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THE LIFE OF THE MIND AND A LIFE OF MEANING: REFLECTIONS ON *FAHRENHEIT 451*

Rodney A. Smolla*

FAHRENHEIT 451. By *Ray Bradbury*. 1953. New York: Del Rey Books. 2003 ed. Pp. 190. \$6.99.

I. THE FUTURE IS NOT WHAT IT USED TO BE

The future is not what it used to be. Ray Bradbury's classic novel, *Fahrenheit 451*, published in 1953, is a cultural time marker, helping us to locate the past, evaluate the present, and imagine the future. *Fahrenheit 451* still vexes our conscience and consciousness, just as other imaginative time markers do—George Orwell's novel *1984*,¹ or Stanley Kubrick's film *2001: A Space Odyssey*,² or the lyrics from Prince's 1982 funk classic *1999*:

Yeah, everybody's got a bomb,

We could all die any day

But before I let that happen

I'll dance my life away

...

So tonight I'm gonna party like it's 1999[.]³

When filmmaker Michael Moore chose the title for his muckraking movie, *Fahrenheit 9/11*, a scathing attack on President George W. Bush and the war on terrorism, he deliberately conjured a play on the title of Ray Bradbury's classic novel and evoked the novel's status as a cultural time marker.⁴ The temperature 451 degrees Fahrenheit is, for Bradbury, the temperature at which books burn; for Moore, according to his movie tagline, it is "[t]he temperature where freedom burns."⁵

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1. GEORGE ORWELL, *1984* (1949).

2. *2001: A SPACE ODYSSEY* (Metro-Goldwyn-Mayer 1968).

3. PRINCE, *1999*, on *1999* (Warner Bros. 1982).

4. *FAHRENHEIT 9/11* (Dog Eat Dog Films 2004).

5. Ray Bradbury did not find the allusion flattering. Bradbury strongly criticized Moore for appropriating his novel's title. See Lawrence Van Gelder, *Arts Briefing: Michael Moore vs. Ray Bradbury*, N.Y. TIMES, June 22, 2004, at E2.

Fahrenheit 451 still speaks to us, vibrantly and passionately, still haunts and vexes and disturbs. The novel has sold millions of copies, was reset for a fiftieth anniversary printing, and continues to be assigned reading in middle school, high school, and college courses.⁶ That power to endure is well worth contemplation, both for what it says about Ray Bradbury's literary imagination, and, more powerfully, for what it teaches us about our recent past, our present, and our own imagined future. First Amendment jurisprudence has taken giant leaps since *Fahrenheit 451* was written, and American society has managed to avoid the worst of the censorship horrors the novel described. Yet we have not been so fortunate in overcoming many of the other demons of modernity that Bradbury revealed. Overwhelmed by the frenetic speed and hypnotic appeal of digital and virtual realities, we neglect genuine human relationships; we rush past the precious physical and sensory moments that bring substance to our being; we struggle to find the quietude for genuine reflection, peace, and a life of the mind.

A. *A Tale of Apocalypse and Redemption*

The novel is presented through the point of view of its central character, Guy Montag, whose occupation is "fireman." Though we are never told the precise year in which the action takes place, Bradbury hints that it is the late twentieth or early twenty-first century. The menace of war and nuclear conflagration permeates the novel. "We've started and won two atomic wars since 1990" (p. 73), the narrator explains. Now the bombers are in the air at all times (p. 73).

But while the bombers are always in the air, and the firemen are always on alert, the firemen of *Fahrenheit 451* do not put out fires. Instead, they set them. Homes have all been fire proofed; the only fires now are the ones the firemen ignite (p. 34). They start them to burn books, which have been banished from society. Books are now contraband, like marijuana, cocaine, or counterfeit currency; when the fire department is alerted that some book-loving criminal is secretly holding a volume or two or twenty, the firemen are dispatched to incinerate the offending material. As Montag describes it: "It's fine work. Monday burn Millay, Wednesday Whitman, Friday Faulkner, burn 'em to ashes, then burn the ashes. That's our official slogan" (p. 8).

Many advances in technology aid the firemen in their task. Surveillance and monitoring devices blanket the city. The Mechanical Hound, a robotic beast with prodigious powers of detection, speed, and destruction, sniffs out offenders for the burning. The Mechanical Hound is ruthless and insentient, all wires and circuits and electricity, but it still seems to have acquired consciousness of some kind—a malevolent will that is more than merely mechanical—and is seemingly invincible (pp. 24–26).

Commercial advertising and political propaganda are as ubiquitous as the screeching bombers. Roadside billboards are two hundred feet long because the cars race by so fast they had to be stretched out to be read (p. 9).

6. A Conversation with Ray Bradbury, pp. 180–84.

Montag begins the novel ostensibly proud of his profession and settled in life, but we soon find that there is disquiet beneath the surface. His marriage to Mildred is less than ideal, notably because she spends most of her time mesmerized by the “televisors”—large flat-screen televisions that occupy entire walls of the house, creating massive whole-room entertainment centers (pp. 20–22). The Montags have managed to purchase these wall screens for three of their four rooms, apparently going into a bit too much consumer debt to satisfy Mildred’s need for this electronic stimulation. Millie and her girlfriends regularly gather for evening martinis to watch their favorite shows, which appear to be forms of reality TV (pp. 93–94). But the conversation between Millie and her friends has no snap, crackle, or sex appeal. Millie is no Sarah Jessica Parker, and the martini hour at the Montags is no *Sex and the City*. Montag is exasperated at the vacuous quality of the life that Millie and her friends live. Bradbury’s brilliant portrait of a society gone plastic seems even to anticipate botox: “The comfortable people want only wax moon faces, poreless, hairless, expressionless” (p. 83).

Millie also uses an abundance of happy pills, with the apparent blessing of society, and one night Montag comes home from work to find her nearly dead from an overdose (pp. 11–14). He calls the high-tech paramedics. The poisons are pumped out and the restorative medicines pumped in (pp. 14–16). The next morning Millie awakes cheerily ready for another day of chaty television fun (pp. 18–20).

Millie’s brush with death causes Montag pangs of doubt and uncertainty about life’s meaning. Millie and Montag don’t talk much anymore, nor do they seem to touch or connect. Even the memories of their shared life have faded—Montag can’t remember where they met. At the same time, Montag feels an incipient creeping of doubt about his job. He is starting to have questions of curiosity and conscience.

A young girl whom Montag meets on his way home from work one evening, Clarisse McClellan, also spurs much of this self-doubt. She is ebullient, irreverent, alive, and deliciously subversive. Montag is so anesthetized to life’s sensations that he barely recognizes what we readers see pretty quickly. He develops an instant crush on Clarisse; there are stirrings of love, of human connection, of talking, and above all, of listening. “Nobody listens any more,” Montag complains. “I can’t talk to the walls because they’re yelling a[t] me. I can’t talk to my wife: she listens to the walls” (p. 82).

Clarisse is a bit fresh about Montag’s life as a fireman. “I heard once that a long time ago houses used to burn by accident and they needed firemen to stop the flames,” she chides (p. 8). Clarisse, bucking the culture, is turned on by the stimulations of nature and the joys of the senses. She tantalizes Montag with the smell and feel and color of a dandelion (pp. 21–22). She reveals how old leaves smell like cinnamon (p. 29). She loves to walk in the rain and savor its flavor. “Rain even tastes good,” she tells Montag (p. 21). Clarisse wonders why the artifacts of culture seem so disconnected from the senses, from human sensibility, from human stories. The art in museums is all abstract,

Clarisse laments. She has been told that once they actually "said things or even showed *people*" (p. 31).

Montag's gathering crisis of conscience, however, is not fed only by disillusionment with his empty marriage or enchantment with Clarisse: Montag's job is getting to him. Matters become especially rough when his assignments cause him to go from burning books to burning people. The triggering incident is a call to one particularly nefarious book collector, who has piles of volumes secreted away in an attic. The firemen burn the books with kerosene, then burn the house, and then burn the occupant. As this martyr to literature prepares to die, she cries out that "we shall this day light such a candle" (p. 36). As Montag later learns, she is referencing a statement made by the "Oxford Martyrs"⁷ as they were being burnt alive for heresy in sixteenth-century Oxford: "We shall this day light a candle, by God's grace, in England, as I trust shall never be put out" (p. 40).

With his world in chaos, Montag starts committing the ultimate offense. When called to book-burning scenes, Montag begins to clandestinely rescue books instead of burning them, secreting away the purloined volumes and hiding them in his home.

Montag's life crisis does not go undetected. His wife is disturbed. So is his boss—the novel's villain—Fire Chief Beatty. Beatty senses what is going on; he's seen it happen before, to other firemen. Beatty seeks to mentor Montag, "Where's your common sense?" Beatty chides. "None of these books agree with each other. You've been locked up here for years with a regular damned Tower of Babel" (p. 38).

But Montag is curious about how the book burning began, and Beatty cautiously seeks to satiate that curiosity. It did not begin with the government, he explains cheerily. It began with the *people*: "It didn't come from the Government down. There was no dictum, no declaration, no censorship, to start with, no! Technology, mass exploitation, and minority pressure carried the trick, thank God" (p. 58). Beatty makes much of the role of factions and minorities, and the need to avoid inciting them with the provocative and offensive ideas that appear in books. "You must understand that our civilization is so vast that we can't have our minorities upset and stirred" (p. 59). Beatty is candid in explaining how it all happened, first with photography, then motion pictures, radio, and television. "Things began to have *mass*" (p. 54). Books originally appealed to a few people. But then there were many more eyes and ears. "Films and radios, magazines, books leveled down to a sort of pastepudding norm, do you follow me?" (p. 54). Everything became condensed, with classics cut to fifteen minutes, then to two (p. 54). Beatty elaborates on the unremitting assault of fast-paced electronic images. Movies move too fast: "*Click, Pic, Look, Eye, Now, Flick, Here, There, Swift, Pace, Up, Down, In, Out, Why, How, Who, What, Where, Eh? Uh! Bang! Smack! Wallop, Bing, Bong, Boom!*" (p. 55). Beatty also warns Montag of the futility of resistance, reminding him that "[a]ny man's insane who thinks he can fool the government and us" (p. 33).

7. D.M. LOADES, *THE OXFORD MARTYRS* (Stein & Day 1970).

Despite Beatty's warnings, Montag is determined to resist and to break out. He strikes up a dangerous friendship with an old man named Faber, another of the novel's heroes, a retired English professor who was thrown out of work when the last liberal-arts college died from lack of students and patronage (p. 75). Faber is the novel's wise sage. He laments the disappearance of newspapers, which he remembered "dying like huge moths" (p. 89). He laments even more the decline in the quality of information, the loss of leisure time to digest it, and the loss of the right to "carry out actions based on what we learn from the intersection of the first two" (pp. 84–85).

When Montag challenges Faber, arguing that people do have a lot of free time to pursue the good life, Faber distinguishes between free time and quality time. We have plenty of time off, he asserts, but not enough time to think (p. 84). Faber says we need "leisure," explaining how electronic mass culture is destroying the life of the mind, and altering life itself, causing us to confuse electronic reality (or virtual reality to us) and reality reality:

Off-hours, yes. But time to think? If you're not driving a hundred miles an hour, at a clip where you can't think of anything else but the danger, then you're playing some game or sitting in some room where you can't argue with the four-wall televisor. Why? The televisor is "real." It is immediate, it has dimension. It tells you what to think and blasts it in. It *must* be right. It *seems* so right. It rushes you on so quickly to its own conclusions your mind hasn't time to protest. (p. 84)

Montag, enlisting Faber as his ally, decides to rebel, taking to the streets as a kind of guerrilla freedom-fighter. Beatty, with storm troopers and the Mechanical Hound as support, arrives at Montag's home to arrest and annihilate him. But Montag, now turned rebel-action-hero, is able to turn the table on his pursuers. In a dramatic showdown, Montag has Beatty at gun point, but time is running out, as the Hound and the other troopers close in. Montag must either kill Beatty or be killed. Montag points his incinerating weapon at his chief. Facing his death, Beatty defiantly recites Shakespeare: "'There is no terror, Cassius, in your threats, for I am arm'd so strong in honesty that they pass me as an idle wind, which I respect not!'" (p. 119). It is a curious speech for the censor-in-chief, and one senses that a part of Beatty actually wants to die—as if the honesty with which he is "arm'd" is the honesty of confession and remorse.

Montag manages to avoid capture and escape the city, floating down a river to the countryside. He washes ashore, exhausted and injured, and finds a camp full of other freedom- and book-loving exiles, living like gypsies off the land. Many of the men at the camp are former university professors, writers in their own right (p. 150). To save civilization, each memorizes a book, a philosopher, a writer, or "bits and pieces of history and literature and international law" (p. 152). Aristophanes, Einstein, Confucius, Darwin, Schopenhauer, Gandhi, Buddha, Jefferson, Lincoln, even Matthew, Mark, Luke, and John (p. 151). Montag draws *The Book of Ecclesiastes*, an assignment he shares with a man in Youngstown (p. 150–51). Montag is comforted by the men, their friendship, their righteous cause, their strong

coffee, their food, the smell of the forest, the warmth of the fire. The sensations are physical, like they were with Clarisse. The conversation is genuine.

He learns that the government had largely left the intellectual vagabonds alone, dismissing them as a few crackpots with verses in their brains. "So long as the vast population doesn't wander about quoting the Magna Carta and the Constitution, it's all right" (p. 154).

And then suddenly, apocalypse. Within hours of Montag's escape and his befriending of the men in the camp, a great war begins (p. 158). Nuclear bombs fall on the cities. Montag's spinning mind is in free association. Remembering his wife Millie, he now recalls where they met—it was in Chicago, a long time ago (p. 160).

The men are blown to the ground by the force of the atomic winds. In the distance they see the city destroyed, lifted into the sky, "erected at last in groats of shattered concrete and sparkles of torn metal into a mural hung like a reversed avalanche, a million colors, a million oddities," and then the sound of its death (p. 160).

Yet the novel does not end in apocalypse or despair.

In homage to the persistence of the human spirit, one of the men throws bacon into the frying pan on a wood fire, and as it begins to flutter and sputter and dance in the pan, the air is filled with its aroma. The leader of the group talks of the legend of Phoenix, pre-dating Christ, and suggests that man must be a cousin of the bird, who "every time he burnt himself up he sprang out of the ashes, he got himself born all over again" (p. 163).

Bradbury leaves us with the promise of human redemption. Granger expresses the conviction that one day the cycle of war will stop, and that it will be the books and history that will finally stop it. Once we know what we've done for a thousand years "we'll stop making the goddamn funeral pyres and jumping in the middle of them" (p. 163). Someday, Granger predicts, humans will build "the biggest goddamn steamshovel in history and dig the biggest grave of all time and shove war in and cover it up" (p. 164).

But first the exiles must get to the city, where they will bury the dead, tend to the sick, comfort the afflicted, and start the task of bringing back the books; and history; and ideas, insight, and wisdom. As Montag walks with his comrades, following a trail by the riverside, words begin to simmer to the surface of his mind. Montag is remembering his Ecclesiastes: "*And on either side of the river was there a tree of life, which bare twelve manner of fruits, and yielded her fruit every month; And the leaves of the tree were for the healing of the nations*" (p. 165).

B. *The Book's Past and Our Own Future*

Fahrenheit 451, a book heavily about censorship, has experienced an insidious and piecemeal censorship of its own. Over the years the book became particularly popular as assigned reading in schools. This was the good news. The bad news was that over the years, editors at Ballantine

Books repeatedly cut little pieces out.⁸ The “damns and hells” were particularly ripe for the plucking.⁹ In Bradbury’s own colorful account, “some cubby-hole editors at Ballantine Books, fearful of contaminating the young, had, bit by bit, censored some 75 separate sections from the novel.”¹⁰ Happily, under the enlightened editorship of Judy-Lynn Del Rey, a new Ballantine editor, the book was completely reset and republished, restoring the original text.¹¹

Bradbury would himself turn the novel into a play and an opera, and when he did, he added some additional lines and depth to Fire Chief Beatty, his villain. But while Bradbury was often invited to update his book, expand it, and elaborate on his characters, he never did, perhaps sensing the importance of fidelity to his own original text.

And it is this true text that helps inform our past, our present, and our future. As futurism, *Fahrenheit 451* is fascinating, both for what came true and what did not. Taking stock of the book as futurism, however, is an empty exercise if it is merely assigning prognostication grades. The deeper exercise is to try to determine *why* some things came true and others did not, and what that means, for better or for worse.

Here is a working hypothesis: we have managed to beat back the hounds of censorship, largely through the evolution of enlightened First Amendment doctrines. Yet in a curious irony, in slaying the hounds of censorship we have unleashed and emboldened other hounds. Enlightened free-speech doctrines do not guarantee us enlightened lives. As *Fahrenheit 451* and our present condition both teach, this requires a deeper human effort. To find meaning in life, we must slow down and make time—for the mind, for the senses, and for relationships grounded in genuine connection and respect for our common dignity.

II. THE ANATOMY OF CENSORSHIP

It is all too easy, all too glib, to dismiss censors as tyrants. Yet censors know no political right or political left, no religion, no generation. The censor always believes in the moral righteousness of his or her cause. Indeed, the censor may be—dare we say it?—“right,” at least in some sense. History’s fair-minded and objective assessment may well be that a particular censor at a particular time and place was motivated to vindicate values widely shared in the society by people of reasonably sound judgment and good will.

Even so, Bradbury’s tale is one of inexorable woe to those who censor, even out of altruism. Bradbury seems to be insisting that while it may be possible to incinerate a book, killing the book will not kill its ideas. The life of the mind endures.

8. Coda, p. 177.

9. *Id.*

10. *Id.*

11. *Id.*

Censorship, *Fahrenheit 451* suggests, is often initiated by the populace first and then embraced by the government; it is then that censorship is at its most effective. Censorship is in many respects a natural human instinct, a reflexive impulse. To tolerate the speech we loath is counterintuitive. This is the core of the famous dissenting opinion of Justice Holmes in *Abrams v. United States*.¹² "Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition."¹³

One of the extraordinary features of this extraordinary paragraph is that Holmes is claiming, exactly as the narrative of *Fahrenheit 451* dramatically demonstrates, that persecution for the expression of opinion is *perfectly logical*. When confronted by speech we loath, our natural impulse, individually, socially, and ultimately legally, is to repress it.

It is thus telling that the extreme regime of censorship depicted in *Fahrenheit 451* does not come from the top but from the bottom. The *people* instigate it. The government just goes with the flow. The phrase "political correctness" had not entered our cultural lexicon when *Fahrenheit 451* was written, but that is the sort of phenomenon Bradbury was writing about. At the time Bradbury wrote his novel, First Amendment jurisprudence could have allowed his dystopian vision to become reality. Fortunately, the Supreme Court has since interpreted the First Amendment to prohibit such censorship, even when designed to curtail hate speech or to facilitate political correctness.

A. *Censorship of Hate Speech in the Early 1950's*

One may see in Beatty's upbeat justifications (in which he claims that it is important not to upset minorities) the premonitions of the American debate over hate speech and the ongoing discourse at American colleges and universities over the propriety and legality of hate-speech codes. The hate-speech illustration is worth exploring in some detail here, for Bradbury makes it clear, both in the novel itself and in his subsequent commentaries about it, that the public desire to quell hate speech is, as he imagines it, one of the most powerful drivers of censorship.

Beatty, justifying the burning of books, says that "we can't have our minorities upset and stirred" (p. 59). What the people want, Beatty argues, is safe speech, not hate speech; they want "pleasure" and "titillation" (p. 59). Books should be burned because they make us think about unpleasant things like racial stereotypes, prejudice, and repression. Beatty makes the point bluntly: "Colored people don't like *Little Black Sambo*. Burn it. White people don't feel good about *Uncle Tom's Cabin*. Burn it" (p. 59). Bradbury reinforces his indictment in his Coda to *Fahrenheit 451*:

12. 250 U.S. 616 (1919).

13. *Id.* at 630 (Holmes, J., dissenting).

The point is obvious. There is more than one way to burn a book. And the world is full of people running about with lit matches. Every minority, be it Baptist / Unitarian, Irish / Italian / Octogenarian / Zen Buddhist, Zionist / Seventh-day Adventist, Women's Lib / Republican, Mattachine / Four Square Gospel feels it has the will, the right, the duty to douse the kerosene, light the fuse. Every dimwit editor who sees himself as the source of all dreary blanc-mange plain porridge unleavened literature, licks his guillotine and eyes the neck of any author who dares to speak above a whisper or write above a nursery rhyme.¹⁴

When Bradbury wrote *Fahrenheit 451*, our formal constitutional law doctrines largely encouraged and reinforced the censorship Bradbury describes. He wrote the book in the early 1950s. This was "prehistory" in the timeline of modern First Amendment doctrine. Two decisions, *Chaplinsky v. New Hampshire*,¹⁵ decided in 1942, and *Beauharnais v. Illinois*,¹⁶ decided in 1952, frame the period well.

Chaplinsky is famous for its succinct expression of the notion that freedom of speech does not include those classes of speech that do little to advance the exposition of ideas and much to injure order and morality:

There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or "fighting" words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.¹⁷

Chaplinsky was followed a decade later by *Beauharnais*, the Supreme Court's first hate-speech decision. In the gap between 1942 and 1952, Adolph Hitler's hate-filled diatribes against Jews had led to mass genocide. It makes perfect historic sense that the Court, with the horrors of the Holocaust fresh in the memory of humankind, would borrow from the theories of *Chaplinsky* to uphold an Illinois law banning hate speech. The Illinois statute in contest made it a crime to portray "depravity, criminality, unchastity, or lack of virtue of a class of citizens, of any race, color, creed or religion" that exposed them "to contempt, derision, or obloquy or which is productive of breach of the peace or riots."¹⁸ The defendant, *Beauharnais*, was president of a racist Chicago organization, the White Circle League. *Beauharnais* and his group passed out leaflets calling on Chicago's Mayor and City Council "to halt the further encroachment, harassment and invasion of white people, their

14. Coda, pp. 176–77.

15. 315 U.S. 568 (1942).

16. 343 U.S. 250 (1952).

17. *Chaplinsky*, 315 U.S. at 571–72 (footnotes omitted).

18. *Beauharnais*, 343 U.S. at 251 (quoting ILL. REV. STAT. c.38, div. 1, § 471 (1949)).

property, neighborhoods and persons, by the Negro.'"¹⁹ The White Circle League's racist diatribe exhorted "[o]ne million self respecting white people in Chicago to unite," proclaiming, "If persuasion and the need to prevent the white race from becoming mongrelized by the Negro will not unite us, then the aggressions . . . rapes, robberies, knives, guns and marijuana of the negro, surely will."²⁰

Justice Frankfurter wrote the opinion of the Court, which upheld the Illinois law, affirmed the conviction of *Beauharnais*, and rejected the argument that *Beauharnais* could not be convicted unless the prosecution proved that his speech posed a clear and present danger of violence. Justice Frankfurter's opinion made an oblique but unmistakable reference to Nazi Germany in his opinion, noting that Illinois did not need to "await the tragic experience of the last three decades" to conclude that laws against racial attacks were necessary to preserve the peace and order of the community.²¹ Illinois could thus rightly conclude that purveyors of racial and religious hate "promote strife and tend powerfully to obstruct the manifold adjustments required for free, ordered life in a metropolitan, polyglot community."²²

Ray Bradbury's novel argues against the thinking of *Beauharnais* and *Chaplinsky*. The complex lesson embedded in *Fahrenheit 451* is that humankind would be better off considering the counterintuitive possibility that a resolve to *not* censor hate speech may actually leave us more safe and secure, more racially tolerant, more bound together as a cohesive moral community.

As Justice Holmes's words suggest, this is a terribly difficult argument to accept at the intuitive level—but history demonstrates its truth. From the Spanish Inquisition to the horrors of the Third Reich, the burning of books was a graphic precursor to mass hysteria, mind control, and paranoia. As Justice Brandeis put it, "Men feared witches and burnt women."²³ Yet Brandeis, like Bradbury, pivoted on this observation, arguing that the best way to combat the fear that led men to burn women is to give speech about witches and witch-hunting a free and uncensored venting.²⁴

B. *Censorship of Hate Speech Today*

It is not at all clear that the views of Brandeis, Bradbury, and Holmes have won the day in the popular vote. But they have carried the super-delegates. Their views are now the law of the land. In a series of interlocking and mutually reinforcing decisions, the Supreme Court rejected the

19. *Id.* at 252.

20. *Id.* (second alteration in original).

21. *Id.* at 258–59.

22. *Id.* at 259.

23. *Whitney v. California*, 274 U.S. 357, 376 (1927) (Brandeis, J., concurring).

24. *Id.*

theory and holding of *Beauharnais* and *Chaplinsky*. In *Brandenburg v. Ohio*, the Court overturned the conviction of a Ku Klux Klan leader for hate speech every bit as vicious as that in *Beauharnais*, holding that convictions for incitement to violence could only be sustained under the First Amendment if demanding standards of intent, immediacy, and likelihood were satisfied.²⁵ In *R.A.V. v. City of St. Paul*, the Court struck down a hate-speech ordinance in a cross-burning case because the ordinance was infected with viewpoint discrimination.²⁶ And in *Virginia v. Black*, the Court reversed the conviction of another Klan leader for violating a Virginia anti-cross-burning statute.²⁷ The law made it a crime to burn a cross to intimidate any person and contained an additional provision providing that the burning of a cross was in itself prima facie evidence of an intent to intimidate.²⁸ The plurality opinion, written by Justice O'Connor, held that the prima facie evidence provision rendered the law an unconstitutional "shortcut" that violated the First Amendment.²⁹ Three concurring Justices went beyond the plurality, finding the law defective for essentially the same reasons the Court had articulated in *R.A.V.*³⁰

So too, lower-court decisions have consistently struck down hate-speech codes at American public universities. An illustrative decision striking down a campus hate-speech code is *Doe v. University of Michigan*.³¹ The Michigan policy established a nuanced system of regulation under which the degree of regulation depended on the location or setting of the speech.³² Publications such as the *Michigan Daily* and the *Michigan Review* were not subject to regulation.³³ In contrast, a sweeping prohibition applied to speech in the University's educational and academic centers, such as classroom buildings, libraries, research laboratories, recreation, and study centers.³⁴ What killed the Michigan code was not so much the policy as written, but the policy as interpreted. The University Office of Affirmative Action

25. *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) ("[T]he constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.").

26. 505 U.S. 377 (1992).

27. 538 U.S. 343 (2003). As a matter of disclosure, I was lead counsel and presented the oral argument in *Virginia v. Black*.

28. *Id.* at 364.

29. *Id.* at 366–67 ("The prima facie provision makes no effort to distinguish among these different types of cross burnings. . . . It allows a jury to treat a cross burning on the property of another with the owner's acquiescence in the same manner as a cross burning on the property of another without the owner's permission. . . . The First Amendment does not permit such a shortcut.").

30. *Id.* at 380–81 (Souter, J., concurring in the judgment in part and dissenting in part, joined by Kennedy & Ginsburg, JJ.).

31. 721 F. Supp. 852 (E.D. Mich. 1989).

32. *Id.* at 856.

33. *Id.*

34. *Id.*

published an interpretive guide to the policy to help students understand what it meant.³⁵ That guide included as examples of impermissible conduct such things as stating in class that women are not as good on the athletic field as men, telling a joke about gays and lesbians, or laughing at a stuttering student.³⁶ In striking the policy down, the court held that the University could not “establish an anti-discrimination policy which had the effect of prohibiting certain speech because it disagreed with ideas or messages sought to be conveyed.”³⁷ Other courts have reached similar conclusions.³⁸

The hate-speech narrative is powerful. The societal consensus approving the regulation of hate speech that Bradbury described has largely been derailed in modern American experience *because the evolution of constitutional law derailed it*. Our modern First Amendment jurisprudence—with its uniquely bold commitment to the marketplace of ideas, to tolerating even the speech we loathe and believe to be fraught with death—is a testament to the power of the *legal* ideas advanced by Justices Holmes and Brandeis, as well as to the powerful *cultural* influence of authors such as Ray Bradbury, who through works such as *Fahrenheit 451* influence the “constitutional unconscious” and remind us of the anatomy of censorship.

III. THE LIFE OF THE MIND AND A LIFE OF MEANING

We can reflect on *Fahrenheit 451* as futurism and as an exploration of the anatomy of censorship, but in the end for me the real genius of the book is more universal. *Fahrenheit 451* is a great work of literature—too great to be pigeonholed as mere muckraking, futuristic science fiction or as a manifesto against book burning and censorship. Muckraking, futurism, and manifestos against censorship are all worthy literary endeavors, but *Fahrenheit 451* is greater than all of them.

Fahrenheit 451 retains a present resonance that exceeds another classic with which it is often compared, Orwell’s *1984*.³⁹ For unlike *1984*, which is an exercise in political commentary railing against utopian tyranny and Big Brother, *Fahrenheit 451* is less overtly *political*, less overtly about *freedom alone*, and more deeply about the essence of humanity, about that which makes life worth living. At bottom, the characters, the plot, and the insights of *Fahrenheit 451* are, above all else, about the life of the mind and the essential link between a life of the mind and a life of meaning.

35. *Id.* at 857.

36. *Id.* at 858.

37. *Id.* at 863.

38. See, e.g., *Iota Xi Chapter of Sigma Chi Fraternity v. George Mason Univ.*, 993 F.2d 386 (4th Cir. 1993) (striking down disciplinary penalties arising from an alleged hate-speech incident); *Coll. Republicans at S.F. State Univ. v. Reed*, 523 F. Supp. 2d 1005 (N.D. Cal. 2007) (enjoining enforcement of a college civility rule); *UWM Post, Inc. v. Bd. of Regents of the Univ. of Wis. Sys.*, 774 F. Supp. 1163 (E.D. Wis. 1991) (striking down a hate-speech code).

39. ORWELL, *supra* note 1.

Bradbury identifies many forces that interfere with a life of the mind and diminish the possibility of a life of meaning. They include separation from the written word; separation from the simple senses of taste, smell, sight, and touch; and separation from the virtues of leisure, respite, and reflection. For all the fire of *Fahrenheit 451*, for all the book burning and city bombing, the novel is largely about the human need for peace—for peace among nations, for peace of mind and soul. And while we may have averted the book burning that Bradbury predicted for us, we have not yet found our peace, literally or figuratively.

A. *The Vast Wasteland?*

In 1961, Newton Minow, the chairman of the Federal Communications Commission, would make a speech before the National Association of Broadcasters describing television as a “vast wasteland.”⁴⁰ Bradbury saw it the same way.

Bradbury’s indictment of what he regarded as the mind-numbing qualities of television may thus be extended more generally to the hypnotic effect of fast-paced visual expression and the carpet bombing of the marketplace with advertising and propaganda. As a futurist, Bradbury mostly got it right, anticipating flat-screen video, reality television, bombardments of mass advertising and mass culture, and films that move faster than the eye can register. Commenting years after he wrote the novel, Bradbury used the film *Moulin Rouge*⁴¹ to make his point about the rapid pace of modern film editing and his claim that this degrades thinking.⁴² By Bradbury’s count the film had 4500 half-second clips in it.⁴³ “The camera never stops and holds still.”⁴⁴ The upshot of this visual need for speed is that we overwhelm people with “sensation,” and sensation becomes a “substitute” for thought.⁴⁵

However apt Bradley’s indictment of television and electronic media may have been in 1961, the world has now changed profoundly. It is no longer fair to characterize television, and certainly not all of electronic media, as a wasteland or to treat it, as Bradbury did, as the sworn enemy of all intellect and reflection. The proliferation of cable and satellite broadcasting channels and, exponentially more transforming, the explosion of the internet have fundamentally altered mass culture and communication. This much is obvious. What is not so obvious is the impact of this rapidly expanding, worldwide electronic network on the maintenance of a healthy life of the mind and the discovery of paths to a meaningful life.

40. Newton N. Minow, Chairman, FCC, Address to the National Association of Broadcasters: Television and the Public Interest (May 9, 1961) (transcript available at <http://www.americanrhetoric.com/speeches/newtonminow.htm>).

41. *MOULIN ROUGE* (Romulus Films 1952).

42. A Conversation with Ray Bradbury, p. 184.

43. *Id.*

44. *Id.*

45. *Id.*

The internet is not something Bradbury imagined in *Fahrenheit 451*. The internet has reinforced the First Amendment assault on the regulation of speech, creating a wide-open electronic marketplace so vast and robust that legal regulators are often powerless to stop even those messages that formal First Amendment law would permit them to block. Yet at the same time, much as the wonders of electronic communication depicted in *Fahrenheit 451*, the wonder of the internet alone does not guarantee a meaningful life of the mind, nor does it ensure peace, either among nations or within individuals.

To be sure, as a society we have made a profound statement against *censorship* on the internet, and one must suppose that the Bradbury who wrote *Fahrenheit 451* must approve. If anything, there is more freedom on the internet than in physical space, in part because of immunities Congress has created in federal laws, and in part because of the sheer technological difficulty of piercing veils of anonymity or containing the proliferation of internet speech—even speech properly adjudicated as illegal or beyond First Amendment protection.

For its part, Congress deliberately subsidized the internet when it created broad legal immunity for internet service providers for the content generated by others. In doing so, it placed a higher premium on freedom than on accountability, morality, or order. The most significant such federal law is section 230 of Title XVII, created by the Communications Decency Act of 1996.⁴⁶ The law states in pertinent part that “[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.”⁴⁷ This means that if the victim of defamation or invasion of privacy can determine who posted the offending material on line, the victim may sue that poster. But the victim may not sue Yahoo! or Google or Facebook or MySpace merely for providing the electronic forum for such “user-generated content.”⁴⁸

A somewhat different balance has been struck for copyright infringement under the so-called “safe harbor” provisions of section 512 of Title XVII, created by the Digital Millennium Copyright Act. This law immunizes internet service providers from liability for hosting copyrighted material provided they have a “take down” mechanism in place that permits the rightful owner of the copyrighted material to issue a “take down” notice, which then triggers the removal of the material.⁴⁹

46. Communications Decency Act of 1996 § 509, Pub. L. No. 104-104, 110 Stat. 56 (codified at 47 U.S.C. § 230 (2000)).

47. 47 U.S.C. § 230(c)(1).

48. See, e.g., *Universal Commc'n Sys., Inc. v. Lycos, Inc.*, 478 F.3d 413 (1st Cir. 2007) (holding message board owner immune under section 230 for defamatory comments posted on a message board).

49. Digital Millennium Copyright Act § 202, Pub. L. No. 105-304, 112 Stat. 2860 (1998) (codified at 17 U.S.C. § 512).

The mechanisms of section 230 and section 512 are different—there is stronger legal protection written into federal law for property than for human personality—and courts have carved some modest inroads on these immunities. The immunity of section 230 may be lost, for example, when an internet service provider is also itself responsible for shaping the content of the material generated by others.⁵⁰ Yet the overriding reality is that the internet is remarkably censorship free, given the vast amount of expressive traffic that flows across cyberspace each day.⁵¹

The internet, which has opened up a vast world of person-to-person discourse, is naturally censorship resilient. Indeed, more than that, it is naturally law resilient. While the internet is not a lawless space, it is a space in which law is always several steps behind invention. Electrons and entrepreneurial ingenuity are faster than legislatures and courts. These features diminish the very physical and technical possibility of censorship, even where there is a public willing to censor.

B. Civilization, Senses, and a Life of the Mind

While we live in a relatively censorship-free era, particularly compared to that of *Fahrenheit 451*, we have not yet managed to escape many of the demons that vexed Bradbury's characters. Intellectual, meaningful lives require more than a censorship-free environment. And this is where the challenges and sufferings facing the characters in *Fahrenheit 451* remain remarkably constant with the challenges and sufferings of today. This is where *Fahrenheit 451* retains its greatest universality.

While Bradbury indicts the pace of modernity as an assault of sensation that pushes out thought, this should not be confused with an indictment of sensation itself. To the contrary, *Fahrenheit 451* warns us that a life without the senses is a life without memory, without meaning, without sensibility. Clarisse helps to save Montag by helping him to smell and see and taste and touch. Bradbury links the quality of human life to *physicality*.

Our world today is increasingly a world of diminished sensation. We trade physical reality for virtual reality. We are all too rushed to smell the rose, savor the sunset, taste the rain, feel the cool of the grass. So too, there is something pernicious in the loss of the very physicality of books, of libraries, of newspapers and magazines, of the solidity of the printed word, of the touch and feel and texture of bindings and pages, of the musky smell of the library stacks, of the sound of crinkling newsprint folded over the

50. See *Fair Hous. Council of San Fernando Valley v. Roommates.com*, 521 F.3d 1157 (9th Cir. 2008) (en banc) (holding roommate internet service provider not immune under section 230 for liability under Fair Housing Act when it helped shape responses of users and thus became a content-creator in addition to an internet service provider).

51. See, e.g., *Green v. America Online*, 318 F.3d 465 (3d Cir. 2003) (holding America Online immune for derogatory comments and malicious software transmitted by other defendants); *Ben Ezra, Weinstein & Co. v. America Online Inc.*, 206 F.3d 980 (10th Cir. 2000) (holding America Online immune for relaying inaccurate stock price information); *Zeran v. America Online, Inc.*, 129 F.3d 327 (4th Cir. 1997) (holding America Online immune for defamatory and harassing message board postings).

morning coffee. There is something more primal in this than clichés about “curling up with a book” instead of a laptop.

Bradbury links the burning of books to the ignoring of taste, smell, sight, sound, and touch, and he links the loss of both reading and sensation to a decline in our humanity. The link between the senses and books is a link between sense and *thought*, between sense and the taking of *time* to think. One of the profound insights of *Fahrenheit 451* is that we decline in our humanity when we mistake time for leisure and stimulation for a genuine life of the mind and soul.

Pausing to smell, see, feel, listen, and touch is the precondition to pausing to reflect, critique, brood, and invent. Pausing to read to a child is the precondition to pausing to pass on the traditions of civilized humanity.

C. *Privacy and Private Peace*

Beyond losing our senses, we live in a world of diminished *physical* private space. When Guy Montag is on the run from the Mechanical Hound, with the helicopters and surveillance cameras chasing him, the reader is fearful that Montag cannot escape because the authorities will be able to detect his every movement. What Bradbury imagined in 1953 we experience as reality today. With cell phones, GPS systems, Blackberries, recordings of credit card and bank card transactions, security swipe cards, surveillance cameras, tracing of email and internet messages, recording of telephone calls, and the myriad other ways in which our every transaction, movement, and hiccup are watched and catalogued and stored by someone somewhere, to recapture any genuine zone of privacy one must almost pull a Montag, strip to the bone, and float down the river into the wilderness. Even then, one might not escape the satellite photographs. It is no wonder that to find private space humans migrate to cyberspace, seeking to carve out zones of anonymity and autonomy there!

Yet the haunting warning of *Fahrenheit 451* is that an *overly* virtual world will ultimately become sensorially deprived, thought depleted, and meaning impoverished. We may be rearing an entire generation of young people who rarely experience the joys of *true leisure*, in the playful physical sense exemplified by Clarisse, and who, as Faber warned, will rarely know *true reflection*.

In *Fahrenheit 451*, the breakneck pace of life is captured in part by the imagery of fast cars. We’ve slowed down on the highways—Bradbury did not predict the energy crisis and auto safety-consciousness of today. On the other hand, we still manage to kill too many people in cars; what we lose from speed these days we make up for with cell phones. And cell phones, like email, are new inventions that speed up life and crowd out repose.

All of us, across generations, increasingly suffer ridiculously overscheduled lives. Every minute from waking to sleeping is accounted for. It starts all too early, with hours blocked for school, sports, music lessons, camps, clubs, church, whatever. The few moments of release are electronic, with iPods, text messages, video games, chat rooms—again, whatever. There is

precious too little play—play of the heart, play of the spirit, play of the mind. There is precious little loafing. We struggle to pencil in quality time. I'll have my avatar contact your avatar, and we'll do a meeting.

This might be dismissed as romance and nostalgia, but I think not. Isaac Newton postulated the rule of physics that for every action there is an equal and opposite reaction. This corresponds to a principle of culture and civilization. For every forward movement in science and technology that improves the physical quality of human life, there is a *potential* backward movement in the spiritual quality of human life. I use the word "spiritual" here not in an overtly religious sense but in the broader sense of the quest for a life of meaning. And I use the word "potential" to underscore that we can counteract these forces of repression and regression. Medical technology allows us to sustain human life much longer by artificial means, but for many this comes at the price of a life's end without quality and a death without dignity. Cell phones and Blackberries keep us in constant contact, allowing instant communication, but this comes at the price of a decline in contemplation and a loss of taking the time to think and consider and exercise temperate judgment. A modern director may present a movie with thousands of cuts and scenes, like Bradbury's example of *Moulin Rouge*, or Oliver Stone's film *JFK*,⁵² and watching these films may be a thrilling escape, but they lose their capacity to challenge us to look more deeply inside ourselves.

It is not hopeless. If we are self-aware, we can have our technological advances and still fight to maintain our humanity. But we must be purposeful and contemplative to do so.

Fahrenheit 451 timelessly conjures these tensions. The bombers are always in the air. Human beings may split the atom and unleash the positive energy of nuclear power, yet that power may be impressed into the service of weapons of mass destruction, unleashing Armageddon.

The link of speech to peace for Bradbury, however, goes beyond peace as the absence of war. At the individual human level, Bradbury links books and reading and conversation and discourse to *inner peace*, to self-discovery, to food for thought and thought's nourishment of the soul. All of the characters in *Fahrenheit 451* on the side of repression are ultimately miserable, and they perish. Beatty cannot find peace in his book pyres. However bravely he might have recited Shakespeare as he went down, it was a recitation in protest of too much. The captain somewhere deep inside knows he is doing evil, knows that his burning of books is linked to the burning of innocent people, and knows that the torch that ignites his body may also be sending his soul to the flames of hell.

So too, poor lost Millie and her smiling friends are familiar to us—still, characters desperately trapped in a cycle of botox, smile-frozen faces, and mood drugs. Millie nearly dies before our eyes, a victim of too much pharmaceutical attention, and she is saved only by the miracle medicine of the high-tech stomach pump. Yet if Millie lives on in body, to drink and pop

52. *JFK* (Warner Bros. Pictures 1991).

another day, it is plain that in mind and spirit she is dead already. It was not the content of her stomach that killed her, but the absence of content in her mind and soul.

In contrast, there is peace in the hearts of Clarisse, Faber, and Montag. We don't know for sure what happens to Clarisse or Faber, whether they were killed by the Mechanical Hound or the atom bomb that vaporized the city. And Montag ends the novel alive, but we cannot be certain what happens next. But Clarisse, Faber, and Montag leave us with a sense of peaceful immortality, a sense of the irrepressible human mind and human spirit that cannot die, will not die—much as Ray Bradbury teaches us that ideas and books cannot and will not die, and that this is the promise and hope of humanity.