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Book Review: The British Board of Film Censors:  
Film Censorship in Britain, 1896-1950. by James C.  
Robertson.

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tal policy would be determined by the Justices' theory of the nature of those rights and their view of the Court's function in a democracy." Consequently, says Professor Edelman, constitutional law ultimately consists of the application of "the democratic theory of each Justice."

Without any sign of consternation at this unsettling conclusion, Edelman reviews the "competing paradigms" of democratic theory, including the theoretical and doctrinal bases for legal realism, "liberal natural rights" (*i.e.*, the Warren Court activism exemplified by the opinions of Justice William O. Douglas), and various other "theories" of noninterpretive constitutional decisionmaking. In accordance with the book's modern emphasis, the constitutional rights Edelman explores fall into the categories "citizenship," "political participation," and "political freedom."

*Democratic Theories and the Constitution* is primarily a synthesis of existing scholarship that uses secondary source materials extensively. Readers looking for original ideas or fresh insights will be disappointed. The book disposes of constitutional law prior to 1937 in the first fifty-four pages. Edelman's treatment of the post-New Deal era is apparently designed for use as a political science text. Particularly as an undergraduate text, however, its implicit and uncritical bias in favor of noninterpretive modes of judicial review is a serious flaw. Unfortunately, there is a surfeit of such texts, and *Democratic Theories and the Constitution* has little to commend it as an entry in this dubious genre.

**THE BRITISH BOARD OF FILM CENSORS: FILM CENSORSHIP IN BRITAIN, 1896-1950.** By James C. Robertson.<sup>1</sup> Dover: Croom Helm. 1985. Pp. 213. \$16.95.

*Anthony Chase*<sup>2</sup>

It makes perfect sense to inquire why a book on British film censorship, brought out by a somewhat obscure publishing house (for American readers, at least), written by the "Head of the History Department at Hitchins Girls' School in Hertfordshire," printed in rather distracting "typewriter face" by Biddles Ltd., deserves even a brief review in an American law journal. The answer is that Robertson, however unintentionally, raises one of the key legal questions now confronting democratic societies: what should

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be the relationship between censorship and national security? Admittedly, Robertson fails to provide the basis for a rigorous historical analysis of this issue. Yet his examples of film censorship readily raise the larger political question, which alone could justify attention paid to his research by lawyers and professors primarily concerned with constitutional issues in the United States.

Before looking more closely at Robertson's evidence of film censorship in Britain, it is important to point out that the kind of serious historical analysis he does not provide is, at least, possible. Don MacPherson, for example, in a brief but suggestive sketch of British film censorship in the 1930's, argues that:

In Britain, before the First World War, films were also subject to law in a manner similar to other commodities: the 1909 Cinematograph Act regarded film as a commodity which is potentially unsafe, like a car with a faulty engine or contaminated food. Film on nitrate stock was considered a risk to life and limb. . . . Consequently, by the Thirties films were in effect "legally" censored only as commodities. The political controversy arose as this particular legal fiction became increasingly impossible to maintain. Thus the situation in the Thirties was one in which the combination of political and ideological pressures exposed the legal fictions and anomalies raised by the "censorship" issue, but also one in which the dominant left-wing notion that the law expressed the interests of the capitalist class could not adequately comprehend the situation beyond its immediate social effects (banning of Soviet films, police raids on workers' film societies, etc.). The anomalies in the legal situation showed that no single group had responsibility for "censorship," and that it was precisely this institutional separation which was an important factor in the complex transformations of the British state in that period.<sup>3</sup>

The great strength of MacPherson's approach is that he attempts to situate historically the divergent institutions that are responsible for censorship as well as identify the different social groups who have (sometimes conflicting) interests in censorship. It is just this sort of approach, as I have suggested, that Robertson has not intended to provide. Nevertheless, he has marshalled example after example of British Board of Film Censors (BBFC) intervention within the entertainment industry for the purpose of snipping out offensive pieces of film—and it is to a few examples of such film censorship (particularly as they touch upon questions of national security) that we now turn.

## I

Frederick Schauer has recently provided a revealing philosophical analysis of conflicts between freedom of expression and reasons of state. He argues that claims made in behalf of national

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3. TRADITION OF INDEPENDENCE: BRITISH CINEMA IN THE THIRTIES 102-103 (D. MacPherson ed. 1980).

security interests must be evaluated in terms of the extent of harm anticipated, the probability that such harm will occur, and the immediacy of the effect (was there sufficient time for public debate of the issues?). In general, Schauer adds:

[T]he appeal to national security as overriding freedom of speech is often a claim that the underlying presuppositions of a system of freedom of speech are inoperative in certain circumstances of national emergency. In this form the claim is strong, but there remains the difficult issue of determining just what is to count as a national emergency. It is hard to lay down hard and fast rules for this determination, but acceptance of this "exception" requires that we be wary of the possibility that those who wish to restrict speech can all too easily claim that an "emergency" exists. The implementing rules for such an exception must ensure that a claim of emergency is only availing when the conditions for deliberation do not exist.<sup>4</sup>

Let us then apply Schauer's framework to a specific instance of film censorship, drawn from the 1930's when, as MacPherson suggests, films in Britain could no longer be regulated simply as potentially dangerous commodities and political debate over the value of the BBFC began to heat up:<sup>5</sup>

The first Hollywood feature to have the Spanish conflict as background was *The Last Train from Madrid* (Paramount, 1937, dir James Hogan), but the political content was rendered so sparse and innocuous that the BBFC passed it uncut on 17 June 1937. A film of quite a different kind was *Spanish Earth* (Spain, 1937, dir Joris Ivens), a left-wing, highly anti-Franco documentary and the first film dealing with the Spanish Civil War to have been filmed in Spain. Its commitment to the Spanish Republican cause was so strong at a time when the National government was preaching non-intervention and endeavouring to bring about a German, Italian and Soviet withdrawal from Spain that it could not fail to be embarrassing to the BBFC when submitted in October 1937. The film was badly cut to approximately half of its 53 minutes running time, but it was astounding that the BBFC awarded it a certificate at all in the light of the clear Spanish Republican leanings in Ernest Hemingway's commentary.

Robertson frequently has nothing to say about such cases other than the obviously inadequate comment that he is surprised censorship was not even more severe.<sup>6</sup> As I have suggested, his book is

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4. F. SCHAUER, *FREE SPEECH: A PHILOSOPHICAL INQUIRY* 198 (1982).

5. Other than explicitly political cases the greatest controversy involved an early version of what would become the American Broadway hit musical, *My Fair Lady*:

The BBFC scenarios for the 1930s show repeatedly that bad language was frowned upon in films. Words like "bloody" and "bastard" were taboo, but in February 1938 a scenario appeared for *Pygmalion*, George Bernard Shaw's play in which Eliza Doolittle comes out with her immortal phrase "not bloody likely." Shaw himself, a persistent critic of the BBFC during the 1930s, was writing the script for the film and was determined to have the words included or mount a head-on challenge to Tyrrell and Brooke Wilkinson.

Robertson adds that the result was "a more determined assault on BBFC values by the British film industry, for which the *Pygmalion* affair more than any other single event paved the way.

6. I wonder if the publishers of Robertson's book have not engaged in a bit of puffery by suggesting, on the dust jacket, that "[t]he author also discusses the political and social

comprised of little more than a chronological reportage of censorship cases drawn from his research into the previously unexamined files of the BBFC. But Robertson's failure to dig deeper hardly prevents us from doing so.

What afterall, was the national security interest in the case of *Spanish Earth* which could reasonably justify censoring the first documentary out of Spain dealing with the civil war? What was the "national emergency" whose threatened imminence and gravity of harm was so great as to preclude the British public from sitting in their local movie houses watching a film that advocated the Republican cause (or, more accurately, those twenty-five or twenty-six minutes of the film that were deemed politically "offensive")? Or is this case, like the situation described by Schauer, one where the "national security" issue is manipulated by censors in order to clamp down on free discussion—in this case, open debate of the issues raised by the Spanish Civil War and its relation to British politics and foreign policy?

Today, British reluctance to be drawn into the Spanish Civil War can be interpreted as a failure on the part of insular, capitalist politicians to recognize their own identity of interest (however temporary) with the forces of the Left in Spain—especially considering the Anglo-American perception of Soviet Communism as the "number one enemy" both before and after the Second World War.<sup>7</sup> President Reagan's recent suggestion that Nazi storm troopers were merely *victims* of a sorry episode in history, as well as his amazing assertion that American volunteers in Spain should have fought on the Fascist side,<sup>8</sup> lend credence to the view that Britain and the United States were reasonably comfortable with European and Asian totalitarianism as a counterweight to Russian Communism, as long as neither country felt its specific economic or geopolitical interests were directly threatened.

Even if the British excuse for censoring *Spanish Earth* was just

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background which has made the topic of film censorship a never-ending source of controversy." Such exaggeration is fairly common, however, in the publishing industry.

7. See, e.g., F. GILBERT, *THE END OF THE EUROPEAN ERA, 1890 TO THE PRESENT* 320 (2d ed. 1979).

8. See Lambrose, *The Abusable Past*, 34 *RADICAL HIST. REV.* 117 (1986):

With the fiftieth anniversary of the Spanish Civil War now at hand, we can be sure that some bizarre and distorted versions of the conflict are in the offing. One of the first to rush into the fray with "disinformation" has been Ronald Reagan. In a statement that made headlines in Spain but not the United States, Reagan told an interviewer that the Americans who had fought with the Abraham Lincoln Brigade against Spanish fascists were "on the wrong side."

It was not particularly surprising to hear such views from the man who believes that members of the German SS were "victims" of Nazism. Perhaps he also thinks that the French Partisans were "on the wrong side."

what Robertson indicates (a fear of offending German Nazis and Italian Fascists), is *that* an acceptable rationale for denying freedom of speech? How could the British people determine whether they wished their government to pursue a policy of "non-intervention" in Spain unless they had an opportunity to engage in full debate (including the view of any films on Spain available, irrespective of their political "bias" or perspective) on the central issues raised by the Spanish war?

It is interesting to juxtapose with this British episode the description of *Spanish Earth's* reception in the United States drawn from Joris Ivens's memoir.<sup>9</sup> The initial screenings of the film were given in the home of Fredric March in Hollywood<sup>10</sup> (where seventeen dinner guests contributed a total of \$17,000 toward the film's expenses) and the home of Franklin Roosevelt in Washington (i.e., the White House).<sup>11</sup> As Ivens describes the latter affair:

After dinner we moved to the projection room and about thirty more people arrived, among them Harry Hopkins. The President asked me to sit next to him in case he had any questions. The film started. Nothing was said until the middle of the second reel, when he remarked, "That's very interesting. It holds up well even without a story"—which I thought showed a good instinct for documentary films.

. . . .  
 . . . . When the film was over the President stayed a while to talk, saying that he had liked the film very much, but he could not commit himself in any way. . . .

. . . . After the President left, Hopkins and Mrs. Roosevelt talked with us enthusiastically about the film. I was in the middle of saying something about if the Spanish people lose, the whole thing would go—when Mrs. Roosevelt interrupted me and said, "We in the White House think that the Spanish people are not going to lose." Then Hemingway and I began to talk about the embargo . . . .<sup>12</sup>

Mrs. Roosevelt, of course, was wrong—the Spanish people did lose, with one of every three residents of Guernica killed in a German "experiment to test the effects of terror bombing."<sup>13</sup> *Spanish*

9. J. IVENS, *THE CAMERA AND I* (1969).

10. California state legislator Jack Tenney, chairman of one of the pioneering state "un-American" activities committees, "regularly assailed the Hollywood Writers Mobilization, the Screenwriters Guild and Dore Schary, the head of production at RKO, as well as such actors as Chaplin, Fredric March, John Garfield and Edward G. Robinson as aiders and abettors of Communism." D. CAUTE, *THE GREAT FEAR: THE ANTI-COMMUNIST PURGE UNDER TRUMAN AND EISENHOWER* 490 (1978). This was the fate of many Hollywood actors like March, who had supported progressive causes before the War but found themselves branded "enemies of the people" after the War when Moscow was, once again, perceived as the primary source of world evil.

11. J. IVENS, *supra* note 9, at 125-38 (discussion of the editing and distribution of prints of Ivens's film *Spanish Earth*).

12. *Id.* at 130-31.

13. See F. GILBERT, *supra* note 7, at 319:

The Germans sent more aircraft, and pilots as well—bomber squadrons of the so-called Condor Legion. The most famous—or infamous—exploit of the German fliers was the attack on Guernica during Franco's campaign against the Basque coun-

*Earth*, which did not hesitate to identify the true nature of fascism, was radically cut by the BBFC in 1937, the same year that the president of the BBFC had boasted that "there is not a single film showing in London today which deals with any of the burning questions of the day."<sup>14</sup> Within three years, London would replace *Guernica* as the target for German experiments in aerial bombardment.

## II

Mirroring a fundamental precept of classical (though not necessarily modern) liberal jurisprudential thought, Frederick Schauer sharply distinguishes governmental from nongovernmental censorship, even questioning whether the latter should be described as "censorship" at all.<sup>15</sup> Reflecting the paramount concern to separate public and private spheres into rigidly defined compartments, Schauer says:

The fact that there is an absence of governmental force behind private intolerance is a difference in kind and not a difference in degree. The absence of governmental interference leaves the choice with the participants in the communicative process. If social intolerance has a practical effect similar to that caused by governmental coercion, it is because people *choose* to respect the views of the majority, or because they choose to place their faith in particular arbiters of communicative value. That many people choose to allow others to make their choices for them is indeed unfortunate, and it is equally unfortunate that many people are willing to make decisions to reject ideas prior to gaining a full understanding of the idea they are rejecting. Social choice, however, is not the same as governmental punishment. If government is in a broad sense the servant of the people, government is to that extent committed to a position of neutrality among competing ideas.<sup>16</sup>

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try (April, 1937). First they bombed the small rural town, then they machine-gunned the streets, killing and wounding about 2,500 of the 7,000 inhabitants. Later, the Germans would admit that this assault had been an experiment to test the effects of terror bombing.

14. See M. DICKINSON & S. STREET, *CINEMA AND STATE: THE FILM INDUSTRY AND THE BRITISH GOVERNMENT 1927-84*, at 8 (1985):

The [censorship] system reduced the number of experimental projects, and encouraged producers to make films acceptable to the censor, or which at least evaded the rules in subtle ways. In theory the BBFC was an autonomous body, but in practice it was susceptible to government interference because its President had to be approved by the Home Office. This gave the government an opportunity to exercise a subtle form of content control, and some films deemed "controversial," especially for political reasons, were banned. Lord Tyrrell, President of the BBFC, announced to the CEA (Cinematograph Exhibitors' Association) in 1937: "We may take pride in observing that there is not a single film showing in London today which deals with any of the burning questions of the day."

15. F. SCHAUER, *supra* note 4, at 120:

In each of these cases [of nongovernmental censorship] I could claim that I have been the victim of censorship. In each instance I would have communicated some message to an audience but for the intervention of an external agent. Yet if we take the word "censorship" to mean an improper interference with the principles of freedom of speech, then these may not be instances of censorship at all.

16. *Id.* at 121-22.

This seems to me an entirely convincing analysis—until, that is, we face Schauer's argument in the cold light of everyday social experience. The notion, for example, that choices made by large, private corporations in the communications industry are somehow subject to a rough-and-ready plebiscite by the citizens of the world is just wrong.<sup>17</sup> Moreover, the government does indeed "interfere" within the world-political economy of communications and mass media, but with the purpose of *ensuring* domination by monopoly sectors within the private marketplace,<sup>18</sup> in some instances facilitating the business strategy of precisely those economic forces and corporate actors that put the government (or administration) in power

17. See, e.g., Schiller, *Behind the Media Merger Movement*, NATION, June 8, 1985, at 696:

A new international information order is being constructed. It is very different from the publicly controlled one Third World nations have sought, which has been bitterly attacked by the U.S. media. Instead of equal access to information and greater participation in the production of messages, there is a growing concentration of capital and resources in the United States, the dominant center of the world communications network.

Powerful U.S. corporations have undertaken an ambitious set of initiatives that will enable them to retain and perhaps extend their worldwide advantage . . . A wave of media mergers this spring has placed the so-called cultural industries at the center of the transnational corporate economy . . .

Schauer just seems oblivious to the existence of a "transnational corporate economy" and even goes so far as to suggest his analysis may be without application to electronic media of communication whose study resides outside his field of expertise. F. SCHAUER, *supra* note 4, at 127. But what if both electronic and non-electronic media are owned and controlled by the same private corporations and are subject to the same kind of top-down decisionmaking? More to the point, how can anyone, in any field of scholarship, develop a general theory of freedom of speech while ignoring radio, television, motion pictures, advertising, indeed every form of human communication that is not printed out on paper? That would be like developing a general theory of the Marcos regime in the Philippines without talking about the police, the military, corruption, or foreign bank accounts and real estate investment.

18. See, e.g., Schiller, *supra* note 17, at 696:

The Federal Communications Commission, historically a weak defender of the quality of the nation's information, has abandoned all considerations of the public interest. It has pushed deregulation to new areas of the broadcast sector. The number of television and radio stations that a holder may acquire has been nearly doubled since last year. The traditional obligations of station owners to serve the public's cultural and information needs have either been eliminated or weakened drastically. For example, standards limiting the number of commercials that may run each hour have been relaxed; the requirement that programming logs be kept has been eliminated; children's programming guidelines have been ignored; and license renewals for stations have become virtually automatic.

Nossiter, *The F.C.C.'s Big Giveaway Show*, NATION, October 26, 1985, at 402:

The [F.C.C.'s] engaging chair, Mark S. Fowler, is a former lawyer for broadcasters who can expect to resume this lucrative practice when he leaves government. In a recent address to radio and television executives in New York City, Fowler described his revolution with disarming candor: "It was time to move away from thinking about broadcasters as trustees. It was time to treat them the way almost everyone else in society does—that is, as businesses." After all, he said on another occasion, 'television is just another appliance. It's a toaster with pictures.'

See also Wallerstein, *Braudel on Capitalism and the Market*, 37 MONTHLY REVIEW 11, 15 (1986) (on the illusion of economic monopoly *absent* state intervention).

in the first place.<sup>19</sup>

Consider a final example from Robertson's catalog of British film censorship:

[By 1938], the BBFC was more perturbed by *Behind the Spanish Lines* and *Non-Intervention*. The first was eventually allowed uncut on 2 June 1938, but only after Tyrrell himself had viewed it, while the latter underwent a three-month BBFC scrutiny before it was passed in July 1938 with an amended commentary and cuts which reduced the footage from 1,412 to 879. Tyrrell's contacts within the Foreign Office and consequent BBFC concern at the manner in which the Spanish conflict was presented on the screen probably explains why the political substance of the Spanish Civil War action drama *Blockade* (Walter Wanger, 1938, dir William Dieterle) is diluted, mainly through pre-production censorship in the United States, to the point where it is impossible to know which side the hero is on! Under such circumstances it was no surprise that the BBFC allowed it uncut on 31 May 1938.

Robertson's "pre-production censorship" is, of course, *self-censorship*, which is not censorship at all according to Schauer since it does not result from a formal act of state. Schauer's analysis is unable to comprehend how nongovernmental censorship may be the most dangerous to free speech. Such censorship simultaneously prevents the free expression of a range of conflicting views while permitting the government to proclaim its ardent opposition not only to censorship but to competing regimes where censorship is more overt.

But what may escape the attention of a legal philosopher remains common knowledge to those in the information industries. Top-flight newspaper writers have struggled for decades against the kind of private censorship within the mass media that can spell only one thing: the systematic erosion of democracy. Even in popular culture, the threat posed by nongovernmental censorship has long been recognized.<sup>20</sup> It serves no purpose to ignore our own system of wealth and power, and yet the relation of forces within the private sector or sphere must be rendered invisible if one is to proclaim

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19. See, e.g., T. EDSALL, *THE NEW POLITICS OF INEQUALITY* 68 (1984): "At the top of the [Republican Party], an alliance of conservative ideological leaders, corporate chief executive officers, sunbelt entrepreneurs, independent oilmen, and key representatives of Washington's business lobbying community has been gaining a broad and legitimate claim to power."

20. Consider one important, recent example: the "docudrama" *Murrow*, given initial cable television release early in 1986. Daniel J. Travanti plays the courageous American journalist, Edward R. Murrow, who spends the 1950's standing up, not so much to direct governmental censorship but to *nongovernmental* interference with his freedom of speech, particularly with his freedom to warn Americans what can happen if we begin to blame our national problems on some abstract threat (whether it be communism, terrorism, or whatever else the government can think of) rather than upon our *own* society, economy, and national values. See also, M. CLIMENT, *CONVERSATIONS WITH LOSEY* 134-35 (1985) (extraordinary account by filmmaker Joseph Losey of his struggle against the Hollywood "black list").

formal state censorship somehow unique.<sup>21</sup>

### III

Another review may find greater value in Robertson's discussion of BBFC intervention during the period prior to the arrival of sound films, his treatment of BBFC censorship of gangster or horror films, or his rendition of BBFC relationship with American film companies and the evolution of the British film industry's position in the world market.<sup>22</sup> I have sought, instead, an analysis emphasizing fundamental political questions raised by governmental and nongovernmental censorship and highlighting the confrontation between freedom of speech and national security raised by censorship

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21. Apparently anticipating criticism similar to what I have tried to provide in this essay, Schauer frequently seems to back away from his initial and strongest claim: that nongovernmental or private censorship is somehow freely chosen by all participants in the communication process (or, at least, by a majority of them) and is thus not a species of censorship at all. For example, at one point he seems to imply that nongovernmental censorship *could* qualify as a violation of freedom of speech *but* there is nothing which can be done about it because any effort to remedy the situation would involve governmental restrictions placed upon private censors—a kind of countercensorship which would leave freedom of speech (on balance, apparently) worse off, F. SCHAUER, *supra* note 4, at 122:

If *The Times* refuses to publish my article, I have in one sense been censored. But if the state *tells the Times* to publish that article, then *The Times* has been censored. Its freedom to decide what shall be on the pages of the newspaper is implicated, and its freedom to communicate its message is subject to governmental control.

. . . [T]he point I wish to make here is that the act of censoring by a private agent can in many instances be an act of speech by that agent, and that remedying this act of censorship by a private agent can be a governmental restriction on that act of speech.

Why not simply state that, even in the case described by Schauer, private interference with speech is addressed by a public interference with speech (given Schauer's identification of the private censor's conduct as a form of speech), and that the context (or social speech situation which results) alone can tell us whether or not freedom of speech is enhanced? Even short of such a response, however, we can simply observe that some governmental interference (e.g., the establishment and support of public television, rather obviously) cannot possibly be regarded as a form of "countercensorship" but simply is a means for broadening the available spectrum of news, opinion, cultural choice, etc.

22. Works that touch directly on subjects examined by Robertson and that the reader who wishes to dig deeper may find useful include, R. ARMES, *A CRITICAL HISTORY OF THE BRITISH CINEMA* (1978); C. CRUICKSHANK, *THE FOURTH ARM: PSYCHOLOGICAL WARFARE 1938-1945* (1977); R. DURGNAT, *A MIRROR FOR ENGLAND: BRITISH MOVIES FROM AUSTERITY TO AFFLUENCE* (1970) (for my money, the best single book on British films); A. FOULKES, *LITERATURE AND PROPAGANDA* (1983) (brief, but very helpful introduction: the trademark of the "New Accents" series published by Methuen); P. Hewitt, *THE ABUSE OF POWER: CIVIL LIBERTIES IN THE UNITED KINGDOM* (1982); F. INGLIS, *RADICAL EARNESTNESS: ENGLISH SOCIAL THEORY 1880-1980* (1982); J. SUTHERLAND, *OFFENSIVE LITERATURE: DECENSORSHIP IN BRITAIN, 1960-1982* (1982); D. THOMAS, *A LONG TIME BURNING: THE HISTORY OF LITERARY CENSORSHIP IN ENGLAND* (1969) (a standard work); E. Thompson, *The State and Civil Liberties in Writing BY CANDLELIGHT* 89 (1980); for two important contributions on the debate central to this essay, both of which appeared as of completion of this review, see Comment, *The Press and the Invasion of Grenada: Does the First Amendment Guarantee the Press A Right Of Access To War-Time News?*, 58 *TEMP. L.Q.* 873 (1985); Thompson, *The Passing of the Older Order*, *NATION*, March 22, 1986, at 377.

of several films in the 1930's. I hope to encourage discussion about law and legal issues that does not systematically ignore the way the world actually works for most of us. In a small way, I think Robertson's book on film censorship helps in that endeavor.

**CONSTITUTIONAL INEQUALITY: THE POLITICAL FORTUNES OF THE EQUAL RIGHTS AMENDMENT.**

By Gilbert Y. Steiner.<sup>1</sup> Washington, D.C.: The Brookings Institution. 1985. Pp. 113. Cloth, \$22.95; paper, \$8.95.

*Leslie Friedman Goldstein*<sup>2</sup>

The death and burial of the ERA appears to have operated as a fertilizer for the blossoming of new scholarship on the subject. While the ERA was clearly in its death throes, only one book on the subject appeared.<sup>3</sup> Now that it has vanished from the political spotlight, scholars interested in its fate will be able to luxuriate in a variegated garden of books on ERA politics. Books are due out very soon from lawyer-historian Mary Berry, *Why ERA Failed*; historian Joan Hoff-Wilson, an edited collection of essays, *Rights of Passage: The Past and Future of the ERA*; political scientists Jane Mansbridge, *Why We Lost the ERA*; and political scientist Cynthia Harrison, who wrote a Columbia Ph.D. dissertation on feminist politics at the federal level from 1942-68.

The first flowering of this new crop is Gilbert Steiner's slim volume, published in 1985. The reader who is looking for a meaty political analysis of "the political fortunes of the ERA," the analysis of "what went wrong" that is promised on the book cover, would be well-advised to wait for some of the later harvest. On the other hand, readers with a more narrowly focused intellectual appetite—readers looking for a good, insider's account of the congressional politics surrounding the ERA's overwhelming success in the early 1970's and its narrow defeat when reintroduced in the House of Representatives on November 15, 1983—will find the book quite satisfying. Steiner, a senior fellow at The Brookings Institution, who has previously written about child and family policy, the welfare system, and abortion, is at his best when exposing the intrigues and maneuvers of Capitol Hill politics. An explanation of the defeat of the ERA, however, must do more.

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3. J. BOLES, *THE POLITICS OF THE EQUAL RIGHTS AMENDMENT* (1979).