published them in his best selling book. Moreover, he has added a chapter on hope—his own blueprint for the future, by discussing what he calls Consciousness III.

It probably won't be made into a movie for decades. If it is celluloidized, it may be titled "The Rise, Fall, and Second Rise of America." For in essence, Reich's thesis is one which provokes despair, yet hope. He writes about both.

I won't attack or defend Reich's book. I only offer him to you for your own digestion and response. I urge you, as I was urged, to attend his class—*The Greening of America*.

MICHAEL I. SWYGERT*

* Assistant Professor of Law, Valparaiso University School of Law.