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What Makes Modernity Late?

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Abstract

There is a deep, if invisible conflict between our consumer culture and our democratic ideals. It is the result of social processes that, in the last half century, have profoundly transformed how we live and who we are. This paper explores the underpinnings of the condition that many identify as 'late' or 'post' modernity. Rather than focusing on the intellectual transformations wrought by the Enlightenment, it takes up Charles Taylor's dialectical account of the relation between the social developments of modernity and changes in social understandings. It then considers the nature and import of our contemporary practices and conditions, their relation to the 'postmodern', and their implications both at home and abroad for the ability to sustain meaningful democracies under conditions of globalisation.

> 'China has a bad human rights record. But, they make the toys that go in our Happy Meals. We can't mess with that.' Bill Maher on the Tonight Show, 3 January 2004

We live 'in a world in which ideology competes with ice cream'. 'Sales of Prozac have eclipsed the GDP of small nations'. In Bhutan, 'children now make pilgrimages to [Buddhist] monasteries offering prayers and lighting butter lamps while clad in Spice Girls T-shirts'. These are just a few tidbits from Noreena Hertz's *The Silent Takeover: Global Capitalism and the Death of Democracy* (2001, pp. 14, 49, 200). In turn apocalyptic and naively optimistic, Hertz's polemic describes an all too familiar world in which consumerism eclipses politics as the dominant mode or central locus of our lives.

If that claim seems in any way far-fetched, consider the reactions to two of the most momentous events of the last 15 years. *One*: When the Berlin Wall fell in 1989, the *New York Times* headline read 'Jubilation in Berlin; A Day for Celebration and a Bit of Shopping'. The article reported that thousands of East Berliners went home with everything 'from groceries and cosmetics to used washing machines and satellite dishes', and in one case a hand-painted Japanese fan (Protzman, 1989). *Two*: The night of September 11, President Bush went on television to reassure the nation not just that its 'military is powerful and prepared', but also that 'the American economy will be open for business'. Addressing the United Nations on 1 October, Mayor Giuliani urged people to 'come to take a stand against terrorism' by patronising New York's 'restaurants and museums and sporting events and shopping and Broadway' (Schmemann, 2001). President Bush echoed that sentiment two weeks later, urging Americans to get back out there with their credit cards lest 'the terrorists achieve the objective of frightening our nation to the point where we don't conduct business, where people don't shop'.

As the forces of consumerism penetrate cultures around the world, politics has become 'as illusory as the rows and rows of homogenised clothes, standard T-shirts, and cardigans folded in your local Benetton store' (Hertz, 2001, p. 5). Lest *that* claim seem exaggerated, consider the case of Arnold Schwarzenegger: In his first run for political office, the movie star and former bodybuilder

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was elected Governor of California with nearly 50% of the vote. In a statewide exit poll reported by the *New York Times*, voters were asked to identify which of two factors was more important in determining their choice for governor. 57% identified the candidates' position on the issues while only 36% identified the candidates' leadership or personal qualities. Yet, when asked whether Governor-elect Schwarzenegger had addressed the issues in sufficient detail, the same voters said 'no' by a margin of 63% to 36% (Broder, 2003).

These phenomena of consumerism and celebrity culture are united by more than their apparent shallowness. Both are products of deep-seated and pervasive social processes that, in the second half of the twentieth century, have profoundly transformed how we live and who we are. We remain largely oblivious to these processes because they constitute the everyday practices that form the taken-for-granted landscape of our lives. At most, some of us may at times bemoan the excesses of consumer and celebrity culture. But, we rarely stop to reflect on how much of our own lives are absorbed by these very practices.[2] Nor do we often pause to consider the larger social and political implications of this now-comprehensive form of life. We do not think of the purchase of a Sports Utility Vehicle, a family vacation at Disneyworld, a subscription to People Magazine, or our patronage at Wal-Mart as a *political* act. Yet each has social consequences and repercussions far beyond our immediate, supposedly individual 'lifestyle' choice.

In this essay, I explore the underpinnings of our current social condition. My purpose is to provide an aetiology and diagnosis, so to speak, of how we came to the condition that many identify as 'late' or 'post' modernity. In place of the conventional story that focuses on the intellectual transformations wrought by the Enlightenment, I take up Charles Taylor's dialectical account that emphasises the reflexive relation between the social developments of modernity and the concomitant changes in social understandings. I extend this approach to consider the nature and import of our contemporary practices and conditions, their relation to the 'postmodern', and their implications both at home and abroad for the ability to sustain meaningful democracies under conditions of globalisation.

So what?

The standard story locates the genesis of modernity in the conflict between reason and religion. On this familiar account, religious belief is a prejudice to be overcome because it is an obstacle to true and accurate knowledge about the world. Accordingly, modern science begins with a healthy distrust of received dogma and an insistence on reason and empirical proof. Applied to the domain of values, however, the scepticism introduced by modern science and the attendant processes of secularisation proves corrosive. In the absence of some empirical truth about human nature or some transcendental realm of moral reality, there is no indubitable source for securing our most cherished moral values from a disabling scepticism. The loss of faith occasioned by science and secularisation threatens a loss of sure foundations. With nothing else to secure moral justification, diverse or conflicting social practices seem to stand beyond rational approval or condemnation. Science emerges as the only plausible candidate for truth because, as Lyotard (1984, p. 46) explains, it is uniquely able to confirm itself through its own performative success.

On this account, the postmodern is the logical outgrowth or extension of the modern. As Lyotard (1984, p. 79) famously observes:

> 'All that has been received, if only yesterday (*modo, modo*, Petronious used to say), must be suspected . . . In an amazing acceleration, the generations precipitate themselves. A work can

2 It is instructive to watch my students' initial denial dissolve into the shock of recognition – and, often, dismay – as we move through the readings. Unfortunately, I am not having the same success with my family.

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> become modern only if it is first postmodern. Postmodernism thus understood is not modernism at its end but in the nascent state, and this state is constant.'

In his magisterial *Sources of the Self* (1989, p. 313), Charles Taylor offers a different account of modernity that in turn will suggest a different understanding of our current situation. Taylor diagnoses the crisis of modernity as arising not from the loss, but from the *expansion* of moral sources.

> 'Our forebears were generally unruffled in their belief, because the sources they could envisage made unbelief incredible. The big thing that has happened since is the opening of other possible sources. In a predicament where these are plural, a lot of things look problematic that didn't before – and not just the existence of God, but also such 'unquestionable' ethical principles as that reason ought to govern the passions.'

In the eighteenth century, however, the monopoly previous held by theism is challenged by the emergence of two alternative moral sources that, in a variety of ways, continue to define our contemporary thinking (1989, p. 314). The first alternative is the notion of the dignity inherent in some conception of essential human capacities, either rational agency or expressive subjectivity. The second is a conception of nature as a beneficent order accessible either through reason or, in the case of Romanticism, as it is reflected in human feelings and perceptions (1989, pp. 314–315).

According to Taylor, therefore, the crisis of modernity is precipitated not by the loss of foundations, but by a twofold loss of confidence in their efficacy. First, the multiplicity of available moral sources leads to a sense of uncertainty: 'all positions are problematized by the fact that they exist in a field of alternatives' (1989, p. 317). Second, the newly available moral sources suffer from an internal instability not applicable to theism. While religion is always susceptible to the sceptical challenge as to truth, its acceptance at least provides a self-sufficient ground for morality. In contrast, the alternative moral sources of dignity and nature are vulnerable to sceptical challenges with respect both to their validity *and* their sufficiency:

> 'Whereas faith can be questioned as to its truth, dignity and nature are also called into question in respect to their adequacy if true. The nagging question for modern theism is simply: Is there really a God? The threat at the margin of modern non-theistic humanism is: So what?'
>
> (1989, p. 371)

The new moral sources are, in Weberian terms, increasingly susceptible to 'disenchantment'. Moreover, the sceptical challenge to the adequacy of these new moral sources also provokes further questioning of their content:

> 'The challenge of inadequacy calls forth continually renewed attempts to define what the dignity that inheres in us as rational or expressive beings, or the good involved in our immersion in nature, consists in. This, and not just the predicament of rivalry and contestation, is what makes modern moral outlooks so tentative.' (1989, pp. 317–318)

Like the standard history, this much of Taylor's account locates the roots of contemporary anxieties about the loss of foundations in the intellectual transformations wrought by the Enlightenment. But this surface similarity should not obscure the more profound differences. The shift of explanatory focus from the loss of foundations to the expansion of moral sources requires comparable changes in our idea of 'foundations'. This in turn will oblige us to revise our understanding of contingency. To see why, we must first consider both the way in which Taylor's account creates a problem with respect to causation and the manner in which he responds to it.

The standard version of the Enlightenment comes equipped with its own internal logic as a story about the advancement of reason and knowledge. Taylor's revision of the standard history correspondingly alters the nature of the causal account that must be given. '[T]he issue shifts from the

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removal of blinkers to the question of how these new sources become available' (1989, p. 313). The 'availability' issue may not seem a problem for many; it may seem self-evident that, in the absence of foundations, there simply are no constraints on the possible sources of values – aside, perhaps, from the limits of human imagination. But Taylor (1989, p. 199) specifically rejects any idealist account. 'No one', he wryly observes, 'really thinks that disengagement entered the culture from the pen of Descartes, or individualism from that of Locke' (1989, 306). The question of how new moral sources are able to enter the culture is, for Taylor (1989, p. 313), of central importance:

> '[I]t's obvious that availability here can't mean that another quite different position is logically conceivable or even that it is there in the tradition. In this sense, a range of pagan views, those of the ancient philosophers, were "available" through most of the mediaeval and early modern periods.'

For Taylor, the crux of any explanation of what causes new moral sources to emerge must be located in the reflexive (he calls it 'circular') relationship between socio-economic developments and moral culture (1989, p. 306). 'Moral ideals', he explains, 'for the most part exist in our lives through being embedded in practices'. By 'practices', Taylor means 'more or less any stable configuration of shared activity, whose shape is defined by a certain pattern of dos and don'ts'. He gives as examples the 'way we discipline our children, greet each other in the street, determine group decisions through voting in elections, and exchange things through markets' (1989, p. 204). New moral sources become 'available' when they 'capture the spirit of a certain unreflecting practice' (1989, p. 308).

Changes in ways of life and their attendant practices, routines, and behaviours alter people's perception and understanding of what it means to live a good life. New moral theories contribute to this process by thematising, rationalising, and providing philosophical warrant for what Taylor (1989, pp. 92–93, 307) calls these emerging 'life goods'. For a new moral source to be perceived as compelling, it must make sense of the modes of life that have come to dominate a given period. The new moral sources of dignity and nature emerge in the eighteenth century because they simultaneously illuminate and advance contemporaneous social developments. Thus, Taylor (1989, p. 306) notes that –

> 'the very success of the new theologies and neo-Stoic philosophy in bringing some stable order to the lives of important milieus in European society, along with the changes to more effective economic and administrative practices – such as agricultural improvements, better-disciplined armies, more effective social control – all helped to accredit the sense of living in a well-regulated interlocking order, to which humans are attuned by their natural endowments, and in which the pursuance of the ends of ordinary life through instrumental reason plays a central part.'

At the same time, the causal loop is circular: 'That is, elements of the culture were constitutive to the developments – as, for example, individual autonomy was for the new forms of economic enterprise and political authority' (1989, p. 307). Still, Taylor (1989, p. 307) cautions that the 'basic relation is that ideas articulate practices as patterns of dos and don'ts. That is, the ideas frequently arise from attempts to formulate and bring to some conscious expression the underlying rationale of the patterns.'

Taylor's dialectical account is important in a number of ways, not least of which is its nuanced conception of contingency. One familiar sense of 'contingency' expresses the idea of accident, uncertainty, and unpredictability – what Merleau-Ponty (1964b, p. 218) describes as 'the idea of a fundamental element of chance in history'. Taylor assumes an important role for this conception of contingency. In his account, the emergence of new moral sources is made possible by more or less fortuitous changes in socio-economic practices.

At the same time, however, there is implicit in this 'made possible' another, very different connotation of 'contingent' as dependent or conditional. For Taylor, the evolution and articulation

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of new moral sources is socially contingent in the sense that they are *contingent on* these socio-economic developments. Cultural practices and conditions, in other words, serve as the grounding experiences that enable, structure, and constitute the advent of new moral sources.[3] So understood, the most significant feature of Taylor's account is that it recasts contingency in a *foundational* role.

It may seem paradoxical to describe contingency as foundational. After all, in analytic terms 'contingency' stands in opposition to the notion of necessity implicit in the concept of 'foundations'. And, in fact, this reconfigured understanding of contingency requires a notion of foundations that is irreconcilable with the more conventional one in at least two ways. First, Taylor's insistence on a reflexive relationship between moral sources and cultural practices rules out the kind of fixed, unilinear relation between base and superstructure characteristic of more traditional notions of foundations (1989, p. 306). Second, and relatedly, the idea of contingency implies some range of non-arbitrary possibilities open to development as opposed to an essential or necessary relation. (To this extent, this connotation of contingency retains some of its conventional, analytic meaning.) This is well illustrated in the paradigm case examined by Taylor. The forms of life that develop in the eighteenth century in fact support three alternative conceptions of moral sources.

Nevertheless, the very idea of a reflexive relationship between moral sources and forms of life presupposes that ideas and practices exist in relations of (mutual) constraint. (To this extent, the notion of contingency as foundational retains some of the traditional sense of foundations as incompatible with a state of total freedom.) Every moral theory is *not* as good as every other, given a certain form of life. As Bernard Williams (1985, p. 161) points out:

> 'Many outlooks that human beings have had are not real options for us now. The life of a Bronze Age chief or a medieval samurai are not real options for us: there is no way of living them. . . . Even utopian projects among a small band of enthusiasts could not reproduce *that* life. Still more, the project of reenacting it on a social scale in the context of modern industrial life would involve a vast social illusion. The prospect of removing the conditions of modern industrial life altogether is . . . another, though different, impossibility.'

That our current situation is just a contingent historical product neither vitiates nor mitigates the degree to which it operates as a constraint. Not every traditional or logically conceivable moral vision could be realised – or, even, meaningful – in the socio-economic conditions of late modernity.

Darwin, Nietzsche, Freud

If the intellectual roots of the 'modern' lie in the Enlightenment, then those of the 'postmodern' can be seen in the nineteenth- and early twentieth-century work of Darwin, Nietzsche, and Freud. Consider Freud's own assessment of the place and import of his work:

> 'In the course of centuries the *naïve* self-love of men has had to submit to two major blows at the hands of science. The first was when they learned that our earth was not the centre of the universe but only a tiny fragment in a cosmic system of scarcely imaginable vastness. This is associated in our minds with the name of Copernicus . . . . The second blow fell when biological research destroyed man's supposedly privileged place in creation and proved his descent from the animal kingdom and his ineradicable animal nature. This revaluation has been accomplished in our own days by Darwin, Wallace and their predecessors . . . . But human megalomania will

3 Compare Merleau-Ponty's (1964a, p. 131) remark that: 'The spirit of a society is realised, transmitted, and perceived through the cultural objects which it bestows upon itself and in the midst of which it lives. It is there that the deposit of its practical categories is built up, and these categories in turn suggest a way of thinking to man.' For discussions both of the underpinnings of this phenomenon in human cognitive processes and of its implications for law, see Winter (2001).

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> have suffered its third and most wounding blow from the psychological research of the present time which seeks to prove to the ego it is not even master in its own house, but must content itself with scanty information of what is going on unconsciously in its mind.' (1996, p. 353)

Nietzsche's absence from this account is striking, though not particularly surprising given Freud's insistence on the status of psychoanalysis as a science and, by necessary implication, his own stature as comparable to Darwin or Copernicus. Nevertheless, Richard Rorty (1989, p. 41) is surely correct about the affinity among these three nineteenth-century figures: Darwin demystified biology, showing how evolution worked spontaneously without the need for a master plan or *tēlos*, 'in the same way in which Nietzsche de-divinised truth and in which Freud de-divinised conscience'. Where Darwin explained evolution as the fortuitous results of mutations and adaptations (Rorty 1991, p. 144), Nietzsche (1967, p. 80) unmasked Truth as nothing more than a 'mobile army of metaphors, metonymies, anthropomorphisms' and Freud tracked 'conscience home to its origins in the contingencies of our upbringing' (Rorty 1989, p. 30).

All three figures were controversial in precisely the way identified by Freud: Each undermined deeply held assumptions and beliefs about Man's place in the world. Even today, Darwinian evolution is unsettling to many because it suggests – to paraphrase Richard Posner (1998, p. 1657) – that we are nothing more than monkeys with big brains. So, too, Nietzsche's trenchant attack on conventional morality as the *ressentiment* of the weak and on value as the imposition of power makes it hard to think of humankind as (in Taylor's words) 'oriented by a notion of the good' (1989, p. 489). As Rorty (1989, p. 20) remarks: 'To say, with Nietzsche, that God is dead, is to say that we serve no higher purpose.'

Freud himself was a prototypical modern in his conviction that psychoanalysis could provide a method by which reason could assert its mastery over the primitive desires, emotions, and compulsions of the unconscious (Taylor, 1989, pp. 45–46, 446). Even so, psychoanalytic theory was profoundly destabilising for at least three reasons. First, to take the human psyche as an object of scientific study is, in an important sense that Freud himself recognised (Gay, 1988, p. xvii), already destabilising because it presupposes that the mind is not transparent to itself and, thus, is in *need* of study. Second, the very idea of an unconscious is vertiginous because it is no longer possible to be confident about what one know or feels; as Derrida (1988, pp. 75–76) observes:

> 'it is sufficient merely to introduce, into the manger of speech acts, a few wolves . . . of the type 'unconscious' (an unconscious pleasure may be experienced as pain, according to *Beyond the Pleasure Principle*), of the type "primary masochism," etc., for the shepherd to lose track of this flock: one is no longer certain where to find the identity of the 'speaker' or the 'hearer' (visibly identified with the conscious ego), where to find the identity of an intention (desire or non-desire, love or hate, pleasure or suffering) or of an effect (pleasure or non-pleasure, advantage or disadvantage, etc.).'

Third, several of the key Freudian notions such as that of infantile sexuality, the Id and the primary process – that is, the agglomeration of primitive needs, appetites, and desires regulated only by the pleasure principle – are unsettling in the same way that evolution is unsettling: They make it difficult to deny our animal nature.

Despite these destabilising qualities, psychoanalytic theory was widely influential and, by the mid-twentieth century, culturally entrenched. 'It is a commonplace', Peter Gay (1988, p. xvii) observes in his well-received biography, 'that we all speak Freud today whether we recognise it or not'. Darwinian evolution is, of course, the cornerstone of modern scientific biology. Nietzsche's influence – though, arguably, less significant – can be seen nonetheless in the work of contemporary postmodern theorists (Taylor, 1989, pp. 487–489), and in the broad secularisation of modern Western culture. What accounts for the success of theories that were in other respects so unsettling?

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Following Taylor, we might put the question this way: What were the socio-economic practices and conditions that these otherwise destabilising theories effectively thematised, rationalised, and justified?

The answer, I think, is no great mystery: If life in the eighteenth century could seem to some as 'a well-regulated interlocking order', that was no longer the case by century's end. The Industrial Revolution in England (arriving later in America and on the Continent), political revolutions in the United States and France, the demise of the mercantile system in international trade, and the spread of market economies ushered in more than a century of dramatic social change. These changes included population growth and urbanisation striking in magnitude: From 1800 to 1900, the population of Europe more than doubled while that of London grew fivefold from 900,000 to 4.7 million, Paris sixfold from 600,000 to 3.6 million, and Berlin nearly sixteenfold from 170,000 to 2.7 million (Wain, 1998, pp. 21–22). Economically, the century saw huge aggregations of wealth, a burgeoning middle class, and a working class simultaneously burdened by the increasingly demanding discipline of factory labour and widespread urban poverty. Commenting on the 'misery which came upon large sections of the working people at this epoch', Toynbee (1884, p. 93) observed that –

> 'they suffered likewise from the conditions of labour under the factory system, from the rise of prices . . . and from those sudden fluctuations of trade, which, ever since production has been on a large scale, have exposed them to recurrent periods of bitter distress. The effects of the industrial Revolution prove that free competition may produce wealth without producing well-being.'

That competition is the natural order of things, that only the most fit survive and prosper, and that those who succeed thereby contribute to the improvement of the species (while those who fall by the wayside actually deserve to), one can see how these ideas could have such purchase in this context. Darwinian evolution became the basis for Herbert Spencer's Social Darwinism: 'The waxing middle classes throughout Europe understood these doctrines and were pleased, for these beliefs not only described the competitive life they led but justified it' (Wain, 1998, p. 44). The philosophy of Schopenhauer and Nietzsche, modified and amplified by psychoanalysis, provided a theory of human nature that complemented and explained these social and economic developments.[4] Concepts such as the will to power, narcissism, the Id and the primary process provided an explanation for the aggressive, acquisitive behaviour of modern competitive economies.[5]

Whether this was good or bad, of course, was quite another matter. Many experienced as distressing this new picture of human grasping unleashed. Both Schopenhauer and Freud saw this aspect of human nature as a problem to be overcome. But, where Schopenhauer had recommended the escape from self and will in the practice of a Buddhist ethic, Freud offered an outlook and remedy squarely rooted in modern Western culture. Psychoanalytic theory counselled that the primary process could and should be tamed by the secondary process answering to the reality principle and the demands of civilisation; for those in whom this has not yet occurred, Freud offered psychoanalysis as the scientific method by which this might be accomplished. For those, on the other hand, who were inclined to celebrate this new picture of human striving, Nietzsche provided a ringing affirmation of the very human power to affirm in the face of an empty cosmos.

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4 Freud claimed never to have read either philosopher closely; of Nietzsche he said: 'There was too much there, he said that took his interest; it was better if he got on with his own work or he would become more interested in Nietzsche's psychology than his own' (Wain, 1998, pp. 288–289).

5 As Eli Zaretsky observes (2004, p. 144): 'The idea that the unconscious constituted an insatiable but also manipulable well of desire was crucial to the development of consumer culture.'

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Figure 1
Charlie Chaplin, *Modern Times* (1936).
Bettman/Corbis

Secondary modern

In Charlie Chaplin's 1936 classic film, *Modern Times*, the Little Tramp is a factory worker driven berserk by the discipline and nerve-wracking pace of the assembly line. In a famous sequence, he throws himself face down on the conveyer belt and is swallowed by the machine. Chaplin's diminutive figure undulates through the maze of giant gears, cogs, and wheels that comprise this grotesque machine – though, as one can see in this still from the movie, the smile on his face suggests that he is still quite enraptured by the very technology that imprisons him. If the problem of modernity was that humanity seemed caught in the giant maw of the means of production, the defining problem of late modernity is that we are deeply, often unsuspectingly entrapped in the mechanisms of consumption. In the introduction, I used the conventional term 'consumerism' to describe the materialist values and shopping habits of contemporary Western society. But, consumer behaviour is only part of a larger system of consumption-related practices that includes suburbanisation, commercialisation, commodification, techno-bureaucratic rationalisation, media saturation, and social fragmentation. I will be using the terms 'consumer culture' or 'consumerism' in this larger sense to refer to this set of associated processes that, together, produce particular kinds of subjects with particular values, understandings, expectations, and modes of behaviour – in short, a particular kind of 'late' or 'post' modern culture.

Industrialisation has, from the start, depended for its success on the entrepreneur's ability to suppress subjectivity both in production and consumption. Henry Ford's perfection of the assembly line represents the high point (or, depending on one's point of view, the nadir) of this process

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on the production side. On the consumption side, the purest statement is Ford's famous (though probably apocryphal) remark that his customers 'could buy a Model T in any color they liked, so long as it was black'. But the roots of contemporary consumer culture run all the way back to the beginning of the Industrial Revolution and can be seen quite clearly in the innovations of Josiah Wedgwood.

Wedgwood, the founder of today's Wedgwood China (whose website still boasts 'Design techniques originated by Josiah Wedgwood'), was an important pioneer in the manufacture and marketing of pottery.[6] When he started his own pottery business in 1759, he adopted the then-novel technique of selling by advance order from showrooms (in London and elsewhere) furnished with samples for display but no stocks for sale (Forty, 1986, pp. 29–30). He later expanded his system of advance order sales with the use of illustrated catalogues and travelling salespersons. Because orders went direct to the factory, there was no need to tie up capital in inventory or risk getting stuck with unsold stock of designs that might prove unpopular.

This mode of doing business, however, created one critical problem: how to maintain the uniformity and consistency of the product. When pottery-making was an artisanal industry – in which one craftsperson was responsible for all stages of production from conception to sale – every pot was unique. Although, by the 1750s, pottery-making had become a manufacturing industry in which the work was divided among as many as seven different crafts, it was still the case that each individual craftsperson could vary the final product – for example, in how the glaze or moulded ornaments were applied to the pot. Accordingly, the order that shipped from the factory often failed to match the showroom samples the customer had seen when placing his or her order. Initially, Wedgwood thought he could solve the problem by 'preparing to make such *Machines* of the *Men* as could not Err' (Forty, 1986, p. 33; emphasis in original).[7] He succeeded in improving the reliability of his product by hiring modellers to specify the designs to be followed, training the potters to work to higher standards, and dividing production 'into yet more stages, which could be supervised more closely' (Forty, 1986, p. 33). Even so, the final 'result depended upon the hand of the glazier and the conditions in the kiln, neither of them particularly dependable' (Forty, 1986, p. 31).

Wedgwood's second strategy was to experiment with different materials. His initial product line had consisted of earthenware finished with a green glaze of his own invention. But, while this glaze yielded quite vivid and attractive results, these 'greenware' products proved unreliable because varying kiln temperatures affected the colour and lustre of the glaze. By 1765, Wedgwood had developed a cream glaze that yielded more consistent results. Within a year, the old greenware was replaced with a new line of 'creamware' with basically similar shapes, fewer moulded ornaments, and more intricate, hand-painted decorations (Forty, 1986, pp. 20–21). Over the next several years, Wedgwood continued to perfect his cream glaze and experiment with enamel-printed transfers: 'In time, the pictorial part of the enamel design on creamware was generally applied by transfers, with hand painters working only on edging and repeat patterns, which they could reproduce accurately' (Forty, 1986, pp. 31–32).

Wedgwood's most significant innovation, however, was in design. His original greenware had been prised for its array of moulded ornaments and variety of glazed effects. But these were the very characteristics that engendered such unreliability in his product. The introduction and refinement of

6 Wedgwood is notable for reasons in addition to his impressive technical and entrepreneurial talents. He was a generous supporter of the American and French Revolutions, an advocate of universal suffrage, and an abolitionist. He made and distributed for free thousands of copies of his slave medallion – depicting a kneeling African in chains and bearing the legend 'Am I not a man and a brother?' – which Benjamin Franklin praised as having 'an equal effect to the best written pamphlet' (Kelly, pp. 44–46). Coincidentally, Wedgwood was also the grandfather of Charles Darwin.

7 Wedgwood was among the first to introduce the factory bell, the punch time clock, and a list of rules of behaviour for his workers (Blaszcyk, p. 10).

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a more uniform creamware solved this problem only to create another: how to reintroduce sufficient variety to satisfy consumer demand for novelty without either sacrificing consistency or running up per-unit costs. Wedgwood's striking solution (largely influenced by his friend and, later, partner Thomas Bentley (Forty, 1986, 23)) was to switch from the rococo designs that he and other manufacturers had been making to the neo-classical style then ascendent in England and across Europe. The simpler, more elegant forms of neo-classical design and their large expanses of plain white space made it possible for a given piece of pottery to accommodate a wide array of enamelled patterns. In the later creamware lines – renamed 'Queensware' after Queen Charlotte commissioned a tea service in 1765 (Forty, 1986, p. 21) – Wedgwood sharply reduced the number of shapes available and instead offered a wide choice of enamelled decorations. As Adrian Forty (1986, pp. 40–41) observes:

> 'Once he had decided to concentrate all the work of decoration into the enamelling, the cost of decoration, whether by the cheap process of painted transfers or the more expensive one of hand painting, did not vary greatly if there was one design or a hundred . . .
>
> The development of forms that both suited the methods of manufacture and satisfied the tastes of the market was the work of design. It would not have been enough for the designs just to have appealed to mid-eighteenth century middle and upper-class taste, or to have been such that the craftsmen could be relied on to repeat them consistently: the achievement of Wedgwood's modellers was to arrive at forms which satisfactorily fused the requirements of both production and consumption.'

Wedgwood's new product was tremendously successful. Previously, Chinese porcelain – and porcelain made in the royal works that sprang up across Europe in the early eighteenth century – had been prized by the aristocracy. Wedgwood's innovations in production, material, and design made it possible for the first time to produce high quality ceramic ware at prices that a burgeoning middle class could afford (Blaszcyk, 2000, pp. 4–6).[8] Within 'a few years Wedgwood's creamware took the premier place in the world market for useful wares, displacing completely the heavier earlier pottery bodies' (Mankowitz, 1953, p. 53). Many of the factories producing the older porcelain and glazed earthenware changed over to creamware; 'by 1774 more than a hundred potters in Great Britain were making it' (Mankowitz, 1953, p. 43, n. 1).

Wedgwood's success also involved astute marketing. He realised early on that he could maximise demand by marketing his creamware to this new, middle-class clientele as a symbol of status. As Wedgwood would later write to his partner, Bentley: 'Fashion is infinitely superior to merit in many respects; & it is plain from a thousand instances that if you have a favourite child you wish the public to fondle & take notice of, you have only to make choice of proper sponcers' (Roberts, 2001). Throughout his career, Wedgwood sought patrons among the English aristocracy (Blaszcyk, 2000, pp. 6–8; Forty, 1986, pp. 22–25). He trumpeted Queen Charlotte's patronage on his stationery, in his advertisements, and in the renaming of his product (Blaszcyk, 2000, p. 6). Wedgwood was also keen to cultivate and exploit other royal clients. In 1770, he made a dinner and dessert service for Catherine the Great. This led to a second, larger commission in 1774 for the Empress's Chesmenski Palace at La Grenouillière (the Frog Marsh). Known as the 'Frog service' (for the crest of a green frog on each piece), it consisted of 952 pieces depicting 1,244 different hand-painted scenes of the English countryside. The cost of such extravagance was easily recouped in priceless publicity: before delivery to the Russian Empress, the Frog service was first displayed at a much celebrated exhibition at Wedgwood's London showroom (Kelly, 1975, pp. 22–23).

8 As Blaszczyk (2000, p. 6) observes: 'creamware epitomised middlebrow taste; it cost less than English or Continental porcelain and looked more attractive on tables than common redware dishes, pewter plates, or wooden trenchers.'

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In Wedgwood's eighteenth-century success, we can see two of the core elements of modern consumer culture. Prominent among them is the expression of status through purchase. Wedgwood's genius lay, in part, in his recognition that he could harness the power of emulation – both of peer product-users and celebrity product-endorsers – further to stimulate status-seeking through consumption. Also evident in Wedgwood's early success is the phenomenon I will refer to as *the consumer paradox* – i.e., the paradoxical state of affairs in which choice multiplies as selection due to product standardisation actually decreases. Thus, by adopting what today we would refer to as a modular design and method of production, Wedgwood was able simultaneously to reduce the range of available products (thus, minimising costs) and still satisfy consumer demand for novelty. This effect was multiplied exponentially by his success, as more and more of his competitors further reduced consumer choice by switching over to creamware.

Two hundred and fifty years later, we can confidently say that industrialisation has greatly contributed to wealth and well-being – making available and affordable a previously unthinkable range of products. Nevertheless, the benefits of industrialisation have brought with them a welter of hidden costs. Under modern conditions of mass production, the consequences of industrialisation threaten the core sense of subjectivity upon which our notions of democracy rest.

The key elements of mass production are standardised products made of interchangeable or modular parts, a mass market, and other related economies of scale. Each imposes costs on the consumption side that parallel or complement those with respect to labour that Chaplin so eloquently satirises in *Modern Times*.

Standardisation serves not only to constrain consumer choice, but also to cultivate passivity. Consumers do not order goods to the specifications they need; they choose from an array of alternatives presented to them by manufacturers and designers. Inevitably, competitive market forces mean that the alternatives will be amazingly alike. What manufacturer would risk the mass market by failing to include features offered by a competitor? What was true in Wedgwood's time is no less true in ours. We choose between a Ford or a Toyota, a Sony or a Panasonic, a Krups or a Hamilton Beech, McDonald's or Burger King. We have the illusion of choice; in fact, we merely select from an already determined array of remarkably similar products.

Profit-driven manufacturers necessarily look for ways to create or expand the market for their goods. There are many ways to do so but, in an age of mass media, the most distinctive is advertising. Whether it is selling cars, home appliances, or America Online –

> 'commercial advertising is about the transformation of you, the viewer, offering the promise of prestige and self-esteem, control over your life, luxury and good times, and a work-free existence. In effect, commercials try to inspire in viewers a sense that they can escape from the flawed and mundane state of everyday existence. They appeal to the same desires for freedom and perfection that Disney appeals to, turning the yearning for a better life into a tool of manipulation.' (Sanes)

Indeed, advertising urges us to seek in consumption the meaning and self- fulfilment that is for so many missing in their work. This emphasis on the pursuit of private, individual pleasure as the solution to one's problems cultivates passivity. Instead of looking to politics and the public sphere for fulfilment, we are prompted to find meaning in our lives through consumption and other forms of personal gratification.

Two other aspects of late modern culture are familiar from the world of advertising. The first is the cult of celebrity which drives the market for a broad array of products that extends from Hollywood movies and tabloid journalism in its various forms to virtually any good or service endorsed by a celebrity. The modern celebrity endorsement serves the same function as did Wedgwood's royal 'sponsors': The purpose is to encourage the notion that, through the purchase and enjoyment of the product, the ordinary consumer will obtain the benefits, status, and sense of

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well-being experienced by social elites.[9] A closely related phenomenon is the commodification and commercialisation of signs (songs, slogans, images, etc.) of artistic or political origin and their appropriation for corporate commercial use. John Lennon's 'Revolution' and Jerry Rubin's 'Do it!' have both been employed by Nike to shill for its running shoes; more recently, one of the car manufacturers has enlisted The Who to sell their new moderately priced Sports Utility Vehicle.[10] ('I call that a bargain/ the best I ever had . . .') The idea of this advertising strategy is to harness the power of association to suggest that the consumer can participate in the values, sentiments, or lifestyle characteristic of the original social milieu – or, more simply, to make the product more alluring by associating it with the consumer's nostalgic recollection of the original context.

Another way to entice consumers to shop is to provide an appealing environment. This has been a tool of marketing since the early department stores such as Bon Marché in Paris: 'Great effort was made to make the latter warm, well-appointed, and elegant settings that helped inflame the consumer's fantasies – in a word, enchanting' (Ritzer, 2001, p. 131). But these early efforts pale compared to today's increasingly spectacular shopping malls. The Mall of the Americas in Bloomington, Minnesota, is large enough to contain its own theme park complete with roller coaster, arcade, and miniature golf (Ritzer, 2001, p. 27). This provokes competition to produce ever more fabulous 'cathedrals of consumption'. As George Ritzer (2001, p. 127) notes: 'This is nowhere clearer than in Las Vegas today, where old hotels are being torn down and enormously expensive new ones are being constructed with ever more enchanted themes and settings.'

The spectacular shopping malls, fantastic casinos, elaborate theme parks, and other cathedrals of consumption provide significant economies of scale. The model in the food service industry is McDonald's and for theme parks Disneyland. The organising principle in both cases is increasing rationalisation to maximise 'efficiency, calculability, predictability and control' (Ritzer, 2001, p. 163). A trip to one of the Disney parks consists largely in waiting on long, snaking lines that are marked out with great economy and precision for forty-five minutes to an hour-and-a-half before being loaded onto a tram or boat or similar conveyance to be taken by tableaux of mechanised pirates, animals, and other such attractions. (Then there is Space Mountain, 'brought to you by Federal Express'.) 'Fun' here occurs in 'mass produced, assembly-line form, consciously fabricated and routinely produced over and over' (Ritzer, 2001, p. 130). Interactions that cannot be mechanised are handled by employees trained 'to interact in a staged, scripted, and limited manner with customers' (Ritzer, 2001, p. 39). Just think of the last time you called a company's support line. Was there much difference between the computer menu you first encountered and the customer representative (who could just as easily have been in India as Arkansas) working from a scripted set of responses?

Even before the emergence of these cathedrals of consumption and the attendant bureaucratic rationalisation of their service interactions, the everyday landscape of social interaction had already been transformed by the process of suburbanisation. With the development, first, of suburban strip malls and, then, of regional shopping centres, the 'landscape of mass consumption created a metropolitan society where people no longer left their residential enclaves to enter central market-places and the parks, streets, and public buildings that surrounded them' (Cohen, 2003, 288). Social space, literally, 'became more stretched out, more anonymous' as 'densely populated neighbour-hoods were replaced by sprawling suburban tracts or anonymous tower blocks, downtown areas became entertainment centres with no residents' (Garland, 2001, p. 91). In short, 'modern urban

9 For a discussion of how related mechanisms of identification serve similar legitimating functions in competitive economies, see Winter (2002, pp. 1200–1201).

10 The notable exception to this trend is John Densmore (2002), the former drummer of The Doors, who has used his veto to prevent the commercialisation of their songs.

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development has killed the essential relationships that once made a city' (Oldenburg, 1999, p. 7), leaving in its wake rootlessness, social fragmentation, and a decline in the 'importance of local loyalties and face-to-face interaction settings' (Garland, 2001, pp. 84–85).[11]

The social fragmentation of suburbia, moreover, feeds on itself as suburbanisation has also enabled previously unimaginable economies of scale: Suburban sprawl, together with the increased access provided by the car and the superhighway, has made possible shopping venues of enormous – and enormously impersonal – scale. These include both the warehouse-style stores such as Sam's Club and Costco and the giant supermarkets such as Stop N Shop's Superstores or, as described in the *Washington Post*:

> 'the most giant of all Giants, the biggest supermarket in the Washington metropolitan area, the behemoth at Baileys Crossroads in Virginia, with 66,000 square feet of space and 45,000 varieties of Great American Stuff. It's more than a supermarket, it's an Ultra-Mega-Multi-Super-Duper-Market, complete with a florist shop, a wine store, a Fannie May candy store, a deli, a soup-and-salad bar and machines that dispense cold soda and hot coffee, just in case a shopper's strength starts to wane.' (Carlson, 1990)

Just about the only thing in these supersized venues that is not supersized is human interaction. Here, the costs of consumption are exacted in the loss of basic sociality. Worse, as Ritzer (2001, p. 174) reports, this phenomenon is spreading around the world:

> 'Instead of the traditional method of shopping in the variety of local shops and stands, people around the world are increasingly embracing the American pattern of one-stop shopping at supermarkets, hypermarkets, superstores and shopping malls. Instead of visiting shops where clerks and shopkeepers perform various tasks for consumers, people are increasingly following the American pattern of doing more and more things relating to consumption for themselves. Perhaps most important, the American pattern of making consumption less social is being adopted throughout the world . . . . Whether or not they consume in American-based means of consumption, others around the world are increasingly consuming like Americans.'

Social fragmentation is also built into many of the most common products of consumer culture. With the ready availability of high-quality audio equipment, one no longer needs to leave the house (or join with others) to enjoy first-rate music.[12] Better home video equipment such as DVD players and discs, high definition televisions, and home theatres mean that there is less reason to go to the movies. Better communication devices such as mobile phones outfitted with text and picture messaging capabilities mean that there is less need to interact face-to-face in order to talk to one another. Better computer networking – including the availability of chat rooms, singles sites, cyberdating and cybersex – mean there is less reason to attend a party or go to the local bar to meet people. (The advertising campaign of one liquor company now pleads: 'Chat offline once in a while.')

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11 As Oldenburg (1999, p. 4) observes:

> 'Though proclaimed as offering the best of both rural and urban life, the automobile suburb had the effect of fragmenting the individual's world . . . The typical suburban home is easy to leave behind as its occupants move to another. What people cherish most in them can be taken along in the move. There are no sad farewells at the local taverns or the corner store because there are no local taverns or corner stores. Indeed, there is often more encouragement to leave a given subdivision than to stay in it, for neither the homes nor the neighborhoods are equipped to see families or individuals through the cycle of life. Each is designated for families of particular sizes, incomes, and ages. There is little sense of place and even less opportunity to put down roots.'

12 Russell Baker (1991) commented on the phenomenon more than a dozen years ago: 'Nowadays Whitman would not hear America singing . . . He would write, "I see America listening to nearly perfect Japanese technological reproduction of singing".'

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There is, moreover, a spillover effect as everyday interactions become increasingly rationalised and less social. This is most clearly reflected in new forms of social interaction such as speed dating (which, as a quick online search will reveal, is fast spreading across the English-speaking world). I recently experienced another example on a rare visit with an old friend who lives in another city. After sitting around the breakfast table chatting with him and his wife about our respective families, the two of us went out to spend the day together catching up on life, loves, careers, etc. We decided to see the 'Manet and the Sea' exhibit at the museum, assuming that we would continue our conversation while roaming the galleries. Upon entering the exhibit, however, we were each handed a set of headphones for the state-of-the-art audio tour. Like most of the other patrons, we dutifully donned the headphones and proceeded from stop to stop as the curators and art experts described the provenance and significance of – i.e., the influences reflected in, the conventions broken by – the various works in the gallery. It took two or three rooms before I realised not only that my friend and I were no longer talking, but that *none* of the other couples or groups in the gallery were interacting with one another. I watched with amusement the staccato movements of the crowd as, one after the other, the voices whispering in their ears prompted them to step forward and peer at the self-same brush strokes or effects.[13]

It is not difficult, I think, to see the relationship between these socio- economic practices and the set of ideas or attitudes commonly grouped together as 'postmodernist'. Here, I want to single out three closely related postmodernist themes: the play of signification, performativity, and the decentering of the subject.

Perhaps the most familiar aspect of postmodernism is the move that puts in question the stability and tractability of the sign. Following and radicalising the linguistic turn, postmodernists emphasise the complete textuality of human experience – the degree to which everything is an interpreted 'thing' and not a 'thing' itself. This mediation serves to disconnect the signifier from the signified, and this disconnection in turn sets the sign adrift to appear in different contexts – hence the Derridian concepts of 'play' (1978, p. 289) and 'iterability' (1988, p. 10). This substitution, in which the paucity of reference is filled in by the proliferation of signs, is what postmodernists refer to as 'intertexuality' – the reflexive, self-referential process in which signs refer not to the world but rather to other signs.

Closely related is the postmodernist notion of performativity in which the manifest message of the content is supplanted and superseded by the contextual meaning of its performance. It is a common postmodern manoeuver, for example, to expose rational argument as just the privileging of a perspective, a move in a power game to which the antidote is not refutation but redescription. As Jean Baudrillard (1990, p. 89) observes:

> 'It is obvious that the content mostly conceals from us the real function of the medium. It presents itself as message, whereas its real message (compared to which the manifest discourse is perhaps only a connotation) is the profound structural change brought about in human relations in terms of scale, models, and habits.'

Advertising is perhaps the best example in which the words are less about the meaning than they are the forces and elements of a powerful social practice. So, too, the conspicuous consumption that typifies consumer culture is best understood through the postmodern lens of performativity: The *meaning* of consumer goods is to be found not in their practical utility, but rather in the social

13 One could hardly ask for a more vivid illustration of Horkheimer and Adorno's (1947) claim that mechanisation 'has such power over a man's leisure and happiness, and so profoundly determines the manufacture of amusement goods, that his experiences are inevitably after-images of the work processes itself. The ostensible content is merely a faded background; what sinks in is the automatic succession of standardised operations.'

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practices in which they participate. Thus, Baudrillard (1990, p. 76) points out that consumer goods serve 'a *sociological* function' by means of 'their power of distinction'. 'At any moment, and for any condition of the social structure, this function makes it possible for a given social group to distinguish itself and to designate its status through a particular category of objects or signs' (*ibid.*). We are all familiar with this phenomenon of consumer-item-as-status-marker: viz., successive fads for designer labels, Rolex watches, car phones, SUVs and now Hummers. In a society characterised by upward mobility, the process takes on something of the character of a perpetual motion machine: 'large sectors of the population move up the social ladder, attaining a higher status at the same time as complying with a cultural demand, which is nothing but demonstrating their status through signs' (Baudrillard, 1990, p. 75).

No area of life is immune from this process. 'At all levels of society, generations of "parvenus" need their displays' (*ibid.*). By treating the signifiers of a discourse as detached from their referents, one exposes their performative significance:

> 'Language becomes an object of consumption or a fetish from the moment that, instead of being a vehicle for meaning, it takes on the connotations, vocabulary, and inflections of membership in a group, class, or caste (the intellectual jargon of the 'smart' set, or the political jargon of the parties and cliques); from the moment that language, instead of being *the means of exchange*, becomes the *material of exchange* for the private use of a group or class (its real function being, behind the alibi of a message, one of collusion and recognition); and from the moment that, instead of bringing meaning into circulation, it circulates itself as a password or token of passage in a tautological group process (the group is what it speaks).' (Baudrillard, 1990, p. 96, n. 16)

Meaning, in other words, becomes a function of the practices or forms of life in which the ideas participate; ideational content becomes less important than its social consequences. We are familiar with the phenomenon in which certain books, theories, or citation patterns become indicators of one's affiliation with the 'in' group.[14] Indeed, all too often it seems that even the participants in scholarly debate talk past each other – in much the same way television pundits on the left and right seem to ricochet off each other without ever managing to join issue.

These first two postmodernist themes – the play of signification and performativity – lead directly to the third: the decentering of the subject. Indeed, one can fairly say that the whole point of the emphasis on the play of signification is to decentre the conventional conception of the self as an originary, autonomous agent by stressing its dependence on the conventional systems of signification. So, too, the principal lesson of the focus on the performative dimension of meaning is that the subject's sense of self as the self-directing author of its practices is a self-deception – in psychoanalytic terms, a defence mechanism of the Ego – to avoid recognition of the degree to which the subject is itself an incident of those ongoing practices. Step back from those practices, however, and one can begin to see how much the performative dimension not only dominates the structure and content of social and economic life, but also defines the identity and content of the social actors themselves. In short, where the subject thought it was in control of its practices, it turns out instead to be an effect of its practices understood as the social system of signification in which that subject participates.

In this sense, postmodernism is a reaction to the underlying rationale of the patterns of the socio-economic practices that dominate our era. What is different about postmodern theory – what makes it, in an important sense, anti-philosophical – is that it does not seek to rationalise or justify contemporary practices, but rather thematises them in an inherently critical manner. The goal, as Dreyfus and Rabinow (1983, p. xxvii) explain of Foucault, is to show how 'our culture attempts to

14 In some legal academic circles, citations to Dworkin, Rawls, and Raz serve this function; in others, the icons are Wittgenstein, Kuhn, and Rorty; in yet others, the canonical references are Coase, Arrow, and Director.

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normalise individuals through increasingly rationalised means, by turning them into meaningful subjects and docile objects'. The decentered postmodern subject, in other words, is not a theoretical construct found only in some elite academic departments; it is, rather, the flesh-and-blood consumers – i.e., you and me – who populate the late modern world. And we stand exposed as but the contingent incidents of the ongoing practices that shape us and drive us to express our freedom, our individuality, and our place in life by shopping.

Buy the people, for the people

The 1990s witnessed a thriving cottage industry in which American legal academics travelled to the former communist countries of Central and Eastern Europe to advise them on their transition to democracy and market economies. Not surprisingly, these experts tended to stress American-style constitutional government complete with judicial review. For the most part, they also championed clear, enforceable rules of property and contract both as necessary preconditions for the development of free markets and as essential elements of democracy and the rule of law.

It turns out, however, that there were some problems with this 'used-car salesman approach' to the export of democracy. Despite the wave of triumphalism that followed the fall of communism in 1989 (see Fukuyama, 1992), subsequent experience in Russia and Eastern Europe has yielded decidedly mixed results. In the Autumn of 1999, I spent a fascinating afternoon at the Central Intelligence Agency as part of a seminar for its Strategic Assessments Group on the role of culture in the emergence of market-based economies and rule-of-law values (Winter, 2005). Apparently, neither I nor the two economists on the programme had much impact given current American policy in the Afghanistan and Iraq.[15] Our shortcomings notwithstanding, it remains true that complex social institutions like democracy and competition-based markets cannot simply be transported and implanted straightaway in foreign cultural contexts any more than the life of a Bronze Age chief or a medieval samurai could be reproduced in the context of modern industrial life (Williams, 1985). Realistically, values such as democracy and competition will be available (in the critical sense intended by Taylor) only when they capture something important about the ongoing practices that already constitute a particular culture.

Whatever the indigenous obstacles, it would seem reasonable to expect that democracy and free markets would work together to bolster one another. Because both are forms of social ordering that enable people to maximise their preferences (political and economic, respectively) through individual choice, it would seem that the development of free markets should provide the ground for the emergence of democracy (and vice versa). This was the logic of Clinton Administration policy, particularly toward China. The idea (which dates from the first Bush Administration and has been continued by the current Bush White House) is to use the incentives of free trade to leverage market reforms which, in turn, are expected to lead to democratic reform – 'betting', in essence, 'that China cannot open its markets without also opening its political system' (Sanger, 2000b). Here, too, the results thus far have been rather disappointing.[16]

One reason, perhaps, is that the connection between democracy and free markets may be less comprehensive than meets the eye. The normative appeal of democracy and free markets lies not in their common celebration of individual choice but in the underlying vision of respect for persons that the guarantee of freedom of choice effectuates and expresses.[17] This is what makes morally

15 I guess it was telling when one of the analysts who participated said to me afterward: 'That was fun! We don't usually get to think outside the box.'

16 Much the same is true in Russia where, despite the introduction of democratic institutions, free markets never really took root as corruption and 'crony' capitalism flourished instead (Sanger, 2000a).

17 There are, of course, utilitarian arguments for the superiority of systems premised on individual choice.

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problematic the paternalism of the benevolent despot (no matter how well-meaning) or the enlightened regulator (no matter how well-informed). The problem with paternalism is not just that it supplants choice (for the result may be the same), but that it demeans people's capacity to determine their own best interest. 'Democracy', in contrast, 'has its own internal morality, based on the dignity and equality of all human beings' (Barak, 2002, p. 39). Every conception of democracy includes some notion of minority rights – at a minimum, rights of participation, political expression, and tolerance – that must be respected. Economic competition, though it may be bounded by law, has no comparable limits: In a market, we expect ruthless selfishness ('just looking out for No. 1') and accept that there will, inevitably, be winners and losers.[18]

Democracies and market economies, in other words, thrive on different operating principles. Because even the thinnest conception of democracy involves self-governance in conjunction with other self-directing citizens, other-regarding values such as fairness and equality are integral parts of a functioning democratic order. Market behaviour, which may be unabashedly cut-throat, fosters very different interpersonal values. Studies using the basic Prisoner's Dilemma game demonstrate that subjects with highly acquisitive, materialistic values are less prone to cooperation; ironically, because the design of the study called for subjects to pick their fellow participants from among their friends, the more materialistic subjects also achieved the lowest overall scores as they tended to be playing against like-minded (i.e., equally unco-operative) players (Kasser, 2002, pp. 70–72). It is a commonplace in American politics that the rise of partisanship over the last decade has fomented a marked decline in civility (Stolberg, 2003). Consider, too, contemporary developments in China, where 'an odd change has come about in some shoppers' minds. As members of China's business and political elite, they have come to believe that the world is a huge jungle of Darwinian competition, where connections and smarts mean everything, and quaint notions of fairness count for little' (Zhao, p. 2004).

A second reason for the disconnect between the spread of markets and the spread of democracy has to do with the socio-economic practices and conditions of late modernity. Today, transition to a market economy means participation in the process of globalisation that began in the post-War era with the formation of the International Monetary Fund, the World Bank, the General Agreement on Tariffs and Trade, and its successor the World Trade Organisation. But, the globalisation of markets is the globalisation of consumer culture – and this has been true from the very start. After the American liberation of Paris in 1944, 'Coca-Cola thought that it could use the Eiffel Tower for advertising, flashing a message of unrestrained consumerism all night to a city of resentful existentialists who had already coined the angry term "coca-colonisation"' (Beevor, 2003). When the Berlin Wall fell a half century later, 'the Coca-Cola people were there . . . passing out free six-packs' (Pendergrast, p. 1993). Presently, Euro-Disney and McDonald's – with 29,000 outlets in 120 countries – stand as equally potent symbols that often have equally provocative effects (Barboza, 2003).

The social and psychological consequences of consumerism are, as we have seen, a conformity and passivity that is ironically experienced as individuality and freedom. The consumer paradox – in which the perception of choice grows as selection due to product standardisation dwindles – shapes

18 See *Coppage v. Kansas* 236 U.S. 1, 17 (1915):

> 'wherever the right of private property exists, there must and will be inequalities of fortune; and thus it naturally happens that parties negotiating about a contract are not equally un-hampered by circumstances . . . Indeed a little reflection will show that wherever the right of private property and the right of free contract co-exist, each party when contracting is inevitably more or less influenced by the question whether he has much property, or little, or none; for the contract is made to the very end that each may gain something that he needs or desires more urgently than that which he proposes to give in exchange. And, since it is self-evident that, unless all things are held in common, some persons must have more property than others, it is from the nature of things impossible to uphold freedom of contract and the right of private property without at the same time recognising as legitimate those inequalities of fortune that are the necessary result of the exercise of those rights.'

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political subjects whose very ontology is antithetical to the notions of deliberation and self-determination central to the democratic ideal. The result is, as Robert Putnam (2000, pp. 37–41) observes of America, an increasingly passive political sphere dominated by increasingly professionalised political parties:

> 'Barely two decades ago election campaigns were for millions of Americans an occasion for active participation in national deliberation. Campaigning was something we did, not something we merely witnessed. Now for almost all Americans, an election campaign is something that happens around us, a grating element in the background noise of everyday life, a fleeting image on a TV screen. Strikingly, the dropout rate from these campaign activities (about 50 percent) is even greater than the dropout rate in the voting booth (25 percent).'

Here, as elsewhere in our late modern culture, voters are reduced to passive spectators and consumers of sound bite politicking, staged campaign events, and content-free televised debates. 'Participation in politics is increasingly based on the checkbook, as money replaces time' (Putnam, 2000, p. 40).

The second core element of modern consumer culture is the expression of status through purchase. What largely distinguishes consumers from simple purchasers is that consumers are motivated by concerns that extend beyond the practical utility of the goods they purchase: consumers buy to signal status, to express their sense of self, or to sustain their sense of psychological well-being. Ironically, this means that, though consumers can and do drive the market through demand, they can also be driven *by* the market to express themselves via consumption (and, thus, maximise profits for manufacturers). Consumerism is, therefore, a form of subjectivity that is *by definition* not self-governing because it is a form of subjectivity that is uniquely vulnerable to the manipulations of those who seek to stimulate demand by playing on one's anxieties about status, individuality, and sense of well-being. And, as we are all too painfully aware, this is the very vulnerability that is so successfully exploited by modern political campaigns. The proximate result of our acculturation under contemporary socio-economic conditions is a 'democratic' process in which voters behave more like the passive consumers of prepackaged political products than the self-governing citizens of a functioning democracy. It should come as no surprise, then, that Americans are apathetic about politics, cynical about politicians' motivations, suspicious of their government, and prone to elect movie stars.

The fundamental predicament for the study of law in context is that the reproduction, expansion, and entrenchment of these socio-economic practices undermine many of the bedrock assumptions that sustain our notions of law and democracy. Worse yet, the glorification of the individual that is a hallmark of Western culture – enshrined equally in Anglo-American law, our democratic tradition, and our market economies – helps produce a self that is uniquely vulnerable to precisely the market-bureaucratic practices that regulate and drive late modern, consumer culture.

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