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Media & Culture Series

媒介文化中的罪与法

Crime and Law in Media Culture

〔英〕谢拉·布朗 著
Sheila Brown

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我们希望本套丛书的出版能够让读者有更多的机会了解、学习和借鉴国外先进的研究成果。我们欢迎业内专家和学者对我们的工作进行指导,欢迎读者给我们提出宝贵的意见和建议。

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总 序

传播学是 20 世纪诞生于美国和欧洲的一门新兴学科,引进中国只有二三十年。1998 年国家教育部才将它列入正式学科目录。中国经济持续高速发展,带动了媒体产业的大改革、大发展,传播学就成了顺应时代潮流的热门学科。

然而由于这是一门年轻的“舶来”学科,按照一些学者的说法,尚处在从“译介”到“本土化”的初级阶段。在教学、研究的过程中,我们常感到对一些术语、概念、理论难以把握,往往是众说纷纭、莫衷一是。有时在激烈争论之后才发觉问题出现在翻译上。例如将“communication”译为“传播”,有人就方便地将“传播”误解为“宣传+广播”。既然新闻是宣传,传播也是宣传,就可以用“新闻传播学”来涵容,甚至取代传播学。有人说,新闻学研究新闻媒体,新闻媒体就是大众媒体,所以新闻学与传播学没有多大区别,因为新闻学研究的就是大众传播。于是出现了将传播学视为新闻学之分支的怪现状。究其原因,一些模糊或错误概念的产生,根子还在对原义的理解。仍以英文“communication”为例,这个词在中文里没有对等词,译为“传播”是很勉强的。“Communication”含有双向的意思,如:“to share or exchange opinions”(Longman Dictionary of Contemporary English),而中文的“传播”有明显的从一方传往另一方的倾向。如果直接阅读英文词典或原著中对“communication”的界定和解释,就很容易把握原义,在讨论中也可以避免因译文歧义而白费口舌。

以本人阅读译文的亲身体验为例。在读亚里士多德的《修辞学》时我查看了几种英文译本,其中最令我受益的是 1926 年的译本,它采用希腊文原文与英译文逐页对照的版式。其他英译本多将书名译为“Rhetoric”(中国人民大学出版社的最新中文译本也译为《修辞学》),而 1926 年英译本却译为“Aristotle's 'Art' of Rhetoric”。这是按照希腊文原版直译出来的,中文对应译文为《亚里士多德的讲演“读本”》。希—英对照译本传达了其他译本中“损失”掉的一个重要的意义:“art”在希腊文中是多义词,此处的“art”意为“handbook”(读本、手册),也就是讲演手册。亚氏写此书的背景是,他不满足于当时“智者”(Sophists)们撰写的多种“读本”(art),于是自己写一部读本来正本清源,因而书名为《亚里士多德的讲演“读本”》。如果不是读到 1926 年的希—英对照译本,笔者就无法了解原著书名所具有的如此重要而丰富的信息。

我们当然不能一概否定甚至取消翻译,因为没有翻译,不同文化之间就无法交流,艺术家、科学家、思想家的智慧就不可能为全世界共享,人类文明也不可能像今天这样灿烂。然而目前我们的翻译作品,尤其是学术著作的翻译,反映出浮躁、不负责任的态度。

我们需要大力提倡认真、严谨的译风,像严复那样,“一名之立,旬月踌躇”。对于学术译作,如果有条件,我们还应当尽量提供方便,至少让读者在遇到疑问时能够查对原文。

基于以上理由,北京大学新闻与传播学院与北京大学出版社共同编辑出版了《世界传播学经典教材》书系,分为英文版和中文版两类。英文版为原著影印本,加上我们的导读或部分译文;中文版为全文翻译,而每部英文中译本都有原作可以对照。书系中所有影印本和中译本都将依据我们获得版权的原著最新版本。

《世界传播学经典教材》书系共14部,包括下列类型的著作:(1)传播学中有影响的名著,如曾10次再版的《说服:接受与责任》(*Persuasion: Reception and Responsibility*)。(2)传播学的重要分支学科,如《组织传播:方法与过程》(*Organizational Communication: Approaches and Processes*)、《跨文化交流》(*Communication Between Cultures*)、《媒介法原理》(*Major Principles of Media Law*)、《电子媒介经营管理》(*Management of Electronic Media*)等。(3)综合性研究,如《媒介研究:文本、机构与受众》(*Media Studies: Texts, Institutions and Audiences*)和《影响的互动:新闻、广告、政治与大众媒介》(*The Interplay of Influence: News, Advertising, Politics, and the Mass Media*)等。

我们即将推出的第二个书系是《媒介与文化》,包括《媒介文化中的罪与法》(*Crime and Law in Media Culture*)和《电影与文化的现代性》(*Cinema and Cultural Modernity*)等。

《媒介与文化》书系有三个特点:(1)主要是从文化批评的视角来剖析媒介、文化、社会的三角关系。(2)作者多为英国和澳大利亚学者,作品代表美国以外的学术观点。(3)这是一批研究性著作,但作者多数在大学任教或从事研究,他们既有深厚的学术功底,又善于将文章写得深入浅出,所以这些学术著作也多被推荐为大学相关课程的基础教材或必读参考书。

传播学理论的译介是一项庞大的工程,我们欢迎并希望更多同行、专家和有志者参与其事,互相切磋,共同推进传播学在中国的发展。

书籍的前言中经常流行一句套话:由于时间仓促,水平有限,错误在所难免,请读者见谅。有人批评说,时间仓促就不要急着出书,水平有限就应当等水平够格再发表,怎么反过来要求读者原谅呢?这话说得真好。我们将以严肃负责的态度,尽力把好本书系的质量关。读者诸君如发现问题,恳请不吝赐教。

龚文庠 于北京大学

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1 ■ MEDIATIZATION, MODERNITY AND GLOBALIZATION: CRIME AND LAW IN MEDIA CULTURE?

Approaching media, crime and culture

Almost every aspect of social life in western late modern societies is filtered through the 'media experience'. You can check the news and send a fax or email from your mobile phone, shop through your TV, video-cam your most private moments 'up close and personal', and you may daily star (perhaps without your knowledge), on the CCTV screens of your nearest shopping mall. You can animate disasters on interactive news sites, watch TV news 24 hours a day and do nothing else (using your Internet facility in the TV to order dinner). As I write this, you cannot even have a road accident and be sure that a crew will not turn up from something called 'Road Crashes from Hell' (or similar) to expose your foolishness to about 75 million other people. Emotional problems? Take them to Trisha or a similar TV agony aunt. Money problems? Ring 'Who Wants to be a Millionaire?' and win your money on a game show. Health problems? Netdoctor.com will answer your questions anonymously over the Internet. Criminally-minded but don't know how to plan a burglary? There will be an Internet chat room for you. Who did not know a millisecond after the sordid details were revealed about ex-President Bill Clinton's penchant for cigars and buxom young White House interns? And who, by the time this book appears in print,

will never have known all of this because they are already immersed in another set of here-today mediated possibilities and preoccupations? There is little dispute that we are media-saturated, although even that does not quite meet the case, as the potential for the expansion of electronic media into everyday life seems unlimited. What is less well-acknowledged are the far reaching implications that contemporary media culture has for crime and law.

The purpose of this chapter is to explore this theme within a framework that emphasizes theories of modernity and of globalization but also to consider the challenges of postmodern theory and beyond (Thompson 1990; Giddens 1999; McGuigan 1999). The discussion therefore begins 'upside-down', shelving the substantive areas of crime and law temporarily to address the fundamental question of how mediation has been theorized in relation to social life, and what contemporary developments in communications might imply about how we exist as 'mediated beings'. This will include an initial consideration of the inscription of the media in identities, of the media, the public and the private, and on the question of 'distinction' between representation and reality. Who are we in media culture? According to the critical theory of the Frankfurt School, we are passive recipients of junk culture; within more complex theories of modernity we are active subjects negotiating self and identity in an information society; if we adhere to certain theories of globalization, we are the eclectic subjects of McDonaldization and satellite TV; from a postmodern perspective we are avid surfers and grazers, stopping only for a second here or there to snatch a new fragment for our pastiche of self which has replaced identity. The media-subject is thus constituted very differently according to our theory of mediation; private life and public representation are ever more thoroughly embedded within technologies of communication, and it is crucial to grasp what this 'embedding' might entail.

Against this theoretical backdrop, the work of writers in the (broadly defined) domain of criminology will be considered; how has crime and law in media culture hitherto been conceptualized? What are the limits of 'criminology' implied by the contemporary mediascape? Mediation as a social practice – as, essentially, the defining characteristic of 'the social' – implies the interstices between medium and person, self and others, local and global, and the production of the taxonomies of everyday life through all of which crime and law become living processes rather than reified codifications. Has criminology begun to appreciate fully what

media culture means for crime and law? In this, I am working from a questioning of analytical separation of media and culture toward an embedded conceptualization of media/culture which invokes 'mediatization' as a principal contemporary feature of social life with wide ranging consequences for the way in which 'we' (whether the academic 'we' or the more broadly public 'we' of policymakers, lawyers, moral gatekeepers, politicians, and social actors and collectivities) experience, construct, and relate to, crime and law. Ultimately, 'mediatization' will be argued as a social state of being which must be taken into account in any theorization of crimino-legal analysis and not sidelined into a narrowly defined 'media criminology'.

Thought-crime prevention? Early conceptions of the mass and the media

This section concerns the work of the earlier twentieth-century cultural theorists, important in its insistence upon the deleterious effects of media culture upon societies, and upon the analytical separation of 'media' (the cultural industries) and 'society' (the mass of the people upon whose consciousnesses it was inflicted) (During 1993; Inglis 1993).

Most such conceptions of media culture seem to frame culture as a domain for the prevention of thought-crime and the media industries as a narcotic weapon to dumb down 'the masses' into a stupified acceptance of consumerism. Both Left and Right of course, have adopted this view in different ways. Of most importance criminologically however, are the critical theories of the Left that presented the analysis of the media as a question of the cultural reproduction of material power relations in the 'knowledge realm'.

Historically this debate took place among an exiled European intelligentsia, notably those associated with the Frankfurt Institute for Social Research including Max Horkheimer, Theodore Adorno, Herbert Marcuse, Karl Mannheim, and Walter Benjamin. Accounts and critiques of the work of the Frankfurt School are many, and include for example, Jay (1973), Curran *et al.* (1977), Held (1980), Thompson (1990), Inglis (1993) and in the original, Adorno and Horkheimer (1972), and the Frankfurt Institute for Social Research (1973). The debate started from a moral and theoretical critique of capitalist modes of polity and economy centring specifically on the functioning of the 'mass media' in

producing and maintaining capitalist relations of oppression (Adorno and Horkheimer 1973; Curran *et al.* 1977; During 1993). Its ethos is captured in the title of Adorno and Horkheimer's 1940s essay: 'enlightenment as mass deception':

The people at the top are no longer so interested in concealing monopoly: as its violence becomes more open, so its power grows. Movies and radio need no longer pretend to be art. The truth that they are just business is made into an ideology to justify the rubbish they deliberately produce . . . the need which might resist central control has already been suppressed by the control of the individual consciousness. The step from the telephone to the radio has clearly distinguished the roles. The former still allowed the subscriber to play the role of subject, and was liberal. The latter is democratic: it turns all participants into listeners and authoritatively subjects them to broadcast programmes which are all exactly the same.

(Adorno and Horkheimer 1993: 31)

The work of the Frankfurt School needs to be understood in its historical context as a development of Marxist theorizing under conditions of fascism, or specifically Nazism. The rise of Nazism and the centrality of anti-Semitism within Nazi ideology brought starkly to the fore the Hegelian problematic of the dialectical relationship between 'base' and 'superstructure', or the material and the cultural spheres of production. It was seen as necessary to explain *how* and *why* fascism could triumph, apparently against the logic of historical materialism, while German communism collapsed, virtually obliterated in the face of pro-Nazi populism.

For the writers of the Frankfurt School the core of this theoretical endeavour was an understanding of the profoundly destructive effect of capitalist modernity upon the popular consciousness through the manufacture of mass culture. The concept of 'the mass' and 'mass society' in capitalist societies was seen as closely linked to the deindividuation associated with Nazism, and required a psychoanalytic as well as more generally social-economic understanding. Thus, embraced by capitalism, mass consumerism was seen as co-opting the soul and deadening the brain, producing a universally a-critical object rather than a thinking, active, creative subject. This acts to stimulate market 'demand' for more

and more commodities of mass production as symbols of the 'good life'. The good life itself was a perpetually false promise, one that ultimately is always left unfulfilled, thus securing the repetition of the whole process; the achievement of compliance with economic oppression and cultural repression through the commodification of desire itself (Marcuse 1968). Thus capitalism

perpetually cheats its consumers of what it perpetually promises . . . it draws on pleasure [which] is endlessly prolonged; the promise, which is actually all the spectacle consists of, is illusory: all it actually confirms is that the real point will never be reached . . . by repeatedly exposing the objects of desire . . . it only stimulates the unsublimated forepleasure which habitual deprivation has long since reduced to a masochistic semblance . . . Works of art are ascetic and unashamed; the culture industry is pornographic and prudish. Love is downgraded to romance . . . The mass production of the sexual automatically achieves its repression.

(Adorno and Horkheimer 1972; cited in Inglis 1993: 71–2)

The deadening of popular sensibility through the commodification of culture meant that the culture industries represented the truly diabolic face of capitalism; mass communication bringing with it totalizing discourses of desensitization, futile desire, empty voyeurism, and pointless, relentless symbolic consumption which serve only to perpetuate the ends of capitalist accumulation itself.

Somewhat in contrast stands the work of the Italian Marxist Antonio Gramsci. Gramsci's critical legacy from the victory of fascism (resulting in his imprisonment by Mussolini) was a drive to comprehend how widespread consent to the inequalities and injustices of capitalism are achieved, and although he too centralized the sphere of cultural production, his analysis was less bleak; he did not see popular culture as 'the site of the people's cultural deformation' as Bennett aptly puts it (1986: xiii). While the Frankfurt School was strongly bound up with a structuralist standpoint which assumes that power, in the form of cultural domination, is simply poured down people's throats, Gramsci's more complex formulation begins with the taken-for-grantedness of everyday life – the assumptions, values, beliefs and attitudes that we carry around as part of our common-sense universe. However, that universe is not forced into