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Civic Discourse Amid Cultural Transformation

Calvin Massey

American civic and constitutional discourse reflects the culture of which it is born. To talk about civic discourse is to talk about culture. And since American culture seems to be perpetually in flux, the only fixed aspect of American civic discourse may be its reflective relationship with the culture.

We live in an age of cultural transformation. The industrial age has finally surrendered to the information-based service economy. The era of the printed word is edging into history, ever more rapidly replaced by graphic imagery, whether the still photo, the staccato pulse of television, or the interactive imagery of the Web. Popular culture — a localized culture of public participation, whether through town meetings, county fairs, the community picnic on the Fourth of July, attending the high school football game, or something else — has largely passed away, replaced by a culture of mass entertainment — Disney World, MTV, Hollywood productions, the Super Bowl, or anything skillfully packaged for mass consumption. Authentic experience has begun to be replaced by ersatz experience. No longer does one have to visit Paris or New York; now Las Vegas will do almost as well. Who needs to visit Tierra del Fuego to see penguins when their brightly defined and highly resolved images cavort on large illuminated screens in your home?

These and other alterations of culture have produced, and will continue to produce, a distinct and discernible effect on civic discourse. In as few words as possible I hope to outline some of the major cultural transformations that recently have occurred or now are occurring, to relate those events to discernible changes in the nature of civic discourse, and to hazard some guesses about the future direction of our culture and our public discourse.

I. Cultural Transformation

The very idea of cultural transformation posits that the present culture is materially different from some past reference point. Of course, if the cultural reference point is pushed far enough into the past, cultural transformation will be virtually self-evident, and if yesterday is the reference, there will be no detectable difference, barring some sudden intervening apocalypse such as collision with an asteroid. So what reference point should be used? Since my focus is upon the relationship between culture and civic discourse, especially constitutional discourse, one obvious candidate is 1787, another is 1868, and a third might be 1937.¹ I do not wish to load the dice in favor of my argument by focusing exclusively on 1787, which is, after all, getting to be pretty remote, colonial Williamsburg notwithstanding. So I will stipulate that a good claim can be made for each of these dates as a reference point for cultural change that assertedly influences our constitutional civic discourse, and thus I will look at each of these dates as my arguments develop.

To itemize every point of cultural difference between 1787 and today would restate much that generally is recognized and would induce boredom. Rather, I propose to focus on only those aspects of cultural change that have had an especially significant effect in producing the current version of American society and which are similarly responsible for alterations in the nature of our civic discourse.

A. From the Printed Word to the Graphic Image

In 1787 the culture was indisputably steeped in the printed word. According to the historian Alan Brinkley, "well over half of all white men" in colonial America were literate, "a rate substantially higher than in most European countries."² In New England there was "nearly universal male literacy toward the end of the colonial period."³ Despite limited educational opportunities for women, "the literacy rate for females was also substantially higher than that of their European counterparts,"⁴ but may not have exceeded 50% except in isolated pockets of sophistication, such as Boston, where female literacy was probably about 65 to 70% by the 1760's.⁵ Thus, while literacy was much lower among women and nearly nonexistent among slaves, that has more to do with the limited 18th century conception of political and commercial society than it has to do with

rejection of a culture of the printed word. To understand how thoroughly the culture of 1787 was formed by typography, one must move backward more than 300 years to contemplate briefly the revolution wrought by Johannes Gutenberg.

The creation of moveable type and the production of books in vernacular languages dramatically altered European culture from an oral culture governed by a literate clerisy of clergy and nobility to one in which knowledge became readily accessible to almost everyone equipped with literacy. While this did not happen instantly, by the time of European settlement in America, the culture of the printed word was well-established, and Americans during the colonial era were particularly avid consumers of books.⁶ As Neil Postman has described, the technology of the printed word necessarily produced certain habits of the mind — sustained engagement with ideas, critical evaluation of those ideas, cultivation of abstract thought — that percolated through the culture as a way of apprehending the world in which Americans then lived. This should not be surprising, for “changes in communication technology invariably... alter the structure of interests (the things thought about), the character of symbols (the things thought with), and the nature of community (the area in which thoughts develop).”⁷ Before the printed word, communication was necessarily social. But books are best read in silence; the conversation is between the absent author and the present reader. Human sociability and reading are incompatible, at least at the same moment in time. This phenomenon of changed technology produced conditions in which individuality could flourish, since widespread acceptance of the highly individual pursuit of reading inevitably led to greater acceptance of the claims of individuality in other spheres of human life. I do not claim, of course, that the individualism of the Enlightenment was *caused* by Gutenberg; I assert only that the technology of the printed word created the *possibility* that Enlightenment thinkers would reconstruct the world on a basis that gave primacy to the individual. Without conscious design, the technology of the printed word altered the structure of interests — the things people thought about.

But the printed word did more; it also changed the tools of thought, what Innis calls the character of symbols. Books require organization, not only sentence by sentence and paragraph by paragraph, but in larger coherent blocks — sections, chapters, books-within-books. This organi-

zation is not haphazard or whimsical — or at least it was not until the stream-of-consciousness novelists of the 20th century appeared, an event which, as will be apparent later on, was entirely predictable. The printed word is primarily a sequential form of communication, stressing logical relationships and ideas that build as inexorably as a sequence of whole numbers from one to 100. Of course, many books fall short of the rigorous complete demands of sequentiality, logic, and clarity, but the point is that the book changed the way people thought about any given subject. Before typography, a legal scholar would find it difficult to demonstrate the relationship of any discrete point of law to a logic of the law as a whole because almost nobody possessed enough manuscript books to describe the whole body of law. But with the advent of the printing press, and the consequent increase in the amount of information that a single volume could contain, a reorganized *Corpus Juris* was soon prepared — one that divided its parts into coherent subjects, included cross-references, alphabetized indexes, and implemented a consistent, intelligible style.⁸ In reorganizing the body of thought to be accessible in the printed format, the editors of *Corpus Juris* essentially created a new subject. It was not new, of course, but its presentation and absorption through the technology of the printed word amounted to a reinvention.

This process was repeated in nearly every field of human thought. In religion,⁹ the widespread dissemination of Bibles in vernacular tongues made God accessible to every literate person. The priestly intermediary was no longer necessary, and the Reformation was a predictable result. Even the Bible itself changed by the creation of new vernacular translations, such as the King James version of 1611, that became the word of God to English speaking Christians. In science, typography permitted ready collection and communication of ideas and data, especially in such fields as mathematics where the vernacular of the discipline transcends language barriers.

Thus, in Neil Postman's phrase, was "Literate Man" created.¹⁰ By 1787, the culture of Literate Man was so entrenched that, at least among those who counted as polity, there was no other culture. While a written constitution certainly was possible in an age before typography (Magna Charta performed, in diluted fashion, a similar role), the intellectual significance of a written constitution was impossible to conceive before typography. Justice James Iredell's famed response to Justice Samuel

Chase in *Calder v. Bull*¹¹ would likely not have occurred to a man unshaped by the culture of the printed word. The essence of Iredell's rejection of unwritten natural law principles as fetters upon government was his belief that such unwritten principles were subjective, varying with each person. We may doubt today whether written language is much more determinate, but we live in an age dominated by the graphic image. Iredell did not; for him, the printed word was a powerful boundary of objectivity, of a common ground of meaning. John Marshall expressed a similar faith in the printed word by grounding the power of judicial review, in part, on the idea that the act of writing a constitution must be seen to have legal significance. Judicial review is a necessary inference from a written constitution, said Marshall, for otherwise "written constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable."¹²

The commitment of American constitutional discourse to the culture of the printed word has, of course, not been limited to these early professions of faith. The entire official structure of constitutional discourse is premised on the existence of a culture of print. We interpret our written constitution through written arguments and oral colloquy based upon those arguments and a written record of prior proceedings. The interpretive judgment is announced in written opinions that seek to explain the rational, logical basis for the result. Even the substance of the written constitution displays at times a bias for the culture of print. The First Amendment, for example, in guaranteeing freedom of speech, religion, press, assembly, and petition, expresses "the fundamental values of the literate, reasoning mind as fostered by the print revolution: a belief in privacy, individuality, intellectual freedom, open criticism, and community action."¹³

Unofficial constitutional discourse has been grounded similarly in print culture. Not only do academics debate the appropriate meaning of the Constitution by marshaling their arguments in texts, the wider "lay" community uses the structure of logic to frame their contentions about constitutional meaning, whether in letters to the editor or in conversations over the lunch table. Indeed, it is hard to imagine constitutional discourse apart from a culture of print. But it is not impossible to do so, and in the next section I shall attempt to describe that emerging discourse.

What has been said thus far about the ubiquity of print culture in

1787 is equally true of 1868. Indeed, if anything, the culture of print was even more widespread than in 1787. Literacy rates were higher, elementary education was more available, and the diffusion of information by printed word was more abundant than in 1787. It is thus ironic to note that by 1868 the seeds of transformation of print culture into graphic culture already had been sown. The agents were Louis Daguerre, who by perfecting the invention of Joseph Niepce brought forth the daguerreotype, and Samuel F.B. Morse, who perhaps communicated more than he realized when he tapped out "What hath God wrought?" on the first telegraph.

The photograph, of course, permitted the permanent capture of a discrete moment. When one looks at a Matthew Brady photograph of Civil War dead, young men with lives to be lived but framed forever as bodies stiffened and bloated against their constraining clothing, there is an eerie and poignant quality that makes an emotional statement far more powerful than any printed saga devoted to the cruelty of warfare. It is not so much that a picture is worth a thousand words as it is that a picture replaces all the words there are. By itself, the photograph was treated as a supplement to the culture of print, an added facet to aid the assimilation of information presented by typography. For an entire culture of graphic communication to arise another technological advance was needed — the telegraph.

The link between telegraphy and photography was not immediately obvious. The telegraph destroyed the informational boundaries of print-based culture. Before the telegraph, information moved only as fast as the human, aided by mechanical transport, could move. In Morse's time that speed might have been perhaps 35 miles per hour, the speed of a train hurrying along a level, well-maintained track in antebellum America. But the telegraph moved information at the speed of light, thus permitting a person in California to know instantly what might be occurring at the same moment in New York. Of course, an infrastructure was required to be developed for Californians and New Yorkers to share the immediate details of their respective lives, and that infrastructure was not long in coming. Telegraphed news, however, is remote and of no immediate relevance to one's localized existence. To know instantly that thousands have died in a Turkish earthquake, or that hundreds are being slaughtered by genocidal violence in some remote quarter of the globe, may move a person to tears, or rage, or compassion, but it is far more likely to produce a

simple numb awareness. Postman has argued, in his classic work *Amusing Ourselves to Death*, that the effect of this cornucopia of instant information unrelated to our localized existence, especially when delivered by television programming, is to reduce everything to entertainment. Allowing for the intervening technological discovery of airwave broadcasting, it was the union of the telegraph — the ability to transmit information instantaneously — with the photographic image that launched the graphic culture. I leave the full implications of that culture to civic discourse for the next section, but for now we need only see that the barest beginnings of graphic culture were in evidence in 1868.

By 1937 the culture produced by typography was under assault, but the assault was not very evident. The movement of instantaneous information, by radio and telegraph, was fully developed. Americans knew as much as they wished to know, perhaps more, about the Spanish Civil War, Japanese atrocities in China, or college football scores. Franklin Roosevelt could, and did, appeal directly to the people through the immediate oral medium of radio. Never before had a President spoken directly to the people in their homes, even if his voice had only the corporeal presence of the radio receiver. The power of imagery alone as a communicative medium was symbolized by the first issue of *Life* magazine. Indeed, reflect a moment on the power of imagery by recalling, as I have just done above, the Spanish Civil War and the Japanese atrocities in China. In my mind, and perhaps in yours, those phrases immediately conjure two specific images: Robert Capa's haunting photo of a Spanish loyalist soldier, arms flung wide and clutching his rifle, at the moment the fatal bullet has caught him, and the photo of a naked, wailing baby sitting alone on a railway track in Nanking, as the city burns in the background. But these images were photographs, images over which the mind could linger and could ponder, affording time for reflection, assessment, and recurring engagement. Television's union of instant communication and graphic imagery, a marriage that produced an unceasing Niagara of ephemeral imagery, was still a decade or more away, and the dramatic cultural alterations induced by television were a generation or two further into the future. So the culture of 1937 was still a culture of print, albeit one that was far less monolithic than the cultures of 1868 or 1787.

In such a culture civic discourse necessarily was carried on in the

mode shaped by the technology of typography, a technology that required organization of thoughts into a coherent whole, a presentation that was sequential in some logical way, and an opportunity to reflect upon and respond (inwardly or outwardly) to the argument thus made. We should not be surprised that our ancestors of the mid-19th century were willing to sacrifice large chunks of time and considerable comfort to hear such men as Abraham Lincoln and Stephen Douglas debate, for hours and hours, public questions, in a fashion that placed reasoned argument at a premium. Nor should we be surprised that the United States Supreme Court devoted days, not minutes, to oral argument of constitutional questions and that printed copies of those arguments and the opinions that resulted were a commercially viable publication in the lay community. In short, the culture of America from its European colonization to roughly the end of the Second World War was a culture of print, a culture in which the habits of mind induced by the technology of typography were pervasive, dominant, and critical to shaping public discourse.

B. From Popular Culture to Mass Culture

The term “popular culture” often is treated as synonymous with “mass culture,” but as I am using the terms they mean distinctly different things. Popular culture is the practices, the customs, the social habits, and the entertainment that are *created* by individuals, acting together or alone. Popular culture is the aggregation of these acts of creation by the participants, the residue of participatory invention. Mass culture is the practices, the customs, the social habits, and the entertainment that are *consumed* by individuals. Mass culture is a product created by discrete specialists within the society, to be purveyed as any other consumer good. This is seen most clearly in entertainment. In 1787 entertainment might have been reading, a game of cards or quoits, or music created by musicians in a home or a community hall, a diversion created by the participants. In 2000 it is far more apt to be Nintendo, MTV, a video, a movie, a television program, or a mass spectacle such as auto racing or professional field sports, all products created by businesspeople for mass consumption. But mass culture is not limited to entertainment. Social habits in 1787 were inculcated by parents and one’s immediate social group, producing a sense

of behavioral propriety that was endogenous to the actual community of real people with whom one interacted. Social habits in 1999 are inculcated as much by the manufactured world of mass culture — primarily television and movies — as they are by the real people with whom one interacts. Indeed, the interaction with real people that a youngster in America experiences in the embers of the twentieth century is likely to reinforce the messages about appropriate behavior that are delivered as part of mass culture. The old method of acculturation has been co-opted into the service of mass culture.

The world of popular culture existed in harmony, albeit a sometimes uneasy harmony, with what I shall call “high culture.” High culture centered on refinements of language, art, and customs, appreciation of cultural context through understanding of the panoply of world history, and acquisition of a sense of obligation to one’s culture to perpetuate its best aspects. That definition of high culture may strike you as terribly quaint, antiquarian, nostalgic, romantic, and hopelessly rooted in elitist sensitivities. Even the idea of “high” culture is suspect today. To twist a phrase indelibly belonging to George Trow, today’s world is the culture of no context.¹⁴ Mass culture — “a glib, soulless, pop culture”¹⁵ — has overwhelmed both popular culture and high culture. More precisely, mass culture has marginalized all other forms of culture. High culture and popular culture are populated by oddballs, though different types of oddballs. High culture attracts those few remaining people with a keen appreciation of the timeless, “the desire to be connected to the life that has gone before, to stand in the ancient places, to hear the undying stories.”¹⁶ Popular culture is reduced to subcults — whether the pathetic spectacle of folk music wholly divorced from its vital source, Jane Austen enthusiasts, Civil War re-enactors, motorcyclists gathering to revel in the roar of the open road, or windsurfers skimming along in the wind tunnel of the Columbia River Gorge. Neither high nor popular culture is extinct, but both exist in the shadow of an elephantine mass culture. The result is to transform culture from an unplanned aggregation of individual acts of inventive genius to simply one more skillfully packaged and marketed consumer product. And in an age of increasing consolidation of commercial enterprise, to say nothing of the obliteration of geography accomplished by internet commerce, the available cultural products are not only uniformly part of mass culture, but the range of choice diminishes within that bleak context. You

can have Coke or Pepsi, the Back Street Boys or Britney Spears, amazon.com or barnesandnoble.com.

This cultural alteration has an effect on civic discourse. Most importantly, the transformation from popular culture to mass culture is characterized by a shift from activity to passivity. When one's cultural referents are consumed rather than internally produced, the world begins to look exogenous. In a world that seems entirely exogenous to the individual people who compose it, the incentive — even the desire — to exercise one's voice eventually will wane and will disappear. Civic discourse is premised on the belief that what one says, thinks, and believes matters to a world outside our corporeal membrane of skin. When that belief is undermined to the point of collapse, there is no reason for civic discourse. Instead, conditioned by the passivity of consumption in virtually every aspect of life, civic "discourse" becomes but another item of consumption. There is little need to ponder — much less to debate — the implications of foreign monetary contributions to American political parties since that topic is boring, like a generic six-pack of "Beer." But the tawdry and specific details of the President's sexual dalliance in various small rooms adjacent to the Oval Office are a fascinating diversion — a spectacle amusing, nauseating, or irrelevant — depending on the taste of the consumer. It is not generic "Beer"; it is microbrewed ale or pilsner, but it is still a consumer product. The shift in perception — and consequent diminution — of the relevance of civic discourse can be glimpsed by comparing two modest cultural artifacts, separated by only 30 or 40 years. In the 1950's and the early 1960's, *Mad* magazine's fictional spokesman of satire, Alfred E. Neuman, declared, "What? Me worry?" But it was no longer satirical when in the 1980's and the 1990's, the refrain "don't worry, be happy" floated through the American vernacular. Transposed to civic discourse, the mantra of our times might be "don't think, be entertained."

The displacement of high culture by mass culture has produced another effect on civic discourse. High culture was an aspirational culture. It was not easily entered. To appreciate high culture required not just literacy, but a contextual understanding of the evolution of human experience in art, drama, literature, music, and poetry. One could not simply consume high culture; it was necessary to engage it, to reflect upon it, to question it, to debate it — even if only internally — in order to

understand it. But all that is necessary to enter mass culture is a credit card. Perhaps a modem would help, too, but that ubiquitous communicator is not yet indispensable for entrance to mass culture. No thought is needed, save perhaps the thought involved in choosing channels. Mass culture is a mammoth flatland, to borrow Ken Wilber's phrase,¹⁷ a place of no texture, tinted in shades of grey, devoid of the motley, unruly, life-giving impulses of human spirit. In such a flatland, conditioned to even, bland experience, why should one bother to formulate an independent thought, much less to speak it? Does anyone go to a dinner party any longer and engage in a polite, yet vigorous, argument across the table about the implications of NATO intervention in Kosovo, or the wisdom of affirmative action? It might be acceptable to argue the relative merits of Jaguar and Mercedes, or Netscape and Explorer, but surely not politics. Such behavior is uncouth, almost rude, and certainly not likely to earn a return invitation to a social circle where pleasantries are most highly prized, which is to say the social circle that composes America on the cusp of a new century.

The omnipotence of mass culture, with its focus on passive consumption of ready-made cultural products, has led to the predictable result that opinions, like fashions, are just another consumer item. Opinions are packaged and are sold to a consuming public, using all the familiar arts of mass culture vendors. A catchy phrase, the perfect sound bite, is a far better device to sell ready-made opinions than a tedious excursion into an issue, a debate with self and others over the evidence bearing upon the point. And why not? It works. "Where's the beef?" asked Walter Mondale, and Gary Hart was doomed. "If the evidence doesn't fit, you must acquit," chanted Johnny Cochran, with the memory of the blood-shrunken glove still fresh, and the jury did just that. "They're coming for the old folks; they want to starve the children," shouted Democrats in 1995, and this apocalyptic hyperbole was purchased in the bazaar of mass culture. "It's morning in America," declared a jaunty Ronald Reagan, even as the national debt tripled; but the opinion was a best seller. Are we a nation of fools? Perhaps, but it is both more charitable and more accurate to say that we are a nation of consumers and that everything may be found in the gigantic superstore of mass culture.

Mass culture "has taken on a life of its own, without reference to the people it is supposed to protect."¹⁸ Popular culture provided a participa-

tory web that united people in a social understanding. George Trow has likened it to the safety net under the circus high-wire. Filled with youthful Icarus-like ambition, we fall from the wire into the net knotted by myriad acts of voluntary participation that create a sustaining culture. We regroup and find more realistic adult vocations. But mass culture is no net; it is more akin to a suction tube. Mass culture does not sustain us; it drains us and leaves us with no sense of social relationships. Trow characterizes mass culture as "the sum total of whatever it is we happened to have liked. And if this year we like Debbie Reynolds and *Tammy and the Bachelor*, and last year we didn't, and the year before we liked Nine Inch Nails, and tomorrow we decide to take a look at the Butthole Surfers, well, that's just what we happen to want at the moment, and why shouldn't we?"¹⁹ In such a culture is there any reason to formulate and to voice our own independent, reasoned opinions? That is an act of social participation, a knitting of another strand in the web. Where do you place the knitting needles of civic discourse when there is no web to mend?

C. From Real Experience to Faux Experience

For most of human history there was no such thing as "false" experience; any experience was real. The possibility of faux experience was created by television — the transmission of graphic imagery through space and with indifference to time. For the first time people could "experience" events from afar. Natural catastrophes in Asia, sporting events in Florida, political candidates speaking in Iowa, sea mammals cavorting off the Patagonian coast — all these and more can be viewed on the familiar screen in New York or San Francisco or Tokyo. But, as Jerry Mander pointed out over 20 years ago,²⁰ this "was only the experience of sitting in a darkened room, staring at flickering light, ingesting images which had been edited, cut, rearranged, sped up, slowed down, and confined in hundreds of ways."²¹ To witness the televised image of a colossal tsunami slamming into the Pacific coast of California is assuredly not the same experience as standing on the beach when the tsunami strikes, and I will prefer the faux experience, if given the choice. But at least I will know that the experience is false, that what I experience is watching a glowing image on the face of a communications appliance. Assuming that all viewers of television are equally aware of the true nature of the television experience,

why should we have any concern about this faux experience, or think it has any effect on civic discourse?

First, protracted exposure to faux experience is apt to distort a person's sense of the boundaries between the real and the contrived. A study of television viewers conducted in the mid-1970's showed that those who watched a great deal of television "were more likely to overestimate the percentage of the world population that lives in America;... the percentage of the population who have professional jobs;... the number of police in the U.S. and the amount of violence. In all these cases, the overestimate matched a distortion that exists in television programming. The more television people watched, the more their view of the world matched television reality."²² This should not be surprising. Television viewing displaces alternative activities, and if one watches enough television, it is as if the viewer lives a hermetic existence connected to the larger world only by television. Faux experience is substituted for real experience, and the viewer's judgments concerning the real world become informed primarily by the data he ingests through his faux experience (which, ironically, becomes the viewer's real experience). The contribution of such a person to civic discourse is likely to be negative, since their experiences are not real. Of course, if the entire society prefers faux to real experience, then civic discourse is but another by-product of the faux society. Faux discourse becomes real discourse in a society that has elevated the false to the real.

Television is by no means the only device by which experience can be rendered false. The desire to substitute the virtual for the authentic is the appeal of the monstrosity called Las Vegas. Beneath a withering sun on an alkali desert in Nevada one encounters — New York! Paris! The Eiffel Tower! Venice! The Doge's Palace! The Bridge of Sighs! Egypt! The Sphinx! Of course, the visitor knows this is faux Paris, faux Venice, since it is possible at any moment to gamble with the Nevada croupiers. But these monuments of total fakery would not be built, at great expense, if the shrewd businessmen who constructed them did not think that the phony is attractive. And why shouldn't these bogus landmarks be attractive to a people conditioned, at best, to oscillate comfortably between the false and the real and, at worst, to prefer the fake to the genuine?

Hunter Thompson was perhaps more correct than he knew when he portrayed Las Vegas in 1971 as a reality that made drugs unnecessary.²³

The enduring popularity of drugs — whether alcohol, tobacco, opiates, marijuana, or any of the smorgasbord of substances that pervade the nation — might have something to do with the preference for virtual existence to real existence. Drugs are a reality, of course, and the reality that is occasioned by their abuse is among the cruelest realities of all, yet millions of us prefer the risks of that reality in order to sample the false reality of a chemical euphoria. Nobody thinks a drunk can engage in civic discourse, but a nation of metaphorical drunks will still have a civic discourse of sorts.

There is, however, a more subtle and far more pervasive way in which virtual experience is substituted for the real item. Neil Postman has charted the evolution of technological innovation from simple tools to technocracy to technopoly.²⁴ By technocracy, Postman meant “a separation of moral and intellectual values”²⁵ in which “people came to believe that knowledge is power, that humanity is capable of progressing, that poverty is a great evil, and that the life of the average person is as meaningful as any other.”²⁶ Postman’s thesis is that in technocracy, which occupied the 19th and most of the 20th centuries in America, permitted “two opposing world-views — the technological and the traditional — [to coexist] in uneasy tension,”²⁷ but that “[w]ith the rise of Technopoly, one of those thought-worlds disappears.”²⁸ What Postman calls technopoly “is a state of culture [and] a state of mind” in which “the culture seeks its authorization in technology, finds its satisfactions in technology, and takes its orders from technology,” thus requiring “the development of a new kind of social order” characterized by the beliefs “that technical progress is humanity’s supreme achievement and the instrument by which our most profound dilemmas may be solved,” and that “information is an unmixed blessing, which through its continued and uncontrolled production and dissemination, offers increased freedom, creativity, and peace of mind.”²⁹

Postman posits that information needs to be filtered through social institutions in order to be coherent. Institutions perform this role “principally by directing how much weight and... value one must give to information” and are thus “concerned with the *meaning* of information.”³⁰ The paradigmatic example of this institutional filtering is the law of evidence, but other examples are schools, the family, and religious institutions. But such filtering is no longer possible in the present age of

information glut, even though various bureaucratic institutions continue to attempt to control this uncontrolled cataract of information. Instead, the flood of information is celebrated, on the assumption that more is better. This assumption is characteristic of technopoly, since its guiding principle is faith in the goodness, indeed, necessity, of technological advance. If technology can make available more information, it must be good, even if much of the information available is junk. There is only so much time; is it an unreserved good to use it to monitor the auction market in Beanie Babies or to engage in day trading of securities?

More important, however, is the ideology of technology. Make no mistake, technology is not ideologically neutral. Just as Gutenberg's moveable type had imbedded within it the ideological seeds of print culture, making possible the Reformation, the Renaissance, and the Enlightenment, the instantaneous availability of graphic imagery via television and internet, and the reformulation of print through the internet carries with it an ideological bias. The bias of graphic culture is most obvious. Its emphasis on the incessant restless movement of imagery may not be the sole cause of that modern plague, "attention deficit disorder," but it is surely a major contributor. Is it reasonable to expect a child fed from infancy a diet of rapid-fire imagery, none of which engages cognitive processes, but all of which taps into the emotive graphic memory, to be calm and focused? In a culture in which every child has access to television, and television is nothing more than a ceaseless cavalcade of frenetic hyperactivity that imprints itself on the raw, freshly developing cognitive pathways of the brain, the wonder is that "ADD" is considered *abnormal*. Graphic culture — hot, emotive, crackling with constant change — is a frontal assault on the patient habits of thought that are instilled by print culture. Print culture, by and large, has capitulated. *USA Today* is the McPaper of graphic culture. Chock full of bar charts peddling irrelevant tidbits about "us," its articles are as superficial as television news. The motto of graphic culture, with respect to information about any issue, is pretty much the same as the Brylcreem hair cream jingle from the 1950's: "A little dab'll do ya." This is not inconsistent with the information glut that technology has spawned, since much of that information is wholly superficial and, given the glut, there is insufficient time and resources available to sift the useless from the informative, with the result that the useless often is endowed with significance it ought not command.

Consider public opinion polling, for example. It is a well recognized fact that the Clinton administration uses poll results to drive policy judgments, and it is not likely to be alone in doing so. But polls only provide answers to what is asked, and the way the question is asked is critical. Neil Postman tells the story of two priests to illustrate the principle. One priest asks the Pope whether it is permissible to smoke while praying and is told “no,” prayer should be his total focus; the second priest asks whether it is permissible to pray while smoking and is told “yes,” prayer is always appropriate.³¹ In our time we know that poll results are likely to show most people opposed to elimination of race-conscious “affirmative action” and in favor of elimination of race-conscious “preferences,” even though the two proposals are identical. Polling data is used to beam back at the people the apparent sentiments they prefer. This is high graphic culture. If the Nielsen ratings suggest “we” like “The Simpsons,” we’ll get a lot more cartoons about dysfunctional families. And we have.

But such is the pace of cultural evolution that graphic culture, which assumed preeminence in the last half of the 20th century, already has a competitor — the hybrid of graphics and print that is the internet. And it is here that the substitution of faux for real experience, bad enough in graphic culture, is even more insidious. Unlike television, where the substitution is fairly obvious, the substitution worked by the internet is far more subtle; it is the displacement of personal contact by a technologically synthesized version of human contact. Consider the following example.

It is now commonplace to lament the end of the independent bookstore, a casualty of a pincer movement by the chain bookstores and the internet vendors. The cultural importance of the independent bookstore was that it acted as a node for the exchange of cultural information. In addition to all other sources of information about new and interesting books, a print-age person could enter his favorite bookstore and either browse among an elegant selection of thought or ask a known and trusted friend — the bookseller — to recommend something. The result was often something unexpected and frequently exciting. This human interaction produced what Carl Jung called “synchronicity” — the union of apparently unrelated phenomena in a meaningful way. But this is not lost with the passing of the independent bookseller, assert technology enthusiasts. In a recent *New Yorker* article, technologist Malcom Gladwell touts “collaborative filtering” as a replacement.³² Collaborative filtering, it turns

out, is simply the process by which a computer user enters his preferences with respect to books, or movies, or whatever the desired subject might be, and the software inspects a large data base of other people's preferences and finds preferences that dovetail with the user's but which also include other items that might be of interest to the user. If I tell the computer that I like *Memoirs of a Geisha*, *Snow Falling on Cedars*, *The Voyage of the Narwhal*, and *Cold Mountain*, but I do not much care for *Amsterdam* and *In the Skin of a Lion*, supposedly the computer will canvass other people's preferences and tell me that I also will like *All the Pretty Horses*, *Bucking the Sun*, and *The Lunenburg Variation*, but that I will not care for *The Eye in the Door*. The computer software may indeed do this if my preferences are adequately and fully expressed, the data base of other people's preferences is large enough, and the software works properly. But the experience is sterilized of any possibility for synchronicity — the magic of a connection that transcends the binary logic and linearity of the machine and relies, instead, on some intuitive leap across the gap of human minds. This is faux experience of an even deadlier sort, for it substitutes one dimension of human experience — lineal, logical thought, however magnified — for the multiplicity of human experience that we actually have in our personal encounters. Irony abounds in this, for the print age ushered in an ascendancy of logical thought, the graphic age destroyed logic, and the emerging graphic-cum-print age threatens to turn the principal tool of print culture into an autocratic monopolist.

Nor is this phenomenon limited to the example I have provided. If one aspect of technopoly is, as Postman claims, to remove all barriers to access to information, especially barriers rooted in social institutions, the internet has simultaneously aided that removal and added new barriers of its own. The available information is so vast that it is necessary to use a search engine of some sort to find, to sort, and to discard information. If the result of your search is something like 428,233 sites that match your query, you do not have useful information. If you refine the query so precisely that you have eleven matching sites, you have useful information, but you have confined yourself by your own imagination, when what you sought to do was to expand your imagination. If, instead, you rely on the search engine's categorical approach, you limit yourself to the information made available to you by a new social institution; in effect, you have substituted Yahoo for the World Book Encyclopedia. And all of this involves

substituting the lineal, disembodied connection of the binary language of computers for the more subtle, nuanced, mysteriously synchronistic language of human personal interaction.

II. The Altered Nature of Civic Discourse

In order to understand the altered nature of civic discourse, it is necessary to pause for a moment and to summarize the culture that has been produced by the maturation of graphic culture and its imminent metamorphosis into a marriage of the frenetic emotionalism of graphic culture and the arid coldness of binary logic. I shall let others speak for me.

In deploring Edmund Morris's use of his alter ego as a fictional narrator of Ronald Reagan's life, Michiko Kakutani, the capable book reviewer of the *New York Times*, declared recently that Morris's failing was partly due to "the tenor of the times: the erasure of the lines between opinion and fact, the tabloidization of the cultural zeitgeist and the relativistic approach to truth fostered by identity politics."³³ Television, the omnipresent missionary of graphic culture, bears a large responsibility for "erasure of the lines between opinion and fact." It is the nature of television to demand constant movement of imagery, to eliminate any possibility of reflection and consideration as we jump to the next image. Earthquake in Turkey. Mangled buildings. A bombing in Israel. Mangled bodies. Buy Pepsi. It's the real thing. The President speaks. Bad Republicans. Nike. Just do it. The Mets lost again. There goes the pennant. Fall into The Gap. Floyd has gone, but North Carolina is under water. Gert is stewing near Bermuda. Relax in your BMW. Is it any wonder that opinion and fact have dissolved into a flaccid goo at the bottom of the laboratory beaker called America? And the imagery is all entertainment, despite what the flacks of television will say. The mangled bodies in Turkey and Israel are of no *personal* concern to the viewer; in the guise of news what instead is conveyed is a ghoulish form of entertainment — a practice reinforced by television's habit of trivializing tragedy by interspersing commercial pitches and sports scores amongst the human disasters of the day, to say nothing of the crass practice of showing a brief image of sheet-shrouded bodies, coupled with the voice-over "murder in Oakland; details at 11." The print tabloids pioneered coverage of the sensational and the lurid, because they knew it would entertain and thus sell.

A recent book, *New York Noir: Crime Photos from the Daily News Archive*,³⁴ illustrates the point. From a blurry photo of the execution at Sing Sing in 1928 of Ruth Snyder to a crisp photographic capture of bloody corpses, bewitching suspects, and tough-guy prosecutors, the *Daily News* traded in tragedy as entertainment. Is it any wonder that as graphic culture assumed preeminence, the tabloid approach to print would become the dominant trope of the graphic age? The camera is no respecter of boundaries, whether of privacy, moral decency, or human dignity. It records the reflected light that streams through its briefly opened lens — indifferent to the use, the effect, or the contextual significance of the images that result. This ability to erase mental, social, or ethical boundaries, when coupled with the product-driven ethos of mass culture, has produced a progressive lessening of the boundaries to civic discourse that once were present in the more reflective culture of print. The contemporary propensity to probe every aspect of the life of public citizens is the predictable result. Does Bill Clinton prefer jockey or boxer shorts? Did George W. Bush snort cocaine 25 years ago? Did Gary Hart have sex with a woman not his wife aboard *Monkey Business*? Does Gary Bauer have a mistress? Finally, in a world without reference points, is it surprising that notions of truth should descend into nothing more than ignorant individual viewpoints? In a culture that sneers at the very idea of truth and belittles it as the creed of slow-thinkers who have yet to get up to speed with Derrida or whoever is at the cutting edge of the deconstructionist nonsense of today, any crackpot idea will suffice as “truth.” A civic discourse of tribal identity makes sense in such a culture, or at least it makes as much sense as a civic discourse based on phrenology or astrology.

George Trow argued in 1981 that the graphic age is situated in a “context of no context.” By this he meant “that television would establish the context of no context, and then chronicle it.”³⁵ Later, Trow illustrated the occurrence of his prediction by describing a 1997 C-SPAN discussion of violence on television. “It was all about ratings, how we do this, how we do that. There was one great gap.... [W]hen the people on this program talked about context, they talked about the context of the television program — nothing about the context of history, nothing about the context of American social life, nothing that could lend a sense of *sequence* to what’s happened in this remarkable television avatar. When they talked about context, they just meant what the producers of the show had cre-

ated in the way of context."³⁶ Of course it would be thus. The guardians of mass culture know no other context than that they create, and so successfully is it accepted in lieu of real experience that it becomes accepted *as* real experience. When this is the context of civic discourse, the only discourse that can occur is a narcissistic, self-referential debate about meaning within the sterile confines of mass culture. Should we be surprised at the American public's salacious fascination with President Clinton's uses of cigars, or Monica Lewinsky's underwear preferences?

Neil Postman describes American technopoly as "progress without limits, rights without responsibilities, and technology without cost. The Technopoly story is without a moral center. It puts in its place efficiency, interest, and economic advance. It promises heaven on earth through... technological progress. It casts aside all traditional narratives and symbols that suggest stability and orderliness, and tells, instead, of a life of skills, technical expertise, and the ecstasy of consumption.... It answers [Allan] Bloom by saying that the story of Western civilization is irrelevant; it answers the political left by saying there is indeed a common culture whose name is Technopoly and whose key symbol is now the computer, toward which there must be neither irreverence nor blasphemy."³⁷ Susan Faludi³⁸ argues that the result of these cultural shifts has been to transform a culture that valued commitment, loyalty, mastery of craft, duty, and, yes, even honor, into an "ornamental culture," one in which image and celebrity are the twin gods of the modern commercial Olympus, "a society drained of context, saturated with a competitive individualism that has been robbed of craft or utility, and ruled by commercial values that revolve around who has the most, the best, the biggest, the fastest."³⁹ It should not surprise us that in such a culture, there is altogether too much talk about rights and entitlements and too little talk about obligations and duties.⁴⁰ When civic discourse in such a culture rises above the level of mere entertainment, it becomes just another self-centered whine. "I want it all, now," could easily be the national motto, and surely it would be a more appropriate one than "In God We Trust." Democratic self-governance cannot survive indefinitely, however, if the sovereign people uniformly adopt "me first" as their individual and collective credo. Some recognition of the need to curb one's self-interested behavior to achieve a common good is indispensable to democracy. When civic discourse becomes a babble of self-promotion it is neither civic nor much of a discourse.

III. *Thoughts About the Future*

There is a tradition of sorts that authors of jeremiads are obliged to offer some prescriptions for positive change. The easy way out would be to suggest that American culture and the public discourse it has spawned is irredeemable, but I am not that far descended into the inferno of despair. I hesitate, however, to offer either prescriptions or predictions. My prescriptions are harsh and will not be taken. Television will not be eliminated. The graphic culture is well-entrenched; not very many Americans are likely to abandon it willingly. And I am no seer. A few years ago, I participated with Jesse Choper in a panel discussion of the Supreme Court's then-forthcoming term. In the question and answer period I took a questioner's invitation to predict the outcome of *Romer v. Evans*, which was on the docket for that term. Choper declined, quipping: "He who lives by the crystal ball must be prepared to eat ground glass." So I neither will predict nor prescribe.

But I will ruminate a bit about the future. The only redemptive prospect I see is, ironically, in the internet. Although computers, and the web of computers that compose the internet, have the pernicious qualities I have discussed, the internet is not the purely graphic medium that is television. It contains the possibility of exchange of print culture thoughts — whether through e-mail, on-line discussion groups, web sites, data bases, or the availability of electronic manuscripts, whether or not also published in some other format. It may be that the internet represents a salvation of print culture, albeit a faster-paced and technologically altered print culture. One of the many problems with the internet, however, is the mammoth amount of unfiltered information available. We may know that a racist hate site spews garbage, but there is no social institution *present in the internet* that says so. I believe firmly that technology is ideological, and so I am convinced that the ideology of the computer, and specifically the internet, is present but probably not fully revealed to us. Just as the industrial revolution of the late 18th and 19th centuries initially mechanized the production of pre-existing goods (substituting the power loom, for example, for the hand shuttle) before the telegraph revolutionized human understanding about the nature of the world, so the information revolution produced by the computer initially has mechanized familiar processes (e.g., writing, architectural

drafting, accounting, data storage and retrieval, even teaching), but eventually will trigger a revolution in human understanding similar in scope to telegraphy. The industrial revolution begat graphic culture; the information revolution will give birth to a post-graphic culture. Perhaps civic discourse will revive in that culture; it has little future in the age of mass, graphic culture.

- 1 See, e.g., Bruce Ackerman, *We the People: Foundations* (Cambridge: Belknap, 1993) and *We the People: Transformations* (Cambridge: Harvard, 1998). Though Ackerman is not the first to recognize these three dates as especially important moments in American constitutional history, he certainly has been at the head of the pack of constitutional theoreticians seeking to make intellectual mileage out of these pivotal episodes.
- 2 Alan Brinkley, *The Unfinished Nation* (New York: Knopf, 1997), p. 83.
- 3 Kenneth A. Lockridge, *Literacy in Colonial New England: An Enquiry into the Social Context of Literacy in the Early Modern West* (New York: W.W. Norton, 1974), p. 4.
- 4 See Brinkley, *supra* note 2 at 83.
- 5 See Lockridge, *supra* note 3 at 38-42.
- 6 Neil Postman, *Amusing Ourselves to Death: Public Discourse in the Age of Show Business* (New York: Viking, 1985).
- 7 Neil Postman, *The Disappearance of Childhood* (New York: Vintage, 2d ed., 1994), p. 23 (citing an unpublished paper of James Carey discussing the insights of Canadian communication theorist Harold Innis).
- 8 Elizabeth Eisenstein, *The Printing Press as an Agent of Change* (Cambridge: Cambridge University Press, 1979), pp. 103-104.
- 9 Since Christianity was the dominant religion of Europe when typography appeared (and for centuries thereafter), and was the dominant religion in 18th and 19th century America, I conflate religion and Christianity — a fusion that, of course, is preposterous in *fin de iecl*e America.
- 10 See Postman, *supra* note 7 at 36.
- 11 *Calder v. Bull*, 3 U.S. 386 (1798).
- 12 *Marbury v. Madison*, 5 U.S. 137, 177 (1803).
- 13 Neil Postman, *Technopoly, The Surrender of Culture to Technology* (New York: Vintage, 1993), p. 66.
- 14 George W. S. Trow, *The Context of No Context* (Boston: Little, Brown, 1981).
- 15 James Salter, "Once Upon a Time, Literature. Now What?," *New York Times*, September 13, 1999, at B1.

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- 16 *Id.*
- 17 See, e.g., Ken Wilber, *A Brief History of Everything* (Boston: Shambhala, 1996).
- 18 George W.S. Trow, *My Pilgrim's Progress: Media Studies 1950-1998*, (New York: Pantheon Books, 1999), p. 16 (paraphrasing the thoughts of Arno Gruen, *The Insanity of Normality*, (H. & H. Hannum, trans. New York: Grove Weidenfeld, 1992)).
- 19 *Id.*
- 20 Jerry Mander, *Four Arguments for the Elimination of Television* (New York: Morrow Quill, 1977).
- 21 *Id.*, at 25.
- 22 *Id.*, at 255.
- 23 Hunter S. Thompson, *Fear and Loathing in Las Vegas* (New York: Fawcett, 1971), pp. 46-47 (Thompson's summation: "[T]his is not a good town for psychedelic drugs. Reality itself is too twisted.").
- 24 See Postman, *supra* note 13.
- 25 *Id.*, at 31.
- 26 *Id.*, at 38.
- 27 *Id.*, at 48.
- 28 *Id.*
- 29 *Id.*, at 71.
- 30 *Id.*, at 73.
- 31 *Id.* at 125-126.
- 32 Malcom Gladwell, "The Science of the Sleeper," *The New Yorker*, October 4, 1999, at 48.
- 33 Michiko Kakutani, "A Biographer Who Claims License to Blur Reality," *New York Times*, October 2, 1999, at A17.
- 34 William Hannigan, "New York Noir: Crime Photos from the *Daily News* Archive" (1999). Excerpts from the photos may be seen in Pete Hamill, "Metro Retro," *New Yorker*, September 27, 1999, at 78.
- 35 See Trow, *supra* note 18 at 15.
- 36 *Id.*, at 15-16.
- 37 See Postman, *supra* note 13 at 179.
- 38 Susan Faludi, *Stiffed: The Betrayal of the American Man* (New York: William Morrow, 1999).
- 39 *Id.*
- 40 See, e.g., Mary Ann Glendon, *Rights Talk: The Impoverishment of Public Discourse* (New York: Free Press, 1991).