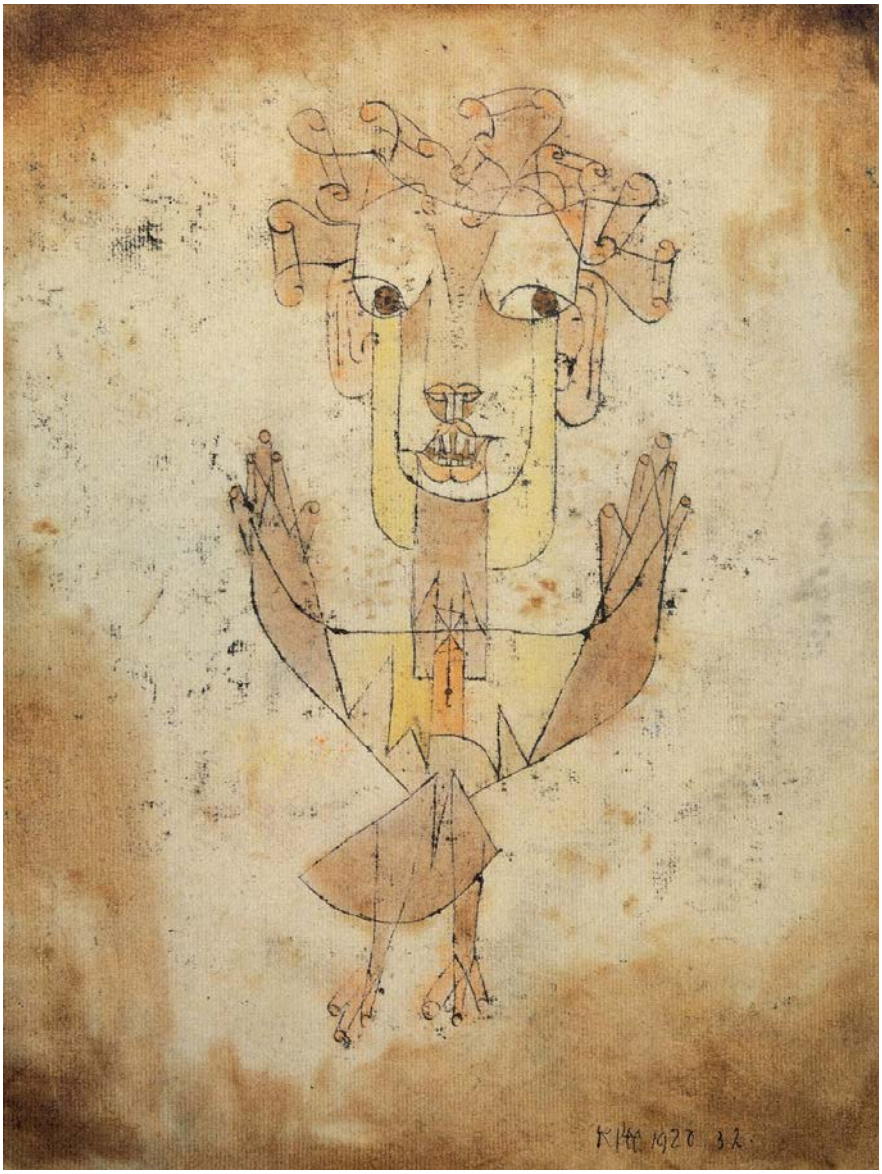
Crisis, Context, Modernity, Myth



SPECTRA: The ASPECT Journal
Volume 2, Number 1, November 2012

Holly Jordan, Jennifer Lawrence, and Christian Matheis, Editors

Virginia Polytechnic Institute and State University

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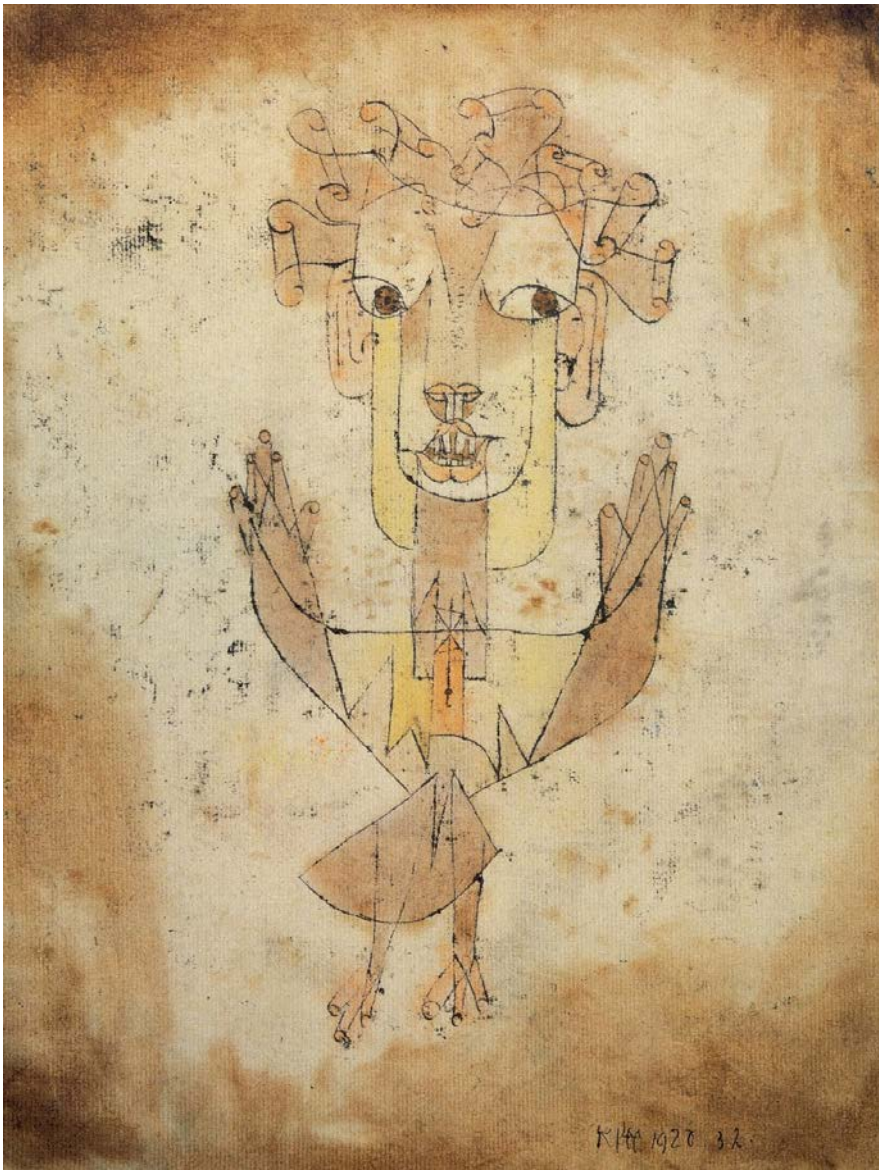
Contents

Review Essays

Crisis, Context, Modernity, Myth



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EDITORS' INTRODUCTION:
Crisis, Context, Modernity, Myth

The editors of *SPECTRA: The ASPECT Journal* are pleased to announce the publication of Issue 2.1: Crisis, Context, Modernity, Myth. The publications in this issue highlight the work of several ASPECT students and affiliated faculty. We are also delighted to have this issue feature several recent ASPECT sponsored events.

The essays, interviews, reflections and reviews in this edition focus on four thematic areas of contemporary discourse: Crisis, Context, Modernity, and Myth. The contributing authors bring forth an interplay of insightful and controversial ideas that revisit classical interpretations along with new areas of discourse. In keeping with the interdisciplinary mission of SPECTRA, we have selected and compiled these essays in order to promote a variety of methodological risks as well as offer a forum for traditional disciplinary insights.

In doing so it is our aim to provoke new readings and alternative interpretations in social, political, ethical and cultural thought. With each successive historical era we suppose that lessons have been learned, that the past will be built upon, and that a better notion of what ought to be has emerged. Modernity, however, has resulted in a societal tailspin with a lively debate on what modernity is and how society must evolve. This debate is found in several of the featured submissions in Issue 2.1.

Issue 2.1 begins with essays by Alex Barder, Steve Daskal, James Klagge, and Kent Morris. In his essay, “Mythopoiesis and the Constitution of the Mytho-State in Plato and Heidegger,” Alex Barder confronts common rationalist assumptions about modern liberal political theory by tracing the use of myth as a foundational component of theories of the state. Barder’s argument for attention to the “mytho-state” exposes a connection between myth as political and politics as mythical prompts reconsiderations in contemporary political theory.

Steve Daskal wrestles with this search for unification in his article *A Contextual Approach to Political Philosophy*. In this piece, Daskal evokes John Dewey to argue that we must always have a contextual referent if our political philosophical pursuits are pragmatic enough to search for resolution to life’s difficulties.

In Jim Klagge's "U.S. Power After 9/11: The Metaphor of Exile " we are confronted with the question of whether the United States can be thought of, at least metaphorically, as a nation in exile. Drawing from comparisons with ancient Judeo-Christian narratives of

exile, Klagge poses some possibilities for changing common sentiments in the U.S. regarding security, vulnerability, and the role of a nation that may need to give up a powerful position in the world in order to co-exist, to experience restoration to membership in a global community.

Kent Morris' "Executive Privilege: The Sovereign Exception in Action" explores the relationship between expanding executive privilege in the United States and Carl Schmitt's sovereign exception. Beginning with the hearing on contempt of Attorney General Eric Holder, Morris traces the history of executive privilege in the United States beginning with President Abraham Lincoln. Throughout the article, Morris shows how the use of executive privilege answer the question Schmitt posited in 1922: "Who decides?"

Our issue continues with three interviews from the ASPECT Speakers Series. The first is with Michael Hardt, Professor of Literature and Italian at Duke University and a Professor of Philosophy and Politics at the European Graduate School in Saas-Fee, who gave a public lecture entitled "What to Do in a Crisis" on February 23, 2012. Dr. Hardt was kind enough to grant an interview prior to his lecture which is transcribed in our journal. The second interview, with Dana Nelson, Gertrude Conaway Vanderbilt Professor of English at Vanderbilt University, discusses her book *Bad for Democracy: How the Presidency Undermines the Power of the People* as she presented in a public lecture entitled "Barriers against Democracy: Rethinking the Nation's Founding" on January 22, 2009. The third is an audio interview with Lawrence Grossberg, Morris Davis Professor of Communication Studies and Chair of the Executive Committee of the University Program in Cultural Studies at UNC.

Issue 2.1 concludes with two book reviews by Heba El-Shazli and Jennifer Lawrence. Heba El-Shazli's review of Timothy Mitchell's *Rule of Experts: Egypt, Techno-Politics, Modernity* is a timely piece, looking at the relationship between economic reforms and technology and politics. Mitchell's 2002 work focuses on the intersection of modernity, capitalism, agrarian history and colonialism in modern Egypt. Grounding her piece in Mitchell's theoretical framework, El-Shazli adds critical points to the conversation, citing the work of James C. Scott, Fernand Braudel, Eric Wolf, and Daniel Thorner to integrate perspectives on peasant studies and its place within discourse in modern Egyptian politics. The review also places Mitchell's book in the greater context of the Arab Spring, asking whether the changes seen in Egypt today have any real depth or are merely superficial.

Jennifer Lawrence's review of Simon Dalby's *Security and Environmental Change* highlights some of the common referents of modernity, including its presence, contemporary existence, and yearning for the future. But, even with this yearning for the future, it is clear that modernity cannot be equated with progress. The spirit of modernity remains elusive, unable to be grasped, held, or obtained. The disaggregated feeling that modernity leaves in its wake is one that lingers and searches for unification, meaning, and place.

As you read the range of essays addressing contemporary intellectual discourse in terms of crisis, context, modernity, and myth please consider contributing to future issues of *SPECTRA*. We encourage a broad range of conventional and creative contributions and welcome inquiries about the journal at any time.

Holly Jordan
Editor-In-Chief

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Mythopoiesis and the Constitution of the Mytho-State in Plato and Heidegger

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Abstract: Is the state, by that we may loosely take as the ensemble of social practices that pertain to the management and authority of the polity, ever solely a rational construction? Liberal social contract theory, roughly speaking, posits the possibility that rational self-interested beings develop a consensus as to the need and constitution of the state. The state through its various forms and modalities as it evolved from its original constitution-making event is thus taken as inherently legitimate because of its intrinsic reflection of the original consent of the people. In this essay I seek to problematize this notion of the rational state by returning to the ways in which Plato, and more implicitly, Heidegger justifies, legitimizes and operationalizes the state as such. To do so is to first recognize the importance of the role of mythical thought in both Plato and Heidegger. Following the work of Leo Strauss, Ernst Cassirer and Hans Blumenberg, I argue that the theorization of the state also involves myth. In particular, following some of Strauss' insights, rather than reading Plato's Republic as a repudiation of myth as such, the Platonic "state" may be seen as an instance of, what may be called, mythopoiesis as reflected, for example, in the discussion of noble lie or the myth of Er. While Plato's Republic provides the ground for the elaboration of the concept of mythopoiesis, Heidegger's arguments against modern society, technology, and in fact art as aesthetics may perhaps be read as an attack against the very liberal idea of the state as a me-

chanical entity (as in Hobbes). In which case, the turn towards poetic language implicitly prompts the need for (re)establishing what I would call the mytho-state.

We read the nature of the human soul in the nature of the state – we form our political ideals according to our conceptions of the gods.[1] Every rationalist interpretation falsifies the immediacy of life. The myth is no utopia.[2] The boundary line between myth and logos is imaginary and does not obviate the need to inquire about the logos of myth in the process of working free of the absolutism of reality. Myth itself is a piece of high-carat 'work of logos.'[3] A decisive question for me today is: how can a political system accommodate itself to the technological age, and which political system would this be? I have no answer to this question. I am not convinced that it is democracy.[4]

The idea that the modern nation-state is fundamentally entwined with a mythical imaginary may appear rather odd given that the very promise of modernity was precisely to do away with it. Marxism, for example, rested upon specific material Laws of History that genuinely mitigated the necessity of mythological forces for maintaining the cohesion of state and society.[5] Science and technology, more generally, being largely per-

[1] Ernst Cassirer, The Myth of the State (New Haven: Yale University Press, 1946), 66.
[2] Carl Schmitt, The Crisis of Parliamentary Democracy (Cambridge: MIT Press, 1985), 71.
[3] Hans Blumenberg, Work on Myth (Cambridge: MIT Press, 1985), 12.
[4] Martin Heidegger, ""Only a God Can Save Us": Der Spiegel's Interview with Martin Heidegger (1966)," in The Heidegger Controversy: A Critical Reader, ed. Richard Wolin (Cambridge: MIT Press, 1993).
[5] An important exception in this can be seen in the case of George Sorel. Sorel argued in part that the Marxist understanding of class conflict, historical materialism and communist revolution was much too beholden to the Hegelian conception of history. As such, what was needed to engender action leading to the revolution was precisely a mythical force of the general strike that could not be refuted according to

ceived as neutral spaces for consensual agreement to emerge, were also supposed to become the main tool for the control of individual passions and to do away with the inconsistencies of mythical narration. Leo Strauss made this particular observation in his study of Hobbes where "The mechanistic conception [of man's appetite] is based on the mechanistic explanation of perception and therewith on the general theory of motion…"[6] The idea being that mechanical control over motion would in and of itself meet the requisite conditions needed for the possibility of controlling society as a whole. Liberal theories of state, for the most part, contextualize the state as the product of self-interested rational actions one takes when seeking to depart the state of nature, or more recently in the case of Rawls, an original position devoid of anything that might impinge upon a rationally deliberative strategy for choosing the principles according to which the state is constituted.[7] While the state of nature in much of social contract theory may be construed as a mythical and ahistorical heuristic device to illustrate the rationale for the emergence of the sovereign will (Hobbes), the mythical aspects of the origins of the state are usually deemed to fall by the wayside. Myth, as many Enlightenment philosophers have traditionally argued, must be seen as a pre-modern/pre-scientific archaic stage of human existence and collective consciousness with which modernity finally disposes. Progress - whether technical, economic, social and, ultimately, political - was inconsistent with myth as such. Mythology was thus supposed to be the subject of eth-

any rational explanations. For Sorel, then, myth was actually the very opposite of utopian thinking given that utopia was itself the product of rational constructs in the first place. See Georges Sorel, Reflections on Violence, ed. Jeremy Jennings (Cambridge: Cambridge University Press, 1999).

[6] Leo. Strauss, The Political Philosophy of Hobbes, Its Basic and Its Genesis (Chicago: University of Chicago Press, 1952), 9

[7] John Rawls, A Theory of Justice (Cambridge: Harvard University Press, 1971), 11-12.

nology and anthropology where the locus of study is the constitution of pre-modern societies and not, then, a matter for modern political theory as such.

The problem, nonetheless, remained that the rational/scientific constructions derived from the various Enlightenment projects were lacking in a fundamental manner. Mythical stories of origins were needed to compliment the legitimacy of rule and to effectuate notions of affective community.[8] The inability of rational state theories to explain the organic or affective relationships between the state, sovereign and community itself reflected a deep-seated angst within such rationally conceived constitutions. As Susan Buck-Morss writes, "Myths give answers to why the world is as it is when an empirical case and effect cannot be seen, or when it cannot be remembered." [9] And as Isaiah Berlin more forcefully puts it,

> Myths are not, as enlightenment thinkers believe, false statements about reality corrected by latter rational criticism, nor is poetry mere embellishment of what could easily well be stated in ordinary prose. The myths and poetry of antiquity are a vision of the world as authentic as that of Greek philosophy, or Roman law, or the poetry and culture of our own enlightened age…Each culture expresses its own collective experience, each step on the ladder of human development has its own equally authentic means of expression.[10]

[8] Indeed, Michel Foucault's work in Society Must Be Defended was an elaborate genealogy of sovereignty that rested in large part on the bringing to light the use of mythical historiography for speaking about the 'origins' of nations present in counter-state/counter-enlightenment discourses as seen in the writings of Count Henri de Boulainvilliers. For Foucault, the ever-present war between the sovereign and the aristocracy centered on differing conceptions of the mythical origins traced back to Graeco-Roman and Germanic antiquity. See Michel Foucault, Society Must Be Defended : Lectures at the Collège De France, 1975-76 (New York: Picador, 2003).
[9] Susan Buck-Morss, The Dialectics of Seeing: Walter Benjamin and the Arcades Project (Cambridge: MIT Press, 1991), p. 78.
[10] Isaiah Berlin, "The Counter-Enlightenment," in Against the Current: Essays in the History of Ideas, ed. Henry Hardy (London: The Hogarth Press, 1979), 5.

As a consequence of this perceived inadequacy of Enlightenment rationalizations of community, the Romantic Movement in Germany placed much more emphasis upon myths of origins. In particular, the poetic return to Greek antiquity in the Romantic Movement constructed an essential connection between a sense of self of the Germanic nation and its place in Europe. Herder, for example, would assert that "A poet is a creator of a people"[11] in that the poetic language was the means of reasserting the original unity of the polity. Likewise, Hölderlin, Hegel and Schelling devised a common manifesto entitled the Systemprogram as the aesthetic response to the Cartesian subject-object dichotomy. As Josef Chytry notes, "The eight paragraphs of the Systemprogram consist of two main undertakings: the transformation of metaphysics into praxis through a philosophy of nature ('giving wings' to physics), and development of its implications for the 'work of man' in the form of a new 'mythology of reason.'"[12] Chytry goes on to affirm that one of the primary goals of this manifesto for conceiving the state as the aesthetic state was so that "Reason and poeisis can then be wed as poeisis becomes the 'teacher of humanity' that it had been before the original sundering of human consciousness ('history') and 'mythology' succeeds 'history.'"[13]

The German Romantic movement illustrates the deeply felt attempt at combining the rational foundations of the state, nation and individual through an aesthetic turn. However, these aspects of the counter-enlightenment turn towards the poetic/mythic

[11] Quoted in Josef Chytry, The Aesthetic State: A Quest in Modern German Thought (Berkeley: University of California Press, 1989), 49.
[12] Ibid., 125.
[13] Ibid., 126.

were never fully explored in political theory and political philosophy in general throughout the 19th century, with the notable exception of Nietzsche; or at least until the neo-Kantian philosopher Ernst Cassirer in the early part of the 20th century.[14] Cassirer's theory of symbolic forms was an attempt at understanding the persistence of myths when rational thought should have exuviated their necessity or utility. Indeed, writing in his last major work during the final paroxysm of the Third Reich, Cassirer saw the pathological apogee of the mythical state in modern times as a sort of reversion to an archaic thought process.[15] Cassirer continues to juxtapose rational and mythical thought asserting that in the realm of politics and social life the latter has won out.[16] Mythical thought is taken as a primary state that needs to be overcome and the task of his main work on the relationship between myth and the state - The Myth of the State. Cassirer's goal is to reconstruct the historical turns in political thought where myth became an inevitable aspect of state formation and social control.

This essay departs from the aforementioned attempt at rethinking the relationship between state formation and practice and myth by instead looking more closely at the ways in which Plato and Martin Heidegger navigate this relationship. To do so I sub-

[14] One may also note the importance of myth for Emile Durkheim. Durkheim saw myth as the necessary antidote for the state of anomie, or the prevalent condition social decay. As Berlin notes in the case of Durkheim, "The function of myths is to bind society, create a structure of rules and habits, without which an individual may suffer from a sense of isolation and solitude, may experience anxiety, feel lost; and this in turn leads to lawlessness and social chaos. For Durkheim myths are ultimately a utilitarian, if uncontrived, spontaneous and natural, response to a quasi-biological need; his account of their function is treated by him as an empirical discovery of a Burkean kind, of a necessary condition for social stability." Isaiah Berlin, "George Sorel," in Against the Current: Essays in the History of Ideas, ed. Henry Hardy (London: The Hogarth Press, 1979)., pp. 317-318; This way of looking at myth will have important implications for the way in which myth is conceived in Plato and Heidegger.
[15] Cassirer, The Myth of the State.
[16] Ibid., 3.

divide this essay into three parts. In the first part, I briefly and very schematically examine Hans Blumenberg's concept of myth in order to formulate a working definition of the key ideas at play in theorizing the state. Blumenberg's approach to myth is revealing in that he does not draw the stark division between rational and mythical thought. Rather, mythical thought is deeply entwined within the constitution of human beings in relation to their environment and thus cannot be removed from any kind of political foundation. Blumenberg's analysis of myth is then used as the model for looking at the place of myth in the works of Plato and Heidegger, the heart of this essay. Section two turns to Plato and especially the way the Republic conceives of proper constitution of the polity. While Plato is obviously known for his polemics against the Homeric and Hesiodic myth/poetry, I argue, following some of the insights of Leo Strauss and Stanley Rosen that Plato's Kallipolis is laden with mythical forms and seeks to reestablish a mythical constitution for the polis. Here I pay attention to three main issues in the Republic, the education of the guardians and children, the noble lie, and the myth of Er as textual justification for the establishment of a mythopoiesis of state rule. In the third part of the essay I discuss Martin Heidegger's later poetic turn and its consequences for the political and the state. In particular, I tease out the implications of Heidegger's critique of technology as a mode of revealing, its implications for collective or societal dwelling and how the state should then be conceived in the condition of the withdrawal of Being. I argue two points. First, that both Plato and Heidegger, aside from the numerous critiques of the latter against the former, share an important connection when it comes to the importance of mythopoiesis as the defining characteristic for what constitutes the state.

For Heidegger, this turn to myth may be observed with his initial support of National Socialism as the answer to the crisis of modernity. However, the poetic turn in Heidegger represents the construction of an aesthetic state that tilts the political and the state much too far towards the dominance of mythos.

I

Ernst Cassirer admits that a theory of myth is "laden with difficulties."[17] Because, at first glance, "Myth is nontheoretical in its very meaning and essence" and is not amenable to the scientific and empirical forms of truth, the study of myth is fundamentally rooted in a hermeneutics of allegorical readings that early (Stoic) philosophy privileged.[18] For Cassirer, however, the form of myth nonetheless, "combines a theoretical element and an element of artistic creation."[19] Myth, then, has a close relationship with poetry and Cassirer quotes F.C. Prescott's 1927 study Poetry and Myth as arguing that "Ancient myth is the 'mass' from which modern poetry has slowly grown by the processes which the evolutionists call differentiation and specialization. The myth-maker's mind is the prototype; and the mind of the poet…is still essentially mythopoeic."[20] Cassirer claims there is a fundamental difference between myth and art in general. Following Kant, who asserted that "aesthetic contemplation is 'entirely indifferent to the existence or nonexistence of its object'," Cassirer argues that myth is contingent upon a notion of

[17] Ernst Cassirer, An Essay on Man: An Introduction to a Philosophy of Human Culture (New Haven: Yale University Press, 1944), 73.
[18] Ibid., 73-74.
[19] Ibid., 75.
[20] Ibid.

belief without which myth "would lose its ground."[21] However, and this is one of the focal points of this essay, the idea of mythopoiesis is precisely the point where belief and poetry merge to form a conceptual apparatus that can be molded into forming the foundation of a state, what one may call the mytho-state. Rather than following Cassirer in drawing a rigid line between mythical thought and rational thought, and where the possibility of the pure rational state becomes a possibility I argue, following the more recent work of Hans Blumenberg, that myth as such can never be fully expiated or transcended through the "triumph of reason." Indeed, one of the implications of Cassirer's text, The Myth of the State, is the very possibility of the purely rational state. As he asserts, "As long as these forces, intellectual, ethical, and artistic, are in full strength, myth is tamed and subdued."[22]Contra Cassirer, however, myths are never fully subdued and remain central even in the practice of 'rational' liberal democracy.

Hans Blumenberg's Work on Myth is a magisterial study of the continued importance of mythology for modern civilization and culture. Not satisfied with the traditional framework for understanding myth as a pre-scientific/pre-modern experience of reality that we see, for example, in Cassirer's work, Blumenberg redefines the terms of the debate to account for the prevalence of mythical stories throughout all ages and societies. Reality, or rather the perception of reality, is never fully conceived within a particular mode of mastery as such; Blumenberg takes reality as an excess, a limit concept, akin to the 'status naturalis' that animated social contract theories since Hobbes. What

[21] Ibid.
[22] Cassirer, The Myth of the State, 298.

Blumenberg calls the "absolutism of reality" reflects the condition of absolute terror in the face of a stark lack of control over man's embedded environment: "What is here called the absolutism of reality is the totality of what goes with this situational leap, which is inconceivable without superaccomplishment in consequence of a sudden lack of adaptation."[23] This so-called situational leap occurred roughly at the moment when man emerged as a bipedal creature and, as a consequence, for the first time, left the security of the forest for the wide expanse of the savanna. Furthermore, this entailed a dramatic increase in the level of "anxiety" in that the horizon of the world became perceived as essentially unbounded in space and time. Blumenberg's construct is clearly designed to serve as what he calls a "limit concept."[24] However, the point for Blumenberg is that the particular condition of the absolutism of reality is that myth, the telling of stories about reality, then becomes a 'solution' to a biological problem to our being in the world. If we were to imagine a world devoid of myth, as Blumenberg's reasoning goes, we would have no way of making the necessary distinctions between the powerful (natural, or even, socio-political) forces influencing our daily lives; we would be purely beholden to a persistent fearful state akin to the Hobbesian state of nature.[25] Thus the rise of human culture embedded in a primordial myth should be seen as a response to the deep anxiety and potential paralysis felt by us in the face of such awe-inspiring natural forces inherent in the absolutism of reality. Through mythical stories, culture effec-

[23] Blumenberg, Work on Myth, 4.
[24] Ibid.
[25] Bernard Yack, "Myth and Modernity: Hans Blumenberg's Construction of Reality," Political Theory 15, no. 2 (1987), 246-247.

tively striates space into knowable forms (though always incomplete), subdivided to make the whole appear much less threatening. As Blumenberg writes,

> Panic and paralysis, as the two extremes of anxiety behavior, are dissolved by the appearance of calculable magnitudes to deal with and regulated ways of dealing with them, even if the results of the magical and ritual quid pro quo now and then make a mockery of the intention of gaining the favor of power on behalf of man.[26]

One of the important implications, in Blumenberg's account is to call into question the Enlightenment proposition of a universal passage from "mythos to logos" (i.e. that myth can be transcended through the progressive percolation of scientific rationality worldwide). This view is based upon the idea that myths inhabit a particular 'epoch' and that 'progress' renders obsolete their social functions. Blumenberg, by contrast, argues for the continued significance of myth given the improbability of finding a "criterion" by which the world becomes fully knowable through science.[27] Blumenberg is perhaps more sympathetic of the Romantic critics of the Enlightenment than his earlier work on modernity might have appeared.[28] At any rate, in his discussion of the significance of myth, Blumenberg ties the concept of significance, not unlike Heidegger, back to the concrete stipulation of human finitude: "'Significance' is related to finitude."[29] Because of man's inherent singular mortality and the impossibility of reconciling the infinite spatial and temporal feature of our world, myth invests the subject and the corresponding ob-

[26] Blumenberg, Work on Myth, 6.
[27] Ibid., 9. As Blumenberg writes, "Man is always on the this side of the absolutism of reality, but he never entirely attains the certainty that he has reached the turning point in his history at which the relative predominance of reality over his consciousness and his fate has turned into the supremacy of the subject."
[28] Hans Blumenberg, The Legitimacy of the Modern Age (Cambridge: MIT Press, 1983).
[29] Blumenberg, Work on Myth, 67.

servable events with, in the case of poetry for example, an aesthetic significance. With respect to origins, Blumenberg highlights the concept of significance along the axes of "two antithetical concepts [which] make it possible to clarify ideas of the origin and the originative character of myth: poetry and terror."[30] As Blumenberg notes,

> That poets lie is an old saying, and the discoverer of truth in poetry may only be an episode of the late aesthetic metaphysics that wanted art to stop being the mere exercise of imagination. That poets are the earlier stage of the transmission of work on myth that is accessible to us is a phenomenon of foreshortening that is a result of our point of view; above all, it does not mean that the poetry involved in the work on myth must have given myth a mendacious character.[31]

The key here is the conjunction between myth, poetry and terror in order to tease out political implications. If, as Blumenberg convincingly argues, myth is a functional consequence of the absolutism of reality, as a way of neutralizing the terror associated with the unbounded horizon of existence then the cultural and, by implication, political significance is that mythical narratives are always, necessarily grafted upon any origin of the state. The state is, in a manner of speaking, always inherently the "aesthetic state" - one based in part on a community of judgment and taste.[32] In any case, Blumenberg's analysis is useful for thinking about the role of myth in Plato and Heidegger at those moments when both begin to conceptualize the state as an object, to be fabricated (poiesis) through myth. This is what I call a process of "mythopoiesis." In the next second I turn to Plato to elaborate on the interrelationship between myth, poiesis and the state.

[30] Ibid., 59; emphasis in the original.
[31] Ibid., 60.
[32] See especially Hannah Arendt, Lectures on Kant's Political Philosophy (Chicago: University of Chicago Press, 1989).

II

Plato's Republic is a dialogue on the nature of justice and the regime best suited to ensure it. Book One lays down the challenge to Socrates to defend justice in the face of Thrasymachus's own emphasis on the universality of power. Thrasymachus took justice to be simply a matter of the will of those within the regime (338c). Laws as such represent the private interests of individuals in power rather than what should be the common good of the polis. Justice is a matter of strength and not knowledge. Moreover, in a move that is rather similar to legal positivism, obedience to the laws of the regime represents the highest form of just action as justice is conflated with positive law.[33] Thrasymachus's vision of such a polis is remarkable in two senses. On the one hand, it assumes that physical force is sufficient to maintain law and obedience to the state; its emphasis on power as brute force is obvious. On the other hand, Thrasymachus is a rhetorician and the use of language becomes a key factor in controlling the emotions of the city, if not his own anger towards Socrates. Thrasymachus, akin to the sophists, becomes the evident target for Plato's own polemics against the prevalent practices of twisting language, stories and Homeric poetry for the sake of ruling the polis for a particular interest. Socrates' aim in the subsequent chapters of the Republic is to confirm the possibility of justice coupled with a particular ideal regime assuring the actualization of the common good in opposition to the primacy of private interest. Throughout the rest of the text, Plato advances an argument for legitimizing knowledge of an ideal regime as

[33] See for example Leo Strauss, The City and Man (Chicago: Chicago University Press, 1978), 76.

opposed to what experience allows to discern what should be the best regime (i.e. the accumulation of state power as opposed to the virtuous cultivation of the inhabitant's soul).[34] Or as Allan Bloom puts it in his interpretive essay, "Justice is either what makes a city prosper or it is a virtue of the soul and hence necessary to the happiness of the individual. The question is whether the two possibilities are identical, whether devotion to the common good leads to the health of the soul or whether the man with a healthy soul is devoted to the common good."[35]

For Cassirer, Plato was faced with a need to reinscribe a conception of moderation through reason that was missing in Greek political life which can revitalize the state.[36] The retrieval of moderation, which was lacking even in the great statesmen of Pericles and Miltiades, is intimately correlated with this question of justice. Without justice, without moderation through reason (phronesis), the original problem of the individual's soul is neglected and results in the baseness of a Thrasymachus. As Cassirer characterizes it, "Only by choosing a 'good demon' can a state secure its eudaimonia, its real happiness."[37] Here Cassirer refers to the myth of Er in Book Ten where Plato allows an individual to choose his or her demon.[38] For Cassirer, this signifies Plato's unity of thought in that the choice an individual makes and, as a consequence, the choice a state makes must be done rationally. As Cassirer argues, without this constant rational construction of the state, without choosing the 'good' demon that connects the soul of

[34] Cf. Cassirer, The Myth of the State, 69.
[35] Allan Bloom's interpretative essay in Plato, The Republic of Plato, ed. Allan David Bloom (New York: Basic Books, 1968), 337; emphasis in the original.
[36] Cassirer, The Myth of the State, 75.
[37] Ibid., 76.
[38] Plato, The Republic of Plato, 300.

the individual to the soul of the state, the state as such cannot maintain itself if it attempts to do so by means of a will to power alone. Thus, Cassirer writes, "Written constitutions or legal charters have no real binding force, if they are not the expression of a constitution that is written in the citizens' minds. Without this moral support the very strength of the state becomes its inherent danger."[39]

Cassirer's argument, in my view, is partially correct with respect to the place of rational thought in constructing the unity of the state and individual. However, one may additionally ask whether the 'moral support' that underpins the validity of a constitution of the state, which itself rests upon a deep-seated inscription within "men's minds,"' is a purely rational endeavor rooted in knowledge. Or is there, to put it differently, a necessary ethos of belief, as opposed to acceptance directly through philosophical knowledge, that necessitates the recognition of a particular form of rule among the citizens of the polis? In the Platonic context, is there not a fundamental disjunction between the knowledge of the philosopher and the need to convince the non-philosophers that the rule of the philosopher is inherently just, which as Socrates asserts would be the means of realization of the just city?[40] The argument here is that Plato's need to reconcile political power with philosophy, to merge nature with the polis, to convince not only the population of the need for the philosophers to rule but, more importantly, the philosopher to return to the cave to rule the city, all point to a lacuna in the rational dialectical method in the Republic. That lacuna is filled with myth, of which it may be said

[39] Cassirer, The Myth of the State, 75; my emphasis.
[40] Plato, The Republic of Plato, 153.

that the Republic as a whole is the mythopoetic text par excellence. Indeed, Leo Strauss' reading of the Republic is important for my purposes. Strauss, in a central part of his analysis of the Republic, argues that the paradigmatic figure of the Republic is not simply Socrates but Thrasymachus himself. From the initial agonistic encounter between Socrates and Thrasymachus in Book One Strauss notes areconciliation between the two, to the point where Socrates can count Thrasymachus as his friend.[41] Strauss writes,

> To bring about the needed change on the part of the city, of the non-philosophers or the multitude, the right kind of persuasion is necessary and sufficient. The right kind of persuasion is supplied by the art of persuasion, the art of Thrasymachus, directed by the philosopher and in the service of philosophy…We are compelled to expel Homer and Sophocles but we must invite Thrasymachus. Thrasymachus justly occupies the central place among the interlocutors of the Republic…[Socrates] lacks the art of taming the many in deed which is only the reverse side of the art of arousing the many to anger, that single art which is the art of Thrasymachus. The many will have to be addressed by Thrasymachus and he who has listened to Socrates will succeed.[42]

Strauss's reading of the Republic challenges the canonical assumption that the Socratic conception of the just city was itself construed among the participants of the time as a real possibility. On the contrary, Strauss argues that when Socrates turns to whether the just city is a veritable prospect, Socrates is forced to amend his initial proposition that the rule of the philosophers is the sufficient condition for the just city to emerge.[43] Socrates shows that there cannot be a direct movement from the healthy city

[41] Ibid., 178.
[42] Strauss, The City and Man, 123-4.
[43] Ibid., 126.

to the good city; the city cannot be molded because of the inherent attachment of the non-philosophers to the previous or ancient laws and customs that would currently constitute the state.[44] The bringing into being of the just city would require a blank slate of individuals who can be molded and crafted according to the way of life of the philosopher. The result is the Socratic injunction that "All those in the city who happen to be older than ten they will send out to the country; and taking over their children, they will rear them – far away from the disposition they now have from their parents – in their own manners and laws that are such as we described before."[45] Strauss thus argues that while the solution to the problem of the creation of the just city is "elegant", "it leaves one wondering how the philosophers can compel everyone older than ten to obey submissively the command decreeing the expulsion and the separation , since they have cannot yet have trained a warrior class absolutely obedient to them."[46]As Strauss reasons then, "The just city is impossible. It is impossible because it is against nature…The just city is against nature because the equality of the sexes and absolute communism are against nature."[47]

Platonism, Strauss shows, cannot be diametrically opposed to poetry tout court.[48] In the case of the education of the Guardians, Socrates does away with the traditional model of Achilles for the education of courage. The spiritedness embodied in Achilles can lead to unbridled anger and a lack of moderation needed to rule the city.

[44] Plato, The Republic of Plato, 217.
[45] Ibid., 220.
[46] Strauss, The City and Man, 126.
[47] Ibid., 127.
[48] Ibid., 97.

Socrates thus turns to a much reduced form of poetry and music which doesn't rely too much on imitation to cultivate the natural courage of the individual for the purpose of the common good.[49] But as Allan Bloom explains in his interpretative essay, the kind of poetry that is admitted into the city is one that allows for a tragic sensibility without the pity and fear that accompanies the great Athenian tragic poets which can lead to a lack of moderation (i.e. hubris).[50] Luc Brisson, in his own lectures on the concept of myth in Platonic thought, points to the discourse of myth in the education of children as a kind of logos itself. He writes, "If logos is understood in its broad sense as 'discourse', and if, consequently, it simply designates the fact of making one's thought manifest…then any myth can be considered as logos."[51] Thus, for Brisson, the attempt to create a demarcation between falsifiable and non-falsifiable discourse, the distinction between logos of the philosopher and mythos of the non-philosopher, between truth and opinion, is an attempt at "making the philosopher's discourse the measure by which the validity of all other discourses, including and especially that of the poet, can be determined."[52] Children's myths need not be 'true' in the same sense as philosophical truth. Nonetheless, the point is that there is a remarkable social utility in these myths for controlling the non-philosophical population of the city. Plato obviously places great social importance for the censorship of 'speech' for the good of the city. In fact, one could not help see such a

[49] Plato, The Republic of Plato, 74-75.
[50] Ibid., 358.
[51] Luc Brisson, Plato the Myth Maker (Chicago: University of Chicago Press, 1999), 89.
[52] Ibid., 90.

similar concern with the advent of cinema two-thousand years later when Carl Schmitt would write in his magnus opus Constitutional Theory,

> The political problem of influencing the masses through film is so significant that no state can leave this powerful psycho-technical apparatus uncontrolled. The state must remove film from politics, neutralize it. In fact, because the political is unavoidable, the state must place it in the service of the existing order, even if it does not have the courage to use it openly as a means of integrating a social-psychological homogeneity.[53]

Socrates's discussion of the censorship of certain myths and their social utility actually prepares the discussion for the importance of the noble lie as a means of ruling and is in fact the clearest evidence for the mythopoietic Platonic polis. The old Phoenician myth that Socrates tells Glaucon conceives of the polis as subdivided into groups: the Guardians meant to rule, the Auxiliaries, the farmers and the craftsmen.[54] Though Socrates asserts that all members of the polis are in fact brothers (what about sisters?), the question surrounding the myth is how to explain why certain individuals who may be born in a certain caste of the guardians may be downgraded due to a lack of ability. In other words, the problem of the noble lie centers around the need to convince or persuade, the need to seamlessly etch in men's minds (Cassirer), that nature or God, has chosen based on the type of metal (Gold, Silver, Bronze, etc.) that was placed in the soul of each individual and which results in the condition that some are meant to rule and others to be ruled. Of course, it need not matter whether the myth was true or not; what mattered ultimately for Plato was that the people of the city would accept the ra-

[53] Carl Schmitt, Constitutional Theory (Durham: Duke University Press, 2008), 206-7.
[54] Plato, The Republic of Plato, 94.

tionale that certain individuals are in fact destined to rule in order to create a more stable social order. Stanley Rosen makes much of the fact that Socrates' emphasis on brotherhood (again, but not sisterhood?), on the deep connection between ruling and soldiering, which appears to preclude women from this context, and that the "father" thus appears to be the God originally responsible for the fate of each individual (what Rosen refers to in a similar vein to Strauss' point "the purification of theology").[55] Rosen ultimately argues that "By separating the roles of the mother and the father in the manufacture of citizens, Socrates de-eroticizes their origin. As one could put this, poiēsis replaces genesis."[56] The constitution of the soul is then a matter of fabrication by God and not a matter of the sexual act itself, even between partners of the same class. Rosen doesn't find the Platonic conception of the noble lie all that convincing; he sees its "value" more as "symbolic" rather than "paradigmatic."[57] Nonetheless, he admits the evident force of that symbolic value in defining the need to orient the constitution of the state towards a poetic form of myth in the service of social harmony which has led numerous modern theorists to see within Plato a legitimation of tyranny.[58]

Following some of the insights of Rosen's exegeses of the Republic, there is an important point of contact with the way in which the noble lie operates and the last part of Book Ten, the myth of Er. There is much controversy concerning the reason why the myth was included in the Republic, particularly after Socrates excoriates poetry as es-

[55] Stanley Rosen, Plato's Republic: A Study (New Haven: Yale University Press, 2005), 127.
[56] Ibid.
[57] Ibid., 128.
[58] One of the more forceful critiques of Plato with regard to this emphasis on tyranny see volume 1 of Karl R. Popper, The Open Society and Its Enemies (New York,: Harper, 1963).

sentially being an imitation of an imitation, aside from the argument for the immortality of the soul. As Rosen conjectures at the end of his book,

> In Book Ten, Plato engages in a carnival of retractions, to warn the reader with an eye for irony against taking too seriously the odd proposals that are presented in the main books of the dialogue. To say that these proposals are odd is not to say that they are false but rather to say that the unmitigated truth is too harsh to serve as a paradigm for human affairs. This is why the dialogue ends with a myth.[59]

Rosen ultimately argues in fact that,

> One way to summarize the accomplishment of the Republic is to say that it overcomes the dissolution and destruction of the soul through the concatenation of myths that are not imitation but recollections of the origin. Death is conquered by poetry. The more we think about it, the less the Republic seems to be an attack upon poetry and the more it vindicates philosophy's need of poetry.[60]

This need of philosophy for poetry amounts to the acceptance of particular poetic myths in the constitution and maintenance of the state. What Plato ultimately recognizes is that the application of political power and the maintenance of social control must be tied to belief and not simply out of fear of physical force.

One of the interesting features of this question of coercive/technological means of control concerns the Hobbesian revival in Weimar Germany and the 'hidden' debate between Strauss and Schmitt over the mythical features of the Hobbesian project.[61]

[59] Rosen, Plato's Republic : A Study, 387-8.
[60] Ibid., 381.
[60] Heinrich Meier, Carl Schmitt and Leo Strauss: The Hidden Dialogue (Chicago: University of Chicago Press, 1995).
[61] Strauss, The Political Philosophy of Hobbes, Its Basic and Its Genesis; Carl Schmitt, The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol (Westport, Conn.: Greenwood Press, 1996); and for an extended discussion of the debate between Strauss and Schmitt, J.

Both attempted to revive mythical thought to negate the image of the state in term of a massive technological machine which cannot fully create a surfeit of fear necessary to control society, fear being the modern currency for rule. Because a modern mechanistic and rational form of being becomes predictable, calculable, essentially knowable, the mortal God loses its edge to inspire a needed fear of violent death.[62] Nonetheless, when it comes to the great totalitarian projects of the twentieth century, what we see is not simply the dramatic expansion of the technological means for the ever-expansive control of the population, or the brute coercive power of the state; rather, we see a fateful nexus between technology and myth to the extent that fascism and Stalinism were able to construct a veritable killing machine, which continuously produces fear through the propagation of particular forms of myths.[63] Walter Benjamin recognized this clearly in his canonical essay "The Work of Art in the Age of Mechanical Reproduction." As Benjamin writes,

> The logical result of Fascism is the introduction of aesthetics into political life. The violation of the masses, whom Fascism, with its Führer cult, forces to their knees has its counterpart in the violation of an apparatus which is pressed into the production of ritual values. All efforts to render politics aesthetic culminate in one thing: war…"Fiat ars – pereat mundus," says Fascism…expects war to supply the artistic gratification of a sense of perception that has been changed by technology….[Mankind's] self-alienation has reached such a degree that it can experience its own destruction as an aesthetic pleasure of the first order.[64]

P. McCormick, "Fear, Technology, and the State: Carl Schmitt, Leo Strauss and the Revival of Hobbes in Weimar and National Socialist Germany," Political Theory Vol. 22, no. 4 (1994).

[62] Susan Buck-Morss, Dreamworld and Catastrophe: The Passing of Mass Utopia in East and West (Cambridge: MIT Press, 2002)

[63] Walter. Benjamin, Illuminations (New York: Schocken Books, 1986), 241-2; Quoted in McCormick, "Fear, Technology, and the State: Carl Schmitt, Leo Strauss and the Revival of Hobbes in Weimar and National Socialist Germany.", 642.

[64] Martin Heidegger, Being and Time (New York: Harper & Row, 1962).

With this in mind, in the next section I turn to Heidegger's own critique of technology and his discussion of the poetic. Here I am interesting in asking: what kind of 'state' do Heidegger's writings imply? Obviously there is a significant difference between the modern state and the organization of the ancient polis as conceived by Plato. The polis may be better referred to as a regime, as the encapsulation of a set of rules and practices that did not admit distinctions between itself and a "society"; the state in the case of the polis was the city, in essence, a community. Nonetheless, I believe that the modern attempt at conjoining myth and technology was a need to reassert this organic or communal element to public life that many in early twentieth century Europe believed was being destroyed through individual alienation as a result of modern forms of technology and political-economy. One perceived way to achieve such an organicity of political life was through aesthetics, myth or, as Heidegger would call it: poetry.

III

Martin Heidegger held Plato and Aristotle partly responsible for setting in motion a great obfuscation in metaphysics on the meaning of Being. In part, this was developed in Heidegger's original text Being and Time where he sought to derive an understanding of Being, temporally or historically.[65] More importantly, Heidegger rebelled against the Cartesian metaphysics of the subject, which divorced the mind from the world. The consequence of such a fateful positing for Heidegger was that an individual was able to ab-

[65] Zuckert, Postmodern Platos : Nietzsche, Heidegger, Gadamer, Strauss, Derrida, 62-3.

stract himself from the world; she was in fact able to stand above the world, to achieve the Archimedean point, and use the scientific knowledge as a means of transforming nature in the form of mastery. Science was conceived as a violent altercation with nature since everything in the world became perceived in the form of another object always separated from the thinking subject. The violence of the confrontation between science and nature, Heidegger argues in his discussion of Rilke, was ultimately the result of man's desire to rebel against his finitude.[66] Faced with the inevitable knowledge of death, science permits the 'outside' to become calculable for mankind's ultimate utility. The stark implication for Heidegger, as he shows in his essay "The Question Concerning Technology" is that even other human beings become ensnared as "standing reserve," no better than material for production. As Heidegger famously writes, "Everywhere everything is ordered to standby, to be immediately on hand, indeed to stand there just so that it may be called upon for future ordering."[67] What Heidegger calls "enframing" is defined as the "gathering together of the setting-upon that sets-upon man i.e. challenges him forth, to reveal the actual, in the mode of ordering, as standing reserve. Enframing means the way of revealing that holds sway in the essence of modern technology and that is itself nothing technological."[68] In other words, Heidegger laments that the ways in which modern human being understand the meaning of Being is fatefully undermined by a specific mode of revealing truth rooted in instrumentality.

[66] Martin Heidegger, "The Question Concerning Technology," in Basic Writings, ed. David Farrell Krell (San Francisco: Harper Collins, 1993), 322.
[67] Ibid., 325.
[68] Dana. R. Villa, Arendt and Heidegger: The Fate of the Political (Princeton: Princeton University Press, 1996), 219.

If, for Heidegger, the modern world is fundamentally irredeemable, what is Heidegger's notion of politics in this context? What is his understanding of the role of the state, in particular, and its relationship with a community of people? Dana Villa characterizes the political thinking of the Heidegger of the 1930s "…as the attempt to subsume praxis under a new and postmetaphysical conception of authentic art (techne) or poetry (poiesis). Driven by the need to overcome the subjectivism that had characterized aesthetics since Kant, Heidegger incessantly returns to the question of the ontological status of the work of art and its truth-revealing or world-disclosing capacity."[69] This is most evidently seen in his essay "The Origin of the Work of Art." There, Heidegger actually draws points of contact between the ontological status of the work of art, that is the ability of the work of art to become a world with truth revealing capacities, with the way statesmen can found and preserve a polis. In the Introduction to Metaphysics, Heidegger writes, "Unconcealment happens only in so far as it is brought about by the work: the work of the word of poetry, the work of stone in temple and statue, the work of the word as thinking, the work of the polis as the site of history that grounds and preserves all this."[70] He reiterates this points in the "The Origin of the Work of Art" when he states, "One essential way in which truth establishes itself in the beings it has opened up is truth setting itself into work. Another way in which truth occurs is the act that

[69] Martin Heidegger, Introduction to Metaphysics (New Haven: Yale University Press, 2000), 204.
[70] Martin Heidegger, "The Origin of the Work of Art," in Basic Writings, ed. David Farrell Krell (San Francisco Harper Collins, 1993), 186.

founds a political state."[71] In both quotes Heidegger is pointing to a radically different way of conceptualizing the relationship between the individual, state and poetry: poetry here as a form of poiesis opens up a space for the establishment and preservation of a peoples' identity.[72]

The period of the early to mid-1930s, which comprised the time-period of Heidegger's most overt engagement with National Socialism, reflected a perception that there was still the possibility of a man-made, radically new political system, one where the "inner truth and greatness" of National Socialism in the Introduction to Metaphysics remains manifest.[73] This period of Heidegger's emphasis on the poetic model of "self-production" and "self-formation" for the political and the state is intrinsically nearest to fascism insofar as he forcefully elides any distinction between praxis and poiesis, between means and end, in the goal of establishing what Jean-Luc Nancy refers to as the production of "their own essence as community."[74] Villa summarizes the implications of this for the concept of the political and that of the state when he writes that,

[71] Heidegger, Introduction to Metaphysics, 162. It should be specified that Heidegger has a more enlarged sense of the meaning of polis than is traditionally translated as city-state or state. Polis, should be understood rather, as "the name for the site <Stätte>, the Here, within which and as which Being-here is historically. The polis is the site of history, the Here, in which , out of which and for which history happens."
[72] Ibid., 213. Heidegger is arguing against what is "peddled about nowadays [i.e. 1935] as the philosophy of National Socialism…[which] is fishing in these troubled waters of 'values' and 'totalities'" when its central concern should have been "the encounter between global technology and modern humanity…"
[73] Quoted in Villa, Arendt and Heidegger: The Fate of the Political, 248.
[74] Ibid., 249. Villa goes on to argue that in the case of Heidegger his radical emphasis on a poietic/historical model for the political and the state actually places him in ironic proximity to Plato. The passage is worth citing in full: "By presenting the state as a privileged instance of the historical "happening of truth" in the work, Heidegger's discourse on art broadens and deepens the aestheticist impulse of the tradition. The idea that the state is a work through which the unconcealment of Being "occurs" is…clearly directed against Plato. However, the anti-Platonic thrust of this historicizing move is undercut by the fact that the political community continues to be thought of under the sign of poiēsis. Heidegger liberates poiēsis from the closure in which it had been inscribed by substantialist metaphysics—the closure of idea

> With this move, a particular modern version of the traditional conflation of art and politics if created. The organicity of the political, originally laid down by Plato's Republic, takes new and extreme form: the figure of the subject who is simultaneously artist and work absorbs that of the aesthetically integrated state. This subjectivization of the state as artwork trope culminates in the totalitarian will to self-effectuation: the will to the self-creation of a people characterized by full actualization, complete self-presence. The only community capable of achieving such self-presence is one from which plurality, difference, mediation and alienation have been expunged: a community, in other words, that is not a political community at all.[75]

How does myth return then? Because of Heidegger's destruction of Western metaphysics back to an original 'archaic' mode of revealing through language (the latter Heidegger in particular) myth becomes this singular form of revealing before mythos and logos were separated.[76] Recall Heidegger's argument in "What Calls for Thinking,"

> Mythos is what has its essence in its telling – what appears in the unconcealment of its appeal. The mythos is that appeal of foremost and radical concern to all human beings which let man think of what appears, what unfolds…Historians and philologists, by virtue of a prejudice modern rationalism adopted from Platonism, imagine that mythos was destroyed by logos. But nothing religious is ever destroyed by logic: it is destroyed only by the god's withdrawal.[77]

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and telos. Nevertheless, his idea of a postmetaphysical poiēsis, which emphasizes the radical newness of that which is poetically disclosed, remains in extreme tension with the essential plurality of praxis. This opposition comes to the fore in Heidegger's identification of the strife between world and earth as the essential agon. Authentic politics, as the work that must bring this agon to stand, can only happen in the poetic, world-disclosing speech of founders and preservers. The result…is the ironic reinscription of the quasi-Platonic hierarchy of authentic poetic speech and inauthentic (merely communicative) speech."

[75] Philippe Lacoue-Labarthe, Heidegger, Art, and Politics: The Fiction of the Political (Oxford: Basil Blackwell, 1990), 84-5.

[76] Martin Heidegger, "What Calls for Thinking?," in Basic Writings, ed. David Farrell Krell (San Francisco: Harper Collins, 1993), 375-6.

But we have seen that the Platonic edifice does not render the distinction between mythos and logos so acute. What we arrive at in Heidegger is the inchoate constitution of a mytho-state, the state founded and preserved in myth, which constitutes a homogenous people, which is the antithesis of a pluralistic liberal-democracy, and which explains why till the his last interview with Der Spiegel, Heidegger never thought that liberal-democracy could be the 'saving power' for mankind. Both Plato and Heidegger overemphasize a totalized mythopoietic model that ultimately negates political (in the Arendtian sense) capacity for free subjective action. Moreover, it seems as if Heidegger's aim is to reduce the nation-state over a given territory into a polis-type arrangement in order to reinforce relations of power and belief in the state. The implication is the creation of a mytho-state qua artwork, unique in its understanding of itself as the rooted/truthful community, which has all the potentialities of becoming tyrannical while demonizing others who are left out of the fictionalizing project.

Conclusion

Both Plato and Heidegger theorize the political and the state in different ways. For Plato, myth proved an important component for social control and as a means of convincing the non-philosophical population of accepting the legitimate claim of philosophers to rule the polis. For Heidegger, the role played by myth, or poetry, is more complicated: it involves the creation of a world in order to preserve a specific history and way of life of a people. However, what connects both Plato and Heidegger is a profound sense that myth is fundamentally imbricated with the political. Thus, thinking about the

role of the state, of state practice, and state-formation, necessitates grappling with the underlying myths that attest to the beliefs that give intelligibility to what should call the mytho-state.

A Contextual Approach to Political Philosophy

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My aims in this paper are to describe and motivate the adoption of what I call a contextual approach to political philosophy. I will first provide a brief characterization of contextualism. I will then contrast contextualism against more common approaches to political philosophy, which I call idealist or schematic, and indicate the problems I see with those approaches and the relative advantages of contextualism. By doing this, I hope to demonstrate the need for further work exploring the possibilities of contextualism.

1. What is Contextualism?

At the heart of the contextual approach is a commitment to addressing specific, concrete problems currently faced in the public sphere. [1] The guiding idea is that we can develop insight into the demands of justice in the process of addressing these problems.[2] In other words, a contextual analysis does not proceed by constructing a complete theory of justice and then applying it to whatever issues arise, but instead views

[1] Herzog (1985) defends a notion of contextualism in political philosophy that bears some similarity to what I will endorse. Herzog's primary interest is in the contrast between those who seek to ground arguments about the justice of political institutions in an uncontroversial first premise or set of premises and those who think it is sufficient to show that a political structure is better than the alternatives. I take it that the approach I am defending and calling contextualist would also count as contextualist in Herzog's sense, which is to say that I take my project and his to be complementary. My version of contextualism, however, goes beyond what Herzog discusses, and there may be elements of my contextualism that he would not endorse.

[2] I will be using the term "justice" broadly to encompass all relevant political values, rather than using it to pick out a particular virtue of public institutions that must then be weighed against competing virtues.

theory development as something that grows out of the consideration of contextualized problems.[3] There is a resonance here with the pragmatism of John Dewey, at least in methodology if not in ultimate conclusions. The pragmatists, particularly Dewey, saw philosophical inquiry as a tool for solving problems or overcoming difficulties faced in the course of one's life.[4] Adequately resolving the problem may lead to far ranging philosophical investigation, but the ensuing philosophy ought always to be somehow tied back to the resolution of some difficulty faced in the world.

In this pragmatic spirit, the first defining characteristic of the contextual approach is that it is narrow, which is to say that attention is initially focused on concrete, well-defined problems. In contrast, on a wide approach one might take the entire institutional structure of a nation, or perhaps even the global order as a whole, as the primary subject of evaluation. Rather than doing this, a contextual approach will pick out a single institution or set of institutions as the subject of discussion and possible change. Other features of society are, at least initially, held fixed. It may of course turn out that the investigation needs to be widened. In other words, what at first appear to be unrelated features of a social system may turn out to be inextricably linked with the chosen problem, and in some cases resolving the problem may lead one to call into question the entire structure of society. But a contextual approach begins under the defeasible as-

[3] It is important to notice that theory construction is not the aim of the contextual approach. The aim is to promote justice or reduce injustice. Theory development grows out of this because solving a problem involves, at the very least, endorsing a theory of how to solve that problem.
[4] See, for instance, Dewey (2002, 1998).

sumption that a given problem can be resolved without radically altering the social structure.

The second defining characteristic of a contextual approach, closely related to the first, is that contextualism is minimalist, which is to say that theoretical issues about justice are addressed only to the extent necessary to solve the problem at hand.[5] The aim is not to find sweeping principles that settle all questions of justice, but instead to identify the principles or considerations that appropriately govern a particular issue. In other words, the contextual approach will generally not require one to develop a complete hierarchy of political values, with all of the trade-offs and relationships between them fully worked out. Given that the central aim is to evaluate the justice of a particular set of institutions and find ways to make those institutions more just, it will be sufficient to identify and work with the considerations of justice relevant to the specific problem under examination.

The third defining characteristic of contextualism is that the conclusions that result from a contextual analysis are to be understood as incremental improvements. When a contextual examination of a current set of practices generates a set of recommended changes, this does not involve the claim that the new policies or institutions that would result from adopting the recommendations would be perfectly just.[6] Rather, the

[5] There is some similarity here to the judicial minimalism defended by Sunstein (1999), although one could be a minimalist of Sunstein's stripe and reject minimalism in political philosophy, or vice versa.
[6] It is, admittedly, conceivable that a given improvement will solve all current and future problems of injustice, and so the improvement need not necessarily be only incremental. But even in that case, one would not know that perfect justice had been achieved, and so the improvement would still appropriately be

claim is that the changes would minimize or eliminate particular injustices in the current system, and that they would do so more effectively and efficiently than any alternative that has yet been considered. This does not rule out the possibility that some unimagined alternative would have been even better, or that the proposed changes will lead to new forms of injustice that were not foreseen.

It is, of course, part of the contextual process to seek out and consider various alternatives and strive to anticipate the full consequences of each. Nonetheless, the aim is not to find a perfectly just solution to whatever problem is under consideration, but instead to work towards increasingly just institutions and policies by making incremental changes. At any given moment one hopes to identify a step in such a series of changes, a step which will make society more just, but there is no expectation that one will identify the final step.

To summarize, a contextual approach focuses on a narrow problem, which it investigates in a minimalist manner, yielding judgments of how to make incremental improvements. Before saying more about how I think this can be done, let me first motivate contextualism by contrasting it with two widespread approaches that dominate political philosophy, which I call the idealist approach and the schematic approach. In each of these approaches, the primary task of political philosophy is taken to be something other than addressing a specific, concrete problem faced in the public sphere. For an idealist, the primary aim is to develop an account of an ideally just state, whereas for

viewed as incremental, which is to say that one would still need to be watchful for unanticipated injustices. Thanks to an anonymous referee for pressing me to clarify this.

a schematist the primary aim is to formulate a complete set of principles of justice. This typology of idealists, schematists, and contextualists is admittedly imperfect, and there is work that combines elements of different approaches, but I am not particularly concerned with sorting specific projects in political philosophy into one of these categories. Rather, my aim is to highlight problems faced by idealist and schematic approaches, and motivate the adoption of contextualism as an alternative.

2. The Idealist Approach

On a pure version of an idealist approach, one's analysis is focused on defending a particular vision of an ideally just society. Historical work in political philosophy often falls into this category. Plato's *Republic*, for instance, is an excellent example of what I am calling an idealist approach.[7] On at least some interpretations, Hobbes' *Leviathan*, Locke's *Second Treatise*, and Rousseau's *Social Contract* all share this generally idealist bent.[8]

So what is at issue between idealists and contextualists? That depends on how we understand the idealist program. One possibility is that we might construe the idealist as working towards a recommendation for wholesale societal change. The idea would be to reform society all at once in the image of the ideally just state as described by the idealist. Interpreted this way, the idealist project is potentially helpful and valuable, but only in times of revolution or state formation. I would not want to downplay the

[7] Plato (1997).
[8] Hobbes (1994), Locke (1980), Rousseau (1997).

importance of those moments, but in most cases institutional and societal change must proceed piecemeal. There are enormous transition costs, often in the form of war, associated with radical, wholesale change. A contextual approach has the advantage of being able to identify ways to make a society more just that can be implemented without entirely restructuring the social order.

It may be, however, that a defender of an idealist approach would claim that idealist political theorizing can also generate conclusions about how to make society more just that do not require radical change. I take it this to be an implicit aim of idealism, even though it is rarely articulated by those engaged in such an approach. The idea here would be that developing an account of the ideally just state is only the first step in the idealist project. Once this has been done, we would then be in a position to evaluate any potential change to the social structure.

Notice, though, that on this understanding of the idealist approach, any conclusions about how to make actual institutions more just can be reached only by means of an indirect evaluation. A proposed change counts as an improvement if and only if it brings us closer to the ideal. But how exactly do we measure proximity to the ideal? There is a real threat of circularity here, in that an idealist cannot simply assert that whichever of two possibilities is more just is therefore closer to the ideally just state. According to idealism, we need to make judgments of proximity to the ideal in order to determine which is more just, so we cannot base conclusions about proximity on claims of greater justice.

The attempt to make such proximity judgments, and use them to assess the justice of various non-ideal social structures, runs into two related problems. The first is that in many cases, particularly cases in which the current system is vastly different from the proposed ideal, it may not be possible to settle the question of which alternative is closer to the ideal. Suppose, for instance, that ideal theory tells us that in the ideally just state children are raised communally. How, given this, are we to judge custody or child support laws in a society like ours in which children are raised in families? [9] Is there any way to resolve the question, *which set of custody laws is closer to communal child-rearing?* In many cases this sort of question will have no determinate answer.

Moreover, there is a second, deeper problem lurking here. Namely, even when we can answer questions of this sort, these answers will not always provide the guidance we are seeking. This is because it is not always the case that closeness to the ideal tracks justice, which is to say that the fact that one possible social structure is more similar to the ideally just state than another does not necessarily mean that the former is more just than the latter.

This divergence between closeness to the ideal and justice is possible because the relevant proximity judgments must be made in a way that avoids circularity. As indicated above, these proximity judgments must not presuppose assessments of relative justice, given that they are intended to be used to determine such assessments. If the

[9] I realize that communal raising of children is not now widely endorsed, and so there is no practical need for considering how endorsement of an ideal of communally raised children would lead to conclusions about custody laws in a society like ours, but the example is meant simply to illustrate the difficulty of moving from an account of the ideal to an evaluation of real-world cases that are often quite far from proposed ideals.

proximity judgments are to avoid illicit normative premises, they must depend on the number and size of the differences between a given non-ideal state and the ideal. There are many ways this could be worked out, but at the very least it will require that a social structure with two deviations from the ideally just state is judged to be less just than an alternate structure with only one of those deviations.

This may appear to be an innocuous conclusion, but it turns out to be problematic. Consider, for instance, the case of affirmative action. One common defense of affirmative action relies on the premise that minorities are unjustly denied opportunities through systematic *de facto* segregation and inferior educational systems. Preferential admissions to universities are, on this view, a means of overcoming this systematic injustice. Those who defend affirmative action in this way often explicitly agree that in an ideally just society there would be equality of access to primary education and impartial admissions to colleges and universities. The system with inequalities in early education *and* preferential admissions is therefore two steps from the ideal. As a result, if we attempt to assess proximity to the ideal in terms of structural similarity rather than deriving proximity judgments from antecedent evaluations of justice, we are forced to conclude that this system could be made closer to the ideal, and therefore more just, by eliminating the affirmative action programs.

This simple proximity calculation, however, is clearly not sufficient to settle the issue. Even those who reject affirmative action acknowledge the need to develop an argument that goes beyond pointing out that two deviations from the ideal are more than

one deviation from the ideal. Instead, the debate turns on direct assessments of and comparisons between social structures with affirmative action and those without it. These direct evaluations, which involve shifting away from an idealist approach and into a contextual approach, are what settle the matter. Idealism, it turns out, will not on its own enable us to evaluate non-ideal societies.

3. The Schematic Approach

In what I call the schematic approach, which has become increasingly prevalent in recent years, the primary task of political philosophy is taken to be the identification of a complete set of principles of justice. These principles can then be used either to develop an account of an ideally just state, one which reflects them perfectly, or to evaluate and criticize non-ideal states.

This schematic approach is exemplified both by Rawls' *A Theory of Justice* and Nozick's *Anarchy, State, and Utopia*.[10] Both share the defining characteristic of schematism, which is the assumption, implied or overt, that once we have done the hard philosophical work of identifying principles of justice and determining how to make trade-offs between them we will be able to solve specific problems more or less automatically. The fundamental problem faced by the schematic approach, or so I will ar-

[10] Both Rawls (1999) and Nozick (1974) are subject to multiple interpretations, on some of which they may not be paradigmatic instances of schematism. Nonetheless, standard interpretations of both of their views incorporate strong schematic elements. My hope is that the familiarity of their analyses will help clarify what I mean by a schematic approach, even if there is room for debate over the extent to which they are committed to schematism.

gue, stems from the need to make trade-offs between principles or to find a balance between competing political values.

The difficulty I have in mind here is an epistemological problem. I am not denying that some ways of balancing competing political values or trading off between conflicting principles are better than others. There may even be, in any given instance of conflict, a single best way to resolve the tension. The problem is that our only epistemological access to the solution will typically be through a consideration of the details of the situation in which the conflict occurs. When such a conflict arises, the appropriate response is therefore to engage in a contextual investigation of the problem rather than appealing to some previously settled schema or system of trade-offs.

To see this, consider the following toy example of a debate over campaign finance reform. On one side of the debate, let us say, are those who claim that campaign contributions are a form of speech. Freedom of speech, they insist, must be protected, and so campaign contributions ought not be regulated. On the other side, imagine, are those who point out that unlimited campaign contributions allow the wealthy to have far more influence over the political system than the poor. These proponents of campaign finance reform insist that concern for the fair value of our political liberties requires us to impose limits on campaign contributions. Granted, this is at best a caricature of any actual debate over campaign finance reform, but it will serve to illustrate the problems faced by a schematic approach.

Assuming that our schematic approach endorses both freedom of speech and fair value of political liberties as genuine political values, it now must rely on some pre-determined method of balancing these values to settle the matter.[11] What could that balancing principle possibly be? One possibility would be for one of the considerations, let us say freedom of speech, to trump the other. We might express that by asserting that freedom of speech is lexically prior to the fair value of political liberties.

This sort of view would be very convenient on a schematic approach because it allows the schematist to avoid formulating a more complicated principle for weighing competing considerations against one another. Nonetheless, although the idea of trumping or lexical priority would constitute a tidy side-stepping of the balancing problem, it is not a particularly satisfying solution. If we really do count both freedom of speech and fair value of political liberties as genuine political values, how can we accept a relationship of lexical priority between the two? Such a relationship entails that even the slightest gain in freedom of speech is sufficient to justify a complete sacrifice of the fair value of political liberties. Surely that is not right, at least not if we take both values seriously.

A more sophisticated version of lexical priority might endorse the weaker claim that freedom of speech trumps fair value of political liberties up until a sufficient threshold of free speech has been secured. But then the trade-off problem simply recurs. Once this threshold has been reached, are any further advances in terms of free speech

[11] If this assumption seems problematic, substitute some other case that involves tension between a more palatable set of competing political values.

irrelevant? Are they automatically trumped by considerations of the fair value of political liberties? This too seems implausible, but it is what the sophisticated version of lexical priority would require.

At some point we must admit that genuine balancing between the two political values is needed. Neither trumps nor is lexically prior to the other; the question of how large a gain or sacrifice is being made is critical to finding a resolution.

Once we recognize that we need a richer balancing principle than is afforded by assertions of lexical priority, the difficulty with a schematic approach becomes apparent. The problem is that there is no way to articulate a neat formula for making trade-offs. Although we can talk generally about, say, large gains in the fair value of political liberties outweighing small sacrifices in freedom of speech, I see no way to move from this level of abstraction to a precise formula that will tell us which trade-offs to make. This is exacerbated by the fact that only by confronting an actual, contextualized problem can we imagine possible solutions and understand what sort of trade-offs are available.[12] Without engaging with the details of the case, in a contextualist manner, we won't be able even to identify the possible trade-offs, let alone judge which is best.

4. How to Be a Contextualist

I have been arguing that a contextual approach has certain advantages over both idealist and schematic approaches. The idea has been that by beginning with the con-

[12] Compare Dewey (1998: 240-253). Wood (1999: 150-155) also makes a similar point in his interpretation of Kant's ethical theory, when he insists that application of Kant's Formula of Humanity requires consideration of particular circumstances and involves judgments that are "irreducible to general rules."

sideration of specific problems and gradually generating theoretical insights in the process of addressing these problems, a contextualist can avoid resorting to either the proximity judgments required by an idealist approach or the balancing principle required by a schematic approach. At this point, though, one might wonder how a contextual analysis is supposed to work. How will a contextualist be able to make the direct comparisons between alternative possible solutions that generate incremental improvements in the justice of a social structure? Will not these judgments have to presuppose a theory of justice like the ones offered by idealists or schematists?

My first response to this sort of worry is to point out that if there is a difficulty for contextualism here, presupposing an idealist or schematic theory will not be of much help. This, at least, is what I hope to have shown in the discussion of those two approaches. What is needed instead is a way of engaging with the problem from within the contextualist framework. This is, admittedly, not an easy task, but there are at least some examples of how it might be accomplished. For instance, Marx's critique of capitalism, insofar as his argument is intended to reveal the injustice inherent in the capitalist system and then identify a way of eliminating it, proceeds along roughly contextualist lines.[13] More recently, the approach taken by Walzer in *Spheres of Justice* has similarity to the form of contextualism I am endorsing. [14]

[13] Marx (1978a, b).
[14] Walzer (1983). It is important to separate the contextual nature of Walzer's approach, which manifests in his attention to specific, concrete problems, from his commitment to cultural relativism, which manifests in the reasoning he uses and the conclusions he reaches in the context of thinking about those problems. For another example of what I take to be a contextual analysis in political philosophy, see Lichtenberg (1987).

In any case, though, the real challenge for an advocate of contextualism is to demonstrate the effectiveness of the approach by engaging in it. I have attempted to do this elsewhere, focusing on the case of welfare policy in the U.S.[15] The details of that analysis are beyond the scope of this paper, but perhaps a quick summary can help illustrate the potential effectiveness of a contextual approach.

In examining welfare programs in the U.S., I begin with the idea that such programs are best understood as aimed at discharging mutual obligations owed between fellow citizens, which implies that an analysis of U.S. welfare policy requires determining the content of these obligations. Rather than attempting to provide a fully worked out view of the demands of fellow citizenship in the abstract, I appeal to contingent facts about the U.S. to substantiate what I take to be a set of genuine reciprocal obligations relevant to welfare policy that are owed between fellow U.S. citizens. These are, on the one hand, obligations to minimize one's claims for assistance and, on the other hand, obligations to provide assistance when necessary and to do so in a way that does not undermine the recipients' status as fellow citizens. Appealing to further contingent facts about the U.S., I then argue that these obligations translate into a duty to work and a right to work, respectively. This leads me to endorse what I call "modified welfare reform," which is a set of programs that includes work requirements similar to those instituted in the U.S. welfare reform of 1996, but also incorporates several significant modifications to current welfare programs in the U.S. In particular, I advocate increasing the

[15] See Daskal (2008).

scope of welfare programs to include all those in need of assistance, tailoring sanctions to facilitate future compliance, eliminating time limits, and, perhaps most importantly, creating a publicly funded program that provides jobs of last resort.

What is noteworthy about this analysis, for present purposes, is that it addresses a specific, concrete problem, offers a recommendation for how to reduce injustice or promote justice, and does this without appeal to an idealist or schematic theory of justice. This is not to say that I abstain from theoretical or philosophical analysis, but rather that I attempt to engage in this analysis in a minimalist fashion, directly addressing the problem at hand rather than treating any theoretical issues as mere instances of more general, abstract problems. Moreover, it is the appeal to contingent features of the situation that allows me to make progress at key junctures of the analysis. As a result, insofar as my analysis can be characterized as constructing a theory of welfare policy or distributive justice, it is at most a partial theory.[16] This illustrates one of the differences between my contextual approach and an idealist or schematic one. Importantly, this difference reveals one of the traps that beset idealist or schematic approaches, which stems from the fact that defending a general theory of welfare policy, or of the obligations of fellow citizenship, is an extremely difficult task. If one operates under the, perhaps implicit, assumption that this sort of task needs to be accomplished before one

[16] Talk of construction is not meant to suggest any commitment to a constructivist account of the metaphysics of value. The contextualism I am defending is committed to the epistemological claim that the best way to grasp general principles is to construct knowledge of them out of solutions to particular problems, but that does not entail a commitment to the metaphysical view that moral facts or general principles are themselves constructed in this way.

can evaluate welfare policy in the U.S., it is possible that one will never get to the point of being able to draw meaningful, convincing conclusions.

It is, of course, also possible that my own analysis is unconvincing, and perhaps the way in which it fails exposes a vital flaw in the contextual approach. The only way to address that possibility would be to work through the details of the analysis and attempt to demonstrate its success, which is beyond what I can do here. My hope, though, is that describing the analysis helps illuminate the differences between contextualism, on the one hand, and idealism or schematism, on the other, and that the analysis is sufficiently promising to motivate further exploration and development of the contextual approach.[17]

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U. S. Power After 9/11: The Metaphor of Exile

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Metaphors. As I am using the term, a metaphor is a characterization of something that may not be strictly accurate or literally true, but that has an important element of truth to it. A metaphor may get us to look at something in a way that we hadn't before, and make us think about it in a context that is new. Metaphors are not evaluated by their truth or falsity, but they are better evaluated pragmatically by the degree to which, or the ways in which, they help us to think more insightfully about a thing or situation.

The most interesting metaphor in the political/social/cultural/economic realm that has been offered up recently is Tom Friedman's claim that "The World is Flat". Up until some 500 years ago many people took that statement to express a literal truth. Now, though very few would take it to express a literal truth, Friedman thinks we should appreciate an important sense in which it expresses a metaphorical truth: In our post-11/9 world, it is as if the world were flat, considering how easy it is to communicate and conduct business globally. (Friedman latches onto 11/9 because that is the day the Berlin Wall fell.)

I mention Friedman only to remind us of the power of a metaphor. Even if we don't agree with Friedman, his metaphor has framed a discussion in useful ways, and, at least for a while, the discussion is improved by the perspective he has offered. It may be that eventually the metaphor will have worn out its welcome, and it will become more useful to frame the discussion in other ways.

I wish to offer another metaphor—primarily in the political and military realm: In our post-9/11 world, the United States is in exile. I offer this metaphor in a tentative fashion, because I'm unsure on the whole *how* helpful it is to think about our situation. In a world of refugees, evacuees, and persons displaced by forces beyond their control, it may seem surprising to view the United States itself as a nation in exile. But I do believe the metaphor frames certain issues, and gets us to ask certain interesting ques-

tions. If so, that will be its value. Is "exile" a useful metaphor for understanding the situation of the United States since 9/11?

History of the concept of Exile. People have doubtless been exiled for as long as there have been communities. In the Hebrew Bible we are rapidly introduced to Adam and Eve being cast out from the Garden of Eden (Genesis 3: 23-24), Cain being sent away for killing Abel (4:14-16), and Hagar and Ishmael being turned out by Abraham for being a threat to Sarah and Isaac (21:10-21).

The concept of exile itself (Hebrew: *gôlâh*, *gālût*) takes shape with the Judean exile to Babylon in the period of 597 to 538 BCE. This pivotal event in Jewish history (or at least in Jewish story-telling) is mentioned in and inferred from the Hebrew Bible without ever fully being described (unlike the Exodus—another good metaphor—which is equally pivotal, but better known because fully described). The Babylonians, under Nebuchadnezzar, captured Jerusalem in 597 and exiled the cream of the southern Kingdom of Judah, installing Zedekiah as ruler over those who remained (2 Kings 24: 8-20). (It is striking to note that Babylon was located only about 50 miles south of what is now Baghdad.) When Zedekiah proved disloyal, the Babylonians returned in 587 and sacked Jerusalem, destroying the Temple and deporting to Babylon many of those who had been left previously (2 Kings 25: 1-12). (It is hard to avoid comparing destruction of the Temple with destruction of the Twin Towers—"temple" of global capitalism.) Thus the main Judean community lived in exile in Babylon. When the Persians, under Cyrus, defeated the Babylonians, Cyrus allowed the Judeans (who by then simply constituted the Jews) to return to Jerusalem in 538 (2 Chronicles 36: 22-23). Many did, though not all.

While these are the external facts, the Judeans themselves (at least the ones who wrote the relevant portions of the Hebrew Bible) interpreted the exile as a punishment from Yahweh, saw their time in exile as a test of their faithfulness and as a preparation, and saw their restoration as promised and delivered by Yahweh.

Application of the Metaphor. Has the U. S. now been exiled—from its place or sense of security and power in the world? To say that it has is to suggest that some significant change has taken place. So it was with the Judeans, whose lives were significantly changed by the Babylonian conquest. The topic of this conference—Power in a Post-9/11 World—suggests some such radical discontinuity.

But we could argue about whether 9/11 was so significant for power and the U. S. situation. Perhaps it was not. After all, our GNP, or chances of violent death (at least relative to the rest of the world), are not changed much, if at all.

Yet even if our life circumstances are not statistically changed much, we no longer live with a sense of security: We feel vulnerable. One might argue that what has changed is not so much the circumstances, but the label placed on those circumstances. As when the U. S. considers itself "at war"—even when no war has been "declared". Different things are then considered possible, or justified—such as wire-tapping, or torture. In this sense, perhaps the "war on terror" is itself a metaphor. Perhaps these feelings of insecurity have been cultivated in us to create a sense of exile, and hence a sense of emergency, without a legitimate basis.

I have ambiguously mentioned an exile from the U. S. *place or sense* of control. These are really two very different things. Our *position* of control, while never significantly threatened by the U. S. S. R., might have more significantly been threatened by those events which showed that we do not only need to defend ourselves against other nations, which we can do quite well, but also against individuals—which turns out to be much harder to do. Earlier precursors to terrorist attacks include guerilla warfare and kamikaze attacks. These were, in a sense, the beginning of the end of real control of our own security. Perhaps what 9/11 did was to clearly exile us from our *sense* of control (a control that had in fact been lost earlier).

The concept of exile raises the question whether it is some sort of *punishment*. One can be a voluntary exile as an escape from some unpleasant or intolerable situa-

tion. Escapees from repressive regimes are usually seen as exiles. While the line between voluntary and involuntary may be hard to draw in some cases, generally involuntary exiles are the subject of some outside force, exercised as a punishment. Certainly the U. S. was involuntarily exiled from its position of power and security. Was 9/11 punishment from God for unfaithfulness to a certain conception of the moral and religious life, as some conservative religious people believed? Was 9/11 the predictable outcome of an arrogant and even hubristic attitude on the part of the U. S. to the rest of the world, as some liberals proposed? In either case, the U. S. would in some sense have gotten its just deserts. Notice that the fact of 9/11 and its consequences for the U. S. does not have moral complexion in and of itself. But we can choose to see it as having some such complexion. We can frame it by a metaphor which forces us to wonder whether it has such complexion.

What now? What does a community in exile do? The Judeans cultivated an exaggerated sense of nationalism, as a form of self-protection, to avoid the fate of the Northern Kingdom of the Israelites who, in an earlier exile (c. 733 BCE), assimilated and eventually dispersed. In particular the Judeans sought to avoid contamination from the surrounding culture. Has the U. S. sought to consolidate itself as a cradle of freedom, nurturing what is most worth preserving? Or has the U. S. begun a process of assimilation through adopting tools for protection—torture, surveillance, the Patriot Act—that will ultimately threaten our community itself from within?

Insofar as the Judeans saw their exile as a temporary state, they saw it too as a time of preparation for what was to come. To switch to a contemporary metaphor—they saw it as a "time out". Before a time-out is over, it is often appropriate to ask what one has "learned". The Judeans learned new ways to worship Yahweh in the absence of the Temple, and they learned a renewed sense of dependence on Yahweh. If the U. S. is in exile, it is appropriate to ask what the U. S. is learning from this experience. For many the lesson has been never again to let down our guard. (That would be rather like

the recalcitrant child in time-out "learning" never again to get caught!) What other lessons might we learn?

What should a community in exile hope for? The Judeans hoped only for eventual restoration to their previous position as the chosen people of Yahweh. This was largely what their prophets foretold, though it took some 60 years. Is this an appropriate goal for the US? It is interesting to reflect on the extent to which U. S. foreign policy seems to be aimed simply at a complete restoration of the pre-9/11 U. S. position in the world. But is it possible? And would it be good?

If restoration is the goal of U. S. power in the world after 9/11, what is the proper attitude of and towards others who have been displaced? For example, should New Orleans evacuees be returned to a restored neighborhood in the 9th Ward? Or are some restorations unfeasible? If no feasible levees can make parts of New Orleans safe for habitation, perhaps no exertions of power can make the U. S. safe from terrorist attacks and petroleum blackmail. Perhaps we must find other ways of living in the world, rather than controlling the world and, where necessary, insulating ourselves from that world. Perhaps there are forces that are simply beyond our power to dictate and control, and the lessons from Katrina should be applied more generally.

Are there alternative goals for a community in exile—other than complete restoration or assimilation? Jeremiah (29:7) conveyed to the Judeans the surprising message from Yahweh that the exiles should "work for the good of the city to which I have exiled you…since on its welfare yours depends." The implications of this advice are profound.

Lacking prophets in our own time, and so not knowing whether restoration of U. S. power and security is a certainty, perhaps the U. S. must learn to live in exile, in the same boat as others (to switch metaphors again), with other goals that work to build up the place to which we have been exiled—for on its welfare ours depends. What would it mean to "work for the good of" the world as it is now? Clearly this would mean finding ways to live in the world without being fully in control, learning to live with vulnerability,

and hence learning what it is like to be vulnerable—as so many others in the world are. Perhaps these are the lessons to be learned in exile—in our world after 9/11.

Executive Privilege: The Sovereign Exception in Action

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During the summer of 2012, the House of Representatives found President Obama's Attorney General Eric Holder in contempt of Congress. Holder was charged for failing to release particular documents – "deliberative process memos" to be exact – that allegedly "cover up" certain information pertaining to the flow of weapons to Mexico. Several theories have been posited by both Republicans and Democrats, some going so far as to suggest that funneling weapons to Mexico will increase border gun violence, thereby allowing the Obama administration to come down hard on second amendment rights of bearing arms. In practical politics, this seems a little excessive. Nevertheless, the story does evoke Watergate and the general question of the exercise of power within constitutional limitations of the three branches of government. At issue is really not whether Holder is in contempt, or if Congress is overstepping its boundaries, but rather if President Obama's use of "executive privilege" is warranted – the same type of privilege former President Nixon attempted to use to circumvent the release of his Oval Office recordings during Watergate.

My project is to attempt to answer these questions by providing a brief and theoretical history of the notion of executive privilege and to underscore that although Americans may pride themselves on being a democracy of laws and not men, those in politics, as within and outside the law, often find themselves in precarious situations where the powers of government are blurred and unclear, particularly in situations of

emergency or immediate threats to the existence of the state. This could range from immanent attacks on American soil (i.e. violence and destruction) or at moments when it is necessary to suspend law in order to protect law and order, and therefore the state. At the heart of this piece, I will discuss the relationship between executive privilege and what German political theorist and legal scholar Carl Schmitt called the decision on the exception.

All states across the globe, including the United States, are grounded in what political scientists and theorists call "sovereignty." Sovereignty is the foundation upon which the authority and legitimacy of the state rests. It is the "locus and nature of the agency that constitutes a political system."[1] Sovereignty is meant to designate the place where self-sufficient power is ultimately said to reside; it signifies exclusive control over a bounded territory.[2] Sovereignty is the means by which politics is activated in order to give an account of the purposive and integrative, that rule which can be made to function as legitimate.[3] In other words, it is through sovereignty that human beings are able to make an order that is of laws and not men – it gives weight, substance, and legitimacy to our laws. Furthermore, it provides the reason and the obligation to obey laws, as well as the authority to inflict penalties for breaking them.

The theoretical origins of sovereignty date back well before the seventeenth century, with early articulations of sovereignty explicated by French theorist Jean Bodin.

[1] Carl Schmitt, *Political Theology*, trans. George Schwab (Chicago: University of Chicago Press, 2005), xi. From the Forward by Tracy B. Strong.
[2] Scott G. Nelson, *Sovereignty and the Limits of the Liberal Imagination* (London: Routledge, 2010), 3.
[3] Nelson, *Sovereignty and the Limits of the Liberal Imagination*, 6-18.

Most Americans are probably more familiar with Thomas Hobbes' *Leviathan*, written during the English civil wars of the seventeenth century. Thinkers of the period began to question the nature of what holds society together; what could be orchestrated in order to establish the legitimacy of the state, society, of ruler and ruled? It is precisely legitimacy and the order of the state that sovereignty was envisioned to create. In *Leviathan*, Hobbes laid the foundation for numerous contrivances that would forever become part of the canon of political theory, yet have transcended theory to actual application and practice that still resonates, shapes, and guides our politics today. His main contribution is the rationale for humans coming together under a social contract in order to leave the state of nature and live in a civil society.

Hobbes theorized that before political society, human life existed in a "state of nature," often described as both a state of perfect freedom but also a state of political nothingness. "The state of nature symbolized not only an extreme disorder in human relations, causing men to consent to the creation of an irresistible power; it was also a condition distraught by an anarchy of meanings. Each man could freely use his reason to seek his own ends: each was the final judge of what constituted rationality."[4] Hobbes believed in the state of nature human life existed in *bellum omnium contra omnes* (i.e., a war of all against all). In *Leviathan*'s most infamous quote, life in the state of nature would be "nasty, brutish, and short."[5] Each individual possessed the means to do what they desired based on a general equality of mental and physical capabilities. For

[4] Sheldon S. Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought* (New Jersey: Princeton University Press, 2004), 230.
[5] Thomas Hobbes, *Leviathan* (New York: Barnes & Noble, 2004).

Hobbes, it was precisely this perfect freedom and equality that led individuals to be in a constant state of war with one another. Coming together upon a covenant or "social contract," and establishing a "commonwealth," (i.e. state) individuals would give up part of their own individual sovereignty (which implies our sense of autonomy and agency) and unlimited freedom in the state of nature to essentially become restrained in a new civic order, but at the same time secure our possessions and property. Hobbes borrowed significantly from Bodin's "absolutist" conception of sovereignty: "the absolute and perpetual power of a commonwealth."[6] Only the laws of nature or acts of God are above the sovereign; and hence, only the sovereign would have the power to enforce the covenant in order for it to be effective.

Although Hobbes intended the sovereign to be like a monarch, the sovereign today is not limited to power in the hands of one individual. Rather, the notion of sovereign can be taken to mean either an individual or, more commonly, a body of officials like a Congress or Parliament. For our purposes, let us simply think of the President of the United States as the sovereign. What is difficult practically, juridically, and theoretically in the United States is the shared and divided powers of the government, for instance, bicameral legislature. By the standards of the U.S. Constitution, Congress's powers as the legislative body should trump the president's executive powers or duties, say for instance, in declaring war. Only Congress has the power to declare war only after the president recommends or asks them to do so. Yet as

[6] Jean Bodin, *On Sovereignty* (New York: Cambridge University Press, 2008), 1.

we have seen in recent years, Congress time after time has ceded greater authority to the executive, particularly in terms of the president unilaterally declaring war (with Congress giving approval only after the fact).

John Locke's contributions to politics are many, particularly his views on natural rights, consent of the people in establishing government, society predicated on freedom and liberty, and most importantly, private property. For him, "The great and chief end therefore, of men uniting in commonwealths and putting themselves under government is the preservation of their property…"[7] He advanced these ideas through a reconceived state of nature and social contract, introducing in the process the prototypes of constitutional government that provides the basic fundamentals of the U.S. democratic republic. In his *Second Treatise of Government*, Locke comes to his discussion of what he calls "prerogative." According to Locke, "For since in some governments the law making power is not always in being, and is usually too numerous, and so too slow…on all occasions and upon all persons that may come in their way, therefore there is a latitude left to the Executive power to do many things of choice, which the laws do not prescribe…"[8] Locke is not entirely clear as to when, if, or how this prerogative is to be applied. He merely makes the case that prerogative is necessary when the laws are not clear or do not exist. Locke does not envision this ability to be used arbitrarily, say for political purposes as Nixon tried to do, and perhaps as President Obama has done. Locke's prerogative, however vague, appears to be warranted only to expedite

[7] John Locke, *Two Treatises of Government* (New York: Cambridge University Press, 2008), 350-351.
[8] Locke, *Two Treatises of Government*, 374.

governmental matters of great importance when issues could not be taken care of under normal circumstances, times of great confusion, or in our terms today, security dilemmas in which decisive decisions had to be made regarding the law or security threats to the state. But there is more to it.

Carl Schmitt's *Political Theology* concerns these "prerogatives" of the sovereign as the concept has developed in the West, but theoretically goes deeper than that. Schmitt declares, famously, that "*Sovereign is he who decides the exception*."[9] This definition is aimed at defining sovereignty towards a theory of the state in the juridical sense, providing a point of reference used in his later work. First, what does he mean by exception? "The exception…can at best be characterized as a case of extreme peril, a danger to the existence of the state, or the like."[10] The exception for Schmitt is an immediate, existential threat to the state (e.g. nuclear warhead heading towards a densely populated city). Therefore, the sovereign 'steps up' and calls the exception. Essentially, the sovereign decides what the exception is and how to solve it, whenever or whatever that crisis or situation may be. The precondition(s) for the decision on the exception are unlimited since these conditions cannot be codified into preformed law since that would limit the sovereign in making (the) decision(s). Schmitt disagreed with the limits constitutions, for example, the U.S. Constitution, imposed on the decision. Schmitt states, "the most guidance the constitution can provide is to indicate who can act in such a case. If such action is not subject to control, if it is not hampered in some

[9] Schmitt, *Political Theology*, 5. Italics added for emphasis.
[10] Schmitt, *Political Theology*, 6.

way by checks and balances, as is the case in a liberal constitution, then it is clear who the sovereign is."[11] The latter part of this quote is telling, as Schmitt appears to be uncertain of just "who the sovereign is." From Hobbes to Rousseau, the question of who, precisely, is the sovereign still appears in the 20th century for Schmitt, a question left unanswered by liberal democratic forms of government throughout Europe and the West. It is clear that Schmitt sides with Hobbes since it is an individual "he" that decides on the exception. However, if Schmitt were to have had his hand in the development of a constitution, some might suggest Schmitt would side with Rousseau.[12]

More importantly, Schmitt brings attention to the paradox of sovereignty in stating "although he *stands outside the normally valid legal system, he nevertheless belongs to it*, for it is he who must decide whether the constitution needs to be suspended in its entirety."[13] In other words, the sovereign is simultaneously the source of authority and legitimacy for law, yet at the same time is under and over it. For the most part, our lawmakers obey laws. Yet when it comes to that exceptional case, situation, or what not, the sovereign can suspend the laws they have created, essentially making them, for Schmitt, above and beyond the law at all times: inside and outside. On the one hand, Schmitt's decision on the exception generally means the decision to suspend law in order to save law by stopping the impending dissolution of the state. If a danger is so great and immediate, constitutional limitations such as Congress having the power to

[11] Schmitt, *Political Theology*, 7.
[12] Edwin Kent Morris, *Liberal Democracy and The Political: A Comparison of Carl Schmitt and Sheldon Wolin* (Master's Thesis in Political Science). Available through Virginia Tech Libraries.
[13] Schmitt, *Political Theology*, 7. Italics added for emphasis.

declare war formally may be too slow, and thus the sovereign – presumably the president – can call upon this power of exception and make decisions to save the state from annihilation. To be sure, by Schmitt's standards, the sovereign *ought* to announce when the exception is effectively over and that the suspension of law has been lifted. On the other hand, sovereignty is not limited to making this decision only. Recall above that for Hobbes sovereignty's initial purpose is the foundation of the state, and therefore, law and order. Schmitt clearly states that "*the exception is to be understood to refer to a general concept in the theory of the state*, and not merely to a construct applied to any emergency decree or state of siege,"[14] implying there is something much more important going on legally and theoretically than merely the decision to decide if the exception is at hand and how to solve it.

Contemporary political theorist Giorgio Agamben suggests "at issue in the sovereign exception is… *the creation and definition of the very space in which the juridical-political order can have validity*… The sovereign decides… the normal structuring of life relations, which the law needs… In this sense, the exception is the originary form of law.[15] If the state of nature is merely the absence of government, then what is truly exceptional from the beginning is the foundation and demarcation of man-made, artificially constructed government and law. It would seem that for both Schmitt and Agamben the exception constitutes the very origin of modern politics. The implications of this are profound, but the limitations of this piece prevent me from

[14] Schmitt, *Political Theology*, 5.
[15] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), 17-26. Italics added for emphasis.

elucidating further on this particular point. In any case, the sovereign exception remains to this day a form of unrestrained power outside the law and yet absolutely necessary for the authority and legitimacy of law – a source to "tap in to," so to speak, in the form of executive privilege for whatever reason or whenever circumstance demands it. As President Nixon once said, "When the president does it, it is not illegal." It is a power source so great that presidents ought to be cautious about using it. Yet, presidents of the United States have been evoking this 'privilege' for both legitimate and not-so legitimate reasons since, roughly, the founding itself. And now we have seen President Obama use this power for the first and only time during his administration. What is at stake for the president in the Holder case?

Abraham Lincoln was the first president to use the exceptional powers of the Executive Branch with the outbreak of the Civil War. One could say that Lincoln acted as an absolute dictator from April 15th, 1861, when he called for an army counter to the constitution, until July 4th 1861, when he convened a special session of Congress for them to officially declare war.[16] Furthermore, with the Emancipation Proclamation in 1862, "the president proclaimed the emancipation of slaves on his authority alone."[17] Using executive privilege, he unilaterally went over Congress and binding laws that were in effect across the United States regarding slavery, including the three-fifths rule in the Constitution. His suspension of *habeas corpus* two days later towards southern rebels perhaps can be said to demonstrate the suspension of law during an exceptional

[16] Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2003), 20.
[17] Agamben, *State of Exception*, 21.

or emergency crisis. After Lincoln, the president of the United States appeared to wield the sovereign decision on the exception as posited by Schmitt.

President Woodrow Wilson would later assume broader powers utilizing the new apparatus of power Lincoln established for the executive branch. The difference, however, (and I should add probably because Wilson was a political scientist) between Wilson and Lincoln is that Wilson asked Congress to give him the authority to meet certain objectives. Rather than declaring a state of exception unilaterally as Lincoln did, Wilson used his power to push for exceptional laws, laws today that would seem contrarian to our widely held freedoms of speech and protest. In fact, Wilson basically eliminated civil liberties all together for an extended period of time.[18] President Franklin Delano Roosevelt also used the exceptional powers of the executive in order to combat the Great Depression. Often in 20th century American history, the term "war" is used metaphorically in a variety of ways when what is at issue politically is of great importance to the country or the administration in power. For example, the war on poverty, war on drugs, and war on terror (as well as the war on Christmas). This was not mere word play –Roosevelt, literally, "declared war" on the Great Depression. Making his case to the American people who were suffering, Roosevelt used his executive privilege to enact the numerous legislation that we now refer to as the New

[18] Agamben, *State of Exception*, 21. Agamben states: "From 1917 to 1918, Congress approved a series of acts (from the Espionage Act of June 1917 to the Overman Act of May 1918) that granted the president complete control over the administration of the country and not only prohibited disloyal activities (such as collaboration with the enemy and the diffusion of false reports) but even made it a crime to 'willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States.' "

Deal. For example, the series of statutes issued that culminated in the National Recovery Act of June 16th, 1933 effectively gave FDR "an unlimited power to regulate and control every aspect of the economic life of the country – a fact that is in perfect conformity with the already mentioned parallelism between military and economic emergencies that characterizes the politics of the twentieth century."[19] President Roosevelt's actions taken throughout World War II extended these powers for a variety of purposes, but perhaps most disconcerting was his violation of civil rights with the internment of Japanese American citizens in early 1942 in the name of national security.

In any case, it was President Richard Nixon and what some political scientists call the rise of the "Imperial Presidency" that made heightened public and scholarly awareness of prerogative, exception, and executive privilege. When Nixon came into office, he claimed his administration would offer a "New Federalism" in vein of the New Deal, New Frontier, and Great Society that came before. Nixon seemed intent on applying conservative principles to the sweeping Democratic Party social entitlement programs and, more generally, to the role of the federal government in the domestic sphere. Faced with a Democratic majority in Congress, many of his conservative redefinitions of federal responsibilities were never enacted. Nixon, considering the type of person he would later be revealed to be, decided that most domestic policy is actually generated by proposals and, as the founders put it, the "energy" of the president. What this meant was that Nixon saw the executive branch both as more powerful than the

[19] Agamben, *State of Exception*, 22.

legislative branch in terms of enacting policy and making laws, and, more importantly, that the responsibilities of government could emanate from the White House rather than Congress. This is, of course, in complete contradiction to the U.S. Constitution. Among the uses of executive power, Nixon enlarged the Executive Office of the President (EOP), creating a number of new offices and departments directly accountable to the president including the Domestic Council, the Office of Management and Budget (OMB), and the formation of "White House consultants," all of which trumped the traditional powers and roles of presidential cabinet officers. Paradoxically, a conservative president increased the size of the federal government institution of the executive branch in both areas of domestic and foreign policy.

From Truman to Nixon, followed by Ford and Carter, and the Reagan Revolution in 1980, the Cold War was in the background of U.S. foreign policy. As Pease suggests, "After World War II, America became a state of exception."[20] But what does this mean exactly? Let's back up a moment and provide some insight into the Cold War. Of course, this was not a traditional war by any means. The United States and the U.S.S.R competed with one another for global hegemony in both politics and economics. Although the U.S. and the Soviets never engaged one another on the battlefield, the United States took great effort to stymie or "contain" the spread of communism in both Korea and Vietnam – the "domino theory" that if one country falls to communism, then several more will follow. Hence the reason for those respective wars. Herein lies the

[20] Donald E. Pease, *The New American Exceptionalism* (Minneapolis: University of Minnesota Press, 2009), 62.

nature of the permanent state of exception, alongside other dubious and questionable considerations of and by the United State government. If the Cold War is "war," then juridically and theoretically, then the president would wield the awesome power of exception at all times. After the Cold War and the collapse of the Soviet Union in 1991, it was not long after that President George H.W. Bush found 'new enemies' in the Middle East; thus our interests in engaging in the Gulf War. There is a pattern here: Ever since post-1945, the United States military has been involved somewhere, globally, usually in the form of warfare. Put crudely, if war never ends, then neither does the exception, and thus it becomes, perhaps, permanent.

In recent years, President George W. Bush faced a number of criticisms regarding executive privilege and the decision on the exception after the September 11th, 2001 terrorists attacks. Rather than being a temporary suspension of the legal order in efforts to preserve the state in the face of existential dissolution or annihilation, the exception perhaps has become *permanent* in the absence of a legitimate enemy (i.e. the concept of terror is not a traditional sovereign state but is rather an idea that can occur anywhere at anytime). To reiterate, since 1945, the United States has been almost perpetually involved in conflicts or wars over seas, making the notion of war powers a permanent part of the president's abilities. This leads to both practical and theoretical questions of where the president's power effectively begins and ends. The changing ideological scope of the Supreme Court of the United States seems to have conferred additional powers through the Executive Vesting Clause (see below) in light of

9/11. Together, the subject of sovereignty and executive privilege suggest an indistinction or blurring of the lines between law, order and chaos, no sense of inside/outside the law, and the creation of space(s) where law, I suggest, becomes meaningless.

These examples speak to a number of aspects taken for granted by political scientists and theorists that are not well known outside of students of American politics and theory. First of all, once presidents establish extra-constitutional powers, presidents that follow them never give up that power up. These new "powers" become institutionalized in the Office of the Presidency and, to be sure, have historically been used again and again, as understood in the examples above. Second, as dictated by the U.S. Constitution, Article II invests the executive with duties, responsibilities and powers that go beyond Commander-in-Chief. Called the Executive Vesting Clause, it implies that the president enjoys a number of powers traditionally invested with executives (i.e. the executive power). Although it is mostly concerned with foreign affairs and the execution of laws, the vesting clause may grant authority beyond these areas.[21] Just as Locke thought reasonable that executives should have prerogatives, many people believe that the clause supports the notion of executive privilege that is at question here. Furthermore, the vesting clause is suggested to give the president certain immunities in the court of law, but also gives the president the emergency powers that relate back to the discussion of the exception. Despite Supreme Court

[21] Edwin Meese III, et al, *The Heritage Guide to The Constitution* (Washington D.C.: Regenery Publishing Inc, 2005), 181.

decisions that have theoretically and juridically limited the scope of these powers, they do not eliminate them or set up boundaries for their application. Their decisions on the president's use of these powers have always been limited to the situation at hand in terms of the constitutionality of the president's use of that authority – hence the court's 1974 decision in *United States* v. *Nixon* – not whether or not it exists or can be authorized. Despite the *Nixon* ruling that famously declared the president is not above the law, it appears that was meant only for that particular situation. If that were the case, then why do presidents continually make decisions citing, essentially, their sovereign authority without Supreme Court repercussions? The 1926 Supreme court case *Myers* v. *United States* arguably solidified the Executive Vesting Clause as the source for numerous, and perhaps, arcane powers at the president's exposal – including the use of executive privilege to not release particular documents as is the case with Eric Holder being found in contempt of Congress.

Is President Obama correct to cite executive privilege in order to withhold these "deliberative process memos" that Attorney General Eric Holder has been found in contempt of Congress for not producing? My answer would be yes and no. To the former, as I hope to have made clear, the president now wields a host of powers that seemingly go against the U.S. Constitution, granting him broad authority and abilities in a number of areas, both domestically and internationally. Yet, as the *Nixon* case exemplifies as well as the historic events when the executive has made use of their sovereign powers, this situation regarding the release of these memos seems rather

arbitrary and promotes a number of conspiracy theories the incumbent-president in an election year does not need on his plate. If anything, perhaps, the president using executive privilege in this case has only made matters worse, considering the situation in which he has issued it. Furthermore, when previous presidents (albeit, Nixon) have cited this authority, it has generally been in times of war, turmoil, or strife contingent to the existence of the state; therefore, it is reasonable to assume these presidents did the right thing in using their emergency powers or executive privilege (for the most part). Moreover is the use of executive privilege in a state of exception that is perhaps permanent. The War on Terror appears to be never-ending, just like the war on drugs and poverty. They may not make the evening news every night, but these 'wars' are still there in the background, just as American soldiers are still in Afghanistan and Iraq. If this is the case, then it logically follows that President Obama has at his fingertips extraordinary executive powers due to the state of exception being at hand – a constant variable in the background where law is theoretically suspended to take care of things pertaining to the war on terror while law remains for us citizens to follow living in the domestic polity. Once again, the use of executive privilege, just like the blurring and indistinction spoken about of above, remains just that: blurred. President Obama's use of executive privilege cannot be weighed on any solid conventions because theoretically he is the sovereign making a decision within an exceptional and never-ending crisis, even if that decision is made towards a situation dealing with the disclosure of documents.

In conclusion, President Obama does appear warranted in his use of executive privilege, despite Congress finding his Attorney General in contempt of court for not disclosing these documents. Questions remain in that case however. If these documents were so important, why did the President not issue this order earlier? Are these documents vital to U.S. national security, or, more cynically, would these documents be damaging to the President's re-election this November, in vein of the White House tapes Nixon tried desperately to conceal before being forced to give them up to the Supreme Court and subsequently resigning from the presidency? I do not have answers to these questions, merely speculations. Nevertheless, I hope this discussion of the theoretical and yet practical aspects of executive privilege and sovereign authority has been enlightening. Despite the predominant relationship the decision on the exception has to foreign affairs, political and social arrangements within states often affect that state's decision-making process in relation to other states. What a state does internationally reciprocates in a number of ways back to the domestic life of citizens and the quality of life and experience of politics a given polity.[22] Therefore, executive privilege and exception go hand in hand, I suggest, to both domestic and international concerns. It may seem trite to suggest that President Obama's use of executive privilege reaches the extent of the sovereign exception, particularly as I have laid out in this piece. However, it should be clear that just because such magnitude is not present in the immediate moment of this political story does not mean the use of this authority is

[22] Cynthia Weber, *International Relations Theory: A Critical Introduction* – Third Edition (New York: Routledge, 2010), 41, 61-81.

any less greater or warranted than when pertaining to war. Between the three branches of government in the United States, this question of situational authority is precisely a point Carl Schmitt was trying to convey over 80 years ago: who decides? It appears with the increases in executive power over the last several decades, apparently President Obama believes he decides, just as President George W. Bush was "the decider." Thus, the exception remains.

Between Schmitt and Foucault: An Interview with Michael Hardt

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Introduction

This interview with Dr. Michael Hardt, Professor of Literature and Italian at Duke University and a Professor of Philosophy and Politics at the European Graduate School in Saas-Fee, took place on February 23, 2012 in Blacksburg, VA. The interview was based on four prepared in advance questions disclosed to Dr. Hardt prior to his visit. The questions are numbered and presented below for the sake of the flow of the interview and easier reference. The interview was recorded and transcribed by Kent Morris. Michael Hardt was on the Virginia Tech campus as part of the ongoing ASPECT lecture series. Dr. Hardt was kind enough to grant the interview prior to his lecture that took place that evening entitled "What to Do in a Crisis." Many of the themes he would speak about later that night appeared throughout the following interview.

The Questions:

1. (Robert's question): Dr. Hardt, could you please clarify the relationship between the material labor in the world of production and immaterial labor as discussed throughout the (*Empire*) trilogy? In casting a wide net to theorize immaterial labor, is there a possibility of losing theoretical potency for the world of production?

2. (Kent's question): Nation-state sovereignty still matters for many who would comprise the Multitude. An example of this would be the proliferation of wall building. Empire is described as new form of global sovereignty that is "everywhere and nowhere," yet nation-states (albeit in decline) still persist. Considering this, who is sovereign in Empire? Where does sovereignty reside in the age of Empire?

3. (Stefanie's question): We are currently witnessing forms of resistance to Empire in both the Occupy Wall Street and the black-block anarchists movements in Greece. Where do you see the multitude in these movements? Does the Multitude constitute reconciliation between these forms of the resistance?

4. (Jordan's question): In *Homo Sacer,* Agamben deploys Ernest Kantorowicz's notion of "the colossus." In *Multitude* you and Negri use the concept of "the golem." Do you see

any parallels or relationship between these two concepts, particularly in light of the important of Kantorowicz in both of these works?

Michael Hardt (MH): Let me start anecdotally. I remember reading an essay in *Wired* magazine in 1997 or something by Peter Drukur, a social economist. The theme of the essay was "Labor no longer matters, its knowledge that produces value." And I thought: where did that knowledge come from? That was partly thinking about well, how can we think about labor in ways that would expand traditional categories of labor to include other activities that are (and here the argument, claim starts) increasingly central to the capitalist economy. So it was partly together with socialist and feminist theories in which I was trained in as a graduate student about (care work, kid work, unwaged labor in the home) and debates about domestic labor. So putting those two things together, you might say the cognitive and affective side were part about thinking how labor and production has transformed. It's rather that their center of gravity has transformed, it's not like any of these things are new. There has always been immaterial aspects to commodities.

Both Tony (Antonio Negri) and I felt that 'immaterial' was a bad term for this. It seemed to lead quickly to confusion, for example, whereas we are using 'primary' to refer to the product, it gets quickly assumed that the process is immaterial, but of course the kinds of production we are talking about equally involve bodies and minds the way the production of commodities do. And of course most of the pedagogical examples we use of immaterial products have material aspects and such. That doesn't mean that nothing has changed. That is what we are trying to grasp with this: what has changed and so material is the first thing.

Part of the question here is casting the net wide, and has to do with the fact that I think we participated in a decades long tradition of trying to expand the notion of labor and production which do carry risks with them. I was thinking about various ways of putting together Marx and Freud often in the 1970's and 80's French Philosophy, or sometimes socialist and feminist things in the U.S. and U.K trying to expand what counts as labor in various polemical ways. There are many pitfalls about that. But at least the first thing for me is that the alternative seems worse of only talking about labor and production as either that which is done for the wage or in a narrow sense keeping the notion of the factory as the paradigm around which all other production surplus circulates.

OK. I have said enough to start. You guys need to lead me or fill in with some things you have been thinking about.

Robert Kirsch (RK): Well this was my question. As a member of the Industrial Workers of the World (IWW) for a few years now I am obsessed with this idea of how we are supposed to get this one big union. So, on the one hand, for me the theoretical problem

can be that in the shift of thinking about immaterial, what happens is we do lose sight of material production. You say you are not doing that of course, but I think something like Baudrillard when he says something like "The world of finance is now this self-valorizing sphere of community." And for me, to suggest that there is this world that is floating above planet Earth that valorizes capital regardless of what happens on planet Earth, it seems to not tell Wobblies like me what to do to get people to join a labor movement that is supposed to end the wage system. So, on the one hand I am curious about that theoretical ambiguity that can result, and on the other hand, I am concerned about the practical consequences that can for organizing on the ground. One of the things we do is try to expand what counts as labor and who can be included in the movement of course. There seems to be some tension there so that is what I am trying to get into with this idea.

MH: I was just thinking from the tradition of the IWW perspective that one can see the injustices of the mainstream trade union practices of excluding sectors of the labor force and populations as what counts as class or a subject, or more strictly how you can participate in the union. How do you think from the perspective of organizing? What are the ways of broadening the notion of labor and class that allow for the unionization of workers? There are at least two moves that have to be done. The first is that sectors of workers is that of service industries and non-traditional sectors. The second one is that is their any way we can think about the organization of unwaged labor, the unemployed, and the precarious workers? I think these practical questions are very close to the theoretical questions.

RK: Sure, sure…

MH: And so what do you think? Can you either see practices that are already in place and working in that direction, and/or what kinds of things do you imagine in the future?

RK: I will think about that…

MH: It is both the way that union organizing is already transforming and what kinds of things would be necessary in the future to…and it is both, and I'm sorry I am just adding…it's both regarding ways that labor and production have changed and the way unions have to keep up with, but it is also ways that unionizing and certain class politics have been inadequate for the requirements of labor. So what do you think?

RK: I think it is a really difficult thing and I think there is a lot of ambiguity that goes into it. We do want to open up this broader idea of what labor is, but at the same time when someone says, "well what is *that*?" Well it's this (or what it *isn't*) and that becomes really difficult practically to organize for. So there seems that there is potential, but also potential for ambiguity that can be difficult to overcome in terms of organizing.

MH: So when you think about the experience of, for instance the Picateros… I am interested in the theoretical implications of the so-called Picateros in Argentina, a movement of unemployed workers. The idea was that we are unemployed but we need to unionize. So it's unions of the unemployed. And they said, we want to picket, but we don't have a factory. So they picket the city. In some ways, they are saying that is not right. They felt this way in Argentina 10 years ago; some of the unions end up being conservative, in protecting a specific, sometimes relatively privileged sector.

RK: So you might want to rethink how to attack specific sites of sovereignty. It's a difficult process actually…

MH: I agree with you. Another aspect of the "what it is or is not" question is that there are other downsides to it, but just to some generalized debates among feminists in the 80's in the U.K. about domestic labor and whether to call it 'work.' One of the questions or objections was not only is this work too, but is it also productive for capital and that the distinction between production and reproduction? This didn't make sense to them as a distinction between workers. So that there should be rights and power also attributed to these unwaged workers. One of the objections I found fascinating was that many felt that their activities were in many ways degraded by calling it 'work.' Yes, it's work to clean toilets and make dinner. But they do it out of love. It's not…(Stefanie interjects saying "it's not a job"). Although it is. That's the dilemma!

I guess I am only bringing up more difficulties once one extends the notion of work and of production as we do. I think we often do that. These are some of the difficulties, especially practical ones. They are also theoretical difficulties too, maybe the same ones. But the sense you posed the question in terms of the IWW and organizing. I was thinking of the practical difficulties of it. I wish I didn't answer that. All I did was raise more questions!

RK: That's good though…

Kent Morris (KM): Both Stefanie and I want to combine our questions. I am generally interested in what you have to say about *who is sovereign* in Empire? Where does sovereignty reside in the age of Empire, considering your statements about civil wars, but also the notion of declining nation-state sovereignty? In particular, the example I am using here is Wendy Brown's proliferation of walls. Stefanie is interested in how resistance movements, Occupy Wall Street and the Black-block anarchists, are really rebelling against the state. It is the police that are coming down on them…

Stefanie Georgakis (SG): I think to complicate things further and because of the nature of my own work, Wendy Brown's argument about sovereignty as having a "performative

nature" is being played out. And while maybe we can talk about states grabbing on to this waning sovereignty, I think when we see these resistance movements which are seemingly disparate, they are very different. But what gets wheeled out is the police. And it is these traditional forms, the monopoly on violence of the state that we see again. I am interested in seeing how this notion of the declining sovereignty of the nation state fits into the response to these kinds of movements.

MH: I see how they are related. So to start with the simplest thing, I remember a number of debates 10 years ago in which one person would say that there is globalization and therefore nation-states no longer mater. The other person would say that nations states do matter, so there is no globalization. Clearly what we have to think, from my perspective, are ways in which nation-states and of course, very different nation states, have a great deal of power and even autonomy over their functions, but nevertheless have to increasingly model their rule to larger and sometimes global structures.

One of the really convincing arguments for me about this that I thought brought these together was Saskia Sassen's *Territory, Authority, Rights: From Medieval to Global Assemblages*. What she is doing is that precisely looking at the ways nation-states, in specific things, economics, ministers, at Davos, have to both reason in terms of national interests, but, at the same time, have to think about the needs and pressures of the global economy. It's as if the same figures have a divided, not loyalty, but logic.

KM: If I recall correctly the way you put it in *Multitude* its as if they are "administrating."

MH: Yeah. But I think they are "dual administrating." They are administering both. It's not that these ministers have forgotten about their home country or that they don't have any power. But rather that power has been shifting. I would try to put together two things: one is the waning or lessening – waning sounds like it's going to zero – the lessening power of the nation state, and the other I would say is the transformation of sovereignty.

Now I will come back to a stupid terminological thing that Tony and I were facing when writing *Empire*. We were saying that, if one thinks about sovereignty in conceptual terms as the one who decides, meaning – of course the one who is not just the king, but the one could be the party or it even the nation state as such, a unified centralized decision making capacity.
If sovereignty is that, then what we are proposing as emergent or as a tendency in *Empire* is rather decision-making structures that are not unified and centralized, or at least not in the same way. Rather than having to take place in networks, and here networks among the dominant nation states but also together with the IMF and World Bank and other supranational structures…

KM: To clarify a tendency that has developed…

MH: Is *developing*…I mean, that's the whole problem with *Empire*. Someone presented this to me as trying to explain our book to me.

KM: Because you are touching on Schmittian themes…

SG: But also on Foucauldian themes. Networks of power, etc.

MH: Exactly! *I think we are thinking between Schmitt and Foucault here*, that's excellent. In some ways, we are thinking that Schmitt's notion of sovereignty as the one who decides no longer functions. Does that mean there is no more power? Obviously not. Does that mean that power is everywhere and everyone is equal? Clearly not. How do we think about these diffuse and dispersed form(s) of power and the kinds of domination they enact? So there we are between *The Concept of the Political* and that chapter in the first volume of *The History of Sexuality* about power. I definitely think that is where we are thinking. And so we could ask should we no longer call that sovereignty because it is no longer centralized and unified in its decision-making? Or should we, and what we ended up doing, say that it is a new form of sovereignty or that sovereignty is becoming something different. It doesn't mean that it is no longer domination, it means rather it is a non-homogenous and non-unified decision making apparatus or something like that. But I would not claim to know precisely how it works. Still, it seems to me that this is what or how people who are more competent than us like Sassen, I think, often work out very specific ways of thinking about how those types of things work, not the whole thing, but the way certain decisions are made by the intersections of different actors. I am still only on your first question.

SG: And that's fine. I can live with that…

KM: I have one more thing to add. In *Multitude* you claim that the state of exception is permanent. Can you fit that into the previous response?

MH: That might be hard. There were plenty of contradictions, and I could give you more. I would say it wasn't meant to say the state of exception was permanent, in many ways it has become a banality today. To say that the state of exception is permanent means that there is no system of right, no legal structure that is capable itself of governing, but rather that powers that are inside and outside the law are ruling. I am a little displeased with that concept though. In *Commonwealth*, we did think of it as a self-critique that all this sovereignty talk really distracted us from the way power works everyday and in its most important functioning.

Rather than looking at things within the law and things that line of thinking that function normally within capital, rather than focusing on things like Guantanamo and Abu Ghraib and the spectacular demonstrations of those things that are outside…So that, I guess, that could function, then, partially as a self-critique. We are not the only ones talking about sovereignty, obviously. It had been a decade of a lot of people talking interestingly about sovereignty. Giorgio Agamben is obvious in that regard. With his focus on the state of exception, well he is perfectly right. I am not saying that Giorgio Agamben is wrong or that it was incorrect to write that. I am thinking about the usefulness of certain scholarly trends

KM: All right…

MH: So then we come to, in a way, the opposition to that…

SG: Yeah because it seems to me that in order for this concept of the Multitude to succeed and particularly in the way it has been formulated, there has to be some reconciliation or meeting point between what's happening, you know, in New York and what is happening in Athens. But it is not clear to me how we could go about doing that?

Jordan Hill (JH): You should maybe say something about why we chose those two examples, because of the differences between them…

MH: But we could add Tahrir Square, which is much different in some ways. Let me start on the finer scale…because at least the way I understand it as a large-scale question about global or transnational connections. To start with Tahrir Square, one of the things I found remarkable, and I am sensitive to this, during those 18 days of the occupation of Tahrir Square, the New York Times and all the foreign press reporters were desperate each day to find a leader. What they couldn't accept or understand was that there wasn't a centralized decision making process. That doesn't mean there was anarchy in the square, if by anarchy one means disorganization and no structures. Rather, there were complex structures of collective decision making that were in reality decentered and horizontally organized. And so, if the New York Times could have been able to think in terms of multitude, perhaps they would have maybe had a better understanding of what was going on there. In terms of I multitude, I don't care about the term – it is not the term that matters…there are plenty of other terms for decentered collective action. Horizontal works for me if the metaphor works for you, that is, horizontal collective decision making. The decision-making is what means the most to me here.

Let's think about what occurred in 2011 and then work back to the more general conceptual question. The way I conceive it, this is in line with a certain intellectual tradition of thinking about cycles of struggle. A cycle of struggle is formed not through repetition. Rather, it is formed through a kind of inspiration and translation that is always related to

local conditions. So classical applications of this kind of phenomenon, for example, slave revolts in the Caribbean, in Brazil, even to Virginia, these always spread. They spread by sailors, stories, and they are often adopted in each other's tactics, adopted the thought and even the recognition process; in the sense that 'they did it, so we can do it too' – and then each group transforms it all. The conditions will be different even if they are all slave relations.
I think that this is a similar thing that happened in 2011 in Tunisia which is quite clear and didn't seem to take that much conceptual work for people moving from Tunisia to Egypt, that, for instance, Mubarak must go, and in relatively similar social circumstances, with linguistic and religious similarities.

The next move to Madrid in May seems like a much bigger leap. Then, of course in Athens, Israel, and then Wall Street, then more or less everywhere. It is quite clear that the social conditions that the rebellions were facing in Cairo and Madrid were very different. But I guess that the first step for me is to recognize that the people conducting the rebels were thinking they were taking the baton for others. Like in Madrid, they thought of it as a continuation or something inspired by Tahrir Square. Some of the people who were the first campers of Zucotti Park had been to Tunisia during the summer, and they thought of what they were doing as related to Athens, Cairo, Madrid these movements end to all those that came before.

So these movements do a kind of translation, like translating the struggle against the tyrant into the struggle against the tyranny of finance. But of course you can recognize all the same methods of encampment, decentralized assemblies, decision-making, and even the structures of what the Spanish call 'commissions' or 'working groups' in the Occupy movement. So it is both a sharing of tactics, slogans, but also I would also say about a contagion of desires.

Here is one other one that was real useful for me, and now I am ruining what I am going to say later on today in the lecture I am going to present. In Madrid, as in many other places this year, a lot of the activists that started the encampment were not experienced militants or activists. They were completely new to politics. They were very young. So when a large portion of them wanted to have the slogan of the day, for the 15th of May last year, 'real democracy now', the experienced militants thought, "oh my god." They were all cynical, leftist enough to know that democracy is totally corrupt. But the inspiration of Egypt was present in a way that put democracy on the agenda and I think allowed for what seems to be a super productive kind of night and day. And I think the circulation of the concept of democracy throughout 2011 is in many ways thanks to the work done and the inspiration done by the North African revolts. In fact, the assumption being from the outside they are not revolting against the tyrants, but to get elections like we got in Spain. Rather it was about assuming that there is a renewed potential of the concept of democracy and that it could be practiced in assemblies and that we could

invent forms of participation, so that the Spaniards quickly translated that into a refusal of representation, 'you don't represent me' and that went with the slogan 'real democracy now.' Which is a transformation of what the commonplace or mediatized version of what democracy is today.

So why did I go through this whole business about what I see as the formation of a cycle of struggle in 2011? The way that it functions is that these are extremely, deeply rooted in local issues but at the same time are able to extend spatially, transnationally through a process that seems best thought of as a contagion or passage of inspiration. If someone were good a medieval thought there would be some way of thinking 'inspiration' better than I could.

JH: Something in this conversation I didn't get out of *Multitude*, but that I think is important, is that you mentioned that in each one of these events is that the media had to come in and translate and spread the word for those that are not in Madrid, Tahrir Square, in Zucotti Park, or wherever. Based upon that, you put that *Multitude* is theoretical, that the idea of multitude is actually a theoretical frame from which we saw all the multinational media things is go back to old frames of sovereignty and power, asking "where's the leader?" And so, theoretically speaking, this idea regardless of what we call it – we will call it 'multitude' because that's your book – actually provides a frame for structures of power that currently exist that don't' seem to be able to understand, translate, and communicate what's going on. And that is exactly what you laid out in the beginning of the book (*Multitude*) in that sense…

MH: That's exactly right. And what you say raises a question that I don't know how to think through or formulate what Tony and I are doing. There is a little compensatory instinct in what I am about to say: what we are doing is we are learning from the movements and in some ways saying back to them what they are doing. This gives a passive or reactive version of our intellectual work, because we are just trying to figure out what they are doing and sometimes we try give a name to it, sometimes we give a description of it. I do think it is definitely partly that, and it is important to recognize how much theoretical innovation goes on in these collective experiences, these movements. It is certainly not a matter of theory versus practice: it's a kind of theory that is done in practical framework, or something like that. So what we are calling multitude…is not like we read Spinoza or some 17th century English guys and said 'you all should try this.' It's rather that we are trying to understand what we see going on and trying to find names for it.

JH: We need a new discourse to talk about the things that are going on because the old concepts cannot hold anymore.

MH: That's definitely right. Sometimes it involves trying to renew old concepts that have been corrupted; democracy for instance. Sometimes it's about bringing in relatively new,

or really old concepts, like multitude, but in a way that bring a sort of new dimension to them. I think a certain kind of political theorizing works better. I am generally in favor of struggling over the existing concepts, but sometimes it seems not possible maybe for lack of imagination. For Tony and I the term 'multitude' seemed really productive. In fact the more we researched on the tradition and use of it…the 17th century debates that were going on about it in Holland and England seemed to help us have a better understanding of it.

SG: And that's really what I am trying to get at here too. I am fixated still, always on this notion of sovereignty and where it lies. And if we can ever argue that sovereignty has ever been this hierarchical, centralized thing…

MH: You might be right. Going back to something I said 20 minutes ago, maybe it was wrong what I said. Tony and I claim, even in *Empire*, that there is a shift in sovereignty away from the centralized and unified decision-making capacity, so maybe it was never was that way. That there was this fiction of the king, the Fuehrer, that even Schmitt was imagining or yearning for in his case, for the one who decides, but that there maybe never has been one who decided. I would love that if that were true.
SG: I don't obviously have an answer, but it seems to me that the notion of sovereignty needs to be problematized more. The notion that there was once a sovereign that is vertical, and that power, as you know, is very hierarchical…

MH: Right. I guess what would be fun. And this would be the kind of thing that I could imagine Foucault doing or would do. It could be from our perspective that we could now re-read historical formations in a way that couldn't be done previously and see now, in fact, they were never as centralized or unified as they thought and that they always evolved. I think we wrote something about this in *Multitude.*

I was thinking about the history of political theory. How in early modern political theory the social body was always analogous to the human body. And that, in part like in Hobbes for instance, that analogy fortified the hierarchical class or caste system but also the centrality of decision-making, for example, the fact that the brain is one and the head is one – all is one. Well that corresponded to early modern physiology, what science knew at the time. So now, when we start thinking about contemporary neuroscience that tells us that there is really is no center to the brain. All there are networks in the brain. And that decision happens in a decentralized and plural fashion. So then if we were to do that now, that would give us a different view of society. In some ways there is a certain kind of shifting episteme.

JH: And this is cross disciplinary too. Take neuroscience for instance, and looking at what its doing now, how it works cross-disciplinary. For example, Buddhist monastic practices. Some of are looking at these kind of things and are finding that for most peo-

ple in terms of structure and make up are consistent, but they are actually exceptions to the ways in which neurological kind of processes can happen as well. I just like the idea you are suggesting that older style physiology and what we are doing today, if we were to apply it the way it was in Hobbes time, we would have completely different models.

MH: Exactly. And it might be ones that could be different. I of course would not want to say that social structures determine the physiology of the body. I find it funny, a pleasing challenge to ask if you were to believe that today like they believed then, then what would it look like? You would have to know what goes on in neuroscience today too. I know ASPECT is interdisciplinary, but

KM: We do not go into neuroscience…

JH: When I read *Multitude* and I got to the Golem part it really made be think of Agamben's use of…

MH: I hadn't thought of that at all.

JH: I just thought to myself that this is a question that he has never thought of before.

MH: I love Giorgio Agamben, and Tony is a close friend with him. A cliché kind of friendship where they love each other, go on vacation together, and then write nasty things about each other in print.

SG: As academics should be and do.

TRANSCRIBER'S NOTE: For the sake of space and time, I am concluding the interview here. I think this is a rather 'cute' ending to what was intense foray into topics we, as the interviewers, were all concerned with. To be sure, this is not to cut Jordan's question short because Dr. Hardt did seem to take interest in it (as indicated above). However, what follows on the recording is purely anecdotal and even Hardt suggests that it should be cut from the interview proper. In another way, it is my privilege to suggest that only we – Stefanie, Jordan, Robert and I – know what was spoken then. The interview concluded by each of the participants giving our thanks to Dr. Hardt for his time and getting our copies of *Empire* and *Multitude* autographed by him.

Barriers against Democracy: Rethinking the Nation's Founding:
An Interview with Dana Nelson

Interview conducted by:
Yanka Petkova, yanka1@vt.edu; Reed Taylor, rtaylor2@vt.edu; and Mike Butera, mike@salttt.com

Introduction

The interview focuses on Dana Nelson's recent book *Bad for Democracy: How the Presidency Undermines the Power of the People* (http://www.upress.umn.edu/book-division/books/bad-for-democracy/) as a follow up to the public lecture she gave at Virginia Tech in 2009 as part of the ASPECT Speaker Series on Neoliberalism and Society.

The Virginia Tech Institute for Policy and Governance co-sponsored a workshop and public lecture with Dr. Dana Nelson, Gertrude Conaway Vanderbilt Professor of English at Vanderbilt University. Dr. Nelson is well known as a scholar of race, gender, and democracy, with a particular focus on the United States.
Professor Nelson presented a public lecture on Thursday, January 22 at 6 pm, on the campus of Virginia Tech. Her paper addressed: "Barriers against Democracy: Rethinking the Nation's Founding." The paper was part of her current book research which tracks the interplay of aesthetic, social and political models of democratic representation, with particular attention to alternative conceptions of democracy practiced and imagined in the early United States.

Q: What was the reception of *Bad for Democracy*? Have you had any provocative discussions with the public so far?

A: One of the first reviews of my book (on Amazon.com) excoriates the last chapter and says what I should have talked about was not the little local solutions but something more systemic, like going to a parliamentary system. The author was aiming for the big solutions. And I emailed him and said 'thank you, I'm delighted that you've posted that online. It's wonderful to have that kind of debate. And, I completely agree with you.'

Q: So why didn't you discuss constitutional reform in the book?

A: I didn't want to argue for the parliamentary system or changing the constitution in the book because I wrote this book for the general public, not an academic audience, and I didn't think that I could tell the American public that not only should we question the office of the presidency but we should also overturn the Constitution. I thought, 'one radi-

cal proposal at a time,'—in other words, I wanted to offer things that would seem doable to most Americans, which is what I said to this reviewer. And, he emailed me back. It was pretty hilarious. He said 'yeah I didn't think of it that way.' I'm delighted that he put his review out there because I think people need to start having those kinds of conversations more publicly. If other people jump off from my more modest proposals and make more radical proposals than mine for democratizing our systems; great! If those kinds of debates about the people's ability to mold their political destiny can begin, if people can start imagining that we have a right to do that, wonderful! This is important because I think that some Americans feel like the police will come get you if we say we should have a different constitution, that we should have a different form of government. I actually think one of the worst aspects of the PATRIOT Act is that its simple presence can lead people to think that you can be apprehended for questioning our form of government or our leaders. That's scary because the Patriot Act's public mythology may well inhibit creative democratic debate. So, those are the people I really want to talk to with this book. It's important now more than ever to speak truth to power, whether that's popular mythology or government.

Q: One of your primary arguments in the book is that the political role of the president quashes political disagreement by centralizing authority and responsibility. Your answer to the 'president as ruler' mentality is an increase in civic participation and activism. In regards to the office of the president itself, how might we reconceive this figurative role: as a mediator, commentator, or simple announcer of deliberative outcomes? To what degree do you think the president should maintain current privileges? By what means might we achieve a scaling back of these precedents?

A: I think that my answer to the first part of your question, 'how could we reconceive the president's role,' was basically Ron Paul's answer during the Republican Party candidate debates: 'look at the Constitution.' I point out in the book that the Constitution doesn't name the president the leader of democracy. That is a role that we have foisted onto that office; but that is not his constitutional role. I think that we should just let the president perform the role that the constitution gives him.

Now, saying that is one thing. Obviously, in terms of what legal scholars like to call the living constitution, the president's constitutional role has vastly evolved over time. And that goes to the second part of your question. There are two different kinds of questions here.

The first question is 'what is the president's relationship to democracy?' In my book I argue that we should stop thinking that the president has any real or fundamental relationship to democracy. Democracy is the people's job. So, we need to stop thinking we need a leader for democracy and we need to stop thinking that the president is that

leader. Two separate points. But, the second part of that question is hard, which is that given that the office of the presidency has accrued so much power because of our desires for the president to lead democracy, be the leader of national unity, be the person who keeps the nation and the world safe for democracy, and who sets the moral tone for the nation and the world—all of those extra things that have nothing to do with his executive function in relation to federal law. How do we scale back those enormous grants of power, the power for instance now that congress has given the Secretary of the Treasury so much power over the budget and economy and future debt for future generations and taxpayers: how do we get that back? Those are really tough questions. I don't think the answer is simple. Congress has to do that work, as I argue in the book (as does Gene Healy, who has also written about in a book called *Cult of the Presidency*, about the dangers that the expansions of the executive office are posing).

One thing that makes that project difficult, though, is that Congress is not particularly well equipped to protect its own branch interest. We're always praising the foresight of the framers, but what the framers did not foresee as they carefully balanced the three branches of government imagining that each branch would protect its own branch interest is that Congress is not structurally engineered for that. Congress does not answer to itself as a branch; Congress answers to its districts and its states. So, anytime that the president does what he's supposed to do according to the Framers' scheme, which is to protect his branch's interests and accrue more power for it, it turns out that Congress is not equipped to meet him as a branch, because they're going to have to respond to their electorate: their districts and their states. And, typically, because American citizens love unilateral behavior on the part of the president, because it looks decisive and unifying, they support the president. So, Congress, in order to curry votes with their constituents will also support the president, thereby giving away branch interest.

So, how do we deal with that? The best answer I can think of in terms of form of government is citizens have to mobilize. We have to start opposing presidential unilateralism and we have to do that on principle, which means we have to oppose it even though we agree with what the president is doing simply because it's bad for democracy—for our power as citizens. As for instance, right now, as Obama acts unilaterally to broad acclaim with regard to foreign interest and national security as well as to the economy, we're going to have to lobby our Congressmen to be more involved in these decision-making processes, even when we agree with Obama's policy aims. Citizens have to make it clear to Congress that we want them to protect their branch's interest. And that we'll consider that they're doing a great job when they're behaving in ways that fortify the Congressional branch over and against the executive and the judicial branches. And, so, that's the best answer I mean, maybe other thinkers can come up with better, more quicker, more effective solutions than that, but, at least in terms of what I can see right now, that seems to me like the best answer working within the system.

Q: Well, it seems like your concept of scaling back or, you know, metaphorically this scale, this balance of power, is centralized on the one hand, and you want to bring it back to Congress, representing more of the general populace in some conception, whether it's the mass, or the mob, or whatever.

A: Or a huge constellation of diverging interests . . .

Q: Would you say that's a process of dissolving the power and then shifting that scale? Do you think it has to happen through a Ron Paul-type figure who would divest?

A: It would be so nice if he weren't so crazy. Because I love his answers about executive power. His and Dennis Kucinich both. I wish they'd both quit running for president and help us organize for this scaling back of executive power.

Q: It seems like you're arguing for this bottom-up approach, in bringing power back to the people.

A: And I don't think it would hurt to lobby for a new constitution while we're at it. There's a terrific book by political scientist Sanford Levinson called *Our Undemocratic Constitution and What We Can Do About It*. And that certainly would be the kind of thing I would lobby for. There's also wonderful book with a horrible title (which is typical of Cambridge books: they give all their books really ugly titles). It's something like a *Centripital Theory of Democratic Government*. The authors use a comparative method and argue that when you look at democratic government models, the governments with the highest democratic outcomes tend to be parliamentary systems with prime ministers, not presidents; they tend to be strongly centralized, not federal and state managed, but strongly federalized; and, they tend to work on proportional models of representations. So, they run on PR systems and not single member district voting models, winner take all models, such as those that the United States favors.

Basically, they're the democratic governments that are at the opposite end of the United States' model for government if we were to put them on a spectrum. A running joke I have with friends is that I don't want to be ruler of the world, because, I don't want to rule anything. But I would love to be *coordinator* of the world. I would love to tell everybody how to do their job (this of course is a deeply anti-democratic fantasy which is why it's a good thing it's only a fantasy!). So, if I got to be coordinator of the world, I would give the United States, exactly that kind of government. That would be a radical shift in political culture for the United States because we really love the states rights versus federal government debates and it would be hard for most Americans to imagine losing

that as an aspect of our national political identity. But, if we could affect that kind of political shift, I think we would probably have a form of government that could produce more satisfyingly democratic outcomes. For now, though, you have to go to places like Finland and Scandinavia to have those forms of government—you get democracy but it's cold and dark! That would be the kind of conversation I would love to see Americans having about the Constitution if I were coordinator of the world.

To finish with the joking, though, my hopes for those kind of systemic changes aren't very high just because I think political culture is so deeply attached to culture. And it would be very difficult for the United States to shift away from a states and federal government model to have a more strongly centralized government. I would even go so far to say it would be an impossible political shift for the United States culture. So, I'm not optimistic about that particular change even though I'm personally very attracted to it.

Q: To compare the American model with the countries in Eastern Europe, the president has a representative function rather than governing one and has a tendency to grapple for more power. In many cases the President argues for increased power based on the perceived success of the American model. However the President is normally seen more as a mediator or a commentator, and the person that greets us for the New Year?

A: [laughs] president as greeter. I love that! He's the butler to the White House.

Q: That's how we see him, as somebody who greets foreign dignitaries and is otherwise ignored. What is about American 'presidentalism' that is so unique as compared to other 'democracies' in Europe? Is it something to do with charisma?

A: Charisma is a problem for a deliberative political process. I discuss this in my book. Many argue that we need our leaders to be charismatic—that we wouldn't follow them without charisma. But some sociologist and anthropologists flip the formula, suggesting that charisma is not so much about the intrinsic qualities of the person we are talking about so much as the people` desire to be led—and this is the problem I'm trying to get at in my book. Maybe in Bulgaria people so far do not have a terrible desire to be led by one person, which we do more so here. And (except maybe for Berlusconi) I do not think of Europe, which for the most part, runs under parliamentary models where prime ministers and presidents divide the symbolic role.

One of the things that the framers did wrong was to conjoin those two to make the functional executive also the symbolic head of state because when you put those together that becomes very centripetal and invites the dynamics of charisma in ways that can be very deleterious to democracy. Governmental models that have split those roles do not

really allow too much power to accumulate in either prime minister or president and does not make either one centripetal to the function of government. Latin America has far more of the strong presidential model and as we see with Hugo Chavez there is constantly the danger that the charismatic leader will accrue powers that unbalance what in the liberal modern political model is called mixed constitution, and often do that in the name of the people. In so many ways Andrew Jackson's presidency started this ball rolling in the US. When Jackson drew on his popular vote to claim what is now called a "mandate," he opened up a pseudo democratic connection, between populist movements and charismatic president. So there are a lot of questions to be asked whether populist movements can effectively gain traction under what then becomes the increasingly autocratic leadership of a single charismatic leader. In my historical knowledge and experience, at least, movements with strong leaders are not democratic movements. One of the key arguments of my book is that in so far as you care about democracy you have to be careful about movements that are calling for or depending on strong leaders.

Q: Is that a definitional statement that leadership means responsibility and democracy would be responsibility belonging to the people?

A: Yes, I would say that and I think that there are all kinds of ways to deepen the democratic aspects of US self-government. I don`t think we have to overturn the US form of government to create a stronger role for the people and stronger citizenship participation in decision-making. In the Michael Hart *American Quarterly* essay that I was referring to last night, which studies Jefferson's democratic critique of US democracy, he talks about Jefferson's model of representation versus Madison's. Jefferson's model forwarded the notion of the ward Council in order to foster connections between the local and the federal. Kevin O` Leary elaborates this model in his book *Saving Democracy: A Plan for Real Representation in America*. O'Leary's model works within the parameters of the US representative system. Jefferson thought that for every congressional representative there should be the ward Council and that ward council would advise the representative and federal government. Kevin O'Leary presents two variations of Jefferson's idea. He envisions that every congressional district will have council of 100 people and these people can be selected like jury and be drawn by lot or, he offers, you could stage elections for the spots (which strikes me as a bit unwieldy! 100 spaces per ward? How will all those people campaign?) I actually love the idea of selection by lot, which means having to experiment with trusting regular Americans and facing the possibility of having to step up and be involved in a meaningful way in the decision making process. O'Leary talks about the power of technology to connect these councils. In one version they can have a public opinion role by deliberating on some of the issues that congress is currently debating. I think he is working on a three-year model so each person appointed will serve for three years. In the second year of their service they will be eligible to serve and step out of their local council and serve two

years on a national übercouncil that will coordinate the regional councils and set the agenda for what they are going to deliberate in each session. So you would be very likely to know one of the people in your congressional council and you might be very likely to be appointed to it as well and people will have public opinion produced through informed deliberation that could in turn inform how your congressional representative is actually voting on certain issues.

The second stage of the model (which I like best) is that the people's branch—all these ward councils together—will have decision-making power including the ability to veto and approve bills passed by congress. So, in this version it will have policy and legal muscle. Hart talks about this kind of power for the citizenry as a more "continuous" form of representation instead of the disjunctive, Madisonian system—where the people are symbolically but not effectively connected to the political process (this is what Woody Holton describes as "the invisible fence" in his book *Unruly Americans*—where our governmental system describes itself as democratic and open and then you discover you have no ability to impact on national the federal governmental process). Rather than this kind of disjunctive synthesis that advertises itself as one thing and operates as something quite different, we would have a much open model where citizens will be much more actively involved in decision-making. We can employ James Fishkin's ideas too (*Voice of the People*) and televise the local councils, and people will have a reason to show up for their local council in a way that you cannot just show up at congress.

So I think that there are ways to play games with the model that we do have—the Constitution—so that people have more meaningful self-leadership role without really making a huge change to the American system. O'Leary's second "game" will deliver a fourth branch— a *genuine* people branch—rather than the currently denominated "democratic branch" (the legislature) that is internally checked by the senate which continues to be the filled by millionaires.

Q: You focused on the beneficial consequences of active civic participation, but what are your thoughts on potential detrimental consequences brought by a more activist culture?

A: I do not think I focused on the beneficial ones either. I have focused on the structural aspects that make it possible. But you are right in assuming that I am optimistic about the benefits that those structural changes might bring with them. Political realists tell us that regular citizens do not want to be involved in politics. Scholars like Carl Schmitt tell us that regular citizens are idiots or infants on the political scene as he put it so really the only smart thing citizens can do is to hand over their power to a more qualified representative. In Schmitt's scheme is the only thing citizens can do is alienate themselves from their political agency. As you can see I have no patience for political realists or rational choice theorists. We live in a culture that actively dumbs down citizens. We are

taught as children that our most important power comes in our purchasing power, that all our choices are either literally or analogous to consumer choices. We are taught that there is not much in politics that you can not get in a 5 second sound- byte—or that most Americans don't have patience for more than 5 seconds worth of political argument. I simply do not believe that. Look at how many people spent hours and hours over more than two-year period following this last presidential election. I think that people have a lot of energy for participating in politics. We live in a political world that give us no meaningful place to put that energy so we sit in front of our televisions participating as best we can. I was astonished at the degree to which regular people could tell you what the particular candidates' policies would be.

I think if you create a process that will empower people to have information and to deliberate meaningfully and have meaningful input into decision-making—well, I guess we will find out. I do not think we will know until we try it—but open system models elsewhere—like on the Internet in wikis—would indicate that we could expect some success.

BOOK REVIEW: Timothy Mitchell's *Rules of Experts—Egypt, Techno-Politics, Modernity*

The Egyptian Peasant—The Hero of the Past, the Hope for the Future

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How much has really changed in Egypt? While the Arab Spring made headlines and determined demonstrators took over Tahrir Square and the cable news, one might question: Are the resulting changes to Egypt of depth or only superficial? Ten years after it was written, Timothy Mitchell's 2002 book, *Rule of experts – Egypt, techno-politics, modernity* still has much to tell us today. Timothy Mitchell, a British born political scientist, is an avid student of the Arab world. He is a professor of Middle Eastern Studies at Columbia University.[1]

Though much on the surface appears to have changed in Egypt in the aftermath of the Arab uprising that began in December 2010, far reaching economic reforms need to be explored through the eyes of technology and politics. This is the genius of Mitchell's book. It remains a must-read for anyone interested in the issues of economic development, the economy, the effects of colonialism, and technology and politics as it relates to development. Mitchell uses Egypt as an example to demonstrate several important theories and concepts. First, he examines the economy vs. economics[2] without

[1] Columbia University, Curriculum Vitae, http://www.columbia.edu/~tm2421/
[2] Economy vs. Economics: This book examines the making of the economy (historical development). The economy "can be understood as a set of practices that puts in place a new politics of calculation" (Mitchell 8) while economics is an illustration, a representation of the discipline. Economics offers an illustration of the possibility of social science taking certain historical experiences of the West as the model for a universal knowledge (Mitchell 7).

the heavy jargon and theories which can cloud the basic issues using clear case studies. Second, Mitchell examines the broader issues of the economy, its genealogy, raising questions about the politics of it within the context of the 19th through the 21st centuries. He presents a collection of inter-related essays that gives us an opportunity to consider what is meant by "expertise."

With its networks and ties, economics has become a global form of knowledge.[3] The chapters in the book have a broad range, covering history, social upheavals, political change and theory, violence, law, capitalism, problems with social calculation, and expertise (or at times the lack of expertise).

Mitchell uses the theories of Marx, Foucault, Ricardo, Mill, and many other well-known theorists to guide his inquiry and support his major points about Egypt's economic and political development. He brings this expertise to bear on the situation in Egypt starting from the British invasion and occupation in 1882 until the 1990s and the Mubarak era. The book is divided into three sections: (I) *Para-sites of Capitalism*, (II) *Peasant Studies* and (III) *Fixing the Economy*. Mitchell delights in playing with words and their meanings to make serious points and at times to bring home a tough message. For example, in the first section, the aptly named *Para-sites of Capitalism*, he examines a series of global forces all coming together in rural Egypt, such as "technology, science, imperial power, and capitalism – and asks how one might understand the working of

[3] Timothy Mitchell, *Rule of Experts: Egypt, Techno-Politics, Modernity*. (Berkeley: University of California Press, 2002), 7.

these different forces in a way that avoids lending to any one of them a logic, energy, and coherence it did not have."[4]

Mitchell does not want to give capitalism the credit for what happened in rural Egypt. Rural Egypt became an experiment in moving from a feudal system to a supposedly "more equitable" socialist land-reform style of agriculture. The Egyptian peasant was given a small plot of land after the implementation of the grand land reform program that began in September 1952[5], though not always with the necessary support of financing, seed, fertilizer, etc. The Egyptian peasant fell into another cycle of debt and this time to government cooperatives thus continuing the colonial practice in post-colonial times.

Mitchell writes about how a capitalist mindset and actions were first and foremost. He illuminates this with one example of dealing with the problem of an infestation of mosquitoes in the countryside. He cleverly uses the vantage point of the mosquitos in chapter one, "Can the Mosquito Speak?," giving us needed insight into Egypt's state of political, economic and social affairs through an instance where a specific species of

[4] Mitchell, 14.
[5] "In 1952 Nasser's Free Officers passed Law 178, which limited land holdings to 200 feddans (84 hectares) per person. Owners were entitled to transfer up to 100 feddans (42 hectares) to their non-adult children and to sell the remainder on the open market. A new law in 1961 reduced the limit to 100 feddans per individual and 200 feddans per household. In total, 15% of Egypt's agricultural land was affected. By the end of the 60s, about 80% of this had been officially redistributed with full rights to 318,000 small farmers (17% of families dependent on agriculture); 25% of these farmers owned between one and five feddans. The reform was social in motivation, and modest in its scope: the ceiling remained at 200 feddans per family, and the measures brought no benefits to the landless or to holders of less than 1 feddan. It never fully realised its objectives, since many large landowners managed, usually illegally, to keep possession of estates well exceeding the limits." [http://mondediplo.com/2007/10/10reform; "The struggle for land that never ends. The 1952 land reform," Beshir Sakr and Phanjof Tarcir, Le Monde Diplomatique, October 2007]

mosquitoes caused a disastrous malaria epidemic. With this approach, he examines all the circumstances, actions, context that converged together in rural Egypt from the mid-1880s to the early 1900s. It is a classic example of how capitalism ruled the day to the detriment of society's health and, in this case, rural peasant society where a majority of Egyptians lived.

Mitchell's research is thorough. He examines every aspect of the political, economic and social context when it comes to the introduction of technology, violence and governance in modern Egypt. His evidence is presented clearly and particularly when he gives the reader the history of the "Great Map"[6] of Egypt: the survey that took place to create the map, the new use of statistics and its political and economic implications, the new techniques of relating the land to the people, and the reasons for mapping Egypt. Furthermore, he presents the work by Ricardo, Mill and Marx and their influence on our understanding of what was taking place in Egypt, in addition to a presentation of the inimitable Egyptian peasant who is the real hero of the book.

Mitchell carefully explored the factual and analytical inconsistencies found in major sources of Western bodies of research and scholarship. For example, in chapter four, "The Invention and Reinvention of the Peasant," he gave a detailed account of Richard Critchfield's lack of supporting citations of Father Ayrout's work and his own connection, via his brother, to the Central Intelligence Agency (CIA). Critchfield's book was titled: *Shahhat: An Egyptian*[7]. Critchfield was known as the "genius journalist," be-

[6] Mitchell, 84.
[7] Richard Critchfield, *Shahhat, an Egyptian*. (Syracuse: Syracuse University Press, 1978).

cause he was the first recipient of the MacArthur genius grant. He used a brand of reporting about rural agriculture referred to as "village reporting," yet he made simple mistakes such as a lack of accuracy and verification. Miles Maguire wrote, "Critchfield's case illustrates a significant gap in the methodological protocols that are used by journalists to get at the truth."[8] If the methodology is deficient, then the knowledge presented is questionable at best. His expertise is rightly challenged because of this lack of proper methodology. In chapter four, it is fascinating for Mitchell's readers to become aware of what was going on behind the scenes and the not so apparent connections that could have affected Critchfield's work.

Mitchell not only describes situations or occurrences such as the Gurna village and Egyptian architect Hassan Fathy's folly, but gives insightful information as to the importance of what happened, why, who and the resulting effects. The discussion of Hassan Fathy's "blind" foray into trying to rebuild village and peasant housing was another example of Mitchell's careful research and analysis. In the last three chapters, he reviews US government agencies and international financial institutions' poor analysis of Egypt's true economic needs by failing to tie in the political needs and context from the 1970s until 2000. Mitchell correctly incorporates these into his analysis. One cannot have a meaningful discussion of economics without politics and vice versa.

The author strongly adheres to methodology, but the traditional models of international relations, political theory and economics do not always fit a country with tribal,

[8] Miles Maguire, "Richard Critchfield: "Genius" Journalism and the Fallacy of Verification", *Literary Journalism Studies (2009)*: 18.

familial, and Islamic society without some accommodations and adaptations. The "one size fits all" mentality does not work and Mitchell is keen to ensure that we fully understand why.

In addition, in chapter five, "*Nobody Listens to the Poor Man,*" his qualitative methodology regarding the issues around rural politics and violence is strong and poignant. He writes that "the missing evidence is not simply a methodological problem that limits the feasibility about writing about everyday violence… [but] rather in a very basic way, in a culture of fear, meaning itself is made possible what is missing."[9] Thus, recollections, stories, and rumors of what happened or did not happen are to be considered – "it is the combination of violence and its recollection, of the absent and its representation, that constitutes the event."[10] By understanding the "hybrid" nature of the occurrence, we can become more considerate of the problem of political violence against the poor.

The political struggle in the countryside in the 1960s was of utmost importance, and I would still argue that it is still very relevant today. Though Cairo takes the main stage, one cannot ignore that Egypt is still basically an agrarian nation with approximately 60 percent of its current population living in rural areas[11]. It is interesting to note that in Egyptian Arabic, Egyptians routinely refer to Cairo as "Egypt" (Misr or Masr) and vice versa. It is rare that the name "Al Qahira" (Cairo) is used in the daily vernacular.

[9] Mitchell, 153.
[10] Ibid., 154.
[11] http://www.tradingeconomics.com/egypt/rural-population-percent-of-total-population-wb-data.html

Max Rodenbeck in his book *Cairo, the city victorious*,[12] celebrates that notion and gives the reader an excellent insight into the history of a capital city as the history of a whole nation. Mitchell delves into this linguistic discussion and its implications in chapter six, *Heritage and Violence.*[13]

Mitchell refers to Giorgio Agamben's *Homo sacer: Sovereign power and bare life*[14] and its theories of exception to demonstrate that as states grow and expand, so does arbitrary violence against the people and particularly the rural inhabitants, in this case, the peasants.[15] "At a minimum, it was a power to exclude others from taking or using certain things."[16] The "izba," which is the country/rural estate, was encircled with a fence or wall, preventing the peasant from exercising his/her right of free movement beyond it. Mitchell brings in the politics of alienation using Henri Lefebvre's work, *The production of space,* where land is transformed into an object to be fought over, owned and becomes a commodity in capitalism.[17]

Mitchell's writing about the need to destroy the old nation in order to create the new modern nation is quite interesting. He writes that one of the odd things about the arrival of the modern nation-state "was that for a state to prove that it was modern, it helped if it could also be proved that it was ancient."[18] The thwarted plan to demolish and rebuild a village called Gurna in Upper Egypt is strangely connected to the defense

[12] Max Rodenbeck, *Cairo: The City Victorious. (*New York: Knopf, 1999). Print.
[13] Mitchell, 181.
[14] Giorgio Agamben, *Homo Sacer, Sovereign Power and Bare Life*, (Stanford University Press 1998). Print.
[15] Mitchell, 70.
[16] Ibid.
[17] Ibid., 79.
[18] Mitchell, 179.

of a national heritage for Egypt to build a modern nation-state. He writes, "[T]o produce the nation required an act of violence, and in revealing this violence its victims bring to light the forces and instabilities that nation making brings into play."[19] The village of Gurna continues to exist with its inhabitants still playfully benefitting from their infamous reputation as tomb robbers. Despite the strong-armed power of the Egyptian state, the state was not able to remove the people or demolish their homes. The power of the peasants carried the day. It is fascinating to see an example of immense state power yielding to a small group of well-organized and determined people. Was this a foretelling of the people power witnessed in Tahrir Square bringing down Mubarak as a symbol of the strongman state? We can surmise from Gurna that Egyptians have long been standing up to authoritarian rule and that what happened in Tahrir square was a tipping point foretold by all these smaller conflicts.

Mitchell's writing is clear and engaging even to the reader who is not familiar with Egypt. He identifies the time periods with details about: who, what, how, and why. So even if one is not familiar with Mehmet Ali, the "father of modern Egypt," one will learn about him and his role in Egypt. This book holds up well to other books on "technopolitics" – the intersection of politics and technology. The use of which to achieve political goals has been documented in such works by McLuhan, Mumford and Innis. Yet, after a brief review of the most prominent literature on peasant studies, especially from the *Journal of Peasant Studies*, it seems that Mitchell could have bolstered his research by

[19] Mitchell, 205.

citing, in addition to James C. Scott and Fernand Braudel, other experts such as anthropologist Eric Wolf and Daniel Thorner (a student of Marx).

This book remains important because it clarifies the role of property, economic calculations, statistics, and rule of law, institutional exceptions, and the arbitrariness of native systems of rule. These are the topics of chapter two, Principles True in Every Country, and chapter three, The Character of Calculability, and they lend themselves very relevant to the study of politics, government and political theory in relation to Egypt and its development today. Modern property rights and their origins are the main discussion in chapter two, tracing the history from the laws of the Ottoman Empire which ruled Egypt since 1517.[20] Who controlled the land is still a pertinent issue today as it was back then. The relationship of the peasant, he who actually toils the land, and the landowner still carry fundamental issues of contention. Today, the peasant owns a few acres of land, yet he cannot afford to maintain it so he sells back or leases it to a wealthy landowner in the village and thus he returns again to working for the landowner – not for himself. The revolution or in reality the Free Officers' coup d'état of 1952 had as one of its main missions the issue of land reform i.e. to re-distribute the land of large landowners among the peasants. Keeping the peasants (the majority) in their subordinated place is a tactic still in use today, and Mitchell does a good job in revealing the details of all the factors involved.

[20] Mitchell, 55.

Mitchell suggests that the Egyptian "economy was *made*"[21] in the 20th century. "The economy was an artifact, and like all things *artifactual*, was made out of processes that were as much 'material' as they were 'cultural,' and that were as 'real' as they were 'abstract.'"[22] Mitchell gives the reader a genealogy of the economy while putting aside our initial notions of what an economy is by asking and answering: "How did those attempting to manage the political and economic problems of their times make senses of things?"[23] We must consider living in a time when no one knows what will make up the components of the economy, in order to get a better understanding of what actually happened.[24] The economy in Egypt materialized during the collapse of the Ottoman Empire, British colonialism, and heavy debts of the former Egyptian rulers.

Mitchell's *Rule of experts: Egypt, techno-politics, modernity* will be valued by both readers in Egypt and the Arab world and by Middle East specialists and economists. The readers will benefit from the multiple layered, well-researched and keen analysis of economics, techno-politics, the agrarian economy, and modern-day politics. At the beginning of his work, Mitchell called the economy a fabrication, but not to misunderstand this – he does not mean that the economy is a mere figment of our imagination – " it is an *artifactual* body – a fabrication, yes, but as solid as other fabricated objects, and as incomplete."[25] The key word here is "incomplete." The economic discourse of the World Bank, the International Monetary Fund (IMF) and the US Agency for International

[21] Ibid., 82.
[22] Ibid.
[23] Ibid., 83.
[24] Mitchell, 83.
[25] Ibid., 301.

Development (USAID) fails to consider fully all the aspects of Egypt: the peasants, villages, leading Egyptian businessmen and the military. The peasant class is and has been the backbone of the country and its economy. They are rarely part of the narrative presented by these international organizations.[26] With respect to the Egyptian military, much is left opaque and not transparent on purpose by the armed forces especially when it is related to their large industrial complex. It is a known fact that the Egyptian Armed Forces are major players in the industrial infrastructure and Egypt's economy. The military has an "economic arsenal" of factories and enterprises that contributes greatly to the economy, employs thousands and brings in a tidy sum in cash profits.

> The army is known to manufacture everything from olive oil and shoe polish to the voting booths used in Egypt's 2011 parliamentary elections, but no one knows for sure how much of the country's economy the military industries control. News reports have cited "expert" estimates that are all over the map, from 5 percent to 40 percent or more. Pushed by the *New York Times* to venture a guess, the former minister of trade, Rashid Muhammad Rashid, now in exile, offered "less than 10 percent." The broad range of figures drives home the impossibility of measuring the footprint of what scholar Robert Springborg calls "Military, Inc." Not only are army holdings classified as state secrets – reporting on them can land a journalist in jail – but they are also too vast and dispersed to estimate with any confidence.[27]

The economic power of the Armed Forces is an important point to keep in mind, especially with the heavy-handed role of the Supreme Council of Armed Forces (SCAF) in Egypt's governance since Mubarak's ousting in February 2011. Mitchell fails to analyze

[26] Ibid.
[27] Shana Marshall and Joshua Stacher. "Egypt's Generals and Transnational Capital" MERIP, volume 42, Spring 2012, http://www.merip.org/mer/mer262/egypts-generals-transnational-capital

the significance of the Egyptian military complex and the firm hold it has long maintained on the political and economic life of the country long before today.

Economic reform is on the minds of the policy makers and people in Egypt on a daily basis. Egypt is facing a continued decline in economic performance, high unemployment and continued perceived political instability even after the election of a new president. The SCAF is still firmly in charge with the new President Mohammed Morsi trying to carve out his space of political and economic influence. It still remains to be seen how this scenario will be played out. Mitchell writes that economic reform is a combination of theory and violence; the project of moving from a controlled to a market economy starting in the mid-1970s (Sadat's open door policy) "required a series of framings, which attempted to fix and to exclude. Less than a decade after the project began, it has come apart." [28] Today, what some experts have called the "economic success story" is still not sustainable, and there is a need to revisit this capitalist framework (that lacks transparency and accountability) and to include all the relevant economic actors - especially the peasants. Egypt has been and continues to be an agrarian-based society and economy, even though that smacks of "colonial thinking." Nevertheless this reality needs to be faced, dealt with and taken into consideration when economic reform is being planned and implemented.

In conclusion, and using Mitchell's words, "capitalism has no singular logic, no essence."[29] It survives like a parasite, taking up residence where it is not welcome, and

[28] Mitchell, 301.
[29] Mitchell, 303.

feeds on the fears and hopes of the weak marginalized groups of society and in the case of Egypt – the peasants. The Egyptian economy has arisen from many diverse economic and political systems; it is pulled by a variety of internal and external influences and is battered by the notion of capitalism and well intentioned, but naïve international aid. We cannot predict what may come, but one can be assured the Egyptian peasant, the hero of the past, is the hope for the future.

BOOK REVIEW: Simon Dalby's *Security and Environmental Change*

Securing Change? Securing the Environment?

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Simon Dalby, professor of Geography and Environmental Studies at Carleton College in Ottawa, offers his insight into the geopolitical and discursive position of the debate on 'environmental security' in his recent monograph *Security and environmental change* (2009). From the outset, Dalby's text promises to offer the reader an engaging and thought-provoking account of environmental security, which ultimately may accomplish the academic feat of raising as many questions as it answers. Dalby carries the reader through a series of investigations into the debate on environmental security and, ultimately, readers are presented with his primary argument—that environmental change should be reimagined through the lenses of security, economy, and ecology. The interdisciplinary perspective that Dalby takes in *Security and environmental change* helps to illustrate the complexities of the topic and therefore goes a long way in securing the work as a success in the effort to reframe national security.

There is one thing that we can be sure in the debate, however, which is that there has been a fundamental shift in the global consciousness about the environment. Citizens, non-governmental institutions, religious organizations, and even governments have moved toward the more ecocentric way of thinking, seemingly embracing what it means to "go green," repeating the trite language of "reduce, reuse, and recycle" or "think global, act local." We can view this is an ostensible trending against anthropocentric notions of man being at the top of the ecological hierarchy. This shift in language, however, is not enough for Dalby, or for many who are intimately engaged in environmentalism and its implications for security. An action component must also be employed. There is a pace that is not

being kept. In other words, the rate of climate change is outstripping the rate of any change that can occur as a result of individual actions or government mandates. Something more must be done.

> For Dalby, this something is collective awareness and collective action. He notes: Humanity is increasingly in charge of its own fate. Clearly the contemporary climate crisis in particular suggests we have much to learn, and need to learn it quickly. [. . .] We now know much more than we did in the early 1970s when the alarm about environment was first on the political agenda. In the process, thinking has gradually shifted from environment as an external entity to be managed to a recognition of the affluent part of humanity as the maker of our collective fate (15).

Although I think that Dalby is correct in his assessment that there is an ongoing shift in thinking, his argument leaves me wondering why he sees this recognition as taking place *solely* within the realm of "affluent part of humanity"? It seems that the poorest among us are those that will suffer the unequal consequences of environmental change.

This is a view that has not only been demonstrated with recent climate catastrophes seen in Haiti, Pakistan, and parts of India, China, and North Korea,[1] but has been widely proclaimed by the UN Intergovernmental Panel on Climate Change (IPCC). In 2007, IPCC Chairman Rajendra Puchari noted that: "It is the poorest of the poor in the world, and this includes poor people even in prosperous societies, who are going to be the worst hit [by climate change]."[2] This perspective is partially brought about by the fact that infrastructure does not exist in the poorest parts of the world to adequately respond to climatological crises, but it also refers to the idea that many of these populations make their living in ecologically vulnerable places in the first place.

[1] Walsh, B. (2010). The Asian Floods- Signs of Climate Catastrophes to Come? [Available Online]:http://ecocentric.blogs.time.com/2010/08/09/climate-change-and-the-asian-floods%E2%80%94sign-of-catastrophes-to-come/

[2] "UN Climate Change Impact Report. Poor Will Suffer Most." (2007). [Available Online]: http://www.ens-newswire.com/ens/apr2007/2007-04-06-01.asp

The awareness of the potentially fatal consequences of environmental change, it seems, are acutely understood by the international society as a whole, not just the affluent part of humanity. Surely, this is a global problem that should be conceived as a global security issue; this takes us back to the main contention that Dalby maintains throughout the book.

Dalby kicks off his deconstruction of how we have come to understand the concept of "environmental security" with an informative tracing of the evolution of the topic, which evaluates how it has been understood through international treaties, domestic policy debates, media representations, and even pop culture. This genealogy begins with discussion of the infamous Thomas Malthus—the Reverend, the political economist, and the man credited with sparking much of the doom and gloom discourse that surrounds environmentalism. It is not clear whether Dalby intends to channel Malthus in his push for a reframing of the environmental discourse into security terms, but he succeeds in conveying the imperative for doing so. The value of this section of *Security and environmental change* should not be underestimated, as it offers an overview on a breadth of security and environmental scholarship, which would extend the literature review for any aspiring PhD student in the field of environmental security. It is clear through his understanding of the history and emergence of environmental security that Dalby is able to speak across the disciplines, to engage the issue from a variety of perspectives, including political science, sociology, environmental science, anthropology, and security studies, to name a few.

We are left with a question: *why* should environmental security be addressed as a security issue? To address this, we might go further to conduct an investigation of sorts (which Dalby only does indirectly) into the motives for allowing or disallowing a reframing of the topic by politicians, academics, institutions, corporations and citizens alike. The question we should be asking is: *What* and *who* would benefit from moving in the discursive direction that Dalby wants to take us? What is revealed in *Security and Environmental Change* are the complexities and explanations that coincide

environmental change; yet, left uncovered is the question of agency, that is, whether a move toward a framework of environmental security inherently assumes political will.

Operating from the premise that we are, in fact, living in the Anthropocene Era in which human activities have had a significant impact on ecological systems, *Security and environmental change* evaluates not only the impact that human activity has had on the environment but also the potential for human activity to address the consequences of these very actions. While this is a salient point, I also believe that there needs to be a recognition of the arrogance (albeit idealistic sentiment) that is inherent in many efforts to engineer our way out of environmental change. This is a length to which the author is not willing to go. But, just as Dalby contends, climate crises and environmental degradation are the impetus for a wholesale rethinking of governance and require action; the conversation of environmental security is merely a beginning, but it is important because it frames the discussion in the light of securing the earth for all of humanity, not just for the greed of corporations, for the interests of political elites, and for the luxuries of the richest one percent. Anthropocentric modes of thinking are outdated, and what is needed is an embracing of the knowledge that we are intimately connected to our biosphere. Dalby contextualizes this very point for his reader by saying:

> Posing the question of whether our society is facing collapse so bluntly, in other words as an existential threat, does suggest that environmental matters ought to be thought of in terms of security. Environmental security is, in this sense, about the conditions that make civilization possible, and these need to be secured as the precondition for all other human activities; therefore if ever there is a security issue this is surely it! But specifying precisely what those conditions are isn't so easy, given the adaptability of human societies and the possibilities for additional technological innovation in the immediate future (35).

It is not the technical innovations that Dalby sees as an obstacle to overcoming our failure to address environmental change. Instead, it is at the societal level that the most work is left to do—specifically in the consumer culture of the core Global North developed countries.

Interestingly enough, Dalby seems to illustrate the fracture between the awareness of citizens in industrialized countries as to their complicity and responsibility in the broader scheme of climate change and their willingness to activate change. He states:

> Understanding the ecological consequences of our actions suggest the extreme folly of such heroic individualism fostered in contemporary commodity culture. The greatest challenge for both the physical and social consumption culture that celebrates human 'domination' of nature as virtue (159).

Ultimately, with this statement, Dalby is talking about the importance of keeping the human at the center of the discussion on security because in the end, what good does it do to secure economic flow of resources or political office if the Earth cannot sustain human life? Time and again, Dalby returns to this familiar refrain throughout the book. He is trying to find a common vocabulary to bridge the disparate languages of environmental science and security studies and enable them to mesh in a way that makes intellectual sense and overall, his argument is successfully made.

Securing the environment can be interpreted in many ways and for many purposes. For example, the environment can be secured in the sense of obtaining land for the single-minded purpose of resource extraction and economic gain. Securing the environment can also be used understood in terms of preventing against the failing infrastructure in the developing world. However, Dalby makes the argument that we should secure the environment from further deterioration as a matter of national and global security. It seems that his argument has been taken up, to a large degree, by governments and militaries around the world. The idea does not appear as contentious as it once did for there is a general collective acceptance that environmental change is happening, that we are living in the Anthropocene, that climate change and catastrophe are real security issues that should be addressed by the international community. Dalby has succeeded in reframing the issue and has also succeeded in bringing this topic to the forefront of scholarly literature.

But, the discourse does not die in academia; there is also a move toward "environmental security" within other epistemic communities as well. Indeed, climate change and the resulting impacts have been identified by the Pentagon as one of the major threats that the U.S. military will face in the coming years. In 2009, the *New York Times* reported that "Recent war games and intelligence studies conclude that over the next 20 to 30 years, vulnerable regions, particularly sub-Saharan Africa, the Middle East and South and Southeast Asia, will face the prospect of food shortages, water crises and catastrophic flooding driven by climate change that could demand an American humanitarian relief or military response."[3] Even in one of the most reticent places for adoption of the idea that moving toward a more ecocentric way of life (the United States) would be best for all of humanity, the reframing of the issue into the context of national security seems to get people on board.

Throughout *Security and environmental change,* Dalby asks us to consider whether discussing environmental concerns in the context of security is the right approach. By the end, it seems that we can respond with a resounding 'yes!' However, there are still questions that should be considered for the future. What exactly are we securing by moving toward a new frame? Is it the status quo of the human condition? Is it economic progress? Political position for elites? Or, perhaps, it is the resources of the Earth? Security for *whom* and at *what* cost? Of course, unpacking these questions would result in an exceedingly tangled mess that would result in no single answer.

Security and environmental change illustrates the complexities of our contemporary political, environmental, social, and economic world. Dalby's reframing of environmentalism into terms of security allows us to question notions that have been filed away, perhaps for too long, on the shelf of Truth. Although conflating environmentalism and security may serve to coordinate the international community for a much-needed response to environmental change, there are some limitations to

[3] Broder, J. (2009) "Climate Change Seen as a Threat to U.S. Security." [Available Online]: http://www.nytimes.com/2009/08/09/science/earth/09climate.html?_r=1&pagewanted=all

Dalby's approach. While intended to paint the picture of environmental security with broad strokes, it would be interesting to see a deeper discussion of responsibility and agency from Dalby. Throughout the text, there are allusions to this very thread, but it is not one that Dalby highlights effectively enough. Overall, Dalby offers a convincing case and demonstrates the need for flexibility in language—a tool that could be a very powerful force for good in the case of securing the Earth's environment for the future of humanity. It is apparent that Dalby understands the strength of discourse and that there is one very uncomfortable "truth," that we should become accustomed to—that the discourse sometimes needs to be manipulated, needs to be changed, needs to evolve in order to get us out of stale ways of thinking on how we might address the problems of our contemporary world.