

# David Riesman: From Law to Social Criticism

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## INTRODUCTION

In the fall of 1937, David Riesman began what turned out to be four years of teaching at the University of Buffalo Law School. He seemed to be on the path to a major career in the law. He had recently graduated from Harvard Law School, having served on the Law Review and impressing Felix Frankfurter enough that Frankfurter recommended his student for a Supreme Court clerkship with Associate Justice Louis D. Brandeis. The careers of the others who clerked for Brandeis suggested what might have been in store for Riesman. Preceding him were Calvert Magruder (later, a Harvard Law School professor and then a judge on the First Circuit Court of Appeals); Dean Acheson (who started at Covington and Burling, and would later serve as Secretary of State); Harry Shulman (eventually dean of Yale Law School); and Paul Freund (a Harvard Law School professor and distinguished scholar of the U.S. Constitution). After Riesman came J. Willard Hurst (arguably the founding father of American legal history). If Riesman was the only one of those who clerked for Brandeis who did not have a career in the law, he nonetheless had a distinguished career. With the publication of *The Lonely Crowd* in 1950, a little more than a dozen years after he left Buffalo, Riesman emerged as one of the most famous and influential sociologists of his generation. How, then, do we understand this man and his career: educated as a lawyer, but making his mark as a sociologist—a field in which he had neither formal training nor a degree? A writer who early on authored a dozen articles published in law reviews, but who displayed in *The Lonely Crowd* no interest in the law? Someone who early in his career focused on labor legislation, group libel, and civil liberties—but who in his 1950 book turned his attention elsewhere, including advertising as a means of educating consumers?

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## I. FROM LAW TO SOCIOLOGY

In 1950, University of Chicago professor David Riesman (1909-2002) published *The Lonely Crowd: A Study of the Changing American Character*.<sup>1</sup> The book quickly became the nation's most influential and widely read mid-century work of social and cultural criticism. It catapulted its author to the cover of *Time* magazine in 1954, making Riesman the first social scientist so honored. With *The Lonely Crowd* Riesman offered a nuanced and complicated portrait of the nation's middle and upper-middle classes. Though he recognized the power of economic forces to produce affluence, *The Lonely Crowd* nonetheless is a key text in what historian Howard Brick has called the "displacement" of the economy and economics in the social sciences at mid-century.<sup>2</sup> Drawing on (and transforming) the work of émigré intellectuals, Riesman pictured a nation in the midst of a shift from a society based on production to one fundamentally shaped by the market orientation of a consumer culture. He explored how people used consumer goods to communicate with one another. He criticized, mostly in an implicit manner, the elitist critics who celebrated high culture and denigrated the popular. In addition, he embraced playfulness as a way people could achieve autonomy.

Riesman came to write *The Lonely Crowd* by a circuitous route.<sup>3</sup> Born into a prosperous, cosmopolitan, and

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1. DAVID RIESMAN WITH REUEL DENNEY & NATHAN GLAZER, *THE LONELY CROWD: A STUDY OF THE CHANGING AMERICAN CHARACTER* (1950) [hereinafter RIESMAN, *THE LONELY CROWD*]. Following widely-accepted convention, I speak of Riesman as the author. For one of his many reconsiderations of what he tried to convey in the original edition, see DAVID RIESMAN WITH REUEL DENNEY & NATHAN GLAZER, *THE LONELY CROWD: A STUDY OF THE CHANGING AMERICAN CHARACTER* xi-xlviii (1961).

2. HOWARD BRICK, *TRANSCENDING CAPITALISM: VISIONS OF A NEW SOCIETY IN MODERN AMERICAN THOUGHT* 172 (2006).

3. Riesman wrote at least two autobiographical essays. See David Riesman, *A Personal Memoir: My Political Journey*, in *CONFLICT AND CONSENSUS* 327-64 (Walter W. Powell & Richard Robbins eds., 1984) [hereinafter Riesman, *Personal Memoir*]; David Riesman, *Becoming an Academic Man*, in *AUTHORS OF THEIR OWN LIVES* 22-74 (Bennett M. Berger ed., 1990) [hereinafter Riesman, *Becoming an Academic Man*]. Among the secondary works I have drawn on are WILFRED M. MCCLAY, *THE MASTERLESS: SELF & SOCIETY IN MODERN AMERICA* 233-61 (1994) [hereinafter MCCLAY, *THE MASTERLESS*]; Eugene Lunn, *Beyond*

assimilated German Jewish family, he grew up in a household that was, he later said, “completely secular and agnostic.”<sup>4</sup> He was, he remarked, “Jewish by birth but without a trace of religious connection . . . [or] ethnic sentiment.”<sup>5</sup> His father was a prominent Philadelphia physician who had emigrated from Germany before making his mark as a doctor, teacher, and writer. His cultivated, Bryn Mawr-educated mother, Riesman later wrote, “was an aesthete who . . . looked down on people who did the day-to-day work of the world.”<sup>6</sup> Later explaining his favorable attitude to popular modes of expression, Riesman noted that “the culture of an earlier, more aggressively highbrow generation of Americans—my parents’ generation—was thin and donnish,” lacking as it did “a strenuous dialectic vis-à-vis lowbrow and middlebrow culture” that “made the possession of correct taste too easy and complacent a matter.”<sup>7</sup> In political and social ways his early life was sheltered and privileged. Until he entered college, he had

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“*Mass Culture*”: The Lonely Crowd, *the Uses of Literacy*, and *the Postwar Era*, 19 THEORY & SOC’Y 63, 63-86 (1990); Wilfred M. McClay, *Fifty Years of The Lonely Crowd*, 22 WILSON Q. 34, 34-42 (1998) [hereinafter McClay, *Fifty Years*]; Wilfred M. McClay, *The Strange Career of The Lonely Crowd: or, the Antinomies of Autonomy*, in THE CULTURE OF THE MARKET: HISTORICAL ESSAYS 397-440 (Thomas L. Haskell & Richard F. Teichgraeber III eds., 1993) [hereinafter McClay, *The Strange Career*]; Wilfred M. McClay, *Where Have We Come Since the 1950s? Thoughts on Materialism and American Social Character*, in RETHINKING MATERIALISM: PERSPECTIVES ON THE SPIRITUAL DIMENSION OF ECONOMIC BEHAVIOR 25-71 (Robert Wuthnow ed., 1995) [hereinafter McClay, *Since the 1950s*]; Neil McLaughlin, *Critical Theory Meets America: Riesman, Fromm, and The Lonely Crowd*, 32 AM. SOCIOLOGIST 5, 5-26 (2001). For a bibliography of Riesman’s work, see ON THE MAKING OF AMERICANS: ESSAYS IN HONOR OF DAVID RIESMAN 319-46 (Herbert J. Gans et al. eds., 1979). For essays on Riesman’s work, see CULTURE AND SOCIAL CHARACTER: THE WORK OF DAVID RIESMAN REVIEWED (Seymour Martin Lipset & Leo Lowenthal eds., 1961); Eric Larrabee, *David Riesman and His Readers*, in CULTURE AND SOCIAL CHARACTER, *supra*, at 404-16; David Riesman & Nathan Glazer, *The Lonely Crowd: A Reconsideration in 1960*, in CULTURE AND SOCIAL CHARACTER, *supra*, 419-58. For a probing analysis based on archival research of how Riesman’s work on *The Lonely Crowd* developed, see JAMES GILBERT, *MEN IN THE MIDDLE: SEARCHING FOR MASCULINITY IN THE 1950S*, at 34-61 (2005).

4. Riesman, *Personal Memoir*, *supra* note 3, at 357.

5. *Id.*

6. *Id.* at 328.

7. DAVID RIESMAN, *Culture: Popular and Unpopular*, in INDIVIDUALISM RECONSIDERED 179, 180 (1954).

“not know[n] any Democrats, let alone Socialists or Communists.”<sup>8</sup> He and his familial world remained unscathed by the Depression—with his friends as young adults still having “their boats, their debutante parties, their parents’ summer places.”<sup>9</sup>

After graduating from Harvard in 1931 with a degree in biochemistry, Riesman had a series of experiences that enabled him to hammer out his vision of a vocation as he struggled, in historian Wilfred McClay’s words, “to break out of the psychological imprisonment of his upbringing.”<sup>10</sup> He earned his law degree from Harvard Law School in 1934. When considering a Supreme Court clerkship, he traveled to Washington, D.C. for interviews with Justices Oliver Wendell Holmes, Jr., Benjamin N. Cardozo, and Brandeis. He wanted Associate Justice Brandeis least of all because, he told Frankfurter, Brandeis seemed as stern as his father and had argued with Riesman over Zionism. The argument involved the recent law school graduate telling the Associate Justice of the Supreme Court that Zionism was really Jewish fascism. Frankfurter nonetheless advised his student to clerk for Brandeis.<sup>11</sup> After his stint as a clerk, in the summer of 1936 he married Evelyn Hastings Thompson who, like his mother, was a Bryn Mawr graduate and an “elegant bluestocking,”<sup>12</sup> but unlike her was not of German Jewish background. Soon Riesman began working at a small Boston law firm.

Not long after his marriage and law practice began, Riesman accepted a position at the University of Buffalo Law School. The University, then a private institution, had recently hired a new dean of the law school. The University’s president charged Francis (Frank) Shea, a Frankfurter protégé, with transforming the law school, then located downtown, from a provincial institution run by practitioners and attended by students from the region who were first in their families to go to college, into a national institution where more scholarly professors would teach students from a wider pool of applicants. Shea recruited as

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8. Riesman, *Becoming an Academic Man*, *supra* note 3, at 66-67 n.7.

9. Riesman, *Personal Memoir*, *supra* note 3, at 335.

10. McClay, *Fifty Years*, *supra* note 3, at 39.

11. MELVIN I. UROFSKY, *LOUIS D. BRANDEIS: A LIFE* 471 (2009).

12. Riesman, *Becoming an Academic Man*, *supra* note 3, at 23.

professors a cluster of recent Harvard Law graduates, Riesman among them. The city's "primarily industrial character, with its large, not yet mobile Polish population, the whole city heavily Catholic, invited our restless curiosity," Riesman reported somewhat ingenuously much later.<sup>13</sup> Perhaps more accurately, he wrote that his and his wife's "efforts to explore the city did not extend to the Polish neighborhoods," and that they "were welcomed by the cosmopolitans in Buffalo, of whom there were relatively few."<sup>14</sup>

In mid-1941, Riesman took a leave of absence from the University of Buffalo Law School for what he thought would be one academic year, accepting a fellowship at Columbia Law School. America's entry into World War II intervened, forcing the University of Buffalo to close its law school and Riesman to consider his options once again. During World War II, he worked first as a deputy assistant district attorney in New York, and then for a long period for the Sperry Gyroscope Company. Beginning in 1946, he taught on the social science faculty at the University of Chicago in an area brimming with talent, especially scholars who focused on the relationships between culture, society, and personality. In the late 1940s, he took a leave from Chicago to focus on a project at Yale, which sponsored the work that led to *The Lonely Crowd*. In 1958, he left Chicago for a position as University Professor at Harvard, where he remained for the rest of his teaching career.

By the time he wrote *The Lonely Crowd*, Riesman had read the works of German émigrés. Of the émigrés Riesman encountered, it was Erich Fromm who most influenced him intellectually and personally.<sup>15</sup> Fromm was among the founders of the Frankfurt School, though in the late 1930s

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13. *Id.* at 43.

14. *Id.* at 45; David Riesman, *On Discovering and Teaching Sociology: A Memoir*, 14 ANN. REV. SOC. 1, 6 (1988) [hereinafter Riesman, *On Discovering and Teaching Sociology*].

15. As an undergraduate, Riesman developed a close relationship with the historically-oriented political scientist Carl Joachim Friedrich; eventually they bought a Vermont farm together. See Riesman, *On Discovering and Teaching Sociology*, *supra* note 13, at 3. Among the others who influenced Riesman were Hannah Arendt, Leo Lowenthal, Robert Merton, Paul Lazarsfeld, Paul and Percival Goodman, Martha Wolfenstein, Nathan Leites and, of course, Karl Marx and Sigmund Freud.

he distanced himself from its mainstream. After immigrating to the United States, during the 1940s and 1950s Fromm was an immensely popular writer, bringing together and making palatable the insights of Karl Marx and Sigmund Freud. Beginning in 1939, Riesman commuted from Buffalo to Manhattan every other weekend so that he could undergo psychoanalysis with Fromm, an experience that Riesman later said (inaccurately) was more like a tutorial than traditional therapy.<sup>16</sup> Two of Fromm's books influenced Riesman: *Escape from Freedom*<sup>17</sup> and *Man for Himself*.<sup>18</sup> Drawing lessons from his experience with Nazi totalitarianism, in the first of these books Fromm examined whether freedom and individualism could survive in the modern world. He identified at least three alternatives people faced as they met the challenges modernization posed to individuals: escape into totalitarianism; the achievement of "positive freedom," which "consists in the spontaneous activity of the total, integrated personality"; and the "compulsive" conformity he believed characterized American life.<sup>19</sup> In *Man for Himself*, Fromm continued his exploration of the relationship between personality, character, and social structure. He highlighted a "marketing orientation" as one characteristic of a "nonproductive" character type in the urban-middle

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16. See McLaughlin, *supra* note 3, at 7 (describing Riesman's relationship with Fromm). I say inaccurately because Lawrence Friedman, a historian at Indiana University and Harvard, is nearly done writing a biography of Fromm. He has gone through hundreds of letters between Fromm and Riesman and tells me that Riesman had a more or less traditional analysis with Fromm.

17. ERICH FROMM, *ESCAPE FROM FREEDOM* (1941) [hereinafter FROMM, *ESCAPE FROM FREEDOM*].

18. ERICH FROMM, *MAN FOR HIMSELF: AN INQUIRY INTO THE PSYCHOLOGY OF ETHICS* (1947) [hereinafter FROMM, *MAN FOR HIMSELF*]. For the importance of Fromm's ideas to Riesman, see David Riesman, *From Morality to Morale*, in *PERSONALITY AND POLITICAL CRISIS* 88 (Alfred H. Stanton & Stewart E. Perry eds., 1951); DAVID RIESMAN, *The Saving Remnant: An Examination of Character Structure*, in *INDIVIDUALISM RECONSIDERED*, *supra* note 7, at 99; McLaughlin, *supra* note 3, at 9. On Fromm as an émigré intellectual concerned with mass culture, see ANDREW R. HEINZE, *JEWS AND THE AMERICAN SOUL: HUMAN NATURE IN THE TWENTIETH CENTURY* 272-73, 278-84 (2004). See generally MCCLAY, *THE MASTERLESS*, *supra* note 3, at 253-57.

19. FROMM, *ESCAPE FROM FREEDOM*, *supra* note 17, at 240, 258, 134 (emphasis in original).

class.<sup>20</sup> This outlook fostered in an individual “the experience of oneself as a commodity,” as exchange rather than as use value.<sup>21</sup> As a result, personalities became saleable commodities, with the media acting as the vehicle of instruction. Man found the “conviction of identity not in reference to himself and his powers but in the opinion of others about him. His prestige, status, [and] success are a substitute for the genuine feeling of identity.”<sup>22</sup> Although Fromm applauded the way market orientation fostered a receptivity to change, overall his conclusion was pessimistic. The modern, market-oriented person was insecure, alienated, and superficial. In response, healthy individuals developed a “productive orientation” in which they used their abilities to realize their full potential by self-reliance and spontaneity.<sup>23</sup>

Riesman both absorbed and transformed what he learned from Fromm and other émigré intellectuals. Turning away from legal studies, he combined European critical theory with American traditions of social criticism based on empirical social science research.<sup>24</sup> Like those he read, he mistrusted centralized power and feared the way mass culture fostered conformity and thus undermined individualism. Yet his writings lacked the declarative and radical dimensions of European critical theory. He replaced them with a tentative, careful musing on what he saw around him. He turned the pessimism of some members of the Frankfurt School into a qualified, anti-Stalinist endorsement of postwar American society. Responding to the Keynesian consensus that growing consumption was central to national prosperity; to the increasing separation of work and leisure; to the entry of the working class into the mainstream; and to early evidence of the explosive power of postwar abundance, Riesman offered a liberal, pluralist defense of consumer culture in capitalist democracy.

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20. FROMM, *MAN FOR HIMSELF*, *supra* note 18, at 62, 67.

21. *Id.* at 68.

22. *Id.* at 73.

23. *Id.* at 82-84.

24. See McLaughlin, *supra* note 3, at 8.

II. RIESMAN'S *THE LONELY CROWD*

A discussion of Riesman's biography, including an acknowledgement of the sources from which he drew, cannot capture the range of qualities that undergird *The Lonely Crowd* and make it such a compelling book. Riesman was a pioneer in the development of sociology as literature. He had an immense, omnivorous curiosity, a capacious temperament that made him open to a broad spectrum of cultural experiences. He drew on his observations of a wide range of material—children's books, movies, novels, interviews, and social science data. He offered a book that readers read in myriad ways—as an invitation to understand their own lives, as a subject of dinner party conversations, and as a contribution to scholarly cultural criticism. Supple, nuanced, complicated, playful, and lucid, his mind sought imaginative connections between disparate phenomena. The book's style was accessible, its logic complex and even enigmatic. As his friend Eric Larrabee noted, *The Lonely Crowd* was “[a] witty, garrulous, shrewd, wandering, and intermittently brilliant set of notes that read as though brutal blue-penciling might someday make a book of them.”<sup>25</sup> Suggestive and tentative, the book was marked by Riesman's tendency to see issues from multiple perspectives.

Riesman's accomplishments were all the more remarkable given some of the circumstances under which he worked. He researched and wrote the book in less than three years. He did so at a time, from 1947 to 1950, when the abundance of postwar America was, at best, only on the horizon for most Americans, when contrasting visions of the future—Popular Front, Democratic Capitalist, optimistic and pessimistic—competed for dominance. Although *The Lonely Crowd* was his generation's most suggestive guide to the new world of suburban affluence, Riesman wrote it from the social location of university communities in urban America.

Although these qualities meant that the book opened itself to misunderstanding, the historian Eugene Lunn convincingly suggests that *The Lonely Crowd* moved the debate over popular culture to new ground, instead of, as many at the time and since have supposed, repeating old

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25. Larrabee, *supra* note 3, at 406.

laments about deleterious effects of mass society. “Riesman,” Lunn observes, “never tired of championing the virtues of playful leisure and consumer abundance freed from an ascetic ‘scarcity-psychology,’ which had previously forced humanity to mold the human personality for work, and which many intellectuals continued in their disparaging reactions to mass entertainment.”<sup>26</sup> Still, as Lunn and McClay admit, the book was filled with irony, ambivalence, and bet-hedging. Again and again, Riesman made statements and then contradicted or qualified them, leaving readers unsure of what he meant. Indeed, McClay suggests that Riesman’s ambiguities captured contemporary anxieties and ambivalences.<sup>27</sup>

In *The Lonely Crowd*, Riesman explored how a society influences its citizens by fostering social and psychological conformity. In the first stage, that of traditional or pre-modern society, the individual had a clearly defined place, shaped by expectations fostered through familial, kinship, and communal networks. In the inner-directed stage, the age of production characteristic of Western bourgeois societies from the Renaissance to the late nineteenth century, parents emphasized character as they taught children to internalize authority. The result was self-reliant, driven, and highly individualistic entrepreneurs. What guided them, in Riesman’s memorable analogy that drew on his job at Sperry, was the gyroscope, an internalized mechanism that kept individuals focused on work in a production-oriented economy.

In the twentieth century, the age of consumption, the other-directed personality was the dominant psychosocial type, one most fully developed in the urban, upper-middle class. Meditating on Fromm’s notion of the market-oriented person finely attuned to signals sent by others, Riesman switched to radar as his metaphor, enabling him to describe the process of socialization by media and peers that made people acutely sensitive to clues from outside. Executives in the bureaucratic world of the organization man succumbed to the tyranny of peer groups, which placed emphasis on adjustment rather than rebellion or autonomy. In politics, people operated as consumers in a world characterized by the pluralism of competing interest groups. Inside dopesters

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26. Lunn, *supra* note 3, at 66.

27. McClay, *The Strange Career*, *supra* note 3, at 428-29.

turned politically aware citizens into consumers of gossip rather than producers of strict moral judgments. Flexibility in all areas of life replaced strict moralism. Other-directed people, shaped now by personality rather than character, anxiously searched the new frontiers of consumer society and struggled against the pressures to conform. Indeed, for Riesman “one prime psychological lever of the other-directed person is a diffuse *anxiety*” about work, child-rearing, and sex.<sup>28</sup> The other-directed person’s sense of self was fluid, uncertain, ambiguous.<sup>29</sup> Drawing on Fromm’s emphasis on the productive personality, Riesman ended the book with a long discussion of autonomy. He explored the ways in which it could emerge among tradition-, inner-, and other-directed people.

Despite what Riesman said at key moments, contemporaries commonly assumed that he preferred the inner-directed person in whom autonomy and inner-direction were closely linked.<sup>30</sup> People read him as one of a host of 1950s social critics who worried about how mass media threatened individualism by promoting conformity. Yet he saw promise in the other-directed personality’s flexibility and openness. As McClay notes, Riesman offered “a celebration of the possibilities presented by consumption unfettered by the constraints of moralism or scarcity.”<sup>31</sup> Indeed, Riesman provided a penetrating, suggestive exploration of how modern consumer culture opened up new possibilities for prosperous Americans. What he found problematic was not the consumption possible in post-scarcity abundance, but the pressures that peers and the media used to foster socialized and often compulsive pleasure. In fact, at key moments Riesman celebrated play and leisure of the emerging consumer culture that had rejected “scarcity psychology.”<sup>32</sup> Under ideal conditions, modernization would liberate, not trap the individual.

At several points, Riesman focused on advertising, suggesting how educating consumers might help promote

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28. RIESMAN, *THE LONELY CROWD*, *supra* note 1, at 26 (emphasis in original).

29. *Id.*

30. McClay, *Fifty Years*, *supra* note 3, at 40 (describing how contemporaries read the book as “a great secular jeremiad *against* other-direction”).

31. *Id.*

32. RIESMAN, *THE LONELY CROWD*, *supra* note 1, at 35.

autonomy. Leisure counselors would teach Americans how to consume in a discriminating manner and market researchers would uncover unmet consumer desires. Riesman explored how children learned to consume. Through the advice of a “peer consumer” and advertisements for widely marketed items such as Wheaties, he wrote, “the other-directed child rapidly learns that there always is and always must be a reason for consuming anything.”<sup>33</sup> Rather than bemoaning the influence of ads on kids, Riesman suggested that advertisers use their funds and imagination to enhance the education of children as consumers. He offered a modest proposal that advertisers take some of the money they use for promoting goods to children to develop “a fund for experimental creation of model consumer economies among children.”<sup>34</sup> Thus he proposed the establishment of “central store[s]—a kind of everyday world’s fair” with a cornucopia of goods where market researchers would work to free kids from “ethnic and class and peer-group limitations” so that they might become “much more imaginative critics of the leisure economy than most adults of today are.”<sup>35</sup>

Similarly for adults, Riesman suggested that advertisers might send out “salesmen” who, like “play therapist[s],” might “try to encourage noncash ‘customers’ to become more free and imaginative.”<sup>36</sup> He saw market research as “one of the most promising channels for democratic control of our economy”—professionals who could “free children and other privatized people from group and media pressure”—to discover not what people claimed they wanted, but “what with liberated fantasy they might want.”<sup>37</sup>

If we might see the efforts of both leisure counselors and market researchers as highly problematic, Riesman believed they were potentially utopian. Indeed, Riesman understood the individualizing (as opposed to conformity-inducing) potential of mass media, which he believed would provide a source of resistance to the pressure of the peer

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33. *Id.* at 81.

34. *Id.* at 339.

35. *Id.* at 339-40.

36. *Id.* at 340.

37. *Id.* at 341.

group. Though the world of the other-directed brought with it pressures for conformity, it also promised flexibility and self-expression. The mass “exert a constant pressure on the accepted peer-groups and suggest new modes of escape from them . . . autonomy, building on an exploration of a tension between peers and media, must take advantage of both sides of the tension.”<sup>38</sup> Thus he found that “many movies, in many conventionally unexpected ways, are liberating agents.”<sup>39</sup> Within that broader context, advertising and market research would help Americans resist conformity and seek autonomy.

My analysis of *The Lonely Crowd* thus builds on those of Lunn and McClay by emphasizing the ways in which Riesman was offering not a familiar critique of popular culture, but a nuanced and complicated exploration of its liberatory potential. Riesman criticized the critics of popular culture, especially those on the left, for assuming an all-powerful, capitalist-driven mass media and passive audiences. “I know that there is much snobbery and asceticism behind current criticism, including socialist criticism, of mass leisure,” he remarked as he drew on both his parents’ elitism and on what he had learned from members of the Frankfurt School, which involved “a view of the potentialities of leisure and abundance to which both the glad hand and the search for self- and group-adjusting lessons in popular culture are themselves often poignant testimonials.”<sup>40</sup> Riesman’s criticism of popular culture’s critics rested in turn on a skepticism about highly moralistic attitudes which he labeled “ascetic or self-righteous.”<sup>41</sup> From Thorstein Veblen to Freud to contemporary cultural criticism, he saw the persistence of puritanical, anti-hedonistic aestheticism.<sup>42</sup> Writing in 1950 on Freud’s handling of issues of work and play, Riesman celebrated fun and leisure that were “spontaneous, amiable, frivolous, or

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38. *Id.* at 350-51.

39. *Id.*

40. *Id.* at 174.

41. *Id.* at 78.

42. See DAVID RIESMAN, THORSTEIN VEBLEN: A CRITICAL INTERPRETATION 170 (1953); Lunn, *supra* note 3, at 66; McClay, *Since the 1950s*, *supra* note 3, at 44.

tender,” “surreptitious—even sinful.”<sup>43</sup> For Riesman, abundance and consumer culture undermined a world governed by scarcity, moralism, and compulsive exercise of the work ethic. In their place, Riesman, although himself both playful and a workaholic, emphasized pleasure and play exercised by autonomous people in an abundant society.

Central to Riesman’s understanding of popular culture was his effort to complicate the division among levels of culture—high, middle, and low—that contemporary critics relied upon. He thought the division between high and low overlooked “ambiguities on both sides.”<sup>44</sup> In contrast to those like Theodor Adorno and T.S. Eliot who enshrined an elite innovative culture, Riesman celebrated “nonpopular avant-garde culture” that he found in the development of modern jazz.<sup>45</sup> Moreover, he envisioned American consumers engaged in a constant process of “taste exchanging,” continually discarding “earlier affections and affectations for later, more high-brow, and more sophisticated ones.”<sup>46</sup> Indeed, with *The Lonely Crowd*, Riesman provided an example of what it meant to integrate or blur the lines between high and low. The book’s power rested on an interweaving of sources, none of which Riesman assigned a privileged position: novels by Tolstoy and Balzac, European social theory, folklore, children’s books, popular success manuals, dime novels, cookbooks, radio shows, and widely circulated magazines from *Ladies’ Home Journal* to *Hot Rod*.

To Riesman, critics not only failed to realize the quality of “American movies, popular novels, and magazines,” but also “how energetic and understanding are some of the comments of the amateur taste exchangers who seem at first glance to be part of a very passive, uncreative audience.”<sup>47</sup> What critics failed to see was that peers, mediators between the individual and the media, were more

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43. DAVID RIESMAN, *The Themes of Work and Play in the Structure of Freud’s Thought*, in INDIVIDUALISM RECONSIDERED, *supra* note 7, at 328, 332.

44. RIESMAN, *THE LONELY CROWD*, *supra* note 1, at 341 n.9.

45. *Id.* at 158.

46. *Id.* at 159, 357.

47. *Id.* at 359.

powerful than media in shaping people's choices.<sup>48</sup> More than that, Riesman pictured ordinary middle and upper middle-class consumers as active agents. He described a complicated process in which individuals, peers, business groups, and media shaped systems of symbolic communication through popular culture, with influence moving in all directions.<sup>49</sup> He took from Veblen an understanding of how communication through consumption provided society with its social dynamic. However, if for Veblen the wealthy leisure class played the key role in this process, for Riesman it was the middle-class peer group. "Children and adolescents," he remarked, "far more sophisticated than the old people, form a consumers' union; indeed each child in the middle class is automatically a consumer trainee before he can walk."<sup>50</sup> "The consumer today," he observed, "has most of his potential individuality trained out of him by his membership in the consumers' union. He is kept within his consumption limits not by goal-directed but by other-directed guidance, kept from splurging too much by fear of others' envy, and from consuming too little by his own envy of the others."<sup>51</sup> For other-directed people of all ages, consumer culture served less as an avenue of escape than as a means of education and communication—language and experiences through which people learned about politics, social dynamics, and their relationships with one another.

In the world of the other-directed, play and sexuality became key instruments for achieving autonomy. "Consumerism," Riesman wrote, "is the most generalized and all embracing of the channels of play."<sup>52</sup> He underscored how lessened emphasis on work might open up more opportunity for play and fantasy, which he linked primarily to consumerism. As a result, individualism would flourish based on an ability to consume without pressure from peers or media.<sup>53</sup> He commented that "[p]lay may prove to be the

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48. *Id.* at 85.

49. *Id.* at 85; *see also id.* at 99, 101, 111.

50. *Id.* at 79.

51. *Id.* at 80.

52. *Id.* at 348.

53. *See* McClay, *Fifty Years*, *supra* note 3, at 40; McClay, *Since the 1950s*, *supra* note 3, at 45, 48.

sphere in which there is still some room left for the would-be autonomous man to reclaim his individual character from the pervasive demands of his social character.”<sup>54</sup>

Riesman went on to connect play with sexuality through the notion of “liberated fantasy” or “fantasy and spontaneous playfulness.”<sup>55</sup> Sexual experience, he remarked, “is perhaps the last frontier of consumption, an area of mystery in which” people anxiously test “the power to attract others and to have ‘experience.’”<sup>56</sup> In a short but suggestive section on *Sex: The Last Frontier* among the other-directed, Riesman spelled out what he meant.<sup>57</sup> With work providing less and less satisfaction and with the increase in opportunities that abundance afforded, for the “modern leisure masses” sex “permeat[ed] the daytime as well as the playtime consciousness.”<sup>58</sup> For men and women, he remarked, “the game of sex . . . provides a kind of defense against the threat of total apathy” that the routines of work and domesticity underwrote.<sup>59</sup> Because consumer goods in a mass society were only slightly differentiated, “the other-directed person,” he observed, “can scarcely conceive of a consumption good that can maintain for any length of time undisputed dominance over his imagination. Except perhaps sex.”<sup>60</sup> Sexual partners, he noted, were different from even expensive automobiles, for they were more mysterious.<sup>61</sup> Sexual expression became “an area of competition and a locus of the search, never completely suppressed, for meaning and emotional response in life.”<sup>62</sup> In the sexual arena for the other-directed, gender dynamics played a key role. Men followed their vision of what their male ancestors had done: “having chaste and modest

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54. RIESMAN, THE LONELY CROWD, *supra* note 1, at 326-27. For a later statement, see Reuel Denney & David Riesman, *Leisure in Industrial America*, in *CREATING AN INDUSTRIAL CIVILIZATION: A REPORT ON THE CORNING CONFERENCE 278-79* (Eugene Staley ed., 1952).

55. RIESMAN, THE LONELY CROWD, *supra* note 1, at 341, 345.

56. *Id.* at 302-03.

57. *Id.* at 153.

58. *Id.* at 154.

59. *Id.*

60. *Id.* at 155.

61. *Id.* at 154-55.

62. *Id.* at 155.

women,” they could “retain the initiative” sexually.<sup>63</sup> However, they might “also feel compelled to compete with the Kinsey athletes” among their peers.<sup>64</sup>

The situations women faced were more complicated. “Freed by technology from many household tasks, given by technology many ‘aids to romance,’ millions of women have become pioneers, with men, on the frontier of sex.”<sup>65</sup> “The very ability of women to respond in a way that only courtesans were supposed to in an earlier age means, moreover, that qualitative differences of sex experience—the impenetrable mystery—can be sought for night after night, and not only in periodic visits to a mistress or brothel.”<sup>66</sup> The new society of consumers allowed women to “act as nonpecuniary pirates” on the sexual frontier, “as if to punish men for the previous privatizations of women.”<sup>67</sup> Again and again, married, non-straying women had to wonder anxiously whether they should take the initiative sexually. “[P]ioneers of the sex frontier,” autonomous women among the other-directed had to decide whether to “foster aggressiveness and simulate modesty.”<sup>68</sup> The situation married career women faced was even trickier, for they had to wonder whether their sexual lives detracted from or added to their professional lives.<sup>69</sup> In much of *The Lonely Crowd*, Riesman seemed to assume that men were its members. Here, however, he made men and women partners in modern sexual explorations in ways that anticipated what Alex Comfort would explore in *The Joy of Sex*.<sup>70</sup> To be sure, Riesman’s reference to mistresses and prostitutes pointed back to earlier, problematic roles for women. Yet his emphasis on fantasy, partnership, the relationship between sex and careers, along with his exploration of the frontiers of sexual experience, pointed forward to the sexual revolution that in 1950 was more than

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63. *Id.* at 303.

64. *Id.*

65. *Id.* at 156.

66. *Id.*

67. *Id.* at 332.

68. *Id.* at 303.

69. *See id.*

70. ALEX COMFORT, *THE JOY OF SEX* (1972).

a decade away. Riesman focused on heterosexual women, but at least for the autonomous among the other-directed, his women were sexually experimental.<sup>71</sup>

### III. TOWARD A NEW VIEW OF CONSUMER CULTURE

Rereading what Riesman wrote in the early 1950s raises a number of issues. Even though he had gathered extensive material on the racial, ethnic, and class dimensions of postwar America, in *The Lonely Crowd* he was describing the world of the white, urban and suburban middle and upper-middle classes. Indeed, in *Faces in the Crowd: Individual Studies in Character and Politics*, where he presented and analyzed many of the interviews on which he relied in *The Lonely Crowd*, Riesman explored the racial, ethnic, and religious dimensions of this three-pronged typology.<sup>72</sup> He extensively discussed the worlds of African-Americans in Harlem and of working-class, Roman Catholic ethnics in Bridgeport. Despite the messiness of the evidence, he lumped these two groups among the tradition-directed.<sup>73</sup> In contrast, in *The Lonely Crowd* when he listed members of that category, he did not consistently refer to those two groups.<sup>74</sup> Nonetheless, despite the reputation of *The Lonely Crowd* and other major postwar works of social criticism for focusing exclusively on the nation's white middle and upper-middle class,<sup>75</sup> in *Faces in the Crowd* Riesman revealed his engagement with issues of race and class as well as an awareness of the problems in applying categories developed for the middle class to others.<sup>76</sup> In this respect, Riesman was no different from other public intellectuals of his generation. Betty Friedan, who had extensive knowledge of the lives of working-class, African-American, and professional women, instead focused *The Feminine Mystique* on white, suburban housewives.<sup>77</sup>

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71. See RIESMAN, *THE LONELY CROWD*, *supra* note 1, at 21, 153-56.

72. DAVID RIESMAN WITH NATHAN GLAZER, *FACES IN THE CROWD: INDIVIDUAL STUDIES IN CHARACTER AND POLITICS* 80-269 (1952) [hereinafter RIESMAN, *FACES IN THE CROWD*].

73. *Id.*

74. RIESMAN, *THE LONELY CROWD*, *supra* note 1, at 13, 32, 113.

75. BRICK, *supra* note 2, at 172.

76. RIESMAN, *FACES IN THE CROWD*, *supra* note 72, at 212-269.

77. BETTY FRIEDAN, *THE FEMININE MYSTIQUE* (1963).

Likewise, John Kenneth Galbraith set out to write about poverty, but instead focused on *The Affluent Society*.<sup>78</sup>

Riesman's treatment of gender was more complicated. As his discussion of sex reveals, he wrote about the ways in which the shift to other-direction posed challenges and opportunities for women.<sup>79</sup> Writing along lines that Betty Friedan would explore more than a dozen years later, Riesman worried that many middle-class women among the other-directed were veering away from the opportunities autonomy, sexual liberation, and profession offered. "[I]n a futile effort to recapture the older and seemingly more secure patterns," some women gave into "a diffuse image of male expectations, female peer-group jealousies, and reactionary counseling dressed up as the psychoanalytic inside story."<sup>80</sup> He knew that the pressure for women to conform to less liberated models was abundant. Calculations of the GNP, he noted, did not include the work of housewives, even though they produced real economic value.<sup>81</sup> Insult was added to injury when housewives were "exhausted at the end of the day without feeling any right to be."<sup>82</sup>

Riesman also worried about efforts "to reprivatize women by redefining their role in some comfortably domestic and traditional way."<sup>83</sup> He explored the pressures of "enforced privatization" that kept men and women from associating with each other on equal terms at work and at play.<sup>84</sup> This took a considerable toll on suburban women whose isolation made them "psychological prisoners even when the physical and economic handicaps to their mobility are removed."<sup>85</sup> When relatively autonomous women sought satisfaction through volunteer work, they often found themselves shut out because of the professionalization of

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78. JOHN KENNETH GALBRAITH, *THE AFFLUENT SOCIETY* (1958).

79. See, e.g., RIESMAN, *THE LONELY CROWD*, *supra* note 1, at 302-03, 309, 330-34.

80. *Id.* at 303.

81. *Id.* at 309.

82. *Id.*

83. *Id.* at 331.

84. *Id.* at 330.

85. *Id.* at 332-33.

tasks such as caring for others or raising money.<sup>86</sup> Being the son and husband of cultivated and educated women who did not have sustained professional commitments that brought money into the household, in 1950 Riesman understood some of the underlying conditions that would later drive women's liberation.

Yet Riesman's handling of gender issues was puzzling in critical ways. In *The Feminine Mystique*, Friedan characterized Riesman somewhat accurately when she attributed to him the preference that women, rather than seeking autonomy by working outside the home, "might better help their husbands hold on to theirs, through play."<sup>87</sup> Twenty years later, Barbara Ehrenreich in *The Hearts of Men* correctly noted that Riesman's inner-directed people had traits usually identified as masculine—tough, ambitious, instrumental, self-contained, and better with things than with people.<sup>88</sup> In contrast, his other-directed people were feminine—sensitive to feelings, aware of the needs and opinions of others, expressive, and better with people than with objects. "Today it is the 'softness' of men rather than the 'hardness' of material," Riesman had written, "that calls on talent and opens new channels of social mobility."<sup>89</sup> Usually, Riesman did not explicitly gender his typologies, using "man" or "person" when he assumed that human was equivalent to male, and implicitly proceeding on the basis that men were the principal objects of his study.

Some scholars have taken Riesman's contrast between hard, focused, masculine inner-directed types and soft, uncertain other-directed people as a signal of crisis in masculinity, in which emasculated, conforming, and feminized men were at sea in a world of suburban homes,

86. *Id.* at 333-34.

87. FRIEDAN, *supra* note 77, at 180.

88. BARBARA EHRENREICH, *THE HEARTS OF MEN: AMERICAN DREAMS AND THE FLIGHT FROM COMMITMENT* 32-35 (1983); *see also* K.A. CUORDILEONE, *MANHOOD AND AMERICAN POLITICAL CULTURE IN THE COLD WAR* 105-10, 118-21 (2005); GILBERT, *supra* note 3, at 34-61; Jennifer Kalish, *Spouse-devouring Black Widows and Their Neutered Mates: Postwar Suburbanization—A Battle Over Domestic Space*, 14 *UCLA HIST. J.* 128, 128-54 (1994).

89. EHRENREICH, *supra* note 88, at 34-35; RIESMAN, *THE LONELY CROWD*, *supra* note 1, at 131.

consumer goods, and pressures for conformity.<sup>90</sup> In the 1950s, the argument goes, middle-class organization men, unlike their entrepreneurial predecessors, no longer derived satisfaction from work.<sup>91</sup> In the 1950s, their entrance into an other-directed world made them problematically feminized: anxious in the world of suburban domesticity and consumer culture—both traditionally women's worlds. Such a characterization assumed that Riesman, in important ways, preferred the confident inner-directed man to the unsure other-directed one. However, if we acknowledge that Riesman was either ambivalent about the shift from one character type to another, or even preferred the challenges the other-directed men (especially the autonomous among them) now had, then the story was not for Riesman one of masculinity in crisis or decline. Rather, if Riesman indeed saw the possibilities that other-direction opened for affluent men, then the story was ambiguous at worst, promising at best.<sup>92</sup>

As much as any category other than class, it was youth that captured Riesman's imagination. Mainly through his collaborator Reuel Denney, in working on the book *Riesman*—age 41, with children at home—engaged himself in the popular culture of children and young adults; he read children's books, pored over the pages of *Hot Rod* magazine, and carefully relied on his students to track contemporary music that had a youthful audience, particularly bebop. “[C]hildren,” he wrote, “live at the wave front of the successive population phases and are the partially plastic receivers of the social character of the future.”<sup>93</sup> Riesman saw young adults as sophisticated interpreters of popular culture. “Groups of young hot-jazz fans,” he noted appreciatively, “have highly elaborate standards for evaluating popular music, standards of almost pedantic

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90. See CUORDILEONE, *supra* note 88, at 120-21; EHRENREICH, *supra* note 88, at 35; Kalish, *supra* note 88, at 129; see also GILBERT, *supra* note 3, at 37, 51, 54.

91. See, e.g., WILLIAM H. WHYTE, *THE ORGANIZATION MAN* (1958).

92. My own sense, from knowing Riesman in the mid to late 1960s, is that he was inner-directed in his ambition and other-directed in his possession of traits associated with the feminine—caring for others and with a finely-tuned radar screen. It might not be too far-fetched to say that in *The Lonely Crowd* he was exploring subtler dimensions of androgyny.

93. RIESMAN, *THE LONELY CROWD*, *supra* note 1, at 36.

precision.”<sup>94</sup> It was precisely the seriousness of Riesman’s engagement with youth, his ‘hipness’ as a later generation might have said, that generated the disapproval of Elizabeth Hardwick, the wife of the poet Robert Lowell and a writer in her own right. In a 1954 issue of *Partisan Review*, she remarked that “[p]erhaps the trouble is that Riesman is going with too young a crowd,” and then went on to note “his sheer contemporaneity, his briskly marching in the forward ranks” paled in comparison with “many a younger man [who] appears a bit sallow and run-down by the world of comics, television, pop tunes, ‘crazy’ teen-agers, all the raw diet Riesman thrives upon.”<sup>95</sup>

Riesman’s political positions also deserve note.<sup>96</sup> Especially striking was his 1950 book’s ambiguous political message. Through much of his life, Riesman’s politics were those of an anti-Stalinist liberal, an internationalist, and a pluralist skeptic—leery of fixed ideological positions, commitments to utopian dreams, fervent nationalism, and allegiance to authority.<sup>97</sup> A trip to the Soviet Union in the spring of 1931 had solidified his antipathy to American Communists and fellow travelers who he believed naively worshiped the U.S.S.R. and denigrated key aspects of life in the United States. In the late 1940s and throughout the 1950s, he remained a committed anti-Stalinist who also opposed the more virulent expressions of anti-Communism.<sup>98</sup> From early on, he opposed war (though with some reluctance he supported American entry into World War II) and centralized government. His principal commitment, stretching from the dropping of the atomic bombs on Japan in 1945 until the end of his life, rested on fear of the consequences of nuclear war.<sup>99</sup>

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94. *Id.* at 112.

95. Elizabeth Hardwick, *Riesman Considered*, 21 *PARTISAN REV.* 548, 548-49 (1954).

96. For a brief discussion of the roots of his ideas in the writings of Edmund Burke, see *RIESMAN, FACES IN THE CROWD*, *supra* note 72, at 39 n.6.

97. This discussion of Riesman’s politics relies on Riesman’s own writings. See Riesman, *A Personal Memoir*, *supra* note 3; Riesman, *Becoming an Academic Man*, *supra* note 3.

98. See, e.g., DAVID RIESMAN, *Individualism and Its Context*, in *INDIVIDUALISM RECONSIDERED*, *supra* note 7, at 16.

99. Neil McLaughlin, *Sociology’s Public Intellectual*, *CAN. J. SOC. ONLINE*, May 2002, <http://www.cjsonline.ca/soceye/riesman.html>.

## IV. FROM LAW TO SOCIOLOGY, AGAIN

“My shift from law to an academic career in the social sciences, and sociology in particular,” Riesman wrote in 1990, “is perplexing to some people; it is a puzzle especially to my law colleagues, who regard their occupation as vastly superior to being a professor in a supposedly ‘soft’ field teaching mere undergraduates.”<sup>100</sup> Riesman’s change from law to sociology was part of a prolonged process of coming to terms with the expectations his parents had for him. The law seemed too close to his father’s pursuit of work in a “hard” field and seemed to confirm his mother’s opinion that her son was incapable of creativity.<sup>101</sup> For over a decade beginning in the late 1930s, influential mentors and peers gave him the support that enabled him to find his way at a time when a modest private income did not provide enough to support his growing family. Riesman had more or less fallen into the law, initially as a way of staying in Cambridge, remaining in close contact with Carl Friedrich, being free to stay at the farm in Brattleboro that he had bought with Friedrich, and dealing with some of the expectations others had for him.<sup>102</sup> He found neither the case method nor Legal Realism attractive. He preferred instead a scholarly approach that would enable him to do original, empirical work and examine issues from broader perspectives than he felt the law allowed.

In December of 1947, he delivered a lecture at the University of Chicago in which, posing as an anthropologist, Riesman put his legal career behind him. Lawyers were trained, he noted, “within a terminological system of abstractions which are . . . necessarily self-contained.”<sup>103</sup> He called for a study of “why Holmes and Brandeis have been inflated to mythical proportions and have captured the imagination of the young law student.”<sup>104</sup>

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100. Riesman, *Becoming an Academic Man*, *supra* note 3, at 22.

101. *Id.* at 22-27.

102. Riesman, *On Discovering and Teaching Sociology*, *supra* note 14, at 2-3.

103. David Riesman, *Toward an Anthropological Science of Law and the Legal Profession*, Lecture at the Univ. of Chic. (Dec. 1947), in 57 AM. J. SOC. 121, 121 (1951).

104. *Id.* at 122.

Yet the four years in Buffalo turned out to be critical. A larger context is important here: Riesman arrived in Buffalo when the Nazis and Soviets were in power, but when to most Americans trouble seemed to be ‘over there.’ All of that changed by 1939, when the consequences of Germany’s anti-Semitism and imperial ambitions, as well as America’s entry into World War II, seemed more pressing. As a law professor in Buffalo, he worked to make his teaching an exchange between himself and his students—a model of reciprocity that would affect how he saw the relationships between producers and consumers of commercial goods. As a neophyte professor teaching criminal law, he worked to incorporate empirical social science data in addition to case precedents.<sup>105</sup> He published his first law review article, one that used empirical research to clarify the law of finders.<sup>106</sup> He taught his first social science class—in the evening at the local YWCA. In Buffalo he met Reuel Denney, whom he would later bring to Chicago to work with him on *The Lonely Crowd*.

Above all, it was during his Buffalo years that Riesman made critical shifts that both connected law and the “soft” social sciences and put the study of the law behind him. His analytic and intellectual work with Fromm was critical, making it possible for him to resolve issues connecting self and profession, and to come to terms with the implications of German fascism for America’s present and future. At Buffalo, he started to research and write on topics he later explored in his law review articles.<sup>107</sup> He began to develop an interest in what he later called “libel and slander, in the bearing of litigation over defamation on issues of public

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105. See David Riesman, *Law and Social Science: A Report on Michael and Wechsler’s Classbook on Criminal Law and Administration*, 50 *YALE L.J.* 636, 636-53 (1939) (hailing the integration of social sciences and legal scholarship).

106. See David Riesman, *Possession and the Law of Finders*, 52 *HARV. L. REV.* 1105, 1105-34 (1939).

107. See, e.g., David Riesman, *Democracy and Defamation: Control of Group Libel*, 42 *COLUM. L. REV.* 727, 727-80 (1942); David Riesman, *Democracy and Defamation: Fair Game and Fair Comment* (pts. 1 & 2), 42 *COLUM. L. REV.* 1085 (1942), 42 *COLUM. L. REV.* 1282 (1942) [hereinafter Riesman, *Fair Comment II*]. Riesman published these pieces when he was visiting at Columbia, but identified himself as a faculty member at the University of Buffalo Law School. In his advocacy of legal efforts to punish what we would call hate crimes, he linked attacks on Jews and African-Americans. See David Riesman, *The Politics of Persecution*, 6 *PUB. OPINION Q.* 41, 41-56 (1942).

opinion and civil liberties.”<sup>108</sup> In the contexts of a rising tide of anti-Semitism in Germany and the United States, and of his own anti-fascism, he “was prepared to speculate concerning the public policy that might permit freedom of opinion while exploring how the intimidation of opinion through defamation, as well as suits for defamation, might be prevented.”<sup>109</sup> He “wondered whether the Jews, as a defamed group, might bring suits for libel.”<sup>110</sup> He saw the law of defamation as a critical element in the fight between democracy and fascism. “[N]o single strap will raise the democratic boots out of the fascist quicksand,” he wrote in 1942, as he called for corporations to stop defamation of Jews by people like Father Charles Coughlin, for “administrative control of propaganda,” and for government efforts toward “counter-propaganda.”<sup>111</sup> In these endeavors, Riesman found law relegated “to the suburbs of sociology.”<sup>112</sup> “There is no inherent reason,” he asserted in the final sentence of three articles published in the *Columbia Law Review*, why the law “cannot be a weapon for democracy.”<sup>113</sup>

In the end, teaching law in Buffalo and writing legal articles provided the bridge over which Riesman moved from law to sociology, from writing articles in law reviews to publishing *The Lonely Crowd*. Yet what connected these careers is also important. As both a legal scholar with prestigious credentials and as a sociologist with no formal training in the field, Riesman was wondering how to preserve the vitality of a democratic society. As a legal scholar, he focused on free speech, libel, and defamation at a time when violence and ideological strife threatened civility. In 1941, he published an essay in which he proposed that the federal government sponsor education programs that would use democracy to fight against fascist forces.<sup>114</sup> Then, in *The Lonely Crowd*, he paralleled that effort with one that emphasized the deployment of consumer education as a way

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108. Riesman, *Becoming an Academic Man*, *supra* note 3, at 44.

109. *Id.* at 48-49.

110. *Id.* at 48.

111. Riesman, *Fair Comment II*, *supra* note 107, at 1318.

112. *Id.*

113. *Id.*

114. David Riesman, *Government Education for Democracy*, 5 PUB. OPINION Q. 195, 198 (1941).

of fostering autonomy for individuals. As a lawyer he had worked to preserve democracy when threatened by fascism, and so as a sociologist he wondered how to preserve personal autonomy when mass society and strident anti-Communism threatened freedom. His 1950 exploration of the intersection of society, personality, and social structure suggested that, unlike what occurred in Soviet Russia and Nazi Germany, freedom and autonomy were possible in the United States.

If legal protections might preserve the nation's well-being in one instance, using advertisers and market research in the postwar period to educate consumers pointed toward freedom and autonomy in another. Why Riesman did not call for legal reform to counter the power of advertising remains a puzzle, especially in light of the problematic nature of his proposal to use advertisers and market researchers to educate consumers. The contemporary television drama *Mad Men*, which focuses on America ten years after the publication of *The Lonely Crowd*, reminds us of how central advertising was in the 1950s and how timid citizens were in resisting its power. Riesman's suggestion that the education of consumers through advertising was worth considering may seem overly cautious to us. To a lawyer turned sociologist who lived in troubled times, it had more resonance.