

They both would provide valuable contributions to classes in environmental or water policy. They carry forward some interesting arguments about how to improve water policy in the United States, and the evolution of environmental governance from top-down, technocratic approaches to more decentralized, integrated, and soft-path institutions. However, they both miss opportunities to make a strong contribution to social science theory, given that water is a great laboratory for politics. Even though the task is hard, the general literature on environmental and water policy should strive to make a stronger connection between theory and practice. After all, theory is supposed help us understand the operation of real-world phenomena like water policy. And if we have a better understanding of how water policy works, in principle we can make better recommendations about how to change policies to make water management more resilient and sustainable in the future.

This Is Not Civil Rights: Discovering Rights Talk in 1939 America. By George I. Lovell. Chicago: University of Chicago Press, 2012. 269p. \$76.50 cloth, \$27.50 paper.

That Broader Definition of Liberty: The Theory and Practice of the New Deal. By Brian Stipelman. Lanham, MD: Lexington Books, 2012. 336p. \$100.00
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— Eldon J. Eisenach, *University of Tulsa*

Brian Stipelman's book concerns the relationship between New Deal theory and practice and thus is a study of neither President Franklin Delano Roosevelt nor his administration. It is premised on the assumption that "no theoretical framework will ever negate the need for politics. There can be no political change without struggle and no struggle without organization, all of which happen in contexts that constrain the choices actors can make" (p. 263). Stipelman draws on the writings of four actors: FDR; his wife, Eleanor Roosevelt; Henry Wallace, Roosevelt's secretary of agriculture, secretary of commerce, and vice president; and Thurman Arnold, an early advisor to the president who came to head the antitrust division of the Justice Department. Wallace and Eleanor Roosevelt wrote extensively for a popular audience; Arnold, one of the original "legal realists," wrote on the power of symbols and myths (folklore) in shaping political thought and action.

Behind this study is the author's mentor, Wilson Carey McWilliams, and hovering over it is the founder of political realism, Niccolo Machiavelli. Given this mix, the study is a most ambivalent apology for the New Deal, with chastening lessons for today's progressives who seek to emulate its transformative intentions. Because the New Deal was practicing "political theory in the trenches" (p. 19), it was necessarily "a dizzying mixture of hope and disappointment" (p. 7), walking "a fine line between education and manipulation in its relationship with the

voting public" (p. 16). This judgment is affirmed in the conclusion: "The New Deal privileged administration over participation. . . . Its commitment was to justice over democracy (as participation) even if democracy was a component of justice" (p. 281). Its emphasis on an economy powered by the encouragement of mass consumption and full employment meant a policy that only compensated for the shortcomings of capitalism, rather than placing the economy under public control. Thus, the New Deal was "ultimately a liberal movement more than a democratic one, tempering its tyrannical possibilities with a healthy dose of modest liberal skepticism" (p. 248).

Where is the theory? Here, the study, like most studies of the New Deal, gets a bit hazy. Stipelman begins, appropriately, by looking at earlier populists and progressives (Chapter 2) and the ways in which their visions were both appropriated and altered by FDR's stress on overcoming the immediate problem of overproduction/underconsumption through emergency policies that laid the framework for the creation of the institutional ligaments of a welfare state. In the process, the earlier progressive evolutionary and teleological ideals of a fully realized national democracy yielded to more instrumentalist and service-oriented ends; particular interests and needs had to be met rather than subordinated to some overarching public good (Chapter 3).

While some strains of these earlier social gospel/progressive/populist ideals of universal "brotherhood" can be detected, especially in the writings of Eleanor Roosevelt and Henry Wallace, the New Deal's main theory was spoken in the language of rights, the subject of the book's title and its longest and richest chapter, Chapter 4. FDR's "second bill of rights" recalls traditional American and constitutional values while also proposing a new "social contract," premised on the institutionalization of national programs underwriting economic security, health, and education. While this new contract (or deal) excluded blacks and slighted women, its ends of creating the conditions for the ordinary pursuits of quotidian happiness became the centerpiece of New Deal theory and practice. And because it was not terribly demanding of its signatories and lacked the paternalistic elements of many earlier progressive reform initiatives, this form of rights appeal became the leading principle for Democratic Party political mobilization and coalition building. Moreover, because the language of rights was both traditional and reformist, the expansion of rights became the core element in the New Deal's most appealing narrative.

At the start of the book, Stipelman says that he "focuses in particular on the importance of storytelling as one of the most important bridges between theory and practice" (p. 7), connecting self to society and the past to present and future. While this focus is not evident in many of the substantive chapters, it is highlighted in his discussion of Thurman Arnold. Storytelling incorporates

symbolic myths and folklore, the very elements that Arnold thought central to any theory of political organization and action: “If you understand that human behavior is symbolic then you cease to look for the reality behind the symbols. You judge the symbols as good or bad on the basis of whether they lead to the type of society you like. You do not cling to them on general principles when they are leading in the wrong direction” (p. 175).

Arnold is Stipelman’s Machiavelli in his discussion of the New Deal practice in Chapter 5. Appropriately titled “All Armed Prophets have Conquered’: A New Deal Theory of Agency,” the chapter begins with a quote from Carey McWilliams that recalls both Carl Schmitt and Leo Strauss: “Politics is always the art of the exception. It seeks to know where custom must be violated, where human habits and institutions must be changed to guarantee the survival of what is most important, and where the ideal itself must be compromised or muted so that life itself may endure” (p. 165).

This chapter and the following one on institutionalizing New Deal reform policies would seem to offer chastening lessons for today’s progressives. While not exactly confirming the host of recent books that equate Wilson, both Roosevelts, and the contemporary Democratic Party with the subversion of the “Founders’ Constitution”—the Constitution rarely appears in this study—it does counsel today’s Left to recognize that “a *political* political theory is dangerous” (p. 301), that “politics is a permanent condition” (p. 300), and that counternarratives and counterorganization can undo and reverse past achievements. Stipelman also reminds us that “the vast majority of the New Deal’s reforms preceded Roosevelt’s landslide 1936 victory” (p. 228), suggesting that the “emergency,” not the long-lived Democratic Party coalition created in that election, was the more powerful source of political transformation. The major reversal in the midterm election of 1938 (even larger than that of 2010) signaled the end of popularly based and legislatively mandated political transformation. The “Third New Deal” that followed was more a bureaucratic and constitutional entrenchment of past gains than any new initiatives. Here, some consideration of Bruce Ackerman’s *We the People, Transformations* (2000) would have strengthened this argument.

Without directly arguing the point, Stipelman endorses much of the consumer/Keynesian analysis of Alan Brinkley in *The End of Reform: New Deal Liberalism in Recession and War* (1996). While appearing too late for use in Stipelman’s book, Ira Katznelson’s *Fear Itself: The New Deal and the Origins of Our Time* (2013) makes a quite different case for the limited nature of New Deal reform. For Katznelson, the power of Southern Democrats in Congress and the demands of military mobilization were the two limiting factors.

For all of the recent critiques of the New Deal, there is no doubt that its rhetorical language of “new” rights—a “second

bill of rights”—quickly became embedded in our political discourse. George Lovell’s microcosmic study of rights talk during FDR’s second term gives us a glimpse into this process. In 1939, Attorney General Frank Murphy established a Civil Liberties Unit (soon changed to Civil Rights Service, or CRS) housed in the Criminal Division of the Justice Department. Staffed by seven attorneys, the CRS broadcast a call for individual citizens to send complaints of violations of rights to their office. They also asked that other units of government forward to them any similar complaints. Lovell examined 879 cases of people who wrote letters in 1939–40 directly to, or passed on to, the CRS. While “in nearly every case, people who wrote letters did not receive any material help from the government” (p. 3), the letters do provide very detailed windows into popular conceptions of the meaning of rights and how ordinary people deploy legal and constitutional discourses in their complaints.

Lovell’s study was conducted against a background of assertions by adherents of critical legal studies that making claims in the language of rights entraps claimants in the power of “law’s ideology” that deflects *political* protest: claimants are mere individuals and not part of social protest and reform movements. To the contrary, the author concludes that the rights claimants made no such distinctions between (settled) law and (unsettled) politics. The letters reveal that individuals often deployed legal discourse to resist law’s ideology; the writers “more often seemed *emboldened* by the choice of a legalized rhetoric of rights” (p. 32). In this sense, Lovell’s study is a microcosmic version of the larger themes developed in Larry D. Kramer’s *The People Themselves: Popular Constitutionalism and Judicial Review* (2004). Lovell suggests that the many heated debates in law schools in the 1970s–90s over the logic of a (conservative) political theory of liberalism versus that of a (potentially radical) civic republicanism is simply not confirmed in these letters.

What the letters do reveal is how *aspirational* rights rhetoric can be, “even when deployed by individual claimants seeking vindications of individual rights” (p. 136). Almost half the letters involved claims of rights violations by public officials (mostly state and local) regarding denial of (or firing from) jobs, receipt of welfare payments, and, egregiously, the practice of policemen extorting money from those they arrested, often with the use of physical violence. Surprisingly, very few letters addressed race (less than 10%) and sex discrimination (1%) and none raised the issue of disabilities. Over the eight-year life span of this division, more than 14,000 complaints were lodged, *but only 178 of these were prosecuted*—and many of these were pursued only because of independent findings by the FBI, or because of the help of the postal inspector’s office, or because the letter came down to the CRS from powerful political figures inside or outside of the government. Surprisingly, Eleanor Roosevelt, who received (and responded to) 300,000

letters her first year in the White House, was the source of many of them.

Reading from the letters researched by Lovell gives one a glimpse into the mobilizing power of rights rhetoric that Stipelman claims was central to the narrative appeal of the New Deal. These letters and the governmental responses to them also reveal how woefully ill-equipped the national government was in addressing these protests and complaints. Most CRS responses were simply statements that the jurisdiction of their office did not extend to the complaint, or that (citing many precedents) the statutes enacted after the Civil War left them powerless even to address the most egregious violations of rights by state and local officials. Despite the many arguments and excuses, these same attorneys were “telling appellate court judges, readers of law reviews, and various local bar groups that such jurisdiction did exist and that the existing law provided room to expand jurisdiction even further” (p. 68).

As we know (but in long retrospect), many of these rights claims—combined with the imperatives of the Cold War and protest movements—eventually paid off. But they would not have been achieved had we relied upon popular elections and the mobilizing efforts of the political parties. At best, then, the aspirations and hopes found in these letters might, and under the right conditions, create a somewhat tolerant audience to hear the claims of the most deeply aggrieved. But given the bureaucratic and constitutional entrenchment of powerful groups—now including the interests of many of these early letter writers—the voices of the deeply aggrieved today often receive the same official response received by their counterparts in 1939.

The Naked Communist: Cold War Modernism and the Politics of Popular Culture. By Roland Végső. New York: Fordham University Press, 2013. 245p. \$85 cloth, \$24 paper. doi:10.1017/S1537592714002059

— Edward D. Berkowitz, *George Washington University*

Roland Végső uses literary theory to illuminate the politics and literature of the Cold War during the 1950s. His book demands a background in, or at least a tolerance for, critical theory so that the reader can make sense of sentences such as the following: “I argue that representation must be understood as a form of division introduced into a terrain of ontological inconsistency” (p. 3). For those who persevere, *The Naked Communist* offers incisive readings of such key 1950s texts as Lionel Trilling’s *The Liberal Imagination* (1950) and Arthur Schlesinger’s *The Vital Center* (1949) and important 1950s anticommunist novels of both the low-brow (Mickey Spillane) and middle-brow (Ian Fleming) variety.

Végső employs four basic “figures” as a means of organizing and refining his analysis. The nature of atomic warfare made the whole world, the first of the figures,

vulnerable to its destructive effects, but the Cold War, in a contrary sense, divided the world into the communist and the free zones. The presence of a menacing but illusory enemy, the second of the figures, meant that the United States needed to rely on nondemocratic measures, such as limiting free speech, in order to preserve democracy. The secret, and in particular the knowledge of how to make and deliver an atomic bomb, put certain topics off limits to normal political processes. The secret, the third of the figures, was good in that it helped to guarantee American military supremacy in a hostile world, but also bad when practiced by Communists in secret cells who wanted to destroy the American way of life. A sense of impending catastrophe, the fourth of Végső’s figures, put the United States in a state of permanent crisis that greatly expanded the presence of the military in everyday American life.

Whether these are in some sense the “correct” figures is difficult to say, and indeed the author might be accused of putting a scientific gloss on an era that can best be chronicled in the subjective terms of the historian, rather than the formalisms of the literary theorist. What, for example, are we to make of the Civil Rights movement that showed up on the edges of 1950s life? For Végső, this movement showed the contradictions between domestic and foreign policy. On the one hand, the racial segregation of the South preserved order and brought stability to society. On the other hand, segregation complicated the anticommunist cause, which to Végső is the national cause, because it made it harder for the United States to win the hearts and minds of people in Third World countries. It is not clear that one gains more explanatory power by employing Végső’s figures than one would by approaching a topic like Civil Rights through the lens of American political development. It mattered that with southern blacks not voting, the constituency of many powerful southern congressmen was white. The Cold War exerted a contrary national pressure that eventually triumphed in 1964 and 1965. The key point is that we need more than the Cold War to understand the Civil Rights movement.

Throughout the book, Végső delights in the existence of contradictions and paradoxes that inform his theory—“while art as such is anti-Communist not everything that is anti-Communist is actually art” (p. 82). Jackson Pollack splattering paint on a canvas could be liberating or decadent. Hence, modern art, like the very concept of modernism itself, became a contested realm that, more often than not, was resolved in favor of modernism. Pollack became an exemplar of an American free society that enabled creative artists to thrive, rather than an indicator of a nation too weak, too undisciplined, to face the rigors of the Cold War.

One would not expect Végső to employ the tools of a social scientist or the standard motifs of the historian. Sputnik, which some would highlight as a key turning