

"Attention shoppers, on sale now, in aisle 4, *a more perfect union.*"

Constitutional Foundations for Consumerism

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The Revolution, the War of 1812, the Civil War, the Depression, World War II, Martin Luther King, Neil Armstrong, Watergate, Rodney King. These events and personalities along with so many others hold great significance in our history. Yet, one must ask: Where have they brought us? With so much effort and so much suffering where or what have we reached? Do we have now, after two hundred years, the *"more perfect union"* that the Constitution longed for?

Perhaps a look around will tell us where we are. What does one see? A discerning visit to mainstream America ought to reveal something. How about a Saturday morning around 11:00? Any city will do. Drop in. Take your time. Take a good hard look. Bring pad and pencil; notes might be helpful. Oh, and by the way, don't forget your charge cards. You'll need them. Welcome to Strip Mall - U.S.A.

America is Consumerism. Consumerism is America. Despite their good intentions, the Founding Fathers were the unfortunate and unknowing patriarchs of "Mart-ism."

Wal-mart / K-Mart
Food - Mart / Drug - Mart
Coke / Pepsi
Hertz / Avis
ABC / NBC
CBS / PBS
Nike / Reebok
Microsoft / PeopleSoft
Burger King / McDonalds
Ford / Lincoln

We have arrived!

Perhaps Hamilton, Jay, and Madison would be appalled if they were to find that their Federalist Papers helped found a nation that gives rise to New York's Time Square. Times Square, where, thanks to a recent revitalization by Disney, one can merrily partake in new "consumer experiences" (read: profit centers) with only minor steps around the homeless (instead of over them like in years past). Thank you Disney for transforming the diversity and wonder of Times Square into yet another strip mall. Why, I wonder, do people flock to Times Square's new megastores of Coke, Nike, and Disney when those same products are available on TV back in Iowa, London, Rio or Jakarta?

Perhaps the Founding Fathers simply wanted to shore up capitalism when drafting the Constitution. Perhaps the fact that capitalism, with its well-known strengths and weaknesses, has transformed into uncontrolled, unrestrained, and unconscious consumerism is an innocent by-product of an otherwise magnificent document. That the US consumes a massively disproportionate share of the world's resources is, still again, perhaps a simple anomaly which will clear up in due time.

A closer look, however, at America's twentieth century interpretation of four key aspects of the Constitution (and supporting arguments) reveals a constitutional foundation for consumerism. That the Constitution was, in large part, a response to economic instability and crises was acknowledged by Hamilton. In The Federalist No. 15 he asks rhetorically:

"Do we owe debts to foreigners and to our own citizens contracted in a time of imminent peril for the preservation of our political existence? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power which, by express stipulations, ought long since to have been surrendered?"

" ... Are we entitled by nature and compact to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. "

"... Is a violent and unnatural decrease in the value of land a symptom of national distress? The price of improved land in most parts of the country is much lower than can be accounted for by the quantity of waste land at market, and can only be fully explained by that want of private and public confidence, which are so alarmingly prevalent among all ranks, and which have a direct tendency to depreciate property of every kind. Is private credit the friend and patron of industry? That most useful kind which relates to borrowing and lending is reduced within the narrowest limits, and this still more from an opinion of insecurity than from the scarcity of money."

The fear of continued economic demise led to provisions in the Constitution. For example, Article I, section 8 states that...

"The Congress shall have power--
To lay and collect taxes, duties, imposts, and excises; to pay the debts ... of the United States; To borrow money on the credit of the United States; To regulate commerce with foreign nations, and among the several States, and with the Indian Tribes; To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures; To provide for the punishment of counterfeiting the securities and current coin of the United States; To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries..."

These provisions and many others were made in sincere respect for the capitalist tradition and were intended to create an atmosphere of economic stability and prosperity. From an economic perspective, and, by all measures, the Constitution has had great success. Unfortunately however its capitalist foundation in conjunction with the following characteristics has led to the unchecked consumerism with which we suffer today.

First, let us consider The Bill of Rights, amendments one through ten of the Constitution, which was ratified in 1791. The first states that:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; of abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

In academic and judicial circles, the implications of this amendment and indeed all those of the Bill of Rights, are well known and well documented. On the other hand, the average American would be hard pressed to state the freedoms called for in the Bill of Rights in any semblance of an organized and accurate fashion. Nonetheless the typical citizen is aware of some system or context of the freedoms they enjoy. Most, could express an understanding of freedom of speech, freedom of the press, and perhaps due process. Professor if this note is still here then your student plagiarized my paper from pnca.edu slash tilda mlawton The fact that a typical citizen rarely needs to refer to the Bill of Rights in his normal acts of citizenry (occupation, letters to the editor, participation in juries, buying weapons) is perhaps the best evidence of its strength. Citizens enjoy and expect their rights even if they can not actual state them. Even school children have an indirect sense of the Bill of Rights when they attempt to defend their use of profanity.

The difficulty arises with a much more expansive and self-indulgent interpretation of the Bill of Rights. Although one can, as mentioned above, find significance in the fact that citizens sense their rights even if helpless to articulate them, there is a latent danger. More than 100 years ago, Tocqueville recognized that in the United States,

"...everyone is the best and sole judge of his own private interest, and that society has no right to control a man's actions unless they are prejudicial to the common weal..."

Today we find Tocqueville's observation restated in the ever-present individual sentiment that "I can do whatever I want as long as I do not bother anybody (ain't hurtin nobody)." In the absence of any societal norm towards a life of contemplation, intellectualism, or active citizenry today's Americans succumb to doing "whatever they want" with *whatever they want*. In other words, they are free to buy all the products that capitalism has to offer so that they can enjoy their so-called freedom. The Bill of Rights has become a sort of membership card to every store in America guarantying freedom to buy a G.I. Joe with Kung-Fu grip, a 36 ounce Big Gulp, or a video of the Grand Canyon (no need to travel all that way).

This self-serving interpretation of the Bill of Rights is perhaps the most shameful aspect of American culture. Yet, it does not alone lead to mass consumerism. We must, in addition, consider that the Constitution was written with a sense of nearly unlimited resources. The framers saw the vast frontier as open to expansion and anticipated growth with enthusiasm and gusto, and indeed prepared for it within the Constitution. Article IV, section 3 states: "*New states may be admitted into by the congress into the Union.*"

Their optimism is reflected by Madison in The Federalist No. 14 when he predicts the growth of both the country and its infrastructure:

"...the immediate object of the federal Constitution is to secure the union of the thirteen primitive States, which we know to be practicable; and to add to them such other States as may arise in their own bosoms, or in their neighborhoods, which we cannot doubt to be equally practicable."

He continues:

"Let it be remarked, in the third place, that the intercourse throughout the Union will be facilitated by new improvements. Roads will everywhere be shortened, and kept in better order; accommodations for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout, the whole extent of the thirteen States. The communication between the Western and Atlantic districts, and between different parts of each, will be rendered more and more easy by those numerous canals with which the beneficence of nature has intersected our country, and which art finds it so little difficult to connect and complete."

Locke, writing on a different subject, 100 years prior, indicates an international recognition of the enormity and potential resources of America when he asks:

"...what would a man value ten thousand, or an hundred thousand acres of excellent land, ready cultivated, and well stocked too with cattle, in the middle of the inland parts of America...?"

The assumption of ready access to unlimited resources, dates from the early settlers, and its codification within the Constitution has allowed it to continue until the current day. This assumption has become so ingrained in our collective sub-conscious that we seldom consider the sources of the products we buy. At the same time, access to resources serves as the fuel of the engine of consumerism.

Finally, and perhaps the most important characteristic leading to consumerism, is the Constitution's design of the legal and economic relationship between the states. The Founding Fathers clearly desired to make the state boundaries permeable to commerce...

"The Congress shall have power to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States." (Article I, section 8)

"No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another. (Article I, section 9)

"No State shall ... coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill ... any law impairing the obligation of contracts;" (Article I, section 10)

"Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State" (Article IV, section 1)

More important than the easy flow of products and money across state borders, is the Constitution's provisions which enable men to flow across borders:

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." (Article IV, section 1)

"The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress..." (Article I, section 9)

The free flow of people to and from states and the guarantee of the economic climate that they encounter upon arrival has made it very natural, in the twentieth century, for man to move many times in his life in pursuit of better economic prospects. Today, it is not uncommon for a man to live in a dozen cities by the age of 30. How then, does American mobility yield consumerism? First of all, the easy decision to abandon one's roots in favor of better economic circumstances already indicates the importance that (the buying power of) money has to Americans. Tocqueville commented as much when writing:

"I know of no country, indeed, where the love of money has taken stronger hold on the affections of men ..."

Secondly, let us consider the impact of moving. Regardless if one has friends in a new city or not, a move has short and long term effects on both an individual and a family. When one moves one experiences a sense of loss, a disorientation, an uprooting, a helplessness. These emotions are shared by both he that moves and he that is left behind. One senses a void in one's life, yet realizes, in America, that it is futile to fight the impetus to move.

There are no substitutes for the human interaction that is lost when one moves for economic reasons. There are no solutions; and although time may mitigate the pain it is never completely gone. Americans try to dull the pain in this mobile society by buying products. New products to fill new homes. New products with new friends. New products for new hobbies. New products to keep one occupied. New products to send to old friends. New products to display one's standing in the new community. New products because they are new. In sum, products are desired to distract one from the longing for home. Although the attempt is futile the process continues.

Even Ronald Reagan alluded to America's diaspora, when, playing the part of President in an 8 year mini-series, he stated that "*television is the fabric that holds a distant nation together.*" (Loose quotation is hereby acknowledged.) Knowingly or not, he refers here not to a large nation but to a nation whose citizens are distant to one another.

One might challenge the assertion that the Constitution itself is responsible for our mobility and consequent consumerism. In answer, let us ignore for the moment the obvious fact that the Constitution, as fundamental, is related to every American phenomenon. Let us conduct the following *Gedanken* experiment. Consider one small hypothetical change in the Constitution...

"No State shall admit the migration of any citizen without a tax equivalent to one year's salary." (Article Lawton, section 1)

While all the consequences of such a provision are unknowable, it is apparent that it would serve as a severe disincentive to mobility. The number of citizens living inside their state of birth would dramatically increase, citizens would feel more attached to their environs, and consumerism would drop.

The situation described above is indeed a depressing one. Yet, people do not abandon all desire for community even when they are flush with money thanks to the success of capitalism; when they consider shopping a guaranteed freedom; when they are ignorant of the fact that the world's resources are not America's; and when they constantly move in search of higher salaries.

Americans want roots and search for it desperately. It is for this reason that we see the vast number of special interest clubs. People use these associations to give meaning to a life so terribly removed from community in the true and traditional sense. Despite their inherent value, these associations (frisbee club, bridge club, tupperware parties, soccer moms, skiing club) simply can not achieve the sense of roots that we would have if we simply stayed at home. If only we could buy our roots at "Root-Mart" life would be so much easier.