

<p>SOCIAL ACIENCE: This passage is adapted from a book titled <i>How Courts Govern America</i> by Richard Neely</p>	<p>社会科学 法院是如何管理美国的？</p>
<p>Government is a technical undertaking, like the building of rocketships or the organizing of railroad yards. Except possibly on the local level, the issues which attract public notice usually involve raising money(taxes), spending money(public works), foreign wars(preventing them or arguing for fighting easy ones), education, public morals, crime in the streets, and, most important of all, the economy. When times are bad, or there is a nationwide strike or disaster, interest in the economy becomes all-consuming. However, the daily toiling of countless millions of civil servants in areas such as occupational health and safety, motor vehicle regulation, or control of navigable waterways escapes public notice almost completely.</p> <p>Furthermore, even with regard to high-visibility issues, significant communication between the electorate and public officials is extremely circumscribed. Most serious political communication is limited to forty-five seconds on the network evening news. In days gone by, when the only entertainment in town on a Wednesday night was to go to the county courthouse to listen to a prominent politician give a theatrical tirade against Herbert Hoover, an eloquent speaker could pack the courthouse and have five thousand people lined up to the railroad tracks listening to the booming loud-speakers.</p> <p>The political orator of yesteryear has been replaced by a flickering image on the tube unlocking the secrets of the government universe in forty-five-second licks. Gone forever are Lincoln-Douglas type debates on</p>	<p>政府是一个技术性工作，像修建宇宙飞船或建设铁路轨道网。除了可能在地方层面上，吸引公众注意的议题通常涉及融资（税收）、花钱（公共工程）、对外战争（阻止战争或打容易之仗）、教育、公共道德、街头犯罪，以及最重要的经济。当经济不景气、或发生全国性罢工或灾难时，人们的关注点都转移到经济上。然而，无数工作在职业健康和安全、机动车辆监管或航道管控等领域的公务员们完全不被公众所注意。</p> <p>此外，即使是在广受关注的议题上，选民和政府官员之间关键的沟通是非常受限的。最严肃的政治沟通仅局限于 45 秒晚间新闻。在过去的时候，周三晚上镇上唯一的娱乐方式就是去当地法院听知名政客发表激烈的长篇演说，攻击赫伯特·胡佛。整个法院会因为一位雄辩的演说家水泄不通，法院外还有五千位听众一直排到铁道那边，通过扩音器收听演说。</p> <p>昔日的政治演说家被电子管闪烁的图像所取代，在 45 秒新闻里揭露政府的秘密。林肯-道格拉斯式在法院台阶上辩论的形式已经一去不复返。报纸接替了这一角色，但作用甚微。人们提供给报纸的信息大部分都会经过</p>

courthouse steps. Newspapers take up the slack a little, but very little. Most of what one says to a local newspaper (maybe not the New York Times) gets filtered through the mind of an inexperienced twenty-three-year-old journalism school graduate. Try sometime to explain the intricacies of a program budget, which basically involves solving a grand equation composed of numerous simultaneous differential functions, to a reporter whose journalism school curriculum did **not include** advanced algebra, to say nothing of calculus.

But the electorate is as interested in the whys and wherefores of most technical, nonemotional political issues as I am in putting ships in bottles: they do not particularly care. Process and personalities, the way decisions are made and by whom, the level of perquisites, extramarital sexual relations, and, in high offices, personal gossip dominate the public mind, while interest in the substance of technical decisions is minimal. Reporters focus on what sells papers or gets a high Nielsen rating; neither newspapers nor television stations intend to lose their primary value as entertainment. Since the populace at large is more than willing to delegate evaluation of the technical aspects of government to somebody else, it inevitably follows that voting is a negative exercise, not a positive one. Angry voters turn the rascals out and, in the triumph of hope over experience, let new rascals in. What voters are unable to do—because they themselves do not understand the technical questions—is tell the rascals how to do their jobs better.

Serious coverage of goings-on in government is deterred by the fact that government is so technical that even career civil servants cannot explain what is happening. In 1978 I attended a seminar on federal estate and gift tax, where the Internal Revenue Service lawyers

23岁新闻学院生嫩毕业生的过滤和筛选。改日，大家可以尝试向新闻学院毕业的记者解释错综复杂的项目预算。这些预算基本上只需要解答由一个众多联立微分方程组成的大方程，但新闻学院不会教授高等代数，更不必说微积分。

但在大多数专业且理性的政治议题上，选民们对其理由和原因的兴趣就好比我对把船装在瓶子里的兴趣一样：他们并不关注。编造谣言和人身攻击，怎样作出的决定和是谁作出的决定，额外津贴，婚外情以及高层的个人绯闻，这些话题通常为公众津津乐道，而他们对技术决策的关注微乎其微。记者们只关注什么才能提高报纸销量，或者如何才能获得比较高的尼尔森收视率；报纸和电视台都没打算失去他们作为娱乐方式的主要价值。

由于民众更愿意将对政府的技术评估委托给其他人，投票则变成一项消极而非积极的举动。愤怒的选民把流氓票选出去，怀揣希望，又将新的流氓票选进来。选民们没有能力告诉流氓如何把工作做得更好，因为他们自己都不了解技术性问题，

对政府内部运行的严肃报道受阻，因为政府运作如此技术性以至于职业公务员都无法解释正在发生的事情。在1978年，我参加了一个关于联邦遗产及赠与税的研讨会，在会上，负责这一领域的国税局律师坦言他们不理解1976年税收改革法案。错综复杂的技术问题，

responsible for this area frankly confessed that they did not understand the Tax Reform Act of 1976. Intricate technical issues such as taxation, arms control, and nuclear power are difficult to understand for professionals, to say nothing of the most diligent layman.

That anything gets done by a political body at all is to be applauded as a miracle rather than accepted as a matter of course. When we recognize that in the federal government, with its millions of employees, there are but five hundred and thirty-seven elected officials, put into office to carry out the "will" of a people who for the most part know little and care less about the technical functioning of their government, the absurdity of the notion of rapid democratic responsiveness becomes clear. The widely held tenet of democratic faith that elected officials, as opposed to bureaucrats or the judiciary, are popularly selected and democratically responsive is largely a myth which gives a useful legitimacy to a system. In fact, however, far from democratic control, the two most important-forces in political life are indifference and its direct byproduct, inertia.

如税收、军控和核能，专业人士都很难理解，更不用说最勤奋的门外汉。

任何由一个政治机构完成的事都是值得赞赏的奇迹，而不是一种理所当然的事情。当我们意识到，在联邦政府数以百万计的员工中，有且只有 537 年民选官员来执行人们的意志，且他们所代表的人们大部分对政府的技术性运作一无所知时，快速民主反应能力这一概念的荒谬性就显而易见了。人们广泛认为，和官僚、法官不同，民选官员由大众选出，能够代表人民的意志，但这信仰的要义只是个神话，对一个体系来说给予了派的上用场的合法性。然而事实上，与实现民主统治相去甚远，政治生活中两支最重要的力量反而是冷漠和它的直接衍生品，无为。