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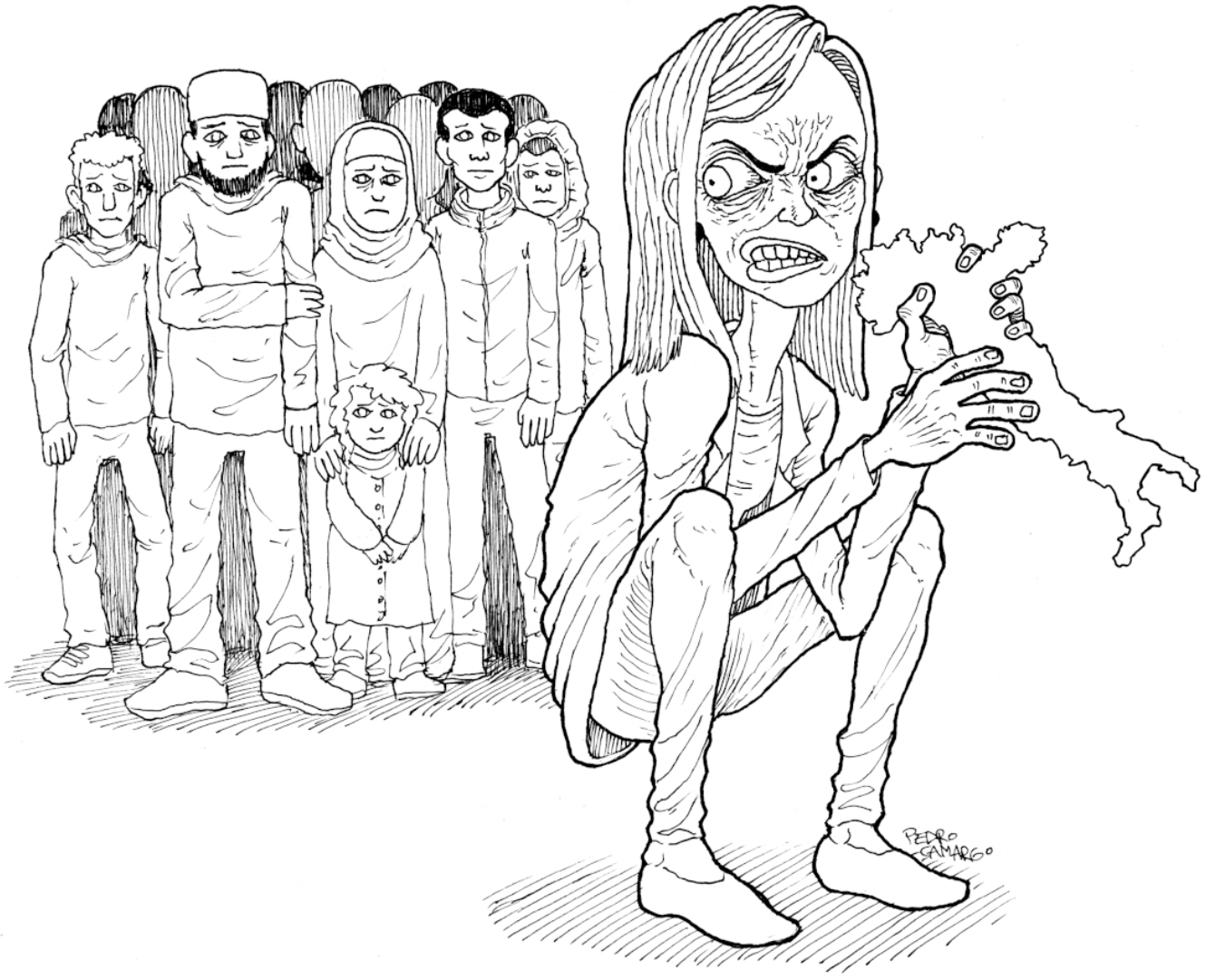

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Georgia Meloni and the Fascist Past: How Does It Matter?

By | 2023: Vol. 22, No. 1

On October 25, 2022, Giorgia Meloni became Prime Minister of the 68th Italian government since 1945. In the revolving door world of Italian politics, Meloni is the first Italian Prime Minister whose Fratelli d'Italia party could claim an institutional link to Benito Mussolini's Fascist Party. Italy's fascist past weighs lightly on many of its citizens, making it possible for Meloni to sail to victory. The newly appointed speaker of the Senate, Ignazio La Russa, collects Mussolini memorabilia. Although whatever threats to democracy Meloni might pose lie distinctly in the present and not in a replication of the fascist past, history matters. Understanding current fault lines and future instabilities requires situating Meloni in the Italian, European and global context.

Three days after Meloni's swearing in, October 28th marked the 100th Anniversary of the March on Rome that brought Mussolini and his Fascist Party to power. There was no national commemoration of this event. Some 2000 or so assorted members of the Italian hard right and fellow travelers gathered at Mussolini's birthplace and burial site in Predappio, a small town in Emilia-Romagna, to stage their own commemoration. The Italian government did not support this gathering and made sure that it happened on October 31—not on the actual anniversary of the March. In Meloni's inaugural speech, she disavowed, as she had in previous campaign speeches, any contemporary connections between herself and the fascist past. She described the Racial Laws of 1938 which paved the way for the persecution of the Jews in Italy as the "worst moment in Italian history" and said that she has no sympathy or interest in "anti-democratic regimes, including fascism." She vowed to fight "racism, anti-Semitism and discrimination."

In the run up to the September 25 election, the "return of fascism" in Italy made gripping global copy—although not uniformly. Economic media such as the *Financial Times*, to give one example, reported on Meloni's programs with a kind of yawn as it became clear that her economic policy would more or less follow that of her predecessor Mario Draghi. NATO allies became somewhat reassured as she emphasized Italy's commitment to Ukraine. The Italian media and an array of public intellectuals criticized Enrico Letta, the candidate from the technocratic left who ran against Meloni, for running a weak campaign whose main point was to attack Meloni's reputed fascism.

Italians did not care or did not care enough about fascism to vote against Meloni or for her opponents. Meloni and the Brothers of Italy won 26% of the vote, and the combined center right 46%, leaving the center left in the electoral dust. Three months after the election, Meloni has had a relatively smooth transition to governing and has made relatively few

mistakes. Whenever Meloni comments on global politics from the Ukraine to Brazil, she talks about the necessity of preserving democratic institutions. On New Year's Eve, Sergio Mattarella, President of the Italian Republic, gave his traditional speech. He noted that for the first time Italy has a woman as Prime Minister and viewed it as a social and cultural advance. He praised the election as showcasing Italy as having a "mature accomplished democracy" that complies "with rules that cannot be ignored." Mattarella concluded with praise for the Italian Constitution that marked its 75th anniversary on January 1. Meloni ended 2022 with a 48% approval rating, way ahead of her European colleagues. Fratelli d'Italia polled as the leading party in Italy.

To academics and pundits familiar with post-war Italian politics, the collective nonchalance towards the fascist past should not be surprising. The 1948 Italian constitution made it illegal to "reorganize" in any way the "dissolved fascist party," but fascism, illegitimate or legitimate, never made it into Italian collective memory. The generation for whom fascism was lived experience is quickly dying off. Unlike Germany, Italy never developed an official national narrative around the twenty years of the regime and the time of Nazi occupation. The closest to a public narrative is a recurring debate as to whether the Resistance was a civil war or a heroic battle to rid the country of Nazis. Claudio Pavone's 1991 history of the Resistance *A Civil War* [*Una Guerra Civile*] fueled the flames of this debate.

Meloni's political ascendance is more remarkable for her social class origin than her gender or her links to fascist politics. Unlike most other Italian, and indeed European, politicians Meloni has no university degree. France's Marine Le Pen, to whom she is frequently compared, has a law degree. Meloni's autobiography, *I Am Giorgia* [*Io Sono Giorgia*], tells her story. While all political biographies are as self-serving as they are obligatory, some facts of Meloni's life stand out. Abandoned by her father as a child, she grew up in a single parent household in a working-class district on the periphery of Rome with her nose pressed against the glass of the material goods that Italy has to offer. Her early life reads like an outtake form Elena Ferrante's Neapolitan novels, devoid of the heroics that informed her favorite author Tolkein and his Lord of the Rings cycle. Until Meloni became Prime Minister and upgraded her wardrobe to include Italian designers, she wore the clothes of ordinary Italian working middle class women. She speaks with a strong Roman accent. The harshness that she exhibits when she gets excited may be more attributable to her upbringing than to fascist posturing. She speaks more than passable English, French and Spanish– a linguistic facility she displayed in a video broadcast in which she explained that she is a democrat and not a fascist, and she emphatically proclaimed that fascism, for the Italian right, had been "handed over to history for decades."

Meloni's political success is a product of her political generation as well as her personal biography. Failures in Italian society and politics provided the opportunities that made her career possible. She was born in 1977, after the first Gulf Oil Crisis began to chip away at

post war affluence and corporativist political consensus. She was 14 years old in 1991, when the Italian Communist Party dissolved. During the same period, the corruption investigation known as *mani pulite* ("clean hands") toppled the centrist Christian Democratic party. During this period of political disintegration, when Meloni was 15 years old, she joined the youth wing of the Movimento Sociale Italiano [MSI]. Founded in 1946, the MSI's name was clearly meant to evoke Mussolini while evading the legal ban on recreating the Fascist Party. The MSI occupied a steady if small position in Italian post-war politics. Right wing party membership and activism was Meloni's university. By the time she was 17 years old in 1994 the entire Italian post-war party structure had collapsed. This collapse changed the political fortunes of the MSI. In 1994, Silvio Berlusconi became Prime Minister and asked Gianfranco Fini, the youthful head of the MSI, to join his governing coalition. Fini told a *La Stampa* reporter that Mussolini was "the greatest statesman of the century." Fini's comments coupled with his position in the MSI led academics and pundits to argue that Berlusconi, by inviting a fascist into his government, had normalized the fascist period.

Once in the government, Fini who had broad political ambitions, took steps to break with the fascist past. On Liberation Day 1994, Fini attended a Roman Catholic Mass in the Basilica of Santa Maria degli Angeli in Rome. He called it a "feast of reconciliation" and declared "We think of the future—enough of the fences and hatreds of the past." From that point on, Fini began to recalibrate the MSI as a centrist conservative party. In 1995, he changed its name to National Alliance [Alleanza Nazionale], which he labelled a post-fascist party. Atonement for Italy's participation in the holocaust and anti-semitism were at the top of Fini's list. In 2002, he apologized for fascism's 1938 Racial Law. By 2003, Fini was Minister of Foreign Affairs. He travelled to Israel and declared anti-Semitism to be the greatest evil of the 20th century. Meloni has followed Fini's playbook with respect to this aspect of Italy's past.

Fini's plans to mainstream himself and his party into a secular center right version of the defunct Christian Democrats were derailed in 2010 when he got into a row with Berlusconi, whom he had served through multiple governments. Fini retired from politics in 2013. Fratelli d'Italia was born of Fini's failures. Meloni spent the mid 1990s through the early 2000s rising through the ranks of the Alleanza Nazionale. In 2012, three years after the Alleanza Nazionale collapsed, Meloni who, by that point had held several government offices, co-founded the Fratelli d'Italia . She was only 35 years old.

To talk about Meloni's connection to fascism is to talk about Italian post-war history. No one disputes the institutional thread that connects Mussolini's Fascist Party to the Fratelli d'Italia. But what does that thread mean for Italian democracy today? Italian politics has a chaotic quality to it that makes it difficult for outsiders, and even insiders, to pin down. Violence and extremism are no strangers to Italian politics on both sides of the political spectrum. The 68 governments since World War Two are no accident. But Italy's 1948 Constitution has a firm commitment to democracy built into it. Beneath the perception of instability, there is an underlying stability to Italian democracy that persists even without a strong institutional core. Percy Allum's 1973 classic, *Italy: Republic Without Government* not to mention Robert Putnam's 1994 classic *Making Democracy Work* suggest precisely that

point.

Just as one cannot understand Meloni apart from her political generation and national context, one cannot understand her outside of the trans-European context. Twenty twenty-two was a banner year for the European nationalist right. Before the Italian election on September 25th, the European nationalist right exceeded its past electoral performance in Hungary, France and Sweden. Marine Le Pen and Viktor Orban are the usual suspects when analysts and journalists speak of challenges to European democracy. However, Orban does not fit with either Meloni or Le Pen. He came to power in a newly democratic state and is picking apart its institutions through what Kim Lane Scheppele describes as "autocratic legalism." Meloni and Le Pen operate in states that have long-standing traditions of democracy. Although France is immune to the political chaos that regularly grips Italian politics but there are similarities in this recent rightward swing. Both countries lack center right parties and even the technocratic left is in difficulty. None of the leading candidates in the 2022 French Presidential election, with the exception of Le Pen, represented political parties that even existed before 2012. In 2022, Le Pen was only 17 points behind Emmanuel Macron in the second round as opposed to 2017 when she lost by 33 percentage points. To Le Pen's surprise, her party, the National Rally [*Rassemblement National],* managed to attain 89 seats in the National Assembly. The April election wiped out what remained of the left and right centrist parties in France.

In contrast to France, Italy has lacked a traditional center right since 1994. Governing coalitions rotated between Berlusconi's somewhat unclassifiable Forza Italia and various independent and left technocratic parties that never seemed to be able to hold on to power once elected. Until 2018, when Matteo Salvini, head of the conservative right League Party [Lega] became Deputy Prime Minister and Minister of the Interior, Italy seemed to be holding out against the right-wing electoral surge that began in Europe in the early aughts and accelerated until the Covid pandemic put a temporary brake on it. Salvini's Lega and his sometime political allies from the 5 Star Movement were hardly mainstream, making Italy look much like the rest of Europe. Meloni was shrewd enough to stay out of the political squabbles that ensued in the four short years between the Lega's ascendance and Draghi's resignation. Although no one seemed to be paying attention—most importantly her opponents–her party kept gaining in the polls. By the time the September election came around, Meloni was the sole candidate who had never been part of a governing coalition and thus had never failed to keep her promises to the electorate. She swept to victory in September.

With the exception of Orban, who as I argued is a poor comparison, Meloni is the only right nationalist who is running a European government. Her policy aspirations are in tune with her nationalist compatriots across the continent. She is mildly Euroskeptic. Since the disaster of Brexit, not even the most committed nationalist wants to exit the European Union. Italy, like many other European countries, is in need of EU rescue funds, and anti-EU rhetoric is toned down across Europe. Meloni is President of the European Conservatives and Reformists (ECR) grouping in the EU parliament. She recently met in Rome with Manfred Weber, who is the leader of the European People's Party (EPP). Her goal is to solidify a conservative alliance in

the European parliament. Immigration remains a salient issue for Meloni. Not surprisingly, she wants a plan to control immigration to Italy, which absorbed 56% of the overall flow of migrants crossing the Mediterranean during the first half of 2022.

In the past, she has hedged on Putin. The Russian invasion of Ukraine united European politicians in a rejection of Russian aggression. Three months after taking office, Meloni is following her predecessors on economic and international issues. Her economic and international actions are in line with a kind of regression towards the mean which is going on across Europe. She has not acted on her one constitutional reform issue: to make Italy a Presidential system like France. Constitutional change would probably require a referendum. If recent history in Italy and across Europe is any guide, calling referenda does not work out well for incumbents.

If Meloni's political actions are in line with European politics more generally, where does the threat to democracy lie? If the Italian fascist past, and Meloni's engagement with it, is prologue, we have to ask–prologue to what? Meloni's social and cultural policy aspirations, not her economic programs, reflect her illiberal tendencies. Article 1 of her campaign platform to "lift up Italy" aims to support birth rates and the family. She is against gay adoption and against the neutralizing of gender in schools, where parents of small children must identify themselves as parent 1 or 2. She claims to support Law 194, which inscribes the right to abortion in the Italian constitution. In her autobiography where she describes her "roots" and "ideas," she opens with 'I am Giorgia. I am a woman. I am a mother. I am an Italian. I am a Christian." Meloni has her contradictions. She is not married to the father of her daughter. She was not raised in a traditional family and there is no evidence that she is a practicing Catholic. Yet, she has resurrected a cultural theme that was constitutive of the social dimensions of Italian fascism that links the family to the nation and the church.

Giuseppe Mazzini, leader of the Italian Risorgimento, famously argued that "God and People" should be the core of a unified Italy. Borrowing from Mazzini, a Fascist school textbook proclaimed, "The family is the Fatherland of the heart." In 1927, in his "Speech of the Ascension," Mussolini laid out the relation between the family and the nation. In 1929, after the Concordat with the Catholic Church, he added religion to the mix. This theme was not unique to Italy in the 1920s and 1930s, or even to the right. For example, Alva Myrdal made similar connections, absent the Church, in her 1941 book, *Nation and Family: The Swedish Experiment in Democratic Family and Population Policy*. Themes that unite family and religion are particularly resonant in Italy, where there is a popular culture of Roman Catholicism that is not doctrinal but available for conservative politicians to exploit. Articles 29 through 31 of the 1948 Italian Constitution affirm the family as a social unit and support its right to exist. The affirmation of the family as an inviolable social unit was typical of post-war Western European constitutions. Article 16 of the 1948 Universal Declaration of Human Rights also take up the inviolability of the family.

Meloni's danger lies in the future. In contrast to some of the unsavory Italian political actors that she has interacted with in the past, she is currently developing alliances with the National

Conservatives–a trans-national group situated within the Edmund Burke Society. Run by Yoram Hazony, a political scientist based in Israel, the group has global aspirations. Since 2019, it has convened regular meetings since 2019 in major cities in the United States and Europe. Meloni's speech to the National Conservatives in Rome in 2020 is pivotal to understanding her social and political commitments. Her speech, delivered in halting English before the Fratelli d'Italia was rising in the polls and at a time when the idea of her running for Prime Minister was in the distant future, should not be dismissed as a neo-fascist rant. Meloni fiercely defended democracy but claimed that "democracy without values becomes demagoguery." She quoted her philosophical hero Roger Scruton who defines a conservative as someone "attached to the things they love." The conference theme was "God, Freedom, and Nation." Meloni said that she was "very attached" to or "loves" the "Italian formula" which is "God, Homeland, and Family." She speaks of the value of community and national sovereignty. In her vision, the family is the social pillar of the community, and the nation-state is its political pillar. Globalization, the EU, and transnational organizations chip away at national sovereignty and destroy the values of the political community.

Meloni's formulation is not unique to her. It has become a mantra of the European nationalist right. Marine Le Pen, after losing the 2017 French Presidential election, declared that the European political divide of the 21st century would be between the globalists and the patriots, the placeless and the placed, those for whom movement is essential and those who remain in place by choice or necessity. The former group includes refugees as well as global elites and mobile professionals; the latter includes non-urban dwellers, small family businesses and state functionaries. The "placed" feel threatened in a subliminal or not so subliminal way. As Meloni suggests, the "placed" will "love" their homeland and defending its values will be constitutive of their vision of democracy. In this framework, exclusion, borders, and economic and cultural protectionism is central. Difference of all sorts—racial, gender, religious, linguistic—are intrinsically threatening and must be constrained. The National Conservative agenda that Meloni champions is fundamentally at odds with the rights of refugees, women, racial and ethnic minorities and LGBTQ persons.

Any governing politician, and Meloni will be no exception, faces a challenge between what they want to do and what they can do. Italy is not Hungary and Meloni is not Orban. The biggest threats to Italy in the present continue to be economic—youth unemployment, pensions, the price of gasoline. If Meloni fails to ameliorate some of those issues or if she cannot keep her governing coalition together, there is likely to be a 69th Italian government sooner rather than later. But she will walk out of the Chigi Palace and not be shot and her body hung up in the public piazza as Mussolini's was, nor is she likely to end her political career. If she follows in the steps of her predecessors, she would be back to fight another day. A hundred years have passed since 1922 and they matter.

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From the New Colonies to the Metropolis: How the One Regime Changes the Israel-Palestine Conflict *

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**This is a much-extended and updated version of a previously published article.*

Introduction

Israel's November 2022 election results, which led to the establishment of a far right coalition with radical settlers occupying key positions in the ministries of finance, defense and home security, surprised many on the left and the center. Their politicians, spin-doctors and journalists rooted the defeat in campaign faults and their parties' disunity in contrast to the unified right wing. This technical excuse, however, ignores deeper long-term changes that Israeli society has gone through. To the contrary, the Left-Zionist author, David Grossman, argues "everything that has happened in Israel since the election is ostensibly legal and democratic. But under its cover – as has happened more than once in history – the seeds of chaos, emptiness and disorder have been sown in Israel's most vital institutions."[2]Moreover, people who previously rejected ultra-right radicalism, including its Jewish superiority claim, revealed in Facebook discussions that the April – May 2021 confrontations pushed them to the extreme right.

In April – May 2021 Israelis and Palestinians confronted one another in several places over what are commonly understood as loosely interrelated events. First, in April, Israeli police banned East Jerusalem residents from celebrating Ramada night at the Old City's illuminated Damascus Gate steps by barricading the area. Each year at Ramada nights, the place attracts many young people. Indeed, mutual verbal and physical attacks of Jewish and Arab passers-by occurred in the nearby streets, but the protesters on the Gate steps were mostly peaceful and supported across the generational divide. The police, however, used force to disperse them, regardless of the heavy media coverage that documented it. After twelve nights of confrontations, the police gave-up.

Second, in Jerusalem's Sheikh Jarrah neighborhood, a Palestinian sit-in protest against the expulsion of 27 households in favor of Jewish settlers attracted Jewish right-wing activists. When violence erupted between the sides, the Israeli police reacted aggressively against the Palestinians, once again, in front of heavy media coverage. Imposed on Jerusalem's Palestinians, Israeli law provides former Jewish owners or those who represent them (the settlers) the ownership over buildings that they possessed prior to 1948 war or inherited.

Nevertheless, Palestinian refugees, including those who live in Sheikh Jarrah that face expulsion, are legally denied claims ownership of their pre-1948 war property in West Jerusalem.[3] Indeed, the legal battle between settlers' associations and Sheikh Jarrah 1948-war refugees that faced eviction started in 1972. Subsequently, in 2008-2010, settlers occupied three houses whose Palestinian residents were forced to evacuate. For a decade, Fridays' afternoon demonstration by a small group of Israelis and Palestinian remained a local event. Nonetheless, in May 2021, adjacent to Damascus Gate clashes, young Palestinian activists succeeded in reframing the case from a local problem to an all-Palestinian and international issue.

The Sheikh Jarrah struggle is unique in combining settlement building in 1967 occupied areas with the 1948 war refugee problem. It reminds many Palestinians that 1948 deportation is not just their collective memory but also actual experience in 1967 occupied territories. As the crisis gained momentum and the international pressure to solve it increased, the Israeli Supreme Court, to whom the case had been brought after lower courts approved the eviction, suggested a compromise. The Israeli government accepted, but the Sheikh Jarrah residents did not. [4]

Third, also coinciding during the holy month of Ramadan, Israel refused to let the East Jerusalemites vote in the planned Palestinian Legislative Council elections as they did in 1996 and 2006 elections. This led Mahmoud Abbas, most probably in coordination with Israel, to postpone the elections indefinitely. It deeply disappointed and frustrated the Palestinian public (see below).

Fourth, starting on May 7th, four days of violent clashes between Israeli police forces and Palestinians at Temple Mount / Haram al-Sharif compound and inside al-Aqsa Mosque broke out, ending with 153 Palestinians and 8 police officers hospitalized. The Palestinians opposed the Israeli authorities' decision to let thousands of national-religious Jews march provocatively through the Old City celebrating the occupation of East Jerusalem in the 1967 war.[5]

When Israel approved the rout of the nationalist march [the "Dance of Flags"] across the Old City and rejected Hamas' ultimatum to withdraw its forces from the Temple Mount, Hamas launched rockets on Jerusalem. A new round of violence ("The Guardian of the Walls" as Israel named it, "Jerusalem's Sward" according to Hamas) opened. It lasted eleven days during which 256 Palestinians and 13 Israelis have been killed and 1900 Palestinians and 200 Israelis injured.

I argue below, first, that the April-May 2021 conflict was the culmination of a gradual process in which the center of gravity of Israel – Palestinian hostilities has moved from the 1967 colonial periphery, i.e. from the Gaza Strip borders and West Bank hilltops, to the heart of the country. The Temple Mount and East Jerusalem are both the symbolic and actual centers of the Israeli – Palestinian conflict. The May 2021 conflict with Hamas, despite its heavy casualties, was secondary to the main frontline in Jerusalem and other Israeli cities.

Second, I beg to differ with the common wisdom that the May 2021 clashes between Jews and Arabs in mixed cities were a side effect of that month's Israel-Hamas war or the urban riots of criminals and political extremists. Rather, I argue, it was a small-scale civil war and the result of structural changes in the Israeli-Palestinian conflict since the 1990s. This essay discusses those changes and their implications for a future Israeli-Palestinian peace process.

Methodologically this paper is a current event analysis based on media reports. Political science theory is not my point of departure. Rather, I first ask what happened on the ground since the late 1990s, and second how those events can be explained.

I start by summing up how the single regime that Israel accomplished between the Jordan River and the Mediterranean developed and what are its structural impacts on Israel and the Palestinian Authority's political systems. Seeing the single regime as their framework, I move to discuss Jerusalem's Sheikh Jarrah neighborhood and Temple Mount conflicts, followed by showing their link to recent developments among the Israeli Palestinians. In May 2021 all these clashes came together and created a small-scale civil war.

The Erasure of the 1949 Armistice Line (the Green Line)

During the peace process between Israel and the PLO (1993 – 2014), the gaps between the parties narrowed just slightly until their dialogue reached an ongoing impasse.[6] Moreover, a significant gulf appeared between the political talks and the reality on the ground. In the Camp David (2000) and Annapolis (2007-8) talks, possible borders for a final settlement were discussed.[7] In reality, however, the difference between Israeli sovereign area within the pre-1967 war lines and its occupation beyond them became increasingly blurred. The Oslo agreement[8] allows Israel to keep over 60 percent of the West Bank area (marked in the agreement as area C) with its settlements and army bases under her full control until the sides conclude their peace agreement. Since no moratorium on settlements expansion was included in the interim agreement, Israel created facts on the ground. Be this a negotiating tactic or an intention to stop the political process in response to pressure from the Israeli right, since the Oslo Accords Israel has expanded its settlements and their population. From 1967 to the end of 2020, Israel established 279 settlements with more than 685,000 people, of which 233,700 live in the unilaterally annexed East Jerusalem. Close examination of settler growth shows that in 1994 there were 307,800 settlers: 127,800 in the West Bank and Gaza Strip and 180,000 in East Jerusalem. The number more than doubled during the negotiation years (from 307,800 to 650,870) in particular in the West Bank (from 127,800 to 441,600).[9] The expansion of settlements frustrated the Palestinians, undermined their confidence in a fair peace process and contributed to the outbreak of the second Intifada in the year 2000.

The severe Palestinian violence in the second intifada (2000-2005) increased IDF and Israeli Security Service (ISS) forces in the West Bank and the Gaza Strip. In 2002 (operation Defensive Shield), Israel reoccupied the Palestinian Authority (hereafter the PA) area)marked as areas A and B in the Oslo agreement), bringing the PA, then under Arafat, to the verge of total collapse. Israel permitted reconstruction of the PA only when Mahmoud Abbas (Abu

Mazen) was elected President (2005) and forged close security cooperation with Israel including unlimited Israeli operations in PA regions. Israel established a new order in which the distinctions between areas A, B, and C grew blurred in addition to the erasure of the dividing line between sovereign Israel and the occupied West Bank. Similarly, the security forces – settler symbiosis grew unprecedentedly.[10] According to Prof. Yagil Levi, in the 2000s, a 'policing' force emerged in the West Bank alongside the 'regular' IDF. The settlers that live and operate next to the 'policing' army, exercise several control mechanism over them.[11]

In other words, Israeli sovereignty agents, both security forces and settlers, operate throughout the area between the Jordan and the Mediterranean and implement wide effective control practices. The decline of the Israeli-Palestinian negotiations in general, and of the discussion on the border in particular insured the single regime, in which the PA is actually a "sub-contractor" for Israel. This regime is built around the principle of separation between Palestinian groups – citizens of Israel, permanent residents in East Jerusalem, residents of the West Bank, and residents of the Gaza Strip. Each group is given a different basket of limited rights and political status.[12] Moreover, the evacuation of settlements and army bases from the Gaza Strip (2005) did not end Israeli control over that area. It was not a complete disengagement as Israel claimed, but replacing control means from within the Strip with occupying it through the outsider ring. As such, Gaza differs from the West Bank, where two ethnic groups live on the same piece of land with different legal status. As individuals and as organized communities in municipalities or local councils, Israeli law and institutions govern the settlers. No physical, legal or administrative barrier divide them from pre-1967 war Israel. Their Palestinian neighbors, however, are ruled by the military law or the Palestinian Authority jurisdiction. The supreme Israeli regime imposes on them ethno-geographic division lines. The only place where Israel uses the Green Line as a marker is the Gaza Strip. Israel sieges Gaza Strip militarily, whereas in the West Bank it implements a mix of *de facto* annexation, Apartheid and military occupation practices.[13]

The Single Regime's Political Impacts

Since 2008, the international community gave up mediating an Israeli-Palestinian peace agreement. In 2014, then US Secretary of State, John Kerry, only sought to ensure that the way to a future two-state solution is not obstructed.[14] In contrast, President Donald Trump's peace plan of 2020 aimed to close the door for a two-state solution. The plan offered the Palestinians no more than barely connected autonomous areas under overall Israeli superiority.[15] Today, with Trump's plan off the table and no peace talks, what remains is the one regime that practically annexes the West Bank. Moreover, the Abraham Accords (2020) reflected a change in the Israeli-Palestinian issue from a prominent pan-Arab support for the Palestinians to a marginal matter for most Middle East regimes, if not a domestic Israeli problem pertaining to its citizens and subjects.

Many in Israel and Palestine reached the conclusion that the single regime is irreversible. A joint public opinion poll made in October 2020 found that 56 percent of the Palestinians and 42 percent of the Israelis oppose the two-state solution. This solution is preferred over all

alternatives but its achievement looks unrealistic. The unequal single state is more popular among both sides (35 percent of the Israelis and 36 of the Palestinians support it) than frameworks based on equality such as two states confederation (supported by 30 percent Israelis and 29 percent Palestinians) or equal state (27 percent in each side). The poll concludes that a substantial hardening of attitudes has occurred on both sides.[16] In other words, prior to the April-May clashes, many Jews assumed that Jewish superiority will last, whereas Palestinians believed that what is reversible is Jewish pre-eminence within the one regime. They favored Palestinian dominance in a single state or full equality between the two ethnic groups.

The failure of talks with Israel deprived the Abu Mazen government of public support. PSR public opinion polls since 2016 show that between 60 to 78 percent of the PA population demand his resignation. In a July 2021 poll, 65 percent opposed his decision to postpone the elections. In September 2021, only 24 percent of the PA population were satisfied with Abu Mazen performance, and 73 percent dissatisfied.[17] In December 2022, 72% of the Palestinians in the West Bank and Gaza Strip supported the formation of armed groups, 69% supported holding general elections now and 75% demanded Abbas' resignation. Only 32% supported the two-state solution and 69% think it's no longer feasible due to the expansion of settlements.[18]

Having lost public support, Abbas relies on the PA mechanisms of force at its disposal as well as those of Israel. Cooperation with Israel and Abu Mazen's authoritarian rule have undermined the West Bank political community.[19] The announcement of PA elections aroused expectations for a re-organization of the political system. However, when they were cancelled on the pretext that they could not be held without East Jerusalem voting (which Israel prevented) the disappointment increased. Hamas called to hold elections either without the few thousand voters in only six voting stations that Israel forbid or by bypassing the Israeli objection to electronic voting.[20] A June 2021 public opinion poll results show that over 65 percent oppose Abbas' decision to postpone the elections. Almost an equal percentage, 69 percent, want Abbas to reverse his decision (in September it stood at 73 percent).[21]

Moreover, a majority of 77 percent believed in June 2021 that Hamas had come out as the winner in the May confrontation with Israel. In September, it was slightly lower at 71 percent.[22] Thus, Hamas fills the political vacuum that the weakened Abbas and divided Fatah created. Since its foundation in late 1987, Hama has undergone a politicization process from a religious fundamentalist movement to a national-religious ruling party that is unwilling to recognize the State of Israel formally but accepts a Palestinian state on the 1967 lines.[23]In September 2021, based on its perception of Jerusalem and as Temple Mount defender, 45 percent of the PA public thought that Hamas deserved to lead the Palestinians, and only 19 percent supported Fatah under Abbas.[24]

The ethnic base of the single regime has a profound impact on the socio-political infrastructure of the Jerusalem and Ramallah governments. Israel's lack of political stability is evidenced by the five general elections between 2019 -2022. Its liberal-democratic deficit approved in the

uprising of Jewish supremacy Zionist-religious party that in last this year elections became the third party in size with 14 Knesset members.[25] The authoritarian regime in Ramallah, on the other hand, is not just based on his ambitions, corruption, and wrong practices. Rather, it is a component of the Israeli political order. As Mahmoud Abbas' effective control is weakening, the vast majority of the Palestinians identify indications of anarchy and internal armed strife between West Bank armed groups.[26] The single regime, rather, creates instability and deep social divisions that the dysfunctional political system is unable or uninterested in bridging.

As the one regime based, the conflict focal point moved from the colonial periphery in the West Bank and Gaza Strip borders to Jerusalem neighborhoods adjacent to the Old City and the Temple Mount. Hereafter I show how it developed.

Jerusalem Neighborhoods

The death of Faisal Hosseini, the senior Palestinian leader in East Jerusalem, in May 2001, and Israel's order to close the Orient House, the PLO headquarter, in August of that year, left East Jerusalemites without local leadership. The leadership vacuum that Israel carefully maintains crumbles East Jerusalem political society and spawned spontaneous civil society groupings engaged in violent and non-violent struggle. Moreover, after Camp David 2000 Jewish settlers in Palestinian neighborhoods changed direction. In order to forestall the division of Jerusalem along the lines proposed by President Clinton in late 2000 accordingly "Arab areas are Palestinian and Jewish ones are Israeli"[27], they spread from the Muslim Quarter in the Old City, where they dedicated their efforts in the 1980s, to neighborhoods surrounding the Old City, in particular Silwan and Shieh Jarrah. Their number is not high, about 3000 in 2017,[28] but they evoke constant tension and conflicts with their Palestinian neighbors. To increase the number of Jewish presence in Silwan without residing there, a settler association operates the City of David tourism and antiquities site that in the mid-2010s attracted almost half a million visitors annually.[29]

In summer 2014, following the kidnap and murder of three teenage Israeli boys in the West Bank by Hamas activists, which led Israel to attack the Gaza Strip (operation Protective Edge), a group of three Jewish Jerusalemites kidnaped and murdered Mouhammad Abu Khdeir, a 16 year old boy from East Jerusalem. Riots erupted between angry young East Jerusalem activists and the Israeli police, particularly near Abu Khdeir family home in north Jerusalem. Abu Khdeir's murder added to the tension that Jewish Temple Mount activists and senior politicians raised a few weeks earlier. "The summer of 2014 was marked by riots and violence, particularly along the seam line between Jewish and Arab neighborhoods of Jerusalem, and in mixed neighborhoods. There were approximately 13,000 incidents of rock-throwing and firebombs, aiming fireworks at people, three car ramming, and two shootings that targeted Jews…Thousands of Arabs, many in their teens and early twenties**,** joined in the riots. In the first four months of the violence (July-October 2014), approximately a thousand rioters were apprehended and approximately 300 were charged for their actions; ten Jews were murdered in car ramming and shootings, and dozens of others were wounded. Seven Palestinians were killed in Jerusalem".[30] The clashes that continued long after the operation in the Gaza Strip

ended in late August 2014 show that they were not side effects of the Gaza Strip frontline, but rooted in Jerusalem. According to the ISS data in 2015 there were 635 terror operations in Jerusalem. Unlike the second Intifada in which the young attackers (mostly at the age 15 to 30) were related to Fatah or Hamas, in 2014-2016 they were "lone wolves" i.e. not sent by any organization.[31] Whereas the impact of the Palestinians' violent operations was limited to those Palestinians that glorified their sacrifice, the non-violent struggle brought achievements on the ground.

Non-violent methods united different age groups and classes, conservatives and seculars, and succeeded in effecting changes in Israeli conduct. Moreover, as I mentioned earlier, this method forced Israel, to remove police barriers next to the Damascus Gate that prevented Palestinians celebrating Ramadan nights (May 2021). In Sheikh Jarah, the popular movement and the international interest pushed Israeli cabinet to postpone the eviction and seek a compromise. Earlier, in July 2017, Israel had to remove magnetometers it established at the entrance to the Temple Mount without consulting the Waqf that manage the holy site.[32] Israel installed the metal detectors following the killing of two Israeli police officers at the Temple Mount. Indeed, Israel had sought to make it since 2014 but refrained due to Jordanian opposition. Both the Jordanians and the Palestinians saw the unilateral Israeli act as an attempt to extend the Jewish control over the place. Unlike previous clashes that were violent, this was peaceful civil disobedience. The supreme Muslim authorities ordered observers not to enter through the detectors, but, rather, to pray in the streets outside the holy compound. Soon thousands of Muslims including non-Jerusalemite Israeli citizens gathered five times a day for pray. Between prayers, civil society activists organized peaceful demonstrations with food and drink supplied by the community. Violent clashes with the police happened only in the margins of the sit-in and in East Jerusalem remote neighborhoods. The protest attracted Palestinians across the political and social spectrum, mass media cover and international pressure. After thirteen days, Israel removed the metal detectors.[33] The peaceful means brought the protestors international support and forced Israel to withdraw. In addition, the Palestinian collective act came after years of deep socio-political divisions. These two components also characterized April-May 2021 confrontations.

Temple Mount

The Temple Mount has always been the symbolic heart of the Israeli-Palestinian conflict, but currently it is also its active center. Indeed, with the outbreak of the Western Wall riots in 1929, it was both.[34] From Jerusalem, it spread to other mixed cities, and during the Arab Revolt (1936-39), the conflict spread all over Palestine reaching its climax in the 1948 war. Following the June 1967 war, backed by rabbinical consensus prohibiting Jews from entering the holy mountain where the Temple had existed, Israel let the local Waqf and Jordan manage the site. This gradually changed after the Camp David summit of July 2000. It ended with Israel agreeing to divide Jerusalem and President Clinton suggesting that Palestine would exercise sovereignty on the Temple Mount's surface and Israel underground. Israeli national – religious groups aimed at the opposite. Encouraged by rabbis from mainstream Orthodoxy and right-wing politicians, they want to disrupt almost 1,400 years of exclusive Muslim worship and

management.[35] Orthodox Jews visiting and praying privately on the Temple Mount, once a rare phenomenon, became common during the second decade of the 21st century (see below). A few of them go further, calling for imposing Hebron's Cave of the Patriarchs model where Israel forced the Muslims to divide the space for Jewish prayer.[36]

The number of Jews visiting the Temple Mount increases. From late 2017 to early 2018, 12,125 Jews visited the site compared to 8,229 in the previous year, and from late 2020 to late 2021, 25,581 Jews entered the site.[37] More than 1,600 Jews ascended the Temple Mount on 18 July 2021 and 2,200 on 7 August 2022 to commemorate the destruction of the Jewish Temple.[38] Moreover, in the first half of 2021, Jewish prayer quorums (i.e. ten or more adult mails needed for a collective prayer) regularly pray on the site uninterrupted by the police.[39] The visitors' agenda varied from prayer, including in a synagogue to be established there, to taking over the management of the site from the Jordanian Waqf, to forbidding Muslim prayer in order to build the third Jewish Temple.[40]

For their part, civilian Palestinian organizations, the male Mourabitoun and the female Mourabitat, confronted the visiting Jews. Moreover, the Northern Wing of the Islamic Movement in Israel headed by Sheikh Raed Salah brought since 2000 hundreds Israeli Muslims to pray in al-Aqsa each Friday to counterbalance the Jewish visits and to demonstrate that the Temple Mount is an exclusive Muslim prayer site. In 2015, Israel outlawed the Mourabitoun and the Mourabitat, and arrested Sheikh Raid Salah.[41]

The escalation, which often led to violent clashes between the Israeli police and Palestinian protesters, led King Abdallah of Jordan to intervene. Jordan enjoys a special status at the Temple Mount in its 1994 peace agreement with Israel and 2013 agreement with the PLO, and oversees the local Waqf. In November 2014, in response to the King's pressure, Netanyahu reaffirmed Israel's commitment to the status quo on the Temple Mount. For less than a year, Israel controlled Jewish visitors accordingly; but in October 2015, when an Israeli minister was documented praying at the holy site, clashes resumed. Under Jordanian and American pressure Prime Minister Netanyahu stated on October 24, 2015, that "Israel reaffirms its commitment to upholding unchanged the status quo of the Temple Mount in word and in practice… Israel has no intention to divide the Temple Mount… Muslims pray on the Temple Mount; non-Muslims visit the Temple Mount."[42] This statement remained implemented only for a few months. Following three years of Jewish prayer and again under King Abdullah's pressure, Prime Minister Benet, who succeeded Netanyahu, reaffirmed Israel's commitment to the status quo.[43] Unsurprisingly, this reassurance was written on ice . Guarded by Israeli police, Jews were documented praying collectively in August and September 2021.[44]

Israeli Palestinians

Since 1948, the Israeli Palestinians have required more than citizenship status. They require full equality to the Jewish majority. Following the 1967 War, most of them also advocated for the establishment of a Palestinian state next to Israel. However, as the one regime developed, the two-state solution seems to be fading away and Israeli Jews empower the ethnic base of the

state at the expense of its few liberal-democratic foundations. Israeli Palestinians connect their civic struggle with that of the Palestinians in the Occupied Territories.

In the framework of one regime between the Jordan River and the Mediterranean Sea, the demographic problem for the Jewish portion of the population is not a future problem, but a present once. According to a report of the Israeli Bureau of Statistics in Israel in early 2021 there were 6,870,000 Jews and 1,956,000 Arabs (including 358, 804 East Jerusalem Arabs) and 456,000 neither Jews nor Arabs.[45] The Palestinians in the West Bank and Gaza Strip in 2017, shows the Palestinian Central Bureau of Statistics, were 4,780,978 including East Jerusalem.[46] In other words, in the de-facto one regime between Jordan and the Mediterranean there are 6,870,000 Jews and 6,378,174 non-Jews, mostly Palestinians. Center-left governments that try to compromise between Israel as a Jewish state and democracy, suggested – at the Oslo and Annapolis talks – decreasing the Palestinian population by giving up territory to a small and weak Palestinian state. However, right wing governments that reject territorial concessions intensified the discourse regarding the Jewish state and push forward the preeminence of Jewish citizens over Israeli Palestinians.[47]It is expressed in the Basic Law, accepted by the Knesset in 2018, that Israel is the Nation State of the Jewish People. It states that "the Land of Israel is the historical homeland of the Jewish people", "the State of Israel is the state of the Jewish People" and that "the exercise of the right to national self-determination in the State of Israel is unique to the Jewish People". The law downgrades the Arab language from being a State language alongside Hebrew to "a special status in the State".[48] The recent empowerment of ethnic-national awareness reinforces the religious motifs and foundations on both sides. The clashes on the Temple Mount since 2000 are an expression of this, as were the arson attacks on synagogues and mosques in Lod in May 2021 (see below).

The first evidence of this came with the second Intifada that broke out following Ariel Sharon;s provocative visit to the Temple Mount in late September 2000. Israeli Palestinians played a part in the first two weeks of that intifada. Mass demonstrations that included violence in mixed and Arab cities, towns and villages throughout Israel. They protested the government using extra force against the Palestinians in East Jerusalem and in the occupied territories at the first days of the intifada. During those clashes, the police killed 12 Israeli-Palestinian citizens. Small-scale confrontations between Israeli-Palestinian demonstrators and the police broke throughout the country during Israel's 2008 ("Cast Lead") and 2014 ("Protective Edge") operations in the Gaza Strip. Driven by fear, mistrust and wanting to punish Israeli Palestinians for their violence, Jews boycott Arab business. This continued weeks after law and order was restored in mixed and Arab cities inside Israel.[49]

The shift from the Oslo years border disputes to ethnic hostilities under one regime affects the Israeli Palestinians. The new Palestinian generation is highly and professionally educated, externalize their Palestinian identity, and are more involved in Israeli society than their predecessors were. The anthropologist Dan Rabinowitz and Khawla Abu-Baker call them the "Stand-Tall" Generation. Unlike the survivors of the 1948 generation, which Israel subordinated, and the next generation that was just the spearhead of Israeli-Palestinians' civil struggle, the Stand-Tall generation led the year 2000 clashes. They "are no longer interested in

being marginal hangers-on of the Zionist project" conclude Rabinowitz and Abu-Baker. "They seek deep historic justice and meaningful incorporation into a transformed Israel".[50]

The vast majority of Israeli-Palestinians, 77.1% in 2015 view Zionism as a colonial or settler-colonial and racist movement.[51] However, they debate whether Israel should become a bi-national state, meaning an egalitarian state for all its individual citizens regardless of his or her ethnicity or religion, the state of two equal ethnic groups, or break the Jewish monopoly over the executive branch before changing the constitutional foundations that institutionalize Jewish superiority. On a less ambitious platform, in 2021 the United Arab List unprecedentedly joint the coalition. The party motivation was practical, to improve the quality of life of its constituents by increasing its share of the budget. Whereas previous approaches combined their inferior status and egalitarian aims with those of the West Bank and Gaza Strip Palestinians, the United Arab List interest is limited to improve Israeli Palestinians' every-day life conditions.

Israeli-Palestinians' update not only their views, but also their socio-economic status and socio-environmental practices. They integrate more than ever in the majority job market and residential neighborhoods.[52] Similarly, there has been a perceptible increase in the commercial, academic, and political ties between them and the West Bank population, including about 9,000 students in West Bank universities.[53] The Israelization and Palestinization of the Stand-Tall generation are expressions of the same process that on the one hand, causes tension with the Jews who expect them to silence their Palestinian identity, history and expectations at they integrate into the broader society, and, on the other hand, raises Israeli-Palestinians' expectations of civic equality and allegiance to the ethnic Palestinian identity. As the Israeli Jewish side highlights the ethnic factor at the expense of civil equality, so the Israeli Palestinians intensify their ethnic identity alongside their indentity as citizens.

All the Above Exploded in May 2021

In May 2021 conflict spread from Jerusalem to Israel's mixed cities at an unprecedented scale due to the two-way of the settlers' movement. First from Israeli sovereign territory to areas that Israel occupied in 1967 and since Oslo agreements from them to the heart of the country. Since 1997, national religious groups, some of whom are originally from West Bank settlements, settle as a collective in Jewish-Arab mixed towns such as Jaffa, Acre, and Lod in order to "Judaize" them. Indeed, rhetoric on and practice of "Judaizing" the land are deeply rooted in Zionist ethos. However, Israel established settlements in the Galilee and the Negev next to post-1948 war remaining Arab cities or towns, not inside them. Those national religious groups are not gentrifiers i.e. individuals who come to live in Arab neighborhoods out of identification with the nature of the place and its oriental environment, but groups who want to change the identity of these places analogous to what they do in the West Bank and East Jerusalem.[54]

During the May 2021 clashes, armed Jewish groups came to mixed towns from settlements in order to defend their colleagues and "Jewish honor". Four people, two Jews and two Arabs,

were killed. Jewish properties were set on fire in Acre, Lod, and Jaffa, as well as a synagogue and a mosque, both in Lod, where for several days the government placed the city under night curfew. Jews from settlements and Israel's sovereign area citizens, organized through cellphones and social media, sought out and attacked Israeli Palestinians.[55] In effect, this was a kind of small-scale civil war rather than mere riots. "Today", writes Barbara Walter, "civil wars are waged primarily by different ethnic groups, by guerrilla soldiers, and militias, who often target civilians".[56]Following these hostilities, the police and the ISS used software-monitoring devices that until then were evident only in the West Bank. The Security Service sent threatening messages to Israeli Palestinian citizens and East Jerusalem residents. "We will settle the score", the Security Service wrote, urging them not to participate in Sheikh Jarrah, Damascus Gate and Temple Mount protests.[57] Up until May 2022, the Israeli Attorney General indicted 616 people, nearly 90% of them (545 people) Arabs and 71 Jews. As of early June 2021, the police detained 2,142 Israeli Palestinians and a few dozen Jews for investigation and deterrence purposes.[58]

Following the 2021 clashes, 2022 was the deadliest year in recent Israeli and Palestinian memory. Palestinian attackers killed 27 Israeli civilians and foreigners, and four soldiers. The vast majority of these casualties were in main Israeli cities within 1948 lines. That same year, Israeli forces killed 167 Palestinians and recorded 300 shooting attacks against soldiers and settlers in the West Bank.[59]

Thus, the new front line of the conflict is no longer the geographical periphery of Jewish expansion (namely, the West Bank) but the metropolitan ethnic frontier: in Silwan, Sheikh Jarrah, Acre, Lod, Ramla, Haifa, Beer Shiva, or the highway along Wadi Ara next to Israeli-Palestinian cities and towns. This was expressed in the unprecedented May 18 general strike, when "streets were deserted in Arab areas across both Israel and the occupied territories" protesting their shared treatment by Israeli Jews.[60] Israel's economy is highly dependent on manual and services workers, in building construction alone the strike caused losses of nearly $40 million. [61]

Conclusion: Structural Changes

A variety of explanations have been suggested for the extraordinary scale of violence in May 2021. Hebrew and international media frame it as riots, an explosion of irrational mob emotions or criminal fury.[62] A few Jewish Israeli researchers follow by defining the clashes as pathological urban violence against ethnocentric socio-economic discrimination. Ariel Hendel argues that city residents' react violently to the authority's institutional violence, for instance in budget allocation and zoning and planning. Accordingly, mixed cities violence provoked by Israeli domestic policies. Those policies, Yael Shmaryahu-Yeshurun and Deniel Monterescu suggest, include ethnically based gentrification and the state-supported dispossession of Arab residents. Nadeem Karkabi, an Israeli-Palestinian scholar, connects May 2021 violence to the scholarly popular paradigm of settler colonialism. According to Karkabi, May's events were not unprecedented, but another expression of Israel's settler colonialism originated in the 1948 Nakba. [63]

On the contrary, Israeli Jews are inclined to evaluate these clashes as exceptional, an interruption in growing Jewish-Arab coexistence inside Israel and as only indirectly related to the Israeli-Palestinian struggle in the West Bank and Gaza Strip. Consequently, Women Wage Peace organized a peace chain rally for joint future, NGOs promoted web petitions stating Jews and Arabs refuse to be enemies, and The Abraham Initiative, an Israeli Jewish-Arab NGO, launched a national campaign titled "Only Together". [64]

Against these concepts of 'more of the same' or accidental and detached events, this essay argues that May 2021 clashes were the result of structural changes in Israeli-Palestinian relations since the year 2000. Moreover, unlike the view that the May 2021 clashes inside Israel's sovereign areas are just loosely connected to the conflict in the West Bank and Gaza Strip, this essay shows that they are inseparable. Related are Israel's political instability and its liberal-democracy deficit, and the PA authoritarian regime. "One of the best predictors of whether a country will experience a civil war is whether it is moving away from democracy," writes Walter. "War is even more likely, the experts found, if at least one faction in a country becomes a *superfaction*: a group whose members shares not only the same ethnic or racial identity but also the same religion, class and geographical location". Walter adds, "The most volatile countries are the ones whose societies are divided into two dominant groups. Often, at least one of these groups is large enough to represent between 40 and 60 percent of the population. This kind of ratio is more likely to lead to armed conflict".[65]

The new structure of the conflict was reaffirmed by April-May 2022's events when Palestinians killed 19 and wounded over 50 Israeli Jews. Almost all the attacks were implemented within Israeli 1948 borders, including Jerusalem, Tel Aviv, Be'er Sheva, and Bnei Brak. As a year earlier, they corresponded with Israeli police raids into the Temple Mount during the Holy month of Ramadan. These coincided with the Jewish Passover during which many Jews visited the site. Also in 2022, though on a smaller scale, Israeli Palestinians confronted police forces in Nazareth, and Um al-Fahim cities.[66] Thus, the symbiotic relations between Jews and Palestinian-Arabs within the one regime, redefines each of the two collective identities through practices of ruling the Other or resisting it. "The occupation also evidently won't end in the foreseeable future; it is already stronger than all the forces now active in the political arena" writes David Grossman on the formation of new Israeli government. "What began and was honed with great efficiency there [= in the Occupied Territories] is now seeping into here. Anarchy's gaping maw has bared its fangs at the most fragile democracy in the Middle East."[67]

The political agenda that characterized the Oslo period has fundamentally changed. If the political process resumes, the challenge the sides face is not how to move from a sheer military occupation to an agreed political border, but from the single regime to a reality of two states or confederation. Therefore, conclusions about dismantling *Israeli de facto* annexation and exclusive control over the Palestinians should precede discussions on the location and demarcation of the border. Unfortunately, neither the two sides nor the international community invested enough attention to meet this challenge, which includes, first, reverse engineering i.e. from the agreed end to the present rather the other way around as the Oslo

agreement put forward. Second, it requires changing present Israeli security methods based on exercising full control and superiority over Palestinian land and people operated mostly from within the West Bank. Third, it necessitates extensive Palestinian capacity building, including comprehensive reconstruction of the present dysfunctional political institutions.

Fourth, the Oslo process distinction between narrative issues that are difficult to resolve (refugees and Jerusalem) and relatively easier issues of a more technical nature (Palestinian sovereignty and the settlements) that characterized the peace process is also no longer valid. All are now inseparable narrative-related issues. Therefore, both sides must prepare for a new trade-off in talks.

Fifth, if Hamas is to be included in the peace talks directly or indirectly, based on the ways the movement has changed its stance from the Islamic charter of 1988 to its 2017 new political program, the negotiating goals have to change. Reaching a comprehensive end of claims that directed the final status talks since the 1990s is likely impossible to achieve with Hamas on board. It would be better, hence, to leave few claims open for future negotiations, for instance the actual return of most of the refugees to their original place in Israel.

Finally, as the mini-civil war in Israel in May 2021 and the bloody confrontation between Hamas and Fatah in Gaza in 2007 showed, the difficulty of formulating a settlement is greater today than in the 1990s within each of the parties no less than between them. For that reason, before starting talks, each side must reach an internal consensus on the rules governing a decision: how a permanent agreement should be approved, and the fate of those who refuse to accept the majority decision. To achieve this, prior to the negotiation, each side's leaders should manage national debates and welcome opposition groups' participation.

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Aleksander Dugin: Heidegger's Dubious Disciple

By | 2023: Vol. 22, No. 1

Prologue

In a 2018 interview with the German news magazine *Der Spiegel*, Steve Bannon – Donald Trump's former campaign manager and chief political strategist, who, in 2016, quipped that he wanted to make Breitbart News a "platform for the Alt-Right" – exalted Martin Heidegger as an intellectual inspiration and role model. The journalist who conducted the interview, Christoph Scheuermann, described the encounter as follows: "We sit down at the dining room table and [Bannon] picks up a book, a biography of the philosopher Martin Heidegger. '*That's my guy*!', Bannon says. Heidegger, says Bannon, had some good ideas on the subject of Being, which fascinates him . . . [Bannon] jumps from the depths of politics to the heights of philosophy, from the swamp to Heidegger in five seconds. What sets us apart from animals or rocks, Bannon asks? What does it mean to be human? How far should digital progress go?" [1]

It is doubtful whether Bannon ever read a single word written by Heidegger. It is even more doubtful whether, in the unlikely event that Bannon *did* actually read Heidegger, he understood what he was reading. Be that as it may, Bannon's remarks illustrate the immense political caché that Heidegger's thought has acquired among representatives of the transatlantic New Right (*Nouvelle Droite, Neue Rechte*), an intellectual current that has contributed significantly to the erosion of democratic norms – principles that, by their own admission, New Right ideologues seek to supplant with an authoritarian, racially pure, white ethno-state. As Alt-Right impresario Richard Spencer – who, along with fellow white nationalist, Paul Gottfried, coined the "Alternative Right" moniker in 2008 – recounted his intellectual odyssey to the promised land of Aryan exclusivity:

When I was thinking about the new standpoint, it was one that had a different philosophical basis than the kind of quaint Anglo-American conservatism outlined in, say, Russell Kirk's *The Conservative Mind*. I was thinking about something like the French New Right, something like the Traditionalism of [Julius] Evola, something like Nietzsche, German idealism, *and Heidegger*. I just wanted to go to all these places that conservatives resisted. It was kind of a joke between Paul Gottfried and I [sic] that conservatives considered all these people to be liberal. They were liberal fascists because they didn't believe in free markets and family values or something. [2]

The self-professed white nationalist and Alt-Right blogger, Greg Johnson, has also highlighted Heidegger's invaluable contribution to the New Right's "metapolitical" struggle against what Johnson characterizes, in a revealing turn of phrase, as the "existing Jewish/Leftist hegemony."

Thus, according to Johnson, "It should come as no surprise that Heidegger, a life-long man of the Right, is also an important thinker for the New Right in Europe and North America. Heidegger['s] . . . encounter with National Socialism, and his postwar thinking on modernity, technology, and the possibility of a New Dispensation, are of enduring relevance to the New Right project of defining a post-totalitarian alternative to both the Old Right and the existing Jewish/Leftist hegemony." [3]

Johnson remains deliberately vague about the ideological content of this Heidegger-inspired, "New Dispensation." However, to judge by Johnson's numerous contributions to Alt-Right doctrinal orthodoxy – for example, his blunt assertion in the *White Identity Manifesto* that "White Nationalism is the best political system to end white genocide and restore healthy white communities" – Johnson's political aspirations do not differ significantly from those of like-minded advocates of a racially homogeneous, white ethno-state, such as Richard Spencer, Jared Taylor, or the late Sam Francis.[4]

The citations from Spencer and Johnson confirm that, among an influential cohort of far-right activists who seek to supplant the precepts of egalitarian democracy by appealing to the ethos of white separatism, Heidegger's thought has remained an indispensable ideological touchstone. Hence, increasingly, Heidegger's celebration of existential "rootedness" – "the flourishing of any genuine, creative work," claimed Heidegger, "depends on its rootedness in the native soil of the *Heimat*" – [5] and of the "singularity" of German Dasein – "Only someone who is German," observed Heidegger, "is capable of poetically articulating Being in an originary way" – [6] have been enthusiastically received by advocates of the global "New Right," whose doctrines have provided ideological legitimacy for the rise of contemporary authoritarian national populism.

Russian Fascism: "Borderless and Red"

"The twenty-first century, in essence, has not yet begun: that which is around us today in terms of meaning is still the twentieth century. . . The twenty-first century will start when we truly begin to grasp Heidegger's philosophy. And then we will gain the opportunity to make another decision, a choice in favor of transitioning to another Beginning."

Alexander Dugin, *Heidegger: The Philosophy of Another Beginning*

In contrast to New Right ideologues in Europe and North America, Aleksander Dugin (1962-) has made little effort to mask his fascist political allegiances. Coming of age during Soviet communism's twilight years, Dugin revered Nazism for furnishing a doctrine that provided maximal political leverage to oppose an increasingly senescent and moribund "state socialism" *from the right*. In keeping with these convictions, as a youth, Dugin joined the Black Order of the SS, a secret organization that was affiliated with the esoteric Yuzhinskii Circle. Led by the shaman and polymath, Yevgeny Golowin, the Black Order of the SS was dedicated to exploring the link between Russian nationalism and Aryanism. According to reliable reports, members were obligated to address Golowin as "Reichsführer SS." [7]

As Dugin avowed in "Fascism: Borderless and Red" (1997), what the motherland needed, following communism's ignominious collapse during the early 1990s, was a "Russian National Socialism": "*an authentic, real, radically revolutionary and consistent fascism, a fascist fascism*." Fusing Nietzsche with the Waffen-SS, Dugin characterized

Russian fascism as a "revolutionary, rebellious, romantic, idealistic [form of nationalism] appealing to a great Myth and transcendental Idea . . . [that] gives birth to a society of heroes and supermen . . . The nature of fascism [is] a new hierarchy, a new aristocracy, [that] is based on natural, organic, and clear principles: dignity, honor, courage, and heroism." [8]

When the *Black Notebooks* appeared in 2014-15, Dugin must have felt wholly confirmed in his Heidegger-loyalties upon encountering Heidegger's avowal – uttered in the aftermath of the Hitler–Stalin pact – that one must "*try to save Russia through fascism*." [9] It would be difficult to formulate a more felicitous distillation of Dugin's political credo.

Among Heidegger's New Right acolytes, Dugin occupies a sui generis niche. For one, Dugin is a self-professed Heideggerian who has published numerous monographs and commentaries on Heidegger's work. Among his better-known contributions are: *Heidegger and the Possibility of Russian Philosophy* (2011), *Heidegger: The Philosophy of Another Beginning* (2012), and *Martin Heidegger: The Last God* (2012).

Dugin's notion of the Fourth Political Theory – which Dugin has promoted as the successor ideology to the politically bankrupt precedents of liberalism, fascism, and communism – is explicitly predicated on the "*völkisch*" and "rooted" inflections of Heidegger's fundamental ontology. As Joakim Andersen has observed in *Rising from the Ruins*: *The Right of the 21st Century*: "The Fourth Political Theory's . . . central category is Heidegger's *Dasein*. Instead of *abstractions*, it concerns our *real identities*." [10] In a recently published monograph, *Political Platonism*: *The Philosophy of Politics* (2019), Dugin has reaffirmed the Heideggerian fundament of his political thinking, asserting that, "The construction of the Fourth Political Theory is based … on Heidegger's philosophy and represents the development of its implicit constant." [11]

"Putin's Brain"

Dugin's exceptional status among New Right Heidegger acolytes is also reflected in his privileged access to an influential coterie of foreign policy advisors surrounding Vladimir Putin. The jacket copy of *Political Platonism* boasts that, "for more than a decade, Dugin has been an advisor to Vladimir Putin and the Kremlin on geopolitical matters." [12]

Although the nature and extent of Dugin's influence on Putin has been a matter of dispute, following Russia's annexation of the Crimea in 2014, a spate of commentaries appeared that referred to Dugin as "Putin's Brain" or "Putin's Rasputin." [13] The articles reflected the fact that, following Russia's military intervention in the Crimea and the Eastern Ukraine, Putin, on

numerous occasions, had cited Dugin's doctrine of "Neo-Eurasianism" as an ideological justification for Russian aggression. (In 2003, with the Kremlin's blessing, Dugin established a Eurasian Party. In 2004, he founded a Eurasian Youth Organization, whose goal was to indoctrinate Russian youth in the ideology of Russian nationalism.)

In the decade that followed his unexpected rise to the presidency of the Russian Federation (1999-), Putin searched for an ideology to replace communism. Putin's growing attraction to Dugin's Neo-Eurasianism reflected his political evolution from reluctant democrat to avowed autocrat. As outlined and promoted by Dugin, Neo-Eurasianism sought to provide post-communist Russia with a *geopolitical raison d'être*: with an orientation that reaffirmed the Russian Empire's expansionist ambitions under Tsardom; hence, a "mission" that would reverse the Soviet Union's extensive territorial losses under Mikhail Gorbachev and Boris Yeltsin.

One sign of Dugin's growing influence among Kremlin foreign policy elites emerged in 2011-12, when Putin, in an effort to offset his plummeting standing in national opinion polls, proposed the creation, under Russian leadership, of a "Eurasian Union": thereby, tacitly endorsing the expansionist program that Dugin had advocated since his days as a lecturer at the Academy of the Russian General Staff. [14]

As the Ukraine crisis escalated in 2014, Putin repeatedly invoked "Neo-Eurasianism" as a mandate for Russia's geopolitical "push to the South." In May 2014, Russian separatists in the Donetsk and Donbass regions of the Eastern Ukraine brandished the term in order to justify their declaration of a "Union of Novorossiya" or "Greater Russia." In August 2014, Putin once again used the term in a presidential directive that he addressed to the "Insurgents of Novorossiya."[15]

Neo-Eurasianism has, undoubtedly, been Dugin's greatest contribution to "Putinism." Claus Leggewie has denounced Dugin as a "desk murder" for his role in furnishing the ideological rationale behind Russia's southern imperial expansion – its geostrategic "push to the Caspian Sea." [16]

At the same time, Dugin has also managed to influence Putin's views on a variety of controversial cultural themes: "Limits on personal freedom, a traditional understanding of the family, intolerance of homosexuality, and the centrality of Orthodox Christianity to Russia's rebirth as a great power." [17] As Dugin gloated in November 2016 following Trump's electoral victory: "In contrast with Hillary Clinton, Trump does not view LGBT supporters, feminists, and postmodernists as the be-all and end-all of 'progress.' From now on, the only thing that they can hope for will be to get medical treatment for their perversions." [18]

Following Moscow's annexation of the Crimea, Putin's approval ratings skyrocketed. Most Russians agreed with Putin's misleading claim that the Crimea and eastern Ukraine were, historically, part of Russia. Hence, they enthusiastically supported Moscow's reliance on military might to enforce its dubious claim to sovereignty.

Following Russia's military's intervention in the Crimea, Dugin's caché among New Right intellectual circles escalated dramatically. In May 2014, he was one of the featured speakers at a coven of far-right political leaders and ideologues that was held at the Liechtenstein Palace in Vienna. Although the gathering was supposed to be secret, its existence was unmasked by the Austrian journalist, Bernhard Odehnal.

The organizers had billed the conference as a twenty-first century "Congress of Vienna": thereby, alluding to the "Holy Alliance," orchestrated by Prince Metternich, in 1815, to suppress the rising tide of European democracy. Other high-profile attendees included Austrian Freedom Party (FPÖ) chairman, Heinz-Christian Strache; Marine Le Pen's leading political advisor, Aymeric Chauprade; and Marion Maréchal-Le Pen, at the time, the National Front's "rising star." Among the themes discussed at the meeting was: "How to save Europe from liberalism and the 'satanic' gay lobby." [19]

Dugin, ever a stranger to moderation, became intoxicated with his own celebrity. In support of the Eastern Ukrainian independence movement, he declared: "I believe that one must kill, kill, and kill. I make this claim in my capacity as professor." [20] Among the students at Moscow State University, Dugin, by making this pronouncement, had clearly overreached. To protest Dugin's bloodthirsty, exterminationist rhetoric, they organized a petition that was signed by some 10,000 students. Shortly thereafter, Dugin was stripped of his position.

"Dasein's existence is *völkisch*"

In the *Fourth Political Theory* (2013), Dugin took his bearings from Heidegger's reformulation of the *Seinsfrage* during the 1930s in accordance with the "metapolitics of the historical *Volk*." [21] Relying on this Heideggerian demarche for conceptual leverage, Dugin asserted that, "Dasein's existence is *völkisch*. To exist in concrete, human terms means . . . to exist as a German, Frenchman, Russian, American, African . . . *Völkisch existence is the reality that most closely approximates the essence of man*." [22] During the early 1990s, Dugin's numerous encounters with the Nouvelle Droite proved crucial in his transformation from an avowed neofascist to Russia's leading proponent of "ethno-differentialism," or racism with a "human face." [23]

Dugin's fulminations against Western liberalism as the zenith of *Machenschaft* demonstrate the degree to which he had internalized Heidegger's "affect against logocentrism and rationalism, universalism and humanism." [24] It was in this spirit that, in *Heidegger: The Philosophy of Another Beginning,* Dugin enthusiastically reprised Heidegger's denigration of "Anglo-Saxon liberalism" in *Die Geschichte des Seyns* (1939) as the zenith of "planetary idiocy." [25] Dugin's characterization of "liberalism" as a "pandemic" – as a form of political contagion that must be urgently *eradicated* – openly echoed the Nazi lexicon of "virology":

Calculating reason at the basis of liberalism and its values are the last stage of *degeneration of Western European ontology. It is impossible to go any lower*. We must look for the roots of liberalism *as a fatal and deadly pandemic in Europe*. But it is in the U.S. that this political

phenomenon has acquired its ultimate form. . . Man of the global world, a "liberal," accepting and recognizing the normativity of the "American way of life," is the kind of person who is a *patented idiot* from the philosophical . . . point of view, a *documented idiot*, *an idiot parading his foolishness above his head like a banner*. [26]

In "Donald Trump: The Swamp and the Fire" – an article that he published in 2016, following Donald Trump's victory in the American presidential elections – Dugin, faithful to New Right's "negative branding" strategy, added: "*We need a Nuremberg Trial for liberalism*." Dugin proceeded to characterize liberalism as "*the last totalitarian political ideology of modernity*." "Let us close this page of history," he urged. [27]

As the foregoing citations attest, rhetorical hyperbole and emotional revulsion are trademarks of Dugin's discursive idiolect. These traits bespeak a neofascist mindset that denies its opponents' existential legitimacy.

Dugin has also lowered himself to justifying Heidegger's Nazism on ideological grounds, claiming that, since Heidegger was justifiably opposed to Bolshevism and Americanism – both of which were dominated by the same "technological frenzy" – [28] he had no choice but to embrace the Third Reich as a political bulwark against these complementary political evils. (That Heidegger's commitment to Nazism meant supporting a regime for which the commission of mass atrocities was a state-sanctioned credo leaves Dugin seemingly unfazed.)

In almost the same breath, Dugin managed, cagily, to vindicate Heidegger's anti-Semitism. As Dugin explains: following Nietzsche, Heidegger viewed the Old Testament – a text that, Dugin reminds us, was canonized by a "Semitic people" – as incompatible with "Indo-European" traditions. Hence, when viewed from an "ethnopopulist" perspective, Heidegger's efforts to combat "culturally alien" Jewish influences represented an act of *défense légitime*. [29]

According to Dugin, one of Heidegger's salutary achievements as the philosopher of "another Beginning" concerned his efforts to keep corrosive Jewish intellectual influences at bay. One of the ways that Heidegger achieved this desideratum was through his critique of "logocentrism." Dugin reminds us that, although the primacy of "logos" may be traced back to the deformations and missteps of the Socratic School, "The same is true for Judaism, in the case of Philo the Jew and, above all, in Medieval Judaism and the Kabbalah." [30] Echoing Heidegger, Dugin explained that, today, we are experiencing the endgame of a process of cultural decomposition that has been abetted by the "unfettered explosion of modern technics."

The Geopolitical Mission of "Mother Russia"

As Volker Weiß has noted in *The Authoritarian Revolt*, from its inception, Dugin's understanding of geopolitics has been Heideggerian through-and-through. At nearly every turn, it was informed by the existential imperatives and messianic structure of Heideggerian *Raumpolitik*. As Weiß observes: "The central ideas of Dugin's 'cultural theory of space,' the correlation between *Sein und Raum*, or Being and Space, derive from Heidegger's

writings." [31]

However, in adapting the secular eschatology of Heideggerian *Seinsgeschichte* to Russian circumstances, Dugin appended an all-important twist: in light of National Socialism's "collapse," "Mother Russia" inherited Germany's "mission" as world historical "redeemer." In monographs such as *The Last War of the World Island*: *the Geopolitics of Contemporary Russia,* Dugin insisted that Russia's "Eurasian mission" was not merely *regional*, but *planetary*. As Dugin avowed with alarming frankness: "*All the powers and states in the world that possess tellurocratic properties depend on whether Russia will cope with this historic challenge and preserve and strengthen its sovereignty*." [32]

Dugin's allusion to "tellurocratic properties" expressed his understanding of history as a geopolitical struggle between the "tellurocratic" – or land-based – powers of the Neo-Eurasian "heartland" versus the "thalassocratic" – or maritime – powers of England and the United States. In Dugin's view, the struggle for "world mastery" between Russia and the United States represented a "struggle-unto-death" or *Vernichtungskampf*.

Dugin portrayed this battle – the "Last War of the World Island" – as an *eschatological struggle*: an apocalyptical conflict between "good" and "evil." Since the Western "thalassocracies" – Great Britain and the United States – were exclusively focused on *material gain*, they were the main carriers of "European nihilism" and "planetary *Machenschaften*." Conversely, Russia embodied what Dugin called a "heroic civilization" of the "land-based type." According to Dugin, Russia championed a "*vertical, hierarchical, Messianic structure of government*."' Hence, Russia was the only "planetary" power capable of reanimating the "traditionalist" values of "*faithfulness, asceticism, honor, and loyalty*." [33]

In the *Last War of the World Island*, Dugin consistently portrayed the struggle between the Neo-Eurasian "heartland" and the seafaring "thalassocracies" as *Armageddon*. As Dugin observes:

The Eurasian civilization, established around the Heartland with its core in the Russian *narod* [people], *is much broader than contemporary Russia* . . . To guarantee its territorial security, Russia must take military control over the zones attached in the south and the west, and in the sphere of the northern Arctic Ocean. Moreover, if we consider Russia a *planetary-tellurocratic pole*, then it becomes apparent that its direct interests extend *throughout the Earth and touch all the continents, seas, and oceans*. Hence, it becomes necessary to elaborate *a global geopolitical strategy for Russia*, describing in detail the specific interests relating to each country and each region. [34]

Muscovite Metapolitics: Dugin and the Nouvelle Droite

In solidarity with his Nouvelle Droite *compagnons de route*, Dugin defined success in "metapolitical" terms: as winning the battle for "ideological hegemony." In 2008, when he was appointed Director of the Center for Conservative Research at Moscow State University, Dugin

announced that his top priority was to acquaint Russian youth with conservative revolutionary thinkers such as Heidegger, Carl Schmitt, and Ernst Jünger. Consequently, under Dugin's tutelage, a large portion of the Center's activities involved the clarification, reinterpretation, and adaptation of the ideas of the Counter-Enlightenment and the Conservative Revolution as they apply to Russian politics, global affairs, and international relations. Especially important in the agenda of Dugin's Center was the legacy and ideas of René Guénon, Julius Evola, Carl Schmitt, Martin Heidegger, and Oswald Spengler. [35]

As Stephen Shenfield has observed in *Russian Fascism*: *Traditions, Tendencies, and Movements*, Dugin's eschatological enthusiasm for the "conservative revolution" offers a telltale ideological clue: the "smoking gun" that "identifies Dugin unequivocally as a fascist." "For Dugin," continues Shenfield, the "conservative revolution is 'the Last Revolution,' 'the Greatest Revolution in history . . . the Return of the Angels, the Resurrection of the Heroes, and the uprising of the heart against the dictatorship of reason." [36]

Since his youthful dalliances in Yevgeny Golowin's Yuzhinskii Circle, Dugin had been attracted to mysticism as an intellectual counterweight to the epistemological rigidity of dialectical materialist orthodoxy. Dugin's aversion to the methodological constraints of "scientific socialism" inspired his veneration of fascism as an effective means of combating the ideology of "state socialism."

Dugin's youthful attraction to Julius Evola's "spiritual fascism" – during the 1980s, he translated Evola's *Pagan Imperialism* into Russian – helps to explain his fascination with the esoteric dimensions of Heidegger's thought: Heidegger's veneration of "secret Germany" (*verheimlichtes Deutschland*) and, at a later point, the "Fourfold" (*Geviert*): gods and mortals, heaven and earth. Dugin's propagation of "spiritual racism" – an epithet that is often used in conjunction with Evola's "Traditionalism" – emerged unambiguously in his early monograph, *Hyperborean Theory* (1993): "The Aryan," observes Dugin, "according to his essence, is not defined by *biology*, but instead by his *metaphysical mission… Aryans are a race* . . . of *Nordic Warrior-Priests*." [37]

Dugin's background as a Heidegger-initiate played an important role in his efforts to endow Russian geostrategic thinking with a *higher sense of purpose*: with a "calling" that, in the words of Anton Barbashin and Hannah Thoburn, was simultaneously "*mystical, spiritual, emotional, and messianic*"; hence, with an orientation toward "transcendence" that fused politics and the mystical longings of a revivified Russian Orthodoxy. [38]

Dugin found additional "spiritual" inspiration for his steadily evolving Neo-Eurasian worldview in Heidegger's *Philosophy of Another Beginning* – the subtitle of Dugin's most important Heidegger commentary, which was published in 2011. [39]

The Heideggerian theme that Dugin found most congenial for his "Hyperborean," neo-Aryan designs was the "Fourfold" (*das Geviert*): Heidegger's speculative appellation for the presencing or interplay between "heaven and earth, mortals and divinities." In later essays

such as “Building, Dwelling, Thinking,” the Fourfold provided the foundation or ground for Heidegger’s postmodern pagan cosmology. It proffered a vision or world-picture that offered “mortals” a respite from “modernity” as an age of total and unremitting “*Gottesverlassenheit*” (abandonment by gods). The Fourfold harbored an esoteric redemptive promise: “hints” concerning the advent of the “god to come.” [40]

Heidegger’s treatment of “dwelling” (*Wohnen*) reprised his endorsement, during the Nazi era, of “rootedness–in–soil” as a normative touchstone. On these grounds, Julian Young, in one of the few scholarly articles on “The Fourfold,” interprets Heidegger’s understanding of “Earth” as providing a warrant for the New Right’s “ethno-pluralism.” According to Young: “Heidegger always thought within the unspoken presupposition of a one-to-one correspondence between *ethnic communities* and *natural places* . . . He viewed modernity’s mingling of populations as simply *the destruction of dwelling*. . . The idea of different communities of dwellers sharing the same ‘earth’ and ‘sky’ *simply does not cross his mind*.” Young concludes with a dig at Heidegger’s gratuitous obscurantism: “Among the many ‘mysteries’ surrounding ‘the Fourfold’ is the almost total absence of any attempt by Heidegger scholars to explain what it is. [41]

What mesmerized Dugin about the Fourfold was Heidegger’s “geo-metaphysics” or “earth-mysticism”: its anti-positivist, *mystical* conception of “Earth,” an approach that supported Dugin’s efforts to endow geopolitics with a *higher, spiritual mission*. As Dugin observes in *The Rise of the Fourth Political Theory* (2017): “I agree with Heidegger that the Earth (*Erde*) in *das Geviert* (Fourfold) is a philosophical Idea, as is world (*Welt*) (or heaven [*Himmel*]). Germany is an Idea, as is Russia. Earth is dialectically linked with the sky. Their battle forms the Dasein of a concrete *Volk*. Heidegger founded an existential understanding of the *Volk* … This point is the basis of the Fourth Political Theory.” [42]

The Fourfold provided support for Dugin’s view of the *mystical*, *salvific* role that “Mother Russia” was destined to play in the drama of world history. According to Dugin, however, it was the Russian *narod* or *Volk*, rather than Germany, that was the ontological-historical key to realizing “another Beginning.” For Dugin, the narrative structure of Heideggerian *Seinsgeschichte* remained intact. Heidegger had merely wagered on the wrong *Volk* or *narod*.

Dugin sought to rectify Heidegger’s “error” by envisioning Russia as a “Third Rome”: as the rightful heir to the Roman Empire. According to Dugin, twenty-first century Russia was a land-based “Behemoth,” whose “Eurasian Mission” was to annihilate the Anglo-American “Leviathan” as the “New Carthage.”

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Heidegger in Ruins: Between Philosophy and Ideology. *This essay is a based on a chapter from the latter book*.

NOTES

[1] Christoph Scheuermann, „The Steve Bannon Project: Searching in Europe for Glory Days Gone by," *Der Spiegel*, 29 October 2018, https://www.spiegel.de/international/world/stephen-bannon-tries-rightwing-revolution-in-europe-a-1235297.html [spiegel.de]. Bannon's claim that he wanted to turn Breitbart int the "platform of the alt-right," was quoted by Sarah Posner in, "How Donald Trump's New Campaign Chief Created an Online Haven for White Nationalists," *Mother Jones,* 22 August 2016.

[2] Hawley, *Making Sense of the Alt-Right* (New York: Columbia University Press, 2018), 61. For an account of Spencer's and Gottfried's formulation of the "Alternative Right" epithet, see Jacob Siegel, "The Alt-Right's Jewish Godfather: How Paul Gottfried—willing or reluctant—became the mentor of Richard Spencer and a philosophical lodestone for white nationalists," *Tablet* 29, November 2018.

[3] https://www.counter-currents.com/2014/11/dugin-on-heidegger/; *Counter-Currents* is a leading Alt-Right website. Accessed on 4 July 2020.

[4] Johnson, "What is the Alternative Right?" *The Alternative Right*, Johnson, ed. (San Francisco: Counter-Currents, 2018), 22. In "Beyond the Alt-Right: Toward a New Nationalism," Johnson asserts that "the one issue that White Nationalists most urgently need to destroy [is] the moral taboo against white identity politics. . . Our movement must prefigure the hegemony we want to create in the broader society, encompassing the full diversity of whites, united only by the central principle of white identity politics"; *The Alternative Right*, 288-89, 292-93.

[5] Heidegger, „Gelassenheit," GA 16, 521.

[6] Heidegger, *Überlegungen* II-VI, GA 94, 7. *** In *Politische Philosophie in Deutschland*: *Studien zu ihrer Geschichte* (Munich: Deutscher Taschenbuch Verlag, 1974), Hermann Lübbe describes the emergence of a dogmatic „Deutschland Metaphysik" as an integral component of the „Ideas of 1914." As the epitome of this mentality, Lübbe cites Marburg neo-Kantian Paul Natorp's (1854 – 1924) dictum: "The German aims to conquer the world, not for his own sake, but instead for that of humanity; not in order, thereby, *to gain something*, but instead *as an act of generosity*" (194). Lübbe traces the development of this „Deutschland Metaphysik" back to J. G. Fichte's *Addresses to the German Nation* (1807-08). He explains that, by elevating "German thinking, German philosophy, and German science" to the status of a metaphysical *summun bonum*, Fichte endowed "what was merely factual with the character of necessity." Hence, Fichte's demarche is only "comprehensible as the metaphysical

doubling of what is merely factual, thereby transforming it into an inner essence" (196 – 97). ***

[7] Andreas Umland, "Aleksander Dugin's Transformation from a Lunatic Fringe Figure to a Mainstream Political Publicist, 1890-1998: A Case Study in the Rise of Late and Post-Soviet Russian Fascism," *Journal of Eurasian Studies* I (2010), 146.

[8] Dugin, "Fascism – Borderless and Red," https://anticompromat.ru/dugin/fashizm.html; accessed on 9 November 2019.

[9] Heidegger, *Überlegungen* XII-XV, GA 96 (Frankfurt: Klostermann, 2014), 82.

[10] Andersen, *Rising from the Ruins: The Right of the 21st Century*, 93.

[11] Dugin, *Political Platonism,* trans. M. Millerman and C. Ó Conaill (London: Arktos, 2019), 87-88.

[12] *Political Platonism* is littered with Heidegger references, including extended discussions of "The *Volk* as Dasein," "The Existential Structure of the *Volk*," and "The Project of Authentic Society: The Existential Empire."

[13] See, for example, Anton Shekhovtsov's article, "Putin's Brain," *Eurozine* (September 2014); see also, Robert Zubrin, "Putin's Rasputin: Meet Aleksandr Dugin, the Mystical High Priest of Russian Fascism Who Wants to Bring About the End of the World," *The Skeptic* 20 (2015), 21; Julia Smirnova, "Putins Vordenker: ein rechtsradialer Guru," *Die Welt*, 11 July 2014; and Jens Siegert, "Was bewegt Wladimir Putin? Etwa Alexander Dugin?" https://russland.boelblog.org/2014/06/02 ; accessed 2 September 2020. As Veronika Dorman pointed out in *Libération,* «Alexandre Douguine: chantre de l'eurasisme anti-américain en Russie,» (27 April 2014), during the Ukraine crisis, Dugin's influence was especially noticeable in the case of two key Putin advisors: the economist Sergei Glazyov and the president of the Russian Duma Sergei Narychkin.

[14] See John Dunlop, "Aleksander Dugin's *Foundations of Geopolitics*," *Demokratizatsiya* 12 (2004), 43-44.

[15] Marlene Laruelle, "The Three Colors of Novorossiya, or the Russian Nationalist Mythmaking of the Ukrainian Crisis," Post-Soviet Affairs 32 (2016): 55–74.

[16] Claus Leggewie, *Anti-Europäer*, 62.

[17] Ibid.

[18] Douguine, "La Victoire de Donald Trump," *Katechon*, 10 November 2016.

[19] Bernhard Odehnal, "Gipfel treffen mit Putins fünfter Kolonne," *Der Tagesanzeiger*, June 3,

2014. See the useful discussion in Shekhovtsov,*Russia and the Western Far Right* (New York: Routledge, 2018), 199.

[20] Quoted in *Eurasianism and the European Far Right: Reshaping the Europe-Russia Relationship*, Marlene Laruelle, ed. (Lanham, MD: Lexington Books, 2015), vii.

[21] Heidegger, *Überlegungen* II-VI, GA 94 ,124.

[22] Dugin, *Heidegger: The Possibility of Russian Philosophy* (Moscow, 2011), 115; cited in M. Brumlik, "Das alte Denken der neuen Rechten," *Blätter für deutsche und internationale Politik* 3 (2016). For a complete list of Dugin's books on Heidegger, see https://evrasia-books.ru.

[23] See Alexander Shekhovtsov, "Alexander Dugin and the West European New Right, 1989-1994," in *Eurasianism and the European Far Right*, 35-54.

[24] Leggewie, *Die Anti-Europäer*, 73-74.

[25] Heidegger, *Die Geschichte des Seyns*, GA 69 (Frankfurt: Klostermann, 1998), 74.

[26] Dugin, *Heidegger: The Philosophy of Another Beginning* (London: Arktos, 2014), 162-164; emphasis added.

[27] Dugin, "Donald Trump: The Swamp and the Fire," **https://www.4pt.su/en/content/donald-trump-swamp-and-fire;** accessed on 9 November 2018.

[28] Heidegger, *Einführung in die Metaphysik*, GA 40 (Frankfurt: Klostermann, 1983), 40-41; *Introduction to Metaphysics*, trans. Ralph Manheim (New Haven: Yale University Press, 1959), 37.

[29] Dugin, *Heidegger: Die Möglichkeit der Russischen Philosophie* (Moscow, 2011), 115, quoted in Brumlik, "Das alte Denken der neuen Rechten," 110-111. Also see J. Backman, "Radical Conservatism and the Heideggerian Right: Heidegger, de Benoist, Dugin," *Frontiers in Political Science*(September 2022) : "The notion of an end of the metaphysics of subjectivity that, for Heidegger, dominates modernity and culminates with Nietzsche, and of an emerging postmodern 'other beginning 'centered around a hermeneutics of historical and cultural finitude *underpin an ethnocultural particularism and relativism and a pluralistic geopolitical theory sharply opposed to all forms of liberal universalism*" (4).

[30] Dugin, *The Fourth Political Theory*, trans. M. G. Selboda (London: Arktos, 2012), 234.

[31] Weiß, *Der autoritäre Revolte*, 200.

[32] Dugin, *The Last War of the World Island*: *The Geopolitics of Contemporary Russia*, trans. J.

Bryant (London: Arktos, 2015), 10.

[33] Ibid., 8.

[34] Ibid. 13.

[35] See Rossman, “Moscow State University’s Department of Sociology and the Climate of Opinion in Post-Soviet Russia,” in *Eurasianism and the European Far Right,* 66.

[36] Shenfield, *Russian Fascism***:** *Traditions, Tendencies and Movements* (New York: Routledge, 2000), 194.

[37] Cited by Andreas Umland, „Faschismus à la Dugin,“ *Blätter für Deutsche und Internationale Politik* 12 (2007), 1432.

[38] Anton Barbashin and Hannah Thoburn, “Alexander Dugin and the Philosophy Behind Putin’s Invasion of Crimea,” *Foreign Affairs*, 31 March 2014.

[39] An English translation by Nina Kouprianova appeared in 2014, under the imprint of Alt-Right impresario Richard Spencer’s Washington Summit Institute. At the time, Kouprianova and Spencer were husband and wife. The preface to the English translation was written by Paul Gottfried, the doyen of American paleo-conservativism, who, in 2007, along with Spencer, coined the term “Alternative Right.” See, Jacob Siegel, “The Alt-Right’s Jewish Godfather: How Paul Gottfried—Willing or Reluctant—Became the Mentor of Richard Spencer and a Philosophical Lodestone for White Nationalists,” *Tablet*, 29 November 2016.

[40] Heidegger, “Building, Dwelling, Thinking,” in *Poetry, Language, Thought*, trans. A. Hofstadter (New York: Harper Row, 1977), 143 – 161.

[41] Young, “The Fourfold,” in the *Cambridge Companion to Heidegger*, C. Guignon, ed. (New York: Cambridge University Press, 2006), 273; Frederick Olafson, “The Unity of Heidegger’s Thought,” *Cambridge Companion to Heidegger,* 117. See also, Matthew Sharpe, “In the Crosshairs of the Fourfold: Critical Thoughts on Alexander Dugin’s Heidegger Interpretation,” *Critical Horizons* 21 (2020), 167 – 187.

[42] Dugin, *Rise of the Fourth Political Theory*, trans. M. Millerman (London: Arktos, 2017), 212.

The Rise and Fall of Church-State Separation and the Need to Reclaim It

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The separation of church and state is on its deathbed. The encroachment of religion into the public square over the past several decades is a threat to democratic norms and sensibilities. It is commensurate with the merger of religion and the state, and we should be very concerned. Among the darkest forces in human history has been the authoritarian juggernaut of religious nationalism. We see this emerging globally in nations such as Turkey, Hungary, India, Israel, Russia, and elsewhere in varying shades of intensity.

The rise of religious power on American soil undoes centuries of church-state separation as a bulwark of both religious freedom and democratic governance.

We live in an era of contentious reflection on America's origins, and a weakening of national self-confidence. Most significantly, there is probing examination of the legacy of slavery and how its lasting impact has been baked into the American fabric. Likewise, there is an examination into the much vaunted self-regard of the United States as a land welcoming to immigrants. Current paroxysms of xenophobia have occasioned questioning whether, and to what extent, the positive gloss placed on that history is warranted.

A momentous existential question presents itself one that augurs the direction American society will take as we inexorably move forward. Does the promise of prevailing American ideals as expressed in our founding documents possess enough vitality to sustain credibility in a benign future and inspire recommitment to the creation of a more perfect union? Or, will cynicism work to hasten the progressive decline of America?

Regardless of assessments of America's founding, one area in which cynicism is unwarranted is in its commitment to the separation of church and state. In my view, it has been a gift to American society and the world. Three realities have issued from it. First, separating the domains of religion and civil society has protected religious freedom while ensuring that government and its authority have not become a vehicle for the deployment of religious doctrine. Second, that freedom has ensured a religious "marketplace of ideas" resulting in religious flourishing on American soil. It has also inspired *relative* religious tolerance.

It is true that religious hatred and violence have not been foreign to American history. The Ku Klux Klan doubtlessly place Blacks at the pinnacle of their vitriol and violence. But next in their hierarchy of hate were Catholics and Jews. Indeed, the religious fault lines between Protestants

and Catholics helped define American society from its beginnings until recent decades. The fear of “papist” conspiracies issuing from the Vatican was widespread in Protestant-dominant America. Xenophobic contempt of Catholics, primarily Irish and Italians, bled into nativist and anti-immigrant campaigns that often enlisted the government’s assistance. And I am old enough to recall John F. Kennedy’s bid for the presidency when he bent over backward time and again to proclaim that if elected to the White House his primary loyalty would be to the Constitution and not to the Pope in Rome.

Quotas placed on Jews limiting college admissions and restrictive covenants barring places of residence were commonplace. Today, I would argue that the authoritarianism issuing from Donald Trump and his supporters is in great measure fueled by the huge evangelical subculture. As will be discussed below, this political groundswell is enabled by the growing turf controlled by religion as it encroaches onto the public realm.

Yet with that said, while America has experienced a very great measure of racial violence, it has not experienced religiously-based violence to nearly a similar degree. This is especially the case when compared with Europe, India, the Muslim world, and elsewhere. This relative absence of violence, I conclude, results in great measure from the separation of religion from governmental authority and a defanging of religious power that issues from it.

Church and state separation had a long and painful birth. It is tragic to witness that after centuries of putting the tiger in the cage, we are rapidly releasing it again. Its gestational period was the European Wars of Religion, the century and a half when the soil of Europe was drenched with the blood of Catholic and Protestant combatants.

Since the emergence of the modern period, and its dethronement as the dominant force in society, religion has had to find its place alongside of, and often in competition with, other institutions and preoccupations that have held the loyalty and attention of women and men. Religion has found itself among many social and political actors jockeying for influence in society. In this jockeying, the place of religion as a political force has often been an uneasy one.

Relegating this essay to the West, the pivotal turning point was the 16th century when Protestantism emerged to challenge the hegemony of the Catholic Church in northern Europe, which until then held a virtual religious monopoly. With Protestantism came a rise in the recognition of the individual and in Protestantism’s commitment to the “priesthood of all believers,” enabled by the spread of ideas through the printing press, which was the internet of its age.

The Wars of Religion were extraordinarily violent and lasted for 130 years. In England, they involved the conflict over governance and sovereignty.

It was often assumed that the political realm on earth was a reflection of the divine realm characterized by its goodness and perfection. Some forward thinkers began to ask if such were the case, how did we make such a mess of things? Among them, the Englishman Thomas Hobbes, a modern Epicurean, was a critic of religion. Hobbes, in fact, may have been an atheist

who held that religion was negative a force and a driver of violence.

Hobbes, in his magnum opus, the *Leviathan*, was the first thinker to propose the modern state, in which the government and the people would form a social contract. The people would pool their power and freedom and transfer them to the government in the person of the sovereign. The sovereign in return would provide security and protection, as well safeguard what Hobbes recognized as a natural right to life. Hobbes was an authoritarian and all power in the social contract was transferred to the sovereign, including the power to regulate religion. We would not want to live in Hobbes' state, but his idea of the social contract included the radical notion that the power of government came not from God above but from the people below.

The power of government issuing from the people found a home in the U.S. Constitution, a totally godless document. Its opening words could well have read "we the children of our lord Jesus Christ band together to form a more perfect union." Rather the founders began the Constitution with the phrase "We the People" Arguably, the ghost of Thomas Hobbes and his intellectual heirs were looking over the shoulders of the Constitution's drafters.

The thinker much closer to our purposes was John Locke. Unlike Hobbes, Locke was a devout Protestant who was among the most important figures to influence the American founders. Locke, like Hobbes, fashioned a system of government based on a social contract between the people and their government. Unlike Hobbes, the heads of state in Locke's government ruled provisionally and could hold their offices on the condition that they protected the natural rights of the people, recognized by Locke as the rights to life, liberty, and property.

But amid the horrors of religious warfare, (and admittedly wary of Catholic power) Locke had an approach to religion very different from Hobbes's. It was both brilliant and radical. Locke recognized that when the power of the state is married to the power of religion, which conveys the absolute power of the Creator, the union thus formed by that marriage is so overwhelmingly potent that no force on earth can impede its authority.

Locke proposed a solution that was arguably ingenious. His approach was to privatize religion and thereby decouple it from its union with the state. Locke declared in his *Letter on Toleration* "The care of Souls cannot belong to the Civil Magistrate, because his Power consists only in outward force: But true and saving Religion consists in the inward persuasion of the Mind; without which nothing can be acceptable to God." In other words, a person's religious belief is a matter of his or her individual conscience and their private relation to God. In no way is it a matter of state concern.

Locke's prevailing interest was to protect the freedom of religious conscience. As a devout Bible-based Protestant, he held that the Gospels validated such freedom. His preoccupation was in protecting the freedom of religion from the state more than corrupting the state through the infusion of religious doctrine. But Locke's governing principle was that the realm of government, which regulates practical and secular affairs, is a domain totally separate from the religious sphere that is devoted exclusively to a person's relation to his God and his personal

salvation. It would be germane to cite Locke's *Letter:*

"…the care of souls is not committed to the civil magistrate, any more than to other men. It is not committed unto him, I say, by God; because it appears not that God has ever given any such authority to one man over another as to compel anyone to his religion. Nor can any such power be vested in the magistrate by the consent of the people, because no man can so far abandon the care of his own salvation as blindly to leave to the choice of any other, whether prince or subject, to prescribe to him what faith or worship he shall embrace. For no man can if he would conform his faith to the dictates of another. All the life and power of true religion consist in the inward and full persuasion of the mind, and faith is not faith without believing. Whatever profession we make, to whatever outward worship we conform, if we are not fully satisfied in our own mind that the one is true and the other well pleasing unto God, such profession and such practice, far from being any furtherance, are indeed great obstacles to our salvation."

"Further, the magistrate ought not to forbid the preaching or professing of any speculative opinions in any Church because they have no manner of relation to the civil rights of the subjects. If a Roman Catholic believes that to be really the body of Christ which another man calls bread, he does no injury thereby to his neighbour. If a Jew does not believe the New Testament to be the Word of God, he does not thereby alter anything in men's civil rights. If a heathen doubt of both Testaments, he is not therefore to be punished as a pernicious citizen. The power of the magistrate and the estates of the people may be equally secure whether any man believe these things or no. I readily grant that these opinions are false and absurd. But the business of laws is not to provide for the truth of opinions, but for the safety and security of the commonwealth and of every particular man's goods and person. And so it ought to be."[1]

In so declaring, Locke was the major influence on the authors of our Constitution's First Amendment's religion clauses, which embody the separation of church and state.

But that separation had other sources that fed into it. The most pronounced was Roger Williams, a devout Puritan who preached in the Massachusetts Bay Colony. Williams was an extremely learned, self-confident, stubborn, and courageous man who believed that the Puritan government that demanded conformity in religious belief and practice was an outrage. Given human fallibility, it is ensured that the government could do nothing but corrupt the purity and truth of God's word. Roger Williams was banished from Massachusetts, and with help of Native Americans, set up his own government in Rhode Island.

Williams ensured that the state would be totally free of religious control, not to protect the state from religion, but to protect the sanctity of religion and religious conscience from defilement by the state. Williams wanted his politics to be godless. Britain gave Rhode Island a charter allowing Williams to govern as he pleased, and his separation of the government from religion, and Rhode Island's protection of religious conscience, made that colony the freest place in the Western world.

Williams wrote famously of the separation of the garden from the wilderness, clearly underscoring that the church was the garden and the world was the wildness, which, again, Williams held was a defiling and corrupting environment. Williams, unlike Jefferson and Madison, was not an Enlightenment figure, but his influence in creating a separation of church and state on American soil was profound, decades before the contributions of John Locke.

But it was Locke who had the greatest influence on America's founding principles. Throughout history, the state was construed as a vehicle promoting divine intentions and godly virtues. In Locke's view, the state and its laws served exclusively to organize secular society, sustain the peace, and protect the natural rights of its citizens. For Locke, the state has no religious mission or purpose. This separation of the state from religion and religious values reflected a major shift in the understanding of the role of government in directing human affairs prior to the modern period, and it left a deep influence on America's founders. It is this separation that is being undone by contemporary conservatives in an effort to restore the pre-Enlightenment status quo.

The idea of separation took hold most cogently in the mind of Thomas Jefferson, who introduced a bill into the Virginia Assembly which became incorporated into the Virginia Bill of Rights. Jefferson considered it one of his greatest achievements. That document declared that "our civil rights have no dependence on our religious opinions any more than our opinions in physics or geometry."[2] The Bill had its defenders, but it had detractors as well. It made Jefferson the enemy of many members of the clergy who railed against him as an "atheist," and a "French infidel." But the Virginia statute became famous in Europe, where it was lauded as proof that America represented the true realization of the Enlightenment and its liberal ideals.

The principle of the separation of church and state reached its high-water mark in the First Amendment of our Constitution of which James Madison, whose views on Lockean liberalism were similar to Jefferson's, was the primary author. It famously lays down in 16 words that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It's a ringing testament to the free mind and the unrestrained conscience. It protects government from religion while vouchsafing the freedom of individual religious belief.

Despite Jefferson's and Madison's status as the architects of the Constitution, their interpretations defending the separate spheres of government and religion were not universally affirmed. From its origins, separation has been the basis of an ongoing struggle between those who have sought to keep religion and government free of each other and those committed to the primacy of religion, and who see a place for the government's support of religion and as a conveyor of religious purposes.

There are two religion clauses, not one, and they are not self-executing. Like all other Constitutional principles, they require interpretation. Indeed, the non-establishment clause and free exercise clause, when applied, often conflict with each other, requiring, at times, that there must be some state accommodation with religion. A result is that the wall of separation between church and state is not a totally clear and straight line, but a wavering one, and takes

on somewhat different contours when examined on a case-by-case basis.

Such cases are, of course, adjudicated by the courts, especially the U.S. Supreme Court. But it's of interest that the Supreme Court did not begin to address church-state issues, with few exceptions, until as late as the 1940s, and frequently during the Warren Court, which was the most liberal in the Court's history.

Perhaps the most basic decision on church-state relations was rendered by the Court in 1947 in the *Everson v. Board of Education* case. The case involved whether parents who send their children to parochial schools could be reimbursed for the cost of busing their children to religious schools.

The prevailing decision was written by Justice Hugo Black, arguably the greatest defender of separation in the Court's history. In that decision, Black, nevertheless, ruled that the First Amendment allows for reimbursement on the grounds that such bussing is not a religious function. He made the analogy that tax money may be used to have police direct traffic in front of such schools to ensure the safety of children entering or leaving the building, and for fire departments that are committed to extinguishing fires when churches are ablaze. I cite the *Everson* case, because in it Hugo Black articulates, in sweeping terms, what I hold is the classic and correct understanding of the relation of church to state. Justice Black wrote,

"The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between Church and State.'"[3]

After *Everson* came the Warren Court, as noted, the most liberal in the Court's history. It included, in addition to Hugo Black, such giants as Thurgood Marshall, William O. Douglas, and William Brennan Jr., all of whom broadly upheld a staunch church-state position as defined by Black in the *Everson* case.

On a personal note, these were my judicial heroes. It marked the period when I was most active with the American Civil Liberties Union (ACLU), which included providing testimonies before the New Jersey senate judiciary committee on church-state relations, and occasionally testifying as a fact witness in court cases defending that position on behalf of the ACLU.

Through the years, the Court articulated the defense of church-state separation in subsequent

cases. Another landmark was *Lemon v. Kurtzman,* decided in 1971.

The *Lemon* case challenged laws in Rhode Island and Pennsylvania that permitted tax-funded reimbursement to church-affiliated schools, covering expenses such as teacher salaries and the costs of textbooks and other instructional materials. The Court struck down those laws, arguing that they violated the Establishment Clause. In so doing, the majority laid down the "Lemon test" to determine whether the laws violated the Establishment Clause. The Lemon test served as the standard for 50 years until it was very recently explicitly struck down by Justice Neil Gorsuch.

The *Lemon* decision provided a three-prong test to determine whether a law was permissible under the Establishment Clause. Those conditions were the following:

"the government conduct (1) must have a secular purpose, (2) must have a principal or primary effect that does not advance or inhibit religion, and (3) cannot foster an excessive government entanglement with religion."[4]

But Supreme Court rulings in the past 50 years since *Lemon* have changed. The baneful consequence is that the wall of separation, affirmed by Thomas Jefferson, James Madison, and other founders of our secular state, has badly eroded and arguably is near destruction.

In the realm of judicial doctrine, the wall of separation has been replaced by another doctrine, namely that of religious accommodationism. A definition of accommodationism was rendered by Joseph Lieberman when he was attorney general of Connecticut. In a speech given to the Rabbinical College of America, an ultra-Orthodox Yeshiva in Morristown, New Jersey, in 1987, Lieberman said the following:

"On a few occasions, when the Court has wanted to avoid the logical conclusion of the Lemon test, it has abandoned it and applied another test.

That one is called the rule of accommodation, and its advocates are known as accommodationists. Accommodationists believe that the Lemon test is too restrictive and, if applied arbitrarily, will strike down every governmental program which remotely involves religion because it can be argued that every such program benefits religion, to some extent and entangles government and religion even if it has a secular purpose. Accommodationists feel strongly that that is not the result the Constitution's authors intended, nor is it what we should want today. Accommodationists believe that it is reasonable for government to accommodate I tself to religious observance and practice so long as no one religion is established as the official nation faith, and no individual's right to exercise his own religion is limited in any way."

Lieberman's analysis turned out to be a vast understatement. With the emergence of accommodationist doctrine, the floodgates have opened and religion, and ominously religion of a very conservative kind, is aggressively taking over the public square and is increasingly making itself an arm of the state. With that seismic shift, the powerful religions, the ones with

the greatest political influence, despite Lieberman's anodyne pronouncement do indeed violate the religious conscience of others. In light of religious accommodation between church and state, they have succeeded in taking away the basic rights of vast swaths of Americans in furtherance of their religio-political agendas.

And we have much more to fear as this religious juggernaut has commandeered the Supreme Court as its potent ally. The most salient case in point was the recent *Dobbs* decision that rescinded *Roe v. Wade*, and by doing so has greatly destroyed the right to bodily autonomy and privacy of half the American female population, those living in states with restrictive abortion laws.

We should not be deceived. It was not technical jurisprudential concern with the implications of "liberty" in the due process clause of the 14th Amendment that swayed the Justices. Rather, it was what appears evident to the layperson: The determinative factor was religious bias on behalf of the Justices primarily four conservative Catholic Justices, who upheld the majority vote overturning *Roe.* In that regard, Linda Greenhouse, the former longstanding Supreme Court reporter for the New York Times, wrote:

"…it was the court's unacknowledged embrace of religious doctrine that has turned American women into desperate refugees fleeing their home states in pursuit of reproductive health care that a month ago was theirs by right."[5]

In another recent case I will introduce below, Neil Gorsuch stated that "this Court long ago abandoned *Lemon.* In place of *Lemon* and the endorsement test, this Court has instructed that the Establishment Clause must be interpreted by reference to historical practices and understandings."[6] Justice Clarence Thomas has used the same language to reinforce the standard of "historical practices and understandings." We need to ponder and be deeply concerned about the application of such a principle and its very wide interpretations in the minds and decisions of conservatives, ultra-conservatives, and reactionaries. It is an example of so-called originalist thinking. But it is selective originalism. Those concerned with origins and "historical understandings"should turn to James Madison, the primary author of the Constitution, who was of the firm conviction that "religion and Government will both exist in greater purity the less they are mixed together."

We have much to fear as to what is coming next. *Roe v. Wade* was based on protecting a woman's right to privacy. That right was grounded on the precedent of the earlier decision, *Griswald v. Connecticut.* In 1965, *Griswald* encoded the Constitutional right to purchase and use contraceptives. A politically powerful swath of Christian evangelicals, and their allies in the Catholic hierarchy, oppose birth control. After *Dobbs,* Clarence Thomas implied that he is an ally of those seeking to challenge *Griswald.* In the march to impose Christian values on the rest of us, in this extreme climate, we shouldn't be surprised that *Griswald* will find itself on the Court's docket in due time.

Despite claims of floating above the political fray, the judiciary is unmistakably responsive to

political movements on the ground. The advance of religion into the public domain is a prime example.

The major political shift, which has funneled upward to influence decisions on religion rendered by the Supreme Court, occurred in the late 1970s when evangelical Protestants re-entered the political arena after 50 years of quiescence, that is, since the Scopes trial of 1925. In a recent interview with Professor Randall Balmer of Barnard College, one of the premier historians of evangelical Christianity and the Christian Right, I noted that the repoliticization of evangelicals under the leadership of Jerry Falwell and his Moral Majority has moved the American political landscape far to the Right. Balmer concurred, noting that in his view it was the most consequentially political phenomenon of the past half-century. Christian Right activists continue to assert their influence in all sectors of society from the White House to local school boards.

Having attained its political high-water mark in the George W. Bush administration, the Christian Right has become immensely powerful and had held many members of Congress in its pocket. President Bush was arguably considered by evangelicals to be the leader of the Christian Right. And though their influence may be slightly less salient since the Bush presidency, evangelicals, who comprise approximately 25 percent of the American population, exert tremendous political power. They are the mainstay of Donald Trump's political supporters.

Abortion has been the jewel in the crown of the Christian Right's activism. But as is well known, the evangelical movement is hostile to gays and gay marriage, is patriarchal, if not misogynistic, and has advocated for conservatives to be appointed to the judiciary. In great measure, evangelicals supported Trump because of his pledge to put conservative Justices on the Supreme Court, which he assuredly did. More broadly, they are contemptuous of liberalism, secularism, and a pluralistic society. Almost 85 percent of evangelicals voted for Trump.

Balmer has also written about how the evangelical subculture was repoliticized because of the integration of the public schools in the 1950s, which inspired them to form their own Christian academies. Because they were racially segregated, these private religious schools lost their tax exemption, Bob Jones University being the most prominent. It was the removal of their tax exemption in the 1970s that angered them most and caused them to enter the political fray, and not *Roe v. Wade,* as is often assumed. The conclusion is inescapable that behind Christian Right politics lies a racist motive.

With political power comes corruption, and Randall Balmer has written that religiously based values and the message of Jesus as expressed in the New Testament no longer count for much among evangelicals. As he notes, "(evangelicals) … have lost their prophetic voice, leaders of the movement and the Religious Right itself have become little more than a political interest group."[7]

Not all evangelicals are fundamentalists, but many are. A component of the fundamentalist agenda aims to have their religious doctrine become the law of the land, binding on all citizens, both believers and the population at large. Consequently, the most militant arms of the Christian Right have worked toward the progressive takeover of government by religion in conformity with their beliefs and values. They often play the victim card to strengthen their attack while making their case in the name of religious freedom. They have increasingly expressed hostility toward secular government, Democrats, social welfare programs, liberalism, pluralism, feminism, gay rights, the critique of racism, and all values that have a progressive cast. As society at large is becoming more secular, and people are leaving the churches in unprecedented numbers, the Christian right has become more desperate, more extreme and increasingly reactionary.

When I speak of the movement of religion into the public square, the Christian Right, often in allyship with the Catholic Church, can count the rescission of *Roe v. Wade* as its greatest victory so far. But there have been many others. Through the power of the Supreme Court, which now includes seven Catholic members, they have been able to secure religious icons on public lands and provide vouchers to parents sending their children to parochial schools. A result is that taxpayers are subsidizing religious education that violates their own conscience. The *Hobby Lobby* case denied birth control coverage to employees of that company because it violated the religious beliefs of its owners. In the *MasterpieceCake shop* case, the Court ruled that a baker could refuse to bake a wedding cake for a gay couple based on his Christian convictions, in violation of public accommodation and anti-discrimination laws. (This case was argued on narrow grounds and the Court has indicated that the larger issues will be revisited).

Perhaps the policy that has been among the most destructive to the wall of separation was not a court case but the creation by the federal government's Faith-Based Initiative otherwise known as Charitable Choice.

Charitable Choice began in the Clinton White House but greatly expanded under the Bush administration. It provides government funding directly to churches to support social service programs. In the past, if churches wanted to provide social services to assist the needy, they had to establish separate 501 (c) (3) non-profit organizations with separate boards, and those services had to be rendered outside of church grounds. Also, they could not discriminate in their hiring practices based on the religious identities and beliefs of the people they hired to deliver their services. With Charitable Choice, those stops have been eliminated. It is a massive government giveaway to the churches, especially the large and politically well-connected denominations, and we can conclude that those services are accompanied by religious proselytizing. Money is fungible, and religious freedom ensures that government takes a hands-off approach to the churches. The lack of oversight leads to abuse. One can readily ask whether tax dollars are used to pay to repair the leaky roof in the church or the minister's salary.

With the passage of time and a Supreme Court increasingly friendly to religion, the expansion of religion into the public domain continues to assert itself. This past June, the Supreme Court in a 6-3 decision ruled that the State of Maine, which subsidizes students attending private

schools, must now support the tuition of students attending religious schools. One can only conclude that this is a breathtaking violation of the Establishment Clause.

In one of his final dissenting opinions before his planned retirement, Justice Stephen Breyer said the Court seems to have lost all interest in enforcing the Constitution's prohibition on the establishment of religion. He wrote,

"The First Amendment begins by forbidding the government from 'mak[ing] [any] law respecting an establishment of religion.' It next forbids them to make any law 'prohibiting the free exercise thereof.' The Court today pays almost no attention to the words in the first Clause while giving almost exclusive attention to the words in the second."[8]

Breyer also said the Court was opening a Pandora's box with its decision, suggesting that it was simply a way station toward requiring all communities to use taxpayer funds to pay for religious schooling. I personally find this categorical assessment by a Supreme Court Justice of his peers a remarkable and definitive statement on how far we have come.

Justice Sonia Sotomayor also dissented, lamenting what she sees as a series of decisions bringing the government closer to direct sponsorship of religious activity.

In very demonstrative terms, she stated,

"This Court continues to dismantle the wall of separation between church and state that the Framers fought to build." "It is irrational for this Court to hold that the Free Exercise Clause bars Maine from giving money to parents to fund the only type of education the State may provide consistent with the Establishment Clause: a religiously neutral one. Nothing in the Constitution requires today's result."[9]

In a decision six days later, the Court determined that a football coach could pray in public view on the 50-yard line. The prayers of coach Joe Kennedy were audible, done in public view, gathered students around him to join in prayer, and had been going on for years. Justice Sotomayor, again writing for the dissenting minority, stated that the Court "weakens" the Establishment Clause's "backstop" protecting religious freedom.

"It elevates one individual's interest in personal religious exercise, in the exact time and place of that individual's choosing, over society's interest in protecting the separation between church and state, eroding the protections for religious liberty for all."[10]

These decisions by a religion-friendly Supreme Court are violating the religious conscience of those who believe differently, including religious minorities as well as humanists and secularists. Increasingly, because of the political influence of the Christian Right, we are inching closer to having an established religion, a theocracy, in all but name; ironically at a time when society is becoming more religiously diverse, and, as noted, increasingly secular.

The governing dynamic is that these decisions from the high court both enable and are

responsive to very powerful and extreme forces on the ground.

A very dark storm is coming over the horizon, and it is driven by ultra-conservative, fully politicized religion that seeks to impose its extremist vision on the rest of us. Many who stormed the capitol on January 6th were carrying Christian symbols.

With the last midterm elections we found American democracy is teetering on a precipice. For the moment, the forces of authoritarianism and incipient fascism have retreated. In that election close to 300 candidates running for House, Senate, or key state offices of the governor, lieutenant governor, secretary of state, or attorney general have either denied or publicly questioned the results of the election and embraced the Big Lie. While we can breathe a momentary sigh of relief, we remain in a battle for the life and soul of our democracy. The constituencies that supported these candidates include tens of millions of Americans. The social, economic, and political dynamics that have given birth to and fuel the extremism, irrationality, and distrust of democracy endure and remain potent.

This is not a good thing. While most religious accommodationists will concede that the Constitution bars the United States from having an established religion, we now witness mainstream candidates who declare themselves “Christian nationalists.” Such Christian nationalists believe America has gone astray and a true America is an America which is a white, Christian nation. Not Christianity of any sort, but again, a Christianity that reflects their extreme version of a politicized Christianity. And many feel that violence is a justified vehicle to achieve their ends.

Governor Ron DeSantis of Florida has been presented as an anodyne alternative to Donald Trump, but he takes his place among Christian nationalists, as do Congresswomen Lauren Boebert of Colorado and Marjorie Taylor Greene of Georgia; all, needless to say, are Republicans. When polled, 61% percent of Republicans say they want to see America declared a Christian nation.

Such is the domestic variant of religious nationalism characterized by the merger of religion with the powerful feelings that comprise the darker reaches of national and ethnic unity. It is the breeding ground of fascism. Religion and nationalism are among the two most powerful supervening forces that form a person’s identity, claim their allegiance, and mold their values.

Religion can appeal to the most sublime of human thoughts and aspirations. It can also support and legitimate the basest instincts and behaviors of which human beings are capable. Religion often predicates its “truths” in absolutes. It is adept at drawing thick lines between insiders and outsiders, the believer and infidel, the blessed and the wicked, the saved and the damned. It sets the stage for xenophobia and the violence that follows. Part of religion’s allure is an appeal to the mysterious.

Nationalism is rooted in ethnic and cultural solidarity. As with religious affiliation, nationalism provides the individual with a sense of identity, place, and purpose. It is animated by the universal need of people to feel at home in the world, and this proclivity is reinforced by

communion with others like oneself with regard to language, shared values, and common folkways that define national identity. To varying degrees, nationalism results in increasing identification of the individual with the purposes and causes of the group as individual autonomy begins to fade. The stage is set for authoritarian rule and the emergence of fascism. The values fundamental to democracy – individual freedom, autonomy, critical thought, the right to dissent, and a regime of checks and balances – stand in stark contrast to the malignant forms of nationalism.

Conjoining nationalism with religion provides it with an idealized, even romanticized, attraction that overwhelms the power of reason and augments its political danger. It is an ominously dark phenomenon that we witness in the Christian Right today.

There is a long history of religion aligning itself with and fueling the most despotic and fascistic regimes in the political career of humankind. We can invoke the alliance of the Catholic Church with the Franco dictatorship in Spain, and then in the 1970s with the military junta in Argentina. We see it today in Modi's India and the triumphalism of "Hindutva," the movement to transform a pluralistic and democratic India into a Hindu state. Israel has just installed its most reactionary government, giving increasing power to the growing Orthodox sectors of the populace. It threatens Israel's democratic character already diminished by the protracted occupation of Palestinian Territory itself spearheaded by religious ideology. Today, Vladimir Putin, the latter-day czar of Russia, has the blessing of the Russian Orthodox Church. In the emotional grasp of religious nationalism, reason speaks with a weak voice, a voice that is essential to the maintenance of democracy and democratic sensibilities.

American democracy and freedom, as well as religious freedom, were built on the disengagement of religion from the state. Today we witness that fateful alliance reemerging in our midst.

The times we are in bring into stark relief the conscious reclaiming of democracy and its values.

Moving ahead we need to ensure that we diligently educate our children in democratic and constitutional principles and the importance of civic engagement. We need to promote and elect to office leaders who speak a public language and understand that whatever their private convictions, religious belief has no place in political and public discourse within a pluralistic and secular republic. And we need to ensure that such leaders appoint to our judiciary judges who will work to reverse the tide. We need to work to restore our time-honored commitment to keeping the church private while our government remains committed exclusively to protecting our rights and enhancing opportunity for all.

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Crime, the Dangers of Racial Tropes, and the Limits of Racial Metaphors

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"Why do people who deal drugs have more rights than people who try to get up and go to work everyday and take their children to school," asked San Francisco's Mayor London Breed in an interview with KQED, a San Francisco based media company.[1] This was her response to a question about a previous statement saying that San Franciscans need to be "less tolerant of all the bullshit that has destroyed our city."[2] When one reporter challenged her, Breed, the city's first African American woman mayor, accused Honduran immigrants of being the ones primarily responsible for drugs and drug-related crime in the city. After Breed described anecdotes of citizens living in the Tenderloin who have faced brutal and extreme instances of violence, including assault and murder, she doubled down on the claim that drug dealers have more rights than the average citizen. According to her, when arrested, Hondurans exploit the law by claiming they are being targeted and racially profiled. Reed emphasized that they are breaking the law instead of being singled out because of their race. Honduran immigrants being largely responsible for crime and drugs is simply, she said, "the reality."

Breed later apologized, but the damage was done.[3] Reed's statement represents the newest iteration of a well-worn strategy in American politics: dog whistle politics. Reed was not alone in deploying racial tropes during the 2022 midterm elections. This essay will review more traditional examples of dog whistle politics, specifically the ways white politicians primed crime[4] and fashioned "causal stories"[5] that deliberately, if implicitly, blamed crime and other social ills on the individual behaviors of a racialized "other." It situates these efforts within a broader historical and scholarly context, revealing how these appeals not only impact specific elections but also serves broader agenda setting purposes. It shows how racial appeals have been used to shift the discursive terrain of American social policymaking from one focused on complex structural forces to one fixated on individual behaviors.

After drawing out the useful analytical insights of this rich literature, this essay then illuminates its analytic shortcomings, particularly its dismissal of actual crime and the politicization of it within communities of color. Although national data fail to show a significant increase in crime in 2021,[6] the devil is in the details. In 2021, at least 12 major cities broke yearly homicide records.[7] That same year, homicides in Breed's San Francisco rose from their pre-pandemic levels.[8] As the *Philadelphia Inquirer* reported at the end of last year, "Philadelphia has recorded its 500th homicide this year, surpassing a bleak milestone for the second year in a row as the city's gun violence epidemic continues at an unrelenting pace,

leaving devastating loss and trauma in its wake." It added, "While the total number of homicides recorded so far this year is slightly lower than last year's record-breaking total, it's a loss of human life the city has only twice recorded in its known history, and matches the record of 500 killings set in 1990, at the height of the crack-cocaine epidemic."[9] The racial disparities in these tragedies is astounding. In 2022, Blacks constituted 77% of victims of fatal and nonfatal shootings in Philadelphia. That's compared to just 7% of whites.[10]

Consequently, this essay explores the crime attitudes of communities of color and the anti-crime appeals of minority politicians. The data are somewhat counterintuitive, though not entirely surprising. Despite urban rebellions and grassroots mobilization against the carceral state over the last several years, many African Americans and Hispanics support greater policing of their communities. It ends by reflecting on the fundamental danger crime poses to American politics: its ability to unite erstwhile political opponents around punitive solutions and obscure the complex origins of the structural vulnerability to violence Black and brown communities endure.

Dog Whistles, Race Cards, and the New Jim Crow

We have learned much about the racial origins and consequences of mass incarceration in the United States. Michelle Alexander ties the prison boom to the unyielding American racial order. "Following the collapse of each system of [racialized] social control," she argues, "there has been a period of confusion—transition—in which those who are most committed to racial hierarchy search for new means to achieve their goals."[11] In response to the significant achievements of the civil rights era, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965, as well as substantial declines in overt racist attitudes among whites,[12] national Republican elites launched a "southern strategy" that exploited racial fears to woo white working-class voters from the Democratic party. For Alexander, the "war on drugs" operated as the mechanism linking this political project to policy action and social outcomes. Ronald Reagan instigated a moral panic over "crack," which validated the over policing of Black and brown communities and inaugurated a new racialized caste system.[13]

Alexander's jarring account raises a critical question. How are both real racial change and real racial retrenchment both possible? Tali Mendelberg's seminal *The Race Card: Campaign Strategy Implicit Messages and the Norm of Equality* clarifies much here by highlighting the role "implicit" racial messages plays in contemporary politics.[14] She explains that the "power of implicitly racial appeals" is due to the "coexistence of contradictory elements in American politics: powerful egalitarian norms about race, and a party system based on the cleavage of race."[15] She argues that "White voters respond to implicitly racial messages because they do not recognize these messages as racial and do not believe that their favorable response is motivated by racism."[16] For an example, she cites the GOP's use of Willie Horton, an African American convicted felon who committed violent offenses after being released on furlough in Massachusetts, during the 1988 presidential election. George H. W. Bush's campaign never used Horton's image but their constant use of his name and references to his crimes echoed through the mainstream media. The Bush's team drew upon deep-seated white

fears and notions of black criminality to undermine support for the Democratic candidate Michael Dukakis who served as governor of Massachusetts when Horton was released.

Ian Haney-López concept of "dog whistle politics" is also useful here.[17] "Dog whistle politics" refers to "coded talk centered on race" that elites engaged in because the "hidden message it seeks to transmit violates a strong moral consensus," what Mendelberg calls, "the egalitarian norm." Consequently, those "blowing a racial dog whistle know full well that they would be broadly condemned if understood as appealing for racial solidarity among whites."[18] Lopez argues racial dog whistles emerged as a conservative response to postwar liberalism. When Republican elites spoke about the damages of New Deal programs and progressive ideals, they blew dog whistles that framed racial minorities as undeserving recipients of these programs. Take, for example, Ronald Reagan's famous description of a Black woman on public assistance: "Chicago welfare queen" with "eighty names, thirty addresses, [and] twelve Social Security cards [who] is collecting veteran's benefits on four non-existing deceased husbands. She's got Medicaid, getting food stamps, and she is collecting welfare under each of her names. Her tax-free cash income is over $150,000."[19] He also used the word "buck" to describe a typical welfare con artist and summon the "threatening image of a physically powerful black man…who defies white authority and who lusts for white women."[20] The goal of this strategy is clear: to subvert social democracy by making it the bête noire of working and middle-class whites.

All together, these racial metaphors—the New Jim Crow, the race card, and dog whistle politics—tell us much about the transformation of postwar American politics. Facing New Deal social democracy and intrepid anti-racist movements, conservatives waged their own surreptitious, though no less, audacious battle. In pursuit of Republican political dominance and neoliberal policies, they aggressively deployed subtle racial cues. To abort a new birth of freedom, they summoned old, deeply held white fears and stereotypes. And, according to Alexander, they succeeded. They not only demolished the New Deal coalition and forestalled the advance of the civil rights revolution by "triggering a collapse of resistance across the political spectrum," but they also "implemented new racial caste systems"[21] and, in the telling of Haney-López, undermined the middle-class.

Unfortunately, its déjà vu all over again. Because of the rise of the movement for Black Lives sparked by the death of Trayvon Martin in 2012 and accelerated by the death of George Floyd in 2020, the nation underwent a so-called "racial awakening." This activism along with urban rebellions across the nation initiated calls for systemic criminal justice reforms and elected pro-reform prosecutors and politicians across the country. The recent mid-term elections featured an equal and opposite reaction: the recrudescence of racial appeals and "law and order." To wrest control of Congress from Democrats and thwart the Biden agenda, Republicans returned to the old playbook: dog whistles, race cards, and the like. Although the red wave dwindled by the end, it's important to survey the damage that was done.

Take Wisconsin. In the Senate race that featured white Republican Ron Johnson and African American Democrat Mandela Barns, the GOP primed the issue of crime and deployed racial

appeals to undermine Barnes' candidacy. Despite inflation being a top concern of voters, 70% of digital ads in Wisconsin focused on crime, while only 15% focused on inflation.[22] Republican ads depicted the Democrat as "just plain dangerous." A campaign mailer even doctored an image of Barnes by making his face noticeably darker and creating an ominous mood.[23] One ad began by asking, "Do you feel safe?" It then linked Barnes' policy preferences to "shootings," "robberies," "carjackings," and "violent attacks on *our* police." It ended with: "Mandela Barnes, he stands with *them*, not *us.*" The "them," "our," and "us" are subtle but clear: Mandela stands with Wisconsin's criminal element and not with the law-abiding (white) majority.

Republican campaigns in other states followed a similar strategy. Nationally, the GOP spent $157 million on crime-related spots compared to $105 million spent on ads about the economy and inflation. In Pennsylvania, the party spent $12 million on crime-related ads versus $2.5 million on spots about the economy and inflation.[24] This war chest purchased several dog whistles and race cards. Although Republicans could not darken the images of white Democratic candidates, as they did with Mandela Barnes, they sullied the reputations of Democrats by associating them and their policies with urban crime. In Pennsylvania, Republican Dr. Mehmet Oz's campaign paid for a billboard that had "Fetterman = Poverty and Crime" written below an image of a boarded-up storefront. Like the Willie Horton ads, Republican spots accused Democrat John Fetterman of supporting "more hardened criminals on the streets." In New York, Republican candidate for governor Lee Zeldin worked hard to tie incumbent Democratic Governor Kathy Hochul to violent crime. One ad featured a string of extremely disturbing acts of violence, starting with the image of a hooded Black man randomly cold cocking an elderly person. It ends by telling voters to "vote like your life depends on it." "It just might," it added.[25]

Again, it's important to note that these dog whistles and race cards yielded limited results—this time. In the end, Democrats retained control of the Senate and lost fewer seats than predicted in the House of Representatives. Nevertheless, this was the opening salvo in the conservative push for retrenchment in criminal justice reform and progressive policies more generally. Republicans will be playing for keeps. Without compunction or fidelity to egalitarian norms, the GOP will deploy racial tropes, tap ancient hatreds, and exploit latent fears to beat back any progress made on making the criminal justice system fairer and less brutal. With much financing and great facility, the party will link racial progress to white disadvantage, social democracy to white suffering.

Crime, Communities of Color, and the New Politics of Punishment

There are limits to the descriptive and explanatory power of these racial metaphors. Long before the dog whistles and race cards of the midterm elections, many Democrats had begun a hasty retreat on criminal justice reform and began to embrace "law and order" politics. Of course, this is not entirely new. Scholars, like Naomi Murakawa and Elizabeth Hinton,[26] have emphasized the bipartisan nature of the punitive turn in American politics. Neither Alexander nor Lopez ignore Democratic President Bill Clinton's dog whistles. Still, none of these accounts take seriously the voices and actions of African American leaders and the views of

communities of color, and, as such, they miss a critical aspect of the contemporary politics of punishment and a structural feature of American political development.

Let's take San Francisco's Mayor London Breed. The summer of George Floyd and urban uprisings, Breed pledged that San Francisco would redirect $120 million from law enforcement agencies into investments for San Francisco's Black community.[27] Early last year, she began to embrace "law and order." "I'm proud this city believes in giving people second chances," she said before insisting that there needs "to be accountability when someone does break the law." Breed added, "Our compassion cannot be mistaken for weakness or indifference."[28] By the fall of last year, Breed was not simply emphasizing the importance of crime in the lives of San Franciscans, but she was also deploying racist "law and order" rhetoric. She laid the blame for the city's problems on a specific ethnic group and pitted them against the more disserving average citizen.

She is not alone. Eric Adams, a Black former police officer, narrowly won the mayoralty in New York City by running on a "law and order" agenda. Despite the aggressive mobilization against police violence in the city, he ran as a pro-police candidate. Once in office, he turned his attention to the homeless. He deployed police officers to clear homeless encampments, so that residents and visitors "can enjoy the clean public spaces we all deserve."[29] In response, one city council member noted, "People have a right to be concerned and we have a responsibility to address those concerns, but we have to do it in a way that doesn't take us back to the Giuliani era where we were solving every problem by locking up Black and brown folks and criminalizing poverty."[30]

In Adams' defense, his actions reflect the sentiments of many New Yorkers, including communities of color. This was apparent in the run up to the Democratic primary. A Marist Poll of likely Democratic primary voters revealed a deep desire for more policing. When it came to dealing with gun violence, small pluralities of white, Black, and Hispanic Democrats reported that moving "resources away from police to fund programs that deal with mental health" would have the "biggest impact." Around 17% of each group supported investing in "programs that help to resolve conflicts between gang members." On the other hand, 44% of whites, 40% of blacks, and 42% of Latinos supported either "Increase the number of uniformed police officers on the streets" or "Return plainclothes officers to high crime communities to target violent crime." There was greater consensus among Democratic voters on whether to increase the number of uniformed officers on the subway. According to the poll, 62% of whites "strongly agree" or "agree" that that the number should be increased. Though high, that's less the 77% of Blacks and 69% of Hispanics that endorsed an increase.[31]

Recent polling confirms these trends. In a 2022 Spectrum News NY1/Siena College Poll, 70% of whites, 67% of Blacks, 79% of Asians, and 73% of Hispanics in New York City reported feeling less safe after the pandemic than before. Additionally, 25% of whites, 42% of Blacks, and 47% of Hispanics reported feeling "very concerned" that they could be a "victim of violent crime." Not surprisingly, these fears have propelled support for punitive remedies. Over fifty percent of whites, Blacks, and Hispanics endorsed more funding for the New York Police

Department, and over 80% of whites, Hispanics, and Asians, and around 90% of African Americans supported increasing the number of police officers in the subways. Over sixty percent of whites, Blacks, and Hispanics supported "breaking up homeless encampments in the city."[32]

Philadelphia is another example where residents are facing record high rates of gun violence and their attitudes reflect this fear. While the proportion of whites reporting feeling "completely" or "pretty" safe remained stable from 2010 to 2022, the proportion of Blacks feeling "completely" or "pretty" safe declined from 53% in 2010 to 35%. For Hispanics, that number fell from 46% to 32%. Sixty percent of Blacks said that gun violence had had a "major impact" on the "quality of life in their neighborhood." That's compared to 55% of Hispanics and 18% of whites. Although many Blacks in Philadelphia are skeptical that police will treat Black and white people "equally," 69% said that Philadelphia "doesn't have enough police." That's compared to 63% of Hispanics and 55% of whites.[33]

National data corroborate these patterns. The Pew Research Center reports that 81% of registered Black voters reported that "violent crime" was "very important when making their decision about who to vote for in the 2022 congressional elections." That's compared to 56% of whites and 65% of Hispanics. Among Democratic voters, the racial divide is stark: 82% of Black Democratic voters said violent crime is very important, compared to a third of white Democratic voters.[34] A 2021 Pew survey revealed that Black and Hispanic Democrats were more likely than white Democrats to support increased spending on police in their area.[35]

Therein lies the descriptive and analytical limitations of these racial metaphors and the analyses that underpin them. By emphasizing the construction of "crime" over individual experiences with crime, these accounts have missed critical variables. Vesla Weaver emphasizes that, "While it is true that criminal justice legislation has not responded mechanically with fluctuations in crime rates, in their eagerness to dismiss crime, [dominant accounts of mass incarceration] have thrown the baby out with the bathwater." She suggests that "a more fruitful discussion" is to explore "why" crime comes to be "politicized" when it does and "unearth the full quilt of motivations embodied in its being elevated to the status of a major national problem."[36] Evidence for the recent midterm elections indicate that prominent threads in this quilt include both the irrationality of white fears, inflamed by dog whistles and race cards, and the rationality of Black and brown anxieties, stoked by structural vulnerability to real violence.

Conclusion

Crime has consistently roiled American politics, and it continues to do so. Despite their profound insights, literatures on racial appeals and mass incarceration have underestimated its potency. Republican leaders have effectively deployed dog whistles and race cards to prime crime and provoke latent racist sentiments. The analytic focus on white, mostly conservative, elites and white masses, however, renders key aspects of the politics of punishment invisible. Marie Gottschalk tells us that although "the role of conservative groups in promoting

a more hardline position on crime and punishment is well documented," "[l]eft largely unexamined is why these conservative groups did not face more political opposition to their law-and-order crusades." She adds, "What has been overlooked is the role of other groups, some of them identified with progressive and liberal causes, in facilitating – often unwittingly – a more punitive environment conducive to the consolidation of the carceral state."[37] Her trenchant analysis highlights the role the victims' rights movement, the women's movement, the prisoners' rights movement, and the anti-death penalty movement played in the rise of mass incarceration. We have attempted to build on her account by adding racial minorities and minority leaders to the equation. While the righteous indignation of young Black and brown people and their white allies in the movement for Black lives continues to challenge carceral remedies, popular opinion among communities of color may help sustain a punitive environment.

It must be said that Black and brown people and politicians of color, like Reed and Adams, also support nonpunitive solutions to structural violence. They seek gun control, endorse housing for the unhoused, and desire social programs for young people.[38] Because the American party system remains largely based on the cleavage of race, Black voters and their representatives are unlikely to be lured away from the Democratic fold. This only underscores the bitter irony of the contemporary politics of punishment. While activists struggle to build broad-based alliances around structural solutions, crime easily fosters bipartisan coalitions for carceral remedies.[39] Moreover, how minority elites, like Reed and Adams, frame the crime issue can redound to the benefit of a conservative agenda by endorsing a causal story that blames the individual behavior of undeserving "others." Although they do not appeal to racial animus, they do rely on a constructed cross-racial solidarity of the "deserving," residents who work "everyday" and are unfairly beleaguered by immigrants, drug dealers, or the unhoused. Because of the implicit nature of these claims, people of color may not recognize that such appeals implicitly subvert moral norms they would otherwise embrace. They may not recognize how their real trauma can be attached to imagined anguish to fortify political projects they oppose. This is the sinister and profound impact crime has on our politics.

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A Republic, If We Can Keep It

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Robert J. Lacey

Introduction

The insurrection on January 6, 2021 was one of the darkest hours in American political history. If there were any doubts that we live in desperate times, the images from that day have dispelled them for good. Searching for causes, many commentators have pointed to our fragmented media landscape and to the echo chambers that provoke anger about stolen elections and other outlandish conspiracies. There is plenty of blame to be placed on Fox News, Newsmax, Facebook, Twitter, and other media outlets, and we need to think about how to reduce the toxicity of our political discourse and the influence of cynical purveyors of misinformation. But what I aim to argue here is that the shocking attack on our democracy should compel us to take seriously the proposition that our political institutions are in crisis, that a confluence of developments over the last half-century has produced an anti-majoritarian system in which the Republican Party can control the levers of power while behaving like a small extremist party.

Simply put, the Republican Party has adopted what historian Richard Hofstadter called "the paranoid style," which evokes "the qualities of heated exaggeration, suspiciousness, and conspiratorial fantasy."[1] If the paranoid style becomes prevalent in mainstream politics, it can pose a grave threat to any democracy. While Hofstadter saw cause for concern in the right-wing activism that gave rise to the Goldwater insurgency of 1964, he argued that the paranoid style had operated primarily at the margins of American political life throughout its history. Indeed, the landslide victory for Democrats that year seemed to confirm the view that ideological extremism could never be viable in American politics. Yet we now face a moment where the Republican Party, caught in the throes of the paranoid style, remains competitive in our elections, and enjoys the influence and status of a major big-tent party. How could this happen?

We must reckon with the fact that, at least in their current configurations, neither the Constitution nor the American party system can solve the problem of faction of which James Madison warned his readers in the Federalist Papers. Madison had political parties in mind when he referred to factions, and most of the founders regarded them as a threat to republican government. They believed that a combination of men working to serve a particular set of interests could undermine the public good, especially if it somehow attained a majority. But because factions were inevitable in a free society, argued Madison, the only solution to the

problem was to find ways of controlling their effects, making it exceedingly difficult for any faction to become a majority power. And there's the rub: The founders were so fearful of majority tyranny that their constitutional design pays insufficient attention to the dangers of *minority* factions. More specifically, it has created the conditions where a party that represents a shrinking minority of the population can wield disproportionate political power and then devise anti-democratic measures to buttress that power even further. And the modern two-party system, often praised for supplementing Madison's constitutional solution to the problem of faction, also fails to moderate our politics right now. Writing in the late 1960s, Hofstadter counted on the attenuating influence of our major political parties, which he referred to as "great, bland, enveloping coalitions, eschewing the assertion of firm principles and ideologies."[2] It was inconceivable to him that the paranoid style could take hold of a major party.

Hofstadter admitted that "certain features of our history have given the paranoid style more scope and force among us than it has had in many countries of the world." But for the most part, he said, "it has been the preferred style of only *minority* movements."[3] It was only at the margins of American political life where one could find groups that saw "a 'vast' and 'gigantic' conspiracy as the motive force in historical events." Consumed by apocalyptic delusions, such groups regard history itself as a conspiracy, "set in motion by demonic forces of almost transcendent power," and they believe that an "all-out crusade" against the forces of "absolute evil" is required to save civilization from utter destruction.[4] There was always reason to be wary of such groups, said Hofstadter, but there was never too much cause for concern, for our political system always managed to mitigate the most extreme whims and passions of the people and to erect institutional barriers through which extremist groups could never break.

The insurrection incited by Donald Trump—and enabled by Republican leaders who have proven unwilling to consider their own complicity in the radicalization of their party—should shatter such unwavering faith in our institutions once and for all. But a sense of urgency commensurate with the menacing threats to our republic has not yet emerged. We must no longer embrace delusions about the strength of American democracy, assuming that its institutions are somehow impervious to decay and superannuation, believing that our republic merely requires routine maintenance of its political inheritance, and refusing to think deeply about what is fundamentally wrong with our system, why it no longer functions as it once did, and how we can fix it.

The once vaunted American political experiment now teeters on the precipice. When asked what kind of government was created at the Constitutional Convention, Benjamin Franklin famously replied, "A Republic, if you can keep it." Keeping our republic demands a serious reassessment of our institutions, both constitutional and extra-constitutional. We must think of American democracy not as an unfinished project but as a critically flawed one. Any hope we may have of achieving a more perfect union rests on our willingness to acknowledge this bitter truth.

The Emerging Republican Majority

When Hofstadter praised the American party system in the 1960s, there was still reason to be sanguine about the way in which both major parties amassed broad and diverse coalitions of interests. Madison envisioned an American republic with a "pluralism *among* the parties," in which there would be a multiplicity of factions representing "limited, homogeneous, fiercely aggressive, special interests" that competed for political influence. But the emergence of the modern party system in the 1830s produced something quite different from what Madison imagined. Instead, according to Hofstadter, we began to see at that time a "pluralism *within* the parties"—with the two major parties "embracing and muffling the struggles of special interests" inside their organizations, and working to "forge the coalitions of majorities that are in fact necessary to effective government."[5] For well over a hundred years, each of the two major parties tried to broaden its base by brokering deals and compromises internally, all in the hope of winning a majority in the next election. Theirs was an approach to politics that was less ideological and principled than transactional and pragmatic.

After World War II, a burgeoning conservative movement, led by William F. Buckley and his compatriots at *National Review*, captured a wing of the Republican Party and threw its support behind a few ideological convulsions, most notably the menace of McCarthyism and the Goldwater insurgency at the 1964 Republican National Convention. Emerging in the early 1950s in response to the hegemony of the liberal order, movement conservatism comprised three groups—religious traditionalists, economic libertarians, and staunch anti-communists. Despite the apparent tensions among these groups, the "fusionist" strategies of Buckley and his colleagues at *National Review* (especially Frank Meyer) were able to transform modern conservatism into a unified ideology. The movement coalesced around several principles: a zeal for individual freedom and unfettered markets; a belief in a divine order; a deep-seated hostility toward the welfare state; and an undying resolve to defeat communism at home and abroad. Staunch adherence to these principles would lead to a number of radical gestures, including an eagerness to completely dismantle the New Deal and a willingness to accuse liberals of being godless crypto-communists.[6]

But the radical right remained largely at the margins of the GOP throughout the 1950s and 1960s. The mainstream of the party gravitated toward what Arthur Schlesinger called the "vital center," where one could find a bipartisan consensus on critical questions regarding economic and foreign policy. Because both parties were ideologically heterogeneous, any divergences between them were matters of emphasis, not so much of principle. President Eisenhower was the embodiment of the vital center. Courted by both parties before he decided to join the Republicans in his quest for the presidency, Eisenhower extolled the virtues of balance, moderation, and centrism. He regarded the dramatically enlarged federal government that came out of the New Deal as a necessary response to modern economic life. As a result, he had little patience for movement conservatives eager to destroy the welfare state, calling them "stupid" in a letter to his brother. "Should any political party attempt to abolish Social Security and eliminate labor laws and farm programs," he wrote, "you would not hear of that party again in our political history."[7]

Other Republican leaders at the time also praised the convergence of the two parties in the

middle and saw each party as a hodgepodge of perspectives on major issues. Just two years after losing the presidential election, Thomas Dewey observed that many interests and identities cut across party lines. He remarked that "no single religion or color or race or economic interest is confined to one or the other of our parties." "Each party is to some extent a reflection of the other," he said. "This is perhaps part of the secret of our enormous power, that change from one party to the other has usually involved a continuity of action and policy." Echoing these sentiments as he was gearing up for his own presidential bid, Richard Nixon said, "It would be a great tragedy if we had our two major political parties divide on what we could call a conservative-liberal line." The American political system was able to avoid "violent swings in Administrations from one extreme to the other," he said, because "in both parties there has been room for a broad spectrum of opinion."[8]

The similarities between the parties frustrated many critics and scholars at the time. The report written by APSA's Committee on Political Parties (1950) called for reforms that would bring about responsible party government. "Unless the parties identify with programs," the authors wrote, "the public is unable to make an intelligent choice between them." In effect, they wanted the United States to move closer to a parliamentary system in which parties have distinct platforms and ideologies and give voters a clear choice. Then, after there has been sufficient time to evaluate whether the programs passed by the party in power have been successful, voters can either reward or punish that party in the next election. According to the APSA report, the problem with the American system, in which the two major parties looked largely the same, was that it did not result in policy-making based on a coherent set of ideas and principles. Instead, they argued, policies were a product of muddled compromises and unsavory bargains, often yielding less than satisfactory outcomes for which no party is clearly accountable.[9]

In 1964, Barry Goldwater offered a glimpse of what parliamentary parties might look like when he argued that the GOP should offer the American people "a choice, not an echo" of what the Democrats set out to do.[10] At the Republican National Convention in 1964, Goldwater made it clear what he thought of compromise and moderation. "I would remind you that extremism in defense of liberty is no vice," he said. "And let me remind you also that moderation in pursuit of justice is no virtue."[11] Though Goldwater won the nomination that year, the mainstream of his party did not agree with his apology for extremist politics. George Romney, a distinguished moderate in the GOP, wrote a long letter to Goldwater explaining why he opposed partisanship driven by ideology. "Dogmatic ideological parties," he said, "tend to splinter the political and social fabric of a nation, lead to governmental crises and deadlocks, and stymie the compromises so often necessary to preserve freedom and achieve progress."[12] Despite the wisdom and prescience of Romney's remarks, the Republican Party began its inexorable march toward becoming exactly what Goldwater and his supporters wanted.

The transformation of the Republican Party required the fracturing of another. There is intense scholarly debate about when the New Deal coalition, which held together the Democratic Party, began to splinter. In truth, the New Deal coalition was fragile from the very beginning, and the issue of race was always a fault line, dividing conservatives from the South

and liberals from the Northeast and West. Political historians often identify the passage of landmark civil rights legislation in the mid-1960s as the truly seismic event that set in motion partisan realignment, a sectional and ideological re-sorting of the parties that did not reach its completion until the turn of the century. After the passage of the Civil Rights Act in 1964, Bill Moyers remembers President Johnson lamenting, "I think we just delivered the South to the Republican Party for a long time to come."[13]

Though Johnson won a landslide victory just a few months after he made that comment, the defection of the South to the Republican Party had begun. Thanks in large part to his opposition to the Civil Rights Act, Goldwater won five states in the Deep South. The passage of the Voting Rights Act and the Fair Housing Act alienated the South even further, prompting Nixon to adopt the so-called "Southern strategy" in the 1968 presidential election. The thinking among strategists in the GOP was that the party could win significant majorities in national elections by attracting Southern whites—along with a growing number of aggrieved whites from other regions of the country who were disturbed by urban unrest and rising crime—to their existing base.[14] In short, Republicans began exploiting the white backlash to the civil rights movement for political gain, positioning themselves as the party that represented states' rights and the preservation of "law and order."

The GOP saw its electoral fortunes resting increasingly on the politics of fear, warning Americans of the many serious threats to their way of life. Though McCarthy was eventually censured by the Senate for taking his disreputable antics too far, his meteoric rise to national prominence imparted the undeniable lesson that stirring up fear and loathing pays political dividends. The fear of communism never went away, and now there were new fears to exploit. It was at this point that conservative populism entered the mainstream of the Republican Party, as it shrewdly combined the outsize dread of communist subversion that still pervaded much of the country with the racial panic that arose with the prospect of an integrated America. And it worked. The party that stood for individual freedom, the struggle against global communism, states' rights, and the preservation of law and order started to expand its coalition in the late 1960s. Meanwhile, the New Deal coalition was coming apart, bitterly divided over both civil rights and the Vietnam War.

Nixon's landslide victory in 1972, hardly a surprise, seemed to presage an emergent Republican majority. But it is important to remember that the Democrats held on to both congressional houses and still maintained its dominance in the South. And, then, Watergate dashed any hopes that the GOP would fare well in the next few election cycles. Republicans would need to wait a bit longer for Southern realignment to take effect and for their populist rhetoric to lure away other voters from the Democrats' base, including working-class whites and union members. This came to fruition in the critical election of 1980, when Ronald Reagan charmed many Americans with his rhetorical gifts, artfully combining toughness and warmth, fear and hope, in his presidential run. The man who built his political career on virulent anti-communism, uncompromising opposition to the welfare state, and persuasive advocacy for Barry Goldwater in 1964—the man upon whom movement conservatives rested their hopes—won decisively, bringing with him control of the Senate. The insurgent forces that had

galvanized the ill-fated Goldwater campaign in 1964 were finally triumphant. Goldwater himself came too soon, but the 1980 election solidified his legacy for years to come. As conservative columnist George Will quipped, "We—27,178,188 of us—who voted for him in 1964 believe he won, it just took 16 years to count the votes."[15]

Under the leadership of Reagan, the Republican Party adopted the principles and the populist rhetoric of movement conservatism. Reagan captured the spirit of Goldwater in his First Inaugural when he said, "Government is not the solution to our problem; government *is* the problem." And he never recoiled from using the dog-whistle of race when it served his purposes. In a grotesque use of the Southern strategy, he gave a speech about his commitment to states' rights in Philadelphia, Mississippi, the infamous town where three civil rights activists working to enfranchise African-Americans were murdered in 1964. He also exploited race in his ongoing war against poverty programs, which he unjustly claimed were rife with abuse. In his 1976 and 1980 presidential bids, Reagan would often make use of an apocryphal story about a "welfare queen" from Chicago who cheated the system so effectively that she earned over $150,000 a year in government benefits with which she was able to buy a Cadillac, expensive furs, and other luxuries.[16] Though Reagan never explicitly mentioned the race of this symbol of welfare fraud, it was clear to his audiences that he was referring to an African-American woman. In doing so, Reagan endorsed the racist trope that big-government welfare programs waste enormous amounts of money—the hard-earned tax dollars of "honest" Americans—on lazy people of color who are undeserving of any sympathy.

Reagan's aspirational rhetoric catered to the base of the GOP, but he *governed* much more pragmatically. The tension between his words and his policies, in fact, define his political career in many ways. As E.J. Dionne put it, "Reagan changed the terms of the American political debate without changing the underlying structure of government."[17] Reagan was able to satisfy his base with major policy victories, including tax reduction and economic deregulation, but he was willing to set aside his principles when necessary.

Delivering a speech on behalf of Goldwater in 1964, Reagan excoriated Social Security for giving contributors a poor return on their investment and argued that participation in the program should be strictly "voluntary."[18] He even made it clear during his run for the Republican nomination in 1976 that privatizing Social Security was his express wish. But, on the campaign trail in 1980, Reagan acknowledged the political reality before him and reversed his message, declaring that "it is essential that the integrity of all aspects of Social Security be preserved."[19] In 1983, after painstaking negotiations with the Democrats on Capitol Hill, Reagan approved an increase in the payroll tax, which, along other reforms, helped ensure the solvency of Social Security for at least another generation. This pragmatic solution, born of compromise and bargaining, was a far cry from his earlier aspirations. The critic of Social Security became its savior.

James Baker pointed to Social Security reform as just one example of what he called Reagan's "principled pragmatism—the art of the possible without the sacrifice of principle."[20] Indeed, the Gipper would exhibit "principled pragmatism" many times during his presidency. To be

sure, the aspirational conservative was nowhere to be seen when he increased taxes five times after that original deep cut in 1981, signed a law giving amnesty to millions of undocumented residents, and eased tensions with the Soviets by engaging in meaningful talks that culminated in a major arms reduction treaty. In the end, Reagan and the GOP would not allow principles to get in the way of doing the people's business. However important principles may have been to them, they recognized that winning elections required a willingness to govern. And that meant working in earnest with the other side.

The Radicalization of the GOP

By the early 1990s, when Newt Gingrich became minority leader in the House, the Republican Party, having shifted considerably to the right, became less disposed toward finding common ground with the Democrats. Even though Bill Clinton was a moderate, a New Democrat promising balanced budgets and welfare reform, he faced a hostile opposition that painted him as a far-left liberal who wanted to increase taxes on hard-working Americans to pay for wasteful government programs. Early in his presidency Clinton recognized the dramatic change in Washington's ideological landscape. "I hope you're all aware we're Eisenhower Republicans here," Clinton complained to his advisers in April 1993. "We're Eisenhower Republicans fighting the Reagan Republicans. We stand for lower deficits and free trade and the bond market."[21]

The Clinton administration governed at a time when liberals were on the defensive. Successfully portraying government as not the solution but the problem, Reagan left behind a legacy that changed political discourse in America. Burdened with this inheritance, Clinton faced significant limits on what he could say and do. Gone was the lofty rhetoric about ending poverty and creating a Great Society where, as Johnson said in 1964, "every child can find knowledge to enrich his mind and to enlarge his talents" and "the city of man serves not only the needs of the body and the demands of commerce but the desire for beauty and the hunger for community."[22] Facing well-funded opposition from special interests and conservative ideologues, his one ambitious policy initiative, universal health care, suffered a resounding defeat even though the Democrats controlled both houses.

Not long after the debacle of healthcare reform, the GOP massacred the Democrats in the 1994 midterms. Then, while Clinton pivoted to the center and discussed "triangulation" with his new advisers, the Republicans, led by Newt Gingrich, were determined to pass a series of bold policies, outlined in their Contract for America, that would push the country further to the right. And they were willing to use radical tactics, including obstruction and brinkmanship, to get their way. As Mann and Ornstein point out, Gingrich and his allies had calculated, long before their victory in 1994, that there was far more to be gained politically from refusing to cooperate with the Democrats, denying them as many wins as possible, and then criticizing them for making Congress a feeble and corrupt institution. "The core strategy," write Mann and Ornstein, "was to destroy the institution in order to save it, to so intensify public hatred of Congress that voters would buy into the notion of the need for sweeping change and throw the majority bums out."[23] After the 1994 midterms, the Gingrich-led Congress still had to contend

with a Democrat in the White House, and they saw fit to use the same scorched earth tactics. But now they aimed not only to block Clinton's proposals but also to use any leverage at their disposal to bend him to their will.

For the most part Clinton and the Republican Congress clashed over budget-related matters, and the House Republicans threatened government shutdowns and debt default in order to force the president to cut spending, regulations, and taxes. Their confrontational brand of politics eventually backfired when, after two government shutdowns, the majority of Americans blamed the Republicans. This setback for the GOP led to a temporary ceasefire, even a moment of cooperation, between Clinton and Congress in 1996, culminating in the passage of a comprehensive welfare reform bill that enjoyed bipartisan support. But Gingrich had set a precedent, forever lowering the standards of acceptable behavior on Capitol Hill. According to Mann and Ornstein, his legacy was the transformation of the GOP into a "cohesive, parliamentary-style" party that adopts a "take-no-prisoners politics of confrontation and obstruction" to defeat its opposition. By creating a norm where "partisan adversaries" can be understood and classified as "mortal enemies," Gingrich "deserves a dubious kind of credit for many of the elements that have produced the current state of politics."[24]

This was the moment when polarization between the two parties really began to intensify. The widening ideological gap between the parties is especially noticeable on Capitol Hill, and the empirical evidence shows that Republicans are largely to blame. According to studies of roll call votes in the House of Representatives, for example, Republicans have moved much more dramatically to the right than Democrats have to the left over the last forty years. Their lurch rightward reached unprecedented extremes—that is, they became even more conservative than House Republicans of the Gilded Age—when Gingrich and his allies took charge in the 1990s. And it has only gotten worse since then, for the ideological composition of House and Senate Republicans continues to move rightward after each election. Meanwhile, Democrats are only slightly more liberal today than their predecessors in the House and Senate.[25] According to Mann and Ornstein, we now live in an era of asymmetric polarization where the GOP "has become an insurgent outlier—ideologically extreme; contemptuous of the inherited social and economic policy regime; scornful of compromise; unpersuaded by conventional understanding of facts, evidence, and science; and dismissive of the legitimacy of its political opposition."[26] In the preface to the 2016 paperback edition of their book, Mann and Ornstein say something that might have raised a few eyebrows: "It is as if one of the many paranoid fringe movements in American political history has successfully infected a major political party."[27] Today, there's no doubt about it.

It is not obvious to everyone why one party has abandoned pragmatism and moved to the "paranoid fringe" while the other holds fast to the center. But the short answer is quite simple: The Democratic Party is diverse; the Republican Party isn't. The Democratic Party represents a diverse coalition of interests and demographics—or, to invoke Hofstadter's language, it contains "pluralism *within*"—which means that maintaining cohesion requires finding middle ground through negotiation and compromise. Representing a much more homogeneous group of people, the Republican Party resembles a Madisonian faction, reflecting

passions and ideas that diverge from the mainstream of American society.

The demographic data is revealing. The American National Election Survey has found that there is a widening racial gap between the parties. Today, only 9 percent of Republicans are non-white, but that figure is 43 percent for Democrats.[28] It is hardly a surprise that, according to exit polls, Trump did poorly among non-white voters in 2020, winning 12 percent of African-Americans, 32 percent of Latinos, and 34 percent of Asians. Overall, he won only 26 percent of non-white voters, and he also lost decisively among the college-educated and young people under the age of 30. The groups that voted for Trump in the last election reflect the base of the Republican Party generally. Trump won 61 percent of white men, 67 percent of whites without a college degree, 76 percent of white evangelicals, and 57 percent of rural voters. Older and more affluent voters were also more likely to support Trump, though the margins were smaller. In short, election results show that over time the Republican base has skewed increasingly white, working-class, evangelical Christian, and rural. As the Republican coalition has become more demographically homogeneous, so has its ideological composition. About three-quarters of Republicans identify as conservative, and Trump won 85 percent of conservatives in the 2020 election. Meanwhile, Democrats enjoy far more racial, ethnic, and religious diversity, with Biden winning 71 percent of non-white voters and about two-thirds of non-protestant voters. Democrats are not monolithic ideologically either. Only 47 percent of Democrats identify as liberal, and 38 percent see themselves as moderates.[29] This would explain why Biden won 64 percent of those voters who identified as moderate.[30]

Since party realignment began in the late 1960s, the sorting of American voters has made the Republican Party more reliant on conservative white voters, especially those who identify as evangelical Christians. Over the same period, the Democratic Party has become more diverse, maintaining a broad coalition of liberal and college-educated whites, African-Americans, Hispanics, Asians, and non-protestants. “Sorting has made the Democrats into a coalition of difference and driven Republicans further into sameness,” says Ezra Klein. In order to win elections, Democrats must attract “different kinds of people with different interests. It means winning liberal whites in New Hampshire and traditionalist blacks in South Carolina. It means talking to Irish Catholics in Boston and the karmically curious in California.” Democrats must “go broad” to remain competitive, whereas Republicans must “go deep” within their base.[31]

One would think that changing demographics in the United States makes “going deep” a losing strategy, for it involves winning larger margins out of shrinking groups. As the country becomes more diverse, better educated, and more secular, the core groups that make up the Republican coalition are declining as a share of the American electorate. White people without a college degree represented a slim majority (a little over 50 percent) of the electorate in 2004, but that figure has declined sharply over the last fifteen years. Results from a recent Pew survey show that they represented 42 percent of voters in 2020, and a Census Bureau study estimated that this group actually makes up less than 40 percent of the electorate. For the first time in American history, the share of white Christian voters fell below 50 percent. According to Pew, they represented 49 percent of the vote in 2020. Meanwhile, the groups that lean Democratic are growing. People of color cast about 20 percent of the votes in

2004, but they represented 30 percent of the electorate in 2020. Secular voters are also growing in number, representing about one-fourth of the electorate in 2020, and Biden won a whopping 70 percent of them.[32] The 2020 Census also identifies trends that are favorable to the Democrats, showing that the country is more diverse and urban than ever before.

Unless the GOP responds to these demographic trends by expanding its base, the future would seem to belong to the Democrats. Perhaps Republicans will be forced to moderate their position on immigration or show an interest in expanding health insurance coverage to attract more Latinx voters. Or they might lure some younger voters to their side by addressing the soaring costs of higher education. Instead, in what appears to be a defiance of logic, the party remains committed to its shrinking base, which in recent years has abandoned the mainstream and embraced increasingly extreme passions and beliefs. What ultimately enables the GOP's movement to the fringe is the structure of our political institutions. More specifically, we can blame our anti-majoritarian Constitution and our weak party system. These are surely not the underlying causes of the paranoid style in American politics. But they have made it *possible* for the paranoid style to capture a major political party and threaten our democracy.

The GOP's Constitutional Advantages

Over the last couple of decades, the Constitution has conferred a systematic electoral advantage to the Republican Party. This means that Republicans are in a unique position where they can take control of the legislative and executive branches of government without winning the national popular vote. This advantage is evident in our presidential selection system. The framers created the Electoral College to ensure that neither the people nor Congress would have a direct role in choosing the person responsible for faithfully executing the nation's laws. They intended for the College to choose men of national reputation who were both insulated from popular opinion and free of undue influence from the legislative branch. In other words, it was devised as a check on democracy and with the separation of powers doctrine in mind. But with the emergence of the national party system in the 1830s, the College no longer functioned this way, because electors ceased to be independent agents who voted in accordance with their preferences. Each state began selecting electors who served in some official capacity for the party whose nominee won the popular vote in that state. These electors had every incentive to do as their party instructed, not as their conscience dictated. This is how the Electoral College works now. It does not create a buffer between presidential candidates and the people and, as a result, does not prevent charismatic figures, practiced in the arts of demagoguery, from winning the highest office in the land.

Though the Electoral College no longer serves as a check on democratic populism, it continues to give disproportionate influence to less populous states in presidential elections—and these states tend to be conservative strongholds. The Republican Party has such an advantage in presidential elections that its nominee can lose the popular vote nationally but win a majority of the electoral votes. This has happened twice in the last two decades—in 2000 and 2016—and we can expect that it might happen again whenever the election is close. According to Michael Geruso, Dean Spears, and Ishaana Talesara, "Republicans should be expected to

win 65 percent of presidential contests in which they narrowly lose the popular vote."[33] Demographic trends suggest that the Republican advantage will become even more pronounced in the future. Just twenty years from now, 70 percent of Americans will live in the fifteen largest states, which means that the disproportionate influence of smaller, more conservative states in presidential elections will be even greater.

One can only imagine how different the country would be if Democrats had won seven of the last eight presidential elections. In order to have a chance of winning more often, Republicans would have to moderate their message and adopt policy positions with more popular support. As things stand, the GOP sees that it can win even if it runs to the right of the median American voter. This built-in advantage has made it possible for Republicans to find a winning strategy not in broadening their appeal but in galvanizing their base to turn out to the polls. The 2016 election illustrates how this strategy can amplify demagoguery and divisive politics—and put in the White House a person completely unsuited for the job. Ironically, the Electoral College now encourages a style of politics that it was originally designed to mitigate. Making the presidential selection system explicitly majoritarian—that is, requiring that the presidency goes to the winner of the national popular vote—would compel the GOP to rethink its strategy and recognize that it can only be competitive if it moves toward the center of American politics.

Given the advantage that they enjoy, Republicans would never support a constitutional amendment that abolished the Electoral College. But reformers have found hope in a possible workaround: the National Popular Vote Interstate Compact, which fifteen states and the District of Columbia have adopted so far. The compact stipulates that states must award their slate of electors to the candidate who won the national popular vote. The states that have entered the agreement thus far comprise a total of 195 electoral votes. If more states signed on to the agreement, bringing the total number of electoral votes to 270, the presidency would always be awarded to the winner of the national popular vote. It doesn't seem very likely that several more states representing 75 electoral votes will enter the compact anytime soon, and there would certainly be legal challenges if it did happen. But it is a potential path forward.

The systematic bias in favor of Republicans is even stronger in the Senate. Regardless of size, all states receive representation from two senators. This helps the Republican Party considerably because, again, it tends to fare better in less populous states. While 39.5 million Californians receive representation from two Democratic senators, just 579,000 Wyoming residents also have two Republican senators working on their behalf. This means that each resident of Wyoming enjoys about 68 times more representation in the Senate than each Californian. In 2021, the GOP held half of the seats in that chamber, but they represented states that contained 43 percent of the national population. The Democrats in the Senate represented over 41 million more people than the Republicans did, yet the two parties had the same number of seats.[34] In fact, Republican senators have not represented a majority of the American population since 1999, yet they held a majority in the Senate for nearly half that period—from 2003 to 2007 and, again, from 2015 to 2021.

Everyone knows that Hillary Clinton won the national popular vote in 2016, but so did Democratic candidates running for the Senate. Democratic candidates won 53 percent of the votes cast in Senate elections nationwide, ten million more than Republicans received, yet they picked up only two seats and remained in the minority.[35] Staggered elections compound the anti-majoritarian tendencies of the Senate: When only a third of senate seats are up for election every two years, it is harder for a party that receives a groundswell of national support to take hold of the chamber.

Unfortunately, the future looks even bleaker. As mentioned earlier, 70 percent of Americans will live in the fifteen largest states by 2040, and this will further shift the electoral advantage to Republicans in future presidential elections. But the Republican bias in the Senate will be even more dramatic. Just two decades from now, 30 percent of Americans—disproportionately white, old, rural, and conservative—will get to elect 70 senators.[36] This is an advantage that could theoretically give Republicans a filibuster-proof majority, even if they win a minority of the votes cast in Senate elections nationwide. There is no genuine solution to this problem short of amending the Constitution or breaking up large states into several smaller ones. But granting statehood to the District of Columbia and Puerto Rico, two diverse and urban areas that are currently not represented in the Senate, would offer a modest corrective.

As if matters in the Senate could not get any worse, there is also the filibuster to consider. Over the last decade, senators have used the filibuster at record levels, making it a requirement to pass anything even remotely controversial with a 60-vote supermajority. For a period of over 50 years, from 1917 to 1970, the Senate tried to break the filibuster 49 times. Today, the story is very different. From 2013 to 2020, the Senate oversaw 807 cloture votes.[37] The gross overuse of the filibuster exacerbates the anti-majoritarian bias of the Senate. After the shooting at Sandy Hook Elementary in 2012, the Senate could not pass a modest bill that would have required universal background checks for gun sales. Even with 86 percent of Americans supporting the measure, 46 senators who represented only 38 percent of the country were able to block it.[38] While both parties have abused the filibuster over the last decade or so, Republicans have used it much more aggressively as a way to sabotage Democrats' ability to govern when they are in power. Given their hostility to government solutions to social problems, the filibuster serves the Republicans' interest in promoting gridlock, denying the Democrats any legislative victories.

There is no mention of the filibuster in the Constitution, of course, but the procedure has been available for about two centuries, ever since Aaron Burr persuaded senators to abandon the previous question rule, which allows legislative bodies (including the House of Representatives) to end debate with approval from a simple majority. Over time senators came to accept the filibuster as established precedent, a part of the unwritten constitution in which there is an expectation that debate in the Senate will continue until a supermajority votes to end it. The Constitution also bears some culpability for not making it clear that the passage of legislation requires only simple majorities. Some scholars argue that the filibuster is already unconstitutional, but the courts have never had an occasion to address that highly debatable question.[39] Until it is repealed or reformed in some way as to limit its use, the filibuster will

continue to compound the problem of minority rule in the Senate.

While the Senate was never intended to be a majoritarian body, the framers designed the House of Representatives to reflect the will of the people more directly. Yet recent developments in the redistricting process have undermined that intention. Over the last two decades Republicans have used redistricting as a way to inflate their representation in the House. They made some headway in this regard after the 2000 Census, but 2010 proved to be a watershed. Mindful that those who control redistricting can control Congress, Republican operatives devised REDMAP, the Redistricting Majority Project. The strategy was simple: Win majorities in as many state legislatures as possible, and then help those legislatures gerrymander districts to the advantage of Republican candidates. REDMAP proved wildly successful. The GOP financed state legislature campaigns throughout the country and, as a result of these efforts, gained almost 700 seats. Of the fifteen states that were scheduled to lose or gain seats under reapportionment, Republicans won legislative majorities in ten, where they could draw districts as they saw fit. According to National Public Radio, only 70 congressional districts nationwide were actually competitive, and Republican legislatures got to redraw 47 of them. Overall, Republican-controlled legislatures were able to draw 193 districts on their own, while independent commissions controlled 88 districts and the Democrats had only 44. There were 103 districts over which the two parties shared redistricting authority. This gave the Republican Party a distinct advantage. A party only needs to win 218 seats to attain a majority in the House. Having the power to draw 193 safe districts for their candidates put Republicans just 25 seats shy of that goal.[40]

The Republican Party has certainly reaped the benefits of their efforts. They did a masterful job of gerrymandering, using state-of-the-art computer software to draw lines that optimized their political advantage, and the results were devastating for Democrats. David Wasserman of the *Cook Political Report* estimated at the time that "Democrats would need to win the national popular vote by between six and seven points in order to win the barest possible House majority."[41] In 2012, Democrats got to witness firsthand the toll that REDMAP would take. Democratic candidates received 1.4 million more votes in House races throughout the country, yet Republicans still maintained a majority, ending up with an advantage of 33 seats. When Democrats finally recaptured the House in 2018, they won nearly ten million more House votes than the Republicans did, beating them by a whopping 8.6 percentage points.[42] Unfortunately, the 2020 elections at the state level did not enable Democrats to reverse much of the damage done ten years earlier. Democrats failed to retake a single state legislature in 2020, which means that Republicans controlled the redistricting of many more districts than the Democrats did. While Republicans got to draw the lines of 188 congressional seats (43 percent of the entire House), Democrats exercised this authority for only 73 seats (17 percent).[43]

Many scholars caution that we must not overstate the impact of gerrymandering.[44] Republicans devoted resources to REDMAP for a clear reason, but the extent to which their redistricting efforts confer an advantage remains unclear. After all, the percentage of House votes that Democrats won in 2018 mapped very closely to the percentage

of seats that they won. That was also the case in the 2022 midterms, in which Republican candidates won 50.7% of the national vote and 51% of the seats in the House.

The disproportionate representation enjoyed by Republicans in the House—often but not always—may have more to do with the way Americans are sorting themselves geographically. According to Bill Bishop, Democratic voters are packing themselves into densely populated areas, living in congressional districts where Republican candidates consistently lose by huge margins. As they choose to inhabit these homogeneous bastions of progressivism, Democrats waste more votes than Republicans do.[45] That said, as Dave Daley argues, Republican control over redistricting has magnified their advantage in the House and increased the likelihood that they will maintain a majority in the House despite losing the national popular vote.[46]

The creation of independent redistricting commissions in all fifty states is an obvious solution to the problem of partisan manipulation. Though hardly a panacea, independent commissions would create more competitive districts and eliminate egregiously undemocratic gerrymandering—the kind, for example, that ensured Republican control of thirteen out of eighteen Pennsylvania House seats in 2012, even after the GOP lost the popular vote statewide. The United States is the only democracy in the world that allows political parties to play a hand in the drawing of districts. The dangers of disproportionate representation are all too clear.

Where Our Parties and Elections Go Wrong

Hoping to build on the electoral advantages conferred upon it by the peculiarities of the American political system, the GOP has focused its efforts on suppressing voter turnout. This is an eminently rational strategy, for Republicans' homogeneous base is dwindling in numbers. There are two ways for the Republican Party to stay competitive in the future: either broaden its appeal by moderating its message or build on the advantages that it currently enjoys by creating an entrenched system of minority rule. The Republican Party has clearly chosen the latter course of action, at least for now, because it makes sense to do so. The former strategy would be far more disruptive to the party internally. It would require expanding its coalition and possibly alienating those people who constitute the core of its base, white working-class voters in particular. Finding ways to disenfranchise people who are likely to vote Democratic is a decidedly more elegant solution.

Republicans have been innovative in their attempts to restrict voting, and they have intensified their efforts since the 2020 election. In a time when elections are often decided by razor-thin margins, almost anything can tip the balance. So state governments controlled by the Republican Party have launched a massive campaign of voter suppression. For over a decade they have passed measures that limit access to the vote. Restrictive laws include requiring voters to show photo identification at the polls, complicating voter registration procedures, shortening early voting periods, making mail-in voting more difficult and cumbersome, purging names from voter rolls, and barring felons from voting. According to the Brennan Center for

Justice, as of October 6, 2022, twenty-one states have passed at least 42 new laws that restrict voting access since the beginning of 2021.[47] Though the ostensible rationale for these measures is that they address the problem of voter fraud, the actual motives are plain to see. Sometimes, Republican officials reveal the truth unwittingly. In 2012, the majority leader of the Pennsylvania House of Representatives boasted about his party's accomplishments at a Republican State Committee meeting. "Voter ID, which is going to allow Governor Romney to win the state of Pennsylvania, done," he said.[48]

The voter ID law in Pennsylvania may not have helped Romney in 2012, but such laws can be effective. Take Wisconsin, for example. Because of the strict voter ID law passed there in 2014, about 300,000 registered voters were unable to vote in 2016. Not surprisingly, turnout decreased considerably. In Milwaukee, where 70 percent of the state's black population lives, there was a thirteen percent decrease in turnout, which translates to about 41,000 votes. The election was so close—indeed, Trump won by fewer than 23,000 votes in Wisconsin—that it is quite likely that the photo ID law denied Hillary Clinton ten electoral votes. Felon disenfranchisement can also play a decisive role in battleground states. In Florida, where Trump won by a little over 100,000 votes, 21 percent of the African-American population was disqualified from voting because of a past felony conviction.[49]

It is impossible to calculate precisely the electoral impact of the various methods of disenfranchisement that Republican-led state governments have enacted over the years. But taken together, they deny millions of Americans a voice in our democracy and, undoubtedly, produce election results that exaggerate the amount of support for the Republican Party. The best way to counteract voter suppression in one fell swoop is for Congress to pass a comprehensive law that would ban various methods of disenfranchisement and make access to the ballot easier. The passage of H.R. 1 (The For the People Act) would have been an historic step toward making America a more inclusive democracy—and, accordingly, would have compelled the Republican Party to move to the center. Of course, that is why the GOP filibustered the bill in the Senate. Perhaps the holy grail of inclusion is to be found in Australia, where voting is mandatory. More than any other reform, requiring all adults to vote would dramatically alter how Republicans campaign and govern. Continuing to appeal primarily to older working-class white people would mean immediate political oblivion.

Strengthening party organizations could also improve the health of American democracy. As Julia Azari astutely points out, we live in a time when partisanship is strong but the parties themselves are weak, and this is a dangerous combination. Parties are weak organizationally in large part because they have very little hold over their candidates and officeholders. Party leaders do not have the power to nominate candidates for office, and they are not able to exercise much financial leverage either. We can largely blame primary elections and campaign finance laws for the parties' loss of control over their politicians. Charismatic candidates who can stir up support among the rank and file in the party, often using heated and ideologically charged rhetoric, and who also have a talent for raising money, do well in the current political climate.

Politicians do not have an incentive to show a concrete allegiance to the party as an organization. Instead, they express an unwavering loyalty to the abstract ideas that it represents. Party affiliation, then, becomes more symbolic and ideological than programmatic, and this is cause for concern. "Partisan identity tells us who shares our beliefs, and it helps to make political meaning, conveying important truths about the world through symbols," says Azari. "It is in these cracks of abstraction that truly pathological politics grows." When party identification becomes more abstract, "more resentment can fester against people who you do not know or encounter," and it makes it easier for partisans "to ignore the full implications of their views—and to neglect to consider other citizens."[50] The politics of abstraction has become especially toxic in the Republican Party because of its homogeneous base.

Reforms that make parties stronger and more inclusive could mitigate many of the pathologies that currently infect the Republican Party. Though eliminating primary elections is not within the realm of possibility, there are ways in which party elites could exercise subtler forms of influence over nominations. Jonathan Rauch and Raymond La Raja recommend giving party officials some kind of vetting authority over the nomination process. For example, someone who wants to get on the ballot in a primary election could be required to get a certain number of signatures or endorsements from party officials.[51] Parties could also be strengthened if campaign finance laws were changed, allowing them to make much larger direct contributions to political campaigns than interest groups and individual donors can. This reform wouldn't solve the problem of uncoordinated spending by SuperPACs, but it would raise the status and leveraging power of parties in the political process. With more party control over nominations and campaign funding, officeholders and seekers would have concrete ties to their party and its programmatic agenda. Seeing the party as an institution to which they have longstanding attachments and obligations would attenuate their tendencies toward ideological extremism.[52]

Making parties more inclusive would also have a mitigating effect. Mann and Ornstein argue in favor of primary reforms that "increase the number of moderate voters and candidates participating in the nomination process." They are especially critical of closed primaries which tend to give the nominating power to a relatively small number of ideologically-charged partisans. Instead, they endorse top-two vote-getter (TTVG) primaries in which all voters can participate. Then, in the general election, the first- and second-place vote receivers, even if affiliated with the same party, face each other in the general election. There is also some evidence suggesting that open primary elections with ranked-choice voting (RCV)—which is more inclusive because it doesn't allow for "wasted" votes—is more likely to lead to the nomination of more moderate candidates who have support from a majority of voters. Especially when there is a large field of candidates vying for the nomination, an extreme candidate may have a greater chance of winning when voters can only make one choice. But with RCV, a divisive candidate who receives intense support from a plurality but is reviled by most others is more likely to lose to one of the more moderate candidates who garners many second- and third-choice votes.[53]

Conclusion

The survival of the American body politic depends on breaking the fever that has driven the Republican Party into a state of delirium. It is not clear what can be done about the poisonous media environment in which we find ourselves, and we cannot count on Republican leaders to heed the better angels of their nature when all of the incentives direct them toward the politics of fear, mendacity, and exclusion. Our last best hope of keeping our republic can be found in reforming our political institutions. Taking this step requires that we acknowledge foremost the shortcomings of the Constitution, along with the party and electoral systems which have grown out of it. It is a flawed and outdated document that fails to address the problem of faction. Conceding this fact should not bring shame to the Constitution, for one can hardly expect any document that lays out the framework of a political system to work well two-hundred years after it was written. Since the late eighteenth century the United States has changed beyond recognition, and the framers could never have anticipated every historical contingency and development when they devised a republican system of government that was unlike anything the world had ever seen before. We need not undergo a complete overhaul of the Constitution, but significant changes—many of which are outlined in this article—are needed.

Progressives at the turn of the last century criticized the founders for creating a counter-majoritarian system of government that prevented elected officials from enacting laws in the public interest. They saw a system plagued by the stench of corruption—a system of minority rule in which business interests bought politicians and made policymaking a farce. Progressives wanted to clean up politics, bring an end to minority rule, and make the United States a more representative democracy. The means by which they proposed to accomplish this goal may have been misguided, but they accurately identified the problem and the objective.

We face a different set of circumstances today, where there is still the threat of minority rule but by a group consumed with ideological zeal. We must now contend with a principled faction that refuses to see politics as a transactional enterprise, a process of give and take—that regards compromise as the handwork of the devil. This was precisely the kind of faction about which Madison was especially concerned. In Federalist 10, he promised that the new republic would filter the most dangerous whims and passions with which the people were apt to become enraptured. But the republic he played such a critical role in designing does not keep such heated factions at bay any longer, even with the supplement of the two-party system. The putsch on January 6 should awaken us to this truth.

If we want to rescue our republic, we must find a way to implement institutional changes that will bring civility and sober deliberation to our politics and push the paranoid style to the margins of American life once again. Contrary to what the founders thought, our republic now needs *more* democracy—and desperately so. Making the system more inclusive, bringing together the entire range of voices and perspectives that make up who we are as a country—this is the only way to drown out the sirens of extremism and restore moderation to our politics. Instead of the Federalist Papers, we might find guidance in the sagacious but often overlooked words of Alexis de Tocqueville: “Thus it is, in the vast complication of human

laws, that extreme liberty sometimes corrects the abuses of liberty, and that extreme democracy obviates the dangers of democracy."[54]

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[38] Ari Berman, "The Insurrection Was Put Down. The GOP Plan for Minority Rule Marches On."

[39] On the history and constitutionality of the filibuster, see Robert J. Lacey, "The Filibuster and the Ghost of Calhoun," *Logos* 19:1 (Spring 2020).

[40] See Dave Daley, *Ratf**ked* (New York: Liveright Publishing, 2017), xviii-xxi.

[41] Ibid., xxi.

[42] U.S. House of Representatives: Election Statistics, https://history.house.gov/Institution/Election-Statistics/ (Accessed August 25, 2021).

[43] Nathaniel Rakich and Elena Mejia, "Republicans Won Almost Every Election Where Redistricting Was at Stake," *FiveThirtyEight*, November 18, 2020, https://fivethirtyeight.com/features/republicans-won-almost-every-election-where-redistricting-was-at-stake/ (Accessed August 25, 2021).

[44] See, for example, Mann and Ornstein, *It's Even Worse Than It Looks*, 46.

[45] See Bill Bishop, *The Big Sort* (New York: Houghton Mifflin Harcourt, 2009).

[46] Dave Daley, *Ratf**ked*, xxiii.

[47] "Voting Laws Roundup: October 2022," The Brennan Center for Justice, October 6, 2022, https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-october-2022 (Accessed January 19, 2023).

[48] Mike Turzai quoted in E.J. Dionne, *Why the Right Went Wrong*, 369.

[49] Liz Kennedy, "Voter Suppression Laws Cost Americans Their Voices at the Polls," Center for American Progress, November 11, 2016, https://www.americanprogress.org/issues/democracy/reports/2016/11/11/292322/voter-suppression-laws-cost-americans-their-voices-at-the-polls/ (Accessed August 25, 2021). Nationwide, one out of every thirteen African-Americans lost the right to vote because they were convicted felons.

[50] Julia Azari, "Weak Parties and Strong Partisanship Are a Bad Combination," *Vox*, November 3, 2016, https://www.vox.com/mischiefs-of-faction/2016/11/3/13512362/weak-parties-strong-partisanship-bad-combination (Accessed August 25, 2021).

[51] Jonathan Rauch and Raymond La Raja, "Too Much Democracy Is Bad for Democracy," *The Atlantic*, December 2019. While the authors chiefly talk about presidential nominations, their argument applies equally well to those seeking lower offices.

[52] See also Raymond J. La Raja and Brian F. Schaffner, *Campaign Finance and Political Polarization: When Purists Prevail* (Ann Arbor, MI: University of Michigan Press, 2015).

[53] For more on the virtues of RCV, see "Ranked Choice Voting: The Solution to the Presidential Primary Predicament," Unite America Institute, June 2020.

[54] Alexis de Tocqueville, *Democracy in America* (New York: Signet Classics, 2010).

A Phenomenological Foundation for Human Ethics: An Essay in Philosophical Anthropology

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A Limit to Contingency

In *The Last Utopia* (2012), Samuel Moyn famously argued that "human rights" as a principle transcending the prerogatives of nation-states did not actually emerge until the 1970s. The idea in this "pure" form only appeared then because it stood out in that context as "the God that did not fail while other political ideologies did" (2012: 5). For those failed ideologies, the idea of human rights had been "deeply bound up with the construction, through revolution if necessary, of state and nation," that is with "the creation or renovation of a citizenship space, not the protection of humanity." So Moyn devoted most of his book to showing that the "origins" of human rights ought not to be traced to the Roman Stoics or Hobbes and Locke or the Abolition movement or reactions to the Holocaust—or, indeed, to any of the sources that celebratory Whiggish histories of human rights have been inclined to credit for this sublimely "ethical" imperative.[1] Instead, Moyn joins Marc Bloch in criticizing the "idol of origins" itself (2012: 41) and adopts a Foucauldian view to get at "the real story," the one in which "the history of the core values subject to protection by rights is one of construction rather than discovery and contingency rather than necessity" (2012: 20). And he shares Hannah Arendt's concern that, "as in prior history, there would continue to be "nothing sacred" in the "abstract nakedness of being human" (2012: 42) as he gestures towards the concluding note of skepticism about the prospects for purely "moral struggle." To be effective, ethical ideas like "human rights" have to be realized through good old-fashioned political struggle.

I will not dispute Moyn's practical conclusion. But I will argue that "being human" is not all that abstract and that the idea of "origins" may also point to a phenomenological level, that origins can be understood as universal characteristics of the human condition that undergird and limit the contingencies of historical construction. Phenomenologically conceived, "being human" turns out to be a condition on historicity itself and a phenomenological account of being human, rich with concrete characteristics, turns out to have immediately comprehensible ethical and political implications.

So, let the term "origins" be defined from a phenomenological standpoint. Let the term refer to conditions of possibility for the emergence of significant cultural forms (compare Wittgenstein's "forms of life")—on analogy with Kant's *First Critique,* but more closely resembling more embodied anthropological accounts in, for example, Claude Levi-Strauss' *The Elementary Structures of Kinship,* Victor Turner's *The Ritual Process* or Mary Douglas' *Purity*

and Danger. And, as we shall see, John Locke's seminal account of property as a "natural right" can be read as pointing toward origins of the ethical aspect of the human condition in just that phenomenological sense—though Locke himself, trapped in certain science-inspired concepts he took for granted, could not see it that way.

To understand the history of progressive political thought we must exercise our imaginations on this question: what did the natural world look like to educated men and women in the 17th and 18th centuries? They were through with mythologies; even the Book of Genesis was, for most of them, just another fable by comparison with the works of Aristotle. And all the more so by comparison with the achievements of what they called the "new reason," by which they meant "natural philosophy"—science. It was the work of Boyle and Harvey, Huygens and Galileo, and, above all, Isaac Newton that informed their perceptions of the natural world.

What early moderns saw in nature was purpose—rational purpose, divine purpose. When they looked at an equation in classical mechanics and then at the relevant experimental results, they saw something like obedience to that purpose. "Let there be light" made for beautiful poetry, but F = MA was the real word of God.

Analogously, with organisms: when they looked at a healthy body, early moderns saw conformity to a designer's intentions. But in this realm, one also encountered mortality and disease. Here, for some reason, a sort of disobedience came to pass, a malfunctioning. Why that should so be was the subject of heated debate, but almost no one questioned the framework of interpretation. Modern medicine was founded on the idea that we could repair such malfunctions if we had an objective understanding of how bodies were designed to function in the first place.

And so, when early moderns looked upon human history—the carnage, the absurd superstitions, the institutionalized barbarities—the conclusion was inevitable. Here was disease of another order, a malfunctioning of another kind. Again, there was much debate over why this came to pass, but the basic framework of interpretation remained. And the question became: what were the Maker's designs for relations between His human creatures, what were *those* natural laws and how could His creatures cure the diseases of history in accordance with them?[2]

Modern political philosophy was founded on that question. Various thinkers proposed various natural laws to govern supposed "States of Nature" positioned as preceding (historically? logically?) the "Civil Society" human beings constructed. They posited abstract human entities decked out by nature with assorted traits—certain dispositions, instincts, potentialities, the capacity for reason, for language—and then let them loose in some posited environment until they arrived, by way of this thought experiment, at some form of government. The basic idea was that the terms of their "social contract" had better accommodate what was given by nature or it would (or should) fail. Authoritarians like Hobbes were inclined to outfit their human

entities with selfish and violent traits, thus justifying a stern regime. For liberals like Locke, the state of nature had redeeming features, thus justifying a more relaxed civil order. Proto-communards, like Diderot and Rousseau (in certain moods), conceived a rational and benevolent state of nature with obvious consequences for their concepts of the good society.

To this day, the paradigm retains its grip. Consider any contemporary political issue and you will find that, in the last analysis, the debate is framed thusly: because the nature of human beings is x, our political response as we organize ourselves socially should be y.

So the basic *way* moderns think about themselves didn't change when the Darwinian view of nature replaced the Deistic view of nature. Rational thought about humanity still mimics rational thought about the rest of nature—today's evolutionary psychology being the perfect exemplar.[3] That is, it begins by stepping back and trying to be "scientifically" objective in describing how abstract human-things respond to various circumstances. So, after Darwin and Nietzsche, the idea that regularities of comportment to be found in the natural world were a product of design lost its hold over the minds of elite European intellectuals. But a *way of looking* at nature, including human nature persisted.

On the Deist account, the animal eye had obviously been made for seeing but the Maker's human creatures in particular were equipped with "Reason" as well as eyes. It was that faculty that enabled them to make what they could out of the rest of creation, to cultivate nature's resources for their own convenience and fill their life world with human contrivances. But that faculty had been designed as well to enable human beings to practice self-government in accordance with a particular set of "natural laws" that spelled out human rights and duties. And, in this case, the shift from a Deist to Darwinian view had profound consequences that went way beyond a simple alteration of the foundational principle. Once the designs of nature in the human sphere were reframed as contingencies of natural selection and historical contention, something like postmodernism became inevitable.

People who remain committed to human progress in the postmodern context need to step up and face the significance of the critiques of the Enlightenment that most immediately shaped that context at the intellectual level. The progressive view of history that shaped the ideas of J. S. Mill and Auguste Comte as well as Karl Marx could not survive in the absence of an ethical/political foundation in nature. Adorno and Foucault spoke with one voice on the most basic issue: our commitment to human progress has become philosophically groundless. It may be deeply felt, and successful political action can be organized on an *ad hoc* basis wherever that commitment exists, and progressive rhetoric can still deploy its tropes to some effect.[4] But the autocratic populism now ascending in more and more societies all over the world flourishes in this philosophical vacuum. And pragmatist, constructivist, and relativist responses are proving to be, not only philosophically inadequate, but doomed in practice as well. The likes of Trump and Orban and Putin and Bolsinaro and Poland's Law and Justice Party (the list goes on and on) will continue to thrive as long as facts and values remain nothing more than "social constructions" as the notion is currently understood. No one "socially constructs" facts and world-views more effectively than they do, not to mention their affiliated

movements—Q-anon was just a beginning, you may be sure.

In this essay, I hope to show that humanity's values are indeed socially constructed—but that, phenomenologically construed, they retain an objective validity as well. The aim is to make a case for *necessary* origins in what Arendt herself called "*the* human condition" (note the singular). I will argue that the ethical is, as Heidegger might phrase it, "equi-primordial" with consciousness itself, that the ethical is an aspect of the emergent phenomenon that is consciousness because consciousness is essentially social, and therefore ethical, from the outset. Once established, consciousness can appear to be an "attribute" of individuals—and 20th century phenomenologists (unlike Hegel) have been inclined to so regard it (see de Zengotita 2018). But a more fully developed "genetic phenomenology" (see Donohoe 2004 for an account of this key concept) tells another story. And that story will invite us to rethink the philosophical enterprise, to make it empirical without abandoning its commitment to the transcendental. And that synthesis will, in turn, allow us to access the origin of human rights, an origin which is itself ethical.

Basics of Phenomenology

But there is another way to think about human beings, one that foregrounds the undeniable "fact" of consciousness without which we would not be making these enquiries at all. "Fact" is in scare quotes because, although consciousness shares—or even exceeds—in certainty of existence the usual sort of fact, it is otherwise so utterly different as to make it seem plausible to at least some scientifically inclined thinkers that it doesn't "really" exist at all. Just that bizarre circumstance, stated thus bluntly, should be enough to convince anyone seriously interested in human doings that consciousness as a phenomenon might have to be studied in a distinctive way if it is to be properly understood. In any case, the phenomenology of Edmund Husserl and his heirs, along with the work of the later Wittgenstein, proceeded on that assumption and this book looks to them for inspiration. The aim is to discover what something like "human rights" might look like if approached from that standpoint, supplemented and enhanced by our knowledge of various human forms of life described in the anthropological archive.[5]

The previous paragraphs argued that the objectifying view of humanity was inspired by the physical sciences. The underlying assumption was that knowing about human beings would be analogous to knowing about the rest of nature. Phenomenology refuses that analogy. It does not deny that you *can* study human nature that way. It does not deny that extraordinary results follow from studying human nature that way—as in modern medicine, most obviously, but also in psychology, genetics, and the brain sciences. In other words, insofar as human nature is physically determined, the scientific study of it is likely to be successful. But insofar as human nature is not physical, insofar as it is ethical, say, or mental or historical or aesthetic or even spiritual—then it would seem to follow that studying it as if it were physical is bound to miss the mark.

In a nutshell, phenomenology claims that you cannot understand (*verstehen*) what it is to be

human by way of science. Neurologists of the future may someday make digital maps of the brain's activity so precise that they will be able to tell from the map what a person is consciously experiencing. But such a map will never *be* that conscious experience and it will never *be* the conscious experience of understanding it. It might help to explain a conscious experience; only a person can understand it.

Phenomenology is a discipline of understanding, not explanation. Take jokes, for example. An explanation of a joke is notoriously unfunny. It may be true in every detail, but it inevitably falls short in that crucial respect. A joke is only funny when you get it—that is, understand it to begin with. The spirit of phenomenology can be evoked by this fantasy requirement: any theory of humor it might produce would aspire to be funny.

All of which means that phenomenological theory is willing to sacrifice a certain analytic rigor to its quest for significance. Of course one still strives to be as exact as possible but, if some things that matter to us resist perfect definition and we want to address them anyway, so be it. Better to get some sense of what, say, beauty or justice or honor really are than to force upon them a precision alien to their mode of being.

Once this distinction between explanation and understanding is grasped a lot of unnecessary controversy can be put to rest. There is no inherent contradiction between the analytic and phenomenological traditions in philosophy—nor between phenomenology and objectifying science-inspired studies generally—anymore than there is between cubism and expressionism. The conflict arises because the two modes of inquiry get implicated in larger political controversies. Broadly speaking, phenomenology has been suspected of inspiring obfuscating jargon for fashionable continental thinkers serving radical and relativist agendas while objectifying analytic systems have long been associated with economic and technological domination and exploitation. Be all that as it may for the moment—at the level of intellectual substance, they are simply different enterprises.

What follows is a brief account of the phenomenology's basic principles—not of its history or its technical terminology—but of its essential characteristics. There will be a certain amount of conceptual exposition, but rooted always in anecdotes, for narrative is the genre best suited to understanding, and to ethics. That is why Wittgenstein's *Philosophical Investigations* depends so completely on that form, rendered in exquisite miniatures.

Just as a phenomenology of humor would have to be funny, not literally, perhaps, but in spirit (come to think of it, isn't this "requirement" a bit comical?), so phenomenology in general aspires to give a truthful account of what it is like—in general—to exist in a world of equipment and associated projects—hammers and glasses and books, sidewalks and traffic lights, on and on. When we adopt the positivist objectifying attitude towards such things we "strip away" the characteristics *that we subsequently come to think of as "subjective."* That means all the historical, functional, contextual, aesthetic, personal, emotional, cultural dimensions of things as we experience them in life. But in lived experience we do not typically operate that way. We do not come across "objective" physical things and then paste dimensions of meaning

onto them like so many labels. The meanings of things that constitute our life-world are immediately experienced in and with them, and always in the context of other meaningful things. Such meanings are vital constituents of what those things are; they make them what they are. It comes down to this: when we adopt that objectifying attitude toward our life-world, we sacrifice the significance of things to their objective properties.

In the ideal case, the objective properties of things are quantifiable—mass, velocity, location, and so on. When the objectifying attitude is brought to bear on the lives of human beings it cannot always achieve that ideal, but it tries. "Treat social facts as things," said Emile Durkheim in his rulebook for modern social science. Even values should be treated as things according to this program. "Norms," as the jargon has it, are what values become when they are treated "objectively" by sociologists instead of what they really are in lived experience—namely, our apprehensions of right and wrong arising in actual situations. Once again, this does *not* imply that the scientific study of human beings ought to be condemned out of hand. I emphasize this, because a lot of thinkers influenced by continental philosophy—and some phenomenologists too—have interpreted the matter this way, but that's a mistake, usually politically motivated. The real point here is ontological. It emerges with this question: What really exists? What *is* there?

Bertrand Russell once said that if, in answer to that question, he had to choose with a gun to his head between the world of atoms and molecules and the world of tables and chairs, he would choose the atoms and molecules.

Phenomenology admits the existence of atoms and molecules but it prioritizes the tables and chairs.

Perplexing and even anguishing metaphysical issues now arise. The world of tables and chairs includes the people we love, after all. But there is no need to take up these issues in *this* discussion. If our aim is to discover a new foundation for human rights, we are certainly more likely to find it in the world of tables and chairs—and people—than in the world of quarks and amino acids. In the context of *this* inquiry, a pragmatic solution to this particular problem is justified. We choose the world of lived experience because our enterprise is ethical.

But if that choice is seriously made it has serious consequences and there can be no shirking, no backsliding into more comfortable habits of thought. With that choice made, we are obliged to begin again and commit ourselves to a philosophical approach that respects our life-world as it is, in all its complexity, with all its textures and uncertainties. We no longer expect to reduce it to elements and laws. We no longer want to explain it (away). We want to understand it. We want to, as it were, get the joke of life in a philosophic register.

This means we must systematically dismantle our habitual inclination to look at ourselves in that objective way when we start thinking about ourselves "seriously." We have instead to deal with ourselves and our life-world in a phenomenological way. Which is not the same thing as "subjectively;" it's a different animal altogether.

What is ultimately at issue is easy to state—but difficult to grasp, not because it is complicated, but because it is so simple, so basic. Consciousness doesn't exist the way a thing exists. It has a whole different kind of existence. That different kind of existence cannot be grasped unless it is approached in a suitable way. All efforts to think of consciousness as a special sort of mental entity with special sorts of mental properties (that is, as analogous to physical things) are doomed from the outset (*The Concept of Mind* (1949), by Gilbert Ryle, offers a lucid account of this profoundly mistaken analogy designed for Anglophone readers unfamiliar with the phenomenological tradition).

Martin Heidegger called the *kind* of being that consciousness has "Being-in-the-World." Following the example of Merleau-Ponty, I will sometimes use the expression "embodied mind" to convey the same notion. Heidegger also parsed the word *Dasein* in naming consciousness, to emphasize its constituents—Da-sein. That literally translates as "There-being," which sums up the basic point very neatly. The fundamental challenge for moderns who habitually think of themselves in an objectifying way now emerges; you begin to understand phenomenology as you begin to realize that you ex-ist (outside-being), that somehow you *are* outside yourself, that is, in-the-world.

The kind of existence that sheer things have is, so to speak, enclosed. Consider a rock on a path. A path has direction—it has a "there." For a rock, there is no such thing as a path. But the "there" of a path is as much a constituent of a person's conscious ex-istence standing on a path as the "here" of one's own point of view. Or look at it this way: a rock may be in contact with the ground; but it cannot touch the ground.

If you are now thinking something like 'that's because a rock hasn't got a nervous system,' you have fallen—blindly and automatically—back into the mode of objectification we are out to neutralize. Nervous systems may indeed be necessary conditions, as a matter of scientific fact, for touching, but that's beside the point. The actual experience of "touching" has nothing to do with facts of neurology, but with the phenomenology of touching itself.

Do we suppose that people with no knowledge of neurology don't know what "touching" is? It is important to dwell on this question. It can help to "carve out," as it were, the phenomenon of touching—and, by extension, the whole realm of experience that phenomenology is concerned with. It comes down to this: if I smash your hand with a hammer, it is your hand that hurts—not some part of your brain.

Back to the rock, in contact with, but not touching the path. Over and above the sensation itself, touching is directional—just as paths are. Not only can a rock not feel, it has no orientation in the world, no directionality in time or space, no implicit connections to anything else. For a rock, the world has no significance. For a rock, there is no world.

That's why equipment is such a special kind of thing, a sort of intermediary between rocks and people. A screwdriver wouldn't be a screwdriver if it didn't have orientation, its functional parts all "pointing" to purposes. It would just be a thing, a sheer thing, like a rock. To say that

we ex-ist, that we are embodied mind or "being-in-the-world," does not imply that screwdrivers are conscious. But it does imply that we are conscious only *through* the totality of oriented things that constitute our world as a world—screwdrivers, paths, tables, chairs, hands and feet and, yes, things we otherwise think of as "natural" also have their orientations insofar as they constitute the world in which we exist. Streams flow "from" and "toward;" mountains loom; trees shelter; the sky can be threatening; sunshine can be welcome but so can rain, depending; and rocks too can come in handy, or, in the limiting case, prove to be interesting, even beautiful, strewn across a silent landscape.

Unlike a sheer thing, which exists in an enclosed way, consciousness exists, not merely in an open way, that's not radical enough; consciousness *is* outside itself. Once that becomes evident across the board, everything changes, and a whole different way of thinking about what it is to be human becomes possible.

In the case of the screwdriver, for example, you could say, just to get the idea started, that as consciousness you exist not just "through," but *as* the pointings of the screwdriver. That way of looking at it takes on more force when you begin to realize the general implication, which is that as consciousness you exist *as* all the orientations of all the things that constitute your world—that is, all their interrelated pointings, some coming to the foreground, most hovering in the background, at the margins. And, finally, you exist as the "horizon" that is the totality of that flux of pointings, woven together as a world. The ultimate meaning of "Being-in-the-World" depends on this indefinite horizon that surrounds and gathers, as it were, that flux of pointings. Heidegger calls that the "worldhood" of the world.

Now consider time. You ex-ist outside yourself in time constantly. That is, outside the present. This is easy to see. Just monitor your activity without interrupting it. Notice how completely your present moments are fused with past moments that "put" you in your present context and with future moments constantly in the process of actualizing, or not. If you do that, you will find that you, as you are now, exist almost entirely in and as a fusion of past and future moments. And then you will notice that those moments merge with the directionalities and orientations of all the significant things and settings that make up your world. It comes down to this: your past and future consist of possibilities, implicit in all those things and settings, some irrevocably realized, others not, and others not yet. As consciousness you are the nexus of those ongoing possibilities, perpetually actualizing (or not), perpetually opening up to them. That perpetual unfolding is lived time. We call our existence *as* these possibilities "freedom." [6]

At first, as an objectifying modern accustomed to thinking of yourself as a present-at-hand mental entity lodged somehow "in" your body, you may be tempted to say, 'Oh, nonsense, I exist entirely in the present and, in the present, I have memories of the past and plans for the future that condition my present activity…'

But that's just how things look when you adopt that objectifying attitude toward yourself as a psycho-biological entity—which, as a modern, you tend to do whenever discussions like this get

under way. Then you appear before the gaze of your own mind's eye as a mental-thing that "has" memories and plans (and feelings and so on). But when you are actually living your life you are not really like that at all—you are the way I have been describing you.[7] Try this: the Cartesian-scientific account of mind entails the claim that the whole of the experienced world is "in your head," "in your mind." What's really out there is atoms and molecules and photons and so on—and they don't turn into tables and chairs and the people you love until they have stimulated your sense organs and nervous system (likewise composed of atoms and molecules) and those stimuli converge in your brain (likewise so composed) where tables and chairs and the people you love somehow pop into conscious existence. That is, if you are committed to the scientific account, you *already* believe that the *experienced* world is in your mind. Why not just press reverse and say that your mind is in the world? What's the difference?

Finally, to complete the inventory of your existence as Being-in-the-World, in addition to the pointings of things and the determinations and possibilities of time, there are the people with whom you share the world—a world that embodies us all, more or less intensively, more or less reciprocally, depending on the circumstances. Which brings us to the question of right and wrong. The formative move has already been made; the expression "human nature," with all its objectifying connotations, has been abandoned. We will speak instead, with Hannah Arendt, of the human condition.

With human life-worlds understood in phenomenological terms at the philosophical level, a path opens up for cross-cultural ethnographic comparisons that remain grounded at this level but can at the same time register, without reduction to abstraction, common features that characterize differences in the ways people in different societies experience their embodiment. Precisely for that reason, that path leads as well to the possibility of justifying ethical judgments of customary practices in different human societies in terms members of any human society might be persuaded to accept.

Toward a Phenomenological Theory of Property

The human condition, in all its local forms, must accommodate the unasked-for of being conscious. It must cope with the ephemerality of the kind of existence that consciousness is.

As in "The Unbearable Lightness of Being."

To be human is to be anchored in arrangements of things that stabilize consciousness, the essence of which is contingency—evanescence, becoming always, never being, passing away. Culture provides those anchors, those stabilizers. Indeed, culture is those anchors. Starting with our literal bodies and working through custom, manner and gesture, culture shows us how to embody our minds in a world of significant things.

Consider, for example, how matters unfold when you move into a new place, even if it's just for a week or two, like on vacation; consider how you set about making it your place. From the moment you enter the room or cabin or campsite—or even just the little clearing in the woods where you decide to pitch your tent—think about the way you survey it, first of all, the way you

look it over, seeing where things are and where things can go. Then think about how you start to distribute the things you have brought with you in accordance with the layout of the place, all the little regions where things fit. In the case of the cabin, those regions are already established—the bathroom, cooking area, cabinets, and closets. But, if you monitor without interrupting the process you go through as you set about making the place yours, you will find that you make all sorts of little adjustments. You rearrange, at least in small ways, the things that are already there as you bring them into relationship with the things you brought with you, and sometimes—depending on how long you expect the place to be yours—you make larger changes too. In the case of the tent you pitch in the wilderness, on the other hand, the arrangement that turns the space into a place, that makes it into "somewhere you belong" (which, at this primordial level, means the same thing as "belongs to you")—in that case, you must start from scratch, as it were. There's a lot less to work with. But you do essentially the same thing, even if it's just with a sleeping bag and a propane burner and a mess kit. And do you ever really start completely from scratch? Or is the process of choosing where to pitch your tent actually a matter of finding a space that already suggests the place you will make it into—that says, in effect, OK, here's a little nook that looks sort of cozy, and there's a barren spot of earth and rock, not too near, not too far, where a fire could burn safely, and there's a stream; and so on. Dwelling precedes building, Heidegger said.

In all these arrangements and rearrangements of things, you are making what is given your own by embodying yourself in the ways you arrange it. Those arrangements will stay put as your mind moves inexorably on.

Just a few days later, when you return to the cabin in the twilight after a hike, it will be a bit of a homecoming. That's because you are recognizing yourself in—and *as*—the arrangements that persisted in your absence.

But, no, you might protest, if this "consciousness embodiment" stuff strikes you as suspiciously romantic, it's practical considerations that motivate us in these matters. We need to eat and sleep and be warm and perform our natural functions and that's why we make these arrangements and rearrangements—for convenience, and ultimately for survival, physical survival.

That would be the science-inspired, characteristically modern, objectifying reflex at work; it that kicks in automatically whenever we undertake to think "rationally" about ourselves. Not that you would be wrong, of course. The phenomenologist is happy to admit that you are right, in your own restricted way, about why human beings (like other animals) do such things. The phenomenologist simply points out that your explanation isn't actually an objection—it just feels like an objection.

That's because culture embodies consciousness most securely when it works through your body's material needs and organizes other things around them. Your body is the most salient and insistent of givens, so you (by way of culture) must take it over all the more convincingly lest the utter accident of being who you are confront you at every moment with the same

intensity as when—alone at night in a stranger's bathroom—you collide with your reflection in the mirror and find yourself staring into your own eyes.

That is why we adorn ourselves. That is why all societies regulate sex in some way, except in anarchic moments of orgy—the original exception to prove a rule. And that is why food is always prepared and shared, often elaborately, and certain ways to eat are prescribed. Certain places and manners are firmly associated with our bodily functions. That's why so many of the ways our world is organized can be traced back to the dispositions of our physical bodies in an environment of fabricated "bodies" designed to accommodate them—by which I mean what Heidegger called "equipment," which he placed at the very center of the ensemble of "projects" that constitute human ex-istence—famously defined as "being-in-the-world." By this I mean, in our modern context, things like tables and chairs and beds and paths and toilets and doors and handles and forks and buttons and switches and, well, you finish the inventory. And as you do, notice how intricately calibrated to our actual bodies the fabricated bodies of culture are. It can be quite astonishing when you survey the whole sweep of things in our world with this specific point in mind.

In a nutshell, we live in and through a field of bodily extensions and the settings within which they are significantly articulated (Compare Merleau-Ponty's "the flesh of the world" in *The Visible and Invisible* (1968)). The continuity of our bodies with equipment in such settings is thus established in a manner that could have profound consequences for reconfiguring, on a new foundation, what both Locke and Marx thought of as the essence of property—namely, labor.

In any case, the inventory of bodily extensions, of equipment, turns out to be really long. Especially when you start distinguishing the different ways that different cultures make arrangements that are, at a more universal level, essentially the same—chopsticks vs. forks, and so on.

So a culture is making-a-place-yours writ large in space and time. It is an anchoring that spans generations and embodies (or fails to) the consciousness of populations in shared places, in the settings that surround the hearth, the house, the village, neighborhoods, cities, and even (by way of representations) nations. If you are, say, a New Yorker and you have been abroad for a time, dealing with something stressful, let's say, and now, at last, a plane is bringing you back across the Atlantic and you see the lights of Manhattan spread out beneath you as you circle into Newark; well, you get the same "coming home" feeling you get on your daily commute when you leave the interstate at that familiar exit in the dusk and drive—automatically, not needing to think about it—down the streets that lead, one by one, each one closer than the last, closer to the door that opens to the very nest.

There's a whole set of stages to the homecoming process, a spectrum of levels or degrees, as it were, and each has its particular flavor but they all signify degrees of belonging, relative intensities of embodiment in certain arrangements.

Understanding the human condition as embodied mind thus yields immediate access to an appropriately universalized notion of "property." In this extended and universalized sense, property is the site of the ethical dimensions of conscious existence. Whatever embodies mind constitutes, in a manner of speaking, the *substance* of a person. For example:

Have you ever been burgled? That is, have you ever come home to find your place ransacked? Your drawers open, your personal things strewn around, maybe they went into your refrigerator and left some half-eaten food out, drank from a milk carton? If you have ever had that experience, and if you didn't happen to have your life savings in your desk drawer, then you will know that theft is not the essential crime here. It isn't so much that they took your TV—it's those hands in your drawers, pawing your clothes, that mouth on your food.

It's a contamination. You've been violated.

Now, have you ever been robbed? As in mugged. That's when they put their hands on your actual body, when they make you lift your arms, when they shove you against a wall, threaten you with a weapon, rummage through your pockets—you can smell their breath, you notice the moles on their skin.

It's very intimate.

In the case of robbery, when your actual body is arranged in accordance with someone else's will, the experience is much more intense than in the case of burglary, when it's your other "bodies" that get interfered with. But the essence of the crime, the violation of the substance of the self that is the crime, remains. And degrees of disgust and humiliation mark the levels of intensity.

And, of course, assault and rape and murder fall along the same continuum—although, in the case of murder, it is the family-body of the victim that is lastingly violated.

Now think about how humiliating it is to lose control of your bodily functions in illness or old age. That's a violation too.

All these cases are different in just the ways that they are different. But phenomenology allows us—enjoins us—to give each difference its due and at the same time to discern a constant element: the violation of embodied mind. The embodiment of another intentionality in arrangements of bodies that are yours without your invitation or consent.

Now we understand the basis for what is already recognized in law; namely, the reason for the relative severity of the crimes. And also why old age cannot really be called a crime, even though it feels like one. For what intentionality takes possession of your body in that case? Shake your fist at the sky, if you will. Or submit with as much humor and grace as you can muster, as sages of all persuasions counsel, for there should be no humiliation in submitting to nothing or to a God who owns us all.

This continuum of crimes and their modalities illustrates again a crucial point. We should not assume that a reconfigured foundation for our ethics will alter the content, at least not necessarily, and certainly not in all cases. A phenomenological rendering will often do no more than clarify what is already recognized in all sorts of traditional and intuitive ways. The aim of this whole enterprise is simply to provide people engaged in ethical and political disputes with a common vocabulary—just what Alasdair MacIntyre called for in *After Virtue* (1981) as he contemplated the chaos of explanatory schemes that were, even then, dividing progressives into contending camps competing for attention for their various priorities.

It is already apparent, for example, how this clarification applies not only to obvious examples like laws that distinguish burglary from robbery, but to an extended region where, as objectifying moderns, we are inclined to see operations of metaphor. For the regions of being-in-the-world in which "my" is justly placed are not only vast and various but also fluid, bound up with constant improvisation. We are not mistaken when we speak of "my neighborhood" or "our song" or "her mother." In all those cases, we are talking about ways of being in the world that constitute "property," understood as embodiment of minds, as substance of selves, and not merely legally. And unless those dimensions are recovered, we will never understand what property rights or human rights really are. So, to give just one example that provides a hint of how this account might apply politically, people often feel violated when massive changes are made to the configuration of their neighborhoods by impersonal authorities and absent legal owners. And given the notions of right and wrong under consideration here, we can begin to discern what it would mean to say that they have a *right* to feel that way.

Locke and Marx were not very interested in the human truth of "my" in all its variety. They were after elements of that truth that could be used as verifiable indicators of property rights, of quantifiable value in rapidly changing social and economic contexts under exigent political circumstances. They were interested in the objective "properties" of property, as it were, that could be deployed politically, legally, administratively for purposes of governance. They—Marx too, despite Hegel's enduring influence—were committed to a quest for a *science* of human being, a science of our nature in Locke's case, a science of history for Marx.

Focusing for now on Locke, we recognize at once that he began with one of the most theoretically productive elements of the 'my' relation—along the axis that connects one's physical body with other bodies. He began with the premise that one obviously has a "property" in one's own body. The "natural light of reason" made that much clear. That "natural right" to property was extended as one labored on, and gave value to, the "almost worthless" raw materials of nature and thus removed them from the great commons.[8] His politically motivated and objectifying emphasis on labor meant that the full phenomenon of "my," with all its gradations, was bypassed and obscured. Colloquial usages like "my neighborhood" and "our song," so obviously figurative in modern legal contexts, couldn't compare in significance to the question of who controlled society's resources. Habit, for example, may not be labor and it defies simple metrics of quantification but it embodies minds in settings over time just as surely; that is why pilfering a few office supplies from "your" desk doesn't feel like stealing to many people. Anyone who doubts the ethical and political

importance of other dimensions of property need only consider reactions to cartoons of "our prophet" or insults to "our flag" and all the rest. Call such things "symbols" if you like, but if you say they are *just* symbols, you are disdaining the ways people actually embody themselves and avoiding the philosophical challenge that confronts anyone committed to a serious search for universals of human existence.

And that is essentially what would happen in the Anglophone academy as the anthropological search for universals got underway in the modernist period. As science-inspired models of what it meant to generalize took hold, formulations of universals in terms that would apply cross-culturally became more and more abstract, more and more alienated from experiential actuality, and more and more committed to explanation rather than understanding. For most "social scientists," the realm of the symbolic was of interest insofar as its functions in a social system (conceived concretely as a mechanism or an organism) could be identified. The symbolic belonged to "superstructure," to "ideology," to "pattern maintenance." "Real" causes (and causes were what social *science* was about) were ecological, economic, political.

Once again, the aim here is *not* to contest the validity of the explanatory social sciences. Much of what has been accomplished in these fields has great value and the causes identified are indeed real. The aim is to launch a different *kind* of inquiry—one that might allow us to establish a universal foundation for human ethics. If, as founders of the social sciences from Weber to Durkheim so famously proclaimed, the idea of a social *science* depends on its being a "value-free" enterprise, we can say of this other kind of inquiry that it is value-saturated. And if that orientation can provide access to certain human universals that explanatory models misconstrued, or missed entirely, that should be a welcome development for all concerned.[9]

What would a cross-cultural conversation about ethics look like if all the participants—from defenders of honor killing to promoters of the unlimited exploitation of nature's resources began with this premise*: it is wrong to violate the embodied minds of others, wrong to alter, without their consent, arrangements of significant things that constitute their being.*

Of course, a defender of honor killing could say "But she is part of the arrangement that constitutes my being; I was the one who was violated" and a defender of unlimited development could say "But this is wilderness, it embodies no one" and so on. But imagine the back and forth to follow, given the premise. Imagine the testimony of the parties involved. A different kind of conversation becomes conceivable.

The Gift; the Root of Ethics

"Why are there beings at all, and why not rather nothing?" Heidegger, 1929

It is difficult to determine from the literature if creation myths are absolutely universal, if *every* known human culture has or had a creation myth. There may be a few exceptions. But it is ethnographically safe to say that an overwhelming preponderance of human societies have or had a traditional narrative of great value accounting for the beginning of all things. A number so great that it seems phenomenologically safe to say that a deeply entrenched aspect

of the human condition is expressing itself here, a specific need of the human mind to comprehend itself in a narrative that accounts for existence of the world and all its creatures. It also seems obvious that modern science, from Darwinian biology to Big Bang theory, has been out to supply its own kind of satisfaction for that primordial need in a secular society. Phenomenology, in turn, offers a secular equivalent to creation myth as well—but it takes a very different form: it begins and ends with a question, cited above, that concluded Heidegger's lecture on "What is Metaphysics?" What makes this response to that need so unique is that it is *not* meant to satisfy the need, not even partially, as science does with the explanations it provides.[10] No, the point of that question for Heidegger and existentialism generally, is precisely to confront consciousness with the fact that it can't be answered even as it admits the necessity of asking. It becomes the ultimate duty of mind to ask this question and to live, as it were, in the light of the question and in accordance with the import of the question, *but with no expectation of an answer.* In that moment, what Heidegger called "the question of being" is recovered in its pure form, before its call for heroic honesty gets muffled by theories and stories that masquerade as answers to it.[11]

In a "Lecture on Ethics" delivered before a private audience at Cambridge in the winter of 1929-30 (Heidegger's essay was also delivered as a lecture in 1929), Wittgenstein allowed himself to put into words what he had "passed over in silence" as a matter of principle in the *Tractatus* a decade earlier:

… if I want to fix my mind on what I mean by absolute or ethical value… I believe the best way of describing it is to say that when I have it I wonder at the existence of the world.

How distinct the mood in Wittgenstein! The same "question," but the state of mind he found himself in when the question occurred to him was so different from Heidegger's. "Wonder" meant both astonishment *and* an inclination to ponder and muse—never mind the fact that no resolution was possible. As a reading of his whole essay shows, his basic mood was reverential (see especially the closing paragraph on his refusal to disdain traditional religions). For Wittgenstein conscious being-in-the-world was a gift. For Heidegger it was more like a curse: we are "thrown" into being, with the violent connotation intended; we scurry away from the question, eager to get back to our "fallen" (with the Biblical connotation intended) state of "average everydayness" in which such authentic moments are quickly covered over by the "idle talk" of conventional wisdom about what matters in life. Especially, we cover over the coinciding question of death's inevitability.

So, a wonderful gift or a curse condemning us to an inauthentic life and a meaningless death—at this level, it doesn't matter: the point in both cases is "I didn't ask for this."

When the author of the *Tractatus* tried to think about ethics, about "absolute value," he famously found himself at a loss for words. So he passed over the question of value, ethical and aesthetic, in silence. But later, in the *Essay*, with his mind set free from the requirement that only factual-type statements (and their logical consequences) be considered, he allowed himself to express thoughts and feelings that could never meet that Tractarian

requirement. And, lo and behold, he found himself talking about “the experience of seeing the world as a miracle.”

So, even though I have had many a moment in my life when it all feels like a curse, the focus here shall be on the idea of being as a gift because ethical obligations follow immediately from that framing. They do not follow logically, but pre-logically, phenomenologically; it is in the nature of a gift to obligate (See Mauss 1925).

Let us distinguish roughly between two primordial ways in which the given is manifest. Most obviously, the being of the world “prior” to our appropriation of it is given. But the entirety of our existence is also given, at this moment—the moment that counts—all of history and culture as well as nature, writ large and small, is given at this moment. That is, we cannot choose to be in this moment any more than we chose to come into being in the first place. Call it “thrown,” if you will—but focus on its inescapable necessity.

At each moment, it is up to us to act. The arrow points at each of us. What should we do with this gift?

Perhaps the least noticed (nowadays) of the significant features of Locke’s “state of nature” prior to the social contract is this: what is given by God subjected His creatures to certain imperatives and constraints. There were “laws of nature” for human beings. And the font of them all was the *human creature’s obligation to preserve his Maker’s properties*—including, especially, His property in oneself and other human beings. But more recent readings of Locke, conditioned by more contemporary political concerns that no longer look to God for justification, have concentrated on the property claims of human beings—and, in particular, on the claim that property is a “natural right” that holds for individuals owing to the labor they individually invest in “almost worthless raw materials” transformed by that labor into “useful goods.” Almost forgotten in political debates over the claims of individual (bourgeois) vs social labor have been passages like these:

The same law of Nature that does by this means give us property, does also bound that property too… As much as one can make use of to his advantage of life before it spoils, so much he may by his labor fix a property in. Whatever is beyond this is more than his share, and belongs to others. Nothing was made by God for man to spoil or destroy.

Nor was this appropriation of any parcel of land, by improving it, any prejudice to any other man, since there was still enough and as good left, and more than the yet unprovided could use. So that, in effect, there was never the less left for others because of his enclosure for himself.

To people accustomed to thinking of John Locke as a founding philosopher of capitalism, passages like this can come as a shock. True, later in the *Second Treatise*, Locke argued that introducing money into civil society (by consent of its members) allowed for more accumulation of wealth than was justified when the fruits of the earth were the only riches in question. Unlike meat and peaches, he said, in effect, gold and silver don’t spoil. So you can

accumulate as much of that as your industry will allow without breaking the law of nature.

But even so. He was obviously assuming a world of resources without limit. He was assuming a vast, uncultivated commons, bursting with potential that no amount of private accumulation could exhaust. What Locke's laws of nature would oblige him to conclude about property in today's world would be very different indeed.

Understood phenomenologically, property is even more fundamental to ethics and politics than traditional modern accounts have recognized. What Locke wanted to conceive as a truth "capable of demonstration," a logical truth ("where there is no property, there is no injustice") turns out to be a phenomenological truth of profound disclosive power. It is much more than a definition—it constitutes the very being of right and wrong in the world, wherever right and wrong appear, in all their modalities. And right and wrong appear, to begin with, as affordances and obligations inherent in the gift of being.

Religious practices, in the broadest sense, have been instituted in response to the gift of being. Creation myths and their elaborations through ancillary myths and rituals provide identifiable entities whose various provisions make up that gift. But even in the absence of divine givers, even in an utterly secular context, the gift of being obligates—all the more so, in a way, because the gift now appears as absolute. Above all, it obligates us to care for what is given. And that obligation persists as human beings embody their minds in arrangements of things and settings that constitute cultural-historical worlds in all their variety, embodying as they do so many different minds, to such varying degree, in so many different ways. That obligation ultimately constitutes the "ought" of ethics. Because of the universal "ought" at the root of these subsequent manifestations, human rights and duties can be grasped as "natural" once again, but in a very different way—the way of a "second nature," as it were, a second nature that is our consciousness and turns out to have its own kind of natural law.

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[1] I think Moyn understates the degree to which Locke in particular (and religious thinkers in general) conceived of human *and* natural rights as "apart from" and "above" positive law and nation states. On the other hand, compared to Amnesty International, it seems they did assume the nation state's priority in practice. Let historians with finer grained glasses than mine adjudicate that question (Specter 2012; Alston 2013). My concern here is with the question of "origins" *per se.*

[2] For Enlightenment thinkers and their fashionable followers, today's discredited "intelligent design" argument was an assumption of common sense. With no knowledge of modern geology and biology—no fossil record, no genes, no speciation, no natural selection, no evolution—they confronted the panorama of life and the stunning diversity of its forms and adaptations. Under those circumstances the (almost) inevitable conclusion was that some intelligent Maker was responsible for the order of the universe, for all the inorganic bodies dancing to Newtonian measures and, most spectacularly for the intricate mechanisms of that constituted living beings. Innovations in analogous human manufacture (telescopes, microscopes, pumps, automata of all kinds) made that conclusion almost inevitable because they entailed lived experience of the Maker position and the "objectivity" essential to it.

[3] See de Zengotita "Ethics and the limits of evolutionary psychology." *The Hedgehog Review*, vol. 15, no. 1, spring 2013

[4] When Hillary Clinton famously scolded assembled political leaders in Beijing by telling them that "Women's rights are Human Rights," she was scoring those rhetorical points. But the whole notion will remain a mere social construction—just as Moyn described it—unless its original foundation in divine design can somehow be revived in secular terms.

[5] I make most extensive use of Heidegger's formulations from the first half of *Being and Time* (1927). They are the most explicit and accessible in the literature. I wish it were not so because I am not among those who see no internal connection between Heidegger's ideas and his politics. A philosophy that refuses Enlightenment abstraction in favor of the concrete and identifies human existence with embodiment (land, blood?) is inherently vulnerable to the blandishments of fascism. But the example of Emmanuel Levinas, a student of Heidegger's who went on to fuse his Talmudic studies with phenomenology, tells us that the connection is not necessary. Levinas' argument for the priority of the ethical over the epistemological and his descriptions of the encounter with the face are essential to this account.

Above all, Wittgenstein's *Philosophical Investigations* inspired this work. But his allusive style is irreducible. No summary reading of Wittgenstein, academic or otherwise, can do justice to the events of understanding he provokes.

[6] In more formal terms, we can just say that "relations" of significance and possibility constitute consciousness. It is important to notice that phenomenology entails a certain credibility to the near universal belief in an immaterial aspect of human, but "soul" talk is avoided. The immateriality of relations between material things will prove sufficient.

[8] Marx would shift the axis of value-giving labor from the individual subject to the social subject—one of several vital Hegelian insights that survived the materialist reduction of the dialectic of absolute spirit.

[9] It is significant that both Weber and Durkheim were at pains to reassure their readers (and themselves?) that they were not only social scientists, but regular people as well, people whose values shaped their personal and political lives and necessarily so. They were in effect

admitting—indeed, insisting—that the position of "objectivity" they assumed as social scientists was artificial, alien to their "natural" mode of being. See especially Weber's famous lecture "Science as a Vocation", 1917.

[10] I say "partially" because the moment comes when students always ask, "Well, ok, but what came *before* the big bang?" and no answer is forthcoming.

[11] This is *not* to say that science intentionally misleads with a "masquerade" but only that, insofar as its explanations of the origins of things are *taken* to be answering the question "*Why* is there anything at all?"—they are in fact misleading. The question of *why* is not even addressed by explanations of *how*.

Deepening Intercultural Dialogue and Integration for Global Peace

By | 2023: Vol. 22, No. 1

The world is made up of differences and similarities in culture and convictions. Unfortunately, it seems that the former has been gaining the attention of the global communities because of the different problems that have developed from it. Thousands of cultures have little meeting points with others, and there are different rationales behind the cultural differences. However, the human race is built to interact; therefore, those differences must be succumbed to at some point to allow peaceful coexistence and, in the long run, global peace.

Of course, there cannot be a standardized culture or a process toward the global unification of cultures. The beauty of the human race is buried in its diversity, and such an effort will destroy what has sustained it for millions of years. Considering this and the need to interact, especially across territories and cultures, attempts have been made to construct a bridge for these obvious or subtle differences, particularly to attain mutual goals and understanding. One such attempt is the intercultural dialogue that has gained popularity among those making global and intercultural efforts, as well as individuals and institutions committed to promoting national and international peace.

Intercultural dialogue is an instrumental and systemic link between language, social interaction, and intercultural communication among people. Understanding this can be held with two horns: an interaction between people from diverse cultural backgrounds and an engagement to achieve distinct mutual goals. In this sense, I do not talk about those random engagements between people but those deliberate conversations with the basic aim of creating cultural understanding, assimilation, and tolerance, both in the global space and at the international level. This is the kind of effort material to the promotion of world peace.

To achieve an understanding geared toward global peace, it is pertinent that it is done with tolerating minds saddled with acceptance and readiness to listen and reason. Participants must be ready to bury all elements of bias or the temptation to evaluate value systems from an opinionated vantage point. Also, there is a need to shun all perceptions of an ideal world by those who aim at getting results from it. This is because the view of an ideal world is different in the context of cultures, which has been the mistake of several diplomats, policy analysts, and international assignees. Therefore, the world can only be ready for global peace if individuals are ready to embrace other cultures, prioritize value pluralism, cultural openness, and accord respect to other cultures even if they do not align with their own.

Cultural relativism is the guardian angel of intercultural dialogue. When people are seen in the context of their respective cultures, it fosters good relationship-building and understanding. Participants must consider themselves culturally equal and endeavor to avoid biased cultural impressions. Globalization has been one of the approaches the world has employed to solve several world problems. While I am not surprised at its successes, it will cause more problems than it intends to resolve if there is no regard for people's culture and the preservation of their values, especially in Africa. It must be done with the conviction of giving preferences to strategic and intercultural communication and understanding where there is considerable acclimation to others' cultural peculiarities and orientations. One problem that could arise from globalization is the tendency for cultural standardization and unification. The world must learn that there cannot be a standard set of values; rather, it will highlight problems caused by cultural trivialization.

Another way the world has tried to solve its problems of differences is by adopting multiculturalism in societies and organizations to promote peaceful coexistence, even in workplaces. Multiculturalism tends to provide relevance and adopt minorities' positions and dynamics. In this regard, policies are often developed to allow for wider consideration of cultural factors and incorporation into decision-making processes, as well as to provide autonomy to people of varying cultural affinities. It is one of the ideas behind the recognition of federal characters in the systemic formation of a society like Nigeria.

In Nigeria, with about 250 ethnic groups and over 400 languages, these policies and legislations have certainly been helpful in incorporation to a certain extent. Unfortunately, when issues of common or aggregate interests arise, multiculturalism in its raw applicability becomes a problem. This is because multiculturalism only creates room for other cultures to thrive but does not really advance cultural understanding. In other words, while it lets everyone on board, it does not allow them to understand one another. This is the specific difference that intercultural dialogues tend to provide. Intercultural dialogues provide opportunities for interactions and negotiations to foster mutual respect and understanding. This will not just give a systemic coexistence but also allow interpersonal affinity for coexistence. Hence, it provides a leeway to solve discrimination problems anywhere in the world, which has a significant impact on global peace.

The benefits accruable from intercultural dialogue can only be accessed if there is a multidisciplinary and multisectoral approach to its subjects. It must be viewed through the lenses of business, languages, literature, international relations, cultural studies, sociology, religion, economics, health, communication, and education, among others. This is because achieving global peace is not a one-way traffic; it is a multidimensional and multidisciplinary approach towards a favorable style and condition of living. While these areas are being explored, it is important to have continuous academic endeavors towards intercultural dialogue in order to provide a solidification approach to the understandings and goals derived from it.

The educational approach to intercultural dialogues includes necessary documentation and recommendations that could be studied. This would deepen intercultural appreciation among

people and allow for the continuity of shared ideas. Likewise, adopting intercultural exchange programs involving students and teachers will be a bold step toward cultural assimilation. Academic approach and research focus on intercultural dialogue could be channeled through anthropology, sociology, and political science studies. This is because these fields help in the cultural immersion of participants and acknowledge the relevance of cultural engagements for sharing cultural values.

Scholars have outlined two types of limitations that could hinder the effective practice of intercultural dialogue toward achieving global peace. The first is empirical limitation, which includes valuing time, skills, energy, efforts, opportunities, and other factors that could influence our disposition toward others. The second is ontological limitations that touch on the cultural changes that are bound to happen in every culture. These changes are important because an understanding may become obsolete over time. The only way to solve the former is by contextual understanding, and the latter through the perpetual engagement of cultures and dialogues.

Every stakeholder must understand the importance of politics in implementing the dynamics and goals derived from intercultural dialogue in order to achieve global peace and peaceful coexistence. Policy and policy implementation are the only factors driving the instrumentalization of the results of intercultural dialogue. There is a need for political backup through these policies and legislations to achieve subtle and gradual cultural adaptation and tolerance in every society. This is why intercultural dialogues are best participated in by politicians, policymakers and influencers, public policy analysts, alongside researchers. However, efforts must be made to ensure that organizers of such dialogues are umpires and that their dispositions do not influence the dialogue.

Furthermore, the environments of dialogues must be without the influence of any “power,” either economic, social, or political. To put it simply, intercultural dialogue spaces, especially those aimed at global peace and conflict resolutions, should not reflect the overbearing influence of any participant or entity. This is to ensure a raw and uninfluenced generation of ideas. To achieve global peace, the elephant in the room must always be brought to bear; that is, no theme should be excluded from the scope of discussion, and everyone should be allowed to express themselves, no matter how culturally strange it may seem to others. This is how to first figure out covert cultural differences that may not be noticeable through overt actions but are the driving forces behind social behaviors. Issues of subjectivity must be discussed in every possible way, and compromises should be made to create tolerances.

One heavy task that the world has not been able to lay off is the issue of culturally-motivated violent extremism. No matter how dangerous, it is important to open-mindedly approach the philosophies behind this extremism. The world must be ready to engage these philosophies and aim to provide higher arguments that would protect the imposition of those beliefs on others. However, this does not mean that lethal efforts should be totally left out when necessary.

Global peace is a result of cumulative efforts from national and international endeavors; the

former becomes the stronghold to build the latter, which means local actions must be taken to channel the possibilities of intercultural dialogues toward maintaining peace in every nation. This is where international efforts take a cue from. While these are happening, we must keep in mind that peace is not just the absence of war; it comes in multiple ways. There is a need to heal every society of extreme poverty, oppression, discrimination and racism. Without these and their adaptation to intercultural dialogue, much cannot be done to advance world peace.

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Stanley Aronowitz and That Big Factory

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It was always about that factory.

Factory as a place for reproduction.

For knowledge production.

For a means of production.

For autonomy.

For class struggle.

For observation.

For a union hall.

For breaks.

For reimagining the working day.

For reading a novel.

For organizing.

For getting away from it.

For false promises.

Maybe it was the place where we let it get away?

Marx had his library.

Borges had his labyrinth.

Stanley had his factory, ever descending into the dark depths, getting lost, coming out with books.

On August 16, 2021, Stanley Aronowitz finished his final shift and went home. A prominent labor historian, educator at CUNY, and mentor to dozens of graduate students, he guided generations of heterodox fans of his lectures through close readings on unorthodox Marxism, the culture industry, the Frankfurt School and historical materialism.

He was also a magnificent contributor to *Logos*, each essay pointing us toward a vast histories of ideas: "Perhaps you know Foucault's remark that despite the torrent of criticism directed against his philosophical system, 'Hegel prowls through the twentieth century,'" he asks us in a review essay from 2003 on C Wright Mills.

That was when I first met Stanley. Having just finished his *How Class Works*, he was at the top of his game. David Horowitz listed him as one of the 100 most dangerous intellectuals in America. And, of course, this charge was merited.

Countless review essays in *Logos* address his work, a new book every year or two, for decades, some 25 in total, on labor history, sociology, work, education, and technology, many emerging from conversations with students, his travels, and readings. In 2013, Kim Scipes published a review of his biography of C Wright Mills, writing about Mills and by extension Aronowitz:

"Aronowitz, a public intellectual to his own credit, has taken the latest look at Mills, and implies that the world of macrosociology has never recovered from the loss of this shit-disturber from Texas. He makes a very strong argument. Mills was an iconoclast, which means heretic or challenger of tradition. According to Aronowitz, by trying to get to the root of American life (writing from the 1940s to the end of his life in 1962), Mills was challenging the whole of American macrosociology, its understandings, and its role in the burgeoning US Empire, the latter which was expanding ever-outward in the early post-World War II era. Yet his concern was not limited to sociology; he really was trying to understand the Empire itself…"

So was Stanley, excavating Mills' time and his own. Legions of his students knew him, always reading more, willing to join, to follow an idea wherever it took them. He had no respect for pretense, thought the functionalists were boring, and hoped we could all become master organizers and historical materialists.

Dozens of us participated in the memorials and conferences when Stanley passes last fall.

For a minute before my zoom session, I found myself in between sessions with his student Cornel West, chatting about Stanley and his work, *The Ethical Dimensions of Marxist Thought*.

References to his classroom, and its gumbo like mix of ideas, can be found throughout my books and essays. I describe the feeling in one of his classes in a recent review in *Logos:*

"At one of Stanley Aronowitz's sessions on the Frankfurt School theorists, I mentioned *Against Vocation* and some of my thoughts on the work. Read *The Dialectical Biologist*, replied Aronowitz, a text by Richard Lewontin and Richard Levins. In it, Lewontin and Richard Levins

argue "that a dialectical method was necessary to deal with complexity and change in the social and natural world. Medicine.. divorces itself from the social, and deals in simple linear, causal relationships between biological parts: A causes B and is cured by C. But health and illness are always in dialectical relationship with environment, society, culture and history." So are writing and work. We all are all a part of this dynamic, laboring in a social environment that informs our contradictions and struggles. No one can escape this. Whitman contradicts himself. This is part of what makes his writings on work, and democracy so compelling. Dialectical reason helps us come to grips with this movement back and forth, in constant flux.

"What's Whitman's contradiction? asks Stanley, referring to a queer sensibility he did not see when he read those *Leaves of Grass* when he was 14.

"Maybe I didn't read it closely?" Aronowitz confesses, without looking at the essence, appearance, or "the living contradiction between" what Marcuse sees as " the movement of things from that which they are not to that which they are." Ideas collide with shapes in time, poetry pointing us outside, to something more bountiful.

"If you want to be a secure person, do not take a secure job," Aronowitz continues. It is hard not to see these dialectical workings in Whitman's poetry, regardless of whether he worked as a real estate developer or handy man or journalist, commenting on issues of his day as his thinking evolved. On and on Aronowitz goes, taking us on a detour away from Marcuse, through a discussion of Whitman, the limits of our thinking, back to the 19th century. Marx's reach extends in countless directions, Aronowitz mumbles, his ideas landing with 19thcentury French writer Honoré de Balzac. He is said to have wanted to study La Comédie Humaine after completing *Capital*. Afterall posits Balzac: "Reading brings us unknown friends." Marx had few but Engels. Marx's exploration of Balzac's writings on the everyday life of laborers and revolutionaries alike would not come to be. But imagine if it had? Walter Benjamin's readings of Baudelaire might have found warmer reception."

On the dialectic of work and play, Stanley was there like few others, an organic intellectual who was as comfortable in a factory as talking about one, a bridge between old left and new, class consciousness and postmodernism. Dialogue with him was like a conversation in motion. An autodidact with an encyclopedic memory and a stand-up comedian's timing, he commanded our attention, ever lighting things up, with stories about riots in Newark, strikes, protests in DC and jazz sets in the West Village. For a while there, he was everywhere, running for Governor, debating fellow Bronx native, Marshall Berman, bountiful and occasionally curmudgeonly or forgetful, in a conversation extending from the shop room floor public commons to Habermas to Marcuse to Newark, even if you didn't remember what we were supposed to be talking about.

"I am not a Marxist, I am a historical materialist," he reminded us. By this time, he was well into his '80's still writing books, often about the same thing, the knowledge factory, the crumbling business labor accord, but slowing down. Still he was ready to teach. On and on he went, calling the streets of Brooklyn shopping malls, lamenting the moronization of American

political discourse.

Dialectics is about the movement of history, he explained. The movement of history is the guiding thread to enable us to grasp human beings and their social activities. Stanley lead us through a rousing reading of Adorno's 1958 *Introduction to Dialectics.* We concentrated on lecture nine, in which Adorno recalled a memory of Walter Benjamin. "I am going to say something scientific now," noted Stanley. "He generally thought of Benjamin as the cat's piss. He was generally admiring. But his admiration did not extend to his anarchism." Without a university home, Benjamin freelanced for much of his adult life, hanging out with Brecht, researching the arcades. Adorno dragged his feet in recommending Benjamin for a position at the Warburg Institute in London. Benjamin and Adorno continued to correspond. As the world grew dark, Benjamin fled Paris but it was too late, eventually killing himself in Spain in September of 1940.

Saturday morning after Saturday, we shared ideas, debating a Marxism after Marx with Stanley Aronowitz. One narrative after another: "I grew up in the East Bronx," Stanley began, on a typical Saturday. "And played violin. My mother was a musician and dragged me to the opera," he began, ever connecting his life narrative with a point about the writings in question, often on the Frankfurt School. Adorno reminds us that progress is anything but guaranteed. "The concept of progress is dialectical in a strictly non metaphorical sense." The dialectic is certainly not at a standstill. We talk it through, remembering Benjamin and the Frankfurt school members who dealt with a rise of fascism in their day. They wanted socialism. What they got was National Socialism.

"What does it take to make history," he wondered. "Not just a living wage?"

Stanley loved reading *Il Quaderno*, *The Prison Notebooks* drafted by Italian Communist, Antonio Gramsci, when he was jailed by the fascist regime in his home country. It was as if he thought something magic might happen if we read it close enough. Maybe this time, we might get it right, connecting theory and practice. And maybe it did? Or maybe it didn't?

We talked about György Lukács and Honoré de Balzac. He considered the totality perhaps more than any writer, said Stanley, highlighting the importance of culture and the novel. Life and age were getting away from him, but he was still sharing.

Stanley recalled a moment when he was teaching at UC Riverside. "I was at the movies and the lights went on. And there was Herbert Marcuse. He was in the front and I was in the back. 'Stanley, what did you think of the movie?' he asked. 'Pretty good,' Stanley replied. 'Your aesthetics are crap' Marcuse replied. He wasn't very interested in the movies."

By the pandemic, time was getting away from Stanley. He was often forgetful, still we had one more last meeting. I dropped by his house across from the Morgan Library to say hello and goodbye in January of 2021, a few months before he passed that summer at the age of 88. I hadn't seen him for over a year and wasn't sure how he was going to be after a series of strokes and falls. When I arrived, he sat up in bed.

“What do you think of our new union leadership,” he asked, greeting me with a smile, gossiping about trade union politics and books. He’d been reading *Dr Faustus* by Thomas Mann. His magnum opus, he said, edited by Adorno, with liner notes by Arnold Schoenberg. We talked about *The Human Comedy, Labyrinths,* and *Absalon Absalom*. From Borges to Faulkner, he knew he was moving into a blurry space. And seemed ok with it all. We kept chatting away, talking about books and Honoré de Balzac and John Paul Sartre.

“He wrote a wonderful essay about New York City.”

“What do you think I should be reading?” I followed. Stanley had never lead me astray.

“Try Adorno’s 1951 *Minima Moralia*.”

“Thanks for reading with me through the years.”

“Try Hannah Arendt’s edited Benjamin.”

“It reminds me of the city, ever evolving, mechanical reproduction.”

A few more minutes and Stanley started fading. And we said goodbye. He invited me to come back any time, but it wasn’t too be. He gave me a way to look at the world and history and social theory, through critical engagement mixed with the joy of reading on a Saturday, of getting up early, even after Halloween for a class, unpacking a complicated paragraph in *Grundrisse* or *Il Quaderno*, connecting the dots in a history of ideas, between our union and the Frankfurt school, classroom and the global factory. I loved going there with him.

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