Book Review


Claire A. Hill*

Tyler Cowen's book, In Praise of Commercial Culture, addresses a timely issue: Does the market economy corrupt culture? In other words, is capitalism, Hollywood-style, dragging down the level of culture and literacy? Have we replaced Beethoven with Chuck Berry's "Roll Over Beethoven"? Professor Cowen rejects such "cultural pessimism," arguing instead that capitalism has benefited the arts, giving us the opportunity to experience and appreciate Beethoven, Chuck Berry, and even Snoop Doggy Dog. The three are complements, not substitutes, both for the society at large and for individual consumers (or patrons) of the arts. "The market brings crowd-pleasing artists such as Michael Jackson or Steven Spielberg in touch with their audiences, while at the same time securing niches for more obscure visions, such as those of Brian Eno and Peter Greenaway."

Furthermore, "[r]egardless of how aesthetic philosophy judges Garcia Marquez versus Dickens, modern readers can now enjoy both for a pittance."2

Many other features of commercial culture encourage "a flourishing of creativity in the aggregate."3 Technological advances permit

---

*Associate Professor of Law, George Mason University School of Law; Visiting Associate Professor of Law, Boston University School of Law.

1 TYLER COWEN, IN PRAISE OF CULTURE 7 (1998) [hereinafter Cowen].
2 Id. at 8.
3 Id. at 13.
musicians to more readily discover one another's existence, "maintain their health and mental composure, arrange transportation for rehearsals and concerts, and receive quality feedback from critics and teachers." Better medicine makes for longer, more productive lives, allowing artists and their audiences to live longer and, respectively, produce and consume, more art.

Commercial culture also has encouraged artistic innovation by minority groups, "allowing [such groups] to achieve market access, despite systematic discrimination and persecution." One example Professor Cowen gives is of black rhythm and blues musicians who were turned down by the major record companies, but succeeded because the record companies could be bypassed, and the music brought directly to an audience via jukeboxes and phonographs. Professor Cowen concludes that "[i]nnovators with a potentially appealing message usually can find profit-seeking distributors who are willing to place money above prejudice or grudges."

Professor Cowen cites other beneficial effects of commercial culture. Past culture—old movies, symphonies by obscure composers—can more cheaply and easily be preserved. Musicians can produce more complex, initially inaccessible, works. A listener might buy a recording he doesn't initially understand (or like), knowing he will be able to get to know the work through multiple listenings. Before recording was possible, artists were more constrained to make works that were pleasing at first hearing.

What of the notorious difficulties modern-day artists have of making ends meet? In Professor Cowen's view, they are no worse situated than their predecessors. The right question to ask is whether good artists have a more difficult time "making it" now than they used to—whether, for instance, the success of a Warhol is at the expense of the success of another equally good artists less skilled at self-promotion. Cowen's answer, not surprisingly, is "no." He rejects the notion that fame is zero-sum—that one individual's recognition takes away from another's. Rather, he believes that a society's artistic greatness cumulates over time; creative artists are giants standing on the shoulders of other giants. Professor Cowen notes that pronouncements of cultural decline have a

---

4 Id. at 22.
5 Id. at 30.
6 Id.
long history; many cultural pessimists of bygone days sounded the death-knell for culture well before many of the uncontroverted giants of our artistic history had been born. Indeed, ancestors of today's cultural pessimists attributed to books the same mind-numbing effects as their latter-day successors attribute to television. Thus, Professor Cowen rejects the notion that "commercial" is an epithet as applied to art, arguing instead that commercial culture advances art. Moreover, he demonstrates that art has always been commercial. The otherworldly artist who cares little for money or material comforts has always been a myth. Professor Cowen quotes Mozart as saying: "Believe me, my sole purpose is to make as much money as possible . . . ."

Artists have always catered to their audiences' tastes, he says. Indeed, artists pursue "a complex mix of pecuniary and nonpecuniary returns." Professor Cowen convincingly demonstrates that artists have always been businesspeople, and that art has always been a business. One particularly interesting example is the detailed contracts painters entered into with their customers in the Renaissance. The contracts sometimes specified the number of people, how they would be dressed, and even whether the painting would contain cherubs. Dispute resolution mechanisms, in the form of arbitration by specially appointed arbitrators, was used to resolve disputes as to whether the picture produced had conformed to the contractual specifications.

Professor Cowen also addresses the relationship between the arts and government. He attributes the cultural poverty of television in part to legal restrictions on cable television, which for many years gave the three networks monopoly power. He notes that "[t]he quality of television is especially vulnerable to restrictions on competition because TV programs have no other outlets." Indeed, he notes that "[i]f mass taste had controlled other genres as it has controlled television, they too would fare little or no better . . . . The virtues of cultural markets lie not in the quality of mass taste but rather in the ability of artists to find minority support for their own conceptions." Cable and satellite television

7 Id. at 18.
8 Id. at 15.
9 Id. at 33.
10 Id.
apparently are precipitating the end of the "reign of mass taste in television programming." However, he says, thus far, the pace of change has been disappointing.

Professor Cowen traces the history of government funding for the arts. After discussing the many forms of government "funding," including both direct subsidies and other, less direct forms of payment, he concludes that "[t]he state does best in promoting the arts when it acts as simply another customer, patron, or employer, rather than as a bureaucracy with a public mandate." He warns, however, against "overestimat[ing] the successes of government funding. For every Velazquez, governments have supported hundreds of unknown court painters."

Evidence supporting Professor Cowen's tempered praise for government patronage of the arts is the Dutch government's program to subsidize art by purchasing artists' works. The program lasted from the 1950s to the 1980s. Under the program, the government purchased nearly 260,000 works, most of dubious quality. In fact, the Dutch Ministry of Culture declared that only one in six of the works were worth keeping or fit for exhibiting.

When the government sought to dispose of many of the works, citing high storage costs, a controversy erupted. Although some Dutch citizens wanted to continue the program, others were vehemently opposed. Many artists fear that the works will be dumped "wholesale," thereby spoiling the market for new artwork. Artists whose works were purchased under the program particularly want to avoid it becoming known that their works were chosen for disposal. A perhaps more favorable picture of government 'support' for the arts is the vibrancy of amateur choral music in Washington, D.C. With the government as employer, amateur musicians can support themselves, while meeting demanding rehearsal and performance schedules.

Professor Cowen also discusses the debate surrounding the National Endowment for the Arts' funding of the arts, noting that cultural

11 Id. at 34.
12 Id. at 37.
13 Id.
pessimism underlies each side's position. The anti-funding side believes the NEA is corrupting American culture, by funding 'offensive', 'degenerate' art such as Robert Mapplethorpe's photographs. The pro-funding side believes American culture would be critically damaged if the NEA were to be eliminated, because the funding it provides is "vital for America's future." Professor Cowen believes that culture will survive and thrive, with or without the NEA. Professor Cowen points out that the NEA's expenditures are trivial compared to those of its counterpart institutions in many European countries. NEA expenditures have never exceeded .70 per capita; indeed, at its peak, the entire NEA budget fell well short of the amount of money required to produce Kevin Costner's Waterworld. He does not consider the European money well-spent, noting that "[t]he French Ministry of Culture... spends $3 billion a year and employs 12,000 bureaucrats. Yet France has lost her position as a world cultural leader, and few other countries embrace popular culture with such fervor." In my view, Professor Cowen's most significant contribution to the NEA debate is his explanation of why the two sides argue so vociferously, yet seem to get nowhere. "Art and democratic politics, although both beneficial activities, operate on conflicting principles. In the field of art new masterpieces usually bring aesthetic revolutions, which tend to offend majority opinion or go over its head. In the field of politics, we seek stability, compromise and consensus. This same conservatism, so valuable in politics, stifles beauty and innovation in art." In sum, "[t]he current American political debate has confronted the NEA with an impossible task." Professor Cowen tries to persuade as much as prove; he tries to make the reader see art (and capitalism) through his eyes. He recognizes that "[s]keptics who dislike all contemporary culture usually cannot be convinced to weaken their pessimism." Thus, he analyzes why the cultural pessimist position might seem more persuasive than it is. For
instance, he notes that we sometimes "judge present culture against the very best of past culture. The present often appears lacking in contrast. Comparing the best of the past against the entirety of the present makes for an unfair test."\(^\text{20}\)

Professor Cowen also argues that cultural pessimists might sometimes have illicit reasons ("agendas") for advancing their position. One right-wing strain has difficulty accommodating its hostility towards government with its view that the market somehow is producing "a continual diet of sex and violence."\(^\text{21}\) Energies are thus spent on railing against the state of culture rather than affirmatively advocating censorship: Hollywood is, for some pernicious and inexplicable reason, producing trash and forsaking the higher profits more 'wholesome,' less degenerate works could yield. Cowen also notes that libertarians need to explain why they have not become a majority; to some libertarians, our culture and art can conveniently be blamed. Some strains on the left, too, benefit from cultural pessimism: capitalism is more difficult to condemn if it deserves some credit for artistic riches. The case becomes yet harder to make if those riches draw upon elements from indigenous cultures, and in so doing, increase the demand for works from those cultures.

I was persuaded by many of Professor Cowen's arguments. That capitalism has made modern life, including artists' lives, easier in most respects, is incontrovertible. Improvements in life expectancy provide an obvious example. Professor Cowen also convincingly establishes the historic link between commerce and art; as he demonstrates, the artist motivated by pure love of craft has always been a creature of myth, not of reality. His arguments that new technologies have had many positive effects on art are also persuasive, as are his diagnoses of why cultural pessimism would be advanced and accepted more than is warranted.

In my view, the arguments are as effective as they are because they do not use force. Instead, Professor Cowen tries to make us see both why he believes what he does, and why opposing beliefs warrant skepticism. Indeed, as to some of his positions, he recognizes fully that he has not offered a proof. Rather, in keeping with styles of argumentation common among art critics (who, it is generally acknowledged, address matters not amenable to proof), he has used the semantics of argument to invite the

\(^{20}\) *Id.* at 183.

\(^{21}\) *Id.* at 197.
reader into his world. Arguments are framed more to persuade than to be irrefutable; the reader feels he has entered into a new world rather than having been ejected from his old one.

There is one area, however, in which I am less convinced by Professor Cowen's arguments. In some sense, Professor Cowen is attempting to 'justify' present day artistic culture. Indeed, there is a great deal of good art being produced today, as even many cultural pessimists would agree. Yet, there is also a great deal of bad art. Professor Cowen must account for the ubiquity and proliferation of bad art, and more generally, address why market rewards and artistic merit are often separate and distinct. He readily acknowledges the existence of what he calls "counterexamples," such as "the failure of the modern world to support contemporary classical composers, . . . and the dubious quality of much of American television." He promises to "explain" such examples, rather than "explaining them away." And he does provide some explanations. As discussed above, he places part of the blame for bad television on the lack of competitiveness of the market, in effect, blaming the government. But he would readily agree that he has not "explained" all the counterexamples. His main response seems to be that, even given all the counterexamples, commercial culture's net contribution to art is clearly positive. His argument is that although there is more bad art than there used to be, there is also more good art. Commercial culture promotes and encourages more art, both good and bad. Commercial culture does not, he argues, make life more difficult for good artists: Good artists don't have a harder time getting established and recognized than they would in a world with less bad art. He concludes that would-be artists lacking in self-promotion skills are no worse off in a world where self-promotion is richly rewarded than one where it is not. Thus, we have more good art than we otherwise would have. While we also have more bad art, the net computation still yields a positive number.

I agree with Professor Cowen's conclusion, but I think he gives short shrift to some elements of the computation. As I discuss below, he may overweight some of commercial culture's beneficial effects, but, more significantly, I think he undervalues some of its detrimental effects. I agree that the net result of the computation is positive; it just may not be

22 Id. at 4.
as high as Professor Cowen argues.

Professor Cowen does not need to, nor could he, argue that what the market rewards is identical to what is good. Indeed, he wants very much to avoid a foray into an area filled with landmines: what counts as "good art"? But he cannot completely avoid making aesthetic judgments. To say that commercial culture has a good effect on art is to say something about the caliber of art that commercial culture helps produce. Yet, Professor Cowen sometimes speaks as though he could sidestep this "value-laden" debate. His readers need only accept, he says, the uncontroversial proposition that "the contemporary world has produced a very large number of excellent creators and works." A minimal, and hopefully, accurate degree of consensus on art quality will suffice. While claiming that his readers only need make minimal aesthetic judgments, he seems to be making far larger ones. He speaks approvingly of many different artists, both present and past, praising their craft, their use of color, rhythm, composition, etc. Professor Cowen clearly believes that there is a 'fact of the matter' about what constitutes good art. Moreover, he apparently believes that good art, and only good art, will pass the test of time. Scholars of aesthetics have debated for centuries whether, and how, 'goodness' —quality—in art can be defined; Professor Cowen wisely makes no attempt to add to the debate, much less resolve it. Yet ultimately, he lauds commercial culture as highly as he does because he believes that time, history, and the market will 'tell,' revealing good art and according it the accolades it warrants.

I am more skeptical than is Professor Cowen that 'time will tell.' I wonder, for many works of art, to what extent there is a 'truth' as to their quality. My view, and, I believe, a common view, is that there are some clear cases of artistic merit (or lack thereof), and many less clear cases. Or if there is a 'fact of the matter,' it is only discernable many years after the artwork has been produced, when it might not have survived to have its greatness acknowledged. I wonder, therefore, whether the trajectory for success in art is partly a matter of happenstance. If there is a 'fact of the matter' sufficiently discernable within some plausibly short time-frame that candidates for greatness do survive until history's verdict is in, Professor Cowen has the typical (and largely successful) economists' response: if people are making mistakes or being 'dumb,' by failing to reward 'good' art or rewarding 'bad' art, other people will notice, and
profit from their dumbness by trading in the mispriced works. Arbitrageable dumbness should not persist. And even if bad works continue to be overvalued, good works should not continue to be undervalued. But again, his response only suffices if there is a fact of the matter about quality. It is not ridiculous to suggest that in some, and perhaps many, cases, there is not. Perhaps there is such a fact of the matter, but some appreciable time lag is required to discern it. If that were so, many 'great' works might never be created, or be lost, before history had delivered its verdict.

What follows from all this? Maybe nothing: maybe commercial culture does as good a job at motivating and preserving art as any alternative. All I mean to suggest, though, is that Professor Cowen may give too much credit to commercial culture's ability to produce more good art than bad. While commercial culture does not have the bad effects on art that its detractors suggest, and has some good effects, the actual netting may make the pro-commercial culture case a bit less clear than it might be.

Consider also the common criticism that popular culture, particularly television, numbs the mind. Professor Cowen dismisses this criticism. He points out that it seems inconsistent with another commonly made criticism that popular culture causes pernicious, degenerate thoughts. How can both be true at once? Notwithstanding the apparent appeal of Professor Cowen's argument, my intuition is to the contrary. One could argue that television makes possible a wholly passive lifestyle in which people no longer think, or do much else, actively, but absorb ideas, in an almost osmotic, subliminal manner. This may sound sinister and elitist; still, my sense is that it is not wholly wrong. Consider the example of advertising. Professor Cowen might respond that commercial culture is not to blame—that there is no good reason to suppose that people who otherwise watch television many hours per day would otherwise be doing something "better." But here, some of his arguments can be used against him. The very technological advances that make it easier and cheaper for more art to be produced and consumed make the passive 'couch potato' life easier and cheaper as well. The alternative to couch-potato-dom may not be reading Shakespeare; still, it might be something society judges
more worthwhile than channel-surfing.\textsuperscript{23}

Professor Cowen admits to having some difficulty with the extent of market rewards for bad art; yet, he doesn't really want to chastise the market for offering such rewards. Indeed, he seems inclined to minimize commercial culture's role in the proliferation of such art. It's not clear how much commercial culture is to blame for bad art. One possibility is that commercial culture helps societal taste for bad art be sated more efficiently, but contributes less to causing or encouraging that taste. Perhaps society's taste for certain types of bad art reflects an evolutionary development. Evolution has led us to favor gossip, now in the form of tales of sex and violence, because our ancestors' survival was enhanced by their interest in gossip, which gave them useful information about who was friend and who was foe. Regardless of why we like bad art, commercial culture certainly helps produce more of it, and more efficiently, for many of the same reasons it helps produce more good art more efficiently.

Cowen notes that the proceeds from the sale of bad art can be used to subsidize other, good, art. Thus, commercial culture has earned its keep. More people buy Jackie Collins's novels; but Collins' publisher, or perhaps Collins herself, can now fund some experimental work. Maybe; or perhaps Collins and her publisher will keep churning out turgid tales of sex and romance. And possibly it is not so bad if there is more bad art in the world; the incremental effect of more bad television shows or 'pulp' novels may seem small. But some people may be bothered by the sheer

\textsuperscript{23} Of course, I am treading on dangerous ground here. I am suggesting that someone (me) knows better what is good for people than they do: that what people seek may not be what they, in some normative sense, 'should' seek. This claim, while dangerous, is certainly common, and perhaps even commonly accepted. In this regard, book describes a study, involving more than a hundred people, which yielded what he characterized as a paradoxical finding: "On the job, people feel skillful and challenged, and therefore feel more happy, strong, creative, and satisfied. Yet they would like to work less and spend more time in leisure." MIHALY CSIKSZENTMIHALYI, FLOW, THE PSYCHOLOGY OF OPTIMAL EXPERIENCE 198 (1990) (emphasis added). The study supports a claim stronger for my purposes than that people want something different than what they should want; it supports the claim that people may actually want something different from what they think they want.
volume of bad art that the market apparently encourages and rewards. Indeed, Professor Cowen seems to be trying to finesse a problem economists often face: they want to say markets ultimately make the right decisions, and try, with not always complete success, to account for what look like bad decisions. I think Professor Cowen would agree that the market is no panacea for society's ills or, for that matter, the artworld's ills. The market may be better than the alternatives, but it is far from perfect.

Ultimately, Cowen's main arguments survive largely intact. He demonstrates that art has always been linked to commercial culture, that commercial culture has many beneficial effects on art, and finally, that cultural pessimists wildly overstate the case for society's and art's decline and degeneration, as well as art's power to promote these pernicious effects. He also demonstrates that commercial culture and art, far from being antithetical, actually bring out the best in one another. Indeed, one of the book's great virtues is to demonstrate that economics and aesthetic appreciation need not be conflicting perspectives: art can simultaneously be appreciated, in its full aesthetic glory, and analyzed, using the vocabulary and framework of economics.