Religious Experience in the Age of Digital Reproduction

Frederick Mark Gedicks

Roger Hendrix

ESSAY

RELIGIOUS EXPERIENCE IN THE AGE OF DIGITAL REPRODUCTION*

FREDERICK MARK GEDICKS†
ROGER HENDRIX††

*And the angel of the Lord appeared to him in a flame of fire out
of the midst of a bush; and he looked, and lo, the bush was
burning, yet it was not consumed. God called out to him out of
the bush, "Moses, Moses!" And he said, "Here I am." Then he
said, "Do not come near; put off your shoes from your feet, for the
place on which you are standing is holy ground." And he said,
"I am the God of your father, the God of Abraham, the God of
Isaac, the God of Jacob." And Moses hid his face, for he was
afraid to look at God.*

—Exodus 3:2–6

*Now as he journeyed he approached Damascus, and suddenly a
light from heaven flashed about him. He fell to the ground and
heard a voice saying to him, "Saul, Saul, why do you persecute*

*me?" And he said, "Who are you, Lord?" And he said, "I am Je-
sus, whom you are persecuting."*

—Acts 9:3–5

*The Passion of the Christ is the best movie I have ever seen. It
was graphic and faithfully stayed with the Gospel texts. The
neck of my shirt was soaked with tears during the scourging,
and I felt like a softball was lodged in the back of my throat as
the movie concluded. The nearest feeling that I can compare it
to was an altar call experience with God—a heart-pounding,
barely breathing, intense moment with God.*

*—Rev. Steven Usry, Harvest Point United Methodist Church,
McDonough, GA‡*

INTRODUCTION: RELIGIOUS EXPERIENCE IN MASS CULTURE

Less than twenty years ago, it was common for believers in
the United States to criticize the many ways in which mass cul-
ture misrepresented or ignored religious experience.[1] The few
portrayals of religious people as then existed on television or in
the movies—and there were not many—were usually of carica-
tured fanatics or immoral predators. In the vast world of televi-
sion and film, it seemed that the only people who actually went
to church each Sunday were Bill Cosby and the Huxtables.

Times change. Mass culture is now replete with portrayals
of religious experience. Spiritually themed television, movies,
and books have proliferated across the mass media. A growing
number of network dramas have spiritual themes, suggesting
that the positive portrayal of believers in popular culture has be-
come, well, *popular*.[2] Movies with Christian themes are steadily

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‡ Mark   Moring,   *The   Crucifixion   was   an   R-rated   Event*,
CHRISTIANITYTODAY.COM (Feb. 26, 2004), *at* http://www.christianitytoday.com/movi
es/news/040226passion.html.

[1] *See, e.g.*, FREDERICK MARK GEDICKS & ROGER HENDRIX, CHOOSING THE
DREAM 15–16 (1991); JAMES DAVISON HUNTER, CULTURE WARS: THE STRUGGLE TO
DEFINE AMERICA 226–27, 244 (1991).

[2] Mark Nollinger, *On Shows Like "Joan of Arcadia," Spiritual Matters Sud-
denly Matter*, TV GUIDE, Jan. 24–30, 2004, at 41, 41, *available at* http://future.uniti
ngchurch.org.au/index.cgi?tid=15. During the 2003–2004 television season, prime
time dramas with self-consciously spiritual themes included *Joan of Arcadia*, a rat-
ings blockbuster which won a People's Choice award in 2004 for best dramatic se-
ries, in which a sixteen year-old girl receives a weekly "personalized to-do list" from
God; *Tru Calling*, about a morgue worker who has the power to right wrongs com-
mitted against the dead; *Seventh Heaven*, about a Christian family's and its minis-
ter father's grappling with "thorny moral issues"; *Still Life*, a "drama narrated by a

filling the shelves at video rental outlets,[3] and novels and nonfiction books with spiritual themes are now consistently appearing on best seller lists.[4] In the world of music, "worship albums" featuring praises to God are reaching large audiences, and so-called "Christian Rock" is viewed as one of the few vibrant rock genres left.[5] Scriptural and religiously oriented slogans have even taken off in the fashion industry.[6] Christian booksellers, for their part, believe that the mass success of spiritual themes in popular culture reflects a "'widespread spiritual yearning'" felt beyond the world of conservative Christianity.[7] In much of America, it would seem that Christian pop culture is the only popular culture there is.[8]

Mel Gibson's *The Passion of the Christ* is yet another popular success,[9] notwithstanding widespread negative reviews criti-

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murdered police officer who observes his loved ones from beyond the grave;" and *Wonderfalls*, a comedy-drama about a shop clerk who does "good deeds at the behest of talking toy animals." *Id.; see also* Stephanie Kang, *Pop Culture Gets Religion*, WALL ST. J., May 5, 2004, at B1; Walter Kirn, *God's Country*, N.Y. TIMES MAG., May 2, 2004, at 17; Nollinger, *supra*, at 42–44. All of these follow the long and highly successful run of *Touched by Angel*, a weekly drama whose divine protagonists regularly intervened in human life to strengthen faith in God and his goodness. Though some of these programs were not renewed, other spiritually themed programs have taken their place. *See The Coming Weekend: TV Finds Religion, Jim Carrey's Latest*, WALL ST. J., Dec. 16, 2004, at D1 col.2.

   [3] *See* Kirn, *supra* note 2, at 18.

   [4] Bob Minzesheimer, *Search For Meaning Motivates Mainstream Readers: Spiritual Self-Help Novels Climb to Top*, USA TODAY, Mar. 29, 2004, at 1D, available at http://www.usatoday.com/life/books/news/2004-03-28-religious-books_x.htm. Minzesheimer notes that the apocalyptic evangelical series *Left Behind* has sold an estimated 45 million copies, with 60% of new sales in mainstream outlets like Walmart and Barnes & Noble. *Id.* Publishers anticipate the sale of approximately 2 million copies of the twelfth and final volume. *Id.; see also* Kirn, *supra* note 2, at 18. Other spiritually themed best-sellers include RICK WARREN, THE PURPOSE DRIVEN LIFE (2002), and MITCH ALBOM, THE FIVE PEOPLE YOU MEET IN HEAVEN (2003). Minzesheimer, *supra*, at 1D.

   [5] Kirn, *supra* note 2, at 17–18; *see also* John Leland, *Christian Cool and the New Generation Gap*, N.Y. TIMES, May 16, 2004, § 4, at 1 (noting that albums by two Christian bands, Third Day, "which plays Southern rock with Christian lyrics," and Evanescence, "a hard-rock band that mixes Christian and secular songs," entered the week at numbers eleven and twelve on Billboard's top 200).

   [6] Kang, *supra* note 2, at B1.

   [7] Minzesheimer, *supra* note 4, at 1D (quoting president of Christian Booksellers Association).

   [8] Kirn, *supra* note 2, at 18; *see also* Kang, *supra* note 2, at B2 ("Christian themes, often marginalized in the past, now are increasingly present in pop culture.").

   [9] By May 4, 2004—little more than two months after it opened—THE PASSION had earned a domestic gross in excess of $370 million, and was ranked ninth on the

cizing its relentless violence, anti-Semitic stereotypes, and controversial deviations from historical and Gospel records.[10] But *The Passion* is more than popular; the film touched a deep spiritual chord among its mass audience, particularly conservative Christians. One reviewer observed that the crowds who exited the movie on its opening night, Ash Wednesday, were marked by "ashes on their foreheads, eyelids swollen from crying, and a stunned silence."[11] Another remarked that audiences wept, cried out, and turned away at *The Passion*'s intense images of Jesus's suffering, and concluded that for believers, the movie is not a "docu-drama, but a religious experience."[12]

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all-time list of highest grossing American films. *See* The Box Office: The Passion of the Christ, MovieWeb.Com, *at* http://movieweb.com/movies/box_office/daily/film_dail y.php?id=577 (last visited Jan. 3, 2005).

[10] For a sampling of these criticisms and a balanced response to them, see Kenneth L. Woodward, The Passion's *Passionate Despisers*, FIRST THINGS, June/July 2004, at 13 and Correspondence, *Agony and Art*, FIRST THINGS, June/July 2004, at 2–3 (letters to the editor reacting to FIRST THINGS' highly favorable review of THE PASSION, Russell Hittinger & Elizabeth Lev, *Gibson's* Passion, FIRST THINGS, March 2004, at 7–9, together with the review authors' responses). For a collection of the uniformly favorable reactions of Roman Catholic prelates to the film, see *What are Catholics Saying About* The Passion of the Christ?, *at* http://www.catholicleague. org/Passion/
passion.htm (last visited Jan. 3, 2005).

[11] Agnieszka Tennant, *Passions and Tears Abound: What Moviegoers Had to Say After Watching* The Passion of the Christ, *at* http://www.christianitytoday.com/ movies/news/040227-passion.html (Feb. 27, 2004).

[12] David Gates, *Jesus Christ Movie Star*, NEWSWEEK, Mar. 8, 2004, at 50, 52. Comments by those who have seen THE PASSION suggest that many viewers understand it to communicate a powerful spiritual message. *See, e.g.*, Tennant, *supra* note 11 ("'I feel grateful and humbled.' . . . 'I cried through the whole thing.' . . . '[T]hey were nailing him to the cross and . . . he asked God to forgive them. I don't know if I could have done that.'").

[13] MIRCEA ELIADE, THE SACRED AND THE PROFANE 11 (Willard R. Trask trans., Harcourt Brace Jovanovich Inc. 1959)(1957). The classic exposition of this point is EMILE DURKHEIM, THE ELEMENTARY FORMS OF THE RELIGIOUS LIFE 51–57 (Joseph Ward Swain trans., The Free Press 1965) (1915).

[14] ELIADE, *supra* note 13, at 11; *see also* MAX WEBER, *The Social Psychology of the World Religions, in* FROM MAX WEBER: ESSAYS IN SOCIOLOGY 267, 281 (H. H. Gerth & C. Wright Mills eds. & trans., Oxford Univ. Press 1946) (1915) ("[Behind religious belief] always lies a stand towards something in the actual world which is experienced as specifically 'senseless.' Thus, the demand has been implied: that the world order in its totality is, could, and should somehow be a meaningful 'cosmos.'"). In a speech to entering law students, one of Professor Gedicks's colleagues suggested that they could find the sacred even in something as secular and mundane as the study of law:

Our most sacred experiences are bound to us in quiet ways. We enter the temple to make covenants and receive promises that God will reveal Him-

"Religious" or "sacred" experience refers to extraordinary events that occur against the backdrop of ordinary life. Believers define the meaning of their lives by these experiences and thus the reality in which they each live. Mircea Eliade famously argued that one discerns the sacred by its appearance as "wholly different from the profane."[13] Encounters with the sacred reveal "a reality that does not belong to our world," but a reality that is nevertheless revealed through objects and experiences that are "an integral part" of our world.[14] Religious experience, in other words, reveals the meaning of the world; it is the most compelling evidence that the world means something rather than nothing, that it is not "without purpose or significance."[15] Religious experience is an encounter outside of ordinary life that nevertheless infuses ordinary life with a meaning it would not otherwise have.

Religious experience arises out of one of the strongest motivational drives of human life, the need to find meaning in existence.[16] Many human activities speak to this need; religion does so by offering a "'deep understanding' of the place of human beings" in the world, together with "guidance about the most worthwhile way to live" in it.[17] Religion "points to that which is ultimate, infinite, unconditional in man's spiritual life," and thus defines for its adherents that which is most important in their lives, their "ultimate concern."[18]

What is one to make of the fact that mass culture now portrays and even triggers such a deep and significant human experience? On the one hand, it is not necessarily good news for believers that Hollywood has appropriated religious experience as a formula for commercial success. Can encounters with God really be evoked by something as mercenary and prosaic as a movie, a television show, or a rock CD? Many believers are put

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self to us in the sanctifying of our *ordinary* lives: our obedience, our actions in day-to-day situations, our quiet contributions to His kingdom.

I want to emphasize that it will be the same in your law school education. In the small and simple things of your law school experience, great things will come to pass, and those things will be sacred.

Jane H. Wise, *Sacred Experience*, CLARK MEMORANDUM, Spring 2003, at 19.

[15] ELIADE, *supra* note 13, at 165.

[16] VIKTOR E. FRANKL, MAN'S SEARCH FOR MEANING 122–23 (Ilse Lasch trans., 4th ed. 1992) (1959).

[17] KENT GREENAWALT, RELIGIOUS CONVICTIONS AND POLITICAL CHOICE 30–31 (1988).

[18] PAUL TILLICH, THEOLOGY OF CULTURE 7–8 (Robert C. Kimball ed., 1959).

off by purported spiritual reactions to mass culture, thinking them vaguely vulgar, tainted by commercial and other spiritually dubious motivations.[19] And with some reason. There is no doubt that the religious content of many pop vehicles designed to appeal to a mass audience is diluted, so as to enable broad viewer identification with inoffensive actors and themes. The proliferating prime-time portrayals of spirituality, for example, are "deliberately non-specific about the spiritual forces animating their characters' universe."[20] They portray the idea of a deity "unattached to religion," who is variously described as "fate, God, the higher power, the universe, [or] the collected energy source."[21] Likewise with spiritual bestsellers, which tend to be "extra-biblical"—that is, "not what evangelicals consider the literal truth."[22] This pragmatism may have even become normative—that is, it may now be thought that a mass cultural product *should* be tailored to appeal to a wide audience. *The Passion*, for example, was widely criticized as a product of mass culture precisely because of its uncompromising and even sectarian account of the crucifixion.[23]

In short, many believers think that what mass culture portrays as sacred is merely an imitation sacrality that resembles more the ubiquitous feel-good self-affirmation of popular psychology than what has traditionally been considered authentic com-

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[19] *See, e.g.,* Frank Burch Brown, *A Matter of Taste?*, CHRISTIAN CENTURY, Sept. 13–20, 2000, at 904, 905 (arguing that the use of secular media to popularize religious experience risks converting the sacred into the ordinary); *cf.* Charles Trueheart, *Welcome to the Next Church*, ATLANTIC, Aug. 1996, at 1, 3 (observing that the secularized, non-threatening evangelism of the evangelical megachurch movement suggests to traditional Christians "an unseemly market-driven approach to building the Kingdom of Heaven"), *available at* http://www.theatlantic.com/issues/96aug/ nxtchrch/nxtchrch.htm.

[20] Nollinger, *supra* note 2, at 44.

[21] *Id.* at 44, 45 (quoting Bryan Fuller, co-creator of *Wonderfalls*).

[22] Minzesheimer, *supra* note 4, at 1D (quoting president of Christian Booksellers Association); *see also* ALAN WOLFE, THE TRANSFORMATION OF AMERICAN RELIGION 76 (2003) ("Popularity has its obvious benefits, especially for an evangelical form of religion. But popularity means bowing to, rather than resisting, popular culture . . . ."); Kari Haskell, *Revelation Plus Makeup Advice*, N.Y. TIMES, May 16, 2004, § 4, at 14 (By "marketing the Scripture in much the same way as Seventeen sells itself to the average adolescent," one risks the danger that the "'sacred Scripture loses its sense of greatness.'") (quoting Martin E. Marty); Leland, *supra* note 5, at 1 ("'[I]n boiling [Christianity] down, trying to make it relevant, [the alt-evangelical movement] leave[s] out the hard edges and the complicated points . . . mak[ing] the [evangelical] faith less than it is.'") (quoting Michael Novak). The LEFT BEHIND novels are a notable exception to this tendency.

[23] *See* Woodward, *supra* note 10, at 16.

munion with the divine.[24] To paraphrase the late Daniel Moyni-
han, mass culture defines spirituality down.[25]

On the other hand, one can think of the appropriation and
portrayal of religious experience by mass culture as the inevita-
ble and desirable effect of a postmodern digitized world. The
digital revolution has served up direct access to a virtually
unlimited array of information and images in North America,
western Europe, and the rest of the online world, stimulating in-
dividuals to an awareness of spiritual choices and possibilities
that were unimaginable only a generation ago. At the same
time, postmodernism has underlined the implausibility of
achieving social consensus on reality and truth in the face of
widespread and persistent religious difference. The coincidence
of epistemological indeterminacy with direct individual access to
vast global fields of information empowers individuals to choose
for themselves from among the innumerable versions of the real
and the true now available to them. The appropriation and por-
trayal of the sacred by mass culture liberalize and democratize
religious experience, blurring and erasing the boundaries placed
on such experience by denominations and other religious institu-
tions, and permitting believers to define for themselves the spiri-
tual meaning of their lives. From this standpoint, the popularity
of the less-judgmental, less-demanding spirituality produced by
mass culture is merely the effect of individual choice in a well-
functioning market for religious experience.[26]

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[24] *See* WOLFE, *supra* note 22, at 182–83.

[25] *Cf.* Daniel Patrick Moynihan, *Defining Deviancy Down*, 62 AM. SCHOLAR 17,
19 (1993) (arguing that much of the force of contemporary "culture wars" stems from
American society's tendency to redefine "deviancy" so as to exclude conduct that
used to be stigmatized, and to include within the category of "normal" behavior that
was widely considered to be abnormal under earlier standards).

[26] *See* Kirn, *supra* note 2, at 17–18.

America's first two Great Awakenings, in the 18th and 19th centuries,
were not just religious movements, but democratic ones. They offered sal-
vation at the retail level to the underrepresented, the overlooked and the
previously uninterested, and they broke down the old institutional author-
ity of a sheltered, privileged priest class. Suddenly, anyone could go to
heaven, and almost anyone could lead them there. That's what's happening
now, I sense, if you think of entertainers as our new priests and movies,
books and songs as our new catechisms. This isn't a fresh Awakening so
much as a populist, media-savvy continuation of the fervor that first swept
the seaboard colonies [and] then the frontier.

Id. at 18.

There is no decisive, reliable means of distinguishing Moses' encounter with Jehovah in the burning bush, or St. Paul's encounter with Jesus on the road to Damascus, from the religious experiences of ordinary people triggered by *The Passion* and other vehicles of mass culture. The combination of vast information about diverse religious experiences made accessible by the digital revolution, and epistemological uncertainty brought on by contemporary postmodern sensibilities, has moved religious experience beyond the control of denominational and institutional religion to the control of the masses, where marketplace democracy determines what is real and true.

I.   MECHANICAL REPRODUCTION AND MASS CULTURE

Nearly seventy years ago, cultural critic Walter Benjamin published a now-famous essay entitled *The Work of Art in the Age of Mechanical Reproduction*, in which he argued that the relatively new technologies of photography and film had transformed art from a product of elite culture into one of mass culture.[27] In the absence of technology enabling the dissemination of cheap and accurate copies—what Benjamin called "mechanical reproduction"[28]—the experience of the original work of art was the only experience of the work possible. Artistic knowledge was thus necessarily limited to elites of the leisure class who could afford the time and expense of extensive travel abroad to study original works owned by public and private collectors. With the advent of photography, however, one could study any work to which a photographer had gained access. Mechanical reproduction transformed the experience of art from elite and private to popular and public.[29]

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[27] WALTER BENJAMIN, *The Work of Art in the Age of Mechanical Reproduction*, *in* ILLUMINATIONS 219, 221, 241 (Hannah Arendt ed. & Harry Zohn trans., Harcourt, Brace & World, Inc. 1968) (1955).

[28] *See id.*, at 220–22. Although we use the term "mechanical reproduction" throughout this essay to suggest analog reproduction, in German "mechanical" overlaps with and includes meanings that are associated in English with "technical," which potentially includes digital reproduction. *See* Robert Hullot-Kentor, *What is Mechanical Reproduction?*, *in* MAPPING BENJAMIN: THE WORK OF ART IN THE DIGITAL AGE 158, 159 (Hans Ulrich Gumbrecht & Michael Marrinan eds., 2003).

[29] *See* Miriam Hansen, *Benjamin, Cinema and Experience: "The Blue Flower in the Land of Technology,"* 40 NEW GERMAN CRITIQUE 179, 183 (1987); Geoffrey Hartman, *Transparency Reconsidered: On Postmodernism, Fundamentalism, and Other Dark Matters*, 24 CARDOZO L. REV. 1569, 1577 (2003); *see also Aura Hysterica or the Lifted Gaze of the Object*, *in* MAPPING BENJAMIN, *supra* note 28, at 127 (Han Ulrich Gumbrecht & Michael Marrinan eds., 2003) (suggesting that Benjamin may

Several years ago, for example, Professor Gedicks helped one of his children with a paper she was writing in an art history course. They spent several hours one night wandering the stacks of the undergraduate library, looking for books containing photographs of paintings that supported her thesis. The experience was not unlike wandering through a museum, except that they did not have to fly all over the world surveying paintings displayed in multiple locations to find what she needed; everything they needed was accurately reproduced and collected in books.

As recently as 150 years ago,[30] a project as simple as an undergraduate art history paper could have been properly completed only after extensive and expensive travel throughout the world. Copies of original works have always existed, of course,[31] but being hand drawn they were costly, and even the best contained inaccuracies and imperfections that seemed to distort the originals they purported to replicate. When a scholar identified the works relevant to her projects, she needed to travel to the disparate locations where the works were on public or private display, there to spend hours and even days sketching and noting the characteristics of each work so as to preserve them in memory for future use. It may well have taken months, if not years, for a disciplined and dedicated scholar working in a pre-photographic world to have viewed as much art as Professor Gedicks and his daughter did in a single evening at a university library.

II. REPRODUCTION AND THE DILUTION OF AUTHENTICITY

Benjamin's observation about the connection between mechanical reproduction and mass culture implied consequences for art that ran deeper than its popularization. The heart of Benjamin's essay was an argument that mechanical reproduction displaces the priority of the original work as against its mechanically reproduced copies, by undermining the authority of the original, and by weakening the control that physical possession

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have been one of the first to attempt to "democratize" the experience of the original work of art).

[30] A commercially viable photographic process was not invented until 1839, and photographs were not common until the 1850s. *See Photography, in* 9 THE NEW ENCYCLOPÆDIA BRITANNICA 403 (15th ed. 1998).

[31] *See* BENJAMIN, *supra* note 27, at 220.

of the original enables one to exert on the reception of the work.[32] As we have noted, mechanical reproduction permits the widespread and inexpensive copying and dissemination of the work, enabling those of modest means to see and to study the work without the investment of time and money that would be necessary in the absence of reproduction. Mechanical reproduction eliminates the need to visit the location where the original work is physically displayed in order to experience the work.

Ironically, mechanical reproduction can enable a more profound experience of the work than is possible from observation of the original. For example, photographic processes like enlargement, magnification, and color and light filtration bring to the surface aspects of the original that "escape natural vision" and thus would otherwise go unseen or unnoticed.[33] As a consequence, the work as it appears in its original form is not necessarily to be preferred over a mechanically reproduced copy.

Once the original artwork has been mechanically reproduced, the times, places, and conditions under which the work is experienced cannot be wholly regulated by the person in physical possession of the original. Mechanical reproduction enables consideration of the work in a far wider variety of circumstances and contexts. In Benjamin's words, mechanical reproduction

> enables the original to meet the beholder halfway, be it in the form of a photograph or a phonograph record. The cathedral leaves its locale to be received in the studio of a lover of art; the choral reproduction, performed in an auditorium or in the open air, resounds in the drawing room.[34]

These two effects, the dilution of original authority and the weakening of control over the original's display and reception, are dramatically enhanced by technologies of digital reproduction and communication.[35] These technologies permit far more

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[32] *See* Roger Chartier, *From Mechanical Reproduction to Electronic Representation, in* MAPPING BENJAMIN, *supra* note 28, at 109, 109.

[33] BENJAMIN, *supra* note 27, at 222.

[34] *Id.* at 222–23. Mechanical production has even created a new kind of work, the authenticated print, "multiple originals" or "authenticated copies" of numbered and signed etchings or prints "in which reproduction-based multiplicity and authenticity converge." *Aura Hysterica or the Lifted Gaze of the Object, supra* note 29, at 126.

[35] This is true at least with respect to certain kinds of works, such as, obviously, those produced originally in digital media formats, such as digital recordings of live musical performances, or digitally animated films. *See* MARK J.P. WOLF, ABSTRACTING REALITY: ART, COMMUNICATION, AND COGNITION IN THE DIGITAL AGE

accurate, cheaper, and widespread dissemination of images than Benjamin could possibly have imagined from the analog world in which he lived and wrote. Digital technology enables instantaneous and inexpensive distribution of flawless copies of any digital image throughout the world, with just a few mouse clicks.[36] Indeed, if Professor Gedicks and his daughter had been a little more technologically adept, they could have simply browsed the web, downloading (for free!) and printing beautiful, full-color, perfectly detailed reproductions of the paintings his daughter needed, saving themselves the trouble of even leaving home. The implications of such accessibility are breathtaking.[37]

Not only are digital copies of works of art often indistinguishable from the originals they reproduce, they are always indistinguishable from each other. The nature of digital technology enables limitless copying without degradation in quality or fidelity to the original.[38] Digitization also permits limitless manipulation of the work of art, permitting one to display it in multiple contexts, seamlessly improving or otherwise altering its appearance, or combining it with other works.[39] As a consequence,

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59 (2000). Similarly, digitization generates far more realistic copies of works that are largely two dimensional, such as paintings (especially watercolors), than it does of three-dimensional works, such as sculptures.

[36] ANDREW MURPHIE & JOHN POTTS, CULTURE AND TECHNOLOGY 66 (2003); NICHOLAS NEGROPONTE, BEING DIGITAL 4, 59 (1995); WOLF, *supra* note 35, at 66.

[37] *See* Joshua Feinstein, *If It Were Only for Real, in* MAPPING BENJAMIN, *supra* note 28, at 274, 278; *see also* NEGROPONTE, *supra* note 36, at 4 (observing that when converted to digital form, "information can become universally accessible . . . [so that] 20 million people might access a digital library electronically and withdraw its contents at no cost"); WOLF, *supra* note 35, at 72 (suggesting that "high resolution" digital reproductions of original paintings" could be used by galleries, for 'virtual' shows"); Feinstein, *supra*, at 278.

> The Internet has already had a tremendous impact on the circulation of art. Users can participate in bulletin boards where original compositions in music, literature, and computer-generated visual art are posted and critiqued. In the near future, it is likely that the Internet will be a prime means of distributing films, music, and other forms of entertainment.

Id.

[38] *See* LAWRENCE LESSIG, CODE AND OTHER LAWS OF CYBERSPACE 46, 125 (1999); WOLF, *supra* note 35, at 63.

[39] *See, e.g.,* MURPHIE & POTTS, *supra* note 36, at 77–78; NEGROPONTE, *supra* note 36, at 17, 58 (explaining that digitized works can be "cleaned up" and "enhanced" to eliminate reception or recording errors such as "telephone static, radio hiss, or television snow"); Douglas Davis, *The Work of Art in the Age of Digital Reproduction: An Evolving Thesis/1991–1995, at* http://cristine.org/borders/Davis_Ess ay.html (last visited Jan. 3, 2005) ("The moment a painting can be scanned, the 'original' landscape, portrait, or color field can be altered, or cloned, in the manner of a vintage film. Already Ethan Allan, the furniture chain, markets paintings re-

digital technology has obliterated the authority and control of a work that once naturally followed from mere physical possession of the original.[40] (Hence the fixation with intellectual property rights in the digitized world.[41])

Consider, as an example, the cinema, which Benjamin considered the quintessential modern art form because it is wholly dependent upon techniques of mechanical reproduction.[42] Early cinematic works were essentially reproductions of stage plays shot with a single, fixed camera.[43] As such, they were comparable to photographs of paintings; in both cases, there was an original performance or work whose mass duplication and dissemination were made possible by a technique of mechanical reproduction. Film producers eventually realized, however, that they could film actors' performances simultaneously from multiple camera angles, creating remarkable effects by cutting back and forth between the perspectives recorded by the different

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produced on canvas by laser-transfer technology through a printer, acting on dutifully scanned bits."); Jack M. Balkin, *Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society*, 79 N.Y.U. L. REV. 1, 8 (2004).

> Consumers of digital media products are not simply empowered to copy digital content; they are also empowered to alter it, annotate it, combine it, and mix it with other content and produce something new. Software allows people to innovate with and comment on other digital media products, including not only text, but also sounds, photographs and movies. The standard example is the well-known story of *the Phantom Edit*, in which an individual reedited George Lucas's *Star Wars* movie *The Phantom Menace* to eliminate as much as possible of the screen time devoted to a particularly obnoxious character, Jar Jar Binks.

Id.

One of the more controversial exploitations of the manipulability of digitized works is so-called "masking" technology, which enables a viewer to remove offensive words or images from a digital video recording and substitute more innocuous words or images. *See* Vince Horiuchi, *New DVD Player Filters the "Bad" Stuff*, SALT LAKE TRIB., Apr. 10, 2004, *available at* http://www.sltrib.com/2004/Apr/04102004/utah/15 5802.asp; David Pogue, *Add a "Cut" and "Bleep" to a DVD's Options*, N.Y. TIMES, May 27, 2004, at E1 col.1.

[40] *See, e.g.*, Chartier, *supra* note 32, at 111 (observing how simple it is to alter a digitized text, as opposed to a physically published one, without betraying that such alterations depart from the original text); Davis, *supra* note 39, at 4 ("[T]he tiniest turn of the mouse on the software in the Macintosh can indelibly transform—that is, change—the masterpiece's coded imagery forever."); *cf.* Richard Shiff, *Digitized Analogies, in* MAPPING BENJAMIN, *supra* note 28, at 63, 69 ("Digitization shows little respect for the integrity of objects.").

[41] *See* LESSIG, *supra* note 38, at 124–25.

[42] *See* BENJAMIN, *supra* note 27, at 223.

[43] *Cf.* NEGROPONTE, *supra* note 36, at 64 ("It took many years for people to think of moving a movie camera, versus just letting the actors move in front of it.").

cameras.[44]   They also learned that there is no need produce a film by recording the performances in a coherent narrative sequence.[45]   In fact, contemporary filmmaking involves no unified original performance, captured as it existed at a particular time, in a particular place.   To the contrary, a contemporary film is a collection of brief and fragmented performances, recorded out of sequence from multiple perspectives and assembled into a narrative sequence after the fact.[46]   Techniques of mechanical reproduction can place these performances at locations and in contexts vastly different than those in which the actual physical performances were filmed.   An apparent shot of New York City is actually Toronto; a dramatic portrayal of monsters or machines is really miniature clay models; an apparently populated and thriving town is a cardboard village filled with actors on the back lot of a studio.

Unlike a stage play, which is performed at a distinct time, in a distinct place, the film is merely the impersonation of time and place.   In film, reality is reproduced with equipment; in Benjamin's evocative description, the reality presented by film is "an orchid in the land of technology."[47]   The original work of film has no authority even in the analog world, because there is no original work; the film originates as a copy.   And if this copy is digitized, it is indistinguishable from any other copy.   There exists no original against which the authenticity of these copies can be measured; it's just copies "all the way down."[48]

The contemporary film is an assembly of disparate human portrayals placed in contrived or wholly imagined locations to create a unified story that has never been performed as a narrative whole.[49]   There is no sense in which the film can be said to record a unified performance that existed prior to the manipulat-

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[44] *See* BENJAMIN, *supra* note 27, at 230.

[45] *See id.*

[46] *See id.* at 232, 236.

[47] *See id.* at 235.

[48] A widely circulated anecdote tells of a lecture on the solar system by a well-known intellectual (usually identified as Bertrand Russell or William James), after which the speaker is challenged by a feisty and skeptical elderly woman. "'What you have told us is rubbish. The world is really a flat plate supported on the back of a giant tortoise.'" The speaker decides to be gentle. "'What is the tortoise standing on?' 'You're very clever, young man, very clever,' said the old lady. 'But it's turtles all the way down!'" *See, e.g.*, STEPHEN W. HAWKING, A BRIEF HISTORY OF TIME 1 (1988). The anecdote, alas, is apocryphal.

[49] *See supra* text accompanying note 46.

ive effects of digital reproduction. The original performance recorded by a film has no authority, because it does not exist; the digital master of the film can be called the "original," but as a digital recording it can be duplicated and transmitted *ad infinitum* without degradation in fidelity.[50] Which particular copy ends up being labeled the "original" is essentially random.[51] The result is a plethora of copies lacking any characteristic that would mark any one of them as the authentic original work.

III. SALIENCE AND THE IRRELEVANCE OF AUTHENTICITY

Though mechanical reproduction displaces the centrality and authority of the original analog work, Benjamin suggests that it does not eliminate them altogether. The priority of the original rests on its "aura" or "authenticity," "its unique existence at the place where it happens to be."[52] The authentic work has a history, "the changes which it may have suffered in physical condition over the years as well as the various changes in its ownership."[53] The authentic work is also embedded in a tradition which frames its potential meanings and defines its significance. "The authenticity of a thing is the essence of all that is transmissible from its beginning, ranging from its substantive duration to its testimony to the history which it has experienced."[54] None of this can be mechanically reproduced, no matter how sophisticated the technology.[55] There are aspects of a

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[50] NEGROPONTE, *supra* note 36, at 58 ("In the digital world, . . . the digital copy is as perfect as the original and, with some fancy computing, even better.").

[51] Shiff, *supra* note 40, at 70; *e.g.*, WOLF, *supra* note 35, at 79 (observing that the concept of an "original" physical film is inapplicable to animated films created with digital animation techniques); Davis, *supra* note 39 ("There is no distinction now between 'original' and 'reproduction' in virtually any medium based in film, electronics, or telecommunications."); Dave Kehr, *The Face that Launched a Thousand Chips*, N.Y. Times, Oct. 24, 2004, § 2, at 1 col.2 (reporting that the film *Polar Express* was created and stored on computer hard drives until it was completely finished, whereupon it was laser-printed onto film stock).

[52] *See* BENJAMIN, *supra* note 27, at 222–23.

[53] *See id.* at 222.

[54] *See id.* at 223.

[55] *See id.* at 222. Travis Anderson suggested to us that what is not reproducible may be more the product of emotional attachment than aesthetic value. Many art collectors, for example, are attracted to original works because of the connection of the work to the artist, and not necessarily because of the aesthetic experience one has in the presence of the original. *Cf.* Davis, *supra* note 39 (arguing that Benjamin and others ignore the tendency of many people to disregard the logical implications of technology, that collectors continue to bid "wildly in auctions and employ armies of scholars to find the 'original,' the 'authentic' masterpiece," and that even "in an

work, in other words, that can be experienced only in the presence of the original. No matter how flawlessly the original is mechanically reproduced, the reproduction remains in some sense less than the original.[56]

How does this matter in the digital world, if it matters at all? That is, does digital reproduction, like mechanical reproduction, preserve some vestige of the aura of the original, albeit dramatically diminished? The question is not so much whether the original—whatever "original" means in the digital world—retains authority, albeit diluted, but whether any such authority that remains is *salient*—that is, whether and to what extent this authority matters in the postmodern digitized world.[57] An immaterial thing or concept has salience if it is prominent or conspicuous in the context in which it is understood or considered.[58] To paraphrase Jack Balkin, the proper inquiry is not what is new about digital reproduction, but rather how such reproduction alters our perception of what matters about the original.[59]

Before mechanical reproduction, the proper experience of a work of art seemed necessarily to be the experience of the original. The original thus exercised complete and preeminent authority over the experience of itself. With reproduction, we see that experience of the original is not a condition precedent to *any*

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age when copying is high art, when the simple physical availability of vintage masterpieces is dwindling, when post-modern theories of assemblage and collage inform a sensibility that seems our resident state of being, the concept of 'aura' . . . persists").

[56] *See* BENJAMIN, *supra* note 27, at 222.

[57] *See* Balkin, *supra* note 39, at 2–3.
    Instead of focusing on novelty [in evaluating the effect of a new technology], we should focus on salience. What elements of the social world does a new technology make particularly salient that went relatively unnoticed before? What features of human activity or of the human condition does a technological change foreground, emphasize, or problematize?
Id.

[58] *See Salient*, OXFORD ENGLISH DICTIONARY ONLINE, *at* http://dictionary.oed.c com/cgi/entry/50212159?single=1&query_type=word&queryword=salient&first=1& max_to_show=10 (last visited Jan. 4, 2005).

[59] *Cf.* Balkin, *supra* note 39, at 2.
    [T]he Internet and digital technologies help us look at freedom of speech from a different perspective. That is not because digital technologies fundamentally change what freedom of speech is. Rather, it is because digital technologies change the social conditions in which people speak, and by changing the social conditions of speech, they bring to light features of freedom of speech that have always existed in the background but now become foregrounded.
Id.

experience of the work, but merely to a *certain kind* of experience. This possibility was latent in the original work even before mechanical reproduction—and occasionally realized, as when, for example, artists fashioned engravings of master works, or students accurately copied their master's work and style in their master's name.[60] Nevertheless, the possibility of an experience of a work other than the experience of the original was not evident because of the general impossibility of any such experience outside of the physical presence of the original.

The possibility of an experience of a work through mechanical reproduction that is different from an experience of the original raised the further possibility of an experience of a copy of the work that is somehow *better* than an experience of the original. Art critics have observed, for example, that many museum visitors spend far more time examining the reproductions of paintings sold in museum shops than they do the originals actually hanging in the museum.[61] There is also the immense popularity of reality theme parks such as Disney's Epcot Center, which invites one to "[d]iscover a cultural celebration of eleven great nations and enjoy an exotic medley of entertainment from around the world,"[62] without ever leaving the United States. Because Epcot eliminates the inconvenience and expense of actual travel to foreign countries—no pricey over-the-water flights, no passports or visas, no adjusting to local languages and customs, no unfamiliar foods or contaminated water—most Americans can experience far more countries at Epcot than they could reasonably afford (and stand) to actually visit.[63]

There are less fanciful examples of the contemporary preference for copies over the original. On Temple Square in Salt Lake City, next to the headquarters of The Church of Jesus Christ of Latter-day Saints (commonly known as the Mormon church), the church has placed on display a large statue of Jesus entitled the

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[60] *See* VICTORIA CHARLES, REMBRANDT THE ENGRAVER 35 (1997); LISA PON, RAPHAEL, DÜRER, AND MARCANTONIO RAIMONDI: COPYING AND THE ITALIAN RENAISSANCE PRINT 5–28, 84–85 (2004).

[61] *See, e.g.*, Beatriz Sarlo, *Post-Benjaminian*, *in* MAPPING BENJAMIN, *supra* note 28, at 301, 307.

[62] *See* EPCOT's World Showcase, *at* http://www.disney.ca/vacations/Disneyworl d/II/A/2/b/ (last visited Jan. 4, 2005).

[63] Closely related to Epcot are the geo-culturally themed Las Vegas casinos— Epcot plus sex and gambling (or, as the locals are reputed to characterize the Strip, "Disneyland on steroids"). Certainly the Sphinx and pyramids of the Luxor are more fun and less trouble than the real ones in Egypt.

"Christus." The statue is over eight feet tall, and depicts the resurrected Lord with his hands and arms outstretched towards the viewer. The statue is displayed against a large mural on which planets, stars, and galaxies have been painted on a deep blue sky, suggesting the cosmic consequences of Jesus's life and death. The room is lushly carpeted, with scriptural sayings of Jesus playing against a background of sacred choral music. The statue in this setting conveys all of the glory and grace that Christians believe reside in the risen Lord.

Not surprisingly, Latter-day Saints and other Christians who view the Christus on Temple Square often report feelings of awe, love, and wonder—that is, religious experiences. Most do not know—and few care—that the statute is a copy. The original resides in Copenhagen in a museum dedicated to exhibits of works of the original sculptor. Dr. Hendrix has seen the original; it is displayed in a conventional museum setting where the comments of chattering tourists echo off the walls and ceilings of the marble and tile interior. The original in Copenhagen evokes little of the worship and majesty that attaches to the copy in Salt Lake City.

Digital reproduction promises to carry the effects of mechanical reproduction so far that nothing of the original aura will remain. The very idea of the original is already meaningless in digitized media. Digitization enables increasingly accurate replications of physical reality, so-called "virtual reality" or "VR," at a fraction of the cost and with far fewer flaws than was possible by means of mechanical reproduction in an analog world.[64] Moreover, the manipulability of the experience of physical reality facilitated by digitization enables more than an experience that is the same as physical reality; digital reproduction enables an experience that is different from and even preferable to

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[64] *See* NEGROPONTE, *supra* note 36, at 116–19 (observing that interactive digital technology has developed to the point where it can generate digital images that appear to be as "real" as the physical reality they depict); *see also* DAVID BELL, AN INTRODUCTION TO CYBERCULTURES 14–16 (2001) (describing the successful development of 3-D simulators in medicine, architecture, and arcade games in the 1990s, and the more recent development of "desktop" virtual reality programs that extend "text-based MUDs [*i.e.*, "Multi-User Dungeons" or "Domains"], producing 3-D graphical virtual worlds accessible for synchronous interaction over the Internet"); NEGROPONTE, *supra* note 36, at 65–67 (describing the successful development of digital multi-media replications of physical locations for military use in tactical anti-terrorist training).

physical reality.[65]   Digital technology is rapidly advancing to-wards the development of applications to generate fully realistic virtual realities—in other words, applications that enable user interaction with digitized images that perfectly track physical reality.[66]   The development of increasingly realistic VR applica-tions underwrites the hugely popular and profitable products of the interactive games and pornography industries.[67]   Chat rooms, bulletin boards, and other cyber-locations enable users to interact with others in realistic settings under names and with personalities wholly different from those they possess in physical reality.[68]   Indeed, many people apparently prefer to interact with virtual characters in cyberspace than with natural persons in physical reality.[69]

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[65] *See* NEGROPONTE, *supra* note 36, at 116 (Virtual reality "can make the artifi-cial as realistic as, and even more realistic than, the real."); Davis, supra note 39, at 1 (arguing that "virtual reality" is a misnomer, and that a better label would be "realer reality," in recognition that digital technologies enable an experience of physical reality that enhances rather than betrays its essential characteristics); *e.g.*, *id.* at 117 (observing that pilots learn more from flight simulators than they "could have learned in the actual plane," because the simulator permits them to be "sub-jected to all sorts of rare situations that, in the real world, could be impossible, could require more than a near miss, or could rip apart an actual plane"); *id.* at 118–19 ("Jurassic Park would make a fabulous [virtual reality experience:] no crowds, no queues, no popcorn smells (just dinosaur dung). It is like being in a prehistoric jun-gle and can be made to seem more dangerous than any real jungle.").

[66] *See, e.g.*, NEGROPONTE, *supra* note 36, at 7 ("Twenty years from now, when you look out a window, what you see may be five thousand miles and six time zones away. . . . Reading about Patagonia can include the sensory experience of going there. A book by William Buckley can be a conversation with him.").

[67] *See* Don Clark, *Videogames Get Real*, WALL ST. J., Apr. 14, 2004, at B1; *Frontline, American Porn*, (PBS television broadcast, Feb. 7, 2002), *video available at* http://www.pbs.org/wgbh/pages/frontline/shows/porn/view/ (last visited Jan. 4, 2005), *text available at* http://www.pbs.org/wgbh/pages/frontline/shows/porn/special/ politics.html (last visited Jan. 4, 2005); *see also* NEGROPONTE, *supra* note 36, at 82–83 (noting that the videogame industry is now the driving force behind the devel-opment of VR technology).

[68] *See* BELL, *supra* note 64, at 15, 117–35; LESSIG, *supra* note 38, at 11–13, 16, 64–65.

[69] *See* LESSIG, *supra* note 38, at 74 (observing that many participants in virtual reality cyber-spaces spend "upwards of eighty hours a week" interacting with others in the spaces); *see also* BELL, *supra* note 64, at 143–45 (describing research into "ex-tended embodied awareness" that entails integrating the body with electronic and virtual prostheses that enable enhanced or altered experiences of physical reality); Feinstein, *supra* note 37, at 228 ("An electronic universe displaces the prosaic world of direct sensation. Digital technology allows the imagination and spirit to run riot. The constraints of physical existence lose all relevance."); *id.* at 277 ("If Benjamin's major source of anxiety was the power of Fascist myth to obscure the harsh truth of industrial society, today's media pundits and Internet boosters seem to be concerned

The proliferation of digital reproductions of reality threatens to eliminate the very reality that digitization reproduces.[70] Digitization thus marks a decisive shift in the history of reproduction: Even the most advanced forms of mechanical reproduction left some aura, some vestige of authenticity and authority in the original, whereas digitization leaves no aura, no authenticity, no original—nothing but copies.

IV. RELIGIOUS EXPERIENCE IN A POSTMODERN WORLD OF DIGITIZED COMMUNICATION

Mechanical and digital reproduction have altered religious experience in much the same way and for many of the same reasons that it has altered the experience of the work of art. Art has traditionally been distinguished by its "distance from everyday reality," just as religious experience is marked by its contrast with the profane.[71] The transcendent quality of art is accordingly dissolved "by the familiarization of art, by its integration into society, and by its inclusion in the commercial cycle of standardized products."[72] Benjamin himself refers to the "cult value" that art possessed as the symbolic (and sometimes the literal) object of veneration, which was displaced by mechanical reproduction.[73]

Religious experience was formerly the domain of clergy and other theological elites.[74] The clergy were recognized as having authority to adjudicate the authenticity and legitimacy of religious experience. History is replete with the sad fates of those whose experience of the sacred was judged unauthorized, unorthodox, or impossible.

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with the opposite—namely, the intrusion of modern life into a heretofore pristine realm of illusion.").

[70] *Cf.* GIANNI VATTIMO, AFTER CHRISTIANITY 79 (Luca D'Isanto trans. 2002) (arguing that the sheer volume of information made available by digital technology creates "proliferating interpretations without a center" that tend "to weaken the sense of the terms *being* and *reality*").

[71] *See* Aleida Assmann & Jan Assmann, *Air from Other Planets Blowing: The Logic of Authenticity and the Prophet of the Aura*, *in* MAPPING BENJAMIN, *supra* note 28, at 147, 155; *see also supra* text accompanying notes 13–15.

[72] *See* Assmann & Assmann, *supra* note 71, at 155.

[73] *See* BENJAMIN, *supra* note 27, at 225–27.

[74] *See* WEBER, *supra* note 14, at 282–83 (arguing that religious hierarchies always and everywhere seek to "monopolize the administration of religious values," and view individual efforts to achieve salvation "highly suspect" and necessarily subject to ritual regulation and priestly control).

Mechanical reproduction loosened the hold of the clergy on religious experience. During the Reformation, for example, the printing press decisively undermined the clergy's control of the church and the scriptures.[75] The Bible, one of the principal vehicles of religious experience in the West, began its passage from elite to mass product with the Reformation doctrine that Christians might properly and profitably read the scriptures directly, without priestly interpretation or guidance.[76] The Reformation itself may not have occurred without the mass reproduction and distribution of scriptures and tracts made possible by the printing press.[77]

But even the Reformation religions retained boundaries on religious experience. It was Protestant Congregationalists, after all, who conducted the Salem witch trials and executed those accused of heterodox encounters with "familiar spirits." It was likewise Protestants who rigorously enforced the various strictures of the de facto American religious establishment into the twentieth century,[78] including relentless persecutions of Mormons and Jehovah's Witnesses.[79] Although mechanical reproduction loosened the grip of theological elites on religious experience, it was left to digital reproduction to break that grip

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[75] 1 ELIZABETH L. EISENSTEIN, THE PRINTING PRESS AS AN AGENT OF CHANGE 304–05 (1979). Eisenstein argued that Protestantism was the first religious movement "fully to exploit" the press "as a mass medium," that the Reformation was "the first movement of any kind, religious or secular, to use the new presses for overt propaganda and agitation against an established institution," and that the press "ended forever a priestly monopoly of learning, overcame ignorance and superstition, pushed back the evil forces commanded by Italian popes, and, in general, brought Western Europe out of the dark ages." *Id.* at 303–05.

[76] JACQUES BARZUN, FROM DAWN TO DECADENCE 10 (2000); *see also id.* at 4 ("No longer always in Latin for clerics only, but in one of the common tongues, the 16C literature of biblical argument and foul invective began what we now call the popularization of ideas through the first of the mass media."); 1 EISENSTEIN, *supra* note 75, at 303 ("'For the first time in human history a great reading public judged the validity of revolutionary ideas through a mass medium which used the vernacular languages together with the arts of the journalist and the cartoonist.'") (quoting ARTHUR G. DICKENS & GEOFFREY BARRACLOUGH, REFORMATION AND SOCIETY IN SIXTEENTH CENTURY EUROPE 51 (1966)).

[77] *See* BARZUN, *supra* note 76, at 6–7; 1 EISENSTEIN, *supra* note 75, at 307–12.

[78] FREDERICK MARK GEDICKS, THE RHETORIC OF CHURCH AND STATE 14–18 (1995).

[79] *See generally* SARAH BARRINGER GORDON, THE MORMON QUESTION: POLYGAMY AND CONSTITUTIONAL CONFLICT IN NINETEENTH CENTURY AMERICA (2002); BARBARA GRIZZUTI HARRISON, VISIONS OF GLORY: A HISTORY AND A MEMORY OF JEHOVAH'S WITNESSES (1978).

entirely, by altering the salience of the characteristics of religious experience.

When religious experience becomes the ubiquitous product of mass culture, it is correspondingly difficult for denominations and other religious groups to impose orthodox definitions of authentic religious experience on their members. Like all organizations, religions each have their unique doctrines and judgments of authenticity.[80] As with the cinema, however, there is no original available against which one might measure such authenticity.[81] Within a religious community, it is plausible to imagine the formation of a consensus about the kinds of religious experiences that are authentic, and the kinds that are not. Outside the community, however, the authenticity of religious experience (or, for that matter, its inauthenticity) cannot be decisively demonstrated to those who disagree with the community's understanding. From the outside, so to speak, all religious experience is a copy of an original to which no one has unmediated and uncontroversial access.

This has always been the case with religious experience. Such experience is fundamentally hermeneutic, its meaning and significance filtered through culture and history.[82] Human ex-

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[80] *See generally* JEAN-FRANÇOIS LYOTARD, THE POSTMODERN CONDITION 17 (Geoff Bennington & Brian Massumi trans., Univ. of MN Press 1984).

> [Discourse within] an institution differs from a conversation in that it always requires supplementary constraints for statements to be declared admissible within its bounds. The constraints serve to filter discursive potentials, interrupting possible connections in the communications networks: there are things that should not be said. They also privilege certain classes of statements (sometimes only one) whose predominance characterizes the discourse of the particular institution: there are things that should be said, and there are ways of saying them.

Id.

[81] *See* WILLIAM JAMES, THE VARIETIES OF RELIGIOUS EXPERIENCE 15 (First Vintage Books 1990) (1902) (arguing that because the "ordinary religious believer, who follows the conventional observances of his country," has a religion that, "has been made for him by others," there is little point in studying this "second-hand religious life. We must make search rather for the original experiences which were the pattern-setters to all this mass of suggested feeling and imitated conduct.").

[82] *See* Ben Vedder, *The Question into Meaning and the Question of God: A Hermeneutic Approach, in* TRANSCENDENCE IN PHILOSOPHY AND RELIGION 35 (James E. Faulconer ed., 2003) [hereinafter TRANSCENDENCE]; *see also* GIANNI VATTIMO, BELIEF 59 (Luca D'Isanto & David Webb trans., 1999) ("[A]s Jesus taught, the sole truth of Christianity is the one produced again and again through the 'authentication' that occurs in dialogue with history, assisted by the Holy Spirit."); *cf.* JOHN LUKACS, AT THE END OF AN AGE 74–75 (2002) ("The pursuit of truth . . . is also historical—meaning that it changes through the ages. . . . [W]e are ineluctably

perience of the sacred has never been and cannot be divorced from the time and place in which it occurs.[83] This was not evident when the boundaries of authentic religious experience were policed by clergy, who were understood to provide access to an objective divine reality. Nor was it evident when the Christian narrative of the West was "disenchanted," shouldered aside by the optimism of the Enlightenment, which likewise purported to uncover an objective reality, only one that was scientific and physical rather than religious and transcendent.[84]

The impossibility of unmediated access to the divine only becomes evident when all grand narratives are disqualified as complete accounts of the world.[85] This is the simultaneously corrosive and liberating effect of postmodernism—"incredulity toward metanarratives"[86]—which undermines the plausibility of all but the thinnest accounts of the real and the true. To live in a postmodern world is not—at least, not necessarily—to live without foundational or ultimate beliefs, but it is to live with beliefs whose foundational or ultimate character can be decisively demonstrated only to those who already share them. In the absence of access to an "original" experience of the sacred common to all, which could serve as the measure of the (in)authenticity of religious experience, there is no uncontroversial way to demon-

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torical—meaning that it changes through the ages. . . . [W]e are ineluctably involved with history in any attempt to tell the truth.").

[83] *See, e.g.*, CHARLES TAYLOR, SOURCES OF THE SELF 289 (1989) ("We are made what we are by events; and as self-narrators, we live these through a meaning which the events come to manifest or illustrate."); VATTIMO, *supra* note 82, at 60 ("[W]e can no longer conceive salvation to be hearing and applying of a message that does not stand in need of interpretation. Salvation takes place through interpretation.").

[84] *See* MAX HORKHEIMER & THEODOR W. ADORNO, DIALECTIC OF ENLIGHTENMENT 3 (John Cumming trans., Herder & Herder 1972) (1944) (describing "Enlightenment" as the "disenchantment of the world," the "substitution of knowledge for fancy"); *see also* MAX WEBER, *Science as a Vocation, in* FROM MAX WEBER, *supra* note 14, at 129, 155 ("The fate of our times is characterized by rationalization and intellectualization and, above all, by the 'disenchantment of the world.'").

For an account of the implications for religion of the successive displacements of belief by modernity and modernity by postmodernity, see Frederick Mark Gedicks, *Spirituality, Fundamentalism, Liberty: Religion at the End of Modernity*, 54 DEPAUL L. REV. ___ (forthcoming Spring 2005), available at http://www.ssrn/id=634 262.

[85] *See* GIANNI VATTIMO, THE TRANSPARENT SOCIETY 93 (David Webb trans., Johns Hopkins Univ. Press 1992) ("[N]ot only is the world not populated by gods . . . but nor can it be apprehended as an objective given order.").

[86] LYOTARD, *supra* note 80, at xxiv.

strate to persons outside one's own community the truth of one's own concept of religious experience against all others.[87]

The displacement of the "original" religious experience has been accelerated and confirmed by the radical religious pluralism that now exists in American and global society, along with the sheer volume of information and images of that pluralism made accessible by the digital revolution.[88] Digitization makes possible a dynamic and interactive demonstration of the viability of religious experiences other than one's own. In the digital age, one is not restricted merely to receiving information and images of religious difference (though this is powerful enough, given the infinity of information and images whose easy communication digitization makes possible); in the digital world, one can communicate directly with the practitioners of religious difference, and the time is not far off when one might even sample religious practices in virtual reality. The result is that Americans have interactive access to a vast array of credible choices of religious experience, at the same time that the ability of any single religion decisively to demonstrate its epistemological superiority has disappeared. In the face of such diversity and indeterminacy, no single religion can plausibly claim that it alone can access authentic religious experience.[89]

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[87] *See* VATTIMO, *supra* note 85, at 95 ("In the world without foundations, everyone is equal and the imposition of any system of meaning on others is violence and oppression, for it can never legitimate itself by referring to an objective order."); James E. Faulconer, *Introduction: Thinking Transcendence, in* TRANSCENDENCE, *supra* note 82, at 1, 9 ("[T]here is no pure revelation of what is outside to we who stand inside: no revelation of the Other can be dissociated from the horizon into which that revelation projects itself.").

[88] *See* VATTIMO, *supra* note 85, at 6–7 ("In actual fact, the increase in possible information on the myriad forms of reality makes it increasingly difficult to conceive of a *single* reality."); LUKACS, *supra* note 82, at 64–65.

> The quality of every document, of every record, indeed of every kind of human expression, depends on its authenticity. With the oceanic tide of documents—the combined results of spreading democracy, spreading technology, spreading bureaucracy—the authenticity of 'sources' with which the historian must deal decreases; in some cases it even disappears.

Id.

[89] *See* VATTIMO, *supra* note 82, at 52; *see also* VATTIMO, *supra* note 70, at 55–56 ("The simultaneity in which the world of generalized communication makes available, at least in principle, 'all' that human culture has produced or produces, as in a sort of imaginary museum, orients us toward weakening" of metaphysical claims.); VATTIMO, *supra* note 85, at 9 ("If, in a world of dialects, I speak my own dialect, I shall be conscious that it is not the only 'language,' but that it is precisely one amongst many. If, in this multicultural world, I set out my system of religious, aesthetic, political and ethnic values, I shall be acutely conscious of the historicity, con-

In fact, Americans may be moving away from belief in "original" religious experience, though not in the manner sociologists had long predicted. For many years, it was argued that Americans would inevitably abandon religious belief in the face of epistemological challenges by history, philosophy, science, and other secular disciplines.[90] Though secular forces have indeed undermined many claims of the traditional theistic religions,[91] the "secularization hypothesis" itself has been abandoned,[92] swept away along with the Enlightenment pretension of explaining the world in wholly secular terms.[93] This has led to a resurgence and rehabilitation of religion in mass culture and other aspects of public life, but not in its former mode of arbiter of transcendent reality.[94]

The last half of the Twentieth Century saw an explosion of diversity in American religious beliefs and practices, fueled by growth among a diverse range of denominations, sects, and religious communities.[95] Corresponding to this vast increase in reli-

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tingency and finiteness of these systems, starting with my own."); Peter L. Berger, *Reflections on the Sociology of Religion Today*, 62 SOC. RELIGION 443, 449 (2001) ("Modernity pluralizes the lifeworlds of individuals and consequently undermines all taken-for-granted certainties.") (emphasis omitted).

[90] *See, e.g.*, William H. Swatos, Jr. & Kevin J. Christiano, *Secularization Theory: The Course of a Concept*, 60 SOC. RELIGION 209, 214 (1999) (defining "secularization theory," as the claim that, "in the face of scientific rationality, religion's influence on all aspects of life—from personal habits to social institutions—is in dramatic decline").

[91] *See, e.g.*, Gregory P. Magarian, *How to Apply the Religious Freedom Restoration Act to Federal Law Without Violating the Constitution*, 99 MICH. L. REV. 1903, 1985 (2001) ("The last two centuries have brought developments in philosophy and the natural sciences that have scattered Americans' spiritual and conscientious commitments far beyond the range of traditional, theistic beliefs.").

[92] Rebecca French, *Shopping for Religion: The Change in Everyday Religious Practice and its Importance to the Law*, 51 BUFF. L. REV. 127, 160–61, 192 (2003) (presenting evidence from religious scholars that contradicts the secularization theory, such as increased church membership and stable levels of church attendance); David N. Gellner, *Studying Secularism, Practising Secularism: Anthropological Perspectives in Secularism, Personal Values and Professional Evaluations*, 9 SOC. ANTHROPOLOGY 337, 337 (2001).

[93] *See, e.g.*, Berger, *supra* note 89, at 444; French, *supra* note 92, at 160.

[94] *See* Gedicks, *supra* note 84 (manuscript at 9–10 & nn.33–37 on file with the authors).

[95] These include new and break-off fundamentalist and evangelical denominations; so-called "Christian alternative" churches like Christian Science and the Jehovah's Witnesses; traditional African American churches and nonindigenous African religions like the Santeria, Rastafarianism, and Voudou; eastern immigrant religions like Islam, Buddhism, the Bahai, the Sikhs, and Hinduism; new religions

gious difference has been an erosion in the membership of many traditional denominations, and a shift in the religious sensibilities of those who remain within such denominations.[96] Many Americans now "shop" for churches like they do for consumer goods, choosing one because of the individual needs and preferences that it satisfies, rather than the truth-claims that it makes.[97] A related and growing phenomenon is so-called "cafeteria" or "grocery-cart" religion, in which an individual assembles her own personal collection of spiritual beliefs and practices,

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like Scientology and Eckankar; and so-called "New Age" spirituality. *See* French, *supra* note 92, at 142–43.

[96] *See, e.g.*, Berger, supra note 89, at 446–47 (noting the "declining number of people who profess traditional religious beliefs," and the increasing number who define and practice "their religiosity in non-traditional, individualized and institutionally loose ways"). Charles Trueheart describes the "Next Church" as one that has

> [n]o spires. No crosses. No robes. No clerical collars. No hard pews. No kneelers. No biblical gobbledygook. No prayerly rote. No fire, no brimstone. No pipe organs. No dreary eighteenth-century hymns. No forced solemnity. No Sunday finery. No collection plates.
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> The list has asterisks and exceptions, but its meaning is clear. Centuries of European tradition and Christian habit are deliberately being abandoned, clearing the way for new contemporary forms of worship and belonging.

Trueheart, *supra* note 19, at 1.

[97] French, *supra* note 92, at 164.

> Shopping for a new church, temple, or religious affiliation is now commonplace. In the United States, a family that moves to a new town commonly shops around for the church or other religious institution that suits them best. A person might be raised Catholic, not participate in any organized religion for several years, spend a few months in a Zen monastery, and then join the local Baptist church when she settles down and marries. After ten years, when her family is relocated to another part of the country, it is by no means unusual for the family to join a different religious group once they have visited various institutions in the new town.

Id.; see also id. at 165 (relating the experience of a couple who reported that they "'shopped for a church like they would shop for a car, looking for something comfortable and practical'"); Trueheart, *supra* note 19, at 7 ("[Baby] boomers are a needy and motivated bunch—with lots of experience in shopping for spiritual comfort."); BARBARA HARGROVE, THE SOCIOLOGY OF RELIGION 127–28 (1979).

> The church, for many moderns who are involved in it at all, is rather more like a service station than an institution. It provides celebrations for special events—christenings, marriages, funerals, and the like. It provides a brief and cheap education in moral values for the children. It is a good place to get together with people who share similar interests and points of view. And through short-term study groups or the like it can be a useful tool in the modern religious quest.

Id.

picking and choosing from among diverse and even incompatible denominations and traditions.[98]

Contemporary religious practice in the United States is evolving away from its traditional focus on the means of salvation and how the world is, was, and will be, towards a means of coping with the challenges of ordinary life.[99] As Alan Wolfe has observed, "[t]alk of hell, damnation, and even sin has been replaced by a nonjudgmental language of understanding and empathy."[100] The result is a bewildering proliferation of idiosyncratic personal theologies intermediating between the conventional poles of unbelief and orthodoxy.[101]

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[98] *See* French, *supra* note 92, at 165–66; Swatos & Christiano, *supra* note 90, at 222–25.

> Religious (or, more broadly, ideological) pluralism clearly creates a marketplace of ideas wherein absolute claims for ultimacy are always at some degree of risk . . . . This gives rise to a model of religious competition or marketplace, and in a double sense. Not only is there competition among religions themselves, but there is also the freedom on the part of buyers (people) to pick and chose [sic] among the ideological wares that different religions proffer. This has been referred to as "religion *a la carte*" and the result as *bricolage*.
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> . . . .
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> Pluralism is not only competition among multiple historic religious traditions, but it is also competition between historical religious approaches to doing better and other systems of doing better.

Id. at 222, 225 (citations omitted); Berger, *supra* note 89, at 448.

> Many [religious people today] assert that they are not 'religious' at all, but are pursuing a quest for "spirituality." . . . Hervieu-Léger uses Claude Levi-Strauss' term *"bricolage"* to describe this form of religiosity—people putting together a religion of their own like children tinkering with a lego-set, picking and choosing from the available religious "material."

Id.; *see also* Ira C. Lupu & Robert Tuttle, *The Distinctive Place of Religion in Our Constitutional Order*, 47 VILL. L. REV. 37, 67 (2002) ("[R]eligion is but one of many comparable experiences.").

[99] *See* Lupu & Tuttle, *supra* note 98, at 67.

[100] WOLFE, *supra* note 22, at 3.

[101] *See, e.g.*, CHARLES TAYLOR, VARIETIES OF RELIGION TODAY 106–07 (2002).

> [M]any people drop out of active practice while still declaring themselves as belonging to some confession or believing in God. On another dimension, . . . a wider range of people express religious beliefs that move outside Christian orthodoxy. Following in this line is the growth of non-Christian religions, particularly those originating in the Orient, and the proliferation of New Age modes of practice, of views that bridge the humanist/spiritual boundary, of practices that link spirituality and therapy. On top of this, more and more people adopt what would earlier have been seen as untenable positions; for example, they consider themselves Catholic while not accepting many crucial dogmas, or they combine Christianity with Buddhism, or they pray while not being certain they believe.

Id.

The traditional denominational church "held and dispensed the 'means of grace' through which the individual might attain salvation and without which that salvation was in jeopardy."[102] One of the principal tasks of the denominational church was to police the conformity of parishioners to the behavioral and creedal requirements of membership, and to certify the good standing before God of members who comply with these requirements.[103] In the contemporary church, however, "the individual is the focus and the exerciser of power"; individuals judge their religion on the basis of whether it helps them to understand and discover themselves in the midst of the demands of their everyday life, rather than whether its teachings and doctrines conform to an external and ultimate divine reality.[104]

When the marketplace of religious experience is filled with vast and varied choices, however, it becomes difficult for any single religion to plausibly claim that it alone has access to the ultimate divine reality.[105] Thus it is that contemporary mass culture is simultaneously religious and extra-denominational. Mass culture's emphasis on a "God apart from religion" when it portrays religious experience is not—or not only—a tactic to avoid offending mass audiences, but a recognition that the salience of religious experience has shifted. Religious experience is increasingly about revelation of the immanent, rather than the transcendent. Whereas the principal focus of religious experience was formerly its revelation of a deeper reality beyond the

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[102] HARGROVE, *supra* note 97, at 128.

[103] *See id.*

[104] *See id.; see also* WOLFE, *supra* note 22, at 90 (reporting that younger Catholics tend to reject theological formulations which suggest "that non-Catholic Christians have the wrong doctrinal ideas"); Swatos & Christiano, *supra* note 90, at 224 ("[T]he historical religions are less likely to carry the level of isomorphism between individual experience and larger cultural context than has been the case in the past . . . ."). Taylor suggests that the self-regarding character of contemporary belief is the residue of a long series of developments in western history. *See* TAYLOR, *supra* note 101, at 8–13.

[105] Swatos & Christiano, *supra* note 90, at 221.

[106] *See* WOLFE, *supra* note 22, at 182–84; *see also* Lupu & Tuttle, *supra* note 98, at 67.

> At the time of the Framing, religion, for many Americans, was a source of comprehensive understanding about Divine Providence and the order of the universe. The rise of science, technology, psychoanalysis, and other profoundly secularizing influences, however, has altered perceptions about the role of religion. For many Americans, religion is now affective, psychological, and interior.

Id.

temporal self, contemporary religious experience now seems to be more about uncovering the deeper reality of that very self.[106] Religion is becoming less about a demand that believers fit themselves into God's plan, and more about a search for a God and a plan that fits them.[107]

As in so many other areas, the digital revolution has effected a disintermediation between a product or service and its consumers, cutting out the "middleman" for religious experience. The shift of religious experience from the control of denominational elites to the uncontrolled product of mass culture has ended in the commodification of religion, the consumerization of its practitioners, and the dilution of its denominational theologies.

V. CONSEQUENCES AND POSSIBILITIES

The effect of digital reproduction on religious experience is similar to the effect of mechanical reproduction on art, imposing the same dislocations on the former as on the latter. These same effects permit religious experience, like art, to become a product of mass culture. With digital reproduction, the effort required to participate in an experience of the sacred is reduced to nearly nothing, and the experience itself is subject to easy alteration to fit the requirements of each religious practitioner. The ultra-realistic images that can be generated by digital technology enable the virtual reproduction of religious experience, rather than its mere imagination.[108] Indeed, digitally reproduced religious experience may be more real for mass audiences than the original experience it depicts.[109] The actual scourging and crucifixion of Jesus were horrible beyond doubt, but might it not be possible that *The Passion* portrays those events as even more horrible—

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[107] *See, e.g.*, TAYLOR, *supra* note 101, at 101 ("For many people today, to set aside their own path in order to conform to some external authority just doesn't seem comprehensible as a form of spiritual life.").

[108] *Cf.* Michael Novak, *Brother Gibson's Passion*, NAT'L REV. ONLINE, (Feb. 25, 2004), *at* http://www.nationalreview.com/novak/novak200402250908.asp ("[N]o form of art can compare with the cinema for its power to make one *live through* real human stories in so total and immediate a way.").

[109] *See* MURPHIE & POTTS, *supra* note 36, at 16 ("In societies more mediated than ever before, bombarded with images of themselves, reality is reproduced so many times that it produces a 'hyperreal' condition: more real than the real.").

and thus more powerful and meaningful—than they were when experienced by those observers who were actually present?[110]

Digitization and postmodernism have undermined the control that denominations and other religious groups formerly exercised over the authentication and reception of original religious experience. Digitization has removed the need to access religious experience through the worship, symbols, and doctrines of a denomination. Postmodernism has shorn denominations of the ability to demonstrate what does and does not count as "real" or "authentic" religious experience. Instead, Americans are increasingly choosing religious experience from a rich and varied marketplace of religious ideas, not unlike their choice of a home or a car, or less prosaically, whom to marry or what kind of work to pursue.

These consequences of digital reproduction present particular challenges for religions with fundamentalist tendencies. The term "fundamentalism" originated in the American reaction to the secularization and permissiveness of the 1920s.[111] A "fundamentalist" in those times signified one who was ready to fight secularism, permissiveness, and modernism by returning to the "fundamentals" of evangelical Protestantism.[112] Fundamentalism was chiefly characterized by "militancy toward modernist theology and cultural change,"[113] and belief in the "*absolute* infallibility of the Bible."[114] Contemporary American fundamentalism remains focused on similar concerns. Assailed on all sides by the decadent values of American popular culture, fundamentalists seek protection in the safety and stability of Biblical commands against the threats to traditional belief represented

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[110] *Cf.* 1 WALTER BENJAMIN, *The Concept of Criticism in German Romanticism, in* SELECTED WRITINGS 1913–1926, at 116, 182 (Marcus Bullock & Michael W. Jennings eds., Belknap Press of Harvard Univ. Press 1996) ("A classical literature arises for us only through diligent and spirited study of the ancients—a classical literature such as the ancients themselves did not possess.").

[111] *See* GILLES KEPEL, THE REVENGE OF GOD 105 (Alan Braley trans., Pa. State Univ. Press 1994); GEORGE M. MARSDEN, UNDERSTANDING FUNDAMENTALISM AND EVANGELICALISM 50–56 (1991).

[112] MARSDEN, *supra* note 111, at 57.

[113] *Id.* at 66–67; *see also id.* at 1 ("[A]n American fundamentalist is an evangelical who is militant in opposition to liberal theology in the churches or to changes in cultural values or mores . . . ."); *id.* at 185 (describing early Twentieth Century fundamentalist theologian J. Gresham Machen as believing that "[t]olerance of modernism . . . was incompatible with a true church").

[114] KEPEL, *supra* note 111, at 106.

by secularism, extramarital sex, abortion, gay rights, and feminism.[115]

By now, of course, fundamentalism has come to signify an approach to religion much broader than the periodic retrenchments of American evangelicals. In the latter part of the Twentieth Century, "re-Christianization" movements arose in Europe, and "re-Islamization" swept both Europe and the Middle East, undermining sociological predictions of the inevitable secularization of politics and society, and reinvigorating Roman Catholic, evangelical Protestant, and Muslim interventions in public life.[116] Contemporary American fundamentalism is merely one manifestation of a worldwide movement that seeks to overturn secular society and to refill the ensuing vacuum with an aggressive and revitalized conservative religion.[117]

Adaptation does not come easy to fundamentalist religions. Fundamentalist truth is hard, literal, and exclusive[118]—what God has plainly revealed in his scriptures or to his servants. The fundamentalist God is a jealous one, having placed the world under his judgment—literally, "under God"—to suffer his wrath unless it repents and returns to the one true path. Fundamentalism presupposes a single transcendent reality which does not change and to which believers must consequently accommodate themselves, rather than vice versa.[119]

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[115] *See id.* at 135; WOLFE, *supra* note 22, at 251.

[116] *See, e.g.*, KEPEL, *supra* note 111, at 2 ("[In the 1970s] [a] new religious approach took shape, aimed no longer at adapting to secular values but at recovering a sacred foundation for the organization of society—by changing society if necessary.").

[117] *See, e.g.*, KAREN ARMSTRONG, THE BATTLE FOR GOD ix (2000) ("One of the most startling developments of the late twentieth century has been the emergence within every major religious tradition of a militant piety popularly known as 'fundamentalism.'"); *see also* JON KRAKAUER, UNDER THE BANNER OF HEAVEN 137 (2003) ("The impetus for most fundamentalist movements . . . is a yearning to return to the mythical order and perfection of the original church.").

[118] *See* VATTIMO, *supra* note 82, at 87-88 (stating that theologically conservative Christians "always complain that in the secularized or weak conception of Christianity, the harshness, severity and rigour characteristic of divine justice are lost, and with them the very meaning of sin, the actuality of evil, and as a consequence even the necessity of redemption.").

[119] *See* KRAKAUER, *supra* note 117, at 166 ("In the fundamentalist worldview, a sharp dividing line runs through all of creation, demarcating good from evil, and everybody falls on one side of that line or the other."); MARSDEN, *supra* note 111, at 178 ("The fundamentalist mind . . . is essentially Manichean; it looks upon the world as an area for conflict between absolute good and absolute evil, and accordingly it scorns compromises (who can compromise with Satan?).") (quoting Richard Hofstadter); *see also* WOLFE, *supra* note 22, at 67 ("Claiming to read the Bible as the literal

It seems unlikely, therefore, that fundamentalist religion will retain mass appeal in the digital age. It is trapped in a conundrum: To preserve mass appeal, fundamentalism must accommodate itself to the personalized, even idiosyncratic demands of believers,[120] yet to change in this way would be to depart from the theological core that makes such religion "fundamentalist." For fundamentalists, popular culture is a threat to timeless values; it is fear of the divine consequences of departing from those values that prevents fundamentalism from altering its commitment to those values.[121]

This is not to say that fundamentalists do not make use of digital technologies. To the contrary, fundamentalist religions are some of the most enthusiastic users of such technologies, seeing them as ways to more broadly and efficiently spread their message. But the very use of digital technologies threatens to undermine the theological control that is essential to fundamentalism's ability to maintain the purity of its commitments against the pressures of change. The control that digital technology apparently offers is illusive; the digital world has repeatedly proven itself inherently anarchic and unamenable to control.[122]

Nor is this to deny the obvious fact that some people are attracted to the resoluteness of fundamentalist theology in the midst of the bewildering chaos of the postmodern digitized world. Still, the consumerization of religion and religious experience by digitization and postmodernism suggests that most Americans are unlikely to see fundamentalist religion as a plausible guide

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word of God, fundamentalists are people who care very much what their faith is, whatever the cost in upward mobility, neighborly popularity, or alienation from public opinion, just as they care what your faith is, and mine.").

[120] *Cf.* Roger Hendrix, *The Fear Factor*, ACROSS THE BOARD, Mar./Apr. 2004, at 11, 12 (observing that companies that refuse to adapt to changing business environments circumstances are generally acquired and lose their independence or otherwise go out of business).

[121] *Cf. id.* at 12 ("[R]esistance to change implies a state of fear.").

[122] *See* SIVA VAIDHYANATHAN, THE ANARCHIST IN THE LIBRARY 17 (2004) (arguing that fully distributed systems like those created by peer-to-peer and open-source software persistently evade centralized regulation and control); *see also* Davis, *supra* note 39, at 3 (observing that predictions of "technocratic control" enabled by digitization overlooked both "the capacity of an educated elite—indoctrinated by an anarchic fine and popular culture in behalf of individuality and irrationality—to defy control," and also "the sheer profit awaiting those inventors and companies able to create computer programs" that thwart centralized control and empower individual choice and imagination).

to living their lives. Fundamentalism will no doubt survive, but as a niche product appealing to a narrow segment of the market for religious experience—perhaps dominant in its category, but lacking mass appeal.

Digital reproduction also may present special challenges for hierarchical religions in the same way and for the same reasons that it challenges fundamentalism. Religious hierarchy is often unaware of or consciously resistant to grass roots pressure for theological change. The insulation of the hierarchy from member needs and demands for more responsive religious "product lines" may prevent hierarchical leadership from reacting or adjusting to the call of its members, even if it is inclined to do so. In a digital age, it is difficult for any hierarchical structure—religious, governmental, or corporate—to react with sufficient speed to stay ahead of member preferences and demands.[123] The result for hierarchical religion is likely to be the same as that for fundamentalist religion—occupation of a religious niche market.

By contrast, religions that are both theologically flexible and relatively democratic are well-positioned to deal with the consequences of the digital reproduction of religious experience in postmodern society. Some Protestant denominations are reacting to the consumerization of religious experience in classic market-based style, "rebranding" their beliefs and practices so that they more closely appeal to the religious demands and interests of their members. Many contemporary denominations thus dilute their doctrines and theologies in favor of a "religious nonjudgmentalism" that de-emphasizes denominational differences, doctrinal requirements, and traditional themes like duty, responsibility, and sin, in favor of more comforting, therapeutic themes like the inherent worth of each individual, and the unconditional love that God holds for each person despite her imperfections.[124] Thus, a church offers three varieties of services

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[123] *See* MURPHIE & POTTS, *supra* note 36, at 170–92.

[124] *See* WOLFE, *supra* note 22, at 155–84. The movement towards nondenominationalism was already under way in the 1960s.

> One of the most important developments in American church religion is the process of doctrinal leveling. It can be safely said that within Protestantism doctrinal differences are virtually irrelevant for the members of the major denominations. Even for the ministry traditional theological differences seem to have an ever-decreasing importance. More significant is the steady leveling of the differences between Catholicism, Protestantism, and Judaism. [] There can be little doubt . . . that Catholicism, Protestantism and Judaism are jointly characterized by similar structural transfor-

each Sunday—traditional, contemporary, and charismatic,[125] a pastor re-characterizes sin from an offense against a holy God to a self-defeating behavior,[126] a congregation avoids examination of controversial issues like abortion or gay rights.[127]

The evangelical "mega-churches"—evangelical congregations as large as 10,000 that are among the fastest growing churches in the United States, are a notable example.[128] Evangelicals generally, and mega-churches in particular, are unapologetically focused on marketing their beliefs to mass audiences through mass media, and hold the preservation of their mass appeal as a high priority.[129] Accordingly, though evangelicals are usually theologically conservative, evangelical megachurches have exhibited considerable theological flexibility in responding to the needs and demands of congregants.[130] They eschew denominational identification, and almost always avoid mentioning such affiliation where it exists.[131] Such churches are also usually fundamentally democratic, although their members often are indifferent to the exercise of control over their pastoral leaders.

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In a religious marketplace of ideas situated within a postmodern world of epistemological indeterminacy, the more products that are offered, the less likely it is that any single one will be able plausibly to claim that it alone can access authentic religious experience. The dominant energy in contemporary religion is not the search for transcendence—knowledge of the divine objective reality beyond, into which each person must fit him or herself—but rather the search for immanence—knowledge of the divine subjective reality within, into which each person may grow. Religion remains vibrant and alive in the contemporary

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mations—a bureaucratization along rational businesslike lines—and accommodation to the "secular" way of life.
T. Luckmann, *The Decline of Church-Oriented Religion, in* SOCIOLOGY OF RELIGION 141, 147 (Roland Robertson ed., Penguin Books 1969) (1967).

[125] *See* Trueheart, *supra* note 19, at 12.
[126] *See* WOLFE, *supra* note 22, at 166.
[127] *See* Trueheart, *supra* note 19, at 16.
[128] *See id.* at 2.
[129] *See id.* at 3 (describing the "Next Church's" approach to receiving mass budgets which help meet the congregations' needs).
[130] *See* WOLFE, *supra* note 22, at 70–81.
[131] *See* Trueheart, *supra* note 19, at 22–24.

United States, but is increasingly experienced beyond the bounds of denominational orthodoxy.