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across four lanes of traffic into a school bus would claim innocence on the ground that the sun reflecting off his Saint Christopher medal had blinded him.

In view of this lachrymose state of affairs, it is absurdly ironic yet understandable that the only kind of automobile insurance available in most states encourages these manic tendencies. Instead of fighting duels with one's enemies, men now sue one another, with the result that in some areas personal injury cases account for as much as eighty per cent of the jury docket.

This has given rise to what Jeffrey O'Connell, professor of law at the University of Illinois, calls the "injury industry": lawyers, insurance claims and adjusters, and ambulance chasers who subsist entirely on the spoils of automobile accidents. If it seems a bit gruesome to hover about the bedside of the victim until he regains consciousness in order to persuade him to sign a retainer, it appears to have little effect on the sycophants who make millions of dollars each year in just this way. O'Connell, while quick to credit the lawyers for their considerable part in this travesty on justice, avers that the fault of "fault" insurance lies not primarily with those involved with administering the system but with the system itself.

The way out of all this is "no-fault" insurance, and *The Injury Industry* is an eloquent and frightening mandate for change. O'Connell holds that no-fault insurance would be more efficient, pay more victims, and offer lower premiums than fault insurance. Just the claim that enactment of a no-fault system would immediately lower premiums by twenty-five per cent as a *conservative* estimate is sufficient to give pause to those familiar with rising insurance costs. But the fact that "about forty-five per cent of those seriously injured in traffic accidents got absolutely nothing from automobile liability insurance" and the fact that of those who suffered economic loss of $10,000 or more "approximately sixty per cent got nothing from fault claims . . . 95.6 per cent got less than their economic loss [and] eighty-five per cent got less than half their economic loss" are all graphic evidence of the need for reform.

The essential difference between the two systems is easily explained: while under fault insurance we insure ourselves against the possibility that we will injure someone else who would then sue us, no-fault provides for an accident victim to be reimbursed directly by his own insurance company on a first party basis without the need of hiring a lawyer, going to court, or even raising the issue of blame. Considering the fact that fifty-six cents of every insurance dollar paid out goes to lawyers, it is not hard to see how savings will be accomplished.

Thus, one would insure himself against the possibility of catastrophe just as one does with fire, health, or life insurance. What could be more logical? Why, then, has no-fault legislation been so difficult to enact? While at least twenty-six states have entertained no-fault proposals of one kind or another in recent years, just one state, Massachusetts, has adopted the plan. And even the Massachusetts plan is only a watered-down version of the proposal originally offered by O'Connell and Robert Keeton of the Harvard Law School.

The answer is relatively simple. Many people stand to lose a great deal of money under no-fault insurance, and some of them are legislators. Furthermore, the insurance lobbies have a great deal of political influence—how much can be measured by the fact that they caused the Nixon Administration to back down on endorsing a Department of Transportation survey in favor of no-fault insurance approved by that wily old radical, John Volpe. This is particularly galling in view of the fact that the people hurt most by the present system are those who can bear it least: the young, the old, the poor, and the black who cannot afford to hire expensive lawyers or to wait three years to recoup their losses.

O'Connell has been fighting this battle since 1965. *The Injury Industry,* while urgent, is never hysterical and is instead suffused with a sense of calm outrage. Present and future reforms cannot erase all the injustices being perpetrated daily under the fault system of insurance, but one hopes for the sake of the country that, in the words of Daniel Patrick Moynihan, no-fault insurance is an idea "whose time is coming."

(Mr. Milofsky is a free lance writer and critic.)

Beyond Anarchy

SUPERMAN AND COMMON MEN: FREEDOM, ANARCHY, AND THE REVOLUTION, by Benjamin R. Barber. Praeger. 125 pp. $5 cloth; $1.95 paper.

Reviewed by

Robert McClintock

A GOOD BOOK resonates with its readers' realities; without necessarily winning assent, the argument mysteriously induces sympathetic vibrations, the significance of which may quite excel that of the point at issue. This resonance arises because a book is read in the midst of definite conditions, which it may affect, not only through its argument, but through its style, through the quality of communication that its author engenders.

In *Superman and Common Men,* political scientist Benjamin R. Barber has written such a book. It comprises four essays on anarchism, freedom, tolerance, and revolution. Each is well-argued; one is an important contribution to political philosophy; and the four link together, on reflection, into a cumulative contention. In this book one encounters a bracing vigor and an uncommon confidence that by reasoning publicly men can improve their condition. By example as well as by precept, Barber reaffirms the grand tradition, that of reasoned revolution.

Barber first puts a question to the anarchically inclined: do they seek poetic gestures or revolutionary change? If they aim at change, they had best reject anarchism, for beyond its abstract gratifications, its practical effect is reaction. Anarchism will always infatuate a few, for the ideal of intrinsic bonds is undeniably beautiful, but as a political means, anarchism is inherently impotent, a sanctimonious, elitist refusal to truck with men as

they are, a self-defeating rejection of all possible political levers. When the anarchist does move the masses, he serves reaction by engendering imprudence and weakening practical efforts at change. "Those who would save society," writes Barber, "must first face some difficult choices. They must choose between the solipsistic imagination and the realities of exploitation and human misery; between the theatrics of grand tragedy and the dull desperate plight of uninteresting prisoners of poverty, ignorance, and mediocrity. . . . Not all good things mix: ultimately, they may have to choose between poetry and revolution."

But as a political philosopher Barber recognizes that neither whim nor interest completely governs this choice. In two essays he tries to dissociate common conceptions of freedom and tolerance from those of anarchy. Many, faithful to confusions about freedom and tolerance, espouse anarchy unwittingly and thus reject practical political change. Properly understood, however, freedom and tolerance are incompatible with anarchy; instead, they require political implementation. In making these points, Barber writes brilliantly on freedom, but less well on tolerance.

Discussing freedom, Barber meditates on the Rousseauian paradox that men can be forced to be free. Unless this proposition proves acceptable one cannot affirm freedom without anarchism. For Barber, Rousseau's paradox neither justifies authoritarian abuse nor absurdly contradicts itself; it simply states the facts. Barber shows that men are forever being forced to be free whenever politics and pedagogy drive them to self-awareness. The idea of freedom should lead men not towards an anarchic condition of unrestraint, but towards creating a polity in which every man can achieve the fullest autonomy of intention.

A mechanistic formulation of tolerance also leads to anarchism, or so Barber contends. Here, however, he seems to be tilting against an unreal target. He holds that "tolerance is an act of forbearance resulting from the judgment that the actor's general freedom of action is more valuable than the prevention of . . . harmful act or belief." This leaves unclear whether the forbearance is exercised by persons or collectives. Barber recognizes that for most "the focus of tolerance is always the individual, never the collective . . . ," but he himself writes about a collective tolerance ("society may have to tolerate . . ." and so on). To me these constructions are nonsensical; and as long as the focus of tolerance is the individual, it has nothing to do with anarchy. Thus, the good society is one in which tolerant men enforce just laws, and the evil society is one in which intolerant persons wield unjust authority.

If not poetry, then, what about the revolution? Is it also poetry, a rhetorical fiction, or can it be a political reality? In his last essay, Barber affirms the reality, recognizing its improbability, but asserting, nevertheless, its possibility. Three powerful groups now aspire to promote change. "These . . . reflect three very different kinds of frustration: economic frustration with material and physical insecurity, racial frustration with discrimination and injustice, and psychic frustration with existential meaninglessness." The three aim respectively at security, justice, and liberation, and in turn appeal to the white working class, the racial minorities, and the children of affluence: now they work at cross purposes. But a concert is possible, hence revolutionary reform is possible. But actualization of this depends largely on the children of affluence, for they could best mediate between the other two.

How those pursuing liberation should so mediate, Barber does not specify. He reiterates that those seeking existential meaning must forego the anarchism to which their pursuit of liberation leaves them prone. Their liberation lies in a conscious effort to create a meaningful politics, a restoration of a real democracy pervaded by respect for common men. Yet, "what stands in the way of reconstituted democracy is democracy as it is now constituted. What prevents the three potentially revolutionary movements from uniting . . . is their own negative perceptions of one another." Therefore, to re-create democracy, men's perceptions must be transformed; he closes with a moving exhortation to do so. Admiring the exhortation, one still wonders how to transform the troublesome perceptions. How can the forces of freedom be forced to be free?

Reason is sovereign when men use it, not to rationalize their pre-conceived goals, but to uncover what their goals properly can and should be. Unequivocally, in Barber's essays, reason is sovereign. The essays "are attempts . . . at critical thinking about concepts and issues. . . . Their immodest aim is to influence activity by changing minds."

Few writers, these days, have sufficient confidence in reason to try to change minds; most have turned either to the panicked commentary of those who see unreason rising all around them or to the emotive dogmatism of those who believe that reason can only serve as a tool of tyranny. Not so Barber. In his "immodest aim" of trying to change minds, in his willingness to grant that the prospective anarchist may still be susceptible to reason, he exemplifies the sovereignty of reason even where his reasoning may go wrong. Through this example, the significance of Barber's book can transcend that of his text, for it exemplifies the way to change perceptions, to restore democracy, to force men to be free—namely, by seeking to persuade and to be persuaded by reasoned argument.

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